SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE ADMINISTRATIVE WORK TO THEPRIVATE SECTOR

Enactment No. 3684, Nov. 15, 1999
Partial Amendment No. 3767, Jul. 15, 2000
Amendment of Other Laws No. 3769, Jul. 15, 2000
Amendment of Other Laws No. 3776, Jul. 25, 2000
Partial Amendment No. 3783, Sep. 25, 2000
Amendment of Other Laws No. 3791, Oct. 25, 2000
Amendment of Other Laws No. 3802, Nov. 30, 2000
Amendment of Other Laws No. 3827, Jan. 05, 2001
Amendment of Other Laws No. 3884, Jul. 16, 2001
Amendment of Other Laws No. 4024, Jul. 15, 2002
Partial Amendment No. 4084, May. 15, 2003
Amendment of Other Laws No. 4192, May. 25, 2004
Partial Amendment No. 4240, Jan. 05, 2005
Amendment of Other Laws No. 4284, Jun. 16, 2005
Amendment of Other Laws No. 4588, Dec. 26, 2007
Partial Amendment No. 4749, Mar. 18, 2009
Partial Amendment No. 4818, Jul. 30, 2009
Partial Amendment No. 5210, Dec. 29, 2011
Partial Amendment No. 5415, Dec. 31, 2012
Partial Amendment No. 5519, Aug. 01, 2013
Partial Amendment No. 5705, May. 14, 2014
Partial Amendment No. 5961, Jul. 30, 2015
Amendment of Other Laws No. 6016, Oct. 08, 2015
Partial Amendment No. 6094, Jan. 07, 2016
Partial Amendment No. 6383, Jan. 05, 2017
Partial Amendment No. 6567, Jul. 13, 2017
Partial Amendment No. 6630, Sep. 21, 2017
Partial Amendment No. 7041, Mar. 28, 2019
Amendment of Other Laws No. 7044, Mar. 28, 2019
Partial Amendment No. 7296, Sep. 26, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Partial Amendment No. 7666, Jul. 16, 2020
Partial Amendment No. 7778, Dec. 31, 2020
Partial Amendment No. 7910, Mar. 25, 2021
Partial Amendment No. 8068, Jul. 20, 2021
Amendment of Other Laws No. 8127, Sep. 30, 2021
Partial Amendment No. 8234, Dec. 30, 2021
Partial Amendment No. 8390, Apr. 28, 2022

Article 1 (Purpose)

The purpose of this Ordinance is to provide opportunities for the private sector to participate in public administration voluntarily and to improve the efficiency in public administration through the simplification of administrative work by providing for administrative work with which a legal entity, organization, or agency or private individual who belongs to such legal entity or organization may be entrusted pursuant to Article 104 of the Local Autonomy Act, among administrative work under the authority of the Mayor of the Seoul Metropolitan Government. <Amended by Ordinance No. 4588, Dec. 26, 2007; Ordinance No. 4818, Jul. 30, 2009>

Article 2 (Definitions)

Terms used in this Ordinance shall be defined as follows:

1. "Entrustment to the private sector" means the entrustment of part of administrative work of the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") under various Acts, subordinates, ordinances, and rules to legal entities, organizations, and agencies and private individuals who belong to a legal entity or an organization to authorize them to excercise the entrusted authority in their names and under their responsibilities; <Amended by Ordinance No. 4818, Jul. 30, 2009>
2. "Entrusted agency" means a legal entity, organization, or agency or private individual who belongs to a legal entity or organization, to whom the Mayor's authority is entrusted; <Amended by Ordinance No. 4818, Jul. 30, 2009>
3. "Entrusted work" means administrative work entrusted to a legal entity, organization, or agency or private individual who belongs to a legal entity or organization, among administrative work under the authority of the Mayor. <Newly Inserted by Ordinance No. 4818, Jul. 30, 2009>

Article 3 (Scope of Application)

Except as otherwise provided for specifically in any other Act, subordinate statute, or ordinance, entrusted work shall be governed by this Ordinance. <Amended by Ordinance No. 4818, Jul. 30, 2009>

Article 4 (Guidelines, etc. for Administrative Work Entrusted to Private Sector)

(1) The Mayor may entrust the private sector with the following administrative work that does not directly affect citizens' rights and obligations, such as surveys, inspections, tests, and management, among administrative work within the remit of the Mayor under an Act, subordinate statute, or ordinance:

1. Administrative operation that constitutes a factual act;
2. Administrative work that demands significant efficiency;
3. Administrative work that demands special expertise or technology;
4. Other simple work for administrative management, such as the management of facilities. <Amended by Ordinance No. 4818, Jul. 30, 2009>

(2) Where the Mayor intends to entrust the private sector with administrative work under any subparagraph of paragraph (1), he/she shall examine needs for, the validity of, the entrustment and other relevant factors and shall bring the case to the Committee for the Operation and Evaluation of the Entrustment to the Private Sector under Article 5. <Amended by Ordinance No. 4818, Jul. 30, 2009>

Article 5 (Committee for Operation and Evaluation of Entrustment to Private Sector)

(1) The Mayor shall establish the Committee for the Operation and Evaluation of the Entrustment to the Private Sector (hereinafter referred to as the "Operational Committee") in order to have the Operational Committee deliberate on the selection of administrative work that may be entrusted to the private sector and the evaluation of the status of operation.

