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# PERFORMANCE EVALUATION OF USAID'S GOVERNANCE FOR INCLUSIVE GROWTH (GIG) PROGRAM

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## ACRONYMS

ADS	Automated Directives System
C2B	Customs to Business
CCRD	Center for Rural Communities Research and Development
CEC	Central Economic Committee
CDCS	Country Development Cooperation Strategy
CGE	Computable General Equilibrium
CIEM	Central Institute for Economic Management
CISDOMA	Consultative Institute for Socio-Economic Development of Rural and Mountainous Areas
COP	Chief of Party
COR	Contracting Officer's Representative
CSO	Civil Society Organization
CWT	Countering Wildlife Trafficking
DOIT	Department of Investment and Trade
DTA	Direct Technical Assistance
ER	Expected Result
FY	Fiscal Year
GDVC	General Department of Vietnam Customs
GESI	Strategy for Gender Equality and Inclusiveness
GIG	Governance for Inclusive Growth (Program)
GVN	Government of Vietnam
HCMC	Ho Chi Minh City
ISS	Instant Support System
IT	Information Technology
KRA	Key Results Area
LND	Legal Normative Document
M&E	Monitoring and Evaluation
MARD	Ministry of Agriculture and Rural Development
MOF	Ministry of Finance
MOH	Ministry of Health
MOIT	Ministry of Industry and Trade
MOJ	Ministry of Justice
MOLISA	Ministry of Labour, Invalids and Social Affairs
MONRE	Ministry of Natural Resources and Environment
MOST	Ministry of Science and Technology
MPI	Ministry of Planning and Investment
MPS	Ministry of Public Security
NA	National Assembly
NGO	Non-governmental organization
ONA	Office of the National Assembly
PMU	Project Management Unit
POP	Period of Performance
PPP	Public Private Partnership

Q&A	Question and Answer
RF	Results Framework
RIA	Regulatory Impact Assessment
SAV	State Audit Office of Vietnam
SBL	State Budget Law
SME	Small- and Medium-Sized Enterprises
SPC	Supreme People's Court
SRV	Socialist Republic of Vietnam
STAR	Support for Trade Acceleration (Project)
TTP	Trans-Pacific Partnership
USAID	United States Agency for International Development
USAID/VN	United States Agency for International Development/Vietnam
USG	United States Government
VAME	Association of Women Entrepreneurs
VCCI	Vietnam Chamber of Commerce and Industry
VLA	Vietnam Lawyers' Association
VJA	Vietnam Journalists Association
VNCI	Vietnam Competitiveness Initiative
VSS	Vietnam Social Security
VTCA	Vietnam Tax Consulting Association
VTFA	Vietnam Trade Facilitation Alliance
WTO	World Trade Organization

## EXECUTIVE SUMMARY

This report presents the findings, conclusions, and recommendations from a mid-term performance evaluation of the United States Agency for International Development Vietnam's (USAID/VN) Governance for Inclusive Growth (GIG) project. The evaluation examines the GIG Program's intervention logic, assesses GIG's performance with a focus on management, coordination and planning, staffing, and technical expertise mobilization, and identifies lessons learned from GIG implementation.

### Project Background

The USAID GIG Program is USAID's primary activity for cooperation with the public and private sectors in Vietnam to enhance areas of governance to facilitate broader-based economic growth, with an emphasis on legal frameworks and systems for accountability. GIG is meant to provide targeted technical assistance in support of a wide range of shared U.S. Government (USG) and Government of Vietnam (GVN) priority policy issues. It is a follow-on to USAID's Support for Trade Acceleration (STAR) I, II, and Plus projects, and the Vietnam Competitiveness Initiative (VNCI) I and II projects. USAID's investment in GIG is \$42,166,743 and GIG's period of performance (POP) is December 12, 2013 – December 11, 2018. This performance evaluation was conducted during Year 4 of the POP.

GIG works with six GVN counterparts that make up the GIG Steering Committee, with the Ministry of Justice (MOJ) being the primary counterpart. A Project Management Unit (PMU), under the authority of the MOJ, approves GIG work plans and supervises GIG implementation. The PMU approves additional ad-hoc counterparts on an annual basis.

The program is comprised of three closely coordinated technical components. The GIG Program coordinates all activities at the intersection of trade and legal and regulatory reforms, governance, and inclusive growth. These are:

- **Component 1.** Improving legal and regulatory frameworks through dynamic, inclusive policy-making process.
- **Component 2.** Improving accountability of public institutions.
- **Component 3.** Improving inclusion and equality for marginalized groups.

### Evaluation Purpose and Evaluation Questions

The purpose of this evaluation is to provide USAID with information to improve GIG's performance, articulate GIG's results for the governance and economic growth sectors, and inform the design and implementation of USAID's future economic growth and governance programming. The primary audiences for this evaluation are USAID/Vietnam, the GVN GIG Steering Committee, the GIG Project Management Unit (PMU), and the GIG Program team. Secondary audiences include six key partner GVN ministries, relevant non-partner ministries, relevant GIG private actors, and NGO partners.

The evaluation addresses the following questions and sub-questions:

- I) To what extent has GIG made progress in achieving key results as planned in the evaluated components? How sustainable are the results after GIG's completion?
  - a) How have GIG interventions led to the desired program outcomes? Is there clarity of linkages

- between input, output, results and outcomes?
- b) What are the reasons behind successes and shortfalls, if any?
  - c) What conditions are needed to ensure sustainability of the produced results?
- 2) To what extent has GIG efficiently implemented its programs?
- a) How has GIG's multi-stakeholder management model (which includes USAID, the implementing partner and multiple GVN entities) facilitated the project's planning, implementation, and achievement of expected results?
  - b) How has the management model served as a learning platform for achieving the project key results? What are the strengths and weaknesses with this model?
  - c) To what extent have non-state organizations engaged and contributed to the process of providing feedback on proposed laws, given GIG's interaction with the organizations?
- 3) What are the lessons learned and recommendations from GIG program design and implementation that can be used to strengthen USAID programming?

## Evaluation Design, Methods and Limitations

GIG's project's three components align with their three Expected Results (ERs), under which are a series of outcomes that are designated as Key Results Areas (KRAs). This mid-term performance evaluation examines GIG's achievement of its Monitoring and Evaluation (M&E) Plan indicators (outputs) for each KRA, and its progress toward achievement of the KRAs, or outcomes. The evaluation places less emphasis on trade-facilitation activities, as these were covered by a previous evaluation of the project (Performance Evaluation of Trade Facilitation Activities of the USAID/Vietnam Governance for Inclusive Growth [GIG] Program - 2016).

The evaluation team reviewed project documents such as annual/quarterly reports, work plans, performance monitoring plans, as well as internal management documents such as GIG Direct Technical Assistance (DTA) forms, DTA deliverables, event reports, and post-event evaluation reports. The evaluation team also reviewed documents external to the project such as issue documents and relevant literature. The team conducted semi-structured interviews with 109 informants, primarily with representatives of key counterpart organizations (81 interviewees), and to a lesser extent, ad-hoc partners and social organizations (28 interviewees), using a standardized interview instrument that the team members used as a guide to direct the conversations. Key informants were purposively identified through the document review.

The two principal types of analysis for this evaluation are contribution analysis and sustainability analysis. The contribution analysis involved assessing whether there were observable results/changes and how much the project has contributed, vis-à-vis other factors, to these results/changes. Sustainability was measured for this evaluation by assessing five of the factors associated with sustainability in international development: policy, ownership, management, training, and finances.

The evaluation team identified two limitations:

- **Lack of Baseline Information:** The project did not collect baseline information for the KRAs nor are the key concepts in the KRAs defined. What baseline information does exist is not sufficient to use to measure change in the KRAs without clear definitions of the concepts.

- **Respondent Bias:** Key informants constitute the primary source of information for answering all evaluation questions. Interview data is subject to cognitive biases, including recall bias.

## Conclusions, Recommendations and Lessons learned

### OVERALL CONCLUSION

By and large, GIG has largely achieved or exceeded the output indicator targets in its M&E Plan. Counterparts highly value GIG's support for and contribution to their goals and objectives and significant, highly technical contributions that incorporated international best practices into at least 25 specific laws and regulations. These contributions have led to more high-quality evidence used to develop specific laws and regulations and increased inclusive, public consultation for development of specific laws and regulations. Furthermore, new networks between CSOs and counterparts have been established for some issue areas, especially trade. These achievements have been evident with the increased oversight capacity for law implementation in the National Assembly (accountability), improved legislative skills in the current National Assembly, and increased dissemination of specific laws and regulations.

While GIG has experienced success in parts of its intervention, there remain some important shortfalls in its design, implementation, and performance. The program design of GIG is generally perceived to be too broad, with objectives poorly defined, overly ambitious, and not realistic within the Vietnamese context. While a very narrowly defined program with very specific objectives likely would have limited USAID's ability to work on new ideas, approaches, and with new partners in the current Vietnamese political context, GIG's broad design erred too far on the other side. While GIG's broad design has allowed the program to provide technical assistance flexibly, especially on emerging issues and the demand-driven planning process, the program's resources have been dispersed widely causing a lack of depth and comprehensiveness in the program's support to produce systemic outcomes.

There is a lack of a clear logical connection between the output indicators and the KRAs, and somewhat differing understandings between the GVN, USAID, and GIG on the overall purpose of GIG, its objectives, and its implementation process. The complexity of the multi-stakeholder management model is also an issue. On one hand, it creates opportunities for GIG to engage diverse stakeholders; on the other hand, the model did not have operating guidelines, required by the GVN, for more than two years after the project's start, and currently still lacks communication and coordination channels for effective and efficient work planning and management.

While most counterparts valued the technical support from GIG, others reported that the support they received was not useful, inconsistent, and/or led to a lack of ownership as they felt that GIG imposed its agenda or placed logistical restrictions on them that they did not consider warranted. There is also currently no learning and adaptation component in the project – for the project itself, nor for cross-sector or cross-partner learning. There is no sustainability strategy for the implementation of GIG and this may lead to GIG's considerable successes failing to cumulate into the achievement of the project's key objectives.

**Question I – To what extent has GIG made progress in achieving key results as planned in the evaluated components? How sustainable are the results after GIG's completion?**

## **CONCLUSIONS: COMPONENT I**

Most of GIG's achievements under Component I relate to the legal and regulatory framework for trade, not governance more generally.

GIG's interventions have not yet improved the law and policy-making process at a systemic, institutional level because as of the time of this evaluation, GIG has emphasized the content and process for specific laws and policies and placed much less emphasis on the process in general terms, understood as increasing its partners' institutional capacity to improve the legal and regulatory framework.

Two notable exceptions to this conclusion are GIG's support for training of newly-elected National Assembly members, described above, and GIG's support for the 2015 Law on Laws. The Law on Laws is explicitly about the law-making process at the systemic level and GIG made significant contributions to its content and the RIA process through its work on the RIA guidelines. However, implementation of this law is critically dependent on increasing the institutional capacity of the law-making agencies and their legal departments. As discussed above, this was not a focus of GIG's interventions.

During Year 4 and Year 5, GIG is producing training materials on policy analysis that can be used over the longer term. This effort will contribute to increasing the sustainability of some law-making practices, such as improving capacity for policy analysis. Nonetheless, the program's sustainable impact on its partners' institutional capacity has been limited.

- GIG's contribution to the 25 laws increased their technical quality. (KRA 1.1 – High quality laws and regulations developed – Achieved)
- GIG support improved the policy development process for the specific policies and laws that it worked on by sponsoring events where the policies were discussed, evidence was presented, and participants learned new methods for a specific policy area. Most of this work was directly related to the Trans-Pacific Partnership (TPP) and trade. However, there is little evidence that the improvements in the policy process extend beyond the specific policies and laws that GIG supported. An important exception to this is GIG's work on the Law on Laws. (KRA 1.2 – Partially achieved)
- GIG improved evidence-based analysis for policy making for the laws and policies that it worked on by conducting technical studies and reports. With the exception of its training on Regulatory Impact Assessment (RIA) and policy analysis for trade, it did not build institutional capacity for its key counterparts to conduct and use these analyses for topics beyond trade. GIG created one information system that improved policy making beyond the issue of trade. (KRA 1.3 – Partially achieved)
- GIG increased the transparency of laws and regulations through its support for codification. It also increased transparency with its law dissemination events that are included under KRA 1.2 and KRA 1.5. (KRA 1.4 – Achieved)
- GIG improved public consultation and stakeholder engagement for the laws and policies that it worked on (KRA 1.5 - Partially achieved)
- GIG created partnerships for the legal and regulatory framework for trade. It did not do so for other issue areas or for the law-making process more generally. (KRA 1.6 – Partially achieved)

## **CONCLUSIONS: COMPONENT 2**

GIG increased government oversight through its work with the National Assembly (KRA 2.1). Its achievements on transparency, and accountability in governance are much more limited (KRAs 2.2, 2.3, 2.4, 2.5 and 2.6).

GIG's indicators for the KRAs under this Component appear to side-step the underlying issues of transparency and accountability. Its activities do the same, focusing on work with GVN counterparts to disseminate information on laws and policies, rather than working with non-state organizations to evaluate the effectiveness of the laws and policies; focusing on the quality of information for legislators rather than on ways to provide citizens and non-state organizations with high quality information so that they can make their own judgements on their government's effectiveness; and focusing on highly technical aspects of trade and financial policies for most of its analyses. GIG's inability to make strong progress on achieving the outcomes under Component 2 may be related to hesitance of the GVN to pursue governance reforms. As noted above, trade (and the TPP) is the carrot and accountable governance is the stick. GIG's strongest results under this component are related to transparent and accountable trade policy (content) rather than improving the processes and mechanisms of transparency and accountability in general.

- Legislative oversight processes have been strengthened. Executive oversight processes through the State Audit of Vietnam (SAV) have not. (KRA 2.1 – Partially achieved)
- GIG has not completed a sufficient number of activities with a broad enough reach to have been able to strengthen citizen participation in monitoring and evaluating policy implementation. (KRA 2.2 – Not achieved)
- GIG's work on international commitments linked to trade agreements, implementation of the State Budget Law, and Resolution 19 increased transparency on policy implementation effectiveness for those issue areas. It did so largely through its public events with provincial officials and other stakeholders to disseminate new laws, and training of law implementers, such as judges, business associations, and provincial officials (KRA 2.3 Partially achieved).
- GIG improved the quality of information and analysis for evaluating policies in specialized highly technical issues. It improved the quality of information for evaluating policy implementation effectiveness for the National Assembly. (KRA 2.4 – Achieved)
- GIG has not improved the quality of the media's reporting on policy implementation as the Program has not implemented activities specifically focused on achieving this result other than journalist training, for which there has been no follow-up to assess its effectiveness. GIG's lack of progress on this KRA may be due to a current political realities regarding the press in Vietnam. (KRA 2.5 – Not achieved)
- GIG did not establish partnerships to improve the accountability of public institutions. The evaluation team did not find any information on implementation activities related to creating innovative partnerships to improve the accountability of public institutions. (KRA 2.6 – Not achieved).

## **CONCLUSIONS: COMPONENT 3**

GIG designed and implemented a coherent strategy that mainstreamed gender into the law and policy-making process and the legal and regulatory framework. This strategy helped GIG make progress on its KRA outcomes both under Component 1, and achieve its KRA outcome 3.1. The effectiveness of this strategy in focusing GIG's efforts on inclusion of women and other vulnerable groups raises the question of whether a similar strategic approach should have been developed for civil society organizations (CSOs) more generally, although GVN wariness of independent CSOs may have stymied GIG's efforts. The lack of a grant program for these CSOs impeded GIG from being able achieve some of its outcomes under Component 3.

- GIG's interventions reduced legal and regulatory barriers to inclusion for women, ethnic minorities, and other vulnerable groups. (KRA 3.1 – Achieved)
- GIG increased the participation and voice of women, ethnic minorities, and other vulnerable groups in policy dialogues when they were invited and when GIG supported their engagement. GIG did not create new mechanisms for these groups to be engaged on topics beyond gender RIAs and gender mainstreaming in state budgeting. (KRA 3.2 – Partially achieved)
- GIG-sponsored studies collected data and analyzed issues of women, ethnic minorities, and other groups' equality, but GIG did not increase the capacity of GVN or non-state organizations to do this type of work themselves. (KRA 3.3 – Partially achieved)
- GIG has not completed sufficient activities with broad enough reach to have achieved the outcomes under KRA 3.4. The delay in implementing grant projects is a significant reason for the GIG's underperformance of this KRA. (KRA 3.4 – Not achieved)
- There is no M&E Plan indicator for KRA 3.5 and GIG's M&E database does not list any partnerships under Component 3. GIG has facilitated the establishment of four public-private partnerships but few activities have been implemented. (KRA 3.5 – Partially achieved)

**Question 1a – How have GIG interventions led to the desired program outcomes? Are there clarity of linkages between inputs, outputs, results and outcomes?**

**Question 1b – What are the reasons behind successes and shortfalls, if any?**

The highest-level conclusion for Question 1a and 1b is that while there is a clarity of linkages between inputs and outputs, the same does not hold for the linkages between outputs and outcomes/results. This lack of linkage is largely behind GIG's performance shortfalls. GIG's inputs and outputs may be necessary, but they are not sufficient, to achieve the program's KRAs and ERs. This is due to three factors: a lack of focus in GIG design and implementation; a lack of clarity in the results and outcomes; and a lack of strategic planning for inputs and outputs to link them to results and outcomes. GIG's successes are concentrated in its work on trade policy and implementation. This is due to its intense focus on trade-related objectives.

## CONCLUSIONS

- The design combination of broad objectives that emphasize content and a results framework that emphasizes process contributed to a lack of focus in GIG intervention. The exception to this is for GIG's trade and TPP related work.
- It is not possible determine the contribution of most of GIG's inputs and output to its outcomes and results because of design deficiencies in the results framework and M&E Plan and the absence of a linkage between GIG's discrete inputs and outputs oriented toward specific laws and systemic outcomes and results oriented toward institutional processes. GIG inputs and outputs may be necessary to achieve results and outcomes, but they do not cumulate to become sufficient to achieve results and outcomes.
- GIG implementation has been spread widely across its five objectives and three components. The sweeping nature of GIG's objectives potentially opens the content of all laws, policies, and procedures to GIG intervention, from laws and regulations on law-making processes, to highly technical rules of origin regulations for trade facilitation, marriage and family law, and measures to prevent wildlife trafficking. The large difference in the number of activities between content-related activities, oriented toward a specific law or regulation in an issue area, and process-related activities, oriented toward changing systemic, or government-wide, ways of making and implementing laws and regulations, provides an indication that GIG's efforts have focused more on the topical objectives than on the process-oriented outcomes.
- GIG implementation is activity-based, not designed in a results-based management manner that would have initiated the work planning process from KRAs. With the results-based management approach, GIG and its counterparts would have identified necessary and sufficient activities to achieve the KRAs instead of assigning the requested activities from counterparts to each KRA. GIG activity-based implementation is due to the counterpart's demand-driven work planning process and the PMU coordination role that inhibits GIG's ability to develop multi-year intervention strategies to achieve its KRAs.
- The project development hypothesis does not provide a logic on how inputs and outputs in the M&E Plan contribute to the achievement of outcomes and results. The GIG Project did not provide the evaluation team with a theory of change to link inputs, outputs, results, and outcomes. GIG inputs and outputs may be necessary to achieve results and outcomes, but they do not cumulate to become sufficient to achieve results and outcomes.
- GIG work plans and implementation activities are need-based and activity-based. After deciding on the activities, they are fitted into the outcomes. While the need-based approach allows a stronger ownership by counterparts, the activity-based work planning approach, with a dispersion of resources across a large number of counterparts, each of which has a quota limit of two activities, has impeded GIG's ability to be fully strategic to achieve the KRAs and ERs.. After deciding on the activities, they are fitted into the outcomes. Work planning and implementation is not strategic and planned in a manner that would make it likely to achieve the KRAs and ERs.
- GIG is unlikely to fully achieve its results and outcomes targets because the project design is overly broad thematically, it lacks a results-based work planning process, the KRAs are not defined in an operational manner, and there has been a focus on laws' contents and topical objectives rather than the law-making process per se.

- Two assumptions underlying GIG's design logic no longer hold. This undermines its ability to achieve its outcomes. These assumptions include: 1) the Trans Pacific Partnership (TPP) trade partnership is enacted and will create incentives for governance reforms, and: 2) adequate resources will be available to implement the program as per agreed work plan activities. The first assumption has become invalid since the United States withdrew from the TPP. The second assumption may not hold because many planned activities have been delayed or canceled during Year 4 due to GIG financial management issues.

### **Question 1: How sustainable are GIG's results?**

### **Question 1c: What conditions are needed to ensure sustainability of the produced results?**

- GIG's implementation of activities relating to the law-making process are less likely to be sustainable. Trade-related results (content) are more likely to be sustainable.
- The factors that are undermining sustainability are management and financial. GIG's interventions have not emphasized managing implementation for sustainability and financial appropriateness. These two factors are critical to ensuring GIG sustainability.

### **Question 2: To what extent has GIG efficiently implemented its programs?**

The highest-level conclusion for this question is that GIG's management model could have served as a learning platform but has not because of a lack of on-going communication and coordination mechanisms and channels between USAID, GIG, the PMU, and GIG's key and ad-hoc counterparts. When USAID designed GIG, it missed an opportunity to use GIG's innovative multi-stakeholder management model for cross-sectoral and cross-agency learning by not including a learning requirement in the GIG Scope of Work.

- GIG's timeliness, responsiveness and flexibility has varied depending on the counterpart, its leadership and the nature of the technical area, but overall, they have not contributed to the project's efficiency on a consistent basis, which has deteriorated over time as the work planning process changed.
- Although GIG was designed to be ambitious, given the breadth of its objectives and KRAs, and lack of control over the work planning process, actual interventions and resources have been spread thinly, undermining GIG's efficiency in achieving its outcomes and results.
- The lack of a strategic focus for each counterpart lowered GIG's cost-effectiveness and value-added at the institutional and systemic level.
- GIG has not been implemented efficiently due to implementation delays, a lack of operating guidelines, and a lack of consistency across program years.
- GIG counterparts perceive value and cost-effectiveness for technical assistance, especially for the support that has had continuity, but large events were conducted with limited, inexpensive follow-up that lowered the program's cost efficiency and cost effectiveness to produce outcomes and impacts at the institutional and systemic levels.

- GIG's structure did not align with the GVN's structure and hierarchies, undermining efficiency. GIG's PMU is in the MOJ which is the primary counterpart. However, the National Assembly is a superior branch of government to the Executive and within the Executive some ministries, such as the MOIT and MPI, informally have greater inter-institutional power than does the MOJ.
- The lack of a grant program inhibited GIG's ability to achieve its KRAs, causing it to directly implement many activities that would have been more efficiently implemented through grants.

**Question 2a: How has GIG's multi-stakeholder management model (which includes USAID, the implementing partner and multiple GVN entities) facilitated the project's planning, implementation, and achievement of expected results?**

The highest-level conclusion for this evaluation question is that the multi-stakeholder management model, with multiple GVN entities as counterparts having the authority to approve or disapprove other partners' proposed activities, and a lack of experience in the GVN with participatory management approaches, has not facilitated, and is likely to have impeded, GIG's planning, implementation, and achievement of expected results. The reason that the management model did not function as expected is rooted in two major issues. First, while there appears to have been a meeting of the minds in the GVN and USAID regarding justifications for GIG, there was a significant difference in USAID and the GVN's ideas on how to work together to achieve GIG's ambitious goals. Second, GIG's thematic breadth combined with the number of key partners, frequent management changes in GIG and its key counterpart, and GVN ways of working across agencies and with international donors created overly complex strategic, management, and implementation challenges that the model has not been able to successfully address.

- GIG's design with six key stakeholders, five broad thematic objectives, and three components created a complex challenge for planning, implementation, and management.
- Differing understandings on what the project was to do and how it was to do it, and frequent management changes resulted in shifting rules of operation, strategy, and management. These shifts ruptured established relationships between GIG, the PMU, and counterparts, and these had to be rebuilt each year.
- The multi-stakeholder management model has impeded GIG's ability to strategically focus its planning and implementation to achieve its results and outcomes.

**Question 2b: How has the management model served as a learning platform for achieving the project key results? What are the strengths and weaknesses with this model?**

The highest-level conclusion for this question is that GIG's management model could have served as a learning platform but has not because of a lack of on-going communication and coordination mechanisms and channels between USAID, GIG, the PMU, and GIG's key and ad-hoc counterparts. When USAID designed GIG, it missed an opportunity to use GIG's innovative multi-stakeholder management model for cross-sectoral and cross-agency learning by not including a learning requirement in the GIG Scope of Work.

- The multi-stakeholder model allowed the GIG project team to organize events that included

representatives from multiple sectors and agencies, as well as from the private sector and non-state organizations, to increase technical coordination on policy development and implementation. These events did create opportunities for learning and sharing across sectors and agencies, but no follow-up mechanisms were informally or formally created.

- The USAID GIG design process missed an opportunity to include a requirement that implementation include a learning component across the multiple stakeholders. A lack of formal mechanisms for key counterpart departments to plan new activities and review performance collaboratively, as well as defend their proposed activities and receive feedback about disapproval of the proposed activities, reduced opportunities for cross-agency learning. GIG did propose such a mechanism for the Year 3 work planning process, but the PMU did not organize the meeting.
- GIG created significant opportunities for cross-sectoral and cross-agency interactions, exchanges and learning in the common technical areas, especially in trade facilitation, TPP and Resolution 19. Nonetheless, cross-sectoral learning has been limited due to lack of a formal mechanism to review and plan project activities collaboratively, GIG's breadth of design, and many technical areas that are not linked with each other.
- GIG has not been able to catalyze the management model into a platform for learning and achieving key results. Neither GIG nor the PMU jointly reviewed monitoring data to create collaborative learning across the members of multi-stakeholder management team as no formal mechanisms to do this were created.
- The greatest strength of GIG's management model is the potential it creates for cross-agency and cross-sectoral collaboration and learning.
- The greatest weakness of the model is its tendency to create silos for GIG implementation, given GIG's broad thematic objectives and dispersed implementation across multiple key and ad-hoc counterparts on a wide variety of issues and topics. GIG has not been able to take advantage of these opportunities due to lack of a formal mechanism to review and plan and assess project activities collaboratively.

### **Question 2c: To what extent have non-state organizations engaged and contributed to the process of providing feedback on proposed laws, given GIG's interaction with the organizations?**

GIG engaged CSOs to provide feedback on proposed laws by including them in consultative events, seminars, training workshops, and dialogues. By and large, GIG's key counterparts value receiving this feedback from groups that they usually do not have much contact with, with some exceptions. Financial constraints will prevent GIG's key counterparts from continuing to hold these large-scale consultative events that include CSOs, other non-state organizations, and the media.

- For the laws that GIG worked on, CSOs roles in the law and policy-making process increased with GIG's support. Many, but not all, counterparts value the CSO engagement.
- The continued engagement of CSOs is in doubt because GIG's counterparts' budgets for receiving feedback on proposed laws are not sufficient to continue these types of consultative events and dialogues. However, small, informal dialogues between the government and CSOs are possible, particularly for the government agencies working on civil law issues.

## **RECOMMENDATIONS FOR GIG**

- **Establish regular, face-to-face meetings with the PMU** on at least a monthly basis to discuss project implementation, operations, and performance. GIG should also support the PMU's monitoring role by providing frequent updates on GIG performance in a format compatible with that used by the PMU in its reporting within the GVN, including disbursement rate and activity completion rate broken down by relevant categories for the project as a whole and for each partner.
- **Increase GIG transparency and information sharing with the PMU** including for activity-related spending, activity budgets, funds remaining for activities, implementation constraints and opportunities, and proposed strategies.
- **Develop a sustainability strategy** for the remaining implementation period. The strategy should emphasize process over content, and institutional capacity building over events or highly specialized technical assistance.
- **Develop a learning strategy** for the remaining implementation period so that the key counterparts can continue with on their own after GIG ends.
- **Develop the Year 5 work plan** through frank and open conversations with the PMU, Steering Committee, and key counterparts. Only those activities that will contribute to deepening GIG's previously achieved process-oriented results, to increasing counterparts' institutional capacity to sustain the process-oriented results, or to fomenting learning between GIG counterparts should be included in the Year 4 and Year 5 work plans.

## **LESSONS LEARNED AND RECOMMENDATIONS FOR FUTURE USAID PROJECT DESIGN**

- **A focused project design** is more likely to lead to sustainable, substantive results. Future USAID projects could usefully combine one or two of the objectives and outcomes, but not all. For example, depending on USAID priorities, trade and governance could be combined to improve the legal and regulatory framework, accountability, and inclusiveness of Vietnam's trade policies. Another example would be to remove the thematic objectives and focus on improving accountability and inclusiveness in the law-making process, without focusing on content of the laws and instead placing emphasis on the process across sectors and themes. In the first case, the project would enhance governance in one sector that the GVN could expand to other sectors based on the positive demonstration effects of a focused, successful project. In the second case, a project that emphasizes process over content is more likely to focus on institutional capacity to implement new processes and sustainability.
- **Clearly defined, achievable outcomes** help implementing partners develop strategies to achieve outcomes and focus their efforts, and provide the basis for USAID to determine whether the implementing partner is achieving its outcomes. USAID project design should include working definitions and a theory of change that relates the types of activities and suggested indicators in the scope of work. For example, GIG's KRA 1.1 "High-quality laws and regulations developed" does not define or provide any indication of what constitutes high-quality. For KRA 2.2 "Citizen participation in monitoring and evaluating policy implementation strengthened," it is not clear whether the monitoring and evaluation refers to the process of implementing the policy or the effects of the policy implementation. Without definitions of key concepts and criteria for measuring contributions to the outcomes, claims of achieving the outcomes are meaningless.

While it may be impossible to provide more than provisional definitions for outcomes in the project design stage, if combined with a longer start-up period, the implementing partner and USAID could work together to arrive at clear operational definitions of outcomes and the implementing partner and USAID could design the strategy and indicators based on these clear definitions.

- **A longer start-up period before implementation begins.** In Vietnam, a longer start-up period is essential to allow time to develop and have approved operational guidelines, in accordance with Vietnam's rules for international development assistance projects. During this longer start-up period, which could be as long as six months, the implementing partner project team can work with USAID to develop working definitions for all outcomes, indicators to measure progress in achieving the outcomes, baseline analyses to identify opportunities and constraints to achieving the outcomes, and a strategy for implementation based on a theory of change informed by the baseline analyses. The implementation team can also use this period to develop communication and coordination channels with counterparts and stakeholders to increase ownership and trust before implementation begins.

## I. EVALUATION PURPOSE & EVALUATION QUESTIONS

### Evaluation Purpose

The evaluation examines the GIG Program's intervention logic, assesses GIG's performance with a focus on management, coordination and planning, staffing, and technical expertise mobilization, and identifies lessons learned from GIG implementation.

The purposes of this evaluation are to provide USAID with information to improve GIG's performance, articulate GIG's results for the governance and economic growth sectors, and inform the design and implementation of future USAID economic growth and governance programming, the primary focus of this evaluation.

The primary audiences for this evaluation are USAID/Vietnam (USAID/VN), the Government of Vietnam (GVN) GIG Steering Committee, the GIG Project Management Unit (PMU), and the GIG Program team. Secondary audiences include six key partner GVN ministries, relevant non-partner ministries, relevant GIG private actors, and non-governmental organization (NGO) partners.

### Evaluation Questions

The evaluation addresses the following questions and sub-questions:

- 4) To what extent has GIG made progress in achieving key results as planned in the evaluated components? How sustainable are the results after GIG's completion?
  - a) How have GIG interventions led to the desired program outcomes? Are there clarity of linkages between input, output, results and outcomes?
  - b) What are the reasons behind successes and shortfalls, if any?
  - c) What conditions are needed to ensure sustainability of the produced results?
- 5) To what extent has GIG efficiently implemented its programs?
  - a) How has GIG's multi-stakeholder management model (which includes USAID, the implementing partner and multiple GVN entities) facilitated the project's planning, implementation, and achievement of expected results?
  - b) How has the management model served as a learning platform for achieving the project key results? What are the strengths and weaknesses with this model?
  - c) To what extent have non-state organizations engaged and contributed to the process of providing feedback on proposed laws, given GIG's interaction with the organizations?
- 6) What are the lessons learned and recommendations from GIG program design and implementation that can be used to strengthen USAID programming?

## II. PROJECT BACKGROUND

USAID's investment in GIG is US\$42,166,743 and GIG's period of performance (POP) is December 12, 2013 – December 11, 2018. This performance evaluation was conducted during Year 4 of the POP.

The background for GIG is found in three documents: USAID's Request for Proposals, USAID's Contract

Award Document, and GVN's Decision No. 1446/QD-BTP Approving the Governance for Inclusive Growth Project Document (henceforth referred to as the Project Document) issued by the Minister of Justice on June 23, 2014. These documents are included in Annex 1, 2, and 3 respectively.

USAID's and the GVN's understanding and delineation of GIG's background, objectives, components, and expected and key results for GIG differ in some respects, as will be described in the findings below. It is important to note that while USAID considers its Contract Award to be the defining document for the GIG Program, the GVN considers its Project Document to be GIG's defining document.

The USAID GIG Program is USAID's primary activity for cooperation with the public and private sectors in Vietnam to enhance areas of governance to facilitate broader-based economic growth, with an emphasis on legal frameworks and systems for accountability. GIG is meant to provide targeted technical assistance in support of a wide range of shared USG and GVN priority policy issues based on the following five objectives:

1. Increased trade and investment;
2. Enhanced private sector competitiveness;
3. Strengthened rule of law and judicial effectiveness;
4. More effective public administration and financial management; and
5. Greater social inclusion and equality of opportunity for all citizens.

The program is comprised of three closely coordinated technical components. The GIG Program coordinates all activities at the intersection of trade and legal and regulatory reforms, governance, and inclusive growth.

These are:

- **Component 1.** Improving legal and regulatory frameworks through a dynamic, inclusive policy-making process.
- **Component 2.** Improving accountability of public institutions.
- **Component 3.** Improving inclusion and equality for marginalized groups.

Four themes underlie GIG's work across the components and objectives: transparent and participatory law and policy process; national competitiveness and trade facilitation; trade reforms; and accountability and institutional strengthening.

GIG's primary GVN counterpart is the Ministry of Justice (MOJ) and there are five other key GVN counterparts: the Ministry of Industry and Trade (MOIT), Ministry of Planning and Investment (MPI), Ministry of Finance (MOF), National Assembly, and State Audit Office of Vietnam (SAV). These six GVN organizations form the GIG's Steering Committee. A Project Management Unit (PMU), under the authority of the MOJ, approves GIG work plans and supervises GIG implementation. The PMU approves additional ad-hoc counterparts on an annual basis.

The GIG program is a follow-on to USAID's Support for Trade Acceleration (STAR) I, II, and Plus projects, and the Vietnam Competitiveness Initiative (VNCI) I and II projects. These projects yielded concrete changes in Vietnam's regulatory and legal environments, which have been critical to the implementation of bilateral trade and World Trade Organization (WTO) commitments.

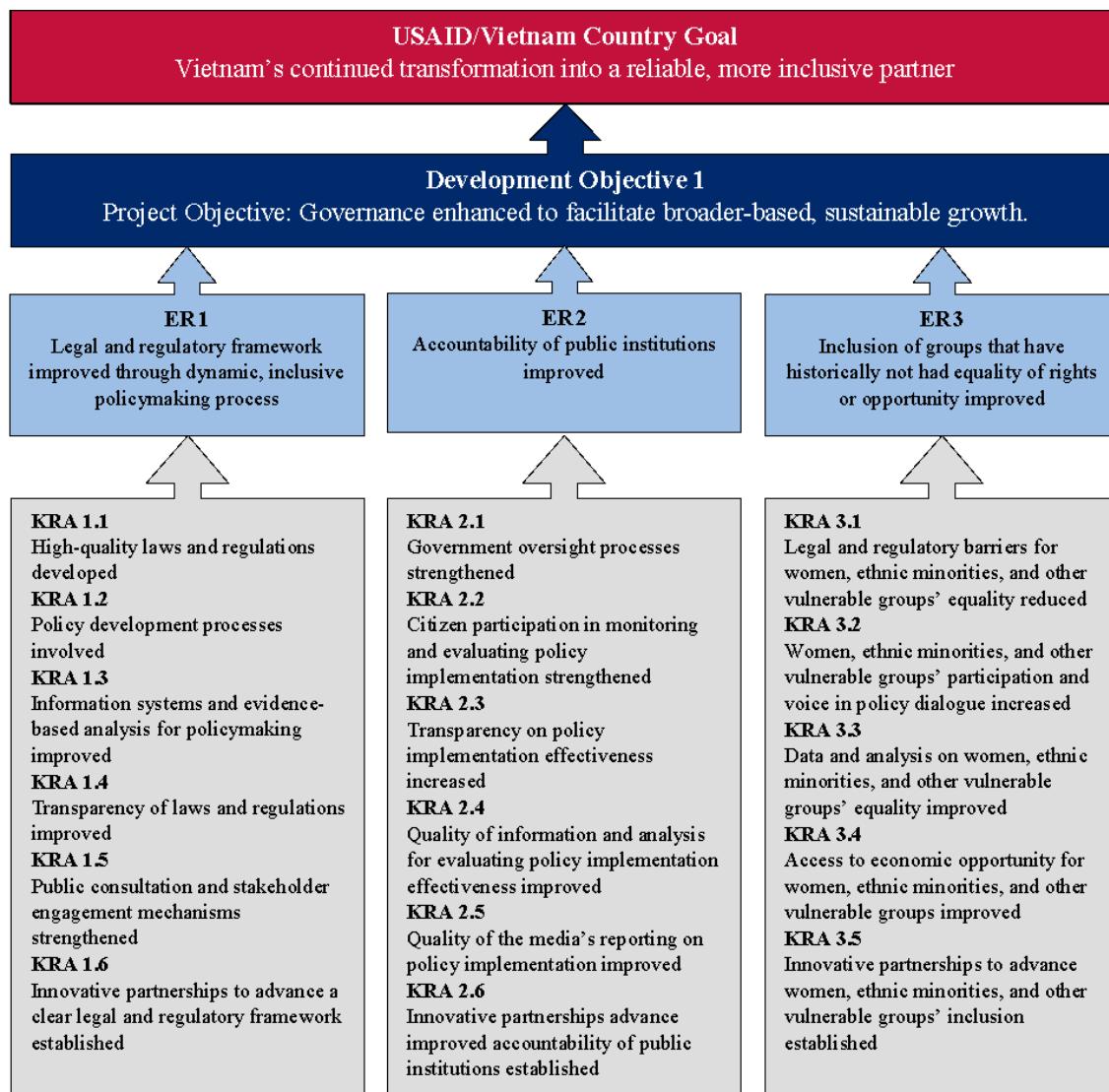
### III. DEVELOPMENT HYPOTHESIS

The development hypothesis underlying this program is that if governance is enhanced by improving policy and rule-making (particularly in areas relevant to inclusion and improved accountability), improving the accountability of public institutions, and improving the inclusion of groups that have not historically had equality of rights or opportunities, then Vietnam will make greater gains in broad-based, sustainable growth for its citizens.

### IV. RESULTS FRAMEWORK, KEY RESULTS AREAS, AND GIG PROGRAM ASSUMPTIONS

Figure 1 illustrates USAID's Results Framework based on USAID's 2014-2018 Country Development Cooperation Strategy (CDCS) under Development Objective 1: Governance Enhanced to Facilitate Broader-Based, Sustainable Growth.

**Figure 1: Results Framework**



As the results framework (RF) above shows, each of GIG's components aligns with an ER. Under each ER, there are a series of outcomes that are designated as Key Results Areas (KRAs).

The GVN GIG Project Document identifies deliverables that closely adhere to the USAID Results Framework KRAs, with insignificant differences in wording except for the USAID Results Framework KRA I.5: Public consultation and stakeholder engagement mechanisms strengthened. KRA I.5 is not included in the GIG Project Document.

The assumptions below underlie the GIG Program. It is important to note that two of these assumptions no longer held as of the date of this evaluation.

- Adequate resources are expected to be available to implement the Program in a coherent and well-planned manner.
- GVN has the political will (i.e., appropriate internal incentives) to continue to improve its law-making processes.
- GVN has the political will (i.e., appropriate internal incentives) to strengthen the institutions, systems and processes necessary to improve governance, including the accountability of public institutions.
- The Trans-Pacific Partnership (TPP) is eventually approved, ratified and enters into force as an incentive to further economic and governance reforms.

Adequate resources are not available to implement GIG in a coherent and well-planned manner due to GIG overspending, and the TPP will not enter into force with the US withdrawal from the TPP.

## V. EVALUATION APPROACH

This mid-term performance evaluation examines GIG's achievement of its indicators (outputs) for each KRA (outcomes), GIG's progress toward achievement of the KRAs, and the efficiency and sustainability of GIG's interventions. Based on discussions with USAID after the evaluation scope of work was finalized, the evaluation does not specifically examine GIG's work on trade facilitation, as this has been covered under a previous evaluation undertaken by USAID's E3 Bureau. Instead, this evaluation focuses specific attention on the questions of achievement of outcomes and how GIG's multi-stakeholder management model contributes to, or impedes, efficient, sustainable project results and learning. Finally, the evaluation examines whether the modality for engagement with non-state organizations has been an efficient mechanism in providing the government with feedback.

To address the evaluation questions, the evaluation team used two types of analysis: contribution analysis and sustainability analysis.

Contribution analysis involves assessing whether there are observable results/changes and how much the Program has contributed, vis-à-vis other factors, to these results/changes. The evaluation team applied the contribution analysis using a five-step process:

1. Set out the attribution problem(s) to be addressed, which included determining the specific cause and effect questions to be addressed and the type of contribution expected.
2. Validate the causal logic between GIG's activities and expected results with the GIG Program team.
3. Collect data to assess whether the expected results have been achieved and/or whether factors

extraneous to the Program have significantly influenced the achievement of the results.

4. Develop narratives that explain the results in terms of the contributions of the GIG Program and the influence of external factors.
5. Collect additional data as necessary to strengthen the contribution narrative, either by validating or amending key linkages between lower- and higher-level results.

## Sustainability

For the purposes of this evaluation, sustainability is defined using the definition provided in USAID ADS 201: “The ability of a local system to produce desired outcomes over time.”

A key assumption of this evaluation is that sustainability is only possible when an action or behavior is valued by the recipient. Sustainability was measured for this evaluation by assessing six factors associated with sustainability in international development: policy, ownership, management, training, finances, and technology. However, during the evaluation, the team determined that technology was not a significant part of the GIG Program’s interventions, and was excluded from the analysis. All other factors were weighted equally. Table I details each of the sustainability factors analyzed.

**Table I - Sustainability Factors**

<b>Policy</b>	Support is consistent with and supported by relevant government sectoral policies
<b>Participation &amp; Ownership</b>	Local stakeholders support the intervention, which responds to clearly expressed local needs
<b>Management &amp; Organization</b>	The project was cognizant of the capacities of local actors and incorporated sustainability as a key aspect of project delivery
<b>Training Needs</b>	The project assessed the training needs of project stakeholders and developed training that addressed these needs
<b>Financial</b>	Host institutions are capable and committed to meeting the ongoing costs associated with new practices
<b>Technology</b>	New technology/software provided by the project is appropriate for the required tasks and the project has accounted for any ongoing training and maintenance

## Efficiency

For the purposes of this evaluation, efficiency is defined using the USAID Vietnam Evaluation, Monitoring and Survey Services (VEMSS) Program guidance provided to USAID implementing partners: “*Making appropriate use of the program’s and its partners’ time and resources to achieve outcomes.*” Efficiency was assessed holistically using the criteria in USAID/VEMSS’s guidance:

1. Timeliness and cost-effectiveness of the activities and outputs;
2. Disbursement progress;
3. Sufficiency of the GIG’s planned funding and timeframe to achieve the intended outcomes: is there any delay and how does the delay affect the GIG’s ability to achieve the intended outcomes and the program’s schedule?;
4. Sufficiency of the outputs and activities to achieve the intended outcomes;
5. Sufficiency of and capabilities of the human resources to manage the program;
6. Usefulness and appropriateness of the program’s modality and implementation arrangements to

- the sought outcomes; and
7. Alignment of the implementation arrangements with partner government systems.

## VI. DATA COLLECTION METHODS

The evaluation team reviewed USAID and GIG documents during March and April, 2017, including:

- GIG Program-wide reports obtained from USAID and through the Development Experience Clearinghouse Program, such as work plans, performance monitoring plans, and partner quarterly and annual reports.
- GIG Internal Management Documents provided by GIG Program staff such as GIG Direct Technical Assistance (DTA) forms, DTA deliverables, event reports, and post-event evaluation reports.
- Issue documents and relevant literature identified and collected by the evaluation team.

The evaluation team conducted primary field research in Vietnam from April 17 – May 12, 2017. During this time, the team conducted semi-structured interviews, primarily with representatives of key counterpart organizations, and to a lesser extent, ad-hoc partners and social organizations, using a standardized interview instrument (Annex 7) that the team members used as a guide to direct the conversations. A Getting to Answers matrix showing the data sources used to address each evaluation question is included in Annex 4. A chronological list of all interviews is included as Annex 5.

### Sampling

The evaluation team identified key informants purposively, through the document review. Because of the number of government departments that are direct beneficiaries, the evaluation team decided to focus its efforts on all departments in key counterpart organizations and non-state actors that appeared in the GIG work plans as direct counterparts, excluding partners whose work was primarily trade related and had been interviewed as part of the previous evaluation.<sup>1</sup> The resulting list of informants, included in Annex 6, comprises 60 departments in government ministries and non-state actors.

Many of the interviews with key counterpart organizations began with a formal statement by the interviewee reflecting the official position of the department or ministry, followed by a period in which another attendee who worked directly with GIG was invited by the official representative to answer the team's questions based on their personal experience working with the GIG Program.

## VII. EVALUATION LIMITATIONS

**Lack of Baseline Information:** The project did not collect baseline information for the KRAs. What baseline information does exist is not sufficient to use to measure change in the KRAs.

**Respondent Bias:** Key informants constitute the primary source of information for answering all evaluation questions. Interview data is subject to cognitive biases, including recall bias. The validity and

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<sup>1</sup> The evaluation team made a decision to focus its work in Hanoi given that most GIG implementation activities outside of Hanoi involved either trade-related business associations or provincial representatives of central government counterparts. A previous USAID performance evaluation covered GIG's trade facilitation implementation. The provincial representatives of central government organizations were, largely, indirect recipients of GIG interventions with the central government counterparts.

reliability of findings has been systematically triangulated with document sources, and a range of interview participants encompassing counterparts, USAID staff and GIG staff in order to reduce the potential for bias across data collection and analysis.

## VIII. FINDINGS, CONCLUSIONS & RECOMMENDATIONS

### Question I: To what extent has GIG made progress in achieving key results as planned in the evaluated components?

Overall, as of FY2017 Q1, the accumulated achievement of most of the GIG's M&E Plan output indicators met or exceeded the project targets. GIG provided extensive support on trade-related topics and achieved substantial results for this objective. GIG has made contributions to increase the quality of the laws the program focused on, but it has had a limited effect on the law-making process at a systemic level. The evaluation observed progress on a number of KRAs. However, it is difficult to make an evaluative judgement on the completion status of most of the KRAs because of a lack of KRA operational definitions and the dispersed nature of GIG's interventions. Detailed description and analysis of GIG's progress by component are provided below.

#### Component I: Improving legal and regulatory frameworks through dynamic, inclusive policy-making process.

This component supports the advancement of Vietnam's legal framework and its policy and law-making processes to improve the transparency and efficiency of its legal system. Specific objectives of the component are to: 1) Build a transparent and participatory law and policy making process; 2) Enhance national competitiveness and trade facilitation; and 3) Support the legal framework for implementation of the TPP and associated trade reforms.<sup>2</sup> To achieve these objectives, GIG works with GVN partners to provide inputs on laws, regulations, and other legal documents; supports policy and technical studies for the policy and law-making processes; supports public participation in legislative activities; and strengthens GVN capacity to draft, review, enact, and implement laws and regulations through training workshops, and consultation and dissemination seminars.

The Key Results Areas for Component I are:

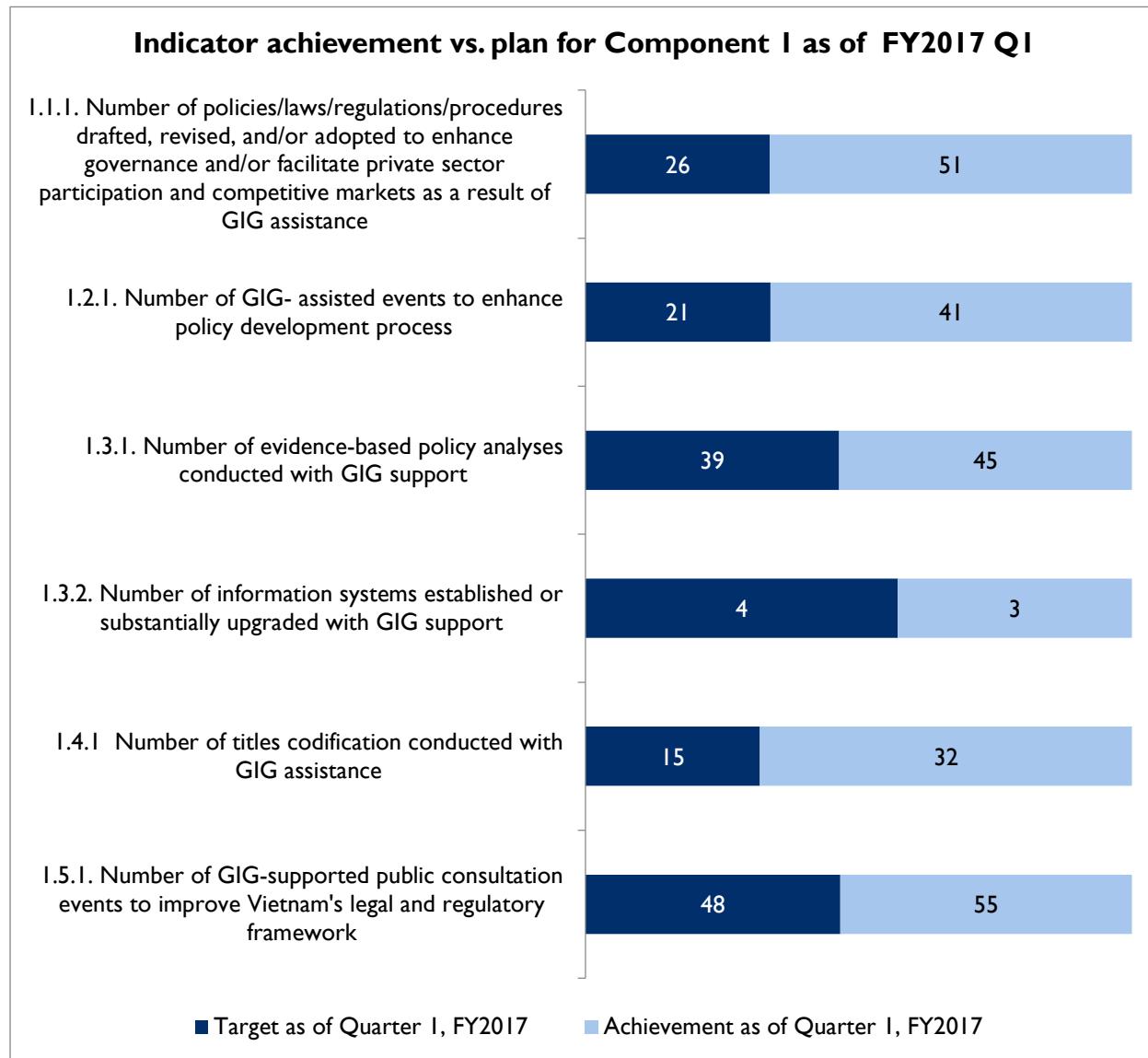
- I.1 High quality laws and regulations developed
- I.2 Policy development processes improved
- I.3 Information systems and evidence-based analysis for policymaking improved
- I.4 Transparency of laws and regulations improved
- I.5 Public consultation and stakeholder engagement mechanisms improved
- I.6 Innovative partnerships to advance a clear legal and regulatory framework established

**Finding: GIG has achieved or exceeded the Monitoring and Evaluation (M&E) Plan indicator targets for activities under Component I.**

<sup>2</sup> GIG Program. (2016). Vietnam Governance for Inclusive Growth (GIG) Program – Annual Report #3 (FY2016).

As of 2017 Q1, GIG has exceeded the target to be achieved by 2017 Q1 for five of the six Component I indicators included in the GIG M&E plan (Figure 2).

**Figure 2: Indicator Achievement vs. Plan – Component I**



It is important to note that all of the Component I indicators in the table above are output indicators. The M&E Plan does not explain how these outputs aggregate to achievement of the KRA outcomes to which they are associated nor does the M&E Plan provide operational definitions of the KRAs under all three Components. The M&E Plan does include outcome and impact indicators under Component I, such as the Ease of Doing Business Rank, Time to export/import, etc. Although these indicators are included under Component I, they are more appropriate indicators at the DO level and are not reviewed in this evaluation. Both were reviewed in the previous GIG trade facilitation evaluation.

The discussion that follows is organized by KRA. However, many of GIG activities are relevant to

multiple KRAs under Component I. For example, GIG supported technical analyses for its counterparts. These analyses contributed to higher quality laws, improved policy development processes, and increased evidence for policy and law making. These analyses were then presented at public and stakeholder consultation events.

### **KRA 1.1 High quality laws and regulations developed**

#### **Finding: GIG has made significant contributions to 51 legal documents, including 25 laws.**

GIG provided technical support for the drafting of 25 laws and a total of 51 legal documents subject to substantive amendment and final vote in the legislature (M&E Plan Indicator 1.1.1). These laws are in a variety of sectors including, justice, finance, trade, and governance. GIG's support has included undertaking analyses, assessments, reviews, or policy evaluations, sharing international best practices, and organizing public consultation events and training workshops to inform the content of the laws and regulations. Box 1 highlights GIG's contributions to Vietnam's legal framework for the law-making process, public administration, and government oversight. Full details on GIG's contributions to each of the 25 laws, many of which are trade-related, can be found in Annex 8.

#### **Conclusion: GIG's contributions to the 25 laws increased their technical quality. (KRA 1.1 – High quality laws and regulations developed - Achieved).**

Much of the work that GIG did to increase the quality of laws and regulations involved providing technical inputs through studies and reports that increased evidence-based policy making. Details of these studies are included under KRA 1.3.

### **KRA 1.2 Policy development processes improved**

GIG's exceeded its indicator for KRA 1.2 – number of events it assisted to enhance the policy development process. Its activities under this KRA include trainings, workshops, seminars to discuss technical reports, and provincial field trips to gather information for the policy process. Although training events are included under other KRAs in addition to 1.2, training in general is addressed under this KRA as the GIG-supported training and associated capacity development is most related to the policy development process.

#### **Finding: GIG supported the policy development process, largely through its work on trade-related policies.**

GIG reports 41 events for its KRA 1.2 indicator, and has completed or is in-progress of completing 30 work plan activities under KRA 1.2. Twenty-one of the activities relate to trade, as do 33 of the 41 events.

Only six activities are related to the law-making process and just one has been completed: MOF004 to train MOF officials on public consultation for financial laws. The other five activities are with the MOJ and are recorded as in-progress despite having formed part of the Year 2 and Year 3 work plans.

Three activities are related to public administration more generally. MOIT016, to support the development of a report on tools and methods to protect consumer rights, is in-progress. MOJ017, to conduct a workshop to finalize some civil service regulations for MOJ entities, and MPI009, to support the capacity of the Academy of Policy Development, are both complete.

## **Box I: GIG's Contribution to Selected Laws**

**Law on Laws:** This 2015 law delineates the GVN law-making process. GIG recommended separating the policy proposal and the law drafting stages and the GVN adopted GIG's recommendation. GIG also supported the MOJ to develop regulatory impact assessment (RIA) guidelines to assess economic, social, and administrative procedures, and gender impact. Gender is mainstreamed in the law as a principle and a requirement for the law-making process.

**Resolution 19:** GIG supported drafting, implementing and reviewing Resolution 19/2014 (version 1.0); Resolution 19/2015 (version 2.0); and Resolution 19/2016 (version 3.0), including numerous circulars and official letters to support the resolution's implementation. GIG contributed to quarterly reports and made recommendations to the Prime Minister on implementing the resolution.

**Civil Code:** GIG facilitated the MOJ's engagement with CSOs and consideration of their independent evidence and policy analyses. The Civil Code includes key recommendations made by the CSOs on highly technical issues such as in article 14 (protection of civil rights through authorized agencies), article 129 (ineffective civil interactions due to incompliance with format regulations), article 420 (contract implementation when context is changed), and article 468 (interest rate).

**State Budget Law:** GIG provided technical assistance which supported mainstreaming gender into the annual state budget process.

**Law on Administrative Decisions:** With GIG's technical input, the MOJ completed the first draft of the law, a RIA, and a report on international experiences with similar laws.

**Law on Oversight:** GIG helped to assess the effectiveness of oversight actions focusing on the authority granted to the National Assembly under the 2013 Constitution. The National Assembly approved 17 of GIG's recommendations.

**Law on State Audit:** GIG delivered an international comparative report on laws governing state audit institutions to the SAV and the National Assembly, and provided recommendations for amending the State Budget Law and the State Audit Law to improve budgetary and financial management and to assist the MPI in enhancing accountability and transparency of state budget.

**Finding: GIG's training and capacity building support was limited and focused on the technical content of laws and regulations rather than on training or capacity development for the process systemically or institutionally.**

Although GIG's Scope of Work, Section C.5.3 lists priority changes for each key partner, there was neither a strategy for system-wide institutional capacity building on law making nor a significant number of capacity building interventions for law-making processes. For all three GIG components, of the 212 GIG activities that are completed or in-progress, only 59 activity descriptions include the word "capacity" or "train," as of FY2017 Q1. For activities under Component 1, 23 of the 101 completed or in-progress activity descriptions include the word "capacity" or "train."

Fewer than half (92 of 212) of completed or in-progress activities are related to the law-making process (49 of 212), or public administration (43 of 212), such as budgets, government procurement, and oversight. Of these 92 activities, only 33 include the words “capacity” or “train.”

**Finding: GIG’s provided support for training of the newly-elected members of the National Assembly, including training methodology and training materials.**

One important exception to GIG’s focus on content (and most frequently trade-related content), rather than systemic and institutional processes, is GIG’s work with the Office of the National Assembly’s (ONA’s) Training Center. GIG trained every incoming member of the National Assembly prior to its first legislative session. The training helped the new members gain the legislative skills they needed before they began work, increasing the institutional capacity of the National Assembly to improve the legal and regulatory framework. The ONA Training Center told the evaluation team that,

*“Ms. Nguyen Thi Kim Ngan, the National Assembly Chairperson, at the conclusion of the first legislative session, said: ‘Three hundred sixteen first time elected members participated very actively in the session. The Center take note of the training for newly elected members. They appreciated the training course (sponsored by GIG). Deputy Ministers attended the courses. We will continue training activities throughout the legislative term, not just at the beginning of the National Assembly session. The Center should continue updating National Assembly members with information and knowledge.’ This is the first time there has been any such official recognition of the training we do. It’s a great honor of the Center.” - The ONA Training Center*

**Finding: GIG did not assess training effectiveness or its contribution to institutional capacity.**

GIG reported 231,940 person-hours for training, but did not conduct post-training learning assessments other than collecting feedback on participants’ perceptions. GIG also did not track or assess training effects on institutional capacity. There were limited post-training follow-up activities.

Stakeholders reported that institutional capacity for conducting a Regulatory Impact Assessment (RIA) in many ministries’ legal departments is still weak and that RIAs are superficial, including gender RIAs. Rather than provide intensive support to build capacity to conduct a RIA, GIG support emphasized supporting the content of RIAs for specific laws with international and national experts, although it did create guidelines on conducting a RIA for the MOJ and provided training on RIA for some trade-related issues.

One key counterpart at the MOJ suggested that GIG should have trained legal departments in all GVN ministries on RIA, or built up the capacity of selected ministries to carry out high quality RIAs as models that could be replicated in other ministries.

*“Instead of organizing training courses on specific topics and specific RIAs, training on RIA methodologies for key staff of all Ministries and the development of handbooks will be more useful, impactful and sustainable. This type of training would help change attitudes and awareness about RIA. Adding these interventions to having experts in specific laws would be very effective. Recently we saw a RIA conducted by a Ministry. It was so superficial that it made us feel disappointed.”*  
*- Administrative and Criminal Department, MOJ*

*“Comments on RIAs’ effectiveness were diverse. RIA is costly and complicated. It cannot be implemented the right away with a full scale” – Legal Institute, MOJ*

*“In the future, it is uncertain if a similar trip (to collect information for a RIA, as GIG had supported) would be conducted...Finance is not an issue as this office can afford 5-6 staff to do this. Yet, is advantageous to have a third party that does not sit within the system (to collect information for a*

RIA). Technical capacity is not an issue. But, there has not been any institutional instruction to guide who should collect information independently. A similar assessment trip (to collect information for a rigorous RIA) has not been planned.” – General Department of Taxation, MOF

**Conclusion: GIG's training and capacity building emphasized technical skills and specialized content over process (largely related to trade issues), with the important exception of its training program for the National Assembly that focused on improving the law-making skills of National Assembly members.**

**Conclusion: GIG support improved the policy development process for the specific policies and laws that it worked on by sponsoring events where the policies were discussed, evidence was presented, and participants learned new methods for a specific policy area. Most of this work was directly related to the TPP and trade. However, there is little evidence that the improvements in the policy process extend beyond the specific policies and laws that GIG supported. An important exception to this is GIG's work on the Law on Laws. (KRA 1.2 – Partially achieved)**

GIG's work focused on the content of specific laws and regulations, and not on developing processes for improved policy making that are generalizable across issues and sectors. GIG reported that its contribution to the Law on Laws was to create “clear separation of the policy proposal and drafting stages” and the “requirements for gender mainstreaming in the law-drafting process, and on gender-balanced drafting committees.” It is expected that the GIG's contributions to this law will enhance the law-making process across sectors to improve Vietnam's legal and regulatory framework. This work, and GIG's training work with the National Assembly, form the base of GIG's partial achievement of KRA 1.2

### **KRA 1.3 Information systems and evidence-based analysis for policymaking improved**

GIG's M&E Plan has two indicators for this KRA. The first is the number of policy analysis that GIG supported. The second is the number of information systems supported.

**Finding: GIG supported evidence-based analysis for policies by conducting RIA, sharing international experiences and best practices, providing technical analyses of trade and economic policies, and training counterparts in specialized analytic skills.**

GIG consultants supported technical analyses for 45 laws or policies; 31 of these policy analyses are related to trade content rather than policy making processes. The Program's GVN partners used these analyses to inform policy development. The 2015 Law on Laws helped to set the stage for creating an evidence base for specific policies and laws through its RIA requirements. GIG's contribution to the Law on Laws, separating policy development from law drafting, created space for greater consideration of evidence in the policy process.

GIG contributed to improving the quality of specific RIAs, and improved the evidence-base for specific laws. These RIAs, in turn, contributed to GIG's achievements under both KRA 1.1 and KRA 1.2.

Interviewees cited a number of examples of how GIG contributed to the use of evidence for the policy making process (as opposed to providing content) including:

- Providing the MOJ with training on RIAs in 2014 to support the development of the 2015 Law on Laws;
- Supporting the MOJ in preparing a RIA for amendments to the Civil Code during Year 3;

- Developing operational guidelines for conducting a RIA for the MOJ in Year 3; and,
- Supporting the Central Institute for Economic Management (CIEM) with training for journalists on RIAs in Year 2.

Box 2 lists the RIAs and policy analyses that GIG conducted or supported.

Most counterparts were enthusiastic about the quality of the reports that GIG consultants produced, although there were some negative comments, particularly from some departments within the MOJ and from an ad-hoc counterpart, the Ministry of Labour, Invalids and Social Affairs (MOLISA).

Those making the negative comments cited concerns about the expertise of the some of the national and international consultants, their lack of local knowledge, and that “they spent more time teaching the consultants than learning from them,” according to an MOJ interviewee. Some of the negative comments may be due to counterparts’ preference for national consultants who are former colleagues or with whom they have existing relationships rather than the merit-based consultant selection process that GIG used.

On balance, however, there were many more positive impressions than negative comments about the quality of GIG consultants on technical issues. This was particularly the case for consultants working on trade-related topics.

## Box 2 - GIG Policy Analyses

**RIAs:** Law on Laws; Civil Code; Law on State Compensation Liabilities; Law on Administrative Decisions; and Law on Support of Small and Medium Enterprises.

**International best practices and experiences:** International experiences on Law on Administrative Decisions; International comparative report on laws governing State Audit Institutions; International experience and practices for the Law on Access to Information; Disclosure and review of assets and income of individuals with certain positions and power and lessons for Vietnam; Best practices on small and medium enterprises’ support polices and legislation; and Report on International Center for Settlement of Investment Disputes.

**Trade and economic policy analyses:** 31 policy analyses, reviews, and policy implementation evaluations.

*“The international consultant produced reports that were useful for the department. The capacity of the department staff has been strengthened.” – Financial and Budgetary Department, MPI*

*“The value added from the GIG’s consultants was high. The recommendations made by the consultants were submitted to the Prime Minister.” – CIEM, MPI*

Many of the GVN counterparts told the evaluation team that they appreciated the international experiences shared through the structured studies and presentations in workshops, especially for new laws such as the Law on Administrative Decisions, Law on Access to Information and Law on Support for Small- and Medium-Sized Enterprises (SMEs).

The Legal Department of the Vietnam Chamber of Commerce and Industry (VCCI), a non-state

organization, told the evaluation team that the Law on Support to SMEs has been under discussion for the last two years, as it has been an important law to develop, and that GIG has supported useful research and workshops to help in developing the law. The Vietnam Customs Office noted that a GIG-supported workshop for soliciting feedback on tax issues for a draft Law on Import and Export Duty was effective.

*“Awareness of the need for the Law on Administrative Decisions was very low. GIG worked with us on the Law from the beginning with a review of our legal framework, shared international best practices, and supported a workshop to help improve awareness. GIG’s support is very useful for laws that are drafted for the first time. The workshops were useful to raise awareness of stakeholders.”*

*– Department of Criminal and Administrative Law, MOJ*

The GVN counterparts also reported that the training courses were of high quality and useful. Some examples of these comments are provided below.

*“The quality of the training course was good.... The case studies were useful and the training methodologies were appropriate. Participants who attended the last training course still keep in touch. Participants later conducted training courses themselves and used the training materials presented during the GIG course...” – Academy for Policy Development, MPI*

*“GIG organized training on advisory schemes for legal consultancy centers. The training course was very useful.” – Judicial Support Bureau, MOJ*

**Conclusion: GIG-supported policy analyses improved the evidence base for specific laws and policies that it worked on. It also contributed to the process of evidence-based policy making through its guidelines and training for RIA.**

**Conclusions: GIG’s technical reports and studies also helped to improve the quality of laws under KRA 1.1, and the policy development process under KRA 1.2.**

**Finding: GIG has not yet met its indicator target for the number of information systems established or substantially upgraded. This target may be met if work on these activities continues during Year 5.**

GIG M&E annexes in its annual reports indicate work on three information systems under this indicator: a system to provide information to National Assembly members, a system to provide electronic notification of technical barriers to trade, and a system to link the national customs office to provincial offices. However, only the National Assembly information system is listed under this KRA. Because this evaluation did not focus on trade, no information was gathered on the technical barriers to trade or customs systems. Information on the National Assembly information system is detailed below under Component 2.

**Conclusion: GIG improved evidence-based analysis for policy making for the laws and policies that it worked on by conducting technical studies and reports. With the exception of its training on RIAs and policy analysis for trade, it did not build institutional capacity for its key counterparts to conduct and use these analyses for topics beyond trade and the business environment more generally. GIG created one information system that improved policy making beyond the issue of trade. (KRA 1.3 – Partially achieved)**

#### **KRA 1.4 Transparency of laws and regulations improved**

GIG substantially exceeded its target for its KRA 1.4 indicator – the number of titles codified. However, transparency of laws and regulations goes beyond codification. Because of this, the evaluation team also considered how GIG's public dissemination events for laws and regulations contributed to this KRA.

**Finding: GIG supported activities to increase the transparency of laws and regulations through its public consultation and stakeholder engagement activities under KRA 1.2 and KRA 1.5.**

GIG invited large numbers of stakeholders in locations across the country to sponsored events for public consultation and stakeholder engagement. These large public events, with the mass media broadcasting and publishing news of the events, increased public knowledge, and thus transparency, of the law-making process for these specific laws and regulations. CIEM staff told the evaluation team that the workshops organized with GIG support followed this approach and helped to increase buy-in for important GVN policies, including Resolution 19. CIEM particularly valued GIG's engagement of journalists because mass media disseminates the issues and information very effectively.

**Finding: GIG's codified eight sections of Vietnam's civil laws. This codification made these laws and regulations more transparent.**

GIG supported GVN efforts to create legal codes. Codification involves organizing a set of laws and regulations on a specific subject into an ordered sequence, or codex. Codification of legal documents contributes to enhancing transparency of the law making and implementation process because it provides an organizing system that the public and other stakeholders can reference to learn about relevant laws and regulations on a specific topic.

GIG supported the MOJ and Ministry of Defense to codify eight sections of GVN civil laws, including: 1. Notary services (MOJ); 2. Legal counselling (MOJ); 3. Civilian militia (Ministry of Defense); 4. Marine police force (Ministry of Defense); 5. Compulsory purchase and requisition of assets (MOF); 6. Prevention of and combatting HIV/AIDs (Ministry of Health [MOH]); 7. Lawyers (MOJ); and 8. Child adoption (MOJ). GIG also provides support to the MOJ to codify economic and trade laws.

*“Governance is rule of law. Codification makes it happen and makes it transparent...Vietnam’s legal system overlaps and duplicates. Legal documents were published in an open manner, but rules are scattered around the text. Codification put things in one place – making it more transparent to public....GIG’s support was very timely and aligned with our five-year plan.” – Post Review Department, MOJ*

GIG also sought to contribute to the Law on Access to Information. However, given the political sensitivity of this law, GIG's efforts to increase transparency by engaging stakeholders and through public consultation were not completely welcomed by its GVN partners because of the attention GIG's consultation methods attracted from internal security officials.<sup>3</sup>

**Conclusion: GIG increased the transparency of laws and regulations through its support for codification. It also increased transparency with its law dissemination events that are included under KRA 1.2 and KRA 1.5. (KRA 1.4 – Achieved)**

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<sup>3</sup> The interviewee that relayed this opinion requested that the evaluation team not identify its source.

## KRA 1.5 Public consultation and stakeholder engagement mechanisms improved

**Finding: GIG supported public consultation and stakeholder engagement mechanisms for the specific laws and policies for which it provided assistance.**

GIG improved public consultation and stakeholder engagement for the laws and policies that it worked on. Its approach to public consultation and stakeholder engagement has been to integrate its technical studies and reports into workshops and public consultation events, and to invite CSOs, the media, and other non-state organizations to the events so that these groups also could present evidence and discuss proposed policy and legal changes, and so that the media could report on these events.

With GIG support, 55 public consultation events were conducted, 46 of them for trade or economics-related laws. GIG support enabled the counterparts leading the development of the selected laws to engage diverse groups of participants including other government ministries, provincial government officials, lawyers, thematic experts, CSOs, and vulnerable groups in many regions of the country.

*“We are most appreciative of GIG’s support to help the Department expand its network with non-state agencies representing vulnerable groups. GIG shared knowledge, information, and the approach to the issues. The Department is sensitive/careful to identify which workshops vulnerable groups and NGOs should attend; and which they should not attend. It was the first time that we facilitated a meeting for LGBT groups directly with the National Assembly. The meeting changed their attitude. A provision in the Law was achieved thanks to the direct meeting and interaction between National Assembly and the LGBT community.” – Department of Civil and Economic Law, MOJ*

Representatives of the mass media were invited to attend these events to increase public dissemination of the laws and policies being considered.

### Box 3 - GIG Public-Private Partnerships

Vietnamese law schools and Tulane Law School partnered to develop curriculum and train Vietnamese law school staff in legal drafting and law development.

The American Chamber of Commerce and Industry (VCCI) to establish a Vietnam Trade Facilitation Alliance (VTFA) to work with Customs and other Government agencies on trade facilitation.

GIG sub-contracted with the Vietnam Tax Consulting Association (VTCA) to work with MOF to reduce the time required for businesses to file their taxes and facilitated a collaboration between VTCA and MOF's General Department of Tax to enhance the collaboration between the business community and the tax authorities.

Three public private partnerships (PPPs) to support women entrepreneurs between: 1) the Ho Chi Minh City (HCMC) Department of Investment and Trade (DOIT) and the HCMC Association of Women Entrepreneurs (VAWE); 2) the Danang DOIT and Danang VAWE; and 3) the Hanoi DOIT and Hanoi Association of Women-owned Small and Medium Enterprises.

A Customs to Business (C2B) partnership between GVN and the VTFA with GIG assistance. The last trade facilitation evaluation acknowledged that GVN has taken steps over the past three years under GIG to establish greater partnership with the business community.

Counterparts highly valued GIG's support for these events because large public consultation workshops would not have been possible under the constraints of government ministry budgets, according to interviewees. With a limited state budget, comments on draft laws are typically solicited through the ministry's web portal, or by mail. Consultative meetings typically are organized with a small number of participants in the agency's office in Hanoi. These smaller scale consultative and engagement mechanisms are compliant with Law on Law requirements, but generally do not create larger-scale engagement like the GIG-sponsored public consultative events that received media attention.

*"Through GIG, we have gained better understanding about different groups. Based on requirements of each activity, we decide what groups to participate in that activity to achieve the best effectiveness. Without GIG, we will still invite those groups; however, with a limited state budget, they are not enthusiastic to participate." – Law, Education, and Dissemination Department, MOJ*

*"As budget resources are limited, without GIG it would be difficult to conduct consultations on a broader scale to include the business community and other stakeholders." – Legal Affairs Department, MOIT*

Stakeholders highly valued the opportunities for law drafters to interact directly with potentially affected groups or law implementers in the provinces. They also highly valued the usefulness of the GIG-supported field trips and policy implementation evaluation workshops, a first-time experience for some counterparts.

*"GIG supported a field trip/assessment in six provinces/cities. The office went to meet directly with 61 enterprises, including the accountants in 61 provinces/cities. Through the visits, enterprises could express all the concerns and explain all the issues that they face during interaction with local tax offices. The assessment involved different departments including the departments working on policy, procedures, etc. The assessment identified issues, including the inconsistencies between documents. Without GIG's support, the field trip/assessment would not have been implemented. The Office would have followed the existing process." – Taxation Office, MOF*

**Finding: GIG helped to create and supported seven partnerships between the state and non-state actors to advance the legal and regulatory framework for trade.**

GIG supported the establishment of seven PPPs. Six of the seven partnerships are trade related, between industry and business associations and GVN ministries. The other is a partnership between a US-based law school and Vietnamese law schools to develop a manual for law drafting skills. However, based on GIG reports, it is not clear if the partnership between the US law school and the Vietnamese law schools materialized as envisioned. Instead, the partnership seems to have been a short-lived collaboration between the US law school and a Hanoi-based law school to develop curriculum to improve legal drafting skills. Although this activity's status is "completed," the notes say it is being continued under the auspices of the MOJ (MOJ031) and is thus no longer a partnership as envisioned in the GIG work plans.

**Conclusion: GIG created partnerships for the legal and regulatory framework for trade. It did not do so for other issue areas or for the law-making process more generally. (KRA 1.6 – Partially achieved)**

### **Component I Overall Conclusions**

**Conclusion: Most of GIG's achievements under Component I relate to the legal and regulatory framework for trade, not governance more generally.**

**Conclusion: GIG's interventions did not improve the law and policy making process at a systemic, institutional level because it emphasized the content and process for specific laws and policies and placed much less emphasis on the process in general terms, understood as increasing its partners' institutional capacity to improve the legal and regulatory framework. The Law on Laws and National Assembly training are important exceptions to this conclusion.**

### **Component 2: Improving accountability of public institutions**

Component 2 seeks to improve governance by strengthening the oversight, transparency, and accountability of public institutions. GIG's activities focus on improving consultation during the law-making process, improving government oversight systems, improving public financial management, and supporting law and policy changes that are needed for Vietnam to implement its international commitments.

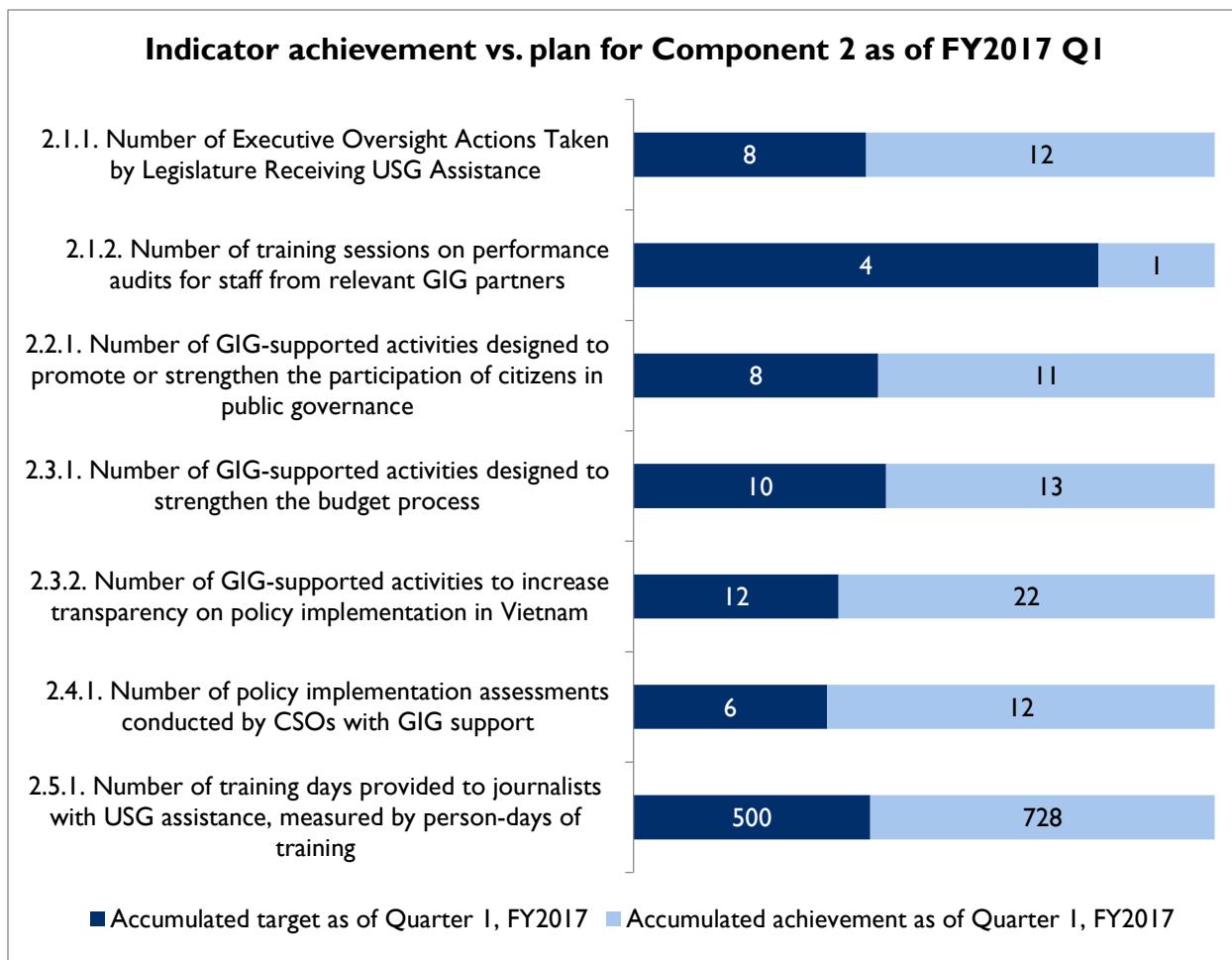
The Key Results Areas for Component 2 are:

- 2.1 Government oversight processes strengthened;
- 2.2 Citizen participation in monitoring and evaluating policy implementation strengthened;
- 2.3 Transparency on policy implementation effectiveness increased;
- 2.4 Quality of information and analysis for evaluating policy implementation effectiveness improved;
- 2.5 Quality of the media's reporting on policy implementation improved; and
- 2.6 Innovative partnerships to advance improved accountability of public institutions established.

**Finding: GIG exceeded the M&E Plan indicator targets for activities under Component 2 with the exception of indicator 2.1.2.**

As of 2017 Q1, GIG has exceeded the target to be achieved by 2017 Q1 for six of the seven Component 2 indicators included in the GIG M&E plan (Figure 3). The M&E Plan does not include an indicator for KRA 2.6.

**Figure 3 – Indicator Achievement vs. Plan - Component 2**



As with Component 1, Component 2 indicators are at the output or activity level. The program has exceeded all of its targets with respect to these indicators, in many cases by substantial degrees. However, is not possible to identify how achievement of the M&E Plan output indicators aggregate to the outcome level of KRAs because the KRAs are not defined nor measurable.

### **KRA 2.1 Government oversight processes strengthened**

#### **Finding: GIG provided significant support to the National Assembly's oversight activities.**

GIG has supported 13 National Assembly Committees and/or ONA departments to carry out 12 executive oversight actions. These activities were systematic in that they were not designed for one law or policy but rather focused on the process of oversight more generally. The activities combined evidence-based policy development with capacity building and the development of manuals and tools. Overall, GIG has completed or is in progress of completing 26 activities designed to achieve this KRA. GIG is supporting the National Assembly Committee on Science, Technology, and the Environment in its oversight activities on GVN efforts to counter wildlife trafficking; has provided comprehensive support to the National Assembly's Oversight Department, including modules on oversight in its training of National Assembly members and developing regulations oversight procedures for the National Assembly; and has conducted a workshop for the National Assembly Finance and Budgetary Committee on oversight of the gender

requirements in the 2015 State Budget Law, among others.

*“GIG’s support has been effective in meeting the Department and Committee’s needs. GIG has provided consultants, materials and supported us for the consultation with various stakeholders. Its support is practical and focused. GIG’s support helped strengthen the law-making process in line with international standards... The most impressive thing (to me) is the consultants that GIG hired. They helped the Department to stop and think if our work has been effective. They also helped us to change mindsets about wildlife reserves. We thought that if we had the correct laws and rules and created reserves, we were doing what was needed. Now we know that we need to involve the community in protecting the reserves.” – Department of Science, Technology and Environment, ONA*

### **Finding: GIG support to the State Audit of Vietnam’s (SAV) oversight functions has been very limited.**

Support to SAV has been very limited, though this agency is one of GIG’s six key counterparts and a member of the GIG Steering Committee. Because of this limited support, GIG is underperforming on indicator 2.1.2: “Number of training sessions on performance audit for staff from relevant GIG partners.”

At the beginning of the project, GIG sought to support SAV to improve its performance and expand the scope of issues addressed in audits in line with international standards, specifically to improve the evaluation of the performance of the public sector and promote transparent and open dialogues on audit results. GIG planned to help SAV to develop and disseminate information on the State Audit Law enacted in 2015, to develop regulations under the law, enhance SAV’s capacity, and enhance the use of information technology in SAV. SAV staff told the evaluation team that after two and a half years, the agency saw that these plans were too ambitious as most of these activities are delayed even though they appeared in work plans as early as 2014.

As of FY2017 Q1, GIG completed just one workshop, a forum to discuss SAV’s role in oversight (SAV002), and provided inputs and recommendations to develop an information technology (IT) system (SAV003), both of which SAV staff said they appreciated. However, GIG did not support SAV to develop guidelines for using the IT system, a serious deficiency since the inputs and recommendations don’t help the SAV to use the system.

*“Enhanced use of IT; this is where we achieved the most. We discussed this at early stages. The timing was perfect because we were developing a master plan for IT. They gave us recommendations and highly valued inputs. GIG supported KPMG to work with us in the gradual application of IT in our audit activities. There were no concrete products. But what we wanted was to develop guidelines to help auditors use IT in their work/audits. This is what we expected but have not achieved.”*

*– SAV staff*

### **Conclusion: Legislative oversight processes have been strengthened. Executive oversight processes through SAV have not. (KRA 2.1 – Partially achieved)**

#### **Box 4 – GIG Oversight Activities with the National Assembly and ONA**

GIG support for the National Assembly and ONA oversight activities began with a consultant's review of current oversight activities of the National Assembly and an international comparative study titled Working Models of Parliamentary Secretariats and the Proposed Regulation on the Mandate and Procedures of the National Assembly Secretary General and Secretariat. This review and study provided recommendations to the draft Manual on Procedures Governing National Assembly Oversight Activities. GIG organized consultative roundtables to obtain feedback on the draft manual. The final manual is expected to be issued in 2017.

To improve the effectiveness of National Assembly Q&A Sessions, GIG organized a workshop to discuss the topic and followed up the workshop findings by drafting a Q&A evaluation form for National Assembly deputies to use at the Q&A sessions.

GIG also supported a structured needs assessment that provided inputs to the development of a training curriculum for the entire National Assembly session and the training plan for a GIG-sponsored course. Before the first National Assembly session for the newly elected members, GIG trained the 350 legislators.

To strengthen capacity of the ONA Oversight Department, GIG supported a training course on Strategic Work Plan Development to Support Oversight for the Staff of Oversight Support Department. A staff performance assessment tool for the Oversight Department was developed and is being used regularly.

GIG supported the National Assembly Committee for Finance and Budgetary Affairs to increase its efforts to develop and implement a new State Budget Law (SBL). GIG sponsored a training workshop on reviewing financial and budgetary draft laws, as well as the revision of the National Assembly Steering Committee Resolution on the State Budgeting Process. It also supported disseminating the oversight of the implementation of the revised 2015 State Budget Law. In addition, GIG supported enhancing state budget oversight skills for the Provincial People's Council Deputies in Danang Province.

The National Assembly Library improved its policy and legal transparency by adopting the Instant Support System (ISS), an information system that allows the library to provide documents and information to deputies upon request.

To strengthen the National Assembly's oversight role in monitoring government efforts in law implementation on countering wildlife trafficking (CWT), GIG sponsored an oversight mission with the National Assembly Science, Technology and Environment Committee on the government's implementation of CWT international commitments. GIG also supported workshops to review the implementation of national legislation on protecting endangered wildlife and sponsored an assessment report on the current state of wildlife trafficking in Vietnam.

#### **KRA 2.2 - Citizen participation in monitoring and evaluating policy implementation strengthened**

GIG did not achieve the target for its indicator for KRA 2.2: Number of GIG-supported activities designed to promote or strengthen the participation of citizens in public governance. The activities that GIG supported under this KRA have been organized with government counterparts, not with citizen groups.

**Finding: GIG support for citizen participation in monitoring and evaluating policy implementation has been very limited.**

GIG has implemented very few activities under KRA 2.2. Only two activities (MOJ007 and NA024/25) have been completed; two others were cancelled or delayed.

GIG supported the MOJ's Administrative Offenses and Monitoring Law Implementation Department to conduct a series of seminars to discuss with local citizens, businesses and government officials the implementation of laws on anti-smuggling, anti-trade fraud and counterfeit goods. The Department highly appreciated GIG's support.

*"In 2015, the MOJ reported to the Prime Minister to enhance the control of smuggling and fake goods. This is a hot issue. The collaboration with GIG contributed to the Department's mandate. GIG supported the field trip to get people's opinions on the control of smuggling and counterfeit goods. The Department collaborated with other Departments for additional activities. The collaboration with GIG helped enhance transparency. The activities created a healthier environment for control of smuggling." – Department of Administrative Offenses and Monitoring Law Implementation, MOJ*

GIG also provided support to ONA to organize a training workshop on handling public petitions and voter engagement and a consultative workshop with businesses to discuss challenges and expectations in the context of international integration and labor in Vietnam. GIG supported reports on business challenges and expectations on labor issues in the context of international integration as well as recommendations for addressing those challenges.

One important reason that GIG's efforts on citizen engagement for monitoring and evaluation of law implementation has been so limited is that as of FY2017 Q1 the PMU had not approved grant issuance activities in GIG's work plan. Nonetheless, in the absence of the grant program, GIG did not design an alternative strategy for supporting this type of citizen engagement.

**Conclusion: GIG has not completed a sufficient number of activities with a broad enough reach to have been able to strengthen citizen participation in monitoring and evaluating policy implementation. (KRA 2.2 – Not achieved)**

Of the two activities GIG did complete to strengthen citizen participation in this area, one is focused on content (trade) and not the overall process, and the other was oriented toward training National Assembly members on responding to citizens, not citizens monitoring and evaluating policy implementation, as GIG had expected to do if it had been able to implement its grant program.

### **KRA 2.3 Transparency of policy implementation effectiveness increased**

GIG's work on increasing the transparency of its trade policy implementation effectiveness included reports on the GVN's international commitments, and consultative workshops with industry and business associations to review the reports and make recommendations, among other activities. GIG has two indicators for this KRA 2.3.1 - Number of GIG-supported activities designed to strengthen the budget process and 2.3.2 - Number of GIG-supported activities to increase transparency on policy implementation in Vietnam.

**Finding: GIG's interventions to increase the transparency of policy implementation effectiveness emphasized trade policies and other international commitments.**

GIG completed 24 activities that it identified as supporting the transparency of policy implementation effectiveness through FY2017 Q1. Half (12) of the 24 completed or in-progress activities designed to achieve KRA 2.3 focused on trade or other international commitments, such as countering wildlife trafficking and enforcing foreign arbitration awards. Five activities focused on implementation of the State

Budget Law. The other seven activities were dispersed across issue areas.

Work on the implementation of the State Budget Law increased transparency for this important issue area in governance. For example, GIG provided technical assistance to the MPI on receiving input from vulnerable and other groups on the effectiveness of government capital investment financed through the budget, supported the MPI to decentralize government capital investments to increase their transparency to provincial officials, strengthened the NA Finance and Budget Committee and ONA Department of Budget Analysis and Oversight's capacity through training and technical assistance along the lines of the US Congressional Budget Office, and supported the National Assembly to revise the previous State Budget Law using information gathered on the implementation of the current budget.

Stakeholders at the MOJ emphasized the importance of follow-up after a law is enacted, particularly law dissemination and capacity building at the provincial level to increase the transparency of the law or policy. A few counterparts complained that GIG limited the number of participants from the provincial level in the training courses on new laws even though the courses were designed for these target groups. In general, GIG has provided limited support for law implementation, with the exception of activities for related to trade, international commitments, and the state budget.

*"GIG limited the number of training participants from local areas while the training course was designed for local officers. GIG funded only 9 or 10 local participants. The training course would not be effective with this limitation...There is a need to strengthen the legal counseling centers and build up their staffs' capacity." – Legal Aid Department, MOJ*

**Finding: GIG's work on Resolution 19 under Component 1 contributed to increasing the transparency of policy implementation effectiveness under Component 2.**

Although the evaluation team did not comprehensively examine GIG's work on Resolution 19, findings from the USAID/E3 GIG Trade Facilitation Mid-term Performance Evaluation reinforce the information collected by the evaluation team.

*"GIG provided strong support to the SRV (Socialist Republic of Vietnam)-led communication campaign surrounding Resolution 19. In collaboration with the CIEM of MPI and other government entities, GIG conducted about two dozen workshops and a number of field visits that at least partly focused on Resolution 19. Large numbers of central and local government officials, representatives of the business community, and journalists attended the workshops. Furthermore, GIG directly or indirectly contributed to numerous media reports on Resolution 19. The awareness of and support for reforms envisaged in Resolution 19 within government agencies, especially central government agencies, and the general public increased." – GIG Trade Facilitation Mid-term Performance Evaluation, USAID/E3*

**Conclusion: GIG's work on international commitments linked to trade agreements, implementation of the State Budget Law, and Resolution 19 increased transparency of policy implementation effectiveness for those issue areas. It did so largely through its public events with provincial officials and other stakeholders to disseminate new laws, and through training of law implementers, such as judges, business associations, and provincial officials. (KRA 2.3 Partially achieved)**

**KRA 2.4 Improved quality of information and analysis for evaluating policy implementation effectiveness**

GIG activities under this component focused on technical studies, similar to those in Component 1, and

work with the National Assembly and SAV on information systems and analysis to evaluate policy effectiveness.

It is not clear what the KRA means with regard to evaluating policy implementation effectiveness; the policy itself or the implementation process. The indicator seems to point to evaluating the policies, not evaluating how policies are implemented.

GIG exceeded its indicator for 2.4 - Number of policy implementation assessments conducted by CSOs with GIG support.

**Finding: GIG supported activities that evaluated the effectiveness of specific policies.**

In addition to the significant contributions that GIG has made to increasing the quality of laws through studies and assessments (KRA 1.1 and KRA 1.3), as described under Component I, GIG also completed or lists as in-progress 21 studies, workshops, and training courses that were designed to provide high quality information and analysis of specific policies' effectiveness. Of the 21 activities under KRA 2.4, at least nine are highly technical studies, workshops, or training courses that have limited relevance outside of the sector. For example, GIG supported:

- MOF to assess the impact of the TPP on various economic sectors and on government revenues (MOF002);
- MOLISA to review the expansion of an industrial relations master plan and develop a handbook on best practices in social dialogue (MOLISA001);
- MOJ to review implementation of the law on criminal records (MOJ058);
- MOF to use computable general equilibrium (CGE) applied policy analysis in the context of international economic integration (MOF009); and
- MPI to evaluate transparency in budget planning and budget expenditure (MPI007).

These highly technical studies, as with the studies under Component I, were highly valued by GIG's counterparts, as illustrated in the quotations included under Component I, but they are relevant only to the specific policies for which they were completed. They do not contribute to improving the quality of information and analysis for policy evaluation in general, with the exception of the MOF009 training on CGE analysis that can be applied across economic policy evaluations.

In contrast, six of the activities were with the National Assembly and the National Assembly Library and these activities more directly contribute to improving the quality of information and analysis across sectors, or systemically. For example, GIG's support to the National Assembly Library helped to create an Instant Support System (ISS) to provide resources and evidence on laws and policies to National Assembly members and ONA staff (NA005). GIG also provided advanced policy analysis and bill drafting skills training and coaching to ONA and Institute of Legislative Studies staff members (NA026), and training for the Institute of Legislative Studies on how to do legislative research and analysis (NA018).

**Conclusion: GIG improved the quality of information and analysis for evaluating policies for specialized, highly technical issues. It improved the quality of information for evaluating policy implementation effectiveness for the National Assembly. (KRA 2.4 – Achieved)**

**KRA 2.5 – Quality of the media's reporting on policy implementation improved**

GIG's indicator for this KRA is the number of training days provided to journalists with USAID assistance. GIG exceeded the target for this indicator.

**Finding: The evaluation team was unable to find evidence that the quality of the media's reporting has improved.**

GIG Annual Reports list four activities under KRA 2.5. Three are with the National Assembly and one is a grant, included in the 2014 Annual Report, to the Vietnam Journalists Association (VJA) that has not been issued. The National Assembly activities have a status of "in-progress." Two of the National Assembly activities have little to do with the quality of media reporting. Instead, one is designed to improve the communication skills of National Assembly members (NA028), and the other is to create an e-portal to connect voters with the National Assembly (NA029). The grant has not been issued. Although GIG and the VJA did train journalists through GIG's direct implementation, because there is no post-training media content or learning assessment it is impossible to determine whether journalists increased their knowledge after the training or that their reporting on policy implementation changed after the training.

**Conclusion: GIG has not improved the quality of the media's reporting on policy implementation as they have not implemented activities specifically focused on achieving this result other than journalist training for which there has been no follow-up to assess its effectiveness. (KRA 2.5 – Not achieved)**

#### **KRA 2.6 - Establishment of innovative partnerships to advance improved accountability of public institutions**

**Finding: The evaluation team found no information on innovative partnerships to improve the accountability of public institutions.**

There is no Component 2 M&E Plan indicator for KRA 2.6 and GIG's M&E database does not list any partnerships under Component 2. GIG's Annual Report also does not list any information on innovative partnerships to improve accountability. It is not clear to the evaluation team whether activities under KRA 1.6 extend to issues related to the accountability of public institutions. The lack of a grant program and different understandings between the GVN and USAID on the type of work that GIG would do with non-state actors such as CSOs (covered in more detail below) may have impeded GIG's ability to advance its work on KRA 2.6.

**Conclusion: GIG did not establish partnerships to improve the accountability of public institutions. (KRA 2.6 – Not achieved). This conclusion is based on the finding that the evaluation team did not find any information on implementation activities related to creating innovative partnerships to improve the accountability of public institutions.**

## **Component 2 – Overall conclusions**

**Conclusion: GIG increased government oversight through its work with the National Assembly (KRA 2.1). Its achievements on transparency, and accountability in governance are much more limited (KRAs 2.2, 2.3, 2.4, 2.5 and 2.6).**

**Conclusions:** GIG's indicators for the KRAs under this Component appear to side-step the underlying issues of transparency and accountability. Its activities do the same; focusing on work with GVN counterparts on disseminating information on laws and policies, rather than with non-state organizations on evaluating the effectiveness of the laws and policies; focusing on the quality of information for legislators rather than on ways to provide citizens and non-state organizations with high quality information so that they can make their own judgements on their government's effectiveness; and focusing on highly technical aspects of trade and financial policies for most of the program's analyses. GIG's inability to make strong progress on achieving the outcomes under Component 2 may be related to hesitance of the GVN to pursue governance reforms. As noted above, trade (and the TPP) is the carrot and accountable governance is the stick. GIG's strongest results under this component are related to transparent and accountable trade policy (content) rather than improving the processes and mechanisms of transparency and accountability in general.

## **Component 3: Inclusion of groups that have historically not had equality of rights or opportunity improved.**

Activities under Component 3 seek to support a legal and regulatory environment that takes inclusion into account as an important criterion, and also aim to provide mechanisms for historically excluded groups to have greater voice and thus increase government accountability. The focus of inclusion is on addressing inequality issues for women, ethnic minorities and other vulnerable groups. Key activities included: identifying and reducing legal and regulatory barriers for women, ethnic minorities and other vulnerable groups; enhancing their equality and participation in the law-making process; and improving economic opportunities for marginalized groups. The activities are conducted to improve the legal framework to support more inclusion for vulnerable groups, or to increase the GVN's capacity to mainstream equality issues for these groups in policy development and execution.<sup>4</sup>

The key results areas under Component 3 are:

- 3.1 Legal and regulatory barriers for women, ethnic minorities, and other vulnerable groups' equality reduced.
- 3.2 Women, ethnic minorities, and other vulnerable groups' participation and voice in policy dialogue increased.
- 3.3 Data and analysis on women, ethnic minorities, and other vulnerable groups' equality improved.
- 3.4 Access to economic opportunity for women, ethnic minorities, and other vulnerable groups improved.

