

DECISION

Regarding the approval of the preliminary requirements for capacity and experience of investors registering to implement Long My domestic solid waste treatment plant project using waste incineration technology to generate power

THE PROVINCIAL PEOPLE'S COMMITTEE

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

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 the Bidding Law dated November 26, 2013;

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

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 Investment Law;

Pursuant to Circular No. 09/2021/TT-BKHDT dated November 16, 2021 of the Ministry of Planning and Investment on instructions for selecting investors in accordance with the public-private partnership method and investment projects using land;

Pursuant to Document No. 6719/BKHDT-QLDT dated August 17, 2023 of the Ministry of Planning and Investment guiding the organization of bidding to select investors according to the provisions of specialized laws and legal regulations of socialization;

Pursuant to Decision No. 4869/QĐ-UBND dated December 28, 2023 of the Provincial People's Committee on approving the investment policies and approving the List of investment projects using land for the Long My domestic solid waste treatment plant project using waste incineration technology to generate power;

According to the request of the Department of Natural Resources and Environment in the Report No. 13/TTr-STNMT dated January 5, 2024, the proposal of the Director of the Department of Planning and Investment in Document No. 364/SKHDT-TTXT dated January 30, 2024 and the unanimous opinion of the Secretary of the Party Committee of the Provincial People's Committee at the meeting on February 5, 2024.

DECIDES:

Article 1. Approving preliminary requirements for capacity and experience of investors registering to implement investment projects using land to organize a bid to select investors in accordance with the Appendix attached to this Decision.

Article 2. Assigning the Department of Planning and Investment to coordinate with the Department of Natural Resources and Environment and relevant agencies to organize the implementation of the next steps and announce the project list; Preliminarily evaluate the capacity and experience of investors registering to implement the project and report to the Provincial People's Committee in accordance with the provisions of law.

Article 3. The Chief of Office of the Provincial People's Committee, the Directors of Departments: Planning and Investment, Natural Resources and Environment, Science and Technology, Construction, Finance, Justice; the Chairman of Quy Nhon City People's Committee and Heads of relevant agencies and units are responsible for implementing this decision from the date of signing./.

Recipients:

- As Article 3;
- PPC Chairman, Deputies;
- PPC Chief of staff;
- For archives.

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

Nguyen Tuan Thanh

Appendix

PRELIMINARY REQUIREMENTS FOR CAPACITY AND EXPERIENCE OF INVESTORS REGISTERING TO IMPLEMENT SOCIALIZATION PROJECTS

*(Issued in attachment to Decision No.../QD-UBND dated...../.../2024
of the Provincial People's Committee)*

Project's name: Long My domestic solid waste treatment plant project using waste incineration technology to generate power.

Attached to Decision No. 4869/QD-UBND dated December 28, 2023 of the Provincial People's Committee approving the investment policy of Long My domestic solid waste treatment plant project using waste incineration technology to generate power.

Chapter I

INSTRUCTIONS FOR INVESTORS

Section 1. Content inviting interest

1.1. The Department of Planning and Investment of Binh Dinh province invites investors to submit registration documents to implement Long My domestic solid waste treatment plant project using waste incineration technology to generate power.

1.2. Information of the project

1.2.1. Objective: To thoroughly treat household solid waste (priority is given to choosing projects that treat conventional industrial waste) with waste incineration technology to generate electricity; secondary waste (ash and slag) after treatment is reused and recycled, contributing to reducing waste landfilling, improving the environment, ensuring public health and sustainable urban development. It is required that advanced technology should be used to thoroughly treat odors, ash, wastewater... to ensure environmental regulatory requirements; unclassified or partially classified waste is handled in accordance with the state regulations (manual classification of input waste at the factory is not organized); machinery, equipment, and processing lines must be new, synchronous investment and have not been used.

The investor must have a waste handling plan that meets environmental requirements when the factory is temporarily shut down for maintenance or due to an incident.

1.2.2. Investment scale:

- Land area expected to be used is 100,401m² (This area is the maximum area to build the factory, not including the land area for the line connecting the factory to the national electricity system and the transportation system connection. For ash treatment location, it is carried out in accordance with regulations and the investor's proposal); priorities are given to the investors who propose land use economically.

