Nanjing Municipal Measures for the Administration of Public Resources Transactions (Ning Zheng Gui Zi [2014] No. 14) (Revised Version)

Article 1 These Measures are formulated on the basis of the "Law of the People's Republic of China on Bidding and Bidding", the "Government Procurement Law of the People's Republic of China", the "Auction Law of the People's Republic of China", the "Land Administration Law of the People's Republic of China", the "Implementing Regulations of the People's Republic of China Law on Bidding and Bidding", the "Interim Measures for the Administration of the Transfer of State-owned Property Rights of Enterprises", and other relevant laws and regulations, combined with the actual conditions of this Municipality, so as to strengthen the supervision and management of public resource trading activities, improve the efficiency and quality of public resource allocation, and establish a fair and honest market order.

Article 2: "Public resources" as used in these Measures refers to resources of a public or public interest nature owned or managed by state organs, public institutions, state-owned holding enterprises (groups) and authorized organizations. Mainly including:

(1) Projects, goods and services involved in government financial funds, special government funds (funds), funds borrowed by the government using credit, and construction projects dominated by other state-owned funds;

(2) Projects, goods, and services that are included in the catalogue of centralized government procurement and the catalogue of government procurement of public services, and that need to be implemented in accordance with law;

(3) the right to use commercial land as a factor of production of a commercial unit, and the property rights, management rights, concession rights and other economic resources of state-owned assets;

(4) Projects, goods and services that involve the public interest or public safety and must be tendered or auctioned in accordance with law;

(5) Other transaction items that the state, province, or municipality provide shall be included in the catalog.

Article 3: "Public resource transactions" as used in these Measures refers to transaction activities involving public resources such as construction projects, government procurement, land use rights, mining rights, state-owned property rights, and concession rights transfers.

Article 4: These Measures apply to public resource transactions and their supervision and management activities within the municipal administrative region.

Article 5: Public resource transactions shall follow the principles of openness, fairness, impartiality, good faith, and selection of the best through competition, and establish a unified and standardized public resource trading market and supervision and management system in accordance with the requirements of "government leadership, separation of management and office, centralized trading, standardized operation, departmental supervision, and administrative supervision".

Article 6: The management of public resource transactions implements a management mechanism of "one committee, one office, and one center". 　　The Public Resources Transaction Management Committee (hereinafter referred to as the Public Resources Trading Management Committee) is responsible for formulating policies and regulations on public resource transactions, and organizing, coordinating and resolving major issues in public resource transactions. 　　The Office of the Public Resources Transaction Management Committee (hereinafter referred to as the Public Management Office) undertakes the daily management and comprehensive coordination of the Public Resources Transaction Management Committee. 　　The Municipal Public Resources Trading Center and sub-centers (hereinafter referred to as the trading centers or sub-centers) are public resource trading venues and service platforms.

Article 7: Integrate and establish a unified and standardized public resource trading center in that region, and each trading entity implements market entry trading activities in accordance with the following provisions:

(1) Public resource trading activities within the scope of municipal investment projects or jurisdiction shall be uniformly carried out in the municipal public resources trading center.

(2) District-level investment projects in the six urban districts of Jiangnan, such as Xuanwu, Qinhuai, Jianye, Gulou, Yuhuatai, and Qixia, or public resource trading activities within the jurisdiction of the municipal public resources trading center shall be carried out uniformly in the Municipal Public Resources Trading Center.

(3) District-level investment projects in Jiangning, Pukou, Liuhe, Lishui, Gaochun and other five districts, or bidding and bidding, government procurement and other trading activities within their jurisdiction, shall be carried out in the sub-centers of the districts where they are located. The investment projects of each park or the trading activities within the jurisdiction can be carried out in the trading center or sub-center according to the principle of proximity.

Article 8: Public resource transactions are to be managed by catalogs, formulated by the Public Administration Office in conjunction with the competent departments of various industries, and released to the public after reporting to the municipal government for approval.

Article 9: Public resources listed in the transaction catalogue are to be traded in the manner prescribed by relevant laws and regulations.

Article 10: In accordance with the principles of uniform standards, interconnection, openness, transparency, safety, and efficiency, establish a unified public service platform for public resource trading throughout the city, openly connect all kinds of electronic trading systems and electronic supervision systems, provide public services to the public, undertake trading activities, and advance the standardization, specialization, and intensification of trading activities.

Article 11: Introduce mechanisms for credit commitments, credit appraisals, credit reports, and credit appraisals in public resource trading activities.

Article 12: The competent departments of each industry shall set up windows in government affairs service centers or provide online remote reporting channels, lawfully accepting and handling relevant formalities such as permits, approvals, and filings for project transactions.

Article 13: Where government investment projects need to entrust intermediary institutions, they shall comply with the provisions on the management of the municipality's database of intermediary institutions for public resource transactions.

Article 14 The trading center shall carry out scientific classification and centralized management of trading activities, and implement centralized acceptance and professional services.