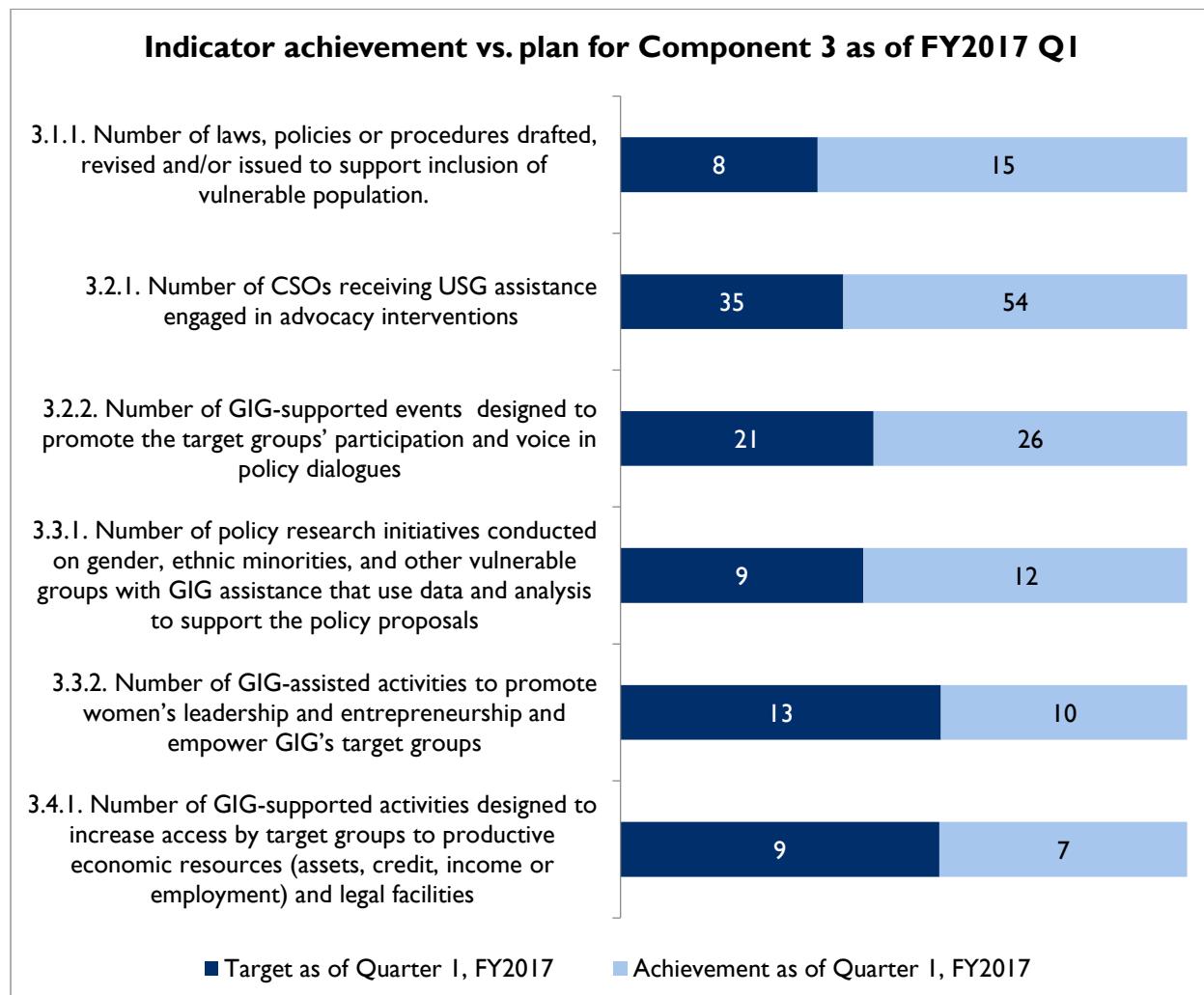
<sup>4</sup> USAID contract award document, Section C.2.3.

### 3.5 Innovative partnerships to advance women, ethnic minorities, and other vulnerable groups' inclusion established.

In contrast to other components, GIG developed a multi-year strategy for its implementation of Component 3 called the “Strategy for Gender Equality and Inclusiveness (GESI)”. The strategy identified the gaps and opportunities for inclusion. One important aspect of its strategy is to mainstream inclusion into related activities under Components 1 and 2. For this reason, many activities that involve including women and other vulnerable groups are not listed under Component 3, such as inviting these groups to public consultation events for the policy and law-making process.

GIG has completed or lists as “in-progress” 33 activities under Component 3, although as stated above, GIG also mainstreamed inclusion into activities under other Components. GIG exceeded four of the six M&E Plan output indicators under Component 3 and fell short of the targets for two indicators under KRAs 3.3 and 3.4, as shown in Figure 4 below.

**Figure 4 - Indicator Achievement vs. Plan**



### **KRA 3.I - Legal and regulatory barriers for women, ethnic minorities, and other vulnerable groups' equality reduced**

GIG's indicator for this KRA is the number of laws, policies or procedures drafted, revised and/or issued to support inclusion of vulnerable populations. GIG's work for this indicator occurred concurrently with its work under Component I to increase the number of high quality laws by providing expert technical assistance to the law drafters. In many cases, one of GIG's contributions to a specific law or policy was to provide a gender analysis, as detailed in Annex 16 and Figure 4 above. GIG nearly doubled its target (8) for the KRA 3.I indicator, contributing to 15 laws, policies, and procedures to support inclusion.

Of the 3I activities implemented directly under Component 3, 20 of them are listed under this KRA.

#### **Finding: GIG mainstreamed gender into its work under KRA 1.I with the effect of making systemic changes in the legal and regulatory framework for women and other vulnerable groups.**

Most noteworthy for its potential to have a lasting effect on the law-making process is GIG's work on gender mainstreaming in the law-making process through the Law on Laws requirement for gender RIAs for all new laws and substantial revisions to existing law, and in the government budget process through revisions in the State Budget Law that require gender-responsive budgeting principles to guide annual budget plans. Other significant GIG contributions include:

- Revisions to the Marriage and Family Law to protect the rights of women, people with disabilities, LGBT people, and ethnic minorities;
- Ensuring access to justice for vulnerable groups through revisions to the Legal Aid Law; and
- Supporting a policy and legal framework for trade development among Vietnam's impoverished ethnic minorities who live in remote mountainous areas or on islands.

According to GIG Annual Reports, nineteen of GIG's recommendations on protection of rights of vulnerable groups were partially or fully adopted in the draft Civil Code and one new article was developed specifically for transgender rights. GIG's work with the National Assembly supported adding provisions to articles in the State Budget Law that specifically reference the government's obligation to include gender-responsive budgeting principles in annual budget plans.

*"GIG recommended including gender equality in the State Budget Law and the approved law includes provisions on gender equality...Without GIG, there might not be inclusion of gender equality into this law." – National Assembly's Financial and Budgetary Committee*

#### **Conclusion: GIG's interventions reduced legal and regulatory barriers to inclusion for women, ethnic minorities, and other vulnerable groups. (KRA 3.I – Achieved)**

GIG invested time and energy in developing a comprehensive gender strategy which paid dividends in the far-reaching effects of its strategy. In contrast to GIG's implementation under other KRAs, GIG's efforts under KRA 3.I did not place primary emphasis on trade, were not dispersed across many counterparts and departments, and did not focus on highly technical content. Instead, GIG's intervention was strategic and focused for KRA 3.I.

### **KRA 3.2 Women, ethnic minorities, and other vulnerable groups' participation and voice in policy dialogue increased**

GIG completed or is in progress to complete 13 activities under this KRA in addition to its work mainstreaming gender under Component I KRA 1.2 – Policy development processes improved and KRA 1.5 – Public consultation and stakeholder engagement mechanisms strengthened. GIG has two indicators for this KRA, 3.2.1 – Number of CSOs receiving USG assistance engaged in advocacy interventions and 3.2.2 – Number of GIG-supported events designed to promote the target groups' participation and voice in policy dialogues. GIG exceeded its targets for both indicators.

For the first KRA, GIG appears to have adopted a relatively broad definition of USG assistance to include inviting, and presumably paying the associated costs, for CSOs to attend policy events, workshops, and seminars. Because GIG was unable to implement its grant program, it was unable use grant support for this indicator.

**Finding: GIG supported vulnerable groups by inviting them to participate in consultation workshops and to present their comments on draft laws that had the potential to affect them.**

GIG's mainstreaming strategy for gender and other vulnerable groups brought them into debates for a wide variety of policies, laws, and regulations. In addition, GIG focused its work under this KRA with the MOJ rather than dissipating its intervention across all key counterparts and additional ad-hoc partners.

According to GIG program staff, GIG sought to include vulnerable groups in all public and stakeholder events.

Some examples of GIG's support include supporting the MOJ Civil and Economic Law Department to include many individuals in the target vulnerable groups, such as LGBT, people with disabilities, and ethnic minority people, in workshops for drafting the Civil Code and for the development of a legal handbook on personal and property rights for vulnerable groups. Because of its collaboration with GIG, the Civil and Economic Law Department enlarged its network of organizations working with vulnerable groups and it continues to collaborate with these organizations. Vulnerable groups such as the poor and ethnic minorities were engaged in the field study conducted by the Legal Aid Department to make recommendations to the Legal Aid Law.

As noted in above under Component I, there was resistance from some counterparts to including independent<sup>5</sup> non-state groups at some of the consultation workshops and events, particularly for those outside of the MOJ. At the National Assembly, one member of the Legal Committee questioned why LGBT groups needed to participate in workshops and events that GIG supported for the Committee and ONA Legal Department. The member said that these groups should participate when the proposed legislation is at the ministry level, not when being considered at draft level when having other government officials at the events is more important. Nonetheless, GIG persisted in the face of this resistance, at times to the extent that the counterpart felt that GIG was imposing its agenda on what they perceived as a purely demand-driven program.

However, although women, ethnic minorities, and other vulnerable groups' participated in policy dialogues, they did so at the invitation of GIG and not the counterpart, in many cases. GIG was unable to create any mechanisms or processes whereby vulnerable groups would be invited as a matter of course

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<sup>5</sup> Groups that are not member organizations of the Vietnam Fatherland Front.

by the counterparts. One interviewee at the MOJ noted that there is no directory of CSOs by issue area that would help maintain contacts. On the other hand, another interviewee at the MOJ spoke about how GIG's insistence on inviting CSOs helped create new contacts and networks for policy dialogue, although this comment came from a department that already was engaging vulnerable groups because they are part of the department's mission.

**Conclusion: GIG increased the participation and voice of women, ethnic minorities, and other vulnerable groups in policy dialogues when they were invited and when GIG supported their engagement. GIG's did not create new mechanisms for these groups to be engaged, on topics beyond gender RIAs and gender mainstreaming in state budgeting. (KRA 3.2 – Partially achieved)**

### **KRA 3.3 Data and analysis on women, ethnic minorities, and other vulnerable groups' equality improved**

For output indicators under KRA 3.3, GIG exceeded its target for 3.3.1 – Number of policy research initiatives conducted on gender, ethnic minorities, and other vulnerable groups with GIG assistance that use data and analysis to support the policy proposals, but fell short of its target for 3.3.2 –Number of GIG-assisted activities to promote women's leadership and entrepreneurship and empower GIG's target groups. However, GIG sponsored or conducted this research itself and did not create new mechanisms or increase capacity for these types of analyses in GIG's absence.

**Finding: GIG-sponsored studies and assessments informed laws and a sectoral action plan on gender.**

Twelve GIG-sponsored policy research initiatives on gender, ethnic minorities and vulnerable groups used data and information to support policy proposals. Most of these initiatives were done to provide inputs to a specific draft law. Two of them are likely to affect the law-making process to reinforce inclusion on a systemic basis. Specifically, GIG supported the MOJ Committee for Women's Advancement to conduct a review on implementation of its gender equality plan for the judicial sector. The review provided inputs for a revised gender equality action plan for the sector. The plan will be a key instrument for the Committee is to guide and monitor the implementation of programs for women advancement. The Committee highly valued GIG's support in these activities:

*"We highly value GIG's support as it is comprehensive. Their support addresses both the law-making process and implementation issues... For female staff in MOJ awareness of gender issues has been improved. Leaders have also expressed more interest in gender issues, such as the promotion of female personnel and training for female personnel. It is reflected in a higher number of female leaders at department and division level. We need to increase the number of female leaders at ministerial level." – Committee for Women Advancement, MOJ*

One GIG sponsored activity has the potential to make a systemic reduction in legal and regulatory barriers for women, ethnic minorities, and other vulnerable groups by improving the data and analysis on these groups' treatment under the law. GIG is supporting the MOJ Advisory Board on the 2013 Constitution to develop criteria to assess the compatibility of laws and ordinances with the constitution's provisions on (i) human rights and citizen rights, (ii) economic, science, technology and environment, (iii) social, culture, education and health, and (iv) state apparatus and organization.<sup>6</sup>

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<sup>6</sup> Following the 2013 Constitution, an Advisory Board of 2013 Constitution implementation and law drafting

**Finding: GIG's training and capacity building activities to improve data and analysis on women, ethnic minorities, and other vulnerable groups' equality is limited.**

In order to create impact at the systemic level, institutional capacity to collect and analyze data is indispensable. However, GIG's support for training and capacity building for these groups is limited. An example of this is that GIG helped to create operational guidelines for conducting RIA (MOJ030), but has not trained or supported capacity building for gender RIA across counterparts. This contrasts with the support that GIG provided for trade-related RIA skills and capacity. According to the MOJ Committee for Advancement of Women, MOJ, the capacity for conducting RIA on gender is still quite low at many ministries and would benefit from GIG support.

*“Capacity is limited. They are weak and face difficulties in identifying gender-related issues. We have identified a number of draft laws and policies that need gender RIA. Gender RIAs are still very rough and do not meet the legal requirements. We have requested that a number of agencies to redo their gender RIAs. The justice sector has seen an increase in demand in RIA capacity on gender.” – Committee for Advancement of Women, MOJ*

**Conclusion: GIG-sponsored studies collected data and analyzed issues of women, ethnic minorities, and other groups' equality, but GIG did not increase the capacity of GVN or non-state organizations to do this type of work themselves. (KRA 3.3 – Partially achieved)**

**KRA 3.4 Access to economic opportunity for women, ethnic minorities, and other vulnerable groups improved**

Under KRA 3.4, GIG fell short of its indicator, 3.4.1 – Number of GIG-supported activities designed to increase access by target groups to productive economic resources (assets, credit, income or employment) and legal facilities.

**Finding: There have been very few activities under KRA 3.4.**

Through FY2017 Q1, only five GIG activities are completed or in progress under KRA 3.4 (MOJ051, MPI024, MOJ029 also listed under KRA 3.2, MPI014 also listed under 3.2 and 3.3, and MOJ053 also listed under 3.1, 3.2, and 3.3). It is unclear how two of the five activities increased access to economic opportunity for women, ethnic minorities, and other vulnerable groups.

For example, MOJ051 seeks to increase the capacity of social organizations' legal counselors and MOJ029 provided training to justice sector officials on gender equality, analysis, and mainstreaming. Neither of these activities appears to have a direct connection to economic opportunity, although access to legal facilities indirectly can increase access to economic resources and opportunities. In contrast, the other activities are oriented toward economic opportunity. MPI014 supported field surveys and workshops on microfinance and micro and small enterprises, sectors of the economy where women, ethnic minorities and other vulnerable groups are concentrated. Under MOJ053 GIG developed a manual on legal information to support SMEs on TPP and free trade agreement requirements and MPI024 trained trainers

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committees of ministries was established in pursuant to the Prime Minister's Decision 508/QD-TTG dated April 11, 2014 for reviewing the laws that directly implement the Constitution. The Board is mandated to advise the Government on the development and revision of laws proposed by various ministries and organizations and to ensure the consistency of these draft laws with contents of the Constitution (Source: GIG's MOJ041 DTA).

on registering new cooperatives, another sector where women, ethnic minorities, and other vulnerable groups cluster.

**Conclusion: GIG has not completed sufficient activities with broad enough reach to have achieved the outcomes under KRA 3.4. (KRA 3.4 – Not achieved)**

**KRA 3.5 Innovative partnerships to advance women, ethnic minorities, and other vulnerable groups' inclusion established**

There is no M&E Plan indicator for KRA 3.5 and GIG's M&E database does not list any partnerships under Component 3. GIG's Annual Report also does not list any information on innovative partnerships to advance inclusion. It is not clear to the evaluation team whether activities under KRA 1.6 extend to advance inclusion of women, ethnic minorities, and other vulnerable groups, although the public – private partnership with the Vietnam Association of Women Entrepreneurs is advancing women's inclusion in the economic sphere.

The lack of a grant program and different understandings between the GVN and USAID on the type of work that GIG would do with non-state actors such as CSOs (covered in more detail below) likely impeded GIG's ability to advance its work on KRA 3.5. It is important to note that the strongest women's organization in Vietnam is the Women's Union. The Women's Union is part of the semi-official Vietnam Fatherland Front organization that is made up of non-state actors as representative of the people. GIG did not work with the Fatherland Front and did not engage the Women's Union.

In an interview with the evaluation team, GIG staff explained that The Fatherland Front is highly political and ineffective. Yet, more than one interviewee told the evaluation team that they were not enthusiastic about including non-state organizations in their public consultation events, workshops, and trainings. They said that GIG only wanted to work with CSOs and not organizations that were part of the semi-official organization that represents citizens' interests in Vietnam's political system, The Fatherland Front. The evaluation team learned that many Vietnamese consider the Women's Union, a member organization of The Fatherland Front, to be an effective representative of women's interests and that GIG did collaborate with them indirectly in its work with the MOJ Committee for Women's Advancement.

GIG does have one public-private partnership, between the Vietnam Association of Women Entrepreneurs (VAWE) and the MOIT that could be considered to support achievement of this KRA and one activity under KRA 3.4, but is listed under KRA 3.2 because of its contribution to policy dialogues.

**Conclusion: KRA 3.5 – Not achieved.**

**Overall Conclusions – Component 3**

**GIG designed and implemented a coherent strategy that mainstreamed gender into the law and policy making process and legal and regulatory framework. This strategy helped GIG make progress on its KRA outcomes both under Component I, and achieve its KRA outcome 3.1. The effectiveness of this strategy in focusing GIG's efforts for inclusion of women and other vulnerable groups raises the question of whether a similar strategic approach should have been developed for CSOs more generally, although GVN wariness of independent CSOs may have stymied GIG's efforts. The lack of a grant program for these CSOs impeded GIG from being able achieve some of its outcomes under Component 3.**

## **Question 1a: How have GIG interventions led to the desired program outcomes? Are there clarity of linkages between input, output, results and outcomes?**

## **Question 1b: What are the reasons behind successes and shortfalls, if any?**

The highest-level conclusion for Question 1a and 1b is that while there is a clarity of linkages between inputs and outputs, the same does not hold for the linkages between outputs and outcomes/results. This lack of linkage is largely behind GIG's performance shortfalls. GIG's inputs and outputs may be necessary, but they are not sufficient, to achieve the program's KRAs and ERs. This is due to three factors: a lack of focus in GIG program design and implementation; a lack of clarity in the results and outcomes; and a lack of strategic planning for inputs and outputs to link them to results and outcomes. GIG's successes are concentrated in its work on trade policy and implementation. This is due to its intense focus on trade-related objectives. The section below will set forth the findings and evidence that lead to these higher-level conclusions.

### **Content and Process**

**Finding: USAID designed GIG to be an umbrella program, covering economic growth and governance issue areas related to sustainable and inclusive growth. GIG's five objectives reflect this very broad coverage and focus on the content of laws and policies. USAID's development hypothesis and results framework focuses on governance issues without making reference to issue areas, focusing attention on process of law-making, accountability, and inclusion.**

GIG's objectives are broad. Its objectives include increasing trade and investment, increasing competitiveness, strengthening rule of law and judicial effectiveness, more effective of public administration and financial management, and greater social inclusion and equality of opportunity. These objectives are included in both the USAID Award Scope of Work and the GVN MOJ Project Document.<sup>7</sup> The justification for the broad objectives is to create a central mechanism for GIG to flexibly address the joint policy priorities of the GVN and USAID.

USAID envisioned that GIG would be able to use the TPP process as a catalyst to improve overall governance.<sup>8</sup> The USAID results framework has three expected results related to governance that form GIG's three components. The three components emphasize the process of law-making, accountability, and inclusion rather than content of laws and policies, although one of the key result areas does require a focus on content, KRA 1.1 – High quality laws and regulations developed.

**Finding: GIG implementation has spread widely across its objectives and components, with greatest emphasis on content, and particularly, content related to trade.**

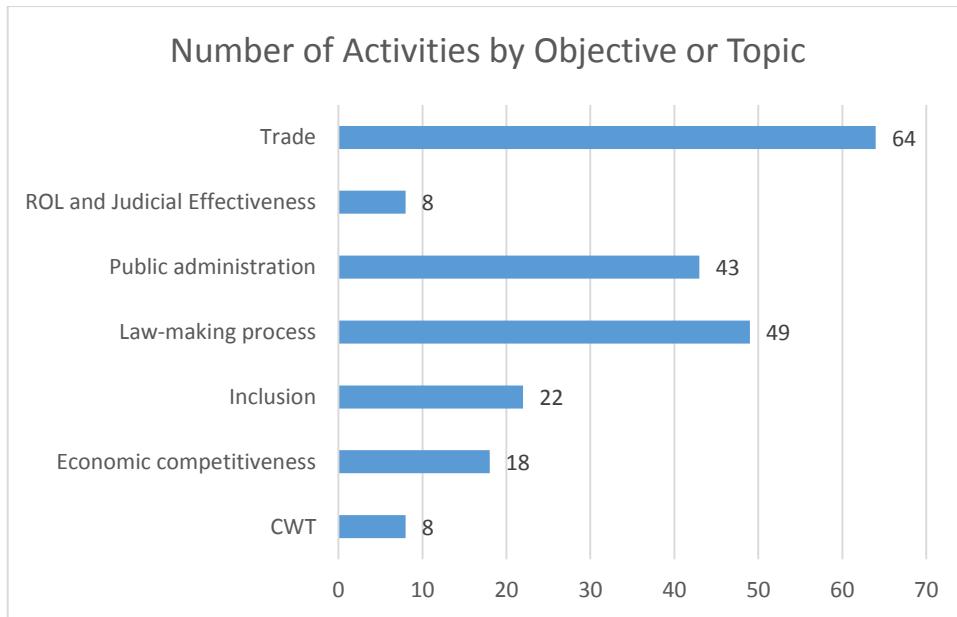
GIG's activities have spread across its five objectives, with the greatest emphasis on trade-related activities.

<sup>7</sup> As described above, the GVN Project Document and the USAID Contract Award use different wording for the objectives.

<sup>8</sup> USAID Contract Award, Section C.I.2, p. 12.

Figure 5 illustrates the spread of GIG's completed or in-progress activities, through the end of Year 3, across the five objectives, law making processes, and a topic added to GIG's scope of work after implementation began, countering wildlife trafficking.

**Figure 5 - Number of Activities by Objective or Topic**



The sweeping nature of GIG's objectives potentially opens the *content* of all laws, policies, and procedures to GIG intervention, from laws and regulations on law making processes, to highly technical rules of origin regulations for trade facilitation, marriage and family law, and measures to prevent wildlife trafficking.

As Figure 5 above illustrates, only 23% of GIG's completed activities as of the end of Year 3 involve the law-making *process*, while 77% are related to *content*. Of the GIG activities related to *content*, 50% of the work is related to trade and economic competitiveness, and 26% to public administration, such as oversight and state budgets.

It is true that some activities may have a broader reach or require a greater intensity of effort than other activities. Yet, the large difference in the number of activities between content-related activities, oriented toward a specific law or regulation in an issue area, and process-related activities, oriented toward changing systemic, or government-wide, ways of making and implementing laws and regulations, provides an indication that GIG's efforts focused more on the topical objectives than on the process-oriented outcomes.

Although activities whose content was primarily related to inclusiveness accounts for just 13% of GIG's activities, GIG's strategy mainstreamed inclusiveness into its work on all other topics and was not counted separately. Examples of this are the Law on Laws and State Budget Law where GIG's contribution, among others, was to support gender mainstreaming into the laws.

Another way to illustrate the breadth of GIG's intervention can be seen in its support for 25 distinct laws, regulations, and policies. GIG's work providing technical content and supporting the process for these

laws spans at least eight GVN entities,<sup>9</sup> with multiple departments in each entity receiving support. Table 2 details the laws, regulations, and policies supported by GIG. The result has been wide-ranging GIG interventions that comprise an impressive set of technical content inputs and outputs, but also points to the lack of focus with technical content being provided for everything from marriage and family law to import and export duties.

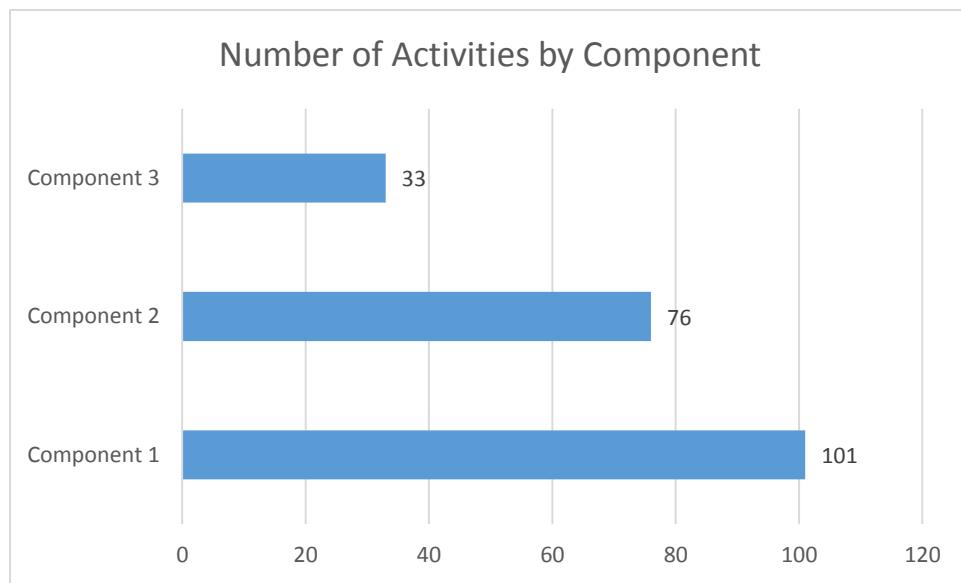
**Table 2 - GIG-supported Laws**

Law	Counterpart
Law on the Promulgation of Legal Normative Documents (also referred to as the Law on Laws)	MOJ
Resolution 19	MPI
Civil Code	MOJ
State Budget Law	NA/MOF/MPI
World Trade Organization Trade Facilitation Agreement	MOF
Law on Administrative Decisions	MOJ
Law on Oversight	National Assembly
Law on State Audit	SAV
Law on Local Government	National Assembly
Law on Access to Information	MOJ
Customs Law	MOF
Civil Procedure Code	CIEM/MOJ
Law on Marriage and Family	MOJ
Trans-Pacific Partnership	National Assembly
Penal Code	National Assembly
Law on Import-Export Duties	MOF
Law on State Compensation Liability	MOJ
Law on Support of SMEs	MPI
Law on Anti-Corruption	National Assembly
Labor Code	MOLISA
Legal Aid Law	MOJ
Law of Cooperatives	MPI
Law on Foreign Trade Administration	MOIT
Law to amend and supplement the laws on investment and business (temporary title)	MPI
Law on Judicial Records (also referred to as Law on Criminal Records)	MOJ

GIG's emphasis on the content of specific laws also is reflected when looking at the spread of its activities by component, as shown in Figure 6. Of the 210 activities that are assigned to an ER in GIG's Annual Reports that were completed or in-process as of the end of Year 3, nearly half (48%) are focused on Component 1 which emphasizes law-making while 36% are under Component 2 which emphasizes accountability of public institutions. The share for Component 3 (16%) is low, but this is due to GIG's strategy of mainstreaming inclusiveness rather than a lack of focus on Component 3.

<sup>9</sup> The Government Ministries include: CIEM, MOF, MOIT, MOJ, MOLISA, MPI, National Assembly, and SAV.

**Figure 6 - Number of Activities by Component**



**Finding: GIG's breadth of intervention across multiple stakeholders compromised its ability to provide focused and consistent support to some of the departments in the GVN entities that it worked with.**

Two members of the GIG Steering Committee<sup>10</sup> noted the broad basis of GIG's interventions, describing it in terms of a lack of focus in GIG's activities. The International Cooperation Department at SAV points to GIG's lack of focus as a design flaw that has resulted in SAV receiving minimal assistance from GIG because GIG's efforts are spread too widely.<sup>11</sup> The MOJ Vice Minister responsible for GIG also points to a lack of focus in design and implementation as an important factor in GIG's not being able to achieve its results. He notes that GIG's broad coverage and multiple stakeholders create a situation where each ministry works on its own agenda without coordination between ministries. Both USAID's Economic Growth and Governance Office and GIG's COP shared this sentiment in interviews, agreeing that the broad program design helped to create a lack of focus in GIG's implementation.

As will be discussed in greater detail in Question 2, GIG's breadth of objectives across multiple stakeholders resulted in an informal quota system for activities in GVN entities, with the PMU approving only two activities a year for each department, beginning in Year 3.<sup>12</sup> Because of the quota system, some GVN entity departments said that GIG's support lacked focus or depth because the PMU-approved work plan limited the number of activities and did not ensure continuity from year to year in GIG support.

<sup>10</sup> The evaluation team requested interviews with all five Steering Committee members. The SAV and the MOJ granted the team interviews.

<sup>11</sup> Both GIG and USAID reported to the evaluation team that while they have sought to provide much more extensive assistance to the SAV, different understandings of what GIG could and could not do, as well as delays in receiving work plan activity proposals from the SAV, impeded GIG's ability to provide SAV assistance.

<sup>12</sup> Interviews with GIG COP, MOJ Vice Minister and MOJ PMU. The MOJ PMU explained that this is partially due to work plan activity descriptions having been too broadly worded, with some activities encompassing up to fifteen smaller activities and other being a single small activity. To better manage this process, beginning in Year 3, the PMU required GIG to define clearly each activity and limited each department to two activities per annual work plan. The PMU Project Director confirmed that the work plan does include activity quotas as a measure to ensure that each participating Ministry and department has access to GIG support.

Multiple stakeholders voiced concern about the lack of focus and depth in their work with GIG. For example:

- The ONA Financial and Budgetary Affairs Department is concerned about the lack of a long-term working relationship with GIG, characterizing it as lacking depth because planning and implementation are done a year-by-year, activity-by-activity basis.
- The MOF Legal Department noted that it is important for GIG to identify which topics (content) it will support and that GIG's procedures (work planning) should allow more continuous support, not one-off activities.
- The MPI Financial and Monetary Department, while pleased with the thematic studies that GIG has supported, said that one-off studies are less useful than a series of in-depth studies on issues that are related.
- The ONA Justice Department said that GIG's support for draft laws has been piecemeal, and that improving the law-making process requires supporting all stages and government entities involved in the process, from the relevant Ministry to the National Assembly, not only one entity or stage in the process and not the others.

Not all departments shared this view, particularly in key counterpart departments whose work focused on trade and TPP. For example, the MPI Finance and Monetary Department said that "GIG is needs-driven; based on our needs" and thus was focused and with the depth that they wanted, and the MOJ Department of Criminal and Administrative Law Department noted that they found that the support they received was much more focused and comprehensive than what was provided through the previous USAID STAR program.

Also, many of the departments interviewed said that do not have a full view of GIG and cannot comment on the overall program. Their knowledge extends to their specific activities and not the full work plan.

**Conclusion: The design combination of broad objectives that emphasize content and a results framework that emphasizes process contributed to a lack of focus in GIG intervention. The exception to this is for GIG's trade and TPP-related work.**

#### **KRA definition**

**Finding: GIG's KRAs are not defined and achievement of the KRAs is difficult to evaluate because of the lack of definition.**

GIG inputs are its activities, a full list of which are included in Annex 9. Its outputs are the products or deliverables of those activities which cumulate to the GIG indicators in its M&E Plan included in Annex 10. GIG's outcomes are the KRAs and its results are the ERs in the Results Framework included as Figure I of this document.

While GIG has made impressive progress in achieving its indicators (outputs), as detailed in Question I above, it is impossible to determine whether GIG has achieved most of its KRAs or ERs in a systemic way, rather than for a discrete law or policy. This is because most of the KRAs are not defined in a way that can be measured, and there is no theory of change that describes how the outputs will cumulate to the outcomes (KRAs). Without definitions, the KRAs lack meaning.

One example of this is KRA 1.2 – "Policy development processes improved" provides no definition for improved. GIG's sole indicator for KRA 1.2 from its M&E Plan is, "Number of GIG-assisted activities to

enhance policy development process.” GIG defines the indicator as, “number of activities with a focus on building capacity for policy makers and analysts to develop policy options and initiatives as well as other activities to enhance policy development process.” The indicator as defined only measures GIG’s activities not any changes brought about by these activities. Without a definition of which policy development processes are relevant and how they should be improved, there is no way to determine when or if an activity improves the process much less whether meetings GIG’s indicator target for activities signifies that the policy process has been improved.

There are a number of different options for outputs associated with GIG’s input (indicator). One could have been improvement in the ability of policymakers to develop policy options and initiatives, with the definition including some means of measuring this ability before and after GIG’s activities, but GIG did not undertake any activities to measure or assess improved capacity. Another option could have been number of policy options and initiatives developed by policymakers. Although both of these outputs are implied in the GIG indicator, the M&E Plan does not explain how this increased capacity of policy options and initiatives will improve the policy development process. Without an explanation of the linkage between the input, output, and outcome, or any definition of the critical terms, such as “improved,” there is no way to determine whether these capacity building activities have had any influence on the actual policy development process.

The evaluation team discussed the issue with GIG before beginning the evaluation fieldwork and was told that there was no theory of change in the contract or in their M&E Plan, although this may have been a terminology issue because the award explicitly provides the development hypothesis. Nonetheless, GIG was not able to articulate the mechanisms between their inputs and outputs and the outcomes and results. The evaluation team looked for evidence that the inputs and outputs contributed to the outcomes and results in the fieldwork interviews by distinguishing between content and process interventions, as well as whether activities focused on specific laws or institutional capacity.

**Conclusion: It is not possible determine the contribution of most of GIG’s inputs and output to its outcomes and results because of design deficiencies in the results framework and M&E Plan and the absence of a linkage between GIG’s discrete inputs and outputs oriented toward specific laws and systemic outcomes and results oriented toward institutional processes. GIG inputs and outputs may be necessary to achieve results and outcomes, but they do not cumulate to become sufficient to achieving results and outcomes.**

## **Question 1b: - GIG Work Plan Development and Management**

**Finding: GIG does not develop its work plan. Instead, GIG is given a work plan based on GVN counterpart activity proposals and PMU activity selection after which GIG can decline activities, but generally cannot add its own.**

The evaluation team has identified the GIG work planning process as an important driver in the GIG Program’s inability to achieve its results and objectives. During Year 1, GIG management did not present a work plan that met USAID and PMU approval for six months after start-up. This meant that GIG implementation, which began before the full work plan was approved, may not have been strategically focused as specific interventions were approved by USAID and the PMU on an ad-hoc basis. Work planning for Year 2 began almost immediately after the Year 1 work plan was approved and was marked by series of meetings and coordination efforts between GIG and its counterparts, USAID and the MOJ PMU. The Year 2 work plan was approved in a timely manner, but the GVN was not satisfied with the uncontrolled nature of the process.

In Year 3, the process fundamentally altered the strategic nature of GIG. Beginning in Year 3, GIG no longer developed the work plan, in more than a formal sense. Instead, since the beginning of Year 3, the PMU has collected proposals from the GVN partners for activities and made the decisions on which proposed activities to include in the draft work plan that is then sent to GIG. While there is dialogue between the PMU, USAID, and GIG, the PMU decides which of the activities proposed by the ministries to include in the draft work plan that it delivers to GIG and USAID, at which point they can reject some of the activities. The final authority on the work plan is the Steering Committee on which neither USAID nor GIG had voice or vote. GIG does have sustained discussions with some GVN partners on the types of activities that it would like to support, but each department within the GVN key counterpart entities decides what to include in their proposals to the PMU.

In Year 3, the work plan was not approved until the middle of Year 3. A chronology of the Year 3 work planning process is included in Annex II. Beginning in Year 3, GIG became a purely “demand-driven” program with “demand” meaning what the GVN counterparts wanted to do and that the PMU approved, not a strategic program designed by the implementer, based on GVN needs, to achieve catalytic effects on the quality of governance, transparency, and accountability. Rather than think strategically about what inputs and outputs would contribute to achieving the outcomes and results and designing activities to build on and extend previous activities to increase their impact and sustainability, GIG receives the approved work plan and retrofits the activities into its KRAs and indicators. In short, rather than working from the top down (KRAs to activities), the work plan is developed from the bottom up (activities to KRAs). This work planning process has severed inputs and output from results and outcomes in a strategic sense.

**Conclusion: GIG implementation is activity-based, not designed in a manner that would facilitate achievement of KRAs. This is due to the counterpart demand-driven work planning process and PMU coordination role that inhibits GIG’s ability to develop multi-year intervention strategies to achieve its KRAs**

## Question I b: - GIG Design Assumptions

The GIG program was based on the following key assumptions:

- Adequate resources are expected to be available to implement the Program in a coherent and well-planned manner.
- GVN has the political will (i.e., appropriate internal incentives) to continue to improve its law-making processes.
- GVN has the political will (i.e. appropriate internal incentives) to strengthen the institutions, systems and processes necessary to improve governance, including the accountability of public institutions.
- The TPP is eventually approved, ratified and enters into force as an incentive to further economic and governance reforms.

**Finding: One critical GIG assumption is that the TPP would be ratified and enter into force and that the TPP would create incentives for economic and governance reforms. Since the US withdrawal from the TPP this assumption no longer holds.**

The GIG program is predicated on four assumptions, one of which is that the TPP is enacted and enters into force. During the US presidential election campaign in 2016 (GIG Year 3), both the Democratic and Republican nominees expressed opposition to the TPP. With the election of the new US President early in Year 4 and the US decision on January 23, 2017 to withdraw from the agreement, the TPP is effectively

dead and is no longer an incentive for Vietnam to further economic and governance reforms as part of the TPP. The TPP momentum that GIG used to stimulate reform has been lost. The GIG Program is aware of the loss of this incentive saying, “we have lost the stick from the carrot and stick.”

The PMU-approved work plan for Year 4 includes activities related to GIG support for the TPP. GIG has halted or not begun work on these activities related to the TPP and is focusing on general trade (not TPP-specific) and Resolution 19-related activities. Some activities received conditional approval from the PMU, to be cleared one by one later in the year. However, trade in general and particularly Resolution 19 are incentives internal to the GVN; the TPP was an external incentive and thus more effective as a “carrot” to pair with the “stick” of difficult governance reforms.

Nonetheless, Vietnam has a number of other international commitments related to trade and investment that require similar reforms and these commitments also create an incentive for the GVN to continue working with the GIG project on trade-related governance issues (e.g., public procurement, investment/trade dispute settlement mechanisms, and international labor commitments such as industrial relations). It is not yet clear whether the GVN’s other international commitments will be as strong of an incentive for reforms that go beyond trade facilitation as was the TPP for governance reforms.

**Finding: A second assumption (Adequate resources are expected to be available to implement the Program in a coherent and well-planned manner) also may not hold.**

The second assumption that may not hold relates to GIG’s financial management. GIG is predicated on adequate resources being available to implement the Program in a coherent and well-planned manner. Although this evaluation did not seek financial information, many counterparts spoke of Year 4 activities being delayed or cancelled and some Year 3 activities not having been completed as detailed in the work plan. In interviews, key counterparts speculated on the reasons behind these cancellations and delays. The general impression among counterparts is that USAID is not funding GIG as it had been previously, although in fact USAID funding for GIG has not changed. Two counterparts (NA Training Center and the MOF Tax Office) specifically told the evaluation team that GIG had told them that their activities were cancelled because of reductions in GIG funding, although again, this is due to a misunderstanding between the counterparts and GIG. The PMU also believes that the reason for implementation delays in Year 4 are due to funding issues. The evaluation team followed up on these speculations with both GIG and USAID. USAID and GIG confirmed that there has been no change in USAID funding for GIG, but that GIG is facing financial constraints due to high spending levels during Years 1 – 3 that raise questions about GIG’s financial management. Because of the Year 4 work plan delays and cancellations due to financial management issues, it is not clear to the evaluation team that there will be adequate resources available for GIG to implement in a coherent, well-planned manner during Years 4 and 5.<sup>13</sup>

### **Overall Conclusions**

**Two assumptions (TPP and financial resources) underlying GIG no longer hold, putting into question its ability to achieve its outcomes.**

**GIG’s inability to achieve its KRAs, through Year 3 and likely for the life of the project, is attributable to a project design that is overly broad thematically, a lack of control and management of the work planning process, KRAs that are not defined in a meaningful manner, lack of continuity and strategy for its interventions, and a change in the external (TPP) and internal (GIG financial management) context upon which GIG is designed.**

<sup>13</sup> These financial constraints may have been mitigated or eliminated subsequent to this evaluation report, based on USAID comments received on the draft report.

## **Question I: How sustainable are GIG's results?**

### **Question Ic: What conditions are needed to ensure sustainability of the produced results?**

The highest-level conclusion for these questions is that GIG has not been implemented with a focus on sustainability. Where GIG has intervened intensely and built on the previous USAID STAR projects' results, such as for trade, there is a greater likelihood that the GIG results will be sustainable. Where GIG's interventions have been less deep or where they have involved the law-making process, the results are less likely to be sustainable. GIG's implementation has not considered its counterparts' financial resources to continue the types of activities that created its results nor has the institutional capacity of its counterparts to sustain GIG's results been a strong focus of GIG's implementation.

The evaluation team defines sustainability based on that of USAID ADS 201, "The ability of a local system to produce desired outcomes over time. Programs contribute to sustainability when they strengthen the system's ability to produce valued results and to be both resilient and adaptive in the face of changing circumstances." A key assumption of this evaluation is that sustainability is less likely when an action or behavior is not valued by the recipient.

Evaluating the sustainability of results generally is done after implementation is completed. Evaluating the sustainability of results in progress requires observing whether factors that contribute to sustainability are present or not and whether their presence or absence at the time of evaluation will continue during the remaining implementation period.

The evaluation's definition of sustainability focuses on the system's ability to produce results after GIG ends. To measure this the evaluation employs the Sustainability Factors described in the evaluation design and included again below. The team did not measure technology as it was not a relevant factor for most of GIG's activities.

**Table 3 - Sustainability Factors**

<b>Policy</b>	Support is consistent with and supported by relevant government sectoral policies
<b>Participation &amp; Ownership</b>	Local stakeholders support the intervention, which responds to clearly expressed local needs
<b>Management &amp; Organization</b>	The project was cognizant of the capacities of local actors and incorporated sustainability as a key aspect of project delivery
<b>Training Needs</b>	The project assessed the training needs of project stakeholders and developed training that addressed these needs
<b>Financial</b>	Host institutions are capable and committed to meeting the ongoing costs associated with the use of new practices
<b>Technology</b>	New technology/software provided by the project is appropriate for the required tasks and the project has accounted for any ongoing training and maintenance

During the interviews with key counterparts, the evaluation team asked questions related to each factor. Each team member present in the interview independently scored each factor on an ordinal scale of 0 (very likely to detract from sustainability), 1 (somewhat likely to detract from sustainability), 2 (somewhat

likely to contribute to sustainability sustainable) to 3 (very likely to contribute to sustainability). Because of the inexact and subjective nature of the interviewees' responses and the team's scoring, the scores should not be interpreted as definitive nor should small differences in scores, such as decimal points, be interpreted as having a meaning beyond the mathematical average of three whole numbers. Instead, they should be understood as likelihoods, in the colloquial sense, based on the interviewees' responses to the evaluation team's questions and the interviewers' interpretation of those responses as they relate to factors that contribute to sustainability. Thus, scores of 0 and 1 indicate that the factor, or the average of the factors for a department or counterparts, is likely to be detracting from sustainability, and scores of 2 and 3 means that the factor, or the average of the factors for a department or counterparts, is likely to be contributing to sustainability.

Before each interview, the GIG team reviewed the DTA forms for all activities with the counterpart department. The interview team began each interview asking the respondent to describe their activities with GIG. The team then probed the respondent based on the interview guide and the sustainability factors. After the interview, each team member independently scored the sustainability factors for the counterpart department based on the interviewees' comments as reflected in each team member's notes.

After all interviews were complete and scored, the team members jointly discussed the reasons for their individual scores for each counterpart department, particularly when there was a difference of more than one point in the independent scoring. After the discussions, the scores were averaged to arrive at one score for each factor for each counterpart department interviewed. When the interview did not yield information on one of the factors, the factor was not scored. Only GVN key counterparts are included in the Sustainability Factors score due to the evaluation team's limited number of interviews with ad-hoc partners and non-state organizations.

The sustainability scores do not purport to assess sustainability for any specific activity. Instead, the scores represent the set of activities that GIG implemented with the department or counterpart. Some scores are for departments that have had one or two activities with GIG. Other scores represent a set of ten or more activities over the previous three years. It is important to note that some departments designated a single person to be interviewed, other departments had a team of people to answer the interview questions.

**Finding: The factors, aggregated by department and counterpart, are not likely to be contributing to or detracting from sustainability overall. The factors, in the aggregate, are less likely to be contributing to sustainability for activities implemented with SAV, and the MOJ, and more likely to be contributing to sustainability for activities with the MPI, MOF, MOIT, and ONA.**

**Table 4- Average Sustainability Factors Scores by Department**

	Average of Sustainability Factors Scores
<b>MOF</b>	<b>2.0</b>
MOF Customs Import-Export Tax	1.6
MOF Customs Control and Supervision	1.2
MOF Customs Reform and Modernization	2.3
MOF Customs Risk Management	2.8

MOF General Department of Taxation	2.5
MOF Legal	1.9
<b>MOIT</b>	<b>2.4</b>
MOIT Domestic Markets	2.4
MOIT Import-Export Administration	2.4
MOIT Legal Affairs	2.3
MOIT Multilateral Trade Policy	2.4
<b>MOJ</b>	<b>1.8</b>
MOJ Admin Offenses and Monitoring Law Implementation	1.1
MOJ Civil and Economic Legislation	2.3
MOJ Criminal and Administrative Laws	1.4
MOJ Institute for Legal Science	1.8
MOJ Judicial Support	2.2
MOJ Legal Aid	1.6
MOJ Legal Dissemination and Education	1.5
MOJ Post-Review	2.6
MOJ Women's Advancement	2.5
<b>MPI</b>	<b>2.1</b>
MPI Academy for Policy and Development	1.8
MPI Central Institute for Economic Management (CIEM)	2.5
MPI Finance and Monetary	2.1
MPI Public Procurement Agency	2.2
<b>ONA</b>	<b>2.1</b>
NA Information & Communication	2.3
NA Legal Committee Member	2.1
NA Training Center	2.6
ONA Finance & Budget	1.4
ONA Legal and Justice	1.6
ONA Oversight	2.3
ONA Science, Technology, and Environment	2.1
<b>SAV</b>	<b>0.6</b>
SAV International Relations	0.6
<b>Grand Total</b>	<b>2.0</b>

As Table 4 illustrates, the counterpart average scores range widely, from 0.6 for SAV to 2.4 for the MOIT. The average for all departments interviewed is 2.0 on the scale of 0 to 3, right at the cusp between contributing to, or detracting from, the sustainability of the activities. Within counterparts, the scores range widely between departments at the Ministry of Justice, from 1.1 in Administrative Offenses and Monitoring Law Implementation to 2.6 in the Post Review Department—and at the Office of the National Assembly—from 1.4 in Finance and Budget, 1.6 in Legal and Justice, to 2.1 in Science, Technology, and Environment and 2.6 in the National Assembly Training Center.

Scores are uniformly high at the MOIT. Within the Ministry of Finance the overall score is 2.0, but within the Customs Office, Control and Supervision scored 1.2 while Risk Management scored 2.8, indicating that the Department of Management and Monitoring perceived GIG's implementation to have been done

in a manner that is not contributing to the sustainability of the activities or their results.

**Finding: Sustainability is more likely for results achieved with departments whose purpose or activities with GIG were related to trade and trade-related issues. Sustainability is less likely for results achieved with departments whose purpose is related to the law making and implementation process.**

Another way of analyzing the scores is by topics. The evaluation team characterized each department interviewed as being related to the law-making process, trade and economic growth, oversight and accountability, inclusion, and capacity building. For example, the MOJ Department of Criminal and Administrative Laws is categorized as law-making process as is the MOJ Post-Review Department, while the MPI Public Procurement Agency and MOF Customs Office are trade, and the ONA Oversight Department and SAV are categorized as oversight and accountability. While this identification is not perfect, given GIG's breadth of objectives and implementation, the evaluation team used this categorization to allow more nuanced and disaggregated findings than a simple comparison by department. It also largely overlaps with the topics covered in GIG's five objectives.

Table 5 illustrates the counterpart and department scores by topic. GIG's work with counterpart departments on trade and trade-related topics with a score of 2.3 appears to be contributing to the sustainability of the activities' results than its work with law-making departments with a score of 1.7. Within the law-making departments, two highly technical departments, MOJ Post-Review, where GIG support focused on the highly technical task of codification, and the MOIT Legal Affairs, the law-making department within a ministry focused on trade, scored highest.

Capacity building oriented results also seems likely to be sustainable, but as with Oversight, Inclusion, and Countering Wildlife Trafficking, there are too few results to draw conclusions from the interviews.

**Table 5 - Average Sustainability Scores by Issue and Department**

Department by Topic	Average Sustainability Factors Score
<b>Capacity building</b>	<b>2.3</b>
MPI Academy for Policy and Development	1.8
NA Information & Communication	2.3
NA Training Center	2.6
<b>CWT</b>	<b>2.1</b>
ONA Science, Technology, and Environment	2.1
<b>Inclusion</b>	<b>2.3</b>
MOJ Civil and Economic Legislation	2.3
MOJ Legal Aid	1.6
MOJ Women's Advancement	2.5
<b>Law-making</b>	<b>1.7</b>
MOF Legal	1.9
MOIT Legal Affairs	2.3
MOJ Admin Offenses and Monitoring Law Implementation	1.1
MOJ Criminal and Administrative Laws	1.4
MOJ Institute for Legal Science	1.8
MOJ Judicial Support	2.2

MOJ Legal Dissemination and Education	1.5
MOJ Post-Review	2.6
NA Legal Committee Member	2.1
ONA Finance & Budget	1.4
ONA Legal and Justice	1.6
<b>Oversight</b>	<b>1.9</b>
ONA Oversight	2.3
SAV International Relations	0.6
<b>Trade</b>	<b>2.2</b>
MOF Customs Import-Export Tax	1.6
MOF Customs Control and Supervision	1.2
MOF Customs Reform and Modernization	2.3
MOF Customs Risk Management	2.8
MOF General Department of Taxation	2.5
MOIT Domestic Markets	2.4
MOIT Import-Export Administration	2.4
MOIT Multilateral Trade Policy	2.4
MPI Central Institute for Economic Management (CIEM)	2.5
MPI Finance and Monetary	2.1
MPI Public Procurement Agency	2.2
<b>Grand Total</b>	<b>2.0</b>

**Conclusion: GIG's implementation of activities relating to the law-making process are less likely to be sustainable. Trade-related results (content) are more likely to be sustainable.**

Table 6 below illustrates the sustainability scores for each factor. When the evaluation team did not receive any information on a factor during its interview with a counterpart department, the factor has no score recorded, such as Training Needs for the MOF Customs Reform and Modernization Department. When the counterpart department reported to the evaluation team that there no assistance provided for a factor, such as training needs, the evaluation team assigned a score of 0. Because only two counterpart departments (NA Library and SAV) reported assistance with technology and technology was priority area for GIG intervention, the evaluation team removed this factor from the sustainability analysis.

**Table 6 - Sustainability Scores by Factor, Department, and Institution**

Row Labels	Average of Sustainability Score	Average of Policy Relevance	Average of Participation and Ownership	Average of Management	Average of Training Needs	Average of Financial
<b>MOF</b>	<b>2.0</b>	<b>2.9</b>	<b>2.3</b>	<b>1.6</b>	<b>1.6</b>	<b>1.6</b>
MOF Customs Import-Export Tax	1.6	3.0	2.0	2.0	0.0	1.0
MOF Customs Management and Monitoring	1.2	3.0	1.0	1.0	0.0	1.0
MOF Customs Reform and Modernization	2.3	3.0	2.0	2.0		2.0
MOF Customs Risk Management	2.8	3.0	3.0	3.0	3.0	2.0

MOF General Department of Taxation	2.5	3.0	3.0	1.0	3.0	
MOF Legal	1.9	2.5	2.5	1.0	2.5	1.0
<b>MOIT</b>	<b>2.4</b>	<b>3.0</b>	<b>3.0</b>	<b>2.0</b>	<b>3.0</b>	<b>1.0</b>
MOIT Domestic Markets	2.4	3.0	3.0	2.0	3.0	1.0
MOIT Import-Export Administration	2.4	3.0	3.0	2.0	3.0	1.0
MOIT Legal Affairs	2.3	3.0	3.0	2.0		1.0
MOIT Multilateral Trade Policy	2.4	3.0	3.0	2.0	3.0	1.0
<b>MOJ</b>	<b>1.8</b>	<b>2.8</b>	<b>1.7</b>	<b>1.6</b>	<b>1.5</b>	<b>1.5</b>
MOJ Admin Offenses and Monitoring Law Implementation	1.1	2.7	0.7	1.0	0.3	0.7
MOJ Civil and Economic Legislation	2.3	3.0	2.3	2.3	2.3	1.7
MOJ Criminal and Administrative Laws	1.4	2.7	1.0	1.0	1.3	1.0
MOJ Institute for Legal Science	1.8	3.0	2.0	1.0	2.0	1.0
MOJ Judicial Support	2.2	3.0	2.5	1.5	2.0	2.0
MOJ Legal Aid	1.6	3.0	1.0	1.0	1.0	2.0
MOJ Legal Dissemination and Education	1.5	2.0	1.0	1.5	1.0	2.0
MOJ Post-Review	2.6	3.0	3.0	3.0	2.0	2.0
MOJ Women's Advancement	2.5	3.0	3.0	2.5	2.0	2.0
<b>MPI</b>	<b>2.1</b>	<b>3.0</b>	<b>2.3</b>	<b>1.1</b>	<b>2.3</b>	<b>1.8</b>
MPI Academy for Policy and Development	1.8	3.0	2.5	1.0	1.5	1.0
MPI Central Institute for Economic Management (CIEM)	2.5	3.0	3.0	1.0		3.0
MPI Finance and Monetary	2.1	3.0	2.0	1.0	2.3	2.0
MPI Public Procurement Agency	2.2	3.0	2.0	1.5	3.0	1.5
<b>ONA</b>	<b>2.1</b>	<b>2.8</b>	<b>2.2</b>	<b>1.7</b>	<b>2.4</b>	<b>1.3</b>
NA Information & Communication	2.3	3.0	2.3	1.7	3.0	1.3
NA Legal Committee Member	2.1	2.5	2.5	1.5	3.0	1.0
NA Training Center	2.6	3.0	2.7	2.3	3.0	2.0
ONA Finance & Budget	1.4	2.0	1.3	1.3	1.3	1.0
ONA Legal and Justice	1.6	2.7	1.3	1.0	1.5	1.3
ONA Oversight	2.3	3.0	2.7	2.3	2.7	1.0
ONA Science, Technology, and Environment	2.1	3.0	2.3	1.7	2.0	1.3
<b>SAV</b>	<b>0.6</b>	<b>1.0</b>	<b>0.0</b>	<b>1.0</b>	<b>1.0</b>	<b>0.0</b>
SAV International Relations	0.6	1.0	0.0	1.0	1.0	0.0
<b>Grand Total</b>	<b>2.0</b>	<b>2.8</b>	<b>2.1</b>	<b>1.6</b>	<b>2.0</b>	<b>1.4</b>

Key counterparts almost uniformly consider GIG's implementation of activities to be highly relevant to the organizations' policy with an average score of 2.8, contributing to overall sustainability. This is not surprising given that GIG is demand-driven and key counterparts propose activities based on their

priorities.

The sustainability factors of participation and ownership, and training needs also tend to support sustainability, although there is more variability in scores by department than for policy relevance.

Two factors or conditions that are essential are not contributing to the sustainability of results; Management with a score of 1.5 and Financial with a score of 1.6. These two weak spots are notable because they signal that GIG did not manage implementation with a focus on whether its counterparts were managed and organized and had the financial resources to sustain the types of activities and results that the GIG program provided.

Regarding GIG counterparts' ability to finance activities and strategies similar to those GIG implemented to support them, there was a nearly unanimous response that these were very highly valued, but that state budgets would not allow them to replicate what they have done with GIG. Instead, many interviewees said that while the GIG Program made significant contributions to the quality of their work in law-making, incorporating international best practices, public consultations, and inclusion, they would likely not be able to continue doing so in the same way. Without international support would follow the usual way of doing things in Vietnam which do not include the robust types of evidence-based policy making, consultation, and dissemination that they could do with GIG's support. However, some interviewees did say that they would try to adapt what GIG did to their budgets.

**Conclusion: The factors that are undermining sustainability are management and financial. GIG's interventions have not emphasized managing implementation for sustainability and financial appropriateness. These two factors are critical to ensuring GIG sustainability.**

## Question 2: To what extent has GIG efficiently<sup>14</sup> implemented its programs?

The highest-level conclusions for this question are that GIG's efficiency has been impeded because of its breadth and lack of focus. This has led to insufficiency of the outputs and activities to achieve the KRAs, ERs, and Objectives at both an institutional and systematic level. Specific findings regarding efficiency are detailed below.

**Finding: The timeliness, responsiveness, and flexibility of GIG's implementation has varied each year, with implementation delays in Year 1, 3, and 4, and timely, flexible, and responsive implementation during Year 2.**

When GIG began, the MOJ Vice Minister responsible for GIG had been part of the planning for GIG. He led the Steering Committee, and had a flexible approach for GIG implementation, in line with USAID's thinking during the design stage. However, he retired soon after GIG began. The Director of GIG's PMU also had a flexible approach to GIG planning and implementation, in contrast to the more formal approach taken for most international development assistance projects in Vietnam.

<sup>14</sup> Efficiency is defined as "making appropriate use of the program's and its partners' time and resources to achieve outcomes." The evaluation looked at the timeliness, cost-effectiveness, sufficiency of the GIG's planned funding and timeframe to achieve the intended outcomes; any delay and consequences of the delays to GIG's ability to achieve the intended outcomes and the program's schedule; sufficiency of the outputs and activities to achieve the intended outcomes; sufficiency of and capabilities of the human resources to manage the program; usefulness and appropriateness of the program's modality and implementation arrangements to the sought outcomes; and alignment of the implementation arrangements with partner government systems.

At GIG, according to the current COP, the first work plan was largely demand-driven. Although the activities did fit within GIG's objectives and KRAs, the work plan as a whole was very different than what was anticipated in the USAID Award document. The first COP was replaced once the work plan was approved (five months after start-up) and a new COP was brought in. This COP established a solid working relationship with USAID, and the PMU and took a participatory approach to work planning and implementation, based on close consultation with counterparts through a series of meetings to jointly plan activities, rather than respond to counterpart requests. The willingness of the leaders of the Steering Committee and PMU in allowing GIG to use this participatory, "somewhat messy"<sup>15</sup> approach resulted in flexibilities and responsiveness to the emerging opportunities in policy advocacy.

The new COP had multiple consultative meetings with every key partner to identify their needs and to develop a pathway for GIG's support with an expectation that the program would be able to pursue the pathway over the life of the project. The annual work plans for Years 1 and 2 included activities in broad terms with specific tasks and sub-activities identified and defined during the course of the year. GIG directly interacted with each key partner during these two years. Counterparts such as CIEM and the General Department of Vietnam Customs (GDVC) told the evaluation team that they appreciated GIG's approach in this period, although in the evaluation team's interview with the PMU and some other key counterpart departments, others complained about a chaotic process that they were not used to.

As Year 2 drew to a close, leadership at both GIG and at the MOJ changed. GIG's second COP left the project, and the MOJ appointed a new Director of the PMU. The new leader of the Steering Committee and PMU faced challenges in understanding GIG's plan, progress, coordination mechanisms, and operations given the program's flexibility, broad work plans, and lack of operating guidelines. In Year 3, they informed GIG that they would not approve the Year 3 work plan until operating guidelines were in place. The GIG Steering Committee approved the guidelines in February 2016, five months into Year 3 and the work plan soon after. Due to the delay in approving the Year 3 work plan, planning for the Year 3 activities largely took place during the third quarter and implementation of the approved activities was rushed into the final quarter of Year 3.

Following the operating guidelines and guidance from the new Director of the PMU, a quota of two activities per year for each department was applied. Each of the activity descriptions, as detailed in an approved Direct Technical Assistance (DTA) document was required to be very specific with regards to the activity details such as number of participants, location, deliverables and products, among others. For any new activity proposed during the year that was not been included in the approved work plan, or significant changes to an approved activity, counterparts were required to submit their request to the PMU no later than two weeks before the activity would take place. The PMU would then submit the request to the Steering Committee to get an approval before any work could begin. This reduced GIG's ability to respond flexibly to opportunities and challenges.

*"In the 2nd year, the COP had a good understanding about the project; GIG was very practical and very flexible. Activities for policy making and influencing policy changes are very opportunistic and require quick responses. [The second COP] was flexible in helping CIEM. This was a GIG advantage. After the 2nd year, there was no more flexibility. It became a great limitation. This limitation reflects the management style and approach, and is not related to regulations on type O international development assistance projects. Meanwhile, projects supported by other donors increasingly apply a flexible approach to their interventions." - CIEM, MPI*

During Year 4, although the work plan was approved on time, implementation has been delayed due to

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<sup>15</sup> Interview with former GIG COP.

GIG's financial management issues, causing many activities to be put on hold and many others to be cancelled. Nearly all key counterparts interviewed mentioned delays and cancellations in GIG's Year 4 activity implementation. According the PMU, only 3 percent of Year 4 activities had been completed as of May 2017, eight months into the work plan year.

**Conclusion: GIG's timeliness, responsiveness and flexibility has varied, but overall not contributed to the project's efficiency on a consistent basis and has deteriorated over time as the work planning process changed.**

**Finding: GIG's implementation has been highly dispersed, resulting in large and crowded one-off events without strategic follow-up over time.**

GIG's resources have been spread across a large number of departments/institutions under key and non-key partners. Approximately, on average, in each year from Year 2 to Year 4, GIG planned to support 60 departments/institutions under all key and non-key partners, with average number of activities planned ranging from 1.0 to 5.5 per department/institution per year (Table 7). Year 3 saw the highest number of departments supported. Counterparts whose work with GIG focused on TPP and trade issues, including the MOF, MPI, MOIT, and MOLISA, saw increases in number of departments supported during Year 3.

**Table 7 - Number of Departments Supported by Counterpart**

<b>Number of Departments Supported by Counterpart</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
<b>MOJ</b>	17	10	17
<b>MPI</b>	5	9	8
<b>MOF</b>	4	13	4
<b>MOIT</b>	3	8	9
<b>National Assembly</b>	11	14	10
<b>SAV</b>	4	4	4
<b>MOLISA</b>	0	10	2
<b>MST</b>	0	5	0
<b>MARD<sup>16</sup></b>	0	1	1
<b>SPC<sup>17</sup></b>	0	1	1
<b>MPS<sup>18</sup></b>		2	0
<b>MONRE<sup>19</sup></b>			1

<sup>16</sup> Ministry of Agriculture and Rural Development.

<sup>17</sup> Supreme People's Court.

<sup>18</sup> Ministry of Public Security.

<sup>19</sup> Ministry of Natural Resources and Environment.

<b>Number of Departments Supported by Counterpart</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
<b>CEC<sup>20</sup></b>		1 (Committee as a whole)	1 (Committee as a whole)
<b>VLA<sup>21</sup></b>		2	2
<b>Total</b>	<b>44</b>	<b>79</b>	<b>59</b>
*Ad-hoc counterparts added during the work plan year that were not included in the approved work plan are not included in table.			

Most of interviewed stakeholders commented that GIG's support is piecemeal and it would have been more efficient to have full package of strategic support from the beginning of the project. This did not happen because of the work planning process. One example of this was voiced by the Public Procurement Agency of MPI.

*"The e-procurement project at the PPA [Public Procurement Agency], would have benefited from a five-year strategy beginning with studies, then training and accreditation, then an e-catalog, and finally a communications campaign regarding e-procurement. GIG can create efficiencies by having one strategic structure for many topics and policy areas". – Public Procurement Agency, MPI*

**Conclusion: Although GIG was designed to be ambitious, given the breadth of its objectives and KRAs, and lack of control over the work planning process, actual interventions and resources were spread thinly, undermining GIG's efficiency in achieving its outcomes and results.**

**Finding: Continuous support on a specific technical issue has been more effective than providing support for individual events, according to the GDVC.**

In this agency, the Risk Management Division and Reform and Modernization Committee both received continuous support on their technical issues while the support for many other counterparts was event-based. For the Risk Management Division, GIG supported a highly technical training course on risk management methods; then continued with coaching the trained staff and a risk management pilot in Hai Phong. For the Reform and Modernization Committee, GIG supported a survey of businesses to collect their views about an interface for online custom-business consultations and continues to work with them to design the interface. For other areas, GIG only provided support to specific event-based activities.

*"Event-based support is not effective. The added value for event-based support is mainly the money... Support should be based on issues and be continuous (throughout the life of the project) to address the selected issues. Every department has a longer-term plan on the technical issues to be solved within a specified period." – GDVC*

**Finding: GIG counterparts were largely, but not uniformly, positive on the value/cost-effectiveness of the technical assistance provided.**

In general, opinions were very positive on value of international and local consultants for technical assistance.

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<sup>20</sup> Central Economic Committee.

<sup>21</sup> Vietnam Lawyers' Association.

*“We did not have experience. International support helps us not to make mistakes and we moved quickly” – Post Review Department, MOJ*

*“Technical assistance to a beneficiary should be significant; should not be just event-based. So that a beneficiary can see that the collaboration will be effective. In the current project, we just request what we need – it’s good to have support for activities!” – GDVC*

*“They brought leading international experts with a profound understanding of Vietnam.”  
– Academy of Policy and Development, MPI*

*“The consultants that GIG selected were good, with a high level of expertise and experience, both international and local consultants.” – Finance and Budget Department, MPI*

However, some counterparts were dissatisfied, saying that some international consultants did not add value and that some local consultants were underpaid or are not experts in the topics that they were working on.

*“Many university professors were brought in. They are experts about the world’s issues; however, they do not have local knowledge. It’s like using the equipment on a modern car and plugging it into an old motorcycle in Vietnam. [The international experts] came here for only 4 or 5 days and spent 90% of their time learning about the local context.... We wanted technical experts (from the International Labor Organization or US Department of Labor) who have worked in Vietnam or similar countries. We feel that GIG imposed these university consultants on us. We are not willing to work with USAID due to its imposing nature. GIG is carried out by a non-technical agency. We want to work with the technical agency. We are determined about this.” – MOLISA*

*“We were surprised to see that GIG hired consultants who were not experts in the topics that they were hired to work on.” – Department of Criminal and Administrative Law, MOJ*

*“Consultant recruitment with GIG is challenging. Because GIG cannot hire people who receive pay from the GVN, they hire retired government officials. But, their way of working is traditional and their expertise is outdated.” – Legal Aid Department, MOJ*

**Conclusion: The lack of a strategic focus for each counterpart lowered GIG’s cost-effectiveness and value-added at the institutional and systemic level.**

### **Finding: Work plans had a low completion rate. Disbursement progress is not efficient.**

Although GIG’s work plans included many activities, in each work plan roughly one quarter to one third of activities are postponed and carried over to the following year. The PMU estimates that approximately 70% of planned activities were completed or in progress by the end of Year 3. Based on the annexes in GIG’s annual reports, approximately 74% of activities included in the Years 1 – 3 work plans have been completed or were in-progress as of the end of Year 3. Given the delays and cancellations in the Year 4 work plan implementation, this share is likely to drop sharply.

Disbursement also has not been efficient. On one hand, the work plans have a relatively low completion rate. On the other hand, rushed implementation in the last quarter of Year 3 resulted in a loss of financial control and the financial management and budget issues during Year 4.

*“Too many activities in too little time during Year 3 work plan resulted in loss of financial control. Lack of project guidelines (or grant guidelines as specified in Decision) led to implementation delays in Year 3.” – GIG’s COR*

Many interviewed stakeholders reported that the approved work plan in FY2017 for their departments had been scaled back or postponed. The evaluation team confirmed with USAID that GIG's obligations and ceiling had not been reduced. Yet, because of a lack of clear communication, counterparts believe that a cut in GIG's budget is the cause of delays in implementation. These delays in approved activities are preventing them from reaching their objectives and goals for the year because GIG isn't beginning work on the activity, and they are not able to request support from another international donor, but they are still responsible for the activity.

*"Approved activities should be carried out. The activities with uncertainty whether it would be possible to be implemented should not be included so that beneficiaries can be proactive to look for other resources. The cancellation of planned activities takes place every year. Many departments are frustrated with the work planning process and implementation issues and have withdrawn from collaboration with GIG. The beneficiaries have many sources of support so that they can choose to work with the supporter that will make sure to implement the planned activities. GIG's cancellation of planned activities removed opportunities to collaborate with other donors and projects that provide in-depth and long term support. GIG should be straightforward about the activities they can support. If they cannot support an activity, please tell us clearly. They should not say yes, then pending...and delay, then cancelled" – GDVC.*

**Conclusion: GIG has not been implemented efficiently due to implementation delays, a lack of operating guidelines for the first two and a half years of the program, and a lack of consistency across program years.**

**Conclusion: GIG counterparts perceive value and cost-effectiveness for technical assistance, but large events were conducted with limited, inexpensive follow-up that lowered the program's cost efficiency and cost effectiveness to produce outcomes and impacts at the institutional and systemic levels.**

**Finding: The program's modality and implementation did not match the GVN's structure.**

Counterparts outside of the MOJ believe that the MOJ PMU does not understand their needs, but makes decisions on whether activity proposals are accepted or rejected.<sup>22</sup> They report that there are too many layers for decision-making on activity proposals: from the proposing department to the International Cooperation Department of the agency to which the department belongs, to the agency's leadership, to the PMU, and finally to the Steering Committee.<sup>23</sup>

Another issue raised by counterparts is that GIG's structure is not aligned with the GVN system, creating information silos and hierarchies. GIG's interaction with the PMU is limited. There have been infrequent face-to-face meetings and GIG is physically separate from the PMU with no GIG representative in the PMU offices nor PMU staff working in GIG offices, an arrangement that could have helped to reduce delays and increase dialogue.<sup>24</sup> When designing GIG, USAID sought to create a new way of working with the GVN, according to the USAID COR for GIG, but this has not worked out.

One example of how GIG's hierarchy is not aligned with that of the GVN was raised by the National

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<sup>22</sup> Interviews with MOLISA, ONA Departments, MOF Legal Department.

<sup>23</sup> Interviews with ONA IT Department, Legal Department, Financial and Budget Department, Oversight Department.

<sup>24</sup> Interview with GIG COP, USAID COR, VTCA.

Assembly and the ONA. The legislative branch (National Assembly and ONA) is a separate and superior branch of government to the Executive branch to which the MOJ belongs. The MOJ PMU makes decisions for ONA Departments<sup>25</sup> but USAID does not need to go through an Executive branch agency to work with ONA.

*“MOJ’s departments receive a lot of support. Is it appropriate that a Department of NA is equivalent with the Departments of a Ministry?” – NA’s Judicial Department*

*“USAID can work directly with the National Assembly. It is not necessary to go through the ministries. At the moment, the Committee works with many donors such as JICA and UNDP.” –Science, Technology and Environment Department, ONA*

**Conclusion: GIG’s structure did not align with the GVN’s structure and hierarchies, undermining efficiency.**

**Finding: The lack of a grant program caused GIG to cancel many planned activities with CSOs and Associations.**

A large grant program to non-state agencies, especially CSOs may have been unrealistic given political realities in Vietnam where the government may not consider independent civil society organizations to be valid representatives of the groups they claim to represent.<sup>26</sup> Another issue is that because CSOs are not part of the government, some within the GVN may not consider them to be appropriate direct beneficiaries for a governance project.

As the primary key counterpart, the MOJ is responsible within the GVN for managing GIG’s performance. Given this responsibility, the MOJ expects to approve and oversee all project activities, including grants. Although USAID approved grants to CSOs, the PMU has not approved the grants in the work plan. GIG has been unable to issue grants other than for the American Chamber of Commerce.

**Conclusion: The lack of a grant program inhibited GIG’s ability to achieve its KRAs, causing it to directly implement many activities that would have been more efficiently implemented through grants.**

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<sup>25</sup> NA Legal Committee and ONA Legal Department.

<sup>26</sup> Interview with CCRD, CISDOMA.

## **Question 2a: How has GIG's multi-stakeholder management model (which includes USAID, Chemonics, and multiple GVN entities) facilitated the project's planning, implementation, and achievement of expected results?**

The highest-level conclusion for this evaluation question is that the multi-stakeholder management model, with multiple GVN entities as counterparts having the authority to approve or disapprove other partners' proposed activities and a lack of experience in the GVN with participatory management approaches, has not facilitated, and is likely to have impeded, GIG's planning, implementation, and achievement of expected results. The reason that the management model did not function as expected is rooted in two major issues. First, while there appears to have been a meeting of the minds in the GVN and USAID on the justifications for GIG, there was a significant difference between USAID's and the GVN's ideas on how to work together to achieve GIG's ambitious goals. Second, GIG's thematic breadth combined with the number of key partners, frequent management changes in GIG and its key counterpart, and GVN ways of working across agencies and with international donors created overly complex strategic, management, and implementation challenges that the model has not been able to successfully address.

USAID's GIG design was purposefully ambitious. According to USAID/Vietnam's Economic Growth and Governance Office, GIG sought to create a "new way of working in Vietnam," and to be a catalyst for profound changes in governance. The GVN recognized that it needed to change the way it governs to facilitate broad-based, sustainable growth. It adopted a new constitution in 2013 and set about amending, supplementing and issuing new laws and regulations (legal normative documents – LNDs), and changing the rules for its law-making process. The GVN recognized "a lack of transparency and clarity"<sup>27</sup> in its legal system and LNDs were impeding it from achieving sustainable growth. Both USAID and the GVN also saw the TPP as a way to provide an impetus for changes in Vietnam's governance to bring its legal system up to the levels of other TPP nations.

### **Finding: The GIG multi-stakeholder management model is complex and lacks coordination mechanisms for implementation.**

GIG's management model is distinct from most USAID projects and from other USAID projects in Vietnam. The GIG Program design is ambitious, cutting across sectors and issues, government agencies and branches of government, and central and provincial government functions. GIG was designed to be an umbrella project, or cover a breadth of issues and improve the overall quality of governance in Vietnam.

Vietnam's foreign assistance law specifies the rules for all international development projects, classifying them as different types. GIG is a type O project. All O-type projects have a PMU within the GVN ministry responsible for the project. The PMU is responsible for coordinating work on the international development assistance project, monitoring its performance, and ensuring that it achieves its goals. A second requirement for international development projects is that it have operating guidelines to specify how the project will be implemented. The GIG Operating Guidelines are included in Annex 12.

On January 14, 2014, approximately one month after the GIG contract award to Chemonics, USAID and the GVN MOJ signed a Memorandum of Understanding (MOU) (Annex 13). The MOU establishes a multi-stakeholder management model in which the MOJ serves as the prime counterpart for the project with

<sup>27</sup> MOJ GIG Project Document.

five additional key counterparts: National Assembly, MOIT, MOF, MPI, and SAV, and with the ad-hoc participation of other GVN entities and partners.

The MOU stipulates that the MOJ and USAID will form a joint Steering Committee made up of appropriate GVN entities to provide overall guidance for GIG and will name a Program Coordinator in the MOJ who will be USAID and GIG's primary liaison with the MOJ and the GVN, among other statements.

While the MOU is a statement of intentions, in Vietnam the document that guides all foreign assistance projects is an approved Project Document. On June 23, 2014, the MOJ issued a decision approving the GIG Project Document (Annex 3). The Project Document elaborates on the GIG management structure. It states that the GIG Steering Committee will be made up of the six key partners, will meet once per year in September to approve the annual work plan, and USAID will attend its meetings.

For all governments, coordinating across agencies is a daunting task as each agency has its own budget and interests. In Vietnam, it is no different. The GIG Steering Committee was intended to be the coordinating mechanism both across the GVN and between the GVN and USAID. Yet, other than a yearly, and occasional ad-hoc meeting, there are no deputies, working groups or other means for the six partners to coordinate their strategies and participation as key partners in the GIG program.

The two Steering Committee members interviewed for this evaluation both voiced this concern. The MOJ Vice Minister responsible for the GIG program said,

*“The Project was designed with multiple stakeholders. To be frank, cross-agency coordination is not the best.” – MOJ Vice Minister responsible for GIG Program*

*“At the design stage, we understood that multiple stakeholders were needed to create accountability... We hoped that GIG would create linkages between key partners on issues of accountability... But, this has not happened.” – Director General, International Cooperation Department, SAV*

The Project Document also directs the MOJ to set up a PMU and appoint a Project Coordinator, ratifying actions that the MOJ had taken under previous MOJ decisions. The Project Document specifies that the PMU will assist the Steering Committee and be its Standing Member during the times when the Committee is not in session. Each key counterpart also is to appoint a contact person to work with the PMU for day-to-day implementation. Most key counterparts appointed the Director General of their International Affairs department to liaise with the PMU. As with the Steering Committee, there are no regular meetings between the PMU and the key counterpart point people to facilitate coordination in implementing activities.

The PMU was intended to be a focal point for the day-to-day management of the project's implement for the GVN, across GVN entities and between the GVN, USAID, and the GIG project, according the Project Document (Annex 2). While the PMU has worked very closely with USAID and GIG for much of the project, it has not functioned as a day-to-day focal point for coordination for the GVN. It is important to note that the MOJ PMU Project Coordinator and four staff members not only manage GIG, but also up to five other projects simultaneously, reducing the amount of time that they have available to manage the GIG Program. The PMU expressed this frustration in an interview noting that GIG has a large office with many staff members who are well paid while they struggle to manage their workload doing many of the same tasks as GIG's program management staff at much lower pay.

The PMU's coordination role is greatest in the work planning process. They collect the proposals from the GVN key and ad-hoc counterparts and assemble the draft work plan. Yet, their coordination with

counterparts is very limited even in this process. A common complaint from departments in key counterparts was that they propose activities for the work plan, but the activities are rejected. There is no back-and-forth discussion on the proposals. They don't know why an activity proposal is rejected and do not have a way to work directly with the PMU to learn what was accepted (in other departments) and what was rejected, to help them prepare future work plan activity proposals.

*"The Department of External Affairs (at the Office of the National Assembly) talks to the MOJ, not us. So, we don't know why an activity is accepted or rejected." – Department of Science, Technology and Environment, ONA*

*"The role of the PMU is very important. They are supposed to coordinate (GIG support) ... We have conversations with the GIG office about activity proposals, but we get a decision from the MOJ with no explanation." – Law Committee of the National Assembly*

*"Our collaboration with GIG is very good. We often have meetings and discussions. We have had very little interaction with the PMU...The International Cooperation Department works with the PMU. Our channel is with the Legal Affairs unit." – Public Procurement Agency, MPI*

While the PMU, short-staffed and managing other projects as well as GIG, did not create active inter-governmental coordination mechanisms, this is not surprising because it is "not the way the GVN does things" in Vietnam, according to an interview with an expert of GVN governmental processes.

One consequence of the lack of coordination mechanisms is the piecemeal, event-based implementation approach with little continuity of support across implementation years, particularly as of Year 3, as detailed in other sections of this report. The lack of coordination mechanisms among the key counterparts and GIG led to activities being siloed within and between GVN stakeholders. The MOJ Bureau of Administrative Offenses and Monitoring Law Implementation noted this lack of coordination and suggested that GIG should convene dialogues between counterparts and the PMU to improve the way they are working. The SAV also expressed this opinion saying that GIG was designed with the multi-stakeholder management model to ensure coordination, but it hasn't worked out that way.

### **Finding: The GVN and USAID had somewhat different understandings about what GIG was designed to do and how it would operate.**

The Project Document states the GIG Program goals and objectives<sup>28</sup> in a somewhat different manner than the USAID Contract Award document and results framework. While some of these differences may be due to translation issues, the evaluation team determined that others are more substantive differences based on meetings with the PMU, USAID, and GIG and a review of the Project Document and Contract Award. The most important differences are related to the inclusivity aspects of GIG.

Component I, corresponding to ERI, in the USAID Results Framework is "Legal and regulatory framework improved through dynamic and inclusive policy making process" while in the USAID Contract Award and MOJ Project Document it is, "Clear and transparent legal and regulatory framework." While this difference may seem minor, the Results Framework specifies an "inclusive policy making process" while the principle of inclusivity is absent from the Project Document. This difference also appears in the Key Results Areas in the Results Framework where KRA 1.5 is "Public consultation and stakeholder engagement mechanisms strengthened," and in the Contract Award Document with similar language.

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<sup>28</sup> The goals in the MOU correspond to the word "objectives" in the GIG Contract Award document, and the MOU objectives correspond to the words "Expected Results" and "Components" in the Contract Award document.

Notably, in the MOJ Project Document, the governing project document for the GVN, no such result or deliverable appears.

The same issues related to inclusivity are found in Component 3. ER3 states, “Inclusion of groups that have historically not had equality of rights or opportunity improved,” and the KRAs under ER3 reference, “women, ethnic minorities, and other vulnerable groups.” While the Project Document references the same groups for Component 3, the first groups mentioned in the document are businesses and citizens - groups that are generally not mentioned in the USAID document. While women, ethnic minorities and other vulnerable groups, including LGBT, disabled, and people living with HIV/AIDS, are referenced in the Component description, it is clear that the GVN have prioritized the interests of the private business sector and citizens in general in the Project Document.

Some key informants expressed perplexity or irritation with GIG’s emphasis on the inclusion of CSOs in public consultation activities such as workshops and dialogues while others were quite positive about the inclusion of CSOs in consultative events.

*“The Access to Information Law is very, very sensitive. GIG asked us to involve CSOs in the consultative events, but these groups have only one perspective. Inviting them could attract attention to one perspective and not others... (for other issues) the CSOs had very thorough studies and they tried to push their agenda by showing the practices of the most advanced countries.” – Criminal and Administrative Law Department, MOJ*

*“Through GIG we have gained a better understanding of different non-state groups. Now, based on the requirements of each activity, we decide which groups should participate in the activity to achieve the best outcome.” – Legal Dissemination and Education Department, MOJ*

A member of the NA Legal Committee felt that GIG’s insistence on including CSOs in consultative workshops and dialogues was imposing an agenda on them that was not relevant for the law under consideration. Other key informants, however, did express that GIG’s emphasis on inclusion provided them with fresh perspectives on the issues and laws under debate, particularly for work on the State Budget Law and the Marriage and Family Law.

**Finding: GIG did not have approved operating guidelines, as required under Vietnam’s foreign assistance law, until Year 3. It drafted and submitted the guidelines for PMU approval because the PMU refused to approve the work plan until approved operating guidelines were in place.**

The MOJ Project Document states, “One (!) month after the MOJ’s approval of the Project Document, the Project Office will complete the compilation of all documents guiding the Project implementation including financial guidelines, and the Guide to Selecting Grantees and Using the Grant to provide direct funding to social organizations and think tanks etc. These documents must have MOJ input before issuance.” This means that GIG, to be in compliance with Vietnamese law and the Project Document authorizing GIG’s implementation of a foreign assistance project, should have issued Operating Guidelines and Grant Guidelines no later than May 2014.

The current USAID Economic Growth and Governance team, including the current GIG COR who is the only team member that has worked in the office since GIG began implementation, explained that they understood that GIG was envisioned to be a new way of working in Vietnam. It was to leave behind the formality of previous projects and operate more independently. Although there was to be a PMU, USAID wanted GIG to be flexible, something that formal operating guidelines may have precluded. During Year 1 and 2 when the issue of operating guidelines arose, both USAID and the GIG management team agreed

that they wanted to “work differently” and would try to implement GIG without these guidelines even though the PMU wanted guidelines.

However, when GIG tried to issue the grants that USAID approved, the GVN voiced opposition and the grant program halted with only two grants issued, to the Ho Chi Minh City American Chamber of Commerce and to the Center for Rural Communities Research and Development (CCRD). In the face of GVN unease with the grant program overall and opposition to the CCRD grant, GIG rescinded the CCRD grant and halted the issuance of other approved grants. As noted in the discussion of Question 1, GIG has been unable to make progress some of the KRAs under ER3 and KRAs 1.6 and 2.6 because of the lack of a grant program.

Another consequence of the lack of Operating and Grant Guidelines was a significant delay in the approval of the Year 3 work plan that halted GIG implementation for much of Year 3. The PMU informed GIG that the Steering Committee would not approve the work plan until GIG drafted guidelines, solicited MOJ input, and had the guidelines approved. The process for drafting and approval of the guidelines was long and drawn out. GIG produced a chronology of the process that runs through January 2016. It wasn’t until February 17, 2016 that the MOJ approved the guidelines, five months after the beginning of Year 3.

Chronologies of the Operating Guidelines process and Year 3 Annual Work Plan process are included in Annex 14 and 11 respectively. The Operating Guidelines are included in Annex 12.

**Finding: Both GIG and the MOJ PMU had frequent management changes that altered the focus and operation of the GIG Program and undermined trust relationships that had been built. USAID also had frequent management changes during the first three years of GIG implementation.**

When USAID designed GIG and began implementation, the Vice Minister at the MOJ responsible for GIG was supportive, with the exception of some nervousness about the grant program, according to a former GIG COP. Nonetheless, as the MOU and Project Document make clear that both the GVN and USAID agreed on a grant program for GIG.

Soon after GIG began implementation, the Vice Minister retired and a new Vice Minister became responsible for the GIG Program. The Project Coordinator at the PMU also changed during Year 2. USAID and current and former GIG staff said that these changes fundamentally altered the nature of GIG’s collaboration with the GVN, which was exemplified by GIG being told that it must issue operating guidelines. According to the PMU, a number of counterparts had been complaining to the PMU that GIG’s procedures were confusing to them. Control over GIG’s work plan began to move away from the GIG program and became more centered in the PMU.

Concurrent to the changes in the GVN, the GIG leadership also changed multiple times during the first three years. The original COP was unable to reach agreement with USAID on the Year 1 work plan, which contributed to a rocky start up. Chemonics intervened by sending two senior home office staff about six months after start-up to get the program on track. Chemonics dismissed the original COP, with the approval of USAID, and named one to the home office staff members as interim COP. Following a transition period, the other senior Chemonics staff member, who had been largely responsible for designing Chemonics’ winning proposal for GIG, transferred to Vietnam and assumed the COP position. Chemonics replaced this COP approximately nine months later and assigned the previously assigned home office staff member to be interim COP again. Finally, the current COP took over, just as the issue of operating guidelines and the Year 3 work plan approval process was beginning.

The PMU also has changed its leadership three times since project start-up. Each change in GIG COP or PMU Project Coordinator has meant that working relationships and trust had to be built anew, a sentiment that GIG, USAID, and the PMU all expressed in interviews with the evaluation team. This undermined GIG's ability to create coordination mechanisms between key counterparts, introduced discontinuities into GIG's strategy, work planning, and implementation, and hindered its ability to achieve results as each year for the first three years, both GIG and the PMU had to rebuild understandings and working relationship.

These issues were compounded by COR changes at USAID. As with GIG and PMU, the current COR is the third GIG COR. While the implementing partner is responsible for its relationship with the counterpart, frequent COR changes at USAID did not help.

**Conclusion: GIG's design with six key stakeholders, five thematic broad thematic objectives, and three components created a complex challenge for planning, implementation, and management. Adding to the complexity, differing understanding on what the project was to do and how it was to do it and frequent management changes resulted in shifting rules of operation, strategy, and management. These shifts ruptured established relationships between GIG, the PMU, and counterparts and that had to be rebuilt each year. The result is that GIG has been unable to strategically focus its efforts on achieving the planned results and outcomes.**

## **Question 2b: How has the management model served as a learning platform for achieving the project key results? What are the strengths and weaknesses with this model?**

The highest-level conclusion for this question is that GIG's management model could have served as a learning platform but has not because of a lack of on-going communication and coordination mechanisms and channels between USAID, GIG, the PMU, and GIG's key and ad-hoc counterparts. When USAID designed GIG, it missed an opportunity to use GIG's innovative multi-stakeholder management model for cross-sectoral and cross-agency learning by not including a learning requirement in the GIG Scope of Work.

The current ADS201 requires incorporating learning and adapting approaches based on lessons learned and changing circumstances. Learning approaches should facilitate coordination, collaboration, and the exchange of experiential knowledge internally and with external stakeholders. Using this requirement as its standard, this evaluation assessed GIG's ability to facilitate or provide opportunities for coordination, collaboration and exchange across the agencies through its activities or established partnerships. It is important to note that learning was not as central to previous versions of the ADS as it is with the latest revisions.

**Finding: GIG created new networks for technical collaboration for trade facilitation, TPP, and Resolution 19.**

GIG aims to address governance issues and support sustainable, inclusive growth, focusing on creating partnerships and building trust to leverage opportunities for meaningful, sustainable reform in Vietnam.<sup>29</sup>

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<sup>29</sup> GIG Annual Performance Report 2015.

GIG facilitated exchanges and networking<sup>30</sup> across the agencies in different groups of stakeholders: governmental agencies, think tanks, business communities, associations and CSOs through various types of activities. Table 8 below illustrates number of opportunities, excluding training, through which participants could interact with and learn from each other.

Trade facilitation, TPP and Resolution 19 are particular areas where appear to have very active inter-sectoral links and exchanges. By end of Year 3, approximately 8,500 (55% males, 45% females) participants from various governmental agencies, think tanks, business communities, associations and CSOs at the central and provincial level attended more than hundred events, including consultation workshops on draft laws/regulations, training, and field studies on trade facilitation and TPP.

GIG's role as a facilitator across sectors and between the government and the private sector has increased the opportunities for learning between these two groups. GIG has provided support to create seven public-private partnerships<sup>31</sup> and brokered a partnership between the Tax Department and Vietnam Social Security (VSS) for technology transfer and assistance to develop an e-filing system, which reduced the time it takes for businesses to pay social insurance obligations. For the first time two Vice Ministers (MOJ and MOH) jointly chaired a workshop, on reforms to the Civil Code, demonstrating a successful working partnership between ministries.<sup>32</sup>

Although GIG leadership expressed some frustration with the multi-stakeholder management model, it also recognized that it provides an advantage in collaborating with various GVN agencies.

*"The multi-stakeholder model enables GIG to engage with various agencies on Resolution 19 making it easier to collect information from the different agencies." – GIG Component Team Leader*

*"Governance is a broad area so the program needs to be flexible to take up the opportunities. The multi-stakeholder management structure creates opportunities. If we had separate projects for each component, there will be more loss than gain" – GIG Component 2 Team Leader*

**Table 8: Number of Opportunities**

Indicator	Result
1.2.1. Number of GIG-assisted events to enhance policy development process	41
1.3.1. Number of evidence-based policy analyses conducted with GIG support	45
1.5.1. Number of GIG-supported public consultation events to improve Vietnam's legal and regulatory framework	55
2.3.2. Number of GIG-supported activities designed to strengthen policy implementation effectiveness in Vietnam	22
3.3.1. Number of policy research initiatives conducted on gender, ethnic minorities, and other vulnerable groups with GIG assistance that use data and analysis to support the policy proposals	12
C.0.1 Number of public-private partnerships formed as a result of GIG assistance	7

**Conclusion: The multi-stakeholder model allowed the GIG project team to organize events that included representatives from multiple sectors and agencies as well as from the private sector and non-state organizations to increase technical coordination on policy development**

<sup>30</sup> ADS201 requires incorporating learning and adapting approaches based on lessons learned and changing circumstances. Learning approaches should provide for facilitating coordination, collaboration, and exchange of experiential knowledge internally and with external stakeholders.

<sup>31</sup> GIG Annual Performance Report 2015, 2016.

<sup>32</sup> GIG Annual Performance Report 2015.

## **and implementation.**

**Finding: There has been little coordination for planning and implementation across agencies, sectors, and the PMU. Monitoring and performance data has not been used for learning among key counterparts.**

Many stakeholders reported that there was no learning across agencies and that there have not been any partners' meetings through which all stakeholders can discuss collaboration, project performance and other relevant issues such as work planning, implementation and effectiveness.

*"Does the multi-stakeholder structure serve as a learning platform? It would if all stakeholders could sit together to discuss relevant topics. However, in fact, it is challenging. If the PMU performed well, it would invite all partners to review program activities. The Steering Committee's members mainly defend for their ministries' work plan. Performance review rarely has been carried out." – GIG Component I Team Leader*

*"I don't know what principles the PMU uses to approve the requested activities. Sometimes they cut important activities and approve the unimportant ones." – CIEM, MPI*

*"Our department is only a beneficiary. We follow a standard procedure. We submit our proposal to the focal point that will submit a letter to the PMU. We were not involved in the selection process. After PMU approves, there is a letter to inform us about the result." – Financial and Budgetary Dept., MPI*

*"In the last 2 years, there has been a limit on number of activities to be supported by GIG. The PMU cut workshops automatically. The PMU cuts and they don't understand our needs." – GDVC*

**Finding: The GIG Project design does not include any requirements or mechanisms for learning.**

Scope of Work in GIG's contract mentions learning only in the context of GIG's reporting to USAID, where lessons learned should be included in GIG's Annual Reports. The Project Document and Operational Guidelines also do not mention any mechanism for learning across sectors and agencies that implement project activities, except annual meeting of the Steering Committee. Information exchange and discussion is planned to take place at the leaders' level and appears to focus on justification of proposed activities before an annual work plan is approved.

*"Before 15 September, the leader of the proposing agency shall work with the PMU and the Project Office and sign the proposal in writing for submission to the PMU for consolidation and development of Vietnam's proposal for support." – GIG's Project Document*

Evaluation of project performance is expected to take place in the Steering Committee's meetings only.

*"Based on Section IX 1.1 a) of the Program Document, the Steering Committee "shall meet at the end of September to evaluate the project activities for the previous year and to discuss and agree upon the AWP for the following year." – GIG's Operating Guidelines*

**Conclusion: The USAID GIG design process missed an opportunity to include a requirement that implementation include a learning component across the multiple stakeholders. A lack of formal mechanisms for key counterpart departments to plan new activities and review performance collaboratively as well as defend their proposed activities and receive feedback about disapproval of the proposed activities reduced opportunities for cross-agency learning.**

**Finding: GIG's breadth plus lack of linkages for planning and implementing activities between many technical areas is one of the reasons for suboptimal cross-sector and cross-agency communication and learning.**

Some counterparts recognized that GIG's breadth without a close link across components is a huge challenge for management and implementation, not just for learning. As quoted above, this is a major criticism of GIG on the part of the SAV. Other counterparts also mentioned the lack of linkages.

*"A multi-stakeholder management model works when project elements link together. In the future, (each new project) should have distinct components. If not, different components should be linked together. There should be a mechanism for information sharing. The project should focus on the key areas based on the central resolution, instead of spreading its resources to many areas. The selected areas should link with each other." – CIEM, MPI*

**Conclusion: GIG created significant opportunities for cross-sectoral and cross-agency interactions, exchanges and learning in the common technical areas, especially in trade facilitation, TPP and Resolution 19. Nonetheless, cross-sectoral learning has been limited due to lack of a formal mechanism to review and plan project activities collaboratively, GIG's breadth of design, and many technical areas that are not linked with each other.**

**Conclusion: GIG has not been able to catalyze its management model into a platform for learning and achieving key results.**

**Conclusion: The greatest strength of GIG's management model is the potential it creates for cross-agency and cross-sectoral collaboration and learning. The greatest weakness of the model is its tendency to create silos for GIG implementation, given GIG's broad thematic objectives.**

## **Question 2c: To what extent have non-state organizations engaged and contributed to the process of providing feedback on proposed laws, given GIG's interaction with the organizations?**

For the purpose of this evaluation, "non-state organizations" include: 1) private enterprises and businesses; 2) professional associations, including those that receive state funds for some operational costs, such as the Vietnam Lawyers' Association (VLA) or the VCCI; 3) Unions and mass organizations; 4) CSOs and other social self-help organizations; 4) Social enterprises; 5) Research and training institutes, including those partially funded from the state budget.

**Finding: Including non-state organizations' participation in law and policy making process in the GIG design is consistent with GVN policy.**

GIG's Results Framework includes ER3 as a component on inclusion of groups that have historically not had equality of rights or opportunity improved.<sup>33</sup> In addition, inclusion of non-state organizations in the law and policy making process are incorporated in many KRAs across three components. GIG developed a Strategy for Gender Equality and Inclusiveness (GESI) using a gaps and constraints analysis and identified

<sup>33</sup> As described above, this ER and component is worded differently in the USAID and GVN documents.

opportunities to fill the identified gaps to strengthen inclusiveness. The participation of vulnerable groups and non-state organizations through these KRAs is expected to contribute to developing higher quality laws and policies.

Including inclusiveness in the GIG design, in general, and promotion of participation of the non-state organizations in law and policy making process, specifically, is consistent with Vietnam's policy and awareness of the importance and necessity of inclusive growth. The Communist Party's Resolution XI states "importance must be given to combining closely economic growth and social equity and advancement; ensure a provision of social welfare and care materialistically and spiritually for people, especially the poor and people living in the remote areas."<sup>34</sup> The study has a statement that "in the context of globalization, massive and deep international economic integration and the momentum of democracy, transparency in public administration has recently raised new requirements for law and policy makers to have reforms not only in the contents of the laws and legal system but also in the law and policy making process to ensure more participation of various actors in the society; mobilize at a maximum level the initiative and intellectuality of all people and organizations." This 2013 Constitution stipulates quite specifically about citizen's rights in social and public administration.

The GIG Project Document also makes explicit that the GVN, "expects [that] the demand-driven support activities of GIG Project would help Vietnam to promote its institutional reforms, contribute to more sufficient, consistent and feasible policies and laws, commensurate with legal systems of the TPP member nations, thereby contributing to the improvement of the business environment, facilitating socio-economic development to enable *all citizens to have equal opportunities to access to democratic laws, to justice, to natural resources and public services.*" (Italics added)

**Finding: The process that GVN agencies typically use to solicit public comment during the law drafting process is to post the draft legislation on their websites and mail the draft to stakeholders to solicit comments. Generally, they receive few comments.**

The 2015 Law on Laws stipulates that a draft law be posted on the website of the agency leading the law drafting process for at least 60 days.<sup>35</sup> The agency must describe specifically what is needed to be commented on from each targeted group and include an address for receiving comments. A draft law can be sent by mail to the target agencies for their comments within 20 days of the deadline. The evaluation was not able to collect hard data on the actual number of comments on draft laws posted online. Anecdotally, the evaluation team was told that agencies receive very few public comments.

