Order of the State Council of the people's Republic of China

No. 613

The regulations for the implementation of the bidding law of the people's Republic of China, which were adopted at the 183rd executive meeting of the State Council on November 30, 2011, are hereby promulgated and shall enter into force as of February 1, 2012.

Premier Wen Jiabao

December 20, 2011

Regulations for the implementation of the bidding law of the people's Republic of China

Chapter I General Provisions

Article 1 in order to regulate bidding activities, these Regulations are formulated in accordance with the bidding law of the people's Republic of China (hereinafter referred to as the Bidding Law).

Article 2 the term "project construction project" as mentioned in Article 3 of the Bidding Law refers to the project and the goods and services related to the project construction.

The project mentioned in the preceding paragraph refers to the construction project, including the new construction, reconstruction and expansion of buildings and structures and their related decoration, demolition and repair; The goods related to project construction refer to the equipment and materials that form an integral part of the project and are necessary to realize the basic functions of the project; The services related to project construction refer to the survey, design, supervision and other services required for the completion of the project.

Article 3 after the reform and development of the project is approved by the relevant departments of the State Council, the specific scale and scope of the project must be announced by the relevant departments of the State Council according to law.

Article 4 the development and Reform Department of the State Council shall guide and coordinate the bidding work throughout the country and supervise and inspect the bidding activities of major national construction projects. The departments of industry and information technology, housing and urban rural construction, transportation, railways, water conservancy and commerce under the State Council shall supervise relevant bidding activities in accordance with the prescribed division of responsibilities.

The development and reform departments of the local people's governments at or above the county level shall guide and coordinate the bidding work in their respective administrative regions. The relevant departments of the local people's governments at or above the county level shall, in accordance with the prescribed division of responsibilities, supervise the bidding activities and investigate and deal with the illegal acts in the bidding activities according to law. Where the local people's governments at or above the county level have other provisions on the division of responsibilities of their subordinate departments for the supervision of bidding activities, such provisions shall prevail.

The financial department shall supervise the budget implementation and the implementation of government procurement policies of government procurement engineering construction projects subject to bidding according to law.

The supervisory organ shall supervise the supervisory objects related to bidding activities according to law.

Article 5 local people's governments at or above the level of cities divided into districts may, according to actual needs, establish unified and standardized bidding and tendering trading places to provide services for bidding and tendering activities. The trading place of bidding and tendering shall not have a subordinate relationship with the administrative supervision department, and shall not be for the purpose of profit.

The State encourages the use of information networks for electronic bidding.

Article 6 State functionaries are prohibited from illegally interfering in bidding activities in any way.

Chapter II bidding

Article 7 for projects that need to go through the formalities of project examination and approval in accordance with the relevant provisions of the state and must be subject to bidding according to law, the scope, method and organizational form of bidding shall be submitted to the project examination and approval department for examination and approval. The project examination and approval department shall timely inform the relevant administrative supervision departments of the scope, method and organization form of bidding determined by examination and approval.

Article 8 projects that must be subject to bidding according to law with state-owned funds holding a controlling or dominant position shall be subject to public bidding; However, under any of the following circumstances, bidding may be invited:

（1） Complex technology, special requirements or limited by natural environment, only a small number of potential bidders can choose;

（2） The cost of public bidding accounts for too much of the project contract amount.

In case of any of the circumstances listed in Item 2 of the preceding paragraph and belonging to the projects specified in Article 7 of these regulations, the project examination and approval department shall make a determination when examining and approving the projects; For other projects, the tenderee shall apply to the relevant administrative supervision department for confirmation.

Article 9 except for the special circumstances under which bidding may not be conducted as stipulated in Article 66 of the bidding law, bidding may not be conducted under any of the following circumstances:

（1） It is necessary to adopt irreplaceable patents or proprietary technologies;

（2） The purchaser can build, produce or provide by itself according to law;

（3） The franchising project investors who have been selected through bidding can build, produce or provide by themselves according to law;

（4） It is necessary to purchase projects, goods or services from the original bid winner, otherwise it will affect the construction or functional supporting requirements;

（5） Other special circumstances stipulated by the state.

