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| 发文机关  Promulgator | ：  : | 全国人民代表大会常务委员会  The Standing Committee of the National People's Congress |
| 发布日期  Date of Issue | ：  : | 2014.08.31  2014.08.31 |
| 生效日期  Effective Date | ：  : | 2014.08.31  2014.08.31 |
| 时效性  Effectiveness | ：  : | 现行有效  Current |

# 中华人民共和国政府采购法（2014修正）

# PRC Government Procurement Law (Amended in 2014)

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PRC Government Procurement Law (Amended in 2014)

第一章 总则

Chapter 1 General Provisions

第一条   为了规范政府采购行为，提高政府采购资金的使用效益，维护国家利益和社会公共利益，保护政府采购当事人的合法权益，促进廉政建设，制定本法。

Article 1. This Law is formulated in order to standardize government procurement, to improve the efficiency of government procurement funds, to safeguard State and public interests, to protect the legal rights and interests of the parties involved in government procurement, and to promote the building of an honest and clean government.

第二条   在中华人民共和国境内进行的政府采购适用本法。

Article 2 This Law is applicable to government procurement within the territory of the People's Republic of China.

本法所称政府采购，是指各级国家机关、事业单位和团体组织，使用财政性资金采购依法制定的集中采购目录以内的或者采购限额标准以上的货物、工程和服务的行为。

For purposes of this Law, "Government Procurement" refers to the procurement of goods, projects and services that fall within the catalogue for centralized procurement formulated in accordance with law or that are above the procurement limits, which are procured with fiscal funds by State organs at various levels, institutions and public organizations.

政府集中采购目录和采购限额标准依照本法规定的权限制定。

The catalogue for centralized government procurement and the procurement limits shall be formulated in accordance with the limits of authority stipulated in this Law.

本法所称采购，是指以合同方式有偿取得货物、工程和服务的行为，包括购买、租赁、委托、雇用等。

For purposes of this Law, "Procurement" refers to activities conducted by means of contract for the acquisition of goods, construction or services for consideration, including but not limited to purchase, lease, entrustment and employment.

本法所称货物，是指各种形态和种类的物品，包括原材料、燃料、设备、产品等。

For the purposes of this Law, the term "Goods" means all types and categories of articles including raw materials, fuel, equipment, and products etc.

本法所称工程，是指建设工程，包括建筑物和构筑物的新建、改建、扩建、装修、拆除、修缮等。

For purposes of this Law, "Construction" means construction projects, including new construction, reconstruction, expansion, fitting up, demolition and repair and renovation of buildings and structures.

本法所称服务，是指除货物和工程以外的其他政府采购对象。

Services mentioned herein refer to the objects of government procurement other than goods and construction.

第三条   政府采购应当遵循公开透明原则、公平竞争原则、公正原则和诚实信用原则。

Article 3. Government procurement shall abide by the principles of transparency, fair competition, impartiality and good faith.

第四条   政府采购工程进行招标投标的，适用招标投标法。

Article 4. The laws on invitation and submission of bids shall apply to government procurement of projects by invitation and submission of bids.

第五条   任何单位和个人不得采用任何方式，阻挠和限制供应商自由进入本地区和本行业的政府采购市场。

Article 5. No work unit or individual may, by any means, obstruct or restrict the free entry of suppliers into the government procurement market in its/his region or industry.

第六条   政府采购应当严格按照批准的预算执行。

Article 6. Government procurement shall be carried out strictly in accordance with the approved budget.

第七条   政府采购实行集中采购和分散采购相结合。集中采购的范围由省级以上人民政府公布的集中采购目录确定。

Article 7 Government procurement shall combine centralized and decentralized procurement. The scope of centralized procurement shall be determined in accordance with the catalogue for centralized procurement published by the people's government at provincial level or above.

属于中央预算的政府采购项目，其集中采购目录由国务院确定并公布；属于地方预算的政府采购项目，其集中采购目录由省、自治区、直辖市人民政府或者其授权的机构确定并公布。

The catalogue for centralized procurement for government procurement items that come under the central budget shall be determined and published by the State Council; the catalogue for centralized procurement for government procurement items that come under the local budgets shall be determined and published by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government or their authorized organizations.

纳入集中采购目录的政府采购项目，应当实行集中采购。

Items included in the catalogue for centralized government procurement shall be procured in a centralized way.

第八条   政府采购限额标准，属于中央预算的政府采购项目，由国务院确定并公布；属于地方预算的政府采购项目，由省、自治区、直辖市人民政府或者其授权的机构确定并公布。

Article 8 The thresholds for government procurement items that come under the central budget shall be prescribed and published by the State Council; the thresholds for items that come under local budgets shall be prescribed and published by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government or the departments authorized by them.

第九条   政府采购应当有助于实现国家的经济和社会发展政策目标，包括保护环境，扶持不发达地区和少数民族地区，促进中小企业发展等。

Article 9 Government procurement shall be conducted in such a manner as to help achieve the goals set by State policies for economic and social development, including but not limited to environmental protection, assistance to underdeveloped or ethnic minority areas, and promotion of the development of small and medium-sized enterprises.

第十条   政府采购应当采购本国货物、工程和服务。但有下列情形之一的除外：

Article 10 The government shall procure domestic goods, construction and services. Other than in the following circumstances:

（一）需要采购的货物、工程或者服务在中国境内无法获取或者无法以合理的商业条件获取的；

1. the goods, engineering or services to be procured are not available or cannot be obtained under reasonable commercial conditions within the territory of China;

（二）为在中国境外使用而进行采购的；

(II) procurements for use outside the territory of China;

（三）其他法律、行政法规另有规定的。

(III) other circumstances separately provided for in laws and administrative regulations.

前款所称本国货物、工程和服务的界定，依照国务院有关规定执行。

Domestic goods, projects and services mentioned in the preceding paragraph shall be defined in accordance with the relevant regulations of the State Council.

第十一条   政府采购的信息应当在政府采购监督管理部门指定的媒体上及时向社会公开发布，但涉及商业秘密的除外。

Article 11 Information on government procurement shall be timely announced to the public through the media as designated by the department for supervision over government procurement, except information involving commercial secrets.

第十二条   在政府采购活动中，采购人员及相关人员与供应商有利害关系的，必须回避。供应商认为采购人员及相关人员与其他供应商有利害关系的，可以申请其回避。

Article 12 If, in the activity of government procurement, the procuring person or person concerned has an interest with the supplier, he must withdraw. If a supplier considers that a procurement personnel or related personnel has an interest relationship with other suppliers, it may apply for his withdrawal.

