**Shanghai Municipal Transportation Commission**

**Shanghai Municipal Commission of Housing and Urban-Rural Development**

**Shanghai Municipal Development and Reform Commission**

**Shanghai Municipal Finance Bureau**

**Shanghai Municipal Public Security Bureau**

沪交道运 〔 2020 〕 121 号

Shanghai JiaoDaoYun No.(2020)121

关于加强本市公路养护工程管理

进一步推动优化营商环境政策落实的通知

On Strengthening the Management of Municipal Road Maintenance Projects

To Promote the Implementation of Doing Business Environment Policy

**各有关单位 ：**

**All Relevant Departments :**

为进一步加强本市公路养护工程管理，优化本市公路养护市场营商环境，持续完善市场秩序和政府监管流程 ，根据《招标投标法》、《上海市优化营商环境条例》 和 《关于做好公路养护工程招投标工作进一步推动优化营商环境政策落实的通知》（交公路规〔 2020 〕4 号） 要求 ，现就进一步加强本市公路养护工程管理工作有关事项通知 如下：

In order to strengthen the management of the city's highway maintenance projects, optimize the city's road maintenance market doing business environment, and continuously improve market order and government regulatory processes. According to 《The Law of Bidding》, 《The Regulations of Optimization of Shanghai Diong Business Environment》 and 《The Notice of Improving the Policy of Optimizing the Doing Business Environment and the Bidding of Highway Maintenance Projects 》 JiaoGongLuGui No.(2020) 4 , the statement notice about strengthening the management of Shanghai highway maintenance as follows:

**一、 进一步扩大公路养护工程优化营商环境适用范围**

**I . Keep Expanding the Scope of Application of Highway Maintenance and Optimize the Doing Business Environment**

（ 一 ） 养护工程定义和分类：根据交通运输部 《公路养护 工程管 理办法》 （ 交公路发 〔 2018 〕 33 号 ），公路养护工程包 括 修复养护 、预防养护 、专项养护和应急养护 。不包括公路日常 养护和新建改建扩建工程 。其中应急养护根据国家及本市相关 应急抢险工程管理办法执行。

（ 一 ）The Definition and classification of maintenance works : according to The Ministry of Transport 《the regulation of highway maintenance engineering 》 (JiaoGongLuFa N o.(2018)33), Highway maintenance works include repair maintenance, preventive maintenance, special maintenance and emergency maintenance , exclude highway daily maintenance, new projects and expansion projects . Emergency maintenance shall be carried out in accordance with the relevant regulations of emergency rescue project of the state and Shanghai .

公路养护 工程按照 技术 复杂程度分为 一般养护 工程 和技 术复杂养护工程。技术复杂养护工程指涉及大型以上桥隧结构安全、深基坑等经项目评审专家认定为技术复杂的工程 ，其他均为 一般养护工程 。

According to the level of techniques, highway maintenance engineering is divided into general maintenance engineering and complex technical maintenance engineering. Complex technical maintenance engineering is recognized by experts as relate to safety of large bridge and tunnel structure, deep foundation pit.Other kinds of project are general maintenance projects .

（ 二 ） 政策适用 范围 ：本通知适用于本市政府收费高速公路、免费高速公路、 普通国道 、省道及县道公路的养护工程管理。

（ 二 ） Scope of policy application : this notice is applicable to the maintenance project management of the municipal government toll highway, free highway, ordinary national highway, provincial highway and county highway .

**二、 进一步加强公路养护工程项目及预算管理**

**II . Further Strengthening Budget Management and Highway Maintenance Projects Management**

公路养护工程资金全面纳入财政部门预算管理，由公路养护管 理单位合理编制并纳入单位部门预算 ，并按相关预算制度执行。

The funds of highway maintenance project are fully included in the budget management of the financial department, which are reasonably compiled by the highway maintenance management department and incorporated into the budget of the department, whihch implemented in accordance with the relevant budget system .

公路养护工程应按照相关规定取得交通主管部门批复文件且已经落实资金来源后 ，方可组织开展招标活动。

The highway maintenance project shall obtain the approval documents of the transportation department and have already implemented the source of funds before organizing the bidding activities .