**Finding: GVN agencies also organize workshops, round tables and the mass media to collect comments on draft legislation, but these methods are considered to be too expensive.**

Workshops and roundtables or mass media also can be used to collect comments. The lead agency is responsible for synthesizing, studying and adopting the collected views and posting their rationales and status of adoption of these views on the website of the GVN and of the agency for the public's knowledge.

Among these methods, workshops are considered to be the most effective because through workshops and round tables, stakeholders can interact directly and discuss the issues as well as suggested revisions. Nevertheless, due to budget constraints, public agencies rarely conduct workshops or seminars outside

<sup>34</sup><http://www.chinhphu.vn/portal/page/portal/chinhphu/NuocCHXHCNVietNam/ThongTinTongHop/noidungvankienhoidang?categoryId=10000716&articleId=10038365>.

<sup>35</sup> The Law on Laws in 2008 does not indicate the duration. The Law on Laws in 2015 indicates 60 days for posting a draft law online.

of small events in which most of the participants are official non-state organizations, large business groups, and other government officials.

**Finding: GIG has supported counterparts to implement many large consultative workshops and dialogues on specific draft laws and invited non-state organizations to the GIG-sponsored events, increasing the frequency and effectiveness of voice for non-state organizations.**

GIG's strategy for Component 3 and inclusiveness more generally has to emphasize directly engaging non-state organizations in law and policy consultative processes. GIG has provided both resources and consultants to support counterparts in the process of drafting a law and leveraged this support to engage non-state organizations and vulnerable groups in the process. According to GIG's report, as of 2017 Q1, GIG has supported 55 public consultation events to improve the legal and regulatory framework, and 11 activities designed to promote or strengthen the participation of citizens in public governance. Twelve policy implementation assessments were conducted by CSOs with GIG support. Fifty-four CSOs have engaged in advocacy interventions. Twenty-six events were designed to promote target groups' participation and voice in policy dialogues. GIG supported 12 policy research initiatives on gender, ethnic minorities and other vulnerable groups. In addition, GIG supported three training courses on how to cover news on legal issues and RIAs for 91 journalists (See Annex 15 for completion status of the target and Annex 16 for the list of specific events, legal documents and CSOs that provided comments).

**Finding: Stakeholders reported that direct interaction with non-state organizations through GIG-supported activities provided useful inputs to develop and revise draft laws and regulation.**

GIG has supported counterparts to organize a large number of consultative workshops and field trips/studies to collect views and evidence for drafting legal documents. Through these activities, the supported departments and/or associations such as Tax Consultants' Association and Lawyers' Associations could collect evidence on the issues of law implementation through direct interactions with targeted groups, especially business community and vulnerable groups and/or the implementation forces in the field such as legal advisors/counsellors at the legal aid centers in provinces, districts and communes. After each workshop and/or field trip, an activity report was prepared compiling the collected views, feedbacks and evidence and including recommendations to department's leaders for providing inputs to development or revision of a legal document. All interviewed departments and the listed associations highly valued the results of these activities.

Stakeholders also highlighted effective engagement of non-state agencies and vulnerable groups in development and/or implementation of Civil Code, Legal Aid Law, Tax Law and circulars, Resolution 19, and regulations relating to custom and/or specialized management; Law on Anti-corruption and revised Law on State Compensation.

*"Participants were invited, including vulnerable groups and agencies representing them. They expressed freely their opinions. Their opinions were collected and incorporated in the reports submitted to GVN; feedback was incorporated into the request letters to revise laws. Mass media broadcasted so that society's attitude was improved...GIG's support is sufficient and professional. The topics selected for collaboration are challenging given the social perception about the issues. For example, transgender issues are controversial. The Department has a mandate ...so we need to organize workshops to ensure right for transgender groups. With GIG's support, we could implement the workshops. The support is very concrete; with a systematic way of collecting information and feedback from the vulnerable groups. A Decree was produced thanks partly to GIG's support." – Civil*

*and Economic Laws Department, MOJ*

*“GIG supported a field trip/assessment in 6 provinces/cities. The office went to meet directly with 61 enterprises, including accountants in 61 provinces/cities. Through the visits, enterprises could express their concerns and explain the issues that they face during interaction with local tax office. The assessment involved different departments including the departments working on policy, procedures, etc. The assessment identified issues, including inconsistencies between legal documents.... The field trip/assessment was very effective. The information collection was effective. A report was prepared to submit to the Office’s senior management and copied to other Departments. After receiving the report, the Office’s senior management issued a letter requiring various departments implement actions to improve the identified issues, including revision of the circulars.” – Tax Office Reform and Modernization Committee, MOF*

Similar with the findings in the GIG Trade Facilitation evaluation, this evaluation identified that there have been marked improvements in public consultations and dissemination of information on specific laws, regulations and international agreements. Most of the interviewees expressed that they appreciate and value the opportunities for them to engage directly with stakeholders, including non-state organizations through GIG-supported activities. Without GIG’s support, the agencies leading the law drafting process would have simply posted a draft legal document online or sent it by mail to stakeholder to solicit comments. A few reported that they had a larger network through collaboration with GIG.

*“The survey was conducted in nine provinces out of 63 provinces. In each province, the team visited one district and one to two communes per district. Legal aid mainly focuses on vulnerable groups. The survey was useful as it provided opportunities to interact directly with many groups...to understand their needs.” – Legal Aid Department, MOJ*

*“Without GIG’s support, the Department would not have been able to carry out high quality monitoring trips to provinces and organize workshops with technical experts. The Department would have been able to send a letter to relevant stakeholders to request comments and opinions. The monitoring trips were very useful for preparation of the draft laws. – Department of Science, Technology and Environment, ONA*

*“We appreciate GIG’s support to help the Department expand network with non-state organizations representing vulnerable groups and vulnerable groups.” – MOJ, Civil and Economic Law Department.*

**Finding: Key counterpart support for including independent CSOs in all stages of the law and policy making process, and for some more sensitive laws, has not been uniform across departments.**

A few departments questioned about relevance of engaging CSOs/NGOs for some laws or at a late stage of law development.

*In a law-making process, in an early stage, a consultative workshop needs to involve as many stakeholders as possible to gain inputs and comments. In a later stage, more technical inputs are needed. The consultative workshops during early stages can engage CSOs, social political agencies and lawyers. The workshops in the later stage, after the law is submitted to the NA, should engage more NA members to lobby for the draft law. – Legal Aid Department, MOJ*

*“CSOs have contributed many technical comments. However sometimes, what they submit is too ambitious or unrealistic that would not be able to be implemented in reality.” – Administrative and Criminal Law Department, MOF*

*“We wanted to develop the Law on Promulgation of Administrative Documents as a generic one. GIG*

wanted to include clauses on vulnerable groups. We felt like it was being imposed on us. Even the local consultants that GIG hired considered inclusion of such clauses inappropriate; however, GIG imposed them...Another example is the Law on Access to Information. This law is sensitive. In a GIG-sponsored workshop, participants were divided up to have group discussions. CSOs gathered themselves into one group and had their own discussion. This way of doing things attracted unwanted attention and created tension.” – Administrative and Criminal Law Department, MOJ

**Conclusion: For the laws that GIG worked on, CSOs' roles in the law and policy making process, increased with GIG's support. Many, but not all, counterparts value the CSO engagement.**

**Finding: CSOs' comments on draft laws were not always highly valued.**

Although the evaluation team focused its efforts on meetings with key counterparts, in the few interviews held with CSOs (Consultative Institute for Socio-Economic Development of Rural and Mountainous Areas – CISDOMA), and professional associations (VLA and VJA), interviewees voiced a similar complaint that although they were invited to the workshops and dialogues, they knew that their presence was because of GIG, and not because the government agency valued their contributions and comments.

“There were a couple of times that a CSO desperately wanted to attend a consultative workshop organized by the Association as its comments on a policy/law was not heard.” – VLA

“We were invited to couple of workshops and most of our comments and contributions to the laws did not lead to improvement of the draft legal documents.” – CISDOMA

**Finding: Counterpart opinions are mixed on continuing direct engagement with CSOs after the GIG Program ends.**

Some counterparts expressed enthusiasm and commitment to continue engaging independent CSOs in law and policy making process. They perceive their Departments' missions as relevant for engagement with CSOs and vulnerable groups.

“I continue receiving research and study reports from CSOs. In future, the Department will continue contacting the CSOs representing vulnerable groups when there is a relevant activity. The Department keeps in close contact with the organizations like ISEE in Hanoi, ICD in Ho Chi Minh City.” – Civil and Economic Law Department, MOJ

“CSOs have social initiatives that should be used... Vulnerable groups have a right to access and use public services. Provision of public services to the vulnerable groups is the mandate of the government. If this has not been done well, it's the shortfall of the government. Thus, issues of the vulnerable groups are of the government's concern.” – CIEM, MPI

However, other counterparts are less enthusiastic. During the interviews, whenever an interviewee spoke positively about the public and stakeholder consultation events, the evaluation team asked a follow-up question on whether in the future they planned to conduct similar or smaller scale consultation events such as those organized by GIG. With the exception of one department in MPI, all said that their budgets didn't allow for this type of consultation and that is one of the reasons that they value the assistance GIG has provided.

“According to the Law, a draft Law is posted online for a period. Why don't CSOs provide comments online? We don't have a budget for organizing workshops to solicit comments. Our budget is only enough for a few meetings of the drafting committee” – Administrative and Criminal Law

*Department, MOJ*

One constraint noted by counterparts was the lack of a list of CSOs and knowledge about CSOs functions and advantages with regard to specific topics. Another reason given for not engaging CSOs after GIG ends is that the Fatherland Front is the official umbrella organization for social organizations and is, by law, a member of law drafting committees so there is no need to reach out to CSOs separately given the lack of a budget to engage CSOs.

**Conclusion: Many, but not all, GIG counterparts highly valued their engagement with non-state organizations with GIG's support.**

**Conclusion: The continued engagement of CSOs is in doubt due to budget constraints.**

## **Question 3: What are the lessons learned and recommendations from GIG program design and implementation that can be used to strengthen USAID programming?**

### **Lessons Learned**

#### **Design**

The most important lesson learned from this evaluation is the importance of project design for a successful project. GIG has very ambitious goal: inclusive, accountable governance that facilitates broad-based sustainable growth. GIG was designed contribute to this goal by working across five broad thematic objectives, or policy goals, to improve the overall legal and regulatory framework, increase transparency and accountability, and improve inclusion and economic opportunity for vulnerable groups. Because of the breadth of GIG's objectives, the program design includes six key counterparts (MOJ, MOF, MPI, MOIT, SAV, and NA) that form the GIG Steering Committee with the MOJ having primary on-going, management and monitoring responsibilities as well as chairing the Steering Committee. Four of these entities are in the executive branch and two are under the legislative branch. This evaluation uncovered a number of issues with this design.

The first issue is that with five broad thematic objectives virtually all laws and regulations could fall under GIG's scope of work at the same time that GIG is working on three governance-related outcomes. Any one of the five objectives or three outcomes is in itself sufficiently broad to comprise a USAID project on its own. The effect of this is that GIG was providing highly specialized technical expertise for laws and policies that ranged from self-certification of rules of origin (trade), legal aid, marriage and family law, the treatment of off-budget government financial funds, to legislative oversight of law implementation. This breadth of effort undermined the depth of results, with the exception of trade where GIG was building on previous USAID projects and a clear agenda set by the TPP.

The second issue is that GIG's key counterparts have differing missions and interests as well as differing degrees of influence within the GVN. The economic and trade-related ministries (MPI and MOIT) have missions related to economic growth, the Finance Ministry has a mission related to government revenues and budgets, the MOJ, first among equals for GIG management but not necessarily within the GVN's political system, has a mission that spans the legislative and regulatory framework as well as the justice sector, and citizen's rights. The SAV and the NA are both in the legislative branch and within Vietnam's political system they are formally superior to the executive branch. These powerful institutions come together in the Steering Committee which is the entity that approves GIG's annual work plan on the GVN

side. The effect of these differing missions, interests, and degrees of influence is that GIG, and the MOJ, have a delicate balancing act that prevents GIG from being able to focus its efforts.

The third issue is that there may have been differing understandings of how GIG would pursue its objective of inclusion. The wording of the objectives and outcomes related to inclusion is different in the GVN Project Document and GIG scope of work and while both the GVN and USAID strongly support greater inclusion, their understanding of how to achieve this objective and outcome prevented GIG from implementing a grant program designed to achieve a number of key results related to government accountability and inclusion.

Another issue related to project design is that a broad, ambitious project with multiple stakeholders and predicated on an international trade agreement providing an incentive for governance reforms should have a learning and adaptation agenda in the project design. Although enactment of the TPP was a project design assumption, there was no provision to adapt the project design if this assumption no longer held. In addition, the broad thematic objectives that crossed multiple stakeholders who also have responsibility for managing the project created a significant opportunity and imperative for cross-objective learning and adaptation as a means to achieve GIG's governance outcomes and to focus project implementation. Instead, GIG and its PMU have tried to do this without clear channels for regular and periodic collaboration and coordination between GIG, the PMU, and the other key counterparts. The effect of this has been frustration on the part of some counterparts that GIG's implementation has not been strategic, the lack of a sustainability strategy, and the absence of sustained discussions between USAID, GIG, and the six key counterparts of whether GIG should refocus its efforts given that the TPP was the impetus for combining legislative and regulatory reforms for trade policy with an agenda for accountable governance and inclusion across multiple sectors and themes.

Finally, as with any project, it is important to have clearly defined outcomes, activity level indicators that contribute to those outcomes, and a theory of change that explains how the activity indicators affect the outcomes. GIG has none of these. The KRAs, or outcomes, are not defined in any meaningful manner and are largely unmeasurable. The activity level indicators are inputs and outputs, but there is no theory of change to explain how they will aggregate, cumulate, or contribute to achievement of the outcomes. Only once an outcome is clearly conceptualized and defined is it possible to develop a focused strategy to achieve the outcome and meaningful activity indicators to measure progress toward contributing to the outcome.

## **Implementation**

GIG's scope of work requirement that the "the Contractor team will be ready immediately after award to leverage in country presence, start-up activities, and achieve results that will last," was unrealistic given the project's complexity in terms of political context, management model, breadth of thematic coverage, and undefined outcomes and results and may have undermined the project's ability to implement strategically and sustainably. The most important reasons for a planned, longer start-up period is that it would have provided GIG with time to develop project operating guidelines, conduct baseline analyses, work with USAID to define the key concepts in its KRA outcomes and indicators that contribute meaningfully to the achievement of those outcomes, and develop a coherent strategy to achieve its indicators and KRAs.

Instead, GIG's implementation was delayed during the first year because it was unable to develop a work plan that met USAID and the PMU's approval; delayed during the third year because it did not have operating guidelines; and delayed during the fourth year because its unfocused implementation, partly a result of a lack of control over its work plan, left it without sufficient resources to implement the approved

work plan. The one thematic area where GIG did have a comprehensive analysis and strategic plan, gender and inclusion, has been one of GIG's strongest performance areas, although the lack of a grant program prevented GIG from being able to advance on some aspects of inclusion and governance. The other thematic area where GIG's performance has been strong, trade facilitation, enjoyed the benefit of defined international commitments driving counterpart demands and GIG strategy.

The ambitious goals, broad thematic coverage, and multiple stakeholder management model could have been informed by local systems analysis, stakeholder analysis, political economy analysis or other similar type of analysis during a longer project start-up and revised periodically during the life of the project. These types of analyses create a structure and justification for implementation strategies and activities and they support active learning and adaptation as context changes during the life of a project. Although some of these analyses or similar assessments were likely done when USAID designed GIG, pre-implementation analyses frequently are at a very general level. If GIG had done this type of analysis at the beginning of the project, it may have prevented some of the dispersion of effort by identifying each stakeholder's priorities, political and economic constraints and opportunities for its strategies, issues and independent actors that could facilitate or impede its implementation strategy, and GVN inter-agency opportunities and constraints for coordination and collaboration across key counterparts. If it had done periodic updates to these analyses, it could have adapted its implementation strategy as context, opportunities, and constraints changed.

Two implementation lessons that are particularly relevant the multi-stakeholder management model and Vietnam's context relate to the operating guidelines and communication and collaboration channels. All international development assistance projects in Vietnam are required to have operational guidelines. Ignoring this requirement was a risk that should not have been taken. At a minimum, the lack of operating guidelines effectively reduced GIG's period of performance by the six months that work was delayed pending approval of the guidelines and work plan during the third year. More substantively, when guidelines were developed, relations between GIG and the PMU were strained. This resulted in guidelines that constrain GIG's ability to control its strategy and work plan to achieve its outcomes. Had the guidelines been developed early in the project before these strains appeared, GIG could have included channels for collaboration and communication, learning and adaptation, as well as the rules that would govern the grant program that the GVN already approved, in principle, in the Project Document. Without guidelines, each time GIG, USAID, or PMU management changed, new relationships, new ways of working together, and new rules for operation had to be developed.

Sustainability considerations should have been incorporated from the beginning of the project. Much of GIG's work during the first three and a half years of implementation involved developing highly specialized technical products and supporting events for consultation and dissemination. While the technical products and laws that incorporate the findings from these products will sustain into the future, GIG did not prioritize creating mechanisms so that its key counterparts could continue to generate these technical inputs and was unable to provide support to independent CSOs to build their capacity to collect evidence to support law and policy development as well as monitor law implementation effectiveness. GIG supported key counterparts to hold large, expensive training, consultative and dissemination events. While these events did improve public consultation and dissemination, they are too large and expensive for their counterparts to replicate and are not sustainable. GIG placed little attention on strategies to improve the law-making process and accountability that were financially and logically appropriate for sustainable results, or on capacity-building and training to support sustainability in general.

## **Recommendations: Future Project Design**

- I. **A focused project design** is more likely to lead to sustainable, substantive results. Future

USAID projects could usefully combine one or two of the objectives and outcomes, but not all. For example, depending on USAID priorities, trade and governance could combine to improve the legal and regulatory framework, accountability, and inclusiveness of Vietnam's trade policies. Another example would be to remove the thematic objectives and focus on improving accountability and inclusiveness in the law-making process, without focusing on content of the laws and instead placing emphasis on the process across sectors and themes. In the first case, the project would enhance governance in one sector that the GVN could expand to other sectors based on the positive demonstration effects of a focused, successful project. In the second case, a project that emphasizes process over content is more likely to focus on institutional capacity to implement new processes and sustainability.

2. **Clearly defined, achievable outcomes** help implementing partners develop strategies to achieve outcomes and focus their efforts, and provide the basis for USAID to determine whether the implementing partner is achieving its outcomes. USAID project design should include working definitions and a theory of change that relates the types of activities and suggested indicators in the scope of work. For example, GIG's KRA 1.1 "High-quality laws and regulations developed," does not define or provide any indication of what constitutes high-quality. For KRA 2.2 "Citizen participation in monitoring and evaluating policy implementation strengthened," it is not clear whether the monitoring and evaluation is of the process of implementing the policy or the effects of the policy implementation. Without definitions of key concepts and criteria for measuring contributions to the outcomes, claims of achieving the outcomes are meaningless. While it may be impossible to provide more than provisional definitions for outcomes in the project design stage, if combined with a longer start-up period, the implementing partner and USAID can work together to arrive at clear operational definitions of outcomes and the implementing partner and USAID can design the strategy and indicators based on these clear definitions.
3. **A longer start-up period before implementation begins.** In Vietnam, a longer start-up period is essential to allow time to develop and have approved operational guidelines, in accordance with Vietnam's rules for international development assistance projects. During this longer start-up period, the implementing partner project team can work with USAID to develop working definitions for all outcomes, indicators to measure progress in achieving the outcomes, baseline analyses to identify opportunities and constraints to achieving the outcomes, and a strategy for implementation based on a theory of change informed by the baseline analyses. The implementation team can also use this period to develop communication and coordination channels with counterparts and stakeholders to increase ownership and trust before implementation begins.

## Recommendations: GIG Implementation

There are 16 months remaining in GIG's period of performance. During this time, GIG should focus its efforts on increasing the likelihood that the results it has achieved, or partially achieved, are sustainable. Because GIG is operating under financial constraints as of the time of this evaluation, this will require close communication and coordination with the PMU and counterparts and reducing the demand-driven nature of the work planning process. Making recommendations for GIG implementation without more information on its financial constraints is problematic. The recommendations may be unrealistic given available funding or may not be accepted by the PMU which approves GIG's work plan for the GVN. Instead, the evaluation team recommends strategies of action that GIG can take to re-orient its implementation to deepen its achievements, increase the likelihood that its results will be sustainable, and work together as a partner with the PMU to deliver its results.

Specific recommendations include:

1. **Establish regular, face-to-face meetings with the PMU** on at least a monthly basis to discuss project implementation, operations, and performance. GIG should also support the PMU's monitoring role by providing frequent updates on GIG performance in a format compatible with that used by the PMU in its reporting within the GVN.
2. **Increase GIG transparency and information sharing with the PMU** including activity-related spending, activities budgets, funds remaining for activities, implementation constraints and opportunities, and proposed strategies.
3. **Develop a sustainability strategy** for the remaining implementation period. The strategy should emphasize process over content, and institutional capacity building over events or highly specialized technical assistance.
4. **Develop a learning strategy** for the remaining implementation period that the key counterparts can continue with on their own after GIG ends.
5. **Develop the Year 5 work plan** through frank and open conversations with the PMU, Steering Committee, and key counterparts. Only those activities that will contribute to deepening GIG's previously achieved process-oriented results, increasing counterparts' institutional capacity to sustain the process-oriented results, or fomenting learning between GIG counterparts should be included in the Year 4 and Year 5 work plans.

## ANNEXES

### Annex I: USAID's Request for Proposal



**USAID | VIETNAM**

FROM THE AMERICAN PEOPLE

Request for Task Order Proposals (RFTOP) No.: SOL-440-13-000001	
<b>Issue Date:</b>	<b>08 July 2013</b>
<b>Questions Due:</b>	<b>15 July 2013, at 4pm, Bangkok local time</b>
<b>Closing Date:</b>	<b>29 July 2013, at 4pm, Bangkok local time</b>

**TO:** Public Financial Management Indefinite Quantity Contract (IQC) Holders

**SUBJECT:** USAID/Vietnam Governance for Inclusive Growth (GIG) Activity

On behalf of the United States Agency for International Development (USAID) Mission in Vietnam, the Regional Contracts Office in Bangkok intends to award a Task Order (TO) under the Public Financial Management IQC to implement the USAID Governance for Inclusive Growth (GIG) Activity in Vietnam. The period of performance is approximately five years, to end on September 30, 2018.

The requirements for this activity are described in the Statement of Work, Section C. Issuance of the TO and its implementation in subsequent years is subject to availability of funds and successful negotiation of the TO budget and terms. Only one Award is anticipated.

USAID encourages your firm to submit a proposal in response to this RFTOP in accordance with Instructions, Conditions and Notices to Offerors, Section L. The U.S. Government intends to evaluate proposals in accordance with the Evaluation Criteria in Section M and to make an Award to the responsible Offeror submitting a responsive, reasonable offer, which provides the greatest value to the U.S. Government, price and other factors considered.

To be considered under this fair opportunity process, the Offeror must submit the required documentation by the means indicated on the attached, not later than the closing date and time indicated above. Offerors must ensure that proposals are well written, easy to read and follow, and contain the requested information.

Sincerely,

/s/

Martha L. Aponte  
Contracting Officer  
USAID/RDMA

SOLICITATION, OFFER AND AWARD		1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)		RATING	PAGE OF PAGE(S) )
2. CONTRACT NO.	3. SOLICITATION NO.	4. TYPE OF SOLICITATION  <input type="checkbox"/> SEALED BID (IFB) <input type="checkbox"/> NEGOTIATED (RFP)	5. DATE ISSUED	6. REQUISITION/PURCHASE NO.	
7. ISSUED BY	CODE <span style="border: 1px solid black; padding: 2px;"> </span>	8. ADDRESS OFFER TO (If other than Item 7)			

NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder"

#### SOLICITATION

9. Sealed offers in original and \_\_\_\_\_ copies for furnishing the supplies or services in the Schedule will be received at the place specified in Item 8, or if hand carried, in the depository located in \_\_\_\_\_ until \_\_\_\_ (hour)\_\_\_\_ local time \_\_\_\_ (date)\_\_\_\_, \_\_\_\_\_. CAUTION LATE Submissions,

Modifications, and Withdrawals: See Section L, Provision No. 52.214-7 or 52.215-1. All offers are subject to all terms and conditions contained in this solicitation.

10. FOR INFORMAT ION CALL:	A. NAME  ►	B. TELEPHONE NO. (NO COLLECT CALLS)		C. E-MAIL ADDRESS
		Intl CODE	NUMBER	

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(x)	SE C.	DESCRIPTION	PAGE(S)	(x)	SE C.	DESCRIPTION	PAGE(S)		
<b>PART I - THE SCHEDULE</b>									
X	A	SOLICITATION/CONTRACT FORM		X	I	CONTRACT CLAUSES			
X	B	SUPPLIES OR SERVICES AND PRICE/COST		<b>PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACH.</b>					
X	C	DESCRIPTION/SPECS./WORK STATEMENT		X	J	LIST OF ATTACHMENTS			
X	D	PACKAGING AND MARKING		<b>PART IV - REPRESENTATIONS AND INSTRUCTIONS</b>					
X	E	INSPECTION AND ACCEPTANCE		X	K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS			
X	F	DELIVERIES OR PERFORMANCE		X	L	INSTRS., CONDS., AND NOTICES TO OFFERORS			
X	G	CONTRACT ADMINISTRATION DATA		X	M	EVALUATION FACTORS FOR AWARD			
X	H	SPECIAL CONTRACT REQUIREMENTS							

#### OFFER (Must be fully completed by offeror)

NOTE: Item 12 does not apply if the solicitation includes the provisions at 52.214-16, Minimum Bid Acceptance Period.

12. In compliance with the above, the undersigned agrees, if this offer is accepted within \_\_\_\_\_ calendar days (60 calendar days unless a different period is inserted by the offeror) from the date for receipt of offers specified above, to furnish any or all items upon which prices are offered at the price set opposite each item, delivered at the designated point(s), within the time specified in the schedule.

13. DISCOUNT FOR PROMPT PAYMENT (See Section I, Clause No. 52.232-8)		10 CALENDAR DAYS (%) %	20 CALENDAR DAYS (%) %	30 CALENDAR DAYS (%) %	CALENDAR DAYS (%)
14. ACKNOWLEDGMENT OF AMENDMENTS (The offeror acknowledges receipt of amendments to the SOLICITATION for offerors and related documents numbered and dated: _____)		AMENDMENT NO.	DATE	AMENDMENT NO.	DATE

15A. NAME AND ADDRESS OF OFFEROR	CODE <span style="border: 1px solid black; padding: 2px;"> </span>	FACILIT Y <span style="border: 1px solid black; padding: 2px;"> </span>	16. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or print)		
--	--	--	--	--	--

15B. TELEPHONE NUMBER AREA CODE		15C. CHECK IF REMITTANCE ADDRESS IS DIFFERENT FROM ABOVE – ENTER SUCH ADDRESS IN SCHEDULE.		17. SIGNATURE	18. OFFER DATE
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AWARD (To be completed by Government)

19. ACCEPTED AS TO ITEMS NUMBERED	20. AMOUNT	21. ACCOUNTING AND APPROPRIATION	
22. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION:  <input type="checkbox"/> 10 U.S.C. 2304(c) ( ) <input type="checkbox"/> 41 U.S.C. 253(c) ( )		23. SUBMIT INVOICES TO ADDRESS SHOWN IN  (4 copies unless otherwise specified)	ITEM ►
24. ADMINISTERED BY (If other than Item 7)		CODE	25. PAYMENT WILL BE MADE BY CODE
26. NAME OF Contracting Officer (Type or print)		27. UNITED STATES OF AMERICA  <i>(Signature of Contracting Officer)</i>	
		28. AWARD DATE	

IMPORTANT: Award will be made on this Form, or on Standard Form 26, or by other authorized official written notice.

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33-133

STANDARD FORM 33 (Rev. 9-97)  
Prescribed by GSA FAR (48 CFR) 53.214(c)

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**SECTION B**  
**PART I - THE SCHEDULE**

**SECTION B - SUPPLIES OR SERVICES AND PRICE/COSTS**

**B.1 PURPOSE**

The purpose of this contract is to provide services that fall within the Scope of Work (SOW) specified in Section C for the **USAID Governance for Inclusive Growth (GIG) Activity**.

**B.2 CONTRACT TYPE AND CONTRACT SERVICES**

This is a cost reimbursement Time and Material type TO with Fixed Daily Rates (FDR). It includes FDRs for all labor categories and other direct costs in accordance with Section B.5 (a), of the IQC. Other direct costs will be considered as cost-reimbursable items.

**B.3 OBLIGATED AMOUNT**

- a. The amount currently obligated and available for reimbursement of allowable costs incurred by the Contractor for performance is **USD TBD**. The Contractor shall not incur expenses that exceed the aforesaid obligated amount. The TO will be incrementally funded throughout the performance period in accordance with FAR Clause 52.232-22, Limitation of Funds.
- b. Funds obligated hereunder are anticipated to be sufficient for the period of performance from the effective date of the TO through **TBD**.

**B.4 INDIRECT COSTS AND ADVANCED UNDERSTANDING ON CEILINGS (APPLICABLE TO ODC)**

**TBD**

**B.5 BUDGET**

Workday Ordered	\$ _____
Other Direct Costs	\$ _____
Grants under Contract:	\$ 4,000,000
G&A Ceiling Price	\$ _____
<b>Total Estimated Cost (TEC)</b>	\$ _____

**[END OF SECTION B]**

## **SECTION C – DESCRIPTION / SPECIFICATIONS/STATEMENT OF WORK**

### **C.1 PURPOSE**

GIG is USAID's primary activity for cooperation with the public and private sectors in Vietnam to enhance areas of governance expected to facilitate broader-based growth, with an emphasis on the legal framework and systems for accountability.

### **C.2 BACKGROUND**

#### **Relevance to Strategic Plans**

Vietnam experienced rapid economic growth over the past 15 years and became a lower middle-income country while reducing poverty. Yet its growth is stalling and its progress is increasingly vulnerable due to poor, stifling governance, limited transparency, inadequate inclusiveness, low competitiveness, and serious environmental and health threats. Vietnam's core contradictions – a desire for growth, innovation, and investment stymied by resistance to transparency, efficiency, and tapping the diverse ideas and resources of its people – represent development challenges at the core of strategy. These contradictions are not new. More than ten years ago, a common assessment was that “Vietnam has yet to reconcile its centrally controlled economy, one-party political system, and historic fear of foreign interaction with the growing pressures for change in a rapidly globalizing world.”<sup>1</sup> Vietnam has delayed the day of reckoning under this assessment by embracing trade agreement-driven growth. According to many assessments, delay is no longer a viable option: Vietnam is at a “critical juncture” in 2013.

In this same critical period the United States seeks to deepen government-to-government and other U.S.-Vietnam partnerships both as part of the rebalance to the Asia-Pacific region and to continue the dramatic improvement in relations since they were reestablished in 1995. The rebalance reflects a clear-eyed understanding that our security and prosperity will be defined significantly by events and developments in the region, including by a responsible, prosperous Vietnam. Including Vietnam in the Trans-Pacific Partnership (TPP) tops the list. This Strategy is aligned with regional priorities to expand inclusive economic growth, address transnational challenges, including health threats and global climate change, and strengthen engagement with emerging regional powers. These three themes are central to the development objectives outlined in the strategy. As a focus-country of the President’s Emergency Plan for AID Relief (PEPFAR) since 2004, the HIV/AIDS Partnership Framework with the Government of the Socialist Republic of Vietnam (signed July 2010) is an integral part of this strategy. This strategy also emphasizes the compelling opportunities for women’s empowerment, and for private-sector partnerships and progress on war legacies that will strengthen the relationship between our countries.

Assistance under this strategy will assist Vietnam’s transformation to a more open, responsible, better-governed nation and a market-based economy as its influence grows in Asia. USAID seeks to support governance reforms that will broaden the effects of growth and make it more sustainable, particularly relating to: improving the quality of laws and policies; increasing government accountability; enhancing transparency and the inclusion of all citizens; and addressing environment

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<sup>1</sup> Andrew J. Pierre. *Vietnam's Contradictions*, Foreign Affairs, November/December 2000.

challenges, including climate change and the reduction of dioxin contamination. U.S. assistance will also strengthen capacities in select areas of comparative advantage to increase inclusion and resiliency and reduce key vulnerabilities. These areas involve HIV/AIDS and other transnational health threats; vulnerable populations, such as people with disabilities, underrepresented in economic activity and unable to access social services; and higher education. Expanding collaboration through assistance managed from USAID Regional Development Mission for Asia (RDMA), the Lower Mekong Initiative (LMI) and other multilateral initiatives and programs will also be a priority.

### **Economic Growth**

Despite advances in economic growth, Bloomberg reported that the International Monetary Fund (IMF) lowered its projection for Vietnam's growth to 5.2 percent this year from 5.8 percent previously, and to 5.2 percent in 2014 from 6.4 percent in its report on April 29. The reduction of this year's forecast is the biggest cut among Southeast Asian countries after Singapore, while the 2014 cut is the biggest downward move for any Asian country. Vietnam's transition to a lower-middle income economy is bringing about new and more complex challenges, for example, the need for deeper and broader legal and regulatory reforms for continued equitable growth. Such reforms are also necessary for Vietnam to promote well-functioning markets and a sound investment climate. Concurrently, Vietnam's ongoing decentralization of public finance accounts and service delivery is placing greater demands on provincial-level governments, as they are relatively weak.

The United States has strongly supported Vietnam's economic governance integration over the past ten years, and USAID assistance has been critical to the development of the legal and regulatory framework for a market economy in Vietnam. Focus in the governance area has broadly included the areas of public administration reform, improvements to the rule of law and strengthening the legislative branch, specifically the National Assembly (NA). USAID has worked in these areas through a number of projects: Support for Trade Acceleration (STAR) I, II, and Plus programs, and the Vietnam Competitiveness Initiative (VNCI) I and II programs. These programs together have yielded concrete changes in Vietnam's regulatory and legal environment, which have been critical to the implementation of the U.S.-Vietnam Bilateral Trade Agreement (BTA) and the World Trade Organization (WTO) commitments. In addition, the Legislative Research Program (LRP) has specifically supported the NA's Institute of Legislative Studies (ILS) to improve its service quality as well as human resources and management capacity.

Vietnam's opening to international trade over the last 20 years has been one of the most important drivers of rapid economic growth and social development, including significant improvements in per capita Gross National Income (GNI 2011 - \$1,270) and achievement of national Lower Middle-Income status. As with the BTA in 2001 and WTO Accession in 2007, the successful conclusion of the TPP, currently under negotiation, promises to fuel further transformative growth by dramatically increasing market access. It is expected to also help spur further action on the difficult economic reforms that still face Vietnam if it is to complete the transition to a fully functioning market economy. Vietnam stands to benefit economically more than any other TPP partner due to increased U.S. market access (Petri 2012).

However, with an economy that is now quite open and integrated into global markets, the quality of "behind-the-border" economic governance is currently viewed by many to be a much more significant constraint to Vietnam's inclusiveness, long-term competitiveness and sustainable economic growth than further trade integration. As the summary of a recent Harvard seminar for

senior Vietnamese government leaders concluded, “to truly achieve long-term stability in Vietnam, leaders must not only implement a list of policy reforms and restructuring changes, but also explore a more expansive philosophical shift towards economic and governance practices.” “It will mean, first and foremost, imposing discipline on both public and private sector entities through greater transparency and accountability,” stated a policy paper written for this Vietnamese Executive Leadership Program. ‘Vietnam must move towards international standards of economic governance, including a clear separation between regulators and market participants, an unwavering commitment to a judicial system that is independent of politics, and public finance and fiscal policy reforms based on clearly enunciated rules and complete transparency. (Harvard Ash Center 2012)’

Vietnam’s transition over the last five years from one of the developing world’s most successful emerging economies to a country whose lack of progress on tackling its most pressing economic reforms has led to repeated bouts of high-inflation, a banking crisis that has dried up credit to the private sector and left the economy burdened by uncompetitive state-owned enterprises, as well as a public sector increasingly plagued by corruption issues, has created many new development challenges. For example, Vietnam’s growth in recent years has slowed from a ten year average of 7% to barely 5% in 2012-2013, revealing troubling underlying vulnerabilities and inequalities that threaten the sustainability of recent gains. Failure to make the kind of transformation in its economic governance worldview referred to above will leave Vietnam vulnerable to further shocks, inflation, and growth that is insufficient to generate the necessary new employment opportunities for its young population, 14% of whom have not yet been lifted out of poverty. A continued lack of transparency, accountability, and public participation in the promulgation of laws and regulations that impact social and economic development remains a central challenge. At a minimum, not making the leap to a more efficient, transparent and accountable approach to governance will hinder Vietnam from realizing the huge potential that so many have recognized it possesses.

## **Governance & Inclusion**

Although Vietnam's political system is dominated by a single party, there are some prospects of greater government transparency and accountability, such as more participatory approaches through the current constitutional reform process and better public financial management. Land reform in Vietnam is proving to be a central issue in improving government transparency and accountability in the protection of property rights. Reforms are most evident in the workings of the NA. Significant concerns remain regarding rights to freedom of expression and association.

According to the State Department's 2012 Human Rights Report (HRR), “The most significant human rights problems in the country continued to be severe government restrictions on citizens' political rights, particularly their right to change their government; increased measures to limit citizens' civil liberties; and corruption in the judicial system and police...Political influence, endemic corruption, and inefficiency continued to distort the judicial system significantly. The government increasingly limited freedoms of speech and press and suppressed dissent; further restricted Internet freedom; reportedly continued to be involved in attacks against Web sites containing criticism; maintained spying on dissident bloggers; and continued to limit privacy rights and freedoms of assembly, association, and movement.”

Although USAID/Vietnam cannot directly address the central governance problem of a lack of political competition, opportunities exist for improving the responsiveness, transparency and accountability of governance institutions, and for building links between citizens and the state on

governance issues. An upcoming report by Overseas Development Institute (ODI) on Policy Advice and Advocacy in supports this hypothesis and recommends working within the current system (both government and mass organizations), and support action by Vietnamese stakeholders to work in their collective interests. In particular, this Activity sees capacity building potential in the quality of governance relating to inclusive growth, particularly in relation to the NA, public participation and civil society, including universities and think tanks, and media. Land reform in Vietnam is also proving to be a central issue in improving government transparency and accountability in the protection of property rights.

Regarding the NA, as a 2007 USAID Democracy and Governance (DG) Assessment noted, “While competition does not exist in the sense [that] it does in multi-party democracies, it does exist in Vietnam, although usually beyond the complete view of outsiders. It exists within the Party, among Party organs, among ministries, within ministries, and so on. The NA is one [such] arena.” However, the NA has limited capacity. There is a low level of public participation in lawmaking and the oversight processes. The NA has only recently been charged with the role of drafting laws, and has only submitted three to date, charged primarily with reviewing and voting on laws drafted by the government. In addition, it has only recently begun to scratch the surface of its oversight role over the rest of government. While the NA is admittedly not a true representative body in a traditional Western sense, its role is evolving in a positive direction. Work with the NA therefore continues to represent a beacon of hope in the governance area.

Public participation, defined as both the act of voting and the involvement of citizens in government decision-making, is very limited in Vietnam. The 2007 DG Assessment noted that high levels of voting in Vietnam (over 99%) did not translate into a constituency-based NA, nor did they mean that citizens were involved in providing oversight over members of the GVN. A 2010 World Bank Governance Assessment summed it up best: “Participation in decision making does exist, but often focuses more on implementing what has already been decided.” As the 2007 DG Assessment further highlighted, “one may consider large portions of the population to be marginalized, if not excluded, in the sense that their participation in the policy-making processes that affect them is limited or absent.”

Regarding civil society, the 2007 DG Assessment noted that since the period of fighting the French, “Apart from the mass organizations, there was little tolerance or opportunity for non-State sanctioned voluntary organizations and associations . . . *Doi moi* and economic liberalization has brought about more space for ‘civil society’ and new forms of social organization. Most activities are directed towards poverty reduction, humanitarian relief, and professional development, but little is done in the way of advocacy.” The 2012 State Department Human Rights (HRR) report noted, “The government increasingly limited freedoms of speech and press and suppressed dissent; further restricted Internet freedom; and continued to limit privacy rights and freedoms of assembly, association, and movement.”

In addition to a lack of space for non-government aligned civil society, the sector faces serious administrative and management challenges, as highlighted by a 2012 report by the Asia Foundation. “Many CSOs have suffered a series of funding crises in recent years. Limited and unstable budgets have undermined CSOs’ abilities to carry out their activities, develop coherent long-term plans and retain staff. Interviewees described downsizing, office relocation and budget crises. Many CSOs remain dependent on international donors, and most struggle to access sufficient public or private funding to support their activities. Retaining talented and experienced staff is also a serious ongoing challenge. Young people join, gain experience and then depart for jobs in the private sector or with

international organizations. High staff turnover undermines activity planning and delivery. The organizations also expressed concerns about their management, governance, strategy and planning, acknowledging weaknesses that remain a serious impediment to their organizational development and impact.”

According to the 2012 HRR, “The CPV, government, and party-controlled mass organizations controlled all print, broadcast, and electronic media.” Forbidden subjects to cover include human rights abuses, top-level government corruption and anti-China sentiment. Foreign media are also subject to tight controls and surveillance. As the 2007 DG Assessment noted, “Private ownership is extremely limited, and no news outlets are privately owned. State authorities are trying to keep up with the rapid expansion of Internet usage through increasingly sophisticated Internet monitoring.” Government officials have also tightened online censorship and surveillance. Finally, as a 2010 World Bank Governance Assessment noted, there is worry, “by some over the quality of reporting and the impact of vigorous reporting has generated a refocused effort on strengthening accountability of the media itself.”

According to land experts, while Vietnam’s laws emphasize gender equality regarding access to and use of property and land, in practice women’s rights to land are weaker than men’s access. For example, although the law requires that land use rights certificates (LURC) list the names of both spouses for property that has been allocated to married people, women are underrepresented on LURCs. Such certificates, which are mandated by law, are necessary for formal state recognition of land-use rights, secure tenure, formal land transactions, access to formal credit and legal protection of land-use rights. In addition, although women make up the majority of agricultural land users in Vietnam, there is very little knowledge about the gender-related impacts of the country’s land laws and related policies – both existing and proposed - including such issues as the loss of use of agricultural and availability of alternative livelihood options for women as different from men.

### C.3 ACTIVITY OBJECTIVES

#### **Goal: Governance enhanced to facilitate broad-based, sustainable growth**

This Activity rests on the hypothesis that in order for Vietnam to continue its transformation into a responsible, more inclusive partner, it needs enhanced governance to facilitate broad-based, sustainable growth. This will require continuing the process of establishing a clear legal and regulatory framework, one that establishes a system based on the rule of law through which citizens and the private sector are provided with a predictable and transparent set of rules by which they may make their own independent, innovative contributions to growth and development. More important than any particular law or regulation, is the evolution towards a dynamic policy making process that is capable of creating high quality laws and regulations that achieve their objectives with minimal cost to society; that are transparent so that all actors can clearly understand the rules within which they must operate; that are inclusive so that all members of society can benefit; and that is capable of evolving over time based on changing needs, circumstances and commitments. However, our hypothesis recognizes that even a perfect legal framework will not guarantee that policies will be implemented. Therefore, it is also necessary to improve the accountability of public institutions on policy implementation through improved oversight, citizen participation and increased transparency. Finally, for Vietnam’s growth to be responsible, it is important that it continues to make progress towards improved inclusion of those who have not significantly benefited from the progress of the last 20 years. While an improved legal framework and increased public accountability will both

contribute to a wide range of development objectives that will enhance inclusion, improved inclusion and opportunities for vulnerable populations will require additional targeted efforts to more directly address the unique challenges of excluded groups. Promoting growth that is inclusive will mean more than creating economic opportunities, it will mean doing more to ensure equal access to them.

**Goal-level Performance Measures:**

- Prevalence of Poverty: Percent of people living on less than \$1.25/day
- Growth in (real) GDP per capita
- CPIA public sector management and institutions cluster average

The public sector management and institutions cluster includes property rights and rule-based governance, quality of budgetary and financial management, efficiency of revenue mobilization, quality of public administration, and transparency, accountability, and corruption in the public sector.

- CPIA policies for social inclusion/equity cluster average

The policies for social inclusion and equity cluster include: gender equality, equity of public resource use, building human resources, social protection and labor, and policies and institutions for environmental sustainability.

The Activity broad-based, sustainable growth as the economic engine of Vietnam's progress towards the goal of becoming a responsible, more inclusive partner, focusing in on the governance constraints to that growth as the principal development problem that USAID will focus on during this five-year strategy period. Despite the challenges, there is strong evidence that identifies areas where demand for improved governance is sought and where institutions are incrementally supporting reform while seeking technical assistance to make those changes. With limited resources, USAID will look to create an Activity that plays a catalytic role in improving the capacity of the GVN to improve its policy making processes through improved information for decision making, greater citizen participation, increased transparency, and more effective accountability mechanisms that result in the quality development outcomes that its citizens increasingly expect. This Activity will provide targeted technical assistance in support of a wide-range of shared USG and GVN priority policy issues including:

**Objective 1 - Increased Trade & Investment:**

Supporting Vietnam's compliance with its international trade and investment commitments (BTA, WTO, TPP, Trade and Investment Framework Freeman (TIFAs), etc.) will help further its global integration through a sound trade and investment-enabled environment, leading to inclusive, sustainable growth. The breadth and scope of Vietnam's trade and investment agreement obligations are extensive, touching on such challenging issues as intellectual property rights, investment protection, small and medium sized enterprise development, labor standards, environmental protection and more. The Activity will contribute to those which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth, including the implementation of the TPP.

**Objective 2 - Enhanced Private Sector Competitiveness:**

Vietnam's large state-owned sector, limited investor protections and non-transparent regulatory environment are all significant barriers to private sector competitiveness. As Vietnam continues to integrate into global markets, the competitiveness of its domestic and foreign owned firms will be critical to its continued sustainable, inclusive growth. The Activity will contribute to competitiveness initiatives which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth.

**Objective 3 - Strengthened Rule of Law and Judicial Effectiveness:**

A weak, non-transparent and unpredictable judicial system is a major barrier to improving the rule-of-law in Vietnam. A sound business-enabling environment requires effective rule of law (i.e. contract enforcement, property rights enforcement, dispute resolution, etc.). Incremental improvements in the transparency, independence and predictability of the judicial system will be necessary to support inclusive, sustainable growth. The Activity will contribute to rule of law and judicial effectiveness initiatives, which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth.

**Objective 4 - More Effective Public Administration and Financial Management:**

Professional public administration and financial management is essential to good governance. Effective and prudent utilization of public sector revenues to build both social and economic infrastructure (i.e. schools, roads) and services (e.g. education, electricity) will also be necessary for sustainable, inclusive growth. The Activity will contribute to public administration and financial management initiatives which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth.

**Objective 5 - Greater Social Inclusion and Equality of Opportunity for All Citizens:**

Vietnam has reached a point in its development trajectory where it must make increased investments in social protections such as labor rights, policies and programs in order to increase equality of opportunity for historically disadvantaged groups, and to empower women, so that it may fully participate in global economic and public spheres. The Activity will contribute to social inclusion and equality of opportunity initiatives, which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth.

This broad but interrelated set of objectives suggests the need for flexibility while supporting the rationale for creating a central mechanism that addresses broad national policies and macro level processes that have a direct and specific impact on challenges relating to inclusiveness, sustainability and growth. This Activity proposes to build on the portfolio of previous USAID Economic Growth programs, including recent accomplishments and relationships made under STAR Plus, VNCI Phase II, the LRP, the Industrial Relations Promotion Program (IRPP) and the Sustainable Cocoa for Farmers Program (SCF), by providing the same type of opportunity-driven, flexible technical assistance that supports the broad set of policy goals identified above.

Illustrative activities include:

- Strengthen the capacity of the NA, central and local governments to more effectively produce the high quality laws and equitable laws and regulations.
- Enhance the ability of the NA, the government and independent research institutes to conduct high quality studies to inform the policy and law making process.
- Support the consultation between the citizens and the NA, the government and other stakeholders in the policy and law making process, including through an increased use of online and local level consultations.
- Targeted support for the effective implementation of priority laws and regulations.
- Provide training and technical assistance to build the institutional capacity of the NA and State Audit of Vietnam to provide oversight of the government's performance.
- Promote the availability of information to the general public regarding government rules, regulations and decision-making while increasing access to information by the public about government programs, activities and performance.
- Create a “citizen watchdog function” through training of the press, citizens and the business community to report on accountability of and inclusiveness of public institutions.

#### C.4 SCOPE OF WORK

Where the above goal and objectives for the Activity reflect the high level outcomes necessary for the Activity to contribute to inclusive growth, the results and deliverables of this scope of work, as defined in this section, represent the specific governance processes whose strengthening will make an important, direct contribution to one or more of the above broad Activity objectives. USAID has defined the results framework within which it wants to operate. The Contractor must clearly link each of these results and deliverables to one or more of the above objectives in a manner that reflects both a coherent integration of the Activity's good governance and sustainable, inclusive growth objectives, while clearly identifying in consultation with the GVN the best opportunities for advancing both in the current Vietnamese context. To add to this complexity, the Activity will work with six or more government counterparts as well as develop a set of nongovernmental partnerships through Grants under Contracts (GUCs) mechanism. As a result, the degree to which a given proposal clearly articulates the specific opportunities and defines a solid Contract Performance Plan (CPP) with appropriately ambitious and meaningful targets, the higher it will score in technical evaluation.

##### **Expected Result 1: Clear and Transparent Legal and Regulatory Framework**

This result will focus on improving policy and policy-making processes in Vietnam in support of an improved regulatory environment and public administration. A root cause of Vietnam's current governance challenges is that the process of legal and regulatory development is not coherent or transparent, and that outcomes are often not what it was intended. The GVN is aware of these issues and there are currently a number of major initiatives to try to address them, ranging from revising the Constitution, to the creation of new laws on the organization of the NA and the Government and a range of other government-wide initiatives to improve public sector effectiveness and inclusion and sustainability.

##### **Result 1 Performance Measures (proposed)**

- Doing Business Index Rank
- Improved Provincial Competitiveness Index Median Score

- Number of Legal Normative Documents that receive online public comment
- Quality of policy research informing Legal Normative Documents

## **Result 1 Deliverables**

In support of the GVN's own initiatives to address these issues, USAID activities will focus on the following specific deliverables:

### **Deliverable 1.1: Quality Laws and Regulations Developed**

A clear legal and regulatory framework begins with high quality laws and regulations. All of the subsequent deliverables contribute to this objective of improving the quality of laws and regulations in Vietnam including addressing equity. Where the subsequent deliverables emphasize improved processes through which laws and regulations are made, this deliverable is focused on providing high quality technical input on the issues being addressed in specific laws and regulations under development or review.

### **Deliverable 1.2: Improved Policy Development Processes**

There is a recognition that improving the legal and regulatory framework requires moving upstream of existing laws and regulations to increase the quality of problem identification, analysis of alternative policy options for addressing the problem and early consultations to get the public's assessment of the trade-off between the different options. This will help contribute to the overall coherence of the legal and regulatory system.

### **Deliverable 1.3: Improved Information Systems and Evidence-Based Analysis for Policy Making**

The availability and use of quality data for policy-making is widely recognized as a major weakness in the Vietnamese government's capacity to design appropriate policy interventions. Increasing the capacity of a range of government agencies and think tanks to collect and analyze data in support of improved policy decisions will help to address this weakness. Analyzing the political economy of policy reform is also an important consideration in understanding why a given policy approach is or is not taken.

### **Deliverable 1.4: Increased Transparency of Laws and Regulations**

A lack of transparency is consistently recognized as one of the primary weaknesses of the current Vietnamese legal and regulatory framework. The Internet and globalization have both dramatically raised the expectations of citizens and businesses regarding the availability of good information about governments' policies. A wide range of opportunities exists to expand Vietnam's initial experiences in providing increased public access to State sector information. Information technology is a critical tool in promoting transparency.

### **Deliverable 1.5: Strengthened Public Consultation and Stakeholder Engagement Mechanisms in Policy Development**

Strengthening mechanisms for public participation in order to provide essential feedback loops on how citizens and companies are being affected by proposed laws and regulations is one of the most important means of establishing the need for and legitimacy of new laws and regulations. Good stakeholder input is essential to identifying the best approach to regulating a particular activity, as well as to fostering stakeholder buy-in to complying with regulations once they enter into force.

**Deliverable 1.6: Innovative partnerships to advance a clear legal and regulatory framework established.**

These will be partnerships with organizations which are demonstrating leadership, innovative approaches or unique positions to sustain these legal and regulatory framework efforts over the long term. Through these partnerships, USAID will facilitate bringing non-governmental views into the policy process and build the capacity of local organizations.

**Expected Result 2: Improved accountability of public institutions**

A clear assessment of how effectively the public sector is performing and mechanisms for holding institutions and officials who are not performing to account are critical components of an effective State, even more so when democratic elections do not provide a mechanism for such accountability. USAID aims to achieve this intermediate result by focusing on strengthening oversight, performance management and other accountability mechanisms of the government, including the executive, legislative and judicial branches of government, as well as potentially of sub-national governments. As in Result 1, this will be achieved through improved quality of information and analysis, greater transparency and increased opportunities for citizen participation, but with the focus on accountability, equity and the effectiveness of policy implementation. This will include strengthening mechanisms for monitoring and evaluating the effectiveness of current policy to assure that public institutions are effectively delivering services, as well as complying with the law.

**Result 2 Performance Measures (proposed)**

- Government Effectiveness Index Score
- Corruptions Perceptions Index
- PAPI Index Median Score
- Number of NA oversight hearings conducted
- Number of Public Sector Performance Audits and Evaluations conducted

**Result 2 Deliverables**

**Deliverable 2.1: Strengthened Government Oversight Processes**

In response to both weak economic growth and corruption challenges, the GVN is working to strengthen its mechanisms to improve the accountability of public institutions. The recent adoption of public oversight hearings by the NA is the most prominent and promising new initiative. The State Audit Agency, as well as the Anti-Corruption Steering Committee (OSCAC) that was recently moved from the Office of Government to the Communist Party of Vietnam (CPV) are two additional opportunities for strengthening oversight processes.

**Deliverable 2.2: Strengthened Citizen Participation in Monitoring and Evaluating Policy Implementation**

Citizens play a central role in public sector accountability both individually and through organizations. They are directly affected by the full range of public policy and strengthening existing and emerging opportunities for them to provide feedback to the government on their experiences with these policies will contribute to process that will result in better policies over time.

**Deliverable 2.3: Increased Transparency on Policy Implementation Effectiveness**

Greater transparency is one of the most effective tools improving public sector accountability. The more that citizens and companies know what the laws and regulations that apply to them are, have access to assessments of how well policies relevant to them are achieving their intended objectives and have access to information about the public sector's current and future plans, the more accountable they find government to be.

**Deliverable 2.4: Improved quality of information and analysis for evaluating policy implementation effectiveness**

The interplay between policies and their outcomes is complex. It is not always easy for either citizens or policy makers to understand just what is happening without having access to results of more in-depth research and analysis of reliable data on the outcomes of a particular policy. The more that Vietnamese organizations (universities, think tanks, consultants, etc.) are capable of producing such reports on specific issues, including equity among outcomes, the higher the quality of public discussion will be.

**Deliverable 2.5: Improved quality of the media's reporting on policy implementation**

Strengthening the capacity of journalists and media organizations to facilitate a substantive national dialogue on the full range of complex issues facing Vietnam will directly contribute to improved governance. In all countries, to varying degrees, the media play an important role in public sector accountability. The media is in a unique position to translate complex government objectives and policies into stories about how they affect people's lives in both good and bad ways. The media is a central forum for public discussions about what is working and what is not.

**Deliverable 2.6: Innovative partnerships advance improved accountability of public institutions established**

These will be partnerships with organizations, which are demonstrating leadership, innovative approaches or unique positions to sustain these accountability of public institutions efforts over the long term. Through these partnerships, USAID will facilitate bringing non-governmental views into the oversight process and build the capacity of local organizations.

**Expected Result 3: Improved Inclusion**

Increasing the inclusion of groups that have historically not had equality of rights and/or opportunity within Vietnamese society will be an important consideration in all activities designed to implement this Activity. The Activity will support a legal and regulatory environment that takes inclusion into account as an important criterion, including specific legislation to improve inclusion. Its work on accountability of public institutions will work to provide mechanisms for historically excluded groups to have greater voice. The focus of inclusion is on addressing inequality issues for women, ethnic minorities and other vulnerable groups, including where these categories intersect and/or include a poverty dimension. Other vulnerable groups include lesbian, gay, bisexual and transgender (LGBT) persons and people living with HIV/AIDS or disabilities. These vulnerable groups will be addressed particularly where there are synergies that can be leveraged from other existing mission programs engaged with them.

While Vietnam has made strong progress on a solid legal foundation for gender and ethnic equality, significant disparities remain a fact of life in the workplace and household, especially at a subnational level and in rural and remote areas. LGBT legal rights are much more an emerging issue in Vietnam. In the context of this Activity, overall USAID will work with the GVN, private sector and other development partners to strengthen the enabling environment for women, ethnic minority and other

vulnerable groups' participation and leadership in transparent, accountable governance for inclusive, sustainable growth. There are four main opportunities, as well as one approach (partnerships) that will be used to contribute to closing this gap. These opportunities respond to many of the recommendations in the 2012 USAID/Vietnam Gender Assessment and the 2012 Vietnam Poverty Assessment by the World Bank, discussed above in the analysis section of this document.

### **Result 3 Performance Measures (proposed)**

- Number of laws, policies, or procedures drafted, proposed or adopted to promote gender equality at the regional, national or local level
- Proportion of female participants in USG-assisted programs designed to increase access to productive economic resources (assets, credit, income or employment)
- Number of people benefitting from USG-supported Public-Private Partnerships (PPP)

### **Result 3 Deliverables**

#### Deliverable 3.1: Legal and regulatory barriers for women, ethnic minority and other vulnerable groups' equality reduced

The failure of public institutions to effectively adopt and implement laws and regulations related to gender, ethnic minority and other vulnerable groups' equality will be addressed through improved accountability mechanisms, such as NA oversight hearings, and also adoption and improved implementation of laws and regulations. A special emphasis will be placed on women and ethnic minorities' equal participation and leadership in these processes. New draft laws and other policies will be reviewed through equality of opportunity and inclusion lenses.

#### Deliverable 3.2: Women, ethnic minority and other vulnerable groups' participation, leadership and voice increased in policy dialogues

Work done under this Activity will prioritize the inclusion of women in all economic and political discussions with senior Party officials and members of the government to ensure minority voices are heard and respected, and to demonstrate best practices in terms of building inclusive governmental institutions. Issues around the new Land Law's implementation constitute a particularly promising area for such engagement. It will support training for both men and women in public service to educate them about their responsibilities under the law on gender equality, and encourages them to be inclusive of women and ensure women receive the same training and promotion opportunities available to men.

#### Deliverable 3.3: Improved data and analysis on gender, ethnic minority and other vulnerable groups' equality

USAID will promote better data gathering and analysis as a cross-cutting emphasis under this Activity, because at the heart of inequality challenges in Vietnam is a critical lack of good information and sex-disaggregated data to inform meaningful dialogue and evidence-based policy making and implementation. For example, with regard to women or minority owned businesses, it is difficult to measure or evaluate such factors as the degree of access to finance based on available data. Far less is known about the LGBT community.

#### Deliverable 3.4: Improved access to economic opportunity for women, ethnic minorities and other vulnerable groups

Regarding economic empowerment, unequal access to assets and the financial resources they leverage will be directly addressed through policy advocacy by women's organizations and other groups in order to contribute to more equality of opportunity. For example, the low level of compliance with the legal requirement to include women's names on land use right certificates and the impact this has on their ability to access credit using the families land as collateral will be addressed through local organization research and advocacy.

**Deliverable 3.5: Innovative partnerships to advance women, ethnic minority and other vulnerable groups' inclusion established**

Partnerships to create greater opportunities for disadvantaged populations including women, ethnic minorities and other vulnerable groups who face discrimination will create important real world experiences in overcoming historical barriers to inclusion. Proposed partnerships will be with organizations which are demonstrating leadership, innovative approaches or unique positions to sustain these accountability of public institutions efforts over the long term. Through these partnerships, USAID will facilitate bringing nongovernmental views into the oversight process and build the capacity of local organizations.

**C.5 GRANTS UNDER CONTRACTS (GUCs)**

The purpose of this Activity is to help enhance the long-term sustainability and buy-in by providing small funding opportunities for local organizations to engage on relevant aspects of this Activity.

This Activity includes a grants component and authorizes GUCs over the life of the activity of up to **\$4,000,000**. All GUCs must be made in accordance with ADS 302 and 303.

The Contractor must be responsible for developing guidelines (subject to the COR and Contracting Officer approval) for submitting grant proposals, establishing specific eligibility criteria and developing procedures for the review and approval of grants and developing procedures for monitoring the funded activities and reporting results.

The COR will be significantly involved in establishing selection criteria and must approve the actual selection of grantees; the Contractor must apply the same requirements that apply to USAID-executed grants; and USAID retains the right to terminate the grant activities unilaterally in extraordinary circumstances (see ADS 302.3.4.8).

Upon CO approval of the Contractor's grants manual, the COR will have delegated authority to approve all grants under the Contract.

**C.6 ACTIVITY STRUCTURE AND COUNTERPARTS**

***GVN Activity Approval***

All donor programs/activities in Vietnam require an Activity approval from the GVN signed by the Prime Minister. No activity is fully recognized until it has this approval. To avoid past experiences with activity implementation being held up after the award of a contract or to have to implement under the ambiguity of not having an activity approval, USAID has actively engaged with Ministry of Planning and Investment (MPI), responsible for all donor activity approval preparation, on the development and approval of this Activity. While the GVN Activity approval process is designed more with direct donor support to the government in mind (i.e. World Bank and UN agency

programs), MPI recognizes the standard USAID practice of using competitively selected third party implementers for its activities and has adjusted its approval process accordingly. MPI is currently moving forward with the approval for this Activity and it is their and our objective to have this completed prior to award of the contract. As a company operating in Vietnam, all legal status to operate in Vietnam flows from the Activity approval (e.g. work authorization, tax ID and exemptions, etc.). As a result, if we are unsuccessful in doing so, we may delay the award until we have it. Alternatively, we may request that the Contractor only establish a minimal in country presence until the Activity approval is successfully completed. The Contractor is responsible for complying with any remaining Activity start-up requirements of the GVN during the first 60 days of the Activity.

### ***Activity Structure***

Based on negotiations with the GVN, it has been determined that this will be an “umbrella” Activity with one prime GVN counterpart and a number of additional GVN Ministry approved counterparts. The prime counterpart will be determined by GVN in collaboration with USAID. The Prime Counterpart will establish a Project Management Unit (PMU), staffed and funded by the GVN. The PMU will be responsible for all internal GVN approval and coordination processes and serve as the Contractor’s primary point of contact in the GVN. The Activity will have only one overarching project approval under the Prime Counterpart. Additionally, initially there will be five additional GVN counterparts to the Activity, including the NA, Ministry of Industry and Trade (MOIT), Ministry of Finance (MOF), Ministry of Justice (MOJ) and the State Audit Office of Vietnam (SAV). If necessary, additional or ad-hoc GVN counterparts may be subsequently approved by MPI at USAID’s request.

Once the Activity approval is obtained, USAID hopes to sign a memorandum of understanding (MOU) with GVN to establish the framework for direct coordination with the Prime Counterpart on the implementation of the Activity. Under the MOU with GVN, a program Steering Committee (SC) would be established to provide high-level coordination and direction to the Activity, as well as final approval of annual work plans. USAID would participate on the Steering Committee. It is envisioned that the Prime Counterpart would chair the SC. The Office of Government (OOG) will be invited to co-chair the SC. Each approved counterpart will also have a representative on the SC. The SC will, at a minimum, meet annually to approve the work plan for the coming year, as well as to review performance, results and any implementation issues from the preceding year.

For clarity’s sake, the GVN is USAID’s client. USAID has developed this Activity in support of the development objectives of the GVN. In turn, USAID is the Contractor’s client. While the Contractor will be engaged with the GVN on a daily basis, it is important to recognize that the Contractor is primarily and formally accountable to USAID. As a result, USAID must be invited to all meetings with GVN counterparts. When issues arise with a counterpart, USAID should be brought into the discussion to help facilitate a resolution. Submission of all work plans and reports to the GVN must be through USAID. Of course, all routine communications, technical assistance provision, activity planning and approval, day-to-day coordination and exchange of technical information may occur between Contractor and the counterparts without USAID’s involvement.

USAID has explained the competitive bid process to the government and they will be expecting to be contacted by competing firms in support of their proposal development. Offerors must work through the following Activity point of contact during the proposal development phase:

**Nguyen Xuan Tien (Mr.)**  
**Deputy Director General**  
**Foreign Economic Relations Department**  
**Ministry of Planning and Investment**  
**Address: 6B Hoang Dieu, Hanoi, Vietnam**  
**Phone: 84-4 0804 3150**  
**Email: [xtienmpi@yahoo.com](mailto:xtienmpi@yahoo.com)**

### GVN Counterparts

The Activity's GVN counterparts have been selected based on the objectives of the Activity, their requests to participate and USAID's experience in working with them through previous programs. The Contractor will work with each counterpart to advance the Activity's objectives within the context of their respective institutional roles, while supporting existing initiatives and assistance priorities. USAID provides this preliminary indication of the existing interests and opportunities. Each Offeror must provide a more refined set of proposed activities for each counterpart, linking them to the Activity's objectives, expected results, and deliverables as appropriate.

#### **1. MPI**

The Ministry of Planning and Investment is at the center of much of the analysis and planning of the government regarding public investment and economic policy. Their primary role in the Activity will be as the contact point for coordination. Direct assistance to MPI will be more limited than to other counterparts.

- Improved policy processes and analysis
- Increased transparency in public financial management
- More transparent, competitive public procurement

#### **2. NA**

The NA is this Activity's most important partner with lots of potential to contribute significantly to all of the Activity's objectives, expected results and deliverables. The Contractor will work with a range of committees (i.e. law, judiciary, economic, foreign affairs, budget and finance, social affairs, ethnic council) and their respective staff offices in the Office of the NA.

- Improved technical capacity to review and draft legislation
- Improved oversight processes and capacity
- Increased participation of citizens in law making process
- Technical assistance on the issues being addressed in laws under development.

#### **3. MOIT**

The Ministry of Industry and Trade is included as a counterpart to continue USAID's support for economic integration through the negotiation and effective implementation of Vietnam's trade agreements. The most relevant agreement under negotiation is the Trans-Pacific Partnership, which if successfully completed with Vietnam's participation is anticipated to create significant demand for

follow on technical assistance. If the agreement is unsuccessful, work with MOIT will be limited or eliminated altogether.

- TPP implementing legislation
- Capacity building to support effective TPP implementation
- Any TPP labor and environmental commitments

#### **4. MOJ**

The Ministry of Justice is charged with responsibility for the quality of the legal and regulatory framework across the GVN, including at the subnational level. They were the prime counterpart / PMU / steering committee chair for the STAR Plus program. They also inherited the Administrative Procedures Control Agency (APCA) that the VNCI program supported the establishment of in the Office of Government. APCA is leading a new National Universal Identification initiative.

- Transparency, coherence and quality of the national legal and regulatory framework
- Rights and legal protections for vulnerable populations
- Rule of law and judicial effectiveness initiatives

#### **5. MOF**

The Ministry of Finance is at center of public financial management. It is the source of more regulation than any other Ministry of the government. It is also the home of the General Department of Vietnam Customs, the most important trade facilitation agency. MOF is a major recipient of multilateral assistance, so demand is anticipated to be limited outside the customs area.

- Increased transparency and accountability in the budget process
- Improved public financial management
- Enhanced trade facilitation by Customs

#### **6. SAV**

The State Audit of Vietnam is a new counterpart for USAID. SAV is the national equivalent of the GAO in the U.S. and emerging actor for increased public institution accountability. It is anticipated that they will be provided greater independence under the new constitution.

- Strengthened audit capacity
- Increased transparency and public dialogue on audit results
- Expanded scope of issues addressed in audits (i.e. performance, policy failures)

#### **Coordination/Collaboration**

Effective coordination of stakeholders, including donors, the private sector, and civil society, is essential to ensure maximum impact of this Activity.

##### **Donors**

The Contractor must support USAID's efforts to coordinate with donors, especially DANIDA, UNDP, DFID and the World Bank, in this activity to prevent duplication and ensure synergies with

other programs that have similar objectives. While USAID will be the primary counterpart/expert represented in donor forums, the Contractor can assist USAID in providing technical input for such forums. The Contractor must inform USAID of any opportunity where it would like to participate in a donor forum/event.

#### Other U.S. Government agencies

As this Activity will have a high level of importance to the U.S. Embassy and USG as a whole, the Contractor must help USAID respond to ad-hoc requests related to the Activity and related information (within the scope of the Activity) from the U.S. Embassy in Hanoi, the U.S. Consulate in HCMC, and appropriate U.S. government agencies (e.g. State, USDA, Commerce, USTR, Treasury, FCS, etc.). USAID will work directly with the Embassy and Washington agencies on related implementation issues and strategies and obtain their input and engagement in the Activity implementation. USAID will facilitate opportunities to share information about the Activity and related USG priorities with the Embassy and other visiting USG representatives. When appropriate and feasible, USAID will work with the Contractor to arrange for direct USG participation in the Activity's technical assistance. As a result, the Contractor should have a clear set of policies and procedures in place in order to utilize USG agency personnel as STTA.

#### Private sector

The Contractor must consult and coordinate with the private sector, especially VCCI, VBF and AmCham, as well as relevant companies, in order to not only ensure the buy-in of this key sector but also to leverage any potential opportunities for expanded activities.

#### Civil Society

In the same way, the Contractor must coordinate with civil society, including lawyers associations, think tanks, universities and other local organizations, regarding the demand side of the Activity.

### **C.7 OTHER TECHNICAL CONSIDERATIONS**

**Supporting Other USAID/Vietnam Draft CDCS Objectives and Programs:** Within the context of the USAID/Vietnam draft Country Development Cooperation Strategy (CDCS), this Activity's focus on improved governance, particularly its proposed close working relationship with the NA, has been identified as relevant to the governance aspects of several additional intermediate results under the Mission's draft CDCS results framework (see Background Section C.2). Within the broad, flexible approach of this Activity, the Contractor must be prepared to work closely with the other USAID office's (Health, Environment and Social Development) and their implementing partners on an ad hoc, opportunity driven basis to leverage the programs existing relationships with the NA and other counterparts. This may include supporting the legislative framework necessary for full country ownership of Vietnam's HIV/AIDS response, combatting pandemic threats such as avian influenza and the governance challenges related to implementing the GVN's Green Growth Strategy and related climate change mitigation and adaptation efforts.

**Advancing other USAID priorities:** Resources are always a limiting constraint on how much an individual mission can support the range of Agency-wide initiatives. While it is not possible to have a stand-alone activity to support each initiative, sometimes there are opportunities to leverage activities designed to achieve results towards a particular sector or objective to advance these other priorities. To the degree that it does not reduce focus or stretch the Contractor in too many directions, activities under this Activity will look for such opportunities to leverage available resources in

support of relevant Agency priorities. Current Agency priority initiatives that have clear synergies with this Activity include:

- Local Systems Strengthening / USAID Forward
- Science & Technology / Innovation
- Gender Equality, Youth / Women's Empowerment
- Regional Development Mission for Asia (RDMA) programs in Vietnam
- The Lower Mekong Initiative (LMI) linkages to Vietnam

**Geographic Focus:** USAID will focus on national policy making institutions of the central government, as well as of provincial governments, where relevant. Partnerships will be used to extend the Activity's geographic scope to a number of different regions of the country in order to assure that our work is linked to on the ground realities, works with partners outside of the government and provides the USG opportunities for engagement in each of the major sub-regions of the country. For any activities supporting the cross-cutting inclusion intermediate-result, special emphasis will be placed on provinces with the highest poverty and social exclusion levels, particularly those in the Central and North-Western Highlands.

**Key Assumptions:**

- The Activity is approved by the GVN.
- Adequate resources are expected to be available to implement the Activity in a coherent and well-planned manner.
- GVN has the political will (i.e. appropriate internal incentives) to continue to improve its law making processes.
- GVN has the political will (i.e. appropriate internal incentives) to strengthen the institutions, systems and processes necessary to improve governance, including the accountability of public institutions.
- The TPP is eventually approved as an incentive to further economic and governance reforms.

**Supporting Best Opportunities for Meaningful Reform:** Vietnam is a complex operating environment. This Activity will work on legal and institutional reform initiatives led by the government of Vietnam, while also trying to support the participation of the private sector and civil society in these processes. The success and results of this Activity depend a great deal on the approach taken to advancing its objectives in partnership with the government. Aligning with existing or emerging reform initiatives with strong government backing and leadership will also be key to having a broader impact. A commitment to investing in strong working relationships with all counterparts is essential.

**Providing Relationship Based, Results Driven Technical Assistance:** To succeed in supporting reform in Vietnam, it is essential to establish the relationships and trust in order to be requested to provide technical assistance on the most promising reform initiatives. Based on this trust, the Activity will help its counterparts define the results they want to achieve with the Activity's support, establishing clear metrics for tracking progress towards those results.

**Study Tours & Participant Training:** Taking groups of host-country officials/nationals to the U.S. or third countries, to be exposed first hand to examples of what the Activity is working towards

achieving, must be used very sparingly. While the GVN has developed a certain expectation for such trips in donor programs, most technical assistance can be delivered more cost-effectively in-country. Most of the added value of study tours comes from taking the right group of people at the right time to the right place. For example, the best study tours contribute to building an inter-agency team of people in a position to advance an important initiative and creates a shared understanding of the problem for the team at an early formative phase of a reform.

Similarly, sending participants to short or long term training opportunities in the U.S or third countries (i.e. formal study abroad) should also not comprise a significant component of the approach to providing technical assistance under this Activity. However, there may be unique opportunities that are particularly well suited to the Activity's objectives that may be considered. For example, some USG agencies offer specialized programs for their counterparts in developing countries. Requests for participation in any such study abroad or internship programs must be approved by the COR.

Study tour or training-related administrative support, including visa support, USAID/Vietnam plans to procure a Human and Institutional Capacity Development (HICD) model to provide a fully integrated, flexible package of cross-cutting services for participant training and capacity development interventions, including short and long term training and education programs for foreign nationals. By employing an HICD "pass through" feature for funding of outsourced training-related interventions, the Mission will realize added cost efficiencies for such activities.

**Research, Analysis and Publications:** Research and analysis is an integral part of the Activity and an important area where it can help Vietnam better understand its development challenges and policy options. The emphasis should be undertaking such research through local organizations (i.e. think tanks, universities, NGOs, etc.). STTA may be used to strengthen the capacity of these organizations to conduct better research and analysis. A thorough background search should always be undertaken before initiating a new research activity in order to assure that there is not already a publication that has addressed the issue sufficiently, or at least to build from what has already been done. There should always be a clearly identified objective and target audience for any publications that is clearly linked to the Activity's objectives. All documents should include a high quality executive summaries for policy makers.

**Achieving Scale & Sustainability through Partnerships:** In recognition of the limited duration of the Activity and its assistance, a broad set of formal and informal partnerships with non-governmental organizations (private sector, civil society, universities, other donors and their implementers) will be critical to sustainability of the Activity results. Working in partnership with other actors will also enable the Activity to expand the scale of the impact of what it can achieve.

#### GUCs

While some partnerships will be collaborations towards shared objectives that do not require financial support to the partner to implement, for those opportunities that do require the funding of a partner organization to advance to the Activity's objectives, this Contract includes a GUCs Mechanism. This will be particularly relevant to working with local organizations, as well as to establishing any Global Development Alliances (GDAs) with a private sector company that requires jointly supporting a shared third-party implementing partner.

#### Global Development Alliances

While formal GDAs are not required under this contract, USAID encourages efforts by the Contractor to identify opportunities for them in support of the Activity's objectives and to support USAID's efforts to develop such opportunities. We request that if there is a specific opportunity that the Contractor is interested in pursuing that it be mentioned in your proposal and/or be brought to USAID's attention at an early stage so that we can support its development.

Illustrative partnerships include:

- A partnership with a major U.S. corporation to support women and/or ethnic minority owned small businesses grow and become more competitive.
- A partnership with a U.S. law school to support the professional development of the Vietnamese legal community and/or the GVN's law drafting capacity.
- A partnership with U.S. university and a Vietnamese university or think tank to support the policy making and implementation capacity of government officials.
- A partnership with local civil society networks to address gender considerations in the implementation of the revised land law.

## C.8 ANALYTICAL CONSIDERATIONS

### Gender Considerations

As noted in the 2012 USAID/Vietnam Gender Analysis, while Vietnam has made strong normative progress towards achieving gender equality on many levels, significant disparities remain, especially at a sub-national level and in rural and remote areas, especially for ethnic minority women and their children. Vietnam passed the Law on Gender Equality in 2006 and the Law on Preventing and Combating Domestic Violence in 2007. Equal rights for men and women, including the right to work, to equal wages, property rights, inheritance and the right to choose a marriage partner or divorce, are guaranteed under various laws including the Labor Code, the Land Law, and the Marriage and Family Law. However, discriminatory provisions do exist in some laws, such as an unequal retirement age in the Labor Code with 55 years for women and 60 years for men, which restricts women's opportunities. Listed below is a summary of relevant conclusions from the 2012 Gender Assessment and other recent assessments.

- **Unequal implementation of laws:** Vietnam has passed numerous laws and policies to improve gender equality, however, implementation remains limited. This is, in part, due to a lack of knowledge of existing laws and capacity among responsible ministries, including MOLISA's Department of Gender Equality whose mandate is to mainstream gender into national laws, policies, decrees and decisions, while MOCST is mandated to focus on sensitization and implementation of the Gender Based Violence law.
- **Cultural norms affect economic and political rights:** Gender norms around masculinity and the subordinate role assigned to women by society are pervasive. Women continue to face an unequal burden of unpaid work, which limits their involvement in the workplace and in civic society. Increased economic engagement of women could add to 'time poverty' without support for changing norms around domestic roles.
- **Sex Ratio at Birth (SRB) will have long-term effects:** The 2009 Census indicates that the SRB for Vietnam is 110.6 males per 100 females, with the richest quintile of the population at 133.1. The United Nations Population Fund (UNFPA) predicts a 10% surplus of men in 2035.

- Gender-based violence is pervasive and impacts economic growth: In 2010 UNFPA in partnership Vietnam's Women Union (VWU) completed the first comprehensive national survey on domestic violence, which illustrated that 32 percent of married women experience some form of physical violence in their lifetime. A more recent study (February 2013) by UNWomen trying to monetize the cost of domestic violence again women found that overall productivity loss is 1.78 percent of GDP.
- The Lesbian, Gay, Bisexual and Transgender (LGBT) community is weak and faces extra discrimination and violence: LGBTs as a community are marginalized in Vietnamese society and have limited rights, face significant gender inequalities, in terms of access to health care, social, economic and legal services, and are the target of stigma, discrimination and violence because of their sexual orientation and identity.
- Trafficking in Persons (TIP) continues: TIP continues to be a pressing issue in Vietnam and includes both sex and labor trafficking of women, men, girls and boys.
- People with Disabilities (PWD) not just a health problem: The prevalence of disability in Vietnam is slightly higher among girls/women at 8.4% as compared to 7.0% for boys/men five years or older. These rates have political and economic implications.
- Women's leadership and Public decision-making lags behind: Women's political representation in the NA currently stands at 24.4%, which is high for the region but lower than in each of the last four electoral terms and far below the targets set in the National Plan of Action. There has been a low participation of women in trade talks/policy development/economic governance at all levels/senior management positions.
- Economic growth differences continue: Women continue to face barriers to economic empowerment due to low levels of education, lack of access to assets and financial resources, time constraints due to heavy responsibilities for traditional roles in agricultural and household labor and childcare, segmentation into lower paid jobs (such as informal employment or jobs in the agricultural sector and social sciences) with little growth potential, and lack of leadership and mentorship programs in higher education, management positions, leadership and science and technology. There is also a lack of information about the needs of women entrepreneurs.
- Education remains unequal: While the gender gap in primary schools has been eliminated and women/girls are on par with, and in some areas even surpassed, men/boys in terms of attaining a college degree, there remains a gender disparity in access to educational opportunities among ethnic minority groups, with fewer women/girls in these groups attending or staying in school. There is also a gender gap in higher education in the math and sciences field.
- Global climate change affects women: There are currently no gender responsive approaches to CCA and DRR and this is of particular concern given women's vulnerability to climate change, and their active role in disaster preparedness. Furthermore, vulnerability to climate change varies among groups and is particularly worrisome among poorer, rural women, including those from ethnic minorities, who tend to rely on natural resources and climate-sensitive livelihood activities.

## Sustainability Considerations

Sustainability is especially important in all USAID programs. In a country where all assistance in Vietnam must be formally approved by the government, sustainability, particularly in programs in sensitive areas, can be a special challenge. In this Activity, sustainability will be achieved through

three intervention areas: i) institutional capacity building of central and provincial GVN entities; ii) involving the private sector; and iii) Activity implementation through local partners, where feasible.

Country ownership and direct engagement with the GVN will continue to be cornerstones of USAID's economic governance Activity. The Mission is committed to building the GVN's capacity to improve policy formulation, regulation, and implementation of priorities for sustainable, inclusive growth. Previous projects were very demand-driven, which responded to needs at the time. While this Activity will also try to be demand-driven, making it more results-oriented than previous economic growth programs will help to ensure that things like public administration reform are not ends in themselves, but are done to improve growth and thereby ensuring sustainability. Although all programs in Vietnam require the buy-in of the GVN through activity registration and often further approval to carry out activities, specific care will be taken to promote GVN ownership of ideas so that they are sustainable after this activity ends.

This Activity will advance USAID Forward Implementation Procurement Reform / Local System Strengthening by increasing our work with local organizations where politically feasible. All assistance in Vietnam must be formally approved by the government, making sensitive issues, particularly working directly with civil society and on human rights issues, difficult areas in which to work. In addition, as mentioned above, the CSO sector faces serious administrative and management challenges, suggesting any successful Activity with local grantees needs to include capacity building components. Tools such as the Organizational Capacity Assessment tool (OCA) could be very useful means of helping organizations self-identify their needs. USAID is planning to put in place a Human and Institutional Capacity Development (HICD) mechanism to support this work across programs. The Activity will work to identify windows of opportunity to work with local groups, such as the current window to work on rights and services for LGBT persons as well as capacity building for LGBT and other groups that serve these constituents.

**[END OF SECTION C]**

## **SECTION D – PACKAGING AND MARKING**

Reference basic IQC section D requirements.

**[END OF SECTION D]**

## **SECTION E - INSPECTION AND ACCEPTANCE**

### **E.1 NOTICE LISTING CONTRACT CLAUSES INCORPORATED BY REFERENCE**

The following contract clauses pertinent to this section are hereby incorporated by reference (by Citation Number, Title, and Date) in accordance with the clause at FAR “52.252-2, CLAUSES INCORPORATED BY REFERENCE” in Section I of this contract.

See FAR 52.252-2 for an internet address (if specified) for electronic access to the full text of a clause.

<b>NUMBER</b>	<b>TITLE</b>	<b>DATE</b>
52.246-6	<b>FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1)</b>	
2001	INSPECTION--TIME-AND-MATERIALS AND	MAY
	LABOR-HOUR	

### **E.2 INSPECTION AND ACCEPTANCE**

USAID inspection and acceptance of services, reports and other required deliverables or outputs shall take place at USAID/Vietnam or at any other location where the services are performed and reports and deliverables or outputs are produced or submitted. The COR listed in Section G has been delegated authority to inspect and accept all services, reports and required deliverables or outputs.

**[END OF SECTION E]**

## **SECTION F – DELIVERIES OR PERFORMANCE**

### **F.1 PERIOD OF PERFORMANCE**

The period of performance for this TO is five years from the date of the award, subject to the contractor's performance and availability of funds.

### **F.2 PLACE OF PERFORMANCE**

The place of performance under this TO is Hanoi, Vietnam and/or other provinces, as related to activities and as specified in the Statement of Work.

### **F.3 PERFORMANCE STANDARDS**

The contractor's performance shall be evaluated based on the completion of specific tasks as outlined in the TO, adherence to the work plan, and reports submitted to the COR in accordance with the performance standards set forth in Section C, will be conducted jointly by the COR and the CO, and will form the basis of the Contractor's permanent performance record with regard to this contract as required in FAR Part 42.15 and AIDAR 742.15.

### **F.4 REPORTS AND DELIVERABLES OR OUTPUTS**

In addition to the reporting requirements outlined in section F.3 of the basic IQC, the Contractor must submit the following deliverables or outputs to the designated COR:

#### **Annual Work Plan**

The Contractor must develop an overall plan of the work to be accomplished under this Contract. The annual work plan must address all activities and it must be structured around the Contract Performance Plan (CPP), establishing updated benchmarks for the year. GVN and any other counterparts should be consulted during the development of the work plan. The final approved work plan will be submitted by USAID to the program's PMU and Steering Committee.

The Work Plan must address coordination with the GVN and appropriate stakeholders. The Work Plan will be used by USAID and its representatives to monitor Contractor's performance. It will also provide a communication network to streamline coordination with all appropriate parties on a continuing basis and to ensure smooth turnover and utilization of completed deliverables. The Work Plan will include a Grant chart. The Work Plan will be reviewed in coordination with the GVN and USAID on a quarterly basis and updated as needed; these quarterly reviews shall serve as the equivalent of Quarterly Activity Reports and a written report shall be submitted to the COR within 10 calendar days of the end of each quarter. In each year of the Contract, the Contractor shall provide an annual Work Plan. The Work Plan shall provide a table establishing the Contractor's proposed dates for submitting the deliverables specified in this TO. The first annual Work Plan is due to the USAID COR not later than 60 calendar days after the effective date of this TO. Subsequent annual Work Plans are due not later than 30 calendar days after each anniversary date of this TO. A draft for USAID feedback is due on the anniversary date of this TO. The Contractor must take into account that implementation of activities specified in the approved Work Plan will still be subject to funds availability to the USAID Mission for each fiscal year.

## **Contract Performance Plan (CPP)**

A Final CPP is due (60) days after award of the contract. See Section F.5 on M&E for further guidance.

## **Monitoring and Evaluation Plan**

A Final M&E Plan is due (60) days after award of the contract. See Section F.5 on M&E for further guidance.

## **Planning & Other Documents:**

### STTA Terms of Reference (TOR) & Deliverables:

The Contractor must submit a TOR to the COR for approval for any planned STTA international experts. The TOR should clearly identify the linkage between the proposed technical assistance and its intended contribution to the Activity's PMP. This will generally be before or in conjunction with the required request for COR approval for any associated international travel. All deliverables specified in the TOR must be sent to the COR for approval prior to being delivered to the intended recipient.

### Event Plans and Agendas

Event Plans, press materials and agendas for all planned events must be sent to USAID at least 2 weeks before an event date. The event plan must include event objective(s) and their linkage to the PMP, role of the Activity and estimated financial contribution, role of any other donors, dates, location, invited participants, press plans, translation services and any planned USAID/USG and/or Sr. GVN officials remarks. All press releases must be approved by USAID.

## **Performance Reporting:**

### Periodic Progress Report

Performance reports are one of the Contractors most important deliverables to USAID. They are a primary tool for tracking and managing investment in the Activity. The Contractor must deliver the following timely, high quality reporting products:

### Weekly Updates

USAID requests the Contractor to submit weekly updates with brief highlights of recent TO's implementation activities including photos, a summary of all upcoming events/STTA trips and any observations about the operating environment (positive or negative) that have implications for the Activity going forward. Weekly reports must be submitted by email to the COR by 8:00 a.m. each Wednesday morning. These weeklies are in turn then used for internal USAID and USG meetings and reporting.

### Quarterly Reports

The Contractor must provide three quarterly reports to USAID each year. The fourth quarter will be reported on as a part of the annual report. These reports must describe achievements to date towards achieving the Contract's objectives, expected results and deliverables. It must include an updated Contract Performance Plan (CPP) reflecting the most recently available data, as well as the quarterly financial report described below. These reports should also include an assessment of challenges, opportunities and make recommendations for any adjustments to the annual work plan going forward. These reports are due (30) days after the end of the quarter, as follows: Q1 (Sep-Dec) - Jan 30 / Q2 (Jan-Mar) - Apr 30 / Q3 (Apr -Jun) - Jul 30 / Q4 (Jul-Aug) - Oct 30 (as an integral part of the Annual Report).

The Contractor will provide USAID a concise quarterly report on or before March 15, June 15, September 15, and December 15 of each year following the issuance of this TO. This will summarize the country situation; Activity highlights, achievements, and major activities; results of the analytical considerations included in Section C8; budget information (including amounts obligated, Contractor funds obligated to Activity and grant activities, and funds disbursed); summary of grant implementation and appraisal; problems encountered and proposed remedial actions. Contractor if required by the COR will report on subcontractor progress as appropriate.

#### Annual Reports

The Contractor will provide USAID a concise annual report within 30 days of the end of each 12-month period. The annual report must summarize the year's performance and achievements, challenges and lessons learned, shortfalls and other relevant information as the Contractor deems relevant. It must include an updated Contract Performance Plan (CPP) reflecting the final results for year. It must contain annexes summarizing all STTA, events, publications and other activities. This data will be used for USAID's annual performance report input for the Activity. In addition, the Contractor must report on "success stories" for the year describing in concrete terms its most important achievements and benefits of the Activity. The Contractor must assess the implications of the past year for development of the subsequent year's work plan, indicating any necessary adjustment in plans, approach, resources and/or staff. With all reports, the Chief of Party must note other critical issues/factors which affected achievement of work plan objectives, deliverables and/or budget expenditures. The final approved annual report will be submitted by USAID to the PMU and Steering Committee.

The Annual Report must also include information on the issuance and monitoring GUCs program.

#### Success Stories

Approximately one-page success stories to be submitted to the COR. The Contractor will provide each month up to four one-page summary accounts of notable activities, according to specifications provided by USAID.

#### Foreign Assistance Reporting

The Contractor will provide indicators and other information as needed for reporting under the relevant foreign assistance objectives, areas and elements.

## **Financial Reporting**

Quarterly financial reporting, to be included in quarterly performance reports must be presented in both the traditional contract format and in a results based format. In addition to doing so for the Activity as a whole, the contractor should have a capacity to produce a version of both budget formats by counterpart, upon request. Financial reports must track Value Added Tax (VAT) expenditures, VAT reimbursed requested and VAT reimbursement received. Financial reports must include an estimate of resources leveraged through host-country contributions, private sector partnerships and any other means. USAID will also request quarterly financial accrual information.

## **Final Report**

The final report should be a comprehensive assessment of the Activity which summarizes its major successes, acknowledges shortcomings (including any outright failures) and draws lessons learned for the future. The report is due (60) days from the end date of the contract and is subject to COR approval. USAID will request any necessary revisions prior to final approval. USAID will submit the final approved final report to the program's PMU and Steering Committee.

The Contractor will provide USAID a concise, final report within one month of the completion of this TO. Depending on the timing of this report, it could take place at the time of the quarterly report and/or monthly report, but this will be determined by USAID once a reporting schedule is created with the contractor during the start-up phase. This report will summarize the country situation; Activity highlights, achievements, and major activities; funds obligated and disbursed; summary of grant implementation and appraisal; problems encountered and how they were rectified.

### Reporting Considerations

- a) The COR must receive a draft copy of any other documents, presentations or multimedia products produced under this TO and provide approval prior to it being sent to its intended recipient or made available publicly.
- b) The Contractor must promptly notify the CO and COR of any problems, delays, or adverse conditions which materially impair the Contractor's ability to meet the requirements of the Contract.
- c) Language of Reports and Other Deliverables

All reports and other deliverables must be in the English language.

- d) The cover page of all deliverables required hereunder must include the USAID Identity (or the name of the Agency written out) prominently displayed, the TO number (see the cover page of this Contract), Activity title, contractor name, name of the USAID technical office, the publication or issuance date of the document, document title and author name(s). Descriptive information is required whether contractor-furnished products are submitted in paper or electronic form. All materials must include the name, organization, address, and telephone/fax/internet number of the person submitting the materials.

Electronic formats must be submitted with the following descriptive information:

- a. Operating system and application format, compatible with USAID
- b. The format for any graphic and/or image files included, e.g., TIFF-compatible; and
  - a. Any other necessary information, e.g., special backup or data compression routines/software used for storing/retrieving submitted data.

## F.5 MONITORING & EVALUATION

With the release of its new USAID Evaluation Policy in January 2011, USAID has made an ambitious commitment to improving Activity monitoring and evaluation. M&E for a large, complex Activity like this is a challenge and this Activity should strive to be a model for the implementation of the new M&E policy. As a result, the evaluation criteria for proposals under this RFTOP places significant importance on the Activity's Contract Performance Plan (CPP) and its associated M&E Plan.

### **Contract Performance Plan (CPP)**

The CPP is the backbone of the Activity design and management. It will serve as the basis for developing work plans, negotiating activities with counterparts, monitoring and reporting on performance at several levels (performance, impact and context) and as the basis for the midterm and final evaluation of the impact of the Activity. USAID and the Contractor will also conduct regular bi-annual performance reviews to monitor the progress of work and the achievement of results based on the targets specified in the CPP. This RFTOP provides an illustrative initial draft CPP (see attachment J.4) to help clarify the Activity's intended approach and impact. Offerors must develop and submit a final CPP adapting this draft to their proposed approach. Any subsequent change to the CPP requested after award must be approved by the COR. This final CPP must include the following:

- Final Context Indicators (CI), Impact Indicators (II) and Performance Indicator based on the RFTOP draft CPP, including indicator data sources.
- Midterm and Final Targets for all indicators.
- Define the key inputs that will be required to achieve the targets established for each indicator.
- The CPP must be developed in compliance with the requirements set forth in ADS 203.

### **Monitoring and Evaluation Plan (M&E Plan)**

Proposals must include a section presenting their proposed approach to M&E. After award, the Contractor will be responsible for developing and implementing a M&E Plan, in consultation with the COR. The final M&E Plan must be submitted to the COR for approval within (60) days of the award of the Contract. Where the CPP defines the "what" of the Activity's performance, the M&E Plan must define the "how" of measuring performance progress over the life of the Activity. The Contractor must plan and budget to be able to have in place the systems and data necessary to provide a sound basis for a meaningful independent mid-term performance and a final impact evaluation. For example, it is anticipated that to effectively attribute the Activity's work to higher level impact indicators that it will be necessary to conduct some Activity funded custom survey

work. It is essential that the Contractor make an early, proactive investment in putting place a clear M&E Plan so that a high quality baseline can be established for all of the Activity's subsequent M&E work. The M&E Plan should also take into account the use of M&E systems in support of adaptive learning to inform adjustments to the Activity's approach over the course of implementation. USAID/Vietnam plans to put in place an independent M&E mechanism to support all of the Mission's program implementers in their M&E efforts, and to conduct all evaluations USAID deems necessary. The Contractor is required to work closely with them to assure that its M&E Plan and systems meet USAID requirements and standards, as well as when they conduct evaluations of the Activity. The M&E Plan should also address the following issues:

- a discussion about how different levels, types and sources of data will be used together to provide as a complete and rigorous a picture of Activity performance as possible, including any possible attribution of impact on higher level impact indicators;
- an ability to disaggregate by sex wherever possible and meaningful;
- any opportunities or plans to use geospatial data;
- any plans to work with local organizations on M&E;
- source of the data and the method for data collection and schedule for data collection;
- description of known data limitations of each performance indicator and steps to be taken to address them;
- data quality assessment procedures that will be used to verify and validate the measured values of actual performance of all the performance information;
- estimated costs of collecting, analyzing, and reporting performance data, and plan how these will be financed;

## F.6 KEY PERSONNEL

The key personnel that the Contractor must furnish for the performance of this contract are as follows:

- Chief of Party
- Deputy Chief of Party

### **Chief of Party**

The Chief of Party has overall technical, management and representational responsibility for the Activity. He/She should be a multidisciplinary thinker, excellent team builder, a strong negotiator and a highly effective public speaker. He/she will routinely represent the Activity to high-level GVN and USG officials.

### **Deputy Chief of Party**

The Deputy Chief of Party will be the Activity's senior liaison to the GVN and other Vietnamese stakeholders. He/She responsibility for making sure the Activity can be effective in the Vietnamese context. He/She should have a thorough understanding of GVN policies and regulations on development activities, as well as more broadly with respect to how the broader policy making processes and government operates.

The key personnel specified above are considered to be essential to the work being performed thereunder. Prior to replacing any of the specified individuals, the Contractor must immediately

notify both the CO and COR reasonably in advance and shall submit written justification (including proposed substitutions) in sufficient detail to permit evaluation of the impact on the Activity. No replacement of key personnel shall be made by the Contractor without the written consent of the CO.

*Note: Approval is not required for non-key personnel, unless their rates exceed the CDR in section B or the ceiling rates for the local compensation plan for CCN personnel.*

## F.7 NON- KEY PERSONNEL

### Long Term Technical Assistance (LTAA)

A core in-country technical team of bilingual Vietnamese technical experts responsible for leading and coordinating each of the Activity's major components must be the foundation for all other technical assistance. The in-country team will have the language skills, relationships and sustained engagement necessary to impact institutional capacity over time. The in-country team shall have a capacity to deliver on-going technical assistance in their respective areas. These staff shall be based in the Activity's office. Placement of technical staff within GVN counterpart organizations is discouraged and proposals to do so will require prior approval from the COR.

### Short Term Technical Assistance / Workshops and Conferences

High quality international expertise is where USAID programs add the greatest value, but in order to assure that the high cost of bringing STTA expertise to Vietnam is justified and has the greatest impact possible, there must be very clear Terms of Reference (TOR) and planning for each. TORs must clearly identify the objectives of the STTA, how these objectives link to those of the Activity. Other important planning considerations that should be clearly specified include who is the intended target audience, what they will take away from the training/technical assistance and how STTA will tie into on-going Activity efforts in this area.

### **Technical Team**

The Contractor must have a strong in-country team capable of providing on-going engagement and technical assistance for each of the main components of the Activity. The team should have designed component leads, responsible for the overall management, technical direction and relationships associated with their component. They will provide country specific context and complementary assistance for visiting international technical experts. Vietnamese professionals with graduate degrees in their area of responsibility who are fluent in both Vietnamese and English are much more likely to be effective at this role than non-Vietnamese speaking expatriates. The technical backgrounds of the team should be reflective of the broad scope of the Activity and complementary to one another.