(2) The Operational Committee shall be comprised of not more than 11 members, including public officials of the Seoul Metropolitan Government (hereinafter referred to as the "Metropolitan Government"), Members of the Metropolitan Council, and experts specializing in the entrustment to the private sector. In such cases, a majority of the committee members shall consist of those who are not public officials of the Metropolitan Government.

(3) The term of office for committee members shall be two years but may be renewed consecutively, while the term of office for a committee member filling a vacancy shall correspond to the remaining term for his/her predecessor: Provided, That the term of office for a committee member who is a public official shall coincide with the term of service in his/her position.

(4) The committee chairperson shall be elected by and from among committee members.

(5) A meeting of the Operational Committee shall be duly formed with the attendance of a majority of incumbent members and shall adopt a resolution by a concurrent vote of a majority of members present at the meeting.

(5) The Operational Committee may establish and operate subcommittees, if necessary for carrying out its duties efficiently.

(7) Committee members who attend a meeting of the Operational Committee may be reimbursed activity costs, allowances, travel expenses, and other expenses within budget: Provided, That the foregoing shall not apply to a committee member who is a public official and attends a meeting in direct connection with his/her duties.

[This Article Newly Inserted by Ordinance No. 4818, Jul. 30, 2009]

Article 6 (Scope of Administrative Work Entrusted to Private Sector)

The administrative work that may be entrusted to the private sector pursuant to Article 4 shall be as follows:

1. Administrative work for the operation of welfare facilities for the elderly, disabled, women, youth, or homeless;
2. Administrative work for the operation of basic environmental facilities:
3. Administrative work for the operation of cultural or tourism facilities;
4. Administrative work for the operation of public park facilities;
5. Administrative work for the operation of City-operated hospitals or facilities for the enhancement of health;
6. Administrative work for the operation of facilities for assistance to industries, occupational training, or transportation;
7. Administrative work for the operation of welfare facilities for public officials;
8. Administrative work for the operation of English Villages;
9. Other simple work for administrative management, such as cleaning, security guards, management of facilities, and the operation of canteens or attached parking lots.

[This Article Newly Inserted by Ordinance No. 4749, Mar. 18, 2009; Ordinance No. 4818, Jul. 30, 2009]

Article 7 (Standards, etc. for Selection of Entrusted Agencies)

The Mayor shall examine the following matters comprehensively in selecting entrusted agencies:

1. Levels of human resources, instruments, equipment, facilities, and technology necessary for the execution of entrusted work;
2. Capability of bearing financial burden;
3. Whether expertise in the areas related to entrusted work is secured and the results of performance of administrative work.

[This Article Newly Inserted by Ordinance No. 4818, Jul. 30, 2009]

Article 8 (Selection of Entrusted Agencies)

(1) In principle, entrusted agencies shall be selected by open invitation.
(2) Where entrusted agencies are openly invited, applicants shall file an application along with a business plan and other documents for the entrusted work, and the qualified persons under Article 7 shall be selected by the Committee for the Deliberation on Qualified Persons (hereinafter referred to as the "Deliberative Committee"), comprised of experts in relevant areas.
(3) Notwithstanding paragraph (1), if it is intended to select an entrusted agency by any method other than by open invitation, the case shall be brought to the Operational Committee for prior deliberation. <Amended by Ordinance No. 4818, Jul. 30, 2009>
[This Article Newly Inserted by Ordinance No. 4818, Jul. 30, 2009]

Article 9 (Committee for Deliberation on Qualified Persons)

(1) The Deliberative Committee shall be comprised of not less than six, but not more than nine persons, including one chairperson and one vice chairperson.
(2) Committee members shall be appointed or commissioned by the Mayor from among public officials in charge and competent experts, and the Deliberative Committee shall be deemed dissolved when it completes deliberation.
(3) The Deliberative Committee may conduct examinations on a business plan and other documents as well as on-site inspections and may require an applicant to submit supporting materials as may be necessary.
(4) A meeting of the Deliberative Committee shall be duly formed with the attendance of a majority of incumbent members and shall adopt resolutions by a concurrent vote of a majority of members present at the meeting.
(5) Committee members who attend a meeting of the Deliberative Committee may be reimbursed allowances and travel expenses within budget: Provided, That the foregoing shall not apply to a committee member who is a public official and attends a meeting in direct connection with his/her duties.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]

Article 10 (Responsibilities and Indication of Name)

(1) The responsibilities for the execution of entrusted work shall be attributed to each entrusted agency, while Mayor shall be responsible for supervision over entrusted agencies.
(2) Each entrusted agency shall exercise the authority for entrusted work in its own name.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]

Article 11 (Execution of Agreement, etc.)

