

No. 3794/QĐ-UBND

*Binh Dinh, November 17, 2022***DECISION****Approving preliminary requirements on capacity and experience of investors  
registering to implement An Quang urban and tourist area project, Phu Cat district****PROVINCIAL PEOPLE'S COMMITTEES**

*Pursuant to the Law on Local Government Organization dated June 19, 2015; the Law amending and supplementing a number of articles of the Law on Organization of Government and Law on Local Government Organization dated November 22, 2019;*

*Pursuant to the Bidding Law dated November 26, 2013;*

*Pursuant to the Land Law dated November 29, 2013;*

*Pursuant to the Law on Construction dated June 18, 2014;*

*Pursuant to the Law on Investment dated June 17, 2020;*

*Pursuant to Decree No.31/2021/ND-CP dated March 26, 2021 of the Government on detailing and guiding the implementation of a number of articles of the Law on Investment;*

*Pursuant to the Government's Decree No.25/2020/ND-CP dated February 28, 2020 detailing the implementation of a number of articles of the Bidding Law on investor selection;*

*Pursuant to Circular No.09/2021/TT-BKHDT dated November 16, 2021 of the Ministry of Planning and Investment guiding investor selection by method of public-private partnership and investment projects using land;*

*Pursuant to Resolution No.29/2021/NQ-HDND dated December 11, 2021 of the Provincial People's Council on the list of works and projects that the State acquires land for socio-economic development for the national interest, public works and the list of projects using less than 10 hectares of rice land, less than 20 hectares of protective forest land, and less than 20 hectares of special-use forest land in 2022 in the province;*

*Pursuant to the Decision No.2551/QĐ-UBND dated August 12, 2022 of the People's Committee of Binh Dinh province approving the 1/500 scale detailed plan of An Quang urban and tourist area, Phu Cat district, Binh Dinh province ;*

*Pursuant to the Decision No.2132/QĐ-UBND dated July 8, 2022 of the People's Committee of Binh Dinh province on the approval of the land use plan for 2022 in Phu Cat district;*

*Pursuant to the Decision No.3410/QĐ-UBND dated October 20, 2022 of the People's Committee of Binh Dinh province on approving the adjustment and supplementation of the housing development plan in Binh Dinh province for the period 2020-2025;*

*Pursuant to the Decision No.3455/QD-UBND dated October 24, 2022 of the Binh Dinh Provincial People's Committee on approving the Housing Development Plan in Binh Dinh Province in 2022;*

*Pursuant to Decision No.3515/QD-UBND dated October 27, 2022 of the Provincial People's Committee regarding the approval of investment policy and approving the list of project(s) using land for An Quang urban and tourist project, Phu Cat district;*

*At the proposal of the Director of the Department of Planning and Investment in Document No. ..../SKHDT-TTXT dated ... November 11, 2022.*

### **DECIDES:**

**Article 1.** To approve preliminary requirements on capacity and experience of investors registering to implement project(s) using land enclosed with this Decision.

**Article 2.** To assign the Department of Planning and Investment to take prime responsibility for, and coordinate with relevant agencies in organizing further steps of the implementation and the announcement of the list of project(s), to perform the preliminary assessment of the capacity and experience of the investors registered to implement the project and report to the Provincial People's Committee in accordance with the provisions of law.

**Article 3.** Chief of Office of Provincial People's Committee, Directors of Departments: Planning and Investment, Construction, Natural Resources and Environment, Finance; Chairman of Phu Cat District People's Committee and Heads of relevant departments and agencies are responsible for the implementation of this Decision from the date of signing./.

***Recipients:***

- As Article 3;
- Chairman, Deputies of the Provincial People's Committee;
- For archives, K1.

