

DECISION No. 09/2002/QĐ-BNN OF JANUARY 17, 2002 PROMULGATING THE REGULATION ON ORGANIZATION OF THE IMPLEMENTATION OF PROJECT FOR AFFORESTATION ON COASTAL SANDY AREAS OF SOUTHERN CENTRAL VIETNAM

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT

Pursuant to the Government's Decree No.73/CP of November 1, 1995 defining the functions, tasks, powers and organizational apparatus of the Ministry of Agriculture and Rural Development;

Pursuant to Decision No.562 QĐ/BNN/HTQT of February 20, 2001 of the Minister of Agriculture and Rural Development approving the project for afforestation on coastal sandy areas of Southern Central Vietnam;

At the proposal of the head of the Forestrial Projects Management Board in Report No.1130 DALN/PACSA of November 22, 2001 applying for the approval of the regulation on organization of the implementation of the project on afforestation on coastal sandy areas of Southern Central Vietnam;

At the proposal of the Director of the Organization-Personnel Department,

DECIDES:

Article 1.- To promulgate the "Regulation on organization of the implementation of the project on afforestation on coastal sandy areas of Southern Central Vietnam" (abbreviated to PACAS).

Article 2.- This Decision takes effect 15 days after its signing.

Article 3.- The director of the Office, the director of the Organization-Personnel Department, heads of the concerned units, of the Ministry, the Central and Provincial Project Administration Boards, the head of the Forestrial Projects Management Board, manager of the central project and managers of the provincial projects shall have to implement this Decision.

*For the Minister of
Agriculture and Rural Development
Vice Minister
NGUYEN VAN DANG*

REGULATION ON ORGANIZATION OF IMPLEMENTATION OF PROJECT FOR AFFORESTATION ON COASTAL SANDY AREAS OF SOUTHERN CENTRAL VIETNAM (PACAS)

(Promulgated together with Decision No.09/2002/QĐ/BNN-TCCB of January 17, 2002 of the Minister of Agriculture and Rural Development)

Chapter I

GENERAL PROVISIONS

Article 1.- The project for afforestation on coastal sandy areas of Southern Central Vietnam (abbreviated to PACSA) is an investment project in the field of forestation, implemented with the Japanese Government's non-refundable aid to the Vietnamese Government. The implementation of PACSA must comply with the stipulations of the Japanese Government and the Vietnamese Government on the reception, management and use of non-refundable aid sources.

Article 2.- In this Regulation, the below abbreviations shall be construed as follows:

PACSA: Project for Afforestation on Coastal Sandy Areas of Southern Central Vietnam.

JICA: Japanese International Cooperation Agency

JFEC: Japanese Forestrial Technical Consultancy Company

CPAB: Central Project Administration Board.

PPAB: Provincial Project Administration Board.

CPMB: Central Project Management Board

PPMB: Provincial Project Management Board

PC: The People's Committees

FPMB: Forestrial Projects Management Boards.

MARD: Ministry of Agriculture and Rural Development

PSARD: Provincial/municipal Services of Agriculture and Rural Development.

P&I: Planning and Investment

F: Finance

IC: International cooperation

FD: Forestial development

FA: Financial accounting

PP: Plans and Planning

P-T: Plans, techniques.

Article 3.- The entire funding of PACSA includes the non-refundable aid sources of the Japanese Government and the reciprocal capital sources of the Vietnamese Government, constituting a State budget revenue source for investment in afforestation on the coastal sandy areas of Southern Central Vietnam in 4 provinces: Quang Nam, Quang Ngai, Phu Yen and Khanh Hoa. This funding source must not be used for other investment purposes.

Article 4.- The PACSA is organized, administered and managed uniformly from the central to the local levels (from the Ministry of Agriculture and Rural Development to provinces covered by the project) along the direction of decentralizing the project management and implementation to the provincial authorities.

Article 5.- The Minister of Agriculture and Rural Development shall be authorized by the Prime Minister to decide the investment and take full responsibility for PACSA according to the Prime Minister's stipulations in Document No.4305/VPCP-QHQT of October 6, 2000 of the Government Office.

Article 6.- The presidents of the People's Committees of the provinces under the project shall decide to set up the provincial-level Boards for Project Administration and Management, the district-level Project Management Boards for organizing the deployment of specific tasks of the project on the field under the agreement between the two Governments of Vietnam and Japan, and the decision of the Minister of Agriculture and Rural Development ratifying the PACSA.

