|  |  |
| --- | --- |
| **PEOPLE'S COMMITTEE OF THANH HOA PROVINCE** | **SOCIALIST REPUBLIC OF VIETNAM****Independence - Freedom - Happiness** |

**PRELIMINARY REQUIREMENTS ON CAPABILITY AND EXPERIENCE OF INVESTORS REGISTERING FOR LAND-USING INVESTMENT PROJECTS**

**Project name: Hong Phong new residential area in Tien Trang commune, Quang Xuong district, Thanh Hoa province**

*(Attached to Decision No. /QD-UBND dated … 2022 of Thanh Hoa Provincial People's Committee)*

**Chapter I**

**INSTRUCTIONS FOR INVESTORS**

**Section 1. CONTENTS OF INTEREST**

1. Thanh Hoa Department of Planning and Investment (hereinafter referred to as Thanh Hoa Dept. of P&I for short) hereby invites investors to submit a registration dossier for project implementation of Hong Phong new residential area in Tien Trang commune, Quang Xuong district, Thanh Hoa province.

2. Project information:

a) Investment objective: Invest in synchronous construction of technical - social infrastructure, houses and other works under the project to serve the needs of residential land, housing, community activities and other needs of the people in the area and visitors; contribute to the local socio-economic development.

b) Investment scale: Invest completely and synchronously in technical infrastructure, social infrastructure, housing and other works according to the approved detailed construction planning of the project (pursuant to Decision No. 4872/QD-UBND dated November 13, 2020 of the Chairman of the Provincial People's Committee), including:

- Invest in complete construction of technical infrastructure with a land area of about 12.69 ha (ground leveling, roads, parking lots, water supply - drainage, electricity supply, lighting, greenery).

- Invest in complete construction of cultural houses.

- Invest in constructing the rough parts and finishing the facades of townhouses and villas (excluding 07 residential land lots for resettlement).

- Some indicators of the investment project:

+ Area for housing construction (excluding residential land for resettlement): 55,802 m2;

+ Floor area for housing construction: 163,412 m2;

+ Type of housing: Townhouses, villas;

+ Number of houses: 436 houses (including 402 townhouses, 34 villas) and 07 resettlement lots;

+ Population size: About 2,200 people;

+ Project under the protection scope of relics recognized as national monuments or special national monuments by competent authorities: N/a;

+ Project in restricted development areas or historic inner cities (defined in urban planning project) of special-class urban centers: N/a.

c) Preliminary total project implementation cost (excluding compensation, support and resettlement costs): 876,258 million VND.

Preliminary cost of compensation, support and resettlement: 33,896 million VND.

d) Summary of the project’s basic requirements:

The investor is responsible for synchronously investing in works according to the approved detailed planning of the project, including the following items:

- Invest in technical infrastructure (ground leveling, roads, parking lots, water supply - drainage, electricity supply, lighting, greenery) with a land area of about 12.69 ha; invest in social infrastructure (cultural houses): After completing the investment in these works, the investor shall hand over these works to the State for management and use according to regulations.

- Invest in constructing the rough parts and finishing the facades of townhouses and villas: After the investment and completion of the project, the investor may do business and make use of the invested items.

- For 07 land plots reserved for resettlement of displaced households due to site clearance: After synchronously investing in technical infrastructure of the project, the investor shall hand over these to the State to arrange resettlement for households and use according to regulations.

- For urban infrastructure outside the project scope: Currently, infrastructure works outside the project scope are managed and used by the State, organizations and individuals according to regulations.

d) Investment term and progress:

- Project operation term: 50 years *(starting from the date on which the investor is granted the decision on land allocation, land lease decision, decision on change of land use purpose);* buyers of residential land use rights may use the land in long term in accordance with land laws.

