

CONTENTS OF LAW ON PUBLIC PROCUREMENT

2023



Law on Public Procurement 2023 was approved by the 15th National Assembly on June 23, 2023, and shall take effect from January 1, 2024, except for regulations on organizing the selection of investors, signing and managing contract performance.

Regulations on organizing the selection of investors, signing, and managing contract performance shall comply with Law on Public Procurement 2013 until the Amended Law on Land takes effect.

There is a separate chapter regulating bidding in the medical field, with a number of important changes:

- Health facilities shall themselves decide the procurement of drugs which are not covered by the health insurance fund
- Health facilities may decide the contractor selection for the procurement packages funded by borrowed capital of their own free will
- Allow to apply direct contracting to procure drugs, medical devices in urgent cases
- Application of centralized procurement for rare drugs with a small quantity
- Regulation to govern the "laid machine, borrowed machine" model

Addition of some cases that direct contracting can be applied as a contractor selection method:

- Packages for supply of consulting services, non-consulting services, drugs, chemicals, test equipment, medical devices, spare parts, accessories, facilities, or construction, which need to be executed immediately to serve epidemic and disease prevention and combat or maintain operation of health facilities in urgent cases;
- Packages of nationally important projects eligible for direct contracting according to the National Assembly's resolutions issued when deciding investment guidelines;

Simplify the bidding process:

- Cut out some intermediate-level appraisal and approval procedures
- Allow pre-implementation of some bidding activities
- Stipulate the minimum period for bidders, investors to prepare their bids, clarify their bids
- Stipulate the deadline for the competent person, employer, procuring entity to publish of bidding information
- Connecting and sharing information between VNEPS and web portals

Gradually proceed to carry out online bidding

- In 2024, the Government shall decide whether to adopt online bidding method or not;
- From January 01, 2025, the online bidding method shall apply to all packages, except cases where the bidding is not conducted on VNEPS.