Office of the Leading Group for the Establishment of a Social Credit System in Jiangsu Province

Jiangsu Provincial High People's Court

People's Procuratorate of Jiangsu Province

Jiangsu Provincial Development and Reform Commission

Jiangsu Provincial Commission of Economy and Informatization

Department of Science and Technology of Jiangsu Province

Department of Finance of Jiangsu Province

Department of Housing and Urban-Rural Development of Jiangsu Province

Department of Transportation of Jiangsu Province

Jiangsu Provincial Water Conservancy Department

Department of Commerce of Jiangsu Province

Jiangsu Provincial Government Service Management Office

Su Credit Office [2018] No. 23

Notice on printing and distributing the "
Implementation Opinions on Establishing a Joint Disciplinary Action Mechanism
for Judgment Defaulters in Bidding and Bidding Activities in the Field of Public Resource Transactions"

Relevant provincial departments and credit offices of districted cities:

In order to strengthen the restraint on the conduct of persons subject to enforcement not performing effective legal documents of the court, truly safeguard judicial authority, and deeply advance the establishment of a creditworthy Jiangsu, rule of law Jiangsu, and social credit systems, in accordance with the "Civil Procedure Law of the People's Republic of China," the "Several Provisions of the Supreme People's Court on Publishing Information on the List of Judgment Defaulters," and the "On Carrying Out Joint Disciplinary Action against Judgment Defaulters in Bidding and Bidding Activities." The Notice (Law [2016] No. 285) and the Implementation Opinions of the General Office of the Provincial Party Committee and the General Office of the Provincial Government on the Establishment of a Joint Disciplinary Action Mechanism for Judgment Defaulters (Su Banfa [2017]. No. 8), the Provincial Credit Office, the Provincial High People's Court, the Provincial Procuratorate, the Provincial Development and Reform Commission, the Provincial Economic and Information Commission, the Provincial Science and Technology Department, the Provincial Department of Finance, the Provincial Department of Housing and Urban-Rural Development, the Provincial Department of Transportation, the Provincial Water Conservancy Department, the Provincial Department of Commerce, and the Provincial Government Affairs Office

" Implementation Opinions on Establishing a Joint Disciplinary Action Mechanism for Judgment Defaulters in Bidding and Bidding Activities in the Field of Public Resource Transactions". It is hereby issued to you, and you are invited to conscientiously implement it.

Annex: On the establishment of tendering and bidding activities in the field of public resource transactions

Establish opinions on the implementation of the joint disciplinary action mechanism for judgment defaulters





CC: National Development and Reform Commission, General Office of the Provincial Government

Issued on April 13, 2018 by the Office of the Provincial Leading Group for the Establishment of the Social Credit System

**Attachments:**

Opinions on the Implementation of the Establishment
of Joint Disciplinary Action Mechanisms against Judgment Defaulters in Bidding and Bidding Activities in the Field of Public Resources Transactions

In order to strengthen the restraint on the conduct of persons subject to enforcement not performing effective legal documents of the court, truly safeguard judicial authority, and deeply advance the establishment of a creditworthy Jiangsu, rule of law Jiangsu, and social credit systems, in accordance with the "Civil Procedure Law of the People's Republic of China," the "Several Provisions of the Supreme People's Court on Publishing Information on the List of Judgment Defaulters," and the "On Carrying Out Joint Disciplinary Action against Judgment Defaulters in Bidding and Bidding Activities." The Notice (Law [2016] No. 285) and the Implementation Opinions of the General Office of the Provincial Party Committee and the General Office of the Provincial Government on the Establishment of a Joint Disciplinary Action Mechanism for Judgment Defaulters (Su Banfa [2017]. No. 8), it has been decided to carry out joint disciplinary action against untrustworthy executors in the bidding and bidding activities in the field of public resource transactions such as contracting for project construction projects invested by state-owned funds at all levels in our province , government procurement, transfer of state-owned land use rights and mining rights, and state-owned property rights transactions

**Article 1: (Targets of Punishment) The targets of joint disciplinary action** in bidding and bidding activities in the field of public resource transactions are: applicants who have been listed by the people's courts as untrustworthy persons for prequalification or experts in bidders, bidding agencies, and experts in the pool of experts established by provincial-level departments for bid evaluation.

