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CIRCULAR

**GUIDING THE CONTEST AND SELECTION OF DESIGN PLAN OF CONSTRUCTION WORK
ARCHITECTURE**

Pursuant to the Decree No.17/2008/ND-CP dated 04/02/2008 of the Government stipulating the functions, tasks, powers and organizational structure of the Ministry of Construction;

Pursuant to the Decree No.12/2009/ND-CP dated 12/02/2009 of the Government on Management of Construction Investment,

The Ministry of Construction guides the contest and selection of design plan of construction work architecture as follows:

Chapter I

GENERAL PROVISIONS

Article 1. The purpose

the contest and selection of design plan of construction work architecture is aimed at selecting the best design plan meeting the maximum requirements of art, architecture planning, landscaping, utilities; expressing the meaning and nature of construction work, and with a high feasibility.

Article 2. Scope of governing and subjects of application

1. Scope of governing: To guide the contest and selection of design plan of construction work architecture for public works of large-scale, works with architecture-specific requirements. For other works are encouraged to apply.

2. Subjects of application: Organizations and individuals involved in the contest and selection of design plan of construction work architecture.

Article 3. The works required organizing the contest or selection of architectural design plans

1. Public works of large-scale include works of grade I and specific grade.

2. The works with specific architectural requirements include:

a) Symbol works, prominent works, works which are constructed in a position directly affecting the landscape appearance of urban architecture or the works having specific requirements such as international border gates, monuments, central railway stations, domestic, international airports; radio and television stations at provincial level or more;

- b) The urban traffic works having high aesthetic requirements such as overpasses, bridges over rivers in urban areas;
- c) The works as symbols of tradition, culture, and history with especially important significance for localities;
- d) The works with requirement of formal architecture, showing power such as head offices of the Party and State, the political-administrative centers at provincial level or higher;
- e) The works required by the authorities to make mark, contributing to the urban appearance and landscape.

Article 4. Forms of contest and selection of the plan

After the investment policy, the person deciding on investment or the investor (as the investor is also the person deciding on investment) decides to hold contests or selection of the design plan of construction work architecture. The contests or selection of the design plan of construction work architecture are made by one of the following forms:

1. Forms of contests:

a) Execution of unrestricted contest:

Unrestricted contest is a form of contest with unlimited number of contestants being domestic or foreign organizations and/or individuals (if necessary) to participate in and is publicized on mass media.

b) Restricted contest:

Restricted contest is a form of contest that investor invites at least five domestic or foreign organizations and individuals (if necessary) with qualifications to participate in the contest. The form of restricted contest is applied to the case the investor has identified a number of qualified consultants in accordance with the project, construction work or because of the conditions and time unable to hold the unrestricted contest.

2. Form of plan selection:

Plan selection is a form that the person deciding on investment (or the investor) selects a design consultant having eligible capacity, experience, proposed at least three design plans for investors to select the best plan for design, work construction.

Chapter II

ORGANIZATION OF THE CONTEST AND SELECTION OF DESIGN PLAN OF CONSTRUCTION WORK ARCHITECTURE

Article 5. Organization of the contests

The person deciding on investment (or the investor) can hold the contest by its own or hire an organization having experience in organizing contest.

1. Preparation for the contest:

a) Completing legal procedures and obtaining the documents, data, information on architecture and planning related to construction land lot.

b) Planning contest and preparation of funding to organize the contest. Funds for holding contests, prizes, supporting the plan of contest and fund for holding the selection of plan are included in the cost of the investment project of work construction.

c) Making design requirements. Content of design requirements must be stated clearly construction location, purpose, nature and scale of the work, requirement on idea, the meaning of the work and contribution of such works for the community and regional landscape and other related requirements.

d) Making Regulations of contest. Regulations of contest include the following basic contents:

- Form of contest, nature, purpose and its requirements.

- The time and place of the contest.

- Unified provisions on contest dossier, using language, measurement unit, currency unit. Contest dossier includes explanation, drawing, and model (if any).

- Other provisions proposed by the investor at the request of each contest.

đ) Depending on the nature of works, the investor can set up a council rating contest plan (hereinafter referred to as the Council) or set up a team of experts or invite the appropriate professional body to help investors to evaluate and rate the plans. Investor invites domestic or foreign experts (if necessary) in the fields of architecture, planning and other related fields to join the Council or the team of experts.

2. The contest:

a) Invitation of the contest:

- For unrestricted contest, the person holding the contest announces invitations of domestic or foreign organizations and individuals (if necessary) that are sufficient conditions and appropriate skills to participate in the contest.

- For restricted contest, the person holding the contest announces invitations of domestic or foreign organizations and individuals (if necessary) that are sufficient conditions and appropriate skills to participate in the contest. Investor approves the list, the number of organizations and individuals permitted to participate in.

b) Assessment and rating of plans:

The Council or the team of experts or professional body evaluate and rate the plans according to the scoring method.

c) Publication of results and awards:

When the contest organization, depending on the scale and nature of the work and the actual conditions, the person deciding on investment (or investor) determines the number of prizes, the prize level, the funding level for the valid contest plans and makes a decision on the award, awarding organization after the end of the contest.