### **Support Staff**

The Contractor must have the following skill sets represented on their in-country team:

Communications, Event and Public Outreach Management: Effective communication is an essential element of making sure that our programs are widely recognized and appropriately understood. USAID and the Embassy both have professional communications teams that work with our programs to leverage our activities for USG public affairs purposes. It is important for the Activity to have a designated communications specialist to work with them, as most of the details of messaging, press management, events logistics, branding, success stories and outreach are primarily the responsibility of the Activity. We view this as a very worthwhile investment to make sure the Activity's story is effectively told.

Monitoring and Evaluation / Management Information Systems: Monitoring and evaluation are essential to USAID understanding and communicating the impact of our programs. USAID considers it a must to have a designated specialist to develop methodologies and implement the information systems necessary to effectively monitor and evaluate the Activity from baseline to final evaluation. The new M&E Policy requiring third party, independent evaluations is only as good as the data and systems that our implementers put into place.

English / Vietnamese Translation and Interpretation: Language is a major barrier to Activity effectiveness, particularly for international experts. A core capacity to provide on-going translation of documents and simultaneous translation of meetings and events should be planned for. In particular, translators with the relevant technical vocabulary may be difficult to find through short-term sub-contract arrangements. Short-term subcontracting of these services may be used when the demand exceeds that established within the core Activity team.

## **F.8 AUTHORIZED WORK DAY / WEEK**

The contractor is authorized up to a six-day workweek for short-term consultants in the field with no premium pay.

## **F.9 AIDAR 752.7005 SUBMISSION REQUIREMENTS FOR DEVELOPMENT EXPERIENCE DOCUMENTS (JAN 2004) (AAPD 04-06)**

(a) Contract Reports and Information/Intellectual Products.

(1) The Contractor shall submit to USAID's Development Experience Clearinghouse (DEC) copies of reports and information products which describe, communicate or organize program/project development assistance activities, methods, technologies, management, research, results and experience as outlined in the Agency's ADS Chapter 540. Information may be obtained from the COR. These reports include: assessments, evaluations, studies, development experience documents, technical reports and annual reports. The Contractor shall also submit to copies of information products including training materials, publications, databases, computer software programs, videos and other intellectual deliverable materials required under the Contract Schedule. Time-sensitive materials such as newsletters, brochures, bulletins or periodic reports covering periods of less than a year are not to be submitted.

(2) Upon contract completion, the Contractor shall submit to DEC an index of all reports and information/intellectual products referenced in paragraph (a) (1) of this clause.

(b) Submission requirements.

(1) Distribution.

(i) At the same time submission is made to the COR, the Contractor shall submit, one copy each, of contract reports and information/intellectual products (referenced in paragraph (a) (1) of this clause) in either electronic (preferred) or paper form to one of the following:

- Online: <http://dec.usaid.gov>
- By mail (for pouch delivery):

DEXS Document Submissions  
M/CIO/KM/DEC  
RRB M.01-010  
Washington, DC 20523-6100

For questions on DEC submissions, contact  
M/CIO/KM/DEC  
Telephone: +1 202-712-0579  
E-mail: [DocSubmit@usaid.gov](mailto:DocSubmit@usaid.gov)

(ii) The Contractor shall submit the reports index referenced in paragraph (a)(2) of this clause and any reports referenced in paragraph (a)(1) of this clause that have not been previously submitted to DEC, within 30 days after completion of the contract to one of the address cited in paragraph (b)(1)(i) of this clause.

(2) Format.

(i) Descriptive information is required for all Contractor products submitted. The title page of all reports and information products shall include the contract number(s), Contractor name(s), name of the USAID cognizant technical office, the publication or issuance date of the document, document title, author name(s), and strategic objective or activity title and associated number. In addition, all materials submitted in accordance with this clause shall have attached on a separate coversheet the name, organization, address, telephone number, fax number, and Internet address of the submitting party.

(ii) The report in paper form shall be prepared using non-glossy paper (preferably recycled and white or off-white using black ink. Elaborate art work, multicolor printing and expensive bindings are not to be used. Whenever possible, pages shall be printed on both sides.

(iii) The electronic document submitted shall consist of only one electronic file which comprises the complete and final equivalent of the paper copy.

(iv) Acceptable software formats for electronic documents include WordPerfect, Microsoft Word, and Portable Document Format (PDF). Submission in PDF is encouraged.

(v) The electronic document submission shall include the following descriptive information:

- (A) Name and version of the application software used to create the file, e.g., WordPerfect Version 9.0 or Acrobat Version 5.0.
- (B) The format for any graphic and/or image file submitted, e.g., TIFF-compatible.
- (C) Any other necessary information, e.g. special backup or data compression routines, software used for storing/retrieving submitted data or program installation instructions.

**[END OF SECTION F]**

## **SECTION G – TASK ORDER ADMINISTRATION DATA**

### **G.1 ADMINISTRATIVE CONTRACTING OFFICE**

The Administrative Contracting Office is:

Regional Office of Procurement  
USAID/RDMA  
Athenee Towers A 25<sup>th</sup> Floor, 63 Wireless Road  
Bangkok, Thailand 10330

Or

Regional Contracting Office  
USAID Box 47  
Bangkok  
APO AP 96546

### **G.2 CONTRACTING OFFICER’S AUTHORITY**

The CO is the only person authorized to make or approve any changes in the requirements of this TO and notwithstanding any provisions contained elsewhere in this TO, the said authority remains solely in the CO. In the event the Contractor makes any changes at the direction of any person other than the CO, the change will be considered to have been made without authority and no adjustment will be made in the contract terms and conditions, including price.

### **G.3 CONTRACTING OFFICER REPRESENTATIVE (COR)**

The USAID COR and Alternate COR (ACOR) for this TO are designated in a separate letter of authority, a copy of which is provided to the Contractor by the CO. TO COR and ACOR will be designated at the time of TO issuance.

Designated CORs are responsible for providing technical direction to the contractor, as well as fulfilling those duties and responsibilities as specified below:

### **G.4 TECHNICAL DIRECTIONS/RELATIONSHIP WITH USAID**

The Office of Economic Growth, USAID/Vietnam will provide technical oversight to the Contractor through the designated COR. The CO will issue a letter appointing the COR for the TO and provide a copy of the designation letter to the contractor.

(a) “Technical Directions” is defined to include:

- (1) Written directions to the Contractor which fill in details, suggest possible lines of inquiry, or otherwise facilitate completion of work;

- (2) Provision of written information to the Contractor, which assists in the interpretation of drawings, specifications, or technical portions of the work statement;
  - (3) Review and, where required, written approval of technical reports, drawings, specifications, or technical information to be delivered. Technical directions must be in writing, and must be within the statement of work in Section C.
- (b) The CO, by separate designation letter, authorizes the COR to take any or all action with respect to the following which could lawfully be taken by the CO, except any action specifically prohibited by the terms of this Contract:
- (1) Assure that the Contractor performs the technical requirements of the contract in accordance with the contract terms, conditions, and specifications.
  - (2) Perform or cause to be performed, inspections necessary in connection with a) above and require the Contractor to correct all deficiencies; perform acceptance for the Government.
  - (3) Maintain all liaison and direct communications with the Contractor. Written communications with the Contractor and documents must be signed as "Contracting Officer's Representative" with a copy furnished to the CO.
  - (4) Issue written interpretations of technical requirements of Government drawings, designs, and specifications.
  - (5) Monitor the Contractor's production or performance progress and notify the Contractor in writing of deficiencies observed during surveillance, and direct appropriate action to effect correction. Record and report to the CO incidents of faulty or nonconforming work, delays or problems.
  - (6) Obtain necessary security clearance and appropriate identification if access to Government facilities is required. If to be provided, ensure that Government furnished property is available when required.

**LIMITATIONS:** The COR is not empowered to award, agree to, or sign any contract (including delivery or purchase orders) or modifications thereto, or in any way to obligate the payment of money by the Government. The COR may not take any action which may impact on the contract schedule, funds, scope or rate of utilization of LOE. All contractual agreements, commitments, or modifications which involve prices, quantities, quality, and/or schedules will be made only by the CO.

- (c) In the separately-issued COR designation letter, the CO designates an alternate COR to act in the absence of the designated COR, in accordance with the terms of the letter.
- (d) **Contractual Problems -** Contractual problems, of any nature, that may arise during the life of the contract must be handled in conformance with specific public laws and regulations (i.e. Federal Acquisition Regulation and Agency for International Development Acquisition Regulation). The Contractor and the COR must bring all contracting problems to the immediate attention of the CO. Only the CO is authorized to formally resolve such problems. The CO will

be responsible for resolving legal issues, determining contract scope and interpreting contract terms and conditions. The CO is the sole authority authorized to approve changes in any of the requirements under this TO. Notwithstanding any clause contained elsewhere in this TO, the said authority remains solely with the CO. These changes include, but will not be limited to the following areas: scope of work, price, quantity, technical specifications, delivery schedules, and contract terms and conditions. In the event the Contractor effects any changes at the direction of any other person other than the CO, the change will be considered to have been made without authority.

## **G.5 ACCEPTANCE AND APPROVAL**

In order to receive payment, all deliverables must be accepted and approved by the TO COR.

## **G.6 PAYING OFFICE**

- a. This is a Time and Material Contract type.
- b. Two modes of payments are authorized under this contract. The Contractor is authorized to receive advance payment through Letter of Credit for grants under this contract in the amount of \$4,000,000 in accordance with ADS 636.5.6b. The balance of costs incurred under this contract, to include Technical Assistance, will be reimbursed on a cost-reimbursement basis by Regional Controller, USAID/RDMA/OFM.
- c. Of the total obligation, up to **\$TBD** is authorized to be received by the Contractor through Letter of Credit (LOC) for the limited purpose of grants under this contract. Additional obligations will be made upon availability of funds and the contractor's satisfactory performance. The obligation for grants enables the Contractor to apply for an LOC, which the Contractor will provide immediately upon receipt to USAID. The Contractor must not exceed the aforesaid obligated amount.”
- d. Paying Offices
  - i) Invoices will be submitted to the Regional Controller, USAID/RDMA/OFM. If invoices are submitted electronically, a paper copy is not required.

The paying office is:

Local Address:  
Office of Financial Management (OFM) or  
USAID Regional Development Mission for Asia  
Athenee Tower, 25th Floor  
63 Wireless Road, Lumpini, Patumwan  
Bangkok 10330 Thailand

E-Mail: [BangkokUSAIDPaymentAction@usaid.gov](mailto:BangkokUSAIDPaymentAction@usaid.gov)

APO Address:  
Office of Financial Management (OFM)  
USAID Box 47, Bangkok  
APO AP 96546

- ii) LOCs Payment for Grants: The Contractor is required to submit SF-425 (if necessary) via electronic format to the U.S. Department of Health and Human Services

(<http://www.dpm.psc.gov>) on a quarterly basis. This submission must be made within 45 calendar days following the end of each quarter. A copy of this form must also be submitted at the same time to the COR along with a copy to the Regional Controller, USAID/RDMA/OFM.

U.S. Agency for International Development  
M/CFO/CMP - LOC Unit  
1300 Pennsylvania Ave., NW  
SA-44, Room 430-J  
Washington, D.C. 20523-7700

For Hand Delivery by Local Courier:  
301 4th Street, SW  
Washington, DC 20024

#### **G.7 ACCOUNTING AND APPROPRIATION DATA**

Budget Fiscal Data:                   **TBD**

#### **G.8 CONTRACTOR'S POINT OF CONTACT**

**TBD**

**[END OF SECTION G]**

## **SECTION H – SPECIAL TASK ORDER REQUIREMENTS**

In addition to the special contract requirements outlined in Section H of the basic IQC, the Contractor must comply with the following special TO requirements:

### **H.1 CONTRACTOR'S STAFF SUPPORT, AND ADMINISTRATIVE AND LOGISTICS ARRANGEMENTS**

The Contractor shall be responsible for all administrative support and logistics required to fulfill the requirements of this TO. These include all travel arrangements, appointment scheduling, secretarial services, report preparations services, printing, and duplicating.

### **H.2 LANGUAGE REQUIREMENTS**

All deliverables must be produced in English. A speaking/reading knowledge of Vietnamese for contractor key personnel may be helpful, but not necessary.

### **H.3 GRANTS UNDER CONTRACTS**

The Contractor is required to develop and execute a grants program as detailed in Section C of this Contract and in accordance with the requirements for grants under contracts as provided in ADS 302. The Contractor must apply at a minimum all of the following requirements to the grant program and all grants awarded by the Contractor:

1. The Contractor is authorized to develop a grants program and execute grants, not cooperative agreements, to non-governmental organizations (non-profits or for-profits).
2. In accordance with ADS 303, the total value of an individual grant to a U.S. organization, if any, must not exceed \$100,000.
3. The Contractor must ensure that USAID is significantly involved in establishing the selection criteria.
4. The selection of all grant recipients is subject to USAID approval and may be delegated by the CO to the COR. Such delegation of authority shall be in writing.
5. The Contractor must follow and apply all Agency requirements, which apply to the award and administration of all USAID-executed grants to all grants signed by the Contractor. The range of requirements must include, but is not limited to, all requirements of USAID's Automated Directives System 303, as amended, all applicable regulatory, policy or procedural changes disseminated through Acquisition & Assistance Policy Directives or any similar notice available on the Agency's website.
6. The Contractor must include award language that notifies the grantee that USAID retains the right to terminate the grant activity (activities) unilaterally in extraordinary circumstances.
7. Each grant awarded by the Contractor on behalf of USAID under this contract must be in the following form: (1) a grant letter; (2) a Schedule; (3) a Program Description to be developed by

the grantee and the Contractor; and (4) (i) the mandatory standard provisions and (ii) any applicable required-as-applicable standard provisions.

8. The Contractor must ensure that the grantee does not appear on the “List of Parties Excluded from Federal Procurement and Non-Procurement Programs,” is not a “Public International Organization;” is not a governmental organization.
9. The Contractor must acquire a signed Certification Regarding Terrorist Financing from the proposed grantee and the Contractor must confirm that the proposed grantee: (i) does not appear on the master list of Specially Designated Nationals and Blocked Persons, which list is maintained by the U.S. Treasury’s Office of Foreign Assets Control (OFAC) and is available online at OFAC’s website: [http://www.treas.gov/offices/eotffc/ofac/sdn/t\\_I\\_II\\_sdn.pdf](http://www.treas.gov/offices/eotffc/ofac/sdn/t_I_II_sdn.pdf) and (ii) is not included in any supplementary information concerning prohibited individuals or entities that may be provided by USAID to the Contractor and (iii) has not been designated by the United Nations Security (UNSC) sanctions committee established under UNSC Resolution 1267 (1999) (the “1267 Committee”) [individuals and entities linked to the Taliban, Usama bin Laden (a.k.a. “Osama bin Laden”), or the Al Qaeda Organization]. To determine whether there has been a published designation of an individual or entity by the 1267 Committee, the Contractor must refer to the consolidated list available online at the Committee’s website: <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. The Contractor must consider all information about the proposed grantee of which it is aware and all public information that is reasonably available to it or of which it should be aware prior to recommending a grant to that individual or organization for USAID’s approval. The Contractor further agrees to implement reasonable monitoring and oversight procedures to safeguard against assistance being diverted to support terrorist activity and to immediately notify USAID and cease support, transactions or dealings with any individual or organization that is designated by the United States Government as a Foreign Terrorist Organization or as a Specially Designated Terrorist or a Specially Designated Global Terrorist or has been designated by the United States Government in or pursuant to Executive Orders 12947 or 13224, or has been designated by the 1267 Committee, or otherwise engages in terrorist acts.
10. The grant does not extend for any period beyond the estimated termination or completion date of this contract.
11. The grant provides that payment of any interest, fees, program income and other refunds generated by grant recipients hereunder will be made to a special, non-commingled, interest-bearing account established by the Contractor (the “Separate Account”). The Contractor has no beneficial interest in any funds in the Separate Account. Funds in the Separate Account must be used as directed by the CO.
12. The Contractor must scrupulously avoid any conflicts of interest and should any conflict of interest arise, the Contractor must immediately notify the CO as to the conflict and the Contractor’s proposed solution for avoiding the conflict, and the Contractor must follow the instructions of the CO.
13. The Contractor will act as custodian for USAID of all records relating to GUCs. The Contractor will preserve all records with respect to its grant-making (including with respect to the deliberations of all Review Panels) and grant administration hereunder. Copies of all reports received from grantees will be promptly forwarded to the COR. USAID and the Comptroller General shall have full access to all documents, papers and others records of the Contractor with

respect to its duties hereunder. At the conclusion of the contract, the Contractor must consult with the CO for direction as to which records shall be transferred to USAID.

14. With reference to ADS 303 Required as Applicable Standard Provision entitled “Publications and Media Releases,” the Contractor must forward one copy of all published reports generated by recipients under the grants program to USAID Development Experience Clearinghouse (DEC).
15. The Contractor must comply with and apply additional grant program requirements and details as described in Section C. Conflicts between Section C and this Section will be resolved by the CO.

#### **H.4. INTERNATIONAL TRAVEL APPROVAL**

In accordance with AIDAR 752.7032 and section H.16 of the basic IQC, the CO hereby provides approval for the following:

**TBD**

#### **H.5 NONEXPENDABLE PROPERTY PURCHASES AND INFORMATION TECHNOLOGY RESOURCES**

The Contractor is hereby authorized to purchase the following equipment and/or resources:

**TBD**

#### **H.6 GOVERNMENT FURNISHED FACILITIES OR PROPERTY**

The Contractor and any employee or consultant of the Contractor is prohibited from using U.S. Government facilities (such as office space or equipment) or U.S. Government clerical or technical personnel in the performance of the services specified in the TO unless the use of Government facilities or personnel is specifically authorized in the TO or is authorized in advance, in writing, by the COR.

#### **H.7 CONFIDENTIALITY AND OWNERSHIP OF INTELLECTUAL PROPERTY**

All reports generated and data collected during this Activity are considered the property of USAID and must not be reproduced, disseminated or discussed in open forum, other than for the purposes of completing the tasks described in this document, without the express written approval of a duly-authorized representative of USAID. All findings, conclusions and recommendations must be considered confidential and proprietary.

#### **H.8 REPORTING ON TAXATION OF U.S. FOREIGN ASSISTANCE**

- (a) Reporting of Foreign Taxes. The contractor must annually submit a final report by April 16 of the next year.

(b) Contents of Report. The reports must contain:

- (i) Contractor name.
- (ii) Contact name with phone, fax and e-mail.
- (iii) Agreement number(s).
- (iv) Amount of foreign taxes assessed by a foreign government [each foreign government must be listed separately] on commodity purchase transactions valued at \$500 or more financed with U.S. foreign assistance funds under this agreement during the prior U.S. fiscal year.
- (v) Only foreign taxes assessed by the foreign government in the country receiving U.S. assistance is to be reported. Foreign taxes by a third party foreign government are not to be reported. For example, if an assistance program for Lesotho involves the purchase of commodities in South Africa using foreign assistance funds, any taxes imposed by South Africa would not be reported in the report for Lesotho (or South Africa).
- (vi) Any reimbursements received by the Contractor during the period in (iv) regardless of when the foreign tax was assessed plus, for the interim report, any reimbursements on the taxes reported in (iv) received by the contractor through October 31 and for the final report, any reimbursements on the taxes reported in (iv) received through March 31.
- (vii) The final report is an updated cumulative report of the interim report.
- (viii) Reports are required even if the contractor did not pay any taxes during the report period.
- (ix) Cumulative reports may be provided if the contractor is implementing more than one program in a foreign country.

(c) Definitions. For purposes of this clause:

- (i) "Agreement" includes USAID direct and country contracts, grants, cooperative agreements and interagency agreements.
- (ii) "Commodity" means any material, article, supply, goods, or equipment.
- (iii) "Foreign government" includes any foreign governmental entity.
- (iv) "Foreign taxes" means value-added taxes and custom duties assessed by a foreign government on a commodity. It does not include foreign sales taxes.

(d) Where. Submit the reports to: [bangkokusaidfa@usaid.gov](mailto:bangkokusaidfa@usaid.gov)

(e) Subagreements. The contractor must include this reporting requirement in all applicable subcontracts, subgrants and other subagreements.

(f) For further information see <http://www.state.gov/m/rm/c10443.htm>

## **H.9 ENVIRONMENTAL COMPLIANCE**

A Request for Categorical Exclusion (RCE) for the Project Appraisal Document under which this Activity will be implemented, in accordance with 22 CFR 216 and ADS 204, is in circulation and will be approved by the Bureau Environmental Officer before the Activity implementation. No additional Activity environmental consideration is expected to be required. During Activity implementation, if new activities are considered other than those covered by the approved RCE and which may directly affect the environment (such as construction or rehabilitation of facilities), an amended RCE or an Initial Environmental Examination will be processed, as appropriate.

## **H.10 COMPLIANCE WITH ANTI-COMPETITION RULES**

This Activity contemplates working in the field of economic growth and trade. As a result, ADS 225 on Trade and Investment Activities must be adhered to. To ensure that activities do not pose a risk to US jobs and do not compete with US firms, the Contractor must screen all activities to ensure USAID/Vietnam's compliance with USAID Automated Directives System (ADS) 225.3.1 and Section 7028 of the FY 2012 Department of State, Foreign Operations, and Related Programs Appropriations Act (2012 FOAA), and subsequent similar legislation, following procedures established by USAID/Vietnam and in coordination with the COR.

## **H.11 SALARY SUPPLEMENTS FOR HOST GOVERNMENT (HG) EMPLOYEES (OCT 1998)**

(a) Salary supplements are payments made that augment an employee's base salary or premiums, overtime, extra payments, incentive payment and allowances for which the HG employee would qualify under HG rules or practice for the performance of his/her regular duties or work performed during his/hers regular office hours. Per diem, invitational travel, honoraria and payment for work carried out outside of normal working hours are not considered to be salary supplements. (b) Salary supplements to HG Employees are not allowable without the written approval of the CO.

## **H.12 ACTIVITY REGISTRATION**

The Contractor is responsible for registering the Activity with the Vietnamese Ministry of Planning and Investment (MPI) during the first 90 days of the Activity. USAID is not responsible for the Activity registration, though USAID will facilitate the process and assist the Contractor with supporting documents and coordination with the GVN.

## **H.13 EXCHANGE VISITORS AND TRAINING**

The Contractor will conform to requirements for processing of J-1 Exchange Visitors. A summary of these requirements may be found in USAID Automated Directives System (ADS) Chapter 252 –

Visa Compliance for Exchange Visitors and ADS Chapter 253 – Training for Development, as well as in USAID/Vietnam-specific guidance. The Contractor will enter applicable information into USAID's web-based training information system, TraiNet, for any exchange visitors, participant training, third-country training, or in-country training that is funded through this award. Information on ADS 252 and 253 requirements is available in <http://www.usaid.gov/policy/ads/>.

#### **H.14 COMPLIANCE WITH THE USAID COUNTER-TRAFFICKING IN PERSONS POLICY**

Federal law requires U.S. Government contractors and grantees to comply with the Federal Acquisition Regulation (FAR) 52.222-50 Combating Trafficking in Persons and Trafficking Victims Protection Act (TVPA). The USAID Counter-Trafficking in Persons Policy prohibits contractors and grantees from engaging in actions fostering trafficking in persons and sensitizes them to the requirement to report suspected cases. The policy can be found at [http://transition.usaid.gov/our\\_work/democracy\\_and\\_governance/technical\\_areas/trafficking/pubs/C-TIP\\_Policy.pdf](http://transition.usaid.gov/our_work/democracy_and_governance/technical_areas/trafficking/pubs/C-TIP_Policy.pdf)

#### **H.15 302.3.4.10 IMPLEMENTATION OF SECTION 508 OF THE REHABILITATION ACT OF 1973**

(Effective Date: 07/01/2007)

Section 508 of the Rehabilitation Act requires that Federal electronic information technology (EIT) be accessible according to standards developed by the Access Board, an independent Federal agency charged with accessibility for people with disabilities. These standards cover a variety of products, including computer hardware and software, Web sites, phone systems, fax machines, copiers, and similar technologies. FAR 39.2 implements Section 508 for direct contracts.

For any procurement actions that include qualifying EIT, Offeror shall provide in the purchase request a determination that the requirement is qualifying EIT as defined by Section 508. Guidance for acquisition considerations of EIT is available from USAID Implementation of Section 508 of the Rehabilitation Act of 1973.

**[END OF SECTION H]**

## PART II - CONTRACT CLAUSES

### SECTION I - CONTRACT CLAUSES

**I.1** Reference basic IQC for Public Financial Management. In addition to the referenced clauses, the following contract clauses pertinent to this section are hereby incorporated by reference (by Citation Number, Title, and Date) in accordance with the clause at FAR “52.252-2 CLAUSES INCORPORATED BY REFERENCE” in Section I of the basic IQC.

See FAR 52.252-2 for an internet address (if specified) for electronic access to the full text of a clause:

NUMBER	TITLE	DATE
FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1)		
52.215-22	LIMITATIONS OF PASS THROUGH CHARGES – IDENTIFICATION OF SUBCONTRACT EFFORT	OCT 2009
52.215-23	LIMITATIONS OF PASS THROUGH CHARGES	OCT 2009

[END OF SECTION I]

**SECTION J – LIST OF DOCUMENTS EXHIBITS AND OTHER ATTACHEMENTS**

<b>Attachment Number</b>	<b>Title</b>
J.1	<b>PAST PERFORMANCE INFORMATION SHORT FORM</b>
J.2	<b>CONTRACTOR EMPLOYEE BIOGRAPHICAL DATA SHEET</b>
J.3	<b>VIETNAM CDCS VIETNAM FRAMEWORK</b>
J.4	<b>GIG CPP LOGFRAMEWORK</b>

**[END OF SECTION J]**

## **SECTION K - REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF THE OFFEROR**

### **K.1 KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING FORM**

#### **KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING**

(To be completed by all individuals identified as key personnel in the applications.)

I hereby certify that within the last ten years:

1. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any other country concerning narcotic or psychotropic drugs or other controlled substances.
2. I am not and have not been an illicit trafficker in any such drug or controlled substance.
3. I am not and have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

#### **NOTICE:**

1. You are required to sign this Certification under the provisions of 22 CFR Part 140, Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain key individuals of organizations must sign this Certification.
2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

### **K. 2 CERTIFICATION REGARDING LOBBYING**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection

with the awarding of any Federal contract, the making of any Federal Cooperative Agreement, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Statement for Loan Guarantees and Loan Insurance

"The undersigned states, to the best of his or her knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure."

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Signature

---

Date

**[END OF SECTION K]**

## **SECTION L - INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS**

### **L.1 GENERAL INSTRUCTIONS**

The Offeror must submit the proposal as instructed below; failure of a proposal to comply with these instructions and the terms and conditions of the RFTOP may be grounds for exclusion from further consideration.

(a) If your organization decides to submit a proposal in response to this solicitation, it must be submitted in accordance with Section **L** of this RFTOP. Offerors should carefully review and consider Section **L** – Instructions, Conditions, and Notices to Offerors, also, Section **M** - Evaluation Factors for Award. The complete submission of all requested items shall constitute the offer. Sections **B** through **I** of the solicitation will become the contract with blanks completed by the CO.

(b) Offerors must pay careful attention to, and complete the required Section **K** - Representations, Certifications and Acknowledgements. Offerors are expected to comply with FAR Clause 52.204-7, Central Contractor Registration and complete the annual representations and certifications electronically via the Online Representations and Certifications Applications website at <https://orca.bpn.gov/>.

(c) Proposals must be prepared in two separate parts. The Technical Proposal shall address technical aspects only, while the Business (Cost) Proposal must present the costs and addresses related issues such as responsibility.

**(d) Closing date and time stated on the cover letter of this solicitation applies for the submission of both, hard paper copies and electronic version of the proposals. All hard copies and emails need to arrive before or by the published date and time.**

(e) Government Obligation: The US Government is not obligated to make an award or to pay for any costs incurred by the Offeror in preparation of a proposal in response hereto.

(f) All questions relating to this RFTOP must be submitted to Martha L. Aponte, Contracting Officer and Praveena ViraSingh, Acquisition & Assistance Specialist, via email at [maponte@usaid.gov](mailto:maponte@usaid.gov) and [pvirasingh@usaid.gov](mailto:pvirasingh@usaid.gov), no later than no later than the date and time indicated on the cover letter of this RFTOP. Unless otherwise notified by an amendment to the RFTOP no question will be accepted after this date. Offeror must not submit questions to any other USAID staff, including the technical office for either the TO or the basic IQC.

(g) Accurate and Complete Information: Offerors must provide full, accurate and complete information as required by this RFTOP. The penalty for making false statements to the Government is prescribed in 18 U.S.C. 1001.

(h) Offer Acceptability: The Government may determine an offer to be unacceptable if the offer does not comply with all of the terms and conditions of the RFTOP and prospective contract:

- (1) Completion of Standard Form 33, Blocks 12 through 18;
- (2) Submission of proposed costs/prices as required by Section B of this RFTOP;

(3) Completion of the required “Representations, Certifications, and Other Statements of Offerors” in Section K; and

(4) Submission of information required by Section L or any other section of this RFTOP. The submission of these items in accordance with these instructions will, if the Government accepts the offer, contractually bind the Government and the successful Offeror to the terms and conditions of the prospective contract. Offerors must follow the instructions contained in this RFTOP and supply all information and signature/certifications, as required.

(i) USAID may, without discussion or negotiations, award a TO resulting from this RFTOP to the responsible Contractor whose proposal conforms to the Statement of Work (SOW) and offers the best value. Therefore, the initial proposal should contain the Contractor’s best terms from a cost and technical standpoint. USAID may reject any or all proposals, and waive informalities and minor irregularities in proposals received.

Although technical evaluation factors are significantly more important than cost factors, the closer the technical evaluations of the various proposals are to one another, the more important cost considerations become. The CO may determine what highly ranked proposal based on the technical evaluation factors would mean in terms of performance and what it would cost the Government to take advantage of it in determining the best overall value to the Government.

## L.2 DELIVERY INSTRUCTIONS

Offerors must submit five (5) paper copies and a CD-ROM of their Technical Proposal, and one (1) paper copy and a CD-ROM of their Cost Proposal, with format compatible with MS Windows environment, in a sealed envelope to the below designated office. The envelope must be clearly marked as being in response to this RFTOP. Proposals may be sent by international air courier or delivered by hand at the designated place. Hard or soft copies of proposals must be signed by an official who is authorized to legally bind the organization. Hard copies of proposals can be delivered to the below designated office, by the due date stated on the cover page of this RFTOP.

(a) Receipt of Proposals. Proposals in response to this RFTOP will be received in the following manner:

Hand-carry or via courier. Proposals and modifications thereof must be submitted in sealed envelopes or packages addressed to the office specified below and the information requested below must be placed in the envelopes clearly marked on the outside. Hard copies of proposals and modifications thereto, must be submitted, at the time indicated on the cover page and with the name and address of the offeror and the RFTOP number inscribed thereon to:

In-Person/Courier Delivery  
Hoa Hoang Thi Nhu  
Javier O. Castano  
Office of Acquisition & Assistance  
15th Floor, Tung Shing Square  
#2 Ngo Quyen Street  
Hanoi, Vietnam

Regardless of the method used the Technical Proposal and Cost Proposal must be kept separate from each other and placed in sealed envelopes clearly marked on the outside with the following information:

Request for Proposals (RFP) No. SOL-440-13-000001:  
“USAID Governance for Inclusive Growth Activity”

(iii) The Offeror must also submit an electronic version of the technical proposal and cost proposal to Ms. ViraSingh at the following e-mail address: [pvirasingh@usaid.gov](mailto:pvirasingh@usaid.gov)

Technical Proposals must not make reference to pricing data in order that the technical evaluation may be made primarily on the basis of technical merit.

(b) Technical and Cost/Business Proposals must be kept separate from each other in the submission. Technical Proposals must not make reference to pricing data in order that the technical evaluation may be made strictly on the basis of technical merit.

(c) Closing Date and Time. All proposals in response to this RFP will be due at the above address and date and time as stated in Standard Form 33, Block 9 of the RFTOP.

(d) Late Proposals. Late proposals will be subject to the restrictions set forth in FAR 52.215-1. If a proposal is received late or is not eligible for consideration in accordance with the FAR, then the Government may reject that offer without evaluation. For purposes of this RFTOP, the Government will use a designated watch or clock as the official time for purposes of lateness.

### **L.3 INSTRUCTIONS FOR THE PREPARATION OF THE TECHNICAL PROPOSAL**

#### **(a) Organization of Technical Proposal.**

Offerors must organize the Technical Proposal to follow the technical evaluation criteria listed in Section M.

#### **(b) Format of Technical Proposal.**

The Technical Proposal is **limited to 30 pages; any pages over the 30-page limitation will not be read or evaluated**. All critical information from annexes and addressing the selection criteria must be summarized in the main body of the technical proposal within its page limitation. A page in the technical proposal that contains a table, chart, graph, etc., not otherwise excluded below, is included within the above page limitation for the technical proposal. Not included in this page limitation are the following:

- Cover pages;
- Table of Contents;
- Dividers;
- Executive Summary (not to exceed 2 pages);
- Attachments, which contain biographical information (i.e., resumes and other documentation provided by the Offeror) for proposed candidates;
- Draft Work Plan;
- Draft Contractor Performance and Monitoring Plans;

- Summary Level of Effort (LOE) chart;
- SF 294s
- Past Performance Report (Attachment J-1);
- Management Structure Organizational Chart(s);
- Attachments in response to the requirements of this RFTOP (i.e., Branding Implementation Plan and Marking Plan); and
- Attachments that elaborate on or support material presented in the main body of the technical proposal.

Technical proposals must be written in English and typed on standard 8 1/2" x 11" paper (216mm by 297mm), single spaced, Times New Roman font not less than 12 points in size, with margins no less than one inch of each border, and each page numbered consecutively.

### **(c) Contents of Technical Proposal**

#### Section 1: Signed Proposal

The Standard Form 33, Solicitation, Offer and Award, (SF 33) is being used for this solicitation. This form is used by the Government as a RFTOP and upon submission by the Offeror it becomes the Offeror's proposal. As such it is an "offer" which can be unilaterally accepted by the CO and awarded on said SF 33. The Contractor's offer and the Government's acceptance form the contract.

Therefore, the following points must be strictly adhered to by the offeror in submitting the proposal.

- (a) One (1) originally executed copies of Standard Form 33 (with Blocks 12 through 18 completed); and Section K fully executed must be submitted.
- (b) The SF 33 must be executed by a representative of the Offeror authorized to contractually commit the Offeror to obligations. The authority to sign a proposal, but not an offer, is not sufficient authorization to sign the SF 33.
- (c) UNDER NO CIRCUMSTANCES MAKE ALTERATIONS OR CHANGES TO THE SF 33 OR THE RELATED PAGES, WHICH ARE A PART OF THE ENCLOSED RFTOP AND PROPOSAL PACKAGE. Offerors are to complete those parts that require items such as prices, place of performance, etc., when such items are called for in this Solicitation. A place is provided to insert such information.

#### Section 2: Technical Proposal

The Technical Proposal in response to this solicitation must follow requirements and overarching principles specified in the Statement of Work (SOW) contained in Section C and must address how the Offeror intends to carry out the SOW and achieve the required deliverables in a manner that contributes to the specified goal and objectives of the activity. The responses of Offerors must also reflect a clear understanding of the work to be undertaken and the responsibilities of all parties involved. Technical proposals must be specific, complete and presented concisely.

This section must contain information that demonstrates the Offeror's understanding of the requirements. The Technical Proposal must be prepared in such a manner as to enable the Government reviewers to make a thorough evaluation and arrive at a sound determination of whether the proposal meets all technical requirements or satisfies the SOW of the solicitation.

To this end, the Technical Proposal must be sufficiently specific, detailed, and complete as to clearly and fully demonstrate that the offeror has a thorough understanding of the requirements set forth in the solicitation. Proposals which merely offer to perform in accordance with the Government's requirements or which merely paraphrase the requirements document, or use phrases such as, "standard engineering practices will be employed," or "well established techniques will be employed," etc. may be considered non-compliant and ineligible for award. The Contractor must submit an explanation of its proposed technical approach in conjunction with the tasks to be performed in achieving the objectives identified in Section C.

This volume will consist of the sections described below.

#### Section A – Executive Summary and Table of Contents

In this section, the offer will be summarized, highlighting salient features of the proposal, including a description of the Offeror's approach and plans to satisfy and support requirements of this solicitation.

#### Section B – Technical Approach and Understanding

The technical understanding must be in as much detail as the Offeror considers necessary to fully explain the offeror's clear and concise understanding of the requirements identified in Section C. The technical proposal must reflect a clear understanding of the nature of the work being undertaken.

In order to demonstrate Technical Understanding, the Offeror's proposal must present an overview, description of proposed interventions in each of the major work area, and a description of how special concerns are addressed.

The Offeror must state all assumptions, exceptions, and deviations at the end of this section. For every instance where the Offeror does not propose to comply with or agree to a requirement, the Offeror must propose an alternative and describe its reasoning therefor.

Offeror must provide information to demonstrate its understanding of key factors that shape the Activity, including initiatives to support the GVN's efforts on the legal and institutional reform initiatives while also trying to support the participation of the private sector and civil society in the processes. This understanding must be demonstrated in a comprehensive, clear, logical, and insightful analysis and shall include priority issues, constraints, and challenges as Vietnam accelerates its global integration.

The Offeror must demonstrate an understanding of working in the Vietnamese development context that not only involves issues related to Vietnamese counterparts but also other elements of the USG assistance Activity and the donor community active in the economic growth area. The Offeror must also present its understanding of the role that supporting trade acceleration plays in meeting the interests of all parties' in the future economic growth of the country.

At minimum, Technical Approach must address/include the following:

- Results and interventions they believe should be prioritized and why;
- Detailed description of the proposed actions and plan;
- How the success of each deliverables will be measured with clearly identified milestones;

- Core principles and vision guiding their technical approach;
- How resources will be used strategically to maximize impact of the Activity and
- Identification of gender issues in the target sector and the approach to address them.

Offerors must clearly explain their proposed approach to working with the government. Important considerations to address include:

1. How the Offerors propose to advance systemic changes to the current institutional environment in order contribute to sustainable processes and capacity.
2. How the Offerors will deal with bureaucratic hurdles and resistance
3. How the Offerors will transform your proposal to USAID (including its CPP) into a shared set of objectives and work plans with the government
4. How the Offeror will take into account and manage incentives for and against reform and change
5. How the Offeror will use the GUCs Mechanism to establish partnerships with nongovernmental (aka “social”) organizations and networks (i.e. research institutes, private sector associations, etc.)

### Section C - Contract Performance Plan (CPP) and M&E Plan

The CPP, in conjunction with its associated M&E Plan, must establish clear criteria and indicators for assessing progress, evaluating and monitoring the impact of Activity activities toward achieving component objectives and five-year targets during the performance period and indicate a plan for collecting baseline date prior to the beginning of Activity. The CPP and M&E Plan shall allow for tracking and documenting implementation progress against jointly agreed-upon annual and end-of-Activity performance indicators and related targets and benchmarks.

The M&E Plan must be responsive to any additions and/or adjustments to the targets/indicators as agreed to by USAID. Additionally, monitoring and evaluation sampling and data collection methods should be scientifically rigorous and include clearly defined sample and control groups, probabilistic sampling procedures, quantitative-outcome oriented indicators, and utilize quantitative analysis techniques to more accurately and effectively measure the GIG Activity impact. More specific details are listed in section C.

The Offeror must propose evaluation methodology, sampling methods and techniques, the type of participatory data collection methods and tools to be applied, the profile, selection process and training of the survey-takers/enumerators and supervisory survey staff, plan for baseline data collection and quality control processes, and the design and elaboration of survey data entry systems.

The M&E Plan as well as the CPP included as part of the technical proposal is understood to be illustrative and preliminary in nature. Upon award, the Contractor will develop a full plans that addresses overall Activity implementation. The CPP and M&E Plan must be developed in collaboration with the USAID/Vietnam mission and all relevant counterparts. The CPP is due to USAID for approval within 90 days after contract award and progress toward the achievement of stated objectives and targets will be reported on a semi-annual basis.

### Section D - Management Approach

The Offeror must demonstrate its ability to manage activities as required in Sections C and F and provide the necessary technical support and oversight. The Offeror must explain the management approach, the rationale and value added by each staff member for addressing the tasks and challenges described in Section C, the approach to allocate appropriate roles to counterparts, and the ability to assist the other program management entity designated by the Government of Vietnam to oversee the Activity.

Offerors must describe their management approach along with a clear rationale for the proposed management and organizational structure. Offerors must describe the composition and organizational structure of the core professional Activity team, including descriptions of the role, technical expertise, and estimated amount of time to be devoted to the activity for each position. Offerors must also propose a mix of short-term technical advisors along with the resident advisors, who will be tasked with implementation of a full range of tasks and activities. For proposed non-key advisors, full-time technical staff, short-term consultants, and home office support personnel, the Offeror shall include description of their roles, technical expertise and estimated amount of time to be devoted to each activity

A summary chart must be presented showing the estimated LOE for each position of the core professional team and for each of the planned short-term technical positions. This chart should also indicate whether the positions will be staffed by international (U.S. or Third Country Nationals (TCNs)) or Vietnamese professionals. A copy of the LOE chart must also be submitted with cost proposal. The Offeror must also clearly describe the role of and contractual agreement with each subcontractor (if any), what work will be performed by each subcontractor, and the approach for managing proposed subcontractors.

The Offeror must demonstrate its ability to closely coordinate with USAID/Vietnam, the U.S. Embassy in Hanoi, and other relevant stakeholders, and its ability to respond to the needs articulated by the GVN, provided those needs are appropriate and acceptable to USG stakeholders.

The Offeror must describe how the Offeror and, if applicable, each of its major partners will be organized to accomplish the work under the TO. The narrative must describe the available in-house human resources that the Offeror can provide in response to the RFTOP. The Offeror will also describe the management systems that will be used to meet the requirements described in Section C. Delineation of responsibilities between partners, if applicable, must be fully described i.e. the management approach must clearly establish what work will be performed directly by the Offeror and what work will be performed by the Offeror's partners. Proposed management systems to be provided in response to the requirements for Activity management services for a typical TO must be detailed.

## Section E – Key Personnel and Other Professional Staff

### **Key Personnel**

The Offeror must include in the technical proposal a proposed Chief and Party (COP) and a proposed Deputy Chief of Party. They will be evaluated based on their professional and management experience relevant to the technical areas identified in the RFTOP and required qualifications listed below. The Offeror's proposed COP and Deputy COP must demonstrate working experience either in Vietnam and/or on programs relevant to similar developmental challenges faced in comparable environments elsewhere. Management experience in donor-funded international development programs is also required. The Offeror's proposed COP and Deputy COP must have an educational background applicable to the technical focus areas of the Activity.

Resumes for key personnel are limited to 2 pages maximum per each Curriculum Vitae (CV), and may be of a format of the Offeror's choosing, but must be standardized for all key personnel. The period to be covered by each resume must not extend beyond the past ten (10) years with the exception of educational qualifications. Each CV must clearly indicate which firm the employee is currently affiliated with.

Resumes must be included as an attachment to the technical proposal and must not be included in the main body of the proposal. However, it is imperative that the narrative in the main body of the proposal highlights relevant experience, education, qualification, and capability of the proposed key personnel to carry out the Statement of Work.

For each key personnel position proposed, provide a minimum of three (3) professional references. A letter of recommendation from a previous client may be submitted as part of the proposal in lieu of the three professional references for information to be included in the letter of recommendation. For each reference, specify the relationship between the individual proposed and the reference, and provide contact details including the e-mail address and telephone number of each reference. Note that the Offerors need not identify the names of non-key personnel in their proposal. A Letter of Commitment for each person proposed for a key personnel position must be included as an attachment to the proposal.

The designated Key personnel positions have been specified in Section F above. However, should the Offeror choose to propose alternate or additional key personnel positions, the justification for the proposed approach must be included as part of the Offeror's proposal.

## **Required Qualifications for Key Personnel**

### **Chief of Party**

- Advanced degree in economics, political science, international trade, business or public administration, law, or related field.
- Minimum 15 years of experience in international development, preferably in governance and / or economic growth.
- Proven track record of managing large, complex projects, preferably in Asia and/or for donor-funded projects.
- High level of interpersonal, technical, and analytical skills, including an ability to interact effectively and collaboratively with a broad range of public and private sector counterparts and other key stakeholders.
- Ability to collaboratively create and implement a strategic, long-term programmatic vision.
- Strong oral communication skills.
- Capacity to provide overall results-driven project leadership, management, and technical direction.
- Demonstrated leadership, versatility, and integrity.
- English fluency

### **Deputy Chief of Party**

- Advanced degree in economics, political science, international trade, business or public administration, law, or related field required, preferably that is complementary to that of the Chief of Party.
- Minimum 10 years of experience in international development, preferably in governance, poverty reduction and / or economic growth.

- Proven track record of managing large, complex projects in Vietnam.
- Deep, experienced based understanding of Vietnamese government and political system.
- Outstanding professional reputation and professional network in Vietnam.
- Fluency in Vietnamese and English.

### **Other Professional Staff (Non- Key personnel)**

The Technical and Support Teams must address the requirements listed in Section F. The proposed professional team members must demonstrate a high level of qualifications relevant to their proposed roles and applicable to the technical areas identified in the RFTOP. They should also have relevant experience working either in Vietnam or in comparable developmental environments elsewhere.

The Offeror must propose the individuals to implement the tasks described in the SOW in Section C. The Offeror must submit a complete and current resume for the proposed key personnel and professional staff only. These resumes must highlight information regarding project management responsibilities over the last three years. The Offeror must also submit three (3) recent references with contact information for similar work for each proposed candidate (from individuals not employed by the Prime/Subcontractors). A statement signed by all individuals proposed as key personnel confirming their present intention to serve in the stated position and their present availability to serve for the entire duration of TO. The Offeror must include such resumes, references, and statements as attachments of the technical proposal. Please do not include salary information in the technical proposal.

### **Section E – Contractor Performance Information**

(a) The Offeror (including all partners of a joint venture) must provide performance information for itself and each subcontractor whose proposed cost exceeds 10% of the offeror's total proposed cost, in accordance with the following:

- List in an annex to the technical proposal three (3) of the most recent and relevant contracts for efforts similar to the work in the subject proposal for the TO. The most relevant indicators of performance are contracts performed for federal, state, and local governments and for commercial firms within the last five years.

- Provide for each of the contracts listed above a list of contact names, job titles, mailing addresses, phone numbers, e-mail addresses, and a description of the performance to include:

- Scope of work or complexity/diversity of tasks;
- Primary location(s) of work;
- Term of performance;
- Skills/expertise required;
- Dollar value; and
- Contract type (i.e., fixed-price, cost reimbursement, etc.).

USAID recommends that the Offeror alert the contacts that their names have been submitted and that they are authorized to provide performance information concerning the listed contracts if and when USAID requests it.

(b) If extraordinary problems impacted any of the referenced contracts, provide short explanation and the corrective action taken (FAR 15.305(a)(2)).

Offerors must complete the first page of the Past Performance Report included as a part of this RFTOP (see Attachment J-1) for each project. The Government will also use information obtained from the Past Performance Information Retrieval System (PPIRS) as well as past performance information obtained from other than the sources identified by the Offeror. Information will be used for both the responsibility determination and best value determination. The Government will not necessarily contact by all references provided by an Offeror.

#### **L.4 INSTRUCTIONS FOR PREPARATION OF COST AND PRICING INFORMATION**

The Offeror must propose costs that it believes are realistic and reasonable for the work in accordance with the Offeror's technical approach. Cost proposals will be evaluated as part of the best value determination. The cost proposal must be submitted in a separate volume from the technical proposal.

##### **Ceiling Price**

The total budget for this TO is estimated to fall within the range of **\$42,000,000 to \$45,000,000** for the period of five years.

Each offeror must provide a cost proposal to coincide with the cost items set forth below and as follows:

- (a) One summary matrix must be provided for the five years period (including subcontractors' costs).
- (b) One summary matrix must be provided for the five years period, for the prime offeror, and for each proposed subcontractor separate.
- (c) One summary matrix must be provided for each activity year, for the prime offeror, and for each proposed subcontractor separate.
- (d) A separate detailed budget broken down by activities and by year must be provided for the prime Offeror and each proposed subcontract separate.
- (e) A summary activity budget matrix must be submitted for each activity and each activity year, for the prime Offeror and each proposed subcontractor separate.

Offeror must submit its cost proposal in the following format.

Workdays Ordered	\$ _____
Other Direct Costs	\$ _____
Indirect Costs	\$ _____
Grants under contract	\$4,000,000
Ceiling Price	\$ _____

A cost proposal for the period of five years must be submitted. The cost proposal must include supporting narrative providing detailed justification of each budget line item and costs anticipated under this proposed TO. The cost proposal must include:

- Detailed level of effort (LOE) and labor cost estimates in accordance with the Statement of Work, split by year. The Offeror must provide a separate line item for each proposed individual identify by name, labor category, daily rate and level of effort. Illustrative labor categories and levels of effort

are provided below. USAID reserves the right to adjust the level of key personnel during the performance of this TO.

For all personnel who will perform directly under the Award, information must be provided in the following format:

<b>Functional Labor Categories</b>					
<b>Position</b>	<b>Functional Labor Category</b>	<b>Level</b>	<b>Fixed Burdened Daily Rate</b>	<b>Workdays Ordered</b>	<b>Total</b>
<b>YEAR ?: (xxxxxx xx, 20013 – xxxxxxxx xx, 2018)</b>					
<b>USN Labor Long Term</b>					
Senior		I	\$		\$
Mid		II	\$		\$
Junior		III	\$		\$
<b>USN Labor Short Term</b>					
Senior		I	\$		\$
Mid		II	\$		\$
Junior		III	\$		\$
<b>CCN/TCN Labor Long Term</b>					
<b>Position</b>	<b>Functional Labor Category</b>	<b>Level</b>	<b>*Burdened Daily Rate</b>	<b>Workdays Ordered</b>	<b>Total</b>
TBD		N/A	\$		\$
<b>CCN/TCN Labor Short Term</b>					
<b>Position</b>	<b>Functional Labor Category</b>	<b>Level</b>	<b>*Burdened Daily Rate</b>	<b>Workdays Ordered</b>	<b>Total</b>
TBD		N/A	\$		\$
* This rate includes the applicable locally-hired national or other non-U.S. expatriate multiplier set forth in the basic IQC. Pursuant to Section B of the basic IQC, reimbursement for TCN/CCN labor will be based on a negotiated unburdened salary that will be applicable to the established multiplier. The resulting TCN/CCN burdened daily rate may not be greater than the rate set forth in this TO task.					

- It should be noted that in accordance with AAPD 02-12 (page 8), Offerors are not prohibited from offering the Government lower rates in the TO proposal than those that appear in the IQC.

- For Locally-Hired/ Cooperating Country Nationals (CCNs) or Other Non-U.S. Expatriates/Third Country Nationals (TCNs). Offeror must submit an AID Form 1420-17 entitled Contractor Employee Biographical Data Form for all proposed personnel under the Award. The Biographical Data Forms shall include salary history for the prior three years, proposed position, chronology of relevant work experience and academic qualification. The Biographical Data Forms must be complete and properly certified and signed by both the employee and the Offeror. Note that only Key Personnel and illustrative short-term labor need be identified in the proposal.
- For other direct cost, please provide a summary cost breakdown, by year, by element, e.g., travel, per diem, workshops, etc., as applicable.
- Provide a breakdown for all anticipated costs for indirect costs (i.e., the amount, type, and unit cost) in accordance with the NICRA.

The Offeror must submit the following in support of the proposed budget for the TO separately:

- A budget narrative and additional supporting budget documentation (as necessary), including travel quotations, historical cost information, etc. to substantiate all proposed costs.
- The Prime's and Sub-contractors' most recent NICRA information (as applicable) to support proposed indirect rates.
- Letters of Commitment (Subcontractors). The Cost Proposal must include a letter, on subcontractor letterhead, and signed by an authorized representative of each subcontractor, which specifically indicates the subcontractor's agreement to be included in the Offeror's proposed teaming arrangement.

## **L.5 COST PROPOSAL CONSIDERATIONS**

### **Annual Activity Planning Based on Actual Available Resources vs. Cost Proposal Budget**

While cost-proposals will be evaluated based on the best value to the government within the established cost-range, given the USG's annual budget process and the current particularly uncertain budget environment, Offerors should be prepared to develop the Activity's annual work plans and associated implementation budgets for each year based on an actual budget level provided by USAID rather than the levels approved in the cost-proposal. The cost-proposal will remain the legally binding levels of the contract, but the actual resources available for the Activity implementation in a given fiscal year may be more or less than those planned for in the proposal. When necessary, resulting changes in the levels for the different components of the cost proposal (i.e. labor, other direct costs, G&A, etc.) may be adjusted with appropriate USAID approval as provided for under the base PFM IDIQ contract. USAID will communicate these anticipated actual levels to the implementer as early in the budget cycle as possible, once it has a confirmed budget level for the Activity. This annual budget level will only be final upon obligation into the contract.

### **Improved Return on USAID Investments**

Opportunities to maximize the development impact of our limited mission level resources by looking for ways to invest the Activity's funds in ways that generate an improved return on our investment should be integral to the Activity's approach. Approaches that help extend the impact of our

investment are an important element of doing this. Examples of widely used USAID approaches to doing this that will be explore for activities under this Activity include:

- Global Development Alliance 1-to-1 co-investments with the private sector
- Close donor coordination to take advantage of synergies between programs that have similar objectives.
- Direct engagement with the private sector to understand their investment criteria and priorities in order to effectively anticipate the impact of private investment choices in contributing to USAID Activity's objectives.
- Host-country or other development partner cost-sharing

As indicated under above under Financial Reporting, the Contractor is required to report on its estimated leveraging of resources, including but not limited to host-country counterpart contributions and private sector partnerships.

### **Results Based Budgeting**

In addition to a traditional cost proposal budget (i.e. broken out by Labor, Other Direct Costs, Indirect Costs, G&A, etc.) the contractor is required to present a results based budget that maps all costs onto the Activity's intended results. This will help USAID track the cost / level of effort required to achieve a particular result. It will also help us communicate to the host-government the true investment we are making towards their objectives (as they tend to look at standard contract budget and just see a lot money going to the implementer).

### **GUCs**

For the purpose of cost proposals Offerors are required to use the plug amount of \$4,000,000 (\$800,000 per year).

## **L.6 BRANDING AND MARKING**

Offeror must prepare and submit with the technical proposal, a Branding Implementation Plan and Marking Plan to implement the USAID Branding Strategy described below. The Offerors' branding implementation plan and marking plan must be an attachment to its technical proposal and will not be included in the page limitation.

### **A. USAID Branding Strategy:**

**Activity Name:** USAID Governance for Inclusive Growth

**How the USAID logo will be positioned on materials and communications:**

All USAID logos on materials and communications produced under this TO will be positioned in accordance with the standardized USAID regulations on branding. In cases when the activity is jointly sponsored with other US Government (USG) and non-USG entities, the names and/or logos of these entities will be mentioned in the branding, with an equal level of prominence to the USAID logo.

**Desired level of visibility:**

All branding must comply with the standardized USAID regulations on branding. All branding for USAID, its partners, and other USG and non-USG entities engaged in a specific activity implemented under this TO, must have equal representation on all public or internal documentation, publications, advertising, presentations, brochures, etc.

Other organizations to be acknowledged:

When activities occur in coordination with other USG or non-USG partners, acknowledgement of the contribution and efforts of these organizations will be included in any relevant public or internal documentation, publications, advertising, presentations, brochures, etc.

**B. Branding Implementation Plans must specifically address the following:**

1. How to incorporate the message, “This assistance is from the American people,” in communications and materials directed to beneficiaries, or provide an explanation if this message is not appropriate or possible.
2. How to publicize the program, project, or activity in the host-country and a description of the communications tools to be used. Such tools may include the following: Press releases, Press conferences, Media interviews, Site visits, Success stories, Beneficiary testimonials, Professional photography, PSAs, Videos, and Webcasts, e-invitations, or other e-mails sent to group lists, such as participants for a training session blast e-mails or other Internet activities, etc.
3. The key milestones or opportunities anticipated to generate awareness that the program, project, or activity is from the American people, or an explanation if this is not appropriate or possible. Such milestones may be linked to specific points in time, such as the beginning or end of a program, or to an opportunity to showcase publications or other materials, research findings, or program success. These include, but are not limited to, the following: Launching the program, Announcing research findings, Publishing reports or studies, Spotlighting trends, Highlighting success stories, Featuring beneficiaries as spokespeople, Showcasing before-and-after photographs, Marketing agricultural products or locally-produced crafts or goods, Securing endorsements from ministry or local organizations, Promoting final or interim reports, and Communicating program impact/overall results.

**C. The Marking Plan** must enumerate the public communications, commodities, and Activity materials and other items that visibly bear or will be marked with the USAID Identity. USAID’s policy is that programs, projects, activities, public communications, or commodities implemented or delivered under contracts and subcontracts exclusively funded by USAID are marked exclusively with the USAID Identity. Where applicable, a host- country symbol or ministry logo, or another U.S. Government logo may be added.

**[END OF SECTION L]**

## **SECTION M – EVALUATION FACTORS FOR AWARD**

### **M.1 GENERAL EVALUATION INFORMATION**

(a) The Government intends to evaluate TO proposals in accordance with Section M of this RFTOP and award to the responsible Offeror, whose TO proposal(s) represents the best value to the U.S. Government. “Best value” is defined as the offer that results in the most advantageous solution for the Government, in consideration of technical, cost, and other factors. For overall evaluation purposes, technical factors, when combined, are considered significantly more important than cost/price factors.

(b) The Government may award a contract without discussions with Offerors in accordance with FAR 52.215-1.

(c) The submitted technical information will be scored by a Technical Evaluation Committee (TEC) using the evaluation factors described in this section. The TEC may include representatives from other donors or the host government, who are not employees of the Federal Government. When evaluating the competing Offerors, the Government will consider the written qualifications and capability information provided by the Offerors, and any other information obtained by the Government through its own research.

### **M.2 EVALUATION CRITERIA**

Proposals will be evaluated using the criteria shown below. Offerors should note that these criteria:

- (1) Serve as the standard against which all proposals will be evaluated; and
- (2) Serve to identify the significant matters, which Offerors should address in their proposals.

The evaluation criteria shown below reflect the requirements of this particular solicitation and are presented by major category with descending order of importance, so that Offerors will know which areas require emphasis in the preparation of proposals. The specific evaluation criteria are as follows:

<b>Technical Evaluation Criteria</b>	<b>Weight</b>
Technical Approach	40 points
Qualifications and Experience of Key Personnel & Staffing	20 points
Management Approach	20 points
Past Performance	20 points
<b>Total Possible Technical Evaluation Points</b>	<b>100 points</b>

#### **Technical Approach**

Offerors are encouraged to propose innovative implementation designs to reach the desired results, and an aggressive but realistic schedule of performance milestones as steps toward reaching those results. Priority will be given to proposals that include credible, innovative approaches, strategies and interventions to achieve the desired results. Offerors will be evaluated on their technical approach in accordance with the following sub-criteria, which are equally weighted:

- a) **Proposed Approach (40 points)**

The extent to which the technical approach, including the draft work plan, demonstrates: a) a clear understanding of the Vietnamese development challenge as stated in Section C; b) a proposed approach that fully responds to the requirements of Section C in a credible, coherent and compelling manner, c) innovative approaches, strategies and interventions to implement the requirements of Section C; and (d) the extent to which cross-cutting issues identified in Section C, including youth, gender, minority and environmental issues are identified, addressed and integrated within the technical approach. **(25 points)**

b) Contract Performance Plan (CPP) and M&E Plan

The extent to which the proposed CPP and its associated M&E Plan demonstrates clear and focused project objectives, presents how the results will be measured and achieved, with associated indicators and targets, as well as data collection and analysis approach, consisting of data sources, frequency of data collection, data verification, compliance with data quality standards, and responsible parties for data collection as stated in Section F. **(15 points)**

c) **Qualifications and Experience of Key Personnel and Staffing (20 points)**

Offerors will be evaluated based on the demonstrated relevant experience, educations, qualifications and capability of the proposed key personnel, Technical and Support teams and STTA Expertise. Offerors will be evaluated in accordance with the requirements of Section F.

d) **Management Approach (20 points)**

The extent to which the proposed management approach and the Activity team structure, including the home office personnel supports the technical approach and demonstrates a logical and efficient use of resources, including the utilization of qualified local professionals, to successfully achieve the objectives and purpose of the Activity. The management approach will also be evaluated based upon the clearly defined chain of authority, the roles and responsibilities of all proposed positions (key and non-key), sub-contractors/sub-grantees, and how the team will be effectively and rapidly be mobilized immediately after the contract award.

e) **Past Performance (20 points)**

Performance information will be used for both the responsibility determination and best value decision. USAID may use performance information obtained from other than the sources identified by the offeror/subcontractor. USAID will utilize existing databases of contractor performance information and solicit additional information from the references provided in Section J.1 of this RFTOP and from other sources if and when the CO finds the existing databases to be insufficient for evaluating an offeror's performance.

USAID will determine the relevance of past performance information. USAID may give more weight to performance information that is considered more relevant and/or more current.

The contractor performance information determined to be relevant will be evaluated in accordance with the elements below:

- (1) Quality of product or service, including consistency in meeting goals and targets;
- (2) Cost control, including forecasting costs as well as accuracy in financial reporting;

(3) Schedule, including the timeliness against the completion of the contract, task orders, milestones, delivery schedules, and administrative requirements (e.g., efforts that contribute to or affect the schedule variance);

(4) Business relations, addressing the history of professional behavior and overall business-like concern for the interests of the customer, including the contractor's history of reasonable and cooperative behavior (to include timely identification of issues in controversy), customer satisfaction, timely award and management of subcontracts, cooperative attitude in remedying problems, and timely completion of all administrative requirements;

(5) Management of key personnel, including appropriateness of personnel for the job and prompt and satisfactory changes in personnel when problems with clients where identified;

(6) For prime offerors who are not small business concerns, their utilization of Small Business concerns as subcontractors, including efforts in achieving small business participation goals;

- An offeror's performance will not be evaluated favorably or unfavorably when:

(1) The offeror lacks relevant performance history,

(2) Information on performance is not available, or

(3) The offeror is a member of a class of offerors where there is provision not to rate the class against a sub factor.

When this occurs, an offeror then the offeror will not be evaluated favorably or unfavorably on performance and will be assigned a "neutral" rating. Prior to assigning a "neutral" past performance rating, the CO may take into account a broad range of information related to an offeror's performance.

### M.3 COST PROPOSAL EVALUATION

Evaluation points are not awarded for cost. The review of the cost proposal will include a cost realism analysis to determine what the Government should realistically expect to pay for the proposed effort, the Offeror's understanding of work, and the Offeror's ability to perform the contract. These will consist of a review of the cost portion of an Offeror's proposal to determine if the overall costs proposed are reasonable and realistic for the work to be performed, if the costs reflect the Offeror's understandings of the requirements, and if the costs are consistent with the technical proposal. Cost proposals providing more direct funding towards the Activity instead of administrative costs will be favorably considered assuming the technical proposal provides for a feasible activity implementation and achievement of development impact objectives. Evaluation of cost proposals will consider but not be limited to the following:

- Cost realism and completeness of cost proposal and supporting documentation.
- Overall cost control evidenced by proposal (such as avoidance of excessive salaries, excessive home office staff visits, and other costs in excess of reasonable requirements).
- Total resource allocation for programmatic interventions.

- Amount of proposed fee, if any.
- Cost efficiency of proposed Other Direct Costs (ODCs).
- Subcontracting Plan, if any.
- Ceiling on indirect cost rates.

Offerors are reminded that the U.S. Government is not obligated to award a negotiated contract on the basis of the lowest proposed cost (see FAR 15.101-1) or to the Offeror with the highest technical evaluation score. Although for this procurement technical proposal merits are considered significantly more important than cost relative to deciding whom best might perform the work. Therefore, after the final evaluation of the proposals, the Contracting Officer will make the award to the Offeror whose proposal offers the best value to the Government, considering both technical and cost factors. It should be noted that estimated cost is an important factor and its importance, as an evaluation factor will increase as the degree of equality of technical competence between proposals increases.

#### **M.4 DETERMINATION OF THE COMPETITVE RANGE**

- (a) The competitive range of Offerors with whom negotiation will be conducted (if necessary) will be determined by the Contracting Officer based on the technical factors and cost review/evaluation and in accordance with FAR 15.306(c). A competitive range determination (if necessary) may take place at any point in the evaluation process.
- (b) If the Contracting Officer determines that discussions are necessary, a competitive range composed of only the most highly rated proposals will be established. In accordance with FAR 52.215-1(f), the Contracting Officer may determine that the number of most highly rated proposals that might otherwise be included in the competitive range exceeds the number at which an efficient competition can be conducted. If that be the case, the Contracting Officer may then limit offers in the competitive range to the greatest number that will permit an efficient competition among the most highly rated offers.
- (c) The Government may exclude an offer if it is so deficient as to essentially require a new technical proposal. The Government may exclude an offer so unreasonably priced, in relation to more competitive offers, as to appear that there will be little or no chance of becoming competitive. The Government may exclude an offer requiring extensive discussions, a complete re-write, or major revisions such as to allow an Offeror unfair advantage over those more competitive offers. This could possibly result in a competitive range of one.

#### **M.5 SOURCE SELECTION**

The overall evaluation methodology set forth above will be used by the CO as a guide in determining which proposal(s) offer the best value to the U.S. Government. In accordance with FAR 52.215-1, and as set forth in Section L of this solicitation.

This procurement utilizes the tradeoff process set forth in FAR 15.101-1. If the CO determines that competing Technical Proposals are essentially equal, cost/price factors may become the determining factor in source selection. Conversely, if the CO determines that competing cost/price proposals are essentially equal, technical factors may become the determining factor in source selection. Further the CO may award to a higher priced Offeror if a determination is made that the higher technical evaluation of that Offeror merits the additional cost/price.

## **M.6 CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED ENTERPRISES**

USAID encourages the participation of small business concerns and disadvantaged enterprises in this Activity, in accordance with FAR Part 19 (48 CFR Chapter 1), and AIDAR Part 726 (48 CFR Chapter 7). Accordingly, every reasonable effort will be made to identify and make use of such organizations. All evaluation criteria being found equal, the participation of such organizations may become a determining factor for selection.

**[END OF SECTION M]**

## **ATTACHMENT J.1 PAST PERFORMANCE INFORMATION SHORT FORM**

<b>CONTRACTOR PERFORMANCE REPORT - SHORT FORM</b>	
<b>PART I: Contractor Information (to be completed by Prime)</b>	
1.	Name of Contracting Entity:
2.	Contract Number:
3.	Contract Type:
4.	Contract Value (TEC): (if subcontract, subcontract value)
5.	Problems: (if problems encountered on this contract, explain corrective action taken)
6.	Contacts: (Name, Telephone Number and E-mail address)
6a.	Contracting officer:
6b.	Technical Officer (CTO):
6c.	Other:
7.	Contractor:
9.	Information Provided in Response to RFP No. :
<b>PART II: Performance Assessment (to be completed by Agency)</b>	
1.	Quality of product or service, including consistency in meeting goals and targets, and cooperation and effectiveness of the Prime in fixing problems. Comment:
2.	Cost control, including forecasting costs as well as accuracy in financial reporting. Comment:
3.	Timeliness of performance, including adherence to contract schedules and other time-sensitive project conditions, and effectiveness of home and field office management to make prompt decisions and ensure efficient operation of tasks. Comment:
4.	Customer satisfaction, including satisfactory business relationship to clients, initiation and management of several complex activities simultaneously, coordination among subcontractors and developing country partners, prompt and satisfactory correction of problems, and cooperative attitude in fixing problems. Comment:
5.	Effectiveness of key personnel including: effectiveness and appropriateness of personnel for the job; and prompt and satisfactory changes in personnel when problems with clients were identified. Comment:

*[Note: The actual dollar amount of subcontracts, if any, (awarded to the Prime) must be listed in Block 4 instead of the Total Estimated Cost (TEC) of the overall contract. In addition, a Prime may submit attachments to this past performance table if the spaces provided are inadequate; the evaluation factor(s) must be listed on any attachments.]*

**ATTACHMENT J.2: CONTRACTOR EMPLOYEE BIOGRAPHICAL DATA SHEET**  
**CONTRACTOR EMPLOYEE BIOGRAPHICAL DATA SHEET**

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1. Name (Last, First, Middle)

2. Contractor's Name

3. Employee's Address (include ZIP code)

4. Contract Number

5. Position Under Contract

6. Proposed Salary

7. Duration of Assignment

8. Telephone Number  
(include area code)

9. Place of Birth

10. Citizenship (if non-U.S. citizen, give visa status)

11. Names, Ages, and Relationship of Dependents to Accompany Individual to Country of Assignment

12. EDUCATION (include all college or university degrees)

13. LANGUAGE PROFICIENCY  
(See Instructions on Reverse)

NAME AND LOCATION OF INSTITUTE	MAJOR	DEGREE	DATE	LANGUAGE	Proficiency Speaking	Proficiency Reading
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**14. EMPLOYMENT HISTORY**

1. Give last three (3) years. List salaries separate for each year. Continue on separate sheet of paper if required to list all employment related to duties of proposed assignment.
2. Salary definition - basic periodic payment for services rendered. Exclude bonuses, profit-sharing arrangements, or dependent education allowances.

POSITION TITLE	EMPLOYER'S NAME AND ADDRESS POINT OF CONTACT & TELEPHONE #	Dates of Employment (M/D/Y) From _____ To _____	Annual Salary Dollars
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**15. SPECIFIC CONSULTANT SERVICES (give last three (3) years)**

SERVICES PERFORMED	EMPLOYER'S NAME AND ADDRESS POINT OF CONTACT & TELEPHONE #	Dates of Employment (M/D/Y) From _____ To _____	Days at Rate	Daily Rate in Dollars
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**16. CERTIFICATION:** To the best of my knowledge, the above facts as stated are true and correct.

Signature of Employee

Date

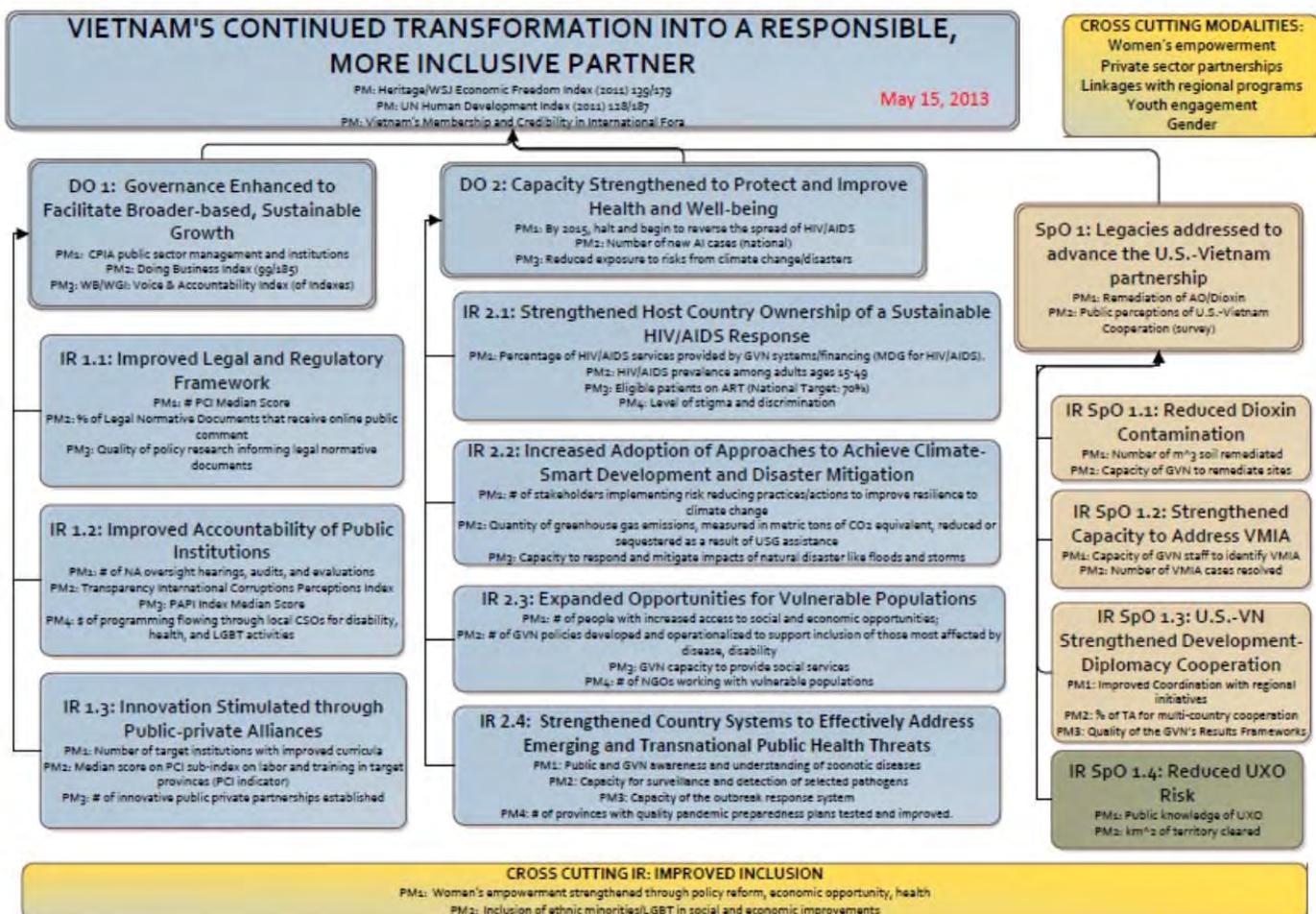
**17. CONTRACTOR'S CERTIFICATION** (To be signed by responsible representative of Contractor)

Contractor certifies in submitting this form that it has taken reasonable steps (in accordance with sound business practices) to verify the information contained in this form. Contractor understands that the USAID may rely on the accuracy of such information in negotiating and reimbursing personnel under this contract. The making of certifications that are false, fictitious, or fraudulent, or that are based on inadequately verified information, may result in appropriate remedial action by USAID, taking into consideration all of the pertinent facts and circumstances, ranging from refund claims to criminal prosecution.

Signature of Contractor's Representative

Date

## ATTACHMENT J.3: VIETNAM Draft CDCS RESULTS FRAMEWORK



#### ATTACHMENT J.4: GIG CPP LOGFRAME

**Note:** Provided indicators are for recommended / illustrative purposes only. Implementers are encouraged to modify and/or refine the attached which should be provided as part of a comprehensive PMP-related log frame tailored to measure specific project outcomes.

**Context Indicator (CI)** – These are context indicators to be tracked by Contractor and reported on annually, but are beyond the manageable interest of the Activity. Most of these are a part of the Performance Management Plan (PMP) for the Mission’s Strategy (CDCS).

**Impact Indicator (II)** – These are indicators intended to directly measure the impact of the Activity. The Activity should have a measurable contribution towards their improvement, while clearly being influenced by many other factors.

**Performance Indicator (PI)** – These are performance metrics entirely within the manageable interest of the Contractor and serve as benchmarks for tracking the activities.

\*These indicators should code results in order to be able to disaggregate by the five objectives of the Activity and by counterpart.

(F) – indicates a F Standard Indicator

Narrative Summary	Indicators	Data Sources	Assumptions
<b>Goal:</b> Governance enhanced to facilitate broad-based, sustainable growth	<p><b>(CI) Prevalence of Poverty:</b> Percent of people living on less than \$1.25/day</p> <p><b>(CI) Growth in (real) gross domestic product (GDP) per capita</b></p> <p><b>(CI) CPIA public sector management and institutions cluster average</b> - Baseline 2011 = 3.6 (1=low to 6=high)[3] (1=low to 6=high)</p> <p><b>(CI) CPIA policies for social inclusion/equity cluster average</b> - Baseline 2011 = 4 (1=low to 6=high)</p>	World Bank World Bank World Bank World Bank	
Cross-cutting output indicators	<p><b>(PI) Person hours of training completed in capacity building supported by USG assistance (F)*</b></p> <p><b>(PI) Number of days of USG funded technical assistance</b></p>	Implementer Implementer	

	provided by type (Activity Team, LTTA, STTA) and source (U.S. / CCN / 935 TCN) in support of the objectives of this Activity (only includes time spent directly engaged w/ counterparts, not preparation time) *		
<b>Result 1: Clear and transparent legal and regulatory framework</b>	<b>(II) Ease of Doing Business rank Index - Baseline 2012 = 99/185</b>  <b>(II) Provincial Competitiveness Index Median Score (PCI)</b>	World Bank  VCCI	- Improved legal/regulatory framework will improve broad-based, sustainable growth. - GVN has political will to continue to improve its law making processes. - The TPP is eventually approved as an incentive to further legal reform.
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 1.1:</b> High Quality Laws and Regulations Developed	(PI) Number of Legal Normative Documents drafted or revised with USG support*  (PI) Number of legal, regulatory, or institutional actions taken to improve implementation or compliance with international best practices or agreements due to support from USG-assisted organizations *	Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 1.2:</b> Improved Policy Development Processes	(PI) Central unified authority for new policy development (LNDs) identified by GVN and strengthened (as likely to be required by policy coherence chapter of TPP)  (PI) Number of inter-institutional coordination mechanisms / processes / requirements strengthened to improve policy coherence	Implementer  Implementer	

<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 1.3:</b> Improved Information Systems and Evidence-Based Analysis for Policy Making	(PI) Number of policy analysis conducted (i.e. policy options, potential regulatory impact, political economy dynamics) w/ USG support (F)*  (PI) Quality of policy research informing Legal Normative Documents* (develop methodology / scale for ranking)	Implementer  Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	
<b>Output 1.4:</b> Increased Transparency of Laws and Regulations	(PI) % of all Legal Normative Documents that have been codified and made available publicly*	Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	
<b>Output 1.5:</b> Strengthened Public Consultation and Stakeholder Engagement Mechanisms in Policy Development	(PI) Number of USG-supported Public Sessions Held Regarding Proposed Changes to the Country's Legal Framework (F)*  (PI) % of Legal Normative Documents that receive substantive public feedback*	Implementer  Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	
<b>Output 1.6:</b> Innovative partnerships to advance a clear legal and regulatory framework established	(II) # of USG supported partnerships established to advance a clear legal and regulatory framework.	Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Result 2: Improved accountability of public institutions</b>	<b>(II) Government Effectiveness Index Score</b>  <b>(II) Corruptions Perceptions Index (123/176)</b>  <b>(II) PAPI Index Median Score</b>	World Bank  Transparency International	- GVN political will to strengthen the institutions, systems and processes necessary to hold government to account.

		UNDP Vietnam	- Institutions that are held accountable will be more effective in implementing the law.
<b>Output 2.1:</b> Strengthened Government Oversight Processes	(PI) Number of NA oversight hearings conducted with USG support*  (PI) Number of executive oversight actions taken by legislature receiving USG assistance (F)*  (PI) # of oversight processes strengthened through USG assistance*	Implementer  Implementer  Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 2.2:</b> Strengthened Citizen Participation in Monitoring and Evaluating Policy Implementation	(PI) Number of USG-assisted civil society organizations that participate in legislative proceedings and/or engage in advocacy with national legislature and its committees (F)*  (PI) Number of civil society organizations receiving USG assisted training in advocacy (F)  (PI) Number of local mechanisms supported with USG assistance for citizens to engage their national and sub-national government (F)	Implementer  Implementer  Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 2.3:</b> Increased Transparency on Policy Implementation Effectiveness	(PI) Number of mechanisms for external oversight of public resource use supported by USG assistance (F)  (PI) Number of Public Sector Audits and Evaluations conducted and made public.	Implementer  Implementer	n/a

	(PI) Number of sub-national government entities receiving USG assistance to improve their performance (PCI)	Implementer	
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 2.4:</b> Improved quality of information and analysis for evaluating policy implementation effectiveness	(PI) # of policy implementation assessments / research conducted w/ USG support*	Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 2.5:</b> Improved quality of the media's reporting on policy implementation	(PI) Number of training days provided to journalists with USG Assistance, measured by person-days of training (F)*	Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 2.6:</b> Innovative partnerships advance improved accountability of public institutions established	(PI) # of USG supported partnerships established advance improved accountability of public institutions	Implementer	
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Result 3: Improved Inclusion</b>	<p><i>(PI) Number of participants in USG-funded programs supporting participation and inclusion of women, LGBT, and other traditionally marginalized ethnic minority and/or religious minority groups</i></p> <p>Number of USG assisted organizations and/or service delivery systems strengthened who serve vulnerable populations (F)</p>	Implementer	

<b>Output 3.1:</b> Legal and regulatory barriers for women, ethnic minority and other vulnerable groups' equality reduced	(PI) Number of laws or constitutional amendments that protect fundamental freedoms and are consistent with international human rights standards adopted with USG support (F)	Implementer	n/a
	(PI) Number of obstacles to women's economic activities (due to legal discrimination) eliminated as a result of USG assistance (F)	Implementer	
	(PI) Number of laws, policies, or procedures drafted, proposed or adopted to promote gender equality at the regional, national or local level (F)	Implementer	
	Number of previously existing land and natural resource-based conflicts resolved in favor of the protection of the most vulnerable populations and local communities involved in areas receiving USG assistance for land conflict mitigation (F)		
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 3.2:</b> Women, ethnic minority and other vulnerable groups' participation and voice increased in policy dialogues	(PI) Number of USG-supported activities designed to promote or strengthen the civic participation of women (F)	Implementer	n/a
	(PI) Number of participants in USG-funded Activitys supporting participation and inclusion of traditionally marginalized ethnic minority and/or religious minority groups (F)	Implementer	
	(PI) Number of USG-funded organizations representing marginalized constituencies trying to affect government policy or conducting government oversight (F)		

<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 3.3:</b> Improved data and analysis on gender, ethnic minority and other vulnerable groups' equality.	(PI) # of research activities conducted on gender, ethnic minority and LGBT equality w/ USG support*	Implementer	n/a
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 3.4:</b> <i>Improved access to economic opportunity for women, ethnic minorities and other vulnerable groups.</i>	(PI) # of vulnerable households benefiting directly from USG assistance (F)		
<b>Input:</b> Technical Assistance	TBD in Proposals	TBD	n/a
<b>Output 3.5:</b> Innovative partnerships to advance women, ethnic minority and other vulnerable groups' inclusion established.	(PI) # of USG supported partnerships established to advance women, ethnic minority and LGBT inclusion  (PI) # USG-assisted activities to increase access to productive economic resources (assets, credit, income or employment) for targeted excluded groups	Implementer  Implementer	n/a

**[END OF ATTACHMENTS]**

**[END OF RFTOP]**

## **Annex 2: GIG Statement of Work Section C**

AID-OAA-I-12-00035/AID-486-TO-14-00002  
Chemonics International Inc.

### **SECTION C – DESCRIPTION / SPECIFICATIONS / STATEMENT OF WORK**

#### **Referenced Acronyms**

APEC	Asia-Pacific Economic Cooperation
CDCS	Country Development Cooperation Strategy
CIEM	Central Institute for Economic Management
CEMA	Committee for Ethnic Minority Affairs
CPP	Contract Performance Plan
CSO	Civil Society Organization
EPRC	Economic Policy Reform and Competitiveness project
ER	Expected Result
GDA	Global Development Alliance
GUC	Grants Under Contract
HICD	Human and Institutional Capacity Development
ILS	Institute for Legislative Studies
iSEE	Institute for Studies of Society, Economics, and Environment
LGBT	Lesbian, Gay, Bisexual and Transgender
LRP	Legislative Research Program
LURC	Land Use Rights Certificate
M&E	Monitoring and Evaluation
MOF	Ministry of Finance
MOIT	Ministry of Industry and Trade
MOJ	Ministry of Justice
MOLISA	Ministry of Labor, Invalids, and Social Affairs
MPI	Ministry of Planning and Investment
NA	National Assembly
NASC	National Assembly Standing Committee
OOG	Office of the Government
OSC	Overseas Strategic Consulting
OSCAC	Anti-Corruption Steering Committee
PCI	Provincial Competitiveness Index
PLHIV	People Living with HIV
PMU	Project Management Unit
PPP	Public-Private Partnership
QMS	Quality Management System

RIA	Regulatory Impact Assessment
SAV	State Audit Office of Vietnam
SOE	State-Owned Enterprise
STAR	Support for Trade Acceleration Project
TPLC	The Public Law Center at Tulane University
TPP	Trans-Pacific Partnership
USAID/GIG	Governance for Inclusive Growth Program
VBF	Vietnam Business Forum
VCCI	Vietnam Chamber of Commerce and Industry
VJA	Vietnam Journalists' Association
VWU	Vietnam Women's Union
Workplace Project	HIV/AIDS Workplace-Based Prevention and Employment and Supportive Services for High-Risk Individuals Project
WTO	World Trade Organization

## C.1 STATEMENT OF WORK

### C.1.1 Purpose

The USAID/Governance for Inclusive Growth Program (USAID/GIG), henceforth referred to as “the Program,” is USAID’s primary activity for cooperation with the public and private sectors in Vietnam to enhance areas of governance expected to facilitate broader-based growth, with an emphasis on the legal framework and systems for accountability.

### C.1.2 Program Goal: Governance enhanced to facilitate broad-based, sustainable growth

The Program is based on the development hypothesis that in order for Vietnam to continue its transformation into a responsible, more inclusive partner, it needs enhanced governance to facilitate broad-based, sustainable growth. This will require continuing the process of establishing a clear legal and regulatory framework, one that establishes a system based on the rule of law through which citizens and the private sector are provided with a predictable and transparent set of rules by which they may make their own independent, innovative contributions to growth and development. More important than any particular law or regulation, is the evolution towards a dynamic policy making process that is capable of creating high quality laws and regulations that achieve their objectives with minimal cost to society; that are transparent so that all actors can clearly understand the rules within which they must operate; that are inclusive so that all members of society can benefit; and that is capable of evolving over time based on changing needs, circumstances and commitments. However, our hypothesis recognizes that even a perfect legal framework will not guarantee that policies will be implemented. Therefore, it is also necessary to improve the accountability of public institutions on policy implementation through improved oversight, citizen participation and increased transparency. Finally, for Vietnam’s growth to be responsible, it is important that it continues to make progress towards improved inclusion of those who have not significantly benefited from the progress of the last 20 years. While an improved legal framework and increased public accountability will both contribute to a wide range of development objectives that will enhance inclusion, improved inclusion and opportunities for vulnerable populations will require additional targeted efforts to more directly address the unique challenges of excluded groups. Promoting growth that is inclusive will mean more than creating economic opportunities, it will mean doing more to ensure equal access to them.

USAID has identified broad-based, sustainable growth as the economic engine of Vietnam’s progress towards the goal of becoming a responsible, more inclusive partner, focusing in on the governance constraints to that growth as the principal development problem that USAID will focus on during this new five-year strategy period. Despite the challenges, there is strong evidence that identifies areas where demand for improved governance is sought and where institutions are incrementally supporting reform while seeking technical assistance to make those changes. With limited resources, through this contract USAID intends to create a Program that plays a catalytic role in improving the capacity of the GVN to improve its policy making processes through improved information for decision making, greater citizen participation, increased transparency, and more effective accountability mechanisms that result in the quality development outcomes that its citizens increasingly expect. This Program is meant to provide

targeted technical assistance in support of a wide-range of shared USG and GVN priority policy issues based on the five objectives established here.

This broad but interrelated set of five objectives suggests the need for flexibility while supporting the rationale for creating a central mechanism that addresses broad national policies and macro level processes that have a direct and specific impact on challenges relating to inclusiveness, sustainability and growth. The Program builds on the portfolio of previous USAID Economic Growth programs, including recent accomplishments and relationships made under STAR Plus, VNCI Phase II, the LRP, the Industrial Relations Promotion Program (IRPP) and the Sustainable Cocoa for Farmers Program (SCF), by providing the same type of opportunity-driven, flexible technical assistance that supports the broad set of policy goals identified above.

### **C.1.3 Program Objectives**

#### **Objective 1 - Increased Trade & Investment:**

Vietnam's trade liberalization has demonstrated great potential, attracting Foreign Direct Investment (FDI), creating a resilient export sector, and motivating legal and regulatory reforms. Driven by World Trade Organization (WTO) accession and the U.S. bilateral trade agreement, Vietnam lowered tariffs and improved business regulations. Yet Vietnam is far from reaching its full potential. The Trans-Pacific Partnership (TPP) and an EU free trade agreement will require much higher standards of compliance in intellectual property rights, environmental management, state-owned enterprise (SOE), and procurement reform. The government struggles to harmonize domestic policies with international commitments, analyze how these deals will impact people's livelihoods, and increase public awareness. For example, ministries and courts still lack capacity to properly enforce 2009 intellectual property reforms.

Supporting Vietnam's compliance with its international trade and investment commitments (BTA, WTO, TPP, Trade and Investment Framework Agreements (TIFAs), etc.) will help further its global integration through a sound trade and investment-enabled environment, leading to inclusive, sustainable growth. The breadth and scope of Vietnam's trade and investment agreement obligations are extensive, touching on such challenging issues as intellectual property rights, investment protection, small and medium sized enterprise development, labor standards, environmental protection and more. The Program will contribute to those trade obligations which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth, including the implementation of the TPP.

#### **Objective 2 - Enhanced Private Sector Competitiveness:**

Vietnam's private sector operates in an environment with an opaque regulatory regime, rampant corruption, and weak investor protection. The government has issued a SOE restructuring plan, but will face major political hurdles as labor intensive SOEs will cause unemployment and political unrest. Weak corporate governance, transparency, and shareholder rights further hurt private-sector competitiveness; Vietnam's foreign chambers of commerce note companies are hesitant to invest in Vietnam because of poor accounting practices. These are only a few of many governance impediments to private sector job growth.

Vietnam's large and inefficient state-owned sector, limited investor protections and non-transparent regulatory environment are all significant barriers to private sector competitiveness. As Vietnam continues to integrate into global markets, the competitiveness of its domestic and foreign owned firms will be critical to its continued sustainable, inclusive growth. The Program will contribute to competitiveness initiatives which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth.

### **Objective 3 - Strengthened Rule of Law and Judicial Effectiveness:**

Vietnam's entering into trade agreements demonstrates its aspiration to move to a market-driven, rules-based society with greater legal certainty for investors and citizens alike. USAID's rule of law support has increased transparency through the Support for Trade Acceleration Project (STAR I, II, and PLUS) assistance to the Ministry of Justice (MOJ) and a national database of administrative procedures. There remains significant opportunity. It takes five years on average to resolve a bankruptcy, unrest over land seizures is becoming more frequent, and Vietnamese minorities are often unable to claim their rights. Revisions to the Land Law will address issues of public disclosure of land tenure, compensation, and land use rights certificates (LURC). Under trade agreements, Vietnam must provide investors a third-party investment dispute mechanism but lacks capacity and experience to do so.

A weak, non-transparent and unpredictable judicial system is a major barrier to improving the rule-of-law in Vietnam. A sound business-enabling environment requires effective rule of law (i.e. contract enforcement, property rights enforcement, dispute resolution, etc.). Incremental improvements in the transparency, independence and predictability of the judicial system will be necessary to support inclusive, sustainable growth. The Program will contribute to rule of law and judicial effectiveness initiatives, which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth.

### **Objective 4 - More Effective Public Administration and Financial Management:**

The Ministry of Planning and Investment (MPI) and Ministry of Finance (MOF) have issued regulations on financial investments in SOEs to control how public funds are being reported; however, ineffective internal systems and processes (data collection, analysis, and financial management) halt transparency efforts and prevent the government from allocating resources efficiently and overseeing their use. The National Assembly (NA) is ramping up oversight, but still lacks important skills, such as reviewing and analyzing budget information. Performance audits do not exist and the Vietnamese government lacks tools for allocating and prioritizing resources based on impact. In this context, public awareness and monitoring of policy and budget implementation by Civil Society Organizations (CSOs) need to be significantly expanded.

Professional public administration and financial management is essential to good governance. Effective and prudent utilization of public sector revenues to build both social and economic infrastructure (i.e. schools, roads) and services (e.g. education, electricity) will also be necessary for sustainable, inclusive growth. The Program will contribute to public administration and financial management initiatives which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth.

### **Objective 5 - Greater Social Inclusion and Equality of Opportunity for All Citizens:**

Vietnam has made progress on gender equality, but women continue to earn less money than men, face entrenched cultural barriers and discrimination, and be under-represented in political decision-making. Plans to promote gender equality, championed by the vice president, in the Ministry of Labor, Invalids, and Social Affairs (MOLISA) National Strategy on Gender Equality 2011-2015 are behind schedule. Ethnic minorities' programs have garnered attention, overseen by the ministerial-level Committee for Ethnic Minority Affairs (CEMA) and the NA's Ethnic Council. But there remains a substantial and widening gap between the Kinh majority and Vietnam's 54 ethnic minorities, such as the Hmong, who face challenges of displacement, poor infrastructure, access to clean water, health, education. The needs of vulnerable populations, such as the Lesbian, Gay, Bisexual and Transgender (LGBT) community and People Living with HIV (PLHIV), are not well understood by decision-makers and are often overlooked in the policy process. The Vietnamese government is aware of the urgent need to stimulate inclusive growth, both to empower disadvantaged groups and to mitigate social unrest.

Vietnam has reached a point in its development trajectory where it must make increased investments in social protections such as labor rights, policies and programs in order to increase equality of opportunity for historically disadvantaged groups, and to empower women, so that it may fully participate in global economic and public spheres. The Program will contribute to social inclusion and equality of opportunity initiatives, which are the highest priority for the GVN and/or hold the best potential for contributing the greatest to more sustainable, inclusive growth.

## **C.2 SCOPE OF WORK**

Where the above goal and objectives for the Program reflect the high level outcomes necessary for it to contribute to inclusive growth, the results and deliverables of this statement of work, as defined in this section, represent the specific governance processes whose strengthening will make an important, direct contribution to one or more of the above broad Program objectives. USAID has defined the results framework within which it wants to operate. The Contractor must clearly link each of these results and deliverables to one or more of the above objectives in a manner that reflects both a coherent integration of the Program's good governance and sustainable, inclusive growth objectives, while clearly identifying in consultation with the GVN the best opportunities for advancing both in the current Vietnamese context. To add to this complexity, the Program must work with six or more government counterparts as well as develop a set of nongovernmental partnerships through Grants under Contracts (GUCs) mechanism. As a result, the degree to which the Contractor clearly articulates the specific opportunities and defines a solid final Contract Performance Plan (CPP) with appropriately ambitious and meaningful targets, the more likely it will have a meaningful impact on these expected results.

### **C.2.1 Expected Result 1 (ER1): Clear and Transparent Legal and Regulatory Framework**

ER1 will focus on improving policy and policy-making processes in Vietnam in support of an improved regulatory environment and public administration. A root cause of Vietnam's

current governance challenges is that the process of legal and regulatory development is not coherent or transparent, and that outcomes are often not what it was intended. The GVN is aware of these issues and there are currently a number of major initiatives to try to address them, ranging from revising the Constitution, to the creation of new laws on the organization of the NA and the Government and a range of other government-wide initiatives to improve public sector effectiveness and inclusion and sustainability.

*Key factors and resources.* Since dozens of laws and regulations are up for NA consideration, the biggest hurdle in ER1 will be choosing which ones that have the highest probability of success, yield the greatest impact, and maximize USAID's return on investment. Using the 4S prioritization process, and with USAID's approval, the Chief of Party (COP) and Deputy Chief of Party (DCOP) must align Program activities with Vietnam's policy priorities, which are largely set in advance, including the NA annual review of laws, decisions from the 13th Annual Congress, the National Socioeconomic Development Plan for 2011-2015, the Vietnam Socio-Economic Development Strategy for 2011-2020. The COP and Economic Policy and Governance Director will lead technical direction and assistance under ER1 and oversee public policy and legal experts and economists. The DCOP overseeing the Inclusive Growth Team, must also be closely involved and consulted. The Contractor will leverage existing donor activities, including the U.N. support to the NA committees, and private-sector partnerships.

## **ER1 Deliverables**

In support of the GVN's own initiatives to address these issues, the Program will focus on the following specific deliverables:

### **Deliverable 1.1: Quality Laws and Regulations Developed**

A clear legal and regulatory framework begins with high quality laws and regulations. All of the subsequent ER1 deliverables contribute to this objective of improving the quality of laws and regulations in Vietnam including addressing equity. Where the subsequent deliverables emphasize improved processes through which laws and regulations are made, this deliverable is focused on providing high quality technical input on the issues being addressed in specific laws and regulations under development or review.

Article 87 of the Constitution and the 2009 "Law on Laws" gives agencies, organizations, or NA deputies the right to submit laws or revisions. In reality, most policy decisions are determined at the Central Committee Meeting of the Party in the weeks before the NA session. Regulations and Decrees, which are developed outside the NA, do not face such a restricted time frame. Opportunities exist in the period before and after NA sessions to provide technical input, and NA members are increasingly interested in developing their own legislative initiatives. To capitalize on these opportunities, the Economic Policy and Governance Director and the ER1 team must identify priority interventions using the 4S prioritization method, including:

### **Box 1:ER1 Select Year 1 Milestones**

- 25 issue forums or policy analyses completed
- 12 laws or regulations drafted or revised with GIG support
- Young Policymakers seminar series launched
- System for policy analysis or communication created or existing systems integrated
- 600 public and CSO stakeholders trained to strengthen phases 1-3 of policy life cycle
- CSO Empowerment Program created
- 18 grants and partnerships established

- *Hold “issue” forums.* Starting in Month 31 (between the fall and spring NA sessions), Senior Legal Regulatory Advisor (SLRA) and the NA specialist will work with counterparts and CSOs to convene “issue” forums in and around Hanoi to generate and deliver technical inputs to support policy priorities (including those in the box), inviting officials from the NA, MOJ, MOIT, MPI, relevant ministries, and provincial officials. DCOP will help identify experts and personally deliver sessions on the impact of proposed policies on vulnerable groups. As an example, the U.S. House of Representatives Legislative Counsel and a local IPR Attorney and Professor must deliver a forum on drafting IPR legislation to meet TPP standards, comparing Vietnam’s laws against the American Invents Act and Digital Millennium Copyright Act.
- *Strengthen legal drafting skills.* In Months 5 and 11, the Legal Expert will organize five-day workshops on bill-drafting with TPLC. Participants must come from MOJ and NA Committee members, ILS, and provincial leaders, and topics will focus on issues in the 2014 legislative agenda and how to collect and analyze public feedback during deliberation processes. ER1 Team staff must provide on-the-job coaching and feedback. In Month 12, five ministry staff, NA members or staff will be selected to attend TPLC’s two-week International Legislative Drafting Institute, giving staff (an equal balance of women and men) an opportunity to interact with international legislative staff and gain an in-depth understanding of topics (e.g., drafting for compliance with international trade agreements) through collaborative exercises.

### Deliverable 1.2: Improved Policy Development Processes

There is a recognition that improving the legal and regulatory framework requires moving upstream of existing laws and regulations to increase the quality of problem identification, analysis of alternative policy options for addressing the problem and early consultations to get the public's assessment of the trade-off between the different options. This will help contribute to the overall coherence of the legal and regulatory system.

