

SUMMARY OF QUESTIONS AND ANSWERS

No.	Question	Answered by	Answer
1	Will the Employer conduct a new prequalification (PQ) process?	Employer's Representative	The Employer will not conduct a new PQ process. Instead, international competitive bidding (ICB) will be organized. The PQ results from 2012 are now more than 13 years old and can no longer be used due to significant changes in project information and potential bidders.
2	Bidders who previously passed the PQ stage would like to know if the Employer will issue a formal notice cancelling the PQ results?	Employer's Representative	The PQ results from over 10 years ago are now outdated and no longer consistent with the changes in the Project. Therefore, the Employer will issue official letters to the shortlisted bidders from that time to notify that the old PQ results will not be used. At the same time, the Employer will invite those bidders to participate in the new bidding process without requiring a new PQ.
3	According to the information provided, the FIDIC Design-Build (Yellow Book) contract will be applied for packages CP1, CP2, and CP5, while the FIDIC Construction (Red Book) contract will be used for CP3. Bidders are interested in how the Employer will address the discrepancies between FIDIC terms and current Vietnamese laws during project implementation.	Employer's Representative	The FIDIC Contract is used for bidding and contract negotiation and will be strictly followed after signing. The Employer has experience in applying FIDIC conditions in the Urban Railway Line 3, Nhon – Hanoi Station section, particularly over the last three years. With recent legal instruments issued (such as Resolution No. 188, Decree No. 175, and Decree No. 123), FIDIC contract templates and donor regulations are now officially recognized and fully applicable under Vietnamese law. Therefore, this matter no longer presents the same legal obstacles as in the past.
4	According to the contractor's experience from other ODA projects also applying FIDIC, design changes do not fall under the authority of the Employer. When the contractor submits a change, the consultant cannot approve it without prior opinions from specialized agencies, which forces the Employer to seek opinions from related authorities. This consumes significant time for the approval procedure and delays the contract implementation schedule. The contractor wishes the Employer would share experience in handling design changes in ongoing projects.	Employer's Representative	<ul style="list-style-type: none"> Recent legal regulations, especially Resolution No. 188, Decree No. 175 and Decree No. 123, have delegated more authority to the Employer, reducing procedural time and allowing for more flexible project management and implementation. According to Article 49 of Decree No. 175, only major changes (e.g., foundation structure solutions, station structures, etc.) require prior appraisal by a specialized construction agency (e.g., Hanoi Department of Construction) before the Employer approves them. All other changes fall under the Employer's approval authority. Regarding approval timelines, the Hanoi People's Committee has issued a "green lane" mechanism for urban railway projects to accelerate administrative procedures. For simple contents, feedback may be given within 24 hours; for complex dossiers, approval time is reduced by 60% compared to previous regulations (typically from 7 to 15 working days depending on the dossier).
5	The Project is located in the inner city, with many existing complex utility packages. The Contractor is concerned about the relocation of the utility packages. How will this be implemented?	Employer's Representative	The Client is currently implementing some independent packages for technical infrastructure relocation before handing over the site to the Contractor. Accordingly, the relocation plan and design documents for the entire technical infrastructure, as agreed and closely coordinated between the Client and the General Consultant of the Project, will ensure legal compliance. In principle, the relocation design plan for the entire technical infrastructure is outside the scope of the civil works contract. Therefore, the relocation of technical infrastructure outside the scope of the civil works contract needs to be organized in a way that is closely coordinated with the main civil works, and this will be specified in the tender documents so that bidders can propose appropriate construction methods.
6	Based on the Contractor's experience with projects in Hanoi City, traffic barriers and diversions at a construction site require consultation with many relevant agencies. The Contractor is concerned whether, during the design phase, the Client has already considered and agreed on a basic traffic diversion plan with the relevant agencies. The Contractor also wishes for the Client to share their experience regarding the licensing procedures that the Client is implementing in ongoing projects?	Employer's Representative	<ul style="list-style-type: none"> The Employer has experience in implementing barricade installation and traffic segregation from the Nhon – Hanoi Station Metro Line 3 project, and this experience will be applied to Metro Line 2. The relevant authorities in Hanoi are already familiar with the procedures for traffic segregation. The approval process for such procedures typically takes around one week after the complete application is submitted by the contractor.
7	Under the FIDIC Contract Template, the Dispute Board (DB) plays a crucial role in preventing disputes between the parties. The Contractor is interested in whether a DB will be applied in this project.	Employer's Representative	The Employer will fully apply the FIDIC Contract Conditions, including the establishment of a Dispute Board (DB). In fact, a DB has already been established and has been operating effectively under several packages of Metro Line 3.