**ON BEHALF OF THE PROVINCIAL  
PEOPLE'S COMMITTEE  
FOR THE CHAIRMAN  
THE DEPUTY**

**Nguyen Tu Cong Hoang**

**Appendix**  
**Preliminary requirements on capacity and experience of investors registering to  
implement projects using land**

*(Issued with Decision No. ....QD-UBND dated / /2022 of the Provincial  
People's Committee)*

**Project name:** An Quang urban and tourist area, Phu Cat district

**Issued together with Decision No:** \_\_\_\_\_

*[write the number and date of issuance of decision on the approval of investment policy  
for project(s) subject to approval of investment policies or decision on approval of list  
of projects using land, for projects not subject to approval of investment policy]*

## **Chapter I**

### **INSTRUCTIONS FOR INVESTOR**

#### **Section 1. Contents of invitation for interest**

1.1. Binh Dinh Department of Planning and Investment invites investors to submit an application for registration of An Quang urban and tourist project, Phu Cat district.

1.2. Information of the project:

Pursuant to Decision No.3515/QD-UBND dated October 27, 2022 of the Provincial People's Committee regarding the approval of investment policy and approving the list of investment projects using land for An Quang urban and tourist project, Phu Cat district (the Decision is enclosed), the Department of Planning and Investment summarizes information of the project as follows:

- Project objectives:

To construct An Quang urban and tourist area, Phu Cat district in order to synchronously complete the technical and social infrastructure system for the modern urban area in terms of space, architecture and landscape; to establish commercial, service, tourism, hotel and restaurant works in order to meet the shopping, relaxing and entertaining needs of people with the architecture and criteria in accordance with the approved plan and suitable to the socio-economic status at present and in the future.

To take advantage of the the land resource for the urban area in order to meet the needs of consumer shopping, entertainment and settlement of people in the northeast region of Phu Cat district and surrounding areas, creating favorable conditions for people to purchase, rent, lease-purchase real estate for living and staying in a civilized, modern, synchronous area of green, clean, beautiful and convenient infrastructure and surroundings, improving the material and spiritual life of people in the project's implementation area;

Besides, it is to concretise the 1/500 scale detailed planning project of An Quang urban and tourist area, Phu Cat district, which was approved by the People's Committee of Binh Dinh province in Decision No.2551/QD-UBND dated August 12, 2022 and in accordance with the general construction planning project of Cat Khanh urban area, Phu Cat district, Binh Dinh province to 2035 approved by Binh Dinh Provincial People's Committee in Decision No. 3723/QD-UBND dated October 14, 2019.

- Project scale: Investment in construction of housing, trade and services, social infrastructure, educational facilities, transport infrastructure... on an area of 892,049 m<sup>2</sup> (89.2 hectares), which includes 2 sub-areas :

+ Urban sub-area: An area of 485,080 m<sup>2</sup> (48.5 ha); of which: Land for housing construction: 214,540.64 m<sup>2</sup>; Land for constructing social infrastructure works: 6,732.92 m<sup>2</sup>; Constructing educational facilities: 14,584.53m<sup>2</sup>; Green land: 41,885.03m<sup>2</sup>; Land for transport- technical infrastructure: 207,336.88 m<sup>2</sup>. The population size is approximately 7,700 people.

+ Tourist service sub-area: An area of 406,969 m<sup>2</sup> (40.69ha); of which: Land for constructing social infrastructure works: 2,140.4 m<sup>2</sup>; Land for constructing trade and service works: 9,135m<sup>2</sup>; Land for constructing tourist service facilities with accommodation: 163,810,3m<sup>2</sup>; Green land: 86,065m<sup>2</sup>; Land for transport-technical infrastructure: 119,606.3m<sup>2</sup>; Sandbank: 26,212m<sup>2</sup>. Population size: Tourists staying in the tourist area are about 12,600 people.

- Land fund for social housing development: Not required.

(According to Decision No.2551/QĐ-UBND dated August 12, 2022 of Binh Dinh Provincial People's Committee regarding the approval of 1/500 scale detailed plan of An Quang urban and tourist area, Phu Cat district).

- Total estimated investment (m1 + m2): VND 5,228,797,000,000 (Five thousand two hundred two eighteen billion, seven hundred and ninety seven million dong), including:

- Preliminary project implementation cost (m1): VND 4,894,621,000,000 (Not including compensation, site clearance, land use tax and land rent);

- Cost of compensation and preliminary site clearance (m2): VND 334,176,000,000.