The problem identification and deliberation processes (Phases 1-3) are constrained by a number of issues related to coordination, timing, and capacity. Government officials anecdotally said that many policy issues are siloed, and many NA deputies and officials lack the training and skill-set to understand how laws and policies are ideally formed. (Early public consultations will be addressed under Deliverable 1.5). The governance team will develop a menu of tools and training materials to improve each phase of the policy life cycle, including inter-ministerial

#### **Box 2: Vietnam’s Policy Development Priorities**

Discussions with the NA, MOIT, other government agencies, and CSOs yielded the following priority policies for Year 1:

- *Revised Constitution.* Issues that will result include a revision to the freedom of the press, demonstration, assembly, and association or revision to decentralization and the role of the People’s Council and People’s Committees.
- *Amendments to laws related to TPP’s passage.* Vietnam will need a stronger IPR law and labor and environmental standards.
- *Amendment to the Land Law:* Proposals to replace government withdrawal rights, delayed until 2014.
- *Amendment to the Law on Marriage and Family.* Groups from the VWU to the Institute for Population, Family, and Children have been consulted on revisions that will impact vulnerable groups.

<sup>1</sup> All referenced months are from date of award and represent an estimate rather than a fixed commitment.

cooperation, policy coherence, cost-benefit analysis and RIA, and gender assessments. These activities must include:

- *Create seminar series for young policy makers.* Starting in Month 3, the COP will oversee a hands-on, issue-oriented seminar offered to promising young policymakers from across the Program's counterparts, including provincial leaders (ensuring half of attendees are female). This eight-week seminar must give colleagues across ministries and the NA an opportunity to interact and form networks while increasing technical skills. The curriculum will cover a variety of analytical methods for policymaking using real priorities identified using the 4S approach (e.g., Trade Facilitation Specialist will organize a module on Trade Facilitation Reforms and invite customs and trade law experts to discuss policy options and ask participants to jointly devise a national action plan for trade competitiveness enhancement). The Sr. Legal & Regulatory Advisor and a trade and environmental policy expert, will coach participants to conduct a RIA for an environmental reform related to clean energy regulation (to be compliant with the TPP). At the end of the seminar, graduates must receive certificates.
- *Strengthen the National Committee for International Economic Coordination.* Chaired by the Deputy Prime Minister and housed in the MOIT, the Committee is expected to become the central unified authority for policy development (based on the TPP chapter on regulatory coherence). Should this happen, it will require more staff (currently 20), more technical resources, standard operating procedures, and systems for information sharing. In Month 6, the Trade Policy Specialist and the home-office Training and HICD Specialist will lead a human institutional capacity development assessment and provide a range of assistance and training to support the Committee in its expanded role.

#### Deliverable 1.3: Improved Information Systems and Evidence-Based Analysis for Policy Making

The availability and use of quality data for policy-making is widely recognized as a major weakness in the Vietnamese government's capacity to design appropriate policy interventions. Increasing the capacity of a range of government agencies and think tanks to collect and analyze data in support of improved policy decisions will help to address this weakness. Analyzing the political economy of policy reform is also an important consideration in understanding why a given policy approach is or is not taken.

During Phase 1-3 of the policy life cycle, there are significant amounts of data and analysis generated from government offices and research institutes, including the General Statistics Office (GSO), MPI's Central Institute for Economic Management (CIEM), and the Ho Chi Minh City WTO Affairs Consultation Center; universities; and donors; however, these resources are fragmented and data quality, accuracy, and objectiveness vary. While some research is high quality, the government often intervenes to influence recommendations or screens research results before dissemination. The Program will build the capacity of research institutions, new and established, including those in the provinces. The Contractor will work with USAID to establish GDAs with private sector businesses such as IBM or Qualcomm to improve data analysis. Other activities will include:

- *Create information data map for policymakers and researchers.* To improve the ease of

access to information, by Month 5, the Contractor's IT systems specialist will conduct a scoping exercise with the IT specialists at MPI, NA, MOJ, and selected ministries and policy research institutes to examine information resources for policymaking and coordination. Synergy will provide advice on the development of an information data map for use as a guide to expand the use of salient information. They will help identify opportunities to improve data collection and analysis, particularly segregated data that inform how policies respond to the needs of vulnerable populations. With USAID's collaboration and approval, the Contractor will explore opportunities to cost-share procurement costs for customized information management systems, as well as deliver training associated with those upgrades.

- *Improve quality of research through a policy research network.* The Program's grants will fund policy research through a competitive bidding process for established universities and institutes with a focus on identified priority topics (see Deliverable 1.6). In addition to these targeted grants, by Month 4, the grants and partnerships manager will release a request for proposals for institutions to join the Program's Policy Research Network program. The Contractor will provide a cohesive set of training, grants, and mentoring for 7-10 organizations per year that have a mandate to conduct policy and political economy research and support peer exchanges in the region. The senior economist will conduct training events on trade impact assessments, survey methods and sampling techniques, and statistical programs (e.g., Excel, SPSS, STATA). At least half will be groups outside Hanoi and institutions that target vulnerable groups; groups will coalesce around issue clusters that relate to USAID's five objectives.

#### Deliverable 1.4: Increased Transparency of Laws and Regulations

A lack of transparency is consistently recognized as one of the primary weaknesses of the current Vietnamese legal and regulatory framework. The Internet and globalization have both dramatically raised the expectations of citizens and businesses regarding the availability of good information about governments' policies. A wide range of opportunities exists to expand Vietnam's initial experiences in providing increased public access to State sector information. Information technology is a critical tool in promoting transparency.

The government has gradually allowed more public access from posting laws and regulations in the official State Bulletin to online like the NA's Du Thao website and the OOG's official website on administrative procedures (Phase 2-3); however, NA committees and ministries do not consistently publicize draft versions due to lack of time, political pressure, or material incentives to delay new rules. The government has made efforts to collect feedback, but public comments on drafts are not adequately incorporated into final policies. Using 4S to identify priorities, the governance team will collaborate with government and CSO communications specialists to:

#### **Box 3: Strengthening Public Consultation Efforts**

Du Thao website allows the public to comment on draft laws and regulations *online*. GIG shall implement a skills course for ONA staff and ministry departments on information processing. NA members hold *constituent meetings* in their hometowns before and after each NA session to solicit feedback. This often means a visit to the party branch and organizations. The Contractor shall help CSOs record, track, and report on these meetings.

- *Improve the posting of draft laws and mechanisms to provide feedback.* In Month 3, the Sr. Legal & Regulatory Advisor will consult the NA Center for Information and Library and the MOJ to assess how laws and regulations are disseminated on their websites and hard-copies and provide recommendations on how to better collect and analyze public feedback on draft laws, as well as ministry regulations. The Contractor will upgrade IT systems for posting drafting comments and help counterparts standardize procedures for disseminating policy information, using radio, television, and mobile phones to ensure all Vietnamese are reached.
- *Support public outreach and communications.* The government has reached out to groups, including the U.S.-ASEAN Business Council, to request assistance with public outreach for international commitments under the TPP, WTO, and ASEAN Economic Community and the pros and cons of legal and regulatory reforms. For example, for enforcement, the government must communicate mutually recognized agreements in services that require companies to adjust licensing practices. OSC's long-term Senior Communications Manager will help the MOJ and MOF find ways to inform the public on the policy implications, such as pamphlets, newsletters, and permanent information portals.

#### Deliverable 1.5: Strengthened Public Consultation and Stakeholder Engagement Mechanisms in Policy Development

Strengthening mechanisms for public participation in order to provide essential feedback loops on how citizens and companies are being affected by proposed laws and regulations is one of the most important means of establishing the need for and legitimacy of new laws and regulations. Good stakeholder input is essential to identifying the best approach to regulating a particular activity, as well as to fostering stakeholder buy-in to complying with regulations once they enter into force.

The government and NA are mandated to collect citizen inputs into lawmaking (Phase 2-3), but instead consult only with select (and sanctioned) organizations and do not incorporate the input in a meaningful way. The NA Committee on Economic Affairs meets twice per year with an external advisory committee of 30 research institutes, including the Development Policies Research Center. There are no institutionalized guidelines, so the approach remains scattered, opaque, and undocumented. To support prioritized policies agreed to by USAID and the government, the Contractor will bolster both demand (e.g., the government's ability to collect/analyze public input) and enhance supply (e.g., CSO's ability to articulate needs persuasively with empirical evidence). Activities will include:

- *Strengthen government's ability to conduct public consultations.* Our team has identified areas for reform in the existing processes (see box). By Month 4, the Sr. Communications Manager and the DCOP will meet with the Government Negotiations Delegation for the TPP, to develop a nationwide public education campaign on the TPP such as "TPP Drives Trade" or "Sell Your Goods to the TPP Market" to increase support for the trade agreement and market-opening measures. (The Government Negotiations Delegation is led by the vice minister of the MOIT and made up of the MOIT and people from relevant ministries (e.g., the MOF on tariff reductions and Customs on customs and border issues). The Contractor will work with counterparts to develop their capacity and tools such as on an

#### Box 4: GIG CSO Empowerment Program: Year 1

- Building, representing, and tracking members, fundraising strategies, and coalitions
- Issuing analysis (including gender analysis), advocacy, and public outreach
- Strategize for engaging the government, and providing information to the policymakers

improved websites, press releases, and one page fact-sheets on topics, such as how textile companies will take advantage of access to new markets.

- *Create a CSO empowerment program.* Many Vietnamese organizations have good intentions and strong networks with local communications, but seek to improve their ability to handle research and analysis of public policies, financial management, and programming. To enhance CSO's ability to better represent and advocate for their constituencies, in month 5, the Civil Society Specialist will create a CSO empowerment program that will provide grants to support 7-10 CSOs per year and build the capacity of these organizations via training, mentoring, technical assistance, and procurement (see box). The program will target CSOs serious about developing as institutions and ensure that at least half are groups outside of Hanoi and represent vulnerable groups.

**Deliverable 1.6: Innovative partnerships to advance a clear legal and regulatory framework established.**

The Contractor will partner with organizations which are demonstrating leadership, innovative approaches or unique positions to sustain these legal and regulatory framework efforts over the long term. Through these partnerships, USAID will facilitate bringing non-governmental views into the policy process and build the capacity of local organizations.

Below are opportunities for GUCs and GDAs under ER1.

**Box 5: Illustrative Grants and Partnerships under ER1**

- *Grants to Development Policies Research Center* to analyze political economy issues such as use PAPI data to understand public service delivery, corruption, and the impact on vulnerable groups; to *Institute of Policy Analysis Management (IPAM)* to publish a companion *Handbook for Policy Makers*; and to *Ho Chi Minh City Institute for Development Studies* to conduct studies on the impact of the TPP on women.
- *Partnership with AmCham and VCCI* to expand the PCI index and create a comprehensive annual advocacy paper intended to share recommendations by sectors (e.g., agribusiness, infrastructure, manufacturing, tourism) to identify regulatory inefficiencies to improve the business environment/.
- *Tulane to pursue a partnership with a Vietnamese university* to establish a legal drafting exchange program. Vietnamese delegates will travel to TPLC to attend the Legislative and Administrative Advocacy course to observe methodologies and explore a potential long-term partnership to support drafting capacity.
- *Partner with Vietnamese University to launch Legislative Internship Program.* Proposed during USAID's LRP project, launch a internship program for young college students to work at the NA. GIG will ensure that interns are trained in research methodologies and will provide a stipend for living expenses.

### C.2.2 Expected Result 2: Improved accountability of public institutions

A clear assessment of how effectively the public sector is performing and mechanisms for holding institutions and officials who are not performing to account are critical components of an effective State, even more so when democratic elections do not provide a mechanism for such accountability. USAID aims to achieve this intermediate result by focusing on strengthening oversight, performance management and other accountability mechanisms of the government, including the executive, legislative and judicial branches of government, as well as potentially of sub-national governments. As in Result 1, this will be achieved through improved quality of information and analysis, greater transparency and increased opportunities for citizen participation, but with the focus on accountability, equity and the effectiveness of policy implementation. This will include strengthening mechanisms for monitoring and evaluating the effectiveness of current policy to assure that public institutions are effectively delivering services, as well as complying with the law.

*Key factors and resources.* The rise of government and Party efforts to improve accountability and citizen's participation in oversight efforts has been a positive trend. The NA conducted televised Q&A sessions of public officials, increasing credibility in the public's eyes. In June 2013, the Vietnam's Party Committee passed Resolution #25 on People's Mobilization, which formally recognizes and elevates the supervisory role of citizens over the execution of policies. Taking advantage of these opportunities, the Public Sector Accountability Manager will contribute to ER2, which represents Phases 4-5 of the policy life cycle. All interventions the Contractor targets at the NA, State Audit Office of Vietnam (SAV), and MOF will help achieve greater oversight — by the government directly and indirectly through the increased involvement of civil society and marginalized groups.

#### **ER2 Deliverables**

##### Deliverable 2.1: Strengthened Government Oversight Processes

In response to both weak economic growth and corruption challenges, the GVN is working to strengthen its mechanisms to improve the accountability of public institutions. The recent adoption of public oversight hearings by the NA is the most prominent and promising new initiative. The SAV, as well as the Central Anti-Corruption Steering Committee (OSCAC) that was recently moved from the Office of Government to the Communist Party of Vietnam (CPV) are two additional opportunities for strengthening oversight processes.

The 2005 Law on State Audit strengthened parliamentary oversight and clarified the role of the SAV. But the NA and SAV informed us that the SAV faces many challenges in carrying out these duties, including insufficient internal capacity; unenforced audit judgments; and insufficient public information mechanisms. Reform is on the horizon. The Anti-Corruption Law, State Audit Law, and the Law on Oversight are being revised, and SAV plans to bring its auditing practices in line with international standards by 2014. The shift of the Anti-Corruption Steering Committee (OSCAC) from the OOG to the Politburo and the appointment of a former reformist Danang leader are promising signs. Opportunities to bolster Phase 5 of the policy life cycle include:

- *Improve NA oversight functions.* Building off work started by LRP, in Month 6, the Public Sector Accountability Manager and the NA specialist will train NA committee staff and members on standard operating procedures for oversight processes, such as how to formulate questions and conduct model hearings. The Public Sector Accountability Manager and the NA specialist will meet with committee staff to explore ways to strengthen budget analysis skills and discuss possibly establishing a Budget Analysis Office within the NA. The Public Sector Accountability Manager and KPMG Public Auditing Expert will train the NA financial and organizational audits, internal audit overview, internal audit operating range, internal audit organization and planning, internal audit reporting, audit results, and oversight responsibilities.
- *Assist SAV with performance audits.* SAV's Department of International Cooperation has expressed the need for training on performance, environment, and other specialized audits (it is important if the Vietnam joins the TPP). By Month 6, the Public Sector Accountability Manager and a former senior official at the U.S. General Accountability Office will train staff from the SAV and inspectorate office at ministries on performance audits, including qualitative and quantitative audit methodologies, data verification, disclosure policies, and audit distribution. A module will focus on training-of-trainers since the SAV routinely sends staff to prepare other agencies for future audits but cannot handle the volume of requests. (SAV hopes to continue its collaboration with the General Accountability Office, already gained through activities under the International Organization of Supreme Audit Institutions.)
- *Support anti-corruption efforts.* The COP and Public Sector Accountability Manager will engage the OSCAC in Month 3 and use 4S periodically to identify areas for support. For example, the Contractor will explore peer exchanges between OSCAC and anti-corruption agencies in the region. The Contractor worked with Indonesia's Corruption Eradication Commission to execute a public integrity survey that yielded data on what cities, sectors, and agencies should be priorities for the commission's efforts. Starting in Month 5, the Public Sector Accountability Manager will expand a similar survey being conducted by the NGO Toward Transparency by targeting provinces whose PCI scores and other factors make them priority targets for the Program's assistance.

**Box 6: ER2 Select Year 1 Milestones**

- 10 oversight hearing training events held for NA, supporting at least two hearings
- 2 performance audits initiated
- 10 CSOs conducting M&E related to budget transparency or accountability
- Peer exchange with regional anti-corruption agency MOU signed
- 300 reporters and students trained to analyze economic policy/gender issues
- 3 ministries supported to increase information dissemination

**Deliverable 2.2: Strengthened Citizen Participation in Monitoring and Evaluating Policy Implementation**

Citizens play a central role in public sector accountability both individually and through organizations. They are directly affected by the full range of public policy and strengthening existing and emerging opportunities for them to provide feedback to the government on

their experiences with these policies will contribute to process that will result in better policies over time.

In Vietnam, the public monitoring or “watchdog” function differs from countries where independent CSOs perform this role. The Vietnam Women’s Union (VWU), for example, is quasi-governmental and has the legal status to monitor laws and policies regarding women’s equal rights and ensure government programs affecting women are implemented efficiently. To achieve the Program’s objectives, the Contractor will leverage the country’s unique socialist structure to the extent possible by involving mass organizations, people’s organizations, social and professional associations, NGOs, grassroots organizations, and self-help groups. This deliverable will use the Contractor’s 4S approach to build CSO capacity to effectively monitor and evaluate policy implementation:

- *Support CSOs to generate their own data, research, and analysis on policy implementation and its impact on their constituents.* Capacity Building Specialist and Civil Society Specialist will support groups with technical advice, commissioned research, and grants. The M&E Manager will lead CSO capacity building in survey design, data quality assessments, and analysis.
- *Strengthen CSOs’ advocacy capacity.* Starting in Month 5, the Sr. Communications Manager, Civil Society Specialist, and an OSC expert will build CSO capacity to lead and take ownership of advocacy activities to develop a culture of government transparency, accountability, inclusiveness, gender equality, and environmental sustainability. The Contractor will advise CSOs on building their constituencies and devising advocacy strategies. OSC will provide interactive, practical exercises delivered in the context of tangible challenges, such as ensuring women’s equal access to property rights, including collecting audience feedback, advocacy communications campaigns design, message development and delivery, adult learning techniques, and media.

### Deliverable 2.3: Increased Transparency on Policy Implementation Effectiveness

Greater transparency is one of the most effective tools improving public sector accountability. The more that citizens and companies know what the laws and regulations that apply to them are, have access to assessments of how well policies relevant to them are achieving their intended objectives and have access to information about the public sector’s current and future plans, the more accountable they find government to be.

The government has taken steps to promote public access to information (Phases 4-5). With USAID’s support, the MOJ’s Administrative Procedure Control Agency (APCA) manages a national database that includes administrative procedures information, a procedures handbook, and a discussion forum for citizens to post feedback on procedures. These types of websites are a useful starting point. The Sr. Communications Manager will work with the NA, MOJ, SAV, and other counterparts to enhance the content (e.g., through automation) and format of their websites to make policy results more accessible. The Contractor will facilitate frequent collaboration with the Program’s Policy Research Network since the quality of research performed depends on greater access to data. Other opportunities include:

- *Improve transparency and accountability in the budget process.* The Law on the State Budget empowers the NA, most importantly the NASC and the NA Committee on Finance and Budget Affairs, with deliberating and passing the state budget with input from the prime minister, MOF, MOIT, other ministries, and local governments. Financial management has received concerted efforts, including a 12-year GIZ public finance program; however, the high turnover rate of NA deputies has prevented improvements from being institutionalized. In Month 3, the Public Sector Accountability Manager will consult the MOF to design ways to enhance transparency and accountability in the budget process. In Month 8, the NA specialist shall start an in-depth and comprehensive analysis on enhancing the quality and efficiency of the NA's oversight over state finance and budget, exploring opportunities for Synergy to upgrade budget systems.
- *Improve audit releases.* The State Audit Law mandates that audit reports be made public, but researchers and CSOs rely on media reporting on audit results. In Month 6, the public auditing specialist will meet with the SAV to determine what financial details can and should be made public in public releases and what channels are most appropriate to publicize them, including the media. The public audit specialist will train SAV staff on how to post information on the website with a one-page information sheet or question and answer section.

Deliverable 2.4: Improved quality of information and analysis for evaluating policy implementation effectiveness

The interplay between policies and their outcomes is complex. It is not always easy for either citizens or policy makers to understand just what is happening without having access to results of more in-depth research and analysis of reliable data on the outcomes of a particular policy. The more that Vietnamese organizations (universities, think tanks, consultants, etc.) are capable of producing such reports on specific issues, including equity among outcomes, the higher the quality of public discussion will be.

Holding up an objective “mirror” to the government through surveys, indices, and other studies, including PCI, has been a constructive means through which USAID and other donors have engaged the government on improving business regulations, procurement, and local implementation of laws. The Vietnam Chamber of Commerce and Industry (VCCI) produced the first Ministerial Effectiveness Index for 2011, ranking ministries based on policy implementation. The M&E Manager will support counterparts to improve these tools are examples of ways to help citizens and companies measure government performance (Phase 5). Using 4S, priority activities will include:

- *Upgrade systems for program evaluation.* In Month 5, the Contractor will deploy Synergy's IT specialist to work with the Contractor's IT systems specialist to support MPI and MOF systems for public investment management. Based on Synergy's previous experience with

**Box 7: Monitoring and Evaluation CSOs**

- *Toward Transparency* conducts surveys on corruption and reports on public transparency
- *Center for Development Integration* works on trade, governance, labor, women, youth, and corporate social responsibility
- *Union of Science and Technology*
- *Associations in Ho Chi Minh City* investigates infrastructure and construction projects

the government of Vietnam, the Contractor anticipates engaging a local IT firm to develop or upgrade software, but will offer Synergy's off-the-shelf, customizable performance management software. Synergy will focus on data integration, data visualization, and system usability, among other things.

- *Issue grants for M&E.* The grants and partnership manager will identify grantees that undertake M&E activities, including “budget watch” programs, impact analyses of policies on women, ethnic minorities, and vulnerable groups, social policy monitoring functions, including consumer protection. These grants will improve the quality, relevance, and capacity of institutions and bring vulnerable groups into policy discourse.

Deliverable 2.5: Improved quality of the media's reporting on policy implementation

Strengthening the capacity of journalists and media organizations to facilitate a substantive national dialogue on the full range of complex issues facing Vietnam will directly contribute to improved governance. In all countries, to varying degrees, the media play an important role in public sector accountability. The media is in a unique position to translate complex government objectives and policies into stories about how reform affects people's lives in both good and bad ways. The media is a central forum for public discussions about what is working and what is not.

The majority of media outlets in Vietnam are state-run or state-funded and information is heavily censored; journalists are required to attend Party Committee on Culture and Ideology meetings to understand what is sanctioned. In terms of the reporting on economic and social issues, many stakeholders, such as newspapers and the Vietnam Journalists' Association (VJA), see many opportunities for the Program to improve the quality of news and reporting and relationship between the government and media to enhance oversight and evaluation (Phase 5):

- *Conduct policy training for journalists.* Both government officials and journalists have commented that journalists need to be better trained in reporting, especially on economics, business, trade and investment, since they help disseminate important rules and regulations. By Month 6, the Sr. Communications Manager and our senior economist will work with the VJA Center on Media Training, Central Journalists' Association, and the City Journalists' Association to collaborate on training activities. The Contractor will hold investigative journalism training events on how to raise public awareness, fight discrimination, or report on rights violations related to gender, minorities, and vulnerable groups through articles, profiles, and opinion pieces.
- *Enhance government/media relations.* Each ministry and agency has staff dedicated to public and media communications. For example, the Ministry of Foreign Affairs holds weekly briefings, and the Ministry of Information and Communications conducts training on media relations skills. The VJA trained MOF staff to interface with journalists on budget and other financial topics. When significant Program-supported reforms are enacted, the Contractor will deploy Media Expert William Clearly to work with the VJA, ministries, and NA counterparts on writing press releases, holding press conferences, Q&A interviews, and speaking for television on topics related to government the relevant policies, such as the finalization of TPP.

## Deliverable 2.6: Innovative partnerships advance improved accountability of public institutions established

The Contractor will partner with organizations, which are demonstrating leadership, innovative approaches or unique positions to sustain these accountability of public institutions efforts over the long term. Through these partnerships, USAID will facilitate bringing non-governmental views into the oversight process and build the capacity of local organizations.

Below are immediate opportunities for GUCs and GDAs under ER2.

### **Box 8: Illustrative Grants and Partnerships under ER 2**

- *Partner with The Vietnam Association of Certified Public Accountants and VCCI* to provide trainings to the media and CSOs on auditing and accounting principles and sponsor conferences for government, CSOs, and the media on International Finance Reporting Standards and International Accounting Standards.
- *Bring together Vietnamese private companies and Vietnamese universities* to establish a self-sustained Corporate Governance Development Center. The center will train company — including SOEs — board members and directors, consult, and advocate to enhance transparency, accountability, and protection of shareholders' rights. Participation from women-owned businesses and ethnic minorities will be emphasized.
- *Establish GDA with IBM or Qualcomm* to improve government systems for data collection, potentially using mobile technology, information management, and data analysis.

### **C.2.3 Expected Result 3 (ER3): Improved Inclusion & Expanded Opportunity for Vulnerable Populations**

Increasing the inclusion of groups that have historically not had equality of rights and/or opportunity within Vietnamese society and economy will be an important consideration in all activities designed to implement this Program. The Program will support a legal and regulatory environment that takes inclusion into account as an important criterion, including specific legislation to improve inclusion. Its work on accountability of public institutions will work to provide mechanisms for historically excluded groups to have greater voice. The focus of inclusion is on addressing inequality issues for women, ethnic minorities and other vulnerable groups, including where these categories intersect and/or include a poverty dimension. Other vulnerable groups include lesbian, gay, bisexual and transgender (LGBT) persons and people living with HIV/AIDS or disabilities. LGBT legal rights are much more an emerging issue in Vietnam. These vulnerable groups will be addressed particularly where there are synergies that can be leveraged from other existing mission programs engaged with them.

### **Box 9: ER 3 Select Year 1 Milestones**

- 5 “issue” forums held focusing on disadvantaged populations
- 3 counterparts improve M&E systems to include data on disadvantaged populations
- MOLISA pilot launched in one province
- Land rights program launched

While Vietnam has made strong progress on a solid legal foundation for gender and ethnic equality, significant disparities remain a fact of life in the workplace and household, especially at a subnational level and in rural and remote areas.. In the context of this Program, overall USAID will work with the GVN, private sector and other development partners to strengthen the enabling environment for women, ethnic minority and other vulnerable groups' participation and leadership in transparent, accountable governance for inclusive, sustainable growth. There are four main opportunities, as well as one approach (partnerships) that will be used to contribute to closing this gap. These opportunities respond to many of the recommendations in the 2012 USAID/Vietnam Gender Assessment and the 2012 Vietnam Poverty Assessment by the World Bank.

*Key factors and resources.* Improving inclusion and equality — empowering marginalized groups and incorporating their voices throughout the policy life cycle — is at the heart of GIG. Despite efforts, women, ethnic minorities, and other vulnerable groups continue to face social and economic exclusion, discrimination, and stigma. Laws, including the 2006 Gender Equality Law, have been challenging to mainstream on the local level and among the private-sector and society, including job discrimination, but progress has been made because of the mobilization across stakeholders. The Contractor will ensure inclusion is built-in at each of the five phases. The DCOP and Inclusive Growth Director will lead ER 3, supported by a team of experts and home-office Project Support Unit (PSU) Director, former chief of party of USAID's Worldwide Anti-Trafficking Task Order.

### **ER3 Deliverables**

#### **Deliverable 3.1: Legal and regulatory barriers for women, ethnic minority and other vulnerable groups' equality reduced**

The failure of public institutions to effectively adopt and implement laws and regulations related to gender, ethnic minority and other vulnerable groups' equality will be addressed through improved accountability mechanisms, such as NA oversight hearings, and also adoption and improved implementation of laws and regulations. A special emphasis will be placed on women and ethnic minorities' equal participation and leadership in these processes. New draft laws and other policies will be reviewed through equality of opportunity and inclusion lenses.

Legislative, regulatory, and administrative burdens rarely differ by gender, but gender stereotypes are hard to overcome, and gender-neutral laws frequently have gender-biased outcomes. For example, the impact of TPP-related provisions, such as the impact on agricultural sectors, will likely have a disproportionate impact on women and ethnic minorities who tend to have higher rates of participation in less formal, low wage jobs. The Program will assist in finding ways to view laws through equal opportunity and inclusion lenses:

- *Hold “issue” forums.* Over the past year, CSOs met with the NA to give personal testimonies on the impact of the revised Constitution on LGBT, women, youth, and ethnic minorities and have submitted numerous position papers and statements via such groups as the Institute for Studies of Society, Economics, and Environment (iSEE). In Month 4, the DCOP and the Inclusive Growth Director will organize “issue” forums for government and

stakeholders to continue to press the need to discuss priority issues (selected through the 4S prioritization approach), generate policy recommendations, and action plans (see box). Forum results will be disseminated in English and Vietnamese on the project and CSO websites through multimedia, including photos, interviews, and clips.

- *Expand legal awareness among women and ethnic populations.* The Sr. Communications Manager, civil society specialist, and a CSO strengthening and media expert, will work through CSOs and mass organizations to build public awareness of laws (for instance, related to the Law on Domestic Violence) among constituents nationwide and in provinces where the policies have the greatest impact. The Economic Policy & Governance Director will coordinate with the MOJ and ministry experts to craft the technical content of awareness materials and link CSO partners, when possible, with these staff to foster collaboration beyond the Program's activities.

**Box 10: Vietnam Policy Priorities under ER 3**

- *Law on Marriage and Family.* Help groups comment on issues related to separation, a new policy for supporting family life, and gay marriage
- *Law on Domestic Violence Prevention and Control.* Assist NA Committee on Social Affairs conduct evaluation
- *Law on the Elderly.* Expand model of inter-generational self help clubs nationwide
- *Law on Persons with Disabilities.* Support implementation for disabled children, women, and disabled-owned enterprises
- *Revised Land Law* to be effective in July 2014, support ethnic minority and women's

## Deliverable 3.2: Women, ethnic minority and other vulnerable groups' participation, leadership and voice increased in policy dialogues

Work done under this Program will prioritize the inclusion of women in all economic and political discussions with senior Party officials and members of the government to ensure minority voices are heard and respected, and to demonstrate best practices in terms of building inclusive governmental institutions. Issues around the new Land Law's implementation constitute a particularly promising area for such engagement. It will support training for both men and women in public service to educate them about their responsibilities under the law on gender equality, and encourages them to be inclusive of women and ensure women receive the same training and promotion opportunities available to men.

Many organizations dedicated to causes of marginalized communities have found that combining efforts maximizes their ability to advocate effectively for their constituents' rights. The U.N. Women and MOLISA's Department of Gender Equality created the Gender Action Partnership Forum, which includes government, NGOs, and mass organizations that address women's rights. At the VUFO-NGO Resource Center, 13 working groups, including Ethnic Minorities, Child Rights, and Climate Change, meet and disseminate updates through the center's publication and website. The Program will reinforce these efforts:

- *Strengthen issue analysis, advocacy, and public outreach.* In Month 6, the Civil Society Specialist will hold mobile training events in at least five cities and invite local NGOs via the Working Group networks at the VUFO-NGO Resource Center. Oxfam has taken the lead in building a mixed, open-to-all coalition to support the Land Law revision, focused on three subtopics of land transition, extractive industries, and forest land. The Contractor will train CSOs on the basics of issue analysis (including gender analysis and policy and budget decisions from a gender perspective); legislative hearings (how to practice preparing testimonies or speaking at hearings); strategies for engaging with the government, NA, or local governments (letter campaigns and information sessions); and strategies for giving information to policymakers.
- *Support training on inclusion of gender equality in draft legal documents.* Decree 48 of the Law on Gender Equality specifies that public offices are required to conduct gender assessments and include gender issues in draft legal documents, but agencies lack the capacity to conduct these assessments. In Month 8, the Program will implement gender assessment and analysis training in the MOIT, MOF, and NA, pairing PSU Director, DCOP, and a local expert recruited from women's networks, to train officials in how to review key gender issues and gender-based constraints, and how to assess opportunities for gender integration. In doing so, the Contractor will work through partner ministries' Women's Advancement Committees.

## Deliverable 3.3: Improved data and analysis on gender, ethnic minority and other vulnerable groups' equality

USAID will promote better data gathering and analysis as a cross-cutting emphasis under this Program, because at the heart of inequality challenges in Vietnam is a critical lack of good information and sex-disaggregated data to inform meaningful dialogue and evidence-based policy making and implementation. For example, with regard to women or minority owned businesses, it is difficult to measure or evaluate such factors as the degree of access to finance based on available data. Far less is known about the LGBT community.

To better design and target interventions to support women, the 54 different ethnic minorities, and

other groups, policymakers must understand their specific challenges and needs, best obtained through up-to-date, robust data. Supported by the World Bank, the Vietnam Household Living Standards has been one way to analyze socioeconomic conditions; the French Development Agency is conducting a critical survey on the informal economy. Researchers cannot disaggregate most data by gender or minorities and lack evaluation tools needed to measure against international standards, like the U.N. Convention for Women's rights' indicators. MOLISA's Department of Gender Equality collects annual reports and data from provincial offices and aggregates the finding in national reports; it conducts no national-level research due to a lack of funding. Using 4S to identify priorities, our inclusive growth team will:

- *Improve data collection and analysis.* In Month 3, IT Specialist and Synergy will provide technical assistance to public offices like the GSO on collecting and disseminating data and analysis on the gender and ethnics and vulnerable groups' equality. In Month 6, the Civil Society Specialist will work with organizations like the Center for Education Promotion and Empowerment for Women and the network GenComNet on capacity building for local representatives to encourage and support women elected in politics and provide alternative data to government statistics. In Month 9, the Civil Society Specialist will support the VWEC, which has around 100,000 members, to analyze and update membership data disaggregated by sex.
- *Support CSOs in skills training.* Based on their needs, the Civil Society Specialist working with short-term experts, will offer skills training targeting ethnic minority groups on topics on budgeting for research and outreach; analyzing socioeconomic and demographic data sets; developing and using membership databases; and creating and using evaluation tools and measures according international standards, including the U.N. Women's Rights Indicators.

#### Deliverable 3.4: Improved access to economic opportunity for women, ethnic minorities and other vulnerable groups

Regarding economic empowerment, unequal access to assets and the financial resources they leverage will be directly addressed through policy advocacy by women's organizations and other groups in order to contribute to more equality of opportunity. For example, the low level of compliance with the legal requirement to include women's names on land use right certificates and the impact this has on their ability to access credit using the families land as collateral will be addressed through local organization research and advocacy.

The female labor participation rate in Vietnam is one of the highest in the world, but women face challenges in increasing their participation in skilled jobs and face sexual harassment, lack of access to finance, and an unequal burden of unpaid labor. Further, men have greater access to land, leaving women vulnerable from losing this asset with the divorce or death of their husbands. The 2003 Land Law required LURCs to record both spouses' names, but implementation has been slow: 36 percent of existing LURCs for annual agricultural land are held jointly or in women's names for the Kinh majority, and 21 percent for ethnic minority women. To mitigate this, the Contractor will:

- *Support local organization research and advocacy on LURC.* In Month 6, home-office anti-corruption and land specialist who has worked with gender and indigenous and marginalized populations, will support our grants and partnerships team to design a land rights program, focusing on improvements to the process of land-use certificates issuance and ensuring affordable, fair, and equitable processes, especially with regards to women's equal rights to men and customary rights of forest users. The Inclusive Growth Director and the Program

grants team will support a consortium of organizations, engaged through GUCs, to provide legal services and community trainings on land issues and promote legal awareness.

- *Support Social Work and Protection Centers.* Teaming with MOLISA's Department of Gender Equity, the Contractor has identified several areas for collaboration. In Month 3, the DCOP will meet with MOLISA to discuss assisting services centers for ethnic minorities in Dak Lak and Ben Tre Provinces as part of the National Strategy on Gender Equality 2011-2015. In addition, the Contractor will use 4S to prioritize additional opportunities in vocational training.

**Box 11: Illustrative Grants under ER 3**

- *Provide grants to Institute for Population, Family, and Children or iSEE to increase LGBT public awareness and advocacy or Vietnam Federation of Associations of People with Disabilities to monitor the Law on Persons with Disabilities on the sub-national level.*
- *Fund the Vietnam Women's Entrepreneurship Council to pilot job placement and income generating activities, such as supporting traditional handicrafts, for poor female laborers, started with the World Bank.*
- *Partner Vietnam Women's Academy with a private company to fund vocational training and job placement centers for women and youth.* Search for innovation, such as a collaboration with DANIDA Business Finance Program, develop “green growth” training modules on labor market skills for jobs that contribute to the conservation and restoration of environmental quality and support job fairs.
- *Organize consultations with government, Vietnam Bank for Social Policies, and CSOs to continue momentum on draft Prime Minister decision on microfinance and job creation for PLHIV, recovering drug users, methadone treatment patients, and sex workers), developed by USAID's Workplace project.*

**Deliverable 3.5: Innovative partnerships to advance women, ethnic minority and other vulnerable groups' inclusion established**

Partnerships to create greater opportunities for disadvantaged populations including women, ethnic minorities and other vulnerable groups who face discrimination will create important real world experiences in overcoming historical barriers to inclusion. Proposed partnerships will be with organizations which are demonstrating leadership, innovative approaches or unique positions to sustain these accountability of public institutions efforts over the long term. Through these partnerships, USAID will facilitate bringing nongovernmental views into the oversight process and build the capacity of local organizations.

**C.2.4 Other Technical Considerations**

**Supporting Other USAID/Vietnam Draft CDCS Objectives and Programs:**

Within the context of the USAID/Vietnam draft Country Development Cooperation Strategy (CDCS), this Program's focus on improved governance, particularly its proposed close working relationship with the NA, has been identified as relevant to the governance aspects of several additional intermediate results under the Mission's draft CDCS results framework . Within the broad, flexible approach of this Program, the Contractor will be prepared to work closely with the other USAID office's (Health, Environment and Social Development) and their implementing partners on an ad hoc, opportunity driven basis to leverage the programs existing relationships with the NA and other counterparts. This may include supporting the legislative framework necessary for full country ownership of Vietnam's HIV/AIDS response, combatting pandemic threats such as avian influenza and the governance challenges related to implementing the GVN's Green Growth Strategy and related climate change mitigation and adaptation efforts.

**Advancing other USAID priorities:**

Resources are always a limiting constraint as to how much an individual mission can support the range of Agency-wide initiatives; while it is not possible to have a stand-alone activity to support each initiative, sometimes there are opportunities to leverage activities designed to achieve results towards a particular sector or objective to advance these other priorities. To the degree that it does not reduce focus or stretch the Contractor in too many directions, activities under this Program will look for such opportunities to leverage available resources in support of relevant Agency priorities. Current Agency priority initiatives that have clear synergies with this Program include:

- Local Systems Strengthening / USAID Forward
- Science & Technology / Innovation
- Gender Equality, Youth / Women's Empowerment
- Regional Development Mission for Asia (RDMA) programs in Vietnam
- The Lower Mekong Initiative (LMI) linkages to Vietnam

**Geographic Focus:**

USAID will focus on national policy making institutions of the central government, as well as of provincial governments, where relevant. Partnerships will be used to extend the Program's geographic scope to a number of different regions of the country in order to assure that our work is linked to on the ground realities, works with partners outside of the government and provides the USG

opportunities for engagement in each of the major sub-regions of the country. For any activities supporting the cross-cutting inclusion intermediate-result, special emphasis will be placed on provinces with the highest poverty and social exclusion levels, particularly those in the Central and North-Western Highlands.

### **Key Assumptions:**

- Adequate resources are expected to be available to implement the Program in a coherent and well-planned manner.
- GVN has the political will (i.e. appropriate internal incentives) to continue to improve its law making processes.
- GVN has the political will (i.e. appropriate internal incentives) to strengthen the institutions, systems and processes necessary to improve governance, including the accountability of public institutions.
- The TPP is eventually approved, ratified and enters into force as an incentive to further economic and governance reforms.

## **C.3 PROGRAM**

## **APPROACH**

### **C.3.1 Summary**

Twenty-five years after the *Doi Moi* reforms transformed its economy and placed the nation on the track of rapid, export-driven growth, Vietnam is again at a crossroad. The Program will help unleash a new chapter in Vietnam's success story and ensure growth reaches all Vietnamese.

*Responsive, opportunity-driven approach.* The Program assistance will be opportunity-driven. Given Vietnam's complicated political environment and the shifting windows of opportunity in its policy institutions and processes, the Program's team members will position themselves as trusted advisors to program counterparts and stakeholders. The Contractor will respond to expressed needs but use their expertise and credibility to shape assistance so that it links the different phases and players that make up the cycle of policy development, execution, and oversight. The Contractor's will aim to achieve multiple results across different phases of the policy life cycle for priority laws, regulations, and target populations. By doing so, the Program will produce outcomes that are far greater than the sum of their parts and more sustainable than ad hoc improvements in individual sectors.

The Contractor will prioritize activities by selecting policies and project interventions with high probability of *success*; potential for *scale* to affect large numbers of beneficiaries; *scope* that benefits all Vietnamese or targets vulnerable populations; and resources, incentives, and local ownership to be *sustainable*. The Contractor will build counterpart capacity and create process tools and technological innovations to make governance more effective, efficient, and transparent: using cutting-edge evaluation tools to confirm impact.

*Multidisciplinary team with technical and political acumen.* The Contractor's program team will provide expertise and experience that spans the Program's five objectives. It will be gender-

balanced and maximize the use of Vietnamese professionals under the leadership of the Chief of Party and Deputy Chief of Party. The Contractor will put in place an outstanding team of national and international in-country staff, including the Economic Policy and Governance Director, Inclusive Growth Director, and Operations and Grants Director. Besides tapping into a roster of leading international and Vietnamese experts to achieve results.

*Project management.* The Contractor will provide consortium leadership, managing activities and building on successes in trade facilitation, business environment, rule of law, legislative strengthening, civil society strengthening, and social inclusion across Southeast Asia and former communist and socialist countries. KPMG will provide audit, accounting, and expenditure management expertise, as well as links to private sector leaders to facilitate global development alliances (GDAs) and enhance business participation in supported policies. OSC, a small business, will support public communication and media development technical assistance and training. Small business Synergy will provide technology solutions to promote transparency and efficiency, and to bolster evidence-based policy development. The Tulane Public Law Center (TPLC) will replicate its International Legislative Drafting Institute in Vietnam to help counterparts craft effective policies under the Program's five objectives.

In addition, the Contractor will explore partnerships with potential Vietnamese grantees and U.S. corporations, universities, and organizations such as IBM and Qualcomm. The Contractor will build on these initial engagements to negotiate partnerships to meet the partnership deliverables of the contract, as well as to innovatively advance the program's objectives.

*Sustainable results.* The Contractor team will be ready immediately after award to leverage in-country presence, start-up activities, and achieve results that will last.

The Contractor will expand operations and create jobs that benefit all Vietnamese, particularly women, minorities, and other marginalized groups benefitting Public and private sector stakeholders from institutionalized capacity and tools at each phase of the policy life cycle — supporting inclusive dialogue and cooperation, evidence-driven decisions, and strengthened public oversight. The Contractor will measure these improvements in substantial, measureable results indicated by improvements on key indicators, including the World Bank's Doing Business report and Governance Effectiveness Index, and the UNDP's Gender Inequality Index.

### **C.3.2 Approach to Achieving Program Objectives**

The Contractor will leverage donor and private-sector resources and institutionalize capacity across the policy life cycle to achieve the Program's overall objective of helping Vietnam enhance governance to facilitate broad-based, sustainable growth.

### **C.3.3 Core Principles and Vision**

*Client-focused and Vietnamese-driven to ensure responsiveness and sustainability.* Sustainable results require Vietnamese-led reform efforts and carefully managed and thoughtful relationships with counterparts that leverage the unique structure and inter-institutional dynamics of the Vietnamese state. The program approach will thus emphasize USAID's role as an active partner in project implementation and use a four-pronged prioritization methodology, described below, to select reforms that are driven by domestic priorities, aligned with USAID's CDCS, and offer the

greatest impact for all Vietnamese. The Contractor will then provide rapid, opportunity-driven solutions while stimulating demand for further reform (e.g., engage counterparts to expose them to new ideas, alternative policies, or evidence-based policy tools).

*Innovative approaches to maximize results.* The Contractor has designed an approach to harness innovative approaches from around the world and leverage private resources. Vietnam has yet to take advantage of IT solutions that can significantly boost their productivity and service delivery to the public. Synergy will help the government and CSOs develop or integrate existing IT systems to increase budget transparency or support evidence-based decision making. The Contractors will enter into a GDA with Tulane University to form a long-term partnership with a Vietnamese university, and initiate discussions with IBM, Qualcomm, and other companies to establish additional partnerships.

*Comprehensive approach to maximize USAID's return on investment.* The Program approach is grounded in the five phases of the policy life cycle, elaborated below, through which the Contractor will help the Program counterparts operate more effectively at each phase with demand-driven capacity building activities, tools, and systems. The aim is to achieve multiple results across different phases of the policy cycle for priority laws, regulations, and target populations. By doing so, the Program will produce outcomes that are far greater than the sum of their parts and more sustainable than ad hoc improvements in individual sectors. In turn, The Contractor will maximize USAID's return on investment by integrating the 5 program objectives and 3 expected results (ERs) into one comprehensive approach.

### C.3.4 Program Organization

*Staffing:* The in-country program team will be led by key personnel Chief of Party and Deputy Chief of Party, the COP will lead the Program's technical activities and management, focusing on ERs 1 and 2. The DCOP will lead the Program's technical activities and management focusing on ER3. A team of senior international experts and some of Vietnam's most talented governance and inclusive growth experts will support them.

#### Exhibit I-2. Policy Prioritization Through the 4S Approach

*Partners:* The Contractor proposes four subcontractors, including two small businesses, with clearly defined roles based on their niche expertise. KPMG is proposed to lead activities in public audits and accounting, financial management, and corporate governance. Synergy is proposed to support information communications technology systems and operational databases, such as results-based budgeting systems, M&E systems, case management databases, and land management systems for counterpart agencies. OSC would bring expertise in enhancing public communications and outreach and strengthening mechanisms for public-private



dialogue. Leveraging its International Legislative Drafting Institute, TPLC is proposed to bring legal drafting know-how and form a long-term university partnership. These proposed subcontracts are subject to approval.

*Partnerships: Grants Under Contract (GUC) and GDAs.* Through the grants program, the Contractor will capitalize on Vietnamese talent, build local capacity, and use flexible, creative interventions to support the Program's objectives. The Grants and Operations Director and a small team will manage the grants program, which will include training events, surveys, research, public communications, materials production, and other ad hoc needs via Vietnamese organizations. The grants team will work seamlessly with the COP and the program technical team to develop scopes of work and identify potential grantees. By Month 3, the Contractor will issue an annual program statement to solicit applications and innovative ideas, and will issue more specific requests for application as targeted needs arise, including those already identified below under the expected results. The Contractor will collaborate with other USAID programs and initiatives to provide a comprehensive set of capacity building assistance to each grantee, for long-term financial, organizational, and technical sustainability. In addition, the private-sector partnerships manager will build on the Contractor's successes with GDAs and explore other public-private partnerships (PPPs); for example, the Workplace project forged new partnerships with Tinh Thuong One Member Limited Liability Microfinance Institution while addressing national policy issues for PLHIV. A Private-Sector Catalyst Fund established under the contract will support technical assistance, subcontracts, or procurement to incentivize and leverage private-sector investment. Through in-kind donations and private-sector contributions, the Contractor will leverage resources at a minimum 1:1 ratio to meet leverage ratio requirement for GDAs.

### **C.3.5 Approach to Working with the Government of Vietnam**

More than any other factor, the success of the Program will depend on working effectively with a range of Vietnamese government counterparts to produce real results. The COP and the DCOP will work through the Vietnamese specialists as trusted advisors to government agencies to provide the Program with a complete, real-time understanding of bureaucratic bottlenecks and incentives/disincentives for reform. The Contractor will use this knowledge gained to apply their 4S prioritization methodology to potential opportunities. This methodology must be used at work planning and each quarter to evaluate shared objectives and high-impact interventions across the policy life cycle. The Contractor used these criteria to evaluate Year 1 opportunities, such as TPP and SOE reforms. When a policy lacks the resources, political support, or incentives for long-term success, the Contractor will redirect resources elsewhere.

An additional key to Program success is developing shared objectives, work plans, and activities with Vietnamese owned and led reforms, a process that will require dedicated leadership and buy-in at all levels. The DCOP and the Program team will forge working relationships to understand internal priorities and jointly develop work plans through which Vietnamese counterparts lead and have ownership of reform efforts; rather than propose external solutions, the Contractor will inquire about current priorities as an entry point and identify opportunities to stimulate political will as the Program unfolds. Whenever possible, the Contractor will conduct human and institutional capacity development and other assessments jointly with government counterparts to ensure buy-in of recommendations.

### C.3.6 Program Conceptual Approach

The Program approach will be centered on a continuous policy life cycle that encompasses Expected Results 1-3. Each phase of the policy life cycle presents opportunities for improvement. As a result, the Program activities will simultaneously support policies for inclusive growth and strengthen underlying capacity and systems at each phase. This process is not necessarily linear and, when the Program begins, priority policies will be at various phases. For example, it is expected that the draft Land Law will be between Phases 2-3. In the Policy Life Cycle diagram are illustrative capacity building efforts and tools to support each policy life cycle phase. Inclusion is at the center of the graphic because the program approach integrates the issues facing women, ethnic minorities, and others into each phase, from analyzing policy impact on women to tailoring communications to consider the needs of minorities in rural areas.

*Phase 1: problem identification.* To address Vietnam's most pressing needs and build the foundation for better policymaking, the government and CSOs must more effectively identify root challenges and develop evidence-based laws and policies. The Contractor will build government and CSO capacity to identify problems, issues, and constraints (including political economy) and evaluate current or proposed laws and policies. The Contractor will build this capacity through analytical tools, such as 4S, regulatory impact assessments (RIAs), stakeholder mapping, focus groups, and trade impact assessments. The Program will facilitate discussions that include historically excluded groups, including women, ethnic minorities, LGBT, PLHIV, the disabled, and the elderly.

*Phase 2: public consultation and stakeholder engagement.* The Contractor will strengthen channels and processes for consensus building within ministries, among NA members, and with CSOs on both the supply and demand sides. The government needs to improve public communications and outreach efforts; citizens, representative groups, and the private sector need to better articulate their positions. The program team will facilitate dialogue on selected policy reforms using established mechanisms, such as consultations, working groups, or online channels, and will support new mechanisms for public-private dialogue and cooperation, such as new non-traditional coalitions. Through sub-grants, the Contractor will support Vietnamese partners and offer tools and trainings, convening policy forums and developing policy papers to stimulate discussion. Throughout, the Contractor will build on established deliberative processes and capitalize on the success of existing groups in creating discussion and coalitions, including the Vietnam Development Partners Forum (VDPF), VCCI, and VUFU-NGO Resource Center.

*Phase 3: draft, debate, and policy enactment.* Significant amounts of lobbying, internal discussions, and draft revisions take place during the policy development phase, before new laws are enacted or policies are issued. Depending on the topic at hand, these processes can be behind closed doors or relatively open and transparent. The Vietnamese government has limited capacities and insufficient understanding to design, pass, and implement policies. The Contractor will support the technical requirements, such as legislative and policy drafting, while bolstering mechanisms for inter-ministerial cooperation. The Contractor will issue grants to generate better information, evidence-based analysis, policy research, and data sets; strengthen public systems to increase analytical capacity; and create channels for disseminating information to the public.

*Phase 4: implementation and communication.* The Program approach to Phase 4 will enhance transparency and quality assurance in policy implementation. The Contractor will support partner ministries to more effectively communicate the implementation of policies, internally and

externally. In addition, the COP and the DCOP will identify opportunities to strengthen the full implementation through targeted technical assistance, such as judicial training on new intellectual property policies, land management systems, and tapping into Vietnam's citizen-based and organizational communication structures to promote awareness and responsiveness.

*Phase 5: oversight and evaluation.* The government lacks capacity to fully monitor policies. CSOs want to be more active in oversight but are rarely consulted at this phase. Constraints include weak human resources management, financial resources, public data, and coordination with provincial governments. The Contractor will strengthen oversight, performance management, and accountability mechanisms. The Contractor's civil society specialists will help the media and CSOs translate audit results to the public. The Contractor will work with research institutes and donor programs to review indices, such as PCI, and make recommendations to policymakers. The Contractor will help counterparts periodically evaluate policy reforms, including their impact on women.

**Exhibit 1-3. Vietnam GIG Policy Life Cycle**



## C.4 MANAGEMENT APPROACH

The Contractor will use a management approach that embodies the Program's relationship-focused and results-based design. This approach provides the resources needed to build sustainable capacity at each stage of the policy lifecycle while harnessing, promoting, and rewarding innovation. To ensure technical depth and flexibility, the Contractor will pair longterm specialists with leading international and Vietnamese experts across all five objectives and three ERs. The Vietnamese technical team brings relationships with and a deep understanding of the Program's counterparts.

### C.4.1 Program Team and Organizational Structure

The Program team is led by Chief of Party. The Deputy Chief of Party complements the COP's experience and leadership. The Contractor sees ERs 1 and 2 as intrinsically linked pieces of a well-thought-out strategy to improve the full policy life cycle in Vietnam, from development to implementation and oversight. As such, the Economic Policy and Governance Director will oversee these ERs, ensuring activities complement and build on one another. In support of ER 3, the Inclusive Growth Director will manage a team focused on supporting specific inclusive policy initiatives, and engaging and empowering CSOs that represent disadvantaged groups. A crosscutting technical support team focusing on M&E and communications will provide additional support. Operations and Grants Director will manage our operations, grants, and partnerships team.

### C.4.2 Contractor Chain of Authority and Roles and Responsibilities

*Key personnel:* The COP will set the program vision and be responsible for overall technical leadership, ensuring the Program meets the targets outlined in the Contractor's Performance Plan (CPP). He will oversee management of the team, supervise all technical and administrative personnel, and ensure USAID is an active participant in Program activities. He will directly supervise the DCOP and the Operations and Grants Director, and will use his economic policy reform expertise to guide the Economic Policy and Governance Director. The COP will be responsible for ensuring close collaboration and communication with USAID, the U.S. Embassy in Hanoi, and the PMU, and will be accountable to USAID for delivering the results in our CPP. The DCOP will assist with managing and administering the project and serve as chief liaison to the Vietnamese government, navigating Vietnam's complex political environment and forging lasting and productive relationships with counterpart ministries. He/she will have primary programmatic responsibility for ER 3 and ensure inclusivity is integrated into all activities. He/she will directly supervise the inclusive growth director and technical support team.

*Core professional program team:* Under the direction of the COP and DCOP, the Governance Team and Inclusive Growth Team will spearhead Program technical activities with support from our Operations, Grants, and Partnerships Team and Technical Support Team. The Contractor will identify the need and scope for interventions by short-term experts and grantees — working through our leadership, PMU, and consortium to deploy such experts and then oversee their performance. The composition and responsibilities of these teams are detailed below:

- *Governance Team.* Leading ERs 1 and 2, the Economic Policy and Governance Director will directly manage the proposed 10-person team. He will lead activities to improve policymaking processes and accountability mechanisms to improve oversight and performance management. Supporting these objectives, the team includes experts in areas such as trade, regulatory reform,

NA affairs, and public audits, each aligned with a specific Program counterpart. For these positions, given the need for flexibility, the Contractor will select strong, technically dynamic managers able to communicate and oversee a variety of technical work. These subject experts will be supported by a legal expert, senior economist, IT systems specialist, and capacity building specialist.

- *Inclusive Growth Team.* The Inclusive Growth Director will manage the inclusive growth team and will lead the promotion of inclusive policies and help ensure all supported policy efforts respond to the needs and priorities of the Program's target vulnerable populations. The Inclusive Growth Director will oversee a team of five specialists with two key areas of focus: (1) building government capacity to engage disadvantaged groups, collect, and analyze data to determine policy impact and support specific inclusive policy initiatives; and (2) bolstering CSOs to increase historically marginalized groups' participation in policymaking and ability to exercise their rights.
- *Technical Support Team.* Given the importance of M&E and communications, the Contractor has a crosscutting team to lead these efforts. The Senior Communications Manager, a communications expert with experience in Vietnam and across East Asia, will lead the communications team for the first two years. The Senior Communications Manager will lead project communications, help the Program's counterparts develop outreach strategies, oversee media support, and groom the Vietnamese deputy to lead activities in Years 3 to 5. (The Contractor will back fill to maintain a two-person communications staff). The Program M&E team will lead project data gathering and reporting, and will build counterpart capacity to develop indicators, gather and analyze data, and incorporate M&E into decision making.
- *Operations, Grants, and Partnerships Team.* The Operations and Grants Director will manage the administrative and grants personnel on the project and ensure responsiveness to USAID and compliance with all applicable regulations in the areas of grants, HR, finance and procurement. Operations and Grants Director will serve as the main point of contact with the Contractor's home-office Project Support Unit (Contractor's PSU) for all contractual, administrative, and financial issues surrounding the Program's operations, grants, and subcontracts. *Short-term technical advisors:* The Contractor realizes the need for short-term technical assistance in niche areas and has selected a mix of highly qualified local and international consultants to illustrate the technical depth our network offers (see Technical Proposal Annex E, incorporated into the Task Order here by reference). The Contractor also has a substantial number of highly qualified in-house technical experts, as described below. The long-term technical specialists will develop scopes of work and then oversee these consultants, with ad hoc guidance from the COP and the DCOP, who assume ultimate responsibility for technical activities.

#### **C.4.3 Utilization of Local Professionals**

*Long-term team.* As emphasized throughout our approach, long-term Vietnamese professionals are the most important people on our team; the Program will not succeed if they are not used effectively. The Contractor will have an outstanding team of Vietnamese professionals comprise more than 75 percent of the in-country team, including their Governance and Inclusive Growth

teams. These professionals are fully invested in Vietnam's future and bring a nuanced understanding of all stages of the policy process, including political dynamics, and lessons learned from decades of policy and governance reform efforts in Vietnam. With extensive networks in place, The DCOP and our local professionals will ensure the Program has necessary access to government ministries and institutions, and maintains excellent relationships with counterparts.

*Short-term consultants.* To promote continuity and maximize the Program's resources, the Contractor will use local experts whenever doing so reflects the technical needs of a given activity and the needs of the Vietnamese government and USAID. To do so, the Contractor will rely heavily on networks of long-term professionals, who bring decades of experience working in their fields in Vietnam. When appropriate, the Contractor will pair international experts with kpmglocal staff to promote knowledge transfer and foster productive relationships that go beyond each assignment. The LOE table (Section B.4) shows the allocation of Vietnamese, expatriate, and TCN resources, including significant LOE for Vietnamese short-term experts to support activities identified using our 4S approach.

#### C.4.4 Home-Office Personnel

*In-house technical resources:* The Contractor will take multidisciplinary approach to development through technical practice groups, which include democracy and governance, private sector development, gender, and land rights. Through these practice groups, The Contractor will mobilize significant in-house resources in regulatory reform, legislative strengthening, trade and customs, rule of law, gender policy, and civil society strengthening. As illustrated in Annex E, trade economist David Fischer, legislative strengthening specialist Margarita Seminario, lawyer and rule of law expert Peggy Ochandarena, mobile technology expert John Owens, HICD Specialist Michael Jack, and many others are available to support the Program. These individuals will be available to mobilize immediately when opportunities arise and maintain continuity over the life of the Program.

*Project backstopping.* Led by PSU Director, the Contractor's home-office PSU will provide administrative, contractual, and financial backstopping to the Program. Using our ISO 9001-certified quality management system (QMS), the PSU will manage administrative aspects of international subcontracts, support start-up and closeout, recruit and field international consultants, and liaise with USAID on administrative and financial approvals. The PSU will

#### Box 12: The Consortium

*KPMG* is proposed to provide a long-term public audit expert and short-term expertise in such areas as corporate governance, accounting, and auditing. We will use KPMG's private-sector network to support GDAs.

*OSC*, a small business, is proposed to provide long-term Senior Communication Manager, as well as short-term experts to build CSO communications capacity or help the media report on policy efforts.

*Synergy*, a small business, is proposed to provide short-term assistance to design information systems in areas such as M&E and financial management, or help integrate existing systems to improve policy analysis.

*TPLC* is proposed to provide short-term drafting expertise through "mini-institutes" in Hanoi that replicate Tulane's larger International Legislative Drafting Institute program. Tulane has agreed to explore a long-term partnership with a Vietnamese university to sustain GIG efforts.

provide guidance and short-term assistance through home-office support units, including the Grants, Contracts, Procurement, and Training departments, and the Field Accounting and Compliance Team. The PSU Director will provide the COP with supervisory support, regularly communicating with USAID to ensure the Program is responsive and achieving ERs. A gender and vulnerable populations specialist, The PSU Director will support work planning and, whenever possible, combine oversight and technical assignments to optimize the use of the Program's resources.

#### **C.4.5. Role and Management of Proposed Subcontractors and Grantees**

*Role and management of subcontractors.* the Contractor's consortium combines highly relevant, niche expertise with clearly defined roles (see box). The PSU will lead the administrative management of each organization's subcontracts, and the COP and the DCOP will supervise the delivery of technical assistance in the field. Technical directors will work with all short-term technical specialists fielded by subcontractors, ensuring appropriate scopes of work are developed and reviewing technical performance and deliverables. All the consortium partners will be engaged in annual work planning activities.

*Role and management of grantees.* As highlighted throughout the program approach, the Contractor will engage Vietnamese grantees to offer training and capability building programs, develop tools to help the public understand policies and laws, and conduct research on public policy. The Contractor also envisions grants to NGOs that educate women about their legal rights and that support advocacy in line with the Program's objectives. Led by the Operations and Grants Director, the Grants and Partnerships Team will work with the technical teams to identify opportunities for grants and potential grantees, jointly drafting RFAs or annual program statements. Starting in Month 2, The Operations and Grants Director will direct the team to tailor the Contractor's grants manual for the Program, using the Contractor's QMS templates and systems refined over decades of managing GUC programs. The Operations and Grants Director and his team will manage the program's administrative and contractual aspects, and oversee the delivery of organizational capacity support in cooperation with USAID and its HICD program.

*Local subcontractors and private-sector partners.* To support the opportunity-driven approach, the Contractor created the Private-Sector Catalyst Fund for subcontracts, training, or procurement that incentivize GDAs and other private-sector partnerships in line with the Program's objectives. In addition, the Contractor anticipates the need to issue Vietnamese subcontracts for demand-driven technical assistance, trainings, surveys, research, communications and awareness, materials production, and other ad hoc needs. These two resources are key to using and building Vietnamese capacity. They will be integrated with grants into a single policy manual in Month 3.

#### **C.4.6. Approach for Ensuring Rapid and Effective Start-Up**

The Contractor excels at rapid and effective start-ups. Their history in Vietnam, current presence and company registration, and systems ensure the Contractor will mobilize the Program team and begin the Program's activities quickly and cost-effectively. See Exhibit II-2 for details of the activities below.

*Assign a PSU and start-up team.* Upon award, the Contractor will assign a three-person PSU to the Program, overseen by the PSU Director. The PSU will mobilize other in-house resources and form

two start-up teams. One, including the Operations and Grants Director, will travel within 10 days to Hanoi to open the project office and hire staff, and the other will handle U.S.-based startup tasks.

*Onboard chief of party and local team.* The COP is available to be deployed immediately upon award and, as a long-time Contractor's chief of party, requires no orientation. The PSU will mobilize him to Hanoi by Day 10 to lead technical start-up. The DCOP will also be available to start immediately. The Contractor will work with the start-up team to onboard the local Program team, with USAID approval, and leverage their networks to quickly fill all critical positions by Month 2.

*Open project office and establish project management systems.* The in-country start-up team will arrive in Vietnam by Week 2 and meet with USAID as soon as possible. The Contractor will identify temporary office space to avoid delays and then develop administrative and financial systems using their start-up checklist, QMS processes, and Vietnam resources to expedite the process. For example, the Contractor will tailor LRP's operations manual to the Program and shorten financial management training, as Ms. Trang knows the Contractor's systems. The Operations and Grants Director will train the grants team on grants and subcontracts procedures (fully ADS-compliant) and develop a grants and subcontracts manual, to be approved by USAID. A Hanoi office will be operational by Month 3.

*Unifying the team around a common purpose.* In Week 4, the COP and DCOP will lead the team in a week-long team-building and work planning session. The COR will be invited to participate in many of these sessions. During the week, the team will focus on the Program's mission, goals, and objectives to develop a sense of purpose. The Contractor will review the Program contract and refine the approach so that they understand their individual responsibilities and how they fit together. Next, the COP, DCOP, and the technical team, with support from the PSU Director, will finalize the Program's annual work plan, M&E plan, CPP, and grants/subcontracts manual. These deliverables will be submitted for USAID review and approval within 60 days of award.

## C.5 PROGRAM ROLES & RESPONSIBILITIES

### C.5.1 GVN Project Approval

All donor programs/activities in Vietnam require project approval from the GVN signed by the Prime Minister. No project is fully recognized until it has this approval. To avoid past experiences with project implementation being held up after the award of a contract or to have to implement under the ambiguity of not having an project approval, USAID has actively engaged with Ministry of Planning and Investment (MPI), responsible for all donor project approval preparation, on the development and approval of this Program. While the GVN project approval process is designed more with direct donor support to the government in mind (i.e. World Bank and UN agency programs), MPI recognizes the standard USAID practice of using competitively competed third party implementers for its activities and has adjusted its approval process accordingly. As a company operating in Vietnam, all legal status to operate in Vietnam flows from the project approval (e.g. work authorization, tax ID and exemptions, etc.). This Program was approved by the Prime Minister on October 24, 2013. The Contractor is responsible for complying with any remaining project start-up requirements of the GVN during the first 60 days of the Program. This includes supporting

the submission of detailed project document with inputs from all 6 counterparts to be approved by the Minister of Justice. MOJ has initiated this process, soliciting input from all counterparts.

### **C.5.2 GVN Coordination Mechanism**

Based on negotiations with the GVN, it has been determined that this will be an “umbrella” Project with one prime GVN counterpart and a number of additional GVN Ministry approved counterparts. GVN designated the Ministry of Justice (MOJ) as the projects prime GVN counterpart of this project, in representation of the GVN, including 5 additional approved GVN counterparts as indicated below. The Prime Counterpart (MOJ) has established a Project Management Unit (PMU), staffed and funded by the GVN. A Deputy Director General of the International Cooperation Department of MOJ has been designated as the head of this PMU, who will serve as the Project Coordinator. The PMU will be responsible for all internal GVN approval and coordination processes and serves as the Contractor’s primary point of contact in the GVN. The Program will have only one overarching project approval under the Prime Counterpart. Additionally, initially there will be five additional GVN counterparts to the Program, including the National Assembly, Ministry of Industry and Trade (MOIT), Ministry of Finance (MOF) including but not limited to the General Department of Vietnam Customs (GDVC), Ministry of Planning and Investment (MPI), and the State Audit Office of Vietnam (SAV). If necessary, additional or ad-hoc GVN counterparts may be subsequently approved by MOJ at USAID’s request.

MOJ is also establishing a program Steering Committee (SC) to provide high-level coordination and input to the project. The Prime Counterpart (MOJ) will chair the SC. USAID will also participate on the Steering Committee. The Office of Government (OOG) will be invited to co-chair the SC. The Ministry of Public Security and the Ministry of Foreign Affairs will also have representatives on the SC, as will each of the five approved counterparts.. USAID will also participate on the Steering Committee. The SC will, at a minimum, meet annually to discuss the past year and provide input for the coming year.

### **C.5.3 GVN Counterparts**

The Vietnamese political system is an often murky and always challenging environment to navigate, but numerous points of entry and mutually beneficial areas for cooperation exist. High-level support from the Office of the Government (OOG), which will co-chair the Program’s Steering Committee, will be crucial to the Contractor’s ability to work with counterparts. The MPI plays an influential role in state planning by providing advice on socioeconomic development and apportioning foreign assistance programs to agencies. Day-to-day policy development and implementation falls upon the shoulders of the Program’s counterpart ministries (MOJ, MOF, MOIT, etc.) with involvement from others depending on the policy at hand, such as MOLISA. In recent years, the NA has taken an elevated role in governance — holding a well-publicized vote of confidence, oversight hearings, and more frequent television interviews — and the NA Committee on Finance and Budgetary Affairs, Committee on Economy, and Committee on Law, are key players to engage. Understanding the role of the Communist Party of Vietnam is essential, influencing political directions in

formal and informal ways; members of the National Assembly Standing Committee (NASC) are members of the party Politburo. The contractor will include sub-national government whenever possible, as they can serve as testing grounds for political and administrative reforms, driven by politically ambitious officials.

The Program's GVN counterparts have been selected based on the objectives of the Program their requests to participate and USAID's experience in working with them through previous programs. The Contractor will work with each counterpart to advance the Program's objectives within the context of their respective institutional roles, while supporting existing initiatives and assistance priorities. USAID provides this preliminary indication of the existing interests and opportunities.

## **1. MPI**

The Ministry of Planning and Investment is at the center of much of the analysis and planning of the government regarding public investment and economic policy. Potential areas of assistance under this project, identified to date, include but are not limited to:

- Improved policy processes and analysis
- Increased transparency in public financial management
- More transparent, competitive public procurement

## **2. NA**

The NA is an important counterpart and has strong potential to contribute significantly to all of the Program's objectives, expected results and deliverables. The Contractor will work with a range of committees (i.e. law, judiciary, economic, foreign affairs, budget and finance, social affairs, ethnic council) and their respective staff offices in the Office of the NA. Potential areas of assistance under this project, identified to date, include but are not limited to:

- Improved technical capacity to review and draft legislation
- Improved oversight processes and capacity
- Increased participation of citizens in law making process
- Technical assistance on the issues being addressed in laws under development.

## **3. MOIT**

The Ministry of Industry and Trade is included as a counterpart to continue USAID's support for economic integration through the negotiation and effective implementation of Vietnam's trade agreements. The most relevant agreement under negotiation is the Trans-Pacific Partnership (TPP), which if successfully completed with Vietnam's participation is anticipated to create significant demand for follow on technical assistance. Potential areas of assistance under this project, identified to date, include but are not limited to:

- TPP implementing legislation
- Capacity building to support effective TPP implementation
- Any TPP labor and environmental commitments

#### **4. MOJ**

The Ministry of Justice is charged with responsibility for the quality of the legal and regulatory framework across the GVN, including at the subnational level. They were also the prime counterpart / PMU / steering committee chair for the USAID/STAR Plus program. MOJ also inherited the Administrative Procedures Control Agency (APCA) that the USAID/VNCI program supported the establishment of previously in the Office of Government. APCA is leading a new National Universal Identification initiative. Potential areas of assistance under this project, identified to date, include but are not limited to:

- Transparency, coherence and quality of the national legal and regulatory framework
- Rights and legal protections for vulnerable populations
- Rule of law and judicial effectiveness initiatives

#### **5. MOF**

The Ministry of Finance is at center of public financial management. It is the source of more regulation than any other Ministry of the government. It is also the home of the General Department of Vietnam Customs, the most important trade facilitation agency. MOF is a major recipient of multilateral assistance. Potential areas of assistance under this project, identified to date, include but are not limited to:

- Increased transparency and accountability in the budget process
- Improved public financial management
- Enhanced trade facilitation by Customs

#### **6. SAV**

The State Audit of Vietnam is a new counterpart for USAID. SAV is the national equivalent of the GAO in the U.S. and an emerging actor for increased public institution accountability. It is anticipated that they will be provided greater independence under the new constitution. Potential areas of assistance under this project, identified to date, include but are not limited to:

- Strengthened audit capacity
- Increased transparency and public dialogue on audit results
- Expanded scope of issues addressed in audits (i.e. performance, policy failures)

Each counterpart has submitted to the project PMU their own identified assistance priorities under the project. These will serve as a starting point for the contractor and USAID to negotiate planned assistance with each counterpart. The contents of this Contract are another important input into these negotiations. The final approved detailed project document will represent the outcome of these negotiations.

#### **C.5.4 Non-Governmental Partners**

CSOs are a broadly defined concept in Vietnam that range from mass and people's organizations and social and professional associations that are grouped under the Fatherland Front, to NGOs, self-help, and volunteer groups. Significantly, mass and people's

organizations have the legal mandate and authority under the Constitution to monitor government performance and to serve as citizens' voice when programs are ineffectively executed. The VWU, with 13 million members, has commented on the revised Law on Marriage and Family as it pertains to poor women, PLHIV, and former prisoners. These organizations, with current and retired government officials as directors, are familiar with how to work within the system and enjoy high-level access to policymakers. Through the Program, the Contractor will engage and leverage these organizations as vehicles to help the project's target populations get their voices heard.

Universities, institutes, and agencies provide research, training, and advice for policymakers and promote "people to people" links through partnerships with foreign universities and donors. NA members and ministry officials increasingly request data, analysis, and expert opinions from them; however, the demand for services outstrips the supply they can provide, both in terms of quality and quantity. Business community advocacy is led by groups such as the Vietnam Chamber of Commerce and Industry (VCCI), Vietnam Development Partners Forum (VDPF), and Vietnam's Lawyers Association. These groups collect feedback from members and contribute to policy discussions, using their close connections to the government; the VCCI chairman is a member of the NA Committee on Economy. However, policy-makers tend to seek views from a select few. The Contractor will strengthen existing groups, while bolstering new or marginalized organizations.

### **C.5.5. Contractor Coordination with USAID, and Other Stakeholders**

The Program is a fundamental part of USAID/Vietnam's Country Development Cooperation Strategy (CDCS) and of global strategies such as the Strategy on Democracy, Human Rights, and Governance. The COP will build on past programs (e.g., the Provincial Competitiveness Index) and work with USAID to identify synergies and leverage resources with other programs, such as the public-private consortium on disabilities through the Blue Ribbon Employers Council. The Program will be part of an integrated USAID portfolio, adding value through information sharing and coordination. For example, while enhancing public involvement in the policy process, the Contractor will support and collaborate with USAID's Forests and Deltas program and Clean Energy program. To achieve this, the Contractor's approach emphasizes USAID's role as an active participant in the Program.

The Contractor places client satisfaction as a key corporate result and has systems and systematic processes for ensuring responsiveness to USAID at all levels of the Program. This begins with a major emphasis on active participation of USAID and fluid communication (formal and informal) between the COP and the COR. The COP and the DCOP will meet the COR at least weekly to coordinate activities, seek feedback, and jointly strategize on engaging the Vietnamese government, with USAID in the lead. USAID will be invited to all meetings with Vietnamese government counterparts, and any issues with a counterpart or activity approval will be brought to the immediate attention of USAID. Annually, the Contractor will work closely with USAID to develop the work plan and CPP. In addition to USAID, the Contractor views the Program as an integrator of U.S. government activities and investments, coordinating and sharing information with other U.S. government stakeholders with COR support and approval. The Contractor will ensure the Program complements the efforts of the U.S. Embassy and its economic section by consulting with USAID and taking up ad hoc tasks or sharing information with the Embassy and other agencies when needed.

As this Program will have a high level of importance to the U.S. Embassy and USG as a whole, the Contractor must help USAID respond to ad-hoc requests related to the Program and related information (within the scope of the Program) from the U.S. Embassy in Hanoi, the U.S. Consulate in HCMC, and appropriate U.S. government agencies (e.g. State, USDA, Commerce, USTR, Treasury, FCS, etc.). USAID will work directly with the Embassy and Washington agencies on related implementation issues and strategies and obtain their input and engagement in the Program implementation. USAID will facilitate opportunities to share information about the Program and related USG priorities with the Embassy and other visiting USG representatives. When appropriate and feasible, USAID will work with the Contractor to arrange for direct USG participation in the Program's technical assistance. As a result, the Contractor should have a clear set of policies and procedures in place in order to utilize USG agency personnel as technical assistance resources.

The U.S.-Vietnam Comprehensive Partnership, Vietnam's choice to enter TPP negotiations, and collaboration in engaging the Lower Mekong region are indications of the United States and Vietnam's shared commitment to Vietnam's continued global integration. Given the increasing importance of this bilateral relationship — punctuated by President Truong Tan Sang's first visit to Washington, in July 2013— the Contractor anticipates the Program will benefit from initiatives led by U.S. agencies in addition to USAID (U.S. Trade Representative, Commerce, etc.) through information sharing and program collaboration. For example, TPP negotiations will have a positive impact on the Lower Mekong Initiative (LMI) and contribute to growth in Laos and Cambodia.

*Coordination with Vietnamese government counterparts, the private sector, and civil society.* The Contractor will leverage the networks and experience of DCOP and technical directors, as well as relationships developed on LRP and Workplace, to ensure the Program meets counterparts' stated needs and objectives. This will include consultation meetings with MOJ, the PMU, and relevant ministries during the development of the work plan, monthly meetings with counterpart officials to update them on progress and solicit feedback, and quarterly and annual meetings to reevaluate and update the work plan with USAID and the PMU. As the private sector and CSOs are key drivers of demand for policy reform, the private sector partnerships specialist will work with chambers of commerce and targeted businesses to solicit feedback and form partnerships. The COP and the PMU will lead GDA discussions with major U.S. firms, such as IBM, the BBC, and others. The citizen participation and civil society specialists will connect CSOs to government counterparts, ensuring relevant groups are included in the policymaking process.

*Coordination with Development Partners:* As one of USAID's flagship initiatives, the Program is positioned to play a major role in donor coordination and the approach emphasizes coordination throughout. The COP will lead efforts, supporting USAID with information needed for coordination meetings convened by MPI. The COP will hold quarterly meetings with relevant donor programs to exchange technical knowledge, cost-share on activities, and identify key policy constraints, such as the UNDP's Parliamentary Support assistance to the NA Committee on Finance and Budgetary Affairs and Institute of Legislative Studies (ILS), UNICEF and U.N. Women's programming for women and ethnic minorities, the EU's

Multilateral Trade Assistance Project, and the EU's Justice Partnership Programme. DFID leads an effective donor coordination forum on anti-corruption, a potential source for identifying Program grantees.

The Contractor must support USAID's efforts to coordinate with donors, especially DANIDA, UNDP, DFID and the World Bank, in this Program to prevent duplication and ensure synergies with other programs that have similar objectives. While USAID will be the primary counterpart/expert represented in donor forums, the Contractor can assist USAID in providing technical input for such forums. The Contractor must inform USAID of any opportunity where it would like to participate in a donor forum/event.

**[END OF SECTION C]**

### **Annex 3: GVN's Decision No. 1446/QD-BTP**

**THE MINISTRY OF JUSTICE**

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No. 1446/QD-BTP

**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence – Freedom – Happiness**

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*Hanoi, 23 June 2014*

**DECISION**  
**Approving the Governance for Inclusive Growth Project Document**

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**THE MINISTER OF JUSTICE**

Pursuant to Decision 22/2013/NĐ-CP dated 13 March 2013 of the Government providing for the functions, duties, powers and organizational structure of the Ministry of Justice;

Pursuant to Decree 38/2013/NĐ-CP dated 23 April 2013 of the Government on the management and use of Official Development Aid (ODA) funds and preferential loans;

Pursuant to Decision 1947/QĐ-TTg dated 24 October 2013 of the Prime Minister approving the “Governance for Inclusive Growth” Umbrella Project funded by the United States Agency for International Development;

At the request of the Director of the International Cooperation Department,

**DECIDES:**

**Article 1.** To hereby approve the Document of the “Governance for Inclusive Growth” Project.

**Article 2.** This Decision takes effect from the date of its signing.

**Article 3.** The Director of the International Cooperation Department, the Steering Committee for the Governance for Inclusive Growth Project, the specialized Project Management Unit of the Ministry of Justice and relevant agencies and units are responsible for implementing this Decision.

***Recipients:***

- The Minister (for reporting);
- Deputy Ministers (for information);
- The Office of the National Assembly, the State Audit of Vietnam, the Ministry of Planning and Investment, the Ministry of Industry and Trade, the Ministry of Finance (for coordination);
- Those mentioned in Article 3 (for implementation);
- For filing.

**PP THE MINISTER  
DEPUTY MINISTER**

*(signed and sealed)*

**Dinh Trung Tung**

## **DOCUMENT OF THE 'GOVERNANCE FOR INCLUSIVE GROWTH' PROJECT**

*(Issued with Decision 1446/QD-BTP dated 23 June 2014 of the Minister of Justice  
approving the Governance for Inclusive Growth Project Document)*

### **I. BACKGROUND INFORMATION**

- 1. Name of the Project:** *Governance for Inclusive Growth*
- 2. Name of the Donor, Co-donor:** *The United States Agency for International Development*
- 3. Agency in charge:** *The Ministry of Justice*
  - a) Address: *Nos. 56-58-60 Tran Phu Street, Ba Dinh, Hanoi*
  - b) Telephone/Fax number: *(04) 6273 9321*
- 4. Project owner:** *The International Cooperation Department*
  - a) Address: *Nos. 56-58-60 Tran Phu Street, Ba Dinh, Hanoi*
  - b) Telephone/Fax number: *(04) 6273 8526*
- 5. Proposed implementation schedule of the Project:** *12/2013 – 12/2018*
- 6. Location of implementation:** *Nationwide*

### **II. CONTEXTUAL BACKGROUND AND NECESSITY OF THE PROJECT**

Since the introduction of its *doi moi* (*renovation*) policy, Vietnam has made significant progress, including the fact that it has risen to the status of a lower middle-income country since 2010 with a sharp drop in the poverty rate. This achievement can be attributed to many factors, one of which is the cooperation with foreign countries, territories and international organizations. Among Vietnam's international donors, the United States of America ("US") has been providing robust and strong support to Vietnam in its international integration process. For nearly 20 years since normalization of the Vietnam-US diplomatic tie, the relationship between the two countries has remarkably and significantly developed in many areas, making its part of contribution to Vietnam's overall development profile. On the legal reform front, support from the US Government through the United States Agency for International Development ("USAID") has left its impression in many sectors and made great contributions to Vietnam's legal reform and international integration progress. Starting from the Support for Trade Acceleration Project (STAR) launched right after entry by the two Governments into the Vietnam-US Bilateral Trade Agreement (BTA), USAID provided technical assistance to Vietnamese agencies and organizations via three phases including 2001-2006, 2006-2010 and 2010-2013. The activities under STAR Project can be seen as having supported very effectively the BTA

implementation, Vietnam's accession to the World Trade Organization (WTO), improvement of the country's legal system, strengthening of its institutional framework and capacity of Vietnamese agencies to implement Vietnam's international commitments and integrate more intensively into the global economy. One more noteworthy thing is USAID's support to the Institute of Legislative Studies of the National Assembly ("NA") to implement the Legislative Research Project (LRP) designed to improve the efficiency of operations and human resources as well as the management capacity of the Institute.

Although Vietnam has made impressive progress in the development process and achieved ahead of time many of the UN Millennium Development Goals, there still remain shortcomings with its management and governance practice. Specifically, the corrections of short-term policies fail to comprehensively address the problems of macroeconomic instability, trade deficit and risks in the financial system; the gap of income between urban/delta areas and rural, mountainous and ethnic-minority populated areas tends to be wider; the unemployment rate among young people remains high due to knowledge and skills of new graduates being inadequate and therefore unable to meet the market needs; law implementation is far to be efficient and there is a lack of transparency and clarity in the development of legal normative documents ("LNDs").

To follow up the progress of economic, institutional and judicial reforms and development of the rule of law in Vietnam, which is attributed to the Vietnam-US cooperation efforts, on 24 October 2013 the Prime Minister signed Decision 1947/QD-TTg approving the Governance for Inclusive Growth Umbrella Project (to be referred to as "**GIG Project**") funded by USAID. The goal of the Project is to develop the capacity of the Government of Vietnam ("**GVN**") to improve its policy making processes via improved information sources, enhanced public participation, greater transparency and better accountability towards a broader-based development. With this goal, the Project will definitely address most of the above-mentioned shortcomings in the management and governance practice.

It is extremely necessary and appropriate to approve and implement GIG Project at this moment. *First*, the National Assembly of the Socialist Republic of Vietnam just adopted new Constitution in 2003 taking effect from January 1, 2014 which requires a huge amount of work that need to be done including institutional enhancement, amendment of, supplement to, or issuance of new LNDs to implement the 2013 Constitution and creating a more stable and sustainable legal system. To implement the Constitution, it is required to make proactive efforts in parallel with institutional breakthrough in 2014 and the years to come in order to build up a strong foundation to make a big strategic move in the quantity and quality of LNDs and thereby creating new dynamics for socio-economic development in the era of industrialization, modernization and international integration. *Secondly*, at the APEC Summit in October 2010, the State President Nguyen Minh Triet made an

announcement of Vietnam's official joining the Trans-Pacific Partnership ("TPP"). To date, Vietnam has completed 19 formal rounds of negotiations, multiple mid-term negotiations and 4 ministerial-level sessions with 20 negotiating teams covering around 30 issues. TPP negotiation is one of Vietnam's most important trade negotiations underway, which illustrates the country's broader and more intensive international integration by opening not only its goods and service markets but also other non-commercial issues. TPP accession, therefore, brings greater opportunities and more challenges to Vietnamese agencies and its business community, and requires improved efficiency of competition among regions and proactive participation in international trade agreements. For these reasons, GVN expects [that] the demand-driven support activities of GIG Project would help Vietnam to promote its institutional reforms, contribute to more sufficient, consistent and feasible policies and laws, commensurate with legal systems of the TPP member nations, thereby contributing to the improvement of the business environment, facilitating socio-economic development to enable all citizens to have equal opportunities to access to democratic laws, to justice, to natural resources and public services; and creating significant resources for the country's socio-economic development in the new stage.

### **III. OBJECTIVES OF THE PROJECT**

#### **Objective 1 – Enhancing trade and investment**

The Project will support Vietnam to improve its capacity to design and comply with the international trade and investment commitments under the free trade agreements that Vietnam is going to join such as the TPP, and those under the BTA, WTO, Trade and Investment Framework Agreement (TIFA), and the United Nation Commission on International Trade Law (UNCITRAL). Vietnam's ongoing and future negotiations, entry into and implementation of international agreements will certainly bring about new opportunities for Vietnam for stronger integration with the global economy via a sound trade and investment-enabled environment.

The accession to the WTO and implementation of bilateral trade agreements with US had a positive impact on Vietnam's expansion of export markets and attraction of foreign investments. Vietnam's tariffs have been significantly reduced and a great deal of efforts has been made to improve business environment. The negotiations of the TPP and a Free Trade Agreement with EU as well as the entry into other multilateral trade agreements and organizations will impose higher standards on Vietnam in respect of protection of intellectual property rights, environmental protection, reform of state-owned enterprises and government procurements.

## **Objective 2 – Improving competitiveness**

The Project will provide support to competitiveness strengthening focusing on the sectors which are the highest priority for GVN and hold the best potential for contributing the greatest to broad-based and sustainable growth. Despite a series of reforms to improve Vietnam's business environment, there still remain many obstacles hindering the competitiveness in the private sector. Poor corporate governance, lack of transparency, absence of regulations to protect shareholders' interest, unqualified accounting practices, and a badly-performing SOE sector all constitute the main impediments to the development of the private sector and discourage foreign businesses from making investments in Vietnam.

The enhanced business competitiveness, therefore, will certainly make great contributions to broad-based and sustainable growth. The Project, therefore, will support the competitiveness enhancement initiatives which would potentially boost broader-based and sustainable growth.

## **Objective 3 – Developing the rules of law and improving judicial effectiveness**

The Project will help to strengthen the rules of law and improve judicial effectiveness. Vietnam is pursuing a policy to build up a ruled-by-law State and market-based economic institutions with a secured legal environment for both investors and citizens. While USAID's support in this area, through STAR Project (including STAR I, STAR II and STAR PLUS) and the Vietnam Competitiveness Initiative Project (VNCI), has facilitated the transformation process, Vietnam's legal system needs further improved to address the challenges imposed by the development of the rule of law in Vietnam.

A weak, non-transparent and unpredictable judicial system is a major barrier to a ruled-by-law State in Vietnam. The capacity to effectively perform contractual obligations, property rights and to resolve disputes is a main component of efficient management and implementation of laws which creates an effective legal environment for businesses. To support broad-based and sustainable growth and to facilitate socio-economic development, thus, incremental improvements in transparency, independence and predictability of Vietnam's judicial system and the enhanced capacity of law enforcement agencies will be necessary.

## **Objective 4 – Supporting for more effective public administration and financial management**

The Project will support for more effective public administration and financial management focusing on the activities which are the highest priority for GVN and have the best potential of contributing greatest to broad-based and sustainable growth.

To enhance governance, public monitoring of policy and State budget implementation by social organizations need to be significantly expanded. A transparent

and well-performing public administration and financial system is essential to good and professional governance which helps ensure that budget funds are used more efficiently for public investments and construction of infrastructure facilities.

While the government has issued numerous regulations on public investments aimed at better control of resources, weaknesses of the information and management system and related processes including data collection, analysis and financial management have undermined the transparency and hampered the process of efficiently allocating resources and oversight of their use. NA is now ramping up oversight and analysis of budget information. Meanwhile, the efficiency of administrative bodies has not been thoroughly assessed by the government and various support tools are still in need to ensure resources are properly allocated, prioritized and efficiently used. In this context, it is essential to enhance the monitoring and supervision of how policies and the state budget are implemented.

#### **Objective 5 – Promoting social and economic inclusion for all citizens**

The Project will provide support for creation of opportunities for every citizen to equally participate in relevant socio-economic activities in accordance with the government priorities focusing on the activities with positive impact on broad-based and sustainable growth.

Although Vietnam has made progress in promoting gender equality, women still face gender bias in access to employment opportunities, income, engagement in governance activities and career promotion. The National Program on Gender Equality for the 2011-2015 period and the National Strategy on Gender Equality up to 2020 developed and submitted to the Prime Minister for approval by the Ministry of Labor, War Invalids and Social Affairs, in coordination with other ministries and agencies, has not been carried out consistently and efficiently. Despite much progress in the engagement of ethnic people in the national development process, most of them constantly encounter difficulties in getting access to basic social services, or participating in the market economy while the resettlement policy sometimes remains inadequate. Policy planning does not pay adequate attention to the needs and capacity of vulnerable populations including the lesbian, gay, bisexual and transgender (“LGBT”) community and people living with HIV.

For the time being, emphasis should be given to social welfare activities by providing initial support to enhance quality of the services provided by social organizations, associations and professional organizations; adjusting and improving social programs and policies to provide equal opportunities and better access to their basic rights to enable them to perform their obligations and engage more extensively and intensively in socio-economic activities.

Pursuing the objectives as specified above will contribute to the goal of the Project. Several activities of the Project are aimed at creating a clear and transparent institutional framework, and improving trade and investment capacity as well as the competitiveness of the private sector. Strengthening the rule of law, improving judicial efficiency, monitoring the implementation of laws and enhancing public financial management will help to enhance the accountability of relevant state agencies. Support for strengthening people's participation, especially of the vulnerable groups in policy-making and other socio-economic activities will certainly contribute to the Project's objective of broad-based, sustainable and inclusive growth.

## **IV. BENEFICIARIES OF THE PROJECT**

### **1. Counterparts of the Project:**

Counterpart agencies of the Project including the Ministry of Justice ("MOJ"), NA Office, the Ministry of Industry and Trade ("MOIT"), the Ministry of Finance ("MOF"), the Ministry of Planning and Investment ("MPI") and the State Audit of Vietnam ("SAV") will be the key beneficiaries of the Project and will carry out most of the Project activities.

### **2. Agencies and organizations involved in the Project activities**

In addition to its key counterparts, the Project will coordinate with other agencies, academies, institutes, universities, social organizations, socio-political organizations, professional organizations and businesses in carrying out the activities that fit within the Project objectives.

#### *2.1. For State agencies*

- Based on the annual work directions given by the Project Steering Committee (PSC), any State agency which is not a Project's Counterpart might submit its proposed activities to the specialized Project Management Unit (PMU) for its consolidation and report to PSC for inclusion in the Annual Work Plan (AWP);

- Based on the AWP already approved by MOJ, the agencies whose proposed activities have been included in the AWP will carry out those activities in the same manner as other Project's Counterparts.

#### *2.2. For other organizations participating in the Project*

Several organizations might be selected to participate in the Project activities by using Grant - the Project's mechanism for direct support. The Grant will be used to directly fund, with priority being given to the development initiatives, those activities including training, capacity building, study and establishment of the policy impact forum, improving

access to economic resources, development of small- and medium-sized enterprises, and other technical assistance activities.

A Guide to Selecting Grantees and Using the Grant (the Guide) will be developed and issued by the Project Office subject to an agreement with PMU. Any activity to be funded out of this Grant shall only be carried out after the official Guide has been sent to USAID and PMU.

### **3. Other beneficiaries**

Other beneficiaries of the Project include agencies, organizations and individuals that are not involved in the Project activities but benefit from the Project activities either directly or indirectly, for example:

- Agencies and officials at the central and local levels whose capacity is built and developed through training courses and workshops;
- The business community benefiting from a clearer and more transparent legal system;
- The vulnerable groups in the society who have greater opportunities to participate in governance, policy- and law-making activities...

## **V. PROJECT COMPONENTS AND KEY RESULTS**

### ***Component 1: Clear and transparent institutional framework and Expected Results***

The Project will focus on advancing the legal framework and policy- and law-making processes to improve the transparency and efficiency of the legal system focusing on the documents necessary for the implementation of the 2013 Constitution and in the economic, financial, trade and public investment sectors thereby creating a foundation for better governance. The Project will simultaneously support studies of public participation in legislative activities and improvement of capacity and skills to conduct researches, information analysis, review and adopt proposed laws, monitor law implementation and to improve oversight mechanisms; will support its Counterparts' efforts to boost competitiveness during the international integration process and to effectively implement international commitments particularly those on environment and labor under the TPP.

- *Deliverable 1: Guaranteed and improved quality of LNDs, making contributions to institutional strengthening of the market economy and development of a ruled-by-law State of Vietnam.*
- *Deliverable 2: Improved and unified policy- and law-making processes.*

- *Deliverable 3: Improved information system and empirical analysis for policy-making.*
- *Deliverable 4: Increased transparency of LNDs.*
- *Deliverable 5: Established innovative partnerships towards a clear and efficient legal framework.*

### ***Component 2: Enhancing accountability of State agencies and Expected Results***

Enhance governance efficiency and accountability of State agencies, centralize oversight activities of NA, and monitor law implementation by executive agencies, social feedback by social organizations, and openness and transparency of operations of justice bodies.

The main activities to be carried out under this Component are aimed at enhancing the oversight and improving quality of the debate sessions at NA including its oversight mechanisms; supporting for greater transparency and accountability in design and effective implementation of budgeting process at ministries and NA; improving capacity and role of SAV; strengthening the capacity of ministries, sectors and people's committees of various levels to implement and monitor law implementation, examine documents and improve law implementation; advancing the public financial management and trade promotion systems of the Vietnam Customs. The Project will also help SAV improve its performance and expand the scope of issues to be addressed in audits in line with international standards, particularly to improve the evaluation of performance of the public administrative sector and promote transparent and open dialogues on audit results. The Project will also extend its support to institutional reforms and simplification of administrative procedures for better governance, reduction of administrative burden on public and greater transparency in public financial management and public procurements.

- *Deliverable 1: Improved oversight and implementation monitoring processes by State agencies, organizations and individuals.*
- *Deliverable 2: Enhanced oversight, monitoring and assessment of policy implementation.*
- *Deliverable 3: Increased transparency in policy implementation.*
- *Deliverable 4: Improved quality of information and analysis for evaluating policy implementation efficiency.*
- *Deliverable 5: Improved quality of the mass media's news reporting on policy implementation.*
- *Deliverable 6: Established innovative partnerships to promote more accountable State agencies.*

***Component 3: Enhancing the inclusive participation focusing on several vulnerable groups in the society and Expected Results***

The Project will support for enhanced participation of businesses and citizens in the development and improvement of several relevant laws, promoting studies, and policy advocacy and social feedback, and will assist the State in seeking for public comments during the development, implementation, oversight and monitoring the implementation of laws by social and political organizations and businesses.

The Project shall also provide support to the initiatives in studying the capability of the vulnerable groups to participate in the policy making process, economic growth, management and development of the public financial policy etc. as they have historically neither capacity nor opportunity to do so. Specifically, the Project will support for several open forums for the marginalized groups including women, the poor, ethnic people, LGBT people, people living with HIV/AIDS, disabled people etc. and their representatives to participate in legislative activities, monitoring of law enforcement and governance etc. Doing so would ensure their basic rights and legitimate interests are protected thereby promoting sustainable growth and development. The Project enhances and promotes initiatives on the rule of law as well as judicial efficiency.

The Project will provide favorable conditions to young people to take part in legal internship programs, awareness raising campaigns and several related university training courses.

The Project would promote education and communication to women, young people, ethnic minorities and the vulnerable groups in respect of their right to have equal access to resources and opportunities to study and do business.

Within its framework, the Project will provide training on the skills and methods to analyze the impact of several policy proposals on men, women, children, ethnic groups, LGBT and the poor...;

The Project promotes consolidation and collection of data of male and female participation in training activities and other events of the Project.

The Project will also propose targets of promoting men's and women's equitable access to and participation in all of its activities.

- *Deliverable 1: Minimized legal barriers for women, ethnic people, the poor, LGBT people and other vulnerable groups; and in-focused provisions on the protection of rights and legitimate interest of these groups during the policy making process.*
- *Deliverable 2: Enhanced the public participation and consultation particularly of and with the vulnerable groups in the policy- and law- making process.*

- *Deliverable 3: Developed and improved database and gender-disaggregated data in respect of the vulnerable groups (as identified by the Project Office).*
- *Deliverable 4: Improved access to economic opportunities, market and effective production and increased income for those vulnerable groups.*
- *Deliverable 5: Established innovative partnerships to advance both social and market participation and inclusion of these vulnerable groups.*

## **VI. PROJECT'S OVERALL WORKPLAN FOR THE 2014-2018 PERIOD**

### ***1.1 Component 1 - Clear and transparent institutional framework***

- 1.1.1 To improve the legal system for the implementation of the 2013 Constitution focusing on the 3 core pillars of the Constitution including laws on the organization of the State structure; laws concerning the improvement of the market-based and socialism-oriented economy's institutions, economic restructuring; and laws pertaining citizens' basic rights.
- 1.1.2 To improve the legal framework for audits: develop the (revised) Law on State Audit and its implementing documents.
- 1.1.3 To improve the legal framework for industry and trade, and competition: develop the (revised) Competition Law and its implementing documents.
- 1.1.4 To improve the legal framework for public investments and economic policies.
- 1.1.5 To improve the legal framework for finance, budget and customs.
- 1.1.6 To improve the legal framework for the justice sector and judicial support.
- 1.1.7 To improve the institutional framework for implementing the Strategy for Development of Vietnam's Insurance Market up to 2020.
- 1.1.8 To enhance the quality of LND review in all sectors, to ensure a clear and transparent institutional framework

### ***1.2 Component 2 - Enhancing accountability of State agencies***

- 1.2.1 To improve the legislative capacity of NA deputies during their review of the Laws in support of implementation of the 2013 Constitution.
- 1.2.2 To enhance the oversight capacity of NA Deputies.
- 1.2.3 To support for the implementation of LNDs after their adoption or promulgation by the competent agency including implementation of laws

relating to judgment enforcement, bailiffs, lawyers, commercial arbitration, notarization, examination and legal aid etc.

