

**DECISION**

**On approving the preliminary requirements of investors' capacity and experiences registering to implement the land-used investment project named Social housing area in Loc Ninh commune, Dong Hoi city**

**QUANG BINH PROVINCIAL PEOPLE'S COMMITTEE**

*Pursuant to the Law on Local authority Organization dated June 19<sup>th</sup>, 2015; Pursuant to the Law amending and supplementing some articles of the Law on Governmental organization and the Law on local authority organization dated November 22<sup>nd</sup>, 2019;*

*Pursuant to the Law on Investment dated June 17<sup>th</sup>, 2020;*

*Pursuant to the Law amending and supplementing some articles of the Law on Public Investment, Public-Private Partnership Investment Law, the Law on Investment, the Law on Housing, Bidding law, Electricity Law, Law on Enterprises, the Law on special consumption tax and Law on Enforcement of Civil Judgments dated January 11<sup>th</sup>, 2022;*

*Pursuant to bidding law No. 43/2013/QH13 dated November 26<sup>th</sup>, 2013;*

*Pursuant to Decree No.31/2021/NĐ-CP dated March 26<sup>th</sup>, 2021 by the Government detailing and instructing the implementation of some articles of the Law on Investment;*

*Pursuant to Decree No.25/2020/NĐ-CP dated February 28<sup>th</sup>, 2020 by the Government detailing the implementation of some articles of Bidding law on selecting contractors;*

*Pursuant to Circular No. 09/2021/TT-BKHĐT dated November 16<sup>th</sup>, 2021 by Ministry of Planning and Investment on instructing for investor selection to implement the investment project as per public private partnership form and land-used investment project;*

*Pursuant to Circular No. 10/2022/TT-BKHĐT dated June 15<sup>th</sup>, 2022 by Ministry of Planning and Investment detailing the information supply and posting as well as investor selection on the national bidding system;*

*Pursuant to Decision No. 2785/QĐ-UBND dated October 13<sup>th</sup>, 2022 by the PPC on approving investment policy of the social housing in Loc Ninh commune, Dong Hoi city;*

*Pursuant to the proposal by Department of Planning and Investment at*

*Dispatch No. 3711/KHDT-TĐ dated December 21<sup>st</sup>, 2022.*

## **HEREBY DECIDES THAT**

**Article 1.** Approve the preliminary requirements of investors' capacity and experiences registering to implement the land-used investment project named social housing area in Loc Ninh commune, Dong Hoi city with the mentioned contents at the appendix attached with this Decision.

**Article 2.** Implementation organization.

1. Department of Planning and Investment will be in charge of the following tasks:

- Translate (from Vietnamese version to English version) the contents of investment policy approval decision approved by the PPC at Decision No. 2785/QĐ-UBND dated October 13<sup>th</sup>, 2022 and preliminary requirements of investors' capacity and experiences registering to implement the land-used investment project approved by this decision, then organize the project list publication as stipulated.

- Determine the time for project list publication and the deadline for submitting project implementation registration document, guarantee that the time for preparing and submitting project implementation registration document within at least 30 days from the time of project list being posted on the national bidding network system.

- Coordinate with related agencies to evaluate investors' capacity, experiences registering project implementation; prepare report of the preliminary evaluation results of investors' capacity, experiences, submitting to the Chairman of PPC for considering, making decision on implementation organization for the next steps as per the current legal documents.

2. The PPC office will be responsible for posting, publicizing the information of land-used investment project list, preliminary requirements of investors' capacity and experiences to the website of PPC to create favorable condition for domestic and foreign investors with interest for project implementation registration.

3. Related departments, sectors and localities including Natural resources and Environment Department, Construction Department, Financial Department, Dong Hoi Municipal People's Committee will coordinate with Department of Planning and Investment to evaluate investors' capacity and experiences registering for project implementation as per the current legal document.

**Article 3.** This decision shall take effect since the signing date. Head of the PPC office; Directors of the following Departments: Planning and Investment, Finance, Construction, Natural resources and Environment, Chairman of Dong Hoi

Municipal People's Committee and head of related departments, sectors, boards will be responsible for implementing this decision../.

***Place of receiving:***

- Like Article 3;
- Chairman, Vice chairmen of PPC;
- Leaders of PPC office;
- Filing: Archives, basic construction specialist.