A tenderer who practices fraud in applying the provisions of the preceding paragraph belongs to evading bidding as stipulated in Article 4 of the bidding law.

Article 10 the tenderer's ability to prepare bidding documents and organize bid evaluation as stipulated in paragraph 2 of Article 12 of the Bidding Law means that the tenderee has technical and economic professionals suitable for the scale and complexity of the bidding project.

Article 11 the qualification of a bidding agency shall be determined by the relevant departments in accordance with the law and the provisions of the State Council.

The departments of housing and urban rural development, commerce, development and reform, industry and information technology under the State Council shall, in accordance with the prescribed division of responsibilities, supervise and manage the bidding agency according to law.

Article 12 a bid invitation agency shall have a certain number of professionals who have obtained the professional qualification for bid invitation. The specific measures for obtaining the professional qualification for bidding shall be formulated by the human resources and Social Security Department of the State Council in conjunction with the development and Reform Department of the State Council.

Article 13 No unit or individual may illegally interfere in the bidding agency's business within the scope of its qualification and entrusted by the tenderee.

A bidding agency acting as an agent for bidding business shall abide by the provisions of the bidding law and these Regulations on bidders. The bidding agency shall not bid or bid on behalf of the bidding project it represents, nor shall it provide consultation for the bidders of the bidding project it represents.

The bidding agency shall not alter, lease, lend or transfer the qualification certificate.

Article 14 A tenderer shall sign a written entrustment contract with the entrusted bidding agency, and the charging standard agreed in the contract shall comply with the relevant provisions of the state.

Article 15 for a project subject to public bidding, a bidding announcement shall be issued and bidding documents shall be prepared in accordance with the provisions of the bidding law and these regulations.

If the tenderee adopts the prequalification method to examine the qualification of potential bidders, it shall issue the prequalification announcement and prepare the prequalification documents.

The prequalification announcement and bidding announcement of projects subject to bidding according to law shall be published in the media designated by the development and Reform Department of the State Council according to law. The contents of Prequalification announcement or bidding announcement of the same bidding project published in different media shall be consistent. The designated media shall not charge fees for publishing the domestic prequalification announcement and bidding announcement of the projects subject to bidding according to law.

The pre qualification documents and bidding documents for projects subject to bidding according to law shall be prepared using the standard text formulated by the development and Reform Department of the State Council in conjunction with the relevant administrative supervision departments.

Article 16 A tenderer shall sell the prequalification documents or bidding documents at the time and place specified in the prequalification announcement, bidding announcement or invitation for bids. The sale period of Prequalification documents or bidding documents shall not be less than 5 days.

The fees charged by the tenderee for selling prequalification documents and bidding documents shall be limited to compensating the costs of printing and mailing, and shall not be for profit.

Article 17 A tenderer shall reasonably determine the time for submitting the application documents for prequalification. For projects subject to bidding according to law, the time for submitting prequalification application documents shall not be less than 5 days from the date when the sale of Prequalification documents is stopped.

Article 18 prequalification shall be conducted in accordance with the standards and methods specified in the prequalification documents.

For a project in which state-owned funds hold a controlling or dominant position and must be subject to bidding according to law, the tenderee shall establish a qualification examination committee to examine the prequalification application documents. The qualification examination committee and its members shall abide by the provisions of the bidding law and these Regulations on the bid evaluation committee and its members.

Article 19 after the Prequalification is completed, the tenderee shall timely send the notice of Prequalification results to the prequalification applicant. Applicants who fail to pass the prequalification are not qualified to bid.

If there are less than three applicants who have passed the prequalification, they shall invite bids again.

Article 20 If a tenderer uses the post qualification method to examine the qualifications of bidders, the bid evaluation committee shall examine the qualifications of bidders in accordance with the standards and methods specified in the bidding documents after bid opening.

