

DECREE

**Detailing a number of provisions on management of
construction investment projects¹**

*Pursuant to the June 19, 2015 Law on Organization of the Government;
and the November 22, 2019 Law Amending and Supplementing a Number of
Articles of the Law on Organization of the Government and the Law on
Organization of Local Administration;*

*Pursuant to the June 18, 2014 Law on Construction; and the June 17, 2020
Law Amending and Supplementing a Number of Articles of the Law on
Construction;*

Pursuant to the June 17, 2020 Law on Investment;

Pursuant to the June 13, 2019 Law on Public Investment;

*Pursuant to the June 18, 2020 Law on Investment in the Form of Public-
Private Partnership;*

Pursuant to the June 17, 2009 Law on Urban Planning;

At the proposal of the Minister of Construction;

*The Government promulgates the Decree detailing a number of provisions
on management of construction investment projects.*

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details a number of provisions of the 2014 Law on Construction and the 2020 Law Amending and Supplementing a Number of Articles of the Law on Construction (below referred to as Law No.

¹ *Công Báo Nos 453-454 (19/03/2021)*

62/2020/QH14) regarding management of construction investment projects, including formulation, appraisal and approval of projects and construction designs; construction survey; grant of construction permits and management of construction order; construction of specialized works and implementation of overseas construction investment projects; management of satisfaction of construction capacity conditions; and forms of management of construction investment projects.

Article 2. Subjects of application

1. This Decree applies to domestic agencies, organizations and individuals; and foreign organizations and individuals carrying out construction investment activities in Vietnam's territory.

2. Domestic organizations and individuals carrying out overseas construction investment activities shall comply with separate provisions of Section 2, Chapter V of this Decree and relevant regulations.

3. Projects using official development assistance (ODA) loans or concessional loans of foreign donors must comply with this Decree and regulations on management of ODA loans and concessional loans of foreign donors. In case a signed treaty on ODA loans contains provisions different from those of this Decree, such treaty shall prevail.

Article 3. Interpretation of terms

1. Main work of a construction investment project means a work whose size and utilities are decisive to the project's investment objectives and scale.

2. Work greatly affecting community safety or interests means a work on the list provided in Appendix X to this Decree.

3. Linear work means a work built along a line in one administrative area or through more than one administrative area, such as road; railway; power transmission line; telecommunications cable; oil pipeline, gas pipeline or water supply and drainage pipeline; principal dam of a hydraulic structure or hydropower work; irrigation canal; dike or embankment; or another similar work.

4. Energy efficiency building means a construction work meeting national criteria or standards on energy efficiency.

5. Resource efficiency building means a construction work applying technical solutions on efficient utilization and consumption of such natural resources as soil, water and minerals and other natural resources.

6. Green building means a construction work designed, built and operated in conformity with criteria or standards on efficient utilization of energy and resources; and ensuring comfort and quality of the living environment inside the building and environmental protection outside the building.

7. National important projects as defined in the Law on Construction and this Decree include national important projects meeting the criteria specified in the Law on Public Investment; projects with investment policy decided by the National Assembly in accordance with the law on investment in the form of public-private partnership; and projects with investment policy approved by the National Assembly in accordance with the law on investment.

8. Large-scale construction investment projects using other funding sources and subject to appraisal of construction investment feasibility study reports by specialized construction agencies include group-A construction investment projects meeting the criteria specified in the law on public investment; construction investment projects with investment policy approved by the National Assembly or Prime Minister; and investment projects on construction of houses and urban centers subject to performance of procedures for approval of investment policy in accordance with the law on investment.

9. Construction investment project using state capital other than public investment funds means a construction investment project using state capital in accordance with the bidding law which excludes public investment funds specified by the law on public investment.

10. Construction operation license means a contract-based license granted by a competent Vietnamese state agency to a foreign contractor winning a contract in accordance with Vietnam's law.

11. Front-end engineering design (FEED) means a designing step carried out according to international practice for a construction investment project with technological designs after the project is approved in order to concretize requirements on technological line, technical parameters of main equipment and materials used, and construction solutions serving the making of contractor selection dossiers according to engineering-procurement-construction (EPC) contracts or specific requirements for carrying out the subsequent designing step.

12. Foreign contractor means a foreign organization having civil legal capacity or a foreign individual having civil legal capacity and civil act capacity to conclude and perform contracts. Civil legal capacity and civil act capacity of a foreign contractor shall be determined in accordance with the law of the country of which the foreign contractor is a national. A foreign contractor may be a general contractor, main contractor, joint-name contractor or subcontractor.

13. Manager means an individual who is assigned by an organization to manage and coordinate the performance of all consultancy jobs in different professional fields, such as construction planning design manager; construction survey manager; or construction design and construction design verification manager.

14. Chief means an individual who is assigned by an organization to take charge of performance of jobs according to professional fields, such as chief of making construction planning designs; construction design and construction design verification chief; construction inspection chief; or chief of estimation, verification and management of construction investment costs.

15. Chief supervisor means an individual who is assigned by a construction supervision organization to manage and administer construction supervision activities for a specific work or bidding package.

16. Chief commander or project director of a contractor (below collectively referred to as chief commander) means an individual who is assigned by a construction organization to manage and administer construction activities for a specific work or bidding package.

17. Project manager means an individual who is assigned by the director of a specialized construction investment project management unit or regional construction investment project management unit, at-law representative of the project management consultancy organization, or at-law representative of the project owner (in case the project owner uses its attached professional apparatus or establishes a single-construction investment project management unit) to manage and coordinate the management of a specific construction investment project.

18. Appraisal requester means a project owner or an agency, organization or individual that is assigned the project preparation task by the investment decider or competent state agency in case the project owner is not yet identified to submit a construction investment feasibility study report and construction design for appraisal.

19. Practice certificate identification number means an 8-digit numerical sequence used for management of construction practice certificates of individuals. When applying for the first time for a practice certificate under this Decree, an individual engaged in construction activities shall be granted one practice certificate identification number. Such identification number shall be kept unchanged when the individual requests re-grant of another certificate or modification and supplementation of his/her granted practice certificate.

20. Capacity certificate identification number means an 8-digit numerical sequence used for management of construction capacity certificates of organizations. When applying for the first time for a capacity certificate under this Decree, an organization engaged in construction activities shall be granted one capacity certificate identification number. Such identification number shall be kept unchanged when the organization requests re-grant of another certificate or modification and supplementation of its granted capacity certificate.

Article 4. Order of construction investment

1. The order of construction investment mentioned in Clause 1, Article 50 of the 2014 Law on Construction is specified as follows:

a/ Project preparation, covering the following jobs: construction survey; formulation and appraisal of prefeasibility study report, and investment policy decision or approval (if any); formulation, appraisal and approval of detailed construction plan serving the formulation of construction investment feasibility study report; and formulation and appraisal of feasibility study report for approval of/decision on construction investment, and performance of other necessary jobs related to project preparation;

b/ Project implementation, covering the following jobs: preparation of construction ground and mine clearance (if any); construction survey; formulation, appraisal and approval of design and construction cost estimate; grant of construction permit (if required); selection of contractor and signing of construction contract; work construction; supervision of construction; advance payment and payment for completed volume; operation and test run; pre-acceptance test of completed construction work; handover of completed work for putting into use; and other necessary jobs;

c/ Construction completion, covering the following jobs: liquidation of construction contract, final settlement of completed project, certification of work completion, warranty for constructions works, handover of relevant documents, and other necessary jobs.

2. The order of implementation of an investment project on construction of an urgent work must comply with Article 58 of this Decree. The order of implementation of an investment project in the form of public-private partnership (below referred to as PPP project) with construction components must comply with the law on investment in the PPP form. For other projects, depending on specific conditions and technical requirements of a project, the investment decider shall decide whether the jobs specified at Points b and c, Clause 1 of this Article shall be performed in succession or simultaneously in compliance with the project approval decision.

3. Depending on characteristics of a project and specific conditions, ground clearance compensation, support and resettlement shall be carried out in the stage of project preparation or project implementation, ensuring compliance with the order and procedures specified by the land law.

Article 5. Classification of construction investment projects

Construction investment projects shall be classified under Article 49 of the 2014 Law on Construction, which was revised under Clause 8, Article 1 of Law No. 62/2020/QH14, and provided in detail to serve management of construction activities under this Decree as follows:

1. By service utilities of, and specialization and management purpose of works under, a project, construction investment projects shall be classified under the provisions of Appendix IX to this Decree.

2. By funding source used and investment form, construction investment projects shall be classified into: projects using public investment funds, projects using state capital other than public investment funds, PPP projects, and projects using other funding sources. Construction investment projects using more than one of the above funding sources shall be classified for management under this Decree, specifically as follows:

a/ Projects using different funding sources inclusive of public investment funds shall be managed under regulations applicable to projects using public investment funds; PPP projects using public investment funds shall be managed in accordance with the law on investment in the PPP form;

b/ For projects using different funding sources inclusive of state capital other than public investment funds and other funding sources: In case the ratio of state capital other than public investment funds to the total investment is higher than 30% or VND 500 billion, such projects shall be managed under regulations applicable to projects using state capital other than public investment funds. In other cases, such projects shall be managed under regulations applicable to projects using other funding sources.

3. Unless investment deciders require construction investment feasibility study reports, work construction investment projects only requiring construction investment techno-economic reports include:

a/ Construction investment projects serving religious purposes;

b/ Investment projects on construction, repair, renovation or upgrading of works with a total investment of under VND 15 billion (exclusive of land use levy) each;

c/ Construction investment projects mainly consisting of components on procurement, service provision and equipment installation, or projects on repair or upgrading of works not affecting their force-bearing safety in which the value of construction expenses accounting for under 10% of the total investment and not exceeding VND 5 billion (except national important projects, group-A projects, and PPP projects).

Article 6. Application of building information modeling and digital technology solutions

1. It is encouraged to apply building information modeling (BIM) and digital technology solutions in construction and work operation management activities. Investment deciders shall decide on application of BIM and digital technology solutions when deciding on construction investment projects.

2. BIM file constitutes a component of construction design documents or as-built documents for construction projects or works applying BIM. Contents and details of BIM shall be agreed upon in construction contracts by parties involved in application of BIM.

3. The Prime Minister shall set out a roadmap for application of BIM and digital technology solutions in construction activities.

Article 7. Energy efficiency buildings, resource efficiency buildings and green buildings

1. Investors in work construction shall apply technical solutions and management measures to ensure energy efficiency, resource efficiency and environmental protection.

2. The State shall encourage the construction and development of, and evaluate and certify, energy efficiency buildings, resource efficiency buildings and green buildings.

3. The development of the buildings specified in Clause 2 of this Article must comply with the Prime Minister's policies, plans and application roadmap.

4. The Minister of Construction shall organize the formulation of standards defining criteria for, and provide process of evaluating and certifying, energy efficiency buildings, resource efficiency buildings and green buildings.

Article 8. Application of international standards, regional standards or foreign standards (below collectively referred to as foreign standards), in-house standards, and new materials and technologies in construction activities

1. The selection and application of foreign standards or in-house standards must comply with the Law on Construction and other relevant laws.

2. In case of application of foreign standards:

a/ Construction design commentaries or technical instructions (if any) must evaluate the compatibility, synchrony and conformity of foreign standards with relevant national technical regulations;

b/ Foreign standards already recognized and widely applied shall be applied first.

3. In case of application of in-house standards:

a/ Before in-house standards are applied, it is required to have commentaries about their conformity with relevant national technical regulations as well as their compatibility and synchrony with relevant standards;

b/ The declaration of in-house standards must strictly comply with regulations and processes provided in other relevant laws.

4. The application of new materials and technologies for the first time must comply with relevant national technical regulations and ensure compatibility with relevant standards; and must ensure feasibility, sustainability, safety and efficiency.

Chapter II

FORMULATION, APPRAISAL AND APPROVAL OF CONSTRUCTION INVESTMENT PROJECTS, AND MANAGEMENT OF CONSTRUCTION INVESTMENT PROJECTS

Section 1

FORMULATION, APPRAISAL AND APPROVAL OF CONSTRUCTION INVESTMENT PROJECTS

Article 9. Formulation of construction investment prefeasibility study reports

1. The formulation of prefeasibility study reports for considering and deciding on or approving construction investment policy must comply with Clause 2, Article 52 of the 2014 Law on Construction, which was revised under Clause 10, Article 1 of Law No. 62/2020/QH14.

2. A preliminary design plan of a project's construction investment prefeasibility study report shall be shown in commentaries and drawings, and has the following contents:

a/ Preliminary design drawings, including a chart of the position and location of the construction land plot; preliminary overall plan of the project; and drawings showing preliminary design solutions for main works of the project;

b/ Commentaries about scale and characteristics of the project; actual state and boundaries of the land plot; commentaries about the project's conformity with a relevant master plan (if any), and connection of transport and infrastructure facilities around the project; and commentaries about preliminary design solutions;

c/ Drawings and preliminary commentaries about technological lines and equipment (if any).

3. The estimation of preliminary total investment amounts of construction investment prefeasibility study reports must comply with the Government's regulations on management of construction investment costs.

4. Contents of a prefeasibility study report of a project must comply with Article 53 of the 2014 Law on Construction, which was revised under Clause 11, Article 1 of Law No. 62/2020/QH14, of which commentaries about this report must, depending on requirements of the project, have the following specific contents:

a/ Satisfaction of conditions for acting as the project owner as specified in relevant laws (if any), in case of approval of investment policy at the same time with approval of investor;

b/ Land areas currently under paddy, protection forests or special-use forests (if any) expected to be used for implementation of the construction investment project;

c/ For investment projects on construction of urban centers or houses, it is required to have commentaries stating that the project implementation conforms with urban development objectives and orientations and housing development programs and plans of the locality in each period (if any); preliminary structure of housing products and reservation of land areas for social housing development; preliminary plan on construction investment and urban infrastructure management within the project and in connection with infrastructure outside the project, for urban center projects.

Article 10. Appraisal of construction investment prefeasibility study reports

1. The appraisal of prefeasibility study reports in dossiers of request for approval of investment policy must comply with the law on investment; the appraisal of prefeasibility study reports of public investment projects or PPP projects must comply with the law on public investment or law on investment in the PPP form.

2. After a project has its investment policy decided or approved by a competent state agency under Clause 1 of this Article, the project owner or

agency/organization assigned to make project preparations shall improve the construction investment prefeasibility study report as a basis for implementation of subsequent steps in accordance with relevant laws.

Article 11. Contents of construction investment feasibility study reports

1. Contents of a construction investment feasibility study report are specified in Article 54 of the 2014 Law on Construction, which was revised under Clause 12, Article 1 of Law No. 62/2020/QH14.

2. For an investment project on construction of houses or urban centers, its construction investment feasibility study report must clearly state:

a/ Its conformity with the approved local housing development program or plan (if any);

b/ Total construction ground area of houses; proportion and quantity of assorted houses (villas, row houses, condominium apartments) and compatibility of the quantity of assorted houses with approved population norms;

c/ Land area reserved for social housing construction under the housing law;

d/ Plan on commercial operation of housing products and other products of the project;

dd/ Its conformity with urban development orientations and approved urban development program (if any); plan on construction and completion of technical infrastructure facilities before the operation of houses (if any), social infrastructure facilities and other facilities of the project; plan on and list of regions or works and public-utility services to be delivered to the State, if any;

e/ Investment phasing plan to ensure synchrony with other multiple-work projects to be implemented for a long time and subject to investment phasing;

g/ For urban centers having no houses, it is not required to comply with Points a, b, c and d of this Clause.

Article 12. Appraisal of construction investment feasibility study reports or construction investment techno-economic reports by investment deciders

1. The appraisal of feasibility study reports of national important projects using public investment funds must comply with the law on public investment.

2. Appraisal councils or units assigned to appraise PPP projects shall appraise feasibility study reports of PPP projects in accordance with the law on investment in the PPP form, summarize results of appraisal by specialized

construction agencies under this Decree, and submit them to competent agencies for consideration and approval of projects.

3. For projects other than those specified in Clauses 1 and 2 of this Article, investment deciders shall assign their attached specialized agencies or organizations/individuals with professional qualifications relevant to characteristics and contents of the projects if they have no attached specialized agencies to take charge of appraising construction investment feasibility study reports or construction investment techno-economic reports. Investment deciders may assign their specialized construction agencies, if any, to take charge of appraising the above reports.

4. Appraisal requesters shall prepare dossiers of request for appraisal of construction investment feasibility study reports or construction investment techno-economic reports and submit them to agencies in charge of appraisal specified in Clause 3 of this Article for appraisal.

5. Depending on specific requirements of each project, the project owner or agency assigned to make project preparations shall carry out procedures and satisfy requirements under relevant regulations in the stage of project preparation and submit the following documents to the agency in charge of appraisal for use as a basis for consideration and appraisal of the project's construction investment feasibility study report:

a/ Agreements on electricity and water supply, wastewater drainage and transport connection, and other agreements on connection of infrastructure facilities (if any);

b/ A written approval of height of works under the Government's regulations on management of height of obstacles and battlefields for airspace management and protection in Vietnam (if any);

c/ Appraisal results, for projects on preservation, embellishment and restoration of historical-cultural relics or beauty spots in accordance with the law on cultural heritages;

d/ A written approval of or written opinions on fire prevention and fighting solutions in accordance with the law on fire prevention and fighting;

dd/ Results of performance of procedures for environmental impact assessment in accordance with the law on environmental protection;

e/ A notice of results of appraisal of the feasibility study report, issued by the specialized construction agency;

g/ Results of performance of other procedures in accordance with relevant laws.

6. Agencies in charge of appraisal shall appraise the contents specified in Article 57 of the 2014 Law on Construction, which was revised under Clause 14, Article 1 of Law No. 62/2020/QH14, specifically as follows:

a/ Agencies in charge of appraisal shall examine fulfillment of the relevant requirements specified in Clause 5 of this Article;

b/ For projects using technologies restricted from transfer or using technologies exerting adverse impacts on the environment, agencies in charge of appraisal shall send dossiers to competent state agencies for the latter to appraise, or give opinions on, technologies in accordance with the law on technology transfer and Articles 16 and 17 of this Decree;

c/ The determination of total investment of a project must comply with the Government's regulations on management of construction investment costs.

7. Agencies in charge of appraisal shall summarize results of appraisal by specialized construction agencies and opinions of agencies managing relevant sectors (if any) and submit them to investment deciders for the latter to approve projects or decide on construction investment.

Article 13. Appraisal of construction investment feasibility study reports by specialized construction agencies

The appraisal of feasibility study reports shall be carried out for the whole project, every component project, every construction work or some construction works according to implementation period or investment phasing of a project but must ensure consistency of appraisal results and conformity with the project implementation schedule stated in the investment policy decision or approval. Except for national important projects using public investment funds and projects with investment policy to be decided by the National Assembly in accordance with the law on investment in the PPP form, the competence of specialized construction agencies to appraise feasibility study reports is as follows:

1. For construction investment projects using public investment funds, specialized construction agencies shall appraise projects falling in fields under their management under Article 109 of this Decree, specifically as follows:

a/ Specialized construction agencies of ministries managing specialized construction works shall appraise projects assigned by the Prime Minister; group-A projects; group-B projects in which heads of central agencies of political organizations, the Supreme People's Procuracy, Supreme People's Court, State Audit Office of Vietnam, President Office, National Assembly

Office, ministries, ministerial-level agencies, government-attached agencies, or central agencies of the Vietnam Fatherland Front or socio-political organizations (below collectively referred to as central agencies) decide on investment or delegate/authorize others to do so; projects to be built in administrative areas of 2 or more provinces; and group-C projects falling in the fields under their management in which ministries managing specialized construction works (to which these specialized construction agencies are attached) decide on investment or delegate/authorize others to do so, except those specified at Point c of this Clause;

b/ Specialized construction agencies of provincial-level People's Committees shall appraise projects to be built in administrative areas of their provinces, except those specified at Point a of this Clause and those requiring construction investment techno-economic reports;

c/ Specialized construction agencies of the People's Committees of Hanoi and Ho Chi Minh City shall appraise projects in which chairpersons of the municipal People's Committees decide on investment or delegate/authorize others to do so.

2. For construction investment projects using state capital other than public investment funds, specialized construction agencies shall appraise projects of group B or higher group and projects with works greatly affecting community safety or interests and falling in fields under their management under Article 109 of this Decree, specifically as follows:

a/ Specialized construction agencies of ministries managing specialized construction works shall appraise projects with investment policy to be approved by the National Assembly or Prime Minister; group-A projects; group-B projects in which heads of central agencies, or heads of state economic groups or corporations established under the Prime Minister's decisions (below referred to as state economic groups or corporations) decide on investment or delegate/authorize others to do so; projects with special-grade or grade-I works; projects to be built in administrative areas of 2 or more provinces; and group-C projects falling in fields under their management in which ministries managing specialized construction works (to which these specialized construction agencies are attached) decide on investment or delegate/authorize others to do so, except those specified at Point c of this Clause;

b/ Specialized construction agencies of provincial-level People's Committees shall appraise projects to be built in administrative areas of their provinces, except those specified at Point a of this Clause;

c/ Specialized construction agencies of the People's Committees of Hanoi and Ho Chi Minh City shall appraise projects in which chairpersons of the municipal People's Committees decide on investment or delegate/authorize others to do so.

3. For PPP projects, specialized construction agencies shall appraise projects falling in fields under their management under Article 109 of this Decree, specifically as follows:

a/ Specialized construction agencies of ministries managing specialized construction works shall appraise projects with investment policy to be decided by the Prime Minister; projects which heads of central agencies or heads of other agencies under the law on investment in the PPP form approve or delegate/authorize others to do so; projects with special-grade or grade-I works; and projects to be built in administrative areas of 2 or more provinces;

b/ Specialized construction agencies of provincial-level People's Committees shall appraise PPP projects to be built in administrative areas of their provinces, except those specified at Point a of this Clause.