**PP. CHAIRMAN  
VICE PRESIDENT**

**(Signed)**

**Phan Manh Hung**

**PRELIMINARY REQUIREMENTS OF CAPACITY AND  
EXPERIENCES OF INVESTORS REGISTERING FOR LAND – USED  
INVESTMENT PROJECT IMPLEMENTATION**

**Project name:** Social housing area in Loc Ninh commune, Dong Hoi city  
(Promulgated attached with decision No.3803/QĐ-UBND dated December 30<sup>th</sup>,  
2022 by Quang Binh PPC )

**Chapter I**

**INSTRUCTION TO INVESTORS**

**Section 1. Request for Expression of Interest**

1.1. Quang Binh Department of Planning and Investment (hereinafter referred to as DPI) makes the request to investors to submit the project implementation registration documents for social housing area in Loc Ninh commune, Dong Hoi city.

1.2. Information of project:

1.2.1. Project investment objectives and scale:

a. **Project objectives:** concretizing the detailed planning, establishing housing development program and plan; approved land use master plan; setting up the new living quarters, meeting the demand of housings for employees, labors and beneficiaries enjoying the social housing policy at the locality; gradually embellishing and upgrading urban landscapes; mobilizing the investment capital from investors and enterprises to implement the task of ground clearance; socio-economic infrastructure investment, contributing to promote the local socio-economic development.

b. **Project scale:**

*b.1.* Land use area: about 9,6ha based on the social housing project boundary approved by Decision No. 3861/QĐ-UBND dated November 26<sup>th</sup>, 2021 by the Provincial People's Committee on approving detailed planning for social housings area in Loc Ninh commune, Dong Hoi city, ratio 1/500 (excluding Cao Thang street route to be upgraded in the future; the route from Loc Ninh commune to Dong Hoi Northwest industrial zone with state's investment; and the route belonging to the Southeast residential area of Cao Thang street).

*b.2.* Construction scale: completely investing in technical infrastructure, social infrastructure, housings and other works as per construction master plan approved by the Provincial People's Committee at Decision No. 3861/QĐ-

UBND dated November 26<sup>th</sup>, 2021 with the land use area of about 9,6ha including the following items:

b.2.1. Part of infrastructure works: invest in complete construction of technical infrastructure with the land use area of about 9,6ha (including: ground levelling, traffic road; rain water drainage; parking lot; water supply and fire prevention and extinguisher; waste water drainage and environmental hygiene; power supply and electric lighting; green park; contact information....) as per approved detailed planning.

b.2.2. Part of housing works: the project establishes about 290 land lots for constructing low-floor social housing; 01 land lot for constructing high-floor social housing; 93 land lots for constructing low-floor commercial housing with total land area of about 53.573,99m<sup>2</sup>.

- Social housing:

+ Low-rise social housing: constructing about 290 low-floor social housing with the expected land use area of about 19.615,6m<sup>2</sup>, total construction floor of about 39.231 m<sup>2</sup>, the height of floor, construction density, land use coefficient as per the approved detailed planning.

+ High-rise social housing: construct the social housing apartment with the land use area of about 23.239,45m<sup>2</sup>, total construction floor of about 40.835m<sup>2</sup>, the quantity of social housing apartment: about 401 houses, the height of floor, construction density, land use coefficient as per the approved detailed planning.

- Low-rise commercial housing: constructing about 93 commercial housing (constructing the rough part, finishing the façade) in 93 and lots with the land use area of about 10.718,94m<sup>2</sup> (occupying 20% total living land of the project), total floor area of about 44.256m<sup>2</sup>, the height of floor, construction density, land use coefficient as per the approved detailed planning.

b.3. Preliminary structure of housing products: total quantity of housing type: about 784 houses including: about 290 low-rise social housing and about 401 apartments at the high-rise social housing apartments; about 93 commercial housings.

b.4. Population scale: about 3.136 people

b.5. Land fund for social housing development: area of about 42.855m<sup>2</sup> occupying 80% total living land area of the project.

*b.6. Preliminary option for investing, constructing and managing urban infrastructure in and out of the project scope; the preliminary part of urban infrastructure remaining for investor to do trading, part of urban infrastructure investor transferring to the locality.*

b.6.1. Preliminary option for investing, constructing and managing urban infrastructure in and out of the project scope:

- Infrastructure in the project: investor constructs synchronously technical infrastructure as per approved detailed planning within the project scope (including: ground levelling, traffic road; rain water drainage; waste water drainage and environmental hygiene; water, power and electric lighting supply; contact information; green trees, park, parking area....) to guarantee the connection with the general technical infrastructure system of the region, conditions of environmental hygiene, fire prevention....; housing construction based on preliminary housing product structure approved by the investment policy of the project.

- Infrastructure out of the project: guarantee the connection among traffic infrastructure system, water supply, power supply, rain water drainage, and waste water drainage, contact information in and out of the project to be consistent and synchronous with the approved detailed master plan.

b.6.2. Preliminary part of urban infrastructure investor uses for the purposes of trade and investment, urban infrastructure transferred to the locality:

- Part of urban infrastructure investor uses for the purposes of trade and investment:

Investors are permitted to keep a part of urban infrastructure for the purposes of trade and investment regarding property products to be constructed on the land lots to be planned as living land, social living land, as per the approved detailed master plan.

