



Study on the Government's Main Responsibility Based on the Whole Process of Public Service Purchasing

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Abstract. The clear definition of the responsibility of the main body of the government's purchase of public services plays an important role in promoting the development of this policy instrument. From the perspective of policy analysis, the process of government purchase of public services includes four stages: design preparation, contract signing, contract management, and ex-post evaluation. The government assumes different responsibilities at different stages; it assumes the responsibility of selecting public service projects at the design preparation stage; it assumes the responsibility of selecting the main contractor at the contract signing stage; it assumes the responsibility of contract management at the contract management stage; it assumes the responsibility of assessing the effectiveness of the supply at the ex-post evaluation stage; and it assumes the responsibility of supervision throughout the entire process of purchasing public services. The government can take certain measures to reinforce the assumption of the main responsibility.

Keywords: Government purchase of public services; division of process; subjective responsibility;

1 Introduction

The Government's purchase of public services is a transfer of responsibility for the production and provision of public services to private organizations^[1], which implies a shift in the responsibilities assumed by the Government. From a technical point of view, some scholars believe that the government should take the responsibility of improving the method of purchasing public services and strengthening its management capacity^[2]; From the perspective of administrative law, some scholars believe that the government in the process of public service purchase bears the responsibility of public law such as supervisory responsibility, protective responsibility and guarantee responsibility^[3]; some scholars from the perspective of transformation of the government's responsibility, that the government's main responsibility includes the responsibility of financial input, the responsibility of reducing the cost of the policy, the responsibility of selecting a good contractor, the responsibility of the project supervision

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and the responsibility of the contract management, etc ^[4]. Some scholars, from the point of view of the tripartite construction of the legal relationship between "the government - the private subject - the individual citizen", believe that the government bears three kinds of legal liabilities, such as contractual liability, regulatory liability and guarantee liability ^[5]. In addition, some other scholars point out that the government bears administrative guarantee responsibility ^[6] and guarantee responsibility ^[7] in purchasing public services. On the basis of scholars' research, this paper tries to clarify the whole process of government purchase of public services on the basis of the composition of the links, focusing on exploring the main responsibility of the government in each link.

2 Delineation of the stages of government purchase of public services

Domestic scholars in the study of government purchase of public services mostly take the concept of the whole process, for example, some scholars have divided the process of government purchase of elderly services into four stages: planning, bidding and contracting, project implementation and management, and evaluation and follow-up^[8]; Some scholars study the whole process of government purchase of public services from a legal perspective ^[9]. The concept of the whole process has also been used by some scholars in studying the monitoring of the purchase of public services ^[10].

Drawing on the research results of scholars, this paper argues that the government's purchase of public services is a policy tool for the government to enhance its public service supply capacity and transform government functions, emphasizing the whole process of purchase. From the perspective of public policy, this paper divides the process of government purchase of public services into four stages: design preparation, contract signing, contract management and ex-post evaluation, as shown in Figure 1: Diagram of buying stages based on the public policy process (Photo credit: Author's own).

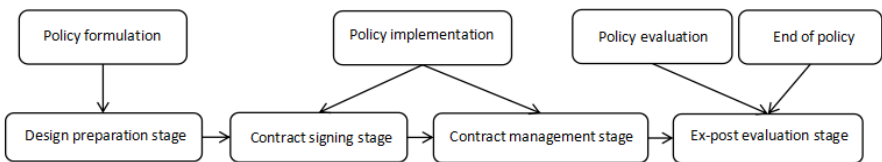


Fig. 1. Diagram of buying stages based on the public policy process

3 Definition of responsibilities at various stages of government purchasing of public services

3.1 Design preparation stage

At the design preparation stage, the Government assumes responsibility for selecting the right projects. First of all, the government needs to obtain a large amount of in-

formation resources in an intricate and complex environment and screen the reliability of different information, so as to clarify the public's demand on the basis of the information obtained, and then clarify the content of the purchase. Secondly, the government needs to design and select the public service purchasing program on the basis of the clear purchasing content. The government needs to design the purchasing program and conduct a comprehensive evaluation, and then determine an optimal purchasing program that can meet the public's needs on the basis of the evaluation.

3.2 Contract signing stage

At the stage of contract signing, the government bears the responsibility of selecting the main contractor. On the basis of a clear definition of the public service purchase program, the government needs to select a suitable contractor to establish a cooperative relationship. At this stage, the government usually adopts the methods of public tendering, directional purchasing and internal commissioning to determine the undertaking body, which can be divided into two categories: competitive purchasing and non-competitive purchasing ^[11]. Competitive purchasing methods broadly include information dissemination, information response, and selection on the basis of merit, such as open tendering. Non-competitive purchasing is the government's comprehensive consideration of public service purchasing projects to select the undertaking organization, for example, the government directly designates the undertaking organization. Regardless of the method adopted, the government needs to assume the responsibility of selecting the contractor.