- Design capacity: 500 tons of domestic solid waste/day and night with electricity generation with capacity appropriate to the implementation plan of Power Development Plan VIII.

- Scope of service: Quy Nhon city, An Nhon town, Tuy Phuoc district and Canh Vinh commune, Van Canh district. In the long term, the volume of household solid waste will increase due to actual needs and the scope of service expanded according to the Solid Waste Management Plan of Binh Dinh province for the period 2023-2025, orientation to 2030 and Binh Dinh province's master plan for the period 2021-2030, vision to 2050.

- Technology: Waste incineration technology to generate power.

- Provided services provided: Domestic solid waste treatment. For ordinary industrial solid waste, the investor shall comply with contracts agreed with waste source owners in accordance with legal regulations.

1.2.3. Total expected value: minimally VND **1,500,000,000,000** (*In words: One thousand five hundred billion dong*) and can be higher, depending on the technology and equipment of the investor, which includes:

- Preliminary total construction cost of the project (excluding site clearance compensation costs (m1): VND 1,500,000,000,000;

- Compensation cost for land clearance (m2): 0 VND.

The State hand overs cleared ground to investors (excluding leveling) and invests in a clean water supply system for domestic use, roads, and an electrical system for production of the project to the fence of the project.

Investor: Investing in the connection line to the national electricity system (including transformer station) to buy and sell electricity according to the agreement and invest in the water supply system to serve production and operation of the plant.

1.2.4. Treatment service price: Not more than VND 430,000/ton (including VAT and costs of treating fly ash, slag, and secondary waste formed in the process of treating domestic solid waste). Funding source for implementation: From the state budget allocated in accordance with the regulations of current budget decentralization.

- Price increase roadmap: Price stability within the first 03 years, from the date the factory officially goes into operation. After 3 years, the price will be updated and adjusted; the frequency of price increase is every 2 years. The price increase coefficient is calculated based on the average CPI of the previous 2 years. In case a central legal document issued by the central government is related to the price increase roadmap, the price will be adjusted in accordance with legal regulations based on the negotiations between the Provincial People's Committee and the investors.

- This price increase roadmap is the maximum price increase roadmap, encouraging the investor to have a price increase roadmap that is more economical for the state budget.

- For ordinary industrial solid waste, the investor shall comply with contracts agreed with waste source owners in accordance with legal regulations.

1.2.5. Summary of basic project requirements

- The investors are responsible for implementing project investment in accordance with the plan approved by the state agencies; committed to implementing the project in accordance with the provisions of law and ensuring project's schedule.

The investor shall make commitments in writing to the contents stated in two Framework Contract attached to this decision and sign with the competent state agency to implement the project within 30 days from the date of approval by the Provincial People's Committee for the investor selection results.

- The state budget payment value (m3) is made in accordance with bidding regulations.

1.2.6. Investment term and schedule:

- Operating term of the project: 30 years, from the date the investor is selected or approved as the investor to implement the project.

- Project implementation schedule: No more than 2 years (24 months) from the date of the investor is selected or approved as the investor to implement the project.

1.2.7. Project implementation location: at the land plot A5 and plot A6 in Long My solid waste treatment area, Phuoc My commune, Quy Nhon city.

1.2.8. Land area: The land area expected to be used is 100,401 m² (*the area is for building the factory, not including the area for the lines connecting the factory to the national electricity system, the traffic system. The fly ash treatment location is carried out in accordance with the regulations and the investor's proposal*); priorities are given to those investors who propose land use economically.

1.2.9. Land use purpose: Construction of Long My domestic solid waste treatment plant using waste incineration technology to generate electricity. Combining waste burning to generate electricity with education and model visiting tourism.

1.2.10. Approved planning criteria: According to the detailed construction planning at a scale of 1/500, Long My solid waste treatment area, Phuoc My commune, Quy Nhon city approved and adjusted by the Provincial People's Committee in Decision No. 3534/QD-UBND dated September 25, 2023, the land plot A5 and A6 shall be adjusted from solid waste landfill to the solid waste treatment facility with enough area to invest in the construction of a domestic solid waste treatment plant using waste incineration technology to generate power. The land for factory construction with land use planning criteria goes in accordance with the decision approving detailed plan of 1/500 scale of the competent authorities.