- Part of urban infrastructure investors transferring to the State:

Technical infrastructure works includes: traffic road, rain water drainage, waste water drainage and environmental hygiene, utility trench, water supply, power supply, lighting electricity, contact information, green trees, park, parking area....to be constructed out of the planned land as living land, social living land as per the approved detailed project master plan and project scale;

After finishing the tasks of acceptance, set up completion profile, project maintenance and warranty profile as per legal regulation, investors will be responsible for preparing procedures and implementing the task of transferring completely constructed urban infrastructure system to local authority or units of direct management and operation to receive the tasks of management and operation, guarantee following stipulations of project transfer and project management and operation as stipulated.

The archives of project design and completion profiles will be done as per legal regulations of construction and housings; investors will be responsible for project quality and transferred project warranty as per legal regulations. Regarding completed and used works, it is necessary to assess quality, value and

completion of the necessary maintenance before transferring.

During the time that investors not transferring to the local authority or direct management and operation units, investors have to be responsible for managing, operating and maintaining the works, guarantee the security, safety and implement necessary services for residential households.

The project scale in the investment policy is preliminary which will be defined concretely at the phase of establishing feasible study report, design carried out after the grassroots design to be appraised and approved as per current stipulations.

*(The signals of land lot as per the detailed project planning, ratio 1/500 approved by Quang Binh PPC by Decision No.3861/QD-UBND dated November 26<sup>th</sup>, 2021)*

1.2.2. Preliminary project implementation cost (expected): 972 billion dong;

1.2.3. Preliminary cost for compensation, supporting, resettlement (expected): 24 billion dong;

1.2.4. Investment period and progress:

- **Project operational time:** within 50 years since the date investors granting land, leasing land; buyers of housing attached with living land use right or buyers of living land for housing construction will have the stable and long term use right as per the land law.

- **Investment progress:** Not over 6 years since the date having the investor selection approval decision or investor approval decision, expected from the year 2022 to the year 2027, out of which.

1.2.5. Project implementation location: Loc Ninh commune, Dong Hoi city, Quang Binh province.

1.2.6. Land area: about 9,6ha (accurate area will be defined during the land granting process)

1.2.7. Land use purpose: social living land; vestige land; green park land; traffic land; parking lot land.

1.2.8. Approved planning criteria (including Cao Thang street route to be upgraded in the future; the route from Loc Ninh commune to Dong Hoi Northwest industrial zone with state's investment; and the route belonging to the Southeast residential area of Cao Thang street):

No.	Land use function	Signal	Area (m <sup>2</sup> )	Maximum construction density (%)	Maximum high - floor	Rate (%)

				(**)	(floor)	
<b>1</b>	Social living land	OXH	<b>42.855,05</b>			<b>37,92</b>
1.1	Low-rise social living land		19.615,60	100		17,36
1.1.1	Low-rise social living land	OXH1	2.570,80	100	3	
1.1.2	Low-rise social living land	OXH2	2.840,80	100	3	
1.1.3	Low-rise social living land	OXH3	2.840,80	100	3	
1.1.4	Low-rise social living land	OXH4	2.840,80	100	3	
1.1.5	Low-rise social living land	OXH5	2.840,80	100	3	
1.1.6	Low-rise social living land	OXH6	2.840,80	100	3	
1.1.7	Low-rise social living land	OXH7	2.840,80	100	3	
1.2	Đất ở xã hội cao tầng (*)	OXH8	23.239,45	40	12	20,56
<b>2</b>	Low-rise commercial living land	OTM	<b>10.718,94</b>			<b>9,48</b>
2.1	Commercial living land	OTM-SH1	3.258,00	85	5	
2.2	Commercial living land	OTM-SH2	2.479,00	85	5	
2.3	Commercial living land	OTM-SH3	2.614,14	85	5	
2.4	Commercial living land	OTM-SH4	2.367,80	80	7	
<b>3</b>	Vestiges land	DT	<b>420,17</b>	40	1	<b>0,37</b>
<b>4</b>	Green park land	CXCV	<b>6.367,16</b>	5	1	<b>5,63</b>
4.1	Green park land	CXCV-1	2.009,65	5	1	
4.2	Green park land	CXCV-2	1.743,31	5	1	
4.3	Other green landscape land	CX.1-CX.13	2.614,20	5	1	
<b>5</b>	Traffic land		51.760,88			<b>45,80</b>
<b>6</b>	Parking land	P	898,80			<b>0,80</b>
	<b>Total</b>		<b>113.021,00</b>			<b>100,00</b>

(\*) *Within the high-rise social housing, there will be the functions of commercial services, kindergarten.*

(\*\*) *Maximum construction density of the land lots for housing construction compared to table 2.8 QCVN01:2021 (at the total land use planning map).*

1.2.9. The current condition of the land lot: rice planting land (LUC), aquaculture land (NTS); Traffic land (DGT), Irrigation land (DTL), specialized water surface land (MNC), unused land (BCS).