3.3 Contract management stage

At the contract management stage, the Government assumes responsibility for contract management. From the perspective of the contract, the undertaking organization fulfils the contract, the government provides it with funds and other necessary guarantees, when problems arise in the provision of public services, the citizens can be reflected to the government, but also to the undertaking organization to solve the problem, the government bears the jointly and severally responsibility. From the perspective of the Government's fulfilment of its social functions, the Government does not merely assume jointly and severally liability, but rather, it assumes the basic responsibility of underwriting. When the undertaking organization is unable to continue to perform the purchase contract, the Government does not only pursue the responsibility of the undertaking organization concerned, but more importantly, takes emergency measures to resume the provision of public services. Both of these perspectives suggest that the Government bears the necessary responsibility for contract management.

3.4 Ex-post evaluation stage

At the stage of ex-post evaluation, the government assumes the responsibility of evaluating the results of contract performance. After the contract has been fulfilled by the contracting parties, the government needs to evaluate the results of the contract, to

find out whether the public service purchasing program has achieved the initial objectives, and to summarize the experience based on the results of the evaluation, so as to carry out similar programs in a better way in the future. First, the government needs to conduct a preliminary assessment of the effectiveness of public service provision based on the content of the purchase contract, mainly assessing quantitative indicators such as quantity and quality, in order to have an overall understanding of the degree of completion of the purchase contract; second, the government needs to organize third-party assessment agencies, the public receiving public services and other subjects to build a multifaceted assessment system to assess the effectiveness of the provision of services.

3.5 The responsibility of supervision throughout the process

Government supervision throughout the whole process of public service purchasing. In the design preparation stage, the government needs to supervise the process of establishing the project to ensure that the content of the project is the public service needed by the public; in the contract signing stage, the government needs to supervise the selection of the main contractor and the process of signing the contract to protect the legitimate rights and interests of the main contractor; in the contract fulfillment and management stage, the government needs to supervise the specific management behaviors whether they are legal and reasonable, to ensure the smooth operation of the project; In the ex-post evaluation stage, the government needs to supervise the whole process of evaluation to ensure the openness and transparency of the evaluation process. In addition, in order to enhance the standardization and transparency of the process of government purchase of public services, the government needs to introduce multi-party supervisory power and set up a multi-dimensional supervisory system.

4 Government's assumption of responsibility for the main body

At the design preparation stage, the government should actively use the method of investigation and research, field investigation to clarify the actual demand situation of public services, and accurately grasp the content of the purchase; it should establish a system of public hearings, carefully listen to the opinions and suggestions of many parties, and improve the scientific and rigorous nature of the project; it should, on the basis of the preliminary investigation and research, utilize think tanks and other multi-party forces to scientifically and rigorously determine the purchase program.

At the stage of contract signing, the government should strictly formulate the criteria for the entry of the main contractor, and do a good job of qualification examination; to improve the selection process of the main contractor, to ensure that the purchase process of the scientific norms and fair and open; to be flexible from the actual situation of the choice of the purchase method.

At the contract management stage, the Government should improve the contract management mechanism, strengthen contract management while ensuring the independence of the contracting body, so as to improve the authority and scientificity of

contract management; improve the capacity of the market transaction, so as to ensure the healthy development of the contracting body and the effective operation of the project; improve the capacity of emergency management of the contract, so as to be able to quickly restore the provision of public service supply when the supply of public services is interrupted; and strengthen the capacity of the dynamic management of the contract, so that it can be adjusted in accordance with changes in the realities of part of the contract at the right time.

At the stage of ex-post evaluation, the Government should establish a practical evaluation index system based on the contract and oriented to the evaluation of results; it should be oriented to the transformation of government functions and the improvement of governance capacity, and should not be bound by the limitations of the specific evaluation roles, but should evaluate the entire purchasing project and summarize the experience, so as to continuously provide favorable reference for the development and improvement of the subsequent government purchasing of public services, and to realize the leap from evaluating the individual to perfecting the general; and it should improve the institutional system and build a coordinated mechanism for the evaluation of the multi-party participation.

In the dimension of whole-process supervision, the government should strengthen the supervision of public service purchasing procedures, focusing on the process of project creation, the process of selecting the contracting body and the process of introducing the third-party evaluation body, to ensure the authenticity of the project creation, the transparency of contract signing and the independence of the third-party evaluation body; to strengthen the supervision of the behavior of the main participants, focusing on the supervision of internal government officials, the main body of the personnel and third-party evaluators, to undermine the "collusion" behavior of the environment, and to eliminate the emergence of rent-seeking and corruption; to build up the specific context of the government's purchase of public services by the internal supervision and external supervision of the two parts of the composition of the multi-supervisory system, the internal and external supervision of the formation of a synergy, the real realization of the whole process of the government's purchase of public services and effective supervision.

5 Conclusion

Based on the public policy process, this paper divides the government's purchase of public services into four stages: the design preparation stage, the contract signing stage, the contract management stage and the ex-post evaluation stage. On the basis of these four stages, this paper further points out the main responsibility that the government should assume in specific stages: the government assumes the responsibility of selecting good public service projects, choosing good contractors, contract management, and evaluating the effect of supply in these four stages, and at the same time, the government carries out the whole-process supervision of the responsible parties. In addition, this paper, on the basis of clarifying the government's main responsibility in the whole process, puts forward some specific measures on how the government assumes

the main responsibility. This paper is based on the public policy process to explore the government's purchase of public services of the government's main responsibility and its burden, to provide a theoretical direction for the thinking of the main responsibility, but also for the follow-up of the relevant research to provide some reference.

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