

CIRCULAR

**PRESCRIBING VERIFICATION, APPRAISAL AND APPROVAL FOR WORKS
CONSTRUCTION DESIGN**

Pursuant to the Government's Decree No. 62/2013/ND-CP, dated June 25, 2013, defining the functions, tasks, powers and organizational structure of the Ministry of Construction;

Pursuant to the Government's Decree No. 15/2013/ND-CP, dated February 06, 2013, on quality management of construction works;

At the proposal of Director of Construction Operation Management Department,

The Minister of Construction promulgates the Circular prescribing verification, appraisal and approval for works construction design.

Article 1. Scope of adjustment and subjects of application

1. Scope of adjustment

This Circular prescribes the verification, appraisal and approval for technical design for works implementing three-step design, construction drawings design for works implementing one-step or two-step design and other designs which are carried out following fundamental design specified in Article 20 and Article 21 of the Government's Decree No. 15/2013/ND-CP, dated February 06, 2013, on quality management of construction works (hereinafter abbreviated to Decree 15/2013/ND-CP).

2. Subjects of application

State management agencies of construction; investors of works construction; organizations and individuals participating in survey, design, verification of works construction design; and other relevant organizations and individuals.

Article 2. Interpretation of terms

In this Circular, the following terms are construed as follows:

1. The state management agencies of construction which are assigned implementation of verification for works construction design by Ministers and chairpersons of the provincial/municipal People's Committees (hereinafter abbreviated to the Construction-specialized agencies), include:

a) The Construction-specialized agencies at Central level: Being agencies under the Ministry of Construction, Ministries which manage specialized construction works, the Ministry of Public Security and the Ministry of National Defense;

b) The Construction-specialized agencies at provincial/municipal level include Departments: Department of Construction, Department of Transport, Department of Industry and Trade, Department of Agriculture and Rural Development.

2. Organizations and individuals implementing the design verification, include: The Construction-specialized agencies, organizations and individuals those are eligible for the capacity of design verification as prescribed by law.

Article 3. Verification, appraisal and approval for works construction design of investor

1. For works not under subjects prescribed in Clause 1 Article 21 of the Decree 15/2013/ND-CP;

a) Case of one-step design: Investors will organize appraisal and submit to the person deciding investment for approval of construction drawings design together with the economic-technical report on works construction.

b) Case of two-step design, three-step design or other design which are carried out following the fundamental design: Investors will organize appraisal and approval for technical design (in case of the three-step design), construction drawings design (in case of the two-step design) and other designs which are carried out following fundamental design.

In the course of appraisal, as necessary, the investors may hire organization or individual which is eligible for capability to perform verification over contents servicing appraisal and approval for design. Content of verification shall comply with provisions in point c, point d, point dd and point e clause 4 of this Article.

2. For works using entire or part of capital from state budget, works using capital originated from state budget, works invested by capital for concentrated capital construction, works invested under forms of: Building-transfer (BT), building-operation-transfer (BOT), building-transfer-operation (BTO), public-private partnership (PPP) and works invested by other mixed capital sources as prescribed in Clause 1 Article 21 of the Decree 15/2013/ND-CP: Investors will submit construction-specialized agencies for verifying design as prescribed in Article 4 and Article 5 of this Circular before approving design.

3. For works not using capital from state budget specified in Clause 1 Article 21 of the Decree 15/2013/ND-CP, investors will perform one of the below two forms of design verification before approving design:

a) Submit to the construction-specialized agencies for design verification as prescribed in Article 4 and Article 5 of this Circular.

b) In case where the Construction-specialized agencies appoint advisory organizations or individuals for design verification as prescribed in Clause 3 Article 21 of the Decree 15/2013/ND-CP, procedures are performed as follows: The investors will select organization or individual that has function of design verification advisory as announced publicly on the website of the Ministry of Construction and has eligible for capacity of design verification in conformity with type and level of works as prescribed by law to sign a contract of verification advisory. In contents of the verification advisory contract, content of verification as prescribed in clause 1 Article 4 of this Circular must have fully. The investors will report the verification report to the construction-specialized agency under decentralization for management.