4. For construction investment projects using other funding sources, specialized construction agencies shall appraise large-scale projects specified in Clause 8, Article 3 of this Decree, and projects with works greatly affecting community safety or interests and falling in fields under their management under Article 109 of this Decree, specifically as follows:

a/ Specialized construction agencies of ministries managing specialized construction works shall appraise projects with investment policy to be approved by the National Assembly or Prime Minister; group-A projects; construction investment projects with special-grade or grade-I works; and projects to be built in administrative areas of 2 or more provinces;

b/ Specialized construction agencies of provincial-level People's Committees shall appraise projects to be built in administrative areas of provinces, except those specified at Point a of this Clause.

5. For projects with mixed-service utilities, the competence of specialized construction agencies to appraise such projects shall be determined based on fields under their management as specified in Article 109 of this Decree for service utilities of the main work of a project or of a main work of the highest grade in case a project has many main works.

Article 14. Dossiers of request for appraisal of construction investment feasibility study reports by specialized construction agencies

1. An appraisal requester shall hand-deliver or send by post 1 dossier to a specialized construction agency for appraisal.

2. A dossier of request for appraisal of a construction investment feasibility study report must ensure its legality and conformity with contents requested for appraisal. Such dossier shall be considered valid when it comprises all the documents specified in Clause 3 of this Article, has a proper presentation, is written in Vietnamese as the official language and checked and certified by the appraisal requester. Architectural design documents (if any) in construction design documents must comply with the law on architecture.

3. A dossier of request for appraisal of a construction investment feasibility study report must comprise a request for appraisal, made according to Form No. 01 provided in Appendix I to this Decree, documents of the construction investment feasibility study report, and accompanying documents as listed below:

a/ A document on work construction investment policy as required by the law on investment, law on public investment, or law on investment in the PPP form;

b/ A decision on selection of the architectural design plan through contest under regulations and the selected design plan (if required);

c/ A document/decision on approval and accompanying drawings (if any) of one of the following documents: detailed construction plan approved by a competent authority; another specialized technical master plan made in accordance with the planning law; plan on lines and locations of works as approved by a competent state agency for works to be built along lines; and master plan on construction zoning in case a detailed construction plan is not required;

d/ A document stating opinions on fire prevention and fighting solutions of the basic design; a document on results of performance of procedures for environmental impact assessment in accordance with the law on environmental protection (if such is required by the law on fire prevention and fighting or law on environmental protection);

Procedures concerning fire prevention and fighting and environmental protection shall be carried out simultaneously and documents relating to such procedures are not required at the time of submitting a dossier of request for appraisal of a construction investment feasibility study report but performance results shall be sent to the specialized construction agency before the deadline for notification of appraisal results. In case the project owner requests performance

of procedures for soliciting opinions on fire prevention and fighting solutions of the basic design under the inter-agency single-window mechanism upon appraisal of a construction investment feasibility study report by the specialized construction agency, it/he/she shall additionally submit 1 dossier specified by the law on fire prevention and fighting;

dd/ Agreements on and certifications of connection of infrastructure facilities of the project; a written approval of height of works under the Government's regulations on management of height of obstacles and battlefields for airspace management and protection in Vietnam (in case the project is not based in the area or does not fall into the category subject to solicitation of opinions on height management in the stage of approval of construction master plans) (if any);

e/ Other relevant legal documents (if any);

g/ Approved construction survey dossier; commentaries about the construction investment feasibility study report; basic design or other designs according to international practices serving formulation of the construction investment feasibility study report (including drawings and commentaries); list of main standards applicable to the project;

h/ List of contractors together with their identification numbers of capacity certificates of survey contractor, contractor making the basic design and verification contractor (if any); or identification numbers of construction practice certificates of construction survey manager; managers and chiefs of engineering and formulation of total investment; and verification manager and chief;

i/ For projects using public investment funds or state capital other than public investment funds which are subject to consideration of total investment, in addition to the above documents, a dossier of request for appraisal of a construction investment feasibility study report must have the following contents: total investment; information and data on prices and relevant norms for determination of total investment; price quotations and price appraisal results (if any).

Article 15. Procedures for appraisal of construction investment feasibility study reports by specialized construction agencies

1. Specialized construction agencies shall receive and examine the completeness and validity of dossiers of request for appraisal under Article 14 of this Decree. Within 5 working days after receiving a dossier of request for appraisal, a specialized construction agency shall:

a/ Examine the dossier and send a written request for supplementation of the dossier to the appraisal requester (when necessary, dossier supplementation may be requested only once in the course of appraisal). In case it is required to collect opinions of related agencies and organizations, the specialized construction agency shall request the appraisal requester to supplement the dossier regarding contents put for opinion;

b/ Return the dossier in the cases specified in Clause 2 of this Article;

c/ Send documents to competent fire prevention and fighting agencies to collect opinions on fire prevention and fighting solutions of basic designs in case the project owner so requests.

2. A specialized construction agency shall refuse to receive a dossier of request for appraisal in the following cases:

a/ The dossier is submitted beyond the competence of the specialized construction agency or the appraisal requester submits the dossier *ultra vires* under this Decree;

b/ The dossier is not subject to appraisal by a specialized construction agency under regulations;

c/ The dossier is not legal or valid as required by this Decree;

d/ If the dossier sent by post falls into the case specified at Point a, b or c of this Clause, the specialized construction agency shall notify such in writing to the appraisal requester, clearly stating the reason for its refusal.

3. Within 20 days after receiving a request of a specialized construction agency, if an appraisal requester fails to supplement its/his/her dossier, the specialized construction agency shall stop the appraisal and the appraisal requester may submit the dossier again for appraisal when so wishing.

4. Specialized construction agencies shall organize appraisal under the inter-agency single-window mechanism based on the contents specified in Clause 2, Article 58 of the 2014 Law on Construction, which was revised under Clause 15, Article 1 of Law No. 62/2020/QH14 and within the time limit specified in Article 59 of the 2014 Law on Construction, which was revised under Clause 16, Article 1 of Law No. 62/2020/QH14.

5. In the course of appraisal, a specialized construction agency may suspend the appraisal for only once and promptly notify the appraisal requester of errors in information and data in the dossier which make it impossible to give appraisal conclusions. In case such errors cannot be corrected within 20 days, the

specialized construction agency shall stop the appraisal and the appraisal requester may submit the dossier again for appraisal when so wishing.

6. Appraisal results shall be assessed and concluded in terms of level of satisfaction of requirements by appraised contents specified in Clause 2, Article 58 of the 2014 Law on Construction, which was revised under Clause 15, Article 1 of Law No. 62/2020/QH14; and satisfaction of requirements by the appraisal requester, investment decider and competent agency, for PPP projects. Appraisal results shall be concurrently sent to the local construction management agency for management.

Notices of results of appraisal of feasibility study reports shall be made according to Form No. 02 provided in Appendix I to this Decree.

7. Appraisal dossiers shall be appended with seals and archived at specialized construction agencies as follows:

a/ After being modified and completed, a dossier of request for appraisal shall be examined by a specialized construction agency and appended with a seal for certification of appraised contents on relevant drawings of 1 dossier set of construction design drawings. An appraisal seal specimen is provided in Form No. 08 provided in Appendix I to this Decree. Drawings appended with an appraisal seal shall be returned to the appraisal requester; the appraisal requester shall archive documents in accordance with the law on archives and promptly satisfy a request of the specialized construction agency for examination of such documents. The appraisal requester shall submit copies (in PDF format) of documents of the feasibility study report and construction designs appended with an appraisal seal to the specialized construction agency;

b/ Upon completion of the appraisal, the specialized construction agency shall archive and preserve the following documents: appraisal report; conclusions of organizations and individuals participating in the appraisal; written opinions of related agencies and organizations; notice of appraisal results; and copies of the documents appended with an appraisal seal specified at Point a of this Clause.

8. In the course of appraisal, specialized construction agencies may, when necessary, request appraisal requesters to select capable organizations and individuals to verify contents to serve the appraisal, specifically as follows:

a/ The selection of organizations and individuals to verify construction designs shall be carried out in the form of contractor appointment and according to simplified contractor appointment procedures under the bidding law;

b/ Examination consultants must be legally and financially independent from project owners and construction engineering consultancy contractors;

c/ Verified drawings shall be appended with a seal specified in Form No. 08 provided in Appendix I to this Decree.

Article 16. Competence to appraise or give opinions on technologies on construction investment projects using technologies restricted from transfer or technology-using construction investment projects likely to adversely impact the environment in accordance with the Law on Technology Transfer

1. For projects using public investment funds:

a/ The State Appraisal Council shall appraise technologies for national important projects;

b/ Line ministries shall assume the prime responsibility for appraising technologies for projects on which investment policy is decided by the Prime Minister, heads of central agencies, or heads of state agencies or public non-business units managed by ministries or central agencies;

c/ Specialized agencies of provincial-level People's Committees functioning to advise provincial-level People's Committees on state management of sectors or fields (below referred to as specialized agencies of provincial-level People's Committees) shall assume the prime responsibility for appraising technologies for projects on which investment policy is decided by People's Councils at all levels, chairpersons of People's Committees at all levels or heads of state agencies or public non-business units managed by local administrations.

2. For projects using state capital other than public investment funds:

a/ Line ministries shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology and related agencies and organizations in, giving opinions on technologies for projects on which investment policy is approved by the National Assembly or Prime Minister; group-A and group-B projects in which heads of central agencies, or state economic groups or corporations decide on investment or delegate/authorize others to do so; projects with special-grade or grade-I works greatly affecting community safety or interests; projects to be built in administrative areas of 2 or more provinces; and projects in which investment is decided by ministries;

b/ Specialized agencies of provincial-level People's Committees shall assume the prime responsibility for, and coordinate with specialized science and technology agencies and related agencies and organizations in, giving opinions on technologies for projects other than those specified at Point a of this Clause.

3. For projects using other funding sources:

a/ Line ministries shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology and related agencies and organizations in, giving opinions on technologies for projects on which investment policy is approved by the National Assembly or Prime Minister; group-A projects; special-grade or grade-I projects with works greatly affecting community safety or interests; and projects to be built in administrative boundaries of 2 or more provinces;

b/ Specialized agencies of provincial-level People's Committees shall assume the prime responsibility for, and coordinate with specialized science and technology agencies and related agencies and organizations in, giving opinions on technologies for projects other than those specified at Point a of this Clause.

4. For PPP projects, appraisal councils or units assigned to appraise PPP projects shall appraise technologies upon appraising their feasibility study reports in accordance with the law on investment in the PPP form.

Article 17. Procedures for appraisal of, or giving of opinions on technologies for, construction investment projects using technologies restricted from transfer or technology-using construction investment projects likely to adversely impact the environment

1. For national important projects using public investment funds, procedures for appraisal of technologies by the State Appraisal Council must comply with the law on public investment.

2. For construction investment projects other than those specified in Clause 1 of this Article:

a/ Within 5 working days after receiving a complete project dossier, an agency in charge of appraisal shall send a written request for appraisal or a document to collect opinions on technologies enclosed with a construction investment feasibility study report and relevant legal documents to an agency competent to appraise or give opinions on technologies. A construction investment feasibility report must have contents on technological commentaries specified in Clause 2, Article 16 of the 2017 Law on Technology Transfer;

b/ The agency competent to appraise or give opinions on technologies shall appraise or give its opinions on technologies of the project under Clause 2, Article 19, and Article 20, of the 2017 Law on Technology Transfer;

c/ The time limit for appraising or giving opinions on technologies is 30 days for projects on which investment policy is approved by the National Assembly, 20 days for group-A projects, 15 days for group-B projects, or 10

days for group-C projects and projects requiring only construction investment techno-economic reports, from the date of receipt of a complete dossier. In case it is necessary to extend the time limit for giving opinions on technologies, the extended time limit must not exceed the above time limit specified for each type of project. The agency competent to appraise or give opinions on technologies shall notify in writing the time limit extension to the agency in charge of appraisal, clearly stating the reason for extension;

d/ In case the agency competent to appraise or give opinions on technologies concurrently acts as the agency in charge of project appraisal, the time limit for appraising or giving opinions on technologies shall be included in the time limit for appraising the construction investment feasibility study report.

Article 18. Approval of projects, decision on construction investment

1. Agencies in charge of appraisal shall sum up appraisal results and submit to investment deciders for approval of investment projects and decision on investment. The competence to decide on construction investment must comply with Article 60 of the 2014 Law on Construction, which was revised under Clause 17, Article 1 of Law No. 62/2020/QH14.

2. The approval of PPP projects by competent agencies must comply with the law on investment in the PPP form.

3. Decision on construction investment by an investment decider shall be shown in a decision on approval of a construction investment project, which must have the following principal contents:

a/ Name of the project;

b/ Investment decider; project owner;

c/ Construction investment objectives and scale;

d/ Organization providing consultancy on making of construction investment feasibility study report (techno-economic report), organization formulating construction survey (if any); organization providing consultancy on making of basic designs;

dd/ Construction location and land use area;

e/ Type and group of the project; type(s) and grade(s) of main work(s); use duration according to design(s) of main work(s);

g/ Number of engineering steps, list of selected main standards;

h/ Total investment; values of cost items in total investment;

i/ Project implementation schedule, investment phases (if any), and operation duration of the project (if any);

k/ Investment capital sources and expected allocation of capital according to project implementation progress;

l/ Applied form of project management;

m/ Requirements on resources and exploitation and use of natural resources (if any); tentative plan on ground clearance compensation, support and resettlement (if any);

n/ Procedures for construction investment for state secret works (if any);

o/ Other contents (if any).

4. Decisions on approval of construction investment projects for projects using public investment funds or state capital other than public investment funds shall be made according to Form No. 03 provided in Appendix I to this Decree.

Article 19. Adjustment of construction investment projects

1. Construction investment projects using public investment funds or state capital other than public investment funds shall be adjusted in the cases specified in Clause 1, Article 61 of the 2014 Law on Construction, which was revised under Clauses 18 and 64, Article 1 of Law No. 62/2020/QH14. The adjustment of PPP projects must comply with the law on investment in the PPP form. The adjustment of projects using other funding sources must comply with Clauses 3 and 4, Article 61 of the 2014 Law on Construction.

2. For an adjusted construction investment project, a specialized construction agency shall appraise its adjusted feasibility study report in the following cases:

a/ The adjustment leads to a change in objectives, land use area or construction investment scale;

b/ There is a change in planning or architecture norms of the project in the detailed construction plan or another specialized technical master plan or the approved decision on/approval of investment policy;

c/ The adjustment leads to an increase in total investment of the project, for projects using public investment funds or state capital other than public investment funds;

d/ There is a change in solutions to arrange main utilities in works, making it necessary to reevaluate engineering solutions to ensure construction safety, fire

and explosion prevention and fighting, and environmental protection, and compliance with technical regulations of the project.

3. The competence and procedures for appraising adjusted construction investment feasibility study reports by specialized construction agencies must comply with Articles 13, 14 and 15 of this Decree.

In case the adjustment of projects leads to a change of project groups or grades of works of projects, the competence to appraise adjusted construction investment feasibility study reports shall be determined according to the competence applicable to the groups of projects or grades of works after adjustment.

4. For PPP projects, the appraisal of adjusted construction investment feasibility study reports by specialized construction agencies, and appraisal and approval of adjusted construction investment projects by investment deciders or competent agencies must cover adjusted contents or all contents of projects after adjustment.

Section 2

MANAGEMENT OF CONSTRUCTION INVESTMENT PROJECTS

Article 20. Selection of forms of management of construction investment projects

1. For projects using public investment funds, investment deciders shall select the forms of project management specified in Clause 2, Article 62 of the 2014 Law on Construction, which was revised under Clause 19, Article 1 of Law No. 62/2020/QH14, specifically as follows:

a/ Investment deciders shall decide to apply the form of specialized construction investment project management unit or regional construction investment project management unit (below referred to as specialized project management unit or regional project management unit) based on the number and implementation progress of projects of the same specialty or line or in the same administrative area or upon request of donors;

b/ In case the form of project management specified at Point a of this Clause is not applied, investment deciders shall decide to apply the form of single- project management unit or the project owner shall organize project management or hire consultants to do so.

2. For projects using state capital other than public investment funds or other funding sources, investment deciders shall decide on forms of project management specified in Clause 1, Article 62 of the 2014 Law on Construction,

which was revised under Clause 19, Article 1 of Law No. 62/2020/QH14 in conformity with specific management requirements and conditions of projects.

3. For projects using ODA loans or concessional loans of foreign donors, forms of project management shall be applied under treaties on ODA or agreements with donors. In case such treaties on ODA or agreements with donors do not specify forms of project management, forms of project management must comply with this Decree.

4. For PPP projects, forms of project management must comply with Points a, b, c and d, Clause 1, Article 62 of the 2014 Law on Construction, which was revised under Clause 19, Article 1 of Law No. 62/2020/QH14 in conformity with specific management requirements and conditions of projects and agreements in project contracts.

Article 21. Organization and operation of specialized project management units or regional project management units

1. A person who decides to establish a specialized project management unit or regional project management unit shall decide on the number, functions, tasks, organizational structure and operation of such unit in order to manage the project in conformity with its specific management requirements and conditions.

2. The competence to establish and organize operation of specialized project management units or regional construction investment project management units is provided as follows:

a/ Heads of central agencies, and chairpersons of provincial- and district-level People's Committees may establish specialized project management units or regional construction investment project management units in order to assign the latter to act as owners of a number of projects and concurrently manage multiple projects using public investment funds under their management.

In case a minister delegates or authorizes a general director of a general department or directorate to decide on investment in construction investment projects of the same specialty or line or in the same administrative area, depending on the number and scale of the projects and specific conditions, he/she may assign the general director to establish a specialized project management unit or regional project management unit to manage such projects;

b/ For projects using state capital other than public investment funds or other funding sources, competent representatives of agencies, organizations or enterprises may establish specialized project management units or regional project management units in conformity with specific management requirements and conditions of projects;

c/ Specialized project management units or regional project management units established by competent agencies under Point a of this Clause are public non-business units. The organizational structure of specialized project management units or regional project management units must comply with Clause 5 of this Article.

3. The number of specialized project management units or regional project management units to be established shall be considered and decided by persons who decide on their establishment, specifically as follows:

a/ For ministries and central agencies: Specialized project management units or regional project management units shall be established to suit specialties in fields managed by these ministries and central agencies or to meet requirements on construction of physical foundations and infrastructure facilities in regions and areas. The organization of specialized project management units or regional project management units under the Ministry of National Defense or Ministry of Public Security shall be considered and decided by the Minister of National Defense or Minister of Public Security in conformity with special requirements of sector or field management;

b/ For the provincial level: Chairpersons of provincial-level People's Committees shall decide to establish specialized project management units or regional project management units to manage construction investment projects in specialties classified in Appendix IX to this Decree or in construction investment regions;

c/ For the district level: Chairpersons of district-level People's Committees shall establish specialized project management units or regional project management units to manage construction investment projects in which investment is decided by district-level People's Committees and construction investment projects in which investment is decided by commune-level People's Committees upon request.

4. Specialized project management units or regional project management units may provide project management consultancy to other projects or perform a number of consultancy jobs provided that they ensure completion of their assigned project management tasks and satisfy the law-specified capacity conditions before performing consultancy jobs.

5. A specialized project management unit or regional project management unit shall be organized as suitable to its assigned functions and tasks, number and scale of projects that need to be managed and composed of the following major sections:

a/ Project directorate, project managers and attached sections to assist the project management unit in acting as the project owner and performing the function of project management;

b/ Project managers of specialized project management units or regional project management units must satisfy the capacity conditions specified in Article 73 of this Decree; individuals in charge of professional fields must possess certificates for practice in construction supervision or construction valuation of grades suitable to groups of projects or grades of works and jobs they perform.

6. Operation regulations of specialized project management units or regional project management units shall be considered and decided by persons that have decided on establishment of such units and must clearly define rights and responsibilities of sections functioning as project owners and sections performing the operation of project management in accordance with the law on construction and other relevant laws.

Article 22. Single-project management units

1. For construction investment projects other than those specified at Point a, Clause 1, Article 20 of this Decree or projects with special or particular characteristics, based on contents of decisions approving such projects, project owners shall establish a single-project management unit to manage one or more than one construction investment project falling under its competence.

2. A single-project management unit is an organization attached to a project owner and entitled to use its own seal and open its account at a State Treasury office or commercial bank under regulations to perform project management tasks assigned by the project owner, and shall take responsibility before law and the project owner for its project management activities.

3. Project managers of single- project management units must satisfy the capacity conditions specified in Article 73 of this Decree; individuals in charge of professional fields must possess certificates for practice in construction supervision or construction valuation of grades suitable to groups of projects or grades of works and jobs they perform.

4. Project owners shall define functions, tasks, powers and organizational structure of single- project management units under Clause 2, Article 64 of the 2014 Law on Construction.

5. Single- project management units specified in this Article shall automatically disband after completing their project management jobs.

Article 23. Project owners organizing project management

1. Project owners may use their legal status and attached capable professional apparatuses to organize the management of construction investment projects. If being unqualified, project owners may hire organizations or individuals that fully satisfy the capacity conditions specified in this Decree to participate in project management.

2. Project managers must satisfy the capacity conditions specified in Article 73 of this Decree, unless they manage investment projects on construction of works requiring construction investment techno-economic reports.

3. Individuals engaged in project management shall work on a full-time or part-time basis under decisions of project owners and must have professional qualifications relevant to jobs they perform.

Article 24. Hiring of construction investment project management consultants

1. A project management consultancy organization may perform several or all of project management jobs under a contract signed with the project owner.

2. A selected project management consultancy organization shall send a notice of tasks and powers of the representative and apparatus directly managing the project to the project owner and related contractors.

