

Organizational Regulations of Complaint Review Board for Government Procurement

Article 1

These Regulations are prescribed pursuant to Paragraph 2 of Article 86 of the Government Procurement Act (hereinafter referred to as the “Act”).

Article 2

The competent authority, the municipal or the county (city) governments shall establish the Complaint Review Board for Government Procurement ("CRBGP") in charge of the following:

1. to handle the complaint filed by the supplier as prescribed in Article 76 of the Act;
2. to mediate the dispute in relation to the performance of the contract in question as prescribed in Article 85-1 of the Act;
3. to handle the protest filed by the supplier as prescribed in Article 102 of the Act; and
4. other matters in relation to the supplier’s complaint and mediation of the dispute in relation to the performance of the contract in question.

Municipal or the county (city) governments which does not establish a CRBGP may entrust the competent authority to handle the above-mentioned matters.

Article 3

The CRBGP shall have one chairperson who shall be selected from the Deputy Secretary-general or above an equivalent position of the competent authority, the municipal or the county (city) governments. The chairperson shall be in charge of the overall affairs of the CRBGP, and a vice- chairperson may be selected to assist the chairperson.

The competent authority, the municipal or the county (city) governments shall appoint the vice-chairperson as prescribed in the preceding paragraph. The vice-chairperson may be selected from the high-ranking officials of the competent authority, the municipal or the county (city) governments or impartial persons having professional knowledge in legal or procurement affairs.

Article 4

The CRBGP shall consist 7 to 35 members. In addition to the chairperson and the vice-chairperson, the rest of the members shall be appointed or recruited by the

competent authority, the municipal or the county (city) governments by selecting from the high-ranking officials of the competent authority, the municipal or the county (city) governments or impartial persons having professional knowledge in legal or procurement affairs.

The members selected from the high-ranking officials of the competent authority, the municipal or the county (city) governments prescribed in the preceding paragraph shall be less than three members and may not exceed one fifth of the total number of the members.

The members prescribed in the first paragraph shall each serve a two-year term, and may be re-appointed.

Article 5

The impartial members prescribed in paragraph 1 of the preceding Article shall meet one of the following qualifications:

1. having served as a judge, public prosecutor or judge of the administrative court;
2. having been practicing as a lawyer, accountant, architect, or engineer or engaging in business related to government procurement for at least five years;
3. having been an associate professors, or above, in a local or foreign college or university recognized by the Ministry of Education for at least three years and teaching subjects related to law or procurement; or
4. having professional knowledge or skills in relation to the field of government procurement and had engaged in business in that field for at least five years.

Article 6

The CRBGP meeting shall be convened by the chairperson who shall act as the chairman of the meeting. In case that the chairperson cannot attend the meeting, the vice-chairperson shall act as the substitute. Where there is no vice-chairperson or the vice-chairperson cannot attend the meeting, the chairperson shall appoint a member to act as his/her substitute.

The resolution of the CRBGP meeting shall be adopted by a majority of the members present at the meeting having a quorum of half of the total number of the members.

The chairman shall make the determination in case of tie vote.

Members with the views different from the resolution may submit their dissenting opinion to be attached to the meeting record for future reference.

Article 7

The member shall perform its duties impartially and fairly and attend the CRBGP meeting in person.

Article 8

When the CRBGP review the Complaint or mediate the dispute in relation to the performance of the contract in question, the chairperson may appoint 1-3 members to pre-review or conduct the mediation.

Article 9

Documents of CRBGP shall be issued under the name of the entity establishing the said CRBGP.

Article 10

The CRBGP shall have one executive secretary who shall be appointed by the competent authority, the municipal or the county (city) governments by selecting from the high-ranking officials, with specialty in law, of the competent authority, the municipal or the county (city) governments. The executive secretary shall handle the general affairs of the CRBGP under the command of the chairperson. The necessary staff may be employed in accordance with the numbers of staff specified by law and may be divided into several departments.

Article 11

The competent authority, the municipal or the county (city) governments may recruit academics or experts as the consulting members if necessary. The consulting members shall each serve a one-year term, and may be recruited again.

Article 12

The members and consulting members are positions without regular pay. However, the members and consulting members may be paid concurrent work pay in accordance with related regulations.

Article 13

The member, consulting member, executive secretary or the staff shall withdraw himself/herself, if, with respect to complaint for government procurement or the dispute in relation to the performance of the contract in question, he/she falls within any of the following circumstances:

1. the matter in question involves interests of the member, consulting member, executive secretary or the staff, or his/her spouse, relatives by blood or by marriage within three degrees, or other relatives who live with and share the property with him/her;
2. having conducted or supervised the procurement in question;
3. having participated in the disposition of the protest regarding the matters in question;
4. there is or had been within the past three years, relationship of employment, appointment, or agency between the member, consulting member, executive secretary, the staff, or his/her spouse and the procuring entity, supplier or its responsible person; or
5. other circumstances demonstrating that it is likely that the member, consulting member, executive secretary, or the staff can not perform his/her duties impartially.

If the member, consulting member, executive secretary or the staff failed to withdraw for any cause prescribed in the preceding paragraph, the parties may apply for such withdrawal of such said person, or the chairperson of CRBGP may order such said person to withdraw from acting.

Article 14

The municipal or the county (city) governments shall hold a meeting respectively in January and July of each year to report to the competent authority the business regarding the review of the complaint for government procurement or mediation for dispute in relation to the performance of the contract for the preceding half yearly period.

If necessary, the competent authority may invite the municipal or the county (city) governments and hold seminar to discuss the business with respect to the review of the complaint for government procurement or mediation for dispute in relation to the performance of the contract.

Article 15

These Regulations shall take effect on May 27, 1999.

The amendments to these Regulations shall take effect on the date of promulgation.