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Duke Kunshan University Non-Specialized Fund Tender and Bid Guideline

昆山杜克大学非专项资金招投标指引

1. General Principles and Scope 总则及适用范围

This Guideline is formulated based on the actual procurement situation of Duke Kunshan University (“DKU”, or “University”), in order to standardize University tender and bid process using non-specialized fund (“NSF”), improve the utilization rate of University funds, and ensure that the tender process follows the principles of openness, fairness, impartiality and integrity.
为规范昆山杜克大学（“学校”）使用非专项资金采购而进行的招投标工作，提高学校资金利用率，保证招投标过程遵循公开、公平、公正和诚实信用原则，结合学校实际采购情况，特制定本指引。

The scope of procurement specified in this Guideline includes the procurement of goods, services, and construction work. Except for purchases that have been specially approved for the use of other procurement methods, all the tender and bid activities with an estimated contract amount of 100,000 RMB or above shall comply with this Guideline.

本指引中规定的采购范围包括货物、服务、工程类采购。除经过特殊审批可采用其他采购方式的项目外，所有采购预估合同金额达到10万元人民币（含）以上的招标采购活动均适用本指引。

For the avoidance of doubt, please be noted that this Guideline applies to NSF procurement projects not subject to tender according to law, and such NSF procurement activities carried out in line with this Guideline are not subject to the *Law of the People’s Republic of China on Tender and Bid*, the *Government Procurement Law of the People’s Republic of China*, their implementation regulations, and other related regulations. Related terms such as “tender”, “bid”, and “bid-winning” and sentences from the above mentioned laws are used in this Guideline only for the convenience of internal communication within the University, and the use of such terms or sentences does not mean that the University voluntarily chooses to apply the above-mentioned laws and regulations to its NSF procurement. When sending tender documents to potential suppliers, Office of Procurement and procurement staff shall make necessary explanation and declarations based on the above content.

为避免疑问，本指引规范的是学校使用非专项资金进行的不属于依法必须招标投标的采购项目，因此本指引及根据本指引开展的非专项资金采购活动均不适用《招标投标法》、《政府采购法》及其实施条例和其他相关规定。本指引中使用“招标”、“投标”、“中标”等与《招标投标法》、《政府采购法》有关的名词及相关语句，仅为方便学校内部沟通，上述名词或语句的使用不代表学校非专项资金采购活动中自愿选择适用《招标投标法》、《政府采购法》及其实施条例和其他相关规定。学校采购办公室和采购人员向潜在供应商发送招标文件时，应当根据上述内容做出必要的解释和声明。

For specific SF procurement projects that can be carried out by the University on its own according to the *Duke Kunshan University Development Specialized Fund Management Method*, *DKU Procurement General Guideline*, and the *DKU Specialized Fund Procurement Guideline*, the University shall carry out the related procurement activities as per the University's *Non-Specialized Fund Procurement Guideline* and this Guideline (if applicable) instead of the *Government Procurement Law of the People's Republic of China*.

如学校使用专项资金进行的特定采购项目按照《昆山杜克大学发展专项资金管理办法》、《昆山杜克大学采购总指引》和《昆山杜克大学专项资金采购指引》的规定可以由学校自行采购的，学校应按照《昆山杜克大学非专项资金采购指引》和（如适用）本指引进行相关采购活动而不再适用《政府采购法》。

This Guideline shall be implemented as of the date of publication. The terms and conditions of this Guideline are subject to the interpretation by the Office of Procurement, which will update the Guideline based on the development of the University and the relevant provisions of national policies and regulations.

本指引自发布之日起施行。采购办公室对本指引有最终解释权，并根据学校发展情况和国家政策法规的有关规定进行更新。

2. Tender and Bid Method 招标投标方式

The tender method when using non-specialized fund is invited tender. Under this method, an invitation for bid shall be issued to three or more qualified legal persons or organizations with good credits and the ability to undertake the tendering project. Office of Procurement shall be responsible for organizing and implementing it according to this Guideline.

运用非专项资金的招投标方式为邀请招标。采用邀请招标方式的，应当向三个或三个以上具备承担招标项目的能力、资信良好的特定的法人或者其他组织发出投标邀请书，由采购办公室按照本指引负责组织实施。

3. Process of Invited Tender 邀请招标流程

3.1 Project Approval and Initiation 项目立项

The Requesting Unit submits the purchase requisition within the scope of the procurement plan and obtains the necessary approval in accordance with the approval matrix.

申请采购单位在采购计划范围内提交采购申请，并按照审批矩阵获得必要的批准。

Upon approval of this purchase requisition, Office of Procurement will start the tender process.

采购申请批准后，采购办公室方可进入招投标流程。

3.2 Establishment of Tendering and Evaluation Panel 组建招评标小组

The Tendering and Evaluation Panel consists of the members from the Office of Procurement, the Requesting Unit and other relevant offices, and may include related experts. The experts are selected based on the project needs by the Procurement Planning Committee ("PPC") from the University Evaluators Pool after the project is approved and initiated. The number of the Tendering and Evaluation Panel members should be 3 to 5 people. *Composition and Roles of Tendering and Evaluation Panel* is hereby provided in the Annex A1 document..