3. A project owner shall supervise the performance of the project management consultancy contract and deal with related issues arising between the project management consultancy organization and contractors and local administration in the course of project implementation.

4. The selection of construction investment project management consultancy contractors must comply with provisions of the bidding law applicable to projects regulated by the bidding law.

Chapter III

CONSTRUCTION SURVEY, FORMULATION, APPRAISAL AND APPROVAL OF CONSTRUCTION DESIGNS

Section 1

CONSTRUCTION SURVEY

Article 25. Order of construction survey

1. Formulation and approval of construction survey tasks.

2. Formulation and approval of technical plans on construction survey.
3. Performance of construction survey.
4. Pre-acceptance test and approval of construction survey results.

Article 26. Construction survey tasks

1. Construction survey tasks shall be formulated for survey jobs to serve the formulation of construction investment projects, work construction engineering, work repair, renovation, expansion and upgrading engineering, or other survey jobs related to construction activities.

2. Construction survey tasks shall be formulated by engineering contractors. In case no engineering contractors have been selected or in other cases of survey, investment deciders or project owners or agencies competent to formulate PPP projects may hire capable organizations or individuals or assign their attached capable organizations or individuals to formulate and verify construction survey tasks.

3. Project owners shall assign construction survey tasks to construction survey contractors through directly entering into construction survey contracts or to construction engineering contractors in case engineering consultancy contractors perform both construction survey and construction engineering jobs.

4. Contents of construction survey tasks include:

a/ Purposes of construction survey;

b/ Scope of construction survey;

c/ Requirements on application of standards and technical regulations on construction survey;

d/ Estimated volume of different types of construction survey jobs and construction survey cost estimates (if any);

dd/ Construction survey period.

5. Construction survey tasks shall be modified or added in the following cases:

a/ In the course of construction survey, an abnormality that might directly affect engineering solutions is detected or there is a change in engineering tasks that requires addition of construction survey tasks;

b/ In the course of engineering, an engineering contractor finds that a construction survey task or report is not up to engineering requirements;

c/ In the course of construction, geological abnormalities unfavorable for construction survey tasks approved by the project owner or engineering consultant are detected which might affect work quality or work construction measures.

6. When formulating survey tasks of the subsequent construction engineering step, it is required to consider survey tasks performed and survey results obtained in the previous construction engineering step and results of previous relevant surveys (if any).

Article 27. Technical plans on construction survey

1. Survey contractors shall make technical plans on construction survey suitable to construction survey tasks.

2. Contents of a technical plan on construction survey:

a/ Grounds for formulation of the plan;

b/ Composition and volume of construction survey jobs;

c/ Used survey method, equipment and laboratory;

d/ Applied standards and technical regulations on construction survey;

dd/ Organization of implementation and measures to control quality by construction survey contractors;

e/ Implementation schedule;

g/ Measures to ensure safety for people, equipment, technical infrastructure facilities and other construction works in the survey area; measures to protect the environment and conserve the landscape in the survey area and restore the original state upon completion of the survey.

3. Project owners shall examine or hire capable consultants to verify technical plans on construction survey and approve them under contracts.

Article 28. Management of construction survey

1. Survey contractors shall arrange sufficient personnel with relevant experience and professional qualifications to perform survey under construction contracts; appoint capable persons to act as survey managers and organize implementation of quality control measures as stated in technical plans on construction survey.

2. Depending on the scale and type of survey, project owners may perform by themselves or hire organizations or individuals with practicing capacity

suitable to such type of survey to supervise construction survey with the following jobs:

a/ Examining practical capacity of construction survey contractors, covering manpower and equipment for survey at site, laboratories (if any) used as compared to those stated in approved construction survey plans and terms and clauses of construction contracts;

b/ Monitoring and examining the performance of construction survey, covering survey location, survey volume, survey process, archive of survey data and test samples; laboratory testing and site testing; assurance of occupational and environmental safety in the course of survey performance.

3. Project owners may stop survey jobs when detecting failure of contractors to strictly comply with approved survey plans or terms and clauses of construction contracts.

Article 29. Contents of a report on construction survey results

1. Grounds for performance of construction survey.
2. Process and method of construction survey.
3. General information about location and natural conditions of the area subject to construction survey, and characteristics, size and nature of works.
4. Performed volume of construction survey.
5. Construction survey results and data obtained after testing and analysis are carried out.
6. Evaluations, notes, and proposals (if any).
7. Conclusions and recommendations.
8. Annexes.

Article 30. Approval of reports on construction survey results

1. Project owners shall issue documents on approval of reports on construction survey results or give approval directly on such reports. They may request engineering consultancy contractors or hire capable consultants to examine reports on construction survey results before approving them.

2. Survey contractors shall take responsibility for the quality of construction survey they perform. The approval of reports on construction survey results by project owners does neither replace nor reduce the responsibility for the quality of construction survey performed by survey contractors.

3. Reports on construction survey results constitute a component of as-built documents and shall be archived under regulations.

Section 2

CONSTRUCTION DESIGNS

Article 31. Construction design steps

1. Depending on the scale and nature of a construction investment project, the number of construction design steps shall be determined in a decision approving such project.

2. Contents of each construction design step must comply with the law on construction and conform to construction design purposes and tasks set forth for each construction design step.

3. For works with two or more steps of designing, a certain designing step must conform to major contents and specifications of the preceding one. In the course of making construction designs to be implemented following basic designs, project owners may decide on design adjustments to meet efficiency and use requirements without changing purposes, utilities, scale and planning-architectural norms in detailed construction plans or approved decisions on/approval of investment policy.

4. Project owners shall organize the making of construction designs, except construction design steps assigned to construction contractors under contracts.

5. Project owners shall organize the appraisal and control of construction designs under Clause 1, Article 82 of the 2014 Law on Construction, which was revised under Clause 24, Article 1 of Law No. 62/2020/QH14.

Article 32. Construction design tasks

1. Project owners shall formulate construction design tasks or hire organizations or individuals with relevant capacity to do so.

2. Construction design tasks must conform to investment policy and serve as a basis for formulation of construction investment projects and making of construction designs. Project owners may hire consultants or experts to give opinions on or verify design tasks when necessary.

3. Principal contents of a construction design task include:

a/ Grounds for formulation of the construction design task;

b/ Work construction objectives;

c/ Work construction location;

d/ Requirements on planning, landscape and architecture of the work;

dd/ Requirements on size, use duration, utilities and other technical requirements of the work.

4. Construction design tasks shall be modified and supplemented to suit practical conditions in order to ensure efficiency of work construction investment projects.

Article 33. Presentation of construction design documents

1. The presentation of construction design documents is specified as follows:

a/ Construction design documents to be made for a work include: design commentaries, calculation tables, design drawings, relevant construction survey documents, work construction cost estimates, technical instructions, and construction work maintenance process (if any);

b/ The size, scale and title blocks of design drawings must conform to standards applicable in construction activities. In the title block of a drawing, names and signatures of the designer, design examiner, design chief and design manager. In case the construction designing contractor is an organization, its at-law representative shall give certification in and append the seal of the construction designing contractor on construction design documents;

c/ Construction design commentaries, drawings and cost estimates shall be bound into uniform volumes, enumerated into a list, numbered and marked for reference and long-term preservation;

d/ The Minister of Construction shall organize the formulation of national standards on presentation and contents of construction design documents relevant to each construction design step.

2. Technical instructions are specified as follows:

a/ Technical instructions serve as a basis for supervision of work construction, construction and pre-acceptance test of construction works. Technical instructions shall be formulated by construction designing contractors or other consultancy contractors hired by project owners. Approved technical instructions constitute a component of construction bidding dossiers and serve as a basis for management and supervision of construction and pre-acceptance test of construction works;

b/ Technical instructions must conform to approved technical regulations or standards applicable to construction works and requirements of construction designs;

c/ Project owners shall request construction designing contractors or other consultancy contractors to formulate technical instructions exclusively for special-grade, grade-I and grade-II works. For other works, technical instructions may be formulated separately or provided in construction design commentaries.

3. Construction design documents constitute a component of as-built documents and shall be archived under the Government's regulations on quality management and maintenance of construction works and the law on archive.

Article 34. Management of construction designing

1. Construction designing contractors shall take responsibility for the quality of construction designs they make; verification, appraisal and approval of construction designs by individuals, organizations, project owners, investment deciders or specialized construction agencies do neither replace nor reduce the responsibility of construction design contractors for the quality of construction designs they make.

2. In case construction designing contractors act as general designing contractors, they shall perform main designing jobs of works and take total responsibility for performance of contracts with principals. Designing subcontractors shall take responsibility for the construction designing progress and quality before general contractors and before law for jobs they perform.

3. In the course of construction designing of works under national important projects or large-size works involving complex technical requirements, construction designing contractors may propose to project owners performance of simulation experiments and tests to check and calculate the working capacity of works in order to improve construction designs up to technical and safety requirements of works.

4. After construction design documents are appraised and approved under regulations, project owners shall examine the volume of performed jobs and conformity of the presentation and number of construction design documents with terms and clauses of construction contracts and notify in writing the approval of pre-acceptance test of construction design documents to construction designing contractors if such documents satisfy requirements.

Section 3

APPRAISAL AND APPROVAL OF CONSTRUCTION DESIGNS TO BE IMPLEMENTED FOLLOWING BASIC DESIGNS

Article 35. Appraisal of construction designs to be implemented following basic designs

1. Project owners shall organize appraisal of or specialized agencies attached to investment deciders shall appraise (in case investment deciders organize appraisal) construction designs under Articles 82 and 83 of the 2014 Law on Construction, which was under Clauses 24 and 25, Article 1 of Law No. 62/2020/QH14.

2. The appraisal by specialized construction agencies must comply with Articles 36, 37 và 38 of this Decree.

3. In the course of appraisal, project owners or specialized agencies attached to investment deciders or specialized construction agencies may invite organizations or individuals with relevant expertise and experience to participate in appraising construction designs to be implemented following basic designs.

4. The verification of construction designs for construction works specified in Clause 6, Article 82 of the 2014 Law on Construction, which was revised under Clause 24, Article 1 of Law No. 62/2020/QH14, is specified as follows:

a/ In the course of appraisal, if reports on verification results provide insufficient grounds for making appraisal conclusions, specialized construction agencies may request supplementation and completion of such reports;

b/ Verification consultants must be legally and financially independent from project owners and construction designing consultancy contractors;

c/ Contents of reports on verification results are specified in Form No. 05 provided in Appendix I to this Decree. Verified drawings shall be appended with seals as required in Form No. 08 provided in Appendix I to this Decree.

5. Project owners shall summarize results of appraisal of construction designs to be implemented following basic designs by specialized construction agencies and documents of related agencies and organizations for use as a basis for approving such designs. Results of appraisal and approval by project owners shall be stated in decisions approving construction designs, made according to Form No. 07 provided in Appendix I to this Decree.

6. The appraisal of construction designs to be implemented following basic designs shall be carried out for all works or each work of a project or work parts in different phases of construction upon request of project owners and must ensure uniformity and consistency of contents and calculation bases in appraisal results.

Article 36. Appraisal of designs to be implemented following basic designs by specialized construction agencies

1. For construction works under projects using public investment funds, specialized construction agencies shall appraise construction design steps to be implemented following basic designs for construction works in sectors under their management under Article 109 of this Decree, specifically as follows:

a/ Specialized construction agencies of ministries managing specialized construction works shall appraise construction designs of works of projects assigned by the Prime Minister; national important projects; group-A projects; group-B projects in which heads of central agencies decide on investment or delegate/authorize others to do so; projects to be built in administrative areas of 2 or more provinces; or group-C projects in sectors under their management in which ministries managing specialized construction works (to which such specialized construction agencies are attached) decide on investment or delegate/authorize others to do so, except those specified at Point c of this Clause;

b/ Specialized construction agencies of provincial-level People's Committees shall appraise construction designs of works under projects to be built in administrative areas of their provinces, except those specified at Point a of this Clause;

c/ Specialized construction agencies of the People's Committees of Hanoi and Ho Chi Minh City shall appraise construction designs of works under projects in which chairpersons of the municipal People's Committees decide on investment or delegate/authorize others to do so.

2. For construction works under projects using state capital other than public investment funds, specialized construction agencies shall appraise construction design steps to be implemented following basic designs for construction works of group-B or higher-group projects or projects with works greatly affecting community safety or interests and in sectors under their management as specified in Article 109 of this Decree, specifically as follows:

a/ Specialized construction agencies of ministries managing specialized construction works shall appraise construction designs of works of projects on which investment policy is approved by the National Assembly or Prime Minister; group-A projects; group-B projects in which ministers, heads of central agencies, or heads of state economic groups or corporations decide on investment or delegate/authorize others to do so; projects with special-grade or grade-I works; projects to be built in administrative areas of 2 or more provinces; or group-C projects in sectors under their management in which ministries managing specialized construction works (to which such specialized construction

agencies are attached) decide on investment or delegate/authorize others to do so, except those specified at Point c of this Clause;

b/ Specialized construction agencies of provincial-level People's Committees shall appraise construction designs of works under projects to be built in administrative areas of their provinces, except those specified at Point a of this Clause;

c/ Specialized construction agencies of the People's Committees of Hanoi and Ho Chi Minh City shall appraise construction designs of works under projects in which chairpersons of the municipal People's Committees decide on investment or delegate/authorize others to do so.

3. For PPP projects, specialized construction agencies shall appraise construction design steps to be implemented following basic designs for construction works in sectors under their management as specified in Article 109 of this Decree, specifically as follows:

a/ Specialized construction agencies of ministries managing specialized construction works shall appraise construction designs of works of projects on which investment policy is approved by the National Assembly or Prime Minister; projects which ministers or heads of central agencies or other agencies in accordance with the law on investment in the PPP form approve or delegate/authorize others to do so; projects with special-grade or grade-I works; or projects to be built in administrative areas of 2 or more provinces;

b/ Specialized construction agencies of provincial-level People's Committees shall appraise construction designs of works under PPP projects to be built in administrative areas of their provinces, except those specified at Point a of this Clause.

4. For construction investment projects using other funding sources, specialized construction agencies shall appraise only designs of construction works in sectors under their management under Article 109 of this Decree for works of projects to be built in areas without urban master plans or plans on construction of functional zones or detailed plans on construction of rural residential areas, specifically as follows:

a/ Specialized construction agencies of ministries managing specialized construction works shall appraise construction designs of works of projects with works greatly affecting community safety or interests, including projects with special-grade or grade-I works, and projects to be built in administrative areas of 2 or more provinces;

b/ Specialized construction agencies of provincial-level People's Committees shall appraise construction designs of works under projects with works greatly affecting community safety or interests, except those specified at Point a of this Clause.

5. For mixed projects with works of different types, the competence of specialized construction agencies to appraise designs shall be determined according to sectors under their management as specified in Article 109 of this Decree for service utilities of main works of a project or a main work of the highest grade in case a project has many main works.

For a project with many works of the same type and different grades, the agency responsible for appraising the construction design of the work of the highest grade shall appraise the construction design of such project.

6. The appraisal of FEED steps to serve contractor selection in case of performance of EPC contracts or other design steps to be implemented according to international practices under Points a and d, Clause 2, Article 82 of the 2014 Law on Construction, which was revised under Clause 24, Article 1 of Law No. 62/2020/QH14, by specialized construction agencies is specified as follows:

a/ Specialized construction agencies shall appraise construction designs based on the contents specified in Clauses 2 and 3, Article 83a, which was supplemented under Clause 26, Article 1 of Law No. 62/2020/QH14 (below referred to as Article 83a of the Law on Construction) for construction design documents submitted for appraisal which have all the contents specified in Article 80 of the 2014 Law on Construction;

b/ In case EPC bidding design documents do not have all the contents specified in Article 80 of the 2014 Law on Construction to serve as a basis for assessment of construction safety and fire and explosion prevention and fighting safety, specialized construction agencies shall appraise the contents specified in Clauses 2 and 3, except those specified at Points c and dd, Clause 2, Article 83a of the Law on Construction, for use as a basis for project owners to appraise and approve EPC bidding designs. At the same time, in notices of appraisal results, they shall request project owners to continue submitting construction designs to be implemented following bidding designs with all the required contents for specialized construction agencies to additionally appraise the contents specified at Points c and dd, Clause 2, Article 83a of the Law on Construction.

In notices of additional appraisal results, specialized construction agencies shall request project owners to send dossiers and documents proving the latter's satisfaction of conditions for grant of construction permits enclosed with notices of construction commencement to local state management agencies in charge of

construction for monitoring and management under Article 56 of this Decree, for construction designs qualified for approval and eligible for exemption from construction permits under Point g, Clause 2, Article 89 of the 2014 Law on Construction, which was revised under Clause 30, Article 1 of Law No. 62/2020/QH14.

Article 37. Dossiers of request for appraisal of construction designs to be implemented following basic designs by specialized construction agencies

1. An appraisal requester shall hand-deliver or send by post 1 dossier to a specialized construction agency for appraisal.

2. Dossiers of request for appraisal must be legally valid and have the contents requested to be appraised. A dossier of request for appraisal shall be considered valid when having the contents specified in Clause 3 of this Article, which are in proper presentation, written in Vietnamese as the official language, and checked and certified by the appraisal requester. The architectural design documents (if any) in construction design documents must comply with the law on architecture.

3. A dossier of request for appraisal of a construction design to be implemented following a basic design must comprise:

a/ A written request for appraisal, made according to Form No. 04 provided in Appendix I to this Decree;

b/ Attached legal documents, including a decision approving the work construction investment project enclosed with an approved feasibility study report; a notice of results of appraisal by a specialized construction agency and documents of basic design drawings bearing a certification seal (if any); a report on results of verification of the construction design by the verification consultancy contractor certified by the project owner (if required); a written approval of the fire prevention and fighting design and results of performance of procedures for environmental impact assessment in accordance with the law on environmental protection (if required) and other relevant documents;

Formalities for fire prevention and fighting shall be carried out simultaneously with, though they are not required to be shown at the time of, submission of dossiers for appraisal to specialized construction agencies. However, results of completion of such formalities shall be sent to specialized construction agencies before the deadline for notification of appraisal results;

c/ A construction survey dossier approved by the project owner; construction design documents for the construction design step submitted for appraisal;

d/ Identification numbers of construction capacity certificates of construction survey contractor, construction designing contractor and verification contractor; identification numbers of construction practice certificates of construction survey managers, design managers and chiefs, verification managers and chiefs; and construction operation licenses of foreign contractors (if any);

dd/ For works using public investment funds or state capital other than public investment funds and requiring appraisal of their construction cost estimates, in addition to the contents specified at Points a, b, c and d of this Clause, the dossier must contain construction cost estimates; information and data on relevant prices and norms for determination of construction cost estimates; price quotations and results of price appraisal (if any).

Article 38. Procedures for appraisal of construction designs to be implemented following basic designs by specialized construction agencies

1. Specialized construction agencies shall receive, and examine completeness and validity of, dossiers of request for appraisal specified in Article 37 of this Decree. Within 5 working days after receiving a dossier of request for appraisal, a specialized construction agency shall:

a/ Consider and send a request for supplementation of the dossier to the appraisal requester (if necessary, the request for dossier supplementation shall be made only once in the course of appraisal). In case it is necessary to seek opinions of related agencies and organizations, the appraising agency shall request the appraisal requester to supplement the dossier regarding the contents on which opinions are sought; or,

b/ Return the dossier in case of refusal to receive the dossier under Clause 2, Article 15 of this Decree.

2. Within 20 days after receiving a request of the specialized construction agency, if the appraisal requester fails to supplement the dossier, the appraising agency shall cease the appraisal and the appraisal requester shall re-submit the dossier for appraisal when so wishing.

3. Construction specialized agencies shall organize appraisal under the inter-agency single-window mechanism in accordance with Law No. 62/2020/QH14.

4. In the course of appraisal, a specialized construction agency may suspend the appraisal (for only once) and shall promptly notify the appraisal requester of mistakes and errors regarding information and data declared in the dossier that make it impossible to make appraisal conclusions. In case the above-said

mistakes and errors cannot be remedied within 20 days, the specialized construction agency shall cease the appraisal and the appraisal requester shall re-submit the dossier for appraisal when so wishing.

5. Appraisal result must contain evaluations and conclusions on satisfaction of requirements by each appraised content under Article 83a of the Law on Construction, requirements for investment deciders, project owners and competent agencies, for PPP projects. Appraisal results shall be sent to appraisal requesters for summing up and concurrently to local state management agencies in charge of construction for monitoring and management.

For construction designs qualified for approval and eligible for exemption from construction permits under Point g, Clause 2, Article 89 of the 2014 Law on Construction, which was revised under Clause 30, Article 1 of Law No. 62/2020/QH14, appraisal results must include also a request for submission of dossiers and papers proving satisfaction of conditions for grant of construction permits to local state management agencies in charge of construction, enclosed with a construction commencement notice, for monitoring and management under Article 56 of this Decree.

Notices of results of appraisal of construction designs to be implemented following basic designs shall be made according to Form No. 06 provided in Appendix I to this Decree.

6. The stamping of seals on and archive of appraisal dossiers at specialized construction agencies must comply with Clause 7, Article 15 of this Decree.

7. The time limit for appraisal of construction designs to be implemented following basic designs, counted from the time of receipt of a complete and valid dossier, is:

- a/ Forty days, for grade-I and special-grade works;
- b/ Thirty days, for grade-II- and grade-III works;
- c/ Twenty days, for other works.

Article 39. Appraisal of adjustments to construction designs to be implemented following basic designs

1. Specialized construction agencies shall, within the ambit of their competence provided in Article 36 of this Decree, appraise adjusted construction designs in the following cases:

- a/ Adjusting and supplementing construction designs in case there are changes in engineering geology, designed load, structural solutions, materials

used for load-bearing structures, or construction methods that affect the force-bearing capacity of works;

b/ Adjusting construction investment projects, thus requiring adjustments to basic designs.