- Summary of the project's basic requirements:

+ Implementing the project in accordance with the plan approved by the concerned authority; committing to implementing the project in accordance with the provisions of laws, following the schedule and content of the project.

+ The investor selected to be the project owner is responsible for completing the synchronous investment and construction of houses, technical and social infrastructure works to serve residential needs... in line with the approved plan.

+ Payment to the state budget (m3) is made in line with the regulations on bidding.

- Project operation term: 50 years (*from the date on which the Investor is entitled to decide on land allocation, land lease decision, decision on change of land use purpose*).

- Project implementation schedule: The deadline for completing the entire project is no more than 6 years (72 months) from the effective date of the project implementation contract or the date of recognizing the project owner.

- Project implementation location: An Quang village, Cat Khanh commune, Phu Cat district, Binh Dinh province.

- Land area: 892,049 m<sup>2</sup> (89.2 hectares).

- Purpose of land use: Residential land, mixed land, commercial and service land, social infrastructure land, educational institution land, public works land, green tree land, land for transport - technical infrastructure...

- Indicators of land use planning (according to Decision No.2551/QĐ-UBND dated August 12, 2022 of Binh Dinh Provincial People's Committee regarding the

approval of 1/500 scale detailed plan of An Quang urban and tourist area, Phu Cat district, Binh Dinh province): The total area is about 892,049 m<sup>2</sup> (89.2 hectares), the details are in the following table:

No.	Functions	Area (m <sup>2</sup> )	Ratio (%)
<b>I</b>	<b>Land for housing construction</b>	<b>214,540.64</b>	<b>24.05</b>
1	Land for constructing terraced houses (1,055 houses)	114,804.70	
2	Land for constructing villas (308 villas)	71,279.50	
3	Land for constructing terraced houses combined with trade and service (10 houses)	13,348.70	
4	Land for constructing apartment houses combined with trade and service	15,107.74	
<b>II</b>	<b>Land for constructing social infrastructure works</b>	<b>8,873.32</b>	<b>0.99</b>
1	Land for constructing medical facilities	519.86	
2	Land for constructing community facilities	1,086.04	
3	Land for constructing cultural and sports facilities	5,127.02	
4	Land for construction of public service works	2,140.40	
<b>III</b>	<b>Land for constructing educational institutions</b>	<b>14,584.53</b>	<b>1.63</b>
1	Preschool	4,749.03	
2	Primary school	5,135.50	
3	Junior high school	4,700.00	
<b>IV</b>	<b>Land for construction of trade and service works</b>	<b>9,135.00</b>	<b>1.02</b>
<b>V</b>	<b>Land for construction of tourist service facilities with accommodation</b>	<b>163,810.30</b>	<b>18.36</b>
<b>VI</b>	<b>Green land</b>	<b>134,616.80</b>	<b>15.09</b>
<b>VII</b>	<b>Land for transport - technical infrastructure</b>	<b>320,276.41</b>	<b>35.90</b>
1	Square	40,094.20	
2	Parking space	29,031.00	
3	Land for transport - technical infrastructure	251,151.2	
<b>VIII</b>	Sandbank	<b>26,212.00</b>	<b>2.94</b>
	<b>Total planned area</b>	<b>892,049</b>	<b>100</b>

- Boundaries: The North borders An Quang Resettlement Area, the South borders the 16m wide planned road, the East borders the East Sea, the West borders the current residential area.

- Current status and origin of land: About 20.2ha of residential land area; 21.7ha of land for planting annual and perennial crops; 5.82 ha of cemetery land area (about 6,088 graves); 13.6ha of transport land, unused land and other land under the State's management and 27.7 ha of coastal protective forest land. By determining the limit by the corner points of the VN2,000 coordinate system, the 3-degree projection zone of the

Department of Agriculture and Rural Development, out of the total area of 92.28ha, there are 74.59ha of planned land for protective forests and 17.68ha outside the forestry plan.

