

PROCUREMENT PLAN

Basic Data

Project Name: Integrated Rural Development Sector Project in the Central Provinces - Additional Financing	
Project Number: 37097-044	Approval Number: 3173
Country: Viet Nam, Socialist Republic of	Executing Agency: Ministry of Agriculture & Rural Development (MARD), Ministry of Agriculture and Rural Development
Project Financing Amount: US\$ 92,500,000 ADB Financing: US\$ 85,000,000 Cofinancing (ADB Administered): Non-ADB Financing: US\$ 7,500,000	Implementing Agency: Ministry of Agriculture and Rural Development Project Closing Date: 30 June 2019
Date of First Procurement Plan: 20 October 2014	Date of this Procurement Plan: 14 April 2017, Version 3

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
Shopping for Goods	Up to US\$ 100,000	Prior
National Competitive Bidding for Works	Between US\$ 100,001 and US\$ 9,999,999	Prior for 3 first packages of Ha Tinh and Thua Thien Hue provinces. The first package for each of the remaining 4 provinces. Post for the rest.

Consulting Services	
Method	Comments
Fixed Budget Selection for Consulting Firm	Prior
Least-Cost Selection for Consulting Firm	Prior
Single Source Selection for Consulting Firm	Prior

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
Hue - 01	Upgrading Dai Giang River Dike system	2,456,000.00	NCB	Prior	1S1E	Q3 / 2016	Prequalification of Bidders: N Domestic Preference Applicable: N Bidding Document: Small Works
	Lot 2: Civil construction and	2,456,000.00					

	insurance of the right embankment						
Hue - 03	Upgrading road combining with flood protection dike of Pho Lai - Thanh Cam - Nam Duong - Co Phap: Civil construction and insurance	3,026,000.00	NCB	Prior	1S1E	Q3 / 2016	Prequalification of Bidders: N Domestic Preference Applicable: N Bidding Document: Small Works

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
TV-05	New subproject completion auditor	297,000.00	FBS	Prior	Q1 / 2017	BTP	Assignment: National

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
None								

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

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	Estimated Number of	Procurement Method	Review (Prior/Post)	Bidding Procedure	Comments

		(cumulative)	Contracts				
None							

Consulting Services							
Package Number	General Description	Estimated Value (cumulative)	Estimated Number of Contracts	Recruitment Method	Review (Prior/Post)	Type of Proposal	Comments
TV-04	New Project Auditor 02 (for the rest)	85,000.00	1	LCS	Prior	BTP	Assignment: National

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
Binh Dinh - 07	Upgrading Van Phong canal system: Upgrading N24 canal and facilities; N24-1 canal; N24-1A canal; N24-2; N24-3 canal; N24-4 canal; N24-5 canal; N24-5A canal; N24-2-2	2,491,000.00	1,766,960.00	NCB	Q2 / 2016	28-JUN-16	
Ha Tinh-03	Upgrading irrigation system, rural road and market in 5 flooded communes of Duc Tho District: Upgrading Hom market, pumping station, and facilities on canal of Thai Yen commune	695,000.00	712,574.73	NCB	Q3 / 2016	03-OCT-16	
Phu Yen - 01	Consolidate main canal and branch canals of Dong Cam irrigation scheme	4,375,000.00	4,310,461.80	NCB	Q3 / 2016		
Ninh Thuan - 02	Improving and upgrading Cham canal and rural road cum management of South primary canal	2,526,000.00	3,102,300.92	NCB	Q2 / 2016		
Ninh Thuan - 01	Improving and upgrading the	5,086,000.00	4,337,013.43	NCB	Q2 / 2016		