招评标小组由来自学校采购办公室、申请采购单位及其他相关部门成员组成，也可包括专家人士。其中专家由采购计划委员会在项目立项后从学校评标人员库中按项目需要选取。招评标小组人数应为3到5人。《招评标小组构成和职能》见附录-A1附件。

3.3 Preparation of Tender Documents 编制招标文件

The Office of Procurement collects detailed procurement requirements from the Requesting Units and other relevant offices and should take lead to prepare the tender documents. The tender documents should be reviewed by the Tendering and Evaluation Panel. The tender documents shall include the technical requirements of the tendering project, the criteria for reviewing bidder's qualification, the tender offer requirements, evaluation criteria, main terms of the contract, and the form and deadline of the tender documents for submission.

采购办公室向申请采购单位和其他相关部门收集具体的采购需求，并主导编制招标文件，招标文件需经过招评标小组审核。招标文件应当包括招标项目的技术要求、对投标商资格审查的标准、投标报价要求、评标标准、合同的主要条款，以及提供投标文件的形式和截止时间等。

3.4 Seeking Potential Bidders 寻找拟邀请的投标商

Potential bidders can be selected from the existing pool of suppliers or be recommended by the Requesting Unit or other sources. Seeking potential bidders shall follow the *DKU Procurement General Guideline* and the *DKU Supplier Management Guideline*, and avoid conflicts of interest. The supplier sources should be recorded properly. The evaluation of suppliers should include key factors such as quality, delivery time, service level, price, so as to make the decision in the best interests of the University. The invitation for bid shall be issued to potential bidders. If the estimated contract amount is less than RMB 650,000, the number of potential bidders shall be at least three. If the estimated contract amount is equal or greater than RMB 650,000, the number of potential bidders shall be at least four.

拟邀请的投标商可在现有供应商库中选取，或由申请采购单位或其他来源推荐。选择拟邀请投标的供应商应遵循《昆山杜克大学采购总指引》和《昆山杜克大学供应商管理指引》、回避利益冲突并做好供应商来源记录。评估供应商的关键因素应包括质量、交期、服务水平、价格等，以作出最符合学校利益的决策。采购预估合同金额低于65万人民币时，邀请的投标商应不少于3家，采购预估合同金额大于或等于65万人民币时，邀请的投标商不应少于4家。

3.5 Organizing Prequalification or Site Visit 组织资格预审或实地考察

Prequalification will be conducted by means of prequalification questionnaires, requiring potential bidders to provide qualification certificates and performance report, checking in the national corporate credit information disclosure systems, background investigation, and other methods. Site visit can be arranged when necessary, it can be conducted through observing potential bidders' factory environment, technical capability, production capacity, and project references. Based on the feedback or result of prequalification or site visit, Tendering and Evaluation Panel can determine if potential bidders can enter the next tender process. Proper documents should be maintained by the Office of Procurement for the decision.

资格预审可通过资格预审问卷、要求潜在投标商提供资质证明文件和业绩情况、查询国家企业信用信息公示系统、背景调查等方式进行。实地考察可在需要的情况下开展，可以通过对拟邀请的投标商的工厂的环境、技术水平、生产能力、项目案例等方面做考察。根据资格预审或现场考察的反馈或结果，招评标小组可以确定潜在投标商是否可以进入下一个投标过程。采购办公室应保留相关文件作为记录。

3.6 Sending the Tender Documents 发送招标文件

After the list of bidders is confirmed, the Office of Procurement should send the tender documents to all the bidders. After the tender documents are issued, any necessary clarification or modification of the tender documents shall also be notified to all the recipients of the tender documents.

确认拟邀请投标的供应商名单后，由采购办公室统一发送招标文件给投标商。在招标文件发出以后，若需要对招标文件进行必要的澄清或者修改，也应当通知所有招标文件接收人。

3.7 Bidding 投标

The bidders shall prepare bidding documents in accordance with requirements in the tender documents, and respond to the substantive requirements and conditions put forward in the tender documents. They shall submit the bidding documents in line with the requirements of the tender documents before the deadline designated in the tender documents. The bidding documents shall be delivered in a sealed envelope or sent to the designated email address under the supervision of the Office of Audit and Internal Compliance and shall not be opened before the bid opening time. If the bidding documents fail to arrive before the deadline, such bid is deemed as abandoned.

投标商应当按照招标文件的要求编制投标文件，并对招标文件提出的实质性要求和条件作出响应。投标商应当在招标文件要求提交投标文件的截止时间前，将投标文件按照招标文件的要求提交。投标文件需统一密封或统一发送至由审计与内部合规办公室监管的指定邮箱，在开标前不得开启。如果投标文件未在截止时间前送达，则视为放弃投标。

If number of valid bids is less than three, the tender shall be invalidated and shall be reinitiated, unless PPC approves to proceed with the tender.

