

Research on the Innovation Path of Government Procurement Rule of Law from the Perspective of "Streamlining Administration, Delegating Power, Improving Regulation, and Optimizing Services"

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ABSTRACT

Against the backdrop of the reform of "Streamlining Administration, Delegating Power, Improving Regulation, and Optimizing Services" (hereinafter referred to as "Streamlining, Delegating, Regulating, and Optimizing"), the innovation of the government procurement rule of law is of crucial importance. This paper deeply analyzes the relationship between "Streamlining, Delegating, Regulating, and Optimizing" and the government procurement rule of law, and points out the existing problems in the current government procurement rule of law in terms of concepts, rules, supervision, and remedies, such as outdated concepts, fragmented rules, inadequate supervision, and imperfect remedies. Based on this, it proposes innovative paths from four dimensions: concept innovation, rule improvement, supervision enhancement, and remedy optimization. These include establishing the concepts of service, fairness, and integrity; building a unified rule system and refining rule content; improving the supervision system and innovating supervision methods; and improving the relief system and smoothing relief channels. The aim is to enhance the level of government procurement rule of law and optimize the business environment for government procurement.

KEYWORDS

Streamlining Administration; Delegating Power; Improving Regulation; Optimizing Services; Government procurement; Rule of law innovation

1 Introduction

The reform of "Streamlining, Delegating, Regulating, and Optimizing" is a key measure to promote the transformation of government functions and optimize the business environment. As an important part of government economic activities, government procurement involves huge amounts of fiscal funds, connects the government and the market, and its rule of law construction directly affects the efficiency of fiscal fund utilization, the order of fair market competition, and government credibility. From the perspective of "Streamlining, Delegating, Regulating, and Optimizing", conducting research on the innovation of government procurement rule of law has significant theoretical and practical significance. Theoretically, it helps enrich the theoretical system of government procurement law and expand the research depth of administrative law in the field of economic management. Practically, it can provide strong legal support for solving prominent problems in government procurement practice, improving the governance efficiency of government procurement, and promoting the healthy and orderly development of the government procurement market.

2 Intrinsic relationship between "streamlining, delegating, regulating, and optimizing" and government procurement rule of law

2.1 Guiding role of "streamlining, delegating, regulating, and optimizing" reform in government procurement rule of law

The reform of "Streamlining, Delegating, Regulating, and Optimizing" requires the government to reduce excessive intervention in the market and fully stimulate market vitality. This orientation urges the government procurement rule of law to reduce unnecessary procedural requirements such as approvals and permits in rule-making, and grant purchasers more reasonable independent decision-making power. For example, in links such as the selection of procurement methods and the qualification review of suppliers, flexible decisions can be made based on the actual situation of the project to avoid rigid unified regulations. At the same time, it promotes the simplification and optimization of government procurement processes to adapt to the rhythm of efficient market operation, making government procurement activities more in line with market needs and enhancing the enthusiasm of market entities to participate in government procurement.

2.2 Guaranteeing role of government procurement rule of law in "streamlining, delegating, regulating, and optimizing" reform

A sound government procurement rule of law provides a solid guarantee for the implementation of the "Streamlining, Delegating, Regulating, and Optimizing" reform in the field of government procurement. It clarifies the power boundary of the government in government procurement through legal norms, prevents abuse of power, and ensures that "delegation" is reasonable and "regulation" is in place. For example, legal rules are used to restrict the behaviors of purchasers, agencies, and other subjects, ensure fair market competition, safeguard the legitimate rights and interests of suppliers, and create a good business environment for government procurement. This thus effectively promotes the realization of the goals of the "Streamlining, Delegating, Regulating, and Optimizing" reform in government procurement activities, making government procurement an effective tool for the government to manage the economy efficiently and serve society.

