

Ministry of Planning
and Investment
of Vietnam

Directorate General of
International Cooperation
of Ministry of Foreign Affairs
Foreign Trade and International
Cooperation of Belgium

Belgian Technical Cooperation

Study and Consultancy Fund Belgium-Vietnam

Practical Guidelines

December 2001

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List of Abbreviations

MPI	Ministry of Planning and Investment
BTC	Belgian Technical Cooperation
DGIC	Directorate General of International Cooperation
TOR	Terms of Reference

1. Introduction

On August 8, 2000, the Governments of the Kingdom of Belgium and of the Socialist Republic of Vietnam, signed a Specific Agreement on the creation of a "Study and Consultancy Fund".

This "Study and Consultancy Fund" is managed by representatives of both Governments. The responsibilities and the basic procedures have been laid down in the Specific Agreement.

This document aims to be a practical guideline for Vietnamese Ministries or Government agencies that wish to call upon the fund to finance studies or consultancies. It explains the different steps to be followed, including the elaboration and appraisal of study and consultancy proposals and the implementation of a study or consultancy once accepted.

The guidelines are based on the content of the Specific Agreement signed on August 8, 2000 between the two Governments and on the Vietnamese decree 88/1999/ND-CP on procurement regulations.

The guidelines have been approved by the Steering Committee of the "Study and Consultancy Fund". They can be modified or extended in the future by the same authority. Any aspect not specifically stipulated will be managed in accordance to decree 88/1999/ND-CP on procurement regulations.

In the remaining of the document, "the Study and Consultancy Fund" and "studies and consultancies" will respectively be referred to as "the Fund" and as "consultancies".

2. Responsibilities

- 2.1. The Vietnamese Fund Director, appointed by the Ministry of Planning and Investment (MPI), has the mandate to:
 - approve consultancy proposals
 - approve all preparatory tender documents
 - approve the selection method
 - sign the contract of consultants
 - approve all expenditures
 - sign all payment orders
- 2.2. The Counsellor for International Cooperation based at the Belgian Embassy in Hanoi, has the mandate to:
 - approve consultancy proposals
- 2.3. The Resident Representative of the Belgian Technical Cooperation (BTC) acts as Belgian Supervising Officer for each consultancy and is in charge of:
 - the selection and awarding procedures
 - the organisation of tenders
 - the follow-up of consultancies
 - the approval of the services rendered
 - the approval of all expenditures
 - the signature of all payments orders

- 2.4. For each approved consultancy, a Vietnamese Supervising Officer shall be appointed by the government agency that introduced the consultancy proposal.

The Vietnamese Supervising Officer is – for the consultancy for which he/she has been appointed - in charge of:

- the selection and awarding procedures
- the organisation of tenders
- the follow-up of consultancies
- the approval of the services rendered

3. Procedure

3.1. Consultancy proposal

3.1.1. Eligibility

In order to be eligible for financing by the Fund, a consultancy has to be part of the preparation, the elaboration or the follow-up of the development cooperation programme agreed upon between Vietnam and Belgium.

- 3.1.2. A Vietnamese Ministry or Government agency wanting to benefit from a financial support by the Fund has to submit a consultancy proposal in English to both the Fund Director and the Counsellor for International Cooperation at the Belgian Embassy in Hanoi.

3.1.3. A consultancy proposal shall at least contain the following elements:

- identification of the requesting institution (name, address, telephone, fax, ...)
- objectives of the requesting institution
- subject of the consultancy
- relevance of the proposed consultancy in the framework of the Belgian-Vietnamese International Cooperation
- draft of Terms of Reference including purpose, scope of work, implementation schedule, tasks and responsibilities of the consultant
- cost estimate
- estimated timetable

3.2. Appraisal and approval of the consultancy proposal

- 3.2.1. The Fund Director and the Counsellor for International Cooperation at the Belgian Embassy in Hanoi are mandated to

- refuse any proposal
- accept any proposal with a cost estimate lower than 62,000 EURO
- to propose to MPI and DGIC-Brussels to finance consultancies with a cost estimate higher than 62,000 EURO.