Chapter II

PROJECT MANAGEMENT FUNCTIONS AND TASKS OF VARIOUS LEVELS

Section 1. THE CENTRAL-LEVEL MANAGEMENT ORGANIZATIONS

Article 7.- The Central Project Administration Board

1. The Central Project Administration Board is set up by decision of the Minister of Agriculture and Rural Development, consisting of members being representatives of the Ministry of Planning and Investment, the Ministry of Finance, the relevant Departments of the Ministry of Agriculture and Rural Development, the Forestial Projects Management Board, the leaderships of the People's Committees and the Services of Agriculture and Rural Development of the provinces covered by the project.

2. The Central Project Administration Board is the organization answerable to the Ministry of Agriculture and Rural Development for all activities of the PACSA, being tasked:

a) To administer and direct the implementation and management of the project strictly according to the objectives and contents already approved by the Ministry of Agriculture and Rural Development.

b) To adopt the annual plans of the project for submission to the Ministry for approval and assign plans to the Provincial Project Administration Boards for implementation.

c) To guide the principles, policies and regulations of the State and branches regarding the project implementation.

d) To inspect and supervise the implementation of the State's regimes and policies as well as the relationship with the partners being the Japanese Government and organizations representing the Japanese Government.

e) To send periodical reports to the Ministry of Agriculture and Rural Development as well as the concerned ministries and branches as prescribed.

Article 8.- The Central Project Management Board

1. The Central Project Management Board is the standing body of the Central Project Administration Board. The office of the Central PACSA Management Board is a member of the Forestial Projects Management Board set up by decision of the Minister of Agriculture and Rural Development.

The office of the project management board is

composed of the project manager, coordinator, planner-technicians, accountant and project officials. The project manager and coordinator shall be decided by the Minister of Agriculture and Rural Development. Other officials shall be decided by the head of the Forestry Projects Management Board at the proposal of the PACSA manager. The office of the Project Management Board is located at 1A Nguyen Cong Tru street, Hanoi; the present contact address: Room 308. Telephone: (84-4) 8210176; Fax: (84-4) 9710972.

2. The Central Project Management Board is tasked:

a) To coordinate with the Japanese consultancy companies and contractors in receiving aid sources from the Japanese Government and the reciprocal capital of the Vietnamese Government for implementation of the project.

b) To manage and administer the project implementation under the direction of the Central Project Administration Board.

c) To draw up operation plans and submit for approval the annual plans of the project.

d) To regularly coordinate with the Japanese consultancy companies and contractors in designing the project, preparing contractual documents and bidding dossiers for the project.

e) To monitor the tempo and quality of the project's constructions.

f) To certify the payments to Japanese consultancy companies and contractors according to schedule agreed upon between the Ministry of Agriculture and Rural Development and the above-said companies.

g) To organize the deployment of the implementation of the project and establish the relationship between Japanese consultancy companies and contractors with the concerned units of the Vietnamese partners.

h) To receive and distribute equipment of the project to addresses prescribed in the project documents already concluded.

i) To guide the Provincial Project Management Boards in preparing necessary conditions for deployment of the project, help the Provincial Project

Management Boards coordinate with Japanese consultancy companies and contractors in well implementing the project according to the notes exchanged between the two Governments of Japan and Vietnam.

j) To act on behalf of the Central Project Administration Board in managing and supervising all activities of the Japanese consultancy companies and contractors, the Provincial Project Management Boards and the Vietnamese subcontractors.

Section 2. LOCAL-LEVEL MANAGEMENT ORGANIZATIONS

Article 9.- The Provincial Project Administration Boards.

1. A Provincial Project Administration Board is set up by decision of the president of the provincial People's Committee and headed by a vice-president of the provincial People's Committee. It is composed of representatives of the concerned Services, Departments and branches of the province (Land Administration, Planning and Investment, Finance, Agriculture and Rural Development); a leading official of the Service of Agriculture and Rural Development shall act as its standing member.

2. The Provincial Project Administration Boards are organizations representing the provincial People's Committees in managing and administering all activities of the project in the provinces and answerable to the presidents of the provincial People's Committees and the Central Project Administration Board for their compliance with the objectives and contents of the project as agreed upon by the two Governments of Japan and Vietnam in their exchanged notes, and the PACSA contents already approved by the Ministry of Agriculture and Rural Development on behalf of the Government.