**三 、进一步加强项目信息公开**

**III . Further Strengthening of Project Information Disclosure**

（ 一 ） 招标计划。公路养护工程招标计划应通过上海市公共资源交易平台建设工程招投标分平台（ 以下简称“招投标分平台” ），在招标公告发布前三十日向社会发布公告。若招标计划调整的，也应提前三十日公告。招标计划的公告内容应包括拟招标项目概况、预计招标时间、项目预计投资等。

（ 一 ）Tender plan . The tender plan of highway maintenance project shall be publicly disclosed 30 days before the tender announcement through “the bidding sub-platform of the construction project of Shanghai Public Resources Trading platform” (hereinafter referred to as "bidding sub platform ") . If the tender plan is adjusted, it shall also be announced 30 days in advance . The tender announcement contents of the bidding plan should include the general situation of the proposed bidding project, the estimated bidding time, the estimated investment of the project, etc .

（ 二 ）履约结果。公路养护工程的合同和项目履约信息, 包括合同关键内容、重大变更、竣工验收、结算价款等，应由招标人统一汇总后，在每年五月初和十二月底通过招投标分平台进行公示。

（ 二 ）Results of performance . The contract and project bond information of the highway maintenance project, including the key contents of the contract, major changes, completion acceptance, settlement price, etc., shall be published by the tenderer through the bidding sub-platform at the beginning of May and the end of December of each year .

**四、 进一步规范公路养护工程招投标活动**

**IV . Further Standardizing the Bidding Process for Highway Maintenance Projects**

公路养护工程达到政府采购限额标准采用公开招标方式的，统一纳入招投标分平台开展招标。

All highway maintenance projects meets the government procurement quota standard and adopts the open bidding method, should be included in the bidding sub platform to carry out the bidding .

公路养护工程招标投标活动应切实遵循“简化流程环节、缩短流程时限、降低投标成本”的基本原则，进一步开放市场，全面实现全过程电子化。取消现场报名环节，免费获取招标文件，资格审查采用资格后审，全面实现远程开标、线上评标、电子合同签订等 。对于施工标的评标办法，一般采用技术评分最低标价法，技术复杂的公路养护工程可以采用综合评分法。具体招投标活动严格按照《上海市公路养护工程招标技标管理办法》实施。

The bidding process of highway maintenance projects should follow the basic principle of "simplifying the process, limiting the process time and reducing the bidding cost ", opening the market and realizing the e-bidding process in an all-round way . Cancel on-site registration, get the bidding documents free of charge, use post qualification examination, and on-line bidding process, electronic contract signing and etc.. For the evaluation method of construction bidding,‘the lowest price method of technical score’is generally adopted, and the comprehensive scoring method’can be used in complex technology highway maintenance projects. All bidding shall be carried out in strict accordance with《 Regulation of the Administration of Bidding and Bidding for Highway Maintenance Projects in Shanghai 》.

**五、 进一步加强合 同及履约管理**

**V . The Further Strengthening Contract and Performance Management**

（ 一 ） 规范合同签订期限。拟签订合同公示十日后，招标人应 与中标人完成合同签订，鼓励以电子合同代替纸质合同。除发生不可抗力因素以外，招标人和中标人不得再订立背离合同实质性内容的其他协议。

（ 一 ）Standardizing the time limit for signing contracts . After 10 days after the publication of the proposed contract, the tenderer shall complete the contract with the winning bidder and encourage the use of electronic contracts instead of paper contracts. Except for force majeure, the tenderer and the winning bidder shall not enter into any other agreement that deviates from the substantive content of the contract.

（ 二 ） 优化合同支付方式。优化公路养护工程资金支付方式由财政直接支付调整为财政授权支付，招标人从收到发票到完成支付，时间应不超过三个工作日 。

（ 二 ）Optimize contract payment method. The payment method of optimizing highway maintenance project funds shall be adjusted from direct financial payment to financial authorized payment. The tenderer shall not exceed 3 working days from receipt of invoice.

