

# **Regulations for Inviting or Entrusting Cultural or Art Professionals, Institutions, or Organizations to Perform or Join in Cultural or Art Activities**

## **Article 1**

This Regulations is prescribed pursuant to Paragraph 2 of Article 22 of the Government Procurement Act (hereinafter referred to as the "Act").

## **Article 2**

Where it is pursuant to subparagraph 14 of paragraph 1 of Article 22 of Act and its expense reaches the threshold for publication, an entity invites or entrusts a professional person, institution or organization of culture or art concern who has the characteristics or specialties required or has been screened as a winner by open notice (hereinafter referred to as the "art-culture procurement") to perform or join in culture or art activities, it shall operate in accordance with this Regulations.

## **Article 3**

A professional person, institution or organization of culture or art concern referred to in subparagraph 14 of paragraph 1 of Article 22 of the Act means a person, institution or organization that operates or engages in one of the businesses set out in each subparagraph of Article 2 of the "Statute for Sponsorship of Culture and the Arts" and has professional knowledge, capability, achievement, or art technique.

## **Article 4**

In conducting an art-culture procurement without being screened by open invitation procedures, the entity shall, in advance, report to the head of the entity or the personnel authorized by the head for approval the names and characteristics or specialties of persons, institutions, or organizations to be invited or entrusted and reasons to invite or entrust them without being screened by open invitation procedures.

## **Article 5**

In addition to the open invitation procedures, professional persons, institutions or organizations of culture or art that have the characteristics or specialties required may

voluntarily provide information of their professional characteristics or specialties to the entity as a reference for invitation or entrustment.

In order to be aware of a professional person, institution or organization of culture or art that has the professional characteristics or specialties, the entity may publicly solicit information referred to in the proceeding paragraph on the Government Procurement Gazette or the information network of the responsible entity.

## **Article 6**

In conducting an art-culture procurement, the entity shall meet the following requirements if the screening procedure by open notice is adopted.

1. Public notice shall be published on the Government Procurement Gazette. The provision of paragraph 1 of Article 6 of the Regulations for Publication of Tender Notice and Issuance of Government Procurement Gazette shall apply *mutatis mutandis* to items specified in the public notice.
2. Where qualifications of tenderers are specified in the tender documentation and professional persons, institutions or organizations are allowed to tender, the appropriate qualifications for themone shall be selected.
3. The screening items, the screening criteria and the way to evaluate a winner shall be specified in the tender documentation.
4. The screening committee shall be established to conduct review. The committee members shall be staff of the entity or impartial personnel who have professional knowledge on culture and arts and are appointed or invited by the head of the entity or the personnel authorized by the head.
5. The screening committee shall have at least five members and the committee decision requires that not less than 50% of the total number of members is in attendance with assent of not less than 50% of attendees.
6. The time for setting the government estimate referred to in paragraph 2 of Article 46 of the Act shall apply *mutatis mutandis* to the time for establishing the screening committee.

7. The entity may substitute the screening committee referred to in the preceding subparagraph by the evaluation committee established in accordance with Article 94 of the Act.
8. Price negotiation and the executing of contract shall be conducted after the screening of the winner.
9. Where there is no government estimate, the screening committee shall review the relevant expense and may recommend an amount for procurement.

If there is only one professional person, institution or organization to participate in tendering after public notice referred to in the proceeding paragraph, the screening may still be proceeded.

#### **Article 7**

In conducting an art-culture procurement, the provisions of Articles 4 to 9 of the Regulations for Selection and Fee Calculation of Professional Services Providers Entrusted by Entities shall apply *mutatis mutandis* to items specified in the tender documentation, the screening matters to be, the screening procedure, the number of winners, operation of screening, price negotiation, and contract award.

#### **Article 8**

In conducting an art-culture procurement, the provisions of Articles 10 to 18 of the Regulations for Selection and Fee Calculation of Professional Services Providers Entrusted by Entities shall apply *mutatis mutandis* to the handling of service fee and intellectual property right.

#### **Article 9**

For an art-culture procurement, the bid bond or guarantee bond may be waived, except otherwise stipulated in the tender documentation.

#### **Article 10**

The provisions of this Regulations may apply *mutatis mutandis* to the art-culture procurement of a value not reaching the threshold for publication, where it is not

conducted in accordance with subparagraph 14 of paragraph 1 of Article 22 of the Act.

#### **Article 11**

This Regulations 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.**