2. The verification of adjusted construction designs must comply with Clause 4, Article 35 of this Decree.

3. For adjusted or supplemented construction designs not falling into the cases specified in Clause 1 of this Article, project owners shall themselves organize appraisal to serve as a basis for approval.

4. The adjustment of construction cost estimates must comply with the Government's regulations on management of construction investment costs and relevant laws.

5. A dossier of request for appraisal of an adjusted construction design must comprise:

a/ The documents specified in Article 37 of this Decree;

b/ The project owner's report on actual work construction (in case the work construction has been commenced).

Article 40. Approval of construction designs to be implemented following basic designs

1. The approval of a construction design to be implemented following basic designs by a project owner shall be shown in an approval decision, which must have the following principal contents:

a/ Name of the approver;

b/ Name of the work or work item;

c/ Name of the project;

d/ Type and grade of the work;

dd/ Construction location;

e/ Contractor making the construction survey report;

g/ Contractor making the construction design;

h/ Unit verifying the construction design;

i/ Size and technical norms; design solutions for energy and natural resource conservation (if any);

k/ Designed use duration of the work;

- l/ Construction cost estimates, detailed to each cost item;
- m/ Other contents.

2. Decisions approving construction designs to be implemented following basic designs for projects using public investment funds or state capital other than public investment funds shall be made according to Form No. 07 provided in Appendix I to this Decree.

3. For projects managed by specialized project management units, regional project management units or single-project management units, project owners may authorize their attached project management units to approve construction designs.

4. Persons assigned to approve construction designs shall affix seals and give their signatures on construction design dossiers they approve (including commentaries and design drawings). Construction design approval seal specimens are provided in Form No. 08 provided in Appendix I to this Decree.

Chapter IV

CONSTRUCTION PERMITS AND MANAGEMENT OF CONSTRUCTION ORDER

Article 41. Conditions for grant of construction permits

1. Conditions for grant of construction permits in specific cases are specified in Articles 91, 92, 93 and 94 of the 2014 Law on Construction, which was revised under the 2019 Law on Architecture and Law No. 62/2020/QH14.

2. For works to be built in areas without urban master plans, master plans on construction of functional zones or detailed plans on construction of rural residential quarters, grounds for consideration and grant of construction permits are relevant technical or specialized master plans, regulations on architectural management or competent state agencies' documents on approval of locations and floor areas of works (for non-linear works to be built outside urban areas).

3. For works under construction investment projects not requiring formulation of detailed construction plans in accordance with the planning law, works under construction investment projects implemented on a land area of under 5 hectares each (or under 2 hectares for condominium building projects) by a single project owner, the ground for consideration and grant of construction permits is construction zoning plans.

4. For construction works that greatly affect public safety and interests and are subject to verification under Clause 6, Article 82 of the 2014 Law on Construction, which was revised under Clause 24, Article 1 of Law No. 62/2020/QH14, in addition to separate requirements of project owners, verification result reports must also contain the conclusion that construction design documents of works satisfy safety requirements and conform with standards and technical regulations.

Article 42. General provisions on dossiers of application for construction permits

1. Dossiers of application for construction permits shall be sent directly to agencies competent to grant permits or via the online public service portal under regulations.

2. Documents, papers and design drawings in dossiers of application for construction permits must be originals, certified copies or e-copies.

3. Construction design drawings in dossiers of application for construction permits must comply with regulations on presentation of construction design documents specified in Article 33 of this Decree.

4. When submitting e-dossiers, project owners shall submit only 1 set of construction design drawings.

Article 43. Dossier of application for construction permits for new construction works

1. For non-linear works, a dossier of application for a construction permit for a new construction work must comprise:

a/ An application for a construction permit, made according to Form No. 01 provided in Appendix II to this Decree;

b/ One of papers evidencing land use rights in accordance with the land law;

c/ The project approval decision; a notice of results of appraisal by a specialized construction agency, enclosed with basic design drawings and documents, which must be stamped with a seal for certification (if any); a report on results of verification of construction designs under Clause 2, Article 41 of this Decree; a certificate of appraisal and approval of fire prevention and fighting design and accompanying documents and drawings in accordance with the law on fire prevention and fighting; a document on results of performance of environmental protection procedures in accordance with the law on environmental protection for cases in which construction investment feasibility

study reports are not required to be appraised by specialized construction agencies.

d/ Two sets of construction design drawings included in the dossier of construction designs to be implemented following basic designs approved in accordance with the law on construction, including: general plan and setting out plan of the whole project; architectural drawings of major elevations and sections; foundation plan and section drawings; drawings showing major structural solutions of the work; and plan showing the connection with out-of-fence technical infrastructure systems.

2. For linear works, a dossier of application for a construction permit for a new construction work must comprise:

a/ An application for a construction permit, made according to Form No. 01 provided in Appendix II to this Decree;

b/ One of papers evidencing land use rights in accordance with the land law or a competent state agency's document approving the location and linear plan or land recovery decision in accordance with the land law;

c/ The papers specified at Point c, Clause 1 of this Article;

d/ Two sets of construction design drawings included in the dossier of construction designs to be implemented following basic designs approved in accordance with the law on construction, including: general plan and topographical plan of the work; elevation and section drawings of the linear work; foundation plan and section drawings; drawings showing major structural solutions of the work; and plan showing the connection with out-of-fence technical infrastructure systems

3. For religious and belief works:

a/ A dossier of application for a permit for construction of a religious work must comprise the documents specified in Clause 1 of this Article and a document approving necessity of construction and size of the work, issued by the specialized agency in charge of belief and religion under the provincial-level People's Committee;

b/ A dossier of application for a permit for construction of a belief work must comprise the documents specified in Article 46 of this Decree and opinions of the specialized agency in charge of belief and religion under the provincial-level People's Committee (in case such is required by the law on belief and religion); and a report on results of verification of construction design, for belief works greatly affecting community safety and interests;

c/ In addition to the documents specified at Points a and b of this Clause, a dossier of application for a permit for construction of a belief or religious work under a project on conservation, embellishment and restoration of a historical-cultural relic or beauty spot must also comprise a document on necessity of construction and size of the work, issued by a state management agency in charge of culture in accordance with the law on cultural heritages.

4. For monuments and grandiose picture works:

A dossier of application for a construction permit for such a work must comprise the documents specified in Clause 1 of this Article and a document approving necessity of construction and size of the work, issued by a state management agency in charge of culture.

5. For advertisement works:

To comply with the law on advertising.

6. For works of diplomatic missions and international organizations:

Dossiers of application for construction permits for works built of diplomatic missions, international organizations or foreign agencies making investment in Vietnam must comply with relevant provisions of Clause 1 or 2 of this Article and terms and clauses of relevant treaties or agreements signed with the Vietnamese Government.

Article 44. Dossiers of application for phase-based construction permits

1. For non-linear works, a dossier of application for a phase-based construction permit must comprise:

a/ An application for a construction permit, made according to Form No. 01 provided in Appendix II to this Decree;

b/ One of papers evidencing land use rights in accordance with the land law;

c/ The documents specified at Point c, Clause 1, Article 43 of this Decree;

d/ Two sets of construction design drawings included in the dossier of construction designs to be implemented following basic designs approved in accordance with the law on construction for the phase for which a construction permit is applied for as specified at Point d, Clause 1, Article 43 of this Decree.

2. For linear works, a dossier of application for a phase-based construction permit must comprise:

a/ An application for a construction permit, made according to Form No. 01 provided in Appendix II to this Decree;

b/ One of papers evidencing land use rights in accordance with the land law or a document approving location and linear plan of the work, issued by a competent state agency; a competent state agency's decision on recovery of the land area for phased implementation of the project or for the whole project in accordance with the land law;

c/ The documents specified at Point c, Clause 1, Article 43 of this Decree;

d/ Two sets of construction design drawings included in the dossier of construction designs to be implemented following basic designs approved in accordance with the law on construction for the phase for which a construction permit is applied for as specified at Point d, Clause 2, Article 43 of this Decree.

Article 45. Dossiers of application for construction permits for projects or groups of works under projects

1. An application for a construction permit, made according to Form No. 01 provided in Appendix II to this Decree.

2. One of papers evidencing land use rights of the group of works or the whole project in accordance with the land law.

3. The documents specified at Point c, Clause 1, Article 43 of this Decree;

4. Two sets of construction design drawings included in the dossier of construction designs to be implemented following basic designs in accordance with the law on construction for each work in the group of works or the whole project, including:

a/ The construction design documents as specified at Point d, Clause 1, Article 43 of this Decree, for non-linear works;

b/ The construction design documents as specified at Point d, Clause 2, Article 43 of this Decree, for linear works.

Article 46. A dossier of application for a construction permit for a detached house

1. An application for a construction permit, made according to Form No. 01 provided in Appendix II to this Decree.

2. One of papers evidencing land use rights in accordance with the land law.

3. Two sets of construction design drawings, enclosed with a certificate of appraisal and approval of fire prevention and fighting designs, enclosed with appraisal and approval drawings, if such is requested by the law on fire prevention and fighting; and a report on results of construction design verification in case such is required by the law on construction, including:

- a/ A general plan, enclosed with the location diagram of the work;
- b/ Floor plans and major elevation and section drawings of the work;
- c/ Foundation plan and section drawings, enclosed with a plan showing the connection of the work with out-of-fence technical infrastructure systems, including water supply and drainage and electricity supply;
- d/ A commitment to ensuring safety for adjacent works, if there are adjacent works.

4. Based on local practical conditions and Clause 3 of this Article, provincial-level People's Committees shall publicize model design drawings for organizations and individuals to refer to when making construction designs under Point b, Clause 7, Article 79 of the 2014 Law on Construction.

Article 47. A dossier of application for a permit for repair or renovation of a work

1. An application for a permit for repair or renovation of a work or detached house, made according to Form No. 01 provided in Appendix II to this Decree.

2. One of papers evidencing the ownership or the right to manage and use the work or detached house in accordance with law.

3. A drawing showing the current state of the to-be-repaired or -renovated parts of the work, of a scale corresponding to the scales of other drawings included in the dossier, and photos (sized at least 10 cm x 15 cm) showing the current state of the work and adjacent works before repair or renovation.

4. Repair or renovation design documents equivalent to each type of work as specified in Article 43 or 46 of this Decree.

5. For ranked historical-cultural relics and beauty spots, there must be a document approving necessity of construction and size of the work, issued by a state management agency in charge of culture.

Article 48. A dossier of application for a permit for relocation of a work

1. An application for a permit for relocation of the work, made according to Form No. 01 provided in Appendix II to this Decree.

2. The documents specified in Clauses 2, 3, 4 and 5, Article 97 of the 2014 Law on Construction.

Article 49. Cases of exemption from construction permits for passive telecommunications infrastructure works

Passive telecommunications infrastructure works exempt from construction permits specified at Point dd, Clause 2, Article 89 of the 2014 Law on Construction, which was revised under Clause 30, Article 1 of Law No. 62/2020/QH14, include:

1. Antenna poles belonging to antenna pole systems outside urban areas conformable with the master plan on construction of passive telecommunications infrastructure works which have been approved by competent state agencies or have their linear directions approved by competent state agencies.

2. Non-bulky antenna poles in accordance with the law on telecommunications which are built in urban areas in conformity with the master plan on construction of passive telecommunications infrastructure works approved by competent state agencies.

Article 50. Termed construction permits

1. In pursuance to Article 94 of the 2014 Law on Construction, which was revised under Clause 33, Article 1 of Law No. 62/2020/QH14, and on the basis of plans on implementation of construction master plans and locations of construction works, provincial-level People’s Committees shall specify the size and height of new construction works and construction works requested for repair or renovation permits, and duration of existence of works for use as a basis for grant of termed construction permits.

2. Dossiers of application for termed construction permits must comply with regulations applicable to different types of construction works or detached houses in Article 43 or 46 of this Decree. Particularly, the title of applications shall be changed into “Application for a termed construction permit”.

Article 51. Modification or extension of construction permits

1. Modification or extension of construction permits must comply with Articles 98 and 99 of the 2014 Law on Construction. Project owners are not required to modify their construction permits in case they adjust construction designs without changing major contents stated in granted construction permits and construction design drawings enclosed with such permits.

2. A dossier of request for modification of a construction permit must comprise:

a/ A request for modification of the construction permit, made according to Form No. 2 provided in Appendix II to this Decree;

b/ The granted construction permit;

c/ Two sets of construction design drawings included in the adjusted dossier of construction designs to be implemented following basic designs already approved in accordance with the law on construction relevant to Article 43, 44, 45, 46 or 47 of this Decree;

d/ A report on appraisal results and a document approving adjusted construction designs (except detached houses) of the project owner, covering contents on assurance of load-bearing safety, fire and explosion prevention and fighting, and environmental protection.

3. A dossier of request for extension of a construction permit must comprise:

a/ A request for extension of the construction permit, made according to Form No. 02 provided in Appendix II to this Decree;

b/ The granted construction permit.

Article 52. Re-grant of construction permits

1. A construction permit shall be re-granted if it is torn, ripped or lost.

2. A dossier of request for re-grant of a construction permit must comprise:

a/ A request for re-grant of the construction permit, clearly stating the reason for the request, made according to Form No. 02 provided in Appendix II to this Decree;

b/ The granted construction permit, in case the permit is torn or ripped. A commitment on the project owner's accountability for the loss of the construction permit, in case the construction permit is lost.

Article 53. Revocation or cancellation of work construction permits

1. A construction permit shall be revoked in one of the following cases:

a/ It is granted in contravention of law due to the fact that documents included in the application dossier have been forged; it contains errors due to faults of the permit-granting agency; or it is granted *ultra vires*;

b/ The project owner fails to remedy violations within a time limit stated in the document on handling of violations at the request of a competent state agency.

2. Procedures for revocation or cancellation of a construction permit:

a/ Within 10 days after obtaining grounds to determine that the construction permit falls into a case specified in Clause 1 of this Article, the agency

competent to revoke construction permits shall issue a decision on revocation of the construction permit;

b/ The agency competent to revoke construction permits shall send the decision on revocation of the construction permit to the organization or individual whose construction permit is revoked and publish the decision on its website; and at the same time, send information on the revocation to the commune-level People's Committee of the locality where the permitted work is located for publicization at the office of the commune-level People's Committee within 5 working days after the decision is issued;

c/ The organization or individual whose construction permit is revoked shall return the granted construction permit to the agency issuing the decision on revocation of the construction permit within 5 working days after receiving the revocation decision;

d/ In case the organization or individual whose construction permit is revoked fails to return the construction permit under regulations, the agency competent to revoke construction permits shall issue a decision to cancel the construction permit under Clause 2, Article 101 of the 2014 Law on Construction and notify thereof to the project owner and the commune-level People's Committee where the construction work is located. The decision on cancellation of the construction permit must be published on the websites of the agency revoking the construction permit and the provincial-level Department of Construction.

3. Order and procedures for re-grant of a construction permit after it is revoked:

a/ An agency competent to grant construction permits shall re-grant a construction permit within 5 working days after the decision on revocation or cancellation of such permit is issued, in case it contains errors due to faults of the permit-granting agency;

b/ An organization or individual whose construction permit is revoked in one of the remaining cases specified in Clause 1 of this Article may apply for a new construction permit under this Decree after returning the revoked construction permit or having its/his/her construction permit cancelled and fulfilling its/his/her responsibilities and obligations in accordance with law.

Article 54. Procedures and consideration for grant of construction permits

1. Procedures for grant of a construction permit:

a/ An agency granting construction permits shall examine and evaluate a dossier of application and grant a construction permit according to the

procedures specified in Article 102 of the 2014 Law on Construction, which was revised under Clause 36, Article 1 of Law No. 62/2020/QH12;

b/ An agency granting construction permits shall use its electronic signature or the seal specimen as specified in Form No. 13 provided in Appendix II to this Decree to certify design drawings enclosed with a construction permit granted to a project owner.

2. An agency granting construction permits shall check conditions for grant of construction permits specified in Article 41 of this Decree. Contents already appraised, verified and approved, or verified by other agencies or organizations in accordance with law shall be examined as follows:

a/ Examining conformity of construction design drawings in the dossier of application for a construction permit with basic designs appraised and stamped with a seal for certification by a specialized construction agency, for construction works under projects requiring appraisal of feasibility study reports by specialized construction agencies;

b/ Examining conformity of construction design drawings in the dossier of application for a construction permit with construction design drawing already appraised and approved by competent agencies in terms of fire prevention and fighting, for construction works subject to appraisal and approval of fire prevention and fighting plans;

c/ Examining completeness and validity of the design verification result report, for works subject to verification of designs under this Decree.

Article 55. Publicization of construction permits

1. Agencies granting construction permits shall publicize contents of construction permits they have granted on their websites.

2. Project owners shall publicize contents of their granted construction permits at construction sites during construction periods for public monitoring and supervision in accordance with relevant laws.

Article 56. Construction order management

1. The construction order management shall be performed from the time of receiving notices of construction commencement or time of construction commencement until concerned construction works are handed and put into use in order to detect and promptly handle violations.

2. Contents of construction order management:

a/ For construction works for which construction permits have been granted: the construction order management must comply with contents of their granted construction permits and relevant laws;

b/ For construction works exempt from construction permits, the construction order management must cover examining the satisfaction of conditions for grant of construction permits, for works exempt from construction permits under Point g, Clause 2, Article 89 of the 2014 Law on Construction, which was revised under Clause 30, Article 1 of Law No. 62/2020/QH14, compliance with construction master plans or technical or specialized master plans or approved regulations on architectural management or urban designs or relevant laws; and examining conformity of construction activities with major contents and specifications of appraised designs, in case construction designs have been appraised by specialized construction agencies.

3. When detecting a violation, an agency competent to manage construction order shall request the project owner to stop construction activities and handle the violation according to its competence or propose a competent authority to handle the violation under regulations.

4. Responsibilities of provincial-level People's Committees:

a/ To take full responsibility for management of construction order with regard to construction works in their localities (except state secret works);

b/ To promulgate regulations on construction order management; delegate powers to or authorize district- and commune-level People's Committees to manage construction order in accordance with law and reality; delegate powers to or authorize other agencies to receive construction commencement notices, enclosed with construction design dossiers, for works exempt from construction permits under Point g, Clause 2, Article 89 of the 2014 Law on Construction, which was revised under Clause 30, Article 1 of Law No. 62/2020/QH14, which require addition of documents as requested by specialized construction agencies under Clause 5, Article 38 of this Decree;

c/ To promulgate regulations on architectural management or urban designs for different areas for use as a basis for grant of construction permits and management of construction order, for areas without detailed construction plans in urban centers, functional zones, or detailed plans on construction of rural residential areas;

d/ To direct district- and commune-level People's Committees to monitor, examine, detect and promptly handle violations occurring in their localities; to

direct and organize the application of coercive measures against works violating construction order in their localities in accordance with law;

dd/ To address important and complicated issues and problems arising in the course of construction order management in their localities.

5. Responsibilities of district- and commune-level People's Committees:

a/ To take responsibility for construction order management in their localities according to delegation of powers or authorization by provincial-level People's Committees;

b/ To monitor, examine, detect and promptly handle, or propose the handling of, violations occurring in their localities; to implement coercive measures against works violating construction order in their localities in accordance with law.

Chapter V

CONSTRUCTION OF SPECIAL WORKS AND IMPLEMENTATION OF OVERSEAS CONSTRUCTION INVESTMENT PROJECTS

Section 1

CONSTRUCTION OF SPECIAL WORKS

Article 57. Management of investment in construction of state secret works

1. State secret works shall be identified in accordance with the law on protection of state secrets and relevant laws.

2. The implementation of construction investment projects from the stage of project preparation and project implementation until the construction is completed and works are put into operation or use shall be carried out in accordance with the regulations on protection of state secrets and construction investment and specified in project approval decisions or investment decisions.

3. Related agencies, organizations and individuals shall manage dossiers, documents and other relevant information in the course of investment in construction of state secret works in accordance with the law on protection of state secrets.

Article 58. Management of investment in construction of urgent construction works

The management of investment in construction of urgent construction works under Point a, Clause 1, Article 130 of the 2014 Law on Construction,

which was revised under Clause 48, Article 1 of Law No. 62/2020/QH14, is specified as follows:

1. Heads of central agencies and chairpersons of People's Committees at all levels are competent to decide on construction of urgent works under their management by making orders on construction of urgent works.

2. An order on construction of an urgent work shall be made in writing, having the following contents: construction purpose, construction locations, person assigned to manage and carry out the work construction, construction period, estimated funds and resources for construction, and other related necessary requirements.

3. The person assigned to manage and carry out the construction of an urgent work may decide by himself/herself all jobs related to construction investment activities, including: assigning organizations and individuals to carry out construction survey, designing and construction activities and other jobs serving the construction; deciding on procedures for carrying out survey, designing and construction activities; deciding on construction supervision and pre-acceptance test of the construction work to meet requirements stated in the order on construction of the urgent work.

4. After the construction of an urgent work is completed, the person assigned to manage the construction of the urgent work shall formulate and complete as-built documents, including the order on construction of the urgent work; construction survey documents (if any); typical designs or construction drawings (if any); daily construction reports and images showing the construction progress (if any); pre-acceptance test records; testing, observation and measurement results (if any); dossier of management of construction materials, products, knock-down structures and equipment used for the construction work (if any); as-built drawings; an appendix stating existing shortcomings that need to be addressed or remedied (if any) after the construction work is put into use; pre-acceptance test record of the work between the project owner, contractors and related state management agencies; grounds for determining volume of completed jobs and other dossiers and documents related to investment in construction of the urgent work.

5. For urgent construction works using public investment funds, the management, payment and finalization of construction investment capital must comply with relevant regulations on management, payment and finalization of capital applicable to urgent projects using public investment funds.