Article 15 The bidders (procurers, transferors) shall submit the transaction application on the spot or online at the window of the trading center in accordance with the requirements of the transaction catalog and the declaration materials determined by the administrative supervision departments.

Article 16: In addition to being released on media designated by the state, province, or municipality, public resource transaction information shall be released on the municipal public resource transaction information network platform at the same time.

Article 17: Where state organs, public institutions, state-owned holding enterprises (groups) and authorized organizations conduct public resource transactions, the trading center is to keep the deposit for public resources trading projects on its behalf. Where other units or organizations conduct public resource transactions, they may entrust the trading center to keep the public resource transaction project deposit on their behalf. The deposit of public resource trading projects is included in the management of special financial accounts.

Article 18: Aggregate the information of bid evaluation experts in various industries, integrate and optimize the resources of bid evaluation experts, and provide standardized, safe and convenient ways of use for the use of the bid evaluation expert database.

Article 19: Trading activities such as qualification review, bid opening, bid evaluation, and auction shall be conducted in the designated area of the center, and the entire process of on-site trading activities shall be recorded and recorded.

The bid evaluation area (including the overnight bid evaluation area) shall be managed in a closed manner.

Article 20 The tenderer (procurer) shall sign the contract in a timely manner in accordance with the requirements of the transaction documents and upload the contract text within 7 days.

Article 21 After the completion of trading activities, the trading center shall promptly issue a certificate of entering the market transaction, indicating the relevant elements of the trading activities, for the competent departments of various industries and administrative supervision departments for reference.

Article 22 Strengthen the tracking of contract performance, and the bidders (procurers, transferors) shall promptly upload the contract performance to the municipal public resource transaction integrated management system. Where bidding is involved in the bidding of a project, the audit number of the final accounts of the project shall be uploaded within 15 days after the audit report of the final accounts is formed. The competent departments of various industries should strengthen the comprehensive analysis of contract performance, promote orderly competition in the market, and improve the efficiency and efficiency of resource allocation.

Article 23 After trading activities are officially launched in accordance with procedures, in the event of the following special circumstances, transactions may be suspended upon approval by the relevant administrative supervision departments:

(1) The transaction cannot be carried out due to force majeure;

(2) The transaction cannot be carried out due to the network failure of the trading system;

(3) There are objections to the ownership of public resources during the transaction period;

(4) Other matters affecting the transaction process;

(5) Other circumstances provided for by laws and regulations.

After the suspension of trading activities, the relevant administrative supervision departments shall jointly study and deal with them together with the trading center.

Article 24 Where it is necessary to adopt a transaction method other than public bidding due to special circumstances, or if it is necessary to change the transaction method that has been originally approved for adoption due to special reasons, the original examination and approval department or administrative supervision department shall approve it.

Article 25: Where public resource trading entities or other interested parties find that transaction documents, transaction processes, or transaction results have infringed upon their own lawful rights and interests, they may submit objections or challenges in writing to public resources trading project units or agencies within the legally prescribed time limit;

When making a complaint, competitors must not be excluded in the name of complaints, false and malicious complaints must not be made, and the normal progress of public resource trading activities must not be obstructed.

Article 26 The trading center shall collect relevant comprehensive service fees according to the transaction type, and the specific charging standards shall be approved by the competent price department.

Article 27: Trading centers shall disclose information related to trading activities through relevant media such as unified portal websites, so as to facilitate retrieval and inquiry and accept social supervision.

Article 28 The supervision of the survey, design, construction, supervision and other bidding activities of all kinds of housing construction and municipal infrastructure projects in the municipality shall be the responsibility of the construction department; the supervision of the bidding activities of water conservancy, transportation and other industries and industrial projects shall be the responsibility of the departments of water conservancy and transportation respectively; the supervision of goods related to engineering construction projects shall be the responsibility of the development and reform departments; the supervision of government procurement activities and the disposal of state-owned assets of administrative institutions shall be the responsibility of the financial department; and the state-owned assets department shall supervise the property rights transactions and asset disposal of enterprises. The state-owned asset management department shall be responsible; the land and mineral transaction supervision and law enforcement shall be the responsibility of the land department.

The supervision and management of other entry trading activities shall be carried out in accordance with laws, regulations and duties determined by the government.

For trading activities for which the regulatory duties are not clear, the public management office shall request the departments with similar business to perform their supervisory duties.

Article 29 Each administrative supervision department shall conduct on-site supervision of the transaction process, file written reports on the bidding situation and contracts, periodically evaluate agencies, bid evaluation experts, etc., accept complaints and reports, and investigate and deal with violations of laws and regulations in trading activities in accordance with law.

Article 30: Through the joint meeting system, the Public Management Office is to study and resolve contradictions and problems that exist in the process of supervision and management of public resource transactions, and organize and carry out key inspections and special inspections of public resource trading activities.

Article 31: Supervision departments shall strengthen management of public resource trading activities, and perform re-supervision functions in accordance with laws and regulations.

Article 32: These Measures take effect on February 1, 2015.