Jiangsu Provincial Regulations on the Administration of Engineering Construction

Adopted at the 21st Meeting of the Standing Committee of the Eighth People's Congress of Jiangsu Province on June 14, 1996, and amended for the first time in accordance with the Decision on Amending the Regulations on the Administration of Engineering Construction in Jiangsu Province at the 30th Meeting of the Standing Committee of the Ninth People's Congress of Jiangsu Province on June 22, 2002, and the Decision on Amending the Regulations on the Administration of Project Construction in Jiangsu Province at the Second Meeting of the Standing Committee of the Tenth People's Congress of Jiangsu Province on April 21, 2003. The second amendment is based on the third amendment in accordance with the Decision on Amending the Regulations on the Administration of Engineering Construction in Jiangsu Province at the Eleventh Meeting of the Standing Committee of the Tenth People's Congress of Jiangsu Province on August 20, 2004

Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with law in order to meet the needs of the development of the socialist market economy, strengthen the management of project construction activities, maintain the order of project construction, ensure the quality and safety of projects, and improve the efficiency of investment.

Article 2: Those engaged in engineering construction activities within the administrative region of this province must comply with these Regulations.

"Engineering construction activities" as used in the preceding paragraph refers to all kinds of construction activities in the implementation stage of housing construction, civil engineering, equipment installation, pipeline laying, building decoration and decoration, and other engineering projects after the establishment of projects.

The competent administrative department for construction of the provincial people's government is the comprehensive management department for engineering construction activities within its administrative region. Its main responsibilities are:

(1) To implement laws, regulations, rules and policies related to the construction of projects, and to study and formulate comprehensive management measures;

(2) Responsible for issuing construction permits;

(3) Responsible for the management of project construction bidding and bidding, the supervision of contracts for the contracting and contracting of engineering projects, and the comprehensive management of project quality and safety;

(4) Responsible for or in conjunction with relevant departments for the management of project construction standard quotas and project costs;

(5) Responsible for or in conjunction with relevant departments for the management of the preliminary design and completion acceptance of engineering projects;

(6) Responsible for reviewing the qualification (qualification) level of the project contractor and the intermediary service agency, and issuing the corresponding qualification (qualification) certificate;

(7) Coordinate major problems in the construction of the project, and investigate and deal with illegal acts in accordance with law.

The competent administrative departments for construction of the people's governments of districted cities and counties (cities) are the comprehensive management departments for engineering construction activities within their respective administrative regions, and their specific responsibilities are determined by the people's governments at the same level.

The departments of water conservancy, transportation, electric power, post and telecommunications at or above the county level shall, in accordance with their respective duties, be responsible for the specific organization and implementation of the system engineering projects and the management of the industry, and shall accept the comprehensive management and supervision of the competent administrative departments for construction.

Departments such as for planning, economy, finance, banking, auditing, industrial and commercial administration, land management, environmental protection, and labor at or above the county level shall, in accordance with the duties prescribed by the State and the people's governments at the same level, coordinate with the competent administrative departments for construction to do a good job in the management of engineering construction activities.

Article 5: Project construction activities shall be managed at different levels. The competent administrative departments for construction of local people's governments at all levels shall perform their duties in accordance with law, strengthen supervision and management of engineering construction activities, safeguard the lawful rights and interests of citizens, legal persons and other organizations, and must not use their powers to illegally interfere in engineering construction activities.

Chapter II: Engineering Construction Procedures

Article 6: The survey and design documents of engineering projects shall be compiled by engineering survey and design units with corresponding qualifications (qualifications). Construction units or individuals shall, in accordance with national regulations, handle the formalities for reviewing construction drawing design documents.

The construction of a project must obtain a construction permit in accordance with the relevant provisions of the State.

After receiving the completion report of the construction project, the construction unit or individual shall organize the design, construction, project supervision and other relevant units to carry out the completion acceptance, and report it to the competent administrative department for construction or other relevant departments for the record in accordance with the relevant provisions.