- 1.2.4 To support for the mechanism of assurances for and monitoring of law implementation; to improve the capacity of judicial and legal workers, officers in charge of implementing and monitoring the implementation of laws at Ministries, sectors and people's committees of various levels, and LND review officers; and to enhance law implementation.
- 1.2.5 To support for better implementation in the following areas:
  - Implementation and periodical review of the implementation of Vietnam's international commitments on trade and investment under the WTO, Doha Round and several major FTAs that Vietnam has signed.
  - Support for the negotiation and implementation of the TPP.
  - Enhancement of implementation of trade safeguards in line with Vietnam's international commitments
- 1.2.6 To enhance the governance of investment promotion to attract and efficiently use various resources for the economic development; to improve public administration and financial management.
- 1.2.7 To enhance the modernization of the public administration:
  - To boost administrative procedure reform, to provide favorable conditions to organizations, individuals and businesses to get access to, implement and supervise administrative procedures; to contribute to improving the State management effectiveness and efficiency, fighting with corruption and wastes, improving services for people and business-enabled environment thereby promoting economic growth.
  - To modernize customs administration to facilitate trade activities of businesses of all countries and to implement Vietnam's international commitments;
- 1.2.8 To build and develop the financial market towards the modernity and sustainability; to develop the macrostructure and infrastructure for the securities market in line with international practices and standards that fit within the current foundation of Vietnam's economy
- 1.2.9 To promote IT applications during audits to improve their efficiency; to improve the efficiency of normal audits and performance audits at ministries and sectors, and inspectorate activities in the audit sector.

1.2.10 To improve the database and materials to service the international economic integration; to improve the news coverage of mass media on policy implementation.

1.2.11 To promote international cooperation in the legal and judicial sectors.

1.2.12 To build capacity for officers doing international economic integration work.

1.2.13 To enhance IT applications in order to set up a local area network to control the process of receiving and processing internal correspondences for better efficiency and effectiveness of work.

**1.3 *Component 3 - Enhancing the inclusive participation focusing on several vulnerable groups in the society***

1.3.1 To engage people in the development of laws pertaining to citizens' basic rights particularly rights of the vulnerable groups in the society.

1.3.2 To promote the socialization policy in the administrative, judicial support and other justice sectors such as lawyers, public notaries, judicial examinations etc.

1.3.3 To promote people's access to laws and legal services; to improve legal dissemination and education with regard to citizens' basic rights, right to have equal access to laws and opportunities/resources during studies and economic/social activities.

1.3.4 To promote women's participation in the development and implementation of laws; to focus on capacity building for female leaders and managers of various Ministries and sectors.

1.3.5 To develop, upgrade and implement the database and gender-disaggregated data in respect of the vulnerable groups.

**VII. PROJECT MONITORING AND EVALUATION, REPORTING REGIME AND PRESS CONFERENCE**

**1. Project monitoring and evaluation**

MOJ, the Project Counterparts and PMU are responsible for monitoring and evaluating the Project in accordance with Decree 38/2013/NĐ-CP dated 23 April 2013 of the Government on the management and use of Official Development Aid (ODA) funds and preferential loans and other relevant laws.

**2. Reporting regime**

**2.1. Regular reports**

- The Project Counterparts, other agencies and organizations carrying out Project activities are responsible for preparing regular reports including six-monthly and annual reports for submission to PMU.

**- The Project Office is responsible for preparing quarterly, six-monthly and annual reports for submission to PMU. The Project Office should submit a [quarterly] report to PMU no later than the 10<sup>th</sup> day of the following quarter.**

## *2.2. Activity-based reports*

Before each specific activity takes place, the Project Office must notify PMU and USAID of basic details of the activity including the time, venue, form, participants and agenda etc.

All Project activities should be notified to the focal contact point of each Counterpart and reported to PMU within 15 days from the date of their completion. Such a report must contain full details of the activity, organizational/logistic issues and the coordination of the Project Office in carrying out such activity. In case of necessity, PMU might convene a meeting to evaluate the activity outcome.

## **3. Press conference to pronounce the Project progress**

Once every quarter, PMU, in coordination with the Project Office, shall hold a press conference to make public the outcome of all Project activities carried out during the quarter.

# **VIII. TOTAL CAPITAL OF THE PROJECT**

## **1. Project's implementation capital:**

- ODA funds: USAID provides, on a non-refundable basis, a financial amount of US\$ 42,166,743 to the Project for the period from December 2013 to December 2018.

- Reciprocal capital: Depending on the availability of the budget sources in the annual budget estimates, an amount equivalent to US\$ 1,000,000 will be arranged. The source of reciprocal capital shall be balanced and arranged by the recipient agencies themselves within the scope of their annual budget allocations.

## **2. Table of proposed allocation of the Project budget**

It is expected that Project's total budget will be allocated proportionally to its 3 main Components to cover the costs of technical assistance activities to the Project Counterparts and some other State agencies subject to an approval from USAID and the Agency in charge. The proposed allocation of budget might be adjusted from time to time to cater the needs of the Vietnamese side in line with the US financial standing and approval of the annual budget estimates.

The Project also sets aside a Grant of US\$4 million to provide funding directly to mass organizations, social organizations and professional organizations etc. to develop the initiatives on sustainable growth that fit within the Project's objectives. The application process [of the Grant] is set out in Section IX.3 of the Project Document.

No.	Items	Total budget (USD)
1	COMPONENT 1: Clear and transparent institutional framework	12,725,727
2	COMPONENT 2: Enhancing accountability of State agencies	12,036,608
3	COMPONENT 3: Enhancing the inclusive participation of various vulnerable groups in the society	11,499,851
4	Overhead Cost	1,904,557
5	Budget for direct funding to development initiatives (Grant)	4,000,000
	Total	42,166,743

### **3. Tax regulations:**

The Project is entitled to all tax treatments as set out in the Agreement on Economic and Technical Cooperation dated 22 June 2005 entered into between US Government and GVN.

## **IX. ORGANIZATION AND MANAGEMENT OF THE PROJECT IMPLEMENTATION**

### **1. Agencies managing the Project implementation**

#### **1.1 GVN:**

GVN has assigned MOJ to be the Agency in charge of the Project. MOJ is responsible for setting up PSC and PMU.

##### **a) PSC:**

- PSC, established under Decision 777/QĐ-BTP dated 10 April 2014 of the Minister of Justice, consists of representatives from MOJ, NA Office, MOIT, MOF, MPI, SAV and the Ministry of Public Security.

- PSC shall assist the Agency in charge of the Project in coordinating the Project Counterparts and giving directions to the Project operations and activities.

- PSC will meet every September to evaluate the project activities for the previous year and to discuss and agree upon AWP for the following year. USAID representatives will attend PSC Meetings. PSC might also meet on an ad hoc basis at the request of the Agency in charge and PMU.

- PSC will coordinate with USAID in approving the proposed activities in the Project's AWP.

*b) PMU:*

- The Management Unit of GIG Project is the PMU of MOJ which is established under Decision 1927/QĐ-BTP dated 25 July 2013 of the Minister of Justice with the duties and powers set out in Decision 778/QĐ-BTP dated 10 April 2014 of the Minister of Justice. PMU's duty is to manage the Project implementation in accordance with its objectives and resources as referred to in Decision 1947/QĐ-TTg dated 24 October 2013 of the Prime Minister approving the USAID funded "Governance for Inclusive Growth" Umbrella Project, and in accordance with current laws.

- PMU will act as the assistant to PSC and functions as the standing member while PSC does not meet.

*c) Counterparts:*

- Each of NA Office, SAV, MPI, MOIT, and MOF shall assign one of their units to act as the focal point of contact with PMU and to coordinate their respective activities. In case of necessity, a Project Counterpart might set up its own project management unit to act as the focal point of contact, to coordinate, monitor and supervise the implementation of the Project activities within its agency.

- Each Counterpart is responsible for its proposed activities, notifying the AWP to its implementing units and for carrying out the cooperation activities in accordance with the plan already approved by the Agency in charge. Counterparts also assume responsibility, in accordance with the law, for the details of the documents, reports, presentations, materials and data relating to the Project activities.

## **1.2 Donor**

*a) USAID:*

To provide technical support, for and on behalf of the US Government, to the Project counterparts, agencies and organizations of Vietnam.

*b) Project Office:*

- The Project Office will be the US Project Operating Agency as authorized by

USAID. The Project Office will be responsible for implementing the Project and managing the money funded by USAID in accordance with the US law, Vietnamese law and USAID authorization. The Project Office is permitted to have its own seal and to open bank accounts. The Project organizational chart and a list of its key personnel are attached hereto as Annex II. This list shall be updated in the 6-monthly and annual reports from the Project Office to PSC and PMU.

- One (1) month after the MOJ' approval of the Project Document, the Project Office will complete the compilation of all documents guiding the Project implementation including financial guidelines, and the Guide to Selecting Grantees and Using the Grant to provide direct funding to social organizations and think-tanks etc. These documents must have inputs from MOJ before issuance.

- The Project Office will coordinate with PMU in developing Project's Overall Plan and AWPs for submission to the competent level.

- Once an AWP has been approved, the Project Office shall assist relevant agencies to implement the Project activities.

- To comply with the Vietnamese law on managing and using ODA funds, the Project Office shall report PMU, on a quarterly, six-monthly and annual basis, on the status of implementation and disbursement of the Project funds for its report to MPI.

## **2. AWP Approval Process**

### ***2.1. Term of an AWP***

An AWP starts from October 1<sup>st</sup> of the previous year and ends on September 30 of the planned year.

### ***2.2. Activity proposals***

- Every July, PMU shall issue an Official Letter to provide AWP development guidelines. Pursuant to this Official Letter, counterparts, agencies and organizations with demand should submit their proposed activities in a priority order to PMU.

- PMU shall review and select the proposed activities for the AWP based on the Project objectives and taking into account the functions and duties as well as capacity of the proposing agency.

- PMU shall, in coordination with the Project Office, work with each of the proposing agencies to agree upon their proposed activities. As a result of its joint meeting with PMU and the Project Office, head of the proposing agency shall sign an official proposal and send it to PMU for consolidation and inclusion in the Vietnam's request for assistance to the Donor. In case of disagreement on the proposed activities, PMU shall report it to PSC in the PSC Meeting.

### **2.3. *Approval of AWPs***

PMU shall submit a presentation on the draft AWP and report on the issues of discrepancy to PSC to consider and approve in its meeting.

Once the AWP has been adopted by the PSC, PMU is responsible for submitting it to MOJ for approval.

### **3. General rules of operation of the Grant**

Annually, pursuant to the Guide to Selecting Grantees and Using the Grant, the Project Office shall propose a list of potential organizations and activities to be funded by the Grant and send it to MOJ for its comments and inputs before further submission to USAID for approval. Any changes to the original list must be reported in advance by the Project Office to MOJ.

The Project Office shall coordinate with relevant agencies and organizations in providing support to the initiatives as stated in the approved list.

### **4. Consultant engagement process**

Any engagement of consultants shall be carried out by the Project Office subject to its discussion and agreement with implementing agencies/units and must be reported to PMU and USAID before the engagement takes place. Such an engagement shall comply with the rules of USAID and the Vietnamese law.

### **5. Meetings between the Project Office and Project implementing units**

Any meeting between the Project Office and a Project implementing unit must be notified to the focal contact point of the relevant Project counterpart at least 3 days in advance before that meeting takes place. In case of necessity, the focal contact point shall chair such meeting between the Project Office and a Project implementing unit.

## **Annex 4: Evaluation Design Proposal**



**USAID | VIETNAM**  
FROM THE AMERICAN PEOPLE

# **EVALUATION DESIGN PROPOSAL**

## **Performance Evaluation of USAID/Vietnam Governance for Inclusive Growth Program**

**March 31, 2017**

This publication was produced at the request of the United States Agency for International Development. It was prepared independently by Management Systems International, Inc.

# **EVALUATION DESIGN PROPOSAL**

## **Governance for Inclusive Growth Program**

March 31, 2017

Contracted under AID-440-C-14-00003

Vietnam Evaluation, Monitoring, and Survey Service

### **DISCLAIMER**

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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## ACRONYMS

ADS	Automated Directives System
CEC	Party Central Economic Commission
DO	Development Objective
DTA	Direct Technical Assistance
ER	Expected Results
GVN	Government of Vietnam
IRB	Institutional Review Board
KR	Key Results Area
LGBT	Lesbian, Gay, Bisexual, Transsexual
MARD	Ministry of Agriculture and Rural Development
MOF	Ministry of Finance
MOJ	Ministry of Justice
MOIT	Ministry of Industry and Trade
MOLISA	Ministry of Labor – Invalids and Social Affairs
MOST	Ministry of Science and Technology
MPI	Ministry of Planning and Investment
MSI	Management Systems International
NA	National Assembly
RF	Results Framework
SOW	Statement of Work
SAV	State Audit Office of Vietnam
SPC	Supreme People's Court
SPP	Supreme People's Procuracy
STAR	Support for Trade Acceleration
USAID	U.S. Agency for International Development
USAID/VN	USAID/Vietnam
VEMSS	USAID/Vietnam Evaluation, Monitoring, and Survey Services Project
VLA	Vietnam Lawyers' Association
VNCI	Vietnam Competitiveness Initiative
WTO	World Trade Organization

# INTRODUCTION

This document describes the proposed design, research methodologies, and work plan for a mid-term performance evaluation of USAID/Vietnam's Governance for Inclusive Growth (GIG) Program. The evaluation is being conducted by the USAID/Vietnam Evaluation, Monitoring, and Survey Services Project (VEMSS).<sup>36</sup>

Following a summary description of this evaluation and the GIG Program, the body of this document is composed of nine sections:

1. **Evaluation Purpose, Audience, and Intended Uses:** articulates the primary management purpose, anticipated audiences, and expected uses of this evaluation.
2. **Program Background:** describes the GIG Program including its development hypothesis.
3. **Key Evaluation Questions:** articulates the evaluation questions agreed with USAID.
4. **Evaluation Approach:** describes the approach for addressing questions of efficiency and sustainability as applicable.
5. **Data Collection and Analysis Methods:** describes the research methodology that the evaluation team will employ to address the evaluation questions.
6. **Evaluation Limitations:** notes expected constraints that will limit the ability of the evaluation team to fully address the evaluation questions.
7. **Data Management Plan:** describes how the team will ensure that data from the evaluation will be managed, kept confidential, and transferred to USAID.
8. **Required Permissions:** describes anticipated Institutional Review Board (IRB) and other ethical approvals required for the evaluation research.
9. **Deliverables and Timelines:** outlines the deliverables that will be submitted to USAID and the timelines for the evaluation.
10. **Team Composition:** provides short descriptions of the team members' qualifications and responsibilities.
11. **Level of Effort:** provides anticipated level of effort for the study.

## EVALUATION PURPOSE, AUDIENCE, AND INTENDED USES

This performance evaluation has a primary purpose of assessing whether the USAID Governance for Inclusive Growth (GIG) project's outcomes, results, and impact are sustainable beyond the life of the project. The evaluation will examine the project's logic of intervention, assess GIG's performance with a focus on management, coordination and planning, staffing, and technical expertise mobilization, identify lessons learned from GIG implementation, and make recommendations for the remaining years of the program.

The primary audiences for this evaluation will be USAID/Vietnam (USAID/VN), the GIG Steering Committee, the GIG Project Management Unit (PMU), and the GIG program team. Secondary audiences include six key government counterparts, other non-key counterparts relevant GIG private actors, and NGO partners.

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<sup>36</sup> The USAID Vietnam Evaluation, Monitoring and Survey Services Project is implemented by Management Systems International, Inc. (MSI).

The evaluation will provide USAID with information to articulate GIG's results for the governance and economic growth sectors, inform the design and implementation of USAID's future economic growth and governance programming, and to develop directive actions to improve GIG performance.

## PROGRAM BACKGROUND

Driven by the United States Agency for International Development (USAID) Country Development Cooperation Strategy for Vietnam 2014-2018, the USAID Governance for Inclusive Growth (GIG) Program is USAID's primary activity for cooperation with the public and private sectors in Vietnam to enhance areas of governance to facilitate broader-based growth, with an emphasis on legal frameworks and systems for accountability.

In addition to partnering with the primary counterpart, the Ministry of Justice (MOJ), the GIG Program supports the mandates of five other counterparts: the Ministry of Industry and Trade (MOIT), National Assembly (NA), Ministry of Finance (MOF), State Audit Office of Vietnam (SAV), and Ministry of Planning and Investment (MPI).

The implementation of the GIG Program is approved and monitored by a Project Management Unit (PMU) operating under the authority of the Ministry of Justice (MOJ). In addition to the MOJ, in 2016, the Program currently has twelve other counterparts: Ministry of Industry and Trade (MOIT); National Assembly (NA); Ministry of Finance (MOF); Ministry of Planning and Investment (MPI); Ministry of Labor – Invalids and Social Affairs (MOLISA); Ministry of Agriculture and Rural Development (MARD); Ministry of Science and Technology (MOST); State Audit Office of Vietnam (SAV); Supreme People's Procuracy (SPP); Supreme People's Court (SPC); Party Central Economic Commission (CEC); and the Vietnam Lawyers' Association (VLA).<sup>37</sup>

The GIG program is a follow on to USAID's Support for Trade Acceleration (STAR) I, II, and Plus projects, and the Vietnam Competitiveness Initiative (VNCI) I and II projects. These projects have yielded concrete changes in Vietnam's regulatory and legal environments, which have been critical to the implementation of bilateral and World Trade Organization (WTO) commitments.<sup>38</sup>

## GIG Objectives, Components, and Themes

GIG's goal aligns with USAID/Vietnam's Development Objective I: Governance enhanced to facilitate broader-based, sustainable growth. The objectives of GIG are:<sup>39</sup>

1. Increased trade and investment.
2. Enhanced private sector competitiveness.
3. Strengthened rule of law and judicial effectiveness.
4. More effective public administration and financial management.
5. Greater social inclusion and equality of opportunity for all citizens.

The GIG Program supports USAID and the Government of Vietnam's (GVN) ambitious efforts to address governance issues and support sustainable, inclusive growth that focuses on creating partnerships and

<sup>37</sup> Vietnam GIG Program: Annual Report #3 (FY2016): Oct 1, 2015 – Sep 30, 2016.

<sup>38</sup> Cited from the Scope of Work for GIG Performance Evaluation on Trade Facilitation Activities

<sup>39</sup> GIG Award document, Section C.I.3.

building trust to leverage opportunities for meaningful and sustainable reform in Vietnam. The Program also aligns its priorities with several high-level international and bilateral policy imperatives between Vietnam and the United States.

The program is comprised of three closely coordinated technical components that align with the expected results (ER) in the program's results framework (RF). GIG's components and activities are at the intersection of trade and legal and regulatory reforms, governance, and inclusive growth. These are:

- **Component 1. Improving legal and regulatory frameworks through dynamic inclusive policy-making process.**  
Component 1 activities are intended to help improve the quality of laws and regulations by addressing deficiencies in both the flow of new regulations and the stock of existing regulations. The GIG Program supports Vietnam's efforts to encourage meaningful participation of multiple ministries, the public, business, and other stakeholders in the law and rule-making processes.<sup>40</sup>
- **Component 2. Improving governance and accountability of public institutions.**  
Component 2 activities address reforms from the perspective of improving governance by strengthening oversight, transparency, and accountability of public institutions.<sup>41</sup>
- **Component 3. Improving social and economic inclusion for marginalized groups.**  
Through Component 3, the GIG Program focuses on improving economic and social inclusion for marginalized groups by reducing legal and regulatory barriers and improving governance. The target groups of Component 3 include the poor, ethnic minorities, women, LGBT, and the disabled, among other vulnerable groups.<sup>42</sup>

Four themes underlie GIG's work across the components and objectives: transparent and participatory law and policy process; national competitiveness and trade facilitation; trade reforms; and accountability and institutional strengthening.<sup>43</sup>

GIG's three components work closely to form a holistic approach to implementation, maximizing the broader impact of GIG initiatives to improve policy transparency, state accountability and inclusive growth.<sup>44</sup>

## **GIG Results Framework**

As Figure I shows, GIG's development hypothesis is that if governance is enhanced by improving policy and rule-making, particularly in areas relevant to inclusion and improved accountability, improving the accountability of public institutions, and improving the inclusion of groups that have not historically had equality of rights or opportunities, then Vietnam will make greater gains in broad-based, sustainable growth for its citizens.

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<sup>40</sup> Vietnam GIG Program: Annual Work Plan #4 (FY2017): Oct 1, 2016 – Sep 30, 2017

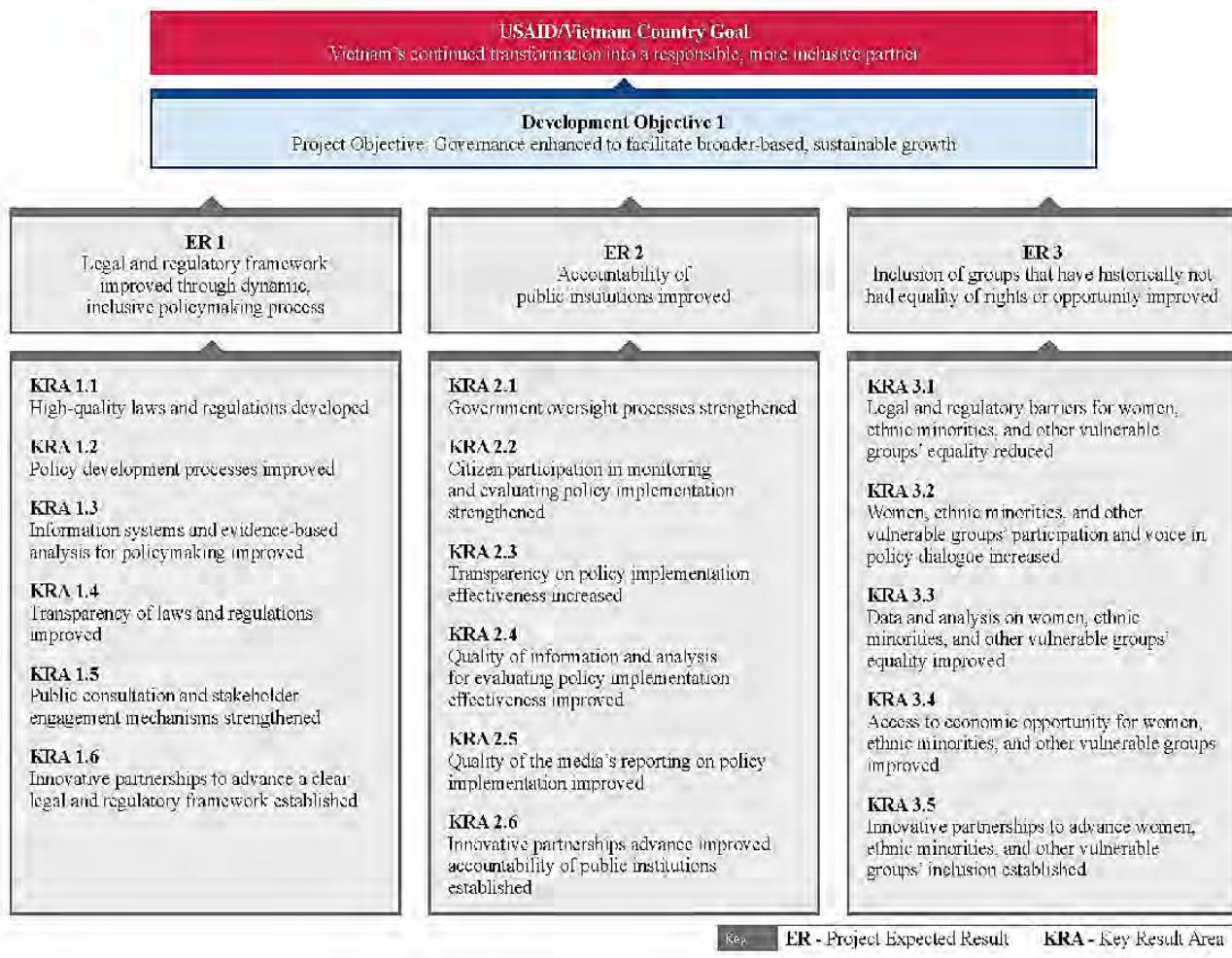
<sup>41</sup> Vietnam GIG Program: Annual Work Plan #4 (FY2017): Oct 1, 2016 – Sep 30, 2017

<sup>42</sup> Vietnam GIG Program: Annual Work Plan #4 (FY2017): Oct 1, 2016 – Sep 30, 2017.

<sup>43</sup> Vietnam GIG Program: Annual Work Plan #4 (FY2017): Oct 1, 2016 – Sep 30, 2017.

<sup>44</sup> Vietnam GIG Annual Performance Reports FY2015 and FY2016

**Figure 1: GIG Results Framework**



## Previous Performance Evaluation

In 2016, the E3 Analytics and Evaluation Project/Management Systems International (MSI) conducted a performance evaluation on trade facilitation activities. The evaluation covered Expected Results 1 and 3, focusing on KRA 1.1, KRA 1.2, KRA 1.5 and KRA 1.6 and KRA 3.1, 3.2, 3.4, and 3.5 relevant to trade facilitation.

The evaluation assessed 1) the extent to which GIG contributed to strengthening Vietnam's legal and regulatory framework in compliance with its international commitments in trade facilitation; 2) GIG's progress on its objective to build capacity within Vietnam's border agencies for trade facilitation; 3) GIG's facilitation of partnerships between Vietnamese Customs and the private sector to establish a strong business environment for international trade in Vietnam; and 4) GIG's progress in increasing Vietnamese male and female business participants' competitiveness, defined as export-ready capacity, skills and behavior, including that of different-sized firms, men and women-owned enterprises, and firms led by other disadvantaged groups.

The final draft of the evaluation report has been submitted to USAID for approval.

# KEY EVALUATION QUESTIONS

The evaluation will address the following questions and sub-questions:

1. To what extent has GIG made progress in achieving key results as planned in the evaluated components? How sustainable are the results after GIG's completion?
  - a. How have GIG interventions lead to the desired program outcomes? Are there clarity of linkages between input, output, results and outcomes?
  - b. What are the reasons behind successes and shortfalls, if any?
  - c. What conditions are needed to ensure sustainability of the produced results?
2. To what extent has GIG efficiently implemented its programs?
  - a. How has GIG's multi-stakeholder management model (which includes USAID, Chemonics and multiple GVN entities) facilitated the project's planning, implementation, and achievement of expected results?
  - b. How has the management model served as a learning platform for achieving the project key results? What are the strengths and weaknesses with this model?
  - c. To what extent has civil society organizations' engagement with GIG's interventions been efficient; particularly in the process of providing feedback on proposed laws?
3. What are the lessons learned and recommendations from GIG program design and implementation that can be used to strengthen USAID programming?

## Evaluation Scope

This performance evaluation will emphasize the key result areas (KRAs) that underlie project's logic of intervention, namely that enhancing participatory, accountable governance will facilitate broader-based sustainable growth (DO 1). With a focus on the sustainability of GIG's interventions, the evaluation will concentrate its efforts on ER 2: Accountability of public institutions improved. It also will examine the non-trade facilitation aspects of key result areas under ER 1: Legal and regulatory framework improved through dynamic, inclusive policy making process, and ER 3: Inclusion of groups that have not historically had equality of rights or opportunity improved, as they relate to the central issue of the sustainability of GIG's interventions.

The evaluation will dedicate specific attention to the multi-stakeholder management model used in GIG implementation to answer questions whether such a model contributes to, or impedes, sustainable project results. Finally, the evaluation also will examine whether the modality for civil society engagement has been an efficient mechanism in providing the government with feedback.

This evaluation will provide information on the GVN's need for USAID's support in governance and economic growth, based on informants' opinions. It will draw out lessons learned from GIG on the advantages and disadvantages of the program's institutional mechanisms and arrangements. This information will be useful as part of determining future USAID support to Vietnam.

An in-depth and comprehensive study will be required to thoroughly understand the priorities and potential aid modality in economic growth and governance after the GIG program ends in 2018, which will not be covered in this evaluation. The evaluation will refer to the Socio-Economics Development Plan

for 2016-2020 and/or the Resolution of 12th Congress of the Communist Party of Vietnam for Vietnam's direction beyond 2018.

## EVALUATION APPROACH

To address the evaluation questions, the evaluation team will employ a three-step process.

1. First, the evaluation team will assess whether change has occurred using a pre- and post-test approach. The team will use secondary sources, semi-structured and key informant interviews, and group interviews, to reconstruct baseline information and to determine what has changed since the initiation of the GIG Program, and also to understand the direction and magnitude of the change.
2. Once the team has identified whether and to what extent change has occurred, it will use contribution analysis to assess the relative contribution of the GIG Program to the observed change.
3. While assessing whether change has occurred, the evaluation team also will use beneficiary assessments in its interviews with stakeholders to understand beneficiaries' perceptions of the value of GIG activities and interventions.

### Contribution Analysis

Contribution analysis will be used to better understand whether GIG Program activities have contributed to observed changes. Each of the GIG activities is premised on an implicit or explicit causal logic as reflected in its results framework – i.e., a logical description of how the activities will yield specific results/changes. Contribution analysis will involve assessing whether there are observable results/changes and how much the Program has contributed, vis-à-vis other factors, to these results/changes.

The evaluation team will apply contribution analysis using a five-step process:

1. Set out the attribution problem(s) to be addressed, which includes determining the specific cause and effect questions to be addressed and the type of contribution expected.
2. Validate the causal logic between GIG's activities and expected results with the GIG Program team.
3. Collect data to assess whether the expected results have been achieved and/or whether factors extraneous to the Program have significantly influenced the achievement of the results.
4. Develop narratives that explain the results in terms of the contributions of the GIG Program and the influence of external factors.
5. Collect additional data as necessary to strengthen the contribution narrative, either by validating or amending key linkages between lower- and higher-level results.

### Beneficiary Analysis

Beneficiary analysis will be used to better understand key aspects of sustainability. For the purposes of this evaluation, we will define sustainability using the definition provided in USAID ADS 201, "The ability of a local system to produce desired outcomes over time. Programs contribute to sustainability when they strengthen the system's ability to produce valued results and to be both resilient and adaptive in the face

of changing circumstances.” A key assumption of this evaluation is that sustainability is only possible when an action or behavior is valued by the recipient. Beneficiary analysis will provide evidence for the value of results to the beneficiaries. We will measure sustainability by assessing six factors associated with sustainability in international development: policy, ownership, management, training, financial, and technology. Of these six factors, policy, participation and ownership, management and organization, and financial are where perceived value would be most evident.

**Figure 2 - Sustainability Factors**

<b>Policy</b>	Support is consistent with and supported by relevant government sectoral policies
<b>Participation &amp; Ownership</b>	Local stakeholders support the intervention, which responds to clearly expressed local needs
<b>Management &amp; Organization</b>	The project was cognizant of the capacities of local actors and incorporated sustainability as a key aspect of project delivery
<b>Training Needs</b>	The project assessed the training needs of project stakeholders and developed training that addressed these needs
<b>Financial</b>	Host institutions are capable and committed to meeting the ongoing costs associated with the use of new practices
<b>Technology</b>	New technology/software provided by the project is appropriate for the required tasks and the project has accounted for any ongoing training and maintenance

When evaluating questions related to sustainability, we will employ the Sustainability Evaluation Checklist,<sup>45</sup> which is designed to reduce errors of omission and increase evaluation usefulness, as a guide to our work during the evaluation. The Checklist is comprised of a set of six stages, from design to analysis. Each stage poses a set of questions or issues to be considered related to sustainability. Table 2 below illustrates the six stages and provides examples of the type of questions included in the stage.

**Figure 3 - Sustainability Criteria<sup>46</sup>**

<b>Stage</b>	<b>Sample Questions</b>
<b>Grounding the evaluation<sup>47</sup></b>	Who requested the evaluation? What is the audience/users of the evaluation? Why is the evaluation being conducted? Is this an evaluation of sustainability, or for sustainability, or both? Will the evaluation be of components (parts of a project), dimensions (efficiency, relevance, etc.), or theory-driven?
<b>The project and its context</b>	What is being evaluated (project, results, performance, etc.). Who can affect the project and its inputs, outputs, outcome, and results? What is affected by the project/evaluated components? What dimensions of sustainability are being evaluated?
<b>Evaluation procedures</b>	How will the evaluation team identify the criteria that will be used to determine sustainability? What is the best research design to collect data on the criteria? How will the data be collected? How will the data be verified? How will the data be analyzed?
<b>Criteria of significance</b>	What are the relevant criteria to determine sustainability? What are the relative weights of the criteria? What are the risks to sustainability? How does performance on each criteria support or detract from sustainability (benefit/detriment)?

<sup>45</sup> <http://usaidprojectstarter.org/sites/default/files/resources/pdfs/SEC-revised.pdf>.

<sup>46</sup> This table is adapted from the Sustainability Evaluation Checklist, <http://usaidprojectstarter.org/sites/default/files/resources/pdfs/SEC-revised.pdf>.

<sup>47</sup> Much of the work for the first three stages is on-going, with many of these questions having been discussed in preparatory meetings.

<b>Stage</b>	<b>Sample Questions</b>
<b>Criteria of quality</b>	What the processes that support sustainability? What are the outcomes that support sustainability?
<b>Criteria of worth</b>	What are the costs and benefits in terms of sustainability? What are the costs and benefits, related to sustainability, to the beneficiaries of implementation?

## Efficiency

For the purposes of this evaluation, we will define efficiency using the USAID/VEMSS guidance provided to USAID implementing partners, “making appropriate use of the program’s and its partners’ time and resources to achieve outcomes.”<sup>48</sup> We will assess efficiency by answering the following questions:

1. Timeliness and cost-effectiveness of the activities and outputs;
2. Disbursement progress;
3. Sufficiency of the GIG’s planned funding and timeframe to achieve the intended outcomes: is there any delay and how does the delay affect the GIG’s ability to achieve the intended outcomes and the program’s schedule?
4. Sufficiency of the outputs and activities to achieve the intended outcomes;
5. Sufficiency of and capabilities of the human resources to manage the program;
6. Usefulness and appropriateness of the program’s modality and implementation arrangements to the sought outcomes; and
7. Alignment of the implementation arrangements with partner government systems.

## DATA COLLECTION AND ANALYSIS METHODS

This section describes the data sources, data collection, and data analysis methods that will be used to address the evaluation questions. The table below lists the evaluation questions, information and data needed to answer each question, the data collection/verification methodology, and a list of possible data sources and informants. This table will be revised to include more detailed and specific information sources during the period leading up to the fieldwork. The final Evaluation Design report will include a Getting to Answers matrix with the detailed information.

<sup>48</sup> Sample Outline: Constructing a Program Performance Report for USAID/Vietnam, VEMSS

Evaluation Questions	Type of Answer Evidence Needed	Performance Evaluation Design/Specific Methods for Data Collection			Data Analysis Methods
		Data Source(s)	Evaluation Design	Specific Methods	
I. To what extent has GIG made progress in achieving key results as planned in the evaluated components?	Yes/No  x Description  x Comparison  x Explanation	GIG Results Framework; GIG M&E Plan; GIG Work Plans; GIG Quarterly Reports GIG Annual Reports; USAID/Vietnam; GIG PMU Chemonics HO and FO; Other international donors (World Bank, etc.) VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports)	Before and current; Contribution analysis;	Document review; Activity and results tracking; Key informant interviews; Semi-structured interviews; Group interviews	Content analysis; Daily interpretive analysis; Triangulation; Synthesis
How sustainable are the results after GIG's completion?	Yes/No  x Description  x Comparison  x Explanation	USAID/Vietnam; Chemonics HO and FO; GIG PMU VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports)	Beneficiary analysis	Key informant interviews; Semi-structured interviews; Group interviews	Sustainability factors; Sustainability criteria; Daily interpretive analysis; Content analysis
Ia. How have GIG interventions led to the desired program outcomes?	Yes/No  x Description  x Comparison  x Explanation	GIG PMU VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports)	Causal tracing; Contribution analysis	Key informant interviews; Semi-structured interviews; Group interviews	Daily interpretive analysis; Triangulation; Lines of evidence; Synthesis
Are there clarity of linkages between input, output, results and outcomes?	x Yes/No  x Description  x Comparison  x Explanation	GIG Results Framework; GIG M&E Plan; GIG Work Plans; GIG Quarterly Reports GIG Annual Reports; Interpretative analyses from Question I Content analyses from Question I	Causal tracing	Document review; Activity and results tracking;	Triangulation; Lines of evidence; Synthesis
Ib. What are the reasons behind successes and shortfalls, if any?	Yes/No  x Description  x Comparison	USAID/Vietnam; GIG PMU Chemonics HO and FO;	Causal tracing Contribution analysis	Key informant interviews; Semi-structured	Daily interpretive analysis;

Evaluation Questions	Type of Answer Evidence Needed	Performance Evaluation Design/Specific Methods for Data Collection			Data Analysis Methods
		Data Source(s)	Evaluation Design	Specific Methods	
1c. What conditions are needed to ensure sustainability of the produced results?	x Explanation	Other international donors (World Bank, etc.) VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports)		interviews; Group interviews	Triangulation; Synthesis
	Yes/No	USAID/Vietnam; Chemonics HO and FO; GIG PMU	Beneficiary analysis	Key informant interviews; Semi-structured interviews; Group interviews	
	x Description	VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports)			
	Comparison				
2. To what extent has GIG efficiently implemented its programs?	x Explanation	GIG Work Plans GIG Financial Reports GIG M&E Reports GIG Quarterly Reports GIG Annual Reports GIG PMU VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports) USAID/Vietnam; Chemonics HO and FO;	Beneficiary analysis; Contribution analysis; Before and current	Document review; Activity, results and budget tracking; Key informant interviews; Semi-structured interviews; Group interviews	Content analysis; Daily interpretive analysis; Triangulation; Synthesis
	Yes/No				
	x Description				
	Comparison				
2a. How has GIG's multi-stakeholder management model (which includes USAID, Chemonics and multiple GVN entities) facilitated the project's planning, implementation, and achievement of expected results?	x Explanation	GIG PMU VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports) USAID/Vietnam; Chemonics HO and FO;	Contribution analysis; Beneficiary analysis	Key informant interviews; Semi-structured interviews; Group interviews	Daily interpretive analysis; Content analysis; Triangulation; Synthesis
	Yes/No				
	x Description				
	Comparison				
2b. How has the management model served as a learning platform for achieving the project key results?	x Explanation	GIG PMU VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports) USAID/Vietnam;	Contribution analysis; Beneficiary analysis	Key informant interviews; Semi-structured interviews; Group interviews	Daily interpretive analysis; Content analysis; Triangulation;
	Yes/No				
	x Description				
	Comparison				

Evaluation Questions	Type of Answer Evidence Needed	Performance Evaluation Design/Specific Methods for Data Collection			Data Analysis Methods
		Data Source(s)	Evaluation Design	Specific Methods	
What are the strengths and weaknesses with this model?	Yes/No	Chemonics HO and FO;			Synthesis
	Description	GIG PMU VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports) USAID/Vietnam; Chemonics HO and FO;	Contribution analysis; Beneficiary analysis	Key informant interviews; Semi-structured interviews; Group interviews	
	Comparison				
	x Explanation				
2c. To what extent has civil society organizations' engagement with GIG's interventions been efficient; particularly in the process of providing feedback on proposed laws?	Yes/No	GIG Results Framework; GIG M&E Plan; GIG Work Plans; GIG Quarterly Reports GIG Annual Reports; USAID/Vietnam; GIG PMU Chemonics HO and FO; Other international donors (World Bank, etc.) VGN Partner Ministry Officials (MOJ, MOIT, NA, MOF, SAV, MPI); Other counterparts (will vary by year, based on Work Plan and Annual Reports)	Beneficiary analysis	Document review Key informant interviews; Semi-structured interviews; Group interviews	Daily interpretive analysis; Content analysis; Triangulation; Synthesis
	x Description				
	Comparison				
	x Explanation				
3. What are the lessons learned and recommendations from GIG program design and implementation that can be used to strengthen USAID programming?	Yes/No	All above	Beneficiary analysis	Document review Key informant interviews; Semi-structured interviews; Group interviews	Daily interpretive analysis; Content analysis; Triangulation; Synthesis
	x Description				
	Comparison				
	x Explanation				

## **Data Sources And Triangulation**

To address most of USAID's evaluation questions, the evaluation team will obtain data from more than one type of source. This technique will ensure accurate inferences when formal sampling procedures are not used, as differences in responses by types of respondents are readily apparent. Generally speaking, agreement between respondents of different types on a given question tends to suggest that the underlying data are accurate. Differences indicate either inaccuracies or the possibility that an activity had different impacts on the different types of respondents questioned.

The evaluation will be inclusive with respect to data sources, ensuring that the views of national and sub-national government representatives, private sector associations and actors, and USAID's implementing partner are heard. The evaluation team has identified the range of data sources that may be used to address each evaluation question, including documentary sources.

### **Existing Documentary Resources**

The evaluation team will carefully review program documents and third-party sources to gather evidence for most evaluation questions. The evaluation team has received a range of documents from USAID and the GIG Program team, and these will be supplemented through additional documents collected during the fieldwork. The documents that the evaluation team has collected or expects to collect include:

- GIG Program-wide Reports: the evaluation team has obtained from USAID and through the Development Experience Clearinghouse Program deliverables such as work plans, performance monitoring plans, and partner quarterly and annual reports.
- GIG Internal Management Documents: the evaluation team has been provided by GIG Program staff internal documents such as GIG Direct Technical Assistance (DTA) forms, DTA deliverables, event reports, and post-event evaluation reports.
- Issue Documents: the evaluation team will identify and collect relevant literature relating to the cost and efficacy of specific trade facilitation measures and assessments of ease of doing business in Vietnam, including the World Bank Doing Business Report.

### **In-Country Data Sources**

The majority of likely informants for this evaluation will be identified in consultation with USAID and GIG Program staff. These will include, but are not limited to:

- Vietnam government officials, including national legislators and members of relevant National Assembly committees;
- Representatives from other donors, including the World Bank and the Asian Development Bank;
- Trade and governance experts, including those affiliated with the GIG Program;
- GIG Program Staff; and
- U.S. government representatives, including those of the U.S. Embassy Economic Section, USAID, and the office of the U.S. Trade Representative.

The list of stakeholders and key informants is included in Annex I

## **Data Collection Methods**

### **Secondary Analysis of Program Documentation and Monitoring Data**

The evaluation team will undertake secondary analysis of GIG Program reports and monitoring data to inform contextual understanding, management activity, and measures of change. The analysis will assess Program performance against its targets and objectives. In particular, the analysis will seek to identify the results achieved

through USAID funding with respect to the various Program components to establish the extent the Program was able to reach and benefit its key target groups.

The analysis of performance data will provide a quantitative measure of 'what' has happened to date and frame the qualitative research that will be carried out to establish 'why' these impacts have been realized.

Furthermore, analysis of background documentation will inform the retrospective refinement of the theory of change and improve the evaluation team's understanding of contextual factors.

### **Semi-Structured Interviews**

The evaluation team will collect primary data through semi-structured interviews, including of key informants. The purpose of these interviews is to gain a qualitative understanding of the perspectives and incentive structures of a range of stakeholders concerning the effectiveness and impact of the Program. The semi-structured nature of the interviews enables a balance to be achieved between keeping the interviewee on the topic of interest and allowing sufficient scope for a free-flowing discussion to take place. Semi-structured interviews will primarily rely on open-ended questions but may include closed-ended questions, such as asking respondents to identify the specific cases where draft laws and regulations have been amended pursuant to feedback provided by GIG or through consultations supported by GIG.

Information derived from semi-structured interviews will be used to address all the evaluation questions.

### **Group Interviews**

In addition to semi-structured interviews, the evaluation team will collect data through a small number of group interviews where the key objective of the research is to identify why classes of respondents espouse a specific view. Specifically, group interviews will be used to understand the process and results associated with GIG consultation activities and partnership facilitation activities, among other topics. Group interviews allow respondents to reflect upon and make sense of a shared experience, as well as allowing them to probe one another's understanding in a setting that will allow the evaluation team to develop an in-depth understanding of the key drivers and barriers behind the impacts that have been experienced. These group approaches will also allow the evaluation team to validate evidence obtained through other sources such as semi-structured interviews.

Group interviews will be led or facilitated by two members of the evaluation team, who will ensure that key areas of interest are covered and fully documented while allowing discussion to flow freely, intervening when required to ensure all participants have an opportunity to voice their opinions.

### **Research/Policy, Regional Activity, and Results Tracking**

The evaluation team will use a process tracing approach to determine the extent to which technical assistance and information products developed under GIG have contributed to improved participation and accountability in government institutions. To some degree, data on these questions will be collected as activities are examined in the field, but the evaluation team also anticipates that these questions will be pursued through the document review to allow for a follow-up for a sample of these consultations or information products.

## **Data Analysis**

This section describes the data analysis methods that the evaluation will use in order to develop the assessment's findings, conclusions, and recommendations.

### **Daily Interpretive Analysis**

At the end of each day of fieldwork, evaluation team members will review their interview notes or recordings and document, against each evaluation question and the corresponding research questions, what they deem to be the

most important information and insights gained from the research conducted that day. This approach serves three analytical purposes:

- It allows the researcher to record, contemporaneously, their insights and understanding from the interview with full consideration of the context of the discussion so that this information will not be lost.
- Recording this information acts as a valuable learning tool prompting the researcher to reflect on what has been learned. Such reflections will positively inform subsequent interviews that are carried out.
- The regular documentation of key information facilitates faster and more efficient data analysis at the conclusion of the fieldwork, including through developing and refining draft evidentiary findings during the fieldwork for consideration at the conclusion.

At the conclusion of each week of field work, the evaluation team will collectively review the evidence collected to date to identify potential data gaps and avenues for deeper consideration and exploration in subsequent research. At the end of the field research, the documented evidence will be collated against each evaluation question and corresponding research questions (this process also provides a management function, allowing the Team Leader and the VEMSS Chief of Party to regularly monitor the evaluation team's progress).

### **Content Analysis**

Content Analysis, which is the most common approach for extracting patterns from open-ended survey questions and from transcripts of key informant interviews, will be used in this evaluation to identify themes and trends relevant to each evaluation question and to better understand the meaning of and context in which statements were employed. This will primarily supplement the Daily Interpretative Analysis for the subset of evaluation and research questions for which clear findings are not apparent or for which more in-depth analysis is required; it will not be the primary mechanism for data analysis. Due to the small sample size, it is expected that analysis will be done manually rather than through specialized qualitative analysis software. Where content analysis is used, a content analysis spreadsheet will be produced providing the number of data points to be used for generating findings and conclusions.

### **Lines of Evidence and Synthesis**

To answer the evaluation questions, the evaluation team will draw together data collected from all of the methods, or “lines of evidence,” described above that relate to particular questions. The answers that each line of evidence provides will be compared to the others to determine whether these lines of evidence converge or diverge. Where they converge, the team will be able to report answers based on reasonably strong evidence. Where answers from different lines of evidence diverge, the team will examine the strength of the evidence associated with each line of evidence and absent a strong preponderance of credible evidence for one line, will present both as findings of the research.

### **Analysis Process**

At the end of each week of fieldwork, the evaluation team will collectively assess the evidence that has been collected to date against each of the evaluation and research questions to assess where evidence is lacking and to identify common evidentiary themes. At the conclusion of the field research, the evaluation team will conduct a findings, conclusions, and recommendations workshop, during which the team will:

- Assess the evidence against each evaluation and research question;
- Create a typography of the evidence against the various data collection methods and data sources, to identify where there are convergences or divergences between methods;
- Develop findings related to each question; and
- Use the findings to develop conclusions and recommendations responsive to the evaluation questions.

Following this workshop, USAID/Vietnam and GIG staff (if USAID agrees) will be invited to participate in a Findings session where all respective stakeholders will be given the opportunity to provide feedback upon and validate the findings of the evaluation team.

## EVALUATION LIMITATIONS

**Inability to Demonstrate Attribution:** Since the evaluation will not include a counterfactual (control/comparison group) as part of an experimental or quasi-experimental design, the findings will not support strong causal inference. Thus, it will not be able to rigorously determine causality for identified outcomes.

**Lack of Baseline Information:** Baseline information may not have been collected such that it would be sufficient to precisely measure change. Where this is the case, the evaluation team will collect data through key informant interviews to recreate the baseline and estimate whether change has occurred.

**Assessing Sustainability:** Since the sustainability of an intervention can only be verified ex-post, the methods proposed to assess sustainability will use factors that theoretically would contribute to the sustainability of the intervention. The answer to evaluation questions related to sustainability will describe the likelihood of sustainability, based on evidence collected by the evaluation team and the literature regarding indicators of sustainability for an intervention of this nature.

**Respondent Bias:** Key informants will constitute the primary source of information in answering all evaluation questions. Although the evaluation team will triangulate as much of the data as possible, interview data is subject to cognitive biases, including recall bias. The validity and reliability of findings will be ensured through the use of systematic triangulation of interview and document sources, and appropriate selection of a range of interview participants encompassing activity organizers, participants and third parties (e.g., journalists, academics). This will reduce the potential for bias across the research.

## DATA MANAGEMENT PLAN

### Data Capture And Summaries

Data from semi-structured and group interviews will be recorded through interview notes. Interview notes will be drafted in Vietnamese and/or English and summaries will be prepared in English.

In addition, at the conclusion of each day of field research, the evaluation team will record in a separate Daily Fieldwork Report template:

- The data and location for field research;
- The names (or unique IDs if anonymity is requested) of the respondents interviewed during that day;
- Key evidence and findings relating to the research questions in the evaluation framework (including observations), referencing the relevant interview from which these data are obtained; and
- Any challenges or issues pertaining to field research on that day.

Likewise, at the end of each week of fieldwork, the evaluation team will:

- Synthesize the accumulated evidence from field research conducted that week to identify additional findings and trends; and
- Record key evidence and findings (with appropriate reference to data sources) against the research questions in the evaluation evidence matrix to ensure that data are coded appropriately and in a timely fashion.

The Daily Fieldwork Reports and the evidence matrix will be discussed by the evaluation team and the VEMSS management team on a weekly basis, and these processes will ensure that evidence is appropriately identified, recorded, and synthesized throughout the evaluation.

## **Data Storage And Transfer**

All interview notes, summaries, recordings, and transcripts will be stored in a secure folder to which only the evaluation team and VEMSS staff working on the evaluation will have access. The storage and transfer of data collected as part of this evaluation will adhere to ADS 579 requirements. All data generated from this evaluation will be deposited in a unified, cloud-based digital repository such as Egnyte, Dropbox or Google Drive.

## **REQUIRED PERMISSIONS**

IRB approval is generally required for research and testing on human subjects in the context of health and medical research. The evaluation team does not believe that it will be required for this evaluation as all respondents to the evaluation will be either:

- Key informants with special knowledge of GIG activities, the Vietnam legislative and regulatory process, or trade issues; or
- Participants in one or more GIG-sponsored or facilitated training session or workshop, each of which was chosen due to their professional roles, responsibilities, and knowledge.

Although there are no other explicit IRB requirements associated with this evaluation's data collection activities, all data collection is expected to be conducted according to the professional standards of the American Evaluation Association and all data will be handled in such a manner as to protect the identities of informants in any situations where their comments could potentially have a negative impact on their employment or security. Where data are collected from individuals not acting in their professional capacity as representatives of an organization, the evaluation team will obtain signed informed consent.

Consistent with the protocols and practices established between USAID and the Government of Vietnam, the evaluation team will submit requests to conduct interviews with government officials via the GIG PMU.

## **DELIVERABLES AND TIMELINE**

### **Evaluation Design And Work Plan Including Analytic Framework And Tools**

By March 31, 2017, the evaluation team will submit a revised evaluation design for USAID comment. Based on USAID's comments, we will revise the evaluation design and present it to the GIGPMU on or about April 5, 2017. Once the inputs from the PMU are obtained, we will submit the final design, work plan, analytic framework, and tools to USAID for formal approval before initiating fieldwork, on or about April 14, 2017. This final evaluation design deliverable will include: 1) a detailed evaluation design matrix that links the evaluation questions in the SOW to data sources, methods, and the data analysis plan; 2) draft questionnaires and other data collection instruments or their main features; 3) the list of potential interviewees and sites to be visited; 4) known limitations to the evaluation design; 5) a dissemination plan; 6) a timeline; and (7) a clear breakdown of the budget for this evaluation, including estimated LOE for specific staff and consultants.

## Preliminary Findings Presentation

After the fieldwork and follow-up research is completed, VEMSS will schedule a preliminary findings workshop with USAID and Chemonics as well as for the GIG Steering Committee and GIG PMU. The workshops will during the May 29 – June 9 period, based on USAID, GIG Steering Committee, and GIG PMU availability. The evaluation team will note all comments provided during the workshop and incorporate them into the Draft Report.

## Draft Report

We will submit the draft report no later than June 9, 2017. The report will be no longer than 30 pages, excluding annexes. The draft and final report will conform to the USAID Bureau for Policy, Planning and Learning evaluation report template and include the following elements:

1. List of acronyms
2. Table of contents
3. Executive summary
4. Evaluation purpose and questions
5. Project background
6. Evaluation methods and limitations
7. Findings, conclusions, and recommendations
8. Annexes
  - a. Statement of work
  - b. Data collection instruments
  - c. Sources of information
  - d. Disclosure of any conflicts of interest
  - e. Statement of differences (final report only, if applicable)

## Final Report

We will submit the final report no later than one week after receiving USAID comments on the draft report, on or about June 30, 2017.

## Timeline

**Figure 4 - Estimated Timeline**

Activity	Due Date
<b>Management/Planning/Design</b>	Mar 20 – 25
<b>Desk Review/Design</b>	Mar 27 – 30
<b>The evaluation design shared with USAID/VN (EG2 and PDO), MOJ CPMU and Chemonics</b>	Mar 31
<b>Evaluation designed presented to MOJ CPMU</b>	Apr 5 (TBC)
<b>Letter to key informants sent</b>	Apr 7
<b>International Team Leader travels to Vietnam</b>	Apr 8
<b>Team planning meeting</b>	Apr 10
<b>Meeting with PDO, EG2 team</b>	Apr 11 – Apr 14
<b>Meetings with Chemonics</b>	Apr 11 – Apr 14
<b>The evaluation design finalized</b>	Apr 11 – Apr 14
<b>In- brief meeting plus interview with MOJ CPMU</b>	Apr 11 – Apr 14
<b>In- brief meeting with the mission</b>	Apr 11 – Apr 14

<b>Activity</b>	<b>Due Date</b>
<b>Data collection</b>	Apr 17 – Apr 28
<b>Data collection/plus analysis</b>	May 1 – May 4
<b>Out- brief meeting with USAID/PDO/EG2</b>	May 5
<b>International Team Leader departs for US</b>	May 6
<b>Analysis, report and summary presentation developed (plus additional data collection, if necessary)</b>	May 8 – May 26
<b>Draft summary presentation shared with USAID/PDO</b>	May 22
<b>International Team Leader travels to Vietnam</b>	May 27
<b>Validation meetings with USAID/EG2 and Chemonics</b>	May 29 – Jun 9
<b>Addition data collection as required</b>	May 29 – Jun 9
<b>Results presented to USAID/VN</b>	May 29 – Jun 9
<b>Results presented to Government counterparts and Chemonics</b>	May 29 – Jun 9
<b>Out- brief with USAID/Front Office</b>	May 29 – Jun 9
<b>Draft report submitted</b>	Jun 9
<b>International Team Leader departs</b>	Jun 10
<b>Inputs/comments received</b>	Jun 23
<b>Final draft submitted</b>	June 30

## TEAM COMPOSITION

The evaluation team will be composed of an international team leader for governance and economic growth, a national specialist for governance and economic growth, and a national monitoring, evaluation, and learning (MEL) specialist. Management Systems International's (MSI) home office will provide supplementary technical advice and quality assurance support.

### International Team Leader- Ms. Susan Minushkin

This is a full-time position for the duration of the evaluation. The Team Leader will lead the team, finalize the evaluation design, evaluate the work plan, organize activities, consolidate individual input from team members, and coordinate the assembly of the final findings and recommendations. S/he will be responsible for the overall technical quality of the evaluation. S/he will be the primary point of contact for USAID/VN and its implementing partners regarding the technical aspects of the evaluation.

S/he shall also lead the preparation and presentation of key evaluation findings and recommendations to the USAID/VN team and key partners.

Ms. Susan Minuskin has more than twenty years of experience working on international projects, eight years of which on USAID projects. The recent projects, in which Ms. Susan was greatly involved to provide technical direction, monitoring and evaluation, and management include: USAID Mexico Transparency Rapid Response Project; USAID Conflict Management and Mitigation, USAID Mexico Justice and Security Program; and USAID Mexico PROJUST studies and evaluations of Mexico's criminal justice reforms.

Ms. Susan earned her Ph.D. degree in Political Science in 2001 and Master degree in International Policy Analysis and Management in 1992, both from Columbia University.

## **National Technical Specialist for Economic Growth and Economic Governance- Mr. Nguyen duc Nhat**

The National Technical Specialist will be responsible for conducting fieldwork, performing data analysis, and contributing to writing the report. In addition, he will work closely with the team leader in drafting a detailed assessment plan, developing data collection tools, and documenting lessons learned. He is expected to provide the team with local knowledge and make sound recommendations on governance issues in Vietnam.

Mr. Nguyen Duc Nhat gets his PhD in Economics at Pantheon Sorbonne University of Paris I – CNRS (France) with research interest in governance and economic growth. Nhat's doctoral research focuses on the key determinants to growth including governance reform, investment and the role of social assistance in transition economies. He spent two years with IDS fellows in investigating the causality between provincial economic governance and private investment with a paper co-authored with Dr Neil McCulloch (2011 IDS governance team leader) and Prof Malesky E.J of Duke University published in The Economics of Transition. Nhat was also a visiting Research Fellow of IDS (University of Sussex) in 2011-2012 for this research implementation. To date he co-authored a book chapter with World Bank Lead Economist Mustapha Nabli on the Great Recession and the Developing Countries and series of back ground papers for Vietnam National Social and Economic Development Plan (SEDP). He is a senior expert in project monitoring and impact evaluations with experience with many development partners' projects and intervention in the last ten years. He designed, trained and implemented high profiled baseline surveys, mid-term reviews and impact evaluations in Vietnam. Nhat recently contributed extensively to the research of poverty fighting in Vietnam through the cash transfer or "block grant" approach under the umbrella of MOLISA, UNDP, Iris Aids and the World Bank. In the last two years, beyond governance, Dr. Nhat led the climate change team in VIETSURVEY conducting a series of assessment and study on climate change adaptation in Vietnam with focus on public-private partnership of which enhance resilience of both enterprises and communities. Nhat has led a number of high-profiled micro data development in Vietnam.

## **National MEL Specialist- ms. Le Thi Quynh Nga**

The Deputy Chief of Party for USAID's Vietnam Evaluation, Monitoring and Survey Services (VEMSS) program will play the role of a National MEL Specialist in this evaluation. She will be responsible for conducting fieldwork, performing data analysis, and contributing to the written report. In addition, she will work closely with the team leader in drafting a detailed assessment plan, developing data collection tools, and documenting lessons learned. She is expected to provide the team with knowledge and advice on MEL issues, including USAID's evaluation standards and MSI's approach to performance evaluation. She will focus on the assessment of GIG's MEL system. Since she was involved in GIG's previous performance evaluation on trade facilitation, she will provide the team with information about relevant issues identified during that evaluation to inform the decisions related to potential study components.

## **General Technical Support And Logistics**

VEMSS will provide the evaluation team with general support and assistance. Chief of Party, Dr. Tran Vu Hoang, will provide overall technical support and direction for the evaluation. Scheduling, logistical coordination, and interpretation for the international team leader will be managed by VEMSS staff in

conjunction with USAID/Vietnam and the implementing partner. MSI home office will provide additional technical support, as required, and report finalization and branding support.

## ANNEX I: LIST OF KEY INFORMANTS

(Tentative as of April 3, 2-17)

IN HANOI		
1	Chemonics Home Office and Field Office	
2	USAID/VN	Governance and Economic Growth Office Justice Innovative Facilitation Fund (JIFF)
3	US Embassy	GIG's Steering Committee GIG's Project Management Unit (PMU) Department of International Cooperation Department for Criminal and Administrative Laws Legal Aid Department
4	Ministry of Justice (MOJ)	Legal Dissemination and Education Department Committee for the Advancement of Women Civil Code Drafting Committee National Legal Aid Agency Institute for Legal Science Administrative Procedure Control Agency (APCA)
5	Ministry of Planning and Investment (MPI)	Finance and Monetary Department Central Institute for Economic Management (CIEM) Academy for Policy and Development (APD) Public Procurement Agency (PPA)
6	Ministry of Industry and Trade (MOIT)	Department of International Cooperation Rule of Origin Division Department of Science and Technology
7	Ministry of Finance (MOF)	General Department of Taxation (GDT) General Department of Vietnam Customs
8	State Audit Office of Vietnam (AOV)	International Cooperation Department ?
9	National Assembly (NA)	NA Committee for Foreign Affairs NA Library Law and Economic Committees Social Affairs Committee Council for Ethnic Minority Committee/Department on Finance and Budget NA Members (to be identified)
10	Office of National Assembly (ONA)	Justice Department
11	Supreme People's Court	
12	Supreme People's Procuracy	
13	Ministry of Natural Resources and Environment (MONRE)	Land Department
14	Ministry of Labor, Invalids, and Social Affairs (MOLISA)	Department for Gender Equality, Department for Social Vices Prevention

		Committee for the Advancement of Women
15	Ministry of Public Security (MPS)	Vietnamese Social Security (VSS)
16	Ministry of Agriculture and Rural Development (MARD)	IPSARD (Institute of Policy and Strategy for Agriculture and Rural Development)
17	Ministry of Information and Communications (MIC)	
18	Ministry of Science and Technology (MST)	Standards, Metrology and Quality General Department (STAMEQ)
19	Party Central Economic Commission (PCEC)	
20	CEMA ( Committee for Ethnic Minority Affairs)	International Department
21	People Mobilization Committee (Central Party)	
22	Inspectorate of the Government	Secretariat of Central Steering Committee on Anti-Corruption and Anti-corruption Bureau
23	UNDP	UNDP Governance Team
24	UNWOMEN	
25	World Bank	
26	Asian Development Bank	
27	World Trade Organization	
28	World Customs Organization	
29	Wildlife Enforcement Network	
30	International Labour Organisation (ILO)	
31	Association of Southeast Asian Nations (ASEAN)	
32	International Organizations of Supreme Audit Institutions (INTOSAI)	
33	Cooperation Group for Governance and Public Administration Reform (GPAR)	
34	AMCHAM	
35	American National Standards Institute	
36	US Government Accountability Office (GAO)	
37	LANDA (Land Coalition)	
38	Vietnam Chamber of Commerce and Industry (VCCI)	
39	Vietnam Lawyers' Association (VLA)	
40	Vietnam Justice Support Association for the Poor (VINJUSAP)	
41	VUSTA (Vietnam Union of Science and Technology Associations)	
42	Vietnam Tax Consultancy Association	
43	Vietnam Association of Small and Medium Enterprises (VINASME)	
44	VWEC (Vietnam Women Entrepreneurs Council)	
45	Hanoi Women's Entrepreneur's Association	
46	Handicraft and Wood Industry	

	Association
<b>47</b>	Vietnam Journalists Association
<b>48</b>	Vietnam Women's Union
<b>49</b>	Farmers' Union
<b>50</b>	Vietnam Fatherland Front
<b>51</b>	Center for Education Promotion and Empowerment (CEPEW)
<b>51</b>	Research Centre for Gender, Family and Environment in Development (CGFED)
<b>53</b>	Centre for Media in Educating Community
<b>54</b>	SRD (Sustainable Rural Development)
<b>55</b>	iSEE (Institute of Social and Economic, Environment)
<b>56</b>	CSAGA (Center for Studies and Applied Science in Gender – Family-Women and Adolescents)
<b>57</b>	Center for Women in Politics and Public Administration (WiPPA)
<b>58</b>	Development and Policies Research Center (DEPOCEN)
<b>59</b>	Institute for Social Development Studies (ISDS)
<b>60</b>	Institute for Population, Family and Children Studies (IPFCS)
<b>61</b>	Consultative Institute for SocioEconomic Development of Rural and Mountainous Areas (CIDOMAS)
<b>62</b>	Center for Rural Communities Research and Development (CCRD)
<b>63</b>	CDI (Center for Development and Integration)
<b>64</b>	CSIP (Center for Social Innovation Promotion)
<b>65</b>	FPT (Vietnam's largest Vietnamese information technology company)
<b>IN HOCHIMINH CITY</b>	
<b>66</b>	People's Council
<b>67</b>	People's Committee
<b>68</b>	Department of Justice
<b>69</b>	Department of Industry and Trade
<b>70</b>	Department of Planning and Investment
<b>71</b>	Department of Finance
<b>72</b>	Inspectorate of the Government
<b>73</b>	Department of Labor, Invalids, and Social Affairs
<b>74</b>	State Audit of Vietnam in the South
<b>75</b>	City's People's Court
<b>76</b>	City's People's Procuracy

<b>77</b>	Ho Chi Minh City Association of Women Executives and Entrepreneurs
<b>78</b>	Vietnam Trade Facilitation Alliance (VTFA)
<b>79</b>	HCMC Fatherland Front
<b>80</b>	HCMC Women's Union
<b>81</b>	HCMC Farmers' Union
<b>82</b>	VCCI, HCMC Branch
<b>83</b>	Vietnam Justice Support Association for the Poor (VINJUSAP), HCMC Branch
<b>84</b>	HCMC Lawyers' Association
<b>85</b>	Vietnam Justice Support Association for the Poor in HCMC
<b>86</b>	Vietnam Union of Science and Technology Associations in HCMC
<b>87</b>	Vietnam Tax Consultancy Association in HCMC
<b>88</b>	HCMC Association of Small and Medium Enterprises (VINASME)
<b>89</b>	HCMC Journalists Association
<b>90</b>	Enterprises (to be identified as necessary)

## Annex 5: Chronological List of Interviews and Verification Meetings

No.	Title	Agency	Organization	Interview Date
1	COP		GIG	Fri, 21/4
2	Deputy Director General	Department of Science, Technology and Environment	Office of the National Assembly of Vietnam	Fri, 21/4
3	GIG Team	Component 3: Inclusive Growth	GIG	Fri, 21/4
4	GIG's M&E Manager		GIG	Fri, 21/4
5	Director of GIG's PMU Deputy Director General	International Cooperation Department	Ministry of Justice	Mon, 24/4
6	GIG Team	Component 2	GIG	Mon, 24/4
7	GIG Team	Component 1	GIG	Mon, 24/4
8	Director General	International Cooperation Department	Ministry of Labor, Invalid and Social Affairs	Tue, 25/4
9	Director General	Department of Legal Affairs	Ministry of Labor, Invalid and Social Affairs	Tue, 25/4
10		Industrial Relation Centre	Ministry of Labor, Invalid and Social Affairs	Tue, 25/4
11	Director	Academy for Policy and Development (APD)	MPI	Wed, 26/4
12	Director	CISDOMA	Consultative Institute for Socio Economic Development of Rural and Mountainous Areas	Wed, 26/4
13	Deputy General Director	Department for Criminal and Administration Laws	Ministry of Justice	Wed, 26/4
14		Office of Economic Growth and Governance (EG2)	USAID	Thu, 27/4
15	Director General	Public Procurement Agency (PPA) & International Cooperation Dpt.	MPI	Thu, 27/4
16	Deputy Director General	Finance and Monetary Department	Ministry of Planning and Investment	Fri, 28/4
17	Former COP of GIG Program	GIG - old team	GIG	Fri, 28/4
18	Vice Director of the Training	Training Center for Elected Representatives	Office of the National Assembly of Vietnam	Wed, 3/5
19	Director	CCRD	Center for Community Health Research and Development	Wed, 3/5
20	Director General	Oversight Department	Office of the National Assembly	Wed, 3/5
21	Chairwoman		Vietnam Tax Consultancy Association	Thu, 4/5

No.	Title	Agency	Organization	Interview Date
22	Director General	Information Department	Office of the National Assembly of Vietnam	Thu, 4/5
23	Acting Director General	Financial-Budgetary Department	Office of the National Assembly of Vietnam	Thu, 4/5
24	Fulltime Member	Committee on Financial and Budgetary Affairs	National Assembly of Vietnam	Thu, 4/5
25	Fulltime member	Law Committee of National Assembly	NA's Committee on Laws	Fri, 5/5
26	Deputy General Director	Department of Justice	Office of the National Assembly of Vietnam	Fri, 5/5
27	Deputy General Director	Legal Department	Ministry of Finance	Fri, 5/5
28	Chairwoman		Vietnam Lawyers' Association- VLA	Tue, 9/5
29	General Director Deputy Director	Legal Department	VCCI	Tue, 9/5
30	Director General	National Legal Aid Agency <i>Cục Trợ giúp pháp lý</i>	Ministry of Justice	Wed, 10/5
31	General Director	International Cooperation Dept	State Audit Office of Vietnam	Wed, 10/5
32	Director General	Post-Review Department <i>Cục Kiểm tra văn bản quy phạm pháp luật</i>	Ministry of Justice	Wed, 10/5
33	Deputy Director	Reform and Modernization Board	General Department of Taxation	Wed, 10/5
34	COP	GIG team		Wed, 10/5
35	Director	Business Environment Department.	CIEM - Ban môi trường KD & năng lực cạnh tranh	Thu, 11/5
36	Vice Minister ICD Director General GIG's PMU Director	Ministry of Justice	Ministry of Justice	Thu, 11/5
37	Director General	Legal Dissemination and Education Department	Ministry of Justice	Thu, 11/5
38	Director General	Department of Legal Affairs	Ministry of Industry and Trade	Thu, 11/5
39		Competition Authority Agency	Ministry of Industry and Trade	Thu, 11/5
40		Domestic Market Dept;	Ministry of Industry and Trade	Thu, 11/5
41		Multilateral Trade Policy Dept;	Ministry of Industry and Trade	Thu, 11/5
42	Acting Director	Institute for Legal Science	Ministry of Justice	Thu, 11/5

No.	Title	Agency	Organization	Interview Date
43	General Director	Bureau of Dealing with Administrative Offences and Monitoring Law Implementation	Ministry of Justice	Fri, 12/5
44	deputy General Director	Judicial Support Bureau	Ministry of Justice	Fri, 12/5
45	Director Deputy General Director	Department of Civil and Economic Laws	Ministry of Justice	Fri, 12/5
46	Vice President	Academy of Finance (Viện chiến lược tài chính)	National Institute for Finance	Fri, 12/5
47	Deputy General Director	International Cooperation Department	General Department of Vietnam Customs	Wed, 24/5
48		Chairman of Committee for the Advancement of Women	Ministry of Justice	Mon, 5/6
49	Director	GIG's PMU	MOJ	Mon, 5/6
50	PMU Director	GIG's PMU	MOJ	Wed, 14/6

## Annex 6: List of Relevant Informants

No.	Name	Position	Agency	Organization
1	Nguyen Khanh Ngoc	Vice-minister - Chairperson of GIG Steering Committee	GIG Steering Committee	MOJ
2	Tran Thu Huong	Deputy Director General PMU's Director	International Cooperation Dept./GIG PMU	MOJ
3	Duong Thien Huong	Deputy Director General PMU's Project Manager	International Cooperation Dept./GIG PMU	MOJ
4	Lai The Anh	Head of Division for Management of International Cooperation on Laws PMU's Technical Specialist	International Cooperation Dept./GIG PMU	MOJ
5	Nguyen Thi Hanh	Deputy Director General	Department for Criminal and Administration Laws	MOJ
6	Chu Thi Thai Ha	Specialist	Department for Criminal and Administration Laws	MOJ
7	Vu Thi Huong	Deputy Director General	National Legal Aid Agency	MOJ
8	Nguyen Thi Thanh	Chief Accountant	National Legal Aid Agency	MOJ
9	Vu Thi Thu	Specialist	National Legal Aid Agency	MOJ
10	Nguyen Thi Hien	Specialist	National Legal Aid Agency	MOJ
11	?	Deputy Director General	Post-Review Department	MOJ
12	?	Chief Office Administration Officer	Post-Review Department	MOJ
13	?	Manager of codification	Post-Review Department	MOJ
14	?	Project Officer	Post-Review Department	MOJ
15	Do Xuan Lan	Director General	Legal Dissemination and Education Department	MOJ
16	Nguyen Van Cuong	Director	Institute for Legal Science	MOJ
17	Cao Xuan Phong	Head of International Law Research Division	Institute for Legal Science	MOJ
18	Ha Tu Cau	Deputy Head, International Law Research Division	Institute for Legal Science	MOJ
19	Tran Thi Lan Phuong	Researcher, International Law Research Division	Institute for Legal Science	MOJ
20	Nguyen Thi Hang Nhu	Researcher, International Law Research Division	Institute for Legal Science	MOJ

21	Dang Thanh Son	Director General	Bureau of Dealing with Administrative Offences and Monitoring Law Implementation	MOJ
22	Nguyen Thi Man	Chief secretariat	Bureau of Dealing with Administrative Offences and Monitoring Law Implementation	MOJ
23	Ngo Lan Huong	Specialist	Bureau of Dealing with Administrative Offences and Monitoring Law Implementation	MOJ
24	Nguyen Thi Mai	Deputy Director General	Judicial Support Bureau	MOJ
25	Nguyen Thi Tu Oanh,	Commercial mediation Division	Judicial Support Bureau	MOJ
26	Duong Thu Phuong	Lawyer Management Division	Judicial Support Bureau	MOJ
27	Nguyen Hong Hai,	Deputy Director General	Department of Civil and Economic Laws	MOJ
28	Ngo Thu Trang	Specialist	Department of Civil and Economic Laws	MOJ
29	Dinh Thi Phuong Hao	Specialist	Department of Civil and Economic Laws	MOJ
30	Tran Hai Yen	Deputy Head of Civil division	Department of Civil and Economic Laws	MOJ
31	Phan Thi Hong Ha	Deputy Director of the Human Resource Department Head of the Secretary team for the leaders of the Committee	Committee for the Advancement of Women	MOJ
32	Nguyen Huong Ly	Staff of Human Resource Dept. Member of the supporting unit for the leaders of the Committee	Committee for the Advancement of Women	MOJ
33	Pham Thy Hung	Director of National E-procurement Center	Public Procurement Agency (PPA)	MPI
34	..... Tuan	?	PPA/International Relation Division	MPI
35	..... Ngoc	?	PPA/Procurement Division	MPI
36	..... Tram	?	Policy Department	MPI
37	..... Van	?	Policy Department	MPI
38	Le Van Cuong	Deputy Director	Finance and Monetary Department	MPI
39	Ngo Tran Anh Minh	Specialist	Finance and Monetary Department	MPI
40	Dao Van Hung,	Associate professor President	Academy of Policy	MPI

			and Development	
41	Vo Xuan Hoai	Deputy Director of Cooperation and Planning Department	Academy of Policy and Development	MPI
42	Nguyen Minh Thao	Head of Business Environment and Competition Division	Central Institute for Economic Management	MPI
43	Dang Cong Khoi	Deputy Director General	Legal Department	MOF
44	Nguyen Thi Viet Nga	International Cooperation Division	General Department of Vietnam Customs (GDVC)	MOF
45	Nguyen Thi Thu Loan	Head, International Cooperation Division	General Department of Vietnam Customs (GDVC)	MOF
46	Duong Thi Hoang Lien	Specialist, Risk Management Division	GDVC	MOF
47	Nguyen Thi Ngoc Diep	Specialist, Risk Management Division	GDVC	MOF
48	Nguyen Thi Thu Huong	Specialist, Tax Division	GDVC	MOF
49	Hoang Thu Huyen	Specialist, Reform and Modernization Committee	GDVC	MOF
50	Nguyen Thi Hong Tuyet	Specialist, Reform and Modernization Committee	GDVC	MOF
51	Vu Viet Dung	Specialist, Reform and Modernization Committee	GDVC	MOF
52	Le Nguyen Viet Ha	Specialist, Import-Export Goods Management Committee	GDVC	MOF
53	Hoang Thi Lan Anh	Deputy Director, Reform Committee	General Department of Taxation	MOF
54	Hoang Thanh Linh	Specialist, Reform Committee	General Department of Taxation	MOF
55	Do Quynh Phuong	Specialist, Reform Committee	General Department of Taxation	MOF
56	Tran Ngoc Hoa	Deputy Director General	Department of Science, Technology and Environment	ONA
57	Hoang Minh Hieu	Director General	Information Department	ONA
58	Nguyen Thi Thai Tian	Specialist	Information Department	ONA
59	Vu Tuan Anh	Acting Director General	Financial-Budgetary Department	ONA
60	Bui Nhat Tan	Chief specialist	Financial-Budgetary Department	ONA
61	Tran Manh Linh	Specialist	Financial-Budgetary Department	ONA

62	Nguyen Dung	Secretary	Financial-Budgetary Department	ONA
63	Nguyen Truong Giang	Full NA member Member of Legislative and Law Committee	Legislative and Law Committee	ONA
64	Nguyen Duy Tien	Deputy Director General	Department of Justice	ONA
65	....Phuong	Specialist	Department of Justice	ONA
66	Vu Tien Than	Director General	Oversight Department	ONA
67	Nguyen Ngoc Son	Deputy Director General	Oversight Department	ONA
68	Dam Thu Thanh	Officer	Oversight Department	ONA
69	Trinh Ngoc Thang,	Vice-director in charge of international cooperation	Training Center	ONA
70	Nguyen Thi Nga	Vice-director	Training Center	ONA
71	Nguyen Duc Lam	Manager of Training, Curriculum Development	Training Center	ONA
72	Trinh Thi Ngoc Diep	Officer	Training Center	ONA
73	Ha My Dung	Director General Member of GIG Steering Committee	International Cooperation Department	SAV
74	Vu Thanh Mai	Specialist	Competition Management Department	MOIT
75	Hoang Thi Thu Trang	Specialist	Competition Management Department	MOIT
76	Nguyen Duc Hanh,	Specialist	Legal Department	MOIT
77	Bui Thi Bich Hien	Specialist	Legal Department	MOIT
78	Nguyen Thi Giang	Specialist	Legal Department	MOIT
79	Luu Cam Van	Specialist	Domestic Market Department	MOIT
80	Bui Kim Thuy	Specialist	Import-Export Department	MOIT
81	Nguyen Dieu Linh	Specialist	Multilateral Policy Department	MOIT
82	Le Kim Dung	Director General	International Cooperation Department	MOLISA
83	Vu Lan Huong	Specialist ?	International Cooperation Department	MOLISA
84	Nguyen Manh Cuong	Director Lead negotiator on labor in TPP negotiation	Labor Relation Center	MOLISA
85	Mai Duc Thien	Deputy Director General	Legal Department	MOLISA
86	Nguyen Thi Cuc	President		Vietnam Tax

				Consultants' Association
87	Nguyen Dinh Cu	Vice-President		Vietnam Tax Consultants' Association (VTCA)
88	Dau Anh Tuan	Director General	Legal Department	Vietnam Chamber of Commerce and Industry (VCCI)
89	Pham Ngoc Thach	Deputy Director General	Legal Department	Vietnam Chamber of Commerce and Industry (VCCI)
90	Le Thi Kim Thanh	Vice-President		Vietnam Lawyers' Association
91	Nguyen Thi Phuong Thao	Deputy Director	International Cooperation Department	Vietnam Lawyers' Association
92	Pham Xuan Anh	Legal expert	Committee for Foreign Relations and International Cooperation	Vietnam Lawyers' Association
93	Tran Thi Minh Chau Mr. Truong Phuc Cang (0979711997) Director of CISDOMA	Former Director		CISDOMA
94	Truong Phuc Can	Director		CISDOMA
95	Nguyen Mai Huong	Director		CCRD
96	Dinh Yen Nhi	Deputy Director		CCRD
97	Sarah Meyer	Director	Asia Department	Chemonics
98	Peggy Ochandarena	Director	Monitoring, Evaluation, and Learning	Chemonics
99	David Anderson	Chief of Party/Program Director		GIG
100	Johnathan Simon	Former Chief of Party		GIG
101	Nguyen Thi Lien	Deputy Program Director		GIG
102	Le Sy Giang	Team leader	Component 1	GIG
103	Staff of Component 1	Staff	Component 1	GIG
104	Brian Giacometti	Team leader	Component 2	GIG
105	Staff of Component 2	Staff	Component 2	GIG
106	Truong Duc Tung	Team leader	Component 3	GIG
107	Component 3 team	Staff	Component 3	GIG
108	Nguyen Thi Bich Thuy	GIG's COR	Economic and Governance Technical Office	USAID
109	Michael True Blood	Director	Economic and Governance Technical Office	USAID

## **Annex 7: Interview Instrument**

### **Discussion Framework**

#### **GIG's partners/counterparts – Government Stakeholders**

## **I. INTRODUCTION**

- a. Introduction to the evaluation and key research questions.
- b. Description of the objectives of the discussion
- c. Explain length and nature of discussion
- d. Explain confidentiality and anonymity
- e. Check whether respondents have any questions.

## **II. BACKGROUND**

- a. Gather information about the work of the department, including its mandate and objectives
- b. Understand better the challenges the department faces in undertaking its work

## **III. RELATIONSHIP TO GIG PROGRAM AND USAID**

- a. Has the department worked with GIG on any economic growth and governance related issues?
- b. If the department has worked with GIG:
  - o What activities has the department collaborated with GIG?
  - o How has this taken place? (E.g., policy discussions, trainings, workshops, information flows, etc.)
  - o What products of the activities have been produced?

## **IV. STAKEHOLDERS' VIEWS ABOUT GIG'S SUPPORT IF THE DEPARTMENT HAS WORKED WITH GIG A. EFFECTIVENESS**

- a. Results of the collaboration achieved so far? What changes have been made thanks to GIG's support as compared with the time before GIG?  
In one or many of the following terms o  
Quality of Legal and regulatory frameworks

- Process of legal development: Inclusion of vulnerable groups in the process of legal development; engagement of private sector in the process of legal development ○ Evidence-based law making ○ Law and regulation dissemination ○ Accountability
- Institutional capacity
- b. Added values of GIG's support? Without GIG's support, what activities or results would not have happened/achieved?

## B. EFFICIENCY

- a. GIG's management structure – multi-partners, PMU sit in the MOJ, Steering Committee's function,
- b. Work planning process: how priorities were identified?
- c. Timeliness of GIG's support
- d. Sufficiency of the outputs and activities to achieve the higher-leveled outcomes;
- e. Sufficiency of and capabilities of the GIG's human resources to manage the program;
- f. Usefulness and appropriateness of the program's modality and implementation arrangements to the sought outcomes; and
- g. Alignment of the implementation arrangements with partner government systems.

## C. SUSTAINABILITY OF THE ACHIEVED RESULTS

- What activities to be continued after GIG? ○ What results to be sustained after GIG?
- What mechanisms or approaches in law making process introduced by GIG to be sustained after GIG?
- What impacts resulted from GIG's support or activities to be sustained?
- What mechanisms or enabling conditions in place to ensure sustainability of the activities and results? In terms of policy, participation and ownership, management and organization, and financial
- What challenges or limiting factors affecting sustainability of the activities and results?

## VI. Recommendations to USAID for future programming support and aid modality

## VII. KEY QUESTIONS THAT THE EVALUATION WILL ANSWER

- I. To what extent has GIG made progress in achieving key results as planned in the evaluated components? How sustainable are the results after GIG's completion?

- a. How have GIG interventions led to the desired program outcomes? Are there clarity of linkages between input, output, results and outcomes?
  - b. What are the reasons behind successes and shortfalls, if any?
  - c. What conditions are needed to ensure sustainability of the produced results?
2. To what extent has GIG efficiently implemented its programs?
  - a. How has GIG's multi-stakeholder management model (which includes USAID, the GIG Project, and multiple GVN entities) facilitated the project's planning, implementation, and achievement of expected results?
  - b. How has the management model served as a learning platform for achieving the project key results? What are the strengths and weaknesses with this model?
  - c. To what extent have non-state organizations engaged and contributed to the process of providing feedback on proposed laws, given GIG's interaction with the organizations?
3. What are the lessons learned and recommendations from GIG program design and implementation that can be used to strengthen USAID programming?