前款所称相关人员，包括招标采购中评标委员会的组成人员，竞争性谈判采购中谈判小组的组成人员，询价采购中询价小组的组成人员等。

For the purposes of the preceding paragraph, the term "relevant personnel" includes members of bid evaluation committees for procurement by invitation and submission of bids, members of negotiation groups for procurement by competitive negotiation, and members of quotation request groups for procurement by requests for quotations.

第十三条   各级人民政府财政部门是负责政府采购监督管理的部门，依法履行对政府采购活动的监督管理职责。

Article 13. The finance department of the People's Government at all levels shall be responsible for supervision and administration of government procurement and shall perform the duties of supervision and administration of government procurement activities in accordance with the law.

各级人民政府其他有关部门依法履行与政府采购活动有关的监督管理职责。

Other relevant departments of the people's governments at various levels shall, in accordance with law, perform their supervisory and administrative functions in connection with government procurement activities.

第二章 政府采购当事人

Chapter 2 Parties in Government Procurement

第十四条   政府采购当事人是指在政府采购活动中享有权利和承担义务的各类主体，包括采购人、供应商和采购代理机构等。

Article 14 The term "parties involved in government procurement" means all types of entities that have rights and obligations in government procurement activities, including buyers, suppliers and procurement agencies, etc.

第十五条   采购人是指依法进行政府采购的国家机关、事业单位、团体组织。

Article 15 The procuring entities refer to the government departments, institutions and public organizations that engage in government procurement in accordance with law.

第十六条   集中采购机构为采购代理机构。设区的市、自治州以上人民政府根据本级政府采购项目组织集中采购的需要设立集中采购机构。

Article 16 The institution for centralized procurement is the procurement agency. People's governments at the level of cities divided into districts and of autonomous prefectures or above that make arrangements for centralized procurement on the basis of the items to be procured by the governments shall set up institutions for centralized procurement.

集中采购机构是非营利事业法人，根据采购人的委托办理采购事宜。

Centralized procurement institutions shall be non-profit business corporations and shall carry out procurement as entrusted by the procuring entities.

第十七条   集中采购机构进行政府采购活动，应当符合采购价格低于市场平均价格、采购效率更高、采购质量优良和服务良好的要求。

Article 17 When centralized procurement institutions conduct government procurement activities, they shall meet the requirements that the procurement price be lower than the average market price, the procurement efficiency be higher, the quality of procurement be fine and the services be good.

第十八条   采购人采购纳入集中采购目录的政府采购项目，必须委托集中采购机构代理采购；采购未纳入集中采购目录的政府采购项目，可以自行采购，也可以委托集中采购机构在委托的范围内代理采购。

Article 18 When procuring items for the government that are included in the catalogue for centralized procurement, the procuring entities shall entrust the matter to institutions for centralized procurement; they may do it themselves where the items to be procured are not included in the said catalogue, or they may entrust the matter to institutions for centralized procurement that shall do it on their behalf within the scope entrusted.

纳入集中采购目录属于通用的政府采购项目的，应当委托集中采购机构代理采购；属于本部门、本系统有特殊要求的项目，应当实行部门集中采购；属于本单位有特殊要求的项目，经省级以上人民政府批准，可以自行采购。

Where items included in the catalogue for centralized procurement are those to be procured by the government for general use, a centralized procurement agency should be entrusted to do the job; if, however, they are to be used by any department or by the system it belongs to for special purposes, they should be procured by the department in a centralized way; if they are to be used by any department for special purposes, the department may procure them on its own with the approval of the people's government at the provincial level or above.

第十九条   采购人可以委托集中采购机构以外的采购代理机构，在委托的范围内办理政府采购事宜。

Article 19 Procuring entities may entrust procuring agencies other than centralized procurement agencies to handle the matters of government procurement within the scope entrusted.

采购人有权自行选择采购代理机构，任何单位和个人不得以任何方式为采购人指定采购代理机构。

Procuring entities shall have the right to choose procuring agencies by themselves, no unit or individual may, by any means, designate procuring agencies for them.

第二十条   采购人依法委托采购代理机构办理采购事宜的，应当由采购人与采购代理机构签订委托代理协议，依法确定委托代理的事项，约定双方的权利义务。

Article 20 Where a procuring entity, in accordance with law, entrusts a procuring agency with the procurement, the procuring entity shall conclude an agreement with the procurement agency in which the entrusted matters are defined and the rights and obligations of both parties are agreed upon.

第二十一条   供应商是指向采购人提供货物、工程或者服务的法人、其他组织或者自然人。

Article 21 The suppliers refer to the legal persons, other organizations or natural persons that provide goods, engineering or services to the procuring entities.

第二十二条   供应商参加政府采购活动应当具备下列条件：

Article 22 A supplier in government procurement shall meet the following requirements:

（一）具有独立承担民事责任的能力；

1. Having the capacity to independently bear civil liabilities;

（二）具有良好的商业信誉和健全的财务会计制度；

(II) Having good business reputation and sound financial and accounting system;

（三）具有履行合同所必需的设备和专业技术能力；

(III) Having the equipment and professional technical ability necessary for performing contracts;

（四）有依法缴纳税收和社会保障资金的良好记录；

(IV) Having a good record of paying taxes and social security funds in accordance with the law;

（五）参加政府采购活动前三年内，在经营活动中没有重大违法记录；

(V) having no record of serious violation of law in its business operation within three years before participating in the government procurement activity; and

（六）法律、行政法规规定的其他条件。

(VI) Other conditions prescribed by laws and administrative regulations.

采购人可以根据采购项目的特殊要求，规定供应商的特定条件，但不得以不合理的条件对供应商实行差别待遇或者歧视待遇。

A procuring entity may specify special requirements for suppliers on the basis of the special requirements of a particular item for procurement, provided that they are not unreasonable requirements that result in differential or discriminatory treatment of suppliers.

第二十三条   采购人可以要求参加政府采购的供应商提供有关资质证明文件和业绩情况，并根据本法规定的供应商条件和采购项目对供应商的特定要求，对供应商的资格进行审查。

Article 23 A procuring entity may require the suppliers participating in government procurement to provide the documents certifying their qualifications and information about their business performance and examine the qualifications of the suppliers according to the requirements specified by this Law on the suppliers and the specific requirements imposed on them by the items to be procured.

第二十四条   两个以上的自然人、法人或者其他组织可以组成一个联合体，以一个供应商的身份共同参加政府采购。

Article 24 Two or more natural persons, legal persons or other organizations may form an association to jointly participate in government procurement as a single supplier.