- Project investment progress: No more than 03 years (from the date of investor selection result approval or investor approval); expected to be from the second quarter of 2022 to the fourth quarter of 2024.

e) Project location: Located in the administrative boundary of Tien Trang commune, Quang Xuong district, Thanh Hoa province. The boundaries are as follows:

- The North borders on traffic roads;

- The South borders on traffic roads;

- The East borders the residential area of Hong Phong village;

- The West borders the residential area of Phuc Thanh village.

f) Land area: Approximately 12.69 ha.

g) Land use purpose: According to the decision on land allocation, land lease of the competent authority.

h) Approved planning criteria: Pursuant to Decision No. 4872/QD-UBND dated November 13, 2020 of the Chairman of Thanh Hoa Provincial People's Committee on approving the 1/500-scale detailed planning of Hong Phong new residential area in Tien Trang commune, Quang Xuong district, Thanh Hoa province; specific planning criteria are summarized in the following table:

**DETAILED DESCRIPTION OF LAND USE DATA**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **No.** | **Description** | **Symbol** | **Lot number** | **Area (m2)** | **Construction area (m2)** | **Floor area (m2)** | **Maximum storeys (storey)** | **Building density (%)** | **Ratio (%)** | **Criterion m2/ng** |
| **A** | **Culture house land** | **NVH** |  | **1,056.2** | **422,5** | **422,5** | **1-2** | **40-60** | **0.83** | 0.48 |
| **B** | **Residential land** |  | **443** | **63,525.4** |  |  | **2-5** | **40-100** | **50.05** |  |
| **1** | **Current residential land** | **HT** |  | **7,023.5** | **5,618.8** | **22,475.2** |  |  | **5.53** |  |
| 1 | Current 1 | HT-01 |  | 1,584.0 | 1,267.2 | 5,068.8 | 2-5 | 60-100 | 1.25 |  |
| 2 | Current 2 | HT-02 |  | 5,439.5 | 4,351.6 | 17,406.4 | 2-5 | 60-100 | 4.29 |  |
| **2** | **New residential land** | **LK BT** | **436** | **55,801.9** | **42,476.7** | **163.412,5** |  |  | **43.97** | 32.00 |
| ***a*** | ***Villa residential land*** | ***BT*** | ***34*** | ***10,624.0*** | ***6,494.4*** | ***19,483.2*** |  |  | ***8.53*** | *79.59* |
| 1 | Villa 1 | BT1 | 6 | 2,068.0 | 1,252.8 | 3,758.4 | 2-3 | 40-60 | 1.65 |  |
| 2 | Villa 2 | BT2 | 8 | 2,464.0 | 1,478.4 | 4,435.2 | 2-3 | 40-60 | 1.94 |  |
| 3 | Villa 3 | BT3 | 6 | 1,904.0 | 1,142.4 | 3,427.2 | 2-3 | 40-60 | 1.50 |  |
| 4 | Villa 4 | BT4 | 8 | 2,464.0 | 1,478.4 | 4,435.2 | 2-3 | 40-60 | 1.94 |  |
| 5 | Villa 5 | BT5 | 6 | 1,904.0 | 1,142.4 | 3,427.2 | 2-3 | 40-60 | 1.50 |  |
| ***b*** | ***Townhouse residential land*** | ***LK*** | ***402*** | ***44,977.9*** | ***35,982.3*** | ***143,929.3*** |  |  | ***35.44*** | *27.97* |
| 1 | Townhouses A | LK-A | 9 | 1,034.0 | 827.2 | 3,308.8 | 3-5 | 70-100 | 0.81 |  |
| 2 | Townhouses B1 | LK-B1 | 26 | 3,162.9 | 2,530.3 | 10,121.3 | 3-5 | 70-100 | 2.49 |  |
| 3 | Townhouses B2 | LK-B2 | 18 | 2,284.0 | 1,827.2 | 7,308.8 | 3-5 | 70-100 | 1.80 |  |
| 4 | Townhouses C | LK-C | 18 | 1,924.0 | 1,539.2 | 6,156.8 | 3-5 | 70-100 | 1.52 |  |