Organizations and individuals of design verification, those wish to be posted up, announced publicly on the website of the Ministry of Construction, must make dossier declaring their capability as prescribed by law, and send it directly to the Ministry of Construction. The Construction Departments shall receive dossiers, examine the capacity information of

organizations or individuals and sum up them and send to the Ministry of Construction for integrating and announcing publicly on the website of Ministry of Construction.

4. Content of appraising construction designs of investors includes:

- a) Considering the conformity about components, specifications of the design dossiers in comparison with regulation of construction contracts and regulation of law, including: Description of design, design drawings, documents on construction survey, process of works maintenance and other dossiers as prescribed by relevant law;
- b) Considering the capacity of the advisory organization or individual that perform survey, design in comparison with requirements of contracts and regulation of law;
- c) Assessing the conformity of design in comparison with design tasks, grounds of design, requirements of construction contracts and regulation of relevant law;
- d) Assessing the conformity about scale, technology, technical parameters and essential economic-technical criteria of the works;
- dd) Assessing the conformity with the applied technical regulations and essential standards;
- e) Assessing the load-bearing safety of the bearing structures of entire works;
- g) The compliance with regulations on environment and fire fighting and prevention;
- h) Request for design contractor to make explanation, acceptance and revise the design dossier on the basis of verification opinions (if any).

5. Approving the works construction design:

- a) The approval for steps of works construction design following the fundamental design is performed in accordance with Clause 2 and Clause 3 Article 20 of the Decree 15/2013/ND-CP.
- b) The construction drawings design must be certified by investor or an authorized representative of investor with signature and sealed as being approved according to the Form of Annex No. 4 enclosed with this Circular on each drawing sheet before putting into construction, even case of the one-step design after the person competent to decision on investment approved.

6. The person organizing appraisal, verification and approval for design must be responsible for his/her result of appraisal, verification and approval for the design.

Article 4. Verification over the works design of the construction-specialized agencies

1. Content of the design verification for works specified in Clause 3 Article 3 of this Circular:

- c) Conditions on capacity for construction operation of organization and individual those perform survey, design in comparison with requirements of contracts and regulation of law: Examining conditions on capacity of the survey and design organizations; examining conditions on capacity of head of survey, head of design scheme, the main responsible person of design.
- b) The conformity of design in comparison with technical regulations and essential standards which are applied to works;
- c) The assurance extent of load-bearing safety of the bearing structures of works and other safety requirements, including: The conformity of solution on base design with geological characteristics of works, structures of works and safety for adjacent works; the conformity of the

structure solution with works design, with result of surveying construction and with performance of works.

2. Content of the design verification for works specified in Clause 2 Article 3 of this Circular:

- a) Including content specified in point a, point b, point c clause 1 of this Article;
- b) The conformity of design in comparison with fundamental design or task of design already approved;
- c) The rationality of design to ensure the cost saving in building the works: Examining the application of unit price, quota of estimate; assessing solutions of design regarding the cost saving in construction.

3. The construction-specialized agencies or advisory organizations, which directly verify design, are responsible for summing up and making a notification on the verification result of design as prescribed in Annex 2 of this Circular and stamping on the design drawings already verified. The form of seal for design verification complies with provisions in the Annex 3 of this Circular. In the verification result should clearly state contents that have not yet met requirement, have to be revised to submit for re-verification (if any) before a construction-specialized agency or organization supplying service of verification stamp verification on dossier for archival.

The construction-specialized agencies shall have notification about the verification result of the advisory organization in writing as prescribed in Annex 5 of this Circular for investors to perform the next steps.

The investors of works construction and contractors of works construction design are responsible for completing the design dossier of works construction according to the result of verification and opinions of the construction-specialized agencies before deciding on approval for design.

4. The design drawings which have been verified and stamped will be handed over investors and investors shall store them as prescribed by law on archival.

The investors shall meet timely requests of the construction-specialized agencies when they need consider these stored dossiers. The investors may submit file of drawings and estimate or file of photocopies (already revised according to the verification result) to the construction-specialized agencies for management.