8	The Contractor would like the Employer to share its experience regarding the approval procedures for Variations (VO) being implemented in the ongoing projects.	Employer's Representative	<ul style="list-style-type: none"> In the event of a Variation (VO/VR), the Employer will carry out the change procedures in compliance with the FIDIC Contract. For major changes that require technical appraisal by the competent authority, an additional appraisal step will be required prior to approval.

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			<ul style="list-style-type: none"> Most other variations follow the standard project procedure: the Contractor submits to the Engineer, the Engineer issues a Statement of No Objection (SONO), and then the submission is sent to the Employer for approval. If the VO cannot be agreed upon between the Employer and the Contractor, the Engineer shall make a determination in accordance with Sub-Clause 3.5 of the General Conditions.
9	Does the Employer plan to issue guideline documents on bidding criteria for packages subject to STEP regulations? Will these criteria differ from standard international bidding requirements?	Employer's Representative	<ul style="list-style-type: none"> The Project is financed by Official Development Assistance (ODA) from the Government of Japan through JICA and is subject to the STEP mechanism. Once the final loan agreement and accurate information are available (expected to be completed within this year), the Employer will include these details in the bidding documents for Contractors' proper understanding. STEP promotes the participation of both Japanese and Vietnamese Contractors. Specific requirements will be provided in the bidding documents. The Government of Vietnam encourages foreign Contractors to strengthen cooperation and partnership with local Contractors to enhance capacity and facilitate technology transfer.
10	In STEP-applied packages, Japanese contractors often play a principal role. Are there specific requirements regarding the share of Japanese contractors and any programs promoting collaboration between Japanese and Vietnamese contractors?	Employer's Representative	<ul style="list-style-type: none"> As previously mentioned, STEP encourages the participation of both Japanese and Vietnamese contractors, not exclusively Japanese firms. The Government of Vietnam encourages cooperation and partnership between foreign and local contractors in order to enhance capabilities and promote technology transfer to Vietnamese contractors. Contractors have proactively established connections through various channels, and this conference itself is one such platform. The Employer stands ready to provide information to support such collaboration efforts.
11	For contracts applying the FIDIC Yellow Book (Design & Build), the contractor must submit the design for approval by the project consultant. According to FIDIC, this process takes 21 to 28 days, while state agencies have accelerated the response time to only 7 to 10 days. Will the project adopt a shorter review period, or does the project consultant intend to shorten the design review and approval process?	General Consultant Representative	<ul style="list-style-type: none"> The shortening of the review period depends on the quality of the documents submitted by the contractor. According to the FIDIC Contract Conditions, the period is 21–28 days; however, the Employer will make efforts to accelerate the review and commenting process, provided that the contractor's submission ensures quality, complies with procedures, and there is cooperation from the contractor.
12	With the experience of being the contractor in charge of package CP1B of Ho Chi Minh City Metro Line 1, the signed contract with the Employer was also under the Design & Build (Yellow Book) form. However, during the contract implementation, the contractor faced many difficulties related to changes in technical requirements and basic design, although some contents were unrealistic, the Employer did not want to change them. Will the same situation happen in this project when applying the Design & Build contract, and how does the Employer view the application of Design & Build contracts in Vietnam?	Employer's Representative	<ul style="list-style-type: none"> The Employer clarified that Package CP1B of HCMC Metro Line 1 was in fact an EPC (Silver Book) contract, not a Design & Build (Yellow Book) contract. However, the Employer confirmed that Vietnam's legal regulations have significantly changed over the past year, increasing the Employer's authority to approve most changes. The Employer has learned from HCMC Line 1 and previous projects. For this project, the FIDIC Yellow Book (Design & Build) will be applied to ensure a more balanced risk-sharing between the Employer and the Contractor.
13	Is it possible to split the CP4 package into two separate packages—E&M systems and Rolling Stock—considering the current scope of CP4 is quite large and challenging for potential bidders?	Employer's Representative	The Employer will consider the possibility of splitting the CP4 package based on the information gathered from the market sounding session and other sources, if deemed necessary.
14	Will the project consider the nomination of subcontractors?	Employer's Representative	<ul style="list-style-type: none"> The Employer fully complies with FIDIC. Under FIDIC, the nomination of subcontractors applies only in specific cases and is not a general requirement. Normally, the main contractor will propose subcontractors on its own.