***1.2.10. Summary of the basic requirements of project:***

- Fully follow legal stipulations of land, investment, construction, environment, property trading, fire prevention, extinguishing and related legal documents, approved project investment policy, approved detailed planning during the process of investment preparation, basic construction, putting the project into operation.

- Complete the task of technical infrastructure and social infrastructure construction investment; manage, operate and maintain the infrastructure system until transferring to local authority as stipulated.

1.2.10. Other project information: enclosed with investment policy approval decision of social housing project in Loc Ninh commune, Dong Hoi city by Quang Binh Provincial People's Committee.

1.2.11. The deadline for submitting project implementation registration documents: as per the request for expression of interest regarding the land-used investment project named social housing in Loc Ninh commune, Dong Hoi city by Quang Binh DPI (out of which: time for preparation and submitting project implementation registration profile must be guaranteed within 30 days since the time the list of project is posted on the national bidding network system).

**Section 2. Preliminary requirements of investors capacity and experiences**

Preliminary requirements of investors capacity and experiences includes requirements of financial capacity and experiences; detailed contents shall be indicated in chapter II.

**Section 3. Clarification of preliminary requirements of investors capacity and experiences**

3.1. In case investors expect to clarify the preliminary requirements of investors capacity and experiences, then investors have to send the clarification proposal by documents or via the national bidding network system to DPI for considering at least 5 working days before the deadline for submitting project implementation registration documents.

3.2. After receiving the clarification proposal as defined time, DPI shall be responsible for clarifying and uploading on the national bidding network

system within at least working 2 days before the deadline for submitting project implementation registration documents, in which DPI have to indicate the clarification contents but not mention the name of investors that make such proposals. If the clarification leads to the changes of preliminary requirements of investors capacity and experiences then follow the stipulations at section 4 of this chapter.

#### **Section 4. Changes of preliminary requirements of investors capacity and experiences**

4.1. In case of changing the preliminary requirements of investors capacity and experiences, DPI shall upload the Decision of change enclosed with changed contents on the national bidding network system at least 10 working days before the deadline for submitting project implementation registration documents.

4.2. In case the announcement time for the change of the preliminary requirements of investors capacity and experiences cannot meet the stipulations at section 4.1, DPI shall extend the time for submitting project implementation registration documents to guarantee above-mentioned stipulations. The extension shall comply with the stipulation at section 6.3.

#### **Section 5. Use of language**

Project implementation registration documents and all related documents, materials exchanged between DPI and investors related to the request for expressions of interest must be written by the following languages: Vietnamese for domestic investors and English and Vietnamese for foreign investors (in case of having the difference between Vietnamese and English versions then Vietnamese version will be the basis for evaluation).

#### **Section 6. Project implementation registration documents and submission time**

6.1. Project implementation registration documents will be prepared by the investors including forms and related materials as defined by Chapter III.

6.2. Investors shall submit the Project implementation registration documents on the national bidding network system: as per the request for expression of interest regarding the land-used investment project named social housing in Loc Ninh commune, Dong Hoi city by Quang Binh DPI (out of which: time for preparation and submitting project implementation registration profile must be guaranteed within 30 days since the time the list of project is posted on the national bidding network system).

6.3. Department of Planning and Investment can extend the deadline of submitting project implementation registration documents in the following cases:

a) changing the preliminary requirements of investors capacity and experiences as stipulated by Article 4 of this chapter. In case of extension, DPI has to make announcement on the national bidding network system;

b) increasing the quantity of investors as stipulated by point b, part 9.2 of this chapter. In case of extension, DPI has to make announcement on the national bidding network system and send announcement to all investors submitting the project implementation registration documents. Extension time will be as per the decision of the Chairman of Provincial People's Committee or the Head of Management board of the economic zone. Investors that meet the requirement will not have to re-submit project implementation registration document.

### **Section 7. Change, replacement and withdrawal of project implementation registration documents**

7.1. After submitting documents, investors can replace, change or withdraw project implementation registration profile on the national bidding network system before the deadline.

7.2. After the deadline of submitting project implementation registration document, investor will not allowed to withdraw the submitted project implementation registration document.