- Deadline for submission of project implementation dossiers: According to the Notice of Invitation for Interest of the Department of Planning and Investment, but at least 30 days from the date on which the list of Project(s) using land is posted.

## **Section 2. Preliminary requirements on capacity and experience of investors**

Preliminary requirements on capacity and experience of investors include requirements on financial capacity and experience. Detailed content according to Chapter II - Preliminary requirements on capacity and experience of investors.

## **Section 3. Clarification of preliminary requirements on investor capacity and experience**

3.1. In the case the investor wants to have the preliminary requirements clarified on capacity and experience, the investor must send a request for clarification to the Binh Dinh Department of Planning and Investment in writing or through the national bidding network system at least 5 working days before the deadline for submitting project implementation registration dossiers for consideration and processing.

3.2. After receiving the written request for clarification within the prescribed time, Binh Dinh Department of Planning and Investment shall clarify and post it on the National Bidding Network System for at least 2 working days before the deadline for submitting the project implementation registration dossiers, which describes the content requested for clarification but does not name the investor requesting clarification. In the case the clarification leads to modification of the preliminary requirements on capacity and experience, the provisions of Section 4 of this Chapter shall be followed.

## **Section 4. Amendment of investor's preliminary requirements on capacity and experience**

4.1. In the case of amendment of the preliminary requirements on capacity and experience, the DPI posts on the National Bidding Network system the decision of amendment and the amended contents at least 10 days before the deadline for submission of the project registration dossier.

4.2. In the case the time for notification of amending the investor's preliminary requirements on capacity and experience does not meet the provisions of Section 4.1 of this chapter, the DPI shall extend time for submission for project registration dossiers correspondingly to follow the regulations mentioned above. The extension is made in accordance with Section 6.3 of this chapter.

## **Section 5. Language to be used**

Project implementation registration dossiers and all documents and letters exchanged between the DPI and investors relating to the Notification inviting interest must be written in the following languages: **Vietnamese and English**.

## **Section 6. Project registration dossiers and deadline for submission**

6.1. The project registration dossiers prepared by an investor must include the forms and related documents specified in Chapter III - Forms and registration documents for implementing projects using land includes the following contents: Project name, total investment value (specify value of M1, M2), capital source, implementation schedule, objectives, scale, commitments to state budget payment, commitments to bear all costs and risks if the project proposal is not approved, etc.

6.2. Investors shall submit the project registration dossier on the national bidding system before the deadline as stated in the Notification inviting interest of the DPI.

6.3. The DPI can extend the time for submitting the project implementation registration dossier in the following cases:

a) There is amendment of preliminary requirements on investors' capacity and experience is made as prescribed in Section 4 of this Chapter. Upon extension, the DPI shall announce on the national bidding network system.

b) It is necessary to increase the number of investors as prescribed at point b, Section 9.2 of this Chapter. Upon extension, DPI sends a notice to all investors who have submitted the project registration dossiers and announced it on the national bidding system. The extension time shall comply with the decision of the Chairman of the Provincial People's Committee. The investors who have met the requirements do not have to re-submit the project registration dossiers.

### **Section 7. Amending, replacing, withdrawing project implementation dossiers**

7.1. After submission, investors can amend, replace or withdraw the project implementation registration dossier on the National Procurement Network before the deadline for submission.

7.2. After the deadline for submitting project implementation registration dossiers, investors may not withdraw the submitted dossiers.

### **Section 8. Clarifying project registration dossiers, preliminary assessment of investor's capacity and experience**

#### **8.1. Clarifying project registration dossiers**

The investor is responsible for clarifying the project registration dossiers at the request of the DPI or clarifying and supplementing documents proving his legal status, capacity and experience by himself when the investor discovers the application files for the project implementation lack information and documents on their capacity and experience have not been submitted together with the project registration dossiers. All requests for clarifications and clarifying documents of the investor are posted on the National Bidding Network.