Section 2

IMPLEMENTATION OF OVERSEAS CONSTRUCTION INVESTMENT PROJECTS

Article 59. Principles of management of overseas construction investment projects

1. The formulation and appraisal of, and decision on investment policy for, overseas projects using public investment funds must comply with the law on public investment. The approval of investment policy for or decision on overseas investment in other projects must comply with the law on investment.

2. The decision on investment in projects must comply with the law on public investment, for projects using public investment funds, or the law on management and use of state capital invested in production and business at enterprises, for enterprises' projects using state investment capital.

3. Construction investment projects of overseas representative missions of Vietnam must comply with the Government's regulations on management of investment projects of overseas representative missions of the Socialist Republic of Vietnam and relevant laws.

4. The implementation of construction investment projects after their investment policy has been decided or approved by a competent state agency must comply with the treaties to which the Socialist Republic of Vietnam is a contracting party, international agreements between Vietnam and foreign partners, laws of countries where the work construction investment is made, and specific provisions of this Section, specifically as follows:

a/ The formulation and appraisal of construction investment feasibility study reports for projects using public investment funds or state capital other than public investment funds must comply with Article 60 of this Decree;

b/ The formulation, appraisal and approval of construction design steps to be carried out after making decision on investment in projects shall be decided by investment deciders in conformity with the law of the country where the work construction investment is made and conditions for project implementation;

c/ It is prioritized to apply contents concerning standards and technical regulations; construction planning; requirements of natural and social conditions, cultural and environmental characteristics; responsibility to buy compulsory insurance; construction permits; construction capacity conditions; construction contracts, construction, construction supervision, pre-acceptance test and handover of construction works, and other specific contents and requirements

under the law of the country where the work construction investment is made unless otherwise provided by a relevant treaty or international agreement;

d/ It is prioritized to apply regulations on management of construction investment costs issued by the country where works are built upon the determination of total construction investment or construction cost estimates of such works.

5. The finalization of investment capital for overseas construction investment projects using public investment funds must comply with regulations on management, payment and finalization of overseas construction investment projects using public investment funds and relevant regulations.

Article 60. Formulation, verification and appraisal of construction investment feasibility study reports for projects using public investment funds or state capital other than public investment funds

1. Project owners shall make construction investment feasibility study reports, construction investment techno-economic reports or documents of equivalent validity specified by the law of the host country (below collectively referred to as construction investment feasibility study reports) and submit them to specialized agencies attached to investment deciders for appraisal for investment deciders to consider and approve projects or decide on construction investment.

2. Contents of a construction investment feasibility study report must include the basic design or other construction designs made under international practices as suitable to the step of making construction investment feasibility study report. Commentaries about the construction investment feasibility study report of a project must have the following principal contents:

a/ Necessity of investment, investment policy, construction investment objective;

b/ Analysis of natural conditions, selection of construction investment locations, to-be-used land area, scale and form of construction investment of the project;

c/ The project's conformity with a relevant construction master plan or another master plan in accordance with the law of the host country;

d/ Schedule of project implementation;

dd/ Determination of total investment and structure of funding sources;

e/ Project implementation solutions, determination of the project owner, analysis and selection of project management and implementation form, analysis of socio-economic efficiency;

g/ Other contents according to the project's particularities and the law of the host country.

3. Project owners shall hire qualified construction design verification organizations to verify construction investment feasibility study reports; and examine and evaluate reports on results of verification carried out by the latter before sending them to specialized agencies attached to investment deciders for appraisal.

4. Based on reports on verification results, specialized agencies attached to investment deciders shall appraise construction investment feasibility study reports and consult specialized construction agencies if necessary. The competence of consulted specialized construction agencies is the competence to appraise equivalent-scale projects specified in this Decree.

5. Contents of appraisal of a construction investment feasibility study report include:

a/ Compliance of the dossier of request for appraisal with relevant regulations;

b/ Conformity of the report with the investment policy approved by a competent authority;

c/ Examination of the report on verification results regarding conformity of construction designs serving the making of the feasibility study report with a relevant construction master plan or another master plan specified in the law of the host country, assurance of construction safety, fire prevention and fighting safety and environmental protection in accordance with relevant laws;

d/ Factors ensuring feasibility of the project, including selection of construction investment location, scale of project construction investment, determination of the project owner, and form of project implementation management;

dd/ Factors ensuring efficiency of the project, including determination of total construction investment, capability to raise funds according to schedule, financial and socio-economic efficiency;

e/ Other contents as requested by the investment decider (if any).

Article 61. Organization of pre-acceptance test of construction works

Project owners shall manage quality of construction works, decide on pre-acceptance test of construction works and liquidate contracts for overseas construction investment projects. Project owners shall make reports on completed construction works and send them to investment deciders for monitoring and management.

Chapter VI

CONSTRUCTION CAPACITY CONDITIONS

Section 1

CONSTRUCTION CAPACITY CONDITIONS FOR INDIVIDUALS

Article 62. Construction practice certificates

1. Construction practice certificates (below referred to as practice certificates) shall be granted to Vietnamese citizens, overseas Vietnamese or foreigners who lawfully carry out construction activities in Vietnam for them to hold appropriate titles or work as independent practitioners under Clause 3, Article 148 of the 2014 Law on Construction, which was revised under Clause 53, Article 1 of Law No. 62/2020/QH14.

Fields and scope of construction activities covered by practice certificates are provided in Appendix VI to this Decree. Consultancy activities related to architecture and fire prevention and fighting must comply with the laws on architecture and fire prevention and fighting.

2. For foreigners or overseas Vietnamese who possess practice capacity certificates issued by foreign authorities, if wishing to practice construction activities in Vietnam for under 6 months or practice overseas but provide construction consultancy services in Vietnam, they shall have their practice capacity certificates consularly legalized for being recognized for practice. An individual who wishes to practice construction activities in Vietnam for 6 months or longer shall have his/her practice certificate converted at an agency competent to grant practice certificates specified in Article 64 of this Decree.

3. Individuals are not required to possess practice certificates specified in this Decree to carry out the following construction activities:

a/ Designing and supervising information and telecommunications systems in construction works;

b/ Designing and supervising steps of finishing construction works, such as plastering, paving, painting, door and interior installation, and other similar jobs that do not affect the force-bearing structure of works;

c/ Construction activities for grade-IV works; parks and greeneries; and laying of telecommunications cables.

4. Individuals who possess no practice certificates may participate in construction activities relevant to their trained specialties in accordance with the Labor Code, but may neither work as independent practitioners nor hold titles requiring practice certificates under regulations.

5. A practice certificate is valid for 5 years if it is granted for the first time or adjusted in terms of its class or extended. For practice certificates of foreigners, their validity period is that stated in work permits or temporary residence cards of such foreigners granted by competent agencies but must not exceed 5 years.

For cases of modification and supplementation of a certificate or re-grant of a certificate because the previous certificate is unexpired but lost or damaged or contains errors, the validity period of the modified and supplemented certificate or re-granted certificate is that stated in the previous certificate.

6. The format and principal contents of a practice certificate are specified in Form No. 06 provided in Appendix IV to this Decree.

7. A practice certificate shall be managed based on its identification number, which consists of 2 groups of symbols interconnected by a dash (-), specifically as follows:

a/ The first group has 3 characters indicating the place of grant of the certificate as specified in Appendix VIII to this Decree;

b/ The second group is the identification number of the certificate.

8. The Ministry of Construction shall uniformly manage the grant and revocation of practice certificates; manage the grant of identification numbers of practice certificates; and publicize the list of individuals granted practice certificates on its website.

Article 63. Grant, revocation and extension of practice certificates

1. A practice certificate shall be granted to an individual in one of the following cases:

a/ First-time grant or class adjustment of practice certificate;

b/ Extension of practice certificate;

c/ Modification and supplementation of practice certificate;

d/ Re-grant of practice certificate because the previous certificate is unexpired but lost or damaged or contains errors;

dd/ Conversion of practice certificate, for the individuals specified in Clause 2, Article 62 of this Decree.

2. An individual's practice certificate shall be revoked in one of the following cases:

a/ He/she no longer satisfies conditions specified in Clause 1, Article 66 of this Decree;

b/ He/she has forged documents or made untruthful declarations in the dossier of application for the certificate;

c/ He/she leases, lends, rents or borrows the certificate or lets another person use it;

d/ The certificate is falsified as a result of alteration or erasure;

dd/ The certificate contains errors made by the certificate-granting agency;

e/ The certificate was granted *ultra vires*;

g/ The certificate was granted though the individual fails to satisfy the law-specified capacity conditions.

3. An individual whose practice certificate is revoked under Point b, c or d, Clause 2 of this Article may apply for another practice certificate after 12 months from the date of issuance of the decision on revocation of the certificate. The order and procedures for grant of practice certificates are the same as those for grant of practice certificates specified at Point a, Clause 1 of this Article.

An individual whose practice certificate is revoked under Point dd, Clause 2 of this Article may have his/her practice certificate re-granted according to the order and procedures specified in Clause 2, Article 80 of this Decree.

4. An individual shall request the extension of his/her practice certificate within 3 months prior to the date of expiration of the certificate. Past this time limit, if wishing to continue practicing construction activities, he/she shall apply for a new practice certificate as in the case specified at Point a, Clause 1 of this Article.

Article 64. Competence to grant or revoke practice certificates

1. Competence to grant practice certificates:

a/ The specialized construction agency of the Ministry of Construction shall grant class-I practice certificates;

b/ Provincial-level Departments of Construction shall grant class-II and class-III practice certificates;

c/ Accredited socio-professional organizations specified in Article 81 of this Decree shall grant class-II and class-III practice certificates for their individual members.

2. Competence to revoke practice certificates:

a/ Agencies competent to grant practice certificates may revoke such certificates;

b/ In case an agency competent to grant practice certificates fails to revoke a practice certificate it has granted in contravention of regulations, the Ministry of Construction shall directly issue a decision to revoke such practice certificate.

Article 65. Rights and obligations of individuals applying for practice certificates

1. An individual applying for a practice certificate has the following rights:

a/ To request the provision of information on grant of practice certificates;

b/ To practice construction activities nationwide according to contents of the certificate;

c/ To file complaints and denunciations about violations of regulations pertaining to the grant of practice certificates.

2. An individual applying for a practice certificate has the following obligations:

a/ To make truthful declarations in a dossier of application for a practice certificate in accordance with this Decree; to be held responsible before law for accuracy of declared contents of the dossier;

b/ To practice in fields and within scope of operation stated in his/her granted certificate, and comply with the law on construction and other relevant laws;

c/ To refrain from leasing or lending the certificate or letting another person use it;

d/ To refrain from erasing or altering the certificate;

dd/ To comply with the code of professional ethics;

e/ To produce the practice certificate to, and abide by inspection or examination requests of, competent agencies.

Article 66. General conditions for grant of practice certificates

To be granted a practice certificate, an individual must satisfy the following conditions:

1. Having full civil act capacity as prescribed by law; possessing a residence permit or work permit in Vietnam, for foreigners and overseas Vietnamese.

2. Having professional qualifications and working period and experience relevant to activities to be practiced under the certificate, specifically as follows:

a/ Class-I practice certificate: Possessing a university degree in a relevant specialty and at least 7 years' experience in activities to be practiced under the certificate;

b/ Class-II practice certificate: Possessing a university degree in a relevant specialty and at least 4 years' experience in activities to be practiced under the certificate;

c/ Class-III practice certificate: Possessing relevant professional qualifications and at least 2 years' experience in activities to be practiced under the certificate, for those who possess a university degree; or at least 3 years' experience in activities to be practiced under the certificate, for those who possess a college or intermediate degree.

3. Having passed the test in the field of activities to be practiced under the certificate.

Article 67. Relevant professional qualifications upon consideration for grant of practice certificates

1. Construction survey:

a/ Topographic survey: engineering geology, geodesy, mapping, or relevant construction engineering specialty;

b/ Engineering geology survey: engineering geology, hydrogeology or relevant construction engineering specialty.

2. Construction planning design: architecture, construction planning, technical infrastructure, or transport.

3. Construction design:

a/ Structural design of works: construction engineering specialty relating to work structures, excluding mining works, transport works, hydraulic structures, and dikes);

b/ Mechanical-electrical design of works (excluding transmission lines and transformers): engineering specialty relating to power technical systems, mechanical engineering, or air ventilation-heat supply and dissipation;

c/ Water supply and drainage design of works: engineering specialty relating to water supply and drainage.

d/ Construction design of mining works: construction engineering specialty relating to underground works and mines;

dd/ Construction design of transport works (including roads, bridges-tunnels, railways, inland waterways, and navigable channels): construction engineering specialty relating to transport works;

e/ Construction design of water supply and drainage works; solid waste treatment: engineering specialty relating to water supply and drainage, urban environment engineering, or relevant engineering specialty;

g/ Construction design of hydraulic structures and dikes: construction engineering specialty relating to hydraulic structures and dikes or relevant engineering specialty.

4. Construction supervision:

a/ Work construction supervision: construction engineering, construction economics, architecture, or work construction-related engineering specialty;

b/ Supervision of installation of equipment in works: electricity, mechanical engineering, air ventilation-heat supply and dissipation, water supply and drainage, or engineering specialty relating to installation of equipment in works.

5. Construction valuation: construction economics, construction engineering or relevant engineering specialty.

6. Management of construction investment projects: construction engineering, architecture, construction economics, or work construction-related engineering specialty.

Article 68. Construction survey practice certificates

To be granted a construction survey practice certificate, an individual must satisfy the conditions specified in Articles 66 and 67 of this Decree and conditions for each class of practice certificate as follows:

1. Class-I practice certificate: Having worked as a construction survey manager in the field of activities to be practiced under the certificate for at least 1 project of group A or higher group or at least 2 projects of group B or higher group or for at least 1 work of grade I or higher grade or at least 2 works of grade II or higher grade.

2. Class-II practice certificate: Having worked as a construction survey manager in the field of activities to be practiced under the certificate for at least 1 project of group B or higher group or at least 2 projects of group C or higher group or for at least 1 work of grade II or higher grade or at least 2 works of grade III or higher grade.

3. Class-III practice certificate: Having participated in construction survey in the field of activities to be practiced under the certificate for at least 1 project of group C or higher group or at least 2 projects requiring construction investment techno-economic reports or for at least 1 work of grade III or higher grade or at least 2 works of grade IV or higher grade.

Article 69. Construction planning design practice certificates

To be granted a construction planning design practice certificate, an individual must satisfy the conditions specified in Articles 66 and 67 of this Decree and conditions for each class of practice certificate as follows:

1. Class-I practice certificate: Having worked as a construction planning design manager or chief in his/her specialty for at least 1 construction plan within his/her competence as approved by the Prime Minister, or at least 2 construction plans within his/her competence (including at least 1 inter-district construction plan, district construction plan or general plan) as approved by the provincial-level People's Committee.

2. Class-II practice certificate: Having worked as a construction planning design manager or chief in his/her specialty for at least 1 construction plan within his/her competence as approved by the provincial-level People's Committee, or at least 2 construction plans within his/her competence as approved by the district-level People's Committee.

3. Class-III practice certificate: Having participated in construction planning design in his/her specialty for at least 1 construction plan within his/her competence as approved by the provincial-level People's Committee, or at least 2 construction plans within his/her competence as approved by the district-level People's Committee.

Article 70. Construction design practice certificates

To be granted a construction design practice certificate, an individual must satisfy the conditions specified in Articles 66 and 67 of this Decree and conditions for each class of practice certificate as follows:

1. Class-I practice certificate: Having worked as a design manager or design chief or design verifier of activities to be practiced under the certificate for at least 1 work of grade I or higher grade, or at least 2 works of grade II or higher grade in the field of activities to be practiced under the certificate.

2. Class-II practice certificate: Having worked as a design manager or design chief or design verifier of activities to be practiced under the certificate for at least 1 work of grade II or higher grade, or at least 2 works of grade III or higher grade, or having made or verified designs of activities to be practiced under the certificate for at least 3 works of grade II or higher grade in the field of activities to be practiced under the certificate.

3. Class-III practice certificate: Having participated in design or verification of designs of activities to be practiced under the certificate for at least 3 works of grade III or higher grade or at least 5 works of grade IV or higher grade in the field of activities to be practiced under the certificate.

Article 71. Construction supervision practice certificates

1. To be granted a construction supervision practice certificate, an individual must satisfy the conditions specified in Articles 66 and 67 of this Decree and conditions for each class of practice certificate as follows:

1. Class-I practice certificate: Having worked as a chief supervisor or chief construction-site commander or design chief of activities to be practiced under the certificate for at least 1 work of grade I or higher grade or at least 2 works of grade II or higher grade in the field of activities to be practiced under the certificate.

2. Class-II practice certificate: Having worked as a chief supervisor or chief construction-site commander or design chief of activities to be practiced under the certificate for at least 1 work of grade II or higher grade or at least 2 works of grade III or higher grade in the field of activities to be practiced under the certificate.

3. Class-III practice certificate: Having participated in construction supervision or construction design or construction of activities to be practiced under the certificate for at least 1 work of grade III or higher grade or at least 2 works of grade IV or higher grade in the field of activities to be practiced under the certificate.

Article 72. Construction valuation practice certificates

1. An individual possessing a construction valuation practice certificate may take charge of the following jobs concerning construction investment cost management:

a/ Formulating and verifying total construction investment; analyzing risks and assessing investment efficiency of projects;

b/ Determining investment unit costs, construction norms, construction prices, and construction price indexes;

c/ Taking off quantities;

d/ Determining and verifying construction cost estimates;

dd/ Determining bidding package prices and contract prices in construction activities;

e/ Controlling construction costs of works;

g/ Making and verifying dossiers for payment and finalization of construction investment capital and converting construction investment capital after works are completed, undergo pre-acceptance test, are handed over and put into use.

2. To be granted a construction valuation practice certificate, an individual must satisfy the conditions specified in Articles 66 and 67 of this Decree and conditions for each class of practice certificate as follows:

a/ Class-I practice certificate: Having taken charge of one of construction investment cost management jobs of at least 1 project of group A or higher group or at least 2 projects of group B or higher group, or 1 work of grade I or higher grade or at least 2 works of grade II or higher grade;

b/ Class-II practice certificate: Having taken charge of one of construction investment cost management jobs of at least 1 project of group B or higher group or at least 2 projects of group C or higher group, or at least 1 work of grade II or higher grade or at least 2 works of grade III or higher grade;

c/ Class-III practice certificate: Having participated in performing one of construction investment cost management jobs of at least 1 project of group C or higher group or at least 2 projects requiring construction investment techno-economic reports, or at least 1 work of grade III or higher grade or at least 2 works of grade IV or higher grade.

Article 73. Project management practice certificates

To be granted a project management practice certificate, an individual must satisfy the conditions specified in Articles 66 and 67 of this Decree and conditions for each class of practice certificate as follows:

1. Class-I practice certificate: Having worked as a project manager of at least 1 project of group A or higher group or at least 2 projects of group B or higher group in the field of activities to be practiced under the certificate; or possessing a class-I construction design practice certificate, class-I construction supervision practice certificate, or class-I construction valuation practice certificate, and having participated in managing at least 1 project of group A or higher group or at least 2 projects of group B or higher group in the field of activities to be practiced under the certificate.

2. Class-II practice certificate: Having worked as a project manager of at least 1 project of group B or higher group or at least 2 projects of group C or higher group in the field of activities to be practiced under the certificate; or possessing a class-II construction design practice certificate, class-II construction supervision practice certificate, or class-II construction valuation practice certificate, and having participated in managing at least 1 project of group B or higher group or at least 2 projects of group C or higher group or at least 3 projects requiring techno-economic reports in the field of activities to be practiced under the certificate.

3. Class-III practice certificate: Having participated in managing at least 1 project of group C or higher group in the field of activities to be practiced under the certificate.

Article 74. Practice conditions for chief construction-site commanders

1. To work as a chief construction-site commander, an individual must satisfy conditions for each class of chief commander practice certificate as follows:

a/ Class-I practice certificate: Possessing a class-I construction supervision practice certificate or having worked as a chief construction-site commander for activities allowed to be practiced of at least 1 work of grade I or higher grade or at least 2 works of grade II or higher grade in the same field;

b/ Class-II practice certificate: Possessing a class-II construction supervision practice certificate or having worked as a chief construction-site commander for activities allowed to be practiced of at least 1 work of grade II or higher grade or at least 2 works of grade III or higher grade in the same field;

c/ Class-III practice certificate: Possessing a class-III construction supervision practice certificate or having participated in construction of activities

allowed to be practiced of at least 1 work of grade III or higher grade or at least 2 works of grade IV or higher grade in the same field.

2. Scope of operation:

a/ For an individual possessing a class-I chief commander practice certificate: Being eligible to work as a chief construction-site commander for all works in fields stated in the construction supervision practice certificate or in fields of works for which he/she has worked as a chief construction-site commander;

b/ For an individual possessing a class-II chief commander practice certificate: Being eligible to work as a chief construction-site commander for works of grade II or lower grade in fields stated in the construction supervision practice certificate or in fields of works for which he/she has worked as a chief construction-site commander;

c/ For an individual possessing a class-III chief commander practice certificate: Being eligible to work as a chief construction-site commander for works of grade III or grade IV in fields stated in the construction supervision practice certificate or in fields of works of which he/she has participated in construction.

Article 75. Conditions for construction inspection practice

1. To work as a quality inspection chief for identifying causes of damage and lifespan of part or the whole of a construction work; or as an inspection chief for identifying causes of incidents at construction sites, an individual must satisfy conditions for each class of construction inspection practice certificate as follows:

a/ Class-I practice certificate: Possessing a class-I construction design practice certificate, or having worked as a construction inspection chief for at least 1 work of grade I or higher grade or at least 2 works of grade II or higher grade of the same type;

b/ Class-II practice certificate: Possessing a class-II construction design practice certificate, or having worked as a construction inspection chief for at least 1 work of grade II or higher grade or at least 2 works of grade III or higher grade of the same type;

c/ Class-III practice certificate: Possessing a class-III construction design practice certificate, or having participated in construction inspection for at least 1 work of grade III or higher grade or at least 2 works of grade IV or higher grade of the same type.