公路养护工程应在合同签订后三十日内支付项目预付款，预付款金额 一般为合同金额的10-30%。工程进度款应根据工程实际开展情况及时支付，招标人在施工过程中开展的各类例行检查工作不与中标人的请款挂钩。

The highway maintenance project shall pay the project advance payment within 30 days after the signing of the contract, the advance payment amount shall generally be 10-30% of the contract amount . The progress payment shall be paid in time according to the actual situation of the project, and all kinds of routine inspection work carried out by the tenderer during the construction process shall not be linked with the progress payment.

（ 三 ） 严格合同变更管理。公路养护工程实施过程中，对 于需要进行变更的（包括工程量变化、增加附加工程等），招标人应进行实地踏勘并研究决定变更的必要性、合理性。确需变更的，需严格履行变更程序。其中涉及工程内容、规模及标准发生重大变化和超过批准概（ 估 ）算的重大变更，应报原审批单位审核通过后方可实施。其他一般变更程序应自中标人提 交申请起五日内完成。对不涉及新增单价的，按照原投标报价进行测算审核；对涉及新增单价的 ，应按照招标文件的约定进行测算审核 。

（ 三 ）Strict contract change management .During the implementation of highway maintenance project, the tenderer shall conduct field survey and study the necessity and rationality of the change for those that need to be changed (including the change of engineering quantity, the addition of additional works, etc . ), etc . If it is necessary to change, the change procedure should be strictly carried out . Major changes in the contents, scale and standards of the project and in excess of the approved estimate shall be submitted to the original examination and approval unit for approval before implementation . Other general change procedures shall be completed within five days from the submission of the application by the winning bidder . If the new unit price is not involved, the calculation and audit shall be carried out according to the original bid quotation ; if the new unit price is involved, the calculation and audit shall be carried out in accordance with the agreement of the tender documents .

公路养护工程变更内容原则上由原中标入实施。变更内容涉及工程造价累计增加超过合同价 30%且超过 400 万元 时，应对新增内容进行招标。若因变更内容与在建工程结构紧密相 连、受施工场地限制且安全风险大，经原项目评审单位组织技术专家评审认为 须由原中标人承担的， 经原项目立项审批部门同意，可委托原中标人继续实施 。

In principle, the change of highway maintenance project shall be carried out by the original winning bidder. If the change involves a cumulative increase in the project cost over 30% of the more than 4 million yuan contract, it shall be Tender for the new content. If the change is closely related to the structure of the project under construction, restricted by the construction site，high safety risk, the original project evaluation winner shall organize technical experts to evaluate and consider that it must be borne by the original successful bidder, and the original project approval department may entrust the original successful bidder to continue the implementation.

（ 四） 明确质量保证金标准。公路养护工程竣工验收后， 预留不超过工程结算价款总额的3%作为质量保证金，待缺陷责任期（一般为一年）满后支付，质量保证金可采用银行保函形式。除此以外，公路养护工程在实施阶段不再以任何形式收取或要求企业提供其他履约保证金。

（ 四） Clear quality margin standards . After the completion and acceptance of the highway maintenance project,3% of the total settlement price of the project is reserved as the quality deposit . After the expiration of the defect liability period (normally one year), the quality deposit can be paid in the form of bank guarantee . In addition, the highway maintenance project in the implementation phase no longer in any form to collect or require enterprises to provide other performance bonds .

**六 、进一步简化工程开工手续**

**VI . Further Simplifying Launch Procedures of Projects**

（ 一 ） 明确工程内容，优化交通组织。招标人负责养护工程的设计方案稳定（含具体、可行的交通组织设计方案）和组 织专家评审，其中交通组织设计方案需征得公安交通管理部门同意。除需采用全封闭、半封闭或需要占用对向车道的交通组织方案外，中标人在项目开工前可根据招标人的意见征询结果以及具体交通组织方案向公安交通管理部门办理手续。公安交通管理部门在一个工作日内予以批准，并出具《占、掘路施工交通安全意见书 》。

（ 一 ）Clarifying the contents of the project and optimizing traffic organization . The tenderer shall be responsible for the stability of the design scheme of the maintenance project (including the specific and feasible traffic organization design scheme) and organize an expert evaluation, in which the traffic organization design scheme shall be agreed by the public security traffic management department . The winning bidder before the start of the project can consult the results of the tenderer and specific traffic organization plan to the public security traffic management department for procedures ，unless the traffic organization plan need to adopt a completely closed, semi closed or occupy the opposite lane. The public security traffic administration department shall approve it within one working day, and issue a "Construction Traffic Safety Opinion ".

