

Circular of the Ministry of Finance on Issuing the Interim Measures for the Administration of PPP Consulting Agency Database

(01-APR-2017)

Note: English version for reference only, Chinese version shall prevail.

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Cai Jin [2017] No.8

The financial offices (bureaus) of all provinces, autonomous regions, municipalities directly under the Central Government and cities specifically designated in the state plan, the Financial Bureau of Xinjiang Production and Construction Corps, the Financial Supervision Commissioner Offices of the Ministry of Finance at all provinces, autonomous regions, municipalities directly under the Central Government and cities specifically designated in the state plan,

In order to regulate the establishment, maintenance and management of Public-Private Partnerships (PPP) consulting agency database, promote information disclosure and effective connection of supply and demand concerning PPP consultation service, and advance the regulated and orderly development of the PPP consultation service market, in accordance with the Circular of the General Office of the State Council on Forwarding the Guiding Opinions of the Ministry of Finance, the National Development and Reform Commission and the People's Bank of China on Promoting the Public-Private Partnerships Mode in the Public Service Fields (Guo Ban Fa [2015] No.42) and the Circular of the Ministry of Finance on Regulating the Operation of the Public-Private Partnerships (PPP) Integrated Information Platform (CaiJin [2015] No.166), we have studied and drafted the Interim Measures for the Administration of Public-Private Partnerships (PPP) Consulting Agency Database, which are hereby issued to you for compliance and implementation.

Issued by the Ministry of Finance of China on March 22, 2017

Interim Measures for the Administration of Public-Private Partnerships (PPP) Consulting Agency Database

Article 1 The Interim Measures for the Administration of Public-Private Partnerships (PPP) Consulting Agency Database (hereinafter referred to the "Measures") are formulated in accordance with the Circular of the General Office of the State Council on Forwarding the Guiding Opinions of the Ministry of Finance, the National Development and Reform Commission and the People's Bank of China on Promoting the Public-Private Partnerships Mode in the Public Service Fields (Guo Ban Fa [2015] No.42) and the Circular of the Ministry of Finance on Regulating the Operation of the Public-Private Partnerships (PPP) Integrated Information Platform (Cai Jin [2015] No.166), in order to regulate the establishment, maintenance and management of Public-PrivatePartnerships (PPP) consulting agency database, promote information disclosure and effective connection of supply and demand concerning PPP consultation service, and advance the regulated and orderly development of the PPP consultation service market.

Article 2 For the purpose of the Measures, PPP consulting agency database (hereinafter referred to as the "agency database") refers to a set of information on consulting agencies that are established by relying on the National PPP Integrated Information Plat and provide consultation service for governments involved in PPP projects, including but not limited to the name, introduction, main personnel, qualification, and performance, of consulting agencies.

Article 3 For the purpose of the Measures, consultation service refers to intellectual support service relating to PPP projects, including but not limited to the preparation of implementation programs of PPP projects, value-for-money evaluation, financial affordability assessment, assessment at the interim period of operation, performance evaluation, and the related legal, investment and financing, finance, agent procurement, and asset evaluation services.

Article 4 Under the guidance of the PPP Work Leading Group Office under the Ministry of Finance, the China Public Private Partnerships Center (hereinafter referred to as the "CPPPC") is responsible for establishing, maintaining and managing the agency database and publishing information in the agency database via the National PPP Integrated Information Platform and other designated channels.

Article 5 The establishment, maintenance and management of the agency database shall be subject to the principles of performance orientation, being able to import and export, dynamic adjustment, openness and transparency.

Article 6 Any consulting agency included in the agency database shall satisfy the following conditions simultaneously:

1. being a legal person or other organization (excluding branch and agency) that is lawfully established and can independently enjoy civil rights and assume civil obligations;
2. having the following consultation service performance: having signed, as an independent or major consultation service provider, consultation service contracts with government(s) involved in at least one project in the project database of the National PPP Integrated Information Platform (hereinafter referred to as the "project database") to substantially provide PPP consultation service and the project having entered the preparation, procurement, execution or transfer phase;
3. information on the consulting agency having been recorded in the project database; and
4. having no acts set out in Article 15 hereof within the latest two years.

Article 7 Finance departments at all levels shall, in concert with the relevant departments, record the unified social credit code and other lawful registration code, name, consultation service content, principal, contract and other information concerning consulting agencies involved in projects within their respective jurisdictions, in the project database.

Article 8 CPPPC will announce the list of consulting agencies meeting conditions specified in Article 6 hereof semi-annually in principle. Within 30 days from the date of announcement, consulting agencies in the list may be automatically included in the agency database after completing online registration with and information submission to the agency database. Any consulting agency that fails to complete online registration and information submission within 30 days will be subject to a second announcement. Any consulting agency that still fails to complete online registration and information submission within 30 days after the second announcement will not be included in the announcement and agency database any more.