2. Scope of operation:

a/ For an individual possessing a class-I construction inspection practice certificate: Being eligible to work as a construction inspection chief of all works of the same type;

b/ For an individual possessing a class-II construction inspection practice certificate: Being eligible to work as a construction inspection chief of works of grade II or lower grade of the same type;

c/ For an individual possessing a class-III construction inspection practice certificate: Being eligible to work as a construction inspection chief of works of grade III or lower grade of the same type.

Article 76. Dossiers of application for practice certificates

1. A dossier of request for first-time grant, class adjustment or extension of a practice certificate must comprise:

a/ An application for a practice certificate, made according to Form No. 01 provided in Appendix IV to this Decree;

b/ The applicant's two 4 cm x 6 cm color portrait photos on white background and a file thereof, taken within 6 months before the date of application;

c/ A degree granted by a lawful training institution which is relevant to the type and class of the to-be-granted certificate;

Degrees granted by foreign training institutions shall be consularly legalized under regulations and accompanied by their Vietnamese translations notarized or certified in accordance with Vietnam's law;

d/ The practice certificate granted by a competent agency in case of request for class adjustment or extension of the practice certificate;

dd/ Decisions on task assignment to the applicant or a written certification issued by the project owner's at-law representative of major tasks completed by the applicant as declared. The certification signatory shall take responsibility for truthfulness of the certification. For the applicant working as an independent practitioner, there must be contracts and pre-acceptance test records of declared major tasks;

e/ A lawful paper on residence or work permit granted by a competent Vietnamese agency, in case the applicant is a foreigner;

g/ A copy of the satisfactory test result in case the applicant took a test before the date of submitting the dossier;

h/ The documents specified at Points c, d, dd and e of this Clause must be certified copies or files containing color photos taken from their originals, or copies together with their originals for comparison.

2. A dossier of request for re-grant of a practice certificate must comprise:

a/ An application for a practice certificate, made according to Form No. 1 provided in Appendix IV to this Decree;

b/ The applicant's two 4cm x 6cm color portrait photos on white background and a file thereof, taken within 6 months before the date of application;

c/ The primary-source practice certificate which remains unexpired but is damaged or contains errors. In case the practice certificate is lost, the applicant's commitment is required;

d/ The documents specified at Point c, dd and e, Clause 1 of this Article, in case of re-grant of a practice certificate with changes in contents as specified in this Decree;

dd/ The documents specified at Points c and d of this Clause must be certified copies or files containing color photos taken from their originals, or copies together with their originals for comparison.

3. A dossier of request for modification and supplementation of a practice certificate must comprise:

a/ An application for a practice certificate, made according to Form No. 01 provided in Appendix IV to this Decree;

b/ The applicant's two 4 cm x 6 cm color portrait photos on white background and a file thereof, taken within 6 months before the date of application;

c/ Relevant documents specified in Clause 1 of this Article and the primary-source practice certificate.

4. A dossier of request for conversion of a practice certificate must comprise:

a/ A written request for conversion of a practice certificate, made according to Form No. 03 provided in Appendix IV to this Decree;

b/ The applicant's two 4 cm x 6 cm color portrait photos on white background and a file thereof, taken within 6 months before the date of application;

c/ Copies of degrees and practice certificates granted by foreign authorities which have been consularly legalized, translated into Vietnamese and notarized or certified in accordance with Vietnam's law;

d/ A certified copy of, or a file containing color photos taken from, the original, or a copy together with the original for comparison of a lawful paper on residence or work permit granted by a competent Vietnamese agency under regulations.

5. Individuals shall pay fees when submitting dossiers of application for practice certificates. The collection, remittance, and use management of fees for grant of practice certificates must comply with the Ministry of Finance's regulations.

Article 77. Testing for grant of construction practice certificates

1. Agencies competent to grant practice certificates shall organize tests for individuals applying for practice certificates. In case an individual wishes to register for taking a test before submitting a dossier of application for a practice certificate, he/she shall send a test registration declaration, made according to Form No. 02 provided in Appendix IV to this Decree, to an agency competent to grant practice certificates.

2. Tests shall be conducted on a monthly basis or an unscheduled basis as decided by the head of the practice certificate-granting agency. At least 3 working days before a test is held, the agency competent to grant practice certificates shall notify the result of consideration of the dossier of application for a practice certificate, and the time and location for the test.

3. A test consists of questions on legal knowledge and questions on professional knowledge. In case an individual has an unexpired practice certificate, he/she will, when taking a test, be exempt from answering questions on professional knowledge relating to the field of practice stated in the certificate.

A test shall not be required for an individual who requests re-grant of a practice certificate in case his/her practice certificate is unexpired but lost or damaged.

4. Test results shall be retained for 6 months from the date of testing as a basis for consideration for grant of a practice certificate.

5. Agencies competent to grant practice certificates shall arrange locations for testing which must satisfy the conditions on physical foundations for testing for grant of construction practice certificates, specifically as follows:

a/ A location for testing must have a place for testing and a place for test takers to wait and receive instructions before taking tests;

b/ The place for testing must have an area which is large enough to arrange tables and chairs and at least 10 computers for testing;

c/ Computers must be in the status of working stably and interconnected in the local area network (LAN), and connected to printers and the internet. Internet connections must have a signal transmission capacity enabling the stable and uninterrupted operation of the number of computers at the place for testing throughout the course of testing;

d/ Surveillance cameras: Surveillance cameras with a minimum resolution of 1280 x 720 (720P) shall be installed, which are capable of monitoring the place for testing and storing data for at least 30 days from the date of testing;

dd/ Sound system: There must be at least 1 loudspeaker set for publicizing information on the testing process;

e/ Printers: At least 1 printer shall be installed for printing test result sheets and 1 standby printer for use in case of necessary;

g/ The testing software shall be transferred by the specialized construction agency under the Ministry of Construction and uniformly used nationwide.

6. Test takers shall pay expenses for tests for grant of construction practice certificates. The collection, payment, and use management of expenses for tests for grant of construction practice certificates must comply with regulations of the Ministry of Construction.

Article 78. Organization of tests for grant of construction practice certificates

1. In case individuals apply for certificates; or request adjustment or addition of fields of operation in their certificates, or class promotion of their certificates, a test shall be composed of 5 questions on legal knowledge (including knowledge on general law and the law on construction regarding each field) and 20 questions on professional knowledge relating to the fields of activities to be practiced under certificates. The maximum score for a test is 100, of which the maximum score for professional knowledge is 80, and that for legal knowledge is 20. Individuals getting a score of at least 16 for legal knowledge and the total score of at least 80 shall be regarded as eligible for consideration for grant of practice certificates.

2. For individuals exempted from answering questions on professional knowledge, a test shall be composed of 10 questions on legal knowledge. The

maximum score for a test is 40. Individuals getting a score of at least 32 shall be regarded as eligible for consideration for grant of practice certificates.

Article 79. Councils for consideration for grant of construction practice certificates

1. Heads of agencies competent to grant practice certificates shall form councils for consideration for grant of practice certificates to give evaluations of grant of practice certificates.

2. The composition and number of members of a council for consideration for grant of practice certificates shall be decided by the head of an agency competent to grant practice certificates.

3. A council for consideration for grant of practice certificates formed by the specialized construction agency under the Ministry of Construction or a provincial-level Department of Construction must consist of:

a/ The chairperson being a leader of the practice certificate-granting agency;

b/ Full-time members being civil servants and public employees of the practice certificate-granting agency;

c/ Other members being civil servants and public employees with specialties suitable to the fields of activities to be practiced under practice certificates, and experts with professional qualifications in the fields of activities to be practiced under certificates, when necessary.

4. A council for consideration for grant of practice certificates formed by a socio-professional organization must consist of:

a/ The chairperson being a leader of such socio-professional organization;

b/ Members being members of such socio-professional organization.

5. A council shall operate on a part-time basis according to the regulation issued by its chairperson.

Article 80. Procedures for grant or revocation of construction practice certificates

1. In case of grant of a construction practice certificate:

a/ An individual shall send 1 dossier of application for a practice certificate as specified in Article 76 of this Decree online or by post or hand-deliver it to an agency competent to grant practice certificates;

b/ After receiving a complete and valid dossier, the competent agency shall grant a construction practice certificate within 20 days in case of first-time grant

of a practice certificate, adjustment of the class of a practice certificate, modification and supplementation of a practice certificate, or extension of a practice certificate; 10 days in case of re-grant of a practice certificate; or 25 days in case of conversion of a practice certificate. If the dossier is incomplete or invalid, the agency competent to grant practice certificates shall issue a written notice to the applying individual within 5 days after receiving the dossier;

c/ In case an individual has submitted a dossier of application for a construction practice certificate but not yet received his/her test result, the time limit for considering the grant of a practice certificate specified at Point b, Clause 1 of this Article shall be counted from the date of receiving the test result.

2. In case of revocation of a construction practice certificate:

a/ Within 10 days after receiving inspection and examination conclusions, including a proposal for revocation of a practice certificate, or when detecting, or having grounds for identification of, one of the cases subject to revocation of practice certificates specified in Clause 2, Article 63 of this Decree, an agency competent to revoke practice certificates shall issue a decision on revocation of a practice certificate; if deciding not to revoke the certificate, this agency shall send a written reply to the requester for revocation of the certificate;

b/ The agency competent to revoke practice certificates shall send a decision on revocation of a certificate to the individual who has the certificate revoked, and post the decision on its website, and concurrently send information thereon for integration on the website of the Ministry of Construction within 5 working days after issuing the decision;

c/ An individual who has his/her practice certificate revoked shall return the certificate to the agency issuing the decision on revocation of the certificate within 5 working days after receiving such decision.

d/ In case of revocation of a practice certificate containing errors made by the practice certificate-granting agency, the agency competent to revoke practice certificates shall re-grant a practice certificate within 5 working days after receiving the revoked practice certificate;

dd/ In case an individual who has his/her practice certificate revoked fails to return the certificate under regulations, the agency competent to revoke certificates shall issue a decision on cancellation of the certificate, send the decision to the individual concerned, and post the decision on its website, and concurrently send information thereon for integration on the website of the Ministry of Construction.

Article 81. Recognition of socio-professional organizations eligible for grant of construction practice certificates

1. A socio-professional organization shall be recognized as eligible for grant of practice certificates when meeting the following requirements:

a/ Operating nationwide in the fields relating to construction activities;

b/ Being established under permission of, and having its charter approved by, a competent state agency;

c/ Fully meeting the conditions on physical foundations for organization of tests.

2. A dossier of request for recognition of eligibility for grant of a practice certificate must comprise:

a/ A written request for recognition, made according to Form No. 01 provided in Appendix V to this Decree;

b/ A certified copy of, or a file containing a color photo taken from, the original, or a copy together with the original for comparison, of the document issued by a competent state management agency to permit the establishment of the organization and approve the organization's charter;

c/ A declaration on physical conditions for organization of tests.

3. Order and procedures for recognition of eligibility for grant of practice certificates:

a/ A socio-professional organization shall send 1 dossier specified in Clause 2 of this Article by post or hand-deliver it to the Ministry of Construction to request recognition;

b/ Within 20 days after receiving a complete and valid dossier, the Ministry of Construction shall consider and issue a decision on recognition of a socio-professional organization eligible for grant of practice certificates. Within 5 working days after being issued, the recognition decision shall be sent to the socio-professional organization and posted on the Ministry of Construction's website.

Article 82. Revocation of decisions on recognition of socio-professional organizations eligible for grant of construction practice certificates

1. A socio-professional organization will have the decision on recognition of eligibility for grant of construction practice certificates revoked if falling into one of the following cases:

a/ It no longer satisfies one of the conditions specified in Clause 1, Article 81 of this Decree;

b/ It grants practice certificates for construction activities falling beyond its scope of recognition;

c/ It grants practice certificates ultra vires;

d/ It grants practice certificates to individuals failing to satisfy the law-specified capacity conditions.

2. The Ministry of Construction shall revoke the decision on recognition of a socio-professional organization eligible for grant of construction practice certificates when detecting, or having grounds to believe that such organization falls into one of the cases specified in Clause 1 of this Article. The revocation of the decision on recognition of a socio-professional organization eligible for grant of practice certificates shall be considered and decided within 15 days after having sufficient grounds for revocation. The revocation decision shall be sent to the socio-professional organization and posted on the Ministry of Construction's website. The socio-professional organization that has the decision on recognition of eligibility for grant of practice certificates revoked in the case specified at Point b, c or d, Clause 1 of this Article may request the recognition after 6 months from the date of issuance of the revocation decision. The issuance of a decision on recognition of a socio-professional organization eligible for grant of practice certificates must comply with Article 81 of this Decree.

Section 2

CONSTRUCTION CAPACITY CONDITIONS FOR ORGANIZATIONS

Article 83. Construction capacity conditions

1. An organization must fully satisfy the capacity conditions specified in this Decree for participating in construction activities in the following fields:

a/ Construction survey;

b/ Making of construction planning designs;

c/ Making and verification of construction designs;

d/ Consultancy on management of construction investment projects;

dd/ Construction of works;

e/ Consultancy on supervision of construction of works;

g/ Construction inspection;

h/ Management of construction investment costs.

2. When operating in the fields specified at Points a thru e, Clause 1 of this Article, an organization must possess a construction capacity certificate (below referred to as capacity certificate), except the cases specified in Clause 3 of this Article. The fields and scope of operation of capacity certificates are provided in Appendix VII to this Decree.

3. Organizations are not required to possess capacity certificates specified in this Decree when:

a/ Performing project management jobs of specialized project management units or regional project management units (except the project management consultancy specified in Clause 4, Article 21 of this Decree); single-project management units specified in Article 22 of this Decree; or project owners organizing project management specified in Article 23 of this Decree;

b/ Performing fire prevention and fighting-related design, supervision and construction in accordance with the law on fire prevention and fighting;

c/ Performing design, supervision and construction of information, communications and telecommunications systems of works;

d/ Finishing construction works, such as plastering, paving, painting, door and interior installation, and other similar jobs not affecting the load-bearing structure of the works;

dd/ Participating in construction activities for works of grade IV; parks and greeneries, public lighting works; telecommunications cables; and projects only involving the works mentioned at this Point;

e/ Carrying out construction activities of foreign organizations according to construction operation licenses as specified in Clause 2, Article 148 of the 2014 Law on Construction.

4. To participate in the construction activities specified in Clause 1 of this Article, organizations must be enterprises defined by the 2020 Law on Enterprises or organizations with the function of carrying out construction activities that are established under law, operate in appropriate sectors and satisfy specific requirements for each field of construction activities under this Decree.

5. A capacity certificate is valid for 10 years in case it is granted for the first time, adjusted in terms of its class or extended. In case a certificate is modified and supplemented, or is re-granted because the previous certificate is unexpired but lost or damaged or contains errors, the validity period of the modified and supplemented certificate or re-granted certificate is that stated in the previous certificate.

6. The format and principal contents of a capacity certificate are specified in Form No. 07 provided in Appendix IV to this Decree.

7. A capacity certificate shall be managed based on its identification number consisting of 2 groups of symbols interconnected by a dash (-), specifically as follows:

a/ The first group has up to 3 characters showing the place of grant of the certificate as provided in Appendix VIII to this Decree;

b/ The second group denotes the identification number of the certificate.

8. The Ministry of Construction shall uniformly manage the grant and revocation of capacity certificates; manage the grant of identification numbers of capacity certificates; post on its website the list of organizations granted certificates; and carry out procedures for online grant of capacity certificates.

Article 84. Grant, revocation and extension of construction capacity certificates

1. Capacity certificates shall be granted to organizations in one of the following cases:

a/ First-time grant of capacity certificates; or adjustment of the class of capacity certificates;

b/ Modification and supplementation of capacity certificates;

c/ Re-grant of a capacity certificate in case the previous certificate is unexpired but lost or damaged or contains errors;

d/ Extension of capacity certificates.

2. A capacity certificate granted to an organization shall be revoked in one of the following cases:

a/ The organization terminates construction activities, is dissolved or goes bankrupt;

b/ The organization does not fully satisfy construction capacity conditions specified by law;

c/ The organization forges documents in the dossier of application for the certificate or dossier of request for re-grant of the certificate;

d/ The organization lets another organization or individual use its certificate;

dd/ The organization alters or erases the certificate, thus falsifying its contents;

e/ The certificate was granted ultra vires;

g/ The certificate contains errors made by the certificate-granting agency;

h/ The capacity certificate was granted though the organization fails to meet the law-specified capacity conditions.

3. An organization that has its capacity certificate revoked in the case specified at Point c, d or dd, Clause 2 of this Article may apply for a new certificate after 12 months from the date of issuance of the decision on revocation of the certificate. In this case, the order and procedures for grant of capacity certificates are the same as those for grant of capacity certificates specified at Point a, Clause 1 of this Article.

An organization that has its capacity certificate revoked in the case specified at Point g, Clause 2 of this Article may have such certificate re-granted according to the order and procedures specified in Clause 2, Article 90 of this Decree.

4. An organization shall request extension of its capacity certificate within 3 months prior to the date of expiration of the certificate. Past this time limit, if wishing to continue carrying out construction activities, the organization shall apply for a capacity certificate as the case specified at Point a, Clause 1 of this Article.

Article 85. Rights and obligations of organizations applying for capacity certificates

1. An organization applying for a capacity certificate has the following rights:

a/ To request the provision of information on the grant of a capacity certificate;

b/ To carry out construction activities nationwide with the contents specified in the capacity certificate;

c/ To file complaints and denunciations about violations of the law on grant and use of capacity certificates.

2. An organization applying for a capacity certificate has the following obligations:

a/ To make truthful declarations in the dossier of application for a capacity certificate under regulations; to take responsibility before law for the accuracy and lawfulness of the documents included in the dossier; to pay fees under regulations;

b/ To practice in the fields and scope of operation stated in the granted capacity certificate in accordance with the law on construction and other relevant laws;

c/ To maintain and satisfy its operation capacity conditions specified in the granted capacity certificate;

d/ To refrain from erasing or altering the capacity certificate;

dd/ Its at-law representative shall present his/her capacity certificate and comply with inspection and examination requests of competent agencies.

Article 86. Competence to grant and revoke capacity certificates

1. Competence to grant capacity certificates:

a/ The specialized construction agency of the Ministry of Construction may grant class-I capacity certificates;

b/ Provincial-level Departments of Construction and recognized socio-professional organizations may grant class-II and class-III capacity certificates.

2. Agencies competent to grant capacity certificates have the competence to revoke such certificates.

In case a capacity certificate is granted in contravention of regulations but the agency competent to grant capacity certificates fails to revoke such certificate, the Ministry of Construction shall decide to revoke it.

Article 87. Dossiers of application for capacity certificates

1. An organization's dossier of application for first-time grant of a capacity certificate or adjustment of the class of a capacity certificate must comprise:

a/ An application for a capacity certificate, made according to Form No.04 provided in Appendix IV to this Decree;

b/ The organization's establishment decision (if any);

c/ A decision on recognition of the organization's construction laboratory or an in-principle contract signed with a recognized construction laboratory on cooperation in conducting testing serving construction survey (in case of applying for a capacity certificate for geological survey);

d/ Practice certificates together with a declaration and self-determination of class of the certificates, made according to Form No. 05 provided in Appendix IV to this Decree, or a declaration of identification numbers of practice certificates granted under the 2014 Law on Construction, of holders of titles

requiring practice certificates; and diplomas of individuals performing relevant jobs;

dd/ The granted capacity certificate, in case of requesting adjustment of the class of the capacity certificate;

e/ The contracts and pre-acceptance test records of jobs already performed as declared (for class-I and class-II organizations engaged in construction survey, making of construction planning designs, making and verification of construction designs, consultancy on management of construction investment projects, or construction supervision consultancy);

g/ The contracts and pre-acceptance test records upon completion of construction of work items, works or work parts (in case of construction of specialized construction jobs) already performed as declared (for class-I and class-II organizations engaged in construction jobs);

h/ The documents specified at Points b, c, d, dd, e and g of this Clause must be certified copies or electronic files of legal validity.

2. A dossier of request for extension or re-grant of a capacity certificate must comprise an application for a capacity certificate, made according to Form No. 04 provided in Appendix IV to this Decree, and the capacity certificate. In case the capacity certificate is lost, the requester shall make a commitment.

3. A dossier of request for modification and supplementation of a capacity certificate must comprise an application for a capacity certificate, made according to Form No. 04 provided in Appendix IV to this Decree, the capacity certificate, and certified copies or electronic files of legal validity of the documents concerning the contents requested for modification and supplementation as specified in Clause 1 of this Article.

4. Organizations shall pay a fee when submitting dossiers of application for capacity certificates. The collection, remittance, and use management of the fee for grant of capacity certificates must comply with regulations of the Ministry of Finance.

Article 88. Councils for consideration for grant of capacity certificates

1. Heads of agencies competent to grant capacity certificates shall form councils for consideration for grant of capacity certificates to give evaluations for grant of capacity certificates.

2. The composition and number of members of a council for consideration for grant of capacity certificates shall be decided by the head of an agency competent to grant capacity certificates.

3. A council for consideration for grant of capacity certificates formed by the specialized construction agency under the Ministry of Construction or a provincial-level Department of Construction must consist of:

a/ The chairperson being a leader of the capacity certificate-granting agency;

b/ Full-time members being civil servants and public employees of the capacity certificate-granting agency;

c/ Other members being civil servants and public employees with specialties suitable to the field of activities to be practiced under a capacity certificate, and experts with professional qualifications in the field of activities to be practiced under the certificate, when necessary.