| 5 | Townhouses D | LK-D | 21 | 2.224,0 | 1,779.2 | 7,116.8 | 3-5 | 70-100 | 1.75 |  |
| 6 | Townhouses E | LK-E | 13 | 1.424,0 | 1,139.2 | 4,556.8 | 3-5 | 70-100 | 1.12 |  |
| 7 | Townhouses F | LK-F | 13 | 1.424,0 | 1,139.2 | 4,556.8 | 3-5 | 70-100 | 1.12 |  |
| 8 | Townhouses G | LK-G | 21 | 2.224,0 | 1,779.2 | 7,116.8 | 3-5 | 70-100 | 1.75 |  |
| 9 | Townhouses H1 | LK-H1 | 21 | 2.224,0 | 1,779.2 | 7,116.8 | 3-5 | 70-100 | 1.75 |  |
| 10 | Townhouses H2 | LK-H2 | 21 | 2.224,0 | 1,779.2 | 7,116.8 | 3-5 | 70-100 | 1.75 |  |
| 11 | Townhouses I1 | LK-I1 | 13 | 1.424,0 | 1,139.2 | 4,556.8 | 3-5 | 70-100 | 1.12 |  |
| 12 | Townhouses I2 | LK-I2 | 16 | 1,704.0 | 1,363.2 | 5,452.8 | 3-5 | 70-100 | 1.34 |  |
| 13 | Townhouses J | LK-J | 13 | 1.424,0 | 1,139.2 | 4,556.8 | 3-5 | 70-100 | 1.12 |  |
| 14 | Townhouses K1 | LK-K1 | 22 | 2,503.0 | 2,002.4 | 8,009.6 | 3-5 | 70-100 | 1.97 |  |
| 15 | Townhouses K2 | LK-K2 | 22 | 2,504.0 | 2,003.2 | 8,012.8 | 3-5 | 70-100 | 1.97 |  |
| 16 | Townhouses L | LK-L | 23 | 2,784.0 | 2,227.2 | 8,908.8 | 3-5 | 70-100 | 2.19 |  |
| 17 | Townhouses M1 | LK-M1 | 14 | 1,604.0 | 1,283.2 | 5,132.8 | 3-5 | 70-100 | 1.26 |  |
| 18 | Townhouses M2 | LK-M2 | 16 | 1,919.0 | 1,535.2 | 6,140.8 | 3-5 | 70-100 | 1.51 |  |
| 19 | Townhouses N | LK-N | 15 | 1,784.0 | 1,427.2 | 5,708.8 | 3-5 | 70-100 | 1.41 |  |
| 20 | Townhouses O1 | LK-O1 | 21 | 2,224.0 | 1,779.2 | 7,116.8 | 3-5 | 70-100 | 1.75 |  |
| 21 | Townhouses O2 | LK-O2 | 17 | 1,824.0 | 1,459.2 | 5,836.8 | 3-5 | 70-100 | 1.44 |  |
| 22 | Townhouses P1 | LK-P1 | 13 | 1,427.0 | 1,141.6 | 4,566.4 | 3-5 | 70-100 | 1.12 |  |
| 23 | Townhouses P2 | LK-P2 | 16 | 1,704.0 | 1,363.2 | 5,452.8 | 3-5 | 70-100 | 1.34 |  |
| **3** | **Resettlement land** | **TDC** | **7** | **700.0** | **560.0** | **2,240.0** |  |  | **0.55** | 25.00 |
| 1 | Resettlement townhouses LK-C:5 to LK-C:7; |  | 3 | 300.0 | 240.0 | 960.0 | 3-5 | 70-100 | 0.24 |  |
| 2 | Resettlement townhouses LK-O2:15 to LK-O2:18; |  | 4 | 400.0 | 320.0 | 1,280.0 | 3-5 | 70-100 | 0.32 |  |
| **C** | **Greenery land** | **CV** |  | **7,626.0** | **381.3** | **381.3** |  |  | **6.01** | 3.47 |
| 1 | Greenery land 1 | CV-01 |  | 1,784.0 | 89.2 | 89.2 | 1 | 0-5 |  |  |
| 2 | Greenery land 2 | CV-02 |  | 1,224.0 | 61.2 | 61.2 | 1 | 0-5 |  |  |
| 3 | Greenery land 3 | CV-03 |  | 2,234.0 | 111.7 | 111.7 | 1 | 0-5 |  |  |
| 4 | Greenery land 4 | CV-04 |  | 2,384.0 | 119.2 | 119.2 | 1 | 0-5 |  |  |
| **D** | **Parking land** | **P** |  | **2,210.0** |  |  |  |  | **1.74** | 1.00 |
| 1 | Parking lot 1 | P1 |  | 680.0 |  |  | - | - |  |  |
| 2 | Parking lot 2 | P2 |  | 680.0 |  |  | - | - |  |  |
| 3 | Parking lot 3 | P3 |  | 850.0 |  |  | - | - |  |  |
| **E** | **Traffic land** |  |  | **52,503.4** |  |  |  |  | **41.37** | 23.87 |
|  | **Total** |  |  | **126,921.0** |  |  |  |  | **100.00** |  |

*(\*): Specific building density of each land lot for townhouses and villas shall comply with the provisions of Table 2.8 National Technical Regulation on Construction Planning QCVN 01:2021/BXD.*

- Current status: Rice crop land, graveyard land, annual crop land, medical station land, and residential land.

