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Order of the China International Development Cooperation Agency (No. 4, 2020) "Measures for the Qualification of Consulting Service Units for Foreign Aid Projects"

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Order of the National International Development Cooperation Agency

(No. 4, 2020)

The "Measures for the Qualification of Foreign Aid Project Consulting Service Units", which were deliberated and adopted at the 9th executive meeting of the China International Development Cooperation Agency in 2020 on October 22, 2020, are hereby promulgated and shall come into force on December 1, 2020.

Director Wang Xiaotao

October 30, 2020

Measures for the Qualification of Consulting Service Units for Foreign Aid Projects

Chapter 1 General Provisions

Article 1 In order to regulate the qualification of foreign aid project consulting service units (hereinafter referred to as foreign aid project consulting service units), in accordance with the Administrative License Law and the Decision of the State Council on Establishing Administrative Licenses for Administrative Examination and Approval Items that Really Need to Be Retained (Decree of the State Council) No. 412 of 2004), to formulate these measures.

Article 2 The term "foreign aid project consulting service unit" as mentioned in these Measures refers to a legal person organization that has been qualified and can undertake the task of consulting services for foreign aid projects of the Chinese government.

Foreign aid project consulting service units include:

(1) Feasibility study unit, which undertakes the task of feasibility study of foreign aid projects. Specifically divided into:

1. Engineering Feasibility Study Units, undertake the feasibility study tasks of complete foreign aid projects and technical assistance projects mainly based on incidental projects.

2. The material feasibility study unit undertakes the feasibility study task of foreign aid material projects and technical assistance projects mainly providing materials.

3. Service Feasibility Study Units, undertake the feasibility study tasks of technical assistance projects such as planning formulation, policy consultation, education and training, technical services, etc., mainly dispatching experts.

(2) Project consulting units, undertaking pre-feasibility studies, preparatory technical studies, preparation of project proposals, preparation of foreign aid preferential loan application reports, preparation of financing plans for major strategic projects, and project applications, etc.

(3) Evaluation and consulting unit, which undertakes the evaluation of the feasibility study report and project proposal of foreign aid projects, the evaluation of foreign aid preferential loan application reports, the evaluation of major strategic project financing plans and project application reports, and the post-evaluation of project implementation.

(4) The economic and technical consulting unit shall undertake the tasks of compiling and reviewing the estimated budget and final accounts of foreign aid projects, and approving the contract price.

Article 3 The China International Development Cooperation Agency (hereinafter referred to as the International Development Cooperation Agency) is responsible for the qualification identification and qualification management of foreign aid project consulting service units.

The specific departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government and the Xinjiang Production and Construction Corps responsible for foreign aid work (hereinafter collectively referred to as the provincial competent departments) assist the International Development Cooperation Agency in the accreditation of foreign aid project consulting service units.

Article 4 The qualified foreign aid project consulting service units may undertake foreign aid project consulting service tasks within the scope of the corresponding qualification category.

Chapter II Qualifications

Article 5 A foreign aid project consulting service unit shall have the following basic qualifications:

(1) It is a legal person established within the territory of China in accordance with Chinese laws, including enterprises, institutions and social groups;

(2) All investors are Chinese investors;

(3) It has a professional department capable of engaging in foreign aid work and more than five consulting staff, of which the main business person has been engaged in consulting business for not less than ten years;

(4) It has domestic (foreign) consulting service performance of the corresponding category, and the specific performance standards will be announced separately;

(5) No losses have occurred in the previous two fiscal years;

(6) It has not received any criminal punishment or administrative punishment for engaging in illegal business activities or violating relevant foreign aid management regulations in the past two years;

(7) Paying taxes and social insurance premiums according to law;

(8) It has good business integrity performance.

