

# PROCUREMENT PLAN

## Basic Data

<b>Project Name:</b> Greater Mekong Subregion Health Security Project	
<b>Project Number:</b> 48118-002	<b>Approval Number:</b> 3467
<b>Country:</b> Viet Nam, Socialist Republic of	<b>Executing Agency:</b> Ministry of Health, Ministry of Health and Sports
<b>Project Financing Amount:</b> US\$ 84,000,000 <b>ADB Financing:</b> US\$ 80,000,000 <b>Cofinancing (ADB Administered):</b> <b>Non-ADB Financing:</b> US\$ 4,000,000	<b>Implementing Agency:</b> N/A
	<b>Project Closing Date:</b> 30 September 2022
<b>Date of First Procurement Plan:</b> 22 November 2016	<b>Date of this Procurement Plan:</b> 12 April 2021, Version 12
<b>Advance Contracting:</b> Yes	<b>e-GP:</b> Yes  <a href="http://muasamcong.mpi.gov.vn/">http://muasamcong.mpi.gov.vn/</a>

## A. Methods, Thresholds, Review and 18-Month Procurement Plan

### 1. Procurement and Consulting Methods and Thresholds

Except as the Asian Development Bank (ADB) may otherwise agree, the following process thresholds shall apply to procurement of goods and works.

Procurement of Goods and Works		
Method	Threshold	Comments
International Competitive Bidding for Goods	US\$ 5,000,000 and Above	ADB prior review
National Competitive Bidding for Goods	Between US\$ 100,000 and US\$ 4,999,999	ADB prior review for the first procurement
Shopping for Goods	Up to US\$ 99,999	ADB prior review for the first procurement
Direct Contracting for Goods	No threshold (allowed for any amount)	For emergency COVID-19 packages
International Competitive Bidding for Works	US\$ 10,000,000 and Above	ADB prior review
National Competitive Bidding for Works	Between US\$ 100,000 and US\$ 9,999,999	ADB prior review for the first procurement
Shopping for Works	Up to US\$ 99,999	ADB prior review for the first procurement

Consulting Services	
Method	Comments
Least-Cost Selection for Consulting Firm	ADB prior review
Fixed Budget Selection for Consulting Firm	ADB prior review
Individual Consultant Selection for Individual Consultant	ADB prior review

### 2. Goods and Works Contracts Estimated to Cost \$1 Million or More

The following table lists goods and works contracts for which the procurement activity is either ongoing or expected to commence within the next 18 months.

Package Number	General Description	Estimated Value	Procurement Method	Review (Prior/ Post)	Bidding Procedure	Advertisement Date (quarter/year)	Comments
ICB 2	Equipment for QA Centers for Pasteur Institute HCM and National Institute of Hygiene and Epidemiology (NIHE)	5,999,769.00	ICB	Prior	1S1E	Q2 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document:

	<p>Lot 1: Equipment for microbiological testing</p> <p>Lot 2: Calibration supportive equipment</p> <p>Lot 3: Automatic analysers and other equipment</p> <p>Lot 4: Equipment for environmental monitoring, spectrophotometer and chromatography</p>	<p>1,700,341.00</p> <p>1,965,619.00</p> <p>737,458.00</p> <p>1,596,351.00</p>					<p>Goods</p> <p>e-GP: No</p> <p>Covid-19 Response? No</p>
ICB 5	<p>Equipment for enhancing infectious disease control capacity</p> <p>Lot 1: Remote thermometer, disinfecting systems and other equipment</p> <p>Lot 2: Equipment for enhancing the quality management capacity of Tay Nguyen Institute of Hygiene and Epidemiology and Nha Trang Pasteur Institute</p> <p>Lot 3: Equipment for isolation room, industrial washers, and industrial dryers</p> <p>Lot 4: Automatic analyser systems</p>	<p>5,678,156.00</p> <p>1,014,000.00</p> <p>1,678,144.00</p> <p>1,744,523.00</p> <p>1,241,489.00</p>	ICB	Prior	1S1E	Q2 / 2021	<p>Prequalification of Bidders: N</p> <p>Domestic Preference Applicable: N</p> <p>Bidding Document: Goods</p> <p>e-GP: No</p> <p>Covid-19 Response? No</p>
NCB 31	Vehicles	4,500,000.00	NCB	Prior	1S1E	Q2 / 2021	<p>Prequalification of Bidders: N</p> <p>Domestic Preference Applicable: N</p> <p>Bidding Document: Goods</p> <p>e-GP: Yes</p> <p>e-GP Type:</p>