Article 10.- The Provincial Project Management Boards

1. The Provincial Project Management Boards (under the Services of Agriculture and Rural Development) are the standing bodies assisting the Provincial Project Administration Boards.

A Provincial Project Management Board is set up by decision of the president of the provincial People's Committee with the leader of the Service of Agriculture and Rural Development acting as the project manager. The planning and technical officials, accountant and other officials shall be decided by the director of the Service of Agriculture and Rural Development at the proposal of the project manager.

2. The Provincial Project Management Boards are tasked:

a) To receive and efficiently use the non-refundable aid sources of the Japanese Government and the reciprocal capital of the Vietnamese Government for the implementation of the project.

b) To draw up annual plans in their respective localities and report thereon to the Central Project Management Board.

c) To coordinate with the Japanese consultancy companies and contractors in supervising and inspecting the tempo of implementation of the PACSA contents, the quality of constructions by the Vietnamese subcontractors in the field.

d) To receive, distribute, manage and efficiently use the assigned equipment of the PACSA.

Article 11.- The District Project Management Boards

1. The project management board of a district covered by the project is set up by decision of the president of the provincial People's Committee and composed of a vice-president of the district People's Committee as manager and the leader of the Section of Agriculture and Rural Development as standing member. Other members shall be decided by the president of the district People's Committee at the proposal of the district project manager.

2. The District Project Management Boards are tasked:

a) To coordinate with contractors in organizing the deployment of the implementation of the project's works according to tempo and quality in the field.

b) To direct communes covered by the project in mobilizing to the utmost the mass for participation in

the deployment of the specific works in the field of each commune covered by the project.

c) To receive the completed constructions, already tested before acceptance, and organize the preservation, protection and exploitation thereof according to current regulations

Chapter III

RELATIONSHIPS AMONG VARIOUS PROJECT MANAGEMENT LEVELS, CONSULTANTS, CONTRACTORS AND THE MEETING AND REPORTING REGIMES

Article 12.- Working regime and responsibilities of the project management bodies of various levels:

1. The Central Project Administration Board:

a) It is the supreme body representing the Ministry of Agriculture and Rural Development in administering and directing the organization of implementation of PACSA as stated in the notes signed between the two Governments of Japan and Vietnam.

b) It works according to the regime of collective leadership and individuals taking charge. Its members shall have to settle matters in the fields they take respective charge of under the assignment by the head of the Board.

c) It holds two regular meetings a year and may hold extraordinary meetings convened by its head.

2. The Central Project Management Board:

a) It is the standing unit of the Central Project Administration Board, taking full responsibility before the latter and the Forestry Projects Management Board for the management and organized implementation of the project.

b) It maintains regular contacts with the Provincial Project Management Boards and Japanese consultancy companies as well as contractors for organizing the implementation and settling problems arising in the course of performing PACSA-related jobs;

c) It directs the Provincial Project Management Boards in monitoring and supervising the tempo and

quality of the constructions of PACSA;

d) It sends biannual and annual reports to the heads of the Central Project Administration Board and the Foretrial Projects Management Board on the situation, tempo and results of the project implementation according to current regulations.

e) It organizes monthly, quarterly, biannual, annual and extraordinary meetings at the request of the project manager.

3. The Provincial Project Administration Boards:

a) They are organizations representing the provincial People's Committees in administering and directing the reception of aid sources from the Japanese Government and the reciprocal capital source from the Vietnamese Government in order to organize the project implementation in the provinces.

b) They coordinate with the Central Project Administration Board and the Central Project Management Board in grasping the guidelines of the Ministry of Agriculture and Rural Development for organizing the implementation of PACSA in each period according to the contents of the notes signed between the two Governments.

c) They hold two regular meetings a year and may hold extraordinary meetings convened by the heads of the Provincial Project Administration Boards.

4. The Provincial Project Management Boards:

a) To take full responsibility before the Provincial Project Administration Boards and the Central Project Management Board for the coordination with the Japanese consultancy companies and contractors; the direction of Vietnamese subcontractors in organizing all PACSA's activities in the field.

b) To promptly report to the head of the Provincial Project Administration Boards and the Central Project Management Board on troubles met in the implementation of PACSA in the localities or problems arising among project-executing units for early settlement and avoidance of their prolongation which cause damage to PACSA in general.

c) To monthly, quarterly, biannually and annually report on the situation, tempo and results of PACSA implementation in the localities to the Central Project

Management Board and the heads of the Provincial Project Administration Boards according to regulations.

d) To organize monthly, quarterly, biannual, annual and extraordinary meetings at the request of the heads of the Provincial Project Management Boards.

