

A GUIDE TO

# GOVERNMENT PROCUREMENT

IN VIET NAM

IN THE CONTEXT OF CPTPP

# FOREWORD

On 08 March 2018, Viet Nam and 10 trade partners (i.e. Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, and Singapore) signed the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

This agreement provides opportunities to increase trade and support jobs and growth through eliminating most tariffs, reducing regulatory barriers, opening up public procurement markets... In November, the Vietnamese National Assembly ratified the agreement, which entered into force for Viet Nam on 14 January 2019.

With over 96 million inhabitants, a growing middle class and impressive economic indicators (slightly over 7% growth in 2019), the Vietnamese market offers vast business opportunities for CPTPP companies.

CPTPP is expected to have a significant impact on Viet Nam's economy through improved GDP growth, institutional and policy reforms. Government procurement, which as a Chapter under CPTPP has seen unprecedented commitments, is a promising area for drastic changes.

As this is the first time Viet Nam has opened up its government procurement market and accepted new rules on coverage, procurement principles and so on, the implementation phase will be likely faced with challenges, given the insufficient knowledge and capabilities of contracting officers and suppliers, and underprepared technology infrastructure.

Local regulatory bodies have been working on transposing CPTPP obligations into national legislation with a view to ensuring full enforcement of the agreement and providing a unified legal framework on government procurement.

The Guide to government procurement in Viet Nam in the context of CPTPP (the "Guide") aims to provide critical, useful information that should be known to suppliers who are seeking to pursue procurement opportunities in Viet Nam. Such information, including regulatory issues and practical data, comes with particular emphases on areas potentially affecting business opportunities or suppliers' exports to Viet Nam. The Guide also answers some of the questions most frequently asked, particularly by international suppliers, about a broad range of topics including key success factors related to participation in covered procurement in Viet Nam.

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CHAPTER 1.

# OVERVIEW

## 1.1. Viet Nam – a socio-economic glance

In 2019, Viet Nam's economy continued to show dynamic development. Preliminary data suggest that real GDP grew by about 7 percent in 2019, close to the rate reported in 2018, and one of the fastest growth rates in the region.

Total imports and exports of goods in 2019 exceeded 500 billion USD thanks to domestic exporters' resilience with their average growth rate much higher than that of foreign invested businesses. The balance of trade in goods in 2019 was

estimated to reach 9.9 billion USD, the highest in 4 consecutive years of trade surplus.

There was a significant increase in the number of newly established enterprises in 2019 from a year earlier, with higher registered capital and number of employees. Specifically, a record 138,100 new enterprises have been established, with average registered capital hitting 550,000 USD apiece, the highest level seen in recent years.

Viet Nam has been hit hard by the COVID-19 pandemic. Yet, the health impact of the outbreak has not been as severe in Viet Nam as in other countries thanks to comprehensive measures across the country.

Thanks to its strong fundamentals, and assuming the relative control of the COVID-19 pandemic both in Viet Nam and in the world, the Vietnamese economy is expected to rebound in 2021. COVID-19 has also provided unexpected incentives for stronger reforms to speed up the recovery in the medium term, such as improving business environment, promoting the digital economy, and enhancing public investment effectiveness and efficiency.

Viet Nam is experiencing rapid demographic and social changes. Its population reached 96.48 million in 2019 and is expected to expand to 120 million by 2050. Labor market and employment indicators witnessed progress with

unemployment going down and payroll for salaried workers going up. Viet Nam's emerging middle class, currently accounting for 13 percent of the population, is expected to reach 26 percent by 2026.



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Population	96.48 million (15 <sup>th</sup> largest worldwide, 2019)
Size	331.210 km <sup>2</sup>
Currency	Dong
Median age	32.5 years
Income level	Low middle income
GDP	USD260.39 billion (2019)
GDP growth	7.02% (2019)
GDP per capita	USD2,700 USD (2019)
Exports	USD263.45 billion (2019)
Imports	USD253.51 billion (2019)

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## Trade relations between Viet Nam and CPTPP parties



New Zealand has been one of Viet Nam's key trade partners.

After establishing the two countries' comprehensive partnership, the bilateral trade value quadrupled over 11 years (from 320 million USD in 2009 to 1.34 billion USD in 2019), making Viet Nam among top 16 largest trade partners of New Zealand.

Viet Nam and New Zealand are relatively complementary economies. Viet Nam's key export items to New Zealand include machines, equipment, footwear, garments and furniture. Meanwhile, New Zealand exports buttermilk, wine, fruits, wood and wooden products to Viet Nam.

The Covid-19 pandemic has significantly hit the two countries' economic and trade cooperation, but two-way trade in goods and services continued with stable growth.

As of June 2020, bilateral trade value reached some 500 million USD, of which Viet Nam's exports to New Zealand hit 211.9 million USD while imports were 286.9 million USD.

As both are parties to free trade agreements such as AANZFTA, CPTPP, and RCEP, the two countries can take advantage of each other's strengths to promote economic development, connect supply chains as well as bolster export to third markets.

## 1.2. Public procurement market

### Legal framework

Government procurement (or public procurement, as commonly used) in Viet Nam is defined as the process of selecting a provider/supplier/contractor for a contract to provide consulting services, non-consulting services, goods and works; the process of selecting an investor for a PPP project or an investment project using land.

Procurement rules and procedures are based on the principles of fair competition, transparency and economy to ensure all suppliers have equal access to contracts.

With the introduction of the new Law on Public procurement No. 43/2013/QH13,

accompanied by Decrees, Circulars, Directives and other guiding documents, Viet Nam public procurement legal framework experienced a considerable development. It has helped to improve the effectiveness of the common rules, mainly through upgrading towards international practices. A set of comprehensive legal instruments has also bolstered transparency and competition of the national procurement market.

The applicable legal framework on public procurement, which governs core areas from process and procedures to evaluation criteria and standard documentation, is summarized below:

No.	Title	Issued by <sup>1</sup>
<b>Law</b>		
1	Law on Public Procurement No. 43/2013/QH13	NA
<b>Decree</b>		
1	Decree No. 95/2020/NĐ-CP guiding the implementation of public procurement covered by CPTPP	GOV
2	Decree No. 25/2020/NĐ-CP detailing the implementation of a number of Articles of the Law on Public Procurement regarding the selection of investors	GOV

<sup>1</sup> National Assembly (NA); Government (GOV); Prime Minister (PM); Ministry of Planning and Investment (MPI); Ministry of Labour, Invalids and Social Affairs (MOLISA); Ministry of Finance (MOF).

3	Decree No. 63/2018/NĐ-CP on public-private partnership	GOV
4	Decree No. 50/2016/NĐ-CP on penalties for administrative violations against regulations on planning and investment	GOV
5	Decree No. 63/2014/NĐ-CP detailing the implementation of a number of provisions of the Law on Public Procurement regarding the selection of suppliers	GOV
6	Decree No. 130/2013/NĐ-CP on the production and provision of public-utility products and services	GOV

### Circular

1	Circular No. 09/2020/TT-BKHĐT providing for standard tender documentation for covered procurement of goods under CPTPP	MPI
2	Circular No. 06/2020/TT-BKHĐT guiding Decree No. 25/2020/NĐ-CP detailing the implementation of a number of Articles of the Law on Public Procurement regarding the selection of investors	MPI
3	Circular No. 05/2020/TT-BKHĐT on amendments to certain Articles of Circular No. 04/2017/TT-BKHĐT dated 15 November, 2017 of the MPI on guidelines for selection of suppliers through the National e-procurement system	MPI
4	Circular No. 11/2019/TT-BKHĐT stipulating the provision and publication of procurement information, e-procurement roadmap, and management and use of unreturned tender security and contract performance security	MPI
5	Circular No. 04/2019/TT-BKHĐT on training and examination for professional certificates in public procurement	MPI
6	Circular No. 05/2018/TT-BKHĐT on tender evaluation reporting for procurement conducted through the National E-procurement System	MPI
7	Circular No. 06/2017/TT-BKHĐT on provision of procurement information and procurement reporting	MPI

8	Circular No. 04/2017/TT-BKHĐT on procurement through the National e-procurement system	MPI
9	Circular No. 16/2016/TT-BKHĐT guiding the preparation of tender documentation for selection of investors in land-using projects	MPI
10	Circular No. 14/2016/TT-BKHĐT guiding the preparation of tender documentation for non-consulting services	MPI
11	Circular No. 15/2016/TT-BKHĐT guiding the preparation of tender documentation for selection of investors in PPP projects	MPI
12	Circular No. 11/2015/TT-BKHĐT guiding the preparation of EPC tender documentation	MPI
13	Circular No. 10/2016/TT-BKHĐT on monitoring and inspecting public procurement practices	MPI
14	Circular No. 07/2016/TT-BKHĐT guiding the preparation of tender documentation for procurement of goods by electronic means	MPI
15	Circular No. 03/2016/TT-BKHĐT on training in public procurement	MPI
16	Circular No. 58/2016/TT-BTC on use of state funding for making purchases for the purpose of maintaining regular operations of state agencies, units affiliated to people's armed force, public entities, political organizations, socio-political organizations, social-political-professional organizations.	MOF
17	Circular No. 35/2016/TT-BTC centralize procurement of government property	MOF
18	Circular No. 34/2016/TT-BTC on national centralized procurement lists	MOF
19	Circular No. 23/2015/TT-BKHĐT on tender evaluation reporting	MPI
20	Circular No. 19/2015/TT-BKHĐT on appraisal reporting during procurement process	MPI

21	Circular No. 190/2015/TT-BTC on the management of costs and expenses in public procurement for projects funded by state budget and Government bonds	MOF
23	Circular No. 11/2015/TT-BKHĐT guiding the preparation of tender documentation for limited tendering and shopping	MPI
24	Circular No. 10/2015/TT-BKHĐT on procurement plans	MPI
25	Circular No. 05/2015/TT-BKHĐT guiding the preparation of tender documentation for goods	MPI
26	Circular No. 03/2015/TT-BKHĐT guiding the preparation of tender documentation for civil works	MPI
27	Circular No. 01/2015/TT-BKHĐT guiding the preparation of tender documentation for consulting services	MPI
28	Circular No. 02/2015/TT-BLĐT BXH on compensation for local consultants under time-based contracts	MOLISA
29	Circular No. 03/2010/TT-BKH request for participation for civil works	MPI
30	Circular No. 03/2009/TT-BKH on selection of investors in land-using projects	MPI

#### Other documents

1	Directive No. 03/CT-BKHĐT on enhancing the effectiveness and efficiency in public procurement, and tackling violations	MPI
2	Decision No. 17/2019/QĐ-TTg on recurring contracts subject to Article 26 of the Law on Public Procurement	PM
3	Directive No. 47/CT-TTg on enhancing the efficacy in public procurement of capital investment projects and recurring contracts using state budget	PM
4	Decision No. 830/QĐ-BKHĐT promulgating MPI's regulations on centralized procurement of stage property	MPI
5	Decision No. 08/2016/QĐ-TTg on centralized procurement	PM

6	Directive No. 1315/CT-TTg on enhancing the efficacy in procurement	PM
7	Directive No. 734/CT-TTg on strengthening the administration of EPC contracts	PM
8	Official letter No. 234/BKH-QLĐT correcting Circular No. 01/2011/TT-BKHĐT	MPI

The above documents are published on the relevant category of the respective portals of the Ministry of Planning and Investment (<http://vbqpppl.mpi.gov.vn>) and the National E-Procurement System (<http://muasamcong.mpi.gov.vn>).

However, no official English translation of such documents has been made available so far.

Public procurement legislation applies to<sup>2</sup>:

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1. Selection of suppliers to provide consulting services, non-consulting services, goods and civil works for:
  - Capital investment projects using state funds by state agencies, political organizations, socio-political organizations, professional-sociopolitical organizations, social organizations, units of people's armed forces, and public entities;
  - Capital investment projects of state-owned enterprises;
  - Other capital investment projects, in which state/SOEs' funds account for 30% or more of the total investment, or in which state/SOEs funds account for less than 30% of the total investment but amount to over 500 billion VND;
  - Procurement using state funds for ongoing operations of state agencies, political organizations, socio-political organizations, professional socio-political organizations, socio-professional organizations, social organizations, units of people's armed forces, and public entities;
  - Procurement using state funds to provide public goods and services;
  - Procurement of national reserve goods using state funds;
  - Procurement of pharmaceuticals and medical supplies using state funds; health insurance funds, proceeds from examination and treatment services and other legal revenues of public health facilities;
2. Selection of suppliers for provision of consultancy and non-consulting services and goods in Viet Nam for execution of an outward foreign direct investment project of Viet Nam enterprises, in which state funds account for 30% or more of the total investment of the project, or in which state funds account for less than 30% of the total investment but over 500 billion VND;

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<sup>2</sup> Entities exempt from the Law on Public Procurement may choose to apply the Law for their procurement. When the choice is made, they shall comply with relevant regulations of the Law.



3. Selection of investors for implementation of investment projects in the form of PPP, and investment projects that require land use;
  4. Selection of oil and gas suppliers, except for selection of suppliers providing oil and gas services directly related to oil and gas exploration, field development and production which shall be subject to specific legislation on oil and gas.
- 

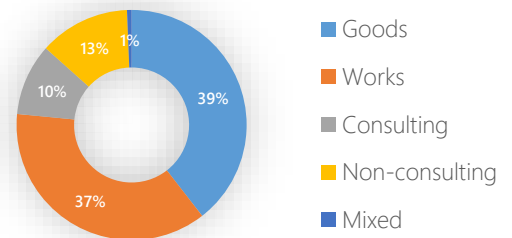
## Public procurement by sector

Some 123,800 contract notices were published in the National E-procurement System (VNEPS) in 2019 for works, consulting services, non-consulting services, and goods.

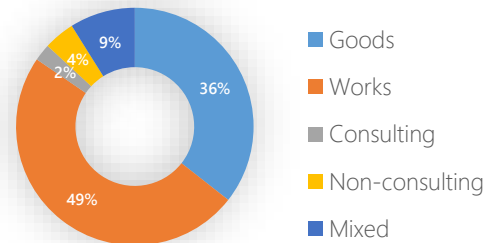
Given a lack of a comprehensive procurement database in Viet Nam, neither the annual value of tenders or the respective shares by sectors is made available.

However, data published in Báo đấu thầu offers a quick summary of contract notices and contract value by sector and province.

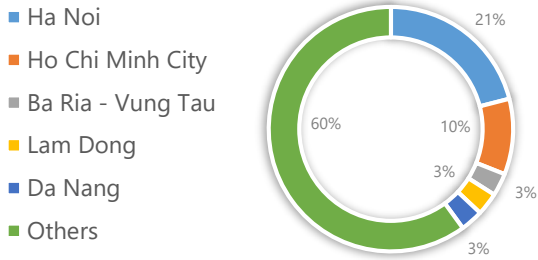
The number of notices



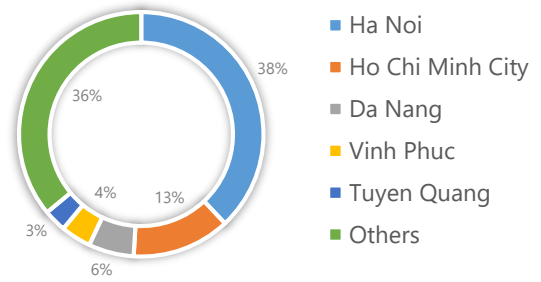
Tender value



### Top 5 cities (by the number of tenders)



### Top 5 cities (by tender value)



Data compiled by OECD suggests that public procurement as a percentage of GDP in OECD countries ranged from 12% to 13% in 2019. For non-OECD countries, Indonesia and South Africa witnessed approximately 7% and 12%, respectively.

Using Indonesia’s data as a comparable source of reference, given Viet Nam’s GDP reaching USD260.39 billion in 2019, its public procurement market is worth around **USD18 billion**.

### Market practitioners

More than **36,400** procuring entities have registered, including central and sub-central government entities and project management units, and state-owned enterprises.

Some **111,300** domestic suppliers and **1,400** foreign suppliers have registered to participate in tenders in Viet Nam.

CHAPTER 2.

# COMMITMENTS UNDER CPTPP

Chapter 15 (Government Procurement) of CPTPP consists of two constituent parts: the Text and the Annex.

The Text of Chapter 15 is built on the Government Procurement Agreement of the World Trade Organization (GPA), emphasizing the basic principles of non-discrimination and transparency, providing specific rules on procurement methods, time-periods and procurement information, among others. Each provision has its own binding power, as some are mandatory while others voluntary.