Article 21 A tenderer may make necessary clarifications or modifications to the issued prequalification documents or bidding documents. If the contents clarified or modified may affect the preparation of Prequalification application documents or bidding documents, the tenderee shall notify all potential bidders who have obtained prequalification documents or bidding documents in writing at least 3 days before the deadline for submitting prequalification application documents or at least 15 days before the deadline for bidding; If it is less than 3 or 15 days, the tenderee shall postpone the deadline for submitting prequalification application documents or tender documents.

Article 22 potential bidders or other interested parties who have objections to the prequalification documents shall submit them 2 days before the deadline for submitting prequalification application documents; Any objection to the bidding documents shall be raised 10 days before the deadline for bidding. The tenderee shall reply within 3 days from the date of receiving the objection; Before making a reply, the bidding activities shall be suspended.

Article 23 If the contents of the prequalification documents and bidding documents prepared by a tenderee violate the mandatory provisions of laws and administrative regulations, violate the principles of openness, fairness, impartiality and good faith, and affect the prequalification results or the bidding of potential bidders, the tenderee of the project subject to bidding according to law shall re invite bids after modifying the prequalification documents or bidding documents.

Article 24 A tenderer shall abide by the relevant provisions of the tendering and bidding law when dividing bid sections for a bidding project, and may not use the division of bid sections to restrict or exclude potential bidders. The tenderee of a project subject to bidding according to law shall not evade bidding by dividing bid sections.

Article 25 A tenderer shall specify the period of validity of bids in the tender documents. The validity period of bids shall be calculated from the deadline for submission of bid documents.

Article 26 If a tenderer requires a bidder to submit a bid security in the bidding documents, the bid security shall not exceed 2% of the estimated price of the bidding project. The validity period of the bid security shall be consistent with that of the bid.

The bid security submitted by domestic bidders for projects subject to bidding according to law in the form of cash or cheque shall be transferred out of their basic account.

The tenderee shall not misappropriate the bid security.

Article 27 A tenderer may decide on its own whether to prepare a base bid price. A bidding project can only have one base bid price. The base price must be kept confidential.

The intermediary agency entrusted to prepare the base bid price shall not participate in the bidding of the project entrusted to prepare the base bid price, nor prepare the bidding documents or provide consultation for the bidders of the project.

If a tenderer has a ceiling price, it shall specify the ceiling price or the calculation method of the ceiling price in the bidding documents. The tenderee shall not set a minimum bid price limit.

Article 28 A tenderer shall not organize a single or part of potential bidders to survey the project site.

Article 29 A tenderer may, in accordance with the law, conduct General Contracting Bidding for all or part of the project and the goods and services related to the project construction. If the projects, goods and services included in the general contracting scope in the form of provisional estimate fall within the scope of projects that must be subject to bidding according to law and meet the scale standards specified by the state, bidding shall be carried out according to law.

The term "provisional estimate" as mentioned in the preceding paragraph refers to the amount of projects, goods and services temporarily estimated by the tenderee in the bidding documents when the price cannot be determined during the general contract bidding.

Article 30 for projects that are technically complex or cannot accurately formulate technical specifications, the tenderee may conduct bidding in two stages.

In the first stage, the bidder shall submit the technical proposal without quotation according to the requirements of the bidding announcement or invitation for bids, and the tenderee shall determine the technical standards and requirements and prepare the bidding documents according to the technical proposal submitted by the bidder.

In the second stage, the tenderee shall provide the bidding documents to the bidders who submit technical suggestions in the first stage, and the bidders shall submit the bidding documents including the final technical scheme and bidding quotation in accordance with the requirements of the bidding documents.

If the tenderee requires a bidder to submit a bid security, it shall submit it in the second stage.

Article 31 If a tenderer terminates the bidding, it shall make a timely announcement or notify the invited or potential bidders who have obtained the prequalification documents and bidding documents in writing. If the prequalification documents and bidding documents have been sold or the bid security has been collected, the tenderee shall timely return the fees collected for the prequalification documents and bidding documents, as well as the bid security and bank deposit interest for the same period.

Article 32 A tenderer may not restrict or exclude potential bidders or bidders with unreasonable conditions.

