

## **Tendering Regulations of Central Government Entities for Procurement of a Value Not Reaching the Threshold for Publication**

*Promulgated on April 26, 1999*

*Last Amended on Mar 8, 2018*

### Article 1

This Regulations is prescribed pursuant to Article 23 of the Government Procurement Act (hereinafter referred to as the “Act”).

### Article 2

For a procurement of a value not reaching the threshold for publication but exceeding one tenth of such threshold, an entity may use one of the following methods to invite the tender:

1. where any of the circumstances provided for in subparagraphs 1 to 15 of paragraph 1 of Article 22 of the Act exists, an entity may apply limited tendering procedures;
2. where the circumstance provided for in subparagraph 16 of paragraph 1 of Article 22 of the Act exists, an entity may apply limited tendering procedures and the requirement of prior approval from the responsible entity is waived, provided that the due cause for restricted tendering or single tendering for each specific procurement case are reported by the requiring, using or procuring unit and approved by the head of the entity or the personnel authorized by the head; or
3. where an entity publishes a solicitation notice on the information network of the responsible entity or on the Government Procurement Gazette pursuant to Article 49 of the Act with a view to obtaining offers or proposals in writing from at least three suppliers so as to select appropriate supplier(s) for restricted tendering or single tendering.

The superior entity may, based upon actual needs, prescribe more strict regulations or authorization on the proceedings conducted by the procuring entities, pursuant to subparagraph 2 of the preceding paragraph.

Under the circumstances provided for in subparagraph 3 of paragraph 1, an entity may specify the time and place for tender opening in the notice or tender documentation, evaluate the tenders upon the opening of tenders and directly proceed with the award of contract.

### Article 3

Where an entity has failed to obtain offers or proposals in writing from at least three suppliers in the first publication pursuant to subparagraph 3 of paragraph 1 of the preceding Article, the entity may apply the limited tendering procedures upon the approval of the head of the entity or the personnel authorized by the head. The three tenders requirement shall not apply for the second publication.

### Article 4

When an entity solicits offers or proposals in writing from suppliers, the tender documentation may be waived provided that the solicitation notice posted on the

information network of the responsible entity contains all requisite information for submitting offers or proposals; the procedure prior to selecting appropriate supplier(s) for restricted tendering or single tendering shall not apply to the procedures on tender opening and supervision as provided for in the Act, except where the time and place for tender opening are already specified in the publication or tender documentation.

Soliciting offers or proposals in writing from suppliers, an entity may allow suppliers to submit them via fax or electronic means and notify the selected suppliers of submitting formal written documents, if necessary.

An entity may apply limited tendering procedures upon the approval of the head of the entity or the personnel authorized by the head, provided that there are less than three suppliers submitting the formal written documents following the notification referred to in the preceding paragraph.

#### Article 5

For a procurement of a value not more than one tenth of the threshold for publication, an entity may directly negotiate with the supplier where public notice and submission of offers or proposals from suppliers are waived.

#### Article 5-1

Conducting a procurement of a value not reaching the threshold for publication in aboriginal area, an entity shall conform to the requirements prescribed in Article 11 of the Indigene Employment Rights Assurance Act.

#### Article 6

An entity shall not circumvent these Rules by artificially dividing any procurement of a value not reaching the threshold for publication but exceeding one tenth of such threshold.

#### Article 7

This Regulations shall take effect May 27, 1999.

The amendment to 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.