Article 6 To apply for the qualification of an engineering feasibility study unit, in addition to the basic qualifications stipulated in Article 5, the applicant shall also possess the comprehensive Grade A qualification for engineering design or the Grade A qualification for the industry issued by the relevant industry competent department of the State Council, and shall meet the relevant requirements of the State Council. Grade-A credit evaluation standard for engineering consulting units recognized by the industry competent authorities.

Article 7 To apply for the qualification of a project consulting unit, in addition to the basic qualifications stipulated in Article 5, it shall also meet the Grade A credit evaluation standards for engineering consulting units guided and recognized by the relevant industry authorities of the State Council.

Article 8 To apply for the qualification of an evaluation and consulting unit, in addition to meeting the basic qualifications specified in Article 5, it shall also meet the comprehensive Grade-A credit evaluation standards for engineering consulting units guided and recognized by the relevant industry authorities of the State Council.

Article 9 To apply for the qualification of an economic and technical consulting unit, in addition to the basic qualifications stipulated in Article 5, it shall also have the Class A qualification for engineering cost consulting enterprises issued by the relevant competent department of the State Council.

Chapter III Qualification Examination

Article 10 A consulting service unit applying for the qualification of a foreign aid project consulting service unit shall submit the following documents to the International Development Cooperation Agency:

(1) an application;

(2) The identity certification documents of the legal person of the unit and its legal representative;

(3) Documents certifying the capital contribution of the enterprise and the identity document of the investor, relevant certifying documents of the legal person registration of a public institution, or relevant certifying documents of the registration of a social group;

(4) A description of the professional and technical force, including the list of professional departments and their staff members that the unit can engage in foreign aid work, as well as the work history of the person in charge of the main business;

(5) Documents proving the performance of conducting domestic (foreign) project consulting services;

(6) The unit's accounting statements for the previous two years;

(7) A statement by the unit that it has not received any criminal punishment or administrative punishment for engaging in illegal business activities or violating relevant foreign aid management regulations in the past two years;

(8) The tax payment certificate for the previous two years issued by the tax authority;

(9) The payment certificate for the previous two years issued by the social insurance agency.

In addition to the above documents, applicants for the qualification of engineering feasibility study units must also submit the engineering design comprehensive Grade A or industry Grade A qualification certificate issued by the relevant industry authorities of the State Council, as well as the Grade A credit rating of engineering consulting units guided and recognized by the relevant industry authorities of the State Council. Evaluation certificate; to apply for the qualification of a project consulting unit, you need to submit the Grade A credit evaluation certificate of an engineering consulting unit guided and recognized by the relevant industry authorities of the State Council; to apply for the qualification of an evaluation consulting unit, you must also submit a comprehensive Grade A engineering consulting unit guided and recognized by the relevant industry authorities of the State Council. Credit evaluation certificate; to apply for the qualification of economic and technical consulting unit, it is also necessary to submit the Class A qualification certificate of engineering cost consulting enterprise issued by the relevant industry competent department of the State Council.

Article 11 The consulting service units registered with the relevant competent departments and agencies of the State Council shall submit applications directly to the International Development Cooperation Agency, and other units shall submit applications to the local provincial competent departments.

Article 12 For applications to the provincial competent department, the provincial competent department shall complete the preliminary examination within five working days from the date of receipt of the application documents, and submit the application documents together with the preliminary examination opinions to the International Development Cooperation Agency for examination and approval.

Article 13 The International Development Cooperation Agency shall complete the review within 20 working days from the date of receipt of the complete application documents or within 15 working days from the date of receipt of the preliminary review opinion from the provincial competent authority, and decide whether to approve or not. decision.

If the license is granted, the International Development Cooperation Agency will issue a license document valid for two years; if the license is not granted, the International Development Cooperation Agency shall explain the reasons and inform the applicant that he or she has the right to apply for administrative reconsideration or file an administrative lawsuit in accordance with the law.

Article 14 The International Development Cooperation Agency shall publish the list of foreign aid project consulting service units that have obtained qualifications after qualification.