**Article 2: (Determination of Targets)** Where a person subject to enforcement fails to perform the obligations specified in an effective legal document, the people's court responsible for enforcement (hereinafter referred to as the "enforcement court") shall issue a "Notice of Enforcement" to him, and prompt him or her that he or she will be punished by credit for not performing when it expires.

Except in cases where the "Civil Procedure Law" and other laws provide for suspension or termination, if the person subject to enforcement still fails to perform his obligations within the time limit specified in the "Notice of Enforcement," the enforcement court is to make a decision to include him in the list of judgment defaulters, and at the same time summarize the information on the untrustworthiness to the provincial high people's court (hereinafter referred to as "the provincial court"). "), by the Provincial Court in accordance with the interface norms prescribed by the Supreme People's Court, in "Credit China" (www.creditchina.gov.cn) and "Credit Jiangsu" (www.jscredit.gov.cn) website (hereinafter referred to as the "website." to be published.

**Article 3: (Participating Departments)** Departments such as for development and reform, economy and informatization, science and technology, finance, housing and urban-rural construction, transportation, water conservancy, commerce, and government service management at all levels (hereinafter referred to as "joint disciplinary action departments") are to follow their respective duties Responsible for implementing or supervising the implementation of the joint disciplinary action measures provided for in these Implementation Opinions.

Each joint disciplinary action department may, on the basis of its own work needs, use information exchange, sharing, and dynamic updates with the provincial Public Credit Information Platform to embed a function for inquiring into the information of judgment defaulters in its business processes.

**Article 4: (Basis of Punishment) Information** on judgment defaulters published on the website is the basic basis for carrying out and lifting joint disciplinary action.

After the information is published, in addition to making a decision to revoke or correct the information of the judgment defaulter, the revocation or correction certificates and explanations separately issued by the people's courts at all levels regarding the information on the untrustworthy person subject to enforcement that have been published are not used as a basis.

Where there are discrepancies in the information of judgment defaulters published on different websites, the information published by "Credit China" shall prevail.

**Article 5: (Assistance in Enforcement of Unpublished Information)** People's courts issue a written "Notice of Assistance in Enforcement" requesting assistance in punishing judgment defaulters, but where information on untrustworthiness is not published on the website, the provincial court is to publish the relevant information on untrustworthiness on the website and then implement it.

While making a decision to include judgment defaulters, people's courts shall push information on untrustworthy judgment defaulters to the Supreme People's Court's system of untrustworthy persons subject to enforcement .

**Article 6: (Information Objections and Corrections)** Where judgment defaulters published find that their information on untrustworthiness is incorrect, they may apply to the enforcement court for correction. Where the person being executed for untrustworthiness is a natural person, he or she is to go to the enforcement court to explain the reasons and submit relevant evidence; where the judgment defaulter is a legal person or other organization, his legally-designated representative or responsible person is to go to the enforcement court to explain the reasons and submit relevant evidence.

Where, after review, the enforcement court finds that the evidence is sufficient and the reasons are established, it shall make a correction decision within 3 working days of acceptance, and submit the correction information to the provincial court, which will publish it on its website. Where the evidence is insufficient and the reasons are not established, they shall be rejected.

**Article 7: (Information Revocation)** Where judgment defaulters meet any of the following circumstances, the enforcement court is to make a revocation decision and submit it to the provincial court, which is to publish it on its website:

(1) Fully performing the obligations set forth in effective legal documents;

(2) Reaching an enforcement settlement agreement with the person applying for enforcement and completing performance;

(3) Where the people's court lawfully rules to terminate enforcement.