有效投标少于三个应当废标并重新招标，除非采购计划委员会批准可以继续后续流程。

Any collusion, manipulation and fraud in the tender, or winning the bid through bribery and other illegal means in violation of laws and regulations are forbidden in the tender and bid process.

禁止在招投标过程中出现串标、围标、陪标、骗标，或以行贿手段谋取中标等违反法律法规的行为。

3.8 Bid Opening 开标

During the scheduled bid opening, all the bid documents received either in a sealed envelope or from the designated email box shall be opened at the same time, and the bid opening meeting will be hosted by the Office of Procurement with at least one recorder and one witness. The Office of Audit and Internal Compliance has the right to conduct supervision and spot checks. The bid opening should be recorded and documented for future reference.

在规定的开标时间内，通过密封文件送达或发送到指定邮箱的标书应进行统一开标，开标由采购办公室主导，现场需要有至少一名记录员，一名见证人。审计与内部合规办公室有权随机进行现场监督和抽查。开标应当记录，并存档备查。

3.9 Bid Evaluation 评标

The Tendering and Evaluation Panel will conduct a review in accordance with the bid evaluation criteria as stated in the tender documents to determine the bid-winning candidate. If necessary, the bid evaluation personnel may request the bidders to clarify or explain any content in the bid document with unclear meaning before determining the bid-winning candidate.

由招评标小组按照招标文件中确定的评标标准进行评审，确定中标候选人。若有需要，在确定中标候选人之前，评标人员可以要求投标商对投标文件中含义不明确的内容作必要的澄清或者说明。

3.10 Bid Winning and Contract Signing 中标和合同签订

After the bid-winning candidate is determined, University can negotiate key contract terms with the bid-winning candidate, and if the purchase amount reaches the limit that requires the approval of the Finance and Operations Committee or the Board of Trustees, the bid-winner can be determined only after obtaining the approval. After the approval is completed, an award notice shall be sent to the bid-winner and the negotiation of the contract details and the signing of contract shall be organized. The terms and conditions of the contract shall be signed in accordance with the tender documents and the bidding documents of the successful bidder, and no other agreements that deviate from the substantive content of the contract shall be entered into.

中标候选人确认后，学校可以与中标候选人进行关键合同条款磋商，如果采购金额达到需要财务和运营委员会或理事会审批的限额，则需要获得批准后方可确定中标人。审批完成后，应当向中标人发出中标通知书，并组织合同细节的谈判和合同签订。合同内容应按照招标文件和中标人的投标文件签订，不得再行订立背离合同实质性内容的其他协议。

4. Compliance Requirements 合规要求

All participants to the tender and bid process, including tender, bidder, tender agency and evaluation panel, shall assume the obligations and warrant to be in compliance with the principles of being open, fair, impartial and ethical. Detailed behavioral requirements can be referred to Annex-A2 document: *Code of Conduct for Non-specialized Fund Bidding and Tendering*.

参加学校招投标活动的各方，包括校方、投标方、招标代理机构以及评标人员，均有责任遵循和保证招投标过程遵循公开、公平、公正和诚实信用原则。具体要求见《非专项资金招标投标行为规范》（附录-附件A2）。

5. Supervision and Inspection 监督检查

The University's tender and bid activities are subject to inspection and supervision by the Office of Audit and Internal Compliance, as well as governance by the Finance and Operations Committee and the Board of Trustees. Any unit or individual shall have the right to report and complain about violations of laws and regulations in the tendering and bidding process. After such violations are verified, the University will take disciplinary actions according to the laws; when the circumstances constitute a crime, criminal liabilities shall be investigated and prosecuted for according to the laws.

学校的招投标活动须接受审计与内部合规办公室检查和监督，以及财务和运营委员会和理事会的监管，任何单位和个人都有权利对招投标过程中的违法、违规行为进行检举和投诉。如经查证属实，学校将依法采取惩戒行动；构成犯罪的，依法追究刑事责任。

Annex 附录

1 Attachment 附件

For those stored in the attachments of this PDF file, please download this PDF file first in order to access its attachments, as they can't be accessed when browsed online only.

部分储存在此PDF文件的附件中。网页上浏览时无法显示，需先下载该PDF附件，然后查阅其附件。

No.	Document title 文件名	Source/ file 来源/文档
A1	Composition and Roles of Tender and Evaluation Panel 招评标小组构成和职能	Attachments of this PDF file (download this PDF file to your computer to access its attachments) 本PDF文件的附件中（将本PDF文件下载到电脑即可查看到其附件）
A2	Code of Conduct for Non-specialized Fund Bidding and Tendering 非专项资金招标投标行为规范	

2 Document History 文件历史

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08/06/2020 2020年8月6日	V00: first issued V00: 新颁布