The Annex of Chapter 15, meanwhile, represents the market opening of respective parties. Sections of the Annex feature lists of procuring entities, goods and services covered by the Agreement, as well as exclusions, offsets and transitional measures.

CPTPP was ratified by the National Assembly of Viet Nam in November 2018, and took effect for Viet Nam as of 14 January 2019. In implementing CPTPP, Viet Nam has been transposing commitments in the Agreement into domestic legislation, providing guidance to covered agencies and businesses and ensuring full compliance.

In respect of government procurement, this is the first time Viet Nam has made strong commitments on procurement market opening. It explains why the development of legal documents guiding the implementation of the Chapter 15 has grown imperative and required comprehensive approaches.

Viet Nam has a plan to build up a separate set of legal documents applicable to procurement covered by CPTPP, including already-issued Decree No. 95/2020/ND-CP dated 24 August 2020, and potential Circulars (e.g. those detailing the preparation of tender documentation for procurement of goods, consulting services, non-consulting services, and construction services). These documents are set to transpose CPTPP commitments into domestic rules while leveraging current provisions under the Public Procurement

Law with regard to aspects about which CPTPP's Government Procurement Chapter is silent (e.g. procurement procedures and process, and procurement plans). Such an approach would likely bring some confusion to procuring entities and suppliers in doing their jobs.

The following sections of this Guide concentrates on fundamental issues closely related to the procurement process that suppliers should be aware of as they search for contract opportunities.

CHAPTER 3.

**FINDING  
PROCUREMENT  
OPPORTUNITIES**

Procurement information, including notices, are published in Báo đấu thầu (Procurement Newspaper) and VNEPS. Information related to procurement covered by CPTPP may also be found therein. Suppliers may search for notices of intended procurement, extract preliminary and key information about the procurements before making a decision to compete.

### 3.1. Báo đấu thầu

Notices of intended procurement<sup>3</sup> and shortlists are published in 01 installment in Báo đấu thầu.



### 3.2. VNEPS

VNEPS (<http://muasamcong.mpi.gov.vn>) publishes key information about tenders, including:

- Procurement plan;
- Invitation for EOI or Invitation for prequalification; Request for EOI or Prequalification documents;
- Invitation to tender, Bidding documents;
- Shortlist;

<sup>3</sup> “Notice of intended procurement” as specified by CPTPP takes different Vietnamese names, i.e. invitation for EOI, invitation for prequalification, or invitation to tender, depending on the good or service procured, and the procurement method. Invitation for EOI applies to qualification procedures in selective tendering for consulting services, while Invitation for prequalification applies to the qualification procedures in selective tendering for the other sectors. Invitation to tender is published to either suppliers (in open tendering) or qualified suppliers (in selective tendering). For the purpose of this Guide, “Notice of intended procurement” (or Notice) is used as a shared replacement when a contextual provision refers to Invitation for EOI, Invitation for prequalification, and Invitation to tender.

- Contract award;
- Legal documents on public procurement;
- Treatment of violations in public procurement;
- Supplier database.

VNEPS assigns a code to every procurement plan and notice, making it easier to keep track of specific tenders.

**BỘ KẾ HOẠCH VÀ ĐẦU TƯ**  
**HỆ THỐNG MẠNG ĐẤU THẦU QUỐC GIA**

10:14:51 Thứ sáu, 19/02/2021

Đăng ký Đăng nhập

TRANG CHỦ | GIỚI THIỆU | TIN TỨC | THÔNG TIN ĐẤU THẦU | CƠ SỞ DỮ LIỆU | CHỨNG CHỈ HÀNH NGHỀ | HƯỚNG DẪN SỬ DỤNG

**TRA CỨU THÔNG TIN LỰA CHỌN NHÀ THẦU** Có 751 kết quả được tìm thấy

STT	Số KHLCNT	Tên dự án	Chủ đầu tư	Thời điểm đăng tải
1	20210225001-00	Quy hoạch phân khu trung tâm đô thị mới Phong An, huyện Phong Điền, tỉnh Thừa Thiên Huế	Ban quản lý dự án đầu tư xây dựng khu vực huyện Phong Điền	19/02/2021 09:59
2	20210225281-00	Xây dựng hệ thống thoát nước đường ĐX 065, khu phố 5, phường Định Hòa, thành phố Thủ Dầu Một, tỉnh Bình Dương	Ủy ban nhân dân phường Định Hòa	19/02/2021 09:59
3	20210225283-00	Xử lý điểm tiềm ẩn tại nạn giao thông tại Km99+300/QL.4H, tỉnh Điện Biên	Sở Giao thông vận tải tỉnh Điện Biên	19/02/2021 09:57

(Screenshot of procurement plans)

**BỘ KẾ HOẠCH VÀ ĐẦU TƯ**  
**HỆ THỐNG MẠNG ĐẤU THẦU QUỐC GIA**

9:11:07 Thứ sáu, 19/02/2021

Đăng ký Đăng nhập

TRANG CHỦ | GIỚI THIỆU | TIN TỨC | THÔNG TIN ĐẤU THẦU | CƠ SỞ DỮ LIỆU | CHỨNG CHỈ HÀNH NGHỀ | HƯỚNG DẪN SỬ DỤNG

**TRA CỨU THÔNG TIN LỰA CHỌN NHÀ THẦU** Có 461 kết quả được tìm thấy

STT	Số TBMT	Tên gói thầu	Bên mời thầu	Thời điểm đăng tải	Thời điểm phát hành HSMT	Thời điểm đóng thầu
1	20210217490-00	Lập bản đồ địa chính	Ban quản lý các dự án đầu tư xây dựng huyện Kiến Thụy	19/02/2021 08:56	19/02/2021 08:56	01/03/2021 09:30
2	20210224957-00	Cung cấp đồng hồ đo lưu lượng nước DN15, DN25, DN50 đa tia thông minh có chức năng tích hợp thiết bị đọc số từ xa và thiết bị thu, nhận tín hiệu từ xa.	CÔNG TY TRÁCH NHIỆM HỮU HẠN MỘT THÀNH VIÊN CẤP NƯỚC TIỀN GIANG	19/02/2021 08:51	19/02/2021 08:51	11/03/2021 09:00

(Screenshot of invitation to tender)

**BỘ KẾ HOẠCH VÀ ĐẦU TƯ**  
**HỆ THỐNG MẠNG ĐẦU THẦU QUỐC GIA**

10:27:27 Thứ sáu, 19/02/2021  
Đăng ký Đăng nhập

| TRANG CHỦ | GIỚI THIỆU | TIN TỨC | THÔNG TIN ĐẦU THẦU | CƠ SỞ DỮ LIỆU | CHỨNG CHỈ HÀNH NGHỀ | HƯỚNG DẪN SỬ DỤNG |

**Q BỘ LỌC TÌM KIẾM**

Loại thông tin:  
Danh sách ngắn

Số TBMT:

Tên gói thầu:

Bên mời thầu:

Nguồn vốn:  
Trong phạm vi điều chỉnh c

Tìm kiếm theo:  
Ngày mở/dóng thầu

**TRA CỨU THÔNG TIN LỰA CHỌN NHÀ THẦU** Có 33 kết quả được tìm thấy

STT	Số TBMT	Tên gói thầu	Bên mời thầu	Thời điểm đăng tải
1	20210216050 - 00	Gói thầu số 7: Mua sắm mũ lông	CỤC QUẢN NHU/TỔNG CỤC HẬU CẦN	08/02/2021 08:16
2	20210216031 - 00	Gói thầu số 6: Gia công may áo ấm, vỏ chân in loang	CỤC QUẢN NHU/TỔNG CỤC HẬU CẦN	08/02/2021 08:08
3	20210214394 - 00	Trang bị thiết bị RAN 3G/4G 2	Tổng Công ty Viễn thông MobiFone	05/02/2021 18:04
4	20210214385 - 00	Trang bị thiết bị RAN 3G/4G 1	Tổng Công ty Viễn thông MobiFone	05/02/2021 17:59
5	20210213502 - 00	Thi công xây lắp và lắp đặt hệ thống công nghệ	Tổng công ty Gas Petrolimex CTCP	05/02/2021 15:30
6	20210211325 - 00	Gói số 38: Vật tư, hóa chất phục vụ công tác khám nghiệm hiện trường	Viện Khoa học hình sự	04/02/2021 17:48
7	20210211319	Gói số 32: Máy phát hiện và xử lý dầu	Viện Khoa học hình sự	04/02/2021 17:45

(Screenshot of shortlists)

| TRANG CHỦ | GIỚI THIỆU | TIN TỨC | THÔNG TIN ĐẦU THẦU | CƠ SỞ DỮ LIỆU | CHỨNG CHỈ HÀNH NGHỀ | HƯỚNG DẪN SỬ DỤNG |

**Q BỘ LỌC TÌM KIẾM**

Loại thông tin:  
Kết quả lựa chọn nhà thầu

Số TBMT:

Tên gói thầu:

Bên mời thầu:

Nguồn vốn:  
Trong phạm vi điều chỉnh c

Tìm kiếm theo:  
Ngày mở/dóng thầu

Từ ngày: Đến ngày:

**KẾT QUẢ CHỌN NHÀ THẦU TRÚNG THẦU**

Số TBMT	20210200516-01	Chủ đầu tư	Trung tâm Giống vật nuôi Long An
Hình thức đấu thầu	Chào hàng cạnh tranh rút gọn	Hình thức dự thầu	Đấu thầu qua mạng
Tên gói thầu	GT: Mua thức ăn hỗn hợp hoàn chỉnh cho heo cai sữa và heo thịt tháng 2 2021		
Giá gói thầu	198.850.000 VND		
Thời điểm hoàn thành	17/02/2021 09:43	Thời điểm đăng tải E-HSMT	04/02/2021 14:42
Tên nhà thầu	CÔNG TY TNHH GUYOMARCH VIỆT NAM	Số ĐKKD	3700377127
Giá dự thầu (VND)	198.850.000 VND	Tỷ lệ giảm giá (%)	-
Điểm kỹ thuật		Giá đánh giá	198.850.000 VND
Giá dự thầu sau giảm giá (VND)	198.850.000 VND	Giá trúng thầu	198.850.000 VND

(Screenshot of a contract award)



By the end of March 2020, nearly 14,900 tenders were conducted by electronic means (accounting for 69% of the total number of the tenders applying open tendering and shopping methods) with a total value of over 44,000 billion VND (accounting for 42.8% of the total value of the tenders applying open tendering and shopping methods).

However, the VNEPS infrastructure technology is broadly seen as outdated and not so user-friendly.

The Ministry of Planning and Investment is building a new e-procurement system that features a broader range of technical functions and stronger security and privacy, fulfilling the needs of regulators, procuring entities and suppliers.

Until recently, it is required that procuring entities publish Requests for EOI, Prequalification Documents, and Bidding Documents together with respective Invitation for EOI, Invitation for Prequalification, or Invitation to tender. This is one of the latest moves by Viet Nam to promote the presence of information technology in procurement practices, streamline administrative procedures, and improve business environment with a view to providing market practitioners with better access to procurement information and enhancing transparency and fair competition.

### 3.3. Mobile app

In addition to the two regulated means of publication of procurement information as mentioned above, a mobile application named Public Procurement was launched in 2018 by the National Center for E-Procurement. The application has been available on iOS and Android app stores, giving users updated procurement information in real time.

The application comes with advantages, including user-friendly interface, and well-organized information categories. Users may benefit from various built-in offerings in respect of procurement plans, notices, contract awards, statistics and reporting tools, and user guide, among others.

It is also convenient for users to manage their accounts, get notifications of updated information at every stage of the procurement process, refine and track target tenders, collect statistical data, and so on.



## 3.4. Procurement information



Published procurement information includes procurement plans and notices

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### Procurement plan

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#### *General information:*

- Name of the procurement plan
- Name of the procuring entity
- Project name
- Date of approval, number of the approval decision
- Total investment of the project

#### *Procurement-specific information:*

- Name of the procurement
- Estimated value of the procurement
- Source of funding
- Procurement method and procedure
- Procurement time-frame
- Type of the contract
- Duration of the contract

### Invitation for EOI, Invitation for Prequalification

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- Indication that the procurement is covered by CPTPP
- Name of the procuring entity
- Address of the procuring entity
- Name of the procurement
- Project name
- Type of the sector
- Duration of the contract
- Source of funding
- Procurement method and procedure

- 
- Deadlines for the submission of requests for participation
  - Means of submission (by electronic means or not)
  - Address for the submission of requests for participation
  - Time for the opening of requests for participation
  - Language

### Invitation to tender

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- Indication that the procurement is covered by CPTPP
- Name of the procuring entity
- Address of the procuring entity
- Name of the procurement
- Project name
- Type of the sector
- Duration of the contract
- Source of funding
- Procurement method and procedure
- Deadlines for the submission of tenders
- Means of submission (by electronic means or not)
- Address for the submission of tenders
- Tender security
- Language
- Costs of the submission of tenders
- Options (if any)

CHAPTER 4.

**IDENTIFYING  
COVERED  
PROCUREMENT**

## 4.1. Definition of covered procurement



A procurement is covered by CPTPP if it meets the following conditions:

- Its value equals or exceeds the relevant threshold.
- It is conducted by a procuring entity covered by CPTPP. A list of such procuring entities includes central government entities and other entities (including public hospitals and institutes).
- It involves the purchase of a good, service or any combination thereof as specified in CPTPP.
- It is not otherwise excluded from coverage under CPTPP.



## 4.2. Identification of covered procurement

To identify covered procurement, a supplier may look into different sources of information.

### Procurement plans

It is required that a procuring entity prepare a procurement plan for every project as a whole (except for circumstances under which preparing a procurement plan for the entire project is impracticable, and only limited to some constituent tenders). The procurement plan shall be published in VNEPS within 7 working days of the date of approval. It consists of preliminary and key information of a procurement, including the estimated value and any options.

In the VNEPS' Procurement Plan module, a supplier may obtain a shortlist of procurements thanks to a filtered search

by value. The supplier then adds the value of options (if any) to the estimated value of the procurement and see if the total equals or exceeds the relevant threshold under CPTPP.

This is the very first step for suppliers to scan for potential covered procurements and subsequently keep close eyes on them until further notices are published together with tender documentation. Such an early action also helps mitigate the risk of overlooked procurement opportunities.

### Notices of intended procurement

For any covered procurement, notices of intended procurement shall include an indication that the procurement is covered by CPTPP.

In the VNEPS' Notices module, a supplier may filter their search results by value (especially in reference to CPTPP thresholds) or procuring entity for a shortlist of notices which are likely about covered procurement.

CHAPTER 5.

**RESPONDING TO  
PROCUREMENT  
OPPORTUNITIES**



A supplier keen to participate in public procurement in Viet Nam should be aware of necessary steps to be taken to meet the requirements of the tender documentation by obtaining sufficient knowledge of the country's procurement systems, from procurement and evaluation methods to documents establishing qualifications and experience.

## 5.1. Procurement methods

CPTPP defines 03 procurement methods as below:

- Open tendering means a procurement method whereby all interested suppliers may submit a tender.
- Selective tendering means a procurement method whereby the procuring entity invites only qualified suppliers to submit a tender.
- Limited tendering means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice.

Selective tendering as defined in CPTPP is, in essence, equivalent to open tendering with prequalification under the Law on Public Procurement. It explains why the new set of legal documents guiding the implementation of CPTPP sets out only two procurement methods, i.e. opening tendering (with or without prequalification) and limited tendering.

### Open tendering

A procuring entity shall use an open tendering procedure for covered procurement unless limited tendering applies. There is no limitation on the number of participating suppliers.

### Limited tendering

The procuring entity sends a request for proposal to a supplier or suppliers, or sends a draft contract to a supplier of its choice.

Limited tendering may be used only under the following circumstances:

- if the good or service can be supplied only by a particular supplier and no reasonable alternative or substitute good or service exists for any of the following reasons:
  - the requirement is for a work of art;
  - the protection of patents, copyrights or other exclusive rights; or
  - due to an absence of competition for technical reasons;
- for additional deliveries by the original supplier or its authorised agents, of goods or services that were not included in the initial procurement if a change of supplier for such additional goods or services would cause significant inconvenience or substantial duplication of costs for the procuring entity and cannot be made for technical reasons such as:
  - requirements of interchangeability or interoperability with existing equipment, software, services;
  - requirements of installations procured under the initial procurement; or
  - due to conditions under original supplier warranties;
- for a good purchased on a commodity market or exchange;
- if a procuring entity procures a prototype or a first good or service that is intended for limited trial or that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. Original development of a prototype or a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the prototype or the first good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to establish commercial viability or to recover research and development costs;
- for purchases made under exceptionally advantageous conditions that only arise in the very short term, such as



The procuring entity may apply a limited tendering procedure provided that it does not substantially modify the essential requirements set out in the tender documentation.

from unusual disposals, liquidation, bankruptcy or receivership, but not for routine purchases from regular suppliers;

- if a contract is awarded to the feasibility study consultant or winner of a civil engineering design contest, provided that the contest has been organized in a manner that is open and transparent, and that the consultant or the winner meets qualification requirements;
- if, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the good or service could not be obtained in time by means of open tendering;
- for bomb and mine sweeping for land clearance;
- if, in response to a prior notice:
  - no tenders were submitted or no suppliers requested participation;
  - no tenders were submitted that conform to the essential requirements in the tender documentation;
  - no suppliers satisfied the conditions for participation;
  - the tenders submitted were collusive.