Within six months after the completion and acceptance of the project, the construction unit or individual shall submit the completion drawings and other project construction archives to the urban construction archives (rooms) of the districted city or county (city) where the project is located.

Article 10: The competent administrative departments for construction of local people's governments at all levels and other relevant departments shall specify the specific time limit for handling examination and approval or other relevant formalities; where it is necessary for citizens, legal persons, or other organizations to supplement relevant documents or materials, they shall submit a one-time request.

Chapter III: Project Contracting and Contracting

The survey, design, construction (including building decoration and decoration), supervision, material and equipment supply and other tasks of engineering projects and the general contracting of projects must be tendered and bid in accordance with the relevant provisions of the State and the province.

Where the State has certain special professional provisions on bidding and bidding, it shall follow those provisions and at the same time accept the unified centralized management and supervision of the competent administrative department for construction.

The contractor must have the ability to prepare bidding documents and organize bidding. If it does not have the ability, it must entrust the bidding agent to organize the bidding and contract issuance.

Contractors contracting engineering projects must hold a business license issued by the administrative department for industry and commerce and have qualifications (qualifications) suitable for the contracted projects.

Contractors outside the province who enter contracted projects in this province shall have their qualifications (qualifications) verified by the competent administrative department for construction.

In addition to the design of the program, the engineering design institutions outside the country (territory) undertaking engineering design in the administrative region of the province shall cooperate with the domestic design units for design, and comply with the standards, norms and procedures of the national and provincial engineering construction.

Institutions engaged in intermediary service activities such as engineering consulting, bidding agency, construction supervision, and project cost consulting must be legal persons or other economic organizations established in accordance with law, and have qualifications (qualifications) appropriate to the intermediary service activities they are engaged in.

Institutions outside the province that are engaged in bidding agency, construction supervision, and project cost consulting intermediary service activities, entering the province to undertake business, shall be verified by the competent administrative department of construction (qualification).

Article 15: A construction supervision system shall be implemented for the construction of projects.

The supervision unit shall, in accordance with the relevant provisions of the State and the provisions of the supervision contract, control the quality, cost, duration, etc. of the project project, and bear corresponding responsibility for the project quality accident or other economic losses caused by the fault of supervision.

The signing of contracts for the contracting of engineering projects and the entrustment of contracts for engineering construction intermediary services shall follow the principles of fairness and lawfulness, good faith, equality and mutual benefit, and consensus, using model texts recommended by the State or other written forms, and no unit or individual may illegally interfere.

The administrative departments for industry and commerce and the competent administrative departments for construction of people's governments at the county level or above shall, in accordance with their statutory duties, be responsible for the supervision of the contracts referred to in the preceding paragraph.

The estimated budget of a project shall be determined on the basis of the prescribed standard quota and valuation method, and shall be determined on the basis of factors such as changes in market supply and demand and construction conditions.

Article 18: Construction units or individuals shall, after the completion and acceptance of the project, handle the settlement of the completion of the project with the contractor in accordance with the provisions of the contract, and if the contract does not stipulate the settlement period, it shall complete the processing within six months from the date of acceptance.

The auditing department shall, in accordance with regulations, strengthen the audit of the completion of the project.

Chapter IV Project Quality

Engineering survey, design, construction, production of building components, main process equipment and professional key equipment and complex equipment processing shall strictly implement the relevant standards, norms and technical regulations.

Article 21 Building materials, structural parts and equipment used in engineering construction must comply with design requirements and product quality standards.

The contractor shall be responsible for the quality of the contracted projects. The quality of the projects that implement general contracting shall be the responsibility of the general contractor.

After the completion and acceptance of the project, the contractor responsible for the construction shall warrant the project in accordance with the scope and time limit stipulated by the state. The cost of the warranty shall be borne by the person responsible.

The competent administrative departments for construction of the people's governments at all levels shall strengthen supervision and inspection of the quality of projects.

Units such as survey, design, and construction must ensure the quality of the project, and bear corresponding responsibilities for quality accidents that occur during the construction of the project and after they are delivered for use.

