

*Binh Dinh, July 21, 2021*

**DECISION**

**Approving preliminary requirements on capacity and experience of investors registering to implement the project of Van Ha urban area, Nhon Phu ward, Quy Nhon city**

**THE PROVINCIAL PEOPLE'S COMMITTEE**

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

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

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

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

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

*Pursuant to Decree No. 31/2021/ND-CP dated March 26, 2021 of the Government 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 Law on bidding concerning investor selection;*

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

*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 in the interests of the country and the public and List of projects using less than 10 hectares of rice land, less than 20 hectares of protective forest land, or less than 20 hectares of special-use forest land in 2022 in the province;*

*Pursuant to the Decision No. 534/QĐ-UBND dated February 21, 2022 of the People's Committee of Binh Dinh province on approving the adjustment of the zoning plan of 1/2000 scale of Nhon Binh and Nhon Phu wards, Quy Nhon city;*

*Pursuant to Decision No. 1411/QĐ-UBND dated April 19, 2021 of the Provincial People's Committee approving the housing development plan in Binh Dinh province for the period 2020 - 2025;*

*Pursuant to Decision No. 1411/QĐ-UBND dated May 1, 2022 of the Provincial People's Committee, approving the investment policy and approving the list of investment projects using land in the Van Ha Urban Area project, Nhon Phu ward, Quy Nhon city;*

*At the request of the Director of the Department of Planning and Investment in the Letter No 1317/SKHĐT-TTXX dated June 30, 2022.*

### **DECIDES:**

**Article 1.** Approving of preliminary requirements on capacity and experience of investors registering to implement the projects using land to organize bidding for investor selection in accordance with the Annex attached to this Decision.

**Article 2.** Assigning the Department of Planning and Investment to assume the prime responsibility for, and coordinate with relevant agencies in organizing the implementation of the next steps, and in announcing the project list; conducting preliminary assessment of the capacity and experience of the investors who register to implement the project and report to the Provincial People's Committee in accordance with the provisions of laws.

**Article 3.** Chief of Office of Provincial People's Committee, Directors of Departments: Construction, Natural Resources and Environment, Planning and Investment, Finance, Chairman of Hoai Nhon Town People's Committee and Heads of relevant agencies and units responsible for the implementation of this Decision from the date of signing./.

***Recipients:***

- As stated in Article 3;
- PPC Chairman, Deputies;
- For archives.

**ON BEHALF OF THE PROVINCIAL  
PEOPLE'S COMMITTEE**

**Nguyen Phi Long**

**ANNEX 1**

**PRELIMINARY REQUIREMENTS ON CAPACITY AND EXPERIENCE  
OF INVESTORS REGISTERING FOR IMPLEMENTATION OF  
PROJECTS USING LAND**

*(Issued in attachment with Decision No 2290/QĐ-UBND  
dated July 21, 2022 of the Provincial People's Committee))*

**Project's name:** Van Ha Urban Area, Nhon Phu ward, Quy Nhon city.

**Issued in attachment with Decision No:** \_\_\_\_\_

*[write number and issuing date of the decision on approval of investment policies for projects subject to approval of investment policies or decision on approval of list of investment projects using land for projects not subject to approval of investment policies]*

## Chapter I

### INSTRUCTIONS FOR INVESTORS

#### **Section 1. Contents of inviting expression of interest**

1.1. The Binh Dinh Department of Planning and Investment (the DPI) invites investors to submit implementation registration dossiers for Van Ha Urban Area project.

#### 1.2. Information of the project:

Pursuant to Decision No. 1411/QĐ-UBND dated May 1, 2022 of Binh Dinh Provincial People's Committee on approval of investment policies (*attached to the Decision*), the DPI summarizes project information, as follows:

- Project's objectives:

+ In order to implement the general construction plan of Quy Nhon city and its vicinity to 2035, with a vision to 2050; to develop the infrastructure system synchronously in the project area.

+ To contribute to the completion of the program's goals and housing plan in the upcoming period.

- Project's scale:

+ Invest in building a new urban area in combination with urban embellishment with the scale of low-rise houses and mixed high-rise houses; commercial projects, services, healthcare, education...

+ Expected population size: Approximately 14,000 people.

+ Regarding the estimated land area for construction of social housing: When the detailed construction planning of 1/500 scale, it is proposed to set aside the land fund for construction of social housing as prescribed in Article 5 of Decree No.100/2015/ND-CP dated October 20, 2015 of the Government on the development and management of social housing; amended and supplemented in Clause 4, Article 1 of Decree No. 49/2021/ND-CP dated January 1, 2021 of the Government amending and supplementing a number of articles of Decree No. 100/2015/ND-CP dated October 20, 2015 of the Government on development and management of social housing.