5. In necessary case, the approving-design person may propose the construction-specialized agencies for additional verification over other contents, apart from contents which are required for verification as prescribed in Clause 1, Clause 2 of this Article.

Article 5. Competence of verification over the works construction design of the construction-specialized agencies

The following construction-specialized agencies shall directly verify design or receive report on the result of design verification performed by investors as prescribed in Clause 3 Article 3 of this Circular.

1. The construction-specialized agencies under the Ministry of Construction shall verify:
 - a) The works of level 1 or higher level, regardless capital sources, belonging to kinds of: Apartment buildings, public works, cement plants, technical infrastructure works;

b) The works of level II, level III, belonging to kinds of: Apartment buildings, public works, cement plants and technical infrastructure works under projects on investment in construction of which investment is decided by the Minister of Construction;

c) Works for treating hazardous solid waste, regardless level of projects on investment in construction, are decided investment by the Minister of Construction;

d) Civil works, industrial works of building materials, technical infrastructure works which are important with nation and are assigned by the Prime Minister.

2. The construction-specialized agencies affiliated the Ministry of Transport shall verify:

a) The works of level 1 or higher level, regardless capital sources, belonging to kinds of: Bridges, tunnels, roads; works of railway including urban railway, airports, stations, docks, waterway harbor, system of the hung cables for people transport;

b) The works of level II, level III, belonging to kinds of: Bridges, tunnels, roads in projects on investment in construction of which investment is decided by the Minister of Transport;

c) Works of railway including urban railway, airports, stations, wharves, docks, waterway harbor, system of the hung cables for people transport, regardless levels, belonging to projects on investment in construction of which investment is decided by the Minister of Transport;

d) The national important transport works that are assigned by the Prime Minister.

3. The construction-specialized agencies affiliated the Ministry of Agriculture and Rural Development shall verify:

a) The works of level 1 or higher level, regardless capital sources, belonging to kinds of: Reservoirs, dams, spillways, offtakes, outlet drains, canals, closed pipelines to transport water, hydraulic tunnels, dykes, pumping stations and other irrigations;

b) The works of all levels, belonging to kinds of: Reservoirs, dams, spillways, offtakes, outlet drains, canals, closed pipelines to transport water, hydraulic tunnels, dykes, pumping stations and other irrigations under projects on construction investment of which investment is decided by the Minister of Agriculture and Rural Development.

c) Works under the national important projects of Agriculture and Rural Development that are assigned by the Prime Minister.

4. The construction-specialized agencies affiliated the Ministry of Industry and Trade shall verify:

a) The works of level 1 or higher level, regardless capital sources, belonging to kinds of: Transmission lines, Hydro-power plants, Thermal-power plants, metallurgical plants, plants for alumina manufacture, oil refineries and petrochemical plants, gas processing plants, works of warehouses and pipelines for transport of petroleum, liquefied gas, production plants and warehouses containing the hazardous chemicals, production plants and warehouses containing the industrial explosives;

b) The works of level II, level III, belonging to kinds of: Transmission lines, Hydro-power plants, Thermal-power plants, metallurgical plants, plants for alumina manufacture in projects on construction investment of which investment is decided by the Minister of Industry and Trade;

c) Works of oil refineries plants, gas processing plants, works of warehouses and pipelines for transport of petroleum, liquefied gas, production plants and warehouses containing the hazardous chemicals, production plants and warehouses containing the industrial explosives, regardless levels, belonging to projects on construction investment of which investment is decided by the Minister of Industry and Trade;

d) The national important industrial works that are assigned by the Prime Minister.

5. The construction-specialized agencies affiliated the Ministry of National Defense and the Ministry of Public Security shall organize the design verification for kinds of works under defense and security sector as prescribed in Clause 4 Article 48 of the Decree 15/2013/ND-CP.

6. In case where a project of investment in works construction has many construction works with various types and levels, the construction-specialized agency which presides over organization of construction design verification for works of projects is agency performing the design verification for the kind of main construction of the project.