以联合体形式进行政府采购的，参加联合体的供应商均应当具备本法第二十二条规定的条件，并应当向采购人提交联合协议，载明联合体各方承担的工作和义务。联合体各方应当共同与采购人签订采购合同，就采购合同约定的事项对采购人承担连带责任。

Where the form of consortium is taken in government procurement, each of the suppliers in the consortium shall meet the requirements specified in Article 22 of this Law, and a consortium agreement shall be submitted to the procuring entity, in which the jobs and obligations undertaken by each party to the consortium are clearly stated. All parties to the consortium shall jointly enter into a procurement contract with the procuring entity, bearing joint and several liabilities to the procuring entity for matters agreed upon in the contract.

第二十五条   政府采购当事人不得相互串通损害国家利益、社会公共利益和其他当事人的合法权益；不得以任何手段排斥其他供应商参与竞争。

Article 25. Government procurement parties may not collude to damage State interests, the public interest of society or the lawful rights and interests of other parties, nor use any means to exclude other suppliers from competition.

供应商不得以向采购人、采购代理机构、评标委员会的组成人员、竞争性谈判小组的组成人员、询价小组的组成人员行贿或者采取其他不正当手段谋取中标或者成交。

Suppliers may not bribe buyers, procurement agencies, members of bid evaluation committees, members of competitive negotiation groups and members of price inquiry groups, or use any other improper means to win a bid or make a deal.

采购代理机构不得以向采购人行贿或者采取其他不正当手段谋取非法利益。

Procurement agencies shall not bribe buyers or use any other improper means to obtain illegal benefits.

第三章 政府采购方式

Chapter 3 Methods of Government Procurement

第二十六条   政府采购采用以下方式：

Article 26 Government procurement shall adopt the following methods:

（一）公开招标；

1. public bidding;

（二）邀请招标；

(II) invited bidding;

（三）竞争性谈判；

(III) competitive negotiation;

（四）单一来源采购；

(IV) single-source procurement;

（五）询价；

(V) enquiry;

（六）国务院政府采购监督管理部门认定的其他采购方式。

6. other methods as may be approved by the department for supervision over government procurement under the State Council.

公开招标应作为政府采购的主要采购方式。

Public invitation shall be the main form of government procurement.

第二十七条   采购人采购货物或者服务应当采用公开招标方式的，其具体数额标准，属于中央预算的政府采购项目，由国务院规定；属于地方预算的政府采购项目，由省、自治区、直辖市人民政府规定；因特殊情况需要采用公开招标以外的采购方式的，应当在采购活动开始前获得设区的市、自治州以上人民政府采购监督管理部门的批准。

Article 27 Where procurement parties should purchase goods or services in the form of public invitation for bid, the specific amounts shall be defined by the State Council if such goods or services are to be procured under central budget, or by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government if such goods or services are to be procured under local budget. If, under special circumstances, they need to be procured in a form other than public invitation for bid, the procurement procedures shall be approved by the procurement regulatory department of the people's government at or above the level of a city divided into districts or an autonomous prefecture.

第二十八条   采购人不得将应当以公开招标方式采购的货物或者服务化整为零或者以其他任何方式规避公开招标采购。

Article 28. A buyer may not split up the goods or services that should be procured through public invitation of bids into parts or by any other means to avoid procurement through public invitation of bids.

第二十九条   符合下列情形之一的货物或者服务，可以依照本法采用邀请招标方式采购：

Article 29 Under one of the following conditions, goods or services may be procured by invited bidding in accordance with this Law:

（一）具有特殊性，只能从有限范围的供应商处采购的；

1. special nature, to be procured from a limited number of suppliers; or

（二）采用公开招标方式的费用占政府采购项目总价值的比例过大的。

(II) where the cost of public invitation forms an excessive proportion of the total value of the government procurement items.

第三十条   符合下列情形之一的货物或者服务，可以依照本法采用竞争性谈判方式采购：

Article 30 Under one of the following conditions, goods or services may be procured through competitive negotiation in accordance with this Law:

（一）招标后没有供应商投标或者没有合格标的或者重新招标未能成立的；

1. after bidding, no supplier submits any tender, or qualified tender is lacking or re-bidding fails;

（二）技术复杂或者性质特殊，不能确定详细规格或者具体要求的；

2. projects with complex technology or special nature, for which detailed specifications or specific requirements cannot be determined;

（三）采用招标所需时间不能满足用户紧急需要的；

(III) The time required for bidding cannot meet the users’ urgent needs;

（四）不能事先计算出价格总额的。

(IV) where the total value of the goods or services to be procured cannot be determined in advance.

第三十一条   符合下列情形之一的货物或者服务，可以依照本法采用单一来源方式采购：

Article 31 Under one of the following conditions, goods or services may be procured through single-source procurement in accordance with this Law:

（一）只能从唯一供应商处采购的；

1. goods or services can only be procured from a sole supplier;

（二）发生了不可预见的紧急情况不能从其他供应商处采购的；

(II) procurement from other suppliers fails due to unforeseeable emergency;

（三）必须保证原有采购项目一致性或者服务配套的要求，需要继续从原供应商处添购，且添购资金总额不超过原合同采购金额百分之十的。

3. where consistency of the items or compatibility of the services procured requires procurement of additional items or services from the same supplier, provided that the total value of the additional procurement does not exceed 10% of the value of the original contract.

第三十二条   采购的货物规格、标准统一、现货货源充足且价格变化幅度小的政府采购项目，可以依照本法采用询价方式采购。

Article 32 Inquiry about quotations may be adopted in accordance with this law for government procurement of those goods the specifications and standards of which are uniform, the supply of which is sufficient and the prices of which change within a small range.

第四章 政府采购程序

Chapter 4 Government Procurement Procedures

第三十三条   负有编制部门预算职责的部门在编制下一财政年度部门预算时，应当将该财政年度政府采购的项目及资金预算列出，报本级财政部门汇总。部门预算的审批，按预算管理权限和程序进行。

Article 33. When a department responsible for drawing up departmental budgets draws up the budget for the next financial year, it shall list in the budget the government procurement items and funds for the year and report them to the finance department at the same level for compilation. The departmental budget shall be approved in accordance with the limits of administrative authority and procedures.

第三十四条   货物或者服务项目采取邀请招标方式采购的，采购人应当从符合相应资格条件的供应商中，通过随机方式选择三家以上的供应商，并向其发出投标邀请书。

Article 34 Where commodities or services are to be procured in the form of invited bidding, the procuring entity shall select at random three or more suppliers from among those that meet the qualifications required, and send invitation letters to them.

