

Regulations Governing the Organization of Procurement Supervision Units

Promulgated on May 17, 1999

Amended on December 28, 2001

Amended on October 27, 2011

Article 1

These regulations are prescribed pursuant to paragraph 2 of Article 108 of the Government Procurement Act (hereinafter referred to as the “Act”).

Article 2

The establishing entities that set up procurement supervision units (hereinafter referred to as the “supervision units”) at central, municipal, and county (city) government levels are as follows:

1. supervision units at central government level:
 - (1). central government supervision unit: the responsible entity; and
 - (2). supervision units at ministries, commissions and administrations: the ministries, commissions and administrations of the Executive Yuan that have a larger number of subordinate entities;
2. supervision units at municipal government level: all municipal governments; and
3. supervision units at county (city) government level: all county (city) governments.

The supervision units at ministries, commissions and administrations referred to in item 2 of subparagraph 1 of the preceding paragraph are recommended by the responsible entity from the ministries, commissions and administrations of the Executive Yuan that have a larger number of subordinate entities, and established upon the approval of the Executive Yuan. The nomenclature of such supervision units shall be entitled with their establishing entities.

Article 3

The scope of the supervision unit’s duties includes the following:

1. Central government supervision unit:
 - (1). any significant and unusual event in the procurements conducted by such ministries, commissions and administrations that have established supervision units and all subordinate entities thereof, or in the procurements conducted by local government entities, juridical persons or organizations subsidized or entrusted by said ministries, commissions and

administrations and all subordinate entities thereof.

(2). except for those ministries, commissions and administrations that have established supervision units, the procurements conducted by other entities at the level of central government and all subordinate entities thereof, or the procurements conducted by local government entities, juridical persons or organizations subsidized or entrusted by said central government entities.

(3). any significant and unusual event in the procurements conducted by local government entities.

2. Supervision units at ministries, commissions and administrations:

(1). the procurements conducted by such ministries, commissions and administrations and all subordinate entities thereof.

(2). the procurements conducted by local government entities, juridical persons or organizations subsidized or entrusted by said ministries, commissions and administrations and all subordinate entities thereof.

3. Supervision units at municipal government level:

(1). the procurements conducted by such municipal governments.

(2). the procurements conducted by juridical persons or organizations subsidized or entrusted by said municipal governments.

4. Supervision units at county (city) government level:

(1). the procurements conducted by such county (city) governments and all township (city) entities under their jurisdiction.

(2). the procurements conducted by juridical persons or organizations subsidized or entrusted by said county (city) governments and all township (city) entities under their jurisdiction

Article 4

The mission of the supervision units is to monitor and supervise entities in their procurements to ascertain whether they are in breach of the procurement rules of the Act.

The supervision units at ministries, commissions, administrations and local governments shall report the results to the responsible entity of the Act for review on a monthly basis.

Article 5

Each supervision unit shall have one convenor who will be in overall charge of all matters relating to monitoring and supervision, and one deputy convenor who will assist the convenor in handling matters relating to monitoring and supervision. Both positions will be served concurrently by the head of the establishing entity or

high-ranking officials appointed by the head. There shall also be several supervision members who have professional knowledge in procurement affairs and are appointed by the head of the establishing entity. The term of appointment is 2 years and may be re-appointed when the term expires.

All the aforesaid posts are unpaid, but for those positions that are not served concurrently by personnel of the establishing entity, transportation fees will be reimbursed in accordance with relevant regulations.

Article 6

Each supervision unit shall have one executive secretary who, selected from and appointed by the establishing entity, shall be served concurrently by high-ranking officials of professional knowledge in procurement affairs and will handle daily routine matters of the unit as per the convenor's order. There shall also be several inspectors who, appointed by the establishing entity, shall be served concurrently by persons of professional knowledge in procurement affairs, and will assist in handling the affairs of the unit.

All the aforesaid posts are unpaid, but for those positions that are not served concurrently by personnel of the establishing entity, transportation fees will be reimbursed in accordance with relevant regulations.

Article 7

A person shall not serve as a member of the supervision units if any of the following circumstances exists:

1. he/she has been convicted of corruption or neglect of duty;
2. his/her civil rights have been suspended and not yet restored;
3. he/she is a non-discharged bankrupt;
4. he/she is a professional person whose practicing license has been suspended or revoked; and
5. he/she is a minor.

When any of the circumstances set forth in the preceding paragraph occurs, or where a supervision member is not able to carry out his/her duties impartially in accordance with Article 4 of the Regulations Governing the Operation of Procurement Supervision Unit, the establishing entity shall dismiss the member from his/her post.

Article 8

These 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.