If the tenderee commits any of the following acts, it shall be deemed to restrict or exclude potential bidders or bidders with unreasonable conditions:

（1） Provide different project information to potential bidders or bidders for the same bidding project;

（2） The set qualification, technical and commercial conditions do not adapt to the specific characteristics and actual needs of the bidding project or have nothing to do with the performance of the contract;

（3） For projects that must be subject to bidding according to law, the performance and awards of specific administrative regions or industries shall be taken as the conditions for bonus points or winning the bid;

（4） Adopt different qualification examination or bid evaluation criteria for potential bidders or bidders;

（5） Defining or designating specific patents, trademarks, brands, places of origin or suppliers;

（6） For projects subject to bidding according to law, the form of ownership or organization of potential bidders or bidders is illegally limited;

（7） Restrict or exclude potential bidders or bidders with other unreasonable conditions.

Chapter III bidding

Article 33 bidders' participation in the bidding of projects subject to tender according to law shall not be restricted by regions or departments, and no unit or individual may illegally interfere.

Article 34 legal persons, other organizations or individuals who have an interest in the tenderer and may affect the fairness of bidding shall not participate in bidding.

If the person in charge of the unit is the same person or different units with holding and management relations, they shall not participate in the bidding of the same bid section or the bidding of the same bidding project without bid sections.

In case of violation of the provisions of the preceding two paragraphs, the relevant bids shall be invalid.

Article 35 If a Bidder withdraws its submitted bid documents, it shall notify the tenderee in writing before the deadline for bid submission. If the tenderee has received the bid security, it shall return it within 5 days from the date of receiving the written withdrawal notice from the bidder.

If a Bidder withdraws its bid after the deadline for submission of bids, the tenderee may not return the bid security.

Article 36 The bid inviter shall reject the bid documents submitted by the applicants who fail to pass the prequalification, and the bid documents that are overdue or not sealed in accordance with the requirements of the bidding documents.

The tenderee shall truthfully record the delivery time and sealing of the tender documents, and file them for future reference.

Article 37 A tenderer shall specify whether to accept consortium bidding in the prequalification announcement, bidding announcement or invitation for bids.

If the tenderee accepts the bid of the consortium and conducts prequalification, the consortium shall be formed before submitting the prequalification application documents. If the consortium increases, decreases or changes its members after prequalification, its bid shall be invalid.

If all parties to a consortium bid separately in their own name or participate in the bidding of other consortia in the same bidding project, the relevant bids shall be invalid.

Article 38 in case of merger, division, bankruptcy and other major changes, the bidder shall inform the tenderee in writing in time. If a bidder no longer meets the qualification conditions specified in the prequalification documents and bidding documents, or its bid affects the fairness of bidding, its bid shall be invalid.

Article 39 bidders are prohibited from colluding with each other in bidding.

Under any of the following circumstances, bidders collude with each other in bidding:

（1） The bidders negotiate the substantive contents of the bid documents such as the bid price;

（2） The successful bidder is agreed between the bidders;

（3） The bidders agree that some bidders give up bidding or win the bid;

（4） Bidders who are members of the same group, association, chamber of Commerce and other organizations shall cooperate in bidding according to the requirements of the organization;

（5） Other joint actions taken by bidders to win the bid or exclude specific bidders.

Article 40 under any of the following circumstances, bidders shall be deemed to have colluded with each other in bidding:

（1） The bidding documents of different bidders shall be prepared by the same unit or individual;

（2） Different bidders entrust the same unit or individual to handle bidding matters;

（3） The project management members specified in the bidding documents of different bidders are the same person;

（4） The bidding documents of different bidders are abnormally consistent or the bidding prices are regularly different;

（5） The bidding documents of different bidders are mixed with each other;

（6） The bid security of different bidders shall be transferred out from the account of the same unit or individual.

Article 41 A tenderer is prohibited from colluding with bidders in bidding.