Article 9 Any consulting agency included in the agency database shall have the right to:

1. be invited to participate in the relevant policy research, publicity and training and other activities carried out by the Ministry of Finance and its affiliated entities;
2. obtain guidance from CPPPC;
3. request the finance departments at the same level of projects included in the project database to which such projects are affiliated, to update and improve information in the project database on the projects for which the agency provides service and on the agency.

Article 10 Consulting agencies included in the agency database shall timely record and update the relevant information in the agency database according to provisions hereof, agree that the agency database may disclose all information in the agency database other than national secret and business secret, and be responsible for the authenticity, accuracy, completeness and effectiveness of such information.

In principle, consulting agencies shall update, before the end of each quarter, any information changing in the last quarter. In case of any change in the name, major personnel and other significant information of any consulting agencies, update shall be made within 30 days from the date of such change.

Article 11 CPPPC shall gradually improve the agency database's ability of information collection and processing, timely disclose information in the agency database, and perfect the function of querying and

searching information on consulting agencies, to promote that the supply and requisitioning parties to the consultation service can effectively connect with each other.

Article 12 Information in the agency database is only for the purpose of reference by governments in selecting consulting agencies. Governments shall comply with the relevant provision on government procurement in selecting consulting agencies and may select consulting agencies not included in the agency database.

Article 13 Any government that entrusts a consulting agency included in the agency database to provide consultation service may make online evaluation of the ability, service quality and other aspects of the consulting agency after submitting the consultation service contract and completing real name registration with the agency database.

Article 14 CPPPC is responsible for regularly examining information in the agency database, requiring consulting agencies included in the agency database to timely submit information necessary for agency database management and information disclosure, and addressing inquiries to consulting agencies submitting problematic information.

Article 15 Dynamic management will be adopted for the agency database. Consulting agencies included in the agency database may file written application with CPPPC for voluntary exit from the agency database.

Where a consulting agency included in the agency database has any of the following acts, CPPPC will remove it from the agency database after verification:

1. gaining the qualification for inclusion in the agency database by fabricating information, concealing the truth, providing false information or other improper ways;
2. carrying out false advertising, soliciting or undertaking business in the name of the Ministry of Finance or CPPPC without authorization;
3. divulging state secrets or business secrets, or draft laws and regulations and rules, policy information or research achievements that are not officially promulgated;
4. failing to update information on the progress of PPP consultation service provision on the National PPP Integrated Information Platform for 12 consecutive months;
5. providing consultation service to both government investor and nongovernmental investor in a same project;
6. colluding with potential nongovernmental investor while providing consultation service to government investor;
7. having no ability to undertake business or failing to perform diligently which causes material mistake, project failure or abeyance;
8. having adverse effect on public service due to consultation service after the project enters the operation period;
9. refusing to accept CPPPC's supervision and management over the agency database, or CPPPC's inspection and inquiry of information on agencies included in the agency database;

10. other acts in violation of laws, regulations, rules and national PPP polices, and disturbing the order of the PPP consultation service market.

Article 16 Where a consulting agency voluntarily exiting the agency database or removed from the agency database after investigation and verification, CPPPC shall make an announcement within 15 working days after it receives the written exit application or confirms such remove.

And such consulting agency excluded from the agency database may not be included in the agency database again within two years after announcement. Where such consulting agency applies for re-inclusion in the agency database after two years, consultation service performance required in Article 6 hereof shall be re-calculated as of the date of announcement.

Article 17 Where a consulting agency included in the agency database has any acts specified in Article 15 hereof, if the circumstance is serious, the impact is baneful, or the legal liability of the consulting agency is investigated, CPPPC shall include it in the blacklist and make an announcement, and such consulting agency may not be included in the agency database within five years after such announcement.

Article 18 Governments and consulting agencies may specify the requirements for consultation service performance assessment in the consultation service contracts concerned to enhance consultation service quality management.

Consulting agencies are encouraged to establish the industry self-regulation mechanism, specify service standards, enhance personnel training, carry out performance evaluation, jointly safeguard the order of the consultation service market and resist illicit competition acts in the industry.

Article 19 Where CPPPC and local finance departments at all levels and the relevant functionaries have any illegalities or irregularities during the management of the agency database, their liability shall be investigated according to the relevant state provisions; if any crime is involved, the relevant cases shall be transferred to the relevant judicial organ for settlement.

Article 20 The Measures shall be subject to the interpretation of the Ministry of Finance.

Article 21 The Measures shall come into force as of May 1, 2017.

FROM: Ministry of Finance