Article 15 If a qualified consulting service unit needs to extend the validity period of the qualification license, it shall submit an application to the International Development Cooperation Agency or the local provincial competent authority in accordance with Articles 10 and 11 before the expiration of the validity period.

Article 16 The provincial competent department and the International Development Cooperation Agency shall conduct preliminary verification or review of the application according to the time limit specified in Articles 12 and 13, and the International Development Cooperation Agency shall make a decision on whether to grant an extension before the expiration of the validity period of the license.

Article 17 If the extension is granted, the International Development Cooperation Agency will issue a permit document granting the extension; if the extension is not granted, the International Development Cooperation Agency shall explain the reasons and inform the consulting service unit that it has the right to apply for administrative reconsideration or file an administrative lawsuit in accordance with the law.

Article 18 If a foreign aid project consulting service unit changes the unit name, unit type, legal representative, and capital contribution, it shall file with the International Development Cooperation Agency within one month from the date of the change, and provide the following documents:

- (1) Change application form;
- (2) Change registration certification documents;
- (3) Relevant certification documents after the change.

Article 19 If a foreign aid project consulting service unit is restructured, divided or merged, the newly established unit after the restructuring, division or merger shall re-apply for qualification accreditation in accordance with the provisions of these Measures.

Article 20 The International Development Cooperation Agency establishes an integrity evaluation system for foreign aid project consulting service units, and evaluates the consulting service units' compliance with foreign aid management regulations and performance of consulting service contracts.

Article 21 Under any of the following circumstances, the International Development Cooperation Agency may revoke the qualification of the foreign aid project consulting service unit according to its authority or at the request of the interested party:

- (1) A staff member of an administrative organ abuses his power or neglects his duty to make a decision on the qualification licensing of a foreign aid project consulting service unit;
- (2) Violating legal procedures to make a decision on the qualification licensing of foreign aid project consulting service units;
- (3) Granting the qualification license for foreign aid project consulting service units to applicants who do not have the application qualifications or do not meet the statutory conditions.

If the consulting service unit obtains the qualification by deceit, bribery or other improper means, the International Development Cooperation Agency shall revoke its qualification.

Article 22 If the foreign aid project consulting service unit loses its qualification due to the expiration of the validity period, it will not affect the implementation of the project that has won the bid.

Chapter V Legal Liability

Article 23 If a consulting service unit falls under any of the following circumstances, the International Development Cooperation Agency will give a warning and may concurrently impose a fine of less than 30,000 yuan; if it violates the relevant laws and administrative regulations, it will be punished in accordance with the relevant laws and administrative regulations. Administrative punishment; if a crime is constituted, criminal responsibility shall be investigated according to law:

- (1) Obtaining the qualification of a foreign aid project consulting service unit by deceit, bribery or other improper means;
- (2) Illegal transfer of the qualifications of foreign aid project consulting service units by means of leasing, lending, etc.;
- (3) Concealing relevant information or providing false materials to obtain the qualification of a foreign aid project consulting service unit.

Article 24 If the staff members of the International Development Cooperation Agency and provincial competent departments violate the relevant laws and regulations and the provisions of these Measures during the process of qualification management of

foreign aid project consulting service units, they shall be punished according to the seriousness of the circumstances; if a crime is constituted, they shall be investigated according to law criminal responsibility.

Chapter VI Supplementary Provisions

Article 25 For professional fields where no unit has obtained the qualification of foreign aid project consulting service unit temporarily, the selection of the professional consulting service unit shall be carried out in accordance with the foreign aid project procurement regulations.

Article 26 The term "Chinese investors" as mentioned in these Measures does not include foreign-invested enterprises.

Article 27 These Measures shall come into force on December 1, 2020. From the date of implementation, if the relevant provisions on foreign aid project consulting service units in the "Measures for the Qualification of Enterprises Implementing Foreign Aid Projects (Trial)" (Order of the Ministry of Commerce, No. 1, 2015) are inconsistent with the provisions of these Measures, the provisions of these Measures shall prevail.

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