Within 60 calendar days after receiving a request, the Fund Director and the Attaché shall notify their decision to the requesting agency or Ministry. At the same time, BTC shall be informed about each approved study.

- 3.2.2. Within 10 working days of being notified of the approval of its request, the ministry or government agency shall nominate a Vietnamese Supervising Officer and notify in writing his/her identity to the Fund Director and to the Belgian Supervising Officer.

3.3. Selection of consultants or consulting firm and awarding of contracts

- 3.3.1. The selection of the consultant or consulting firm shall be realized either through:
- direct invitation of at least three (3) candidates
 - or
 - open bidding

Whenever possible, preference shall be given to direct invitation. When both Supervising Officers feel there are no obvious candidates, they shall propose open bidding.

- 3.3.2. The two Supervising Officers shall jointly and in consultation with the beneficiary prepare the following documents:
- a letter of invitation or a tender invitation notice (see appendixes 2 & 3)
 - terms of reference for the consultancy
 - background information
 - instructions to tenderers (see appendix 4)
 - evaluation criteria of the offers (including method of scoring)

- 3.3.3. The Supervising Officers shall submit for approval all preparatory tender documents and the proposed selection method to the Fund Director.

- 3.3.4. After approval by the Fund Director, the Supervising Officers shall issue the tender.

In case of direct invitation, the tenderers shall be informed at least seven (7) days before the time of tender submission and provided with all the tender documents.

In case of open bidding, public announcements shall be made in at least one daily newspaper in English and in at least 3 consecutive issues and no later than five (5) days before the issuance of the tender invitation documents.

- 3.3.5. An offer shall consist of two parts, i.e. a technical and a financial part (see appendix) which shall be submitted in two separate, sealed envelopes.

- 3.3.6. The offers shall be submitted directly or sent by post to the Belgian Supervising Officer in Hanoi, within the time-limits stipulated in the tender invitation documents. Only proposals submitted before the closing time as specified in bidding documents will be accepted (except for documents for clarification of tenders requested by the Supervising Officers).

The Belgian Supervising Officer shall keep a record of the time and day of arrival of any offer and keep the received bidding documents in accordance with current regulations on confidential documents.

If tenderers wish to amend or withdraw their submitted bid, they must send a request in writing to the Supervising Officers before the deadline of the tender submission.

- 3.3.7. In case of open bidding, the Supervising Officers shall jointly open the offers publicly on the day, time and venue fixed in advance (excluding the financial envelope). At this day a preliminary assessment will be conducted to assess the conformity of each bid with the tender invitation documents. The Supervising Officers shall jointly draft and sign minutes of the bid opening including title of the consultancy, date and time of bid opening, name and address of bidders, related aspects and remarks. If representatives of a consultant or consulting firm are present they shall also sign these minutes.

3.3.8. The Supervising Officers shall assess all offers within 10 days after the closing date. The assessment consists of 3 steps:

i. Analysis of the technical proposals applying the evaluation criteria approved by the Fund Director before the start of the tender.

ii. Opening of the financial proposals of the bids with technical scores of at least 70%.

iii. General assessment of tenders for classification in accordance with the proportion of technical score to the price score set out in the tender invitation documents. The weight of financial scores shall not exceed 30 % of total scores.

3.3.8. Bidders shall not be allowed to modify their bids after the deadline for submission. During bid evaluation, the Supervising Officers may request, in writing, bidders to provide clarification in respect of their bids, provided that all bidders are treated equally and no changes on substance of bids.

3.3.9. The Supervising Officers shall invite the first ranked tenderer for contract negotiations. If the negotiation is unsuccessful, the next ranked shall be invited.

3.3.10. The Supervising Officers shall prepare a contract and submit it for approval and for signature by the Fund Director (see appendix 6). A copy of all signed contracts shall be forwarded to the Attaché of DGIC and to the two Supervising Officers.

3.3.11. The Supervising Officers shall notify the results of the tender to all participants.

3.3.12. All decisions related to the selection of consultants or consulting firms and the awarding of contracts shall be taken by mutual agreement between the two Supervising Officers. Should such agreement turn out to be impossible, the Fund Director and the Counsellor for International Cooperation the Belgian Embassy shall be informed and the decision to finance the consultancy shall be cancelled.