(1) When the Mayor entrusts administrative work, he/she shall execute an entrustment agreement with the entrusted agency, in which the following matters shall be included, and shall have the agreement notarized:
1. Name and address of the entrusted agency;
2. Period of entrustment;
3. Entrusted work and details thereof;
4. Matters concerning the safety control of facilities;
5. Other matters that the Mayor considers necessary.
(2) The period of entrustment shall not exceed three years.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]

Article 12 (Renewal of Agreement)

When the Mayor intends to renew an agreement to extend the period of entrustment, he/she shall make judgment on whether the entrusted agency is competent through deliberation by the Deliberative Committee and the Operational Committee by not later than 90 days before the expiration of the period of entrustment.
[This Article Newly Inserted by Ordinance No. 4818, Jul. 30, 2009]

Article 13 (Assistance in Operation)

If the Mayor considers necessary for an entrusted agency's execution of entrusted work, he/she may permit it to use public property or commodity or may subsidize the entrusted agency for required costs and expenses within budget.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]

Article 14 (Collection of Use Fees, etc.)

(1) The Mayor may permit an entrusted agency to collect use fees, other fees and expenses prescribed by any Act, subordinate statute, or separate ordinance in connection with the execution of entrusted work.
(2) Except as otherwise provided for in any other regulation, when an entrusted agency intends to collect use fees, other fees and expenses pursuant to paragraph (1), it shall report to the Mayor.
(3) The Mayor may require an entrusted agency to transfer to the Mayor part of revenue from the operation of facilities or permit it to spend such revenue for the operation of the facilities.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]

Article 15 (Obligations of Entrusted Agencies)

(1) No entrusted agency shall delay executing administrative work, demand unnecessary documents, execute administrative work in an unfair manner, or collect undue expenses in executing entrusted work.
(2) No entrusted agency shall use entrusted facilities or equipment, or spend costs and expenses for any purpose other than purposes of entrustment.
(3) Every entrusted agency shall observe relevant Acts, subordinate statutes, this Ordinance, and terms and conditions of the entrustment agreement and shall comply with the Mayor's orders, dispositions, and instructions.
(4) When an entrusted agency intends to expand or renovate an entrusted facility or build a new facility additionally, it shall obtain prior approval therefor from the Mayor.
(5) The Mayor may require to donate facilities expanded, renovated, or additionally built pursuant to paragraph (4) to the Mayor.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]

Article 16 (Guidance and Supervision)

(1) The Mayor may require an entrusted agency to report necessary matters regarding the execution of entrusted work or conduct an inspection on documents and facilities necessary for the guidance for and supervision over entrusted work.
(2) The Mayor may take corrective measures as necessary, if it is found from the report or inspection under paragraph (1) that entrusted work has been performed illegally or wrongfully.
(3) When it is intended to take a corrective measure pursuant to paragraph (2), the entrusted agency shall be notified thereof in writing and shall be given an opportunity to state its opinion thereon in advance.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]

Article 17 (Work Manual)

(1) Each entrusted agency shall prepare and keep the work manual clearly describing the processing department, processing period, processing procedure, processing guidelines, required documents, forms, fees, etc. separately for each type of entrusted work.
(2) When an entrusted agency prepares the manual under paragraph (1), it shall obtain approval thereof from the Mayor.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]

Article 18 (Evaluation on Management)

(1) The Mayor may select administrative work regarding which the evaluation on management is necessary separately, among entrusted work, and conduct the evaluation on management.
(2) The Mayor shall report the results of the evaluation on management to the Operational Committee.
[This Article Newly Inserted by Ordinance No. 4818, Jul. 30, 2009]

Article 19 (Cancellation of Entrustment, etc.)

(1) The Mayor may cancel entrustment, if any of the following causes or events occurs:
1. If an entrusted agency fails to perform its obligation under Article 15;
2. If an entrusted agency breaches a term or condition of the entrustment agreement.
(2) When the Mayor intends to cancel entrustment pursuant to paragraph (1), he/she shall give the entrusted agency an opportunity to state its opinion.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]

Article 20 (Enforcement Rule)

Matters necessary for the enforcement of this Ordinance shall be prescribed by rules.
[This Article Wholly Amended by Ordinance No. 4818, Jul. 30, 2009]