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Title : Operation Directions for Public Browsing Tender Document in Promoting Private Participation in Infrastructure Projects Cases 

Date : 2024.01.23

Legislative : Promulgated by the Ministry of Finance No. Tai-Tsai-Cu-Tzi-11325500330, dated January 23, 2024.

Content : 1. These Operation Directions are enacted to facilitate the authority in charge to hold public viewing of tender documents in accordance with Article 61 of Enforcement Rules of Act for Promotion of Private Participation in Infrastructure Projects.

2. When the authority in charge conducts a case in accordance with Paragraph 1, Article 42 of the Act for Promotion of Private Participation in Infrastructure Projects ("the Act"), and one of the following circumstances is met, it shall make the tender documents available for public viewing before the first public announcement of inviting private participation:

- (1) Major infrastructure projects;
- (2) Conducted in accordance with Subparagraph 3, Paragraph 1, Article 8 of the Act;
- (3) Acquisition of public services with compensation in accordance with Article 9-1 of the Act; and
- (4) Others as deemed necessary by the authority in charge.

3. When the authority in charge holds the public viewing, the content shall include the draft of the following tender documents:

- (1) Public notice;
- (2) Application instruction;
- (3) Concession agreement, including the basic requirements for the construction and operation; and
- (4) Appendices, including preliminary plan. However, if it is conducted in accordance with Paragraph 3, Article 6-1 of the Act, it is not necessary to include the preliminary plan.

4. When the authority in charge holds the public viewing, it shall publish the name, period and location of the case and the deadline for the viewers to state their comments on the information network of the competent authority.

5. When the authority in charge holds the public viewing, it shall place the documents referred to in Point 3 in a designated place or publish them electronically on the information network of the authority in charge. The publication period shall be no less than 10 days. The deadline for the viewers to state their comments referred to in the preceding point shall be at least 3 business days after the date the public viewing ends. The documents available for public viewing as specified in Paragraph 1 may be transcribed, copied and downloaded by the viewers.

6. When the authority in charge holds the public viewing, it shall designate a dedicated person or unit to be in charge of compiling and processing the public viewing comments.

7. The authority in charge shall prepare the tender documents with reference to the public viewing comments and make the processing results of the public viewing comments available to the public on the information network of the authority in charge after de-identification of personal information. The publication period shall be no less than 10 days.

8. When the authority in charge conducts a case in accordance with Article 46 of the Act, Point 2 to the preceding point shall apply mutatis mutandis to the holding of public viewing after the preliminary review passed but before making the first public announcement to invite applicants.