Article 13.- For consultancy companies and contractors

1. The Japanese consultancy companies:

To be selected by JICA, to sign contracts with the Ministry of Agriculture and Rural Development to advise on services related to designing, bidding and supervise the procurement for the project; to advise the Central and Provincial Project Management Boards of the Vietnamese party on the project deployment; to coordinate with the Central Project Management Board in inspecting and supervising contractors in the implementation of plans, technical measures as well as the tempo and results of operation of the project in the field.

2. Japanese contractors:

a) To carry out PACSA activities under contracts already signed with the Ministry of Agriculture and Rural Development; to take responsibility before JICA, the Japanese consultancy companies and the project management boards of Vietnam for organizing the above-mentioned activities.

b) To report to the Japanese consultancy companies and the Central Project Management Board on the tempo and results of implementation of project items under the provisions of the contracts signed between the parties.

3. The Vietnamese subcontractors;

To submit to the direction and supervision by the Japanese contractors and the Vietnamese project management boards in the performance of contracts signed with the contractors.

Chapter IV

CONTENTS OF PACSA MANAGEMENT

Article 14.- Management of plans and techniques

The contents of the management of plans and techniques cover the plan targets and technical measures determined in the basic designing documents and reconfirmed with detailed designs of Japanese consultants and the Ministry of Agriculture and Rural Development according to each specific period. According to the contents of notes exchanged between the two Governments of Japan and Vietnam, the organization of implementation of specific projects shall be undertaken by the Japanese contractors winning the bids with close and synchronous coordination among parties to manage the plans and technical norms already set.

The general principle for management of plans and techniques of the project:

1. Basing themselves on the targets inscribed in the basic designing documents of PACSA, the localities covered by the project must ready adequate land areas and complete all legal procedures regarding the land use right in order to ensure the PACSA implementation tempo in the localities (not increasing or reducing the land areas to the districts not covered by the project). The measurement to determine acreage details and PACSA boundaries shall be undertaken by the Japanese consultancy companies. The Provincial Project Management Boards shall assist the Japanese consultancy companies in selecting Vietnamese contractors fully capable of well performing the above-mentioned jobs.

2. The Japanese consultancy companies undertake the detailed design of PACSA. Based on the notes exchanged between the two Governments of Japan and Vietnam and the results of basic designing, the Ministry of Agriculture and Rural Development shall sign agreements with the Japanese consultancy companies on organizing detailed designing for each project item. The Central Project Management Board shall coordinate with the Provincial Project Management Boards in supervising the realization of the above agreements. In case of any troubles in the administrative procedures, the Vietnamese party shall have to settle them with the localities in order to create favorable conditions for the Japanese consultancy companies to fulfill their jobs.

3. The Japanese consultancy companies shall

assist the Ministry of Agriculture and Rural Development in preparing bidding documents for each stage of the PACSA; coordinate with the Ministry of Agriculture and Rural Development (represented by the Central Project Administration Board) in organizing bidding to JICA's witness in order to select the Japanese contractors for the implementation of PACSA and report thereon to the Governments of the two countries. After the Japanese contractors are selected (with the approval of the two Governments), the Ministry of Agriculture and Rural Development of Vietnam shall sign contracts for the implementation of PACSA according to each stage.

4. The Japanese contractors shall consult with the Vietnamese project management boards before selecting Vietnamese subcontractors for performing specific construction jobs.

The selected Vietnamese subcontractors must be units fully capable of undertaking project items required by the Japanese contractors.

5. The PACSA management boards at all levels shall have to supervise and inspect the implementation tempo and quality of project constructions, organize the pre-acceptance tests and hand-over of completed project constructions.

Upon the completion of each project item, the concerned Provincial Project Management Boards shall report thereon to the Central Project Management Board for joint (or authorized) pre-acceptance tests which serve as basis for making payments to construction units (consultants, contractors, subcontractors...).

Article 15.- Financial management and accounting of projects

The non-refundable aid sources of the Japanese Government and the reciprocal capital sources of the Vietnamese Government for PACSA constitute sources of State budget revenue invested in afforestation on coastal sandy areas of Southern Central Vietnam for the purposes of coastal prevention and protection of works and crops in the region. This source of capital must be strictly managed and used according to plans, norms and for the right purposes of PACSA.