	beginning section of North primary canal and rural road cum management of the North primary canal						
Hue - 01	Upgrading Dai Giang River Dike system	2,427,000.00	2,249,884.76	NCB	Q3 / 2016		
Hue - 02	Upgrading Dong Tay Hoi Tom Dike combining with on-farm road: Civil construction and insurance	2,699,000.00	2,338,560.68	NCB	Q3 / 2016	15-MAR-17	
Binh Thuan - 01	Upgrading Du Du reservoir, Ham Thuan Nam district : Construction of the whole subproject	2,440,000.00	1,946,460.30	NCB	Q1 / 2016	28-JUN-16	
Ha Tinh - 05	Upgrading Ho Dam and Tiem River canal system: Repairing and upgrading Ho dam and Tiem river canal system	1,839,000.00	1,861,937.00	NCB	Q3 / 2016	07-DEC-16	
Binh Dinh - 03	Upgrading Hoi Khanh Reservoir	1,973,000.00	1,318,260.44	NCB	Q3 / 2016		
Binh Dinh - 02	Upgrading Lai Giang Dam's primary canal	2,424,000.00	2,552,256.00	NCB	Q1 / 2016		
Binh Dinh - 04	Upgrading My Thuan Reservoir	2,117,000.00	1,279,192.41	NCB	Q3 / 2016		
Binh Dinh - 01	Upgrading Nui Mot Reservoir's canal system	2,259,000.00	2,298,911.00	NCB	Q3 / 2016		
Binh Thuan - 02	Upgrading Saloun reservoir, Ham Thuan Bac district: Construction and installation of equipments for the whole subproject	1,507,000.00	1,387,270.28	NCB	Q3 / 2016	30-SEP-16	
Phu Yen - 03	Upgrading Suoi Cau weir and access road	2,452,000.00	1,560,669.80	NCB	Q3 / 2016	20-DEC-16	
Ha Tinh - 01	Upgrading canal system of Rac River irrigation: Repairing and upgrading N2 canal and facilities on canal, section K0-K13+066	3,194,000.00	3,152,694.07	NCB	Q3 / 2016	19-OCT-16	
Phu Yen - 04	Upgrading irrigated canal of Dong Tron reservoir's irrigation system:	1,922,000.00	1,780,526.87	NCB	Q3 / 2016	19-DEC-16	

	Upgrading 26,025m primary canals of the Eastern and Western canals and upgrade facilities on canal						
Ha Tinh - 02	Upgrading irrigation system, rural road and market in 5 flooded communes of Duc Tho District: Repairing and upgrading irrigation and transportation works in Duc Quang, Duc La, Duc Thinh, Yen Ho communes - Duc Tho district	1,559,000.00	1,245,112.85	NCB	Q3 / 2016	09-NOV-16	
Ha Tinh - 04	Upgrading irrigation/drainage and rural road system in flooding-prone area of Loc Ha District: Repairing and upgrading the Loc Ha irrigation/drainage system	2,869,000.00	2,196,670.92	NCB	Q3 / 2016	07-DEC-16	
Phu Yen - 02	Upgrading road and sluice of An Cu - An Hiep - An Hoa	2,310,000.00	1,962,405.03	NCB	Q1 / 2016	18-AUG-16	
Binh Dinh - 05	Upgrading rural infrastructures in Nhon Tho - Nhon Khanh: Building new Truong Cuu bridge from K4+289 to K4+454; length = 165.00 m	1,720,000.00	1,002,976.16	NCB	Q3 / 2016	25-OCT-16	
Binh Dinh - 06	Upgrading rural infrastructures in Nhon Tho - Nhon Khanh: Upgrading the rural road and its facilities in main route from K0+000 to K4+289 and from K4+454 to K5+508; upgrading branch road and its facilities from K0+000 to K0+456	1,245,000.00	960,268.99	NCB	Q3 / 2016	12-DEC-16	
Binh Thuan - 03	Upgrading/consolidating Ba Bau North primary canal, Ham Thuan Nam	3,066,000.00	2,632,179.50	NCB	Q4 / 2015		

	district						
Binh Thuan - 04	Upgrading/consolidating secondary canal of Quao river, Ham Thuan Bac district : Construction and installation of the whole subproject	2,095,000.00	1,789,753.79	NCB	Q4 / 2015	28-JUN-16	
TB-5	Equipment for CPMU and PPMUs	98,000.00	68,838.17	SHOPPING	Q4 / 2015	02-AUG-16	

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
TV-03	New Project Auditor 01 (for the first 03 years)	120,000.00	21,767.20	LCS	Q2 / 2016	03-NOV-16	
TV-02	New baseline consultant and Impact assessment consultant	385,000.00	264,902.45	FBS	Q4 / 2015	25-OCT-16	
TV-01	Loan Implementation Consultants	1,758,000.00	1,722,006.00	SSS	Q2 / 2014	28-SEP-15	

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.¹ 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 ADB².

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.

¹ 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).

² 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 deviations³.
- (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.

³ 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.