










Please log in
to join the Chamber of Commerce.

- 
Home
page
- 
Industry
services
- 
Informat
ion
- 
Do
things
online
- 
Forum
exhibitio
n
- 
Credit
construc
tion
- 
Industry
publicati
ons
- 
Democr
atic
Office
- 
Member'
s home

国际基础设施合作研究系列报告

INTERNATIONAL INFRASTRUCTURE COOPERATION RESEARCH REPORT

Current Location: Home > Industry Services > Industry Self-discipline > Industry Standards > [Engineering] Penalties for Violations by Outsourcing Engineering Enterprises (Trial)

[Project] Penalties for Violations by Foreign Contracted Engineering Enterprises (Trial)

Release time: 2018-04-09

Penalties for violations by foreign contracted engineering enterprises (Trial)

Chapter I Aims and Purposes

Article 1 In order to meet the needs of the reform of the management system of foreign contracted projects, further strengthen supervision and ex post evaluation, maintain the order of operation of foreign contracted projects, clarify the punishment standards and procedures for illegal acts of enterprises, and increase the punishment of illegal enterprises, in accordance with the Regulations on the Administration of Foreign Contracted Projects and The Measures for Filing and Coordinating Recommendation of Package Projects shall be formulated.

Article 2 These Measures apply to member enterprises participating in overseas contracted projects and related investment projects, hereinafter referred to as enterprises.

Chapter II Definition of Violations

Article 3 The following acts arising from enterprises in the bidding (negotiation) and implementation of overseas projects shall be regarded as violations:

- (i) Failing to record the project in accordance with the relevant requirements of the competent government authorities and contractors;

(ii) It does not obey the contractor's coordination with the relevant departments, or does not implement the coordination decision;

(3) Leaking the coordination process and trade secrets from the outside world, seriously endangering foreign relations and industry interests;

(IV) The following acts of unfair competition are used:

1. Falsely reporting project tracking, providing false overseas performance, exaggerating enterprise qualifications and capabilities;

2. Maliciously slandering other Chinese enterprises, or by means of leaking or providing the business status of other competitive bidding enterprises, etc., to exclude other Chinese enterprises;

3. The external quotation of the project (including individual quotation) is significantly lower than the average level of local Chinese-funded enterprises, or the external quotation is significantly and low, or the financing conditions are greatly reduced, disrupting the market price level;

4. After the bid opening of the open bidding project, if the first Chinese-funded enterprise is the bid negotiation project, or the Chinese-funded enterprise has carried out substantive work and is in a critical period of bid negotiation, and other Chinese enterprises promise to reduce the quotation or provide more preferential financing conditions to the owners without authorization;

5. Subcontracting or subcontracting the project to a Chinese-funded enterprise for improper benefits after winning the bid at a low price;

6. Violating the relevant regulations of the State and industry norms, disrupting the market price level of contracted projects and disrupting the market management order in other ways;

7. Seeking market trading opportunities through commercial bribery;

(5) In the process of project implementation, do not pay attention to project quality and production safety management, and fail to strictly implement the relevant standards and regulations for quality and safety management of outsourced projects.

(6) In the process of project implementation, failure to strictly abide by the relevant laws and regulations of the country where the project is located, causing damage to the environment and the interests of the community;

(vii) Other violations determined by the Coordinating Committee of the Contractors' Association.

Article 4 The Coordinating Committee of the Contractor's Association shall be responsible for determining the illegal behavior of the enterprise and make corresponding punishment decisions

according to the seriousness of the circumstances and the harmful consequences.

Chapter III Penalty Standards

Article 5 Enterprises that fail to file projects in accordance with the relevant regulations of the Chamber of Commerce and submit (negotiation) the bid shall be given a warning and ordered to make corrections; enterprises with serious circumstances may suspend their recommendation to participate in overseas investment (negotiation) projects for half a year.

Article 6 Enterprises that do not participate in the coordination organized by the contractor's association, do not implement coordination decisions, or engage in unfair competition shall be notified, criticized and ordered to make corrections; if they refuse to make corrections and the circumstances are serious, they may suspend their recommendation to participate in overseas bidding projects for half a year to two years, and reduce the credit rating and classification of the industry. Relevant indicators are in the middle.

Article 7 Enterprises that leak the coordination process and industry secrets and seriously endanger foreign relations and industry interests may suspend their recommendation to participate in overseas investment (negotiation) bid projects for one to two years, and reduce the relevant indicators in the industry credit rating and grading standards. Those who are serious in cases and the consequences are extremely serious may be expelled. Penalties, and it is recommended that competent government departments impose administrative penalties.