#### **8.2. Preliminary assessment of the investor's capacity and experience**

The preliminary assessment of the investor's capacity and experience shall be based on the preliminary requirements of the investor's capacity and experience, the investor's project implementation registration dossiers and documents clarifying the project registration dossiers(if any).



## **Section 9. Notifying the results of preliminary assessment of investor's capacity and experience**

9.1. When the results of the preliminary evaluation of investors' capacity and experience are available, the DPI will post a list of investors meeting the requirements on the national bidding network system.

9.2. Based on the evaluation results, according to the provisions of Clause 3, Article 29 of the Law on Investment and Clause 3, Article 29 of Decree No. 31/2021/ND-CP, in the case only one investor meets the preliminary requirements on capacity and experience, it is based on the project's implementation schedule, investment attraction objectives and other specific conditions of the project, the Provincial People's Committee shall consider and decide to implement one of two following options:

a) Option 1: Notifying and guiding investors to submit application for investor approval in accordance with the law on investment if the organizational process has ensured publicity, transparency and competition and it is required to speed up the project's schedule;

b) Option 2: Extending the project implementation registration time so that other potential investors have the opportunity to access information and submit project registration documents in order to increase competition. The extension time is decided by the Provincial People's Committee. Investors who have met the requirements do not have to resubmit project registration dossiers.

After the extension, based on the results of preliminary assessment of capacity and experience, subsequent procedures shall comply with the corresponding provisions in Clauses 4, 5 and 6, Article 13 of Decree No.25/2020/ND-CP(amended and supplemented in Clause 6, Article 108 of Decree No.31/2021/ND-CP).

9.3. In the case two or more investors satisfy the requirements, the investor selection will be conducted in the form of open bidding as prescribed at clause 1 and clause 2, Article 10 of Decree No. 25/2020/ND-CP and clause 3, Article 108 of Decree No.31/2021/ND-CP. Bidding documents are widely distributed to investors, including investors outside the list of investors who meet the preliminary requirements on capacity and experience. Bidding documents shall be publicly issued to investors, including those not addressed in the list of investors who have met preliminary requirements on capacity and experience.

## **CHAPTER II**

### **PRELIMINARY ASSESSMENT ON INVESTORS' CAPACITY AND EXPERIENCE**

#### **Section 1. Assessment methods**

1.1. The preliminary assessment of investors' capacity and experience uses the pass and fail evaluation method. Investors are assessed as meeting the preliminary requirements on capacity and experience when all criteria are assessed as being satisfactory.

1.2. For joint venture investors:

a) The equity of the investor in the partnership is equal to the total equity of the members of the partnership. At the same time, each partnership member must meet the

requirements corresponding to the equity contribution according to the partnership agreement; if any member of the partnership is assessed as not satisfactory, the joint venture is assessed as not meeting the equity requirement.

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

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

### **Section 2. Assessment criteria**

The assessment of the investor's capacity and experience is made in accordance with the following Table No. 01

**Table 1**

### **PRELIMINARY REQUIREMENTS ON CAPACITY AND EXPERIENCE**

<b>NO</b>	<b>Content</b>	<b>Requirements</b>
1	Financial capacity	Minimum equity that the investor must arrange <sup>(1)</sup> : 20% of the total value (investment capital) of the project under consideration, equivalent to VND 1,045,759,400,000 (In words: <i>One thousand zero hundred four fifty five billion, seven hundred fifty-nine million, four hundred thousand dong</i> ).
2	Experience of performing similar projects <sup>(2)</sup>	Number of projects in which the investor or a member of the partnership or a co-implementing partner has participated in the role of an equity-contributing investor or main contractor: 1 project of type 1. Method of identifying the project is as follows <sup>(3)</sup> :  a) Type 1: Projects in the field of investment in construction of urban areas, construction of high-rise civil works (from 29 floors), with one or more functions including: houses (except for independent houses), offices, trade and service works, terraced houses that the investor participates in as an investor contributing equity, has been completed or mostly completed within the last 5 years ( <i>60 months by the deadline for submitting the registration dossiers of An Quang Urban and Tourist Area project, Phu Cat district</i> ) and fully meeting the following conditions:

NO	Content	Requirements
		<p>- Having a minimum total value of<sup>(4)</sup>: 50% of the total investment of the project under consideration, equivalent to VND 2,614,398,500,000 (<i>In words: Two thousand six hundred and fourteen billion, three hundred and ninety eight million, five hundred thousand dong</i>).</p> <p>- The investor has contributed equity with a minimum value of<sup>(5)</sup>: 50% of the equity requirement of the project under consideration, equivalent to VND 522,879,700,000 (<i>In words: Five hundred and twenty-two). billion, eight hundred and seventy-nine million, seven hundred thousand dong</i>).</p> <p>b) Type 2: Projects in construction of urban areas, construction of high-rise civil works (from 29 floors), with one or more functions including: houses (except for separate houses), offices, trade and service works, terraced houses that the investor has participated in as the main contractor, completed or mostly completed within the last 3 years (<i>36 months from the deadline for submitting the implementation dossiers of An Quang urban and tourist area, Phu Cat district</i>) and has a minimum value of<sup>(6)</sup>: 60% of the corresponding work value of the project owner project under consideration, equivalent to VND 3,137,278,200,000 (<i>In words: Three thousand one hundred thirty seven billion, two hundred and seventy eight million, two hundred thousand dong</i>).</p> <p>c) Type 3: Projects in construction of urban areas, construction of high-rise civil works (from 29 floors), with one or more functions including: houses (except for separate houses), offices, trade and service works, terraced houses completed or mostly completed within the past 3 years (<i>36 months by the deadline for submitting project implementation registration dossiers</i>). An Quang urban and tourist area, Phu Cat district) of the partner who has participated as the main contractor with a minimum value equal to 70% of the corresponding work value of the project under consideration, equivalent to VND 3,660,157,900,000 (<i>In words: Three thousand six hundred and sixty billion, one</i></p>

NO	Content	Requirements
		<i>hundred and fifty seven million, nine hundred thousand dong).</i>

**Note:**

(1) The investor's equity is determined on the basis of the investor's financial data in the investor's latest year's financial statement audited by an independent audit agency and the financial statement audited until the end of the third quarter of 2022.

In the 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 up to 28 days before the time of bid closing or the audited financial statement at the latest time 28 days before the time of bid closing as prescribed by the law. In the case the owner's representative, the owner or the parent company contributes equity, the owner's representative, the owner or the parent company must have a written commitment and financial statement proving sufficient equity to contribute capital in accordance with the project's financial plan.

In the 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, ensuring that the total equity of the investor is sufficient for the entire amount of equity that the investor commits to perform for all projects and other long-term financial investments as prescribed.

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

Investors must declare information and provide documents proving financial capacity in Form No.2 Chapter III - Form.

(2) Investor's experience:

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

(ii) For projects with large investment scale without investors with experience in implementing similar projects, the bid inviter shall base on data on implemented projects, the possibility of phasing for the project under consideration to determine the investor's experience requirements. In this case, the investor's experience requirements can be adjusted to be lower than the guidelines but they must be consistent with the reality and the project implementation requirements. During the consideration and evaluation process, it is necessary to ensure that the investor has sufficient financial and technical capacity to implement the project. Project implementation requirements in the bidding

documents and contracts must ensure that the investor's responsibilities are fully specified and the handling measures (sanctions, compensation for damage, handling in the next stage) must be met. In the case the investor implementing the project does not meet the requirements on schedule and quality, the competent authority shall stipulate that the contract performance security value is 3% of the project's total value.

(iii) Completed or mostly completed: The project or bidding package has been accepted for work items or works or is in the operation stage or has been finished as prescribed.

(3) Investors shall provide information on their experience in Form No.3 Chapter III - Form. Investors are 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.

How to convert projects:

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

+ 1 project of type 3 equals 0.3 project of type 1;

+ Do not round numbers.