- Total expected value (m1 + m2): VND 2,932,103,807,000; which includes:

+ Preliminary project implementation cost (m1): VND 2,303,460,000,000  
(*Not including compensation, site clearance, land use cost and land rental*);

+ Preliminary compensation and preliminary site clearance (m2): VND 628,643,807,000.

The cost of compensation and support for site clearance (*temporary calculation*): identified by Quy Nhon City People's Committee to be VND 628,643,807,000 (*According to Decision No. 3121/QD-UBND dated May 19, 2022 of Quy Nhon City People's Committee*).

- Summary of the basic requirements of the project:

+ To carry out the project in accordance with the plan approved by the government; to commit to implementing the project in accordance with the provisions of laws and to ensure the project's progress and content.

+ The investor selected as the project owner is responsible for paying to the the state budget with a minimum value equal to the floor price to pay to the state budget (m3) as prescribed.

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

- Project's term: 50 years (*from the date the decision is made on land allocation, lease land, change of land use purpose the Investor*).

- Project's implementation duration: The duration of completing the entire project is no more than 5 years (60 months) from the effective date of the project implementation contract or since the Investor is recognized as the project owner.

- Project location: Area 2, Nhon Phu ward, Quy Nhon city, Binh Dinh province.

- Land area: Approximately 49,76 ha.

- Purpose of land use: Residential land, mixed-use land, commercial - service land, public works land, green tree land, traffic land - technical infrastructure.

- Indicators of land use planning (*according to 534/QD-UBND dated February 21, 2022 of the People's Committee of Binh Dinh province on approving the adjustment of the zoning plan of 1/2000 scale of Nhon Binh and Nhon Phu wards, Quy Nhon city*): The total area of the land is about 49.76ha, as detailed in the following table:

<b>NO</b>	<b>Type of land</b>	<b>Area (ha)</b>	<b>Ratio (%)</b>	<b>Note</b>
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1	Residential land	$\leq 24.10$	48.43	
2	Commercial and service land	$\geq 0.85$	1.71	
3	Land for public works	$\geq 0.85$	1.71	
4	Green tree land	$\geq 11.42$	22.95	
5	Land for traffic and infrastructure	$\geq 12.54$	25.2	
	<b>Total</b>	<b>49.76</b>	<b>100</b>	

- Current status of the land lot: Land that has not been compensated or cleared includes: residential land, garden land, land of perennial crops, land of rice cultivation, land of annual crops, wasteland, bare land, land of forestry trees, cemetery, graves, ponds, lakes, land of traffic and technical infrastructure (*Details are in accordance with Decision No. 3121/QD-UBND dated May 19, 2022 of Quy Nhon City People's Committee*).

- Deadline for submission of application for project implementation: In conformity with the Notification of inviting interest of the DPI, but at least 30 days from the date on which the list of investment projects using land is posted.

- The deadline for submitting the project implementation registration dossiers: In accordance with the Notice inviting Expression of Interest of the DPI, but at least 30 days from the date the list of projects using land is posted.

## **Section 2. Preliminary requirements on investor's capacity and experience**

Preliminary requirements on investor's capacity and experience include requirements on financial capacity and experience. The details are in accordance with the content of Chapter II-Preliminary requirements on capacity and experience of investors.

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

3.1. In the case the investor wants to clarify the preliminary requirements on capacity and experience, the investor must send a request for clarification to the DPI in writing or via the national E- procurement system at least 5 working days before the deadline for submission of project implementation registration documents for consideration.

3.2. After receiving the written request for clarification within the

prescribed time, the DPI shall clarify and post it on national E- procurement system within at least 2 working days before the deadline for submission, including description of the requested content for clarification, but not addressing the name of investor requesting clarification. In the case the clarification leads to the need to modify preliminary requirements on capacity and experience, the provisions of Section 4 of this Chapter shall apply.

#### **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 E-procurement 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 apply the corresponding time of submission for project registration dossier to ensure 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 the investor relating to the Notification inviting interest must be written in the following languages: Vietnamese and English.

#### **Section 6. Project registration dossier and deadlines for submission**

6.1. The project registration dossier 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 progress, objectives, scale, commitments to state budget payment, commitments to bear all costs and risks if the project proposal is not approved, etc.

6.2. The investor shall submit the project registration dossier on the national E-procurement 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) Amendment of preliminary requirements on investors' capacity and

experience is made as prescribed in Section 4 of this Chapter. Upon extension, the The DPI shall announce on the national E-procurement 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 E-procurement 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. Amendment, replacement, withdrawal of project registration dossiers**

7.1. After submitting, the investor can amend or replace the project implementation registration dossier by submitting additional relevant documents on the national E-procurement system before the deadline for submission of project implementation registration dossiers.