**Article 8: (Information Retention) Information** on untrustworthiness, corrections, and revocations that have already been published shall be retained as records and not deleted for verification by joint disciplinary action departments and units and all parties involved in bidding and bidding.

**Article 9: (Punishment Period) Starting from the release time** indicated in the information of the judgment defaulter published on the website , and until the release time indicated in the revocation or correction information , punishment shall continue to be carried out against the judgment defaulter.

**Article 10: (Punitive Measures in Prequalification) Where** prequalification is conducted, when the qualification review committee conducts a qualification review, the results of the qualification review of the prequalification applicant who are being listed as judgment defaulters are unqualified.

**Article 11 (Punitive Measures in Bid** Evaluation) Where a bidder is being listed as a judgment defaulter during the bid evaluation stage, the bid evaluation committee must not recommend the bidder as the winning candidate.

**Article 12 (Punishment Determined by the Successful Bidder)** During the period between the announcement of the successful bidder candidate and the issuance of the notice of winning the bid, if the publicly announced successful candidate is listed as an untrustworthy executor , the bidder shall cancel the qualifications for winning the bid and re-determine the winning bidder.

Where the bidder determines that the bidder who is being listed as a judgment defaulter is the successful bidder , the result of winning the bid shall be invalid.

**Article 13: (Disciplinary Action of a Consortium) Where** a bid is made in the form of a consortium, and any member of the consortium is being listed as a judgment defaulter, the consortium is to be treated as a judgment defaulter.

**Article 14: (The Principle of Only Going In and Out, Not** Advancing) In a bidding and bidding activity, where an applicant for prequalification, a bidder, or a successful candidate is being listed as a person subject to untrustworthiness, resulting in his or her prequalification being unqualified, or the winning candidate or winning bidder's qualifications are revoked, no change has already been made because the information on untrustworthiness has been revoked or corrected since then decision.

**Article 15: (Punishment of Agencies)** Where bidders entrust bidding agencies to bid on their behalf, they must not sign an entrustment agency contract with a unit that is being listed as a judgment defaulter.

**Article 16: (Punishment of Bid Evaluation Experts) When** selecting bid evaluation experts from the bid evaluation expert pool, provincial-level departments must not employ persons who are being listed as judgment defaulters as bid evaluation experts. Where a bid evaluation expert who has already been hired is listed as a judgment defaulter , his or her qualifications as a bid evaluation expert shall be suspended and a public announcement shall be made.

**Article 17 (Supervision and Management) In the course** of supervising bidding and bidding activities in accordance with law, the administrative supervision departments for bidding and bidding at all levels throughout the province shall order corrections if they discover that the bidders, the qualification review committee, or the bid evaluation committee have violated the provisions of these Implementing Opinions .

**Article 18: (Work Organization)** Provincial and municipal social credit system establishment offices (hereinafter referred to as "credit offices"), and all levels of people's courts, together with joint disciplinary action departments and units, shall, in accordance with the requirements of these Implementing Opinions, jointly promote the targeting of untrustworthiness in bidding and bidding activities in the field of public resource transactions In the work of persons subject to enforcement in carrying out joint disciplinary action, guide and urge all localities and departments to implement the requirements for joint disciplinary action work, and ensure that joint disciplinary action work is carried out in a standardized and orderly manner.

**Article 19: (Effect Feedback)** The Provincial Public Credit Information Center shall periodically summarize the circumstances and effects of each joint disciplinary action department and unit using information on judgment defaulters in the province's public resource trading activities, and promptly report it to the Provincial Credit Office and the Provincial Court.

**Article 20: (Punishment in Other Public Resource Transaction Methods)** Where methods other than bidding and bidding are used in the field of public resource transactions, punishment is to be carried out with reference to these Implementing Opinions.

**Article 21: (Interpretation)** The Provincial Credit Office and the Provincial Court are jointly responsible for interpreting these Implementation Opinions, together with joint disciplinary action departments and units.

**Article 22 (Implementation Time)** These Opinions take effect on May 1, 2018.