### **Section 8. Clarification of project implementation registration documents, preliminary assessment of investors capacity and experiences**

#### **1. Clarification of project implementation registration documents**

Investors are responsible for clarifying project implementation registration documents as required by DPI or self-clarify, supplement materials to prove the legal capacity, experiences in case of discovering the lack of information, materials of existing capacity, experiences without being included in the project implementation registration profile. All clarification requirements and feedbacks of all investors will be done on the national bidding network system.

#### **2. Preliminary assessment of investors capacity and experiences**

**Preliminary assessment of investors capacity and experiences** will be base on the preliminary requirements of capacity, experiences, project implementation registration profile of investors and related materials for clarifying project implementation registration profile (if any).

### **Section 9. Announcement of preliminary assessment of investors capacity and experiences**

9.1. After having the preliminary assessment of investors capacity and experiences, DPI shall upload the list of qualified investors on the national bidding network system.

9.2. Based on the assessment results, pursuant to stipulations by clause 3, Article 29 Decree No. 31/2021/NĐ-CP, in case there is just one investors meeting the requirements of capacity, experiences, based on the project implementation progress, the objectives of investment attraction as well as other detailed conditions of project, the Chairman of PPC or Head of Management board of the economic zones (regarding project implemented in the economic zones) will consider to implement one of the two following options:

a) Option 1: announce and instruct investors to submit the investor approval proposal profile as stipulated by the law on investment in case the process of organization has guaranteed the transparency, publicity, competitiveness and the project with requirement of progress facilitating;

b) Option 2: Extend the deadline for project implementation registration for potential investors to grasp the chance for information access then submit project implementation documents to increase the competitiveness; Extension time will be as per the decision of the Chairman of Provincial People's Committee or the Head of Management board of the economic zone. Investors that meet the requirement will not have to re-submit project implementation registration document.

After the time of extension, based on the preliminary assessment of capacity, experience, the coming procedure will be as per the equivalent stipulations by Clause 4, 5 and 6 Article 13 Decree No. 25/2020/NĐ-CP (to be supplemented and amended by clause 6, Article 108 Decree No. 31/2021/NĐ-CP).

9.3. In case of having two investors upwards meeting the given requirements, investors selection shall be done pursuant to the form of open competitive bidding as stipulated by clause 1 and clause 2 article 10 by Decree No. 25/2020/NĐ-CP and Clause 5 Article 108 Decree No. 31/2021/NĐ-CP. Bidding documents shall be widely issued to investors, including investors out of the list of investors meeting preliminary requirements of capacity and experiences.

## CHAPTER II

### PRELIMINARY EVALUATION OF INVESTORS' CAPACITY AND EXPERIENCES

#### Section 1. Evaluation method

1.1. The preliminary evaluation of investor's capacity and experience uses the pass and fail evaluation method. Investors are evaluated as meeting the preliminary requirements on capacity and experience when all criteria are evaluated as pass.

1.2. Regarding joint venture investor:

a) The equity of the joint venture investor is equal to the total equity of joint venture members. At the same time, each joint venture member must meet the requirements corresponding to the equity contribution according to the joint venture agreement; if any member of the joint venture is evaluated as unqualified, the joint venture investor is evaluated as unqualified.

The leading investor in the joint venture must have a minimum equity contribution ratio of 30%, each joint venture member must have a minimum equity contribution ratio of 15%.

b) The project implementation experience of the joint venture investor is equal to the total number of projects implemented by the joint venture members.

#### Part 2. Evaluation criteria

The evaluation of the investor's capacity and experience is made according to Table No. 01 below:

**Table No. 01**

#### PRELIMINARY REQUIREMENTS OF CAPACITY AND EXPERIENCE

No.	Contents	Requirements
1	Financial capacity	Minimum equity that an investor must arrange <sup>(1)</sup> : 200 billion dong.
2	Experience in implementing similar projects <sup>(2)</sup>	Number of projects in which the investor or a member of a partnership or a joint-implementation partner has participated in the role of investor contributing equity capital or main contractor: 01 project Project classification <sup>(3)</sup> is as follows:  a) Type 1: Projects in terms of urban areas, residential areas with synchronous technical infrastructure system; the clusters of commercial services, housing development;