3 Current problems in government procurement rule of law

3.1 Issues at the level of rule of law concepts

The traditional concept of government procurement focuses on government control over procurement activities, with a weak awareness of serving market entities. Under this concept, government procurement processes are cumbersome and complex, mostly designed from the perspective of facilitating government management, ignoring the participation costs of suppliers and market efficiency. For example, in some localities, government procurement information is released through single and untimely channels, making it difficult for suppliers to obtain information and miss participation opportunities. Meanwhile, the concept of fair competition is not fully implemented, with phenomena such as local protectionism and unreasonable access thresholds, which restrict the participation of foreign suppliers and small and medium-sized enterprises, damaging the fair competition order in the government procurement market. The concept of integrity has also not received sufficient attention in government procurement activities. Some purchasers and suppliers engage in dishonest behaviors, such as purchasers arbitrarily changing contract terms and suppliers providing false materials to win bids, which seriously affect the credibility of government procurement.

3.2 Issues at the level of legal rules

There is a problem of fragmentation in government procurement-related legal rules. The *Government Procurement Law*, the *Tendering and Bidding Law* and their implementation regulations have overlaps and conflicts in terms of applicable scope and procedural provisions. For example, in the case of engineering construction projects involving both goods, service procurement and engineering construction, the two laws stipulate inconsistent procurement procedures and regulatory subjects, leaving purchasers at a loss in practice. Moreover, existing rules are too principled on some key issues, lacking operability. Taking the government procurement questioning and complaint system as an example, provisions on the acceptance conditions, review standards, and processing time limits for questions and complaints are vague, leading to differences in understanding and implementation among different regions and departments, which affects the effective realization of suppliers' right to relief.

3.3 Issues at the level of supervision by rule of law

The government procurement supervision system is imperfect, with problems of multiple supervision and unclear responsibilities. Departments such as finance, audit, and supervision have supervisory responsibilities for government procurement activities, but in practice, there is a lack of effective coordination mechanisms between departments, which may easily lead to overlapping supervision or regulatory gaps. For example, regarding illegal acts of suppliers, the finance department focuses on administrative penalties, the audit department pays attention to the compliance of fund use, and the supervision organ mainly supervises the integrity of public officials. Poor information communication between departments makes it difficult to form a supervision synergy. At the same time, supervision methods are relatively traditional, mainly relying on post-event supervision and inspection, lacking dynamic real-time supervision of the entire procurement process, and unable to promptly detect and correct illegal and irregular acts in procurement activities.

3.4 Issues at the level of relief by rule of law

The government procurement relief system is incomplete, and there are obstacles in suppliers' relief channels. On the one hand, the questioning and complaint procedures are cumbersome. Suppliers need to spend a lot of time and energy

preparing materials and participating in the processing process, and the results of questioning handling are often unsatisfactory to suppliers, leading to insufficient confidence in the relief procedures. On the other hand, administrative reconsideration and administrative litigation play a limited role in government procurement relief. Due to the strong professionalism of government procurement, administrative reconsideration organs and courts may find it difficult to make accurate judgments due to lack of professional knowledge when hearing relevant cases, affecting the fairness and efficiency of case trials. In addition, information disclosure and transparency in the relief process are insufficient, and suppliers' right to know about the relief process and results is not fully guaranteed.

4 Innovation paths of government procurement rule of law from the perspective of "streamlining, delegating, regulating, and optimizing"

4.1 Innovating the concept of government procurement rule of law

Establish the concept of service, transforming government procurement from a mere government management behavior into an activity where the government serves market entities. Government departments should take safeguarding the legitimate rights and interests of suppliers and improving the quality of government procurement services as the starting point, and optimize government procurement processes. Establish a government procurement service hotline or online service platform to promptly answer suppliers' questions in participating in government procurement.

Establish the concept of fair competition, comprehensively clean up regulations and practices that hinder fair competition in the field of government procurement, and eliminate unreasonable thresholds such as local protectionism and ownership discrimination. Formulate specific standards and operating procedures for fair competition review, requiring purchasers to conduct fair competition reviews when preparing procurement documents to ensure that procurement activities treat all qualified suppliers equally.

Establish the concept of integrity and build a government procurement integrity system. Establish integrity files for purchasers, suppliers, agencies, and evaluation experts, recording their honest and dishonest behaviors in government procurement activities. Provide certain policy preferences to honest entities, such as preferential winning bids under the same conditions and simplified procurement processes; implement joint punishment for dishonest entities, restrict their participation in government procurement activities, and increase the cost of dishonesty.