Article 6. Organizations of the selection of architectural design plan

Based on the guidance at the points a, c, đ, clause 1 and point b Clause 2 of Article 5 of this Circular, the person deciding on investment (or investor) organizes the selection of architectural design plans appropriate to the scale and nature of construction work and actual conditions.

Article 7. Showing, exhibitions, consultancy of public opinion

Depending on the nature and scale of the work and specific conditions, the person deciding on investment may consider organization of showing, exhibitions, consultancy of public opinion on the contest plans or plans selected.

Article 8. Selection of the design plan for work construction

1. The person deciding on investment decides to select the appropriate plan to design work construction on the basis of considering results of assessment, ratings of the Council (or the team of experts, professional body invited), the opinions of the community, the feasibility of the plan and other related requirements such as construction technology, investment efficiency, and actual conditions.
2. The plan chosen to design the work construction is publicized by the person deciding on investment or the investor. The design plan chosen is the basis for the person deciding on investment to consider assignment for the author of the plan to design the work as having sufficient capacity conditions under specifications.
3. Before signing the contract of consultancy, design and during the course of implementation of the next design steps, the person deciding on investment (or investor) may require author to adjust the chosen design plan appropriately.

Article 9. Rights and responsibilities of agencies, organizations, and individuals involved in the contest or selection of plan

1. The person deciding on investment:
 - a) To approve the form of contest or selection of plan.
 - b) To approve the plan to organize the contest and funding of the contest.
 - c) To approve the contest results.
2. Investor:
 - a) To propose form of contest or selection for the person deciding on investment to decide.
 - b) To complete the legal procedures and provide the documents, data, information on architecture, planning, and other information related to work construction land lot for the organizations or individuals participating in the contest.
 - c) To plan the contest and funding for holding the contest.
 - d) To formulate and approve the design requirements.
 - đ) To formulate and approve the Regulations of contest.

e) To establish the Council or the team of experts or invite professional body to evaluate and rate the plans.

g) To synthesize and report results of evaluation and rating of contest plans or selection of plan to the person deciding on investment.

h) Organization to award.

i) When the investor at the same time as the person deciding on investment, investor exercises its rights and performs responsibilities of the person deciding on investment referred to in clause 1 of this Article.

3. Organizations and individuals participating in contest or selection of plans:

a) The organizations or individuals participating in contest or selection of plans must be eligible for capacity, civil act in accordance with current law regulations of Vietnam.

b) Organizations and individuals having selected architectural plans for work construction are assured copyright, are made up the project, and performed the next design steps as having sufficient capacity conditions; if they have no sufficient capacity, they may enter into partnership with other qualified consulting organizations to perform. Where organizations and individuals having selected architectural plans refuse to perform the next design steps, investor shall choose suitable contractor to perform, but the copyright remains with the organizations and individuals having selected architectural plans.

4. Council of evaluation, ratings, and the team of experts:

a) To set up the working Regulations of the Council or the team of experts (hereinafter referred to as the working Regulations). The working Regulations must be showed specifically principles and methods of evaluation, scoring and rating of the contest plans; the responsibilities of the Council or the team of experts.

b) Chairman of the Council or head of the team of experts is on behalf of the Council or the team of experts to approve the working Regulations and is responsible before the investor for the implementation of the Regulation.

c) Assessment, scoring and rating of the contest plans.

d) To take responsibility before law for ensuring the confidentiality, objectivity, honesty and having no negative behavior affecting the results of the evaluation and rating.

đ) To report and explain the results of the evaluation, rating to investor.

5. State agencies with management function of architecture and planning at the localities:

a) To recommend the person deciding on investment (or investor) the works required to contest or need for contests.

b) State agencies with management function of architecture and planning at the localities can present the requirements of architectural form, the requirements of the regulations on management of regional architecture, urban design for use as the basis for the person deciding on investment (or investor) to select the design plan of work construction of high quality, ensuring the requirements of planning, architecture, landscape and technical infrastructure.

c) Where the investor establishes a Council of contest or selection of plan, the State agency with management function of architecture and planning shall assist investor to nominate or appoint persons to participate in.

d) To guide and examine the involved organizations and individuals in the contest and selection of design plans for construction work architecture in accordance with the law provisions.

Chapter III

IMPLEMENTATION PROVISIONS

Article 10. Effect

1. This Circular replaces Circular No.05/2005/TT-BXD dated 12/04/2005 of Ministry of Construction guiding the contests for architectural designs of construction works.

2. This Circular takes effect from September 01, 2009.

During the course of implementation if any problems arise, the ministries, branches and localities, concerned organizations and individuals reflect to the Ministry of Construction for guidance and settlement./.

MINISTER

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