7. The Departments of Construction and Departments managing the specialized constructions shall perform verification of works construction design under specialized sectors within their management in geographical areas of provinces and central-affiliated cities as follows:

a) The Construction Departments: Types of level-II, level-III cement plants; works specified in point a, point b, point e Clause 1 Article 21 of the Decree 15/2013/ND-CP, except for works specified in Clause 1 of this Article;

b) Departments of Transport: Types of works specified in point d Clause 1 Article 21 of the Decree 15/2013/ND-CP, except for works specified in Clause 2 of this Article;

c) Departments of Agriculture and Rural Development: Types of works specified in point dd Clause 1 Article 21 of the Decree 15/2013/ND-CP, except for works specified in Clause 3 of this Article;

d) Department of Industry and Trade: Types of works specified in point c Clause 1 Article 21 of the Decree 15/2013/ND-CP, except for works of cement plants and works specified in Clause 4 of this Article.

8. For works with big scale (in need of dividing many stages for design and construction), with new technology element, complicated technical element or at request of investors, report to construction-specialized agencies to organize verification of each work item in the course of design.

Article 6. The design verification when repair, renovate works and change the works construction design

1. Re-verification when change the works construction design:

The works construction design in case of adjusting design due to changes about: engineering geology, design load, structural solution, main materials of main bearing structure, measures to organize construction, which influence the load bearing safety of works, in this case, the verification, appraisal and re-approval for design of changed construction items or entire works (if changes influence the safety of works) must be organized implementation in accordance with this Circular and the relevant law.

2. For works of repair, renovation, in case where it is required to make a project on works construction investment or an economic-technical construction report and have changes stated in Clause 1 of this Article, such works must comply with provisions of this Circular.

Article 7. Dossier to submit for verification of the works construction design

A dossier of design verification includes:

1. For works specified in Clause 2 Article 3:

a) Report for verification of the works construction design as prescribed in Annex No. 1 of this Circular;

b) Decision on approving for the project on works construction investment or written approval for guidelines on investment in works construction (original or copy with seal of investor); dossier of fundamental design approved together with the project on construction investment; document of appraisal and approval for the fire fighting and prevention, report on environmental impact assessment (if any);

c) The general report of investors about contents specified in point a, point b Clause 1 Article 20 of the Decree 15/2013/ND-CP; conditions on capability of survey contractors, contractors for construction design; experiences of head of design, survey and the main responsible person of design together with the certification, signature and seal of investor;

d) Dossiers of construction survey related to drawings and design description as prescribed in point dd Clause 1 of this Article (original or copy with seal of investor);

dd) Drawings and design description as prescribed in Clause 4 and Clause 5 of this Article (original);

e) Construction Estimate of works (original).

2. For works as prescribed in Clause 1 Article 3 and case of appointing advisory organization or individual to perform the design verification as prescribed in point b Clause 3 Article 3:

Including contents prescribed in point b, point c, point d and point dd clause 1 of this Article and other relevant dossier at the request of advisory organization for verification.

3. For works as prescribed in Clause 3 Article 3 (except for case of appointing advisory organization or individual to perform the design verification):

Including contents specified in point a, point b, point c, point d and point dd Clause 1 of this Article.

4. The design description (original):

a) Basis to make design:

- The approved project on investment in works construction or the written approval for guidelines on investment in works construction, including list of the applied technical regulations and standards;

- Documents on natural conditions, construction survey serving design;

- The assessment dossier of works quality conditions (for works of repair, renovation).

b) The construction design description:

- Design solution enclosed with figures of calculation result for design: Measures to reinforce or process foundation, design of the main load bearing structure of works, safety of the fire fighting and prevention and emergency escape, the technical system of works, technical infrastructural constructions, ...;

- Technical construction instruction for works of special level, level I, level II.

5. Drawings (original):

a) Drawings of premises and position of the works direction and route upon the approved detail planning;

b) The overall premises (defining position of construction, area of construction, construction boundary line, construction height ...);

c) Design of the works: The plan, vertical and sectional drawings of construction items and entire works; drawings of technological design, design of construction measures related to the construction design;

d) Reinforcing or processing foundation, the main load bearing structure, the technical system of works, the technical infrastructural constructions...;

dd) Detailed design of main connectors, important connectors of the load bearing structure and mandatory structure (structure for safety when using, operating, exploiting, structure for resisting stir, structure for anti-corrosion, erosion);

e) Design of the fire fighting and prevention, emergency escape which has been appraised and approved by the police office for fire fighting and prevention (if any).

