

**MINISTRY OF AGRICULTURE
AND RURAL DEVELOPMENT**

No.95/2003/QĐ-BNN

**SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness**

Hanoi, September 4th, 2003

**DECISION OF MINISTER OF MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT**
**Specifying the functions, responsibilities, authorities and apparatus organization of
Works Construction Department**

MINISTER OF MARD

Pursuant to Decree no 86/2003/ND-CP dated July 18, 2003 of the Government defining function, tasks, authorities and organizational structure of MARD;

Pursuant to the Article 19 of the Decree no 86/2002/ND-CP dated November 5th, 2002 of the Government, specifying function, tasks, authorities and organizational structure of ministries and ministerial agencies;

Regarding the proposal made by the Director of Department of Organization and Personnel,

DECIDES:

Article 1: Position and functions:

The Works Management Department is MARD affiliated agencies, performing the function of state management over the profession on agriculture, forestry, water resources, salt production and rural development under the management scope of MARD.

The Department has its legal entity, own seal, operational funds and its account is opened in accordance with the legal regulations.

The Department is located in the capital city of Hanoi.

Article 2: Tasks and authorities:

The Works Management Department is assigned by the Minister to perform the State management over the profession on works under the State management of MARD; perform the management of works directly invested by MARD, including steps: investment preparation, investment operation, construction completion and works utilization specified as follows:

1. To submit to the Minister the law project, ordinance project, legal normative document draft under the professional management of the Department.
2. To present to the Minister the strategies, development plan, policies, annual and five-year plan, programs, projects, and proposals with regards to forestry under the professional state management of the Department as assigned by the Minister.
3. To issue documents on management professions; to give professional guidance as assigned by MARD Minister.
4. To organize to steer, guide, review and take responsibility for implementing legal normative documents, planning, plans, programs, projects, standards, processes, economic-technological norms approved and conduct legal dissemination, propaganda, education on the specialized management of the Department.
5. On management of investment in construction works.
 - a. Investment preparation:
 - Submit Minister of MARD programs, projects on capital building; take part in developing the investment plan for the capital building of the Department.

- Preside the appraisal on proposals, projects on the construction of works of agriculture, water resources, forestry, salt production, and rural development under the assignments of MARD Minister;
 - Lead the appraisal to submit the Minister for deciding investment in projects under the assignments of Minister;
 - Take part in appraising tender, consultancy tender for investment preparation.
 - Certify capacities, conditions of construction practice on the profession of agriculture, water resources, forestry, salt production, and rural development;
 - The Department Director is assigned by MARD Minister to decide investment in some projects on construction of works managed by MARD.
- b. On investment implementation.
- Appraise then present to Minister for approving the technical design, total estimate of investment projects on works construction;
 - Approve construction design, estimate of work items, in conformity with technical design, total estimate approved of some projects assigned by MARD Minister.
 - Appraise tender, tender collection, consultation in investment implementation; appraise assembly tender and take part in appraising procurement tender for assigned projects.
 - Organize examine the quality of works constructed under the MARD management scope;
 - Authorized to temporally suspend or report to MARD to deal with tenders of low pace, poor quality that could lead to breakdown or the works are not as in the approved design, under the legal regulations.
 - Take responsibilities for monitoring, reviewing and speeding up investment implementation.
- c. On investment completion:
- Standing the Ministerial Council for checking and handing over works and the State Council for checking and handing over projects of the sector under the assignments of Minister;
 - To organize to hand over works and operation processes for units in using and managing these works.
 - Manage to steer and implement the making, delivering and preserving files, documents on works , in accordance with State regulations;
- d. Grant, withdraw certificates related to the professional operation of the sector as assigned by the Minister.
6. On science and technology:
- a. Develop then submit MARD Minister programs, plans, scientific research subjects, application of technical advances in capital building; manage and organize the implementation of scientific research results, application of technical advances in the professional management of the Department;
 - b. Organize to collect and manage professional information profession and scientific information in line with the Department's management scope;
7. Take part in conducting the training and retraining on profession, speciality under the management scope of the Department.
8. Develop and organize the implementation of international cooperation programs, projects in accordance with the assignments of Minister.
9. Manage some forestry service delivery agencies as assigned by MARD Minister.

10. Involve managing activities of associations, NGOs in the forestry field under the assignment of MARD Minister.
11. Conduct the inspection, review; handle complaints, accusation; fight against corruption and negative actions and deal with violations in accordance with management scope of the Department.
12. Develop and implement PAR program of the Department in line with new objectives and contents of the PAR Program of MARD.
13. Manage the organization, apparatus and staffing of the Department following its regulations; carry out the salary regulations and other treatment policy schemes for awarding, taking disciplinary actions for carders and civil servants under the management scope of the Department as regulated.
14. Manage finance, property and other resources as allocated and organize to implement the distributed budget as regulated.
15. Carry out other tasks assigned by MARD Minister.

Article 3: Apparatus Organization

1. Department Leadership

The leadership includes the Director and Deputies appointed by MARD Minister in accordance with regulations.

The Director is responsible for steering activities of Department, takes responsibilities to MARD Minister and the Laws for activities of the Department and its assigned tasks.

The Deputies are responsible for assisting the Director; take responsibilities to the Director and the Laws for assigned tasks. The number of Deputies doesn't exceed 3; if there is exceeded number, it is essential to report to the Minister.

2. The Organizational apparatus of the Department.

- a) Planning, Finance and General Office
- b) Schemes and Estimate Office;
- c) Works Investment Appraisal Office;
- d) Works Pace and Quality Management Office;
- e) Standing Section in Hochiminh City.

3. Affiliated agencies:

- Water resources project Management Boards
- Center for Construction and Technology Transfer Consultation.
- Agencies affiliated to the Department assigned and established and operated under the MARD Minister's decisions.

The Works Management Department Director specifies function, tasks of offices, standing section, affiliated agencies; develops the Working Regulations of the Department to submit to MARD Minister for approval and implementation organization.

4. Operational Effects

- This Decision comes into effect within 15 days from the publication on the Government Gazette; abolish previous MARD regulations that run contrary to this Decision.

5. Operational Duties

- a. The Director of Capital building Investment Department is responsible for handing over all of its status qua to the newly established Works Management Department 's Director.

- b. Works Management Department 's Director, Director of OMARD, Directors of Departments, Chief Inspector, Presidents of DARDs and Heads of relevant agencies under MARD are responsible for bringing this Decision into operation.

**MINISTER OF MINISTRY OF AGRICULTURE
AND RURAL DEVELOPMENT**

Le Huy Ngo