第三十五条   货物和服务项目实行招标方式采购的，自招标文件开始发出之日起至投标人提交投标文件截止之日止，不得少于二十日。

Article 35. When goods and services are procured through invitation of bids, the period between the date on which the issue of the bid invitation documents commences and the deadline for the submission of bid documents by the bidders may not be less than 20 days.

第三十六条   在招标采购中，出现下列情形之一的，应予废标：

Article 36 Where procurement takes the form of invitation for bid, the bid should be cancelled in any of the following circumstances:

（一）符合专业条件的供应商或者对招标文件作实质响应的供应商不足三家的；

1. there are less than three suppliers that meet the professional conditions or give substantive response to the bid-invitation documents;

（二）出现影响采购公正的违法、违规行为的；

(II) where violations of laws or regulations occur to the detriment of impartial procurement;

（三）投标人的报价均超过了采购预算，采购人不能支付的；

(III) where all the offers of the bidders exceed the budget for procurement and cannot be paid by the purchaser;

（四）因重大变故，采购任务取消的。

(IV) where the procurement project is cancelled due to major changes in circumstances.

废标后，采购人应当将废标理由通知所有投标人。

After the bids lose, the Purchaser shall inform all the bidders of the reason therefor.

第三十七条   废标后，除采购任务取消情形外，应当重新组织招标；需要采取其他方式采购的，应当在采购活动开始前获得设区的市、自治州以上人民政府采购监督管理部门或者政府有关部门批准。

Article 37. After the bids have been invalidated, a new invitation of bids shall be organized, unless the procurement has been cancelled. If it is necessary to adopt another procurement method, the approval of the government procurement regulatory department of the people's government at the level of municipalities and autonomous prefectures divided into several districts and above or of the relevant government departments shall be obtained before procurement activities begin.

第三十八条   采用竞争性谈判方式采购的，应当遵循下列程序：

Article 38 Where competitive negotiation is adopted for procurement, the following procedure shall be followed:

（一）成立谈判小组。谈判小组由采购人的代表和有关专家共三人以上的单数组成，其中专家的人数不得少于成员总数的三分之二。

1. Formation of a negotiation team. The negotiating group shall be composed of the representatives of the procuring entity and the relevant experts, with an odd number of members totalling three or more. Of these members, the number of experts shall not be less than two- thirds.

（二）制定谈判文件。谈判文件应当明确谈判程序、谈判内容、合同草案的条款以及评定成交的标准等事项。

(II) Preparing documents for negotiation. The negotiating documents shall specify the negotiating procedure, the negotiating contents, the terms of the draft contract and the standards for award of contract etc.

（三）确定邀请参加谈判的供应商名单。谈判小组从符合相应资格条件的供应商名单中确定不少于三家的供应商参加谈判，并向其提供谈判文件。

(III) Deciding on the name list of the suppliers to be invited to participate in the negotiation. The negotiation team decides the participation of no less than three suppliers from the list of qualified suppliers and will provide them with the negotiation documents.

（四）谈判。谈判小组所有成员集中与单一供应商分别进行谈判。在谈判中，谈判的任何一方不得透露与谈判有关的其他供应商的技术资料、价格和其他信息。谈判文件有实质性变动的，谈判小组应当以书面形式通知所有参加谈判的供应商。

(IV) Negotiation. All members of the negotiation team discuss with a single supplier individually. During the negotiations, no party shall disclose technical data, prices and other information of other suppliers regarding the negotiations. Where there is any material change in the negotiating documents, the negotiating group shall notify in writing all the suppliers participating in the negotiation.

（五）确定成交供应商。谈判结束后，谈判小组应当要求所有参加谈判的供应商在规定时间内进行最后报价，采购人从谈判小组提出的成交候选人中根据符合采购需求、质量和服务相等且报价最低的原则确定成交供应商，并将结果通知所有参加谈判的未成交的供应商。

(V) Determining the successful supplier. Upon conclusion of the negotiation, the negotiation team shall request all the suppliers participating in the negotiation to make final quotations within a specified time limit, and the purchaser shall determine the successful supplier from the candidates recommended by the negotiation team based on the principles that the suppliers meet the procurement requirements, quality and service are equal and the quotation is the lowest, and notify the results to all unsuccessful suppliers participating in the negotiation.

第三十九条   采取单一来源方式采购的，采购人与供应商应当遵循本法规定的原则，在保证采购项目质量和双方商定合理价格的基础上进行采购。

Article 39 Where the single-source procurement method is adopted, the buyer and the supplier shall comply with the principles stipulated in this Law and carry out procurement on the basis of assurance of procurement project quality and the reasonable price agreed between both parties.

第四十条   采取询价方式采购的，应当遵循下列程序：

Article 40 Where inquiry about quotations is adopted, the following procedure shall be followed:

（一）成立询价小组。询价小组由采购人的代表和有关专家共三人以上的单数组成，其中专家的人数不得少于成员总数的三分之二。询价小组应当对采购项目的价格构成和评定成交的标准等事项作出规定。

1. Establishing a price inquiry group. The quotation request group shall be composed of the buyer's representative (s) and the relevant experts, with an odd number of members totalling three or more. Of these members, the number of experts shall not be less than two- thirds. The team shall specify the composition of price for the items to be procured and the criteria for evaluating a deal concluded.

（二）确定被询价的供应商名单。询价小组根据采购需求，从符合相应资格条件的供应商名单中确定不少于三家的供应商，并向其发出询价通知书让其报价。

2. determining the list of the inquired suppliers. The quotation request team shall decide on not less than three suppliers from the list of the qualified suppliers based on the procurement requirements and issue a quotation request notice to such suppliers to obtain their quotations.

（三）询价。询价小组要求被询价的供应商一次报出不得更改的价格。

3. Inquiry about quotations. The inquiry team shall request the inquired supplier to quote unchangeable price once for all.

（四）确定成交供应商。采购人根据符合采购需求、质量和服务相等且报价最低的原则确定成交供应商，并将结果通知所有被询价的未成交的供应商。

(IV) Determining the successful supplier. The Purchaser shall confirm the successful supplier on the principle that the price is the lowest and the quality and service are equal to the purchase demand, and notify the result to all unsuccessful suppliers who are inquired of about the price.