							e-Bidding Covid-19 Response? No
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### 3. Consulting Services Contracts Estimated to Cost \$100,000 or More

The following table lists consulting services contracts for which the recruitment activity is either ongoing or expected to commence within the next 18 months.

Package Number	General Description	Estimated Value	Recruitment Method	Review (Prior/ Post)	Advertisement Date (quarter/year)	Type of Proposal	Comments
FBS 3	Final Evaluation	100,000.00	FBS	Prior	Q2 / 2021	STP	Assignment: National  e-GP: No  Covid-19 Response? No
FBS 4	Assess financial and social impact for selected popular communicable diseases	100,000.00	FBS	Prior	Q2 / 2021	BTP	Assignment: National  e-GP: No  Covid-19 Response? No
FBS 5	Assessment of capacity laboratory staff and monitoring hygiene and IPC practices	101,000.00	FBS	Prior	Q2 / 2021	BTP	Assignment: National  e-GP: No  Covid-19 Response? No
LCS 2	Audit firm (FYs 2020-2022)	100,000.00	LCS	Prior	Q2 / 2021	BTP	Assignment: National  e-GP: No  Covid-19 Response? No

**4. Goods and Works Contracts Estimated to Cost Less than \$1 Million and Consulting Services Contracts Less than \$100,000 (Smaller Value Contracts)**

The following table lists smaller-value goods, works and consulting services contracts for which the activity is either ongoing or expected to commence within the next 18 months.

Goods and Works								
Package Number	General Description	Estimated Value	Number of Contracts	Procurement Method	Review (Prior/Post)	Bidding Procedure	Advertisement Date (quarter/year)	Comments
NCB 14	Minor repair in Cao Bang	149,000.00	1	NCB	Prior	1S1E	Q3 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Small Works  e-GP: Yes  e-GP Type: e-Bidding  Covid-19 Response? No  Comments: Prior review for first 3 NCB works package. Minor works repackaged to suit project needs and locations. PPMU
NCB 15	Minor repair in Dak Lak	108,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Small Works  e-GP: Yes  e-GP Type: e-Bidding  Covid-19 Response? No  Comments: PPMU
NCB 16	Minor repair in Dien Bien	101,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Small

								Works e-GP: Yes e-GP Type: e-Bidding Covid-19 Response? No Comments: PPMU
NCB 17	Minor repair in Gia Lai	113,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N Domestic Preference Applicable: N Bidding Document: Small Works e-GP: Yes e-GP Type: e-Bidding Covid-19 Response? No Comments: PPMU
NCB 18	Minor repair in Ha Giang	125,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N Domestic Preference Applicable: N Bidding Document: Small Works e-GP: Yes e-GP Type: e-Bidding Covid-19 Response? No Comments: PPMU
NCB 19	Minor repair in Ha Tinh	106,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N Domestic Preference Applicable: N Bidding Document: Small Works e-GP: Yes e-GP Type: e-Bidding

								Covid-19 Response? No Comments: PPMU
NCB 20	Minor repair in Kon Tum	101,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Small Works  e-GP: Yes  e-GP Type: e-Bidding  Covid-19 Response? No Comments: PPMU
NCB 21	Minor repair in Lang Son	125,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Small Works  e-GP: Yes  e-GP Type: e-Bidding  Covid-19 Response? No Comments: PPMU
NCB 22	Minor repairs in Lao Cai	101,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Small Works  e-GP: Yes  e-GP Type: e-Bidding  Covid-19 Response? No Comments: PPMU
NCB 23	Minor repairs in	149,000.00	1	NCB	Post	1S1E	Q2 / 2021	Prequalification of