## 5.2. Procurement procedures

The procuring entity may apply the following procedures in conducting a covered procurement:

### Single-stage, one-envelope procedure

Suppliers submit tenders<sup>4</sup> in one envelope containing both the technical proposal and the price proposal. The

envelopes are opened in public. The tenders are evaluated.

### Single-stage, two-envelope procedure

Suppliers submit two separate, sealed envelopes simultaneously, one containing the technical proposal and the other the price proposal, enclosed together in an outer single envelope. Initially, only the technical proposals are opened after the

deadline for the submission of tenders and evaluated by the procuring entity. In a second step, the evaluation committee opens and evaluates financial proposals from suppliers whose technical proposals meet technical requirements.

### Two-stage, one-envelope procedure

Suppliers first submit their technical proposals and financial offers, in accordance with the specifications, but without prices. The proposals are evaluated and discussed with the suppliers with a view to revising the tender documentation. The suppliers are allowed to revise or adjust their tenders

to meet the requirements of the procuring entity.

The second stage is to invite suppliers to submit revised technical proposals and price proposals, including prices and tender security, in compliance with the revised tender documentation.

### Two-stage, two-envelope procedure

At the first stage, suppliers submit two separate, sealed envelopes simultaneously, one containing the technical proposal and the other the price proposal. Only the technical

proposals are opened after the deadline for the submission of tenders. The evaluation committee evaluates the technical proposals, refines the performance requirements, and

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<sup>4</sup> Tender takes different Vietnamese names in open tendering and limited tendering (i.e. bid and proposal, respectively) in connection with the relevant term of

tender documentation (i.e. bidding documents and request for proposal, respectively). For the purpose of this Guide, "Tender" is used as a shared replacement when a contextual provision refers to Bid and Proposal.

establishes a list of qualified suppliers for the second stage tendering. The financial proposals are opened at the second stage.

Suppliers are invited, at the second stage, to submit revised tenders consisting of

revised technical proposals and supplementary price proposals in accordance with the revised tender documentation. The financial proposals submitted at the first stage and the revised tenders are opened simultaneously.

## 5.3. Tender evaluation methods

### For procurement of a goods or service (except for consulting services) or any combination thereof

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#### Lowest price

This method is applicable to simple procurement in which technical, financial and commercial proposals are given no weightings. The procuring entity shall evaluate the financial capacity and the commercial and technical abilities of a supplier against evaluation and qualification criteria.

Those tenders that fulfill the criteria will be compared with each other on the basis of the price quoted by the supplier taking into account price adjustments for correction of errors and deviations, and price adjustments due to discounts offered by the supplier. The tender with the lowest price is ranked first.

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#### Evaluated price

This method is applicable to procurement in which the technical, financial and commercial factors for the whole-life of goods or works can be quantified into costs on the same grounds.

The procuring entity shall evaluate the financial capacity and the commercial and technical abilities of a supplier against evaluation criteria, and determine the evaluated price.

Qualification criteria shall also be used in the absence of a prequalification process.

Factors to be taken into account in determining the evaluated price include operating and maintenance costs and other costs related to the origin of the goods to be procured, loan interests, schedule of delivery, quality of goods or works to be procured, past performances of suppliers in terms of progress and quality of work, and other factors. Those tenders that fulfill the criteria will be compared with each other based on the evaluated price. The tender with the lowest evaluated price is ranked first.

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**Combined  
technical and  
price score**

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This method applies to procurement of a good or service (except for consulting service) or any combination thereof as emphasis is on both quality and price.

Evaluation criteria shall include technical criteria and combined criteria. The combined criteria are established based on a combination of technical and price criteria. Qualification criteria shall also be used in the absence of a prequalification process.

Those tenders that fulfill the criteria will be compared with each other based on the combined score. The tender with the highest combined score is ranked first.

## For procurement of consulting services<sup>5</sup>

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### Least cost selection

Least cost selection applies to simple consulting contracts. Evaluation of tenders shall be performed against technical criteria. Those tenders that have passed the technical evaluation shall be compared with each other based on the price quoted by the supplier taking into account price adjustments for correction of errors and deviation, and price adjustments due to discounts offered by the supplier. The tender with the lowest price is ranked first.

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### Fixed budget selection

Fixed budget selection applies to procurement of simple consulting services within a pre-determined budget that is fixed in the tender documentation. Evaluation of tenders shall be based on technical criteria. Those tenders that have passed the technical evaluation, with the prices after adjustments for correction of errors and deviation, and adjustments due to discounts, not exceeding the pre-determined budget, shall be compared with each other based on the technical score. The tender with the highest technical score is ranked first.

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### Quality and cost-based selection

Quality and cost-based selection applies to procurement of consulting services where emphasis is on both quality and cost. Evaluation of tenders shall be based on technical criteria and combined criteria. The combined criteria shall be established based on a combination of technical and price criteria. In establishing the combined criteria, the procuring entity shall ensure the weighting assigned to technical quality ranges between 70% and 80% of the total combined rating scale, while that assigned to cost ranges from 20% to 30%.

Those tenders that fulfill the criteria will be compared with each other on the basis of the combined score. The tender with the highest combined score is ranked first.

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<sup>5</sup> In the case of individual consultants, evaluation criteria shall refer to consultants' curriculum vitae and technical proposal (if applicable). The consultant with the most advantageous CV and technical proposal and satisfying the terms of reference is ranked first.



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**Quality-based selection**

Quality-based selection applies to procurement of technically complex or highly specialized consulting services. Evaluation of tenders shall be based on technical criteria. In establishing the technical criteria, the procuring entity shall set the minimum qualifying technical score at no lower than 80% of the total technical score. The consultant whose technical proposal has the highest technical score exceeding the minimum level is ranked first and invited for the opening of financial proposal and contract negotiation.

## 5.4. Documents establishing eligibility

In order to establish their eligibility, suppliers shall make available the following documents in their tenders:

- 
- for independent suppliers, the documents specified in 6.1 of this Guide.
  - for joint ventures (JV), the documents as applicable to independent suppliers, plus the JV agreement.
- 

## 5.5. Documents establishing qualifications

Suppliers shall follow the procuring entity's instructions, filling in the standard qualification forms included in the tender documentation to demonstrate that they have enough qualifications to perform the contract.

Suppliers shall also make available original documents, for verification

purposes, at the request of the procuring entity. In case the supplier is a JV, the JV's qualifications shall be the total of the respective qualifications of its members in association with the relevant scope of work undertaken. Each member shall establish that its qualifications meet the requirements of tender documentation in respect of the work specifically assigned.

For procurement of goods, the documentary evidence of the supplier's qualifications to perform the contract if its tender is accepted shall establish that:

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- if the goods to be procured are so complex and specialized that the manufacturer shall affirm its ability to provide sufficient goods and have responsibilities for after-sales services, a supplier that does not manufacture the goods it offers to supply shall submit the manufacturer's or distributor's authorization or certificate of partnership, or any other equivalent, to demonstrate that it has been duly authorized by the manufacturer or distributor of the goods to supply these goods in Viet Nam;
  - in case of a supplier not doing business in Viet Nam until the deadline for the submission of tenders, the supplier will form a JV, use subcontractors or will be represented by an agent, representative office or branch in the country able to carry out the supplier's maintenance, repair and spare parts-stocking obligations prescribed in the conditions of contract and technical specifications.
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## 5.6. Evaluation criteria

It is asked that suppliers study the requirements stated in the tender documentation in preparing tenders. While the procuring entity has specific requirements for each contract, the tender evaluation criteria are generally built on the following.

## For procurement of goods

### Qualification criteria

Qualification requirements are evaluated on a pass/fail basis, specifying minimum levels for each qualification criterion. Specifically, the criteria include:

- Past performance; prior experience in the business sector related to the subject of the procurement;
- Operational capacity, commercial and technical abilities, and qualifications of personnel performing the contract;
- Financial capacities: total assets, total liabilities, operational revenue, tax declaration and payment for the period required in the tender documentation, value of work in progress, and other criteria as necessitated.

The procuring entity determines specific requirements for each criterion depending on the nature of the procurement. Suppliers shall meet all of the criteria.

### Technical evaluation criteria

Technical requirements are evaluated on a pass/fail basis or rated criteria (point system – on a scale of 100 or 1.000), as appropriate. If the point system is applied, the procuring entity shall specify minimum and maximum scores for each of the general and specific requirement. A supplier shall demonstrate its ability to meet the requirements of quantity, quality, delivery, transportation, installation, maintenance, past performance, among others as stated in the tender documentation. More specifically, the tender documentation, depending on the nature of the procurement, provides for such specific requirements as:

- Characteristics and specifications of the goods, manufacturing standards, technology standards;
- The efficacy of technical solutions, of delivery and installation arrangements;

- 
- The supplier's ability to provide warranty and maintenance;
  - The adaptability to geographic and environmental conditions;
  - Impacts on the environment and remedies;
  - Commercial terms, timeframe for implementation and training on know-how transfer;
  - Delivery schedule;
  - The supplier's past performance;
  - Others.

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Determination  
of the lowest  
price<sup>6</sup>

- 
- Determination of tender price;
  - Price adjustment for correction of errors;
  - Price adjustment for correction of deviations;
  - Price adjustment due to discount offered (if any);
  - Conversion of the resulting amount to a single currency (if applicable);
  - Application of preferences (if appropriate);
  - Comparison of tenders to determine the tender with the lowest price.

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<sup>6</sup> in case of the lowest price method

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Determination  
of evaluated  
price<sup>7</sup>

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The evaluated price is calculated as below:

$$G_{DG} = G \pm \Delta_G + \Delta_{UD}$$

In which:

- $G$  = (tender price  $\pm$  price adjustment for correction of errors  $\pm$  price adjustment for correction of deviations) – discounts (if any);
- $\Delta_G$ : factors to be considered during the life of the goods:
  - Operating and maintenance costs;
  - Interests (if applicable);
  - Delivery schedule;
  - Performance;
  - Origins;
  - Others (if applicable).
- $\Delta_{UD}$ : the amount added to the price of the tender submitted by the supplier that is not entitled to preferences.

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<sup>7</sup> in case of the evaluated price method

## For procurement of construction services

### Qualification criteria

Qualification requirements are evaluated on a pass/fail basis, specifying minimum level for each qualification criterion. Specifically, the criteria include:

- Prior experience in performing similar contracts in terms of value, technical characteristics, geographic and geological conditions, project site conditions (if applicable); prior experience in the business sector related to the subject of the procurement;
- Technical abilities: the number and qualifications of key personnel, the number of available equipment and the supplier's assess to key equipment;
- Financial capacities: total assets, total liabilities, current assets, current liabilities, construction turnover, tax declaration and payment for the period required in the tender documentation, value of work in progress, and other criteria as necessitated.

The procuring entity determines specific requirements for each criterion depending on the nature of the procurement. Suppliers shall meet all of the criteria.

### Technical evaluation criteria

Technical requirements are evaluated on a pass/fail basis or rated criteria (point system – on a scale of 100 or 1.000), as appropriate. If the point system is applied, the procuring entity shall specify minimum and maximum scores for each of the general and specific requirement. A supplier shall demonstrate its ability to meet the requirements of design, quantity, quality, past performance, among others as stated in the tender documentation. More specifically, the tender documentation, depending on the nature of the procurement, provides for such specific requirements as:

- The feasibility of technical solutions, construction arrangements in line with construction schedule;
- Alternative technical solutions (if permitted);
- Construction schedule;

- 
- Quality assurance measures;
  - Measures to protect the environment, fire fighting and safety measures;
  - The supplier's ability to provide sufficient warranty and maintenance;
  - Delivery schedule;
  - The supplier's past performance;
  - Others.

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Determination  
of the lowest  
price<sup>8</sup>

- 
- Determination of tender price;
  - Price adjustment for correction of errors;
  - Price adjustment for correction of deviations;
  - Price adjustment due to discount offered (if any);
  - Conversion of the resulting amount to a single currency (if applicable);
  - Application of preferences (if appropriate);
  - Comparison of tenders to determine the tender with the lowest price.

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<sup>8</sup> in case of the lowest price method

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Determination  
of evaluated  
price<sup>9</sup>

The evaluated price is calculated as below:

$$G_{DG} = G \pm \Delta_G + \Delta_{UD}$$

In which:

- $G$  = (tender price  $\pm$  price adjustment for correction of errors  $\pm$  price adjustment for correction of deviations) – discounts (if any);
- $\Delta_G$ : factors to be considered during the life of the goods:
  - Operating and maintenance costs;
  - Interests (if applicable);
  - Construction schedule;
  - Performance;
  - Others (if applicable).
- $\Delta_{UD}$ : the amount added to the price of the tender submitted by the supplier that is not entitled to preferences.

### For procurement of non-consulting services and mixed procurements

Tender documentation for consulting services and mixed procurements is developed on the basis of the size and characteristics of the procurement and relevant provisions, specifying qualification criteria, technical evaluation

criteria, and determination of the lowest price (in case of the lowest price method) or determination of evaluated price (in case of the evaluated price method), as appropriate.

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<sup>9</sup> in case of the evaluated price method



## For procurement of non-consulting services

*In case of institutional consultants:* Tender evaluation criteria include technical evaluation criteria, determination of the lowest price (in case of the lowest price method), determination of fixed price (in case of the fixed budget method), determination of price score and combined evaluation criteria (in case of the combined technical and price score method).

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### Technical evaluation criteria

- Technical requirements are evaluated against rated criteria (point system) on a scale of 100 or 1.000. Scores are assigned by the procuring entity to criteria as follows:
    - For qualifications of the consultant: 10% - 20% of total score;
    - For technical solutions and methodology: 30% - 40% of total score;
    - For personnel: 50% - 60% of total score;
 (Total shares shall be 100%).
  - Technical proposals shall have technical scores of no less than 70%<sup>10</sup> of total score while the specific score given by the evaluation panel in respect of each of the criteria shall equal or exceed 60%<sup>11</sup> of the maximum score assigned to the respective criteria in the tender documentation.
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<sup>10</sup> for procurement of complex consulting services, the requirement shall be 80%

<sup>11</sup> for procurement of complex consulting services, the requirement shall be 70%

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Determination  
of the lowest  
price<sup>12</sup>

- Determination of tender price;
- Price adjustment for correction of errors;
- Price adjustment for correction of deviations;
- Price adjustment due to discount offered (if any);
- Conversion of the resulting amount to a single currency (if applicable);
- Application of preferences (if appropriate);
- Comparison of tenders to determine the tender with the lowest price.

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Determination  
of the fixed  
price<sup>13</sup>

- Determination of tender price;
- Price adjustment for correction of errors;
- Price adjustment for correction of deviations;
- Price adjustment due to discount offered (if any);
- Conversion of the resulting amount to a single currency (if applicable);
- Determination of the fixed price that shall not exceed the fixed budget as prescribed in the tender documentation.

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<sup>12</sup> in case of the lowest price method

<sup>13</sup> in case of the fixed budget method

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Combined  
evaluation  
criteria<sup>14</sup>

- Determination of price score:

Price score of a tender is calculated on the scale of 100 or 1.000 in line with technical scoring. More specifically:

$$\text{Price score} = \frac{G_{\text{low}} \times (100 \text{ or } 1.000)}{G}$$

In which:

- + Price score: Price core of a tender;
- +  $G_{\text{low}}$ : The lowest price after the error correction, deviation adjustment and application of discounts (if any) of the tenders;
- + G: The price after the error correction, deviation adjustment and application of discounts (if any) of a tender.

- Combined evaluation criteria:

The combined score of a tender is calculated as below:

$$\text{Combined score} = T \times \text{Technical score} + P \times \text{Price score}$$

In which:

- + Technical score: Technical score obtained as a result of the technical evaluation;
- + Price score: Price score obtained as a result of the financial evaluation;
- + T: portion of technical score specified in the combined scoring scale, ranging from 70% to 80%;
- + P: portion of financial score specified in the combined scoring scale, ranging from 20% to 30%;  
(T + P = 100%).