4. A council for consideration for grant of capacity certificates formed by a socio-professional organization must consist of:

a/ The chairperson being a leader of such socio-professional organization;

b/ Members being members of such socio-professional organization.

5. A council shall operate on a part-time basis according to the regulation issued by its chairperson.

Article 89. Assessment for grant of capacity certificates

1. Agencies competent to grant capacity certificates shall decide on the grant of capacity certificates after obtaining assessment results from the councils for consideration for grant of capacity certificates.

2. Organizations' construction capacity shall be assessed based on satisfaction of construction capacity conditions specified in this Decree.

3. A person working for an organization may hold one or more than one title requiring a practice certificate and perform jobs if satisfying corresponding capacity conditions under regulations. For organizations that have staff members holding titles requiring practice certificates in only one or several field(s), type(s) or discipline(s) of construction activities, the assessment of capacity must comply with Clause 4 of this Article.

4. Persons required to possess practice certificates and persons holding the title of chief commander who are employees of an organization in accordance with the labor law shall be regarded as satisfying requirements applicable to the fields or types of construction activities for which the organization applies for a capacity certificate must satisfy the following conditions:

a/ For a construction survey organization: Persons holding the title of construction survey manager must possess a construction survey practice certificate suitable to the class of the capacity certificate the organization is applying for. In case such persons possess a practice certificate in only one field of construction survey, the organization shall only be considered for grant of a capacity certificate for such field of construction survey;

b/ For a construction planning organization: Persons holding the title of manager or chief of the professional fields of construction planning, technical infrastructure and traffic management under construction plans must possess a construction planning design practice certificates suitable to the class of the capacity certificate the organization is applying for;

c/ For a construction design and construction design verification organization:

Regarding construction design and construction design verification for civil and industrial works: Persons holding the title of construction design manager or construction design and construction design verification chief in the disciplines of architecture, structural engineering, mechanical and electrical engineering, water supply and drainage for construction works under construction design projects must possess a construction design practice certificate in architectural design; structural engineering, mechanical and electrical engineering and water supply and drainage engineering suitable to the jobs they perform and the class of the capacity certificate the organization is applying for. In case these persons hold the title of chief in only one or several construction design discipline(s), the organization shall only be considered for grant of capacity certificates for construction design jobs in such discipline(s).

Regarding construction design and construction design verification for traffic works: Persons holding the title of construction design manager and construction design and construction design verification chief must possess a construction design practice certificate for traffic works suitable to the types of works and the class of the certificate the organization is applying for.

Regarding construction design and construction design verification for agriculture and rural development works: Persons holding the title of construction design manager and construction design and construction design verification chief must possess a construction design practice certificate for agriculture and rural development works suitable to the types of works and the class of the certificate the organization is applying for.

Regarding construction design and construction design verification of technical infrastructure works: Persons holding the title of construction design

manager and construction design and construction design verification chief must possess a construction design practice certificate for technical infrastructure or structural engineering practice certificate suitable to the types of works and the class of the certificate the organization is applying for;

d/ For a project management consultancy organization: Persons holding the title of project manager must possess a project management practice certificate suitable to the class of the certificate the organization is applying for; persons in charge of specialized fields must possess a construction supervision and construction valuation practice certificate suitable to the groups of projects, grades of works, and jobs they perform and the class of the certificate the organization is applying for;

dd/ For a construction supervision organization: Persons holding the title of chief supervisor and supervisor must possess construction supervision practice certificates suitable to the fields and class of the certificate the organization is applying for. In case these persons possess practice certificates in only one field of construction supervision, the organization shall only be considered for grant of a capacity certificate in such field of construction supervision;

e/ For a construction organization: Persons holding the title of chief commander must satisfy the conditions specified in Article 74 of this Decree. In case the organization declares that the persons holding the title of chief commander possess practice certificates in one field of construction supervision or only have experience of working as chief commanders in the field of construction or equipment installation, it shall be considered for grant of a capacity certificate for such field of construction.

5. Persons performing jobs in an organization who are employees of the organization in accordance with the labor law shall be regarded as satisfying requirements applicable to the fields or type of the capacity certificate the organization is applying for if they have been trained and possess professional qualifications suitable to the jobs they perform as specified in Article 67 of this Decree. Particularly, persons in charge of construction activities must have been trained and possess professional qualifications equivalent to the professional qualifications of persons applying for construction supervision practice certificates.

6. An organization shall be regarded as having suitable experience when its declared jobs have undergone pre-acceptance testing under regulations and been performed in conformity with the fields of operation and class of capacity and within the validity period of its capacity certificate. In case the organization's experience is acquired in the period when capacity certificates are not required,

such experience must be suitable to the business lines registered by the organization. Organizations applying for a class-III capacity certificate are not required to prove experience in job performance.

Organizations that only perform special construction jobs shall be assessed and granted capacity certificates for such special construction jobs.

Article 90. Order of grant or revocation of capacity certificates

1. For grant of a capacity certificate:

a/ An organization shall submit 1 dossier of application for a capacity certificate as specified in Article 87 of this Decree online or by post or hand-deliver it to an agency competent to grant capacity certificates;

b/ After receiving a complete and valid dossier, the agency competent to grant capacity certificates shall grant a capacity certificate within 20 days, in case of first-time grant of a capacity certificate, adjustment of the class of a capacity certificate, or modification and supplementation of a capacity certificate; or 10 days, in case of re-grant of a capacity certificate. If the dossier is incomplete or invalid, the agency competent to grant capacity certificates shall issue a written notice to the applying organization within 5 working days after receiving the dossier;

2. For revocation of a capacity certificate:

a/ Within 10 days after receiving inspection and examination conclusions recommending the revocation of a capacity certificate or when detecting or obtaining grounds to identify that an organization falls into one of the cases subject to revocation of capacity certificates specified in Clause 2, Article 84 of this Decree, an agency competent to revoke capacity certificates shall issue a capacity certificate revocation decision; if deciding not to revoke the certificate, the agency shall send a written reply to the agency, organization or individual recommending the revocation of the certificate;

b/ The agency competent to revoke capacity certificates shall send the capacity certificate revocation decision to the organization whose certificate is revoked, and post the revocation decision on its website, and concurrently send information thereon for integration on the website of the Ministry of Construction within 5 working days after issuing the decision;

c/ The organization whose capacity certificate is revoked shall return its certificate to the agency issuing the revocation decision within 5 working days after receiving such decision;

d/ In case of revocation of a capacity certificate containing errors made by the capacity certificate-granting agency, the agency competent to revoke capacity certificates shall re-grant the capacity certificate within 5 working days after receiving the revoked capacity certificate;

dd/ In case an organization whose capacity certificate is revoked fails to return the certificate under regulations, the agency competent to revoke capacity certificates shall issue a decision on cancellation of the certificate, send the decision to the organization concerned, and post the decision on its website, and concurrently send information thereon for integration on the website of the Ministry of Construction.

Article 91. Capacity conditions applicable to construction survey organizations

1. General capacity conditions applicable to organizations applying for capacity certificates of any class:

a/ Having a construction survey laboratory or having signed an agreement or in-principle contract on joint testing activities with a construction survey laboratory recognized under regulations on engineering geology survey;

b/ Having machinery and equipment or being able to mobilize machinery and equipment to serve survey activities in the fields in which capacity certificates are applied for.

2. Class I:

a/ Having staff members holding the title of survey manager who must possess a class-I construction survey practice certificate suitable to the fields in which the organizations apply for a capacity certificate;

b/ Having staff members conducting survey activities who must possess professional qualifications and skills suitable to the types of construction survey activities registered for grant of capacity certificates;

c/ Having conducted the same construction survey activities for at least 1 project of group A or higher group or 2 projects of group B or higher group or for at least 1 work of grade I or higher grade or 2 works of grade II or higher grade.

3. Class II:

a/ Having staff members holding the title of survey manager who must possess a construction survey practice certificate of class II or higher class suitable to the fields in which the organizations apply for a capacity certificate;

b/ Having staff members conducting survey activities who must possess professional qualifications and skills suitable to the types of construction survey activities registered for grant of capacity certificates;

c/ Having conducted the same construction survey activities for at least 1 project of group B or higher group or 2 projects of group C or higher group or 3 projects requiring techno-economic reports or for at least 1 work of grade II or higher grade or 2 works of grade III or higher grade.

4. Class III:

a/ Having staff members holding the title of survey manager who must possess a construction survey practice certificate of class III or higher class suitable to the fields in which the organizations apply for capacity certificates;

b/ Having staff members conducting survey activities who must possess professional qualifications and skills suitable to the types of construction survey activities registered for grant of capacity certificates.

Chapter VI

CONSTRUCTION CAPACITY CONDITIONS

Section 2

CONDITIONS ON CONSTRUCTION CAPACITY OF ORGANIZATIONS

Article 92. Capacity conditions applicable to construction planning design organizations

A construction planning design organization must satisfy the conditions in corresponding to its capacity class as follows:

1. Class I:

a/ Having staff members holding the title of manager or chief in the professional fields of construction planning; technical infrastructure; and traffic planning under plans who must possess a class-I construction planning design practice certificate suitable to the professional fields they are in charge of;

b/ Having formulated at least 1 construction plan which fall(s) under the competence of, and has/have been approved by, the Prime Minister or 2 construction plans (including at least 1 construction plan for an inter-district area or a district or a general plan) which fall(s) under the competence of, and has/have been approved by, provincial-level People's Committees.

2. Class II:

a/ Having staff members holding the title of manager or chief in the professional fields of construction planning; technical infrastructure; and traffic planning under plans who must possess a construction planning design practice certificate of class II or higher class suitable to the professional fields they are in charge of;

b/ Having formulated at least 1 construction plan which fall(s) under the competence of, and has/have been approved by, a provincial-level People's Committee or 2 construction plans which fall under the competence of, and have been approved by, district-level People's Committees.

3. Class III:

Having staff members holding the title of manager or chief in the professional fields of construction planning; technical infrastructure; and traffic planning under plans who must possess a construction planning design practice certificate of class III or higher class suitable to the professional fields they are in charge of.

Article 93. Capacity conditions applicable to construction design and construction verification organizations

A construction design and construction design verification organization must satisfy conditions in corresponding to its capacity class as follows:

1. Class I:

a/ Having staff members holding the title of manager or chief of construction design and verification of construction design disciplines who must possess a class-I practice certificate suitable to the professional fields they are in charge of;

b/ Having staff members directly conducting construction design and construction design verification must possess professional qualifications and skills suitable to the fields and types of works registered for grant of a capacity certificate;

c/ Having made or verified construction designs for at least 1 work of grade I or higher grade or 2 works of grade II or higher grade of the same type.

2. Class II:

a/ Having staff members holding the title of manager or chief of construction design and verification of construction design disciplines who must possess a practice certificate of class II or higher class suitable to the professional fields they are in charge of;

b/ Having staff members directly conducting construction design and construction design verification who must possess professional qualifications and skills suitable to the fields and types of works registered for grant of a capacity certificate;

c/ Having made or verified construction designs for at least 1 work of grade II or higher grade or 2 works of grade III or higher grade of the same type.

3. Class III:

a/ Having staff members holding the title of manager or chief of construction design and verification of construction design disciplines who must possess a practice certificate of class III or higher class suitable to the professional fields they are in charge of;

b/ Having staff members directly conducting construction design and construction design verification who must possess professional qualifications and skills suitable to the fields and types of works registered for grant of capacity certificates.

Article 94. Capacity conditions applicable to project management consultancy organizations

A construction investment project management consultancy organization must satisfy conditions in corresponding to its capacity class as follows:

1. Class I:

a/ Having staff members holding the title of project manager who must possess a class-I project management practice certificate;

b/ Having staff members in charge of specialized fields who must possess a class-1 construction supervision practice certificate or construction valuation practice certificate suitable to the jobs they perform;

c/ Having staff members directly performing project management who must possess professional qualifications and skills suitable to the jobs they perform;

d/ Having performed the management of at least 1 project of group A or 2 projects of group B or higher group.

2. Class II:

a/ Having staff members holding the title of project manager who must possess a project management practice certificate of class II or higher class;

b/ Having staff members in charge of specialized fields who must possess a construction supervision practice certificate or construction valuation practice certificate of class II or higher class suitable to the jobs they perform;

c/ Having staff members directly performing project management who must possess professional qualifications and skills suitable to the jobs they perform;

d/ Having performed the management of at least 1 project of group B or higher group or 2 projects of group C or higher group.

3. Class III:

a/ Having staff members holding the title of project manager who must possess a project management practice certificate of class III or higher class;

b/ Having staff members in charge of specialized fields who must possess a construction supervision practice certificate or construction valuation practice certificate of class III or higher class suitable to the jobs they perform;

c/ Having staff members directly performing project management who must possess professional qualifications and skills suitable to the jobs they perform.

Article 95. Capacity conditions applicable to construction organizations

An organization engaged in construction of works must satisfy conditions in corresponding to its capacity class as follows:

1. Class I:

a/ Having staff members holding the title of chief construction-site commander who must satisfy the conditions applicable to class-I construction site commanders suitable to the professional fields they are in charge of;

b/ Having staff members in charge of specialized construction activities who must have a bachelor's degree or vocational college degree suitable to the jobs they perform and at least 3 years' working experience, for those with a bachelor's degree, or at least 5 years' working experience, for those with a vocational college degree;

c/ Being capable of mobilizing sufficient quantity of major machinery and equipment to meet work construction requirements in conformity with the jobs it performs;

d/ Having conducted the construction of at least 1 work of grade I or higher grade or 2 works of grade II or higher grade of the same type for items or sections of such work(s) (for special construction activities) in relevance to the capacity certificate it is applying for;

dd/ Having conducted the installation of equipment for at least 1 work of grade I or higher grade or 2 works of grade II or higher grade for works or items of such work(s) in relevance to the certificate it is applying for.

2. Class II:

a/ Having staff members holding the title of chief construction-site commander who must satisfy the conditions applicable to construction site commanders of class II or higher class suitable to the professional fields they are in charge of;

b/ Having staff members in charge of special construction activities who must have a bachelor's degree or vocational college degree suitable to the jobs they perform and at least 1 year's working experience, for those with a bachelor's degree, or at least 3 years' working experience, for those with a vocational college degree;

c/ Being capable of mobilizing sufficient quantity of major machinery and equipment to meet work construction requirements in relevance to the jobs it performs;

d/ Having conducted the construction of at least 1 work of grade II or higher grade or 2 works of grade III or higher grade of the same type for items or sections of such work(s) (for special construction activities) in relevance to the certificate it is applying for;

dd/ Having conducted the installation of equipment for at least 1 work of grade II or higher grade or 2 works of grade III or higher grade for works or items of such work(s) in relevance to the certificate it is applying for.

3. Class III:

a/ Having staff members holding the title of chief construction-site commander who must satisfy the conditions applicable to chief construction-site commanders of class III or higher class suitable to the professional fields they are in charge of;

b/ Having staff members in charge of special construction activities who must possess a bachelor's degree or vocational college degree suitable to the jobs they perform;

c/ Being capable of mobilizing sufficient quantity of major machinery and equipment to meet work construction requirements in relevance to the jobs it performs.

Article 96. Capacity conditions applicable to construction supervision consultancy organizations

A construction supervision consultancy organization must satisfy conditions in corresponding to its capacity class as follows:

1. Class I:

a/ Having staff members holding the title of chief supervisor who must possess a class-I construction supervision practice certificate; having staff members holding the title of supervisor who must possess a construction supervision practice certificate suitable to the types of works registered for grant of a capacity certificate;

b/ Having performed construction supervision for at least 1 work of grade I or higher grade or 2 works of grade II or higher grade of the same type with the works registered for grant of a capacity certificate, for those operating in the field of construction supervision;

c/ Having performed supervision of installation of equipment for at least 1 work of grade I or higher grade or 2 works of grade II or higher grade, for those operating in the field of equipment installation supervision.

2. Class II:

a/ Having staff members holding the title of chief supervisor who must possess a construction supervision practice certificate of class II or higher class and staff members holding the title of supervisor who must possess a construction supervision practice certificate suitable to the types of works registered for grant of a capacity certificate;

b/ Having performed construction supervision for at least 1 work of grade II or higher grade or 2 works of grade III or higher grade of the same type with the works registered for the grant of capacity certificate, for those operating in the field of construction supervision;

c/ Having performed equipment installation supervision for at least 1 work of grade II or higher grade or 2 works of grade III or higher grade, for those operating in the field of equipment installation supervision.

3. Class III:

Having staff members holding the title of chief supervisor who must possess a construction supervision practice certificate of class III or higher class and staff members holding the title of supervisor who must possess a construction supervision practice certificate suitable to the types of works or fields registered for grant of a capacity certificate.

Article 97. Capacity conditions applicable to construction inspection organizations

1. An organization engaged in quality inspection, identification of causes of damage and lifetime of parts of works and construction works, and inspection for

identification of causes of construction work incidents must satisfy the conditions corresponding to its capacity class as follows:

a/ Class I:

- Having staff members in charge of construction inspection who must satisfy class-I construction inspection practice conditions as appropriate;
- Having staff members conducting construction inspection who must possess professional qualifications suitable to construction inspection activities;
- Having conducted construction inspection for at least 1 work of grade I or higher grade or 2 works of grade II or higher grade of the same type.

b/ Class II:

- Having staff members in charge of construction inspection who must satisfy class-II construction inspection practice conditions as appropriate;
- Having staff members conducting construction inspection who must possess professional qualifications suitable to construction inspection activities;
- Having conducting construction inspection for at least 1 work of grade II or higher grade or 2 works grade III or higher grade of the same type.

c/ Class III:

- Having staff members in charge of construction inspection who must satisfy class-III construction inspection practice conditions as appropriate;
- Having staff members conducting construction inspection who must possess professional qualifications suitable to construction inspection activities.

2. Operation scope:

a/ Class I: Being allowed to conduct construction inspection for works of all grades of the same types;

b/ Class II: Being allowed to conduct construction inspection for works of grade II or lower grade of the same types;

c/ Class III: Being allowed to conduct construction inspection for works of grade III or lower grade of the same types.

3. Organizations conducting quality inspection of building materials, construction components and construction products must satisfy the following conditions:

a/ Using a construction laboratory with tests recognized by a competent authority as conformable with inspection contents;

b/ Having staff members conducting inspection who must possess professional qualifications suitable to construction inspection activities.

Article 98. Capacity conditions applicable to construction investment cost management consultancy organizations

1. An organization engaged in management of construction investment costs must satisfy capacity conditions in corresponding to its capacity class as follows:

a/ Class I:

- Having staff members in charge of construction investment cost management who must possess a class-I construction valuation practice certificate;

- Having staff members performing construction investment cost management who must possess professional qualifications suitable construction investment cost management activities;

- Having performed construction investment cost management for at least 1 project of group A or 2 projects of group B or higher group.

b/ Class II:

- Having staff members in charge of construction investment cost management who must possess a construction valuation practice certificate of class II or higher;

- Having staff members performing construction investment cost management who must possess professional qualifications suitable construction investment cost management activities;

- Having performed construction investment cost management for at least 1 project of group B or higher group, 2 projects of group C or higher group, or 3 projects requiring techno-economic reports.

c/ Class III:

- Having staff members in charge of construction investment cost management who must possess a construction valuation practice certificate of class III or higher class;

- Having staff members performing construction investment cost management who must possess professional qualifications suitable construction investment cost management activities.

2. Operation scope:

a/ Class I: Being allowed to perform construction investment cost management for all projects;

b/ Class II: Being allowed to perform construction investment cost management for projects of group B and lower group;

c/ Class III: Being allowed to perform construction investment cost management for projects of group C and projects just requiring construction investment techno-economic reports.

Article 99. Posting of information on capacity of organizations and individuals participating in construction activities

1. Information on construction capacity of organizations and individuals participating in construction activities and having been granted certificates shall be publicly posted on the websites managed by agencies competent to grant certificates and integrated on the website of the Ministry of Construction.

2. Order of posting information on construction capacity:

Agencies competent to grant certificates shall post information on construction operation capacity of organizations and individuals on the websites they manage, and concurrently send information to the construction specialized agency under the Ministry of Construction for integration on the website of the Ministry of Construction.

The time limit for posting information on construction operation capacity is 5 working days from the date of grant of a certificate. The time limit for integration of information on the website of the Ministry of Construction is 3 working days from the date of receipt of information from the agency competent to grant such certificate.

Article 100. Recognition of socio-professional organizations' eligibility to grant capacity certificates

1. A socio-professional organization shall be recognized as eligible to grant capacity certificates when meeting the following requirements:

a/ Operating nationwide in fields related to construction activities,;

b/ Having its establishment permitted and its charter approved by a competent state agency.

2. A dossier of request for recognition of eligibility to grant capacity certificates must comprise:

a/ A request for recognition, made according to Form No. 02 provided in the Appendix V to this Decree;

b/ A certified copy or a legally valid electronic copy of the document issued by a competent state management agency permitting the establishment of the association and approving the association's charter.

3. Order and procedures for recognition of eligibility to grant capacity certificates:

a/ A socio-professional organization shall submit 1 dossier specified in Clause 2 of this Article to the Ministry of Construction for recognition;

b/ Within 20 days after receiving a complete and valid dossier, the Ministry of Construction shall consider and issue a decision on recognition of the socio-professional organization's eligibility to grant capacity certificates. The recognition decision shall be sent to the socio-professional organization and posted on the website of the Ministry of Construction within 5 working days from the date of issuance.