	Nghe An							Bidders: N Domestic Preference Applicable: N Bidding Document: Small Works e-GP: Yes e-GP Type: e-Bidding Covid-19 Response? No Comments: PPMU
NCB 24	Minor repairs in Phu Tho	120,000.00	1	NCB	Prior	1S1E	Q4 / 2020	Prequalification of Bidders: N Domestic Preference Applicable: N Bidding Document: Small Works e-GP: Yes e-GP Type: e-Bidding Covid-19 Response? No Comments: First three NCB works for prior review. PPMU
NCB 25	Minor repairs in Quang Nam	113,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N Domestic Preference Applicable: N Bidding Document: Small Works e-GP: Yes e-GP Type: e-Bidding Covid-19 Response? No Comments: PPMU
NCB 26	Minor repairs in Quang Ngai	120,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N Domestic Preference

								Applicable: N  Bidding Document: Small Works  e-GP: Yes  e-GP Type: e-Bidding  Covid-19 Response? No  Comments: PPMU
NCB 27	Minor repairs in Quang Tri	101,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Small Works  e-GP: Yes  e-GP Type: e-Bidding  Covid-19 Response? No  Comments: PPMU
NCB 28	Minor repairs in Thanh Hoa	125,000.00	1	NCB	Post	1S1E	Q3 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Small Works  e-GP: Yes  e-GP Type: e-Bidding  Covid-19 Response? No  Comments: PPMU
NCB 4A	Lab consumables: 2017-2019	500,000.00	1	NCB	Prior	1S1E	Q1 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Goods  e-GP: Yes



								e-GP Type: e-Bidding  Covid-19 Response? No  Comments: PMU
NCB 4B	Lab consumables: 2020–2022	500,000.00	1	NCB	Prior	1S1E	Q3 / 2021	Prequalification of Bidders: N  Domestic Preference Applicable: N  Bidding Document: Goods  e-GP: Yes  e-GP Type: e-Bidding  Covid-19 Response? No  Comments: PMU
Shopping 1	Minor repairs in An Giang	65,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No  Comments: PPMU
Shopping 10	Minor repairs in Lai Chau	84,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No  Comments: PPMU
Shopping 11	Minor repairs in Lam Dong	77,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No  Comments: PPMU
Shopping 12	Minor repairs in Nam Dinh	60,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No

								Covid-19 Response? No Comments: PPMU
Shopping 13	Minor repairs in Ninh Binh	48,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 14	Minor repairs in Ninh Thuan	48,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 15	Minor repairs in Quang Binh	77,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 16	Minor repairs in Quang Ninh	53,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 17	Minor repairs in Son La	72,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 18	Minor repairs in Tay Ninh	53,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19

								Response? No Comments: PPMU
Shopping 19	Minor repairs in Vinh Long	48,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 2	Minor repairs in Bac Giang	60,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 20	Minor repairs in Vinh Phuc	60,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 21	Minor repairs in Yen Bai	84,000.00	1	SHOPPING	Prior		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: First shopping package for prior review. PPMU
Shopping 3	Minor repairs in Bac Kan	84,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 4	Minor repairs in Bac Lieu	36,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No

								Covid-19 Response? No Comments: PPMU
Shopping 5	Minor repairs in Binh Phuoc	53,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 6	Minor repairs in Dak Nong	84,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 7	Minor repairs in Ha Nam	60,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 8	Minor repairs in Hoa Binh	48,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU
Shopping 9	Minor repairs in Kien Giang	89,000.00	1	SHOPPING	Post		Q3 / 2021	e-GP: No  Covid-19 Response? No Comments: PPMU

**Consulting Services**

Package Number	General Description	Estimated Value	Number of Contracts	Recruitment Method	Review (Prior/Post)	Advertisement Date (quarter/year)	Type of Proposal	Comments
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None							
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## B. Indicative List of Packages Required Under the Project

The following table provides an indicative list of goods, works and consulting services contracts over the life of the project, other than those mentioned in previous sections (i.e., those expected beyond the current period).