3.3.13. In case no suitable offers are obtained, a second and final call may be organised. If not, the Counsellor for International Cooperation at the Belgian Embassy in Hanoi shall be informed and the decision to finance the consultancy shall be cancelled.

3.3.14. The Belgian Supervising Officer is entitled to designate a technical assistant to support him during the awarding process.

3.3.15. After consultants or consulting firms have submitted a bid, consultants or consulting firms shall be asked to send all further correspondence to the Vietnamese Supervising Officer with a copy to the Belgian Supervising Officer. All correspondence towards the consultants or consulting firms shall be sent by one of the Supervising Officers after consent by the other.

3.4. Implementation of the consultancy

3.4.1. The Supervising Officers are responsible for the follow-up and for the approval of the intermediate reports (if requested) and of the final report. For this purpose they shall consult the beneficiaries, shall assure that the terms of reference and the conditions of the contract have been respected and that the services are of acceptable quality.

3.4.2. All decisions related to these tasks shall be taken jointly by the two Supervising Officers.

3.5. Payments

- 3.5.1. The consultant or consultancy firm shall submit his/her invoices together with requested relevant documents, to the Vietnamese Supervising officer who shall verify all the invoices and approve by signing them with the mention "for services rendered".
- 3.5.2. The Vietnamese Supervising Officer shall then transfer all invoices to the Belgian Supervising Officer who shall approve them by signing with the mentions "for services rendered" and "read and approved".
- 3.5.3. The Belgian Supervising Officer shall submit all these signed invoices to the Fund Director.

4. Results and follow-up

- 4.1. The Supervising Officers shall send a copy of all reports, elaborated as part of the consultancy, to the Fund Director and to the Counsellor for International Cooperation at the Belgian Embassy.
- 4.2. All studies financed by the study and consultancy fund, are property of the Government of Vietnam. The Government of Belgium is entitled to use the results for cooperation purposes.
- 4.3. Expenses made during the process to select a consultant or consultancy firm shall be considered as part of the total cost of a consultancy financed by the study and consultancy fund.

APPENDIXES

Appendix 1. Addresses

1. Fund Director of the Belgium-Vietnam consultancy and consultancy fund

Ministry of Planning and Investment
2 Hoang Van Thu Street
Hanoi

tel 04 804 3505
fax 04 733 0536

2. counsellor for International Cooperation based at the Belgian Embassy in Hanoi

Belgium Embassy
9th Floor
Hanoi Towers
49 Hai Ba Trung
Hanoi

tel 04 9346178
fax 04 9346184
e-mail badc@hn.vnn.vn

3. Belgian Supervising Officer

Belgian Technical Cooperation (BTC)
57 Tran Phu
Hanoi

tel 04 733 8762
fax 04
e-mail btcctb@hn.vnn.vn

Appendix 2. Standard form of tender invitation letter

Tender invitation letter

Hanoi,

TO: (name and address of the tenderer)

Hereby we would like to invite you to take part in a tender concerning the consultancy <title> for which you will find enclosed a complete set of bidding documents.

The Belgian-Vietnamese Study and Consultancy Fund is preparing to implement the consultancy <title, brief description of the objectives and content>.

The undersigned Belgian Supervising Officer and Vietnamese Supervising Officer have been designated to follow-up the implementation of this consultancy. They shall select a consultant capable of providing < scope of consultancy services> by way of dual envelope tendering.

The successful tenderer shall be selected on the basis of the results of the assessment of the technical proposal in conjunction with the financial proposal in accordance with the items specified in this document.

Please notify us if you have received this tender invitation letter and whether you are willing to participate in the tendering process.

For the Belgian-Vietnamese Study and Consultancy Fund

The Belgian Supervising Officer
Resident Representative of the
Belgian Technical Cooperation
Tran Phu 57, Hanoi
Tel 84-4-733 8761
Fax 84-4-733 8762
E-mail: btcctb@hn.vnn.vn

The Vietnamese Supervising Officer
.....
.....

