

Research on How to Protect the Rights of Users under Agent Construction System

——Taking the Overall Renovation and Upgrading Project of Shandong Administrative School District as an Example

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Abstract: In recent years, pilot projects for the “agent construction system” model of government investment projects have been implemented throughout the country to achieve professional construction management and achieve remarkable results, ultimately achieving the goal of controlling investment, and improving investment efficiency and management level. This is a government investment project. This paper combines the practical problems in the construction management mode of the overall reform and upgrading project of Shandong Administrative Colleges and districts, and explores the engineering management experience under the agent construction system, which has certain guiding significance for the subsequent construction work.

1. Introduction

Shandong Administration College is a direct unit of the provincial government managed by the Civil Service Law. It is the main channel for the education and training of state civil servants and state-owned enterprise managers, an important base for public administration theory and government management innovation research, and a think tank for party committees and government decision-making consultation. . According to the development needs, the existing land will be upgraded and upgraded to meet the training needs. The overall renovation area of the campus will be 57,960 square meters, and the reconstructed building area will be 9,800 square meters. The total investment of the project is 390 million yuan. And this model is a new thing in the basic construction of the School of Administration, facing new content, further accumulation of experience, and there are also problems of different degrees.

2. The Main Problems in the Agent Construction System

2.1 The Non-uniform Standards of “Agent Construction System” between Enterprises and Other Agencies.

At present, the "agent construction system" is in its infancy, and the conditions for setting up special agency construction qualifications are still immature. The country does not yet have a relatively unified "agent construction system" management method. Some provinces and municipalities are now introducing relevant provisional regulations or management measures. In March 2017, Jinan City issued the “Jiangzheng Fa [2017] No. 2 “Jinan Municipal Government Investment Project Agent Construction System Management Measures”. There are three types of agent construction enterprises: first, the basic construction enterprises that are mainly responsible for investment by the government, and second, project management companies such as investment consulting, cost consulting, construction supervision, and bidding agency; third, they have qualifications for real estate development or The survey and design units of the general contracting qualifications, at present, there is no special qualification for the construction of enterprises.

2.2 The Non-uniform Results Standards of “Agent Construction System” between Enterprises and Users.

The purpose of the "agent system" is to enable the government to get rid of the unprofessional engineering management through the competition of the market mechanism, without having to bear the duties and obligations of these professions. The current construction units are not willing to bear the limited construction fees. More responsibility for the construction of the agency, and the construction unit also has doubts about the commissioned construction because the risk has not been completely transferred. The anti-revolutionary expectations of the two parties have various adverse effects on the construction project, due to the construction of the enterprise. Inconsistent with the user's standard of achievement, in the process of construction, wrangling, disputes, responsibility shirking, etc. often occur.

2.3 "Agent Construction System" of Enterprises and the Unclear Use of Human Rights.

There are mainly three kinds of situations in the construction of the agent: the whole process of construction, construction and construction of the sub-construction; it is generally believed that the responsibility, rights and interests of the project in the whole process of construction are clear, and there is a strong constraint mechanism. It is conducive to ensuring the implementation of the capital system of the project, and is conducive to the unified management of the construction and operation of investment projects. It is a form of “agent construction system” in the true theoretical sense. Construction and sub-construction in the construction period is because the project company always has an advantage in one aspect of the project operation. Therefore, some projects adopt the form of subcontracting to give full play to the advantages of each agent and simplify the project organization and management. Complexity and reduce engineering construction costs. The overall renovation and upgrading project of the school district is based on the construction of the construction period. The user is responsible for handling the construction procedures in the early stage of the construction period. The pre-employment advantage of the construction enterprise cannot be exerted, and the construction of the enterprise is slow.

3. The Proposal to Further Improve the "Agent Construction System"

3.1 Implement the Agent Construction Market and Set up Qualified Agent Construction Units.

Promote the marketization of agency construction business, separate government and enterprise, change government functions, avoid corruption, use professional project management institutions to manage government investment projects, solve the problem of decentralized management and repeated organization, and utilize specialized management knowledge. Avoiding the drawbacks brought by the management of the external industry can form an effective supervision mechanism to control investment expansion. In the process of implementing the “agent construction system”, the agent construction enterprise is encouraged to accept the entrustment of the owner, and in accordance with the contract, the owner will organize the whole process of management and service for the project.

3.2 Strengthen Contract Management to Ensure Cooperation according to Law.

The contract for the construction of the contract is the "legal basis" for the government, the agent and the user to clearly define the rights and obligations. The parties to the contract must fully and properly perform their rights and obligations as stipulated in the contract, and strictly regulate their own behavior in accordance with the contract. The signing and management of the contract for the construction of the contract is the basic condition for ensuring that the project achieves the expected goals. The agent construction unit of the government investment agency construction project shall be determined through bidding. According to the centralized procurement catalogue and quota standards of the government procurement, the agent-designed unit will be selected as the service procurement project, and the agent construction unit will be determined through market competition.

It is necessary to clearly stipulate that the agent construction unit as the owner's representative has relative independence, and cannot have other interest relations with the relevant design, construction and other enterprises, and can not be used as a construction unit. After the agent construction unit is determined, the construction unit shall sign the project commission construction contract with the agent construction unit, clarify the scope and form of the agent construction project, and the legal relationship between the rights and obligations of both parties.

3.3 Identify the Rights and Responsibilities of the Agent and the User, and Establish a Corresponding System.

Clearly define the duties, rights and obligations of the enterprise and the user, and carry out different tasks according to the different rights and responsibilities of the parties. For example, the user organizes the investigation, preliminary design, project supervision, and the whole process cost consultation and bidding activities according to the law. And manage the corresponding contract. Participate in the project bidding for construction, equipment and major materials. The agent construction enterprise shall handle the project planning, land, municipal, fire protection, civil air defense and other procedures for approval and acceptance in the name of the user, and organize the construction drawing design, construction contractor and equipment according to law. And bidding activities related to materials procurement and other projects. The project user has the project investment decision-making right and the right to know, and has the supervision and suggestion rights in the project construction. The agent construction enterprise is responsible for the whole process of project construction. During the implementation of the project, it is recommended that relevant systems, such as conference system, project quality management system, engineering visa, bidding system, etc., be conducive to further cooperation between the agent and the user to ensure the smooth implementation of the project.

4. Conclusion

The "generational system" has a long history of development in China, and there is still a long way to go. Practice has proved that the implementation of the "agent construction system" in government investment projects is a powerful measure to achieve the goal of China's government investment project system reform. By "professional people doing professional things" and replacing the government's huge temporary management organization with professional project management companies, it can effectively prevent the expansion of the civil service and transfer the risk of project construction cost overruns through the market. Effectively curb corruption. . Therefore, the project "agent construction system" is an inevitable trend of government investment project construction management system reform.

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