Article 8 Enterprises that have suffered quality and safety accidents, or acts that damage the environment, damage the interests of the community, etc., or are punished by the competent departments of the domestic government shall be notified and criticized and ordered to make corrections. If they refuse to make corrections and the circumstances are serious, they may suspend their recommendation to participate in overseas bidding projects for half a year to two years and reduce the number of travel. Relevant indicators in industry credit ratings and grading standards shall be reduced.

Article 9 If an enterprise punished by the government of the country where the project is located, international financial institutions and other enterprises are located, if the coordination committee determines that the enterprise has indeed violated the law, it shall be notified and criticized, and its recommendation to participate in overseas bidding (negotiation) projects shall be suspended for half a year to two years, and the relevant indicators in the industry credit rating and classification shall be reduced.

Chapter IV Investigation and Handling Procedures

Article 10 The secretariat of the Coordination Committee shall be responsible for conducting

I want to join the club.

Project filing

I want to leave a message.

Member inquiry

Worry-free overseas

About Us

Put it away

preliminary investigations, notifying enterprises suspected of violating regulations in writing, hearing the enterprise's appeal opinions, collecting relevant information, and making punishment suggestions in accordance with these Measures.

Article 11 After examining the facts of violations by the enterprise and hearing the appeals of suspected illegal enterprises, the special coordination group of the coordinating committee shall, according to the seriousness of the case and make written punishment opinions in accordance with the provisions of these Measures. After examination and approval by the coordination committee, the secretariat of the coordination committee shall notify the illegal enterprises.

Article 12 The special coordination group shall be composed of nine units. It shall be randomly elected from the president unit and the governing body by drawing lots. The penalty decision shall be made by vote (including written vote), which shall be approved by two-thirds or more. Voting is subject to the withdrawal system, and any enterprises that have an association shall not participate in the voting.

Article 13 If an illegal enterprise has any objection to the punishment of the special coordination group of the coordination committee, it may submit a reconsideration within 5 working days after receiving the punishment decision, and the coordination committee shall reconsiderate to form a final penalty decision. If the penalty involving dismissal, it shall be reported to the president's meeting for approval.

Article 14 Enterprises suspected of violating regulations shall actively cooperate with the investigation and verification work of the Coordinating Committee of the Contractors' Association, and bear the expenses incurred in investigation, supervision and inspection. For enterprises that adopt a non-cooperative attitude, the coordination committee will impose a heavier punishment according to the circumstances.

Article 15 The secretariat of the Coordination Committee shall be responsible for notifying the punishment decision to the competent government departments, the business (participation offices) of relevant embassies abroad and financial institutions, and recording them in the enterprise credit files.

Article 16 The member enterprises of the Contractor Association may report illegal acts such as unfair competition in the business activities of the relevant enterprises in various forms, and assist in investigation and verification. The contractor's coordination committee and the secretariat keep the relevant materials confidential.

Chapter 5 Other

Article 17 If an enterprise commits a violation of regulations, but can take appropriate measures

in time to eliminate the adverse impact on the inside and outside world, the punishment may be mitigated; if no corresponding measures have been taken against the adverse effects caused or the impact can no longer be recovered, the punishment may be increased.

Article 18 If an enterprise is punished for violating regulations, the contractor will not recommend it to participate in intergovernmental cooperation projects during the punishment period.

Article 19 For violations committed by non-member enterprises, the contractor will advise and assist relevant government departments to impose corresponding penalties.

Article 20 If an enterprise is subject to administrative penalties in violation of the Regulations on the Administration of Foreign Contracting Projects and other administrative regulations, the Coordinating Committee of the Contractor Association may decide on additional appropriate industry penalties according to the circumstances.

Chapter VI By-laws

Article 21 These Measures shall be formulated by the Contractors' Association's Industry Rules Committee and shall be responsible for interpretation.

Article 22 These Measures shall be implemented after being adopted by the third boards of directors of the seventh session of the Contractors' Meeting on November 30, 2017. The Measures for Penalties for Violations by Foreign Contracted Engineering Enterprises (Trial) shall be repealed from the date of implementation of these Measures.

Article Source: Contractor Club

Related reading

Recommended list of Chinese contractors in 59 key country markets in 2022

Recommended list of Chinese contractors in 59 key country markets in 2021

Recommended List of Chinese Contractors in Key Country Markets in 2020

Recommended List of Chinese Contractors in Key Country Markets in 2019

Recommended List of Chinese Contractors in Key Country Markets in 2018

Share to:



13th Floor, Building 23, No. 17 Xicui Road, Haidian District, Beijing ICP filing number:

Beijing ICP 05046363-1  Beijing Public Network Security Record No. 11010802026260 All rights reserved

by China Chamber of Commerce for Outer Contracting Engineering