Appendix 3. Standard form of public announcement

date x

Tender invitation notice

The Belgian-Vietnamese Study and Consultancy Fund is calling for bid proposals to implement the consultancy *<title, purpose, content and scope>*

The Belgian-Vietnamese Study and Consultancy Fund invites all eligible and qualified consultants of consultancy firms to take part in the tendering process, to obtain more information and to get bidding dossiers at the following address:

The Belgian-Vietnamese Study and Consultancy Fund
Belgian Supervising Officer
Belgian Technical Cooperation
Tran Phu 57, Hanoi
Tel 84-4-733 8761
Fax 84-4-733 8762
E-mail: btctb@hn.vnn.vn

The bidding documents will be available from 8:00 AM of *<x + 10 calendar days>* at the above mentioned address.

The deadline of the bid proposal submission of bidders is at *<submission deadline: hour, date >*.

Bids will be opened in the presence of the bidders' representatives who choose to attend at the above address at *<within 48 hours of the submission deadline>*.

The Vietnamese and Belgian Supervising Officers

Appendix 4. Standard form of instructions to tenderers

INSTRUCTIONS TO TENDERERS

1. The tenderer shall prepare technical and financial proposals in two separate, sealed, envelopes that shall be submitted at the same time.
2. The technical proposal should demonstrate the tenderer's understanding of the requirements of the tender and the necessary tasks as provided within the scope of the terms of reference. The tenderer should provide all the following information:
 - (a) organizational structure and experience of the tenderer (see enclosed Form 1). The experience in tenders that have been undertaken by the tenderer as the main contractor must be mentioned. The tenderer should submit contracts or other evidence at the request of the Belgian-Vietnamese Study and Consultancy Fund prior to, or (if it is selected) during, the contract negotiations.
 - (b) Solutions or general methodology for implementing the consultancy as proposed by the tenderer, including detailed information, if necessary.
 - (c) A work program, including a chart of the organizational structure, line diagram of main items of work, and a manpower plan. The manpower plan should specify the estimated working time (office working time and working time at the site are to be separated) and the work plan for each specialist (local and foreign specialist). The manpower plan must be prepared in accordance with enclosed Form 2.
 - (d) Recommendations (if any) for improving the terms of reference.
 - (e) A curriculum vitae of each proposed expert including full name, age, educational and professional background, qualifications and in particular any relevant experience (see enclosed Form 3). Each curriculum vitae will be signed by the concerned expert and the authenticity of the curriculum vitae confirmed.
 - (g) Written undertaking of partnership or employment of local sub-contractors, if any.
 - (h) Estimates of office area, means of transport, office equipment, site research equipment, support personnel of the Belgian-Vietnamese Study and Consultancy Fund, etc, necessary to provide the consultancy services.

3. The tenderer may request the Belgian-Vietnamese Study and Consultancy Fund to clarify the tender invitation documents and visit the site to understand more about the project. The tenderer shall be responsible for all expenses incurred in connection with the study and the collection of initial data required for the preparation of tender documents or future negotiations.
4. The Belgian-Vietnamese Study and Consultancy Fund shall provide any additional information if so requested by any tenderer. Any delay in the provision of such additional information shall not be deemed to be a reason for extension of the time-limit for tender submission. Any such additional information will be send to all participants.
5. The financial proposal shall be prepared in accordance with the enclosed Form 4 on the basis of the requirements and provisions of the tender invitation documents. All expenses will be expressed in \$ US.

The fee for consultancy services shall be gross and include payments to experts (basic salary, social expenses, management expenses, corporate profits and other allowances of experts) and expenses other than salaries, such as overseas traveling expenses, per diem allowances, communications, stationery, work facilities, training and other expenses. The latter expenses will be reimbursed on basis of actual payments or invoices not exceeding a maximum agreed amount.

The tender documents of the consultant or consultancy firm shall be prepared in English. One original and 2 copies shall be submitted in a sealed envelope before < local time -day, month, year> at the following address:

The Belgian-Vietnamese Study and Consultancy Fund
Belgian Supervising Officer, Resident Representative of the Belgian
Technical Cooperation
Tran Phu 57, Hanoi
Tel 84-4-733 8761
Fax 84-4-733 8762
E-mail: btctb@hn.vnn.vn

In addition, the tenderer will notify the Supervising Officers of the posting of its tender documents, including the package number, form of postage and proposed date of arrival.