7.2. After the deadline for submitting project implementation registration dossiers, investors are not allowed withdraw the submitted project registration 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 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 Procurement Network.

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

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

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

9.1. After 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 E-procurement 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 progress, 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 progress;

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 the investor's 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 joint venture member must meet the requirements corresponding to the equity contribution according to the partnership agreement; if any member of the consortium 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 joint venture 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 01**

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

<b>NO</b>	<b>Content</b>	<b>Requirements</b>
1	Financial capacity	Minimum equity investors must arrange <sup>(1)</sup> : 15% of the total investment value (investment value) of the project under consideration, equivalent to VND 439,815,571,050.
2	Experience of performing similar projects <sup>(2)</sup>	The number of projects in which the investor or a member of the joint venture or a partner has participated in the role of equity investor or main contractor: 01 project of type 1. The identification is as follows <sup>(3)</sup> :  a) Type 1: Projects in construction of urban areas, houses, headquarter offices, working offices or commercial and service projects in which the investor

NO	Content	Requirements
		<p>participated in as an equity contributing investor, completed all or completed most of it within the last 5 years (<i>60 months by the deadline for submitting implementation registration dossiers of Van Ha Urban Area project</i>) and fully satisfies the following conditions:</p> <ul style="list-style-type: none"> <li>- Have a minimum investment value of <sup>(4)</sup>: 50% of the total value of the project under consideration, equivalent to VND 1,466,051,903,500.</li> <li>- 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 219,907,785,525.</li> </ul> <p>b) Type 2: Projects in construction of urban areas, houses, headquarter offices, working offices or commercial and service projects or commercial and service projects in which investors has participated as a main contractor for construction and installation, has completed or completed most of it within the last 4 years (<i>48 months by the deadline for submitting implementation registration dossiers of Van Ha Urban Area project</i>) and has a minimum value of <sup>(6)</sup>: 50% of the corresponding work value of the project under consideration, equivalent to 1,466,051,903,500 VND.</p> <p>c) Type 3: Projects in construction of urban areas, houses, headquarter offices, working offices or commercial and service projects completed or mostly completed within the last 4 years (<i>48 months by the deadline for submitting implementation registration dossiers of Van Ha Urban Area project</i>) of the partner participating as the main contractor with a minimum value equal to 50% of the corresponding work value of the project under consideration, equivalent to VND 1,466,051,903,500.</p>

**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 statements. the interim period in accordance with the audited law (if any). 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 registration. established up to the time of bid closing or the audited interim financial statements at the latest time before the time of bid closing as prescribed by law. In the case of the owner's representative, owner or parent company contributes equity, the owner's representative, 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.

In the case the investor participates in investing in many projects and other long-term financial investments (if any) at the same time, the investor makes a portfolio of projects and other long-term financial investments , to ensure that the total equity of the investor 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 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. 02 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 progress and quality, the competent authority shall stipulate that the contract performance security value is 3% of the project's total value.

(iii) Completed or largely 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. 03 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 joint venture and the partner.

How to convert projects:

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

+ 01 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. 04: Joint Venture Agreement

**Form No.1**  
**INFORMATION ABOUT THE INVESTOR AND IMPLEMENTING**  
**PARTNERS**

**I. Information about the investor/the joint venture's member<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 joint venture's members:
  - Name:
  - Address:
  - Phone / fax number:
  - Email address:
6. Expected rate of capital contribution in the joint venture::

**II. Information of 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.

## Form No.2

**FINANCIAL CAPACITY OF INVESTOR <sup>(1)</sup>****1. Name of investor/joint venture members:****2. Information of the financial capacity of the investor/joint venture members<sup>(2)</sup>:**a) Summary of financial data<sup>(3)</sup>:

No	Content	Value
<b>I</b>	<b>Vốn chủ sở hữu cam kết sử dụng cho dự án</b>	
<b>II</b>	<b>Các số liệu về vốn chủ sở hữu của nhà đầu tư</b>	
1	Total equity	
2	Costs related to litigation (if any)	
3	Equity committed for the ongoing projects <sup>(4)</sup> (nó 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 joint venture) 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 financial investments. other long-term, 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 report, tax finalization declaration form); documents proving that the investor has made electronic tax declaration; written certification of tax authorities; ...).

**Form No.3**  
**EXPERIENCE OF IMPLEMENTING SIMILAR PROJECTS <sup>(1)</sup>**

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

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

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

Name of investor /joint venture members/partner implementing the project	
1	Contract number: _____ date: _____ Signing _____
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 progress 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:
	Progress 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 progress 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)...

**Form No.3****JOINT VENTURE 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:

2. 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.