Requirements on content of drawings of technical design and design of construction drawings as prescribed in Decree on management over projects on construction investment.

6. For works specified in Clause 2 and Clause 3 Article 3 (except for case of appointing advisory organization or individual to perform the design verification as prescribed in Clause 3 Article 3), investors send 01 set of dossier by postal system or directly send to the construction-specialized agencies specified in Article 5 of this Circular for verification before approving for the design of works construction.

Article 8. Time, cost and charge for verification of the construction design

1. Time for verification of the construction design:

a) Within 07 working days after receiving dossier of submitting for the design verification, the construction-specialized agencies shall examine dossier and send a one-time written notice to the investor for supplementing, completing dossier (if dossier is insufficient or invalid in accordance with regulation).

b) Time for beginning the design verification of the construction-specialized agency is calculated from the date this agency receiving full and valid dossier.

c) For works of special level, level I: Time for verification does not exceed 40 working days.

d) For the remaining works, except for works specified in point c, point dd Clause 1 of this Article: Time for verification does not exceed 30 working days.

dd) For works with one-step design and separate houses: Time for verification does not exceed 20 working days.

e) Depending on the work volume of re-verification, time for re-verification with respect to content specified in Clause 1 Article 3 is decided by the construction-specialized agency but not exceeding the time prescribed in this Clause.

2. Charge for verification of the construction design:

a) The charge level for design verification of the construction-specialized agencies shall comply with provisions of the Ministry of Finance.

b) Investors will pay charges for the design verification to construction-specialized agencies before receiving result of verification of works construction design.

3. Cost for verification of the construction design:

Organizations or individuals perform verification of contents specified in this Circular and investors based on the verification volume to pay cost as prescribed by the Ministry of Construction.

4. The charge for verification and cost for verification are included in total investment, estimate of works construction.

The management, use of verification charges and cost shall comply with current provisions of law.

Article 9. Transitional handling

1. Works belonging to subjects specified in Article 5 of this Circular which have been signed contracts and organized verification of construction design prior to April 15, 2013, the investors shall review, supplement contents which need be verified as prescribed in this Circular to continue organizing verification.

Before approving the design, investors send result of verification to the construction-specialized agencies under decentralization specified in Article 5 of this Circular. For works using capital from state budget, within 7 working days, the construction-specialized agencies shall have written opinion about the verification result for investor to have basis for implementing before approving the design.

2. For works specified in Article 5 of this Circular which have been approved for the design after April 15, 2013 until the effective date of this Circular, investors shall send the verification result and decision on approval for design (by postal system or directly) to the construction-specialized agencies under decentralization specified in Article 5 of this Circular for management.

Article 10. Provisions of implementation

1. Based on provisions in the Decree No. 15/2013/ND-CP and guide in this Circular, the Ministry of Construction and Ministries managing the specialized constructions, the provincial People's Committees shall issue the process of design verification of the construction-specialized agencies in conformity with characteristics and conditions of Ministries and localities. The construction-specialized agencies shall post publicly the process of design verification on their websites and places for receiving dossier.

2. Ministries managing the specialized works, Departments of Construction as the focal agencies at localities must sum up results of design verification to supplement in the annual statistical table, including: Quantity of the verified works, quantity of works which have to revise design, number of cost which have been reduced after verification.

3. This Circular takes effect on September 30, 2013.

4. In the course of implementation, any arising problems should be reported to the Ministry of Construction for receipt, suitable amendment and supplementation.

THE MINISTER OF CONSTRUCTION

Trinh Dinh Dung

*This translation is made by **LawSoft**, for reference only. **LawSoft** is protected by copyright under clause 2, article 14 of the Law on Intellectual Property. **LawSoft** always welcome your comments*