第四十一条   采购人或者其委托的采购代理机构应当组织对供应商履约的验收。大型或者复杂的政府采购项目，应当邀请国家认可的质量检测机构参加验收工作。验收方成员应当在验收书上签字，并承担相应的法律责任。

Article 41 The procuring entity or its appointed procuring agency shall, before acceptance, make arrangements for inspection of the performance of the contract by the supplier. For large-scale and complicated government procurement items, it is required to invite quality-testing agencies recognized by the State to participate in the inspection. The members of the receiving party shall sign their names on the Certificate of Acceptance and bear the corresponding legal liabilities.

第四十二条   采购人、采购代理机构对政府采购项目每项采购活动的采购文件应当妥善保存，不得伪造、变造、隐匿或者销毁。采购文件的保存期限为从采购结束之日起至少保存十五年。

Article 42 The procuring entity and the procuring agency shall properly preserve the procurement documents for each item, and they may not forge, alter, conceal or destroy such documents. Procurement documents shall be preserved for at least 15 years after the date on which the procurement is concluded.

采购文件包括采购活动记录、采购预算、招标文件、投标文件、评标标准、评估报告、定标文件、合同文本、验收证明、质疑答复、投诉处理决定及其他有关文件、资料。

Procurement documents include procurement records, procurement budget, bidding documents, bid documents, bid evaluation criteria, evaluation report, bid decision document, contract text, acceptance certificate, challenge reply, complaint handling decision and other relevant documents and data.

采购活动记录至少应当包括下列内容：

The records of procurement shall at least include the following:

（一）采购项目类别、名称；

1. the category and name of the procurement item;

（二）采购项目预算、资金构成和合同价格；

(II) budget for procurement, structure of funds and contract price;

（三）采购方式，采用公开招标以外的采购方式的，应当载明原因；

3. form of procurement, and the reason if any form other than public bidding is adopted;

（四）邀请和选择供应商的条件及原因；

(IV) requirements and reasons set for the suppliers to be invited and selected;

（五）评标标准及确定中标人的原因；

(V) standards for bid evaluation and reasons for deciding on the bid winner;

（六）废标的原因；

(VI) reasons for canceling the bid; and

（七）采用招标以外采购方式的相应记载。

(VII) the records relating to adoption of the procurement method other than bid invitation.

第五章 政府采购合同

Chapter 5 GOVERNMENT PROCUREMENT CONTRACT

第四十三条   政府采购合同适用合同法。采购人和供应商之间的权利和义务，应当按照平等、自愿的原则以合同方式约定。

Article 43 Government procurement contracts shall be governed by the Contract Law. The rights and obligations of the procuring entity and the supplier respectively shall, on the principle of equality and voluntariness, be agreed on in a contract.

采购人可以委托采购代理机构代表其与供应商签订政府采购合同。由采购代理机构以采购人名义签订合同的，应当提交采购人的授权委托书，作为合同附件。

A buyer may appoint a procurement agency to conclude, on its behalf, a government procurement contract with the supplier. Where a contract is signed by the procurement agency in the name of the procurement party, the power of attorney issued by the procurement party shall be submitted as an appendix to the contract.

第四十四条   政府采购合同应当采用书面形式。

Article 44. Government procurement contracts shall be in writing.

第四十五条   国务院政府采购监督管理部门应当会同国务院有关部门，规定政府采购合同必须具备的条款。

Article 45. The State Council regulatory department for government procurement shall, in conjunction with the relevant State Council departments, stipulate the clauses essential to government procurement contracts.

第四十六条   采购人与中标、成交供应商应当在中标、成交通知书发出之日起三十日内，按照采购文件确定的事项签订政府采购合同。

Article 46 The procuring entity, the winner of the bid or the successful supplier shall, within 30 days from the date the notice informing the said winner or supplier of their acceptance is sent out, sign the government procurement contract pursuant to the particulars set in the procurement documents.

中标、成交通知书对采购人和中标、成交供应商均具有法律效力。中标、成交通知书发出后，采购人改变中标、成交结果的，或者中标、成交供应商放弃中标、成交项目的，应当依法承担法律责任。

The notices of winning the bid and concluding the transaction shall have binding force upon both the bid winner and the supplier. If, after a notice of winning of bid or conclusion of transaction is sent out, the procuring entity alters the result regarding the winner of bid or the successful supplier, or the said winner or supplier renounces the project for which it wins the bid, it shall bear legal liability in accordance with law.

第四十七条   政府采购项目的采购合同自签订之日起七个工作日内，采购人应当将合同副本报同级政府采购监督管理部门和有关部门备案。

Article 47 The procuring entity shall, within seven working days from the date the contract for government procurement items is concluded, submit a copy thereof to the department for supervision over government procurement at the same level and the relevant departments for the record.

第四十八条   经采购人同意，中标、成交供应商可以依法采取分包方式履行合同。

Article 48 Subject to consent of the procuring entity, the winner of the bid or the successful supplier may perform the contract by subcontract in accordance with law.

政府采购合同分包履行的，中标、成交供应商就采购项目和分包项目向采购人负责，分包供应商就分包项目承担责任。

If a government procurement contract is subcontracted, the winner of the bid or the successful supplier shall be responsible to the procurement party for the procurement project and the subcontract project, and the subcontractor shall be responsible for the subcontract project.

第四十九条   政府采购合同履行中，采购人需追加与合同标的相同的货物、工程或者服务的，在不改变合同其他条款的前提下，可以与供应商协商签订补充合同，但所有补充合同的采购金额不得超过原合同采购金额的百分之十。

Article 49 In case the procurement party needs an increase of the same commodities, engineering works or services as the contracted subject in the process of performance, supplementary contracts may be concluded with the procurement party, provided all the other terms and conditions remain unchanged, and the total amount of such supplementary contract prices does not exceed 10% of the original contract price.

第五十条   政府采购合同的双方当事人不得擅自变更、中止或者终止合同。

Article 50. Both parties to a government procurement contract shall not alter, suspend or terminate the contract without authorization.

政府采购合同继续履行将损害国家利益和社会公共利益的，双方当事人应当变更、中止或者终止合同。有过错的一方应当承担赔偿责任，双方都有过错的，各自承担相应的责任。

In case the continuous performance of a government procurement contract would do harm to the interests of the state and society, both parties thereto shall alter, suspend or terminate the contract. The party at fault shall be liable for compensation. If both parties are at fault, each shall bear the corresponding liability.

第六章 质疑与投诉

Chapter 6 Query and Complaint

第五十一条   供应商对政府采购活动事项有疑问的，可以向采购人提出询问，采购人应当及时作出答复，但答复的内容不得涉及商业秘密。

Article 51. If a supplier has queries concerning government procurement matters, he may question the buyer and the buyer shall reply in a timely manner, but the contents of the reply may not involve trade secrets.

