

## UPDATED PROCUREMENT PLAN

### Project Information:

Country	Socialist Republic of Vietnam
Name of Borrower	Socialist Republic of Vietnam
Project Name	Upper Secondary and Professional Teacher Development Project
Loan Number	Loan 2298-VIE
Date of Effectiveness	10/07/2007
Amount \$ (total from all financiers)	\$43.185 million
Of which committed, \$	\$34 million
Executing Agency	Ministry of Education and Training
Approval Date of Original Procurement Plan	16/11/2006
Approval of Most Recent Procurement Plan	01/10/2010
Publication for Advertisement	TBD
Period covered by this plan	January – December 2010

### Section 1: Process Thresholds, Review and 18 Month Procurement Plan

#### A. Project Procurement Thresholds

Procurement of Goods and Works	
Method	Threshold
International Competitive Bidding for Works	More than US\$2,000,000
International Competitive Bidding for Goods	More than US\$1,000,000
Limited International Bidding for Goods	Up to US\$500,000
National Competitive Bidding for Works	More than US\$100,000 but below US\$2,000,000
National Competitive Bidding for Goods	More than US\$100,000 but below US\$500,000
Shopping Works	Less than US\$100,000
Shopping Goods	Less than US\$100,000

Consulting Services	
Method	Threshold
Quality and Cost Based Selection (QCBS)	Above US\$200,000
Individual Consultant Selection	
Fixed Budget Selection (FBS)	

#### B. ADB Prior or Post Review

Procurement of Goods and Works		
Method	Prior or Post	Comments
International Competitive Bidding / Limited International Bidding for Goods	Prior	
National Competitive Bidding for Works	Prior	
National Competitive Bidding for Goods	Prior	
Shopping Works	Post	
Shopping Goods	Post	

Recruitment of Consulting Firms		
Method	Prior or Post	Comments
Quality and Cost Based Selection (QCBS)	Prior	80 :20
Fixed Budget Selection (FBS)	Prior	Applicable to OST
Recruitment of Individual Consultants		
Individual Consultants	Prior	

**C. Goods and Works Estimated to Cost More than US\$ 1 Million**

General Description	Contract Value	Procurement Method	Pre-qualification of Bidders (y/n)	Advertisement Date (quarter/year)	Comments
ICT Equipment for Language Labs, Computer Labs, Multimedia Labs	2,475,000	ICB	N	Q3/2009	Awarded
Equipment for Chemistry, Biology, and Physics Labs	2,325,000	ICB	N	Q3/2009	Awarded
Electrical Electronics and Automobile Equipment	1,500,000	ICB	N	Q2/2010	

**D. Consulting Services Contracts Estimated to Cost More than US\$ 100,000**

General Description	Contract Value	Recruitment Method	Advertisement Date (quarter/year)	International or National Assignment	Comments
Training - OST	702,000	FBS	Q3/2009	International	3 packages Ongoing

**E. Goods and Works Contracts Estimated to Cost Less than \$1 million and Consulting Services Contracts Less than US\$100,000**

General Description	Value of Contracts (cumulative)	Number of Contracts	Procurement/ Recruitment Method	Comments
<b>Civil Works</b>	7,135,000	18	NCB	17 contracts awarded
	166,000	2	Shopping	
<b>Equipment</b>	2,597,000	4	LIB	2 contracts awarded Awarded 2 contracts awarded
	1,320,000	4	NCB	
	233,000	3	Shopping	
<b>Furniture</b>	731,000	1	LIB	Awarded Awarded Awarded
	300,000	1	NCB	
	85,000	1	Shopping	

**Section 2: Project Procurement Plan**

**F. Indicative List of Packages Required Under the Project**

General Description	Estimated Value (cumulative)	Estimated Number of Contracts	Procurement Method	Domestic Preference Applicable	Comments
<b>Civil Works</b>					
- New building construction	6,973,000	17	NCB	N	Awarded
- Major rehabilitation of					

existing structures and facilities					
- Minor rehabilitation of existing structures and facilities	162,000	1	NCB	N	
	166,000	2	Shopping	N	
<b>General Description</b>	<b>Estimated Value (cumulative)</b>	<b>Estimated Number of Contracts</b>	<b>Procurement Method</b>	<b>Domestic Preference Applicable</b>	<b>Comments</b>
<b>Equipment</b>					
ICT Equipment for Language Labs, Computer Labs, Multimedia Labs	2,475,000	1	ICB	Y	Awarded
Equipment for Chemistry, Biology, and Physics Labs	2,325,000	Multiple	ICB	Y	Awarded
Electrical Electronics and Automobile Equipment	1,500,000	1	ICB	Y	
Electronic Library Equipment	950,000	1	LIB	N	
Equipment for Welding and Mechanic-Technological Laboratories	502,000	1	LIB	N	
Electrical Equipment for Laboratories	643,000	1	LIB	N	Awarded
Telecommunication and Mechanical Equipment	502,000	1	LIB	N	Awarded
Geography Teaching and Bio-Technology Equipment	300,000	1	NCB	N	Awarded
Audio and Visual Equipment	360,000	1	NCB	N	Awarded
E-learning Equipment	360,000	1	NCB	N	
Internet Connection Equipment	380,000	1	NCB	N	
Multi-functioning Equipment	200,000	2	Shopping	N	Ongoing
Canteen Equipment	33,000	1	Shopping	N	Awarded
<b>Furniture</b>					
Furniture for Laboratories	731,000	1	LIB	N	Awarded
Furniture	300,000	1	NCB	N	
Furniture for Multi-functioning Lecture Hall	85,000	1	Shopping	N	Awarded
	<b>Estimated Value (cumulative)</b>	<b>Estimated Number of Contracts</b>	<b>Recruitment Method</b>	<b>Type of Proposal</b>	<b>Comments</b>
<b>Consulting Services</b>					
<b>Training</b>					
Overseas Short-Term Training Program	702,000	3	FBS	STP	Ongoing
Auditing Services for FY 2010	20,000	1	LCS	BTP	