- Other information about the project: Not applicable.

- Deadline for submission of registration dossier for project implementation: ….. hour ….. minute on day… month… 2022.

**Section 2. PRELIMINARY REQUIREMENTS ON CAPABILITY AND EXPERIENCE OF INVESTORS**

Preliminary requirements on capability and experience of investors shall include requirements on financial capabiliity and experience. Detailed content shall be according to Chapter II-Preliminary Requirements on Capability and Experience of Investors.

**Section 3. CLARIFICATION OF PRELIMINARY REQUIREMENTS ON INVESTOR'S CAPABILITY AND EXPERIENCE**

1. In case the investor wishes to have the preliminary requirements of capability and experience clarified, the investor shall send a request for clarification to Thanh Hoa Dept. of P&I in writing or through the National Bidding Network System at least 05 working days before the deadline for submitting project registration dossiers.

2. After receiving the written request for clarification within the prescribed time, Thanh Hoa Dept. of P&I shall clarify and post it on the National Bidding Network System within at least 02 working days before the deadline for submitting project registration dossiers, which describes the content requested for clarification but shall not name the investor requesting clarification. In case the clarification may lead to amendment of the preliminary requirements on capability and experience, the provisions of Section 4 of this Chapter shall apply.

**Section 4. AMENDMENT OF PRELIMINARY REQUIREMENTS ON INVESTOR'S CAPABILITY AND EXPERIENCE**

1. In case of amendment to preliminary requirements on capability and experience, Thanh Hoa Dept. of P&I shall post on the National Bidding Network System the amendment decision together with the revised contents before the deadline for submitting project registration dossiers at least 10 days.

2. In case the time for notification of amendment to preliminary requirements on capability and experience is unable to meet the provisions of Section 4.1, Thanh Hoa Dept. of P&I shall extend the deadline accordingly to ensure the above provisions. The extension shall comply with the provisions of Section 6.3 of this Chapter.

**Section 5. LANGUAGE IN USE**

The registration dossier for project implementation and all papers, documents exchanged between Thanh Hoa Dept. of P&I and the investor related to the Invitation for Expression of Interest shall be in the following languages: Vietnamese and English.

**Section 6. PROJECT REGISTRATION DOSSIER AND SUBMISSION DEADLINE**

1. The project registration dossier prepared by the investor shall include forms and related documents as prescribed in Chapter III – Forms.

2. The investor shall submit the project registration dossier on the National Bidding Network System before \_\_ hour \_\_ minute, day \_\_ month \_\_ 2022.

3. Thanh Hoa Dept. of P&I may extend the deadline for submitting project registration dossiers in the following cases:

a) Amending the preliminary requirements on investor's capability and experience as prescribed in Section 4 of this Chapter. If extended, Thanh Hoa Dept. of P&I shall notify on the National Bidding Network System;

b) More investors are required as prescribed at Point b, Section 9.2 of this Chapter. If extended, Thanh Hoa Dept. of P&I shall send a notice to all investors who have submitted their project registration dossiers and notify on the National Bidding Network System. The extended time shall comply with the decision of the Chairman of the Provincial People's Committee. Investors who have met the requirements do not have to resubmit their registration dossier for project implementation.

**Section 7. MODIFICATION, REPLACEMENT, WITHDRAWAL OF REGISTRATION DOSSIER FOR PROJECT IMPLEMENTATION**

1. After having submitted, the investor may modify, replace or withdraw the registration dossier for project implementation on the National Bidding Network System before the deadline for submitting registration dossiers for project implementation.

2. After the deadline for submitting project implementation registration dossier, the investor may not withdraw the submitted project implementation registration dossier.

**Section 8. CLARIFICATION OF REGISTRATION DOSSIER FOR PROJECT IMPLEMENTATION, PRELIMINARY ASSESSMENT OF THE INVESTOR'S CAPABILITY AND EXPERIENCE**

1. Clarification of project implementation registration dossier

The investor is responsible for clarifying the registration dossier for project implementation at the request of Thanh Hoa Dept. of P&I or clarifying and supplementing documents proving the legal status, capability and experience on their own when the investor discovers by themselves that the project implementation registration dossier lacks any information/document on their capability and experience which has not yet been submitted together with the project implementation registration dossier. All requests for clarifications and written clarifications from the investor shall be made on the National Bidding Network System.