4.2 Improving government procurement legal rules

Build a unified and coordinated government procurement legal rule system to resolve conflicts between existing laws and regulations. The applicable scope and connection mechanism between the *Government Procurement Law* and the *Tendering and Bidding Law* in government procurement activities can be clarified by revising the *Government Procurement Law* or formulating relevant judicial interpretations. For government procurement behaviors in engineering construction projects, uniformly stipulate the application of the *Government Procurement Law* and its supporting regulations to avoid irregular procurement procedures caused by chaotic legal application.

Refine the content of government procurement legal rules to enhance their operability. In terms of procurement procedures, clearly stipulate specific requirements and time nodes for the preparation, release, and modification of procurement documents, and standardize the operation processes of bid opening, evaluation, and bid determination; in terms of supplier qualification review, formulate detailed qualification review standards and methods to prevent purchasers from arbitrarily setting unreasonable qualification conditions. At the same time, adjust and improve government procurement legal rules in a timely manner in accordance with the requirements of the "Streamlining, Delegating, Regulating, and Optimizing" reform to ensure that the rules meet the needs of reform and development.

4.3 Strengthening supervision of government procurement by rule of law

Improve the government procurement supervision system, clarify the responsibility division of various supervision departments, and establish a sound coordination mechanism. A government procurement supervision coordination group can be established, led by the finance department, with the participation of audit departments, supervision organs, etc., to hold regular meetings to study and solve major problems in government procurement supervision, and strengthen information sharing and collaborative law enforcement.

Innovate government procurement supervision methods, make full use of modern information technology, and establish a dynamic supervision system for the entire process of government procurement. Through technologies such as big data analysis and artificial intelligence, conduct real-time monitoring and early warning of government procurement

projects from budget preparation, procurement plan declaration, procurement execution to contract performance, and promptly detect and handle abnormal situations. Strengthen supervision over government procurement agencies and evaluation experts, establish a credit evaluation system for agencies and experts, conduct quantitative evaluation of their practice behaviors, implement classified supervision based on evaluation results, and severely handle illegal and irregular behaviors in accordance with the law.

4.4 Optimizing relief of government procurement by rule of law

Improve the government procurement relief system and simplify the questioning and complaint procedures. Shorten the acceptance time and processing time limit for questions and complaints, and clearly stipulate the responsibilities and obligations of purchasers, procurement agencies, and financial departments in handling questions and complaints. Establish a fast-track for questioning and complaints, and apply summary procedures to handle cases with clear facts and conclusive evidence to improve relief efficiency.

Strengthen the role of administrative reconsideration and administrative litigation in government procurement relief, and improve the professional level of reconsideration organs and courts in hearing government procurement cases. Professional training and expert advisory databases can be organized to enhance the understanding and mastery of government procurement laws, regulations, and professional knowledge by reconsideration personnel and judges, ensuring the fairness and accuracy of case trials. Improve information disclosure and transparency in the relief process, promptly disclose the handling process and results of questions and complaints to suppliers, and safeguard their right to know and supervise.

5 Conclusion

The innovation of government procurement rule of law from the perspective of "Streamlining, Delegating, Regulating, and Optimizing" is a systematic project that requires coordinated advancement from multiple dimensions such as concepts, rules, supervision, and remedies. By establishing advanced concepts of the rule of law, improving the legal rule system, strengthening supervision by the rule of law, and optimizing relief by the rule of law, the current problems in government procurement rule of law can be effectively solved, the level of government procurement rule of law can be improved, and government procurement activities can be promoted to operate efficiently and standardizedly on the track of the rule of law. This will provide a solid legal guarantee for optimizing the business environment of government procurement and promoting high-quality economic and social development. In the future, with the deepening of the "Streamlining, Delegating, Regulating, and Optimizing" reform, the innovation of government procurement rule of law also needs to keep pace to adapt to the ever-changing needs of economic and social development.

About the Author

Wei Li, Ph.D. candidate, the theory of administrative law, the legal system of government procurement.

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