Article 101. Revocation of decisions on recognition of socio-professional organizations' eligibility to grant capacity certificates

1. A socio-professional organization shall be subject to revocation of the decision on recognition of eligibility to grant capacity certificates in one of the following cases:

a/ It no longer satisfies one of the conditions specified in Clause 1, Article 100 of this Decree;

b/ It grants capacity certificates in fields of construction activities outside the scope of eligibility;

c/ It grants capacity certificates *ultra vires*;

d/ It grants capacity certificates to organizations that do not satisfy capacity conditions as prescribed by law.

2. The Ministry of Construction shall revoke the decision on recognition of a socio-professional organization's eligibility to grant of capacity certificates when detecting or having grounds to determine that such socio-professional organization falls into one of the cases specified in Clause 1 of this Article. The consideration and decision on revocation of the recognition decision shall be carried out within 15 days after obtaining sufficient grounds for revocation. The revocation decision shall be sent to the socio-professional organization and posted on the website of the Ministry of Construction. A socio-professional organization whose recognition decision is revoked in one of the cases specified at Points b, c and d, Clause 1 of this Article may request recognition after 6 months from the date of issuance of the revocation decision. The issuance of a

decision on recognition of a socio-professional organization's eligibility to grant capacity certificates must comply with Article 100 of this Decree.

Section 3

CONSTRUCTION OPERATION LICENSES OF FOREIGN CONTRACTORS

Article 102. Principles of management of activities of foreign contractors

1. Foreign contractors may only conduct construction activities in Vietnam after obtaining construction operation licenses granted by state management agencies in charge of construction.

2. Activities of foreign contractors in Vietnam must comply with Vietnam's law and relevant treaties which Vietnam has signed or acceded to.

Article 103. Conditions for grant of construction operation licenses

1. A foreign contractor may be granted a construction operation license after obtaining a bid-winning decision or being selected by the project owner or principal contractor (subcontractor).

2. The foreign contractor shall enter into a joint-name entity with a Vietnamese contractor or employ Vietnamese subcontractors, unless Vietnamese contractors are not qualified to perform any jobs of the bidding package. Upon the entry into a joint-name entity or employment of Vietnamese contractors, it is required to clearly define the contents, volume and value of jobs to be performed by Vietnamese contractors in the joint-name entity or by Vietnamese subcontractors.

3. The foreign contractor shall undertake to fully comply with Vietnam's laws concerning contract performance in Vietnam.

Article 104. Dossiers of application for construction operation licenses and competence to grant construction operation licenses

1. A foreign contractor shall hand-deliver or send by post 1 dossier of application to the agency granting construction operation licenses. The dossier must comprise:

a/ An application for a construction operation license, made according to Form No. 01 or 04 provided in Appendix IV to this Decree;

b/ A certified copy or e-copy of the lawful bidding result slip or contractor selection decision;

c/ A certified true copy or e-copy of the establishment license or business registration certificate, for institutional applicants, and practice certificate (if

any) of the foreign contractor granted by the country of the contractor's citizenship;

d/ A report on operating experience concerning the contracted jobs and a certified copy or e-copy of the summarization report on financial audits in 3 latest years (for cases not compelled to comply with Vietnam's bidding law);

dd/ A certified copy or e-copy of the joint-name contract with a Vietnamese contractor or an official or in-principle contract with a Vietnamese subcontractor to perform the contracted jobs (already included in its bid or bidding dossier);

e/ A lawful power of attorney, for the person who is not the at-law representative of the contractor;

g/ A certified copy or e-copy of the decision approving the project or the investment decision or the investment certificate of the project/work.

2. Applications for construction operation licenses shall be made in Vietnamese. Foreign establishment licenses and business registration certificates shall be consularly legalized, unless treaties to which Vietnam and relevant countries are contracting parties provide for exemption from consular legalization. If the papers and documents specified at Points b, c, dd and e, Clause 1 of this Article are made in foreign languages, they shall be translated into Vietnamese and the translations shall be notarized or certified in accordance with Vietnam's law.

3. Competence to grant construction operation licenses:

a/ The specialized construction agency under the Ministry of Construction shall grant construction operation licenses to foreign contractors to perform contracts of national important projects and contracts of group-A projects and projects to be built in two or more provinces;

b/ Provincial-level Departments of Construction shall grant construction operation licenses to foreign contractors to perform contracts of group-B and group-C projects to be built in their respective provinces.

Article 105. Time limit and fee for grant of construction operation licenses

1. A specialized construction agency specified in Clause 3, Article 104 of this Decree shall consider a foreign contractor's dossier of application for a construction operation license within 20 days after receiving a complete dossier specified in Article 104 of this Decree. If refusing to grant a license, the agency competent to grant construction operation licenses shall issue a written reply clearly stating the reason to the contractor.

2. Upon receiving a construction operation license, the foreign contractor shall pay a fee as prescribed by the Ministry of Finance.

3. A construction operation license shall be invalidated in the following cases:

a/ The contract is completed and liquidated;

b/ The contract ceases to be valid when the foreign contractor is suspended from operation, is dissolved, or falls bankrupt or for other reasons in accordance with Vietnam's law and the law of the country of the contractor's citizenship.

Article 106. Revocation of construction operation licenses

1. A foreign contractor shall be subject to revocation of the construction operation license in one of the following cases:

a/ The contractor has forged documents in the dossier of application of a construction operation license;

b/ The contractor has altered, erased or falsified the contents of the construction operation license;

c/ The construction operation license contains errors due to the fault of the agency granting the construction operation license;

d/ The construction operation license is granted *ultra vires*.

2. Competence to revoke construction operation licenses:

a/ The agency competent to grant a construction operation license shall be the agency competent to revoke such license;

b/ In case the construction operation license is granted *ultra vires* but the agency having granted such license fails to revoke it, the Ministry of Construction shall directly decide to revoke the construction operation license.

3. Order of revocation of a construction operation license:

a/ Within 10 days from the date of receipt of the inspection conclusion or examination document from a state management agency in charge of construction which recommends the revocation of a construction operation license, or when detecting or having grounds to determine a contractor falling into one of the cases subject to revocation of construction operation licenses specified in Clause 1 of this Article, the agency competent to revoke the construction operation license shall issue a decision to revoke such license; if deciding not to revoke the certificate, it shall send a written reply to the agency recommending the revocation of the license;

b/ The agency competent to revoke the construction operation license shall send the decision on revocation of the construction operation license to the organization or individual whose license is revoked; and concurrently send it to the project owner and related agencies for information;

c/ The organization or individual whose construction license is revoked shall return the construction operation license to the agency having issued the decision on revocation of the construction operation license within 5 working days from the date of receipt of the revocation decision;

d/ In case of revocation of a construction operation license which contains errors due to the fault of the agency granting the construction operation license, the agency competent to revoke the construction operation license shall re-grant the construction operation license within 5 working days from the date of receiving the revoked license; for the violations specified at Points a and b, Clause 1 of this Article, the agency competent to grant construction operation licenses to foreign contractors shall only consider granting a new license after 12 months from the date of issuance of the revocation decision;

dd/ In case an organization or individual whose construction operation license is revoked fails to return the construction operation license in accordance with law, the agency competent to revoke the construction operation license shall issue a decision on the cancellation of the construction operation license, send such decision to the organization/individual whose construction operation license is declared to be canceled and concurrently notifying thereof to the concerned project owner and related agencies for information.

Article 107. Rights and obligations of foreign contractors

1. A foreign contractor has the following rights:

a/ To request related agencies to guide the making of a dossier of application for a construction operation license and other issues related to contractor activities according to this Decree;

b/ To lodge denunciations and complaints about violations committed by organizations and individuals performing the jobs prescribed in this Decree;

c/ To have its/his/her lawful interests in business operation protected in Vietnam according to its/his/her construction operation license.

2. A foreign contractor has the following obligations:

a/ To set up an executive office in the locality where the project is implemented after being granted the construction operation license; and register the address, phone number, fax number, email, seal specimen, account number

and tax identification number of the executive office. For a contract on formulation of a construction master plan, formulation of a construction investment project, construction survey or construction design, the foreign contractor may either set up an executive office at the place where the project owner's head office is registered or not set up an executive office in Vietnam. For a contract on construction or construction supervision of a work running through several provinces, the foreign contractor may set up an executive office in one of these provinces. The executive office shall only exist during the contract performance period and dissolve when the contract becomes invalid;

b/ To register or cancel the seal specimen and return the seal when the contract is completed in accordance with law. The foreign contractor may only use this seal for the contract performance in Vietnam according to it/his/her construction operation license;

c/ To register and pay taxes in accordance with Vietnam's law, implement the accounting regime, open accounts, and make payments under the guidance of the Ministry of Finance and State Bank of Vietnam to serve its/his/her business activities under the contract;

d/ To recruit employees and employ Vietnamese and foreign workers in accordance with Vietnam's labor law. The foreign contractor may only register to invite to Vietnam economic and technical experts and highly skilled workers that Vietnam is unable to supply;

dd/ To carry out procedures for import and export of supplies, machinery and equipment related to the contract performed in Vietnam in accordance with Vietnam's law;

e/ To perform the joint-name contract already concluded with the Vietnamese contractor or employ Vietnamese subcontractors as stated in the dossier of application for a construction operation license;

g/ To buy insurance in accordance with Vietnam's law for the contractor's jobs, including professional liability insurance for construction consultancy contractors; asset and cargo insurance for procurement contractors; various types of insurance for construction contractors and other insurance regimes in accordance with Vietnam's law;

h/ To register for quality inspection of imported supplies and equipment supplied under the contract;

i/ To register for inspection of construction equipment safety and vehicles related to business activities of the foreign contractor in accordance with Vietnam's law;

k/ To comply with technical regulations and standards on construction work quality management, occupational safety and environmental protection and other relevant laws of Vietnam;

l/ To make reports as required in the construction operation license;

m/ When the work is completed, to compile as-built documents; to provide warranty; to settle imported supplies and equipment; to handle unused supplies and equipment under the construction contract in accordance with regulations on import and export; to re-export supplies and equipment already registered under the regime of temporary import for re-export; to liquidate the contract; and concurrently, to notify related state management agencies of the completion of the contract and termination of operation of the executive office.

Article 108. Responsibilities of the project owner to the foreign contractor

The project owner or the principal contractor has the following responsibilities:

1. To sign the contract only with the foreign contractor that has been granted the construction operation license by a competent state agency; guide the foreign contractor to comply with this Decree and relevant laws; to support the foreign contractor in preparation of documents relating to the work that the foreign contractor is required to declare in the dossier of application for a contractor's permit and relevant procedures in accordance with Vietnam's law. Together with the foreign contractor, to register the import and export of supplies, machinery and equipment related to the contract performance which fall under the foreign contractor's responsibility according to this Decree.

2. To supervise the foreign contractor's fulfillment of the commitments in the joint-name contract with the Vietnamese contractor or employment of Vietnamese subcontractors according to Article 103 of this Decree.

3. To consider domestic supply of construction equipment before reaching agreement with the foreign contractor on the list of construction machinery and equipment to be temporarily imported then re-exported.

4. To consider the supply of technical labor in Vietnam before reaching agreement with the foreign contractor on the list of foreign staff working for the foreign contractor and applying for entry into Vietnam to perform the jobs under the contract of the foreign contractor.

5. To certify the final settlement of imported supplies and machinery of the foreign contractor upon completion of the construction work.

6. When hiring a foreign contractor to perform project management consultancy or construction quality supervision, to notify in writing other contractors and construction quality management agencies of the functions and tasks such foreign contractors will perform on its behalf.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 109. Implementation responsibilities

1. The Ministry of Construction shall:

a/ Take responsibility before the Government for uniform state management of contents within the scope of regulation of this Decree; guide and inspect the implementation of this Decree by related ministries, sectors, agencies and organizations.

b/ Direct and inspect their attached specialized agencies in organizing the implementation of administrative procedures specified in this Decree.

2. Ministries managing specialized construction works shall direct and inspect their attached specialized construction agencies in appraising construction investment feasibility study reports, construction investment techno-economic reports, and construction designs to be implemented after basic designs of construction projects and works of their sectors, specifically as follows:

a/ The Ministry of Construction, for projects and works under investment projects on construction of civil works; investment projects on construction of urban centers and houses; investment projects on construction of technical infrastructure facilities of functional zones; investment projects on construction of works of light industries, works of building material industry, and construction products, technical infrastructure facilities and roads in urban centers (excluding highway sections running through urban centers).

b/ The Ministry of Transport, for projects and works under investment projects on construction of transport works (excluding projects and works managed by the Ministry of Construction specified at Point a of this Clause);

c/ The Ministry of Agriculture and Rural Development, for projects and works under investment projects on construction of agriculture and rural development works;

d/ The Ministry of Industry and Trade, for projects and works under investment projects on construction of industrial works (excluding projects and works managed by the Ministry of Construction specified at Point a of this Clause);

dd/ The Ministry of National Defense and Ministry of Public Security, for projects and works under investment projects on construction of national defense and security works.

3. The Ministry of Finance shall issue detailed regulations on charges and fees for appraisal of construction investment projects, construction designs, and construction cost estimates; and grant of construction operation permits to foreign contractors, and grant of construction practice certificates and construction capacity certificates.

4. Provincial-level People's Committees shall perform the state management of contents within the scope of regulation of this Decree in their localities as decentralized; direct and inspect their specialized construction agencies in appraising construction investment feasibility study reports, construction investment techno-economic reports, and construction designs to be implemented after basic designs of work construction investment projects of their sectors, specifically as follows:

a/ Provincial-level Departments of Construction, for projects and works under investment projects on construction of civil works, investment projects on construction of urban centers and houses; investment projects on construction of technical infrastructure facilities of functional zones; investment projects on construction of works of light industries, works of building material industry, and technical infrastructure facilities and roads in urban centers (excluding highway sections running through urban centers).

b/ Provincial-level Departments of Transport, for projects and works under investment projects on construction of transport works (excluding projects and works managed by the Departments of Construction specified at Point a of this Clause);

c/ Provincial-level Departments of Agriculture and Rural Development, for projects and works under investment projects on construction of agriculture and rural development works;

d/ Provincial-level Departments of Industry and Trade, for projects and works under investment projects on construction of industrial works (excluding projects and works managed by the Departments of Construction specified at Point a of this Clause);

dd/ Management boards of industrial parks, export processing zones, hi-tech parks, and economic zones, for projects and works constructed in industrial parks, export processing zones, hi-tech parks and economic zones under their management as assigned.

e/ For provincial-level People's Committees having provincial-level Departments of Transport and Construction, such Departments shall perform the tasks specified at Points a and b of this Clause.

5. Provincial-level People's Committees shall base themselves on specific conditions of their localities to delegate powers to agencies in charge of construction management of district-level People's Committees to appraise construction investment feasibility study reports, construction investment techno-economic reports, and construction designs to be implemented after basic designs of work construction investment projects in their districts, and may make adjustments to the delegation of powers for appraisal provided at Point dd, Clause 4 of this Article.

6. District-level People's Committees shall perform state management of contents within the scope of regulation of this Decree in their localities as decentralized; direct and inspect their attached divisions in charge of construction management in appraising construction investment feasibility study reports, construction investment techno-economic reports, and construction designs to be implemented after basic designs of works as decentralized by provincial-level People's Committees.

7. Ministries, sectors and provincial-level People's Committees shall establish or reorganize specialized or regional project management units in order to manage construction investment projects using public investment funds or state capital other than public investment funds under their management as specified in this Decree. When finding it necessary to issue documents specifically guiding contents regulated by this Decree, they shall reach agreement with the Ministry of Construction before issuing them.

8. Ministries managing specialized construction works, provincial-level People's Committees, and state economic groups and corporations shall send regular and annual reports on management of construction investment to the Ministry of Construction for summarization and monitoring. The Ministry of Construction shall provide guidance on contents, set forms and time limit for sending reports.

Article 110. Transitional provisions

1. For construction projects, basic designs and construction designs to be implemented after basic designs that have their appraisal results notified by specialized construction agencies before the effective date of this Decree, their construction investment feasibility study reports and construction designs to be implemented after basic designs are not required to be appraised under this Decree, the implementation of subsequent phases (including also the adjustment of construction projects or designs) must comply with this Decree.

2. For construction investment projects already submitted to specialized construction agencies for appraisal of their projects or basic designs in accordance with the 2014 Law on Construction but not yet having their appraisal results notified before the effective date of this Decree, appraisal by specialized construction agencies shall continue to comply with the 2014 Law on Construction and its detailing and guiding documents, and their construction investment feasibility study reports are not required to be appraised under this Decree.

3. For construction investment projects already submitted to specialized construction agencies for appraisal of construction designs to be implemented after basic designs before January 1, 2021, but not yet having their appraisal results notified before the effective date of this Decree, appraisal shall be carried out by specialized construction agencies as follows:

a/ For construction works subject to appraisal in accordance with the 2014 Law on Construction, and not falling within the scope of regulation of the Government's Decree No. 113/2020/ND-CP of September 18, 2020, the appraisal shall continue to comply with the 2014 Law on Construction and its guiding documents;

b/ For construction works falling within the scope of regulation of the Government's Decree No. 113/2020/ND-CP of September 18, 2020, the appraisal and review of construction permit-granting conditions for exemption of construction permits shall continue to comply with that Decree. In case a design dossier submitted for appraisal is unqualified, the specialized construction agency shall issue a notice of return of the dossier to the project owner for completion, and then carrying out appraisal under this Decree.

4. For construction works that have appraisal results of their construction designs to be implemented after basic designs notified by specialized construction agencies under the Government's Decree No. 113/2020/ND-CP of September 18, 2020, but are not required to be appraised by specialized construction agencies in accordance with the 2014 Law on Construction, which was revised under Law No. 62/2020/QH14, when adjustments to construction

designs to be implemented after basic designs are required, appraisal of adjusted designs and management of construction permits shall be carried out as follows:

a/ In case notified results of appraisal by specialized construction agencies conclude that projects are eligible for exemption from construction permits, project owners shall appraise adjusted construction designs by themselves and send their notices, enclosed with appraisal reports, to construction permit-granting agencies and local state management agencies in charge of construction before resuming the construction of works;

b/ In case notified results of appraisal by specialized construction agencies do not mention whether conditions for exemption from construction permits are satisfied or not or conclude that projects are ineligible for exemption from construction permits, project owners shall appraise adjusted construction designs by themselves and carry out procedures for grant or adjustment of their construction permits under regulations.

5. For construction investment projects having basic designs of some of their construction works appraised by specialized construction agencies in accordance with the 2014 Law on Construction, when project owners submit construction investment feasibility study reports for appraisal under this Decree, specialized construction agencies shall only appraise basic designs of remaining works of such projects.

6. Projects having project management forms approved by investment deciders under Article 62 of the 2014 Law on Construction must continue to comply with approval decisions of investment deciders. In case it is necessary to make adjustments to project management forms to meet work construction quality and progress requirements, investment deciders shall make adjustments to their project management forms under this Decree.

7. For construction works of which construction designs to be implemented following basic designs are appraised by specialized construction agencies after August 15, 2020, and which are eligible for exemption from construction permits under Point g, Clause 1, Article 89 of the 2014 Law on Construction, which was revised under Clause 30, Article 1 of the Law No. 62/2020/QH14, but of which construction is not yet commenced before the effective of this Decree, project owners shall send dossiers and documents proving satisfaction of conditions for grant of construction permits to local state management agencies in charge of construction for monitoring and management under Article 56 of this Decree, enclosed with construction commencement notices.

8. For construction works of which construction designs (including adjusted construction designs) to be implemented after basic designs are appraised by

specialized construction agencies, and which are ineligible for exemption from construction permits under Article 89 of the 2014 Law on Construction, which was revised under Clause 30, Article 1 of Law No. 62/2020/QH14, project owners shall carry out procedures for grant of construction permits under this Decree, except for cases specified in Clause 4, Articles 41, and Clause 2, Article 54, of this Decree.-

For construction works for which construction permits have been granted, modification of construction permits must comply with Article 51 of this Decree.

9. For construction works eligible for exemption from construction permits in accordance with the 2014 Law on Construction, of which construction is not yet commenced before the effective date of this Decree, and for which construction permits are required in accordance with Law No. 62/2020/QH14, project owners shall apply for construction permits under this Decree.

10. Construction practice certificates of definite term already granted to individuals in accordance with the 2003 Law on Construction may be further used until they expire. Based on their construction operation capacity conditions specified in this Decree, individuals shall declare and determine classes of their practice certificates by themselves, then send their valid practice certificates to serve as a basis for participation in construction activities. Declaration and self-determination of class of practice certificates shall be made according to Form No. 05 provided in Appendix IV to this Decree.

11. Construction capacity certificates and construction practice certificates already granted to organizations and individuals in accordance with the 2014 Law on Construction may be further used in fields and within operation scopes stated in such certificates until they expire. From the effective date of this Decree, organizations and individuals that request modification or supplementation of their construction capacity certificates or construction practice certificates shall comply with this Decree.

12. Organizations and individuals that submit dossiers of application for construction capacity certificates and construction practice certificates before the effective date of this Decree shall be considered for grant of such certificates under the Government's Decree No. 100/2018/ND-CP of July 16, 2018.

Article 111. Effect

1. This Decree takes effect on the date of its signing, and replaces the Government's Decree No. 59/2015/ND-CP of June 18, 2015, on management of construction investment projects; Decree No. 42/2017/ND-CP of April 5, 2017, amending and supplementing a number of articles of the Government's Decree

No. 59/2015/ND-CP of June 18, 2015, on management of construction investment projects; Articles 1 and 4, and Appendices I thru IX, of the Government's Decree No. 100/2018/ND-CP of July 16, 2018, revising or annulling a number of provisions on business and investment conditions in the fields under the state management of the Ministry of Construction. All regulations of the Government, ministries, ministerial-level agencies and localities that are contrary to this Decree shall be annulled.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, and chairpersons of provincial-level People' Committees shall implement this Decree.-

On behalf of the Government
Prime Minister
NGUYEN XUAN PHUC