Goods and Works							
Package Number	General Description	Estimated Value (cumulative)	Estimated Number of Contracts	Procurement Method	Review (Prior/Post)	Bidding Procedure	Comments
None							

Consulting Services							
Package Number	General Description	Estimated Value	Number of Contracts	Recruitment Method	Review (Prior/Post)	Type of Proposal	Comments
None							

## C. List of Awarded and On-going, and Completed Contracts

The following tables list the awarded and on-going contracts, and completed contracts.

### 1. Awarded and Ongoing Contracts

Goods and Works							
Package Number	General Description	Estimated Value	Awarded Contract Value	Procurement Method	Advertisement Date (quarter/year)	Date of ADB Approval of Contract Award	Comments
ICB 3	District lab equipment	12,329,350.00	12,192,063.55	ICB	Q2 / 2019		Lot 1: Joint Venture Mitalab-Eastern-T. D.; Lot 2: Nhat Linh Company Limited and Song Hang Service and Trading Joint Stock Company Venture; Lot 3: Viet Nam National Minerals Export-Import Joint Stock Company and Dung Phuong Company Limited Joint Venture; Lot 4: Viet Quang Company Limited  e-GP: No
NCB 1	Equipment for surveillance and CDC	4,329,765.00	4,214,981.89	NCB	Q2 / 2019		Lot 1 and Lot 3: Thang Long Chemicals and Instruments Joint Stock Company;

							Lot 2: Thang Long Chemicals and Instruments Joint Stock Company  e-GP: No
ICB 4	IPC equipment	9,207,000.00	8,936,978.00	ICB	Q2 / 2019		Lot 1: Joint Venture Hong Phat Technology and Trading Company Limited - Tran-Le Trading and Production Company Limited; Lot 2: Joint Venture between Viet Duc Joint Stock Company and Viet Nam National Mineral Export - Import Joint Stock Company  e-GP: No
Direct contracting 02	Disinfectants	2,769.00	2,772.11	DC	Q2 / 2020	16-MAR-21	Bich Loc Materials Science, Equipment, Chemicals, and Laboratory Equipment Store (VND 63,900,000)  e-GP: No
Direct contracting 03	Information, education and communication (IEC) materials	2,190.00	2,198.17	DC	Q2 / 2020	16-MAR-21	Nguyen Van Thuc Printing Shop (VND 50,670,000)  e-GP: No
Direct contracting 04	Information, education and communication (IEC) materials	1,950.00	1,952.19	DC	Q2 / 2020	16-MAR-21	Bao Bao Duong Household Business (VND 45,000,000)  e-GP: No
Direct contracting 05	Information, education and communication (IEC) materials	1,580.00	1,581.71	DC	Q2 / 2020	16-MAR-21	Chau Long Company Limited (VND 36,460,000)  e-GP: No
Direct contracting 06	Information, education and communication	660.00	650.73	DC	Q2 / 2020	16-MAR-21	Tri Tue Printing Technology Joint Stock Company

	(IEC) materials						(VND 15,000,000)  e-GP: No
Direct contracting 01	Personal protective equipment	2,310.00	2,320.28	DC	Q2 / 2020	16-MAR-21	Tin Tai Phat Store (VND 53,487,000)  e-GP: No