No.	Contents	Requirements
		<p>civil construction projects with one or plentiful facilities including housing (excluding detached house), headquarter, working office, commercial services projects in which the investor has participated in the role of investors contributing equity, have been completed or completed mostly within the past 07 years (07 years before the year with bidding termination) and fully satisfies the following conditions:</p> <ul style="list-style-type: none"> <li>- Have a minimum total investment <sup>(4)</sup>: 498 billion dong</li> <li>- Investor has contributed equity with a minimum value <sup>(5)</sup>: 100 billion dong</li> </ul> <p>b) Type 2: Projects in terms of urban areas, residential areas with synchronous technical infrastructure system; the clusters of commercial services, housing development; civil construction projects with one or plentiful facilities including housing (excluding detached house), headquarter, working office, commercial services projects in which the investor has participated in the role of the main construction and installation contractor, have been completed or completed mostly within the past 5 years (05 years before the year with bidding termination) and has a minimum value <sup>(6)</sup>: 292 billion dong (equivalent to 30% total preliminary cost for implementing the being considered project excluding cost for compensation, resettlement support, ground clearance)</p> <p>c) Type 3: Projects in terms of urban areas, residential areas with synchronous technical infrastructure system; the clusters of commercial services, housing development; civil construction projects with one or plentiful facilities including housing (excluding detached house), headquarter, working office, commercial services projects has been completed or completed mostly within the past 5 years of the partner who participated in the</p>

No.	Contents	Requirements
		role of main construction contractor (05 years before the year with bidding termination) and has a minimum value <sup>(6)</sup> : 292 billion dong (equivalent to 30% total preliminary cost for implementing the being considered project excluding cost for compensation, resettlement support, ground clearance)

Notes:

(1) The investor's equity is determined on the basis of the investor's financial data in the investor's latest year's financial statements audited by an independent audit agency and audited interim financial statements in accordance with the law (if any). In case the investor is a newly established organization in the assessment year, the investor's equity is determined based on the financial statements audited by an independent audit agency for the period from the date of establishment to the time of bid closing or the audited interim financial statement at the latest point of time prior the time of bid closing as prescribed by law. In case the owner's representative, owner or parent company contributes equity, the owner's representative, owner or parent company must have a written commitment and financial statements proving sufficient equity to contribute capital according to the financial plan of the project.

In case, at the same time, the investor participates in investing in many projects and other long-term financial investments (if any), the investor makes a portfolio of projects and other long-term financial investments, to ensure that the investor's total equity is sufficient for the entire amount of equity that the investor commits to implement for all projects and other long-term financial investments as prescribed.

At the time of signing a project contract, the investor is responsible for submitting a plan to competent state agencies to ensure adequate mobilization of equity capital and providing documents proving the satisfaction of equity requirements as specified in the project contract.

The investor must declare information and provide documents on financial capacity according to Form No. 02 Chapter III - Form.

(2) Investor experience:

(i) Projects and bidding packages implemented by the investor must satisfy the technical requirements and quality requirements under the signed contract to be considered and evaluated.

(ii) Regarding projects with big investment scale without experienced investors for similar project implementation experiences, procuring entity will base on the data of implemented projects, the capacity of investment

segmentation of the being-considered project to define the requirements of investor experiences. In this case, the requirement of investor experiences will be amended lower than instruction but still comply with reality as well as project implementation requirements. During the process of consideration and evaluation, investors must be guaranteed with financial capacity, technical capacity for project implementation. Project implementation requirements in the bidding document, the contract must guarantee the full regulations of investors' responsibilities and treatment methods (punishment, compensation for damages, treatment in the coming phase) in case investors cannot meet the requirements of progress and quality. Authorized agencies can stipulate the guaranteed value for contract implementation is 3% total invested capital of the project.

(iii) Completed or mostly completed: The project or bidding package has been completed the acceptance of work items or works or is in the operation stage or has been finished in accordance with regulations.

(3) The investor must provide their experience according to Form No. 03 Chapter III – Form. The investor is only allowed to cite their experience in implementing a similar project once. In case of using a partner, there must be a cooperation agreement signed between the investor leading the partnership and the partner.

- Method of converting projects:

+ 01 project of type 2 is equal to 0.5 project of type 1;

+ 01 project of type 3 is equal to 0.5 project of type 1;

In case the number of projects, after conversion, is not an integer, the rounding shall be as follows: regarding the decimal part  $\leq 0.5$ , it is calculated as 0, regarding the decimal part  $\geq 1,5; 2,5\dots$  it is calculated as 02; 03 projects.

(4) (5) (6) For projects that have not yet clearly determined the value of the total investment in the approval documents and project contracts, the investor must provide proving documents to determine this value.