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<sup>14</sup> In case of the combined technical and price score method

*In case of individual consultants:* The Terms of Reference shall include:

- Brief description of the project;
- Requirements on the scope, quality of services, and contract duration;
- Qualification requirements;
- Project site and conditions;
- Other contents (if any).

The services may be provided by a consultant or consultants. In the latter case, the consultants shall nominate a representative to work with the procuring entity.

## 5.7. Tender security

One key criterion that shall be met by eligible suppliers refers to the submission of tender security with the value and validity period in compliance with the respective requirements of the tender documentation. It is advised that a supplier keep close eyes on tender security as it prepares a tender.

**The tender security in the form of a guarantee shall be signed by a legal representative of the credit institution or the non-life insurance company that issues the guarantee. The amount and validity of the guarantee, and the name of the beneficiaries shall be in compliance with the tender documentation.**

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### Scope of application

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Tender security may be required in open tendering for procurement of goods and/or services (except for consulting services).

### Forms and deadline for submission

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Suppliers shall submit the tender security before the deadline for the submission of tender. In case of the two-stage procedures, the tender security shall be submitted in the second stage.

Tender security shall be in any of the following forms at the supplier's option: (i) deposit, (ii) escrow deposit, or (iii) a guarantee issued by a local credit institution, a local non-life insurance company, or a branch of a foreign

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bank or of a foreign non-life insurance company established under the laws of Viet Nam.

### Amount

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The tender security shall be in the amount ranging from 1% to 3% of the value of the procurement, depending on the size and characteristics of the procurement.

### Period of validity

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The validity of a tender security shall be 30 days beyond the tender validity.

### Extension

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In case of extension of the tender validity after the deadline for the submission of tenders, the procuring entity will request extended validity of the tender security accordingly. A supplier shall grant the request and not be permitted to modify its tender. The tender of a supplier refusing the request will be deemed invalid and rejected while the supplier's tender security will be returned within 20 days after the date on which the procuring entity receives the written refusal of the request.

### Joint venture

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Members of a JV may choose to submit a separate tender security apiece or to authorize a member to submit a shared tender security for the JV as a whole. The total value of tender securities of the members, in the former case, shall not be lower than the requirement specified in the tender documentation. Any violation committed by a JV member will render the tender security of the JV forfeited.

### Returned tender security

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The tender security of unsuccessful suppliers shall be returned as promptly as specified in the tender documentation and within 20 days of the date of contract award. The tender security of the successful supplier shall be returned upon the supplier's furnishing the performance security.

### Forfeited tender security

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The tender security may be forfeited:

- if a supplier withdraws its tender after the deadline for the submission of tenders and prior to the expiry date of the tender validity specified by the supplier;
- if a supplier's violation of procurement legislation leads to annulment of the tendering process;
- if the successful supplier fails to furnish a performance security;
- except in the case of force majeure, failure of the successful supplier to negotiate a contract with the procuring entity within 20 days after the date of negotiation invitation, or sign the contract.

## 5.8. Joint venture agreement

In the case the supplier is a JV, the evaluation of the tender eligibility requires the JV agreement that shall be signed and sealed, as appropriate, by the legal representative of each JV member. The JV, hence, should ensure that it has

the JV agreement ready in line with the standard form specified in the tender documentation. The agreement shall specify the items and value of work to be undertaken by each JV member.

## 5.9. Preparation, submission, clarification, modification and withdrawal of tenders; clarification of tender documentation

Public procurement in Viet Nam is conducted through paper or electronic means with each being associated with different rules on clarification, submission and others.

### 5.9.1. Preparation and submission of tenders

#### In case the procuring entity accepts tenders by paper means

Suppliers prepare and submit their tenders in accordance with the requirements of the tender documentation.

The procuring entity receives and keep the tenders confidential until the contract award. Any content of a tender submitted by a supplier by no means shall be disclosed to another supplier, except for the information disclosed at the tender opening.

Late tenders, which are submitted to the procuring entity after the deadline specified in the tender documentation, will not be opened, be considered invalid and be rejected. The procuring entity will not receive other late documents that are submitted by a supplier with a view to providing amendment or addition to its tender, except for those that help clarify the tender as required by the procuring entity or clarify the supplier's eligibility, qualifications and experience.

An individual consultant, as in the case of procurement of consulting services, is asked that he/she prepare a CV in accordance with the Terms of reference, and a technical proposal (if so required).



Suppliers shall prepare their tenders in accordance with the requirements of the tender documentation.

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## In case the procuring entity accepts tenders by electronic means

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Suppliers submit their tenders on VNEPS. In case the supplier is a JV, the leading member or the member authorized by the others under the JV agreement is responsible for submitting the JV's tender.

Suppliers fill in the tender forms as required by the tender documentation and attach constituent documents to form a complete e-tender.

VNEPS notifies the supplier of the status of the submission (successful or unsuccessful). VNEPS will record the following information about the supplier's submission: name of the supplier, name of the procuring entity, time of submission, the submission status (successful/unsuccessful), the number of files attached.

### 5.9.2. Clarification of tender documentation

If it is deemed necessary to have the tender documentation clarified, the supplier shall send a request for clarification in writing or via VNEPS to the procuring entity no later than 5 working days before the deadline for the submission of tenders.

The procuring entity shall publish its response to the supplier's request on VNEPS no later than 2 working days before the deadline for the submission of tenders. The response shall not be inconsistent with the tender

documentation. In certain cases, clarifications may require subsequent modifications to the tender documentation.

If it is deemed necessary, the procuring entity may hold a pre-tender briefing to discuss the contents of the tender documentation that need clarifying. The invitation to the briefing is published by the procuring entity on VNEPS. The briefing minutes shall be in writing and the resulting clarifications shall be published on VNEPS.



### 5.9.3. Modification and withdrawal of tenders

In case the procuring entity accepts tenders by paper means

The supplier wishing to modify or withdraw its tender shall send a written request to the procuring entity before the deadline for the submission of tenders. The procuring entity shall receive tenders submitted before the deadline for submission.

In case the procuring entity accepts tenders by electronic means

The supplier may withdraw its tender before the deadline for submission. VNEPS generates a notification of the withdrawal (i.e. successful or unsuccessful) and records the withdrawal timing.

After the withdrawal of its tender, the supplier may re-submit its tender before the deadline for submission. Where the supplier has submitted a tender before the procuring entity makes amendments to the tender documentations, it shall submit a revised tender to comply with the revised tender documentation.

### 5.9.4. Clarification of tenders

After the tender opening, the supplier is responsible for clarifying its tender at the request of the procuring entity. In case of the absence of documents establishing the supplier's eligibility, qualifications and experience, the procuring entity shall seek clarifications and additional documentary evidence from the supplier. Specific clarifications related to technical and financial proposals shall not affect the fundamental contents of the tender, including tender price.

After the deadline for the submission of tenders, the supplier knowing that the tender it has submitted falls short of documents establishing its eligibility, qualifications and experience may provide such evidence to the procuring entity.

Tender clarifications shall be exchanged only between the procuring entity and the supplier whose tender needs clarifying, made in writing (by paper means, or electronic means (i.e. VNEPS)), and preserved by the procuring entity as part of the tender.

CHAPTER 6.

# CONDITIONS FOR PARTICIPATION

Before participating in a covered procurement in Viet Nam, suppliers should pay close attention to the conditions for participation. Specifically, a supplier shall meet the eligibility requirements designed for institutional and individual suppliers.

Eligible suppliers may participate as an independent supplier or a JV. In case the supplier is a JV, a written JV agreement clearly specifying the responsibilities of each JV member shall be made available.

## 6.1. Conditions to be met by institutional suppliers

An institutional supplier shall be considered eligible if it fully meets the following conditions:

- Having a valid establishment, business registration license or other equivalent documents;
- Having financially autonomous status;
- Neither being in the process of dissolution or revocation; nor being subject to any determination of insolvency as regulated by the laws of the country of business registration;
- Having registered on VNEPS before the contract award;
- Ensuring fair competition as detailed in 6.3 below;
- Not be under suspension from tendering in any country;
- Not having significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts.

## 6.2. Conditions to be met by individual suppliers,

An individual supplier shall be considered eligible when fully meeting the following conditions:

- Having full capacity for civil conduct as stipulated by national laws of the country of their citizenship;
- Being lawfully registered for practice as regulated by national laws of the country of their citizenship;
- Not being subject to any ongoing criminal prosecution;
- Not be under suspension from tendering in any country.

## 6.3. Ensuring fair competition

Ensuring fair competition is a key requirement of eligibility, including:

- A supplier submitting EOI, application for prequalification shall be legally and financially autonomous from:
  - The procuring entity;
  - The consultants who prepare the requests for EOI/prequalification documents, evaluate EOIs/applications for prequalification, and appraise prequalification results.
- A supplier submitting tender shall be legally and financially autonomous from:
  - The procuring entity
  - The consultants who prepare, review and appraise designs and budget estimates, prepare and appraise tender documentation, evaluate tenders, and appraise contract award.
- The consultant who supervises contract implementation shall be legally and financially autonomous from the supplier who performs the contract, and the consultant who inspects or audits that contract.
- A supplier participating in a mixed procurement shall be legally and financially autonomous, from the consultant who prepares the feasible study, technical design, construction drawings for such procurement, except for the case that such work is a part of the procurement itself.
- A consultant may submit a tender or tenders for different services in a project/procurement, including: pre-feasibility study, feasibility study, technical design, construction drawings, and supervision.

- The determination of legal and financial autonomy follow specific rules as below:
  - Suppliers are not directly subordinate to the same agency or organization;
  - The supplier and the procuring entity do not have a cross-holding of more than 30%;
  - The supplier and the consultant providing other services related to the same procurement do not have a cross-holding while not having more than 20% of their respective shares held by a specific third party.

If the supplier or the consultant takes the form of a JV, the calculation of the holding by the third party in the JV is as follows:

$$= \sum_{i=1}^n X_i \times Y_i$$

In which:

$X_i$ : the share (in percentage) held by the third party in the JV member  $i$ ;

$Y_i$ : the share of work to be undertaken by the JV member  $i$  under the JV agreement;

$n$ : the number of JV members.



One of the key conditions to be met by suppliers, either institutional or individual, is "**not be under suspension from tendering in any country**". Suppliers have to make a confirmation of their position and take full responsibility for it.

In addition, institutional suppliers shall complete the **registration on VNEPS** prior to the contract award.

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CHAPTER 7.

**SUPPLIERS'  
RESPONSIBILITIES**

## 7.1. Registering on VNEPS

The responsibility to register on VNEPS rests with institutional suppliers to secure tendering eligibility. The registration shall be complete prior to the contract award.

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If a supplier has already registered on the National Business Registration Portal at <http://dangkykinhdoanh.gov.vn>, all it has to do is submit the application letter.

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### Registration procedure

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The registration procedure is laid out in the VNEP's User Guide.

### Required documentation

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- Application letter, which is automatically generated by VNEPS as the supplier provides a set of information as required;
- One copy of Establishment license, Business registration license or other equivalent documentation;
- One copy of the identity card or passport of the legitimate representative of the supplier. The legitimate representative is either the legal representative or the one authorized by the legal representative. A power of attorney is required, as appropriate.

### Submission

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A supplier may submit its documentation by post, deliver it to the National Center for E-procurement, or upload it on VNEPS following the platform instructions.

### Treatment of registration documentation

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Within 2 working days from the date of receipt of the supplier's submission, the procuring entity reviews the supplier's application and notifies it of the successful registration or required additional evidence. The notification is communicated on VNEPS, via email, mobile application or by other means, as appropriate, in accordance with the User Guide.

### **Modification to registration**

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Modification to a supplier's information on VNEPS should be done in accordance with the User's Guide. If unable to modify its information registered on VNEPS, the supplier sends a written request to the National Center for E-procurement for support.

### **Termination or suspension of membership**


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The supplier intending to terminate or suspend its VNEPS membership sends a written request to the National Center for E-procurement. Within 2 working days from the date of receipt of the supplier's request, the Center publishes on VNEPS a statement of the supplier's termination or suspension of VNEPS membership. The supplier thereby will be considered illegible for tendering and cannot make related transactions on VNEPS.

### **Membership restoration**

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Should the supplier seeks to restore its VNEPS membership after its termination or suspension, it has to send a written request to the National Center for E-procurement. Within 2 working days from the date of receipt of the supplier's request, the Center will work through the request. The



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supplier will get its membership back as soon as it makes full payment of the prescribed fees.

## 7.2. Paying fees

Suppliers are responsible for any costs and expenses in preparing tenders. The procuring entity will by no means bear costs and expenses incurred from suppliers' participation.

### Tender submission fee

If the procuring entity accepts tenders by electronic means, the submission fee is 300,000 VND. Otherwise, the supplier shall not pay for the submission.

### VNEPS membership fee

Suppliers pays VNEPS membership fees in accordance with the existing instructions from the Ministry of Planning and Investment, specifically:

- Registration fee: 550,000 VND (inclusive of VAT);
- Annual fee: 550,000 VND (inclusive of VAT).

## 7.3. Respecting time-periods

There are a number of rules on deadlines that suppliers shall follow, specifically:

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### Final date for the submission of requests for participation<sup>15</sup>

At least 25 days from the date of publication of the Invitation for EOI or Invitation for prequalification. If a state of urgency duly substantiated by the procuring entity renders this time period impracticable, the time period may be reduced to no less than 10 days.

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### Final date for the submission of tenders

- At least 30 days<sup>16</sup>, from the date on which: (i) in the case of open tendering, the notice of intended procurement is published; or (ii) in the case of selective tendering, the procuring entity notifies the suppliers that they will be invited to submit tenders.
- At least 25 days if the procuring entity accepts tenders by electronic means.
- At least 10 days for each one of the following circumstances:
  - a state of urgency;
  - the procuring entity procures goods of a type generally sold in the commercial marketplace, of standardized specifications and quality, with the estimated value of the procurement not less than 10 billion VND;

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<sup>15</sup> In the case of selective tendering

<sup>16</sup> Except for specific cases where the requirement of a minimum of 10 days may apply, and procurement conducted in the period from January 14, 2019 to January 13, 2026 (i.e. at least 25 days is required).

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- the procuring entity procures non-consulting services of a type generally sold in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes.

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### Validity of tenders

A maximum of 180 days, or 210 days in the case of large and complex procurement or two-stage tendering, from the date of the submission of tenders.

## 7.4. Avoiding misconducts

Suppliers shall not commit any of the prohibited acts, including:

- 
- Offering, receiving or brokering a bribe.
  - Abusing one's position and power to illegally intervene in procurement.
  - Collusion, including the following practices:
    - Agreeing to withdraw from tendering, or to withdraw the submitted tender so that a party or parties involved in the tender rigging can win the contract;
    - Agreeing to let a party or parties prepare tenders for others in order for a party to win the contract;
    - Refusing to supply goods or sign sub-contracting agreement, or causing other difficulties to those who are not involved in the collusive arrangement.
  - Frauds, including the following practices:

- Intentionally making misrepresentations or distorting information, documents of a party with a view to obtaining financial gains or other benefits, or to avoiding an obligation;
- Suppliers making intentional misrepresentations in their tenders to distort the contract award.
- Obstruction, including the following practices:
  - Destroying, deceiving, altering, or concealing of evidence or misrepresenting; threatening, harassing or suggesting to any party in order to impede investigations on giving, accepting or brokering a bribe or collusive practices with the oversight bodies;
  - Obstructive practices against the suppliers and oversight bodies.
- Failing to ensure fairness, transparency, including the following practices:
  - Being a supplier participating in the procurement for which it is the procuring entity or performs the tasks of the procuring entity;
  - Being a supplier participating in the procurement of goods or civil works for which it has provided consulting services;
  - Being the representative of a supplier participating in the procurement under a project administered by his/her former employer within 12 months from his/her resignation.
- Divulging or receiving the following information or documents on the procurement process:
  - Contents of the tender documentation prior to the official publication;
  - Contents of request for participation, tenders, minutes of evaluation meetings, and comments on each tender before the contract award;

- Request for clarification of tenders and responses as part of the evaluation process prior to the contract award;
- Other relevant documentation that are marked 'confidential' in accordance with the laws
- Contract transfer, including the transfer to another supplier of a portion of the procurement amounting to 10% or higher, or less than 10% but exceeding 50 billion VND (after deducting the portion of works under the responsibility of the subcontractors).