招标人应督促中标人严格按照公安交通管理部门批准的施工期 间交通组织方案的具体要求进行施工作业。对未按要求实施的, 相 关人员应承担相应法律责任。

The tenderer shall urge the winning bidder to carry out the construction operation in strict accordance traffic organization design scheme during the construction period . If not implemented as required, the relevant personnel shall bear the corresponding legal liability.

（ 二 ）取消开工许可，简化开工准备。取消公路养护工程 施工许可和掘路许可手续。中标人在获得公安交通管理部门的《占 、掘路施工交通安全意见书 》后，并且做好施工组织设计、现场施工作业环境建设等开工准备工作后即可进场施工，并将开工信息报送招标人。招标人负责按照有关规定及时向社会公告养护施工信息。

（ 二 ）Canceling the launch permit and simplifying the preparation . Cancel the highway maintenance project construction permit and road excavation permit procedures . The winning bidder can start the construction work after obtaining "Construction Traffic Safety Opinion ". of the public security traffic management department, and after doing the construction organization design, site construction work environment construction and other preparatory work, and submit the start-up information to the tenderer . The tenderer shall be responsible for timely announcement of maintenance construction information to the public in accordance with relevant regulations .

**七 、进一步完善过程质量监管**

**VII . Further Improve Process Quality Supervision**

招标人应加强施工过程中的工程质量检查，严格按照《公路养护工程质量检验评定标准》对已完成施工的部分内容开展质量评定。评定合格的，应及时记入工作量并按照工程进度支付工程款；评定不合格的，应及时通知中标人予以整改，整改通过后记入工作量并按照工程进度支付工程款。但招标人不得在每次请款前，额外增加不必要的各类检查，并以检查结果与中标人的请款挂钩。

The tenderer shall strengthen the engineering quality inspection in the construction process and carry out the quality assessment of some contents of the completed construction in strict accordance with the quality Inspection and Evaluation Standard of Highway maintenance Engineering . If the assessment is qualified, the workload shall be recorded in time and the project payment shall be paid according to the progress of the project ; if the assessment is not qualified, the winning bidder shall be notified in time to rectify the project, and the workload shall be recorded after the rectification is passed and the project payment shall be made in accordance with the progress of the project . However, the tenderer shall not add unnecessary checks before each request and this shall not be linked to project payment.

**八、进一步明确工程验收程序**

**VIII . Further Clarify Project Acceptance Procedures**

公路养护工程由招标人组织实行一阶段竣工验收。招标人应在收到书面提交的竣工验收申请的三日内组织工程竣工验收。对于通过验收的，应在验收会议结束后两日内出具竣工验收报告。若需进行整改的，则以会议纪要形式明确整改内容和整改期限，中标人应在整改期限内将整改完成情况报招标人，招标人审核同意后，两日 内出具竣工验收报告。

Highway maintenance works shall be completed and accepted by the tenderer . The tenderer shall organize the completion acceptance of the project within 3 days after receiving the written application for completion acceptance . For acceptance, the completion acceptance report shall be issued within 2 days after the acceptance meeting. If rectification is required, the contents and time limit of rectification shall be clearly defined in the form of minutes of the meeting . The winning bidder shall report the completion of the rectification to the tenderer within the time limit. The tenderer shall issue the completion acceptance report within 2 days after examination and approval.

**九、其他**

**IX . Others**

本通知自发布之日起实施，原《关于进一步加强本市公路养护工程全过程管理的通知》（ 沪交财 〔 2019 〕 1187 号 ）同步废止 。

This notice is effected as of the date of promulgation, and the original notice《on further strengthening the whole process management of highway maintenance projects in Shanghai》(Shanghai JiaoCai No. (2019)1187) shall be annulled simultaneously .



31 December 2020

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| Information Attributes : Active Disclosure |
| Shanghai Transportation Commission Office |