15	Will the Employer initiate the bidding process before the land acquisition is fully completed?	Employer's Representative	<ul style="list-style-type: none"> Over 90% of the total project land area has already been acquired. Currently, there are only two major remaining obstacles: Station No.6 and the depot area, which are expected to be cleared in Q4/2025. The bidding process will commence in Q4/2025 and is expected to last about one year. The remaining land acquisition can be completed during this time. The Employer's stance is to hand over the complete site to the contractor before commencement of construction.

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16	Some interim payments to contractors have failed to meet the payment deadlines, leading to delays. Does the Employer intend to take any actions to address these payment delays?	Employer's Representative	<ul style="list-style-type: none"> ▪ The Employer affirmed that the payment situation for the packages managed by MRB has significantly improved recently due to the application of more flexible mechanisms. ▪ Regarding funding sources: Hanoi has requested a mechanism for flexible capital allocation. If there are obstacles in ODA disbursement, the City will advance payments from the local budget and later reimburse it upon completion of ODA procedures. ▪ Regarding payment procedures: The Employer assigns the Engineer the role as defined in FIDIC. When the contractor submits a payment request to the Engineer (who has up to 28 days for certification), the Employer shall proceed with payment according to the Engineer's certification. Even if the Employer has a different opinion, payment will still be made based on the Engineer's certification, and a formal letter will be sent to the Engineer to review and adjust the next IPC if any errors are found. This fully complies with the FIDIC Contract and has already been practically applied in Line 3 project.
17	The project has encountered some additional major requirements during inspections due to changes in Vietnamese laws related to fire prevention and fighting. How does the Employer intend to address such major changes in Vietnamese law during project implementation?	Employer's Representative	<ul style="list-style-type: none"> ▪ Chủ đầu tư không cho rằng việc kiểm tra nghiệm thu phòng cháy chữa cháy khi hoàn thành dự án sẽ bị ảnh hưởng lớn bởi thay đổi luật pháp. Việc kiểm tra là để đảm bảo sự tuân thủ giữa sản phẩm thi công với hồ sơ thiết kế đã được thẩm định và phê duyệt. ▪ Các quy định pháp luật về phòng cháy chữa cháy gần đây đã có điều chỉnh để đơn giản hơn. Ví dụ, bước thiết kế cơ sở không cần thẩm duyệt của công an phòng cháy chữa cháy mà chỉ cần ý kiến thẩm định chuyên môn của Sở Xây dựng. Bước thiết kế chi tiết chỉ cần ý kiến thẩm định chứ không cần thẩm duyệt của công an phòng cháy chữa cháy. ▪ Nghị Quyết 188 cho phép UBND TP Hà Nội quyết định áp dụng Quy chuẩn/ Tiêu chuẩn cho dự án cụ thể.
18	What are the obligations related to import duties and taxes for key materials and equipment, and personal income tax for foreign experts?	Employer's Representative	<ul style="list-style-type: none"> ▪ According to current laws, the following cases are not exempt from import duties: <ul style="list-style-type: none"> - Goods imported through Vietnamese ports and borders (pursuant to Clause 1, Article 2 of the Law on Export and Import Duties dated 6 April 2016). - Temporarily imported and re-exported goods within a specific period, including machinery, equipment, tools, and vehicles of organizations and individuals temporarily imported and re-exported for investment projects, construction, installation, or production activities (as per Point a, Clause 9, Article 16 of the same law). ▪ According to the applicable laws, the taxpayer for import duties and fees is the owner of the imported goods, which is interpreted as the Project Owner. ▪ Foreign experts working in Vietnam are exempt from personal income tax on salaries and wages related to the implementation of ODA programs and projects if all legal requirements are met. The Employer has applied this tax exemption policy to many experts involved in Line 3.1. If the Contractor requires, the Employer is willing to provide further information and detailed guidance on tax exemption procedures as per regulations.
19	Regarding the application of the FIDIC Contract Form, will the project adopt the 1999 or 2017 edition?	General Consultant Representative	General Consultant Representative The form of contract shall comply with JICA's standard documentation, applying the FIDIC 1999 edition.
20	During the implementation of fire protection design, the project may last 4–5 years and regulations may change. Currently, QCVN06 is being applied, but this regulation may change annually. At the time of inspection and acceptance upon project completion, changes in laws and regulations may cause difficulties for the contractor. How does the Employer intend to address this situation?	Employer's Representative	<p>According to Resolution 188, Hanoi and Ho Chi Minh City are authorized to decide on the applicable codes and standards for the project.</p> <p>The Employer will approve the applicable codes and standards for the project from the outset. If the fire protection design dossier has already been appraised and the construction is prolonged, any subsequent changes in codes and standards during implementation shall not apply; the originally appraised codes and standards will continue to be valid.</p>
21	For a Design & Build contract, the contractor's capacity is evaluated based on the design proposal. If the contractor	General Consultant Representative	<ul style="list-style-type: none"> ▪ This is an open question and will be discussed further in upcoming meetings with contractors.