第五十二条   供应商认为采购文件、采购过程和中标、成交结果使自己的权益受到损害的，可以在知道或者应知其权益受到损害之日起七个工作日内，以书面形式向采购人提出质疑。

Article 52 Where a supplier's procurement document, course, bid winning or transaction result has caused any damage to the rights and interests thereof, the said supplier may pose a challenge to the purchaser in writing within seven working days after he/she/it knows or should have known of such damage.

第五十三条   采购人应当在收到供应商的书面质疑后七个工作日内作出答复，并以书面形式通知质疑供应商和其他有关供应商，但答复的内容不得涉及商业秘密。

Article 53. The buyer shall reply within seven working days of receiving a written query from the supplier, and shall notify the query supplier and other suppliers in writing, but the contents of the reply may not involve trade secrets.

第五十四条   采购人委托采购代理机构采购的，供应商可以向采购代理机构提出询问或者质疑，采购代理机构应当依照本法第五十一条、第五十三条的规定就采购人委托授权范围内的事项作出答复。

Article 54 Where a procuring agency is entrusted by the procuring entity with the procurement, the suppliers may address inquiries or queries to the agency, which shall, in accordance with Articles 51 and 53 of this Law, make a reply regarding matters within the limits of authorization given by the procuring entity.

第五十五条   质疑供应商对采购人、采购代理机构的答复不满意或者采购人、采购代理机构未在规定的时间内作出答复的，可以在答复期满后十五个工作日内向同级政府采购监督管理部门投诉。

Article 55. If the supplier making the query is not satisfied with the response given by the buyer or the procurement agency, or the buyer or procurement agency has not replied within the stipulated period, the supplier may lodge a complaint with the government procurement regulatory department at the same level within 15 working days of the expiry of the period for reply.

第五十六条   政府采购监督管理部门应当在收到投诉后三十个工作日内，对投诉事项作出处理决定，并以书面形式通知投诉人和与投诉事项有关的当事人。

Article 56 The department for supervision over government procurement shall, within 30 working days after receipt of the complaint, make a decision on handling the matter complained about and inform in writing the complainant and the parties related to the matter complained about.

第五十七条   政府采购监督管理部门在处理投诉事项期间，可以视具体情况书面通知采购人暂停采购活动，但暂停时间最长不得超过三十日。

Article 57. While handling a complaint, the government procurement regulatory department may, depending on the circumstances, notify the buyer in writing to suspend procurement activities, but the suspension period may not exceed 30 days.

第五十八条   投诉人对政府采购监督管理部门的投诉处理决定不服或者政府采购监督管理部门逾期未作处理的，可以依法申请行政复议或者向人民法院提起行政诉讼。

Article 58. If a complainant is dissatisfied with the handling decision of the government procurement regulatory department, or the government procurement regulatory department fails to handle the complaint within the stipulated period, the complainant may apply for administrative reconsideration or institute administrative litigation in the people's court in accordance with the law.

第七章 监督检查

Chapter 7 Supervision and Inspection

第五十九条   政府采购监督管理部门应当加强对政府采购活动及集中采购机构的监督检查。

Article 59. Government procurement regulatory departments shall strengthen supervision and inspection of government procurement activities and centralized procurement institutions.

监督检查的主要内容是：

The supervision and inspection shall include the following:

（一）有关政府采购的法律、行政法规和规章的执行情况；

1. the implementation of the laws, administrative regulations and rules regarding government procurement;

（二）采购范围、采购方式和采购程序的执行情况；

2. the implementation of the procurement scope, methods and procedures; and

（三）政府采购人员的职业素质和专业技能。

(III) the professional quality and skills of the government procurement personnel.

第六十条   政府采购监督管理部门不得设置集中采购机构，不得参与政府采购项目的采购活动。

Article 60. Government procurement regulatory departments shall not set up centralized procurement institutions and shall not participate in the procurement activities of government procurement items.

采购代理机构与行政机关不得存在隶属关系或者其他利益关系。

There shall be no subordination or other relationship of interest between procurement agencies and administrative authorities.

第六十一条   集中采购机构应当建立健全内部监督管理制度。采购活动的决策和执行程序应当明确，并相互监督、相互制约。经办采购的人员与负责采购合同审核、验收人员的职责权限应当明确，并相互分离。

Article 61. Centralized procurement institutions shall establish a sound internal regulatory system. The procedures for making and implementing decisions on procurement activities shall be explicit and the institutions shall supervise and restrain each other. The powers and duties of the persons who are engaged in procurement and of the persons who are in charge of examination and acceptance of procurement contracts shall be defined explicitly and be separate from each other.

第六十二条   集中采购机构的采购人员应当具有相关职业素质和专业技能，符合政府采购监督管理部门规定的专业岗位任职要求。

Article 62 The procuring persons of the institutions for centralized procurement shall possess the necessary professional qualifications and expertise for the specialized posts, as required by the regulations of the department for supervision over government procurement.

集中采购机构对其工作人员应当加强教育和培训；对采购人员的专业水平、工作实绩和职业道德状况定期进行考核。采购人员经考核不合格的，不得继续任职。

The institutions for centralized procurement shall conduct rigorous education and training among their staff members, regularly assess the professional standards, achievements in their work and professional ethics of the staff members. No one who fails in the examination and appraisal may remain in the post.

第六十三条   政府采购项目的采购标准应当公开。

Article 63 The standards for government procurement items shall be made public.

采用本法规定的采购方式的，采购人在采购活动完成后，应当将采购结果予以公布。

Where the procurement methods provided for in this Law are adopted, the procuring entity, upon completion of the procurement, shall publish the result of the procurement.

第六十四条   采购人必须按照本法规定的采购方式和采购程序进行采购。

Article 64. Buyers must carry out procurement in accordance with the procurement methods and procedures stipulated herein.

任何单位和个人不得违反本法规定，要求采购人或者采购工作人员向其指定的供应商进行采购。

No work unit or individual may, in violation of the provisions hereof, require the procuring entity or its staff members to procure from the suppliers designated by them.

第六十五条   政府采购监督管理部门应当对政府采购项目的采购活动进行检查，政府采购当事人应当如实反映情况，提供有关材料。

Article 65. Government procurement regulatory departments shall inspect the procurement activities of government procurement items. Government procurement parties shall reflect the situation truthfully and provide the relevant materials.

第六十六条   政府采购监督管理部门应当对集中采购机构的采购价格、节约资金效果、服务质量、信誉状况、有无违法行为等事项进行考核，并定期如实公布考核结果。

Article 66 The government procurement supervisory and administrative department shall make an appraisal of the centralized procurement organization in respect of price, result of fund-efficiency, service quality, reputation and compliance with law, and make public the result of the appraisal at a regular time.