## 7.5. Notes to international suppliers

In addition to the general responsibilities as applicable to domestic suppliers under the principle of non-discrimination treatment, international suppliers, if selected, shall comply with national laws and regulations on immigration, import and export of goods, residence

registration, accounting, taxation and others as relevant, unless otherwise provided for in international treaties to which Viet Nam is a signatory. They may find such non-procurement information in consultancy reports published by independent bodies.

## 7.6. Notes on subcontracting

The main supplier may sign a sub-contract with a subcontractor or subcontractors as proposed in the tender. The subcontracting will not affect the main supplier's contract obligations. The main supplier is responsible for the quantity, quality, schedule and other

responsibilities related to the work performed by the subcontractor.

The main supplier is not allowed to subcontract the work not declared in the subcontracting form attached to the tender. Any replacement or addition of subcontractors must be approved by the procuring entity.

The main supplier shall employ qualified and experienced subcontractors that meet the prescribed performance requirements.

The main supplier is responsible for making sufficient and on-schedule payments to the subcontractors in accordance with the subcontract.

CHAPTER 8.

**COMPLAINTS AND  
DISPUTE SETTLEMENT**



In the event that a supplier finds its rights violated or interests affected, it may lodge a complaint with the procuring entity or the competent person, or file a lawsuit. Should the supplier file a lawsuit

after the complaint has been lodged, the complaint review will be terminated immediately. The supplier has the right to file a lawsuit at any time, whether during the complaint review or after the review.

## 8.1. Review authority

### 8.1.1. Administrative authority

Administrative review bodies include procuring entity, employer, competent person and Advisory Panel.

Procuring entity	The organization that has expertise and capacity to conduct procurement activities, including: Employer, Budget entity that directly uses recurrent spending funds; Centralized procuring entity; competent state agency or its subordinate organization.
Employer	The organization that owns the funds, or that is authorized to manage project implementation on behalf of the owner or the borrower of such funds.
Competent person	The person who makes project approval decision or procurement decision as stipulated by relevant laws and regulations.
Advisory Panel	The group of experts that advise the competent persons of the complaint review.

### 8.1.2. Judicial authority

The People's Court in Viet Nam is a judicial entity. The organizational structure of the country's court system features different levels, i.e. The Supreme

People's Court; The High People's Courts; provincial People's Courts; People's Courts of districts, towns, provincial cities, and Military Courts.

## 8.2. Administrative procedures

### 8.2.1. Conditions for review

A supplier's complaint will be reviewed if it meets the following conditions:

- The complaint is filed by the participating supplier;
- The complaint is signed and sealed (if applicable) by the person who signed the letter of tender or the supplier's legal representative;
- The filing complies with the prescribed review procedures;
- The complaint has not been brought to courts;
- The supplier pays review fees to the Advisory Panel if the complaint of the contract award is reviewed by the competent person. Specifically, the fee is equivalent to 0.02% of the tender price of the supplier while in the range of 1 million VND to 50 million VND.

### 8.2.2. Review procedures

Complaints in public procurement involve those related to the procurement process and the contract award. The former may include the supplier's failure to access the tender documentation or to submit a tender, the procuring entity's failure to preserve and open tenders properly, and unfair evaluation of tenders, among others. The review procedures are detailed as follows:

#### Complaints related to the procurement process

Suppliers may lodge a complaint in writing to the procuring entity from the time the complaint become known until the notification of contract award. Within 7 working days after receiving the complaint, the procuring entity shall respond in writing.

Upon the expiration of the time period, if neither the procuring entity has responded to the supplier's complaint nor the supplier agreed to the review decision, the supplier may submit the complaint to the competent person within 5 working days. The competent person shall respond in writing to the

supplier's complaint within 5 working days after receiving the complaint.

### Complaints challenging the decision to award the contract

Within 10 days from the date of notification of contract award, the supplier may lodge a complaint in writing to the procuring entity. Within 7 working days after receiving the complaint, the procuring entity shall respond in writing.

Upon the expiration of the time period, if neither the procuring entity has responded to the supplier's complaint nor the supplier agreed to the review decision, the supplier may submit the complaint to the competent person or the Advisory Panel within 5 working days from the deadline for the procuring entity's response or the date of receipt of the review decision by the procuring entity. The competent person shall respond in writing to the supplier's complaint within 5 working days after receiving the complaint.

The Advisory Panel may request that the supplier, the procuring entity and relevant agencies provide information for reporting to the competent person on

the final review decision within 20 days after receiving the supplier's complaint.

If so required, the Advisory Panel may suggest that the competent person consider suspending the tender. The competent person, if accepting the Advisory Panel's suggestion, shall within 05 working days from the date of receipt of the proposal publish a written notice of the suspension of the tender. The notice shall be sent to the procuring entity and the supplier within 03 working days from the date of publication of the notice. The suspension period is counted from the date on which the procuring entity receives the notice of suspension until the competent person provides its decision on the supplier's complaint. The competent person shall provide a resolution of the supplier's complaint within 5 working days from the date of receipt of written proposal of the Advisory Panel.

## 8.3. Court procedures

### General principles

Upon receiving the supplier's lawsuit, the Court determines whether it has the jurisdiction to address the lawsuit. If so, the lawsuit shall be settled under the civil procedure laws. Specific cases of violation

of tendering laws and regulations, leading to serious consequences, will be subject to penalties under the criminal laws.

### The right to request for prompt interim measures

The parties have the right to request that the Court immediately suspend the validity of the submission deadline, approval of shortlists, approval of

contract award, contract signing, contract implementation and other prompt interim measures in accordance with the laws.



CHAPTER 9.

# ISSUES TO CONSIDER

## 9.1. Follow-ups on VNEPS

During the procurement process, the supplier should keep track of relevant procurement information on VNEPS, allowing them to promptly get updated

on modifications of the tender documentation and/or revised deadline for the submission of tenders.

## 9.2. Power of Attorney

A supplier's legal representative may authorize another person (the agent) for the following tasks during the procurement process:

- Sign the letter of tender;
- Sign the JV agreement (if applicable);
- Sign documents related to transactions with the procuring entity during the procurement process, including requests for clarification of the tender documentation, documents clarifying the tender, and requests for modification, replacement and withdrawal of the submitted tender;
- Participate in the contract negotiation and finalization;
- Sign a complaint (if any);
- Sign a contract with the procuring entity, if selected.

The agent shall perform only tasks authorized by the principal as the legitimate representative of the supplier. The principal will be fully responsible for the work performed by the agent within the scope of authorization.

The original Power of Attorney must be sent to the procuring entity together with the letter of tender as prescribed in the tender documentation. The authorization is applicable to the principal's subordinate, branch director, and the chief of the representative office of the supplier. The agent can use the seal of the supplier or that of the employer of the agent. The agent is not allowed to authorize another person.

The effective date and expiry date of the Power of Attorney shall be in line with the procurement time-periods.

## 9.3. Offsets

Upon the date of entry into force of this Agreement for Viet Nam, the procuring entity may request offsets on up to 30-40% the annual value of total covered procurement until the end of 25<sup>th</sup> year (2043). The offset programme shall be eliminated from the beginning of the 26<sup>th</sup> year (2044).

Offsets that are specified in the tender documentation may include the following measures:

- The procuring entity requires that suppliers offer domestically manufactured goods if the goods to be procured can be domestically manufactured and they meet technical, quality and price requirements;
- The procuring entity requires that international suppliers form a JV or sign subcontracts with local businesses, unless the local supplier is just able to undertake less than 3% of the work. In case of subcontracting, an international supplier shall provide a written notice stating that if selected, it will subcontract to local businesses the work indicated in its tender;
- The procuring entity requires that international suppliers transfer technology, assist with research and development and others, if selected;
- The procuring entity accords to local goods and suppliers favorable treatment in “intra-bloc” tendering, and to CPTPP-originated goods and suppliers favorable treatment in international tendering.

## 9.4. Language of tender

The languages used in intra-bloc tendering is Vietnamese only, or both Vietnamese and English. For international

tendering, the tender documentation may require presentation in English only, or both Vietnamese and English.

A supplier should be mindful that its tender, as well as all correspondence and documents relating to the tender exchanged by the supplier and the procuring entity, shall be written in the language specified in the tender documentation. Supporting documents

and printed literature, including catalogues, that are part of the tender may be in another language provided they are accompanied by an accurate translation of the relevant passages into the language specified in the tender documentation.

## 9.5. Currencies of tender and payment

In preparing its tender, a supplier should give attention to tender currencies and payment currencies. Specifically:

- The currency(ies) of the tender and the currency(ies) of payments shall be the same. A specific item is quoted in only one currency.
- The supplier shall quote in VND the portion of the tender price that corresponds to expenditures incurred in Viet Nam, and in the currency(ies) specified in the tender documentation the portion of the tender price that corresponds to expenditures incurred outside Viet Nam. If the procuring entity allows a supplier quote its price in different currencies (but no more than three), the supplier should take careful note of instructions on convertible currency, the source of exchange rate, the date for the exchange rate and others as relevant.

## 9.6. Deadline for the submission of tenders

Late tenders, which are submitted to the procuring entity after the deadline specified in the tender documentation, will not be opened, be considered invalid and be rejected. The procuring entity will

not receive other late documents that are submitted by a supplier with a view to providing amendment or addition to its tender, except for those that help clarify the tender as required by the procuring



entity or clarify the supplier's eligibility, qualifications and experience.

In addition, the supplier shall not contact the procuring entity within the period

from the tender opening to the contract award, except for clarification of tender and contract negotiation.

## 9.7. Deviations, reservations, and omissions

A substantially responsive tender is one that meets the requirements of the tender documentation without material deviation, reservation, or omission. If a tender is not substantially responsive to the requirements of tender documentation, it shall be rejected by the procuring entity.

A supplier should avoid any departure from the requirements specified in the tender documentation, the setting of limiting conditions or withholding from complete acceptance of the requirements specified in the tender documentation, and the failure to submit part or all of the information or

documentation required in the tender documentation.

Provided that a tender is substantially responsive, the procuring entity may request that the supplier submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities or omissions in the tender related to documentation requirements. Such omission shall not be related to any aspect of the price of the tender. The supplier should comply with the request as failure to do so may result in the rejection of its tender.

## 9.8. Local labour employment

For procurements that require a large number of unskilled workers, the procuring entity shall ask that a supplier propose a schedule of employing local labour in the area of the project site.

A tender that fails to meet the requirements of the tender documentation for the employment of local labour will be rejected.

ANNEX 1

# THRESHOLDS

Period	Goods, consulting services, and consulting services		Construction services	
	'000 SDR	VND bn	'000 SDR	VND bn
<b>For central government entities</b>				
14/01/2019 - 13/01/2024	2,000	65.24	65,200	2,126.69
14/01/2024 - 13/01/2029	1,500	48.93	32,600	1,063.35
14/01/2029 - 13/01/2034	1,000	32.62	16,300	531.67
14/01/2034 - 13/01/2039	260	8.48	8,500	277.25
14/01/2039 - 13/01/2044	190	6.20	8,500	277.25
14/01/2044 onwards	130	4.24	8,500	277.25
<b>For other entities</b>				
14/01/2019 - 13/01/2024	3,000	97.85	65,200	2,126.69
14/01/2024 - 13/01/2029	2,000	65.24	55,000	1,793.99
14/01/2029 - 13/01/2034	2,000	65.24	40,000	1,304.72
14/01/2034 - 13/01/2039	2,000	65.24	25,000	815.45
14/01/2039 onwards	2,000	65.24	15,000	489.27

#### For 34 public hospitals

- For the purpose of determining whether a pharmaceutical procurement equals or exceeds the Section C goods threshold, the relevant contract will be the consolidated pharmaceutical contract which lasts at least one year for each hospital, or the centralized contract conducted by the Ministry of Health on behalf of them.
- Should a hospital procure in contracts which last a shorter period, the applicable threshold shall be 500,000 SDR.
- Should a procurement contract concern a single pharmaceutical product, the applicable threshold shall be 180,000 SDR.

ANNEX 2

# PROCURING ENTITIES

## CENTRAL GOVERNMENT ENTITIES

### Ministry of Justice (*Bộ Tư pháp*)

- Department of Criminal and Administrative Legislation (*Vụ Pháp luật hình sự - hành chính*)
- Department of Economic-Civil Legislation (*Vụ Pháp luật dân sự - kinh tế*)
- Department of International Law (*Vụ Pháp luật quốc tế*)
- Department of Legal Dissemination and Education (*Vụ Phổ biến, giáo dục pháp luật*)
- Agency of Judicial Support (*Cục Hỗ trợ tư pháp*)
- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Department of Emulation and Commendation (*Vụ Thi đua – Khen thưởng*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Department of General Affairs on Legislative Development (*Vụ Các vấn đề chung về xây dựng pháp luật*)
- Agency of National Legal Aid (*Cục Trợ giúp pháp lý*)
- Agency of Child Adoption (*Cục Con nuôi*)
- Agency of Planning and Finance (*Cục Kế hoạch – Tài chính*)
- Directorate of Civil Judgement Enforcement (*Tổng cục Thi hành án dân sự*)
- Agency of Examination of Legal Normative Documents (*Cục Kiểm tra văn bản quy phạm pháp luật*)
- Agency of National Registry of Secured Transactions (*Cục Đăng ký quốc gia giao dịch bảo đảm*)
- Agency of Information Technology (*Cục Công nghệ thông tin*)
- Ministry Office (*Văn phòng Bộ*)
- Agency of National Compensation (*Cục bồi thường nhà nước*)
- The South Agency (*Cục Công tác phía Nam*)
- Agency of Civil Status, Nationality and Authentication (*Cục Hộ tịch, quốc tịch, chứng thực*)

### Ministry of Planning and Investment (*Bộ Kế hoạch và Đầu tư*)

- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Department of Emulation, Reward and Communications (*Vụ Thi đua khen thưởng và Truyền thông*)
- Agency of Cooperatives (*Cục Phát triển Hợp tác xã*)
- Department of Finance and Monetary (*Vụ Tài chính tiền tệ*)
- Department of National Economic Issues (*Vụ Tổng hợp kinh tế quốc dân*)
- Public Procurement Agency (*Cục Quản lý đấu thầu*)
- Department of Industrial Economy (*Vụ Kinh tế công nghiệp*)
- Department of Agricultural Economy (*Vụ Kinh tế nông nghiệp*)
- Department of Service Economy (*Vụ Kinh tế dịch vụ*)
- Department of Infrastructure and Urban Centers (*Vụ Kết cấu hạ tầng và đô thị*)
- Department of Economic Zones Management (*Vụ Quản lý các khu kinh tế*)
- Department of Investment Supervision & Appraisal (*Vụ Giám sát và Thẩm định đầu tư*)
- Department of Planning Management (*Vụ Quản lý quy hoạch*)
- Department of Local and Territorial Economy (*Vụ Kinh tế địa phương và lãnh thổ*)
- Department of Foreign Economic Relations (*Vụ Kinh tế đối ngoại*)
- Department of Labor, Culture and Social Affairs (*Vụ Lao động, Văn hóa, Xã hội*)
- Department of Science, Education, Natural Resources and Environment (*Vụ Khoa học, Giáo dục, Tài nguyên và Môi trường*)
- Enterprise Development Agency (*Cục Phát triển doanh nghiệp*)
- Foreign Investment Agency (*Cục Đầu tư nước ngoài*)
- Business Registration Management Agency (*Cục Quản lý đăng ký kinh doanh*)
- Ministry Office (*Văn phòng Bộ*)
- National Defense - Security Department (*Vụ Quốc phòng – An ninh*)
- General Statistics Office (*Tổng cục Thống kê*)

### Ministry of Labour, War Invalids and Social Affairs (*Bộ Lao động, Thương binh và Xã hội*)

- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Department of Legal Affairs (*Vụ Pháp chế*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Department of Social Insurance (*Vụ Bảo hiểm xã hội*)
- Department of Gender Equality (*Vụ Bình đẳng giới*)

- Agency of Labour Relations and Salary (*Cục Quan hệ Lao động và Tiền lương*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Agency of Overseas Labour (*Cục Quản lý lao động ngoài nước*)
- Agency of Occupational Safety and Health (*Cục An toàn lao động*)
- Agency of Employment (*Cục Việc làm*)
- Agency of Children (*Cục Trẻ em*)
- Department of Planning – Finance (*Vụ Kế hoạch – Tài chính*)
- Agency of the People with Special Contributions to the Country (*Cục Người có công*)
- Agency of Social Evil Prevention (*Cục Phòng, chống tệ nạn xã hội*)
- Agency of Social Protection (*Cục Bảo trợ xã hội*)
- Ministry Office (*Văn phòng Bộ*)
- Directorate of Vocational Training (*Tổng Cục giáo dục nghề nghiệp*)