Chapter V: Engineering Safety

The survey, design and construction of engineering projects shall comply with the provisions of the State and this province on the prevention of fires and the resistance to natural and secondary disasters such as earthquakes, floods, and hurricanes.

Article 26 Any transformation activity involving the addition of layering, decoration and decoration, changing the use function of industrial and civil buildings involving changes in the main body of the project and the load-bearing structure shall be entrusted to the original design unit or the design unit with the corresponding qualification level to propose a design plan before construction; if there is no design plan, construction shall not be carried out. Where the main structure of the layer is added, the main structure is dismantled, or the functions of use are changed, the examination and approval formalities shall be handled in accordance with law.

Construction units or individuals and contractors shall take measures to control pollution and harm to the environment such as noise caused by construction, and protect the safety of public facilities and adjacent buildings and structures within the scope of the construction site.

Where the provisions of the preceding paragraph are violated, relevant units and individuals have the right to supervise and report them.

Article 28: In any of the following circumstances, construction units or individuals shall go through approval formalities with the relevant departments in accordance with law; where units and residents in the surrounding areas may be affected, they shall also notify the units and residents in the area in advance:

(1) Temporarily occupying a venue other than the approved area;

(2) Damaging public facilities such as roads, pipelines, electric power, and communications;

(3) Temporary water, power, heat, gas, or road traffic;

(4) Carrying out blasting operations;

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

Article 29: Contractors shall strengthen safety education, establish and improve production safety assurance systems and responsibility systems. The construction unit or individual shall not make a request to the contractor that does not meet the construction safety.

For illegal operations that endanger personal safety during construction, the construction personnel have the right to refuse, and have the right to report and accuse.

Chapter VI: Legal Liability

Article 30: Where a construction unit or individual violates the provisions of Article 9 of these Regulations and fails to submit the materials in the archives of engineering construction, the competent administrative department for construction of the people's government at the county level or above shall order corrections within a time limit and impose a fine of between 10,000 and 100,000 yuan.

Article 31: Where violations of the provisions of these Regulations cause major project quality and casualties, losses shall be compensated, and the administrative responsibility of leaders and principally responsible personnel shall be pursued in accordance with law; where professional qualification management is carried out, the professional qualification management organs may lower their qualification levels or cancel their professional qualifications for practitioners who bear the main responsibility; where a crime is constituted, the judicial organs shall pursue criminal responsibility in accordance with law.

Article 32: Where violations of the provisions of these Regulations fall within the scope of public security, industrial and commercial administration, and so forth, the departments for public security, industrial and commercial administration are to punish them separately in accordance with the provisions of relevant laws and regulations.

Article 33: When investigating and handling cases of relevant administrative violations, the competent administrative departments for construction of people's governments at the county level or above must have two or more law enforcement personnel and present law enforcement certificates; when imposing administrative punishments, they must use fines and confiscation documents uniformly formulated and issued by the financial departments.

The proceeds from fines and forfeitures must be handed over in full to the State Treasury.

Article 34: Where the staff of the competent administrative departments for construction of people's governments at all levels and other relevant departments derelict their duties, refuse or fail to perform their legally prescribed duties in a timely manner, exceed or abuse their powers, divulge secrets, engage in favoritism, offer bribes and demand bribes, shield violations of discipline and laws, or infringe upon the lawful rights and interests of citizens and enterprises, the unit to which they belong or the competent department at a higher level shall give them administrative sanctions;

Article 35: Whoever violates the provisions of these Regulations and causes project quality, safety accidents, or other personal or property damage shall bear civil liability in accordance with law.

Civil disputes arising in the course of engineering construction activities shall be resolved through consultation. If the consultation fails, it shall apply to the arbitration institution for arbitration in accordance with the arbitration agreement signed by both parties. Where there is no arbitration agreement or the arbitration agreement is invalid, it may be filed with the people's court in accordance with law.

Chapter VII Supplementary Provisions

Article 36: The Provincial People's Government may formulate individual management measures on the basis of these Regulations.

Article 37: These Regulations take effect on the date of promulgation.