





basis of the evaluation report of the Ministry of Planning and Investment and the written opinions of the funding agency and relevant bodies.

(dd) Tendering shall not be required in respect of the share of capital funded by

" (a) Enterprises in all economic sectors with their principal office or branch office located within a province or city shall be permitted to participate in tendering for projects located in such locality. In the case of limited tendering, it is only necessary to invite a minimum number of three tenderers to participate. Where the number of participating tenderers is less than three, other tenderers outside the locality shall be invited to participate.

Local tenderers shall be given the priority in the award of a contract if their tenders are assessed as equal to tenders of other tenderers."

**5. Sub-clause (c) of clause 3 of article 52 shall be amended as follows:**

"(c) Approving the basic items of the tendering process:

X With respect to tender packages of Group A projects and equivalent set out in sub-clauses (b), (c), (d), (dd), (e) and (g) of clause 1 of article 51 of the *Regulations on Tendering* issued with Decree 88-1999-ND-CP of the Government dated 1 September 1999 (hereinafter referred to as the *Regulations on Tendering*).

X With respect to tender packages of Group B and C projects and equivalent, except for projects of subsidiary enterprises entitled to make the investment decision in accordance with sub-clauses (a), (b), (c), (d), (dd), (e) and (g) of clause 1 of article 51 of the *Regulations on Tendering*."

**6. Article 53 shall be amended as follows:**

Delegation of authority for approval and evaluation of Group B and C projects and equivalent and the authorised person making the investment decision for Group B and C projects and equivalent of State owned enterprises shall be added to Table 1 in article 53 as follows:

| Group of projects            | Approving authority  | Evaluating authority | Tender packages in Branch I, II or III |
|------------------------------|--|----------------------|--|
| Group B and C and equivalent | Authorised persons of State owned enterprises entitled to make the investment decision | Relevant             |  |

working facilities by State bodies, the armed forces, mass organizations and State owned enterprises; procurement of normal goods, supplies and working facilities of the armed forces funded by capital from the State Budget."

**Article 2**

This Decree shall be of full force and effect after fifteen (15) days from the date of signing.

**Article 3**

The Minister of Planning and Investment shall, in co-ordination with ministries, ministerial equivalent bodies and Government bodies, provide guidelines for and inspect the implementation of this Decree.

**Article 4**

Ministers, heads of ministerial equivalent bodies and Government bodies, chairmen of people's committees of provinces and cities under central authority, boards of management of State owned corporations and relevant organizations shall be responsible for the implementation of this Decree.

On behalf of the Government  
The Prime Minister

PHAN VAN KHAI