2. Preliminary assessment of the investor's capability and experience

The preliminary assessment of the investor's capability and experience shall be based on the preliminary requirements of the investor's capability and experience, the investor's registration dossier for project implementation and the documents clarifying the registration dossier (if any)

**Section 9. ANNOUNCEMENT OF PRELIMINARY ASSESSMENT RESULTS OF THE INVESTOR’S CAPABILITY AND EXPERIENCE**

1. After the preliminary assessment results of the investor’s capability and experience are available, Thanh Hoa Dept. of P&I shall post the list of qualified investors on the National Bidding Network System.

2. Based on the assessment results, according to the provisions of Clause 3, Article 29 of the Law on Investment and Clause 3, Article 29 of Decree No. 31/2021/ND-CP, in case only one investor meets the preliminary requirements on capability & experience, based on the project implementation progress, investment attraction objectives as well as other specific conditions of the project and proposals of Thanh Hoa Dept. of P&I, the Chairman of the Provincial People's Committee shall reconsider and decide on the implementation of one of the following two options:

a) Option 1: Notify and guide the investor to submit the application for investor approval in accordance with provisions of the law on investment if the process has ensured publicity, transparency and competitiveness and the project progress requires speeding up;

b) Option 2: Extend the project registration deadline so that other potential investors may get access to the information and submit registration dossier for project implementation to increase competitiveness. The extended time shall be decided by the Chairman of the Provincial People's Committee. The qualified investor does not have to submit registration dossier for project implementation again.

After the extension, based on the results of preliminary assessment of capability and experience, the next procedures shall comply with the corresponding provisions in Clauses 4, 5 and 6, Article 13 of Decree No. 25/2020/ND-CP (as amended and supplemented in Clause 6, Article 108 of Decree No. 31/2021/ND-CP).

3. In case there are two or more qualified investors, the investor selection will be carried out in the form of open bidding as stated in Clause 1 or Clause 2, Article 10 of Decree No. 25/ 2020/ND-CP. Bid invitations shall be widely released to investors, including those outside the list of investors meeting preliminary requirements for capability and experience.

**Chapter II**

**PRELIMINARY ASSESSMENT ON THE INVESTOR’S CAPABILITY AND EXPERIENCE**

**Section 1. Assessment method**

1.1. The preliminary assessment of the investor's capability and experience uses the pass/fail assessment method. The investor is assessed as meeting the preliminary requirements on capability and experience when all criteria are assessed as being met.

1.2. For joint venture investors:

a) The equity of the investor in the joint venture should be equal to the total equity of the joint venture members; while also each joint venture member must meet the requirements corresponding to their respective contributed equity according to the joint venture agreement; if any member of the joint venture is assessed as unqualified, the whole joint venture investor will be assessed as not meeting the equity requirement.

The leading investor in the joint venture must have a minimum equity contribution ratio of 30%, each joint venture member must have a minimum equity contribution ratio of 15%.

b) The project implementation experience of the joint venture investor should be equal to the total number of projects implemented by the joint venture members.

**Section 2. Assessment criteria**

The assessment of the investor's capability and experience shall be made according to Table 01 below:

**Table 01**

**PRELIMINARY REQUIREMENTS ON CAPABILITY AND EXPERIENCE**

|  |  |  |
| --- | --- | --- |
| **No.** | **Contents**  | **Requirements**  |
| **1** | **Financial capability** | Minimum equity that the investor must arrange(1): **183,000 million VND** *(equivalent to 20% of the total investment of the project currently under consideration).* *Total project investment* **910,154 million VND**; land use area **12.69ha.** |
| **2** | **Experience in similar projects(2)**  | Minimum number of projects in which the investor or joint venture member or co-implementing partner has participated in the role of an equity-contributing investor or main contractor: 01 project. The project definition is as follows(3):**a) Type 1:** Projects in the field of construction investment in urban areas, residential areas or housing development projects in which the investor has participated as an equity-contributing investor, which have been completed or mostly completed within the last 07 years and fully satisfy the following conditions:+ Total investment of at least(4): **456,000 million VND** *(equivalent to 50% of the total investment of the project currently under consideration)*.+ The investor has contributed equity with a minimum value of(5) **92,000 million VND** *(equivalent to 50% of the equity requirement of the project currently under consideration).***b) Type 2:** Projects in the field of construction investment in urban areas, residential areas or housing development projects in which the investor has participated as the main construction and installation contractor, which have been completed or mostly completed within the last 05 years and with a minimum value of(6) **239,000 million VND** *(equivalent to 30% of the corresponding work value of the project currently under consideration).***c) Type 3:** Projects in the field of construction investment in urban areas, residential areas or housing development projects which have been completed or mostly completed within the last 05 years and in which the partner has participated as the main construction and installation contractor with a minimum value of **398,000 million VND** *(equivalent to 50% of the corresponding work value of the project currently under consideration).* |