## Section 3: NCB Annex

### 1. General

The laws to be followed for national competitive bidding shall be those set forth in the Bidding Law No. 61/2005/QH11 of 29 November 2006 and the Construction Law no. 16/2003/QH11 of 26 November 2003 and with the processes described in Decree No. 85/2009/ND-CP of 15 October 2009 with the clarifications and modifications described in the following paragraphs required for compliance with the provisions of the Procurement Guidelines.

### 2. Registration

- a) Bidding shall not be restricted to pre-registered firms and such registration shall not be a condition for participation in the bidding process.
- b) Where registration is required prior to award of contract, bidders: (i) shall be allowed a reasonable time to complete the registration process; and (ii) shall not be denied registration for reasons unrelated to their capability and resources to successfully perform the contract, which shall be verified through post-qualification.

### 3. Eligibility

- a) National sanction lists may only be applied with approval of ADB.
- b) Bidders shall not be required, as a condition of participation in the bidding, to provide suppliers' credit.
- c) A firm declared ineligible by ADB cannot participate in bidding for an ADB financed contract during the period of time determined by ADB.

### 4. Prequalification and Post qualification

- a) Post qualification shall be used unless prequalification is explicitly provided for in the loan agreement/procurement plan. Irrespective of whether post qualification or prequalification is used, eligible bidders (both national and foreign) shall be allowed to participate.
- b) When pre-qualification is required, the evaluation methodology shall be based on pass/fail criteria relating to the firm's experience, technical and financial capacities.
- c) Qualification criteria shall be clearly specified in the bidding documents, and all criteria so specified, and only criteria so specified, shall be used to determine whether a bidder is qualified. The evaluation of the bidder's qualifications should be conducted separately from the technical and commercial evaluation of the bid.
- d) When post-qualification is applied, the assessment of bidders' qualifications shall be carried out only after the preliminary and detailed evaluation of the bids has been completed by the Purchaser/ Employer and, in doing so, the qualification of the bidder who has submitted the lowest evaluated substantially responsive bid shall be assessed first. In carrying out the post-qualification assessment, the Employer/ Purchaser shall exercise reasonable judgment in requesting, in writing, from a bidder only missing factual or historical supporting information related to the bidder's qualifications and shall provide reasonable time period (a minimum of 7 days) to the bidder to provide response.
- e) If there is pre-qualification, all prequalified bidders shall be invited to bid.

**5. Preferences**

- a) No preference of any kind shall be given to domestic bidders or for domestically manufactured goods.
- b) Regulations issued by a sectoral ministry, provincial regulations and local regulations which restrict national competitive bidding procedures to a class of contractors or a class of suppliers shall not be applicable.
- c) Foreign bidders shall be eligible to participate in bidding under the same conditions as local bidders, and local bidders shall be given no preference (either in bidding process or in bid evaluation) over foreign bidders, nor shall bidders located in the same province or city as the procuring entity be given any such preference over bidders located outside that city or province

**6. Advertising**

- a) Invitations to bid (or prequalify, where prequalification is used) shall be advertised in at least one widely circulated national daily newspaper or freely accessible, nationally-known website allowing a minimum of twenty-eight (28) days for the preparation and submission of bids and allowing potential bidders to purchase bidding documents up to at least twenty-four (24) hours prior the deadline for the submission of bids. Bidding of NCB contracts estimated at \$500,000 or more for goods and related services or \$1,000,000 or more for civil works shall be advertised concurrently with the general procurement notices on ADB's website.
- b) Bidding documents shall be made available by mail, electronically, or in person, to all who are willing to pay the required fee, if any.
- c) The fee for the bidding documents should be reasonable and consist only of the cost of printing (or photocopying) the documents and their delivery to the bidder.
- d) Bidders domiciled outside the area/district/province of the unit responsible for procurement shall be allowed to participate regardless of the estimated value of the contract.

**7. Standard bidding documents**

- a) The Borrower's standard bidding documents, acceptable to ADB, shall be used. The bidding documents shall provide clear instructions on how bids should be submitted, how prices should be offered, and the place and time for submission and opening of bids.
- b) Bidders shall be allowed to submit bids by hand or by mail/ courier.