6. Technical proposal envelopes shall be opened on <local time, hour, day, month, year> at the above mentioned address. The tenderers' representatives who choose to may attend this opening session (*in case of open bidding*).
7. Technical proposal documents shall be evaluated on the basis of the criteria for assessment specified in the tender invitation documents and of detailed criteria for assessment adopted before the time of opening of tenders. (see enclosed Form 5).

8. During the evaluation, the Belgian-Vietnamese Study and Consultancy Fund shall not consider any technical proposal documents in relation to which there have been changes of capability, not ensuring the performance of the tender package.
9. The Belgian-Vietnamese Study and Consultancy Fund shall not accept any proposal for change in the proposed personnel during the assessment of technical proposal documents.
10. Financial proposal envelopes of all tenderers which achieve a technical score of 70% or more shall be opened for assessment and classification on the basis of the ratio between technical score and the price <specify the percentage ratio between the technical score and the price>. The tenderer that offers the lowest price shall achieve the maximum price score of 100. The price score of other tenderers shall be determined in accordance with the following formula:

Price score of the tenderer in question = (Lowest tender price / Tender price of the tenderer in question) * 100

Formula of calculating the general score in respect of the tender documents:

General score = Technical score * K/100 + Price score * G/100

Of which:

K is the percentage of technical scores <minimum [percentage] = 70%>

G is the percentage of price scores <maximum [percentage] = 30%>

The tenderer ranking the first (achieving the highest general score) shall be invited to negotiate financial issues and contents of a contract.

10. Representatives taking part in negotiations and signing the contract on behalf of the tenderer must have been issued with powers of attorney. If negotiations fail, the party calling for tenders shall invite the next ranking tenderer to enter into negotiations.
11. All payments by the Belgian-Vietnamese Study and Consultancy Fund will be by bank transfer or by cheque.
12. During and after the term of the consultancy services, the Belgian-Vietnamese Study and Consultancy Fund shall have the right to inspect the progress of work as well as books of account of the tenderer relating to the consultancy services.

FORM 1. Overview of similar projects undertaken during past three to five years by the consultant or consultancy firm

- Name of relevant tenders and projects
- Location
- Investor
- Experts involved in such projects (numbers of experts and man-months)
- Period of time for which services were provided (from...date..to ...date..)
- Estimated value of consultancy services provided, specifying whether as an independent contractor, in partnership or as sub-contractor
- Detailed description of consultancy service

FORM 2. Manpower plan

Full Name	Position	MONTHS												Total Man-Months		
		1	2	3	4	...	10	11	12	1	2	3	...			
Total																

FORM 3. Curriculum Vitae for each concerned expert

- 1) Full name
- 2) Date of birth
- 3) Nationality.
- 4) Proposed position
- 5) Tertiary education (name and address of institution, official title of degree, diploma or certificate and year of obtaining it).
- 6) Other training
- 7) Other skills
- 8) Membership of professional organizations.
- 9) Overseas working experience.
- 10) Working background (clearly stating time period, names of organizations, positions and delegated tasks):
- 11) Undertaking to ensure sufficient time to implement the consultancy.
- 12) Signed declaration of authenticity of the curriculum vitae by the concerned expert.

FORM 4. Statement of expenses

Currency: \$ US
 Tender: <subject>

Description	Unit type	Quantity	Unit price	Total
Consultancy fee				
expert 1	day			
expert 2				
.....				
<i>Expenses reimbursed on basis of actual payments:</i>				
Transport				
International	ticket			
Local	ticket			
Accommodation	night			
Daily allowance	day			
Operating expenses	lump sum			
.....				
TOTAL				