Under any of the following circumstances, the bid inviter and the bidder collude in bidding:

（1） The tenderee shall open the bidding documents before bid opening and disclose relevant information to other bidders;

（2） The tenderee directly or indirectly divulges information such as the base bid price and members of the bid evaluation committee to the bidder;

（3） The tenderee expresses or implies that the bidder lowers or raises the bid price;

（4） The tenderee instructs the tenderer to replace or modify the tender documents;

（5） The tenderee expressly or impliedly provides convenience for the bidder to win the bid for a specific bidder;

（6） Other collusive acts taken by the tenderee and the tenderer to seek the bid winning of a specific bidder.

Article 42 bidding by using qualification and qualification certificates obtained by means of assignment or lease belongs to bidding in the name of others as stipulated in Article 33 of the bidding law.

A bidder who is under any of the following circumstances shall be guilty of fraud in other ways as stipulated in Article 33 of the Bidding Law:

（1） Using forged or altered licenses;

（2） Providing false financial status or performance;

（3） Provide false resumes and labor relationship certificates of project leaders or main technicians;

（4） Providing false credit status;

（5） Other fraud.

Article 43 applicants shall abide by the provisions of this regulation on the prequalification of bidding documents and the prequalification of bidding documents.

Chapter IV Bid opening, bid evaluation and winning

Article 44 A tenderer shall open tenders at the time and place specified in the tender documents.

If there are less than 3 bidders, they shall not be opened; The tenderer shall invite tenders again.

If the bidder has any objection to the bid opening, it shall raise it at the bid opening site, and the tenderee shall make a reply on the spot and make records.

Article 45 The State implements unified professional classification standards and management measures for bid evaluation experts. The specific standards and measures shall be formulated by the development and Reform Department of the State Council in conjunction with relevant departments of the State Council.

The provincial people's governments and the relevant departments of the State Council shall establish a comprehensive bid evaluation expert database.

Article 46 except for the special bidding projects specified in paragraph 3 of Article 37 of the bidding law, the expert members of the bid evaluation committee of the projects that must be bidding according to law shall be selected at random from the list of experts of relevant disciplines in the bid evaluation expert database. No unit or individual may designate or disguise the expert members to participate in the bid evaluation committee in any way, express or implied.

The tenderee of a project subject to tender according to law shall not replace the members of the bid evaluation committee determined according to law except for the reasons specified in the bidding law and these regulations. The replacement of expert members of the bid evaluation committee shall be carried out in accordance with the provisions of the preceding paragraph.

If a member of the bid evaluation committee has an interest with a bidder, he shall withdraw on his own initiative.

The relevant administrative supervision departments shall, in accordance with the prescribed division of responsibilities, supervise the determination of members of the bid evaluation committee, the selection of bid evaluation experts and bid evaluation activities. No staff member of the administrative supervision department may serve as a member of the bid evaluation committee of the Department responsible for supervising the project.

Article 47 The term "special bidding projects" as mentioned in paragraph 3 of Article 37 of the Bidding Law refers to projects with complex technology, strong professionalism or special national requirements, and the experts determined by random selection are difficult to ensure their competence in bid evaluation.

Article 48 A tenderer shall provide the bid evaluation committee with the information necessary for bid evaluation, but shall not express or imply its preference for or exclusion of specific bidders.

The tenderee shall reasonably determine the bid evaluation time according to the project scale, technical complexity and other factors. If more than one-third of the members of the bid evaluation committee believe that the bid evaluation time is not enough, the tenderee shall extend it appropriately.

In the process of bid evaluation, the members of the bid evaluation committee shall be replaced in time if they have reasons for avoidance, leave without permission or are unable to continue bid evaluation due to health and other reasons. The evaluation conclusion made by the replaced member of the bid evaluation committee is invalid, and the replaced member of the bid evaluation committee shall conduct re evaluation.

Article 49 members of the bid evaluation committee shall, in accordance with the provisions of the bidding law and these regulations and in accordance with the bid evaluation standards and methods specified in the bidding documents, objectively and impartially put forward evaluation opinions on the bidding documents. The bid evaluation standards and methods not specified in the bidding documents shall not be used as the basis for bid evaluation.

Members of the bid evaluation committee shall not privately contact the bidder, accept the property or other benefits given by the bidder, consult the tenderee to determine the intention of the bid winner, accept the tendency expressed or implied by any unit or individual or reject the requirements of specific bidders, and shall not have other acts that are not objective and unfair in performing their duties.