第六十七条   依照法律、行政法规的规定对政府采购负有行政监督职责的政府有关部门，应当按照其职责分工，加强对政府采购活动的监督。

Article 67. Government departments that are responsible for administrative supervision of government procurement in accordance with the provisions of laws and administrative regulations shall, in accordance with their division of responsibilities, strengthen supervision of government procurement activities.

第六十八条   审计机关应当对政府采购进行审计监督。政府采购监督管理部门、政府采购各当事人有关政府采购活动，应当接受审计机关的审计监督。

Article 68 Auditing authorities shall implement the auditing supervision of the government procurement. The government procurement activities of government procurement supervisory and administrative department and all the government procurement parties should accept the audit supervision of the audit department.

第六十九条   监察机关应当加强对参与政府采购活动的国家机关、国家公务员和国家行政机关任命的其他人员实施监察。

Article 69. Supervisory authorities shall strengthen the supervision of State authorities, civil servants and other personnel appointed by State administrative authorities that participate in government procurement activities.

第七十条   任何单位和个人对政府采购活动中的违法行为，有权控告和检举，有关部门、机关应当依照各自职责及时处理。

Article 70. Any work unit or individual has the right to lodge complaints about and report violations of law in the course of government procurement activities, and the relevant departments and authorities shall handle the matters in a timely manner in accordance with their respective duties.

第八章 法律责任

Chapter 8 Legal Liabilities

第七十一条   采购人、采购代理机构有下列情形之一的，责令限期改正，给予警告，可以并处罚款，对直接负责的主管人员和其他直接责任人员，由其行政主管部门或者有关机关给予处分，并予通报：

Article 71 Where a procuring entity or procuring agency commits one of the following acts, it shall be ordered to set it right within a time limit and be given a disciplinary warning, and may also be fined; and the persons directly in charge and the other persons directly responsible shall be given sanctions by the competent administrative department where they belong or by the relevant authority, and the matter shall be circulated:

（一）应当采用公开招标方式而擅自采用其他方式采购的；

1. adopting, without authorization, other procurement methods, instead of public invitation;

（二）擅自提高采购标准的；

(II) raising the standard of procurement arbitrarily;

（四）以不合理的条件对供应商实行差别待遇或者歧视待遇的；

(IV) treating suppliers differentially or discriminatingly by raising unreasonable requirements;

（五）在招标采购过程中与投标人进行协商谈判的；

(V) in the course of procurement through bid invitation, holding consultation or negotiation with bidders;

（六）中标、成交通知书发出后不与中标、成交供应商签订采购合同的；

(VI) failing to conclude a procurement contract with the winner of the bid or the successful supplier after the notice informing the said winner or supplier of its acceptance is sent out; and

（七）拒绝有关部门依法实施监督检查的。

(VII) refusing to subject itself to supervision conducted by the relevant department in accordance with law.

第七十二条   采购人、采购代理机构及其工作人员有下列情形之一，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，处以罚款，有违法所得的，并处没收违法所得，属于国家机关工作人员的，依法给予行政处分：

Article 72 Where a procuring entity or procuring agency or its staff member commits one of the following acts, which constitutes a crime, it/he shall be investigated for criminal responsibility in accordance with law; if the offence is not serious enough to constitute a crime, it/he shall be fined, and the illegal gains, if any, shall be confiscated, if the person involved is a State functionary, he shall be given an administrative sanction in accordance with law:

（一）与供应商或者采购代理机构恶意串通的；

1. colluding, in bad faith, with a supplier or a procurement agency;

（二）在采购过程中接受贿赂或者获取其他不正当利益的；

2. in the course of procurement, accepting bribes or obtaining other illegitimate benefits;

（三）在有关部门依法实施的监督检查中提供虚假情况的；

(III) It provides false information in the supervision or inspection lawfully conducted by the relevant department; or

（四）开标前泄露标底的。

(IV) Divulging the base price of a bid before opening the bid.

第七十三条   有前两条违法行为之一影响中标、成交结果或者可能影响中标、成交结果的，按下列情况分别处理：

Article 73 The violations, mentioned in the preceding two articles, that affect or are likely to affect the results in respect of the winner of a bid or the successful supplier, shall be dealt with in any of the following ways:

（一）未确定中标、成交供应商的，终止采购活动；

1. If no bid winning or transaction supplier is determined, the procurement activities shall be terminated;

（二）中标、成交供应商已经确定但采购合同尚未履行的，撤销合同，从合格的中标、成交候选人中另行确定中标、成交供应商；

2. where the winner of the bid or the successful supplier is determined but the procurement contract has not been performed, the contract shall be cancelled and a new winner of the bid or successful supplier shall be determined from among the qualified candidates for the winner of the bid or successful supplier; and

（三）采购合同已经履行的，给采购人、供应商造成损失的，由责任人承担赔偿责任。

(III) Where performance of the procurement contract causes losses to the procuring entity or supplier, the person liable shall bear the responsibility to pay compensation.

第七十四条   采购人对应当实行集中采购的政府采购项目，不委托集中采购机构实行集中采购的，由政府采购监督管理部门责令改正；拒不改正的，停止按预算向其支付资金，由其上级行政主管部门或者有关机关依法给予其直接负责的主管人员和其他直接责任人员处分。

Article 74. If a buyer fails to appoint a centralized procurement institution to carry out centralized procurement of government procurement items, the government procurement regulatory department shall order rectification. If the buyer refuses to do so, payment of funds in accordance with the budget shall be suspended and the personnel directly in charge and the other personnel directly responsible shall be penalized by the department in charge at the level above or by the relevant authorities in accordance with the law.

第七十五条   采购人未依法公布政府采购项目的采购标准和采购结果的，责令改正，对直接负责的主管人员依法给予处分。

Article 75 Where the procuring entity fails to publish the standards for government procurement items and the results of the procurement, it shall be ordered to rectify and the persons directly in charge shall be given sanctions in accordance with law.