Notes:

(1) The equity of the investor is determined on the basis of the investor' financial data in the investor's financial statements of latest year audited by an independent audit agency and the audited Interim Financial Statements in accordance with the law (if any). In case the investor is a newly established organization during the year, the investor's equity is determined based on the financial statements audited by an independent audit agency for the period from the date of establishment up to the time of bid closing or the audited Interim Financial Statements at the latest time before the time of bid closing as prescribed by law. In case the owner's representative, the owner or parent company contributes equity, either the owner's representative, the owner or parent company must have a written guarantee and Financial Statements evidencing sufficient equity to contribute capital according to the financial plan of the project.

In case the investor participates in investing in multiple projects at the same time and other long-term financial investments (if any), the investor shall make a list of projects and other long-term financial investments, and ensure that the total equity of the investor is sufficient for the entire amount of equity that the investor commits to all projects and other long-term financial investments as prescribed.

At the time of signing the project contract, the investor is responsible for submitting to the competent state agency a plan to ensure adequate mobilization of equity and documents proving the satisfaction of equity requirements as specified in the project contract.

The investor shall declare information and provide documents proving financial capability according to Form No. 02 Chapter III - Forms.

(2) Investor's experience:

(i) Projects and bidding packages implemented by the investor must satisfy the technical and quality requirements under the signed contract to be included in consideration and assessment.

(ii) Completed or mostly completed: *Projects or bidding packages whose work items or the whole works have been accepted, are in the operation phase or have been finished according to regulations.*

(3) The investor shall provide their experience according to Form No. 03 Chapter III – Forms. The investor may only cite their experience in implementing each similar project once. In case of in a partnership, a cooperation agreement signed between the investor leading the joint venture and the partner must be provided.

Method of converting projects: 01 project of type 2, 3 is equal to 0.5 project of type 1. In case the number of projects after conversion is not an integer, the rounding shall be as follows: Decimal part ≤ 0.5 is considered as 0, decimal part > 0.5 is considered as 01 project.

(4) (5) (6) For projects that have not yet clearly determined the total investment value in the approval documents and project contracts, the investor must provide supporting documents to determine this value.

(\*) The investor shall be held responsible before the law for the authenticity and accuracy of the registration dossier for project implementation and for the damage arising from the act of declaring inaccurate information or falsifying the contents of project files and documents while participating in the project implementation.

**CHAPTER III**

**FORMS**

1. Form No. 01: Information on investors

2. Form No. 02: Financial capability of investors

3. Form No. 03: Experience in implementing similar projects

4. Form No. 04: Partnership Agreement

**Form No. 01**

**INFORMATION ON INVESTORS AND THEIR PROJECT PARTNERS**

(Location)\_\_\_, day\_\_\_ month\_\_\_ year\_\_\_

**I. Information on investors/partnership members (1)**

1. Name of investor/partnership member:

2. Licensing country of investor/partnership member:

3. Year of incorporation:

4. Legal address of investor/partnership member at the licensing country:

5. Information on legal representative of investor/partnership member:

- Full name:

- Address:

- Phone number/Fax:

- Email address:

6. Investor’s organizational chart.

**II. Information on investor’s project partners**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Partner’s name(2)** | **Country of operation** | **Role(3)** | **Legal representative** | **Contract or agreement with project partner(4)** |
| 1 | *Company 1* |  | *[Financing organization]* |  |  |
| 2 | *Company 2* |  | *[Construction contractor]* |  |  |
| 3 | *Company 3* |  | *[Operation/Management Contractor]* |  |  |
|  | ….. |  |  |  |  |

Notes:

(1) In case of partnership investor, each partnership member must declare information using this Form. The investor/partnership member needs to submit a photocopy of one of the following documents: business registration certificate, establishment decision or equivalent document issued by the competent authority of the country that investor is operating.