Article 50 Where there is a base bid price for a project subject to tender, the tenderer shall announce it at the time of bid opening. The base bid price can only be used as a reference for bid evaluation. It is not allowed to take whether the bid price is close to the base bid price as the condition for winning the bid, and it is not allowed to take the bid price exceeding the fluctuation range of the base bid price as the condition for rejecting the bid.

Article 51 under any of the following circumstances, the bid evaluation committee shall reject its bid:

（1） The bidding document is not sealed by the bidding unit and signed by the person in charge of the unit;

（2） The bidding consortium fails to submit the joint bidding agreement;

（3） The bidder does not meet the qualification conditions specified by the state or the bidding documents;

（4） The same bidder shall submit more than two different bidding documents or bid prices, except for alternative bids required by the bidding documents;

（5） The bid price is lower than the cost or higher than the maximum bid price set in the bidding documents;

（6） The bidding document fails to respond to the substantive requirements and conditions of the bidding document;

（7） Bidders have colluded in bidding, resorted to fraud, offered bribes and other illegal acts.

Article 52 If there are ambiguous contents, obvious words or calculation errors in the tender documents, and the Bid Evaluation Committee deems it necessary for the tenderer to make necessary clarifications and explanations, it shall notify the tenderer in writing. The clarification and explanation of the tenderer shall be in written form and shall not exceed the scope of the tender document or change the substantive content of the tender document.

The bid evaluation committee shall not imply or induce the bidder to make clarification or explanation, and shall not accept the clarification or explanation offered by the bidder on its own initiative.

Article 53 after the completion of bid evaluation, the bid evaluation committee shall submit a written bid evaluation report and a list of bid winning candidates to the tenderee. The number of successful candidates shall not exceed 3 and the ranking shall be indicated.

The bid evaluation report shall be signed by all members of the bid evaluation committee. If there are different opinions on the bid evaluation results, the members of the bid evaluation committee shall explain their different opinions and reasons in writing, and the bid evaluation report shall indicate the different opinions. If a member of the bid evaluation committee refuses to sign the bid evaluation report and fails to explain his different opinions and reasons in writing, he shall be deemed to agree with the bid evaluation results.

Article 54 for projects subject to tender according to law, the tenderee shall publicize the candidates for winning the bid within 3 days from the date of receiving the bid evaluation report, and the publicity period shall not be less than 3 days.

If a bidder or other interested party has any objection to the bid evaluation results of a project subject to bidding according to law, it shall raise it during the publicity period of the candidate for winning the bid. The tenderee shall reply within 3 days from the date of receiving the objection; Before making a reply, the bidding activities shall be suspended.

Article 55 for a project that must be subject to bidding according to law with state-owned funds holding a controlling or dominant position, the tenderee shall determine the winning candidate ranking first as the winning bidder. If the winning candidate ranking first gives up winning the bid, fails to perform the contract due to force majeure, fails to submit the performance security in accordance with the requirements of the bidding documents, or is verified to have illegal acts affecting the winning results, which do not meet the conditions for winning the bid, the tenderee may determine other winning candidates as the winning bidder in order according to the list of winning candidates put forward by the bid evaluation committee, or invite bids again.

Article 56 If the business and financial situation of the candidate for winning the bid has changed significantly or there are illegal acts, and the tenderee believes that it may affect its ability to perform the contract, it shall be examined and confirmed by the original bid evaluation committee in accordance with the standards and methods specified in the bidding documents before issuing the notice of winning the bid.

Article 57 The tenderee and the successful bidder shall sign a written contract in accordance with the provisions of the bidding law and these regulations. The subject matter, price, quality, performance period and other main terms of the contract shall be consistent with the contents of the bidding documents and the bid documents of the successful bidder. The tenderee and the winning bidder shall not enter into any other agreement deviating from the substantive content of the contract.

The tenderee shall return the bid security and bank deposit interest for the same period to the bid winner and unsuccessful bidders within 5 days after the signing of the written contract at the latest.