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

### **CHAPTER III. FORMS**

1. Form No.1: Information about the investor
2. Form No.2: Financial capacity of the investor
3. Form No.3: Experience in implementing similar projects
4. Form No. 4: Partnership Agreement

Form No.1

**INFORMATION ABOUT THE INVESTOR AND IMPLEMENTING PARTNERS**

(Location), date \_\_\_ month \_\_\_ year \_\_\_

**I. Information of investor/Partnership members <sup>(1)</sup>**

1. Name of the investor/the joint venture's members:
2. Country where the investor/the joint venture members registered its operation:
3. Year of establishment:
4. Legal address of the investor/ the joint venture's members in the country of registration:
5. Information of the legal representatives of the investor/the partnership's members:
  - Name:
  - Address:
  - Phone / fax number:
  - Email address:
6. Expected rate of capital contribution in the joint venture::

**II. Information of co-partners**

NO	Name of partner <sup>(2)</sup>	Country of operation	Role <sup>(3)</sup>	Legal Representative	Contract or written agreement with partner <sup>(4)</sup>
1	<i>Company 1</i>		<i>[Contractor]</i>		
	.....				

Note:

(1) In the case of a joint venture, each joint venture's member must provide information using this Form. The investor/joint venture members shall submit a photocopy of one of the following documents: Corporate registration certificate, establishment decision or equivalent document issued by a competent authority of the country where the investor is operating.

(2) The investor shall specify the names of partners participating in the project implementation.

(3) The investor specifies the role of each partner.

(4) The investor specifies the number of the contract or written agreement, to be enclosed with notarized photocopies of those documents.

**FINANCIAL CAPACITY OF INVESTOR <sup>(1)</sup>****1. Information of investor/Partnership member:****2. Information of the financial capacity of the investor/Partnership members**

(2):

a) Summary of financial data <sup>(3)</sup>:

<b>STT</b>	<b>Nội dung</b>	<b>Giá trị</b>
<b>I</b>	<b>Equity committed for the project</b>	
<b>II</b>	<b>Data on investor's equity</b>	
1	Total equity	
2	Costs related to litigation (if any)	
3	Equity committed for the ongoing projects <sup>(4)</sup> (not including disbursed value for the ongoing projects and other long-term investments (if any))	
4	Equity must be retained in accordance with regulations	

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

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

- In the 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 a period of time from the date of establishment up to the time before bid closing or the audited mid-term financial statement at the latest time before bid closing as prescribed by laws. In the case the owner's representative, the owner or the parent company contributes equity, the owner's representative, the owner or the parent company must have a written commitment and financial statements proving sufficient equity to contribute capital according to the financial plan of the project.

The reports provided by the investor must ensure compliance with legal regulations on finance and accountancy, reflecting the financial status of the investor or the joint venture members (if the investor is a partnership) and not the financial status of associated entities, such as a parent company, a subsidiary or an affiliated company with the investor or a partnership member.

- 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 investors**

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

Note:

(1) In the case of a joint venture, each member of the joint venture must declare information using this Form.

(2) Investors are responsible before the laws for the accuracy and legitimacy of provided data and documents related to equity, equity allocation for projects and financial investments. long-term implementation. In case it is found that the declared information is inaccurate, falsifying the evaluation results, it will be considered fraudulent according to the provisions of Clause 4, Article 89 of the Law on bidding and eliminated.

(3) Based on the evaluation criteria, the bid inviter shall add appropriate 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 makes a portfolio of projects and other long-term financial investments, ensuring that the total equity of the investor is sufficient to cover the entire amount of equity that the investor commits to implement for all other long-term financial projects and investments in accordance with the provisions of laws.

(5) Based on the evaluation criteria, the bid inviter may add documents that the investor must submit to prove financial capacity (for example: tax finalization inspection minutes, tax finalization declaration form, documents proving that the investor has made electronic tax declaration; written certification of tax authorities;...).