Apart from organizing the monitoring and financial

reports, the donors' requests must be seriously met with; the work of financial management and accounting must strictly comply with the current regulations of the Vietnamese State. The general principles are:

1. The financial management of PACSA shall comply with Circular No.70/2001/TT-BTC of August 24, 2001 of the Ministry of Finance guiding the regime of State financial management over the sources of non-refundable aids.

2. The accounting of the project shall comply with the Finance Minister's Decision No.999/TC-QD/BTC of November 2, 1996 promulgating the system of non-business administrative accounting regimes.

3. The fundings for operations of the project management boards of all levels shall be channeled from the reciprocal capital sources of the Vietnamese Government. The management of this capital source is specified as follows:

A. For the Central Project Management Board

1. The spending contents, including:

a) Charges for transfer of money to pay banks: To comply with Document No.1551-TC/TCDN of December 19, 2000 and Document No.01/VCB-TC/TCDN of July 18, 2001 of the Ministry of Finance.

b) Regular spending for operation of the PACSA office, including:

1) Salaries and salary allowances.

2) Expenses for vehicle operation.

3) Expenses for stationery, translation, interpretation, collective welfare, public services, information and communications, repair and maintenance, etc.

4) Expenses for car insurance, tax, charge.

5) Expenses for guest reception.

6) Expenses for conferences, seminars.

7) Expenses for working trip allowances, field allowances.

8) Other expenses.

2. Spending norms: To comply with the State's

current regulations.

B. For the Provincial Project Management Boards

The annual fundings for operation of the Provincial Project Management Boards shall be allocated from local budgets.

1. The spending contents:

Basing themselves on the above spending contents of the Central Project Management Board, the Provincial Project Administration Boards shall decide on the appropriate spending contents, including:

a) Expenses for regular operation of the Provincial Project Management Boards.

b) Expenses for other jobs undertaken by the Vietnamese party according to the written agreement with the Japanese Government, such as determination of boundaries, planting of marker posts for the project areas, building roads into the project areas....

For these expenses, the Provincial Project Management Boards shall annually make the estimates thereof and submit them to the provincial People's Committees for approval of their inclusion into the reciprocal sources contributed by the Vietnamese Government. All contributions of the Vietnamese party must be made fully and in time.

2. Spending norms: To comply with the State's current regulations and the localities' separate stipulations.

All the annual operation reciprocal funding according to the approved plans shall be summed up and settled by the Provincial Project Management Boards with the provincial Services of Finance and Pricing and reported to the Central Project Management Board for general sum up as provided for by the State.

Article 16.- Management of equipment, supplies, assets and planted forests of PACSA

1. For equipment being automobiles, motorbikes, the Central Project Management Board shall receive and distribute them according to PACSA's plans. The Provincial Project Management Boards shall have to

receive, manage and use them according to the current regulations of the State and must absolutely not sell, exchange, assign or lease these equipment during the project implementation period.

2. Constructions (nurseries, storehouses, working offices, roads...) for investment during the PACSA implementation period shall be built by the Japanese contractors and handed over immediately to the Provincial Project Management Boards (tripartite hand-over) in service only of the work of PACSA implementation. Where they are used for other purposes, there must be the written consents of the Japanese contractors and the Central Project Management Board. Upon the completion of all PACSA works, the above-mentioned constructions shall be handed over to the provincial People's Committees for continued management and use for the purposes of tending and protecting the planted forest areas during the PACSA implementation period.

3. For other assets:

Assets of the offices of the Project Management Boards at all levels, which have been received from the PACSA source or procured with the reciprocal capital source, are the State property and placed under the management by the project management boards. The annual inventory and evaluation of assets must comply with the current property management regimes promulgated by the Ministry of Finance.

4. The project assets being planted forests shall be managed according to the State's current regulations and the specific guidance of the Ministry of Agriculture and Rural Development.

5. Upon the project completion, the Ministry of Agriculture and Rural Development shall ratify the final settlement of the completed project, determine the funding remainder and decide on the hand-over of assets and fruits of the PACSA to the People's Committees of the provinces in the project area according to current regulations.

this Regulation any difficulties, troubles or new issues arise, agencies and units are requested to report them in time to the Central Project Management Board for study and appropriate amendments or supplements by the Ministry of Agriculture and Rural Development.

***For the Minister of
Agriculture and Rural Development
Vice Minister
NGUYEN VAN DANG***

Chapter V

IMPLEMENTATION PROVISIONS

Article 17.- If in the course of implementation of