**8. Bid Security**

Where required, bid security shall be in the form of a bank guarantee from a reputable bank.

**9. Bid Opening**

- a) Bids shall be opened in public, immediately after the deadline for submission of bids. Bidders or their representative shall be allowed to be present. The name of the bidder and total amount of each bid, including discounts, shall be read aloud and recorded. Immediately after completion of the bid opening proceedings, a copy of the bid opening record shall be promptly provided to all bidders who submitted bids.

- b) Bids received after the deadline for bid submission shall be returned to the bidders unopened.

#### **10. Bid Evaluation**

- a) The process of bid evaluation shall be confidential until the publication of contract award.
- b) Evaluation criteria shall be clearly specified in the bidding documents, and evaluation criteria other than price shall be quantified in monetary terms. Evaluation of bids shall be made in strict adherence to the criteria declared in the bidding documents. All evaluation criteria so specified, and only evaluation criteria so specified, shall be taken into account in bid evaluation. Merit points shall not be used in bid evaluation.
- c) Bidders shall not be eliminated from detailed evaluation on the basis of minor, non-substantial deviations.
- d) A bid containing material deviations from, or reservations to, the terms, conditions or specifications of the bidding documents shall be rejected as not substantially responsive. A bidder shall not be permitted to withdraw material deviations or reservations once bids have been opened.
- e) The contract shall be awarded to the technically responsive bidder that offers the lowest evaluated price, and meets the qualifying criteria.
- f) Except with the prior approval of ADB, no negotiations shall take place with any bidder prior to the award, even when all bids exceed the cost estimates.
- g) A bidder shall not be required, as a condition for award of contract, to undertake obligations not specified in the bidding documents, or otherwise to modify the bid as originally submitted.
- h) If the Bidder that submitted the lowest evaluated bid does not accept the arithmetical corrections made by the evaluating committee during the evaluation stage, its bid shall be disqualified and its bid security shall be forfeited.

#### **11. Rejection of All Bids and Rebidding**

- (a) No bid shall be rejected on the basis of a comparison with the owner's estimate or budget ceiling without the ADB's prior concurrence.
- (b) Bids shall not be rejected and new bids solicited without the ADB's prior concurrence.

#### **12. Participation by Government-owned enterprises**

Government-owned enterprises shall be eligible to participate as bidders only if they can establish that they are legally and financially autonomous, operate under commercial law and are not a dependent agency of the Borrower or the contracting entity. Furthermore, they will be subject to the same bid and performance security requirements as other bidders.

#### **13. Non-eligibility of military or security units**

Military or security units, or enterprises which belong to the Ministry of Defense or the Ministry of Public Security shall not be permitted to bid.

**14. Participation by Foreign contractors and suppliers. Joint Ventures and Associations**

- a) Foreign suppliers and contractors from eligible countries shall, if they are interested, be allowed to participate without being required to associate or form joint ventures with local suppliers or contractors, or to subcontract part of their contract to a local bidder.
- b) A bidder declared the lowest evaluated responsive bidder shall not be required to form a joint venture or to sub-contract part of the supply of goods as a condition of award of the contract.
- c) License for foreign contractors operation in Vietnam would be provided in a timely manner and will not be arbitrarily withheld.

**15. Publication of the Award of Contract. Debriefing.**

- a) For contracts subject to prior review, within 2 weeks of receiving ADB's "No-objection" to the recommendation of contract award, the borrower shall publish in the Government Public Procurement Bulletin when established, or well-known and freely-accessible website the results of the bid evaluation, identifying the bid and lot numbers, and providing information on: i) name of each bidder who submitted a bid; ii) bid prices as read out at bid opening; iii) name and evaluated prices of each bid that was evaluated; iv) name of bidders whose bids were rejected and the reasons for their rejection; and v) name of the winning bidder, and the price it offered, as well as the duration and summary scope of the contract awarded.
- b) For contracts subject to post review, the borrower shall publish the bid evaluation results no later than the date of contract award.
- c) In the publication of the bid evaluation results, the borrower shall specify that any bidder who wishes to ascertain the grounds on which its bid was not selected, should request an explanation from the borrower. The borrower shall promptly provide an explanation of why such bid was not selected, either in writing and / or in a debriefing meeting, at the option of the borrower. The requesting bidder shall bear all the costs of attending such as debriefing. In this discussion, only the bidder's bid can be discussed and not the bids of competitors.

**16. Handling of Complaints**

The national competitive bidding documents shall contain provisions acceptable to ADB describing the handling of complaints in accordance with Article 47 of Decree No. 85/2009/ND-CP of 15 October 2009 , read with Articles 72 and 73 of Bidding Law No. 61/2005/QH11. A request for debriefing by a bidder made in accordance with paragraph 2.65 of the Procurement Guidelines shall not be regarded as a complaint and shall not therefore require the deposit of funds as described in Article 6 Decree No. 85/2009/ND-CP of 15 October 2009.

**17. ADB Member Country Restrictions**

Bidders must be nationals of member countries of ADB, and offered goods, works, and services must be produced in and supplied from member countries of ADB.