



VIETNAM NATIONAL COAL - MINERAL INDUSTRIES HOLDING CORPORATION LIMITED
VINACOMIN – COAL IMPORT EXPORT JOINT STOCK COMPANY

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Hanoi, February 26th 2024

Ref No: 02 DO /HSMST/2024

To: Applicants

Subject: To reply to Request on Clarification of Pre - qualification Documents (PQD) of Package No.01/SLT/2024: Supplying imported coal for Coalimex in 2024-2025

Dear Sirs/Madams,

Regarding the selection of Applicants for the Pre - qualification Documents (PQD) of Package No. 01/SLT/2024: Supplying imported coal for Coalimex in 2024 – 2025, on February 25th 2024, Vinacomin – Coal Import Export Joint Stock Company (Coalimex) received Letter with requirements to clarify the PQD from an Applicant.

Request to clarify the PQD as following:

1. In the PQD, request to furbish contracts for coal sales involving other customers violates/breaches the “Confidentiality” clause of the contract. As the applicant’s opinion, documents to prove applicant’s experience in supplying coal should be: Transport documents, Certificate of origin, Certificate of quality, Commercial Invoice, and confirmation letter from the buyer (regarding the signed contract, delivered goods, and contract completed on date ... month ... year ...), in line with the provisions of Circular 05/2015/TT-BKHĐT dated 16/06/2015 as well as Coalimex PQD in 2023 package No.01/SLT/2023.

2. The applicant requests to amend the PQD according to his recommends and extend the dealine of PQ Application submission by an additional 20 (twenty) working days from the date of notification on website: coalimex.vn

After checking, we would like to respond as following:

As stipulated in the PQD:

Item 5.5 (page 7): Applicant may request in writing for clarification of the PQD no later than 07 working days prior to submission deadline of the PQ Applications.

Item 5.6 (page 8): It is the responsibility of Applicant to read and study the PQD and all accompanying documents and propose amendments in writing within 10 days from the date of issuance of the PQD. The Purchaser has the right to amend the PQD or not. However, the Purchaser will review the PQD and any amendments (if any) will be published on Procuring Entity and Vinacomin’s website.

However, in appreciation for your good faith and good will, we would like to respond to your request as following:

1. Regarding the disclosure of similar contract:

- We only need information on the Contract which show the Applicant is Seller for relevant shipments (supporting by shipping documents). Otherwise, the Applicant can ask for its' purchaser disclosure permission with specific information to prove their supply capability and experience. The Applicant also has the option to be in joint venture with other supplier to meet the requirements.

- The similar contract is the popular requirement in all Sample of Bidding Documents regulated by the Vietnamese Bidding Law.

In PQD Package No. 01/SLT/2024, we updated requirements and following PQD may be different from previous ones. Applicants should comply with all requirements in the current PQD.

By the way, Provisions of Circular 05/2015/TT-BKHĐT dated 16/06/2015 has expired since 01/08/2022.

2. There are also other terms in PDQ which facilitate preparation of PQ application, for example:

Page 10: For documents that the Applicant does not keep the originals (Bill of Lading, Certificate of Origin, etc) or documents that cannot be authenticated by law, the Applicant shall submit a copy signed by the signatory of Letter of PQ Application and sealed (if any).

Page 14: In case PQ Application lacks of documents proving eligibility, capacity and experience of the Applicant, including the validity of goods as required in the PQD, the Purchaser shall request the Applicant to clarify and supplement that documentary evidence. The Applicant shall notify the Purchaser of the receipt of the request for clarification in writing by one of the following ways: by hand, by post, by fax or email.

Page 35: Requirements on similar Contracts

Be a contract for the supply of goods with the same Chapter code and Group code (corresponding to the first 4 digits of the code) in the HS (HS-Harmonized Commodity Description and Coding system) according to the Goods Classification System issued by the World Customs Organization WCO (collectively referred to as HS code). The goods of this PQD and the bidding packages are goods with HS code with the first 4 digits being 2701).

Be a type of coal import and export contract in which the Applicant is the Seller and the goods (coal) are exported from one country to another country for delivery to the Buyer of the contract (excluding sales contracts where goods are traded within the territory of a country).

Therefore, we realize that the proposal of the Applicant to extend PQ Application submission deadline is not necessary.

Your sincerely,

V.M.



**Phạm Minh
Director**