1.2.11. Current status of the land site:

The current status of the land site is bare land, acacia plantation; about 5 hectares has been cleared, the remaining 5 hectares are being assigned to individuals for use. The land site has a relatively low elevation. The base elevation of the area is not regular, ranging from +30.00m to +63.00m.

Quy Nhon City People's Committee will carry out land clearing for the land plot A5 and A6, organize investment in technical infrastructure to the project's boundaries in accordance with the Notification No. 328/TB-UBND dated August 31, 2023 of the Provincial People's Committee.

1.2.12. Other information about the project:

- In case the investor processes other ordinary industrial solid waste, the plant must meet the current regulations on industrial waste treatment projects and must be appraised by a competent authority. The investor is responsible for monitoring and recording the amount of industrial waste processed to contract with businesses (not using the state budget to pay).

- The state does not cover the consumption of post-processed products (construction materials, etc.).

1.2.13. Deadline for submitting project registration documents:

According to the Notice of Invitation for Interest from the Department of Planning and Investment, but at least 30 days from the date of posting the Decision approving the investment policies and preliminary requirements on capacity and experience for investors registering to implement the project.

Section 2. Preliminary requirements on investors' capacity and experience

Preliminary requirements on investors' capacity and experience include requirements on financial capacity and experience. The details are presented in Chapter II - Preliminary requirements on investor capacity and experience.

Section 3. Clarification of preliminary requirements on investors' capacity and experience

3.1. In case an investor wants to have preliminary requirements regarding capacity and experience clarified, the investor must send a request for clarification to the Department of Planning and Investment of Binh Dinh province in writing or through Vietnam National E-Procurement System at least five (5) working days before the deadline for submitting project registration documents for review and processing.

3.2. After receiving the written request for clarification within the prescribed time, the Department of Planning and Investment of Binh Dinh

province shall clarify and post it on Vietnam National E-Procurement System within a minimum period of two (2) working days. before the deadline for submitting the project registration application, which describes the content of the request for clarification but does not name the investor requesting clarification. In case the clarification leads to amending the preliminary requirements on capacity and experience, it shall comply with the provisions of Section 4 of this Chapter.

Section 4. Modification of preliminary requirements on investor capacity and experience

4.1. In case of amending the preliminary requirements on capacity and experience, the Department of Planning and Investment of Binh Dinh province will post on Vietnam National E-Procurement System the revised decision along with the amended content before the submission deadline. Project registration documents take at least 10 days.

4.2. In case the notification time to amend the preliminary requirements on capacity and experience does not meet the regulations in Section 4.1 of this Chapter, the Department of Planning and Investment of Binh Dinh province will extend the time for submitting the actual registration application. implement the corresponding project to ensure the above regulations. The extension is carried out according to the provisions of Section 6.3 of this Chapter.

Section 5. Language to be used

Project registration documents and all documents and materials exchanged between the Department of Planning and Investment of Binh Dinh province and investors related to the invitation of interest must be written in the following languages: Vietnamese for domestic investors; Vietnamese and English for foreign investors.

Section 6. Project registration documents and submission deadline

6.1. The project registration dossier prepared by the investor must include forms and relevant documents as prescribed in Chapter III - Forms.

6.2. Investors submit project registration documents on the National Bidding Network System before the deadline according to the Notice of Interest from the Department of Planning and Investment of Binh Dinh province.

6.3. The Department of Planning and Investment of Binh Dinh province may extend the time for submitting project registration documents in the following cases:

- Amending preliminary requirements on investor capacity and experience as prescribed in Section 4 of this Chapter. When extending, the Department of Planning and Investment of Binh Dinh province will notify on Vietnam National E-Procurement System;

- It is necessary to increase the number of investors as prescribed in Point b, Section 9.2 of this Chapter. When extending, the Department of Planning and Investment of Binh Dinh province sends a notice to all investors who have submitted project registration documents and announced on the National Bidding Network System. The extension period is implemented according to the decision of the Chairman of the Provincial People's Committee. Investors who have met the requirements do not have to resubmit the project registration application.

7.1. Sau khi nộp, nhà đầu tư có thể sửa đổi, thay thế hoặc rút hồ sơ đăng ký thực hiện dự án trên Hệ thống mạng đấu thầu quốc gia trước thời điểm hết hạn nộp hồ sơ đăng ký thực hiện dự án.