(2) The investor must specify names of its project partners, who jointly execute the project.

(3) The investor must specify each project partner’s role in detail.

(4) The investor must indicate contract or written agreement number, enclosed with the certified true photocopy of such document.

**Form No. 02**

**FINANCIAL CAPABILITY OF INVESTORS (1)**

**1. Name of investor/partnership member:**

**2. Financial capability of investor/partnership member** (2)**:**

a) Summary of financial data (3):

|  |  |  |
| --- | --- | --- |
| **No.** | **Content** | **Amount** |
| **I** | **Equity committed to the project** |  |
| **II** | **Data on investors’ equity** |  |
| 1 | Total equity |  |
| 2 | Litigation-related cost (if any) |  |
| 3 | Committed equity for ongoing projects(4) (excluding capital already disbursed for ongoing projects) and other long-term financial investments (if any) |  |
| 4 | Equity must be retained in accordance with the regulations |  |

b) Attachments (5)

- The investor’s financial statements for the latest year have been audited by an independent auditing agency and the audited interim financial statements in accordance with the law (if any).

- In case the investor is a newly incorporated organization in the assessment year, the investor’s equity is determined based on the financial statements audited by an independent auditing agency for a period of time from the date of incorporation up to the time of bid closing or the audited interim financial statement at the latest time before the time of bid closing as prescribed by law. In case the owner’s representative, owner or parent company contributes equity, the owner’s representative, owner or parent company must have a written commitment and financial statements evidencing sufficient equity to contribute capital according to the project’s financial plan.

Financial statements provided by the investor must be in compliance with the law on finance and accounting, which show the separate financial position of the investor or partnership member (if the investor is a partnership), but not the financial position of an affiliated entity such as a parent company or a subsidiary or a company affiliated with the investor or partnership member.

- Project portfolio and other long-term financial investments in case at the same time the investor participates in investing in many projects and other long-term financial investments (if any).

**Investor’s legal representative**

*[State name, title, signature and seal (if any)]*

Notes:

(1) In case of a partnership investor, each partnership member must declare information using this Form.

(2) Investors are responsible before the law for the accuracy and legitimacy of provided data and documents related to equity, allocation of equity to projects and ongoing long-term financial investments. Simultaneously investors must provide relevant dossiers and documents at the request of Department of Planning and Investment of Thanh Hoa province during the assessment of capability and experience of investors. In case it is found that the declared information is incorrect, falsifying the assessment results, it shall be considered as cheating according to the provisions of Clause 4, Article 89 of the Bidding Law and disqualified.

(3) Based on the assessment criteria, the bid solicitor shall add appropriate information.

(4) In case at the same time the investor participates in investing in many projects and other long-term financial investments (if any), the investor makes a portfolio of projects and other long-term financial investments, to ensure that the total equity of the investor is sufficient to cover the entire equity that the investor commits to implement for all other long-term financial investments and projects in accordance with the regulations.

(5) Based on the assessment criteria, the bid solicitor may add documents that the investor must submit to prove financial capability (for example: tax finalization inspection report, self-settlement declaration form; documents proving that the investor has made electronic tax declaration and finalization; written certification of tax authorities; etc.).

**Form No. 03**

EXPERIENCE IN IMPLEMENTING SIMILAR PROJECTS (1)

(Location), day \_\_\_ month \_\_\_ year \_\_\_

*[Investors shall declare their experience in implementing similar projects at the request of bid solicitor]*

1. Project No. 01: \_\_\_ *[project name]*

|  |
| --- |
| Name of investor/partnership member/project partner |
| 1 | Contract number: Signing date: |
| 2 | Name of project/package: |
| 3 | Investment field of the project |
| 4 | Role in the project: Independent Investor Partnership member Main contractor |
| 5 | Name of competent State agency/representative of competent State agency (for projects); employer/its representative (for packages)Address:Name of contact person:Phone number:Fax:Email: |
| 6 | Detailed information |
| 6.1 | Role in the project as an investor |
|  | Project implementation progress and quality (2): In the construction stage, have accepted the work items  Have been accepted with the project In the operation stage Have ended |
|  | Total investment (investment capital): |
|  | Portion of capital contribution (for partnership investor):  |
|  | Mobilized equity: |
|  | Summary of similar characteristics between completed projects and considered project: |
|  | - Summary of tasks implemented:- Value of tasks implemented:  (Value and currency) equivalent to. . . VND |
|  | - Summary of tasks to be completed:- Value of task(s) to be completed:  (Value and currency) equivalent to . . . VND |
|  | Litigation and dispute records: |
|  | Summary of special technical specifications/operations: |
| 6.2 | In case of role in the project as a main contractor |
|  | Scope of tasks to be implemented: |
|  | Value of tasks to be implemented: |
|  | Implementation progress and quality (3): |
|  | Litigation and dispute records: |
|  | Summary of requirements related to special specifications: |