第七十六条   采购人、采购代理机构违反本法规定隐匿、销毁应当保存的采购文件或者伪造、变造采购文件的，由政府采购监督管理部门处以二万元以上十万元以下的罚款，对其直接负责的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任。

Article 76. If a buyer or procurement agency violates the provisions of this Law by concealing or destroying procurement documents that should be retained, or forging or altering procurement documents, the government procurement regulatory department shall impose a fine of not less than Rmb 20,000 and not more than Rmb 100,000, and shall impose sanctions in accordance with the law on the personnel directly in charge and other directly responsible personnel. If the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

第七十七条   供应商有下列情形之一的，处以采购金额千分之五以上千分之十以下的罚款，列入不良行为记录名单，在一至三年内禁止参加政府采购活动，有违法所得的，并处没收违法所得，情节严重的，由工商行政管理机关吊销营业执照；构成犯罪的，依法追究刑事责任：

Article 77 Where the supplier is under any of the following circumstances, it shall be imposed upon a fine of not less than 0.5% but not more than 1% of the purchase money, be listed into the name list of records on misconducts, and be prohibited from participating in government procurement activities within one to three years; if there are any illegal proceeds, such proceeds shall be confiscated concurrently; if the circumstance is serious, the administration for industry and commerce shall revoke its business license; if any crime is constituted, it shall be subject to criminal liabilities in accordance with the law:

（一）提供虚假材料谋取中标、成交的；

1. providing false materials in an attempt to win a bid or become the successful supplier;

（二）采取不正当手段诋毁、排挤其他供应商的；

(II) to vilify and squeeze out other suppliers by illicit means;

（三）与采购人、其他供应商或者采购代理机构恶意串通的；

3. colluding, in bad faith, with the procuring entity, other suppliers or the procuring agency;

（四）向采购人、采购代理机构行贿或者提供其他不正当利益的；

(IV) bribing or providing illegitimate benefits to the procuring entity or agency;

（五）在招标采购过程中与采购人进行协商谈判的；

(V) in the course of procurement through bid invitation, holding consultation or negotiation with the procuring entity;

（六）拒绝有关部门监督检查或者提供虚假情况的。

(VI) refusing to subject itself to supervision by the relevant department or providing false information.

供应商有前款第（一）至（五）项情形之一的，中标、成交无效。

Where a supplier commits one of the first five acts mentioned in the preceding paragraph, the result of bid winning or transaction conclusion shall be invalidated.

第七十八条   采购代理机构在代理政府采购业务中有违法行为的，按照有关法律规定处以罚款，可以在一至三年内禁止其代理政府采购业务，构成犯罪的，依法追究刑事责任。

Article 78 Where the procuring agency, in making procurement on behalf of the government, commits an illegal act, it shall be fined pursuant to the provisions of relevant laws, and it may be banned from engaging in the procuration of government procurement for one to three years; if a crime is constituted, it shall be investigated for criminal responsibility in accordance with law.

第七十九条   政府采购当事人有本法第七十一条、第七十二条、第七十七条违法行为之一，给他人造成损失的，并应依照有关民事法律规定承担民事责任。

Article 79. If any party involved in government procurement commits an illegal act stipulated in Article 71, 72 or 77 hereof, causing losses to others, he shall bear civil liability in accordance with the relevant civil laws and regulations.

第八十条   政府采购监督管理部门的工作人员在实施监督检查中违反本法规定滥用职权，玩忽职守，徇私舞弊的，依法给予行政处分；构成犯罪的，依法追究刑事责任。

Article 80. Personnel of government procurement regulatory departments who, in violation of the provisions hereof, abuse their powers, neglect their duties or practise favouritism in the course of supervision and inspection shall be subject to administrative penalty in accordance with the law. If a crime is constituted, criminal liability shall be pursued in accordance with the law.

第八十一条   政府采购监督管理部门对供应商的投诉逾期未作处理的，给予直接负责的主管人员和其他直接责任人员行政处分。

Article 81. If the government procurement regulatory department fails to handle the complaint within the stipulated time period, the directly responsible person in charge and other directly responsible personnel shall be subject to administrative penalty.

第八十二条   政府采购监督管理部门对集中采购机构业绩的考核，有虚假陈述，隐瞒真实情况的，或者不作定期考核和公布考核结果的，应当及时纠正，由其上级机关或者监察机关对其负责人进行通报，并对直接负责的人员依法给予行政处分。

Article 82 If, at the time of appraising the performance of a centralized procurement institution, the government procurement supervisory and administrative department gives false statements or conceals the true facts, or it fails to carry out appraisal and announce the result of appraisal at regular intervals, it shall duly make rectification, and its superior organ or the supervisory department shall circulate a notice of criticism regarding the directly responsible persons and give administrative sanctions to those directly responsible.

集中采购机构在政府采购监督管理部门考核中，虚报业绩，隐瞒真实情况的，处以二万元以上二十万元以下的罚款，并予以通报；情节严重的，取消其代理采购的资格。

Where the institution for centralized procurement, when undergoing appraisal by the department for supervision over government procurement, makes a false report of its performance or conceals the truth, it shall be fined not less than 20,000 yuan but not more than 200,000 yuan, and the matter shall be circulated a notice of criticism; if the circumstances are serious, it shall be disqualified as a procuring agency.

第八十三条   任何单位或者个人阻挠和限制供应商进入本地区或者本行业政府采购市场的，责令限期改正；拒不改正的，由该单位、个人的上级行政主管部门或者有关机关给予单位责任人或者个人处分。

Article 83. If any work unit or individual obstructs or restricts suppliers from entering the government procurement market in its/his region or industry, it/he shall be ordered to rectify the situation within a specified period. If it/he refuses to do so, the person in charge of the work unit or the individual shall be penalized by the administrative department in charge at the level above, or by the relevant authorities.

第九章 附则

Chapter 9 Supplementary Provisions

第八十四条   使用国际组织和外国政府贷款进行的政府采购，贷款方、资金提供方与中方达成的协议对采购的具体条件另有规定的，可以适用其规定，但不得损害国家利益和社会公共利益。

Article 84. If, in respect of government procurement that uses loans from international organizations or foreign governments, the agreement reached between the lender, the financier and the Chinese party contains other stipulations on the specific conditions for the procurement, such stipulations may apply provided that they do not harm the national or public interest.

第八十五条   对因严重自然灾害和其他不可抗力事件所实施的紧急采购和涉及国家安全和秘密的采购，不适用本法。

Article 85 This Law shall not apply to emergency procurements carried out due to serious natural disasters or other events of force majeure, or procurements involving national security or secrets.

第八十六条   军事采购法规由中央军事委员会另行制定。

Article 86 Regulations governing military procurement shall be separately formulated by the Central Military Commission.

第八十七条   本法实施的具体步骤和办法由国务院规定。

Article 87 The specific steps and measures for the implementation of this Law shall be formulated by the State Council.

第八十八条   本法自2003年1月1日起施行。

Article 88 This Law shall go into effect as of January 1, 2003.