**EXPERIENCE OF IMPLEMENTING SIMILAR PROJECTS <sup>(1)</sup>**

(Location), date \_\_\_ month \_\_\_ year \_\_\_

*[The investor lists experiences if implementing similar projects as required]*

1. Project No.1: \_\_\_\_ [write the project's name]

Name of investor/partnership members/implementing partners of the project	
1	Contract number: _____ Signing date: _____
2	Project / Bid package name: _____
3	Investment field of the project _____
4	Participating the project as: <input type="checkbox"/> an independent contractor <input type="checkbox"/> Member of joint venture <input type="checkbox"/> Main contractor
5	Name of competent state agency/Representative of competent state agency (for project); Investor/Investor's Representative (for bidding package) Address: _____ Name of contact person: _____ Phone: _____ Fax: _____ Email: _____
6	Detailed information:
6.1	In the case of participating in the project implementation as an investor/ joint venture member
	Project implementation schedule and quality <sup>(2)</sup> : <input type="checkbox"/> Under construction, the work items have been accepted; <input type="checkbox"/> The project has been accepted; <input type="checkbox"/> In the process of operation; <input type="checkbox"/> Ended
	Total investment value (investment capital)
	Capital contribution ratio (in the case the investor is a joint venture):
	Equity used:
	Brief description of the similarities of this completed project with the project in the process of selecting investors:

	- Brief description of the work performed: - Value of the work (s) performed: Equivalent (value and currency) ... VND
	- Brief description of the work to be done: - Value of the remaining work (s) to be performed: Equivalent (value and currency... VND
	History of disputes and litigation:
	Brief description of special technical/operational requirements:
6.2	When participating in the project as a contractor
	Scope of work involved in implementation:
	Value of the work involved in implementation:
	Schedule and quality of implementation <sup>(3)</sup> :
	History of disputes and litigation:
	Brief description of special technical requirements:

2. Project No.2: \_\_\_\_\_ [*Write name of the project*]

...

**Legal representative of the investor**

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

Note:

(1) The requirement to declare information in this Form can be adjusted and supplemented to match the investor's preliminary requirement on capacity and experience.

(2), (3) The investor must provide documents proving the declared information and the schedule and quality of the contract performance such as notarized copies of the contract, acceptance and liquidation of the contract, certification of competent state agencies/representatives of competent state agencies (for projects), investor owner/investor owner's representatives (for bidding packages)...

**PARTNERSHIP AGREEMENT**

(Location), day\_\_\_ month\_\_\_ year\_\_\_

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

**Name of the joint venture member:**.....*[write name of each joint venture member]*

- Country where the operation is registered:
- Tax code:
- Address:
- Phone:
- Fax:
- Email:
- Legal representative:
- Position:

Power of Attorney No. \_\_\_ date\_\_\_ month \_\_\_ year \_\_\_ (in case of authorization).

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

**Article 1. General principles**

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

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

Transaction address of the Joint Venture:

Phone:

Fax:

Email:

Representative of the Joint Venture:

1. 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 during the bidding process to select investor for the project as follows:

1. The parties agree that..... *[write name of one member]* is the leading member of the joint venture, representing the joint venture to perform the work in the process of completing, submitting, clarifying and amending the implementation registration dossier for the project using land.

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

No.	Members' name	Role <i>[Write the work that the member undertakes (financial arrangement, construction, management, operation,...)]</i>	Equity	
			Value	Ratio %
1	Member 1 <i>[leading the joint venture]</i>			<i>[at least 30%]</i>
2	Member 2			<i>[at least 15%]</i>
3	Member 3			<i>[at least 15%]</i>
.....				
<b>Total</b>			....	<b>100%</b>

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

1. The partnership agreement takes effect from the date of signing.

2. The partnership agreement shall be terminated in the following cases:

- The parties mutually agree to terminate the agreement;

- There is a change of joint venture's members. In this case, if the change of joint venture members is approved by the bid inviter, the parties must establish a new partnership agreement;

- The joint venture does not meet the preliminary requirements on capacity and experience;

- The publication of the project list is terminated;

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

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

*[write name of legal representative of each member, position, signature and seal (if any)<sup>(3)</sup>]*

Note:

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

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

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