

Regulations Governing Fees for the Mediation for Dispute Regarding the Performance of the Contract for Government Procurement

Article 1

These Regulations are prescribed pursuant to Article 85-2 of the Government Procurement Act (hereinafter referred to as the “Act”).

Article 2

The Complaint Review Board for Government Procurement (hereinafter referred to as the “CRBGP”) shall handle mediation for dispute regarding the performance of the contract between the procuring entity and the supplier in accordance with Article 85-1 of the Act (hereinafter referred to as the “Mediation”) and collect fees pursuant to these Regulations.

Article 3

The mediation fees prescribed in the preceding Article shall be paid by the parties of the mediation in cash; treasury bill; postal order; cashier order/check payable at sight and issued by financial institution, confirmed check issued by financial institution.

Article 4

The applicant for the Mediation shall pay the mediation fee. If the applicant failed to pay the mediation fee, the CRBGP shall notify the supplier to pay within a specified time-limit. If the applicant failed to pay the mediation fee within said time-limit, the CRBGP shall reject the application for the Mediation.

Article 5

In case the subject-matter of the Mediation is to demand payment of, or ascertain particular amount of money, the mediation fee shall be:

1. \$20,000 New Taiwan Dollars if the amount of not more than \$2,000,000 New Taiwan Dollars is involved;
2. \$30,000 New Taiwan Dollars if the amount of not less than \$2,000,000 New Taiwan Dollars but not more than \$5,000,000 New Taiwan Dollars is involved;
3. \$60,000 New Taiwan Dollars if the amount of not less than \$5,000,000 New Taiwan Dollars but not more than \$10,000,000 New Taiwan Dollars is involved;
4. \$100,000 New Taiwan Dollars if the amount of not less than \$10,000,000 New Taiwan Dollars but not more than \$30,000,000 New Taiwan Dollars is involved;
5. \$150,000 New Taiwan Dollars if the amount of not less than \$30,000,000 New Taiwan Dollars but not more \$50,000,000 New Taiwan Dollars is involved;

6. \$200,000 New Taiwan Dollars if the amount of not less than \$50,000,000 New Taiwan Dollars but not more than \$100,000,000 New Taiwan Dollars is involved;
7. \$350,000 New Taiwan Dollars if the amount of not less than \$100,000,000 New Taiwan Dollars but not more than \$300,000,000 New Taiwan Dollars is involved;
8. \$600,000 New Taiwan Dollars if the amount of not less than \$300,000,000 New Taiwan Dollars but not more than \$500,000,000 New Taiwan Dollars is involved;
and
9. \$1,000,000 New Taiwan Dollars if the amount of not less than \$500,000,000 New Taiwan Dollars is involved.

If the amount of the subject-matter prescribed in the preceding paragraph is in foreign currency, it shall be calculated based on the foreign currency exchange rate for small-amount transactions published by the Bank of Taiwan on the trading date preceding the date of receipt of the application for mediation.

Article 6

If the subject-matter of the Mediation is not to demand payment of, or ascertain particular amount of money, the mediation fee for which shall be \$30,000 New Taiwan Dollars. However, if the subject matter of the Mediation may be calculated by monetary amount, the mediation fee for which shall be paid in accordance with the preceding Article.

Article 7

If several subject matters are claimed in one application, the mediation fee shall be paid as follows:

1. if two of the subject matters prescribed in the preceding two Articles are claimed based on one contract, the mediation fee shall be the total of the mediation fee of each subject matter calculated in accordance with the preceding two Articles;
2. if several of the subject matters prescribed in Article 5 are claimed based on one contract, the mediation fee shall be the total of the amount requested;
3. if several of the subject matters prescribed in the preceding Article are claimed based on one contract, the mediation fee shall be the total of the fee of each subject matter calculated in accordance with the preceding Articles;
4. if several subject matters are claimed based on one contract and either, the subject matters are overlapping with each other, or a choice between the subject matters is to be made, the mediation fee shall then be calculated based on the subject matter having the highest mediation fee payable;
5. if the Mediation is applied based on two contracts, the mediation fee shall be the

total of the fee for each contract.

Article 8

If the applicant wrongfully filed a complaint for dispute in relation to the performance of the contract in question, and then apply to convert to proceed to mediation, the mediation fee shall be recalculated pursuant to these Regulations. The mediation fee and the review fee already paid by the applicant shall offset each other, and the balance shall be either refunded to the applicant, in case the review fee is higher than the mediation fee, or paid by the applicant, in case the mediation fee is higher than the review fee.

Article 9

During the Mediation proceeding, if there is any modification or supplement to the claim, extra mediation fee, if any, shall be collected in accordance with Article 5 to Article 7.

Article 10

If the application for Mediation is not acceptable, the mediation fee shall be \$5,000 New Taiwan Dollars; **provided, however, that no fee will be collected if the application is rejected in accordance with the latter part of Article 4.**

Article 11

When the Mediation is applied by the procuring entity, one half of the amount of the mediation fee shall be refunded, without any interests thereon, to the procuring entity if the supplier never appears during the mediation proceeding and the mediator, after taking related circumstances into consideration, deems such mediation unsuccessful.

Article 12

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

Article 13

In case the CRBGP entrusts other person to provide examination services, the entity, schools, associations, or persons thus entrusted shall, prior to conducting said examination, submit the total sum of its request for the examination fee which shall be approved by the mediator depending on the complexity of the Mediation.

Article 14

No mediation fee shall be refunded upon withdrawal of the application for Mediation. However, if the withdrawal is made prior to the first date of mediation, one half of the amount of the mediation fee shall be refunded without any interests thereon.

If there exists circumstances prescribed in the preceding paragraph, the unused examination fees and other necessary expenses having been paid by the parties shall be refunded.

Article 15

If the Mediation is successful, the amount and allocation of mediation fee, examination fee and other necessary expenses shall be stated in the document manifesting the success of the Mediation.

If the Mediation is not successful, mediation fee, examination fee and other necessary expenses shall be borne by the party who paid the said fees.

Article 16

These Regulations shall take effect on the date of promulgation.