

Regulations Governing Fees for the Complaint Review for Government Procurement

Article 1

These Regulations are prescribed pursuant to Paragraph 4 of Article 80 of the Government Procurement Act (hereinafter referred to as the “Act”).

Article 2

The Complaint for Government Procurement (hereinafter referred to as the “Complaint”) filed by the supplier and handled in accordance with Chapter 6 and Article 102 of the Act by the Complaint Review Board for Government Procurement (hereinafter referred to as the “CRBGP”) shall be charged pursuant to these Regulations.

Article 3

The supplier filing the Complaint shall pay the review fee. If the supplier fails to pay the review fee, the CRBGP shall notify the supplier to pay within the specified time limit. If the supplier fails to pay the review fee within the said time limit, the CRBGP shall reject reviewing the Complaint.

Article 4

The review fee prescribed in the preceding Article is thirty thousands New Taiwan Dollars per Complaint, and shall be paid by the complaining supplier in cash; treasury bill; postal order; cashier order/check payable at sight and issued by financial institution, and confirmed check issued by financial institutions.

Article 5

If the supplier wrongfully files a Complaint for dispute in relation to the performance of the contract in question, and then apply to convert to proceed to mediation, the review fees paid by the supplier shall be transferred as mediation fee which shall be charged according to the Regulations Governing Fees for the Mediation for Dispute in relation to the performance of the contract for Government Procurement. The aforesaid review fee and mediation fee shall offset each other, and the balance shall be either refunded to the complaining supplier, in case the review fee is higher than the mediation fee, or paid by the complaining supplier, in case the mediation fee is higher than the review fee.

Article 6

Where the CRBGP decides that the Complaint is not acceptable, the review fee for said Complaint shall be five thousands New Taiwan Dollars. However, no review fee shall be paid if,

- i. the Complaint is rejected by the CRBGP in accordance with Article 3 of this Regulations; or
- ii. the procuring entity nullifies or changes its disposition prior to the date of first pre-review meeting so that handling of the Complaint is no longer necessary.

Article 7

The CRBGP shall notify the parties of the Complaint to pay the examination fees and other necessary expenses.

Article 8

No review fee shall be refunded to the supplier upon withdrawing of the Complaint.

However, if the Complaint is withdrawn prior to the date of the first pre-review meeting, one half of the amount of the review fee shall be refunded without any interests thereon.

The unused examination fees and other necessary expenses prescribed in the preceding Article having been paid by the complaining supplier shall be refunded.

Article 9

These Regulations shall take effect on the date of promulgation.