## Annex 8: Details on GIG's Contributions to 25 Laws

### Status of Laws and Agreements Supported by the GIG Program

Laws and Agreements Supported by the GIG Program FY 2014 – FY 2016				
No	Legislation/ Regulation	Counterpart	GIG Program Support	Status as of September 30, 2016
1.	Law on the Promulgation of Legal Normative Documents (also referred to as the Law on Laws)	MOJ	<p>FY2014, FY 2015, FY 2016 Existing law: revision</p> <p>The GIG Program contributed to including a law-making process that clearly separates the policy proposal, and drafting stages. Also, and for the first time in Vietnam, RIA guidelines assess economic, social, and administrative procedures, and gender impact. The Program also contributed to requirements for gender mainstreaming in the law-drafting process, and on gender-balanced drafting committees.</p>	Enacted/Signed: June 22, 2015
2.	Resolution 19	MPI	<p>FY 2014, FY 2015, FY 2016 New resolution: drafting; Existing resolution: revision and implementation</p> <p>The GIG Program supported drafting, implementing, and reviewing Resolution 19/2014 (Version 1.0); Resolution 19/2015 (Version 2.0); and Resolution 19/2016 (Version 3.0), as well as numerous circulars and official letters supporting the resolution's implementation. The GIG Program continues to work with CIEM and relevant agencies to engage with the business community and government agencies to monitor the implementation of Resolution 19, and to streamline the specialized inspection of import-export goods.</p>	Issued/Signed (by Prime Minister) Version 3.0: April 28, 2016. The GIG Program continues to support the implementation of this resolution. The continuation of this work will depend on the outcome of the AWP4's review and approval process.
3.	Civil Code	MOJ	<p>FY 2014, FY 2015 Existing law: revision</p> <p>Recommendations to more than 100 articles of the Civil Code focused on the protection of citizens' rights, particularly the rights of vulnerable groups. The approval of Article 37 is a major step in the recognition and institutionalization of transgender rights in Vietnam. The GIG Program also provided technical inputs on governing scope, contracting, ownership, heritage, and finalization of legal texts. Key recommendations were integrated and reflected, but not limited to, articles: 14, 129, 420, 468. The GIG Program facilitated the engagement of CSOs and their policy papers in the revision.</p>	Enacted/Signed: November 24, 2015

Laws and Agreements Supported by the GIG Program FY 2014 – FY 2016				
No	Legislation/ Regulation	Counterpart	GIG Program Support	Status as of September 30, 2016
4.	State Budget Law	NA, MOF, MPI	<p>FY 2014, FY 2015, FY 2016 Existing law: revision and implementation</p> <p>This law prescribes the preparation, execution, audit, and preparation of the state's budget final accounts and oversight; and the duties and authority of agencies, organizations, units, and individuals related to the state budget. The GIG Program provided technical assistance which helped, for the first time, incorporate gender issues into the annual state budget allocation. This helps ensure the implementation of gender equality (Article 8.5); and including gender equality as part of the annual state budget's planning.</p>	Enacted/Signed: June 25, 2015
5.	World Trade Organization Trade Facilitation Agreement	MOF	<p>FY2014, FY 2015 New agreement: preparation for implementation</p> <p>The GIG Program provided technical assistance to the GDVC and to other government ministries to further understand and categorize WTO TFA's A, B, and C commitments. Assistance in drafting 12 regulations with input from businesses to implement the agreement and to ease customs clearance. Legal gap analysis of current regulations compared to WTO TFA commitments. The WTO TFA will come into effect after two-thirds of the WTO membership (108/161 of country members) has ratified the agreement. At the end of FY 2016, 94 WTO members had ratified the agreement.</p>	Ratified/Signed (Vietnam): December 15, 2015
6.	Law on Administrative Decisions	MOJ	<p>FY 2015 New law: drafting</p> <p>With the GIG Program's technical input, the MOJ completed the first draft of the Law on Administrative Decisions, an RIA, and a report on international experiences. Previously, no legal requirements governed issuance of administrative decisions, resulting in a lack of transparency and opportunities for abuse, with serious consequences for citizens, businesses, and especially vulnerable populations. The GIG Program supported the engagement of CSOs in the consultation process to share their views on human rights protection, citizen participation in administrative decision-making, and monitoring the issuance of administrative procedures. The draft law was made available on the MOJ website for public comment. The draft law was submitted to the NA in October 2015 but the NA requested the MOJ to delay the debates until October 2016 or May 2017 to allow for additional research and consultation.</p>	The NA will review by May 2017

7.	Law on Oversight	NA	FY 2015 Existing law: revision  The GIG program helped assess the effectiveness of oversight actions focusing on the authority granted to the NA under the 2013 Constitution. The NA approved 17 recommendations to the law, including a	Enacted/Signed: November 20, 2015
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Laws and Agreements Supported by the GIG Program FY 2014 – FY 2016				
No	Legislation/ Regulation	Counterpart	GIG Program Support	Status as of September 30, 2016
			more accurate definition of “supreme oversight”; additional details on the mandate and authority of the NA’s Oversight Support Department; and others which improve the quality of the NA’s oversight.	
8.	Law on State Audit	SAV	FY 2015 Existing law: revision  This law prescribes the functions, tasks, powers, organizational structure and operations of the State Audit Office in Vietnam; tasks and powers of the State Auditor General; tasks and powers of state auditors; powers and responsibilities of agencies, organizations and individuals involved in state audit activities. The GIG Program delivered an international comparative report on laws governing State Audit Institutions to the SAV and the NA CFBA. It provided recommendations for amending the State Budget Law and the State Audit Law to improve budgetary and financial management, and the role of SAV in public finance management; and to assist the MPI in enhancing accountability and transparency of state budget.	Enacted/Signed: June 24, 2015
9.	Law on Local Government	NA	FY 2015 New law: drafting  This law determines the competence between central and local government, and between all levels of local governments. It creates a legal basis for decentralization and stipulates the principles for determining the competence, and the cases of decentralization, decentralization and authorization. GIG Program encouraged the NA to focus on specific issues — the recommended structure for local governments, and the mechanism of devolving power from the national to local governments — to allow for meaningful, in-depth discussions. The program also ensured representation from civil society, reviewed the current policy-development process, and provided a model of local governance from other countries. The GIG Program also supported the introduction of French Government structure and participation of citizens in local governance.	Enacted/Signed: June 19, 2015

10.	Law on Access to Information	MOJ	<p>FY 2015 New law: drafting</p> <p>The MOJ and the GIG Program collaborated with regular, in-country support to the law's development to: (i) share international experience and practices; (ii) update the law's regulatory impact assessment; (iii) review the provisions related to access to information in existing Vietnamese laws and legal documents; and (iv) convene forums and roundtables to discuss law, and offer policy recommendations to the draft law. The enactment of this law is a positive move for Vietnam in implementing the 2013 Constitution, and in ensuring fundamental citizen's rights, as well as to improve the state agencies' transparency. Most importantly, the law promotes inclusion by providing a mechanism for vulnerable groups to implement their right of access to information.</p>	Enacted/Signed: April 6, 2016
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Laws and Agreements Supported by the GIG Program FY 2014 – FY 2016				
No	Legislation/Regulation	Counterpart	GIG Program Support	Status as of September 30, 2016
11.	Customs Law	MOF	<p>FY 2015, FY 2016 Existing law: implementation</p> <p>The GIG Program supports the implementation of the Customs Law to help meet requirements under Resolution 19. It has gathered feedback from businesses, central and local government agencies and relevant stakeholders and applied it to improve and/or draft a number of decrees, circulars, and official letters associated to the implementation of the Customs Law, specifically: customs procedures; customs inspection and supervision; customs control; customs duties management; specialized inspection of import-export goods; and classification, customs valuation, and promulgation of Vietnam's imports-exports (i.e., Decree 08/2015/NĐ-CP, Circular 38/2015/TT-BTC, among others).</p>	The GIG Program continues to support the implementation of this law. The continuation of this work will depend on the outcome of the AWP's review and approval process.
12.	Civil Procedure Code	CIEM and MOJ	<p>FY 2015, FY 2016 Existing law: revision</p> <p>Based on recommendations from the GIG Program, the amended Civil Procedure Code recognizes arbitrary awards, simplifies judicial administrative procedures for commercial disputes; and improves the transparency of, and accessibility to, legal proceedings. The GIG Program provided technical inputs to the contents on improving contract enforcement related regulations, reflected in the following articles 30, 31, 39, 173, 176, 180, 189, 190, 191, 193, 195, 200, 201, 269, 285, 315, 317, 350, 370, 375, 474; and civil cases with foreign elements, reflected in the following articles 423, 424, 427, 432, 436, 444, 472, 473, 474, 476, 477.</p>	Enacted/Signed: November 25, 2015

13.	Law on Marriage and Family	MOJ	<p>FY 2015, FY 2016 Existing law: implementation</p> <p>The GIG Program helped develop guidelines on the use of tradition and customs in handling ethnic minority family and marriage disputes. The guidelines are a tool for provincial authorities to implement Articles 2 through 6 of Decree 126/2014 (on the revised Law on Marriage and Family) and to follow the principles of equality, non-discrimination, and consensus as set forth in the Civil Code.</p>	<p>The GIG Program continues to support the implementation of this law. The continuation of this work will depend on the outcome of the AWP4's review and approval process.</p>
14.	Trans-Pacific Partnership	NA	<p>FY 2016 Existing trade agreement: preparation for implementation</p> <p>The GIG Program collaborated with an inter-ministerial working group to identify gaps in the country's legal framework and implementing agency capacity from the perspective of the TPP's requirements. Also in preparation for the TPP's implementation, the GIG Program launched two significant initiatives: CWT and supporting industrial relations.</p>	<p>Signed by the U.S. and ten other countries in February 2016, and likely to be ratified by Vietnam in 2017. The continuation of this work will depend on the outcome of the AWP4's review and approval process.</p>

Laws and Agreements Supported by the GIG Program FY 2014 – FY 2016				
No	Legislation/ Regulation	Counterpart	GIG Program Support	Status as of September 30, 2016
15.	Penal Code	NA	<p>FY 2016 Existing law: revision</p> <p>The GIG Program provided technical inputs on CWT issues in articles 234 and 244. While the law was enacted in November 2015, implementation was delayed until some provisions are amended. The enactment of the new Penal Code marks the first time that illegal trade, per CITES-listed species, has been penalized, with a maximum individual sentence of 15 years' imprisonment. Specific weight limits are now regulated for rhinoceros horns and elephant ivory, thus facilitating the work of law enforcement and prosecution agencies to combat the trade. In addition, new provisions allow for punishment of legal entities and repeat offenders, and regulate slaughtering and stockpiling.</p>	<p>Enacted/Signed: November 27, 2015. Implementation pending review by the NA.</p>

16.	Law on Import-Export Duties	MOF	<p>FY 2016 Existing law: revision</p> <p>After gathering feedback and recommendations to the draft law from the business community, local customs officials, relevant ministries, and provincial people's committees, several recommendations from the GIG program, especially provisions facilitating trade for businesses, have been reflected in the final version of the law. Changes in the Law on Import-Export Duties are in line with the Government of Vietnam's Resolution 19, 2014 Customs Law, and with international best practice to facilitate trade to support stability of customs duties legal framework.</p>	Enacted/Signed: April 6, 2016
17.	Law on State Compensation Liability	MOJ	<p>FY 2016 Existing law: revision</p> <p>This law governs the rights of citizens to make claims for compensation for any material damage and/or emotional abuse by a governmental representative working in his or her official capacity. The law is being revised in response to the 2013 Constitution and a host of new laws that have been enacted and revised since the original Law on State Compensation Liability was implemented in 2010. Recommendations from the GIG Program helped the MOJ to expand the scope of the law and revise the provisions in regards to the compensation settlement agency, the negotiation process and compensation settlement rule.</p>	The NA will review in October 2016
18.	Law on Support of SMEs	MPI	<p>FY 2016 New law: drafting</p> <p>The GIG Program helped businesses, including SMEs, an opportunity to better understand the draft law, voice their concerns, and to offer solutions. Feedback from consultation workshops and field surveys helped further develop the draft Law on Support of SMEs, which will help enhance private sector competitiveness through an improved legal and regulatory environment; promote equality; and reduce discrimination against SMEs.</p>	The NA will review in October 2016

Laws and Agreements Supported by the GIG Program FY 2014 – FY 2016				
No	Legislation/ Regulation	Counterpart	GIG Program Support	Status as of September 30, 2016
19.	Law on Anti-Corruption	NA	FY 2016 Existing law: revision  The Government of Vietnam will revise the 2012 Law on Anti-Corruption to address issues such as lack of protection for whistleblowers, and weak accountability of state agencies, as well as to align policy with the United Nations Convention on Anti-Corruption. The GIG Program developed a study on anti-corruption, and major issues related to the revision of law with NA committees, deputies, and relevant stakeholders.	The NA will review in October 2016
20.	Labor Code	MOLISA	FY 2106 Existing law: implementation  The GIG Program began to support the review the past three years of the implementation of the 2012 Labor Code, including results achieved and gaps in implementation. The findings will assist MOLISA in improving implementation of labor laws in Vietnam and serve as a foundation for revisions to the 2012 Labor Code, which will be reviewed by the NA in 2017.	The GIG Program continues to support the implementation of the Labor Code. The continuation of this work will depend on the outcome of the AWP4's review and approval process.
21.	Legal Aid Law	MOJ	FY 2016 Existing law: revision  The GIG Program provided recommendations to the draft law based on the results of consultations with various stakeholders and a study of the legal-aid needs of vulnerable groups. A revised 2006 Law on Legal Aid will address the emerging legal-aid needs of an increased number of individuals, and types of target groups such as: victims of domestic violence; victims of human trafficking; people living with HIV/AIDS; juvenile delinquents; people with disabilities; and poor people. The revised law will also introduce a new model of subsidized, government service provision via state legal aid centers, and via contracted law practitioners, and/or legal counselling organizations.	The NA will review in October 2016
22.	Law of Cooperatives	MPI	FY 2016 Existing law: implementation  Revised. The training program aims to increase the number of cooperatives which become registered, following new requirements in the 2012 Law on Cooperatives and Decree No. 193/2013. The training events also provided international experience in the development of cooperatives and in the role of cooperatives in global economic integration efforts, such as the TPP and WTO. In FY 2017 the GIG Program will assist MPI to review the implementation of the 2012 Law on Cooperatives.	The GIG Program continues to support the implementation of the Law on Cooperatives. The continuation of this work will depend on the outcome of the AWP4's review and approval process.
23.	Law on Foreign Trade Administration	MOIT	FY 2016 New law: drafting	The NA will review in October 2016

Laws and Agreements Supported by the GIG Program FY 2014 – FY 2016				
No	Legislation/ Regulation	Counterpart	GIG Program Support	Status as of September 30, 2016
			The GIG Program canvassed key issues of the draft law including: TPP commitments; export and import administrative procedures; licensing; rules of origin; export and import administration in free trade zones; technical barriers to trade; sanitary and phytosanitary measures; antidumping; subsidy and countervailing measures; safeguard measures; and specialized management of import-export goods. If the draft law is passed, the legal framework for import-export management will be upgraded to meet the requirements for a new phase of economic integration and newly-signed FTAs, including the TPP.	
24.	Law to amend and supplement the laws on investment and business (temporary title)	MPI	<p>FY 2016 New law: drafting</p> <p>Investment procedures are currently distributed across a number of laws regulating investment, construction, land, environmental protection, housing, and real estate business. The process is confusing to government agencies and to businesses; it hinders progress and compliance with regulations. The GIG Program is supporting the draft law by giving businesses an opportunity to voice their opinion and by validating a simplified process for obtaining investment certificates. The GIG Program is providing feedback from these activities to help draft the law. The draft law is being considered to be included in the NA law-making agenda in May 2017.</p>	<p>The GIG Program continues to support the drafting this law. The continuation of this work will depend on the outcome of the AWP4's review and approval process.</p>
25.	Law on Judicial Records (also referred to as Law on Criminal Records)	MOJ	<p>FY 2016 Existing law: implementation</p> <p>The Law on Criminal Records shows inconsistencies in the process of granting certificates of automatic expungement of criminal records, compared to the same process as described in the newly amended Penal Code and in the Criminal Procedure Code. To address this discrepancy and to review the implementation of the current law, the GIG Program proposed major topics to be addressed in a future, revised law, including mechanisms to formalize a pilot project to issue criminal records via postal service, and to submit criminal records' applications electronically.</p>	<p>The GIG Program supported the implementation of this law in FY 2016. The continuation of this work will depend on the outcome of the AWP4's review and approval process.</p>

## Annex 9: GIG Activities

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
CEC001	CEC	Support the development of report on "Improving productivity and competitiveness of the economy"	In progress
CIEM001	CIE	Workshop on improving the business environment and enhancing national competitiveness	Completed
CIEM002	CIE	Support MPI's CIEM and partners to implement Resolution 19 to enhance competitiveness and strengthen the business environment. This would involve hiring of international and local experts, building partnership with local business associations, supporting workshops and field trips.	In progress
CIEM003	CIE	Study and assess the implementation of regulations and procedures relating to the Doing Business Indicators (WB) and propose solutions to streamline procedures and reduce time and costs, in order to improve the business environment and national competitiveness. In 2015, focus on 3 indicators: (i) registering property; (ii) protecting investors; and (iii) enforcing contracts. Activities may include study reports, one-day technical workshops, field trips, or national conference.	Completed
CIEM004	CIE	Sum up the implementation of reforms under "Ease of Doing Business Indicators (EoDB) in Vietnam for the 2011-2015 period," to develop recommendations on how to improve the business environment and enhance national competitiveness. Activities may include study reports, technical workshops, field trips, or national conference.	Completed
CIEM005	CIE	Support training events on RIA. Steps may include developing a RIA manual and delivering related trainings.	In progress
CUST001	CUS	Provide capacity building for Vietnam Customs/ MOF to deliver notification obligations under recent WTO Trade Facilitation Agreement (TFA) (Category A), and formulate Category B and C commitments of Vietnam, supporting Vietnam to implement its measures and commitments under the TFA.	Completed
CUST002	CUS	TA provided to help strengthen the relationship between Vietnam Customs and the business community to facilitate their business and operations in all activities related to customs issues including: completing the legal framework to promote the development of customs-to-business partnership, and supporting the implementation of partnership programs with AEOs, compliant traders, and customs brokers.	In progress
CUST003	CUS	Provide follow-up TA to Customs to strengthen their capacity in key areas to implement the TFA including risk management and institutional coordination in implementation of single window. (Jerry Malmo) - to rename to TFA001	In progress
CWT001	CWT	Build capacity and support implementation for combatting wildlife trafficking (CWT).	Completed
CWT002	CWT	Enhance the NA's Capacity to Oversee the Government's Efforts to CWT	In progress
CWT003	CWT	Strengthening Implementation of Laws and Regulations on Wildlife Crimes	In progress

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
CWT004.A	CWT	Capacity Assessment for GDVC	Transferred to AWP4
CWT004.B	CWT	Development of strategic plan for enhancement of capacity for GDVC	In progress
CWT005	CWT	Strengthen the Vietnam-WEN and Improve	In progress
CWT006	CWT	Inter-Agency Coordination for CWT Review of Existing Legal Assessments and Recommendations on CWT in Vietnam	In progress
CWT007	CWT	Address Challenges Facing the SPP in Prosecuting Wildlife Crimes	In progress
CWT008	CWT	Support the SPP Training institutions to Develop Specialized Trainings on Wildlife Crime Prosecution	In progress
GUC (RFA001)	GUC	Launch the "I know my land rights" campaign and contest to expand legal awareness among women and ethnic groups.	In-Progress
GUC101	GUC	Vietnam Trade Facilitation Alliance (VTFA)	In progress
GUC301	GUC	Strengthen awareness and capacity of local people and relevant agencies in order to ensure women's rights to have their names on Land Use Rights Certificates in Tan Lac and Lac Son districts in Hoa Binh province	Delayed
HNEW002	HNE	Policy advocacy forum and the role of women entrepreneurs in policy development.	Delayed
MOF001	MOF	Improve the public procurement mechanism in coordination with MPI's Public Procurement Agency (PPA).	Preparing
MOF001	MOF	Develop Action Plan to Implement TPP Commitments in the Financial Sector	Completed
MOF002	MOF	Assess the impact of the TPP on various economic sectors and State budget revenues, under Decision 68/2014/QĐ-BTC (8 Jan 2014) of the Minister of Finance, issuing the MOF Action Plan to implement Resolution 01/NQ-CP (2 Jan 2014) on implementation of the socio-economic development plan.	In progress
MOF003	MOF	Review and systematize the list of current tax-related administrative procedures, including annual statistics; propose options for simplification. Develop a process for Administrative Procedure Control.	In progress
MOF004	MOF	Enhancing public consultation on finance sector for the MOF	Completed
MOF004	MOF	Enhancing public consultation on finance sector for the MOF	Completed
MOF004	MOF	Raise awareness among drafters of LNDs in the public finance sector on the importance of public consultation, through training for officers of MOF units, and through developing tools to enable better public participation in formulation of laws and regulations.	In progress
MOF005	MOF	Strengthen the MOF capacity in implementing Vietnam's commitments on financial services and tariff schedule under the TPP	In progress
MOF005	MOF	Strengthen the MOF capacity in implementing Vietnam's commitments on financial services and tariff schedule under the TPP	In progress
MOF006	MOF	Review and assess on legal normative documents on finance in realization of international commitments	Cancelled
MOF007	MOF	Capacity building for MOF officials in commercial dispute	Cancelled
MOF008	MOF	Study and review business tax policy and administration	In progress

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
MOF009	MOF	Developing Capacity for MOF Officials on CGE-Applied Policy Analysis in the Context of International Economic Integration	Completed
MOF010	MOF	Seminars on impact of new generation FTAs on economic fields	Transferred to AWP4
MOIT001	MOI	Assist MOIT to disseminate WTO Bali package documents to related stakeholders and the business community.	Completed
MOIT002	MOI	Support MOIT to study and review policies and regulations regarding environmental protection in industrial and manufacturing production and study to review and propose List of Regulations on Standard for unsafe goods (Category II) developed by the MOIT up to 2020.	
MOIT002	MOI	Review and propose changes to environmental protection rules for the manufacturing sector.	Completed
MOIT003	MOI	Rule of Origin. Support MOIT and facilitate dialogue with stakeholders to develop regulations on self-certification of Certificates of Origin (C/O) to prepare Vietnam for Free Trade Agreement (FTA) implementation. Support the development of legal documents and strengthen capacity to implement origin self-certified mechanisms in an ASEAN pilot program.	Preparing
MOIT003	MOI	Review and analyze the LND system concerning rules of origin, to recommend revisions and amendments, or issue new LNDs, for self-certification of goods origin in the ASEAN region.	Completed
MOIT004	MOI	Development of Law on Foreign Trade Administration	In progress
MOIT004	MOI	Review and recommend ideas and a roadmap for developing and issuing MOIT technical regulations (QCVN) by 2020 for conformity of certification and examination of quality of Group II commodities in production and importation.	Completed
MOIT004	MOI	Development of Law on Foreign Trade Administration	In progress
MOIT004	MOI	Development of Law on Foreign Trade Administration	In progress
MOIT005	MOI	Improvement of legal procedures for quality and food safety inspections imposed on imported goods and regulations on food safety conditions	In progress
MOIT005	MOI	Support capacity building of understanding of legal issues for legal officers to develop and implement FTAs in selected legal and institutional areas.	Canceled
MOIT006	MOI	Capacity building on TPP key chapters for public and private sectors	Completed
MOIT006	MOI	Support systemization of the legal norm system in the trade and industry sector.	Not yet started
MOIT006	MOI	Capacity building on TPP key chapters for public and private sectors	Completed
MOIT007	MOI	Study the policies for trade, import, and export in economic zones, special trade zones, and export-processing zones (EPZs). Study foreign experiences in the development of such policies, to identify ways to improve the legal framework for such zones.	In progress
MOIT008	MOI	Review and assess 10 years' implementation experience of the 2005 Commercial Law (Part I).	Completed

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
MOIT009	MOI	Review and assess the business conditions applicable to conditional business sectors to support the implementation of the revised Investment Law and implementation of the TFA with regard to import/export licensing in these sectors.	Completed
MOIT009	MOI	Study, build, and develop special policies and legal frame work for trade development in mountainous, remote, and sea island regions	In progress
MOIT010	MOI	Conduct a status assessment for the purpose of developing National Technical Regulations on food safety assurance conditions applicable to food production, storing, and trading facilities under MOIT's management authority.	Not yet started
MOIT010	MOI	Capacity building for relevant MOIT's management agencies on TBT under the TPP	Completed
MOIT011	MOI	Conduct a status assessment for the development of a legal document stipulating the conditions for and method of managing food trading at markets and supermarkets.	Not yet started
MOIT011	MOI	Sum up and review the implementation of Decree 187/2013/NĐ-CP	Transferred to AWP4
MOIT012	MOI	Support implementation of the Bali Package TFA provisions in coordination with Customs and other agencies. Support may include reviewing regulations to facilitate trade, and issuing e-documents to enhance understanding of the Bali package.	Canceled
MOIT012	MOI	Capacity building on ROO and self- certification of origin under TPP for relevant agencies and business community	Completed
MOIT013	MOI	Support preparation for implementation of the TPP/FTA in selected technical areas agreed by GVN and USG, such as labor, environment, customs, et al.	Not yet started
MOIT013	MOI	Developing "Strategy for Domestic Market Development up to 2025 with vision to 2035"	In progress
MOIT014	MOI	Review regulations and practices in certification of origin and prepare Vietnam for implementation of a self-certification regime anticipated in FTAs such as TPP. Activities may include survey of current practices, training, technical or management advice, et al.	Completed
MOIT015	MOI	Strengthen PPPs between the MOIT and VAWE	In progress
MOIT016	MOI	Support the development of report on "Improving tools and methods that protect consumer rights in Vietnam"	In progress
MOIT017	MOI	Capacity building on basic knowledge of environmental issues under WTO, TPP, FTAs and international cooperation frameworks with regard to some exports of Vietnam	Transferred to AWP4
MOJ	MOJ	Develop a set of standardized administrative procedures and tools for rationalization of administrative procedures for government of various levels, focusing on selected priority areas such as tax, customs, et al.	In progress
MOJ001	MOJ	Workshop on RIA for Law on Laws	Completed

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
MOJ002	MOJ	"Gender mainstreaming into law". Support MOJ assessment of current procedures to mainstream gender into law making at different levels. Assess gender mainstreaming in law making processes to bring gender equality into making of legal normative documents, and propose guidelines to implement gender mainstreaming in legal drafting per the Law on Laws.	In-Progress
MOJ002	MOJ	Gender mainstreaming Feedback Workshop	Completed
MOJ002	MOJ	The activity should be "Training on gender equality and women advancement for CFAW (MOJ) staff or judicial cum gender staff in judicial sector" as proposed in Project Document approved by MOJ	Completed
MOJ003	MOJ	Technical workshops on RIA report and policy issues for the Civil Code Amendment	Completed
MOJ004	MOJ	Support organization of a workshop to solicit comments on the draft Decree on Commercial Mediation.	Completed
MOJ004	MOJ	Support MOJ to hold a workshop seeking input on the draft Decree on commercial mediation.	Preparing
MOJ005	MOJ	Assist MOJ to conduct training and workshop on codification and development of a manual on codification.	In progress
MOJ006	MOJ	Consultative workshop help MOJ to review different perceptions, concepts, practices and application of custom and traditions in solving family and marriage conflict and disputes in the community and at court thus to develop legal mechanism to institutionalize and operationalize appropriate customs and traditions as measures to handle civic problems in remote areas where there are high number of ethnic minorities residing.	Completed
MOJ007	MOJ	Provide TA and capacity building to support MOJ to improve its capacity in law implementation monitoring by building partnership with non-government stakeholders.	Completed
MOJ007	MOJ	Provide a grant to support an AC survey by Toward Transparency.	Cancelled
MOJ008	MOJ	Consultation meetings and position paper from CSOs in support of the drafting of the Civil Code	Completed
MOJ009	MOJ	Technical workshop on RIA for Civil Code for 5 or 6 people at GIG Office	Completed
MOJ010	MOJ	Training on the provisions of law on secured transactions, registration of secured transactions particularly to the subjects directly affected in this sector	Completed
MOJ011	MOJ	Conduct professional and operational dialogues/seminars on a quarterly basis to improve knowledge and skills of codification officers, and to address difficulties in codification activities.	Completed
MOJ012	MOJ	Support MOJ to develop guiding manual for use by local government on legal access for citizens.	Completed
MOJ013	MOJ	Support the management and facilitation of international cooperation activities in the legal sector through technical assistance in (i) implementation of the decree on cooperation in legal sector; (ii) possible support of a study mission to the US on experience in implementation of the Constitution.	Canceled

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
MOJ013	MOJ	Improve the criteria for legal experts of the justice sector	Transferred to AWP4
MOJ014	MOJ	Develop a 2015 Action Plan for Gender Equality. Develop Guidelines for Gender Mainstreaming in LND drafting, under the new Law on Promulgation of LNDs.	Completed
MOJ014	MOJ	Consultative meetings with MOLISA, VVU and SOs to identify models for social protection (legal and mental counseling, social work and information access) to target issues of vulnerability, risk and deprivation facing traditionally disadvantaged communities in remote areas. These issues may include domestic violence, land deprivation, working in harmful informal sectors, social discrimination due to sexual orientation or being transgendersed.	Cancelled
MOJ015	MOJ	Support GPAR (cooperation of SOs working on Governance and Public Administration Reform) to conduct roundtable discussion with targeted agencies working on policy advocacy, EM, LGBT, gender equality on policy issues/legal barriers that hinder vulnerable groups.	Completed
MOJ015	MOJ	Support MOJ's Institute of Legal Science policy forum on mechanisms for citizen participation in local governance. Inputs and findings from GPAR Roundtable presented to government, private sector, mass organization, SOs, researchers and think tanks.	Completed
MOJ016	MOJ	Support on law on administrative decisions including Provision of International expert, survey and consultation with state and non-stake holders, technical workshops to review draft. Teams 1 and 3 will work together. (Scott Jacobs)	In progress
MOJ016	MOJ	Support development of the Law on Making Administrative Decisions. Support a study of international experiences related to drafting the Law on Making Administrative Decisions.	Completed
MOJ017	MOJ	Support the MOJ to review the regulation on the organizational structure of the MOJ to strengthen specialization of duties and regulatory coordination.	Preparing
MOJ017	MOJ	Organize a Workshop to finalize draft Regulations on Decentralization and Appointment of the Duty to manage civil servants and employees in various State management entities under MOJ.	Completed
MOJ018	MOJ	Study and compile guidelines for developing provisions on administrative procedures in draft LNDs	Completed
MOJ018	MOJ	Support MOJ to develop guidelines on incorporating administrative procedures in draft legal normative documents (LNDs).	Not yet started
MOJ019	MOJ	Support development of the 2005 Civil Code (amended), by continuing support for the regulatory impact assessment (RIA).	Completed
MOJ020	MOJ	Develop an academic partnership between Vietnamese law schools and Tulane Law School to develop curriculum and train staff in legal drafting and development. In Year One, explore cooperation with Hanoi Law University and other law schools as appropriate.	In progress

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
MOJ020	MOJ	Develop an academic partnership between Vietnamese law schools and Tulane Law School to develop curriculum and train staff in legal drafting and development. Improve the training capacity of lecturers at Hanoi Law University and other law schools for legal drafting skills.	Completed
MOJ021	MOJ	Support development of LNDs to implement provisions of the Law on Family and Marriage concerning vulnerable groups, such as women, people with disabilities, people living with HIV, LGBT, and ethnic minorities.	Completed
MOJ022	MOJ	Provide capacity building to legal aid officers and lawyers-collaborators, as needed related to the Law on Legal Aid and legal aid service provision.	Canceled
MOJ023	MOJ	Support monitoring of law implementation and development of tools to enable citizens to provide feedback on implementation of laws (alternative proposal from GIG). Develop methods to clarify and harmonize roles of different departments within MOJ, as appropriate. Study the basis and support development of a Proposed Law on Organizing Law Implementation.	In progress
MOJ024	MOJ	Support monitoring of law implementation and development of tools to enable citizens to provide feedback on implementation of laws (alternative proposal from GIG). Develop methods to clarify and harmonize roles of different departments within MOJ, as appropriate.	In progress
MOJ025	MOJ	Support monitoring of law implementation and development of tools to enable citizens to provide feedback on implementation of laws (alternative proposal from GIG). Develop methods to clarify and harmonize roles of different departments within MOJ, as appropriate.	Canceled
MOJ026	MOJ	Review and develop options for legal system improvement to implement TPP commitments, per agreed need and priorities.	Not yet started
MOJ026	MOJ	A training conference on the implementation of the legal documents concerning the development and management of justice officers for focal point officers in charge of organization and personnel work at different units of the MOJ	Transferred to AWP4
MOJ027	MOJ	Support establishment of an equitable and transparent dispute resolution mechanism to deal with investor- state disputes promptly and efficiently within the framework of TPP and agreements on promotion and protection of investment.	In progress
MOJ028	MOJ	Support development of a Prime Ministerial Decision amending and adding to Decision 09/2003/QĐ-TTg (24 Jan 2013) providing law accessibility standards.	Completed
MOJ029	MOJ	Survey, assess, and propose options for development of local communities to meet law access standards.	Completed
MOJ029	MOJ	Improve the capacity of key leaders from different agencies of the justice sector on gender and gender equality	Completed
MOJ030	MOJ	Develop Operational Guidelines for RIA.	In progress
MOJ030	MOJ	Development of impact assessment operational guidelines	In progress
MOJ031	MOJ	Improve the LND drafting capacity of legal officers of ministries, NA, sector organizations, and localities.	In progress
MOJ031	MOJ	Improve bill-drafting skills	In progress

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
MOJ032	MOJ	Training on recognition and implementation of foreign arbitral awards	Cancelled
MOJ032	MOJ	Develop Guidelines for Gender Mainstreaming in LND drafting, under the new Law on Promulgation of LNDs.	Not yet started
MOJ033	MOJ	Support Development of the Law on Access to Information: Provide technical expertise in reviewing the provisions on access to information in various international commitments, international agreements, and select laws of other countries, especially laws recently enacted or laws from countries similar to Vietnam.	In progress
MOJ034	MOJ	Support standardization of administrative procedures, through the finalization of the manual of drafting AP regulations, development of methodology and tools for APs standardizing, and update of standardized APs on the online national database.	In progress
MOJ035	MOJ	Conduct gap analysis/legal review of TPP commitments, and Vietnamese legislation and regulations	In progress
MOJ036	MOJ	Capacity Building for Government Officials on ISDS	In progress
MOJ037	MOJ	Support for the Revision of the Law on State Compensation Liability	Completed
MOJ038	MOJ	Survey the needs of different groups of population for legal aid	Completed
MOJ039	MOJ	Support to review and revise the Law on Legal Aid	Completed
MOJ040	MOJ	Consultation workshop to comment on the draft Decree guiding implementation of the Law on Promulgation of Administrative Decisions	Cancelled
MOJ041	MOJ	Develop a set of Constitutionality Criteria Guiding Material for appraising newly drafted or revised laws	In progress
MOJ042	MOJ	Support the Advisory Board in reviewing proposed laws and ordinances	Completed
MOJ043	MOJ	Support to the development of the Draft Law on Access to Information	Completed
MOJ044	MOJ	Support to the development of the Decree guiding the detailed implementation of the Law on Access to Information	Cancelled
MOJ045	MOJ	Support the revision of the Ordinance on Codification of Legal Norm System and related regulations	Completed
MOJ045	MOJ	Support the revision of the Ordinance on Codification of Legal Norm System and related regulations	Completed
MOJ046	MOJ	Support the development of a Decree guiding the 2015 Law on Laws (the part on examination and handling of the legal documents replacing Decree No. 40/2010/NĐ-CP)	Completed
MOJ047	MOJ	Develop a toolkit to measure the progress of the administrative procedure reform in support of the assessment of the regulatory and administrative procedure reform at different ministries and agencies by the ACAPR	In progress
MOJ047	MOJ	Develop a toolkit to measure the progress of the administrative procedure reform in support of the assessment of the regulatory and administrative procedure reform at different ministries and agencies by the ACAPR	In progress
MOJ048	MOJ	Standardization of administrative procedures as requested at Decision 08/QD-TTg dated 6 January 2015 and Resolution 19-2016/NQ-CP	Completed

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
MOJ048	MOJ	Standardization of administrative procedures as requested at Decision 08/QD-TTg dated 6 January 2015 and Resolution 19-2016/NQ-CP	Completed
MOJ049	MOJ	Study and assess the status of simplification of administrative procedures for investment, land and construction areas under Resolution 43/NQ-CP dated 06/6/2014 of the government	In progress
MOJ050	MOJ	Sharing international experience on engaging people in policy development and consultation during the law making process	Completed
MOJ051	MOJ	Capacity of the legal counselling officers and identification of directions for the draft decree amending and adding to Decree 77/2008/ND-CP	Completed
MOJ052	MOJ	Legal handbook on personal rights and property rights for vulnerable groups	In progress
MOJ053	MOJ	Develop a manual on legal information support for the SMEs according to TPP and other FTAs requirements	In progress
MOJ054	MOJ	Development of Commentary Book on the 2015 Civil Code	Transferred to AWP4
MOJ055	MOJ	Support ICD to organize the dialogue forum on international cooperation in the legal areas and discuss the GIG Program AWP4	In progress
MOJ056	MOJ	Capacity building for improved State management of international cooperation on legal matters in line with Decree 113/2014/ND-CP	Completed
MOJ057	MOJ	Workshop for finalization of the Draft Decision on stipulating legal access indicators and evaluating, acknowledging communes, wards and towns that meet the legal access standards	Completed
MOJ058	MOJ	Development of Recommendations for	In progress
MOJ058	MOJ	Development of Recommendations for	In progress
MOJ059	MOJ	Revisions to the Law on Criminal Records Survey on residential housing and social housing	Cancelled
MOJ060	MOJ	Training on teaching methods on work management, problem solving, and negotiation skills of lawyers in connection to international trade	In progress
MOJ061	MOJ	Support to improvement the draft Law on Authentication	Cancelled
MOJ062	MOJ	One study tour to the U.S. for high-ranking, inter-agency officials of the justice sector and one study tour for Standing Committee members to U.S.	Completed
MOLISA001	MOL	Support to the Implementation and Expansion of the Master Plan on Industrial Relations	Completed
MOLISA002	MOL	Labor Commitments in FTAs and International Experience in Handling and Settlement of Disputes	Cancelled
MOLISA003	MOL	Review the Possibility of Ratifying select ILO conventions (#159 and #88)	Completed
MOLISA004	MOL	Review Implementation of Select International Labor Conventions Ratified by Vietnam	In progress
MOLISA005	MOL	Review of Three Years of Implementation of the 2012 Labor Code	Completed
MOLISA006	MOL	Support the Preparation for the Annual	Completed

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
MPI001	MPI	Provide TA to Finance and Monetary Department of Ministry of Planning and Investment to give inclusive inputs to revised State Budget Law and enhance the effectiveness of capital investment financed by State budget to improve the amendment of State Budget Law.	Completed
MPI001	MPI	Leveraging the work of KRA 2.1 and 2.2, build a partnership between NA, government, SOs, think tanks and other non-government stakeholders to enable feedback on implementation and monitoring of laws and regulations.	
MPI002	MPI	Support RIA training for policy analysts and advocates, and assess the need for institutionalizing RIA training at universities and training institutions.	Preparing
MPI002	MPI	Develop a Circular or guidelines on implementation of the Public Procurement Law. Support will include (i) review of and development of initial Circular(s); (ii) consultations with PPA on implementation and dissemination; (iii) possible support for additional Circulars. Organize workshops in 3 regions to obtain comments and inputs on LNDs, including review of the Public Procurement Law.	Completed
MPI003	MPI	Design and develop Summer Seminar for young policy analysts to enhance their capacity to research and develop evidence-based policy options. Jim Reidel.	Delayed
MPI003	MPI	Support public procurement mechanisms, such as certification, through assessment, planning, and initial implementation.	Completed
MPI004	MPI	Support MPI's Academy for Policy Development (ADP) to develop a master program in public policy on a cost sharing basis with Portland State University. GIG will partially fund development of the program.	Cancelled
MPI004	MPI	Support review of the USG procurement system and its experiences meeting international commitments on government procurement. Activities to include a workshop and relevant skills development. Organize workshops to disseminate information about international commitments related to government procurement	In progress
MPI005	MPI	Review and assess e-procurement practices in Vietnam. Develop a roadmap for possible future applications. Activities may include workshops and review of international best practices. In the 3rd quarter, the scope was changed upon request of MPI and after consultation with USAID to the following: E- procurement support and strategy development. Activities include training for PPA officials and a public outreach campaign.	In progress
MPI006	MPI	Improve the efficiency and decentralization of public investments to promote transparency and central-local coordination. Support to include continued capacity development and inputs on capital investment policies, and may include workshops, consultancies, or trainings.	Completed
MPI007	MPI	Continue Year I efforts to support MPI's review and implementation of the State Budget Law.	Completed
MPI008	MPI	Support capacity development for the International Public Procurement Center.	Canceled

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
MPI008	MPI	United States–Vietnam Labor Dialogue Implementation of TPP commitments in Government Procurement: Independent Administrative Review Authority and Notice of Intended Procurement	In progress
MPI008	MPI	United States–Vietnam Labor Dialogue Implementation of TPP commitments in Government Procurement: Independent Administrative Review Authority and Notice of Intended Procurement	In progress
MPI009	MPI	Support capacity development for the Center for Research and Policy Consultation.	Completed
MPI010	MPI	TPP and Government Procurement: Legal Gap Analysis and Implementation Roadmap for Vietnam	Completed
MPI011	MPI	Readiness Assessment	Completed
MPI011	MPI	E-catalogue development: Needs and Readiness Assessment	Completed
MPI012	MPI	Development of the E-Catalogue System	In progress
MPI013	MPI	Assessing the Performance and Management of Off-Budget Financial Funds	Completed
MPI014	MPI	Study and support for institutional development to develop the Micro credit market	Completed
MPI015	MPI	Consultation on Local Development of the SEDP and Public Investment Plan	In progress
MPI016	MPI	Training-of-trainers on focal topics related to: public policy (especially macroeconomic policies), green growth, international economic integration, sustainable development	Transferred to AWP4
MPI017	MPI	Assess the National Investment Information System on Foreign	Completed
MPI018	MPI	Upgrade the NIIS	In progress
MPI019	MPI	Monitor and assess implementation of the Resolution 19 on improvement of the business environment and national competitiveness (at both central and local levels)	In progress
MPI019	MPI	Simplification of specialized inspection for import-export goods in the implementation of Resolution 19/2016	In progress
MPI020	MPI	Simplification of specialized inspection for import-export goods in the implementation of Resolution 19/2016	In progress
MPI021	MPI	Review and assess legal provisions concerning issuance of construction permits and registration for property ownership	Completed
MPI021	MPI	Review and assess legal provisions concerning issuance of construction permits and registration for property ownership	Completed
MPI022	MPI	Develop and improve the Law on Support of SMEs	In progress
MPI023	MPI	Improve and disseminate the legal framework for cooperative development	In progress
MPI024	MPI	Improve Capacity for State Management Officers to handle cooperatives registration, particularly at the district level	Completed
MPI025	MPI	Assessment of Advantages and Disadvantages to Vietnam Joining the ICSID Convention	In progress
MPI026	MPI	Enhancing the capacity and coordination of macroeconomic inter-ministerial working group on indicators collection, forecast, and policy analysis	Completed

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
NA001	NA	Roles of the National Assembly in the Ratification and Implementation of FTA	Completed
NA002	NA	Margarita Seminario consultancy. Develop the GIG Action Plan with NA departments and committees focusing on oversight functions and capacity building needs.	Completed
NA002	NA	Assess potential cooperation with the NA Judicial Committee and Anti-Corruption Bureau of the Government Inspectorate to support AC efforts.	Completed
NA003	NA	Provide TA and training to the Committee/Department on Finance and Budget to strengthen the NA budget oversight process and improve capacity of its Department on Budget Analysis and Budget Oversight, based on the model of the US Congressional Budget Office.	Completed
NA004	NA	Conduct a needs assessment, and (based on assessment) draft and initiate an action plan for four areas: (i) improving media relations; (ii) internal capacity development of Department staff; (iii) development of tools (e.g., website); and (iv) NA-wide support (including training of spokespersons).	In progress
NA005	NA	Support the NA Library to develop a comprehensive IT application for NA deputies and staff to make accessible evidence to support oversight and legislation functions, including disaggregated data on gender and vulnerable groups (in collaboration with KRA 1.3).	In-Progress
NA005	NA	Continue Year I work on the Instant Support System. Once implemented, provide additional support for accessing resources, such as the Global Legal Information Network (GLIN), or others.	Completed
NA006	NA	Develop regulations on the order, sequence, and details of oversight activities of the NA and its Standing Committee. Areas of support will include defining the role of the Department, and supporting implementation of oversight regulations.	Completed
NA006	NA	Mapping all current feeding back mechanisms that different social organizations representing GIG target groups are using to do policy advocacy (not included as an activity in WP by mistake, but mentioned in expected result 2 of KRA 3.2)	Delayed
NA006	NA	Map SOs, coalitions or partnerships working together on land rights, ethnic minority issues, gender equality, policy advocacy, women's empowerment, social enterprise promotion, women's entrepreneurship development, and their database systems.	Delayed
NA007	NA	Support the revision of the State Budget Law. Activities to include: (i) gather information on implementation of the current Budget Law at the subnational level, including recommendations for revisions; (ii) disseminate findings to MPs; (iii) organize a workshop before the Spring NA session to seek comments from experts and concerned agencies; (iv) offer assistance in consolidating recommendations (including recommendations from Year I) for the final version of the revised law. All activities will also include a review of Decision 387 and best practices on inclusive budgeting.	Completed
NA008	NA	Publication of materials on FTAs including key issues such as the environment and labor.	Preparing

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
NA008	NA	Organize 6 technical workshops on intellectual property, government procurement, trade facilitation, origins of goods, labor, environment, and other topics, for the publication of technical briefing materials on FTAs for NA deputies to perform ratification and implementation of FTAs	Not yet started
NA009	NA	Establish the Golden Speaker Series, bringing together Vietnam's leaders, policy makers and citizens with world-renowned thinkers and leaders to share their views and perspectives in this corporate sponsored program. In Year One develop relationships with formal counterparts and partners and formulate an action plan.	Cancelled
NA009	NA	Organize training for Committee staff based on identified needs, including those recommended in Year 1. Potential topics include budget review and development, and coordination with government bodies.	Completed
NA010	NA	Organize a Technical Conference on FTAs in the central region of Vietnam.	Completed
NA010	NA	Support NA Committees/Departments through trainings and TA to develop oversight tools to strengthen hearings or accountability sessions, oversight and consultation process and improve oversight skills.	In-Progress
NA010	NA	Provide TA through workshops or dialogue to support the amendment of State Audit Law in coordination with Component I, to provide the legal foundation for a more effective and 'independent' State Audit as envisaged by the Constitution.	Cancelled
NA011	NA	Develop a concept note with GVN counterparts, including MOJ, MOF, and MOIT to identify collaborative program approach for Years 2-5.	Cancelled
NA011	NA	Review and enhance the NA Library's capacity to support legislative forums and dialogues, working in coordination with the Law Committee and other relevant committees.	Completed
NA012	NA	Support internal resources and procedures of the Committee. Activities to include support for review of relevant LNDs for complaints and petitions, and consultations on internal systems for managing requests and information effectively and efficiently.	In progress
NA013	NA	Upgrade Website and Online Training Portal of the Training Center for Elected Representatives	In progress
NA013	NA	Initiate a constituent engagement pilot program to inform MPs on how to process constituent requests under current laws and regulations. Pilot participants will receive informational material and ongoing support from the Committee, hold regular constituent engagement sessions, and report on how each received request was addressed.	Delayed
NA014	NA	Compiling books to provide basic knowledge and skills to newly-elected NA deputies and people's council deputies	Transferred to AWP4
NA014	NA	Support a workshop to review LNDs on internal migration and assess the situation of in-migration, particularly of ethnic minorities. Workshop outputs to include recommendations to be incorporated into the draft Law on Population.	Cancelled

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
NA015	NA	Conduct research and produce a paper on Access to Information for Ethnic Minority Groups. Activities to include field research and workshops, and recommendations to support GVN counterparts and other stakeholders to engage ethnic minority groups through public outreach in Vietnam's governance process, enabling the use of evidence-based research in supporting citizen participation in public policy.	In progress
NA016	NA	Orientation Training for Newly-Elected Deputies	Completed
NA016	NA	Organize a workshop on the implementation of laws concerning the recruitment, training, and professional development of officers, public employees, and civil servants belonging to ethnic minority groups.	Canceled
NA017	NA	Support NA Judicial Committee on Revision of Anti-Corruption Law	Completed
NA017	NA	Provide skills training for NA deputies and deputies of People's Councils from ethnic minorities, to enhance their ability to take part in law-making and mainstreaming relevant policy issues on behalf of their constituencies.	Canceled
NA018	NA	Provide training support to new ILS staff on legislative research and analysis.	Completed
NA019	NA	Convene regular law forums to allow stakeholders, citizen groups, and GVN representatives to discuss and provide recommendations on select draft laws. Forum topics will include the Law on the Organization of the Local Governments, the Law on Oversight, and the Law on Laws. Forums will be designed to address issues related to each law. For example, a Law on Audit Forum could serve as a forum for the SAV and the NA. In addition, laws initiated by NA deputies should be highlighted.	Completed
NA020	NA	Assist the Law Committee in conducting some Q&A sessions (deliberative hearings) in accordance with the working schedule of the Committee. Coordinate with Oversight Department on developing oversight procedures and rules.	Canceled
NA020	NA	Support the Revision of the National Assembly Steering Committee Resolution on the State Budgeting Process	Completed
NA021	NA	Conduct a training needs assessment for NA deputies and staff.	In progress
NA022	NA	Integration of gender budgeting principles into the Draft Revised Law on State Budget	Completed
NA023	NA	Disseminating and oversight the Implementation of the revised 2015 State Budget Law	Completed
NA024/25	NA	Training Workshop on Handling Public petitions and Introduction of Constituent Engagement Methods	Completed
NA026	NA	Training on Advanced Policy Analysis and Bill Drafting Skills for Staff of the Institute for Legislative Studies and the Office of the NA	Completed
NA027	NA	Development of Manual on Policy Analysis for Staff of ILS and ONA	In progress
NA028	NA	Strengthening communication skills of NA Deputies	Transferred to AWP4
NA029	NA	Enhance capacity of NA E-portal in connecting voters with NA	In progress
NA030	NA	Workshop on preparation for the TPP Ratification for NA deputies	Completed

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
NA031	NA	Develop Evaluation form for NA's Question and Answer Sessions	In progress
NA032	NA	Consultations to Develop Manual on Oversight Activities Develop Regulation on Procedures	In progress
NA033	NA	Develop Regulation on Procedures Governing the National Assembly's Oversight Activities	In progress
NA034	NA	Annual law forum	Cancelled
NA035	NA	Support NA Law Committee To Review Laws	Cancelled
NA036	NA	TPP Workshops: from Ratification to Implementation	Completed
NA037	NA	Support to the Development of the Regulation on the Mandate and Procedures of the National Assembly Secretary General and Secretariat	In progress
NA038	NA	Development of ISS - Phase Two	In progress
NA039	NA	Enhancing the NA Library's Capacity to Effectively Provide Information to Deputies	Completed
SAV001	SAV	GAO Fellows. Facilitate a partnership between the US Government Accountability Office (GAO) and SAV. In Year One, two SAV auditors will register for upcoming GAO training in the US.	In-Progress
SAV001	SAV	Support 2 officers to attend the audit specialized training course organized by US GAO and to establish partnership with US GAO. Upon their return, organize workshop to share their experiences.	In progress
SAV001	SAV	Support participation of one staff in the GAO International Auditor Fellowship Program, followed by workshop to learn from representative's experiences.	Completed
SAV002	SAV	Forum(s) discussing the role of the SAV.	Completed
SAV002	SAV	Create a draft action plan in collaboration with SAV focusing on the status of public auditing standards relative to ISSAI (International Standards of Supreme Audit Institutions), capacity building for performance audits, and building a collaborative relationship with the International Organizations of Supreme Audit Institutions (INTOSAI)	Completed
SAV003	SAV	Technical Review of the SAV IT Draft Master Plan 2015-2020	Completed
SAV003	SAV	Based on final IT Master Plan, identify area of support and collaborate with IT Center on incorporating enhanced IT systems and procedures. In addition, consult on database and information management.	Completed
SAV004	SAV	Support SAV in finalizing the draft revised State Audit Law, and then disseminating its implementing documents after the Law is promulgated. Support to include: (i) drafting assistance including harmonization with other laws such as the State Budget Law, (ii) coordination with the NA on drafting and deliberation, (iii) guidelines for implementation, and (iv) development of regulations.	In progress
SAV005	SAV	Develop a model of operational divisions in the units performing audit operations. Support to include offering ongoing organizational consulting on SAV's structure and roles of departments.	In progress

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
SAV006	SAV	Offer training and support SAV's capacity to train its officers. Activities to include: (i) identify a topic for training to serve as the pilot module, based on assessed needs; (ii) create training materials; (iii) conduct ToTs; and (iv) institutionalize. As part of process, assist SAV in reviewing governing norms of audit area and drafting guidelines for that area. The first module will serve as a model, which may then be replicated in other areas.	Delayed
SAV008	SAV	Support to the Improvement of Annual Audit Report and Audit Quality Control System	In progress
SAV009	SAV	Support to IT Audit Plan Development and Training	In progress
SAV010	SAV	Support the implementation of the revised 2015 State Audit Law	Transferred to AWP4
SPC001	SPC	Training for judges and court officers on the recognition and enforcement in Vietnam of foreign arbitral awards	In progress
STAM001	STA	TBT Support to STAMEQ	Completed
STAM001	STA	Assess need for upgrading database system for Vietnam Technical Barriers to Trade (TBT) Office to enhance transparency in TBT related market access; support to improve capacity for officials of the TBT Vietnam Office.	Preparing
STAM003	STA	Capacity building for relevant TBT network on TBT under the TPP (Phase I)	Completed
STAM004	STA	Workshop to provide guidance on using and exploiting ENS system to businesses, associations and Vietnam TBT network	Transferred to AWP4
TBD	TBD	(this might be a GUC under an upcoming Annual Program Statement [APS] for Team 3) Support CEMA to develop sustainable and community-based business models for EM (on tourism, herbal medicines and handicrafts) through a skill transfer process (business establishment and marketing) conducted by a social enterprise. (CEMA not CIEM as put in WP)	Cancelled
TBD with USAID	TBD	Support SOs through grants under contract (GUC) to undertake assessments of policy implementation such as impact analyses of public policies on affected groups, especially women, ethnic minorities, and vulnerable groups.	Preparing
TBD with USAID	TBD	Provide grant to VJA or similar organization to design, develop and implement training modules on budget process and other key inclusive policy issues to journalists (provide DTA instead of grant)	In-Progress
TFA001	TFA	Implement commitments under the WTO TFA: risk management, national single window, CBP, strategic administration of the customs modernization plan, performance indicators, compliance measurement and assessment, experience sharing, Vietnamization, application of the EClick software, et al.	Completed
TFA001	TFA	Technical assistance provided to help strengthen the relationship between Vietnam Customs and the business community to facilitate their business and operations in all activities related to Customs issues including: completing the legal framework to promote the development of Customs-to-business partnership, and supporting the implementation of partnership programs with AEOs, compliant traders, and Customs brokers.	Completed
TFA002	TFA	Improve and promulgate harmonized system explanatory notes.	Completed
TFA002	TFA	Customs-to-Business Consultative Partnership	In progress

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
TFA002	TFA	Customs-to-Business Consultative Partnership	In progress
TFA003	TFA	Build capacity and support implementation for combatting wildlife trafficking (CWT).	
TFA003	TFA	Build capacity and improve the legal framework concerning negotiation and conclusion of the Mutual Recognition Agreement on AEOs with other countries and territories	Cancelled
TFA004	TFA	Support for Implementation of WTO Agreement on Trade Facilitation (TFA): (i) support the implementation of regulations; (ii) build capacity for Customs and related agencies; (iii) operationalize TFA partnership with the private sector; (iv) work with Customs, CIEM and businesses on simplification of “specialized management” regime; (v) support Risk Management Board of Vietnam Customs to develop a compliance measurement system, compliant traders program, and risk management framework; and (vi) develop a comprehensive customs performance indicators systems, including conducting survey on customers' satisfaction towards VN customs performance/activities.	Completed
TFA007	TFA	Support to the development and implementation of Vietnam's list of imports and exports based on the AHTN 2017	Completed
TFA007.A	TFA	Support to develop the draft guiding Decree on Law on Customs Duties	Completed
TFA008	TFA	Local customization and application of the World Customs Organization EClick software; Integrate the EClick software with the Local Area Network of GDVC	Cancelled
TFA009	TFA	Simplification of specialized inspection for import-export goods and customs procedures in the implementation of Resolution 19/2016	In progress
TFA010	TFA	Implement the WTO TFA Action Plan	In progress
VCCI001	VCC	Businesses Competitiveness and Free Trade Agreements: Expectations and Lessons Learned	Completed
VCCI002	VCC	Conduct a workshop with VVVEC in South Vietnam on economic and business integration knowledge and practices to women entrepreneurs featuring presentations, dialogue, information and analysis of TPP and AFC and related challenges, requirements and opportunities.	Delayed
VCCI003	VCC	Provide training to VVVEC to improve its database on women entrepreneurs to strengthen membership, support policy advocacy and establish links to the General Statistics Office (GSO) database on women entrepreneurs.	Delayed
VLA001	VLA	Support VLA to prepare consultation reports and recommendations to improve the drafts of the revised Law on Anti-corruption and revised Law on State Compensation.	In progress
VVVEC001	VVE	Conduct a workshop for 30 VVVEC board and staff members on Council management, network management, working with multiple stakeholders, corporate governance, TPP, gender and gender equality, and policy advocacy.	Delayed
VVVEC001	VVE	Preparation of VVVEC Development Strategy 2020, enhancing VVVEC's vision and mission, development of membership and database...	Completed

<b>Activity Number</b>	<b>Counterpart</b>	<b>Description</b>	<b>Status</b>
VWEC002	VWE	Assess and build the communications capacity of VWEC to improve dissemination of information to members and citizens	Delayed
VWEC003	VWE	Strengthening Vietnam Women Entrepreneurs Council capacity in managing members. Support VWEC with the tool to develop, administer and serve its members more effectively, especially in the face of the upcoming free trade agreements.	Delayed

## Annex 10: GIG Monitoring and Evaluation Plan

Result Indicator number	Result Indicator Description	Expected Result (ER)	KRA	Result Indicator Explanation
RI.0.0.1	Ease of Doing Business Rank	Project Goal	Goal	This measure shows the distance of each economy to the “frontier.” The frontier represents the highest performance observed or each of the indicators across all economies measured in Doing Business. An economy’s distance to frontier is reflected on a scale from 0 to 100, where 0 represents the lowest performance and 100 represents the frontier.
RI.0.0.2	CPIA public sector management and institutions cluster average	Project Goal	Goal	The public sector management and institutions cluster includes property rights and rule-based governance, quality of budgetary and financial management, efficiency of revenue mobilization, quality of public administration, and transparency, accountability, and corruption in the public sector (1=low to 6=high).
RI.0.0.3	CPIA policies for social inclusion/equity cluster average	Project Goal	Goal	The policies for social inclusion and equity cluster includes gender equality, equity of public resource use, building human resources, social protection and labor, and policies and institutions for environmental sustainability. (1=low to 6=high).
RI.1.0.1	Time to export/import (days)	Project Goal	Goal	The time for exporting and importing is recorded in calendar days. The time calculation for a procedure starts from the moment it is initiated and runs until it is completed. (Source: <a href="http://www.doingbusiness.org/methodology/trading-across-borders">http://www.doingbusiness.org/methodology/trading-across-borders</a> ).
RI.1.0.2	Ranking on transparency of Government Policymaking by WEF	Project Goal	Goal	This indicator measures the transparency of government policy making, based on the Global Competitiveness Report by World Economic Forum (WEF). (Source: <a href="http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf">http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf</a> ).
RI.1.0.3	Percent of TPP required legislative changes and supporting regulations that have been drafted with GIG assistance upon partners' requests	Project Goal	Goal	This indicator measures the ratio of legislative changes and supporting regulations which are assisted by GIG during drafting process over those required by TPP (Trans-pacific Partnership) agreement that GIG partners requested for GIG support in percentage terms.

Result Indicator number	Result Indicator Description	Expected Result (ER)	KRA	Result Indicator Explanation
RI.1.1.1	Number of policies/laws/regulations/procedures drafted, revised, and/or adopted to enhance governance and/or facilitate private sector participation and competitive markets as a result of GIG assistance	ER1	KRA.1.1	This indicator measures number of policies, laws, regulations, procedures drafted, amended and/or adopted with GIG assistance which should have as its objective/intent in enhancing governance and/or facilitating private sector participation and competitive markets.
RI.1.2.1	Number of GIG-assisted activities to enhance policy development process	ER1	KRA.1.2	This indicator measures number of activities with a focus on building capacity for policy makers and analysts to develop policy options and initiatives as well as other activities to enhance policy development process.
RI.1.3.1	Number of evidence-based policy analyses conducted with GIG support	ER1	KRA.1.3	This indicator measures number of activities with a focus on building capacity for policy makers and analysts to develop policy options and initiatives as well as other activities to enhance policy development process.
RI.1.3.2	Number of information systems established or substantially upgraded with GIG support	ER1	KRA.1.3	This indicator measures number of information systems (website, database...) established or substantially upgraded with GIG support with a view to improving policy making process. Information system is a form of communication system in which data is saved, presented and processed.
RI.1.4.1	Number of sections codified and/or systemized conducted with GIG assistance	ER1	KRA.1.4	This indicator measures number of sections codified and/or systemized by government counterparts. Codification is the process of reviewing, collecting, and arranging legal normative documents. The Codification Code is divided into different titles which deal with broad, logically organized areas of legislation. Under titles, there are sections to be codified by various ministries, according to PM Decision 843/QD-TTg on 6 June 2014 on "Approval of List of Sections in Each Title and Responsible Agencies".
RI.1.5.1	Number of GIG-supported public consultation events to improve Vietnam's legal and regulatory framework	ER1	KRA.1.5	This indicator measures number of events (forums, campaigns, workshops, seminars...) to get public comments and feedback on legal and regulatory issues.

Result Indicator number	Result Indicator Description	Expected Result (ER)	KRA	Result Indicator Explanation
RI.2.0.1	Open Budget Index score	Project Goal	Goal	The Open Budget Index (OBI) was created by International Budget Partnership (IBP) to measure the overall commitment of the countries to transparency. This index assigns a score to each country based on the information it makes available to the public throughout the budget process. (source: <a href="http://internationalbudget.org/what-we-do/major-ibp-initiatives/open-budget-initiative/">http://internationalbudget.org/what-we-do/major-ibp-initiatives/open-budget-initiative/</a> )
RI.2.0.2	Median scores of transparency indicator in PCI	Project Goal	Goal	This sub-index of PCI (Provincial Competitiveness Index) measures whether firms have access to the proper planning and legal documents necessary to run their businesses, whether those documents are equitably available, whether new policies and laws are communicated to firms and predictably implemented, and the business utility of the provincial webpage.
RI.2.1.1	Number of activities to support executive oversight process receiving GIG assistance	ER2	KRA.2.1	This indicator measures the GIG-assisted activities to support executive oversight process. These activities include assistance to the National Assembly in conducting effective oversight hearings (i.e. Q&A sessions), support to the Ministry of Justice in overseeing the implementation of laws, and other activities to support government oversight process.
RI.2.1.2	Number of training sessions on audits for staff from relevant GIG partners	ER2	KRA.2.1	This indicator measures the number of training sessions to improve skills on audits for staff of SAV, and possibly NA and inspectorate offices in ministries. Training is defined as sessions in which participants are educated according to a defined curriculum and set learning objectives.
RI.2.2.1	Number of GIG-supported activities designed to promote or strengthen the participation of citizens in monitoring and evaluating policy implementation	ER2	KRA.2.2	This indicator measures the number of activities (workshops /training/studies /evaluations...) to promote the participation of citizens in monitoring and evaluating policy implementation.
RI.2.3.1	Number of GIG-supported activities designed to strengthen the budget process	ER2	KRA.2.3	This indicator measures the number of activities (workshops /training /surveys/ studies/ evaluations...) with the objective to strengthen the budget process.

Result Indicator number	Result Indicator Description	Expected Result (ER)	KRA	Result Indicator Explanation
RI.2.3.2	Number of GIG-supported activities to increase transparency on policy implementation in Vietnam	ER2	KRA.2.3	This indicator measures the number of activities (workshops /training / evaluations/ studies/ surveys...) conducted to increase transparency on policy implementation in Vietnam.
RI.2.4.1	Number of policy implementation assessments conducted with GIG support	ER2	KRA.2.4	This indicator measures number of assessment reports produced by CSOs, universities, institutes and other organizations with GIG assistance on the topic of policy implementation.
RI.2.5.1	Number of training days on journalism and media relations skills with GIG assistance, measured by person-days of training.	ER2	KRA.2.5	This indicator measures number of training days on journalism and media relations skills provided to journalists and spokespersons in government counterparts with GIG assistance, measured by person-days of training. It aims to improve quality of the media and government counterparts' reporting on policy issues.
RI.3.1.1	Number of laws, policies or procedures drafted, revised and/or issued to support inclusion of vulnerable population.	ER3	KRA.3.1	The related law, regulation, policy, or procedure should have as its objective/ intent in reducing inequality among vulnerable groups, e.g. reducing social, economic, or political inequality, ensuring equal opportunities to benefit from and contribute to social, political, economic, and cultural development, etc.
RI.3.2.1	Number of USG assisted civil society organizations that participate in legislative proceedings and/or engage in advocacy with national legislature and its committees.	ER3	KRA.3.2	Refer to definition of USAID standard indicator: "CSOs in USG programs that initiate or participate in advocacy interventions. Advocacy should be understood as a means for individuals, constituencies, or organizations to shape public agendas, change public policies, and influence other processes that impact their lives." CSOs in Vietnam currently lack a mechanism to bring their policy proposals to the NA and government. If an official mechanism is in place for CSOs to engage officially into the policy dialogues and law making, this will ensure the voices, needs and concerns of the target groups to be heard.
RI.3.2.2	Number of GIG-supported events designed to promote the target groups' participation and voice in policy dialogues	ER3	KRA.3.2	This indicator measures number of events (trainings, workshops, campaigns, forums...) to promote the participation of women, ethnic minorities and other vulnerable groups in policy dialogues.

Result Indicator number	Result Indicator Description	Expected Result (ER)	KRA	Result Indicator Explanation
RI.3.3.1	Number of policy research initiatives conducted on gender, ethnic minorities, and other vulnerable groups with GIG assistance that use data and analysis to support the policy proposals	ER3	KRA.3.3	This indicator measures number of evidence-based policy research initiatives on gender, ethnic minorities, and other vulnerable groups. Policy research initiatives on these vulnerable groups are among the approaches that GIG will provide support to strengthen inclusive policy making process.
RI.3.3.2	Number of GIG-assisted activities to promote women's leadership and entrepreneurship and empower GIG's target groups	ER3	KRA.3.3	This indicator measures activities to empower women and other vulnerable groups such as developing female entrepreneurship, promoting female leadership, encouraging businesses headed by ethnic minorities, etc. The activities can be in the form of policy forums, workshops, training, and network development.
RI.3.4.1	Number of GIG-supported activities designed to increase access by target groups to productive economic resources (assets, credit, income or employment) and legal facilities	ER3	KRA.3.4	This indicator measures number of activities to improve access by women, ethnic minorities and other vulnerable groups to economic resources and legal facilities. Activities may include economic model development, access to micro-finance, legal support, etc.
RI.C.0.1	Number of public-private partnerships formed and/or strengthened as a result of GIG assistance	Cross-cutting	Cross-cutting	This indicator measures number of activities to improve access by women, ethnic minorities and other vulnerable groups to economic resources and legal facilities. Activities may include economic model development, access to micro-finance, legal support, etc.
RI.C.0.2	Person hours completed in capacity building events supported by GIG	Cross-cutting	Cross-cutting	This indicator uses the following equation to express the number of GIG-supported person hours in capacity building events (seminars, workshops, forums, etc.): Hours of GIG supported capacity building events x Number of persons participating in these events
RI.C.0.3	Number of vulnerable people reached by USAID-supported programs that promote health, social and economic opportunities	Cross-cutting	Cross-cutting	This indicator measures number of vulnerable people who receives support from GIG in all 3 components.



## **Annex II: Chronology of the Year 3 Work Planning Process**

### **USAID GIG PROGRAM YEAR 3 ANNUAL WORKPLAN CHRONOLOGY**

#### **August 2015-January 2016**

**06 August 2015 – the GIG program sends an email to the PMU with attachments outlining the proposed AWP3 process and proposed overview and timeline.**

**12 August 2015 – Following a phone call from the PMU requesting the email be forwarded to Ms. Huong, the email originally sent on 06 August 2015 is sent to Ms. Huong of the PMU.**

**13 August 2015 – The PMU responds in email stating that activity request letters will be sent to the counterparts no later than 17 August 2015.**

- The PMU then requests a meeting with GIG (with no counterparts present) on 19 August 2015.

**19 August 2015 – The PMU sends the proposed letter to counterparts for GIG's reference.**

- The letter states that counterparts are expected to submit their prioritized activities (limited to two per each unit) to the PMU by 25 August 2015.

**The meeting on 19 August is cancelled by the PMU due to 70<sup>th</sup> Anniversary celebrations of the MOJ.**

**20 August 2015 – GIG sends the PMU an email reminding them of their commitment to have the AWP3 process completed by the end of September and offering GIG support to counterparts to meet their 25 August 2015 deadline.**

**20-21 August 2015 – several phone calls between GIG and the PMU to discuss the workplan.**

**24 August 2015 – GIG sends an email letter to the PMU consisting of:**

- Congratulatory sentiment on the 79<sup>th</sup> Anniversary of the MOJ
- Reaffirmation of GIG's interest in supporting the AWP3 process and assisting with PMU-counterpart coordination.
- A meeting request to discuss the AWP3 and process.

**25 August 2015 – PMU sends a response to the letter, confirming a meeting on 26 August 2015 at MOJ.**

- The email states that the meeting is to focus on the guidelines and administrative matters, and mentions that the workplan shall be directly instructed by the Steering Committee, requiring it to be discussed at a later date.

**26 August 2015 – GIG acknowledges the meeting and attends.**

**26 August 2015 – GIG Component 2 is informed that the PMU has given some NA partners only one day to submit proposals before the deadline. Other potential partners did not receive the letter. MPI PPS also informs GIG that they were given only one day.**

**28 August 2015 – The PMU emails the Vietnam Lawyers Association (VLA) and Vietnam Bar Federation (VNF) requesting them to propose activities to the PMU.**

**03 September 2015 – The PMU calls GIG to discuss AWP3. The discussion includes:**

- GIG does not need to take further action related to the PMU letter to VLA and VBF as they will be sending proposals to the PMU, as will other potential non-counterparts.
- The PMU will consolidate these and other ad hoc proposals and report to the Steering Committee.
- The PMU has already received proposals from SAV, MPI, and MOJ departments and did not hear from the rest.
- That the PMU has not set a specific date to meet with GIG and discuss the guidelines.

**03 September 2015 – GIG calls the PMU. Points discussed are:**

- That the PMU feels that VLA and VNF should be treated as ad hoc.
- That PMU did not appreciate meetings between GIG and USAID with CEC.
- That GIG again requests a meeting to discuss the AWP3.
- That the PMU will provide responses to guidelines revisions.
- That PMU has to screen all counterpart proposals for AWP3 to avoid duplication of activities and funding; that GIG technical team should check with counterparts to avoid overlap.

**09 September 2015 – GIG receives GDVC's proposal requests for Year 3. They are to be sent by GDVC to MOF for formal inclusion.**

**11 September 2015 – GIG calls the PMU and attempts to secure an informal meeting with the PMU to discuss AWP.**

- The attempt is unsuccessful.

**22 September 2015 – GIG emails the PMU proposing a format and template for AWP3.**

**23 September 2015 – GIG emails the PMU illustrating a workplan activity matrix in response to a phone call from earlier in that day.**

**23 September 2015 – GIG Component 2 reaches out to SPP based on guidance from USAID. SPP informs GIG that they plan to send a formal letter to join the GIG AWP3 process.**

**24 September 2015 – MOLISA informs GIG Component 2 that their request to the PMU would be discussed at the next Steering Committee meeting, tentatively in mid-October.**

**25 September 2015 – SAV sends their activity proposals for AWP3 to GIG. The email confirms they have also sent the request to the PMU.**

**25 September 2015 – USAID emails GIG, stating they have spoken with the PMU and are proposing a meeting on 29 September 2015 provided that the PMU can secure Vice Minister approval for the meeting. PMU reiterates that the AWP3 and guideline approval are parallel processes.**

**30 September 2015 – GIG sends the draft AWP3 document (Activity Matrix and Proposed Grantee List) to the PMU.**

**08 October 2015 – The GIG office receives a courier package from MOF containing revised activity proposals, reflecting guidance from the PMU.**

**21 October 2015 – USAID sends a letter to the PMU outlining the desire to include ad hoc counterparts in AWP3. They include:**

- Communist Party of Vietnam Central Economic Committee
- Ministry of Labor, Invalids, and Social Affairs
- People's Supreme Court
- Supreme People's Procuracy
- Ministry of Agriculture and Rural Development
- Ministry of Public Security

**22 October 2015 – PMU calls to inform GIG of the following:**

- The guidelines are being reviewed by the PMU
- AWP3 has been consolidated and is being finalized by the PMU
- The Vice Minister is abroad, and as such no Steering Committee meeting can be fixed.

**22 November 2015 – GIG receives a letter (dated 17 Nov) that was presumably sent by the PMU to each of the potential ad hocs mentioned in the USAID letter sent on 21 OCT. The letter requests proposed ad hoc counterparts to send the PMU activity proposals.**

**25 November 2015 – The PMU call GIG and informs that they expect the AWP3 draft to be cleared and will share with GIG the following week. Planned Steering Committee Meeting is mid-December.**

**22 November 2015 – GIG receives a letter (dated 17 Nov) that was presumably sent by the PMU to each of the potential ad hocs mentioned in the USAID letter sent on 21 OCT. The letter requests proposed ad hoc counterparts to send the PMU activity proposals.**

**07 December 2015 – PMU informs GIG that they have receive the following guidance from Vice Minister Ngoc:**

- Additional minor comments on guidelines (that GIG assist with detailed focus areas each year)
- That the PMU is to work with GIG to define focus areas for 2016 and group proposed activities under them.
- That the Steering Committee Meeting is slated for 18 December 2015.

**09 December 2015 – PMU sends GIG their comments on the AWP3.**

- The comments reflect the thoughts of counterparts and do not incorporate leadership reviews.
- A large portion of activities have been deleted.
- No ad hoc proposals are included.

**16 December 2015 – A conversation is held between GIG and Vice Minister Ngoc:**

- PMU aims to finalize the guidelines as soon as possible.
- GIG will send the PMU AWP3 revision early the following week, including GIG's proposed changes, list of ad hocs, and list and scope of potential grantees.
- Activities will be groups according to themes and counterparts.
- English version will be sent first, followed by Vietnamese when available.

**23 December 2015 – GIG sends the revised AWP3 in English to the PMU. This includes:**

- GIG edits.
- GIG suggestions and clarification.
- GIG justifications when applicable.
- List of Ad hoc proposals.
- List of possible grantees and proposed grant scopes.

**23 December 2015 – PMU acknowledges AWP3 resubmission. Sends email with information that the upcoming Steering Committee meeting will not be possible to hold on 30 December 2015. Revised target for the Steering Committee meeting is the first week in January 2016.**

**23 December 2015 – GIG proposes to set the Steering Committee meeting on either 04 January or 05 January 2015.**

**23 December 2015 – GIG sends the revised AWP3 in Vietnamese to the PMU and the English version with a slight correction.**

**23 December 2015 – PMY acknowledges both versions of the AWP3 (English and Vietnamese), and mentions that the Steering Committee meeting will need to be pushed to 07 January or 08 January.**

**30 December 2015 – PMU responds to GIG with comments on the revised AWP3. Comments include:**

- “Draft AWP contains many new activities which are not officially proposed to the MOJ by counterparts”
- “GIG has proposed new texts for several activities in the draft AWP towards stating only the heading of major activities or has changed the details of the activities from the original proposals”
- “The themes proposed for Y3 do not clearly highlight the focus/target”
- Citing these discrepancies, the MOJ-PMU suggests a meeting to discuss in further detail on 05JAN at 16h30 at MOJ.

**30 December 2015 – PMU calls USAID to complain about the adjustments in the revised AWP3. Remarks that they are open to a face-to-face meeting. Meeting slated for 05 January 2016.**

**04 January 2016** – After several phone calls regarding the meeting, GIG confirms attendance.

**05 January 2016**—The meeting is held. PMU provides recommendations for adjustments and requests they be submitted no later than **06 January 2016**.

**06 January 2016**—GIG resubmits the AWP,

**07 January 2016**— The PMU provides comments to GIG. The removal of many activities and the absence of proposed ad hoc counterparts is noted. Responding to a PMU request, GIG also provides the legal status of proposed potential grantees. Comments are provided only for MPI activities.

**08 January 2016**—The PMU provides comments to GIG on MOJ activities.

**12 January 2016**—The PMU provides comments to GIG on NA, SAV, and MOIT activities. In this email the PMU establishes their expectation that all details for all activities/events should be explicitly outlined in the AWP. In general, many activities are greatly reduced in scope.

**13 January 2016**—GIG provides comments on the AWP3 version provided by PMU. GIG re-requests comments on MOF, ad hocs, and grants sections.

**15 January 2016**—PMU provides additional comment on MOJ activities. The email also states that comments on MOF activities and Ad Hoc activities will be sent to GIG by Monday 18 January. Grants are not mentioned.

**18 January 2016**—A phone call from the PMU is received, stating that GIG is to provide a formal and final response no later than 18 January or else they will not submit the AWP to VM Ngoc to organize a Steering Committee meeting.

**18 January 2016**—GIG emails the PMU and states that no further comments are held on the final AWP. The Steering Committee meeting date is acknowledged for Friday 22 January 2016. GIG agrees to provision venue and conference support package.

**20 January 2016**—GIG receives a parcel with an invitation to the Steering Committee meeting on 22 January.

**21 January 2016**—The PMU adjusts the planned Steering Committee meeting to an internal GVN-only meeting involving the PMU and the six GIG counterparts.

**22 January 2016**—The PMU holds the meeting. GIG awaits formal notification of the outcome.

## **Annex I2: GIG Operating Guidelines**



## **Vietnam Governance for Inclusive Growth Program**

# **PROJECT OFFICE OPERATING GUIDELINES FOR DIRECT TECHNICAL ASSISTANCE (DTA) AND GRANTS UNDER CONTRACT (GUC)**

**GOVERNANCE FOR INCLUSIVE GROWTH (GIG)  
PROGRAM**

## **I. INTRODUCTION**

## **1.1 USAID Governance for Inclusive Growth (GIG) Program**

In December 2013, with the agreement of the Government of Vietnam (GVN), the United States Agency for International Development (USAID) launched the Governance for Inclusive Growth (GIG) Program. The implementer of the GIG Program is Chemonics International Inc. (“Chemonics”). The GIG program supports Vietnam’s efforts to achieve sustainable and equitable economic growth. It works with the government, the private sector, and local non-governmental organizations to expand market reforms, institutional modernization, and global integration in trade. Further, the GIG Program strives to ensure that growth reaches all segments of Vietnam’s population through initiatives to address the unique challenges faced by small and medium enterprises, including those owned by women and in rural communities.

The Program has five high-level objectives:

1. Increased trade and investment
2. Enhanced private sector competitiveness
3. Strengthened rule of law and judicial effectiveness
4. More effective public administration and financial management
5. Greater social and economic inclusion for all citizens

The key priorities of the GIG Program are legal and regulatory reforms, improving governance, and promoting inclusive growth.

The Program provides technical assistance, training, and other direct support to the government, led by the prime counterpart, the Ministry of Justice (**MOJ**), and other counterparts (the National Assembly, the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Industry and Trade, and the State Audit of Vietnam) to strengthen policy-making, implementation of laws, oversight, performance management, and other accountability mechanisms. It promotes greater exchange, networking, and sharing of information, including through government to government cooperation. Program activities include, but are not limited to: training programs and workshops; data collection and analyses; technical assistance to improve citizen participation and public information services; technical assistance to implement free trade commitments; and a grants program in support of program priorities.

The implementation guide of the GIG Program is the “Memorandum of Understanding Between the US Agency for International Development and the Ministry of Justice of the Socialist Republic of Viet Nam for Technical Assistance Program on Governance for Inclusive Growth” (hereafter referred to as the “**MOU**”).

### **1.2 USAID GIG Operating Guidelines**

This document presents the operating guidelines for GIG Program implementation.

## **1.3 Direct Technical Assistance (DTA)**

All technical and programmatic engagements under the GIG Program will be implemented as Direct Technical Assistance (DTA) activities. The DTA Clearance Form is a standard document that includes all the details such as respective section of the Annual Workplan (**AWP**), title, objectives, tentative venue, number of days, agenda, number of participants, speakers, research/studies, presentations, and/or other deliverables/output... as required

by relevant DTA. DTA activities are evaluated and approved based on the approved AWP and their potential to achieve meaningful results and advance the GIG Program's objectives. DTA planning will emphasize expected results and the effectiveness of the proposed approach to achieving them. Workshops and reports are not results, but rather outputs that may contribute towards their achievement. DTA support is restricted to in-kind support, managed and implemented by the GIG program. These activities will be developed through a consultative process among government counterparts and GIG Project Office staff. The DTA activities for a given year will be drawn directly from the approved Annual Work Plan, assigned a relevant counterpart abbreviation code and number, and will be developed, refined, and finalized jointly by the counterpart and GIG Project Office staff. Each DTA may include multiple events already stated in the Annual Workplan, engagements, technical interventions, and consultancies—these details will be agreed to by GIG and the relevant counterpart and will be included in the DTA activity clearance documents and process.

Actual activities should fall within the scope of activities of the Annual Work Plan, or as otherwise approved by the Steering Committee. The process will be flexible enough to respond to new developments and ideas as they emerge, within an agreed upon core strategic framework. All GIG DTA activities will be carried out on the basis of the agreement between Vietnamese counterparts and GIG, where the role, leading responsibility, and main accountability of the Vietnamese counterparts respectively, in and for the proposed scope of activities already approved in the workplan, must be ensured. All GIG activities with the Vietnamese counterparts will be conducted in line with the provisions of Vietnamese law and all applicable USAID rules and regulations, including the MOU between the MOJ and USAID.

## II. WORKFLOW PROCESSES FOR DTA ACTIVITIES

### 2.1 Annual Work Plan Development Process

The Annual Work Plan will follow the following process, per Section IX., 2.2 of the Program Document:

- By 15 July each year, the PMU, as directed by the Steering Committee, shall issue an Official Letter of request to counterpart agencies for a consolidated list of activities proposed for support in the next year.
- By 15 August, interested agencies and organizations shall submit their proposed activities together with Terms of Reference (TOR) for each activity to the PMU.

By 31 August, the PMU shall share with the GIG Office the activities proposed by the counterparts, review and select the proposed activities based on their relevance to the Program's objectives, functions and duties of the proposing agency as well as its capacity to implement the Project, and share the proposed activities with the GIG Office to initiate coordination.

- By 10 September, the PMU, in coordination with the Project Office, shall work with proposing agencies to agree on their proposal. Before 15 September, the leader of the proposing agency shall work with the PMU and the Project Office and sign the proposal in writing for submission to the PMU for consolidation and development of Vietnam's proposal for support.
- Based on Section IX. I.I a) of the Program Document, the Steering Committee "shall meet at the end of September to evaluate the project activities for the previous year and to discuss and agree upon the

AWP for the following year.” The Ministry of Justice will ratify the Annual Workplan after it has been approved by the Steering Committee.

Per Section IX 1.1 a), of the Program Document, the Steering Committee might meet on an ad hoc basis at the request of the agency in charge and the PMU.

During implementation of the AWP, the GIG project office shall issue:

- A Direct Technical Assistance (DTA) clearance form defining specific AWP activities in English and in Vietnamese (whenever necessary) prior to implementation of the activities and per Section 3.2 of these guidelines.
- Event reports in English and in Vietnamese (whenever necessary) within ten (10) working days.
- Electronic copies of deliverables will be in Vietnamese within forty (40) working days, and following final review by the counterpart and GIG Program.

The PMU and GIG project office leadership will meet quarterly to evaluate implementation of the AWP and to address any challenges.

“Amendments” mean additions of new activities to the AWP, which have been identified by GIG or the PMU as important or amendments of substantive details of the activities in the approved AWP. Amendments might be proposed by GIG or a counterpart to the PMU for reporting it to the Steering Committee for review every six months (semi-annually), as described in Section 2.2 below, or more frequently if deemed appropriate.

“Adjustments” mean changes in the information about the time, number and composition of participants, venue of the event, which are not changes to substantive details of the activities in the approved AWP, and do not require Steering Committee approval. Amendments may be made based on a justified need in consultation with the PMU.

## 2.2 DTA Development and Review

The approved workplans constitute approval of all activities identified in the plans. The workplan should set out the high-level scope of activities and benchmarks that need to be completed by target dates.

The PMU shall supervise implementation of the approved workplans. Workplan activities will be further defined in more detail in individual DTA clearance forms, which will be reported for each sub-activity. The GIG project office will develop each DTA clearance form in cooperation with the respective counterparts, and the clearance form will be signed by the GIG Program Director, or as otherwise delegated. The GIG project office will follow the same DTA clearance process, in coordination with counterparts, for all activities, e.g., field visits, consultations, etc. DTA clearance forms are processed as far in advance of activities as possible, and no less than ten (10) working days prior to an event or activity. Once the DTA clearance form is approved, GIG project office staff will be assigned responsibilities and timelines as defined in the DTA, and will begin coordinating with counterparts on implementation. The DTA clearance process ensures detailed planning and effective execution, including: timeline; consulting expertise; incorporation of crosscutting issues; outputs and assessments of performance; and coherence with other activities. The DTA clearance forms improve the effectiveness of the management and technical implementation of each subactivity of the GIG workplan.

Each activity entry in the approved workplan will be assigned an Activity Number. This number will consist of a counterpart prefix (“MOJ” for example) and a base number (“030” for example). This illustrative number, “MOJ030” will represent the entire DTA activity, as outlined in the approved workplan. Each sub-activity under this illustrative DTA that requires a banner and/or agenda will contain additional numbering identification, e.g., MOJ030.I,

MOJ030.2, etc. This numbering process will be carried out as necessary, consistent with the workplan and scope of the DTA.

The DTA Clearance Form shall relate to activities defined in the approved annual workplan.

The DTA clearance form is the essential starting point for reporting all detailed activity information to the PMU. The DTA clearance form is issued at the beginning of implementation of each activity. The DTA clearance form will reference the GIG relevant workplan section and articulate the specific actions, inputs, events/activities, and outputs of the DTA activity.

Relevant consultancy information will be addressed in the DTA clearance form, but the names of national and international consultants may not be confirmed until later, following confirmation with the counterpart and final negotiation of a consultancy agreement. Counterparts will inform the PMU and details will be outlined in the event report following implementation of the activity.

The counterpart and GIG Program agree that activities in the DTA may be adjusted with regard to their time, venue, number and composition of participants or information concerning consultancy within reason, provided they are consistent with the approved workplan activities. Adjustments in the number of meetings may be made based on a justified need in consultation with the PMU.

## **2.3 USAID Branding and Marking Plan Requirements**

All DTA Clearance Forms will include details regarding USAID branding and marking, specific to the individual activities. The branding and marking plan has been developed by the GIG Program, and approved by USAID. The branding and marking of specific events, e.g., the name of the event, language used, and counterpart logo, will be finalized in consultation with the counterpart.

For internal and external documents directed at audiences in USAID/Washington, USAID stakeholders (including other U.S. government agencies), nongovernmental organizations, contractors, and researchers, documents will follow standard USAID branding guidelines for exclusive branding as they will not impact branding with the GIG Program's primary audience.

## **2.4 Monitoring and Evaluation**

During implementation of DTA activities, GIG project office staff will ensure that Monitoring and Evaluation (M&E) data is gathered to assess the performance of the GIG Program. These documents include but are not limited to: staff reports, consultant reports and deliverables, evaluations by the participants, sign-in sheets, pre-test and post-tests, and other activity-specific M&E documents.

Consultant reports and deliverables are provided to the relevant counterparts.

# **III. DTA RECIPIENTS AND IMPLEMENTATION CONSIDERATIONS**

### **3.1 Eligible Entities**

Organizations eligible to receive DTA in-kind support are mainly GIG's six primary GVN counterparts: Ministry of Justice (MOJ), Ministry of Planning and Investment (MPI), National Assembly (NA), Ministry of Industry and Trade (MOIT), Ministry of Finance (MOF), and State Audit of Vietnam (SAV).

Additional ad hoc GVN counterparts may receive DTA support when approved by the Steering Committee. Per Sections IV., 2.I, and IX., I.I, a) of the Program Document, requests for ad hoc counterpart(s) may be made directly to the Steering Committee by the PMU or USAID. This ad hoc mechanism is intended to allow the program the flexibility to respond to US government and Vietnam government priorities, and other perceived opportunities to advance Vietnam's and the GIG Program's overall objectives.

### **3.2 Eligible Activities**

DTA activities will be limited to procurement of goods and services related to events, trainings, workshops, seminars, conferences, working groups, policy forums, consultancies and technical assistance and similar activities for counterparts that are broadly pre-defined in the GIG Program's Annual Work Plan and clearly defined in each activity's DTA Clearance Form. Per DTA actions, the GIG Program will cover such costs as travel, accommodation, conference room rental, lunch and coffee/tea breaks, stationery and minor supplies, projector and audio-visual equipment rental, translation services, material printing, postage, consultants, and similar costs involved in conferences and event planning. These costs are defined in the GIG Program's cost norms in Section 3.4.

All DTA activities may be supported through expert technical assistance in the form of international and/or local consultancies. Any engagement with local and/or international consultants will be identified generally in the DTA Clearance Form, reported by the counterpart, and reported by the GIG Program to the PMU at the end of each sub-activity.

DTA activities can only begin upon signature by the GIG Program Director, or as otherwise delegated, but no less than ten (10) working days prior to an event or activity.

### **3.3 Ineligible Activities and Ineligible Costs**

DTA in-kind support may not be utilized for the following:

- Salaries, salary supplements (including honoraria or short term daily rate payments), and allowance supplements for GVN officials and GVN employees.
- Any purchases or activities deemed unnecessary to accomplish DTA Clearance Form purposes as determined by the GIG Program.
- Private ceremonies, parties, celebrations, or “representation” expenses.
- *Prohibited Goods and Services:*
  - Military equipment, ○ Surveillance equipment,
  - Commodities and services for support of police and other law enforcement activities

- unless permitted under a relevant authority,
- o Abortion equipment and services, o Alcoholic beverages,
- o Luxury goods and gambling equipment, or o Weather modification equipment.
- o Other goods barred from trade under the Vietnamese laws.
- Restricted goods:
  - o Agricultural commodities, o Motor vehicles,
  - o Pharmaceuticals and contraceptive items, o Pesticides,
  - o Fertilizer, o Used equipment,
  - o U.S. government-owned excess property, or o Other goods restricted from trade under the Vietnamese law.
- Construction activities, includes infrastructure improvement, renovation, alteration, or refurbishment.
- Other costs unallowable under USAID and/or federal regulations. Refer to Office of Management and Budget (OMB) 122 “Cost principles for Non-profit organizations” and FAR 31.2 “Cost principles for Commercial Organizations”.
- GVN taxes, duties, and fees from which the GIG Program is exempt under the bilateral agreement between the Government of the US and the GVN.

### **3.4 Important DTA Recipient Requirements and Cost Norms**

The following considerations are identified for clarity:

- **GVN employees are not eligible for salary supplements, daily rate payments, honoraria, or supplemental allowances.** Any allowance provided by the counterpart will not also be provided by GIG. A “government entity” is defined as any entity that receives 50% or more operational financial support from government sources, or contains a leadership body that is 50% or more representative of government employees, per US regulations (DOS cable 119780 guideline HB I, Part VII 1988). This U.S. regulation applies to USAID and all USAID-funded projects.
- **Travel Policy under GIG DTA:**
  - o Travel will be provided to participants, trainers, and organizers only. The GIG Program will provide airfare, when flights/routes are available, at the competitive market rate, on the condition that advance approval is provided from the GIG Program and the GIG Program purchases the flight tickets. All flights must be full economy class fare only, and must follow the most direct route available. Individuals receiving flights will also receive standard flat rate airport transport, at the competitive market rate. When no flight options exist, or the travel distance is shorter, participants will be eligible for travel reimbursement at the rate of VND 1,851 per kilometer, or as otherwise revised in agreement of the GIG Program and the PMU. No travel support will be provided to participants in excess of the agreed number of participants per event, or for drivers, assistants, or others who are non-participants.
  - o For participants permanently located at the event or activity location (i.e., local participants), no travel allowance will be provided.
  - o No later than seven (7) calendar days prior to an activity or event, the relevant counterpart must identify all participants, and identify all participants requiring flights or travel allowance. Otherwise, their participation cannot be guaranteed. The GIG Program requests that

counterparts make every effort to plan activities or events much further in advance. Should any adjustments or changes to flights be required after purchase by the GIG Program, the counterpart will be responsible for making the changes at the counterpart's or participant's own costs, and for liaising with the relevant GIG Program vendor.

- The GIG Program will collect all boarding passes from arrival flights to verify attendees. Return flight boarding passes will not be required, as GIG Program staff will verify departure flights through Vietnam Airlines independently to verify participant usage.
- **Accommodation.**
  - Accommodation will be provided to participants, trainers, and organizers only. The GIG Program will directly procure accommodation at the competitive market rate, based on GIG Program procurement rules. GIG will directly procure accommodation in quantities not exceeding those identified in the approved DTA Clearance Form.
  - The GIG Program has a preference for three-star hotels when available within the maximum allowance cost, unless otherwise agreed for special events. ○ Participants will be lodged one person per room, unless otherwise requested by the participants.
  - Not later than seven (7) working days prior to an event or activity, the counterpart will provide a list of participants in need of lodging. Otherwise, their participation cannot be guaranteed. The GIG Program requests that counterparts make every effort to plan activities or events much further in advance.
  - Check in: For activities with morning sessions, participants may arrive the night before. For activities starting with afternoon sessions, they must arrive that morning.
  - Check out: for events that end prior to 12pm, participants must check out by the hotel's check-out time policy on that same day. For events that end after 12pm, participants are eligible to stay the night, but are required to check out the following morning. As a policy, the GIG Program will require that programs end before 12pm or after 4pm. ○ Accommodation rates for the GIG Program must not exceed the following, except when the counterpart agrees to cover the cost of accommodation. The GIG Program will use 3star hotels whenever available, and will choose the best value and competitive rate based on a formal procurement process:

<b>Event Location</b>	<b>Maximum Lodging Rate*</b>
Dalat	\$107.80
Danang	\$100.10
Hanoi	\$126.00
Ho Chi Minh City	\$154.00
Other	\$85.40

\* These rates are based a calculation of 70% of the approved on US foreign per diem rate, as specified at the following site: [https://aoprls.state.gov/web920/per\\_diem\\_action.asp?MenuHide=1&CountryCode=1144](https://aoprls.state.gov/web920/per_diem_action.asp?MenuHide=1&CountryCode=1144).

The above amounts represent the maximum that the GIG Program is allowed to fund per night per participant. The competitive procurement process is anticipated to result in costs lower than the maximum.

- The GIG Program will pay for accommodation directly to the relevant vendor or hotel. Because accommodation is based on a competitive procurement process, it must be managed by the GIG Program. Accommodation costs cannot be paid to third parties or reimbursed to participants. The amounts shown in USD above are calculated and paid in local currency at the GIG Program's Standard Exchange Rate for each given month.

- Deductions will be made when required.
- **Meals and Incidental Allowances (M&IE) and Schedule:**
  - The M&IE allowance is calculated based on the number of participants defined in the DTA Clearance Form, and as identified by counterpart at least seven (7) working days prior to an event.
  - For participants permanently located at the event or activity location (i.e., local participants) no M&IE will be provided.
  - M&IE will be paid daily to each non-local participant at the following GIG Program standard rates, except when the counterpart agrees to cover the cost of M&IE:

Event Location	M & IE Rate**
Dalat	\$63.00
Danang	\$68.60
Hanoi	\$68.60
Ho Chi Minh City	\$60.20
Other	\$59.50

Per US regulations, the first and last day payments of M&IE must be at 75% of the GIG standard rate, per section §301-11.101 of the Federal Travel Regulation (FTR). The “first” day is defined as the arrival day to the event location and the “last” day is defined as the day of departure from the event location, regardless of the time of arrival and departure. ○ M&IE will be dispensed directly to individual participants or to an authorized counterpart representative. If provided directly to individual participants, each recipient is required to endorse a sign-in sheet for each day. If provided to an authorized counterpart participant, the following documentation is required:

- Letter of Authorization identifying the counterpart entity and the individual signed by the relevant department head including a copy of the authorized representative’s ID.
- Receipt signed by the authorized representative detailing the sum received.
- Endorsed sign-in sheet for each day signed by each individual recipient.
- M&IE will be dispensed at the end of the last day of the event for individuals departing the event location that same day, or the following morning for those individuals staying overnight and departing the following morning. In all other instances, M&IE will be dispensed as otherwise defined in the DTA Clearance Form. ○ Deductions will be made to M&IE for unallowable costs, e.g., room service, mini bar consumption, damage, or other non-program costs billed to the room.
- **Branding and Marking Information and considerations** ○ No later than seven (7) calendar days prior to an event or activity requiring production of materials, agendas, banners, or any other document or medium that requires a counterpart and/or USAID logo, the relevant counterpart must review and approve all such visual media and/or resources.
- **Activity Clearance and Adjustment Window** ○ No activity may occur within ten (10) working days of approval of a DTA Clearance Form or Adjustment approval.  **DTA-related Consultancies**
  - Per USAID policies and Section IX., 2.4 of the Program Document, any engagement of consultants shall be carried out by the GIG project office based on a proposal from, and joint agreement with, the implementing unit/agency. The PMU and USAID will be informed about consultants before the engagement takes place through terms of reference for the consultancy, which is developed in cooperation with the counterpart. The final decision about

- selection of consultants is done in coordination with the counterpart. The GIG Program thereafter negotiates with the consultant the timeline and costs for the consultancy, including travel and other arrangements. The GIG Program thereafter informs the counterpart of the consultancy schedule. Engagement of consultants shall comply with US and Vietnamese Law.
- Whenever a DTA requires a local or international consultant, the GIG Program will adhere to the following process per the timelines defined in the Annual Workplan and DTA:
    - The consultancy must be directly relevant to the approved DTA activity, as outlined in the approved workplan.
    - The consultancy must be implemented in accordance with the approved DTA Clearance Form, including the TOR.
    - The GIG Program Office will work closely with the relevant counterpart in the development of the consultant's Terms of Reference (TOR), as agreed between the relevant counterpart and the GIG Program. The process of developing the TOR and DTA clearance form should take no more than twenty (20) working days.
    - Counterparts involved in the DTA process are free to suggest consultants, provided they are not an employee of the Government of Vietnam.
    - The final selection of the consultant(s) will be made jointly by the counterpart and the GIG Program based on a review of their expertise, experience, and the scope of the TOR. Final contracts with consultants will be subject to the consultants' availability on the specified dates and the allowability of their requested consultant rate based on the GIG Program's review of the US Biographical Datasheet, which is required of all US government-funded programs. Final agreement on identification of consultants should take no more than ten (10) working days.
    - After agreement between the counterpart and GIG Program, and confirmation of the consultant's availability for the assignment, the GIG Program will inform the PMU, providing the TOR and the consultant CV.
    - The hiring process will be conducted by GIG in adherence to USAID policies. Success of this process is dependent on the consultant's willingness and ability to provide sufficient daily rate verification documentation allowing GIG to determine a daily rate. The process, from identification to fielding of each consultant, should take no more than 20 working days.
  - **Other Costs**
    - As required, all other DTA-related costs incurred by the GIG Program will be secured following a competitive quote-gathering process that seeks competitive quotes from at least three separate vendors. These quotes are examined by GIG Project Office Staff for price efficiency, competitiveness, reasonability, and best overall value, and are dictated by market conditions. In all instances GIG will procure goods and services in line with USAID rules and regulations.

## IV. GIG PROGRAM GRANTS

### 4.1 Description of Grants

**Grants are separate and distinct from GIG's DTA portfolio.** Per Article 4.12 of the MOU between MOJ and USAID, the Program has set aside \$4 million to establish a GIG Program grants mechanism to award grants to non-governmental organizations to undertake complementary activities that support the objectives of the GIG Program. These grants will represent a partnership arrangement between the GIG Program and the grantee, although it is expected that the grants will be directly beneficial to specific program counterparts. The GIG grants program will ensure that: (1) grants are awarded in a manner compliant with all U.S. government regulations governing the Grants Under Contract Mechanism (GUC) (which is the name for this mechanism within USAID); (2) the proposed grant activity is relevant to GIG, consistent with the Annual Work Plan, and furthers the goals of the program; (3) cooperation with the government and sustainability is satisfactorily demonstrated in the

concept statement of the grant proposal; and (4) the applicant meets all applicable USAID requirements for receiving U.S. government funds.

## 4.2 Eligible Organizations

Grants under the GIG Program may be awarded only to local organizations, including social organizations, research institutes, local non-governmental organizations, and/or private sector.

Any international cooperation activities in the legal sector carried out in the territory of Vietnam must apply for permission from the competent agency before they can take place.

## 4.3 Eligibility Criteria

All grants must meet the following criteria:

- Grantees must display sound management in the form of financial, administrative, and technical policies and procedures that are in written format, and they must present a system of controls that guard assets, protect against fraud, waste, and abuse, and support the achievement of their proposed goals and objectives.
- The proposed consultants and staff should demonstrate appropriate experience and technical expertise in the relevant area based on scope of the grant in the Annual Workplan.
- The proposed activity must respond to the goals and objectives of the GIG Program.
- Grantees must be willing and able to complete all required certifications, comply with USAID branding and marking requirements, and adhere to applicable environmental regulations.
- Applicants must be a registered entity in Vietnam, formally constituted and recognized by and in good standing with the appropriate Vietnam authorities, and compliant with all applicable civil and fiscal regulations.

## 4.4 Eligible Activities

Grant activities must take place in Vietnam, with Vietnamese beneficiaries, and meet objectives of one or more of the GIG Program components and must be consistent with the core strategic framework of the Annual Workplan approved by the Steering Committee.

## 4.5 Identification and Solicitation of Potential Grantees

The PMU, the counterparts, members of non-governmental organizations, USAID, and the GIG Program may all raise suggestions for future development. If an idea is considered programmatically desirable, the GIG Program will consult with USAID and the PMU regarding how to facilitate a possible grant, in accordance with the Program Document and this Operational Guideline, and in adherence with USAID and GIG rules and regulations.

The GIG Program will encourage competition, when possible, in the award of grants to identify and support the most effective activities to achieve program objectives. Competition will be solicited through Requests for Application (RFAs) and/or Annual Program Statements (APSs). In specific circumstances, GIG may award a non-competeted or unsolicited grant.

- **Requests for Applications (RFA)** may be used once a specific type of activity has been identified per the Annual Work Plan. Grant applicants will submit a concept paper or full application in response to an RFA. Prior to the release of an RFA, the GIG Program will

consult with the PMU, sharing the scope of work of the grant and the relevant language from the AWP. When proposals

are received and reviewed, the GIG Program will communicate closely with the PMU.

The Deputy Program Director Implementation, with the approval of the Program Director, may indicate that smaller, less complex, or short awards require only the concept paper form for evaluation in lieu of the full application form.

A RFA will include the following information, as appropriate for the type of activity to be funded:

- Program eligibility requirements
- Minimum qualifications of applicant
- General description of the proposed program with an indication of the range of activities that might be involved, as well as any established goals of the activity which the applicant must demonstrate the ability to achieve
- A statement identifying the authorizing legislation (generally the Foreign Affairs Act) and that the award is subject to 2 CFR 200
- Illustrative expected results and indicators of performance
- Merit review criteria
- Statement that the award will be administered consistent with USAID Standard Provisions
- Duration of the GIG support of activity
- Deadline for submission
- Statement that the program reserves the right to fund any or none of the applications submitted
- Grant Concept Paper Template, if needed
- Grant Application Template, if needed
- Implementation Timeline Form
- Grant Budget Form(s)
- Applicant Self-Assessment Form
- Required Certifications
- Estimate of funds available and number of awards anticipated

The number of awards, as well as the value of the awards, are determined on a case by case basis taking into account, but not limited to: the needs of the program in accordance with the contract and the approved work plan, the universe of potential grantees, the amount available from the program budget, and the grant type ceilings as stipulated in the grants manual.

After the Deputy Program Director Implementation, in coordination with technical staff, develops the solicitation request, the Program Director will review and approve the release of the RFA. To the extent possible, proposed or planned RFAs should be included in the work plans for general planning purposes.

- **Annual Program Statements (APS)** will be used to support a variety of creative approaches, and are structured to ensure a steady stream of innovative activities based on rolling assessments of priority interventions.

An APS can be issued with an open-ended response, specific review periods, or a specific closing date, reserving the right to close it if all funds have been obligated. It is anticipated that a multitiered

evaluation process will be used most frequently; whereby applicants will submit a concept paper for consideration prior to submitting a full application. The Deputy Program Director Implementation, with the approval of the Program Director, may also indicate an alternative process for smaller, less complex, or short awards by soliciting only the concept paper form for evaluation, in lieu of the full application form. If this process is approved, it will be applied on a case-by-case basis.

An APS may include the following information:

- Program eligibility requirements
  - Activity objectives including any areas of special interest, illustrative expected results, and indicators or performance
  - A statement identifying the authorizing legislation (generally the Foreign Affairs Act) and that the award is subject to 2 CFR 200
  - Brief statement of how applications will be evaluated, including weighted selection criteria
  - Estimate of funds available and, if appropriate, the number of grants to be awarded (not always applicable)
  - That the award will be administered according to the relevant Standard Provisions
  - Point of contact, including name, title, address and phone number
  - Statement that GIG reserves the right to fund any or none of the applications submitted
  - Any other relevant information
  - Grant Concept Paper Template
- 
- **Unsolicited grant proposals** will be considered on a case-by-case basis in accordance with USAID regulations and whenever possible will be considered through a relevant APS. Unsolicited proposals may come from any local organization. However, the proposals must be consistent with the core strategic framework of the Annual Workplan. When new proposals or grantees are received that are inconsistent with the Annual Workplan, the GIG Program will first request PMU to report to the Steering Committee for consideration and addition of the new activity or grantee to the Annual Workplan, , and the PMU agrees to promptly convey the request to the Steering Committee within five (5) working days.

Per the Memorandum of Understanding, Article 4, (12), the GIG Program will undertake selection of grants and provide the MOJ with the list of potential organizations in an annex to the annual workplan and the scope of potential activities in the annual workplan matrix for MOJ review. The GIG Program will communicate closely with the MOJ on implementation of these grant awards.

Following review of proposal concept papers or grant applications by an evaluation committee, the GIG Program will seek USAID approval for each grant and opinions from the MOJ.

## 4.6 Types of Grants

GIG will utilize the following grant mechanisms as defined by USAID. The selection of each mechanism will be determined based on the needs of the grantee and the scope of the proposed activities.

- Simplified Grant: A cost-reimbursement grant based on actual costs incurred. No advance payments may occur. Indirect costs are not permitted.

- Fixed Obligation Grant: A grant with payments based on specific and pre-determined milestones and/or deliverables representing actual fixed costs.
- Standard Grant: A grant with advance payments that are regularly liquidated through approved receipts for costs.

Each would be implemented in accordance with USAID regulations and would ensure the conformity with the Vietnamese law.

Pre-grant notification will be provided.

If there is an event under a grant, it will be reported as other activities. A post-event report will be provided whenever there is an event within ten (10) working days.

During implementation of grants, the GIG project office shall issue electronic copies of key deliverables in Vietnamese.

## **Annex I3: GVN MOJ Memorandum of Understanding (MOU)**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT  
AND  
THE MINISTRY OF JUSTICE  
OF THE SOCIALIST REPUBLIC OF VIET NAM  
FOR  
TECHNICAL ASSISTANCE PROGRAM ON  
*Governance for Inclusive Growth***

The United States Agency for International Development (“USAID”) and the Ministry of Justice of the Socialist Republic of Viet Nam (the “MOJ,” and together with USAID, referred to herein as the “Parties”), have jointly agreed to participate in this Memorandum of Understanding (“MOU”) to confirm their mutual desire to cooperate on the objectives and related efforts detailed in this MOU.

**WITH REFERENCE TO:**

- (1) The Joint Statement by President Barack Obama of the United States of America and President Truong Tan Sang of the Socialist Republic of Viet Nam on July 25, 2013;
- (2) The Joint Statement between the United States Government (“USG”) and the Government of the Socialist Republic of Viet Nam (“GVN”) on June 25, 2008;
- (3) The Agreement for Economic and Technical Cooperation between the United States Government and the Government of Viet Nam on June 22, 2005; and
- (4) The United States Agency for International Development’s Country Development Cooperation Strategy (“CDCS”) for Viet Nam from 2014 to 2018.

## **ARTICLE 1 – PURPOSE**

(5) The purpose of this MOU is to express the desire of the Parties on establishment and implementation of the USAID Governance for Inclusive Growth technical assistance program (the “Program”) to help improve the technical capacity of relevant GVN entities and partners to enhance governance to facilitate broad-based, sustainable growth.

## **ARTICLE 2 - SHARED GOALS & OBJECTIVES**

(6) Collaboration between the Parties under this MOU is intended to contribute to the advancement of the following shared goals and objectives:

### **Goals**

- **Increased Trade & Investment:** Supporting Viet Nam’s with its international trade and investment commitments to help further its global integration.
- **Enhanced Private Sector Competitiveness:** Supporting the improved competitiveness of Viet Nam’s domestic and foreign invested firms through a more predictable, transparent business enabling environment.
- **Strengthened Rule of Law and Judicial Effectiveness:** Strengthening law drafting, oversight and enforcement processes.
- **More Effective Public Administration and Financial Management:** Supporting professional public administration and financial management for good governance.
- **Greater Social & Economic Inclusion:** Increased equality of opportunity for historically disadvantaged groups, as well as the empowerment of women, contributes to greater social and economic inclusion.

### **Objectives**

- **Clear and Transparent Legal and Regulatory Framework**
- **Improved Accountability of Public Institutions**
- **Improved Inclusion**

## **ARTICLE 3 – THE PROGRAM**

- (7) The Program will provide technical assistance with the purpose of supporting the Government of Viet Nam’s economic growth initiatives to improve its policy-making and implementation processes through improved information for decision making, greater citizen participation, increased transparency, and more effective accountability mechanisms.
- (8) The Program will be implemented over a period of approximately five-years beginning upon signature of this MOU.

## **ARTICLE 4 –PROGRAM IMPLEMENTATION**

*In order to carry out the purpose of this MOU, USAID expresses the following intentions:*

- (9) To award a contract (the “Contract”) with a U.S. organization (“Implementing Organization”) that will include other organizations (“Sub-Partners”) to implement the Program in collaboration with the MOJ and other GVN counterparts.
- (10) To finance the Contract up to US\$45 million over the life of the Program, subject to the availability of funds and the agreement of USAID to proceed with the Program. USAID does not intend to provide any direct financial support to GVN entities or their staff under this MOU, or through the Program’s Implementing Organization or its Sub-Partners. This MOU is intended to serve as a basis for cooperation between the two Parties and does not constitute a commitment of funds by USAID.
- (11) Directly manage the Implementing Organization and its Sub-Partners through their contractual relationship with USAID, both in terms of the Program’s performance and financial management.
- (12) Establish a mechanism to award sub-grants to local organizations (i.e. social organizations, research institutes, private sector, etc.) to undertake

complementary activities that support the objectives of the Program, communicating closely with MOJ on any plans for such awards.

- (13) USAID intends to periodically provide MOJ with reports on program activities and results.

***In order to carry out the purpose of this MOU, MOJ expresses the following intentions:***

- (14) Serve as the GVN “Prime Counterpart” to USAID providing coordination of this “umbrella” program’s GVN counterparts (MOJ, National Assembly, the Ministry of Industry and Trade, the Ministry of Finance, Ministry of Planning and Investment, and the State Audit of Viet Nam) as well as with other ad-hoc GVN entities and partners receiving technical assistance under the Program.
- (15) Ensure that all necessary GVN approvals for the Program, including Project Approval as well as any other approvals necessary for the Implementing Organization and Sub-Partners to carry out their responsibilities, are obtained on a timely basis from all necessary levels of the GVN.
- (16) Establish a joint ‘Program Steering Committee’ with USAID and representation of appropriate GVN entities to provide overall guidance for the Program.
- (17) Designate a ‘Program Coordinator’ within the MOJ to serve as the Program’s primary contact and liaison with MOJ and the GVN; to cooperate with USAID and the Implementing Organization in planning for and implementing the Program, including providing policy recommendations and other necessary technical input.
- (18) Coordinate with appropriate GVN entities to assist USAID and the Implementing Organization in complying with any relevant legal obligations, as applicable under the USG’s agreements with the GVN, including obtaining any necessary work authorization, tax exemptions or

entry visas in accordance with the GVN regulations for international employees of the Implementing Organization, its Sub-Partners and short-term international consultants who are needed for execution of the program activities.