### **CHAPTER III. FORMS**

1. Form 01: Information of investors
2. Form 02: Financial capacity of investors
3. Form 03: Experiences of implementing similar projects
4. Form 04: Joint venture agreement

**Form 01****INFORMATION OF INVESTORS AND CO-IMPLEMENTING PARTNERS**

(Location)\_\_\_\_, dated\_\_\_\_

**I. Information of investors and joint venture members<sup>(1)</sup>**

1 Name of investors and joint venture members:

1. Nation of operational registration of investor/ joint venture members:

2. Establishment year:

3. Legal address of investors/joint venture members at the registered nation:

4. Information of legal representative of investors and joint venture members:

- Name:

- Address:

- Tel/fax:

- E-mail:

5. Expected contributed capital rate in the joint venture:

6. Organizational structure of investors.

**II. Information of co-implementing partners:**

<b>No.</b>	<b>Partner's name<sup>(2)</sup></b>	<b>The nation of operational registration</b>	<b>Participation role<sup>(3)</sup></b>	<b>Legal representatives</b>	<b>Contract or negotiation document</b>
1	<i>Company 1</i>		<i>[Financial supply organization]</i>		
2	<i>Company 2</i>		<i>[Construction contractor]</i>		

3	<i>Company 3</i>		<i>[Operation/management contractor]</i>		

## Notes:

(1) In case of joint venture investors then each member must fill in this form. Investors/joint venture members must submit the copies of some following materials: business registration certificate, establishment decision or equivalent materials issued by authority level of the nation where the investor is operating.

(2) Investors must insert the names of co-implementing partners.

(3) Investors must indicate the participation role of each partner.

(4) Investor must indicate the number of contract or negotiating documents attached with notarized copies of such materials.

## FINANCIAL CAPACITY OF INVESTORS <sup>(1)</sup>

**1. Name of investors/joint venture members:**

**2. Information of financial capacity of investors/joint venture members**  
(2):

a) Summarise financial data <sup>(3)</sup>:

No.	Contents	Value
<b>I</b>	<b>Owner capital committed to use for the project</b>	
<b>II</b>	<b>Data of owner capital</b>	
1	Total owner capital	
2	Related cost to lawsuits (if any)	
3	Owner capital committed to implementing projects <sup>(4)</sup> (excluding the disbursed capital for implementing project) and other long term investment items ( if any )	
4	Retained owner capital as stipulated	

b) Attached materials<sup>(5)</sup>

- The investor's financial statements for the latest year which have been audited by an independent audit agency and the audited interim financial statements in accordance with law (if any).

- Tax finalization inspecting minutes; tax self-finalization declaration; materials proving that investors have completed the electronic tax finalization declaration.

- In case the investor is a newly established organization during the year, the investor's equity is determined based on the financial statements audited by an independent audit agency for the period from the date of establishment to the time of bid closing or the audited interim financial statement at the latest time before the time of bid closing as prescribed by law. In case the owner's representative, owner or parent company contributes equity, the owner's representative, owner or parent company must have a written commitment and

financial statements evidencing sufficient equity to contribute capital according to the project's financial plan..

Reports provided by investors must comply with legal regulations of finance, accounting, which must reflect the private financial situation of investors or joint venture members (in case of joint venture investors) but not reflect the financial situation of an associated subject like parent company or subsidiaries or associated companies with investors or joint venture members.

- Project portfolio and other long-term financial investments in case at the same time the investor participates in investing in many projects and other long-term financial investments (if any)..

### **Legal representative of the investor**

*[ name, title, signature and seal (if any)]*

Notes:

(1) In case of joint venture investor, each joint venture member must fill in this Form.

(2) The investor shall be responsible to the law for the accuracy and legality of provided data and documents related to equity, allocation of equity to projects and long-term financial investments under implementation. In case it is found that the declared information is incorrect, falsifying the evaluation results, it will be considered fraudulent according to the provisions of Clause 4, Article 89 of the Bidding Law and disqualified.

(3) Based on evaluation standards, procuring entity will supplement the suitable information.

(4) In case, at the same time the investor participates in investing in many projects and other long-term financial investments (if any), the investor shall make a portfolio of projects and other long-term financial investments , ensuring that the total equity of the investor is sufficient for the entire amount of equity committed by the investor to implement for all projects and other long-term financial investments as prescribed.

(5) Based on evaluation standards, procuring entity will supplement documents that investors must submit to prove the financial capacity (such as: tax finalization minutes, self-finalized tax declaration; materials proving investors completing the task of electronic tax finalization, verification of tax management agency.....).

**Form 03****EXPERIENCES OF SIMILAR PROJECT IMPLEMENTATION <sup>(1)</sup>**

(Location), dated \_\_\_\_

*[Investors must list the experiences of similar project implementation as required]*

1. Project No. 01: \_\_\_\_ *[Project name]*

Name of investors/joint venture members/co-implementing partners	
1	Contract number: Date of signing
2	Name of project/bidding package:
3	Investment field of project
4	Participation role: <input type="checkbox"/> Independent investors <input type="checkbox"/> Joint venture members <input type="checkbox"/> Main contractor
5	The name of authorized state agency/representatives of authorized state agency (regarding the project); investors/representatives of investor (regarding the bidding package) Address: Name of contact person: Tel: Fax: Email:
6	Detailed information
6.1	In case of participating in project implementation in the role of investors
	Progress, quality of project implementation <sup>(2)</sup> : <input type="checkbox"/> Being in the phase of construction, acceptance of works items completed <input type="checkbox"/> Acceptance of works completed <input type="checkbox"/> Being operated <input type="checkbox"/> Ended
	Total invested capital :
	The rate of contributed capital (in case of joint venture investors):