#### Consulting Services

Package Number	General Description	Estimated Value	Awarded Contract Value	Recruitment Method	Advertisement Date (quarter/year)	Date of ADB Approval of Contract Award	Comments
LCS 1	Audit firm (FYs 2017-2019)	150,000.00	126,938.00	LCS	Q4 / 2018	25-JUL-19	Joint Venture of Grant Thornton (Vietnam) Ltd. and CPA Vietnam Auditing Company Limited  e-GP: No
LCS 3	Initial Evaluation	100,000.00	99,629.00	FBS	Q4 / 2018	14-AUG-19	Center for Environmental and Health Studies  e-GP: No
ICS 1	Chief Technical Adviser	400,000.00	280,000.00	ICS	Q4 / 2018	02-JAN-19	Mr. Alistair Briscoe  e-GP: No
ICS 2	Laboratory Quality Improvement Specialist	140,000.00	140,000.00	ICS	Q4 / 2018	02-JAN-19	Mr. Ruben david  e-GP: No
ICS 3	Procurement Specialist	140,000.00	140,000.00	ICS	Q4 / 2018	02-JAN-19	Ms. Nida Calma  e-GP: No
ICS 10	CDC, S&R and regional cooperation specialist	63,000.00	30,716.14	ICS	Q4 / 2018	02-JAN-19	Ms. Nguyen Thi Hong Tu  e-GP: No
ICS 7	Environment preservation and Infection	63,000.00	45,370.46	ICS	Q4 / 2018	02-JAN-19	Mr. Vu Tri Hoat

	prevention and control specialist						e-GP: No
ICS 9	Financial management specialist	63,000.00	34,560.93	ICS	Q4 / 2018	01-OCT-19	Mr. Ha Tien Thanh e-GP: No
ICS 8	Gender and social safeguards specialists	63,000.00	46,327.56	ICS	Q4 / 2018	02-JAN-19	Mr. Vuong Thuy Lan e-GP: No
ICS 6	Laboratory equipment specialist	63,000.00	46,327.56	ICS	Q4 / 2018	02-JAN-19	Ms. Ho Thi Minh Ly e-GP: No
ICS 4	Planning Specialist (including Monitoring and Evaluation)	63,000.00	46,327.56	ICS	Q4 / 2018	02-JAN-19	Ms. Bui Thi Tam Trinh e-GP: No
ICS 5	Procurement Specialist	63,000.00	34,560.93	ICS	Q4 / 2018	01-OCT-19	Ms. Dinh Thi Thu Huong e-GP: No



## **D. National Competitive Bidding**

### **1. General**

The procedures to be followed for the procurement of goods, non-consulting services, and works under contracts awarded on the basis of National Competitive Bidding shall be those set forth in: (a) Law on Procurement No. 43/2013/QH13 dated November 26, 2013 ("Law on Procurement") and (b) Decree No. 63/2014/ND-CP dated June 26, 2014 (collectively, "National Procurement Laws"). Whenever any procedure in the National Procurement Laws is inconsistent with the ADB Procurement Guidelines (March 2013, as amended from time to time), the ADB Procurement Guidelines shall prevail, amongst others on the following.

### **2. Eligibility**

- (i) The eligibility of bidders shall be defined under section I of the ADB Procurement Guidelines; accordingly, no bidder or potential bidder should be declared ineligible for reasons other than those provided in section I of the ADB Procurement Guidelines, as amended from time to time. Conditions of bidders' participation shall be limited to those that are essential to ensure bidders' capability to fulfill the contract in question. Foreign bidders shall be eligible to participate under the same conditions as national bidders. Foreign bidders shall not be asked or required to form joint ventures with, or be subcontractors to, national bidders in order to submit a bid.
- (ii) A firm declared ineligible by ADB cannot participate in bidding for an ADB-financed contract during the period of time determined by ADB.
- (iii) A bidder shall not have a conflict of interest, which term shall be defined in accordance with section 1 of ADB Procurement Guidelines.<sup>1</sup> Any bidder found to have a conflict of interest shall be ineligible for contract award.
- (iv) Government-owned enterprises in the Borrower's country shall be eligible to participate as a bidder only if they can establish that they are legally and financially autonomous, operate under commercial law and are not dependent agencies of the Borrower or Sub-Borrower.
- (v) National sanction lists may only be applied with approval of ADB<sup>2</sup>.

### **3. Preferences**

No preference of any kind shall be given to domestic bidders over foreign bidders or for domestically manufactured goods over foreign manufactured goods. Unless otherwise stated in the applicable financing agreement, preferences among domestic bidders set forth in Article 14(3) of the Law on Procurement shall not be applied.