#### **Ministry of Culture, Sports and Tourism (*Bộ Văn hóa, Thể thao và Du lịch*)**

- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Department of Science, Technology and Environment (*Vụ Khoa học, Công nghệ và Môi trường*)
- Agency of International Cooperation (*Cục Hợp tác quốc tế*)
- Agency of Cultural Heritage (*Cục Di sản văn hóa*)
- Department of Training Management (*Vụ Đào tạo*)
- Directorate of Viet Nam National Administration of Tourism (*Tổng cục Du lịch*)
- Department of Emulation and Reward (*Vụ Thi đua khen thưởng*)
- Agency of Art, Photography and Exhibition (*Cục Mỹ thuật, Nhiếp ảnh và Triển lãm*)
- Department of Family (*Vụ Gia đình*)
- Department of Ethnic Culture (*Vụ Văn hóa dân tộc*)
- Department of Library (*Vụ Thư viện*)
- Department of Planning and Finance (*Vụ Kế hoạch – Tài chính*)
- Ministry Office (*Văn phòng Bộ*)
- South Agency (*Cục Công tác phía Nam*)
- Agency of Performing Arts (*Cục Nghệ thuật biểu diễn*)
- Cinema Agency (*Cục Điện ảnh*)
- Agency of Copyright (*Cục Bản quyền tác giả*)
- Agency of Grassroots Culture (*Cục Văn hóa cơ sở*)

- Directorate of Physical Training and Sports (*Tổng cục Thể dục thể thao*)
- The Management Unit of the Culture and Tourism Village of Vietnamese ethnics (*Ban Quản lý Làng Văn hóa – Du lịch các dân tộc Việt Nam*)

#### **Ministry of Science and Technology (*Bộ Khoa học và Công nghệ*)**

- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Department of Social, Humanities and Natural Sciences (*Vụ Khoa học Xã hội nhân văn và Tự nhiên*)
- Department of Science and Technology for Economic Technical Branches (*Vụ Khoa học và Công nghệ các ngành Kinh tế - Kỹ thuật*)
- Department of High Technology (*Vụ Công nghệ cao*)
- Department of Technology Appraisal, Examination and Assessment (*Vụ Đánh giá, Thẩm định và Giám định công nghệ*)
- Department of Planning and Finance (*Vụ Kế hoạch – Tài chính*)
- Technology Application and Development Agency (*Cục Ứng dụng và phát triển công nghệ*)
- Agency of National Office of Intellectual Property of Viet Nam (*Cục Sở hữu trí tuệ*)
- Ministry Office (*Văn phòng Bộ*)
- The South Agency (*Cục Công tác phía Nam*)
- Directorate of Standards and Quality (*Tổng Cục Tiêu chuẩn đo lường Chất lượng*)
- Office of State-Level Key Programs (*Văn phòng các chương trình trọng điểm cấp Nhà nước*)
- Department of Emulation and Reward (*Vụ Thi đua - Khen thưởng*)
- Department of Local Science and Technology Development (*Vụ Phát triển khoa học và công nghệ địa phương*)
- National Agency for Technology Entrepreneurship and Commercialization Development (*Cục Phát triển thị trường và doanh nghiệp khoa học và công nghệ*)
- National Agency for Scientific and Technological Information (*Cục Thông tin khoa học và Công nghệ quốc gia*)
- Viet Nam Agency for Radiation and Nuclear Safety and Control (*Cục An toàn bức xạ và Hạt nhân*)



- Viet Nam Atomic Energy Commission (*Cục Năng lượng nguyên tử*)
- The Management Board of Hoa Lac Hi-Tech Park (*Ban Quản lý Khu công nghệ cao Hoà Lạc*)

### Ministry of Finance (*Bộ Tài chính*)

- Agency of Price Control (*Cục Quản lý giá*)
- Agency of Corporate Finance (*Cục Tài chính Doanh nghiệp*)
- Agency of Debt Management and External Finance (*Cục Quản lý Nợ và Tài chính đối ngoại*)
- Agency of Public Asset Management (*Cục Quản lý Công sản*)
- Department of State Budget (*Vụ Ngân sách nhà nước*)
- Department of Investment (*Vụ Đầu tư*)
- Department of Finance for National Defense and Security (*Vụ I (Vụ Tài chính, Quốc phòng, An ninh đặc biệt)*)
- Department of Public Expenditure (*Vụ Tài chính hành chính sự nghiệp*)
- Department of Tax Policy (*Vụ Chính sách thuế*)
- Department of Banking and Financial Institutions (*Vụ Tài chính các Ngân hàng và tổ chức tài chính*)
- Agency of Accounting and Auditing Management and Supervision (*Cục Quản lý, giám sát kế toán, kiểm toán*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Department of Personnel and Training (*Vụ Tổ chức cán bộ*)
- Department of Emulation and Commendation (*Vụ Thi đua - Khen thưởng*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Insurance Supervisory Agency (*Cục Quản lý, giám sát Bảo hiểm*)
- Agency of Planning and Finance (*Cục Kế hoạch tài chính*)
- Ministry Office (*Văn phòng Bộ*)
- State Securities Commission (*Ủy ban Chứng khoán Nhà nước*)
- General Department of State Reserves (*Tổng cục dự trữ nhà nước*)
- State Treasury (*Kho bạc Nhà nước*)
- General Department of Customs (*Tổng cục Hải quan*)
- General Department of Taxation (*Tổng cục Thuế*)
- Agency of Financial Informatics and Statistics (*Cục Tin học và Thống kê tài chính*)

### Ministry of Construction (*Bộ Xây dựng*)

- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Department of Science, Technology and Environment (*Vụ Khoa học công nghệ và môi trường*)
- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Department of Architecture and Construction Planning (*Vụ Quy hoạch – kiến trúc*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Agency of Construction Economics (*Cục Kinh tế xây dựng*)
- Urban Development Agency (*Cục Phát triển đô thị*)
- Department of Building Materials (*Vụ Vật liệu xây dựng*)
- Department of Planning and Finance (*Vụ Kế hoạch tài chính*)
- Agency of Construction Activity Management (*Cục Quản lý hoạt động xây dựng*)
- Agency of Technical – Infrastructure (*Cục Hạ tầng kỹ thuật*)
- State Agency of Construction Quality Inspection (*Cục Giám định nhà nước về chất lượng công trình xây dựng*)
- Management Agency for Housing and Real-estate Market (*Cục Quản lý nhà và thị trường Bất động sản*)
- Ministry Office (*Văn phòng Bộ*)
- The South Agency (*Cục công tác phía Nam*)
- Enterprises Management Department (*Vụ Quản lý doanh nghiệp*)

### Ministry of Information and Communications (*Bộ Thông tin và Truyền thông*)

- Department of Posts (*Vụ Bưu chính*)
- Department of Information Technology (*Vụ Công nghệ thông tin*)
- Department of Science and Technology (*Vụ Khoa học và Công nghệ*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Department of Planning and Finance (*Vụ Kế hoạch - Tài chính*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Ministry Office (*Văn phòng Bộ*)
- Agency of Radio Frequency Management (*Cục Tần số vô tuyến điện*)
- Agency of Telecommunications (*Cục Viễn thông*)

- Agency of Computerization (*Cục Tin học hóa*)
- Agency of Press (*Cục Báo chí*)
- Agency of Publication, Print and release (*Cục Xuất bản, In và Phát hành*)
- Agency of Broadcasting and Electronic Information (*Cục Phát thanh, truyền hình và thông tin điện tử*)
- The South Agency (*Cục Công tác phía Nam*)
- Agency of Foreign Information Service (*Cục Thông tin đối ngoại*)
- Enterprises Management Department (*Vụ Quản lý doanh nghiệp*)
- Department of Emulation and Reward (*Vụ Thi đua khen thưởng*)
- Agency of Fundamental Information (*Cục Thông tin cơ sở*)
- Central Post Agency (*Cục bưu điện Trung ương*)
- Agency of Information Security (*Cục An toàn thông tin*)

#### **Viet Nam Social Security (*Bảo hiểm Xã hội Việt Nam*)**

- Department of fund investment and management (*Vụ Quản lý đầu tư quỹ*)
- Administration Office, including Representative Office in HoChiMinh city (*Văn phòng, bao gồm Văn phòng đại diện tại Thành phố Hồ Chí Minh*)
- Department of Implementation of Social Security Policies (*Ban Thực hiện chính sách Bảo hiểm xã hội*)
- Department of Implementation of Health Insurance Policies (*Ban Thực hiện chính sách Bảo hiểm y tế*)
- Department of Issuance of Books and Cards (*Ban Sổ, Thẻ*)
- Communications Center (*Trung tâm Truyền thông*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Department of Emulation and Reward (*Vụ Thi đua – Khen thưởng*)
- Department of Legislation (*Vụ Pháp chế*)
- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Department of Money Collection (*Ban Thu*)
- Department of Finance and Accounting (*Vụ Tài chính – Kế toán*)
- Department of Planning and Investment (*Vụ Kế hoạch và Đầu tư*)
- Department of Pharmaceuticals (*Ban Dược và Vật tư y tế*)
- Department of Inspection (*Vụ Thanh tra - Kiểm tra*)
- Department of Internal Audit (*Vụ Kiểm toán nội bộ*)

### Government Inspectorate (*Thanh tra Chính phủ*)

- Department of Personnel and Organization (*Vụ Tổ chức Cán bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Department of International Cooperation (*Vụ Hợp tác Quốc tế*)
- Department of sector-based Economic Inspection and Settlement of Complaints- Denunciations (Dep.I) (*Vụ Thanh tra, Giải quyết khiếu nại, tố cáo khối kinh tế ngành (Vụ I)*)
- Department of Internal Affairs and General Economic Inspection and Settlement of Complaints- Denunciations (Dep.II) (*Vụ Thanh tra, Giải quyết khiếu nại, tố cáo khối nội chính và kinh tế tổng hợp (Vụ II)*)
- Department of Socio-Cultural Inspection and Settlement of Complaints- Denunciations (Dep.III) (*Vụ Thanh tra, Giải quyết khiếu nại, tố cáo khối văn hóa, xã hội (Vụ III)*)
- Agency of Settlement of Complaints-Denunciations and Inspection for region 1 (Agency I) (*Cục Thanh tra, Giải quyết khiếu nại, tố cáo khu vực 1 (Cục I)*)
- Agency of Settlement of Complaints-Denunciations and Inspection for region 2 (Agency II) (*Cục giải quyết khiếu nại tố cáo và thanh tra khu vực 2 (Cục II)*)
- Agency of Settlement of Complaints-Denunciations and Inspection for region 3 (Agency III) (*Cục Thanh tra, Giải quyết khiếu nại, tố cáo khu vực 3 (Cục III)*)
- Anti-corruption Agency (AgencyIV) (*Cục Phòng, Chống tham nhũng (Cục IV)*)
- Ministry Office (*Văn phòng*)
- Department of Central Citizen Reception (*Ban Tiếp công dân trung ương*)
- Department of Post-Inspection Supervision, Evaluation and Handling (*Vụ giám sát, thẩm định và xử lý sau thanh tra*)
- Department of Planning and General Affairs (*Vụ Kế hoạch - Tổng hợp*)

### Ministry of Industry and Trade (*Bộ Công Thương*)

- Planning Department (*Vụ Kế hoạch*)
- Organization and Personnel Department (*Vụ Tổ chức cán bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Science and Technology Department (*Vụ Khoa học và Công nghệ*)
- Industry Agency (*Cục Công nghiệp*)
- Oil, Gas and Coal Department (*Vụ Dầu khí và Than*)

- Energy Efficiency and Sustainable Development Department (*Vụ Tiết kiệm năng lượng và Phát triển bền vững*)
- Electricity and Renewable Energy Agency (*Cục Điện lực và Năng lượng tái tạo*)
- Export-Import Agency (*Cục Xuất nhập khẩu*)
- Domestic Market Department (*Vụ Thị trường trong nước*)
- Asia-Africa Market Department (*Vụ Thị trường châu Á – châu Phi*)
- Europe – America Market Department (*Vụ Thị trường châu Âu - châu Mỹ*)
- Multilateral Trade Policy Department (*Vụ Chính sách thương mại đa biên*)
- Finance and Business Renovation Department (*Vụ Tài chính và Đổi mới doanh nghiệp*)
- The South Agency (*Cục Công tác phía nam*)
- Electricity Regulatory Agency (*Cục Điều tiết điện lực*)
- Competition and Consumerism Agency (*Cục Quản lý cạnh tranh và Bảo vệ người tiêu dùng*)
- Trade Remedies Authority (*Cục Phòng vệ thương mại*)
- Market Surveillance Directorate (*Tổng cục Quản lý thị trường*)
- Trade Promotion Agency (*Cục Xúc tiến thương mại*)
- Agency for Industrial and Trade Promotion (*Cục Công Thương địa phương*)
- Industrial Safety Techniques and Environment Agency (*Cục Kỹ thuật an toàn và Môi trường công nghiệp*)
- Viet Nam E-Commerce and Digital Economy Agency (*Cục Thương mại điện tử và Kinh tế số*)
- Chemicals Agency (*Cục Hóa chất*)
- Ministry Office (*Văn phòng Bộ*)

#### **Ministry of Health (*Bộ Y tế*)**

- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Drug Administration of Viet Nam (*Cục Quản lý dược*)
- Department of Health Insurance (*Vụ Bảo hiểm y tế*)
- Department of Children - Mother Health (*Vụ Sức khỏe Bà mẹ – Trẻ em*)
- Agency of Administration of Traditional Medicine (*Cục Quản lý Y Dược cổ truyền*)
- Department of Health Equipment and Works (*Vụ Trang thiết bị và Công trình y tế*)
- Department of Planning and Finance (*Vụ Kế hoạch – Tài chính*)

- Ministry' Office (*Văn phòng Bộ*)
- Agency of Preventive Medicine (*Cục Y tế dự phòng*)
- HIV/AIDS Prevention Agency (*Cục Phòng, chống HIV/AIDS*)
- Agency of Health Examination and Treatment (*Cục Quản lý khám, chữa bệnh*)
- Agency of Food Safety (*Cục An toàn thực phẩm*)
- Directorate of Population (*Tổng cục Dân số*)
- Department of communication and Emulation (*Vụ truyền thông và Thi đua-Khen thưởng*)
- Agency of Information Technology (*Cục Công nghệ thông tin*)
- Agency of Administration of Environmental Health (*Cục Quản lý môi trường Y tế*)
- Agency of Science, Technology and Training (*Cục Khoa học công nghệ và Đào tạo*)

#### **Ministry of Natural Resources and Environment (*Bộ Tài nguyên và Môi trường*)**

- Legal Affairs Department (*Vụ Pháp chế*)
- Department of Planning and Finance (*Vụ Kế hoạch - Tài chính*)
- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Department of Emulation, Commendation and Propaganda (*Vụ Thi đua khen thưởng và tuyên truyền*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Department of Science and Technology (*Vụ Khoa học và Công nghệ*)
- Directorate of Land Administration (*Tổng cục Quản lý đất đai*)
- Agency of Water Resources Management (*Cục Quản lý tài nguyên nước*)
- Directorate of Meteorology and Hydrography (*Tổng cục Khí tượng thủy văn*)
- Agency of Climate Changes (*Cục Biến đổi khí hậu*)
- Agency of Survey, Mapping and Geographical Information (*Cục Đo đạc, Bản đồ và Thông tin địa lý Việt Nam*)
- Ministry Office (*Văn phòng Bộ*)
- Directorate of Environment (*Tổng cục Môi trường*)
- Directorate of Geology and Minerals of Viet Nam (*Tổng cục Địa chất và Khoáng sản Việt Nam*)
- Agency of Information Technology and Data on Natural Resources (*Cục Công nghệ thông tin và Dữ liệu tài nguyên môi trường*)
- Agency of National Remote Sensing (*Cục Viễn thám quốc gia*)

- General Department of the Sea and Offshore Islands (*Tổng cục Biển và Hải đảo Việt Nam*)