2. Project No. 02: \_\_\_\_\_\_\_\_\_\_ *[project name]*

*…*

**Legal representative of Investor**

*[name, title, signature and seal (if any)]*

Notes:

(1) The information required in this Form may be adjusted and supplemented to meet the preliminary requirements on capability and experience of investors.

(2), (3) The investor must provide any documents proving the declared information; the progress as well as quality of the contract performance such as notarized copies of the contract, minutes of acceptance, minutes of contract liquidation, certification of competent State agency/its representative (for projects), employer/its representative (for packages), etc.

**Form No. 04**

 PARTNERSHIP AGREEMENT

(Location), day\_\_\_ month\_\_\_ year\_\_\_

We, on behalf of the parties to sign the partnership agreement, include:

**Name of partnership member:** \_\_\_ *[Name of each partnership member]*

- Licensing country:

- Tax code:

- Address:

- Phone number:

- Fax:

- Email:

- Legal representative:

- Position:

Power of attorney No. \_\_\_day \_\_\_ month \_\_\_ year\_\_\_ *(in case of authorization)*.

The parties (hereinafter referred to as the members) agree to sign a partnership agreement with the following content:

**Article 1. General principles**

1. The members voluntarily establish a partnership to participate in the project bidding \_\_\_ *[project name].*

2. The members agree that the name of the partnership for all transactions related to the project is:\_\_\_ *[name of the partnership as agreed].*

Transaction address of the Partnership:

Tel:

Fax:

Email:

Representative of the Partnership:

3. The members commit that no member can voluntarily participate independently or in partnership with other investors to participate in the project bidding.

**Article 2. Assignment of responsibilities**

The members agree to assign their responsibilities to perform the tasks in the bidding process to select qualified investors for the project as follows:

1. The parties agree to agree for \_\_\_ *[name of one member]* as the leading member of the partnership, representing the partnership to perform the tasks in the process of completing, submitting, clarifying and amending the registration dossier for land-using investment project.

2. Roles and responsibilities of the partnership members (1)*[specify the roles and responsibilities of each partnership member and state the percentage of equity contribution in the partnership]:*

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Name of member** | **Role***[State the part of work that the member undertakes (financial arrangement, construction, management, operation, etc.]* | **Equity** |
| **Value** | **Percentage %** |
| 1 | Member 1 *[The leading member]* |  |  | *[30% minimum]* |
| 2 | Member 2 |  |  | *[15% minimum]* |
| 3 | Member 3 |  |  | *[15% minimum]* |
| *.....* |  |  |  |  |
| **Total** | .... | **100%** |

**Article 3. Effect of the partnership agreement**

1. The partnership agreement takes effect from the date of signing.

2. The following cases result in the partnership agreement’s termination:

- The parties mutually agree to terminate;

- There is a change of partnership members. In this case, if the change of partnership members is approved by the bid solicitor, the parties must make a new partnership agreement;

- The partnership does not meet the preliminary requirements on capability and experience;

- The publication of the project portfolio is terminated;

The Partnership Agreement is made in \_\_\_ original copies, each partnership member keeps \_\_\_ cop(ies), and submits 01 copy with the bid. The copies have the same legal validity.

**Legal representative of each partnership member (2)**

*[name of legal representative of each member, title, signature and seal (if any) (3)]*

Notes:

(1) The investor must list the role and equity contribution ratio of each partnership member.

(2) The legal representative of each partnership member may be the legal representative or the authorized legal representative.

(3) In case a partnership member is a foreign investor without a seal, a certification from a competent organization must be provided that the signature in the partnership agreement is that of the partnership member’s legal representative.

(\*) The investor must honestly declare information as required; at the same time, must provide relevant records and documents at the request of the Department of Planning and Investment of Thanh Hoa province in the process of assessing the investor’s capability and experience./.