	Mobilized owner capital:
	Brief description of similarities of the implemented projects and the project being in the process of contractor selection:
	- Brief description of done tasks: - Values of done tasks: (value and currency unit) equivalent to ... VNĐ
	- Brief description of remaining tasks to be done: - Values of remaining tasks to be done (value and currency unit) equivalent to ... VNĐ
	History of lawsuits and disputes:
	Brief description of special requirements of techniques/operational activities:
6.2	In case of participating in project implementation in the role of contractor
	Participating scope:
	Values of the participating tasks:
	Implementation progress and quality <sup>(3)</sup> :
	History of lawsuits and disputes :
	Brief description of special requirements of techniques:

2. Project No. 02:\_\_\_ [*Project Name*]

...

**Legal representative of investors**

*[insert the name, title, signature and seal (if any)]*

Notes:

(1) Procuring entity can amend, supplement the requirements to fill in this form to be suitable to the preliminary requirements of investor experiences.

((2), (3) Investors must provide materials to verify declared information and contract implementation progress and quality such as the notarized copies of contracts, contract acceptance and liquidation, verification of authorized state agencies/representatives of authorized state agencies (regarding the implemented projects), investors/representative of investors (regarding the bidding package ...

## JOINT VENTURE AGREEMENT

(Location), dated.....

We, on behalf of parties to sign the joint venture agreement, include:

**Name of joint venture member:** \_\_\_ [*Filled with the name of joint venture member*]

- Country for operation registration:
- Tax code::
- Address:
- Telephone:
- Fax:
- Email:
- Legal representative:
- Position:

Power of attorney No. \_\_\_ date \_\_\_ month \_\_\_ year \_\_\_ (*for authorized case*).

The parties (hereinafter referred to as members) agree to sign a joint venture agreement with the following contents:

### **Article 1. General principles**

1. The members voluntarily form a joint venture to participate in the project bidding \_\_\_ [*insert project name*].

2. The members agree that the name of the joint venture for all transactions related to the project is: \_\_\_ [*insert name of the joint venture as agreed*].

Transaction address of the joint venture:

Tel:

Fax:

Email:

Representative of the joint venture:

3. The members commit that no member can voluntarily participate independently or in partnership with other investors to participate in project bidding.

### **Article 2. Assignment of responsibilities**

The members agree to assign responsibilities to perform the tasks in the bidding process to select investors for the project as follows:

1. The parties agree to an agreement for \_\_\_ [*insert the name of one member*] the leading member of the joint venture, representing the joint venture to perform the tasks in the process of completing, submitting, clarifying and amending the registration dossier for implementation of land-use investment projects.

2. Roles and responsibilities of the joint venture members <sup>(1)</sup>[ *specify the roles and responsibilities of each member and state the ratio of equity contribution in the joint venture*]:

No .	Name of member	Participating role <i>[Indicate the task(s) that the member undertakes (financial arrangement, construction, management, operation, etc,...)]</i>	Equity	
			Value	Ratio %
1	Member 1 [ <i>Leading member</i> ]			<i>[Minimum 30%]</i>
2	Member 2			<i>[Minimum 15%]</i>
3	Member 3			<i>[Minimum 15%]</i>
.....				
<b>Total</b>			....	<b>100%</b>

### **Article 3. Effect of the joint venture agreement**

1. **Joint venture agreement will take effect since the signing date.**

2. The joint venture agreement is terminated in the following cases:

- The parties mutually agree to terminate it;
- There is a change in joint venture members. In this case, if the change of joint venture members is approved by the Procuring entity, the parties must establish a new joint venture agreement;
- The joint venture fails to meet the preliminary requirements on capacity and experience;
- The publication of project portfolio is terminated;

The joint venture agreement is made into \_\_\_ originals, each joint venture member keeps \_\_\_ copies, and submits 01 original with the bid. The copies have the same legal validity.

**Legal representative of each joint venture member<sup>(2)</sup>**

*[insert the name of legal representative of each member, title,  
sign and seal (if any)<sup>(3)</sup>]*

Notes:

(1) The investor must list the participating role and equity contribution ratio of each joint venture member.

(2) The legal representative of each joint venture member may be the legal representative or the authorized representative.

(3) In case a joint venture member is a foreign investor without a seal, a competent organization's certification must be provided that the signature in the joint venture agreement is that of the legal representative of the joint venture member.