#### **Ministry of Education and Training (*Bộ Giáo dục và Đào tạo*)**

- Ministry Inspectorate (*Thanh tra Bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Department of Personnel and Organisation (*Vụ Tổ chức cán bộ*)
- Department of Pre-school Education (*Vụ Giáo dục Mầm non*)
- Department of Primary Education (*Vụ Giáo dục Tiểu học*)
- Department of Secondary Education (*Vụ Giáo dục Trung học*)
- Department of Higher Education (*Vụ Giáo dục Đại học*)
- Department of Ethnic Minorities Education (*Vụ Giáo dục Dân tộc*)
- Department of Continuing Education (*Vụ Giáo dục Thường xuyên*)
- Department of Politics Education and Student Affairs (*Vụ Giáo dục chính trị và Công tác học sinh, sinh viên*)
- Department of National Defense and Public Security (*Vụ Giáo dục Quốc phòng và An ninh*)
- Department of Science, Technology and Environment (*Vụ Khoa học - Công nghệ và Môi trường*)
- Agency of International Cooperation (*Vụ Hợp tác Quốc tế*)
- Department of Planning and Finance (*Vụ Kế hoạch - Tài chính*)
- Agency of Education Management (*Quản lý chất lượng*)
- Agency of Teachers and Education Administrators (*Cục Nhà giáo và Cán bộ quản lý giáo dục*)
- Agency of Information Technology (*Cục Công nghệ thông tin*)
- Agency of Education Facilities (*Cục Cơ sở vật chất*)
- Ministry Office (*Văn phòng Bộ*)
- Representative Office in HoChiMinh city (*Cơ quan đại diện tại TP. Hồ Chí Minh*)

#### **Ministry of Home Affairs (*Bộ Nội vụ*)**

- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- The Organization and Personnel Administration (*Vụ Tổ chức - Biên chế*)
- The Salary Department (*Vụ Tiền lương*)



- The Department of State Employees and Servants (*Vụ Công chức - Viên chức*)
- The Local Administration Department (*Vụ Chính quyền địa phương*)
- The International Cooperation Department (*Vụ Hợp tác quốc tế*)
- The Department of Non-Government Organization (*Vụ Tổ chức phi chính phủ*)
- The Administrative Reform Department (*Vụ Cải cách hành chính*)
- The Department of Training and Fostering of State Officials (*Vụ Đào tạo, Bồi dưỡng cán bộ công chức, viên chức*)
- Legal Affairs Department (*Vụ Pháp chế*)
- The General Department (*Vụ Tổng hợp*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Ministry Office (*Văn phòng Bộ*)
- State Records Management and Archives Agency (*Cục Văn thư và Lưu trữ nhà nước*)
- Government Committee for Religious Affairs (*Ban Tôn giáo Chính phủ*)
- Central Committee of Emulation and Commendation (*Ban Thi đua - Khen thưởng Trung ương*)
- Department of Planning – Finance (*Vụ Kế hoạch - Tài chính*)
- Department of Youth affairs (*Vụ Công tác thanh niên*)

#### **Ministry of Foreign Affairs (*Bộ Ngoại Giao*)**

- ASEAN Department (*Vụ ASEAN*)
- South East Asia-South Asia-South Pacific Department (*Vụ Đông Nam Á - Nam Á - Nam Thái Bình Dương*)
- North East Asia Department (*Vụ Đông Bắc Á*)
- Europe Department (*Vụ Châu Âu*)
- America Department (*Vụ Châu Mỹ*)
- Middle East - Africa Department (*Vụ Trung Đông - Châu Phi*)
- Policy planning Department (*Vụ Chính sách Đối ngoại*)
- International Organizations Department (*Vụ các Tổ chức Quốc tế*)
- Law and International Treaty Department (*Vụ Luật pháp và Điều ước Quốc tế*)
- Department of Multilateral Economic Cooperation (*Vụ Hợp tác Kinh tế Đa phương*)
- Economic Department (*Vụ Tổng hợp Kinh tế*)
- External Culture and UNESCO Department (*Vụ Ngoại giao Văn hóa và UNESCO*)
- Press and Information Department (*Vụ Thông tin Báo chí*)
- Personnel and Organization Department (*Vụ Tổ chức Cán bộ*)



- Ministry Inspectorate (*Thanh tra Bộ*)
- Ministry Office (*Văn phòng Bộ*)
- Consular Agency (*Cục Lãnh sự*)
- State Protocol Agency (*Cục Lễ tân Nhà nước*)
- Administrative and Financial Agency (*Cục Quản trị Tài vụ*)
- State Commission on Overseas Vietnamese (*Ủy ban Nhà nước về người Việt Nam ở nước ngoài*)
- Ho Chi Minh City's Department of External Relations (*Sở Ngoại vụ thành phố Hồ Chí Minh*)
- Agency of Foreign Affairs (*Cục Ngoại vụ*)
- Department of Emulation, Rewards and Diplomatic Tradition (*Vụ Thi đua – khen thưởng và Truyền thống ngoại giao*)

#### **Committee for Ethnic Affairs (*Ủy ban Dân tộc*)**

- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Inspectorate (*Thanh tra*)
- Department of Policies on Ethnic Minority (*Vụ Chính sách dân tộc*)
- Department of Locality No. I (*Vụ Địa phương I*)
- Department of Locality No. II (*Vụ Địa phương II*)
- Department of Locality No. III (*Vụ Địa phương III*)
- Department of Propaganda (*Vụ Tuyên truyền*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Department of General Affairs (*Vụ Tổng hợp*)
- Department of Planning and Finance (*Vụ Kế hoạch - Tài chính*)
- Ministry Office (*Văn phòng*)
- Department of Ethnic Minorities (*Vụ dân tộc thiểu số*)

#### **Ministry of Agriculture and Rural Development (*Bộ Nông nghiệp và Phát triển nông thôn*)**

- International Cooperation Department (*Vụ Hợp tác quốc tế*)
- Department of Sciences, Technology and Environment (*Vụ Khoa học, Công nghệ và Môi trường*)
- Department of Planning (*Vụ Kế hoạch*)
- Department of Finance (*Vụ Tài chính*)

- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Legal Affairs Department (*Vụ Pháp chế*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Agency of Livestock (*Cục Chăn nuôi*)
- Agency of Crop Production (*Cục Trồng trọt*)
- Agency of Processing and Developing Agricultural Products (*Cục Chế biến và Phát triển thị trường nông sản*)
- Ministry Office (*Văn phòng Bộ*)
- Agency of Plant Protection (*Cục Bảo vệ thực vật*)
- Water Resources Directorate (*Tổng cục Thủy lợi*)
- Directorate of Forest (*Tổng cục Lâm nghiệp*)
- Directorate of Fisheries (*Tổng cục Thủy sản*)
- Agency of Animal Health (*Cục Thú y*)
- Agency of Construction Management (*Cục Quản lý xây dựng công trình*)
- Agency of Cooperatives and Rural Development (*Cục Kinh tế hợp tác và Phát triển nông thôn*)
- National Agro-Forestry-Fisheries Quality Assurance Agency (*Cục Quản lý chất lượng nông lâm sản và thủy sản*)
- Department of Enterprise Management (*Vụ Quản lý doanh nghiệp*)

#### **Ministry of Transport (*Bộ Giao thông vận tải*)**

- Legal Affairs Department (*Vụ Pháp chế*)
- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Department of Transportation (*Vụ Vận tải*)
- Department of Environment (*Vụ Môi trường*)
- Department of International Cooperation (*Vụ Hợp tác quốc tế*)
- Department of Traffic Safety (*Vụ An toàn giao thông*)
- Department of Transport Infrastructure (*Vụ Kết cấu hạ tầng giao thông*)
- Department of Science and Technology (*Vụ Khoa học - Công nghệ*)
- Department of Finance (*Vụ Tài chính*)
- Department of Planning and Investment (*Vụ Kế hoạch - Đầu tư*)
- Department of Enterprises Management (*Vụ quản lý doanh nghiệp*)
- Ministry Inspectorate (*Thanh tra Bộ*)
- Ministry Office (*Văn phòng Bộ*)

- Transport Engineering Construction and Quality Management Agency (*Cục Quản lý xây dựng và Chất lượng công trình giao thông*)
- Viet Nam Register Agency (*Cục Đăng kiểm Việt Nam*)
- Viet Nam Inland Waterways Agency (*Cục Đường thủy nội địa Việt Nam*)
- Viet Nam Maritime Agency (*Cục Hàng hải Việt Nam*)
- Viet Nam Railway Agency (*Cục Đường sắt Việt Nam*)
- Civil Aviation (*Cục Hàng không Việt Nam*)
- Directorate for Roads of Viet Nam (*Tổng cục Đường bộ Việt Nam*)
- Transport Health Service Administration (*Cục Y tế Giao thông vận tải*)

**Ministry of Public Security (*Bộ Công an*)**

- Department of Environment Police (*Cục Cảnh sát môi trường*)
- Department of Traffic Police (*Cục Cảnh sát giao thông*)
- Police Bureau of Fire Prevention, Fighting and Rescue (*Cục Cảnh sát Phòng cháy, chữa cháy và cứu nạn, cứu hộ*)
- Department of Health (*Cục Y tế*)

**Ministry of National Defense (*Bộ Quốc phòng*)**

- Department of Economics (*Cục Kinh tế*)
- Rescue Department (*Cục Cứu hộ - Cứu nạn*)

## OTHER ENTITIES

### Viet Nam News Agency (*Thông tấn xã Việt Nam*)

- Personnel and Organization Board (*Ban Tổ chức cán bộ*)
- Board of Inspection (*Ban Kiểm tra*)
- Board of Editor and External Affairs (*Ban Thư ký biên tập và Quan hệ đối ngoại*)
- Board of Planning and Finance (*Ban Kế hoạch – Tài chính*)
- Board of News for Foreign Service (*Ban Biên tập tin đối ngoại*)
- Board of Domestic News (*Ban Biên tập tin trong nước*)
- Board of Economic News (*Ban Biên tập tin kinh tế*)
- Board of World News (*Ban Biên tập tin thế giới*)
- Database-Documentation and Graphics Center (*Trung tâm thông tin tư liệu và Đồ họa*)
- Informatics Centre (*Trung tâm tin học*)
- Viet Nam News Agency Professional Training Centre (*Trung tâm Bồi dưỡng nghiệp vụ Thông tấn*)
- Representative Office in the South (*Cơ quan Thông tấn xã Việt Nam khu vực phía Nam*)
- Representative Office in the Centre - Tay Nguyen (*Cơ quan Thông tấn xã Việt Nam khu vực Miền Trung – Tây Nguyên*)
- Pictorial Editorial Board (*Ban Biên tập ảnh*)
- The Administrative Affair Office (*Văn phòng Thông tấn xã*)

### Ho Chi Minh National Academy of Politics (*Học viện Chính trị quốc gia Hồ Chí Minh*)

- Department of Personnel and Organization (*Vụ Tổ chức cán bộ*)
- Department of Scientific Management (*Vụ Quản lý khoa học*)
- Board of Inspection (*Ban Thanh tra*)
- Department of International cooperation (*Vụ Hợp tác quốc tế*)

- Department of Training Management (*Vụ Quản lý đào tạo*)
- Department of Provincial Political Schools (*Vụ Các trường chính trị*)
- Institute of International Relations (*Viện Quan hệ quốc tế*)
- Institute of State and Law (*Viện Nhà nước và Pháp luật*)
- Institute of Philosophy (*Viện Triết học*)
- Institute of Political Sciences (*Viện Chính trị học*)
- Institute of Culture and Development (*Viện Văn hóa và Phát triển*)
- Institute of Human Rights (*Viện Quyền con người*)
- Institute of Economics (*Viện Kinh tế*)
- Journal of Political Theory (*Tạp chí Lý luận chính trị*)
- Institute of the CPV History (*Viện Lịch sử Đảng*)
- Institute of Ho Chi Minh and the CPV's Leaders' Studies (*Viện Hồ Chí Minh và các Lãnh tụ của Đảng*)
- Institute of Scientific Socialism (*Viện Chủ nghĩa xã hội khoa học*)
- Institute of Sociology and Development (*Viện Xã hội học và Phát triển*)
- Department of Planning and Finance (*Vụ Kế hoạch – Tài chính*)

#### **Viet Nam Academy of Social Sciences (*Viện Hàn lâm Khoa học xã hội Việt Nam*)**

- Social Sciences Publishing House (*Nhà xuất bản Khoa học xã hội*)
- Institute of Indian and Southwest Asian Studies (*Viện Nghiên cứu Ấn Độ và Tây Nam Á*)
- The Centre for Analysis and Forecast (*Trung tâm Phân tích và Dự báo*)
- Viet Nam Social Sciences Review (*Tạp chí Khoa học xã hội Việt Nam*)
- Institute of Human Studies (*Viện Nghiên cứu con người*)
- Institute for Religious Studies (*Viện Nghiên cứu Tôn giáo*)
- Viet Nam Institute for Northeast Asian Studies (*Viện Nghiên cứu Đông Bắc Á*)
- Viet Nam Institute of American Studies (*Viện Nghiên cứu Châu Mỹ*)
- Viet Nam Museum of Ethnology (*Bảo tàng Dân tộc học Việt Nam*)

- Institute of African and Middle East Studies (*Viện Nghiên cứu Châu Phi và Trung Đông*)
- Viet Nam Institute of Chinese Studies (*Viện Nghiên cứu Trung Quốc*)
- Center for Information Technology (*Trung tâm Ứng dụng Công nghệ thông tin*)
- Institute of Social Science of the Central Region (*Viện Khoa học xã hội Vùng Tây Nguyên*)
- Institute of Cultural Studies (*Viện Nghiên cứu Văn hóa*)
- Institute of History (*Viện Sử học*)
- Institute of State and Law (*Viện Nhà nước và Pháp luật*)
- Institute of Anthropology (*Viện Dân tộc học*)
- Institute for Southeast Asian Studies (*Viện Nghiên cứu Đông Nam Á*)
- Institute of Philosophy (*Viện Triết học*)
- Institute of Sociology (*Viện Xã hội học*)
- Institute for European Studies (*Viện Nghiên cứu Châu Âu*)
- Institute of Psychology (*Viện Tâm lý học*)
- Viet Nam Institute of Literature (*Viện Văn học*)
- Viet Nam Institute of Economics (*Viện Kinh tế Việt Nam*)
- Viet Nam Institute of Lexicography and Encyclopedia (*Viện Từ điển học và Bách khoa thư Việt Nam*)
- Institute of World Economics and Politics (*Viện Kinh tế và Chính trị thế giới*)
- Institute of Han - Nom Studies (*Viện Nghiên cứu Hán – Nôm*)
- Graduate Academy of Social Sciences (*Học viện Khoa học xã hội*)
- Institute of Archaeology (*Viện Khảo cổ học*)
- Institute of Social Sciences Information (*Viện Thông tin Khoa học xã hội*)
- Department of Personnel and Organization (*Ban Tổ chức cán bộ*)
- Department of Finance and Planning (*Ban Kế hoạch – Tài chính*)
- Department of Science Management (*Ban Quản lý Khoa học*)
- Department of International Cooperation (*Ban Hợp tác quốc tế*)

- Head Office (*Văn phòng*)

**Viet Nam Academy of Science and Technology (VAST) (*Viện Hàn lâm Khoa học và công nghệ Việt Nam*)**

- Institute of Mathematics (*Viện Toán học*)
- Publishing House for Science and Technology (*Nhà xuất bản Khoa học tự nhiên và Công nghệ*)
- Institute of Applied Physics and Scientific Instruments (*Viện Vật lý Ứng dụng và Thiết bị khoa học*)
- Institute of Applied Informatics and Mechanics (*Viện Cơ học và Tin học ứng dụng*)
- Institute of Chemical Technology (*Viện Công nghệ hóa học*)
- Institute of Applied Materials Science (*Viện Khoa học vật liệu ứng dụng*)
- Institute of Tropical Biology (*Viện Sinh học nhiệt đới*)
- Institute of Energy Science (*Viện Khoa học năng lượng*)
- Administration Office, including Representative Offices in Ho Chi Minh city (*Văn phòng VAST, bao gồm Văn phòng đại diện tại Thành phố Hồ Chí Minh*)
- Institute of Information Technology (*Viện Công nghệ thông tin*)
- Institute of Mechanics (*Viện Cơ học*)
- Institute of Geophysics (*Viện Vật lý địa cầu*)
- Institute of Ecology and Biological Resources (*Viện Sinh thái và Tài nguyên sinh vật*)
- Institute of Marine Environment and Resources (*Viện Tài nguyên và Môi trường biển*)
- Tay Nguyen Institute of Biology (*Viện Sinh học Tây Nguyên*)
- Institute of Oceanography (*Viện Hải dương học*)
- Nha Trang Institute of Technology Research and Application (*Viện Nghiên cứu và Ứng dụng công nghệ Nha Trang*)
- Institute of Physics (*Viện Vật lý*)
- Institute of Marine Geology and Geophysics (*Viện Địa chất và Địa vật lý biển*)
- Institute of Environmental Technology (*Viện Công nghệ môi trường*)
- Institute of Materials Science (*Viện Khoa học vật liệu*)
- Institute of Chemistry (*Viện Hóa học*)
- Institute of Natural Products Chemistry (*Viện Hóa học các hợp chất thiên nhiên*)
- Institute of Biotechnology (*Viện Công nghệ sinh học*)
- Institute of Geography (*Viện Địa lý*)
- Institute of Geological Sciences (*Viện Địa chất*)