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	has a different design idea that offers advantages to the Employer in terms of cost, quality, and construction schedule, will such an idea be allowed to be implemented?		<ul style="list-style-type: none"> ▪ However, under the current regulations, alternative design proposals submitted by the contractor are not permitted, as these would be considered deviations and would lead to disqualification. ▪ Submitting an alternative design also complicates the evaluation and comparison with other candidates. ▪ The evaluation will follow JICA's standard bidding procedures, where the contractor is scored based on both the technical and financial proposals. If the technical proposal is deemed unsatisfactory, the financial proposal will not be evaluated.
22	Packages CP1, CP2, and CP3 require large temporary construction yards for beam casting and tunnel segment fabrication. Has the Employer prepared such temporary yards in advance for these packages?	Employer's Representative	<ul style="list-style-type: none"> ▪ The construction areas for CP1 and CP2 (underground) and CP3 (elevated) are all located in densely populated and narrow urban zones. ▪ The available space is only sufficient for executing construction methods and does not allow for on-site casting yards for beams or tunnel segments. ▪ Experience from Line 3 shows that beams and tunnel segments were cast at factories in the outskirts of Hanoi (e.g., Ha Nam). ▪ Contractors will be responsible for finding their own temporary construction yards.
23	If the contractor wishes to establish a concrete batching plant on-site (within the urban area), would it be permitted? If so, would the permitting process and subsequent operations be challenging?	Employer's Representative	The contractor must research the zoning plans and applicable procedures for establishing concrete batching plants. According to the information available to the Employer, on-site batching plants are currently not permitted within the inner-city areas of Hanoi due to environmental concerns.
24	Regarding the price escalation index, the FIDIC Yellow Book does not specify a particular index, and it is usually defined in the Particular Conditions of the Contract, often issued by an independent third party. If the index, once issued, does not reflect the actual costs incurred by the contractor, what adjustments can the Employer make to ensure a more balanced risk-sharing between the Employer and the contractor?	Employer's Representative	<ul style="list-style-type: none"> ▪ The price adjustment indices are to be agreed upon and contractually established between the Employer and the contractor. Once signed, any amendments are highly complicated; therefore, careful consideration must be given during contract negotiations to select an appropriate set of indices from the outset. ▪ The price adjustment formula will follow the standard provisions of the FIDIC Contract. ▪ The key issue lies in the source of the indices. Experience shows that failure to thoroughly discuss the source of indices during tendering and contract negotiation stages often results in indices that do not accurately reflect market conditions. ▪ Vietnamese law does not mandate a fixed source of indices; it is subject to mutual agreement between the Employer and the contractor. ▪ In the bidding documents, the Employer will propose a suitable source of indices based on the advice of the OCG, and this matter will be thoroughly discussed during the contract negotiation process.
25	Will the Employer provide disposal sites for construction waste materials?	Employer's Representative	The Employer will not provide disposal sites for the contractor; the contractor must secure such sites independently. However, the Employer will assist the contractor with necessary procedures. Resolution No. 188 stipulates a special procedure for establishing project-specific disposal sites, meaning the contractor may propose a dedicated disposal site for the project.
26	Vietnamese construction law is fundamentally based on the FIDIC Red Book and has not yet been updated to align with the Yellow Book or Pink Book. This results in various conflicts between Vietnamese law and the FIDIC Yellow Book (which is intended for the project). If the Employer's position is to comply with Vietnamese law, how can the project still be considered to apply the FIDIC Yellow Book? What is the Employer's position on this issue?	Employer's Representative	<ul style="list-style-type: none"> ▪ Vietnamese law currently recognizes a contract type equivalent to the FIDIC Yellow Book (Design & Build), which is the EC (Engineering and Construction) contract. ▪ Regarding conflicts between the FIDIC Contract and Vietnamese law, the Employer affirms that once the FIDIC Contract has been negotiated and signed, the Employer fully adheres to its provisions. In case of discrepancies, the FIDIC terms will prevail. ▪ Clause 3, Article 6 of Decree No. 37 on construction contract management also states: "A valid construction contract is the highest legal basis binding the employer, the contractor, and relevant parties to perform their obligations." ▪ The project is funded by JICA, and thus JICA's guidelines shall apply. Package CP3 will follow the Pink Book (the harmonized version of the 1999 Red Book). The remaining packages will apply the Yellow Book, based on the version provided by JICA.