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LEGAL UPDATE

No. 1 – August 2022

(01 Aug 2022 – 15 Aug 2022)



News in focus

The usual 5-step process of appointing contractors



New legal documents

Remarkable among documents:

Decree 49/2022/ND-CP amending Decree 209/2013/ND-CP guiding the Law on Value-Added Tax amended and supplemented according to Decree 12/2015/ND-CP, Decree 100/2016/ND-CP, and Decree 146/2017/ND-CP

A – News in focus



The usual 5-step process of appointing contractors

(Applied from 08 August 2022)

On August 08, 2022, the Minister of Planning and Investment just issued Official dispatch No. 5520/BKHDT-QLDT guiding the implementation of the specific mechanism on contractor appointment according to the Resolutions of the National Assembly (*hereinafter referred to as “**Official dispatch 5520/BKHDT-QLDT**”*).

In this legal update, we reveal the usual 5-step process of appointment of contractors according to the instructions in Official dispatch 5520/BKHDT-QLDT.



The usual 5-step process of appointing contractors

Step 1: Preparing for contractor selection

- The bid solicitor prepares a request for proposals.
- Appraisal organization conducts an appraisal of request documents (maximum 20 working days).
- Investor approves required documents (maximum 20 working days).

Step 2: Organizing contractor selection

- The bid solicitor issues the dossier of requirements to the identified contractor.
- The contractor prepares and submits proposals (minimum 5 working days).

Step 3: Evaluate proposals

- Expert team to evaluate proposals (maximum 30 working days).
- The bid solicitor and the contractor negotiate on the contractor's proposals.



The usual 5-step process of appointing contractors

Step 4: Submitting to appraise, approve and publicize contractor appointment results

- The bid solicitor submits the approval of the contractor appointment result.
- Appraisal organization conducts an appraisal of contractor appointment results (maximum 20 working days).
- Investor approves contractor appointment result (maximum 10 working days).
- Inviting bids publically contractor appointment results (maximum 07 working days).

Step 5: Finalizing and signing the contract

The contract signed between the parties must be consistent with the decision approving the contractor appointment result, the contract negotiation records, the proposal, the request, and other relevant documents.



In Official dispatch 5520/BKHDT-QLDT, the Ministry of Planning and Investment stated that this contractor appointment procedure must be completed before December 31, 2023.

B – New legal documents



Remarkable new legal documents (Enacted from 01 Aug 2022 – 15 Aug 2022)

No.	Legal documents
INVESTMENT	
1	Decision 1392/QD-BKHDT in 2022 announcing the list of periodical reporting regimes under the management functions of the Ministry of Planning and Investment
	Enactment Date: 09 Aug 2022
2	Circular 16/2022/TT-BKHDT suspending the effect of Circular 08/2022/TT-BKHDT guiding the provision and posting of information on bidding and contractor selection on the national bidding network system and Circular No. 10/2022/TT-BKHDT guiding on providing, posting information and selecting investors on the national bidding network system issued by the Minister of Planning and Investment
	Enactment Date: 29 July 2022
3	Official dispatch 5520/BKHDT-QLDT guiding the implementation of the specific mechanism on contractor appointment according to the Resolutions of the National Assembly
	Enactment Date: 08 Aug 2022

No.	Legal documents	
TRAFFIC - CONSTRUCTION		
4	Decision 684/QD-BXD in 2022 on the process of handling administrative procedures implemented by the Construction Economics Department	
	Enactment Date: 11 Aug 2022	Effective Date: 11 Aug 2022
5	Decision 2668/QD-UBND in 2022 announcing the list of administrative procedures to be abolished in the road sector under the management function of the Hanoi Department of Transportation	
	Enactment Date: 01 Aug 2022	Effective Date: 01 Aug 2022
6	Circular 20/2022/TT-BGTVT stipulating forms for certificates, technical safety and environmental protection books issued to ships, floating docks, floating warehouses, mobile platforms, and inland waterway vessels and industrial products used for inland waterway vessels	
	Enactment Date: 29 July 2022	Effective Date: 01 Jan 2023
7	Circular 12/2022/TT-BGTVT stipulating the list of products and goods capable of causing unsafety under the state management responsibility of the Ministry of Transport	
	Enactment Date: 30 June 2022	Effective Date: 15 Aug 2022
8	Circular 16/2022/TT-BGTVT amending circulars in the field of registration issued by the Minister of Transport	
	Enactment Date: 30 June 2022	Effective Date: 15 Aug 2022
COMMERCIAL		
9	Decree 51/2022/ND-CP amending the preferential import-export tax rates for gasoline products in group 27.10 in the Preferential Import Tariff according to the List of taxable goods attached to Decree 57/2020/ND-CP amending Decree 122/2016/ND-CP on Export Tariff, Preferential Import Tariff, List of goods and absolute tax rates, mixed tax, import tax outside the tariff quota and Decree 125/2017/ND-CP amending Decree 122/2016/ND-CP	
	Enactment Date: 08 Aug 2022	Effective Date: 08 Aug 2022

No.	Legal documents	
FINANCE - BANKING		
10	Decree 49/2022/ND-CP amending Decree 209/2013/ND-CP guiding the Law on Value-Added Tax amended and supplemented according to Decree 12/2015/ND-CP, Decree 100/ 2016/ND-CP and Decree 146/2017/ND-CP	
	Enactment Date: 29 July 2022	Effective Date: 12 Sep 2022
11	Circular 06/2022/TT-NHNN amending Circular 50/2018/TT-NHNN stipulating dossiers, order and procedures for approving changes in contents of commercial banks and foreign bank issued by The Governor of the State Bank of Vietnam	
	Enactment Date: 30 June 2022	Effective Date: 15 Aug 2022
12	Circular 05/2022/TT-NHNN annulling legal documents issued by the Governor of the State Bank of Vietnam	
	Enactment Date: 29 June 2022	Effective Date: 15 Aug 2022
13	Circular 40/2022/TT-BTC regulating judicial expertise in the financial sector	
	Enactment Date: 29 June 2022	Effective Date: 15 Aug 2022