Article 58 If the bid invitation documents require the bid winner to submit a performance security, the bid winner shall submit it in accordance with the requirements of the bid invitation documents. The performance security shall not exceed 10% of the accepted contract amount.

Article 59 the winning bidder shall perform its obligations and complete the winning project in accordance with the contract. The winning bidder shall not transfer the winning project to others, nor shall it dismember the winning project and transfer it to others respectively.

The winning bidder may, in accordance with the contract or with the consent of the tenderee, subcontract part of the non main and non critical work of the winning project to others. The person accepting the subcontracting shall have the corresponding qualification conditions and shall not subcontract again.

The winning bidder shall be responsible to the tenderee for the subcontracted project, and the subcontractor shall bear joint and several liabilities for the subcontracted project.

Chapter V complaints and handling

Article 60 if a bidder or other interested party considers that the bidding activities do not comply with the provisions of laws and administrative regulations, it may complain to the relevant administrative supervision department within 10 days from the date it knows or should know. The complaint shall have a clear request and necessary supporting materials.

If a complaint is filed against the matters specified in Articles 22, 44 and 54 of these regulations, it shall first raise an objection to the tenderee, and the period of objection reply shall not be counted within the time limit specified in the preceding paragraph.

Article 61 If a complainant complains to two or more administrative supervision departments with the right to accept the same matter, the administrative supervision department that first receives the complaint shall be responsible for handling it.

The administrative supervision department shall decide whether to accept the complaint within 3 working days from the date of receiving the complaint, and make a written decision within 30 working days from the date of accepting the complaint; The time required for inspection, detection, identification and expert review shall not be included.

If the complainant fabricates facts, forges materials or obtains supporting materials by illegal means to make a complaint, the administrative supervision department shall reject it.

Article 62 When handling complaints, the administrative supervision department shall have the right to consult and copy relevant documents and materials and investigate relevant situations, and the relevant units and personnel shall cooperate. When necessary, the administrative supervision department may order the suspension of bidding activities.

The staff of the administrative supervision department shall keep confidential the state secrets and trade secrets they know in the process of supervision and inspection according to law.

Chapter VI Legal Liability

Article 63 A tenderer who commits any of the following acts of restricting or excluding potential bidders shall be punished by the relevant administrative supervision department in accordance with the provisions of Article 51 of the Bidding Law:

（1） For projects subject to public bidding according to law, the prequalification announcement or bidding announcement is not issued in the designated media in accordance with the provisions;

（2） The contents of Prequalification announcement or bidding announcement of the same bidding project published in different media are inconsistent, which will affect the potential bidders' application for prequalification or bidding.

If the tenderee of a project subject to tender according to law fails to issue the prequalification announcement or tender announcement in accordance with the provisions, which constitutes evading the tender, he shall be punished in accordance with the provisions of Article 49 of the tender and bidding law.

Article 64 Where a tenderer is under any of the following circumstances, the relevant administrative supervision department shall order it to make corrections and may impose a fine of not more than 100000 yuan:

（1） Invite public bidding instead of public bidding according to law;

（2） The time limit for the sale, clarification and modification of bidding documents and prequalification documents, or the determined time limit for the submission of Prequalification application documents and bidding documents, does not comply with the provisions of the bidding law and these regulations;

（3） Accept units or individuals that fail to pass the prequalification to participate in the bidding;

（4） Accept the bidding documents that should be rejected.

If a tenderer commits any of the acts listed in Items 1, 3 and 4 of the preceding paragraph, the person in charge and other persons directly responsible of the unit shall be punished according to law.

Article 65 Where a bid invitation agency bids, acts as an agent in bidding or provides consultation to the bidders of the project, or accepts the entrustment to prepare the base bid price to participate in the bidding of the project entrusted to prepare the base bid price, or prepares the bid documents and provides consultation for the bidders of the project, it shall be investigated for legal responsibility in accordance with the provisions of Article 50 of the bidding law.

Article 66 A tenderer shall collect bid security in excess of the proportion specified in these regulations