## **ARTICLE 5 - GENERAL PROVISIONS**

Communications

- (19) Communications pertaining to this MOU shall be in writing and shall be addressed to each Party as follows:

For USAID: Mr. Todd Hamner (currently)  
Director  
Office of Economic Growth & Governance  
USAID/Vietnam  
15/F, Tung Shing  
#2 Ngo Quyen Street, Hanoi, Viet Nam

For MOJ: Ms. Dang Hoang Oanh (currently)  
Director General  
International Cooperation Department  
Ministry of Justice  
60 Tran Phu, Hanoi, Viet Nam

### *Exchange of Information*

- (20) The Parties intend to provide each other with such information as may be necessary to facilitate achievement of the purpose of this MOU. In addition, the two Parties may periodically provide each other in writing additional information on matters covered by this MOU. The information relating to the Program performance, implementation of this MOU will only be provided to any third party upon concurrence by both Parties in writing.

*Public & Press Relations*

(21) The Parties intend to come to prior agreement regarding any public or press relations efforts pertaining to activities under this MOU or the Program, including the use of either Party's name or logo on Program publications, banners or other materials.

***Settlement of Dispute***

(22) Any disputes that may arise from the interpretation, translation or implementation of this MOU shall be resolved through consultation between the Parties.

***Effect of this MOU***

(23) This MOU does not constitute a legal obligation or binding agreement or effect an obligation of funds by USAID or the U.S. Government, and it does not contemplate a transfer of funds from USAID to MOJ, or the Government of Viet Nam, or assumption of liability by USAID. USAID will commit, obligate and expend funds and carry out operations pursuant to this MOU in accordance with the applicable laws and regulations of the United States.

***Term and Modification***

(24) The Parties intend to commence cooperation under this MOU upon signature and continue cooperation for a period of five (05) years. Either Party may terminate this MOU at any time but should endeavor to provide sixty (60) days advance notice to the other Party of its intention to terminate this MOU. Should the Parties wish to modify their intentions or extend the period of cooperation expressed above, they should endeavor to do so by formal amendment to this MOU.

***Goodwill***

(25) Both Parties intend to implement the provisions of this MOU in the spirit of friendship, cooperation and goodwill.

**[signature page(s) to follow]**

Signed in Hanoi, Viet Nam, on January 14, 2014, in two originals, each in the Vietnamese and English languages, all texts being equally authentic.

**FOR THE UNITED STATES  
AGENCY FOR INTERNATIONAL  
DEVELOPMENT**



**Joakim Parker**  
**USAID/Vietnam Mission Director**

**FOR THE MINISTRY OF  
JUSTICE OF THE SOCIALIST  
REPUBLIC OF VIET NAM**



**Hoang The Lien**  
**Vice-Minister of Ministry of Justice**

## **Annex I4: Chronology of the Operating Guidelines Process**

### **USAID GIG PROGRAM GUIDELINES CHRONOLOGY**

**August 2015-January 2016**

**26 August 2015 – the PMU, USAID, and GIG Program meet at the MOJ to discuss the guidelines**

- The GIG Program requests that the guidelines and AWP3 will reviewed concurrently
- The PMU requests that the guidelines be completed first
- The PMU, USAID, and GIG Program agree on revisions that should be made to the guidelines

**27 August 2015 – the GIG Program submits the guideline revisions as agreed**

- Revisions are made based on requests made by phone after 27 August

**18 September 2015 –the GIG Program submits new guideline revisions as requested by phone**

**21 September 2015 – the PMU confirms that it will review the guideline revisions**

**25 September 2015 – the PMU schedules a meeting with USAID and GIG to review the guidelines**

**29 September 2015 -- the PMU, USAID, and GIG Program meet to review guideline revisions**

- The PMU requests new revisions

**12 October 2015 – the PMU schedules a meeting to review the guidelines**

**14 October 2015 -- the PMU, USAID, and GIG Program meet again to review guideline revisions**

- The PMU requests new revisions

**16 October 2015 – the GIG Program submits the new guideline revisions as requested**

- Revisions are made based on the 14 October meeting

**23 October 2015 – the PMU requests new revisions to the guidelines**

- The PMU requests the following additional revisions to the guidelines:
  - In 1.1, Removal of “civil society”, changing to “social”.
  - In 1.3, Removal of language on DTA approval stating that “DTA Clearance Forms will be signed for approval by the GIG PD, on the basis of the Project Office’s consultation with the counterpart or approved ad hoc counterpart.” Change requested to “On the basis of the Project Office’s consultation with the counterpart or ad hoc counterpart approved by the Steering Committee, and the review of the Project Management Unit, the GIG Program Director shall sign for approval DTA activities”.
  - In 2.1, Simplification of Yearly AWP Approval process.
  - In 2.1, Removal of language requiring a second SC meeting for each given year.
  - In 2.1, Request for quarterly GIG-MOJ PMU meetings rather than monthly.

- In 2.2, Request that all scopes addressed in DTAs be clearly outlined in the relevant AWP.
- In 2.2, Request for deletion of language stating that activities are the product of agreement between the counterparts and GIG.
- In 2.2, Deletion of language implying that the SC will adjudicate disagreements between GIG and the MOJ-PMU
- In 2.5, Relocation of language related to amendments and adjustments.
- In 3.1, Removal of reference to "...other US government and Vietnam government priorities such as the TPP or other free trade commitments (e.g. customs, environment, and labor requirements)".
- In 3.1, Deletion request of "Per the MOU, USAID is a core government to government partner, and as such may propose GIG Program resources be allocated to activities with non-government counterparts to receive DTA support to advance the programs objectives, such as through the grants program" on the grounds that "*it is not allowed under the Program Document to add new non-GVN counterparts. And if this concerns any grant activity, it should be moved to the next Section*"
- In 3.1, Addition of "other goods barred from trade under the Vietnamese laws"
- In 3.4, Request for language stating that consultants selected will be "based on the proposal from the implementing unit/agency"
- In 3.4, adjustment of "host government employees" to "state employees"
- In 4.2, Removal of the language regarding grant eligibility to non-governmental entities. Request that language from Project Document be utilized.
- In 4.3, Additional language requested requiring grantees have relevant experience in their proposed scope.
- In 4.4, replace "civil society" with "social organizations".
- In 4.5, deletion requested of "When proposals are received and reviewed, the GIG program will inform the PMU for consideration of the final decision. ~~The GIG program may also request an amendment to the work plan by the steering committee to add new potential grantees and/or grant activities, citing specific activity areas that would be positively impacted and supported.~~"
- In 4.5, deletion requested of "A list of potential grantees will be listed in the Annual Work Plan. Approval of the work plan will represent authorization from the Steering Committee to award grants to any of the list of grantees as determined by the GIG Program. In all instances specific grant support will augment the conventional programmatic activities contained in the workplan."
- In 4.5, deletion requested of "Unsolicited proposals may come from any source, including counterparts."
- In 4.5, addition request of "GIG Office shall report MOJ, for its review of and agreement on a list of organizations and an annual program which consists of all grant activities using the USD 4-million Grants before submission to USAID for approval"
- In 4.5, adjustment of "verbal no-objection" to "written no-objection" to grants by the MOJ-PMU

**28 October 2015 – GIG submits revised guidelines by email**

- After considerable discussion with USAID, legal representatives, and the home office, GIG provides the revised guidelines to the MOJ-PMU.

**30 October 2015 – PMU requests new revisions to the guidelines**

- By email, the PMU provided additional comments and revision requests to GIG:
  - In 1.1, addition of “of Vietnam” to “non-governmental organizations”
  - In 1.3, adjustment of DTA approval language to “On the basis of the Project Office’s consultation with the counterpart or ad hoc counterpart approved by the Steering Committee, the GIG Program Director shall sign for approval DTA activities”.
  - In 2.1, further simplification of the AWP cycle, removing the request for a kickoff meeting on the grounds that it is not required in the Project Document.
  - In 2.1, addition of “in Vietnamese” for DTA documents and event reports.
  - In 2.1, Clarification of amendments as “additions of new activities to, or adjustment of the activities within the approved AWP. After discussion and agreement between PMU and GIG, amendments might be proposed by the PMU to the Steering Committee for review every six months”.
  - In 2.2, removal of “In coordination with the PMU and counterparts, the GIG Program should define the scope and specific activities per workplan year, from 1 October to 30 September”.
  - In 2.2, Addition of “venue...quantity and composition of participants (if any)” to DTA clearance forms.
  - In 2.2, Removal of “number of meetings” from list of items GIG may adjust within DTAs.
  - In 2.2, Removal of the revised “If the concerns or disagreement cannot be resolved, then they may be addressed by the Steering Committee at semi-annual meetings. If the concerns or disagreement cannot be resolved, then they shall be addressed by the steering committee.”
  - In 2.5, Complete Removal of the revised language related to DTA adjustments and amendments from the section.
  - In 3.1, removal of the revised and retained language of “such as the TPP or other free trade commitments (e.g. customs, environment, and labor requirements” from eligible entities for DTA.
  - In 3.4, additional revisions to the revised language on consultant engagement, now stated as “...carried out by the GIG project office based on ~~consultations~~ the proposal from, and after discussion and agreement with the implementing agencies/units.
  - In 4.2, additional revisions to the revised language on eligible grantee organizations. Revisions proposed now reading “Grants under the GIG Program may only be awarded to local organizations (i.e., research institutes, universities, social organizations, socio-political organizations, professional organizations and businesses) to carry out the activities in conformity with the Program objectives.”

- In 4.5, additional revisions to the revised language on PMU oversight on grant approvals. Proposed language now including: “The GIG Office shall report MOJ, for its review and agreement on, a list of organizations and the Annual Program which consists of the grant activities within the scope of the USD 4-million Grant Program before submission to USAID for approval. Following review of proposal concept papers or grant applications by an evaluation committee, the GIG Program will seek USAID approval for each grant and a written no-objection statement from the PMU.”
- In 4.6, additional language including “During implementation of the Grant Program, the GIG project office shall issue PMU: A document of approval defining specific AWP activities in English in Vietnamese; Post-event reports in English and Vietnamese; Electronic copies of key deliverables in Vietnamese. Any international cooperation activities in the legal sector carried out in the territory of Vietnam must apply for permission from the competent agency before they can take place.”

**5 November 2015 – GIG submits revised guidelines by email**

- After considerable discussion with USAID, GIG provides the revised guidelines to the PMU.

**13 November 2015 – the PMU requests new revisions to the guidelines**

- The PMU requests the following additional revisions:
  - In 2.1 Agreement to each counterpart being required to agree with the PMU on the proposed workplan for the GIG AWP no later than 15SEP.
  - In 2.1 clarification on the meaning of “amendment” as a new addition or an adjustment of old contents, not merely implying the addition of new activities.
  - In 2.2 removal of “number of meetings” from the adjustment abilities of GIG without formal amendment.
  - In 2.2 refusal to accept the SC’s role as an adjudicator despite GIG’s citing of Project Document guidance.
  - In 3.4 request that consultant needs arise from counterpart work proposals to PMU.
  - In 4.2 adjustment of grant eligible organizations to “Grants under the GIG Program may be awarded only to local non-governmental organizations including social organizations, research institutes, and private sector.”

**17 November 2015 – GIG submits revised guidelines by email**

- After considerable discussion with USAID, GIG provides the revised guidelines to the PMU.

**24 November 2015 – the PMU requests new revisions to the guidelines**

- The PMU requests the following additional revisions:
  - In 1.1 the addition of the following underlined language: The Program provides technical assistance, training, and other direct support to the government, led by the prime counterpart, the Ministry of Justice (MOJ), and other counterpart agencies (the National Assembly, the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Industry and Trade, and the State Audit of Vietnam) to strengthen policy-making, implementation of laws, oversight, performance management, and other accountability mechanisms. It promotes greater exchange, networking, and sharing of information, including through government to government cooperation. Program activities include, but are not limited to: training programs and workshops; data collection and analyses; technical assistance to improve citizen participation and public information services; technical assistance to implement free trade commitments; and a grants program and facilitation of innovative partnerships with the private sector in support of program priorities.
  - In 1.2 the following adjustment: This document presents the operating guidelines for ~~that will govern~~ GIG Program implementation.
  - In 1.3 the addition of “already identified in the Annual Workplan” when explaining what activities DTAs may contain. The complete removal of “The DTA activity development phase is distinct and separate from the Annual Work Planning process.”
  - In 2.1 the addition of “The Ministry of Justice will ratify the Annual Workplan after it has been approved by the Steering Committee.” to the section on annual SC meetings.
  - In 2.1, the following language: “Amendments” mean additions of new activities to the AWP, which have been identified by GIG or the PMU as important or amendments of substantive details of the activities in the approved AWP. Amendments might be proposed by the PMU or GIG Program to the Steering Committee for review every six months (semi-annually), as described in Section 2.2 below, or more frequently if deemed appropriate by the Steering Committee. “Adjustments” mean changes in the information about the time, number and composition of participants, venue of the event, which are not changes to substantive details of the activities in the approved AWP, and do not require Steering Committee approval. Amendments may be made based on a justified need in consultation with the PMU.
  - In 4.5 the addition of “Following review of proposal concept papers or grant applications by an evaluation committee, the GIG Program will seek USAID approval for each grant and opinions a ~~verbal no objection statement~~ from the PMU.
  - In 4.6 the addition of “and would ensure the conformity with the Vietnamese law” to the description of how grants would be implemented under regulatory considerations.
  - be awarded only to local non-governmental organizations including social organizations, research institutes, and private sector.”

**27 November 2015 – the GIG Program submits revised guidelines**

- Revisions are made based on requests made by phone and email during 9-15 December

**9 December 2015 – the PMU sends to the GIG Program its comments on the AWP3**

**15 December 2015 – the GIG Program submits revised guidelines**

- Revisions are made based on requests made by phone and email during 16-18 December

**18 December 2015 – the GIG Program submits revised guidelines**

**18 December 2015 – the PMU requests new revisions to the guidelines**

- The PMU requests the following additional revisions:
  - In 1.3, Request to ensure clarity that all activities are identified in the AWP.
  - In 2.1, Request that the Steering Committee direct the PMU to issue an official letter or request to counterpart entities for a consolidated list of activities for proposed support in the following year.
  - In 2.1, Request to add timelines to submit event reports and key deliverables to the MOJ PMU and they be reviewed and approved by relevant counterpart when applicable.
  - In 2.2 and III., Request for additional clarity on the development, review, and approval of DTA Clearance Forms.
  - In 3.2, the addition of the following underlined language: “DTA activities can only begin upon signature by the GIG Program Director, or otherwise delegated, but no sooner less than ten (10) working days following approval prior to an event or activity. ”
  - In 3.3, the removal of “barred”.
  - In 3.4, the request to budget and plan for GIG to utilize 3-star hotels.
  - In 3.4, Request for additional details regarding consultant timelines and TOR development, recruitment, and usage.
  - In 4.3, Request for grantee staff and consultant eligibility.
  - In 4.3, Request that grant scopes be included and described in the AWP.
  - In 4.6, Request for additional details in grantee selection process.
  - In 4.5, Request for additional details in unsolicited grantee applications.
  - In 4.6, Request for timeline for grant-related post-event report submission to the MOJ-PMU.

**21 December 2015 – the GIG Program requests meeting with PMU to finalize guidelines and AWP3**

- The PMU responds that they are too busy to meet
- The GIG Program thereafter submits the guidelines by email, along with a request to meet as soon as possible

**04 January 2016 – GIG sends Director of MOJ ICD and Vice Chairperson of SC Madame Oanh the final version of the guidelines and the chronology of the process of finalization covering August 2015 through 21 December 2015.**

- Following a phone call stating that Madame Oanh had not seen the guidelines, GIG provides them to her through email.

**20 January 2016—The PMU sends GIG their finalized Guidelines, signed by PMU Director Huyen of MOJ, and according to protocol, presumably approved by VM Ngoc.**

- The email states that the Vietnamese language version is the prevailing version.
- GIG notices that the PMU altered the document after GIG-MOJ negotiations were concluded but prior to presenting the document to the Vice Minister/ PMU Director. The discrepancies are:
  - In 1.1, “Program activities include, but are not limited to: training programs and workshops; data collection and analyses; technical assistance to improve citizen participation and public information services; technical assistance to implement free trade commitments; and a grants program and ~~facilitation of innovative partnerships with the private sector~~ in support of program priorities.”
  - In 1.3, the following language was relocated from Section 2.2 “Each DTA **must** include all the details such as respective section of the Annual Workplan (AWP), title, objectives, tentative venue, number of days, agenda, number of participants, speakers, research/studies, presentations, and/or other deliverables/outputs...as required by relevant DTA”
  - In 1.3, the removal of the following language: “Actual activities should fall within the scope of the ~~relevant~~ Annual Work Plan, or as otherwise approved by the Steering Committee.”
  - In 2.1, “By 10 September, the PMU, in coordination with the Project Office, shall work with ~~each~~ proposing agency~~ies~~ to agree on their proposal.
  - In 2.1, related to issuance of documents to the PMU “Electronic copies of ~~key~~-deliverables will be in Vietnamese within forty (40) working days, and following final review by the counterpart and GIG Program.”
  - In 2.1, ““Amendments” mean additions of new activities to the AWP, which have been identified by GIG or the PMU as important or amendments of substantive details of the activities in the approved AWP. Amendments might be proposed by **GIG or a counterpart to** the PMU **for reporting it** ~~or GIG Program~~ to the Steering Committee for review every six months (semi-annually), as described in Section 2.2 below, or more frequently if deemed appropriate ~~by~~the Steering Committee.”

- In 2.2, “The PMU shall supervise implementation of the GIG Program based on the approved workplans. Workplan activities will be further defined in more detail in individual DTA clearance forms, which will be reported for each sub-activity. The GIG project office will develop each DTA clearance form in cooperation with the respective counterparts, and the clearance form will be signed by the GIG Program Director, or as otherwise delegated. The DTA clearance form includes details such as respective section of the annual workplan, topic, objectives, venue, number of days, agenda, number of participants, speakers, and research, studies, presentations, and/or other deliverables, etc.”
- In 3.3, with respect to in-kind support restrictions “Other costs unallowable under USAID and/or federal regulations. Refer to Office of Management and Budget (OMB) 122 “Cost Principles for Non-profit organizations” and FAR 31.2 “Cost principles for Commercial Organizations”

**22 January 2016 – The PMU calls GIG with an update on the workplan and mentions that “the guidelines will be commented on by program counterparts”**

- This is an odd development, as all GIG counterparts have already commented on the Guidelines during the negotiation process.

## Annex I5: Completion Status of the Project Targets

Indicator	Year 1 Target	Year 1 Actual	Year 1 % achieved	Year 2 Target	Year 2 Actual	Year 2 Target % achieved	Year 3 Target	Year 3 Actual	Year 3 Target % achieved	Year 4 Target	Q1 Target	Q1 Actual	Project target	Sum of targets as of Y4Q1	Project Target Achieved as of Y4Q1
0.01. Ease of Doing Business (DTF)	61.13	61.13	100%	78	78	100%	70	90	129%	82					
0.02 CPIA public sector management and institutions cluster average	3.5	3.5	100%	3.5	3.5	100%	3.6	3.5	97%						
0.03 CPIA policies for social inclusion/equity cluster average	4	4	100%	4	4.1	103%	4.1	4.1	100%						
Project Intermediate Result I: Improved legal and regulatory framework															
I.0.1 Time to export/import (days)	21/21	21/21	100%	20/20	21/21	100%	16/16	18/22	89%	3.6					
I.0.2 Percent of new/revised laws with GIG assistance upon partners' request that provide an indication of what feedback from public consultations was accepted/rejected	0%	0%	N/A	110	89	81%	80	88	N/A						
I.0.3 Percent of TPP required legislative changes and supporting regulations that have been drafted with GIG assistance upon partners' requests	TBD		N/A	TBD	TBD	N/A	TBD	TBD	N/A				TBD		
I.0.4 Percent of GIG counterpart legal normative documents that have been codified and made available online upon partners' requests	0%	0%	N/A			N/A			N/A						
KRA I.I. High quality laws and regulations developed															

<b>Indicator</b>	<b>Q1 Target</b>	<b>Q1 Actual</b>	<b>Year 1 Target</b>	<b>Year 1 Actual</b>	<b>Year 1 % achieved</b>	<b>Year 2 Target</b>	<b>Year 2 Actual</b>	<b>Year 2 Target % achieved</b>	<b>Year 3 Target</b>	<b>Year 3 Actual</b>	<b>Year 3 Target % achieved</b>	<b>Year 4 Target</b>	<b>Q1 Target</b>	<b>Q1 Actual</b>	<b>Project target</b>	<b>Sum of targets as of Y4Q1</b>	<b>Project Target Achieved as of Y4Q1</b>
I.I.I. Number of draft laws subject to substantive amendment and final vote in legislatures receiving USG assistance	0	0	N/A	10	29	290%	12	12	N/A	12	12	18	4	6	40	26	65%
KRA I.2. Improved policy development process																	
I.2.1. Number of GIG-assisted events to enhance policy development process	5	11	220%	7	12	171%	9	18	200%	18	21	21	21	21	21	100%	
KRA I.3. Improved information systems and evidence-based analysis for policy making																	
I.3.1. Number of evidence-based policy analyses conducted with GIG support	1	3	300%	10	14	140%	13	13	100%	23	15	15	47	39	39	83%	
I.3.2. Number of information systems established or substantially upgraded with GIG support	0	0	N/A	2	2	100%	2	1	50%	1	4	4	4	4	4	100%	
KRA I.4. Increased transparency of laws and regulations																	
I.4.1 Number of titles codification conducted with GIG assistance	0	0	N/A	5	3	60%	10	29	290%	0	15	15	15	15	15	100%	
KRA I.5. Strengthened public consultation and stakeholder engagement mechanisms in policy development																	
I.5.1. Number of GIG-supported public consultation events to improve Vietnam's legal and regulatory framework	3	5	167%	20	24	120%	25	26	104%	0	48	48	48	48	48	100%	
Project Intermediate Result 2: Improved accountability of public institutions																	
2.0.1. Open Budget Index score	19%	19%	100%	19	18	95%	22	18	82%								

<b>Indicator</b>	<b>Year 1 Target</b>	<b>Year 1 Actual</b>	<b>Year 1 % achieved</b>	<b>Year 2 Target</b>	<b>Year 2 Actual</b>	<b>Year 2 Target % achieved</b>	<b>Year 3 Target</b>	<b>Year 3 Actual</b>	<b>Year 3 Target % achieved</b>	<b>Year 4 Target</b>	<b>Q1 Target</b>	<b>Q1 Actual</b>	<b>Project target</b>	<b>Sum of targets as of Y4Q1</b>	<b>Project Target Achieved as of Y4Q1</b>
2.0.2. Median scores of transparency indicator in provincial competitiveness index (PCI)	5.56	5.56	100%	5.86	5.98	102%	6	6.14	102%						
KRA 2.1. Strengthened government oversight processes															
2.1.1. Number of Executive Oversight Actions Taken by Legislature Receiving USG Assistance	1	0	0%	2	6	300%	4	5	125%	10	1	1	17	8	47%
2.1.2. Number of training sessions on performance audits for staff from relevant GIG partners	0	0	N/A	2	0	0%	2	1	50%				4	4	100%
KRA 2.2. Strengthened citizen participation in monitoring and evaluating policy implementation															
2.2.1. Number of GIG-supported activities designed to promote or strengthen the participation of citizens in public governance	2	2	100%	2	5	250%	4	4	100%				8	8	100%
KRA 2.3. Increased transparency on policy implementation effectiveness															
2.3.1. Number of GIG-supported activities designed to strengthen the budget process	2	5	250%	4	4	100%	4	4	100%				10	10	100%
2.3.2. Number of GIG-supported activities designed to strengthen policy implementation effectiveness in Vietnam	0	0	N/A	4	10	250%	8	12	150%				12	12	100%
KRA 2.4. Improved quality of information and analysis for evaluating policy implementation effectiveness															

<b>Indicator</b>	<b>Year 1 Target</b>	<b>Year 1 Actual</b>	<b>Year 1 % achieved</b>	<b>Year 2 Target</b>	<b>Year 2 Actual</b>	<b>Year 2 Target % achieved</b>	<b>Year 3 Target</b>	<b>Year 3 Actual</b>	<b>Year 3 Target % achieved</b>	<b>Year 4 Target</b>	<b>Q1 Target</b>	<b>Q1 Actual</b>	<b>Project target</b>	<b>Sum of targets as of Y4Q1</b>	<b>Project Target Achieved as of Y4Q1</b>
2.4.1. Number of policy implementation assessments conducted by CSOs with GIG support	2	2	200%	2	2	100%	3	∞	267%				6	6	100%
KRA 2.5. Improved quality of the media's reporting on policy implementation															
2.5.1. Number of training days provided to journalists with USG assistance, measured by person-days of training.	50	72	144%	150	394	263%	300	262	87%				500	500	100%
Project Intermediate Result 3: Improved inclusion															
KRA 3.1. Legal and regulatory barriers for women, ethnic minorities, and other vulnerable groups' equality reduced															
3.1.1. Number of laws, policies or procedures drafted, revised and/or issued to support inclusion of vulnerable population.	1	1	100%	3	10	333%	4	4	100%				8	8	100%
KRA 3.2. Women, ethnic, minorities, and other vulnerable groups' participation and voice increased in policy dialogues															
3.2.1. Number of CSOs receiving USG assistance engaged in advocacy interventions	5	6	120%	10	15	150%	20	33	165%				35	35	100%
3.2.2. Number of GIG-supported events designed to promote the target groups' participation and voice in policy dialogues	2	3	150%	7	11	157%	12	12	100%				21	21	100%
KRA 3.3. Improved data and analysis on gender, ethnic minorities, and other vulnerable groups' equality															

<b>Indicator</b>	<b>-Year 1 Target</b>	<b>-Year 1 Actual</b>	<b>Year 1 Target % achieved</b>	<b>Year 2 Target</b>	<b>Year 2 Actual</b>	<b>Year 2 Target % achieved</b>	<b>Year 3 Target</b>	<b>Year 3 Actual</b>	<b>Year 3 Target % achieved</b>	<b>Year 4 Target</b>	<b>Q1 Target</b>	<b>Q1 Actual</b>	<b>Project target</b>	<b>Sum of targets as of Y4Q1</b>	<b>Project Target Achieved as of Y4Q1</b>
3.3.1. Number of policy research initiatives conducted on gender, ethnic minorities, and other vulnerable groups with GIG assistance that use data and analysis to support the policy proposals			100%	3	3	200%	5	5	100%				9	9	100%
3.3.2. Number of GIG-assisted activities to promote women's leadership and entrepreneurship and empower GIG's target groups	2	2	100%	3	5	167%	8	3	38%				13	13	100%
KRA 3.4. Improved access to economic opportunity for women, ethnic minorities, and other vulnerable groups															
3.4.1. Number of GIG-supported activities designed to increase access by target groups to productive economic resources (assets, credit, income or employment) and legal facilities	1	0	0%	4	3	75%	4	4	100%				9	9	100%
Cross-cutting output indicators															
C.0.1 Number of public-private partnerships formed as a result of GIG assistance	2	1	50%	5	2	40%	5	4	80%	2	0	0	14	12	86%
C.0.2 Person hours completed in capacity building events supported by GIG	15,000	25,214	168%	30,000	96,488	322%	60,000	110,238	184%	70,000			175000	105000	60%
C.0.3 Number of vulnerable people reached by USAID-supported programs that promote health, social and economic opportunities	600	0	0%	1,600	1,238	77%	1,500	721	48%	500			4200	3700	88%



## Annex I6: List of Specific Events, Legal Documents, and CSOs that Provided Comments

List of specific events, legal documents and CSOs that provided comments

Project Intermediate Result 3: Improved inclusion			
KRA 3.1. Legal and regulatory barriers for women, ethnic minorities, and other vulnerable groups' equality reduced			
Indicator	Year 1	Year 2	Year 3
3.1.1. Number of laws, policies or procedures drafted, revised and/or issued to support inclusion of vulnerable population.	GIG contributed to the draft revised Civil Code, supporting inclusion of vulnerable population, under code MOJ008. The revised Civil Code will be submitted to NA for review in October 2014.	<p>During quarter 4, GIG continued to provide technical assistance for the Law on Admin Decisions to support inclusion of vulnerable population, with the report on mainstreaming gender issues in the draft Law of Admin Decisions delivered (MOJ016). The status of laws/regulations supported from previous quarters is as follows:</p> <ul style="list-style-type: none"> <li>- The draft revised Civil Code incorporated technical inputs after NA May 2015 session and is being reviewed by NA and will be debated for voting in NA October 2015 session. The transgender right was legalized in the Civil Code subject to final decision by NA in October 2015 (NA019).</li> <li>- The official draft of the Law on Access to Information, including GIG's technical comments on law development and equal access to information of the vulnerable groups, was submitted to NA Standing Committee for review (MOJ033).</li> <li>- After the assessment of the implementation process of Decision 09 on access to legal information and services for citizens, MOJ plans to propose to the Prime Minister to merge Decision 09 into the New Rural Development Program from 2016 onward, which will makes the Decision's targets more feasible and measureable while filling in the gaps of the NRD program that lacks indicators on legal access for citizens (MOJ028). This will be recorded later in the system when approved.</li> </ul>	<p>I. A draft decision to replace Decision 09/2013/ND-CP with inputs from workshop participants was submitted to the Government in September 2016. (MOJ057)</p> <p>2. Decision No. 1600/2016/QD-TTg issued by the Prime Minister on August 16, 2016 regarding the Approval of the National New Rural Development Program 2016 -2020 in which Part III, point 9 includes the content on "evaluation, recognition and development of communes accessing legal information; assurance and strengthening of legal access ability for all citizens".</p> <p>The following laws and regulations were drafted and will be recorded after further developments:</p> <ul style="list-style-type: none"> <li>- GIG provided assistance to draft revised Decree 77/2008/ND-CP through the workshops to review existing models of LCC (legal counselling centers) and collect inputs and recommendations for revision of the decree. The detailed version of the draft decree will be available in 2017. (MOJ051)</li> <li>- The draft Decree on Trade Development in the Mountainous, remote, sea island and Ethnics regions to replace Decrees 20/1998 and 02/2002 was drafted. GIG provided support to the draft decree through (i) providing recommendations on the directions for the draft decree, (ii) providing consultants to participate in consultation workshops with stakeholders to review the current trade policy for development of the draft decree. The proposal to develop the decree will be submitted to the government for review in October 2016. (MOIT009)</li> </ul> <p>The status of laws/regulations supported and recorded from previous quarters is as follows:</p> <ul style="list-style-type: none"> <li>- The revised Law on Legal Aid was submitted to the government and will be reviewed by the NA in October 2016. (MOJ039)</li> </ul>

<b>KRA 3.2. Women, ethnic minorities, and other vulnerable groups' participation and voice increased in policy dialogues</b>			
3.2.1. Number of CSOs receiving USG assistance engaged in advocacy interventions	<p>Centre for Education Promotion and Empowerment for Women (CEPEW), under code MOJ015. GIG invited this CSO to present in a workshop in NgheAnto increase citizen participation in local governance. CISDOMA (The consultative institute for socio-economic development of rural and mountainous areas), under code MOJ016. GIG invited this CSO to present in a workshop on Law on Admin Decisions in Hai Phong. IDS: similar to CEPEW IPL (Institute of Public Policy and Law). GIG invited representatives from this CSO to provide inputs for revised Civil Code through report writing, coordinating a workshop to collect opinions of CSOs for the Code, under Code MOJ008. The Institute for Studies of Society, Economics and Environment (iSEE) – also provided inputs to revised Civil Code through a workshop under MOJ008. Center for legal research and Services (LERES): similar to iSEE. GIG provided support to above counterparts to engage in advocacy interventions in revising Civil Code, providing inputs to draft Law on Admin Decisions, and designing citizen participation mechanisms.</p>	<p>(This indicator is monitored and evaluated on a quarterly basis. For Year 2 narrative details go to Annex 10.)</p> <p>The new active CSOs participating in advocacy activities during this quarter include: ISDS (Institute for Social Development Studies), CGFED (Research Centre for Gender, Family and Environment in Development), and IFGS (Institute for Family and Gender Studies), contributing to gender responsive budget allocation in the revised State Budget Law 2015 (NA022).</p>	<p>The following CSOs contributed opinions for:</p> <ul style="list-style-type: none"> <li>- The draft decree amending and adding to Decree 77/2008/NĐ-CP (MOJ051), the revised Law on Anti-corruption and revised Law on State Compensation (VLA001);</li> <li>1. Trade Union Legal Consulting Center under Labor Union</li> <li>2. Vietnam Lawyers Association (VLA).</li> <li>- The Manual on Policy Analysis for implementation of the 2015 Law on the Promulgation of Legal Normative Documents (MOJ050)</li> <li>3. Center for Indigenous Knowledge Research and Development (CIRD)</li> <li>4. Southern Center for Support &amp; Development of Cooperatives, Small &amp; Medium Enterprises (SOCENCOOP)</li> <li>5. The Centre for Promoting Development for Women and Children (DWC) (this CSO also contributed to MOJ057)</li> <li>6. Community Assistance Center (COMAC)</li> <li>- Constitutionality Criteria for appraising newly drafted or revised laws (MOJ041)</li> <li>7. Institute of Law and Policy Sciences (ILPS)</li> <li>8. Vietnam Association for Intellectual Women (VAIW)</li> <li>- Institutionalization of 2013 Constitution in economic, social, educational, cultural, science and technological and environment issues (MOJ042)</li> <li>9. The Research Centre for Family Support and Community Development (CFSCD)</li> <li>- Draft Decision on legal access indicators (MOJ057)</li> <li>10. Institute of Natural Resources, Environment and Community Development (RECO)</li> <li>11. Support and Consultancy Center for Rural Development Projects (RDP)</li> <li>12. Center for Research on Development Communication (RED)</li> <li>13. Sustainable Rural Development Center (SRD).</li> <li>14. Center For Social Work Community Development Research And Consultancy (SDRC)</li> <li>15. Van Nien Tung Farmer Support Center.</li> <li>- The policies and legal framework for the development of microfinance system. (MPI014)</li> <li>16. Community Financial Resources Center (CFRC)</li> <li>17. Microfinance and Community Development Institute (MACDI)</li> <li>18. Capital Aid Fund for Employment of the Poor (CEP)</li> </ul>

3.2.2. Number of GIG-supported events designed to promote the target groups' participation and voice in policy dialogues	<p>- Quarter 3: Roundtable with CSOs on 30 June on the draft Civil Code (MOJ008) - Quarter 4: + Consultative workshop on the use of customs and traditions under the revised law on marriage and family (MOJ006) + Consultative Workshop on Effective Mechanisms for Citizen Participation in Local Governance (Nghe An) (MOJ015)</p>	<p>(This indicator is monitored and evaluated on a quarterly basis. For Year 2 narrative details go to Annex 10.)</p> <p>1- Consultative Workshop Gender Responsive Budget Allocation in The Revised State Budget Law 2015 in Hanoi July 2015 (NA022).      2- Workshop Integrating the Access to Legal Information and Service Indicators into the New Rural Development Program in Hai Duong in September 2015 (MOJ028).      3- Consultation Workshop on Guidelines for the Development and Application of Customs in Marriage and Family in Thai Nguyen in September 2015 (MOJ021).      4-Consultation Workshop on the Draft Action Plan for Gender Equality of the Judicial Sector 2016-2020 in Hanoi in September 2015 (MOJ014).</p>	<p>I. A survey on the need and possibility to expand the IRMP to new provinces, including the assessment of the need and expectation about the IR issues of vulnerable workers such as women, youth, disabilities or migrant workers) in industrial zones was conducted in Long An and Danang in July 2016. (MOLISA001)      2. Field visits to review the Implementation of the Law on Criminal Records by engaging citizens who have gone through the process of applying for criminal records were made in Tra Vinh, Soc Trang, Ben Tre, Binh Dinh and Phu Yen in July and August 2016. These visits included impact assessment on the vulnerable citizens including those who have committed crime before and have their records already expunged. (MOJ058)      3. Consultative Workshops on a set of Legal Access Criteria, Procedures, and Jurisdiction were held in HCMC and Hanoi in July and August 2016 to assess and recognize communes, wards, and towns that meet access criteria. (MOJ057)      4. Field trips were to 7 provinces in the Northern, Central and Southern regions (Quang Ninh, Ha Giang, Binh Thuan, Ninh Thuan, Soc Trang, Ca Mau, Kien Giang) to review and assess existing trade policies in disadvantaged areas (mountainous, border, sea island and ethnic minorities). (MOIT009)      5. Regional workshop to review, assess and develop policies on trade development in border, mountainous, and sea islands' regions and directions for the draft decree was held in Quang Nam in September 2016. (MOIT009)      6. Regional workshops to review models of Legal Counselling Centers (LCCs) and propose orientations for revision of Decree 77/2008/NĐ-CP on LCCs were conducted in Hanoi and HCMC in September 2016. (MOJ051)      7. Field surveys were conducted in HCMC, Quang Ninh, Nam Dinh and Hanoi to identify legal constraints with registration and operation of microfinance institutions and set forth recommendations to improve the access of vulnerable groups (the poor, women, and ethnic minorities) to microfinance services. (MPI014)      8. Workshops on institutional development to foster the growth of microfinance market and the implementation of Decision 2195/2011/QĐ-TTg were held in HCMC and Hanoi in Sept 2016.(MPI014).</p>
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<b>KRA 3.3. Improved data and analysis on gender, ethnic minorities, and other vulnerable groups' equality</b>			
<b>Indicator</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
3.3.1. Number of policy research initiatives conducted on gender, ethnic minorities, and other vulnerable groups with GIG assistance that use data and analysis to support the policy proposals	Conducted gender mapping to bring principles of gender equality in law making relating to draft Law on Laws, under code MOJ002	<p>1- A report to review the implementation of gender equality plan of judicial sector in 2011-2015 and development of Gender Equality Action Plan in judicial sector for the period 2016-2020 was completed (MOJ014).</p> <p>2- An analysis report on rights of vulnerable groups and the rights of CSOs in <b>LAD (Law of Admin Decisions)</b> implementation (MOJ016).</p> <p>3- A report on mainstreaming gender issues in the draft Law of Admin Decisions was delivered (MOJ016).</p> <p>4- The research report on legal access information and services for local citizens was completed (MOJ028).</p>	<p>1 - The survey report on the needs of different population groups for legal aid and the efficiency of legal aid activities was revised and finalized in September 2016. (MOJ038)</p> <p>2- Draft reports on (i) policy review on trade development in mountainous, remote and island regions (ii) and results of field studies and consultations were submitted. The 3d report consolidating other reports and providing recommendations for the draft Decree on Trade Development in the Mountainous, remote, sea island and Ethnics regions will be submitted in October. These reports will be finalized and completed by end of October 2016. (MOIT009)</p> <p>3. The review report on the compatibility between the <b>Law on Legal Aid in Vietnam</b> and the laws and policies on legal aid of other countries following the directions of the draft revised <b>Law on Legal Aid</b> was finalized. The position paper on the Revised Law on Legal Aid was finalized and completed. (MOJ039)</p> <p>4- The study on microfinance operation in Vietnam was drafted and its findings were presented in the workshop. It is expected that the following reports will be finalized and submitted in October 2016: (i) survey results of microfinance operations and (ii) policy and legal review of the microfinance system in Vietnam. (MPI014).</p> <p>5- The draft reports on criteria to assess compatibility of laws and ordinances to 2013 Constitution provisions on the following issues (i) human rights and citizen rights, (ii) economic, science, technology and environment, (iii) social, culture, education and health, (iv) state apparatus and organization, (v) consolidation report of the above issues were submitted and will be finalized in November 2016. The results of these reports will be incorporated into the compatibility assessment criteria used by the advisory board of 2013 Constitution implementation and law drafting committees of ministries (MOJ041).</p>

3.3.2. Number of GIG-assisted activities to promote women's leadership and entrepreneurship and empower GIG's target groups	<ul style="list-style-type: none"> <li>- Q2: Workshop on women entrepreneurship with VWU on 2 March (VWU001)</li> <li>-Q4: Training on gender mainstreaming and gender equality (MOJ002) to promote women leadership, empower middle level women managers in judicial sector.</li> </ul>	<ul style="list-style-type: none"> <li>- Supported to MOJ to develop a draft Gender Action Plan for the justice sector during 2016-2020 and organize a workshop to finalize the plan. Higher level of leadership and management skills and requirements were discussed and planned for the justice sector. (MOJ014).</li> <li>- The planned training workshops with VWEC to provide knowledge regarding trade map, tax codes and customs regulations and soft skills for women entrepreneurs in 3 regions (North, Centre, and South) during July and August 2015 on are on hold, pending PMU's approval. In addition, a subsequent policy dialogue on challenges faced by women entrepreneurs is also on hold (VWEC002).</li> <li>- The planned workshop with HNEW on business leadership and management in the context of FTAs/TPP for northern provinces is on hold, pending PMU's approval. In addition, a subsequent policy dialogue on MOLISA Circular 26/2013 regarding the 77 jobs restricting women workers is also on hold (HNEW002).</li> </ul>	<p>1. Workshop on Public-Private Partnerships (PPP), bazaar, and supply chain event was organized in HCMC in August 2016, organized by the MOIT and the Vietnam Association for Women Entrepreneurs (VAWE). This event created a platform for policy dialogue between the government representatives and the women business community and provided opportunities for 300 women entrepreneurs to access to producers, distributors, consumers and other stakeholders along the supply chain (MOIT015).</p> <p>2. Workshop on Public-Private Partnerships (PPP) and bazaar was organized in Hanoi in August 2016, organized by the MOIT and the Vietnam Association for Women Entrepreneurs (VAWE), for policy makers, business women, distributors, social organizations, international organizations, and journalists. The workshop strengthened the collaboration between provincial DOITs and VAWE members and the bazaar provided opportunities for 150 women entrepreneurs to introduce and display their new products to potential business partners and client (MOIT015)</p> <p>3. Trainings to improve the capacity of key leaders from different agencies/units of the justice sector of ministerial and provincial levels on gender equality, gender analysis and mainstreaming gender equality issues in formulating legal normative documents were held in Hanoi and HCMC in September 2016. (MOJ029).</p>
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#### KRA 3.4. Improved access to economic opportunity for women, ethnic minorities, and other vulnerable groups

Indicator	Year 1	Year 2	Year 3
3.4.1. Number of GIG-supported activities designed to increase access by target groups to productive economic resources (assets, credit, income or employment) and legal facilities	<p>Land law campaign was launched and in progress (GIG planned to collaborate with LANDA members). As of 30 Sept, the project completed RFA for land law campaign, and event report for LANDA members' meeting on RFA. The project refused CEMA proposal due to infeasibility, and reviewed other opportunities with Vietnet ICT and CECR (The Center for Environment and Community Research).</p>	<p>I- Following the field assessments on community legal access standards in Thai Binh and Ca Mau in last quarter, a workshop was organized to disseminate the findings of the survey report and to present the proposal to the Prime Minister to merge the Decision 09 on legal access standard into the New Rural Development Program, by which a framework for feasible and accessible legal services/facilities for citizens in local areas is developed (MOJ028).</p>	<p>1. Training workshops to improve the knowledge and practical legal analysis and legal counselling skills of legal counselling officers of social organizations were delivered in Binh Thuan in August and Quang Ninh in Sept 2016. This aims to increase access to legal services by the target groups. (MOJ051)</p> <p>2. An activity was conducted to support for institutional development of the micro credit market, including study on the current Microfinance sector in Vietnam and recommendation for more effective implementation of the Decision No. 2195/QD-TTg/2011. This would help increase access by target groups to credit market. (MPI014)</p>

## **Response to the Performance Evaluation of USAID's Governance for Inclusive Growth (GIG) Program**

*Hanoi, November 7, 2017*

The Vietnam Governance for Inclusive Growth (GIG) Program thanks USAID and the reviewers for their efforts to produce an objective performance evaluation, noting the challenges of understanding the history and complexity of Vietnam's development environment and the activities of the GIG Program within a brief window of time. We appreciate also the opportunity to make this formal response, which we hope is helpful as additional context. We will work with USAID and our program counterparts to incorporate the recommendations from the performance evaluation in the final year of the GIG Program.

Our responses are provided below in two sections: General Comments; and Findings, Conclusions, and Recommendations.

### **GENERAL COMMENTS**

The GIG Program is a complex, cross-sectoral project that has been demand-driven. While the development of governance structures and the rule of law is often understood as a linear process of change, in recent years development theorists have begun to recognize the importance of complexity perspectives. The complexity approach in development is increasingly being used to explain structures in which several agents interact in a dynamic, non-linear fashion. Therefore, the effectiveness of development inputs into complex structures is difficult to ascertain, because different factors reinforce or cancel each other out in non-linear ways.

The GIG Program has created the means for the government to pursue difficult reforms that it is able to define and that it considers important. A positive attribute of the GIG Program's design is that it has allowed for great flexibility, responsiveness to new ideas, and experimentation, which we believe has fostered government buy-in and positive lessons on governance and inclusion. The design is less predictable, but it has opened an avenue for new, innovative reforms that could not have been fully anticipated or planned at the beginning of the project.

A challenge in promoting economic growth is resisting the pull to focus on established businesses and to keep the focus on the poorest part of the population. The multi-stakeholder, cross-sectoral design has facilitated and leveraged reforms in the areas of governance, accountability, and inclusive growth that would have been more difficult to implement in isolation. We have found that grouping the program's three diverse components together provides an important context for addressing Vietnam's trade and legal reforms from the perspective of the development needs of Vietnam's vulnerable groups, which include the needs of small and medium enterprises, household businesses, cooperatives, and collaborative groups. Thus, there is an important linkage between trade, governance, and inclusion that mitigates the temptation of economic growth to focus on the wealthier part of society.

We have found that applying the multi-stakeholder model to address broad thematic issues has facilitated the development of a more cohesive law and policy-making environment among multiple counterparts, which often have overlapping mandates. We acknowledge that there have been challenges implementing the GIG program due to its management model, technical breadth and complexity, which have required new, creative approaches. But by Year 4, the challenges have become manageable. We have concluded that this approach, albeit more challenging, is more productive and that it offers lessons worth studying.

From our review of the reported indicator results, we note that the mid-term evaluation examined GIG's achievement of its Monitoring and Evaluation (M&E) Plan indicators for each KRA from FY2014 (Year 1) to the first quarter (through December 31) of FY2017 (Year 4). In addition, to measure progress toward achievement of KRAs and to assess the efficiency and sustainability of GIG's interventions, the evaluators conducted primary field research in Vietnam from April 17 to May 12, 2017, as reported on page 12 of the performance evaluation. Some written findings in the evaluation relate to events during the second quarter of Year 4, but the evaluators do not include an explanation for why indicator results through the second quarter were not included.

We observe in the evaluation report a heavy reliance on comments from individual counterparts. We recognize the difficulty in reconciling comments from different departments (65 departments in the Year 3 work plan), but the information the evaluators obtained during their primary field research, mainly to assess the program's efficiency and sustainability, seems to have been gathered and presented based on comments without fact checking findings from the primary research, such as deeper exploration of inconsistent comments or a look at the actual records of financial performance. Similarly, the performance evaluation argues that "two assumptions underlying GIG's design logic no longer hold": 1) ratification of the TPP; and 2) adequate resources will be available to implement the program per the agreed work plan. This is not true. The US withdrew from the TPP, but the TPP, which Vietnam is still negotiating with other countries, is consistent with other new generation free trade agreements and continues to be an important context for more ambitious reforms. Secondly, the GIG Program does have adequate resources to implement all agreed work plan activities.

GIG has learned important lessons that could inform the design and implementation of future programs. Complex multi-stakeholder and multi-sectoral programs bring benefits as well as unique design and implementation challenges. The performance evaluation looked for a more predictable system and dwelled on the shortfalls it deemed significant. We believe that the following information provides important context and that, once the most significant shortfalls experienced by the GIG Program are addressed, the benefits of this design outweigh the challenges.

## FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

### **Question 1: To what extent has GIG made progress in achieving key results as planned in the evaluated components?**

**Comment.** We appreciate the finding that GIG has achieved or exceeded the M&E Plan indicator targets. We agree on the difficulty of evaluating our achievements due to the complexity and dispersed nature of GIG interventions.

The M&E Plan, including the list of indicators, was based on the Results Framework in the contract as well as the descriptions and explanations of each expected result and key result area (KRA) in the contract. Individual GIG indicators are not necessarily associated with a single KRA, but may contribute to more than one KRA. Each indicator has a performance indicator reference sheet which is updated annually with the definition, justification for the indicator, and linkage to the outcome/impact based on the project design document. While our indicators are of a quantitative nature, we supplement the data with narratives to document the process of achieving results. Good practices and success stories are documented and drafted in cooperation with the respective counterpart, and shared widely. In addition to quarterly reports

that are submitted in the Program Management Unit's (PMU) specific format, the USAID annual and quarterly progress reports are shared with the PMU to explain the contribution of activities and outputs to the KRA outcomes and expected results.

For the GIG Program's comments to the evaluation's findings under Question 1, per Component and KRAs, please see Annex 1.

**Question 1a: How have GIG interventions led to the desired program outcomes? Is there clarity of linkages between input, output, results and outcomes?**

**Comment.** We agree that there have been implementation challenges and a lack of clarity in results and outcomes. GIG is a complex, cross-sectoral project that has been very demand-driven. Albeit challenging, we believe that this can be a valuable approach if we apply the lessons learned from our implementation experience to improve the design and systems of management and decision-making.

We disagree that there has been an intense focus on trade-related objectives if the implication is that we have diminished our focus on governance and inclusion. We believe that our focus on governance and inclusion has positively influenced the dialogue on trade reforms. For reasons provided in this response, we believe it is still early to judge the impact of GIG's non-trade related work.

**Question 1b: What are the reasons behind successes and shortfall. If any?**

**Comment.**

**Content and Process**

We agree that the design combination of broad objectives that emphasize content, and a results framework that emphasizes process have contributed to a lack of focus for GIG. However, there has been a value to the reforms being government led, and we believe that these have opened opportunities to build a critical mass of support to more effectively address the challenges of governance and inclusive growth. We will continue to explore mechanisms and apply creative approaches to connect inputs and outputs from the design with outcomes and results. We also suggest studying the unforeseen, beneficial outcomes that emerge from this development approach.

The thrust to prepare Vietnam for the Trans-Pacific Partnership (TPP) did require a focus on a wide area of legal reforms, as GIG supported 19 of the TPP's 30 chapters but, as described below, those reforms were, and continue to be, a valued investment.

We agree on the importance of process-oriented reforms that are oriented to systemic change. In the context of preparing for the TPP, World Trade Organization (WTO) Trade Facilitation Agreement (TFA), and other new generation free trade agreements, there was a greater emphasis on trade and content-related activities in the early years of the program, but GIG has been shifting its focus to process-oriented reforms and to address the more systemic challenges of governance and inclusion.

## **GIG Work Plan Development and Management**

We agree with the conclusion that GIG's work planning process is counterpart demand-driven and that the government-directed system of coordination has inhibited GIG's ability to develop multi-year intervention strategies. We acknowledge that a multi-year intervention strategy could have helped provide more continuity, but the demand-driven approach has contributed to government leadership and buy-in that is worth studying for the beneficial reform approaches and positive unforeseen results that have emerged.

## **GIG Design Assumptions**

The performance evaluation argues in the Executive Summary and again here that "two assumptions underlying GIG's design logic no longer hold": 1) ratification of the TPP; and 2) adequate resources will be available to implement the program per the agreed work plan. We disagree with both conclusions.

Only the US withdrew from the TPP in January 2017. The other 11 TPP countries, including Vietnam, have not withdrawn. As of the time of finalizing this performance evaluation, other TPP countries were still negotiating a revised trade agreement without the US (TPP 11). Much of the work done by GIG in preparation for ratification of the TPP is still relevant; several reforms implemented under the TPP continue to be implemented consistently with the requirements of other "new generation free trade agreements" to which Vietnam is a party. Thus, while the US withdrawal from the TPP was unforeseen and a great disappointment to the Government of Vietnam, the support provided is still relevant.

The evaluation referred several times to financial challenges. It is true that there were some challenges from a peak in GIG spending at the end of Year 3, largely relating to preparation for ratification of the TPP. Those challenges were discussed with counterparts from January 2017, and they were overcome by June 2017. Due to the large volume of activities and varying levels of need, GIG prioritized Year 4 activities by urgency. The performance evaluation was conducted soon after the US withdrawal from the TPP in January 2017, and during a period of prioritization of activities and implementation of cost efficiencies. GIG assured the PMU and counterparts that there would be no cuts in funds.

All Year 4 activities were completed on time and within budget except for those that the government decided to cancel or delay until Year 5. Contrary to the inference in the evaluation, GIG has funds to fully implement the Year 5 work plan.

## **Question 1c: What conditions are needed to ensure sustainability of the produced results?**

**Comment.** Based on our experience to date, we disagree that sustainability is less likely for those departments whose purpose is related to law-making and the implementation process. We believe it was too early to reach that conclusion. Recent progress includes the MOJ's completion of its guidelines on conducting policy impact assessments (PIAs) and teaching other ministries how to conduct PIAs based on the guidelines. The National Assembly (NA) has been including other ministries and social organizations in the final review of draft laws. In Year 4, Indiana University began cooperating with the Ministry of Planning of Investment's (MPI) Academy of Policy Development (APD) to implement a course for the government on how to conduct effective cost-benefit analyses. In Year 4, Hanoi Law University (HLU) implemented a

new master degree program which includes the MOJ's Policy Impact Assessment Manual developed in cooperation with the GIG Program.

To support reforms that are sustainable, GIG has been defining stricter responsibilities in the detailed direct technical assistance (DTA) agreements, which are negotiated with counterparts for each activity. These DTA agreements increasingly require firm commitments and contributions from the counterparts themselves. Cost sharing was very common by Year 4, including during the period of the performance evaluation.

We agree that the responses collected for "sustainability scores" were subjective, and that those scores "should not be interpreted as definitive." We note that the sustainability scores are subject to being skewed due to variances among respondents, e.g., some departments scored only one activity compared to other departments that scored multiple activities at once, and some departments provided only one respondent while others provided several.

We were surprised by the response from two counterparts and we encouraged the review team to follow-up with them to reconfirm the findings. In other instances, the findings did not match reality. For example, the findings indicate that: a MOJ department reported that we supported the Ministry of Defense (GIG did not), a Ministry of Labor, Invalids and Social Affairs (MOLISA) department reported that GIG had contracted with international consultants (GIG did not), and a SAV department reported that the work had not started (the work was well underway).

We appreciate the sustainability factors relating to "management" and "financial", and we are taking steps to apply the findings and recommendations. The GIG Program and its counterparts are identifying ways in which counterparts can adapt and continue to set goals that are manageable within their means.

We agree that we should continue our already-made efforts to train on legal drafting skills, policy impact assessments, and cost/benefit analysis tools to a wider group of stakeholders, including to the provincial and local levels.

## **Question 2: To what extent has GIG efficiently implemented its programs?**

**Comment.** We agree that there have been challenges implementing the GIG program due to its breadth and complexity, which has required new innovative approaches. By Year 4, the challenges were manageable but, for future programs we acknowledge that there should be some agreed outer limits on the scope of a program.

Within the context of the time sensitive task of preparing Vietnam for ratification of the TPP by the end of 2016 and the coming into force of the WTO TFA by 2017, the wide thematic breadth of GIG made sense. However, applying the multi-stakeholder approach within a better-defined, collaborative government decision-making structure, would have made the GIG Program more manageable.

It is early to judge the full value and effectiveness of the multi-stakeholder model. The program has overcome the management challenges of earlier years, and it is capitalizing on improved systems of coordination since approval of the operating guidelines and a narrowed focus in the final two years. The system and structure of decision-making is showing improvements and the multi-stakeholder model is showing positive results.

**Finding: The timeliness, responsiveness, and flexibility of GIG's implementation has varied each year, with implementation delays in Year 1, 3, and 4, and timely, flexible, and responsive implementation during Year 2.**

**Comment.** We agree that implementation has varied by the annual work plan approval timeline and volume of activities. For example: Year 3 was approved latest with 123 DTA activities spread across 65 government departments; and Year 4, which began relatively on time, had 100 DTA activities spread across 59 departments.

The reviewers make an important observation when they complement the management of the program in Year 2. Year 2 was significantly easier to manage; there were 86 DTA activities spread across 39 government departments (in other words, the volume of activities in Year 2 was 30% smaller than Year 3). In addition, the original leaders were still in place within the MOJ, PMU, and USAID, and the program was operating under the more flexible understanding of operating guidelines submitted by GIG to the PMU in 2014.

Regarding the reviewers' finding on the challenges of frequent management changes, we note that the most dramatic shift occurred between Years 2 and 3. All the top leaders within the MOJ, PMU, USAID, and GIG changed during late Year 2 and early Year 3.

By the time of the performance evaluation, GIG was capitalizing on more than one year of sustained leadership, new operating guidelines, and improved systems of PMU coordination.

DTA activities are never counted as completed until the work defined in the agreement is done. It is accurate that, by May 2017, only 3% of the activities were recorded as completed, but that does not mean that the activities were not well underway, including 5 new grants authorized in April 2017 and 12 new activities added by the PMU in May 2017. To help the PMU and USAID monitor the program's pace of implementation, GIG implemented a monthly tracker to show the status of implementation by activity (i.e., the percentage of each activity completed month-by-month).

**Conclusion: GIG's timeliness, responsiveness and flexibility has varied, but overall not contributed to the project's efficiency on a consistent basis and has deteriorated over time as the work planning process changed.**

**Comment.** We respectfully disagree that the program's efficiency has deteriorated over time. The performance evaluation based its opinion on earlier years and adjustments in management of the program that were underway at the time of the evaluation. As a broader perspective, Year 4 was completed with positive results comparable to earlier years, on time, and on budget. During the work planning process for Year 5, the guidelines have been adhered to and coordination with the PMU has been collaborative, predictable, and timely. In other words, the majority of earlier coordination and implementation challenges have been overcome, and important lessons on planning and coordination have been learned to inform the design and development of programs in the future.

**Finding: GIG's implementation has been highly dispersed, resulting in large and crowded one-off events without strategic follow-up over time.**

**Comment.** We agree that, because of how the work planning process is designed, there have been a wide range of activities requested by the PMU, and there have been old institutional practices and preferences within some counterparts to overcome. We agree that there have

been some large, one-off events in earlier years, particularly in preparation for ratification of the TPP during Year 3. Some large events were necessary to bring counterparts together and to build consensus within the Government of Vietnam. By the period of the performance evaluation, GIG was successfully rejecting activities that were not strategic or that relied on large or one-off events without a sustained implementation strategy. During Year 4, counterparts were frequently asked to share costs for larger events.

The GIG Program advocates for sustained, intensive engagement with counterparts on deeper reforms. DTA agreements are negotiated separately with each counterpart for each work plan activity specifically for the purpose of defining a deeper, more sustained implementation strategy and for teaching more effective development approaches.

We agree, however, that the DTA development and implementation process can be improved further, and we are increasing efforts to implement improved adult learning approaches, develop new trainers, and improve counterparts' capacities to monitor and evaluate their programs and progress.

**Conclusion:** Although GIG was designed to be ambitious, given the breadth of its objectives and KRAs, and lack of control over the work planning process, actual interventions and resources were spread thinly, undermining GIG's efficiency in achieving its outcomes and results.

**Comment.** We agree that GIG is broad and ambitious, but we also recognize the context within which the GIG Program was designed and the benefits the design and its quick mobilization has brought. While a wider breadth and complexity does result in resources being spread more thinly, we have observed that it facilitates efforts to improve governance and inclusion.

**Finding: Continuous support on a specific technical issue has been more effective than providing support for individual events, according to the GDVC.**

**Comment.** We agree in part. It would have been more manageable to have had agreement at the beginning of the program on specific technical issues, specific counterpart departments, and a full package of strategic support. However, most development challenges are not limited to one counterpart or one technical issue. A limited focus could have been applied rigidly which would have prevented some GIG Program support from occurring, and could have risked valuable opportunities for complementary areas of reform to be missed.

While we agree that GIG's work with the GDVC has been a positive example of how continuous support on a specific technical issue is more effective, we note that the greatest obstacle to improving the GDVC's performance is burdensome, nontransparent rule-making by other ministries that conflict with the GDVC's efforts to facilitate trade. Without a broad, adaptable governance approach, efforts to improve customs would not be effective enough.

**Finding: GIG counterparts were largely, but not uniformly, positive on the value/cost-effectiveness of the technical assistance provided.**

**Comment.** We appreciate the finding that counterparts were largely positive on the effectiveness of GIG technical assistance. We are not surprised that responses are not uniform. We note several examples where it appears the counterparts were not clear about which program was being evaluated. For example, as we informed the evaluators, the GIG program *did not* provide any international consultants to work with MOLISA and, in Year 3, GIG worked

with only 3 departments at MOLISA, not 10. Comments from the SAV seem to have been made by a department with which the GIG Program was not working directly.

We note the comment that there were occasionally requests for GIG to “hire people who receive pay from the GVN.” That is correct. GIG cannot use USAID funds to hire anyone who is a civil servant.

We discussed sharing staff with the PMU or allowing PMU staff to use GIG’s office, but GIG and the PMU agreed that this would present a conflict of interest, as PMU staff also work on confidential government tasks and other donor-funded programs at the same time.

**Conclusion: The lack of a strategic focus for each counterpart lowered GIG’s cost-effectiveness and value-added at the institutional and systemic level.**

**Comment.** We disagree. On a complex program like GIG, it is challenging to allocate costs among counterparts, and it is not possible to meet all counterpart requests. GIG staff and counterparts make strategic decisions on priorities and how to implement activities consistent with the objectives of the program. The period of the performance evaluation was too brief and perfunctory to assess GIG’s cost effectiveness. We note that the reviewers relied on comments from a few departments without an actual study of GIG’s finances.

**Finding: Work plans had a low completion rate. Disbursement progress is not efficient.**

**Comment.** GIG acknowledges that there were high disbursements at the end of Year 3, which were essential for supporting Vietnam’s preparation for TPP ratification, and in time to demonstrate progress in advance of the US Congress’ expected vote on the TPP in November 2016. Disbursements in Year 3 did not exceed where program’s spending levels should have been by that stage in program implementation, and all Year 4 activities were completed on time and on budget.

Regarding the finding that “work plans had a low completion rate”, we agree that some activities were cancelled and others transferred to the following year’s work plan but – for a demand-driven program of the size and complexity of GIG – this has been a normal, necessary practice. Since Year 1, approximately 20% of work plan activities have been cancelled and 15% delayed annually. This is because the activities in the work plan are decided by the counterparts. GIG helps the counterparts define and achieve the reforms they choose for themselves. Sometimes this approach has led to new, surprising reforms and successes. Other times, the activities selected become unfeasible, which serves a lesson for design of activities in the following year. Final decisions about cancellations and delays are made with the agreement of the counterparts and the MOJ’s PMU. GIG has found that, for its demand-driven design, agreeing to cancel or delay activities is preferable to implementing work plan activities that are unfeasible or for which counterparts or conditions are not yet ready for implementation.

**Conclusion: GIG has not been implemented efficiently due to implementation delays, a lack of operating guidelines for the first two and a half years of the program, and a lack of consistency across program years.**

**Comment.** As already noted, we agree that there were implementation delays in the first half of Year 3 due to delays receiving approval of the operating guidelines and work plan. However, the lack of operating guidelines was not an impediment to implementation of the program in Years 1 and 2. The first operating guidelines were submitted on time in July 2014, but no further action

was taken by the government<sup>1</sup> until after the change in leadership in the MOJ and PMU and preparation of the Year 3 work plan. Once signed during Year 3, the operating guidelines have been respected.

Disbursements at the end of AWP3 were addressed during the first half of Year 4, and Year 4 activities were completed on time without any impact on Year 5.

**Conclusion: GIG counterparts perceive value and cost-effectiveness for technical assistance, but large events were conducted with limited, inexpensive follow-up that lowered the program's cost efficiency and cost effectiveness to produce outcomes and impacts at the institutional and systemic levels.**

**Comment.** Most GIG events were smaller than the conclusion implies. As noted above, some large events are useful for such purposes as bringing central and provincial level departments or multiple counterparts together, building consensus, or generating public participation and media engagement. The counterparts at times have insisted on events larger than preferred by GIG; for such events, GIG implemented a practice at the beginning of Year 4 – during the period of the performance evaluation – to require cost share if counterparts insisted on larger events than GIG considered reasonable.

Unfortunately, the program cannot reach all 63 provinces. Thus, in addition to some selective events, GIG has supported trips for government leaders to meet with local voices in the provinces, or to bring local voices to central level meetings. Decisions on participants at events are made in agreement with each counterpart.

**Finding: The program's modality and implementation did not match the GVN's structure.**

**Comment.** We believe that improving governance and inclusion requires improvements in cooperation across the government. A modality that models the GVN's structure may not itself solve this reform challenge.

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<sup>1</sup> On page 70, the performance evaluation notes that, "While the MOU is a statement of intentions, in Vietnam the document that guides all foreign assistance projects is an approved Project Document. **On June 23, 2014, the MOJ issued a decision approving the GIG Project Document...**" and it continues on page 73: "The MOJ Project Document states, '**One (1) month after the MOJ's approval of the Project Document, the Project Office will complete the compilation of all documents guiding the Project implementation** including financial guidelines, and the Guide to Selecting Grantees and Using the Grant to provide direct funding to social organizations and think tanks etc. These documents must have MOJ input before issuance.' This means that GIG, to be in compliance with Vietnamese law and the Project Document authorizing GIG's implementation of a foreign assistance project, should have issued Operating Guidelines and Grant Guidelines no later than May 2014." (emphasis added)

The date of May 2014 above is incorrect. To clarify, the first draft of the operating guidelines was not due until one month after approval of the Project Document (which was approved by the PMU on June 23, 2014). The first draft of the Direct Technical Assistance Manual was submitted to the PMU for approval on July 23, 2014 (precisely one month later, and in compliance with Vietnamese law), and later again on November 24, 2014.

The PMU at the time did not act on the guidelines but, instead, allowed the program to continue without them.

We agree that management changes, and the negotiation of new operating guidelines, impeded program implementation during Year 3, and that continuity of leadership is important, but we do not agree that other years of the GIG Program were detrimentally impacted.

**Conclusion: GIG's structure did not align with the GVN's structure and hierarchies, undermining efficiency.**

**Comment.** We agree that **a more participatory management and decision-making approach is necessary** and that it would have facilitated GIG's planning, implementation, and achievement of expected results. However, it is unclear how or why a structure aligned with the GVN's would be more efficient or advantageous.

**Finding: The lack of a grant program caused GIG to cancel many planned activities with CSOs and Associations.**

**Comment.** We agree in part that the lack of a grant program inhibited GIG's ability to achieve some KRAs earlier in the program. GIG's grants manual was approved by USAID in April 2014, and one grant for the Vietnam Trade Facilitation Alliance (VTFA) was successfully implemented in 2015. The PMU approved five grants on April 25, 2017. Of course, not having a grants program earlier was a disappointment, but we consider it a success for the grants program to be off the ground. We hope that the successful implementation of grants by CSOs in cooperation with the government will help overcome resistance and facilitate government coordination with CSOs and the entry of more grants programs in the future.

In addition to grants, the GIG Program successfully found other avenues for working with CSOs and associations, such as through field visits, participation at consultative workshops, and subcontracts. All engagement with CSOs and associations emphasized cooperation directly with government counterparts.

**Conclusion: The lack of a grant program inhibited GIG's ability to achieve its KRAs, causing it to directly implement many activities that would have been more efficiently implemented through grants.**

**Comment.** We agree that grants would have helped develop civil society and supported the achievement of some KRAs.

**Question 2a: How has GIG's multi-stakeholder management model (which includes USAID, the implementing partner and multiple GVN entities) facilitated the project's planning, implementation, and achievement of expected results?**

**Finding: The GIG multi-stakeholder management model is complex and lacks coordination mechanisms for implementation.**

**Comment.** We agree that the multi-stakeholder management model is complex. The complexity presents interesting opportunities and innovations for addressing the reform challenges of governance and inclusive growth in Vietnam, but we agree that better coordination mechanisms in the design of the program would have helped to balance the interests of the multiple stakeholders.

We are sympathetic to the PMU's frustration that "GIG has a large office with many staff members ..." During Years 3 and 4, prior to and during the period of the performance

evaluation, GIG made a sizeable reduction in the number of staff. We have been eager to share resources with the PMU, but that would have posed a conflict of interest due to the roles of the PMU staff, which includes monitoring the GIG Program.

**Finding: The GVN and USAID had somewhat different understandings about what GIG was designed to do and how it would operate.**

**Comment.** We agree.

**Finding: GIG did not have approved operating guidelines, as required under Vietnam's foreign assistance law, until Year 3. It drafted and submitted the guidelines for PMU approval because the PMU refused to approve the work plan until approved operating guidelines were in place.**

**Comment.** We agree, but this is true for Year 3 only. The issues surrounding the operating guidelines are discussed in detail above. To restate, GIG submitted the first draft of the operating guidelines on time, on July 23, 2014. The MOJ's PMU took no action on them at that time. This presented no problems for program implementation during Years 1 and 2. Work plan approval processes for Years 4 and 5 were efficient and in accordance with the approved guidelines.

**Finding: Both GIG and the MOJ PMU had frequent management changes that altered the focus and operation of the GIG Program and undermined trust relationships that had been built. USAID also had frequent management changes during the first three years of GIG implementation.**

**Comment.** We disagree. The changes in leadership were unfortunate, but routine changes within counterparts, USAID missions, and projects are not atypical. The earlier changes in leadership were manageable. We acknowledge, however, that there was a dramatic change in the leadership of the MOJ, PMU, USAID, and GIG during Year 2.

**Conclusion: GIG's design with six key stakeholders, five thematic broad thematic objectives, and three components created a complex challenge for planning, implementation, and management. Adding to the complexity, differing understanding on what the project was to do and how it was to do it and frequent management changes resulted in shifting rules of operation, strategy, and management. These shifts ruptured established relationships between GIG, the PMU, and counterparts and that had to be rebuilt each year. The result is that GIG has been unable to strategically focus its efforts on achieving the planned results and outcomes.**

**Comment.** We agree that there was a disconnect between the five thematic objectives, three expected results, and project document. We are supportive of the multi-stakeholder model, and we are sympathetic to the original needs of the program to mobilize rapidly to help Vietnam prepare for ratification of the TPP and other new generation free trade agreements. We believe that the challenges experienced in planning and managing the multi-stakeholder approach could have been remedied with a defined, more accountable management and decision-making structure at the beginning.

Clearly, the transition between Years 2 and 3 was challenging but, based on results to date, we disagree with the characterization of the established relationships being ruptured or having to be rebuilt each year.

**Question 2b: How has the management model served as a learning platform for achieving the project key results? What are the strengths and weaknesses with this model?**

**Comment.** We fully agree with the highest-level conclusion that GIG's management model could have served as a learning platform. Based on the findings, we have implemented additional communication and coordination mechanisms to capture the program's learning through the end of Year 5.

We agree that GIG's innovative multi-stakeholder management model could have been better utilized for cross-sectoral and cross-agency learning, and that the inclusion of a learning requirement in the GIG Scope of Work could have strengthened implementation overall.

**Finding: GIG created new networks for technical collaboration for trade facilitation, TPP, and Resolution 19.**

**Comment.** We agree that GIG's role as a facilitator across sectors and between the government and the private sector has increased the opportunities for learning between them.

**Conclusion: The multi-stakeholder model allowed the GIG project team to organize events that included representatives from multiple sectors and agencies as well as from the private sector and non-state organizations to increase technical coordination on policy development and implementation.**

**Comment.** We agree.

**Finding: There has been little coordination for planning and implementation across agencies, sectors, and the PMU. Monitoring and performance data has not been used for learning among key counterparts.**

**Comment.** We agree. The program has implemented several *ad hoc* learning exercises for internal purposes. For example, a number of informal two-page summaries focusing on specific program areas have been produced documenting 'lessons learned'. In addition, the program has produced a Collaborating, Learning and Adapting case study focusing on Resolution 19, to document how the program adapts practices through continuous learning and improvement. As the program moves into Year 5, we will continue to develop a mechanism to formalize our comprehensive learning strategy.

**Finding: The GIG Project design does not include any requirements or mechanisms for learning.**

**Comment.** We agree. However, informal systems have been implemented to document our learning. We agree that we could have considered including the learning strategy in the program's operating guidelines.

**Conclusion: The USAID GIG design process missed an opportunity to include a requirement that implementation include a learning component across the multiple stakeholders. A lack of formal mechanisms for key counterpart departments to plan new activities and review performance collaboratively as well as defend their proposed**

**activities and receive feedback about disapproval of the proposed activities reduced opportunities for cross-agency learning.**

**Comment.** We agree.

**Finding:** GIG's breadth plus lack of linkages for planning and implementing activities between many technical areas is one of the reasons for suboptimal cross-sector and cross-agency communication and learning.

**Comment.** While we are supportive of the multi-stakeholder approach, we agree that linkages and a manageable breadth of technical activities are important considerations.

**Conclusion:** GIG created significant opportunities for cross-sectoral and cross-agency interactions, exchanges and learning in the common technical areas, especially in trade facilitation, TPP and Resolution 19. Nonetheless, cross-sectoral learning has been limited due to lack of a formal mechanism to review and plan project activities collaboratively, GIG's breadth of design, and many technical areas that are not linked with each other.

**Comment.** We agree.

**Conclusion:** GIG has not been able to catalyze its management model into a platform for learning and achieving key results.

**Comment.** We agree. We appreciate the important lessons from this performance evaluation on how GIG should improve its management model to serve as a platform for learning.

**Conclusion:** The greatest strength of GIG's management model is the potential it creates for cross-agency and cross-sectoral collaboration and learning. The greatest weakness of the model is its tendency to create silos for GIG implementation, given GIG's broad thematic objectives.

**Comment.** We agree that the greatest strength of GIG's management model is the potential it creates for cross-agency and cross-sectoral collaboration and learning. We also agree that there is a temptation to create silos. In fact, this was a challenge during the early years of program implementation. However, we believe that, through our restructuring, we are now less compartmentalized and more flexible to adapt to opportunities and challenges and to facilitate cross-agency and cross-sectoral collaboration and learning.

**Question 2c: To what extent have non-state organizations engaged and contributed to the process of providing feedback on proposed laws, given GIG's interaction with the organizations?**

**Comment.** We acknowledge the challenges of working with CSOs in Vietnam, and the inconsistent level of acceptance of their participation in law and policy-making within the government. Following the performance evaluation, there have been some breakthroughs; five grants were approved by the PMU in late April 2017 (Year 4). Equally importantly, many non-state organizations have been coordinating informally with the government through GIG.

Our coordination with CSOs is not constrained by our budget. We frequently engage with groups, including at our office and in the field. This approach can be sustained. However, we

agree with the finding that CSO's have financial limitations, and that they will need continued support to develop and grow.

**Finding: Including non-state organizations' participation in law and policy making process in the GIG design is consistent with GVN policy.**

**Comment.** We agree that it is important, and it has been the approach of the GIG Program, to identify collaborative approaches for engaging with non-state organizations in cooperation with government counterparts. We have seized on opportunities to link desired government reforms with the participation of non-state organizations, such as on field visits, research, and special studies, public consultations, etc. We appreciate the recognition of the policy implementation assessments, advocacy, policy dialogues, and policy research conducted in cooperation with CSOs, as well as the training programs on legal issues and RIAs for journalists.

**Finding: The process that GVN agencies typically use to solicit public comment during the law drafting process is to post the draft legislation on their websites and mail the draft to stakeholders to solicit comments. Generally, they receive few comments.**

**Comment.** We agree. The National Assembly posts public comments online. We agree that the public is still hesitant to make comments publicly. This is true both online and at public fora. This is an area where GIG continues to invest significant efforts.

**Finding: GVN agencies also organize workshops, round tables and the mass media to collect comments on draft legislation, but these methods are considered to be too expensive.**

**Comment.** We agree. More public engagement by counterparts is being done online, such as the National Assembly's Connecting Voters Portal and a Customs-to-Business Portal, which was under development during the performance evaluation. We believe that this is an affordable and sustainable approach. However, efforts are needed to encourage public participation and to encourage citizens to express their views openly.

**Finding: GIG has supported counterparts to implement many large consultative workshops and dialogues on specific draft laws and invited non-state organizations to the GIG-sponsored events, increasing the frequency and effectiveness of voice for non-state organizations.**

**Comment.** We appreciate the reviewers' recognition of GIG's efforts to increase the participation of non-state organizations.

**Finding: Stakeholders reported that direct interaction with non-state organizations through GIG-supported activities provided useful inputs to develop and revise draft laws and regulation.**

**Comment.** We appreciate the reviewers' recognition of GIG's efforts.

**Finding: Key counterpart support for including independent CSOs in all stages of the law and policy making process, and for some more sensitive laws, has not been uniform across departments.**

**Comment.** We agree. Through GIG's multi-stakeholder approach, we are striving to demonstrate effective practices and to foster uniformity across counterparts and departments. With CSOs, GIG encourages direct cooperation with the relevant government counterpart.

**Conclusion: For the laws that GIG worked on, CSOs' roles in the law and policy making process, increased with GIG's support. Many, but not all, counterparts value the CSO engagement.**

**Comment.** We agree that support for engaging with CSOs varies by counterpart and department, that some ministries are not yet comfortable engaging with CSOs or to include vulnerable groups, and that both ministries and CSOs need more guidance and experience on effective public-private coordination.

We also agree that support on law-making must include coordination with: the individual ministries that draft the law; the other ministries impacted by the law; the National Assembly that reviews and passes the law; and finally, the ministry that implements the law. These are examples of the value of the multi-stakeholder model, i.e., models of effective engagement between CSOs and ministries can be replicated to others; and law-making can be addressed holistically – from drafting, to impact assessment, to government and public review, to debate and enactment, to issuing the implementing regulations.

We agree that some laws, such as the Law on Access to Information (LAI), are sensitive, but we believe GIG adds value by facilitating more open dialogue. We note that, in Year 2, GIG was asked to stop working on the LAI. However, in Year 3 GIG was asked by the MOJ to support the law's review and the LAI was passed by the National Assembly in April 2016.

**Finding: CSOs' comments on draft laws were not always highly valued.**

**Comment.** There are examples of effective CSO participation to date, such as on the State Budget Law, but we agree that counterparts are not yet universally receptive to comments from CSOs.

**Finding: Counterpart opinions are mixed on continuing direct engagement with CSOs after the GIG Program ends.**

**Comment.** As noted above, we agree that government counterparts are not yet enthusiastic universally about engaging with CSOs. However, we disagree that a measure of counterparts' readiness should be whether they have a budget for public consultative events. There are other important reforms underway to improve public engagement, including through increased transparency, accountability, and public services. We are optimistic that some institutional reforms will be sustained and that good examples of successful cooperation will be replicated.

We agree that counterparts need access to a list of CSOs and their functions and advantages. A list of CSOs is being produced by GIG. We agree that the Fatherland Front is the official umbrella organization for social organizations. However, the government allows other organizations to operate in Vietnam. Therefore, because GIG values public participation in all reforms from multiple perspectives, we apply an inclusive growth strategy that encourages wide participation from all business and organizations legally allowed to operate in Vietnam.

We agree that the public is hesitant to provide public comments online, and that counterparts have limited budgets. Over the remainder of the program, GIG will explore opportunities for maximizing the use of technology and low-cost solutions for engaging with the public, as well as to encourage public participation. Two examples during the period of the performance evaluation are the development of the Customs-to-Business Portal and the National Assembly's Connecting Voters Portal.

**Conclusion: Many, but not all, GIG counterparts highly valued their engagement with non-state organizations with GIG's support.**

**Comment.** We agree more efforts are necessary to encourage engagement between the government and non-state organizations.

**Conclusion: The continued engagement of CSOs is in doubt due to budget constraints.**

**Comment.** We disagree. The GIG Program has funds to engage with CSOs. With GIG support, counterparts are investing more in technology to connect with the public, but there may be government budget constraints if the focus is limited to public events.

**Question 3: What are the lessons learned and recommendations from GIG program design and implementation that can be used to strengthen USAID programming? Design**

**Comment.** We agree that an important lesson from this evaluation is the importance of project design and a clear understanding among all stakeholders. Regarding clearly defined outcomes, activity level indicators that contribute to those outcomes, and a theory of change that explains how the activity indicators affect the outcomes, we suggest allowing room to adapt, create, and evolve.

### **Implementation**

**Comment.** We agree that the requirement that the “the Contractor team will be ready immediately after award to leverage in country presence, start-up activities, and achieve results that will last,” was unrealistic given the project’s complexity. We agree also that a planned, longer start-up period is preferable for a large, complex program. However, we believe that a complex program can have unexpected, positive outcomes. It would have been difficult to plan all outcomes or a definitive theory of change from the beginning through the end.

As noted above, the operating guidelines were submitted on time. Contrary to the findings, GIG did not ignore the requirement to submit the guidelines. There were no implementation challenges in Year 1 or 2 relating to the operating guidelines. However, we agree with the conclusion that greater efforts should have been taken to finalize the operating guidelines before the changes in leadership occurred.

We appreciate the recognition of gender and inclusion as one of GIG’s strongest performance areas. We believe that GIG’s work on trade helped to facilitate our entry into more sensitive areas of reform. While we all regret that grants could not get off the ground earlier, we hope that the initiation of five new grants in Year 4 opens the door to more engagement between CSOs and the government in the future.

We agree that more sustainability considerations should have been incorporated from the beginning of the program. GIG did prioritize creating mechanisms to build the capacity of CSOs

to provide technical inputs to counterparts. The CSO environment in Vietnam, however, is still challenging.

GIG has successfully implemented approaches for keeping events manageable and low-cost. We continue to focus on implementation of IT solutions as well to support public engagement.

We disagree that GIG placed little attention on strategies to improve the law-making process and accountability that is financially and logically appropriate for sustainable results, or on capacity-building and training to support sustainability in general. But we will explore opportunities to apply the evaluators' recommendations to improve further during the remaining period of the program.

## **RECOMMENDATIONS – FUTURE PROJECT DESIGN**

### **Recommendation 1: “A focused project design ...”**

**Comment.** Implementation of GIG has been a challenge, but we disagree that a focused project design is more likely to lead to sustainable, substantive results if it is applied too narrowly.

We agree with other recommendations that challenges encountered on GIG could be addressed through more up-front planning and an improved coordination and decision-making structure.

We agree that application of an effective learning strategy would help the project to learn from its experiences and to adapt as it progresses.

### **Recommendation 2: “Clearly defined, achievable outcomes ...”**

**Comment.** We agree in part on the importance of clearly defined, achievable outcomes, and we agree on the value of a theory of change and strategy. However, based on our experiences implementing GIG, we would advocate against a narrow approach in favor of a more open, adaptable approach.

### **Recommendation 3: “A longer start-up period before implementation begins....”**

**Comment.** We agree on the value of a longer start-up period before implementation begins to collect baseline data and to establish effective channels of communication and coordination.

## **RECOMMENDATIONS – GIG IMPLEMENTATION**

We agree with the overall recommendation that GIG should focus its efforts on increasing the likelihood that the results it has achieved are sustainable. GIG is not operating under financial constraints.

### **Recommendation 1: “Establish regular, face-to-face meetings with the PMU...”**

**Comment.** We agree on the value of regular, face-to-face meetings with the PMU. We have agreed with the PMU that we should institute monthly three-way meetings of the PMU, USAID, and GIG.

We note a difference in the wording of the recommendation between the findings under Question 2c on page 14, and the Recommendations on page 86. We prefer the expanded

language from page 14, which was added based on our earlier feedback, and which demonstrates the detailed information that has been regularly provided by GIG to the PMU since the beginning of the program:

[O]n at least a monthly basis to discuss project implementation, operations, and performance. GIG should also support the PMU's monitoring role by providing frequent updates on GIG performance in a format compatible with that used by the PMU in its reporting within the GVN, **including disbursement rate and activity completion rate broken down by relevant categories for the project as a whole and for each partner.** (emphasis added)

**Recommendation 2: “Increase GIG transparency and information sharing with the PMU...”**

**Comment.** We acknowledge that there were coordination challenges during negotiation and early implementation of the new operating guidelines, but those challenges have been resolved.

As reported to the reviewers, GIG has produced and sent to PMU – on a quarterly, bi-annual, and annual basis – progress reports in the format required by the Government of Vietnam for Official Development Assistance (ODA) projects. This has been the standard practice since the beginning of the program. These progress reports include narratives on project progress, lists of events, M&E results, and funds disbursement progress.

GIG timely provides to the PMU each detailed DTA agreement once agreed between the program and the respective counterpart department. GIG also sends a weekly calendar of all upcoming events, including the tentative schedule of events in coming months, as well as the agendas of each upcoming event. Whenever a counterpart requests amendment change in the approved work plan, GIG consults with the PMU and receives a confirmation in writing before agreeing to the change.

**Recommendation 3: “Develop a sustainability strategy ...”**

**Comment.** We agree.

**Recommendation 4: “Develop a learning strategy ...”**

**Comment.** We agree with the recommendation to strengthen our learning strategy through the remaining implementation period of the GIG Program.

**Recommendation 5: “Develop the Year 5 work plan...”**

**Comment.** At the time of completing this response, the Year 4 work plan was successfully completed on time and on budget.

We agree with the recommendations on the Year 5 work plan. Development of the Year 5 work plan was very collaborative among the PMU, counterparts, and the USAID GIG Program. Discussions on work plan activities were open and fair. We feel that the activities included in the Year 5 work plan reflect on GIG’s positive achievements in deepening process-oriented results, increasing counterparts’ institutional capacity to sustain the process-oriented results, and fomenting learning between GIG counterparts.

## **Annex 1: GIG Program's comments to Question 1's sections per Component and KRA.**

### **Component 1: Improving legal and regulatory frameworks through dynamic, inclusive policy-making process.**

**Comment.** Regarding the overall conclusion that most of GIG's achievements under Component 1 relate to the legal and regulatory framework for trade only, we respectfully disagree. A significant part of GIG's support through Component 1 has been on improving governance, such as in cooperation with Ministry of Planning and Investment (MPI) Central Institute for Economic Management (CIEM) to facilitate government coordination on a wide range of issues beyond just trade through Resolution 19. We agree that it was too early to observe how GIG interventions are improving the law and policy-making process systemically but, as described in this response, the GIG Program is making significant progress to respond to those concerns.

#### **KRA 1.1: High quality laws and regulations developed**

**Comment.** We appreciate the recognition of GIG's contributions to increasing the technical quality of more than 25 laws, and your finding that this indicator has been achieved. We also appreciate the finding under KRA 1.3 that GIG's technical reports and studies helped to improve quality of laws under KRA 1.1.

#### **KRA 1.2: Policy development processes improved**

**Comment.** We agree with the finding that KRA 1.2 has been partially achieved at the time of the evaluation, and believe that it may be achieved by the end of the program.

We appreciate the finding under KRA 1.3 that GIG's technical reports and studies helped to improve the quality of the policy development process under KRA 1.2.

We appreciate the recognition of the achievements of GIG's training programs with the National Assembly. Through implementation of the Law on Laws, which came into effect in January 2016, the impact of GIG is more systemic, i.e., far beyond trade and merely the content of laws and regulations, including: development of the Policy Impact Assessment (PIA) Manual, which is being socialized by the MOJ among all ministries; a new master degree program implemented by Hanoi Law University to teach students and practitioners the PIA process using the Manual developed through the GIG Program; and a new training program implemented by MPI's Academy of Policy Development (APD), in cooperation with professors from Indiana University, on policy research and development. Counterparts are getting more familiar with effective policy-making through institutionalized training programs, evidence-based research, support on conducting impact assessments, and public consultations, all of which are still relatively new innovations in Vietnam. More time is needed to judge GIG's full impact, but results to date are encouraging and good models are emerging from law-making during Year 4.

We agree with the recommendation to assess thoroughly the impact of our technical assistance and training effectiveness and its contribution to institutional capacity.

### **KRA 1.3: Information systems and evidence-based analysis for policy-making improved**

**Comment.** We agree with the finding that this has been partially achieved at the time of the evaluation, and expect that it can be fully achieved by the end of the program.

We appreciate the recognition that GIG-supported policy analyses improved the evidence base for specific laws and policies it worked on, and the process of evidence-based policy-making through guidelines and training programs on impact assessments. The GIG Program is building institutional capacities among several ministries to conduct evidence-based policy and regulatory analyses on issues extending far beyond trade. Recent support that began during the period of the performance evaluation, and has continued since, includes: a PIA and implementing decree for the Law on Legal Aid with the MOJ; a PIA and implementing decrees for the Law on Support of SMEs with MPI; and, in cooperation with UN Women, a PIA on the gender impacts of a new Labor Code for MOLISA. The NA is reinforcing the PIA requirements in its review of each new law. However, we agree that sustaining institutional capacities across the government may require additional support.

GIG is on track to meet its indicator target for the number of information systems established or substantially upgraded.

### **KRA 1.4: Transparency of laws and regulations improved**

**Comment.** We appreciate the recognition of our efforts to increase the transparency of laws and regulations. To clarify our program's cooperation on the sensitive Law on Access to Information, GIG was asked to cooperate further with the MOJ and the law was passed in April 2016.

### **KRA 1.5: Public consultation and stakeholder engagement mechanisms improved**

**Comment.** We agree with the finding that KRA 1.5 has been partially achieved, and we believe that this KRA will be fully achieved, and that it will benefit other issue areas of the law-making process more generally by the end of the program. We appreciate your recognition of partnerships created between state and non-state actors to advance the legal and regulatory framework for trade. Trade has been a beneficial context for facilitating public consultations, such as on customs and tax reforms. Successes in public consultations and stakeholder engagement on the less sensitive issues of trade are being extended to reforms in support of inclusive growth, including legal aid, legal counseling, SMEs, cooperatives, and collaborative groups. The GIG Program's focus on governance and inclusive growth has provided an important context for discussions on appropriate approaches to trade reform, i.e., so that all citizens benefit from Vietnam's economic growth.

### **KRA 1.6: Innovative partnerships to advance a clear legal and regulatory framework [included in the Executive Summary, but omitted from Section VIII]**

**Comment.** We agree that, at the time of the performance evaluation, this KRA was partially achieved. Greater cooperation among the government and civil society organizations (CSOs) is still desired, but effective engagement has increased during the third and fourth years of the program beyond trade. Through informal mechanisms, subcontracts, and grants, which were authorized by the government in the fourth year, models of effective collaboration are emerging and counterparts are becoming more receptive to such cooperation.

The use of US-based organizations has been reduced, such as on the Bill Drafting Manual. That work has been completed and emphasis is now focused on fostering local coordination.

## **Component 2: Improving accountability of public institutions**

**Comment.** We appreciate the performance evaluation's finding that the GIG Program has exceeded the M&E Plan indicator targets under Component 2, except for indicator 2.1.2. We acknowledge the challenge of identifying how the achievement of these indicators aggregate at the outcome levels of KRAs, but there are many key results and developments worth noting in our responses below.

### **KRA 2.1: Governance oversight processes strengthened**

**Comment.** We agree that KRA 2.1 has been partially achieved, but we believe that efforts to strengthen legislative oversight processes through the State Audit Office of Vietnam (SAV) will be achieved by the end of the GIG Program.

We respectfully disagree with the finding that GIG support to the SAV oversight functions has been very limited. Launching activities with the SAV was challenging in the early years of the program, but achievements during and since the performance evaluation have included: recommendations completed for an IT Masterplan; a new division-level model created and implemented; a four-month GAO Auditor Fellowship Program in the US completed by one auditor (who returned to lead the Environmental Audit Division, and which the program will continue to support in Year 5); a review of the State Audit Law completed; and a new IT Audit Manual completed. In cooperation with an international accounting firm, KPMG, through a subcontract to pilot IT audit, which began during the period of the performance evaluation and will continue in Year 5.

### **KRA 2.2: Citizen participation in monitoring and evaluating policy implementation strengthened**

**Comment.** We agree that GIG has not yet completed a sufficient number of activities with a broad enough reach to strengthen citizen participation in monitoring and evaluating policy implementation, and that more engagement is needed directly with citizen groups. However, over the course of implementation, GIG has seized opportunities for increasing the participation from those outside the government. For example, the MOF engaged with business associations to discuss the economic impacts of the TPP on Vietnam, Since the performance evaluation, the NA has been receptive to cooperation with a local subcontractor, the Center for Development and Integration (CDI), together with an alliance of non-state organizations, to improve budget transparency and citizen participation and monitoring of the State budget through a citizen budget template.

### **KRA 2.3: Transparency of policy implementation effectiveness increased**

**Comment.** We thank the reviewers for their feedback, and we agree that GIG has partially achieved this KRA; more engagement is needed directly with citizen groups. We are hopeful to achieve this KRA by the end of the GIG Program.

#### **KRA 2.4: Improved quality of information and analysis for evaluating policy implementation effectiveness**

**Comment.** We appreciate the reviewers' conclusion that GIG has achieved this KRA through improvements in the quality of information and analysis for evaluating policies of specialized, highly technical issues. We are continuing to seek opportunities to extend these successes to other departments and counterparts.

#### **KRA 2.5: Quality of the media's reporting on policy implementation improved**

**Comment.** We agree with the performance evaluation's conclusion that GIG had not yet achieved this KRA, i.e., to improve the quality of the media's reporting on policy implementation. The GIG Program has been limited to working through counterparts approved in the work plan. The grant that GIG proposed for the Vietnam Journalists Association (VJA) was not authorized by the government. Because we believe in the importance of cooperation between the government and the media, we encourage our counterparts to cooperate with the media at public events, and we seize upon such opportunities to mentor the media. A positive example of effective support to the media through cooperation with a local counterpart has been with MPI. MPI's Central Institute for Economic Management (CIEM) has been an enthusiastic advocate for media engagement through its work on Resolution 19, in cooperation with the Office of the Government (Prime Minister's Office). As noted on page 30 of the evaluation report: "... large public events, with the mass media broadcasting and publishing news of the events, increased public knowledge, and thus transparency, of the law-making process for these specific laws and regulations." MPI's Agency for Enterprise Development (AED) cooperated with GIG to organize media workshops chaired by MPI leaders to increase public awareness on the draft Law on Support of SMEs and provide media opportunities to clarify pending issues in the draft law. Nevertheless, GIG acknowledges that more significant inroads to improving the quality of the media's reporting on policy implementation will require more time.

#### **KRA 2.6: Establishment of innovative partnerships to advance improved accountability of public institutions**

**Comment.** We note the finding that the "lack of a grant program and different understandings ... on the type of work that GIG would do with non-state actors such as CSOs ... may have impeded GIG's ability to advance its work ..." We agree that it would have been ideal to begin grants sooner. One grant to the Vietnam Trade Facilitation Alliance (VTFA), under the American Chamber of Commerce and Vietnam Chamber of Commerce and Industry (VCCI) was launched in 2015; its work has included facilitation of regular customs to business consultations. We are encouraged that, by April 2017, the government felt comfortable with authorizing five grants to the: Vietnam Chamber of Commerce and Industry (VCCI) on a digital portal to communication with businesses on labor policies and revision of the labor laws; Vietnam Association for Women Entrepreneurs (VAWE) on policy mechanisms to support participation of enterprises and supply chains; Center for Sustainable Development Studies (CSDS) on reviewing the current civic education curriculum in Vietnam's high schools; Center for Counseling on Laws on Policies on Healthy and HIV/AIDS (CCLPHH) for an evidence-based study and policy advocacy on issues of lesbian, gay, bisexual, and transgender (LGBT) groups to inform the upcoming Law on Transgender; and Mekong Delta Research Institute (MDRI) on expanding business to business opportunities for SMEs ready to export products.

A subcontract to the Vietnam Tax Consultants Association (VTCA) was established to work with the MOF in 2016. With two more subcontracts in late 2017 – to Towards Transparency (TT) on

an open government partnership, and the Center for Development and Integration (CDI) on budget transparency, accountability, and citizen participation – GIG is hopeful that this KRA can be achieved by the end of the program.

### **Component 3: Inclusion of groups that have historically not had equality of rights or opportunity improved**

**Comment.** We appreciate the reviewers' finding that GIG designed and implemented a coherent strategy that mainstreamed gender into the law and policy-making process and legal and regulatory framework. We also agree with the reviewers' opinion on the challenges of applying a similar strategic approach for CSOs. As noted above, while the performance review was underway, five grants were authorized by the government.

#### **KRA 3.1: Legal and regulatory barriers for women, ethnic minorities, and other vulnerable groups' equality reduced**

**Comment.** We appreciate the finding that GIG achieved this KRA by mainstreaming gender into its work and reduced legal and regularly barriers to inclusion for women, ethnic minorities, and other vulnerable groups.

#### **KRA 3.2: Women, ethnic minorities, and other vulnerable groups' participation and voice in policy dialogue increased.**

**Comment.** We appreciate the acknowledgement of GIG's efforts to increase the participation and voice of women, ethnic minorities, and other vulnerable groups in policy dialogues. We agree that, at the time of the performance evaluation, GIG had partially achieved KRA 3.2. GIG has been creating new mechanisms for groups to be engaged, and we are confident that we will achieve this KRA by the end of the program. Recent examples include: a grant to support the participation of the LGBT community in development of a new Law on Transgender; engagement of local groups and micro-credit organizations in reviewing current issues with regulations on micro-finance systems; traders and local governments from mountainous, remote, border and sea island areas participating in the review of the current legal framework for trade promotion policies for disadvantaged areas, and providing inputs for the development of a decree on border trade for development of the new Law on Foreign Trade Administration, passed in June 2017. To implement the Law on Laws, GIG has recently supported the MOJ to develop a manual on public consultations during policy development, including consultations with women and vulnerable groups (see KRA 1.2).

A database of CSOs will be completed by the end of 2017.

In Year 3, GIG cooperated with the MOJ Institute for Legal Science (ILS) on the development of a chapter on public consultation in policy development, as part of the "Manual on Policy Analysis for the Proposal for the Development of Legal Normative Documents." The final approved manual in Year 4 includes guidelines on gender equality and the engagement of women groups in the policy development process.

#### **KRA 3.3: Data and analysis on women, ethnic minorities, and other vulnerable groups' equality improved**

**Comment.** We agree that GIG has partially achieved its objective of increasing the capacity of the government and non-state organizations to collect data and analyze issues of equality.

**KRA 3.4: Access to economic opportunity for women, ethnic minorities, and other vulnerable groups improved**

**Comment.** We appreciate the analysis provided by the evaluators and agree that more activities with a broad reach are necessary to achieve the desired outcome. We believe that this can be best achieved through the multi-stakeholder approach, and that the voice of vulnerable groups is essential in development of trade, legal, and regulatory reforms.

**KRA 3.5: Innovative partnerships to advance women, ethnic minorities, and other vulnerable groups' inclusion established**

**Comment.** We agree that more efforts are needed to establish innovative partnerships, and will continue to advocate for these throughout the remainder of the GIG Program.