

## **Standards for Time-limits for Tendering**

*Promulgated on April 26, 1999*

*Amended on May 8, 2002*

*Amended on August 31, 2009*

### **Article 1**

This Standards is prescribed pursuant to Article 28 of the Government Procurement Act (hereinafter referred to as the “Act”).

### **Article 2**

In open tendering procedures, an entity shall prescribe a reasonable tendering period from the date of publication of the notice on the Government Procurement Gazette until the closing date for receipt of tenders, by taking into account the nature of the subject procurement and the time required for tenderers to prepare and submit tenders.

The tendering period referred to in the preceding paragraph shall not, unless otherwise prescribed by this Standards or by any treaty or agreement to which this nation is a party, be less than the following time-limits:

1. 7 days for procurement of a value not reaching the threshold for publication;
2. 14 days for procurement of a value reaching the threshold for publication but not reaching the threshold for supervision;
3. 21 days for procurement of a value reaching the threshold for supervision but not reaching the threshold for large procurement; and
4. 28 days for large procurement.

With respect to invitation to tender in the subsequent steps pursuant to paragraph 2 of Article 42 of the Act, an entity shall prescribe as necessary a reasonable tendering period, provided that this period shall not be less than 7 days.

### **Article 3**

An entity conducting pre-qualification evaluation in selective tendering procedures shall prescribe a reasonable tendering period from the date of publication of the notice on the Government Procurement Gazette until the closing date for receipt of

documents, by taking into account the nature of the subject procurement and the time required for tenderers to prepare and submit qualification documents.

The tendering period referred to in the preceding paragraph shall not, unless otherwise prescribed by this Standards or by any treaty or agreement to which this nation is a party, be less than the following time-limits:

1. 7 days for procurement of a value not reaching the threshold for publication;
2. 10 days for procurement of a value reaching the threshold for publication but not reaching the threshold for large procurement; and
3. 14 days for large procurement.

Where an entity invites tender from those suppliers who have passed the pre-qualification referred to in the first paragraph, the provision set out in paragraph 2 of the preceding Article shall apply *mutatis mutandis* to the tendering period from the date of invitation to tender until the closing date for receipt of tenders.

#### **Article 4**

In open selection of suppliers pursuant to subparagraphs 9 or 10 of paragraph 1 of Article 22 of the Act, the provision set out in Article 2 shall apply *mutatis mutandis* to the tendering period from the date of publication until the closing date for receipt of documents.

In open solicitation pursuant to subparagraph 11 of paragraph 1 of Article 22 of the Act, an entity shall prescribe a reasonable time-limit of at least 10 days for the tendering period from the date of publication until the closing date for receipt of documents. With respect to the subsequent open solicitations, an entity shall prescribe as necessary a reasonable time-limit, provided that this time-limit shall not be less than 5 days.

#### **Article 4-1**

Where a state of urgency duly substantiated by the entity renders impracticable the time-limits in question referred to in Articles 2 to 4 to a procurement of a value reaching the threshold for publication, an entity may reduce the time-limits for tendering but shall in no case be less than 10 days. The foregoing shall also apply to the circumstance where reduction of time-limits for tendering referred to in Article 9 is overlapping.

#### **Article 5**

In open solicitation for suppliers to submit written quotations of prices or proposals pursuant to Article 49 of the Act, an entity shall prescribe a reasonable tendering period of at least 5 days from the date of publication until the closing date for receipt of documents.

#### **Article 6**

In limited tendering that does not involve the process of open selection or open solicitation, an entity shall prescribe as necessary a reasonable tendering period.

#### **Article 7**

Where an entity amends or supplements the content of the tender documentation prior to the closing of tendering period, the tendering period shall be extended as necessary.

In the event that the amendment or supplement referred to in the preceding paragraph is not substantial and that all tenderers have been informed of such amendment or supplement through a published or written notice 5 days prior to the prescribed closing date, the entity may elect not to extend the tendering period.

#### **Article 8**

Where an entity cancels or suspends a tendering procedure prior to the closing of tendering period and then re-tenders or resumes the procedure within 6 months without making substantial changes in the tender documentation, the tendering period for the re-tendering or resumed procedure may, by taking due account of the number of days elapsed from publication of the notice or invitation to tender until the cancellation or suspension of the tendering procedure, be shorter than that originally specified, provided that this tendering period shall not be less than 3 days for procurement of a value not reaching the threshold for publication, and 7 days for procurement of a value reaching the threshold for publication.

Where an entity cannot proceed with the opening of tenders, nullifies the tender, revokes the contract award or rescinds the contract after the closing of tendering period, and re-tenders within 3 months thereafter without making substantial changes in the tender documentation, the provision set out in the preceding paragraph shall apply *mutatis mutandis*.

#### **Article 9**

An entity conducting procurement may, unless otherwise provided by any treaty or agreement to which this nation is a party, reduce the tendering period in accordance with the following circumstances:

1. where the draft tender documentation has been made available for public viewing prior to the tendering procedure and no substantial changes have been made to its content, the tendering period may be reduced by 5 days, provided that the reduced time-limit shall not be less than 10 days;
2. where electronic dissemination of the tender documentation is undertaken pursuant to Article 93.1 of the Act and has been stated in the tender notice, the tendering period may be reduced by 3 days, provided that the reduced time-limit shall not be less than 5 days; or
3. where electronic submission of the tender documentation is undertaken pursuant to Article 93.1 of the Act and has been stated in the tender notice, the tendering period may be reduced by 2 days, provided that the reduced time-limit shall not be less than 5 days.

## **Article 10**

An entity conducting procurement may, unless otherwise provided by this Standards or by any treaty or agreement to which this nation is a party, upon approval of the head of the entity or the person authorized by the head, prescribe a reasonable tendering period based on the characteristics and actual needs of the subject procurement, if any of the following circumstances applies:

1. where qualified suppliers on the permanent list of qualified suppliers established in advance pursuant to Article 21 of the Act are being invited to tender, and a tendering period has been otherwise provided for in the documentation for qualification of suppliers;
2. where procurement is conducted by a government-owned enterprise for the purposes of commercial resale or production of goods or provision of services for resale, and it is necessary to reduce the tendering period considering the characteristics or actual needs of the subject procurement;
3. where procurement involves raw materials, raw supplies, or agricultural or mineral products of which the market price is fluctuating; or
4. where the subject of procurement is widely sold by suppliers in the market, and the contents of the tender documentation and tenders are simple.

## **Article 11**

Where the tendering period or the time-limit for receipt of documents prescribed in this Standards is stated to be calculated from the date of publication of the notice or invitation to tender, the date shall be calculated as one day.

With respect to the tendering period or the time-limit for receipt of documents referred to in the preceding paragraph, if the closing date for receipt of tenders or documents specified in the tender documentation expires at a time corresponding to the close of business on that day, it shall be counted as one day. If the date expires at a time before the close of business on that day, it shall not be counted as one day.

In the event that the closing date for receipt of tenders or documents falls on a regular weekly holiday, national holiday, or other non-business days, the date shall be extended to the next day.

In the event that the closing date for receipt of tenders or documents falls on a business day and that for some reason the office closes on that day before the prescribed closing time for receipt of tenders or documents, the time and date shall be extended to the same time on the next business day.

Non-business days that fall on any date in the prescribed time-limit but not on the last day shall be counted as one day.

## **Article 12**

This Standards shall take effect from the date of promulgation.

*Note: In case of discrepancies between the Chinese version and this English version, the Chinese version shall prevail.*