7.2. Sau thời điểm hết hạn nộp hồ sơ đăng ký thực hiện dự án, nhà đầu tư không được rút hồ sơ đăng ký thực hiện dự án đã nộp.

Section 7. Modification, replacement, withdrawal of project registration documents

7.1. After submission, investors can modify, replace or withdraw the project registration dossier on Vietnam National E-Procurement System before the deadline for submitting the project registration dossier.

7.2. After the deadline for submitting the project registration application, the investor is not allowed to withdraw the submitted project registration application.

Section 8. Clarification of project registration documents, preliminary assessment of investor's capacity and experience

8.1. Clarification of project registration documents

Investors are responsible for clarifying the project registration dossier at the request of the Department of Planning and Investment of Binh Dinh province or clarifying and supplementing documents proving their legal status, capacity and experience. When the investor discovers that the project registration dossier lacks information and documents about his or her existing capacity and experience but has not been submitted with the project registration dossier. All clarification requests and clarification documents from investors are made on the National Bidding Network System.

8.2. Preliminary assessment of investor's capacity and experience

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

Section 9. Announcement of preliminary assessment results of investors' capacity and experience

9.1. After obtaining preliminary assessment results of investors' capacity and experience, the Department of Planning and Investment of Binh Dinh province posted a list of investors that meet the requirements on Vietnam National E-Procurement System.

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

9.2.1. Option 1: Notifying and guiding investors to submit dossiers of application for investor approval in accordance with the law on investment if the organizational process has ensured publicity, transparency and competition. and projects that require speeding up;

9.2.2. Option 2: Extending the project implementation registration time so that other potential investors have the opportunity to access information and submit project implementation registration documents in order to increase competitiveness. The extension time is decided by the Chairman of the People's Committee of Binh province. Investors meeting the requirements do not have to resubmit the project implementation applications.

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 case there are two or more investors that meet the requirements, the investor selection will be carried out in the form of open bidding as prescribed in Clauses 1 and 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.

CHAPTER II
PRELIMINARY ASSESSMENT OF INVESTORS' CAPACITY AND EXPERIENCE

Section 1. Assessment method

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

1.2. For partnership investors:

a) The equity of the investor in the partnership is equal to the total equity of the members of the partnership. Furthermore, 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 non-conforming, the consortium investor is assessed as not meeting the equity requirement.

The leading investor in 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 partnership investor is equal to the total number of projects implemented by the partnership members.

Section 2. Assessment Criteria

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

a) Vốn chủ sở hữu của nhà đầu tư liên danh bằng tổng vốn chủ sở hữu của các

Table No. 01

PRELIMINARY REQUIREMENTS ON CAPACITY AND EXPERIENCE

NO	Content	Requirements
1	Financial capacity	Minimum equity the investor must arrange ⁽¹⁾ : minimally not less than 20% of the total value of the project (<i>the minimum equity value the investor must arrange depends on the value of the total value of investment that the investor proposes in the project registration dossier, ensuring the total investment value is not less than VND 1,500 billion according to Clause 5, Article 1 of Decision No.4869/QĐ-UBND dated December 28, 2023 of the Provincial People's</i>

NO	Content	Requirements
		<i>Committee on approving the project investment policies).</i>
2	Experience of performing simimar projects ⁽²⁾	<p>Number of projects in which the investor or the partnership venture member or its partner has participated as an equity contributing investor or the main contractor: 01 project of Type 1. How to determine the project is as follows ⁽³⁾:</p> <p>a) Type 1: Projects in domestic solid waste treatment using waste incineration technology to generate electricity in which the investor participates as an investor contributing equity, has completed or mostly completed within the past 5 years (<i>60 months from the deadline for submitting the registration documents to implement the Long My domestic solid waste treatment plant project using waste incineration technology to generate electricity</i>) fully meets the following requirements:</p> <ul style="list-style-type: none"> - Have a minimum total investment of ⁽⁴⁾ 50% of the total value of the project under consideration. - The investor has contributed equity with a minimum value of⁽⁵⁾ 50% of the equity requirement of the project under consideration. <p>b) Type 2: Projects in domestic solid waste treatment using waste incineration technology to generate electricity in which the investor has participated as the main construction contractor, has been completed or mostly completed within the past 5 years (<i>60 months from the deadline for submitting registration documents to implement the Long My domestic solid waste treatment plant project using waste incineration technology to generate electricity</i>) and the maximum value ⁽⁶⁾ is 30% of the corresponding work value of the project under consideration.</p> <p>c) Type 3: Projects in domestic solid waste treatment using waste incineration technology</p>

