

Purpose

To provide for following matters concerning tendering and contracting for public works:

- ◆Basic matters
- ◆Requirement for orderers to take measures such as disclosing information
- ◆Establishment of a system for formulation of guidelines for proper implementation, etc.



- Securing public trust in public works
- Sound development of the construction industry undertaking public works

Basic matters for proper tendering and contracting for public works

- (1) Securing transparency of tendering and contracting (3) Thoroughly eliminating wrongful acts (5) Securing the proper implementation of contracted public works
- (2) Promoting fair competition (4) Preventing dumping orders

Taking concrete measures for orderers and contractors

- Information disclosure
 - The prospect of orders, such as public works name, tendering schedule (annual)
 - Qualifications of bidders, bidders, the successful bidder, and the bid amount, etc. (for each public work)
- Measures against wrongful acts
 - If any illegal activity (such as bid-rigging, failure to appoint engineers or involvement with members of an organized crime group) is discovered, the orderer will notify Japan Fair Trade Commission and the administrative agency for construction business licenses of that fact
- Prevention of dumping orders (concluding a contract at an appropriate amount)
 - Construction business operators are required to submit a breakdown of the bid amount, including labor costs
 - Orderers are required to implement confirmation of submitted detailed statements and other necessary measures
- Proper implementation of public works
 - Prohibition of subcontracting (total outsourcing) all construction project activities to a single contractor
 - For all public works, the general contractor creates a work ledger and submits it to the orderer, who then verifies it with the on-site implementation of construction
 - Utilizing ICT (construction business operators) and providing necessary advice and guidance (orderers)

Specifying other matters that should be the responsibility of the orderer

- Providing education for staff
- Providing guidance for construction business operators, etc.

Formulation of guidelines for proper implementation

- Guidelines for proper implementation** (established on March 9, 2001, last amended on December 13, 2024)
- = The Minister of Land, Infrastructure, Transport and Tourism, the Minister of Internal Affairs and Communications and the Minister of Finance jointly drafted the proposal, which then was approved by the Cabinet.
- 【Main Content】**
- Checking of bidding process, etc. by a third party
 - Improvement of tendering and contracting methods for promoting fair competitions (appropriate use of open competitive bidding and comprehensive evaluation of bidding methods, etc.)
 - Prevention of dumping orders (setting an appropriate target price and thorough implementation of appropriate utilization of the low bid price survey system, etc.)
 - Promotion of 2 days off per week and securing sufficient construction periods by accounting for non-workable days, etc. due to extreme heat.
 - Standardization of construction period
- **Follow-up on guidelines for proper implementation**
- Each fiscal year, assess the status of initiatives and disclose the results
 - The Minister of Land, Infrastructure, Transport and Tourism and the Minister of Internal Affairs and Communications are to make recommendation and requests to local governments for the implementation of particularly necessary measures

目的

- 公共工事の入札・契約に関し
- ◆基本となるべき事項を規定
- ◆発注者に対し、情報の公表などの措置を義務付け
- ◆適正化指針の策定等の制度の整備

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- 公共工事に対する国民の信頼確保
- 公共工事を請け負う建設業の健全な発達

公共工事の入札・契約の適正化の基本となるべき事項

- ①入札・契約における透明性の確保
 - ②公正な競争の促進
- ③不正行為の排除の徹底
 - ④ダンピング受注の防止
- ⑤工事の適正な施工の確保

発注者・受注者に対する具体的な措置

- 情報の公表
 - ・発注工事名、入札時期等発注の見通し(毎年)
 - ・入札参加者の資格、入札者、落札者、金額等(工事ごと)
- 不正行為に対する措置
 - ・不正事実(談合、技術者の不設置、暴力団関係者であること等)が判明した場合、発注者が公正取引委員会や建設業許可行政庁へ通知
- ダンピング受注の防止（適正な金額での契約締結）
 - ・労務費等を内訳明示した入札金額の内訳書の提出義務(建設業者)
 - ・提出された内訳書の確認その他の必要な措置の実施(発注者)
- 施工体制の適正化
 - ・一括下請負(丸投げ)の全面的禁止
 - ・全ての工事について施工体制台帳を元請業者が作成・発注者に提出
 - ・発注者は現場の施工体制と照合
 - ・ICTの活用(建設業者)、必要な助言・指導(発注者)

その他発注者が努めるべき事項を規定

- ・職員に対する教育
- ・建設業者に対する指導 等

適正化指針の策定

適正化指針（H13.3.9成立、R6.1 2.1 3最終改正）
＝国土交通大臣・総務大臣・財務大臣が共同で案を作成し、閣議決定。

- 【主な内容】
- ・第三者機関による入札過程等のチェック
 - ・公正な競争を促進するための入札・契約方式の改善(一般競争入札の適切な活用、総合評価落札方式の適切な活用等)
 - ・ダンピング受注の防止(適正な予定価格の設定、低入札価格調査制度等の適切な活用の徹底等)
 - ・週休2日の推進、猛暑日等の作業不能日数等に考慮した工期確保
 - ・施工時期の平準化
- 適正化指針のフォローアップ
- ・毎年度、取組状況を把握し、公表
 - ・国土交通大臣及び総務大臣が、地方公共団体に対し、特に必要があると認められる措置を講ずべきことを要請・勧告