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<sup>1</sup> Detailed guidance on how to apply conflict of interest test is available under section 1 of ADB's standard bidding documents for goods and works (as amended from time to time).

<sup>2</sup> For fraud and corruption cases, Section 50 of ADB's Integrity Principles and Guidelines provides that ADB may decide that another international financial institution's or legal or regulatory body's determination that a party has failed to adhere to appropriate ethical standards, as defined by any established system of principles, rules, or duties, including the laws or regulations of a state, constitutes that party's failure to maintain the highest ethical standards as required by ADB's Anticorruption Policy. The party may be subject to remedial action in accordance with the Integrity Principles and Guidelines. <http://www.adb.org/sites/default/files/integrity-principles-guidelines.pdf>

#### **4. Bidding Procedure**

Single stage-single envelope shall be the default bidding procedure and application of other bidding procedures shall require ADB's prior approval.

#### **5. Time for Bid Preparation**

The time allowed for the preparation and submission of bids for large and/or complex packages shall not be less than thirty (30) days from the date of the invitation to bid or the date of availability of the bidding documents, whichever is later.

#### **6. Standard bidding documents**

The Borrower's standard bidding documents, acceptable to ADB, shall be used. Bidders shall be allowed to submit bids by hand or by mail/ courier.

#### **7. Bid Opening and Evaluation**

- (i) Bids shall be opened in public, immediately after the deadline for submission of bids, regardless of the number of bids received.
- (ii) Except with prior approval of ADB, merit points shall not be used in bid evaluation.
- (iii) No price adjustments shall be made for evaluation purposes in accordance with Article 117(6) of Decree 63 when unit rates offered by the bidder are determined to be abnormally low.
- (iv) Bidders shall be given commercially reasonable time period to respond to clarification requests.
- (v) Bidders shall not be eliminated from detailed evaluation on the basis of minor, non-substantial deviations<sup>3</sup>.
- (vi) Except with the prior approval of ADB, negotiations contemplated under paragraphs 7 and 8 of Article 117 of Decree No. 63/2014/ND-CP shall not take place with any bidder prior to contract award.
- (vii) 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.

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

- (i) No bid shall be rejected on the basis of a comparison with the Procuring Entity's estimate or budget ceiling without ADB's prior concurrence.
- (ii) All bids shall not be rejected and new bids solicited without ADB's prior approval.

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<sup>3</sup> A minor, non-substantial deviation is one that, if accepted, would not affect in any substantial way the scope, quality, or performance specified in the contract; or limit in any substantial way, the Contracting entity rights or the Bidder's obligations under the proposed contract or if rectified, would not unfairly affect the competitive position of other bidders presenting substantially responsive bids.

## **9. Publication of the Award of Contract. Debriefing.**

- (i) 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 Gazette, 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.
- (ii) For contracts subject to post review, the procuring entity shall publish the bid evaluation results no later than the date of contract award.
- (iii) 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, may 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 a debriefing.

## **10. Contract Administration**

The Contract Agreement, as such term is defined in the relevant bidding document, shall be applied without any modification during implementation except as otherwise agreed by ADB.

## **11. Fraud and Corruption**

A provision shall be included in all bidding documents for NCB works and goods contracts financed by ADB stating that ADB will sanction a party or its related parties, including declaring ineligible, either indefinitely or for a stated period of time, to participate in ADB-financed, administered or supported activities if it at any time determines that the party has, directly or indirectly through an agent, engaged in integrity violations as defined under ADB's Integrity Principles and Guidelines, including corrupt, fraudulent, collusive, or coercive practices in competing for, or in executing, an ADB-financed, administered or supported contract.

## **12. Right to Inspect/ Audit**

Each bidding document and contract financed by ADB shall include a provision requiring bidders, contractors, agents (whether declared or not), sub-contractors, sub-consultants, service providers, or suppliers and any personnel thereof, to permit ADB to inspect all accounts, records and other documents relating to any prequalification process, bid submission, and contract performance (in the case of award), and to have them audited by auditors appointed by ADB.