FORM 5. Criteria for technical evaluation

Evaluation Criteria	Maximum score	Tenderer 1		Tenderer 2		Tenderer...	
		Proportion	Score	Proportion	Score	Proportion	Score
<p>I. Experience (10% to 20% of total score)</p> <p>a) Having undertaken similar consultancies b) Having undertaken consultancies in similar geographical conditions c) Other factors</p> <p>II. Approach and method (30% to 40% of total score)</p> <p>a) Full understanding of objectives of consultancy b) Methodology c) Initiatives and improvements d) Work programme e) Man-time (man-months) f) Training and Technology transfer g) Working facilities h) Presentation</p> <p>III. Personnel (50% to 60% of total score)</p> <p>a) Chief advisor/team leader b) Experts in various fields</p> <p>TOTAL (100%)</p>							

Note:

- Each item (I, II, and III) must achieve a minimum score of more than 50%
- Tender documents which achieve a technical score of 70% or over shall be considered to have satisfied technical requirements

Appendix 5. Standard form of Terms of Reference for an identification mission

TERMS OF REFERENCE FOR AN IDENTIFICATION MISSION

1. Policy context

The following issues shall be described

- The relevant Vietnamese policy
- The expected approach
- A budget estimate

2. Short description of the project

The following issues shall be introduced

- A proposal for a general objective
- A proposal for specific objectives

3. Practical and organisational requirements

A list of minimal requirements shall be set up, such as

- a list of documents to be consulted including methodological documents used by the Belgian International Cooperation
- persons, institutions and agencies to be met
- activities to be carried out such as a participative workshop, briefing
- expected date of the final report
- minimal requirements of the consultants

4. Expected outputs

A detailed list of the requirements of the final report shall be described:

- language to be used in the report
- the minimal composition of the chapters:
 - subject and beneficiaries
 - review of the political, social, economic and financial situation of Vietnam and analysis of the situation of the area relevant to the subject of the project
 - analysis of the major problems faced by the beneficiaries, analysed by means of a problem-tree

- the conversion of a problem tree into a an objective tree
- analysis of different strategies including their risks and their relation to the relevant Vietnamese policy
- elaboration of a logical framework (including general and specific objective, intermediate results, activities, indicators, assumptions and external conditions)
- an assessment of the contribution of the project to sustainable development, made on the following criteria, insofar as they are relevant:
 - contribution to institutional strengthening of and capacity building
 - financial feasibility and potential profitability
 - economic and social impact
 - political, cultural and technical viability
 - respect for the environment'
 - efficiency of the implementation procedure
 - contribution to the equitable rights and opportunities of mean and women, to democratisation and to good governance
- Terms of Reference for a formulation mission

5. Time schedule

Duration of the consultancy including the time at which the consultancy should start and a detailed time schedule for filing reports on the scope of the consultancy services.

Appendix 6. Standard format of a consultancy contract

Contract for a consultancy to <subject>

Number:
allocated to
signed <date>

In the framework of the Belgian-Vietnamese Study and Consultancy Fund, and in view of

is agreed between

The Belgian-Vietnamese Study and Consultancy Fund
Represented by the Vietnamese Fund Director
M. / Mrs.
Ministry of Planning and Investment
2 Hoang Van Thu Street
Tel.
Fax.
E-mail
Bank account Standard Chartered 3710060561

hereinafter called 'the Fund'

and

M. / Mrs.
Representative of
Address
Tel.
Fax.
E-mail
Bank account

hereinafter called 'the Consultant'

the following:

1. Bases for conclusion of contract

This contract is established

- On the basis of the requirements for consultancy for the project of

- On the basis of the notice award of contract dated

The present contract is a contract for the supply of consulting services awarded after *<an open bidding; direct invitation>* procedure.

2. Legal texts and documents

This contract complies with the Vietnamese Procurement Regulation and will be steered, in order of decreasing priority, by the following legal texts and documents:

- The Specific Agreement between the Government of the Kingdom of Belgium and the Government of the Socialist Republic of Vietnam on the Creation of a Belgian-Vietnamese Study and Consultancy Fund signed on 8 August 2000
- Vietnamese Government Decree No. 88-1999-ND-CP dated 1 September 1999 on Procurement Regulation
- Vietnamese Government Decree No. 14-2000-ND-CP dated 5 May 2000 on Amendment of and addition to a number of articles of the regulations on tendering issued with decree 88-1999-ND-CP of the government dated 1 September 1999
- Ministry of Planning and Investment Circular No. 04-2000-TT-BKH dated 26 May 2000 on Providing guidelines for implementation of the regulations of tendering
- The present contract

3. Related parties

The *Vietnamese Supervising Officer*, representing the Vietnamese Ministry of
M. / Mrs.
Address

Tel.