- Institute of Tropical Technology (*Viện Kỹ thuật nhiệt đới*)
- Space Technology Institute (*Viện Công nghệ vũ trụ*)
- Center for Information Infrastructure Development (*Trung tâm tin học và Tính toán*)
- Institute of Marine Biochemistry (*Viện Hóa sinh biển*)

### Public hospitals

- Bach Mai Hospital (*Bệnh viện Bạch Mai*)
- Cho Ray Hospital (*Bệnh viện Chợ Rẫy*)
- Hue Central Hospital (*Bệnh viện Đa khoa Trung ương Huế*)
- Thai Nguyen National General Hospital (*Bệnh viện Đa khoa Trung ương Thái Nguyên*)
- Can Tho National Hospital (*Bệnh viện Đa khoa Trung ương Cần Thơ*)
- Quang Nam Central General Hospital (*Bệnh viện Đa khoa Trung ương Quảng Nam*)
- Uong Bi Viet Nam – Sweden Hospital (*Bệnh viện Việt Nam - Thụy Điển Uông Bí*)
- Viet Nam – Cuba Donghoi Friendship Hospital (*Bệnh viện Hữu nghị Việt Nam - Cu Ba Đồng Hới*)
- Viet Duc Hospital (*Bệnh viện Hữu nghị Việt - Đức*)
- E Hospital (*Bệnh viện E*)
- Friendship Hospital (*Bệnh viện Hữu nghị*)
- Thong Nhat Hospital/ Unified Hospital (*Bệnh viện Thống Nhất*)
- C Hospital (*Bệnh viện C Đà Nẵng*)
- K Hospital (*Bệnh viện K*)
- Viet Nam National Hospital of Pediatrics (*Bệnh viện Nhi Trung ương*)
- National Hospital of Obstetrics and Gynecology (*Bệnh viện Phụ - Sản Trung ương*)
- The Viet Nam National Institute of Ophthalmology (*Bệnh viện Mắt Trung ương*)
- Hospital of Ear - Nose - Throat (*Bệnh viện Tai - Mũi - Họng Trung ương*)
- National Hospital of Endocrinology (*Bệnh viện Nội tiết Trung ương*)
- National Hospital of Odonto - Stomatology (*Bệnh viện Răng - Hàm - Mặt Trung ương Hà Nội*)
- Ho Chi Minh Hospital of Odonto - Stomatology (*Bệnh viện Răng - Hàm - Mặt Trung ương thành phố Hồ Chí Minh*)
- Central 71 Hospital (*Bệnh viện 71 Trung ương*)
- Central 74 Hospital (*Bệnh viện 74 Trung ương*)
- National Hospital of Lung Diseases (*Bệnh viện Phổi Trung ương*)
- National Psychiatric Hospital 1 (*Bệnh viện Tâm thần Trung ương 1*)



- National Metal Hospital 2 (*Bệnh viện Tâm thần Trung ương 2*)
- Quyhoa National Leprosy Dermatology Hospital (*Bệnh viện Phong - Da liễu Trung ương Quy Hòa*)
- Quynh Lap National Leprosy Dermatology Hospital (*Bệnh viện Phong - Da liễu Trung ương Quỳnh Lập*)
- Hospital of Nursing - Rehabilitation (*Bệnh viện Điều dưỡng - Phục hồi chức năng Trung ương*)
- National Hospital of Tropical Diseases (*Bệnh viện Bệnh Nhiệt đới Trung ương*)
- National Hospital of Dermatology and Venereology (*Bệnh viện Da liễu Trung ương*)
- Hospital of Geriatric (*Bệnh viện Lão khoa Trung ương*)
- National Hospital of Traditional Medicine (*Bệnh viện Y học cổ truyền Trung ương*)
- National Hospital of Acupuncture (*Bệnh viện Châm cứu Trung ương*)

ANNEX 3

**CONSULTING SERVICES  
AND  
NON-CONSULTING  
SERVICES**

CPC	Description
61	Sale, maintenance and repair services of motor vehicles and motorcycles
64	Hotel and restaurant services
75231*	Data network services
75232*	Electronic message and information services
84*	Computer and related services
862	Accounting, auditing and book-keeping services
863	Taxation services
864	Market research and public opinion polls
872	Placement and supply services of personnel
874	Building-cleaning services
87501	Portrait photography services
87503	Action photography services
87504	Specialty photography services
87505	Photography processing services
87506	Motion picture processing services to the motion picture and television industries
87507	Restoration, copying and retouching services of photography
87509	Other photographic services
876	Packaging services
87903	Telephone answering services
87904	Duplicating services
87905	Translation and interpretation services

87906	Mailing list compilation and mailing services
94	Sewage and refuse disposal, sanitation and other environmental protection services (except for refuse collection in the offices of covered entities)
97	Other services (except for Codes: 97030 – Funeral, cremation and undertaking services and 97090 – Other services n.e.c.)
980	Private households with employed persons
99	Services provided by extraterritorial organizations and bodies

\*: are available to a supplier of a Party who is, in case the procurement applies to enterprises, established and operates in Viet Nam under Vietnamese laws, or in case the procurement applies to an individual, an individual bearing Vietnamese nationality.

ANNEX 4

# CONSTRUCTION SERVICES

All construction services listed in Division 51 of the United Nations Provisional Central Product Classification (CPC):

[https://www.wto.org/english/tratop\\_e/serv\\_e/cpc\\_provisional\\_complete\\_e.pdf](https://www.wto.org/english/tratop_e/serv_e/cpc_provisional_complete_e.pdf)

ANNEX 5

**GOODS**

All goods, except for goods indicated in the lists below.

HS2012	Description
10.06	Rice
27.09	Petroleum oils and oils obtained from bituminous minerals, crude
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils
49.01	Printed books, brochures, leaflets and similar printed matter, whether or not in single sheets
49.02	Newspapers, journals and periodicals, whether or not illustrated or containing advertising material
49.05	Maps and hydrographic or similar charts of all kinds, including atlases, wall maps, topographical plans and globes, printed
49.07	Unused postage, revenue or similar stamps of current or new issue in the country in which they have, or will have, a recognised face value; stamp-impressed paper; banknotes; cheque forms; stock, share or bond certificates and similar documents of title
8517.61	Base stations
8525.50	Transmission apparatus
8525.60	Transmission apparatus incorporating reception apparatus
85.26	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus
8527.13	Other apparatus combined with sound recording or reproducing apparatus
8527.19	Reception apparatus capable of planning, managing and monitoring the electromagnetic spectrum



Recorded discs, tapes, solid-state non-volatile storage devices, "smart cards" and other media for the recording of sound or of other phenomena

ANNEX 6

# EXCEPTIONS

Procurement obligations under CPTPP shall not apply to:

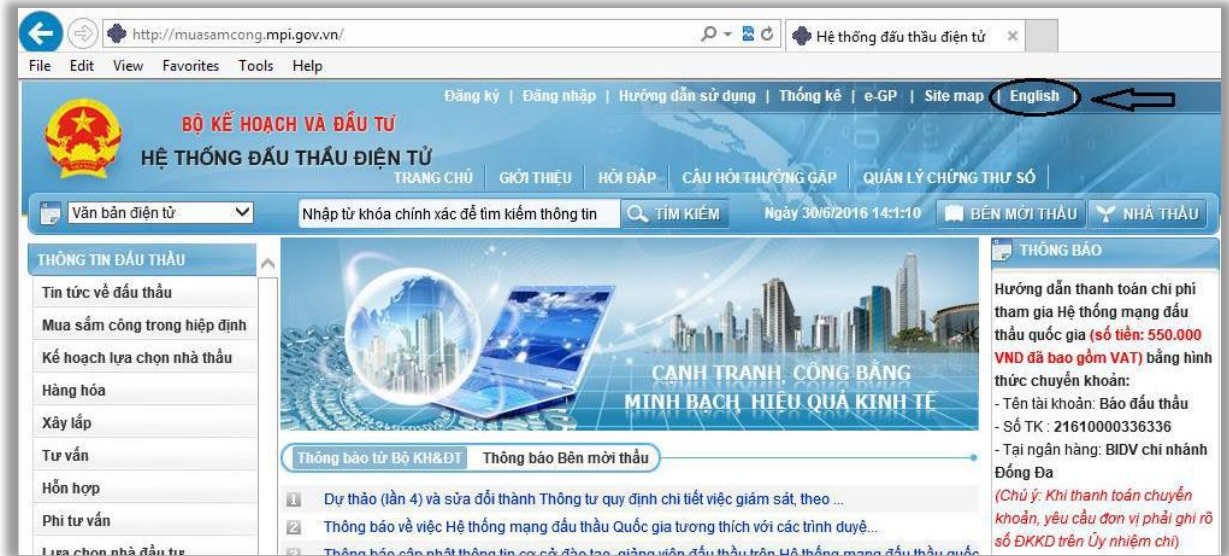
- any procurement of services associated with the management and operation of government facilities and all privately owned facilities used for government purposes;
- dredging services;
- construction in remote, mountainous and extremely difficult areas as stipulated in Viet Nam's regulations and on islands located beyond Viet Nam's territorial sea;
- construction of ministerial level headquarters;
- any procurement for the purposes of developing, protecting or preserving national treasures of artistic, historic, archaeological value or cultural heritage;
- procurement of any goods and related services involving national reserves stipulated in the Law on National Reserves and any amendments thereof;
- any procurement involving any form of preference to benefit small and medium enterprises;
- measures for the health, welfare and the economic and social advancement of ethnic minorities;
- procurement funded by grants and sponsorship payments from persons not listed in Annex 2;
- any procurement of goods and services inside the territory of Viet Nam, for the consumption outside the territory of Viet Nam;
- any procurement of goods and services involving national celebrations and religious purposes;
- transportation services that form a part of, or are incidental to, a procurement contract;
- any procurement by a procuring entity from another government entity;
- any procurement made by a covered entity on behalf of a non-covered entity;
- for the Ministry of Labour, War invalids and Social Affairs, any procurement of goods and services involving martyrs' cemetery;
- any procurement of investment management, investment advisory, or master custody and safekeeping services for the purposes of managing and investing the assets of superannuation funds of Viet Nam Social Security;
- procurement of construction services of the Ministry of Transport;
- procurement of restoration services of Ho Chi Minh National Academy of Politics;
- any procurement in relation to news and documentary production of Viet Nam News Agency.

## ANNEX 7

# STEP-BY-STEP GUIDE TO REGISTERING ON VNEPS

1. Registration screen

Visit <http://muasamcong.mpi.gov.vn> using Internet Explorer. Click "English" to change the language in display.



Click "Register".



Read through the Terms of use before ticking "Agree" and clicking "Next".

The screenshot shows the 'Terms of use for contractors' page on the VNPS. The header includes the Ministry of Planning and Investment, Vietnam logo and navigation links. The main content area is titled 'Terms of use for contractors' and contains the following sections:

- User registering as a bidder on the system is responsible for:**
  1. Manage and store the secret codes and certificate authority
  2. Must immediately change the secret code or cancel the certificate authority when the secret code is exposed.
  3. Must understand and comply with the provisions relating to public procurement, guidance for bidders and usage rules which have been notified on the system.
  4. To be fully responsible for the content posted using the certificate authority
  5. Pay all fees for accessing to the national procurement network, including the enrollment fee, the maintenance fee and the bid document submission fee according to the Circular No 11/2019/TT-BKHĐT issued on December 16th 2020 regarding detailed regulations on providing and publishing tendering information and online bidder selection.
  6. Bank transfer: Please specify your Company ID in the content of your bank transfer. Please transfer your payments to the following account:
    - Account name: Vietnam National E-procurement Center
    - Account number: 21610000386386
    - Bank name: Joint Stock Commercial Bank for Investment and Development of Vietnam (BIDV) - Dong Da branch
    - SWIFT CODE: BIDV VNVX
- Bidder's rights in the system:**
  1. Attend online tendering in regard to procurement packages with online bidder selection
  2. Look up information on procurement and other information available on the system

At the bottom, there is a checkbox labeled 'Agree' which is checked, and a 'Next' button.

Fill in application form, noting that red asterik "\*" represents required input field. Then click "Register".

The screenshot shows the 'Bidder registration' page on the VNPS. The header is the same as the previous page. The main content area is titled 'Bidder registration' and contains the following sections:

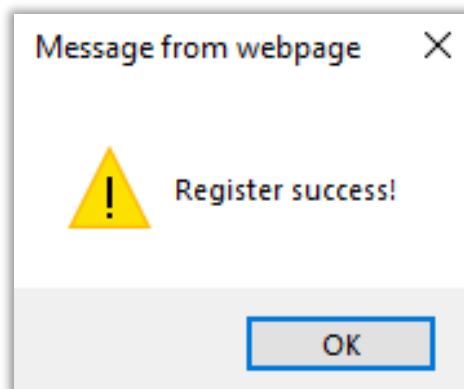
- [Registration Process]**: A flow diagram showing 'Step 1: Bidder registration' leading to 'Step 2: Registration approval'.
- [Organization Information]**: A form with the following fields:
  - Company ID: (Company ID is automatically generated by the system for internal use in the procurement network system.)
  - \*Organization Name: [Text input field]
  - \* Subject matter:  Goods  Civil Works  Consulting services  Non-consulting services
  - \* Number of employees: [Text input field]
  - \* Telephone: [Text input field] Fax: [Text input field]
  - \* Address: [Text input field]
  - Website: [Text input field]
  - \* Country: A SAMOA (dropdown menu)

The screenshot shows the registration interface of the National Online Procurement Network System. The header includes the Ministry of Planning and Investment, Vietnam logo and navigation links like Register, Login, Guide, and e-GP. A search bar and date/time display are also present. The main content area is divided into several sections:

- PROCUREMENT INFORMATION:** A sidebar menu with categories like News, Public procurement in FTAs, Procurement plan, Goods, Civil Works, Consulting services, Mixed packages, Non-consulting services, Selection of Investors, and Funding Announcement.
- LEGAL DOCUMENTS:** International.
- DATABASE:** List of Registered Bidder, Successful foreign bidder list in Vietnam.
- [Manager Information]:** Fields for Manager Name, Telephone, Highest legal representative (Yes/No), Passport, ID Card, and Email. Includes a table with columns: No., Manager Name, Passport, ID Card, Phone, Email, Highest legal Representative.
- [Business Information]:** Field for Business Line and a table with columns: No., Business lines.
- [Agent Information]:** Fields for Position, Agent Name, Email, Telephone, Department, Passport, ID Card Number, Mobile, and Fax.
- [Legal Representative Information]:** Fields for Legal Representative and Passport, ID Card Number.

Buttons for Register and Reset are located at the bottom of the form.

A notification of successful registration is generated by the system.



A registration application that is produced as a result shall be printed out, signed and sealed by the highest legal representative of the organization, and submitted to the Public Procurement Agency under the Ministry of Planning and Investment.



The approval status can be checked by providing the company ID and registration approval code.

The screenshot displays the 'National Online Procurement Network System' interface. At the top, it features the Ministry of Planning and Investment, Vietnam logo and navigation links for 'Register', 'Login', 'Guide', and 'e-GP'. The main header includes 'HOME PAGE' and 'VIETNAMESE'. A search bar is present with the text 'Enter the exact keyword to search' and a 'Search' button. The date 'Date 12/1/2021 14:46:04' and user roles 'Procuring Entity' and 'Bidder' are also visible.

The left sidebar contains a menu with categories: 'PROCUREMENT INFORMATION' (News, Public procurement in FTAs, Procurement plan, Goods, Civil Works, Consulting services, Mixed packages, Non-consulting services, Selection of Investors, Funding Announcement), 'LEGAL DOCUMENTS' (International), and 'DATABASE' (List of Registered Bidder, Successful foreign bidder list in Vietnam).

The main content area is titled 'Registration approval' and shows a process flow diagram: '[Registration Process]' with 'Step 1: Bidder registration' leading to 'Step 2: Registration approval'. Below this is a search form with 'Company ID' and 'Registration Approval Code' input fields and a 'Search' button. A red warning message states: 'Please enter the exact Company ID, registration approval code. After searching data if application status is Not Approved or Returned, user can reprint the application.'

At the bottom, there are logos for KOICA, AHSOS, and JAMSUNG, along with navigation links: 'Home Page | About Us | Guide | Contact Us | Back to top'. A copyright notice at the bottom right reads: 'All copyright by Ministry of Planning and Investment, VietNam'.