NO	Content	Requirements
		to generate electricity that have been completed or largely completed within the last <u>5 years</u> (60 months from the deadline for submitting registration documents to implement the Long My domestic solid waste treatment plant project using waste incineration technology to generate electricity) of the partner participating as the main construction contractor with a minimum value of 50 % of the corresponding work value of the project under consideration.

Note:

(1) The investor's equity is determined on the basis of the investor's financial data in the investor's most recent year's financial report that has been audited by an independent auditing agency and the audited interrim financial report as prescribed by 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 during the period from the date of registration of the investor 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 capital to make contribution according to the project's financial plan.

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 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 sending to the competent state agency a plan to ensure sufficient equity mobilization and documents proving to meet equity requirements according to the provisions of the project contract.

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

(2) Investor's experience:

(i) Projects and bidding packages implemented by investors must ensure that they meet technical and quality requirements according to the signed contract to be considered and evaluated.

(ii) For projects with large investment scale, without investors with experience implementing similar projects, the bid solicitor will base on data on completed projects and the possibility of investment divergence. investment of 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 instructions but must be consistent with reality as well as project implementation requirements. During the review and evaluation process, it is necessary to ensure that the investor has full financial capacity and technical capacity to implement the project. Project implementation requirements in bidding documents and contracts must ensure full regulation of the investor's responsibilities and handling measures (sanctions, compensation for damages, handling in the next stage) in the case the investor implements a project that does not meet progress and quality requirements. The value of the contract performance guarantee is 3% of the project's total value.

(iii) Completed or mostly completed: The project or bidding package has been accepted for the construction item or project or is in the operating phase or has ended in accordance with regulations.

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

How to convert projects:

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

+ 01 project of type 3 is equal to 0.4 projects of type 1;

+ Do not round numbers.

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

CHAPTER III. FORM

1. Form No. 01: Information about investors
2. Form No. 02: Financial capacity of the investor
3. Form No. 03: Experience in implementing similar projects
4. Form No. 04: Partnership agreement

INFORMATION OF THE INVESTOR AND CO-PARTNERS

(Location), date ___ month ___ year ___

I. Information of investor/Partnership members ⁽¹⁾

1. Name of the investor/the partnership's members:
2. Country where the investor/the partnership members registered its operation:
3. Year of establishment:
4. Legal address of the investor/the partnership's member 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. Investor's organization chart.

II. Information of co-partners

No.	Name of partner ⁽²⁾	Country of operation	Role⁽³⁾	Legal Representative	Contract or written agreement with partner⁽⁴⁾
1	<i>Company 1</i>		<i>[Financial provider]</i>		
2	<i>Company 2</i>		<i>[Construction Contractor]</i>		
3	<i>Company 3</i>		<i>[Operation/ Management Contractor]</i>		

(1) In the case of a partnership, each partnership's member must provide information using this Form. The investor/partnership's 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 ⁽¹⁾

1. Information of investor/Partnership member:

2. Information of the financial capacity of the investor/Partnership members ⁽²⁾:

a) Summary of financial data ⁽³⁾:

STT	Content	Giá trị
I	Equity committed for the project	
II	Data on investor's equity	
1	Total equity	
2	Costs related to litigation (if any)	
3	Equity committed for the ongoing projects ⁽⁴⁾ (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⁽⁵⁾

- 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 the investor

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

Note:

(1) In the case of a partnership, each member of the partnership 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 ongoing long-term financial investments. 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 report, tax finalization declaration form); documents proving that the investor has made electronic tax declaration; written certification of tax authorities;...).

EXPERIENCE OF IMPLEMENTING SIMILAR PROJECTS ⁽¹⁾

(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 progress and quality ⁽²⁾ : <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 join 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 ⁽³⁾ :
	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)...

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 Partnership:

3. The members commit that no member can voluntarily participate independently or in partnership with other investors to participate in the 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⁽¹⁾*[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>
.....				
Total			100%

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 ⁽²⁾

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

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.

