

## **Regulations For Review by Procurement Evaluation Committee**

*Promulgated on May 21, 1999  
Last amended on April 28, 2008*

### **Article 1**

This Regulations is prescribed pursuant to Paragraph 2 of Article 94 of the Government Procurement Act (hereinafter referred to as the "Act")

### **Article 2**

The procurement evaluation committee (hereinafter referred to as the "Committee") shall, depending on the nature of the case, have evaluation items and the work divided for each member decided by the chairperson or the Committee.

### **Article 3**

The working group established by the entity shall, according to evaluation items or the items designated by the Committee, draft a preliminary review report based on the data of evaluated suppliers with suggestions and present it to the Committee together with the data of suppliers for evaluation. The preliminary review report shall include the following particulars:

1. Subject of procurement;
2. Name, job title, and expertise of each member of the working group;
3. Whether the suppliers have provided information meeting the requirements of each evaluation item specified in the tender documentation;
4. Differences of suppliers in each evaluation item.

### **Article 3-1**

In conducting an evaluation, the Committee shall discuss item by item the evaluation requirements, the data provided by suppliers, and the preliminary review report of the working group.

Where the Committee or a committee member upholds an evaluation result different from the result of the working group, the reason shall be explicated by the Committee or the member and be taken in the minutes.

### **Article 4 (deleted)**

### **Article 5**

The Committee may designate a member to pre-review the working group's preliminary review report before making a decision, and the view opinions should be sent to the Committee for reference.

Where a member suggests that investigation or on-the-spot inspection is necessary, it may be conducted based on decision of the Committee.

#### **Article 6**

Committee members shall conduct evaluation fairly and attend meetings and participate in evaluation and scoring in person. Requesting others to act for Committee members is not allowed.

Where there is a significant difference on evaluation result among Committee members, the chairperson shall present it to the Committee for resolution or there shall be a re-evaluation according to the decision of the Committee. The Committee will decide the final result when there is still a significant difference on re-evaluation result.

According to the preceding paragraph, the Committee may make decisions as follows:

1. The original result shall be maintained;
2. Individual member's result shall be excluded and the result shall be recounted;
3. The original result shall be discarded, and a new result shall be reproduced; or
4. There is no advantageous tender.

#### **Article 6-1**

In conducting an evaluation, Committee members shall specify scores or ranking for each evaluated supplier by items on the evaluation forms prepared by the entity and affix their signatures or seals thereon.

After Committee members complete evaluation, the entity shall compile an overall form that specifies the subject of the procurement, names of Committee members who participate in evaluation, names of evaluated suppliers, evaluation results made by each attending Committee member for each supplier, the final result of evaluation, and has signatures or seals of all Committee members who participate in evaluation. Any correction to its contents shall be provided with signature or seal of the person who made the correction.

#### **Article 7**

The working group's preliminary review report and the Committee's review, making decisions, etc. shall, in principle, be confidentially conducted and be recorded with names of the participants.

The entity shall notify each tenderer of the outcome of the evaluation and provide reasons for disqualified or unselected tenderers.

#### **Article 8**

In conducting an evaluation, where it is necessary for the Committee or working group to notify tenderers to explain, reduce price, negotiation, modify the content of the original tender, or re-submit a new price offer, they shall be proceeded individually and confidentially.

#### **Article 9**

The decision of the Committee meeting requires the attendance of not less than half of

the total members and the assent of more than half of the attendees. Among attendees, at least one third of them shall be outside experts or scholars and the number of outside experts or scholars shall be not less than two.

Where a Committee member has any of the circumstances provided in Article 14 or cannot continue to act as a member for any other reason so that the total number of Committee members or the number of outside experts and scholars is unable to meet the requirements set forth in the paragraph 1 of Article 94 of the Act, a new Committee member shall be appointed to make up the shortage.

The chairperson may demand non-Committee persons to leave where there is a voting in the meeting specified in Paragraph 1, unless the person is a procurement staff required to participate in the meeting.

The meeting of Paragraph 1 shall take minutes with signatures of all attending members.

#### **Article 10**

Where the total number of attending members does not meet the requirements provided for in paragraph 1 of the preceding Article in the progress of Committee meeting, voting on cases shall not be proceeded.

#### **Article 11**

The minutes of meeting of the Committee shall include the following particulars:

1. Subject of procurement
2. Meeting number
3. Time of meeting
4. Location of meeting
5. Name of the chairperson
6. Names of tending members and members who have requested absence
7. Names of attending personnel
8. Names of recording personnel
9. Matters reported and the decisions
10. Matters discussed and the decisions
11. Other business and the decisions
12. Other matters that shall be recorded

The minutes of meeting referred to in the preceding paragraph shall be distributed to attending Committee members and be confirmed no later than the holding of next meeting. The minutes may be revised after reading according to the decision of the chairperson by request if any omission or mistake exists. The minutes of the last meeting shall be made and confirmed by the end of that meeting.

#### **Article 12**

When Committee members have different opinions on the decision of meeting, they may request that their opinions are included into or attached to the minutes for filing. The

Committee shall not reject the request.

### **Article 13**

Unless otherwise required for official use or provided for in the relevant laws and regulations, the data submitted by suppliers for evaluation shall be kept confidential by the Committee members and personnel participating in evaluation. The foregoing shall also apply when the evaluation is over.

The sample or model provided by the winning supplier may be disclosed by the entity after award of contract. Samples or models provided by the non-winning suppliers may be returned by the entity after award of contract.

### **Article 14**

A Committee member shall resign or be taken out from Committee if one of the following circumstances exists:

1. Where he/she or his/her spouse, relatives by blood or by marriage within three degrees, or other relatives who live with and share the property with them have interests involved therein.
2. Where he/(she or his/(her spouse has or had relationship of employment, entrusting, or agent with the supplier itself or the responsible personnel of the supplier currently or within 3 years.
3. Where he/she assumes himself/herself or the entity assumes him/her to be incapable of conducting the duty fairly; and
4. Other circumstances decided by the Committee due to reasons submitted in writing by an evaluated supplier who declared that a fair evaluation is not likely to be conducted by him or her.

### **Article 14-1**

A Committee member is prohibited from participating in tendering, or being a sub-contractor or a member of a working team of a tenderer for that procurement from the time the member receives information related to evaluation. Where there is a breach, the entity shall not award the contract to such tenderer.

### **Article 15**

The Committee's evaluation documents of each procurement should be compiled into files respectively by the procurement staff.

### **Article 16**

This Regulation shall take effect May 27, 1999.

The amendment to this Regulation shall take effect on the date of promulgation.

**Note: In case of discrepancies between the Chinese version and this English version, the Chinese version shall prevail.**