Fax.

E-mail

The *Belgian Supervising Officer*, Resident Representative of the Belgian Technical Cooperation
Tran Phu 57, Hanoi
Tel 84-4-733 8761
Fax 84-4-733 8762
E-mail: btcctb@hn.vnn.vn

4. Contents of contract

4.1. Contract documents

The following attached documents are an integral part of this contract:

- Notice of award of contract
- Tendering documents
- Addenda

4.2. Duties and detailed works to be implemented by the Consultant

The subject of the contract is a consultancy in order to, as detailed in the Terms of Reference.

The Consultant is responsible for the entire consultancy until full completion.

4.3. Consultancy team.

The consultancy will be executed entirely by

The composition of this team can only be changed after written approval by the two Supervising Officers.

4.4. Effectiveness of contract

The contract becomes effective at the date of signature. The assignment starts < at; x days after;> the date of signing.

4.5. Expected Results and Timing

The following reports are expected:

	Handover before
Intermediate Report 1
Intermediate Report 2
.....	
Final Report	

4.6. Correspondence and Reports

The Consultant will send all official correspondence and reports to the Vietnamese Supervising Officer and a copy to the Belgian Supervising Officer.

All official correspondence to the Consultant will be signed by at least one Supervising Officer.

The Consultant will provide an electronic version of all reports to both Supervising Officers.

All official correspondence and reports will be written in English.

4.7. Price

The price is based on the consultant's price offer. No price revisions will be accepted.

The consultant's salary is \$ US.

The following expenses will be reimbursed on basis of actual invoices but shall not exceed the maximum agreed amount:

	Unit price (\$ US)	Quantity	Maximum agreed amount
Transport			
International Transport			
Local Transport			
Per diem allowance			
Accommodation			
Operating expenses			
.....			

The total contract amount is \$ US

As the Fund is exempted of taxes (including VAT), charges and import duties, the Fund is not authorized to pay or reimburse any of these items.

4.8. Terms of Payment.

All payments will be done by bank transfer or by cheque.

The Consultant will submit his/her invoices with the requested relevant documents to the Vietnamese Supervising Officer. Verification by the Belgian and Vietnamese Supervising Officers and approval by the Belgian Supervising Officer and Vietnamese Fund Director is needed to authorize the payment of the invoices.

In case the verification or approval poses a problem, the Consultant will be informed in writing if .

The payment will be done in <one; several> instalments according to the following schedule:

	Condition	Amount (\$ US)
Instalment 1		
Instalment 2		
Last instalment		

The last instalment will occur after the approval of the final study report by the Vietnamese and Belgian Supervising Officer.

Where applicable, the exchange rate of the bank of the Consultant on the date of payment will be used.

4.9. Penalties

Failure by the Consultant to deliver in time the intermediate and final reports that meet the quality requirements as requested in the Terms of Reference will lead to a penalty of \$ US (*example: 0.07% of the total contract amount*) per day of delay. However the maximum penalty will not exceed \$ US (*example: 5 % of the total contract amount*).

In case the delay is solely caused by factors external to the Consultant, no penalties will be applied.

4.10. Confidentiality.

The Consultant will never disclose any information obtained during his/her consultancy to non-related parties. Breach of this article may lead to annulling this contract in which case the Consultant is not entitled to any payments or compensations for the work already performed.

4.11. Settlement of disputes

This Consultancy contract is governed by the Laws of Vietnam.

In the event of any dispute, both Parties will discuss and try to resolve the problem by mutual agreement. If the dispute cannot be resolved by negotiation, the matter will be brought before a Vietnamese court with competent jurisdiction according to law.

This Consultancy contract is made in 4 copies in English with equal legal validity. Each party and the two Supervising Officers will keep one copy.

Each copy will be dated and signed with the hand-written mention 'Read and approved'.

On behalf of the Fund

On behalf of the Consultant

M. / Mrs.
Belgian-Vietnamese Study and Consultancy Fund