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CONTRACTOR AND INVESTOR SELECTION PROCESS

O1

What steps does the procedure for the contractor selection process include?

The contractor selection process in case of competitive bidding or limited bidding includes the following steps:

- Preparation for contractor selection;
- Organization of contractor selection;
- Bid evaluation;
- Contract negotiation for a consulting service package.



With regard to procurement, construction or non-consulting service package to be executed adopting the international bidding method or a package with high technical requirements, the procuring entity may conduct contract negotiation with the first-ranked bidder if it is deemed necessary;

- Submission, appraisal, approval and disclosure of contractor selection result and provision of explanations for bidders as to why they were not successful (if any);
- Completion, signing and management of execution of contract.

02

What steps does the contractor selection process in case of **direct contracting** include?

The contractor selection process in case of direct contracting includes the following steps:

- Preparation for contractor selection;
- Organization of contractor selection;
- Evaluation of proposals and negotiation on one or some proposals (if any);
- Submission, appraisal, approval and disclosure of contract selection result;
- Completion, signing and management of execution of contract;

The simplified contractor selection process:

- Subjects of application: Packages of procurement cost estimates whose price ranges from VND 50 million to VND 100 million; packages of investment projects of state-owned enterprises or wholly state-owned enterprises and investment projects defined in the Law on public investment, including: consulting service packages whose price does not exceed VND 500 million, and packages for non-consulting services, procurement of goods, construction, or mixed packages whose price does not exceed VND 01 billion.
- The simplified contractor selection steps :
(1) Preparing and submitting the draft contract to the successful bidder (2) finalizing the contract; (3) preparing and sending the draft contract to the successful bidder (4) signing the contract and managing the contract execution.

03

What steps does the procedure for selecting contractors in case of **shopping** include?

The contractor selection process in case of shopping includes the following steps:

- Preparation for contractor selection;
- Organization of contractor selection;
- Bid evaluation;
- Submission, appraisal, approval and disclosure of contractor selection result and provision of explanations for bidders as to why they were not successful (if any);
- Completion, signing and management of execution of contract.

Compared to the Law 2013, the Law on Public Procurement 2023 has removed the regulation on the contractor selection process with competitive offers.

04

What steps does the procedure for selecting contractors in case of **direct procurement include?**

The contractor selection process in case of direct procurement includes the following steps:

- Preparation for contractor selection;
- Organization of contractor selection;
- Evaluation of proposals and negotiation on the proposal of the selected bidder;
- Submission, appraisal, approval and disclosure of contract selection result;
- Completion, signing and management of execution of contract.

05

What steps does the contractor selection process in case of **self-execution include?**

The contractor selection process in case of self-execution includes the following steps:

- Preparation of the self-execution plan, including drafting of the written assignment of tasks;
- Completion of the self-execution plan;
- Approval and disclosure of contractor selection result;
- Signing of the written assignment of tasks; management of the package execution.

06

What steps does the contractor selection process in case of **community participation include?**

The contractor selection process in case of community participation includes the following steps:

- Preparation of the plan for selection of residential community, group or team of local skilled workers to execute the package;
- Organization of selection process;
- Approval and disclosure of selection result;
- Completion, signing and management of execution of contract.

What contents does a **bidding documents** used for contractor selection include and must not include?

Bidding documents include:

- Instructions to bidders, additional purchase option (if any);
- Bidding Data Sheet (BDS);
- Criteria for evaluation of validity of bids; capacity and experience of bidders; technical proposals; financial - commercial proposals; bidders' reputation acquired from participation in bidding and execution of previous similar contracts, and quality of used similar goods.

If specialist contractors are employed, bidding documents must also indicate the scope of tasks and capacity and experience requirements to be satisfied by specialist contractors

- Invitation for bid and bidding forms;
- Scope of supply, technical requirements, terms of reference;
- Conditions of contract and contract forms;
- Documents, drawings and other contents (if any).

What steps does the procedure for selecting **individual consultants** include?

Individual consultants may be employed in case the tasks of a package can be performed by one or some capable and experienced experts without the participation of any organizations and without imposing execution conditions as those imposed on institutional contractors.

Process of individual consultant selection includes the following steps:

- Preparation for contractor selection;
- Organization of contractor selection;
- Evaluation of scientific CVs of bidders that are individual consultants;
- Contract negotiation;
- Submission, approval and disclosure of contract selection result;
- Signing and management of execution of contract.

- Bidding documents may impose requirements regarding countries or territories of origin. In the case of a package where all direct contracting requirements are satisfied but the competent person decides to apply the competitive bidding, limited bidding or shopping method to the contractor selection, bidding documents may impose requirements regarding origin and brands of goods.

- Bidding documents shall not impose any conditions that limit the participation of a bidder or give advantage for one or some bidders resulting in unfair competition. In case the bidding documents contain any violated contents, these contents shall be considered invalid and shall not be used as the basis for bid evaluation.

What **time intervals** should be ensured in the contractor selection?

The competent person, the investor is responsible for deciding the time of implementation on the basis of ensuring the progress of the project. The following tasks need to ensure the time prescribed by the Law on Public 2023:



- The minimum period between the first date on which the EOI request or prequalification document is issued and the deadline for submission of bids which is given for bidders to prepare their EOIs or prequalification applications shall be 09 days for domestic bidding or 18 days for international bidding;
- In case of competitive bidding or limited bidding, the minimum period between the first date on which the bidding documents are issued and the deadline for submission of bids which is given for bidders to prepare their bids shall be 18 days for domestic bidding or 35 days for international bidding. In case of a construction or mixed package whose price does not exceed VND 20 billion or a procurement or non-consulting service package whose price does not exceed VND 10 billion, this period shall be 09 days for domestic bidding or 18 days for international bidding;

- In case of shopping, the minimum period between the first date on which the bidding documents are issued and the deadline for submission of bids which is given for bidders to prepare their bids shall be 05 days;
- Where a competent person decides to apply the competitive bidding method to the selection of contractor for a package which satisfies the direct contracting requirements, the minimum period between the first date on which the bidding documents are issued and the deadline for submission of bids which is given for bidders to prepare their bids shall be 09 days;





(3) 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 so as to avoid causing harm to the life and health of people; packages for procurement of drugs, chemicals, test equipment, medical devices, spare parts, accessories used in giving emergency aid to patients as prescribed in the Law on Medical Examination and Treatment in case health facilities lack such drugs, chemicals, test equipment, medical devices, spare parts, accessories; packages for procurement of drugs or medical devices which can be manufactured by the only one manufacturer in the market;



Emergency packages:

(1) Which need to be executed to defend national sovereignty and national security; packages which need to be executed to immediately remedy or promptly handle consequences of natural disasters, conflagration, accidents, incidents, calamities or other force majeure events;

(2) Packages for consulting services, non-consulting services, supply of goods or construction which need to be executed immediately to prevent direct harm to the life and property of local communities or serious impacts on adjacent works;

- The amendment of bidding documents must be made at least 10 days before the deadline for submission of bids. In case of a construction or mixed package whose price does not exceed VND 20 billion or a procurement or non-consulting service package whose price does not exceed VND 10 billion, bidding documents may be amended at least 03 days before the deadline for submission of bids. The amendment of EOI request or prequalification document must be made at least 03 days before the deadline for submission of bids.

EOI request, prequalification document and bidding documents shall be issued as the same time as the invitation for EOIs, invitation for prequalification applications and invitation for bid respectively.





Norad

VCCI



UN
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Contact:

Legal Department - VCCI



024.6683.6545/ 024.3577.0632



xdphapluat.vcci@gmail.com/
xdphapluat@vcci.com.vn



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