

國立中山大學科學技術研究發展採購作業要點

Guidelines on Scientific and Technological Research Procurement

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一、依據及目的

I. Legal Basis and Purpose

本校為提升採購效率及促進科學技術研究發展，依科學技術基本法及科學技術研究發展採購監督管理辦法，辦理科學技術研究發展採購（以下簡稱科研採購）作業，特訂定本要點。

NSYSU formulates this set of guidelines to process the procurement for scientific-technological research and development (hereinafter referred to as “R&D Procurement”) efficiently in accordance with the *Fundamental Science and Technology Act* and *Regulations Governing Procurements for Scientific and Technological Research and Development*.

二、名詞定義

II. Definition of Terms

科研採購：指依科學技術基本法規定，接受政府補助、委託所進行之科學技術研究發展所須辦理工程、財物或勞務之採購。

R&D Procurement: a procurement for construction work, property, or service which is subsidized or entrusted by a governmental agency for the purpose of scientific-technological research and development pursuant to the *Fundamental Science and Technology Act*.

公開招標：指以公告方式邀請不特定廠商投標。

Open Tendering: a procedure for inviting unspecified suppliers through public notice.

限制性招標：指符合特定要件得不經公告程序，邀請二家以上廠商比價或僅邀請一家廠商議價。

Restricted Tendering: a procedure, under specific conditions, for inviting two or more suppliers for price competition, or even just one for price negotiation, without going through public notice

三、適用範圍

III. Applicability

本校辦理科研採購之作業，悉依本要點規定辦理；本要點未規定事宜，得依政府採購法等相關法令規章辦理。

NSYSU shall process the cases of R&D Procurement in accordance with the guidelines herein. Matters not covered shall be handled in accordance with the Government Procurement Act.

本校執行補助機關、委託機關或主管機關核定之科學技術研究發展計畫，其辦理採購之經費來源為科學技術研究發展預算搭配產學合作計畫之企業配合款者，準用本要點。

The guidelines herein shall apply to the scientific-technological research and development projects approved by the granting unit, entrusting unit, or competent authority if its grant is from both the budget of the scientific-technological research and development, and the industrial matching funds of industry-academia collaboration projects.

前二項採購是否屬於科研採購以該補助或委託契約為準；補助或委託契約未敘明或執行有疑義時，由補助或委託機關（構）認定之，無法認定時應適用政府採購法辦理。

Whether the said procurement case stipulated in previous two Paragraphs is an R&D procurement shall be determined according to the granted or entrusted contract. If it is not specified in the contract or there exists any doubt during execution, the granting/entrusting unit shall decide. Otherwise, the Government Procurement Act shall apply.

四、辦理原則

IV. Principles of Implementation:

科研採購應以促進科技研究發展、研發成果創新運用及維護公共利益為原則。

The R&D Procurement shall be implemented with the principles of promoting scientific-technological research and development and its innovative applications, as well as safeguard public interests.

五、相關單位權責

V. Responsible Units:

請購單位：採購案件請購及履約管理。

Requesting unit: the unit initiating the procurement and managing contract performance

定性單位(研究發展處或全球產學營運及推廣處): 審查採購標的係執行政府補助、委託辦理之科學技術研究發展之研究計畫案並符合補助、委託目的，認定是否歸屬科研採購範疇。

Qualitative Unit (Office of Research and Development or Office of Global Industry-Academe Collaboration and Advancement): the unit responsible for assessing whether the subject of procurement meets the requirements for the scientific-technological research and development project granted or entrusted by the government and whether the subject is within the scope of the R&D procurement.

採購單位：採購案件比價、議價、公告、決標、訂約、驗收及爭議處理等事項，於採購金額未達新臺幣一百萬元授權為各學院、系所、研究中心及行政單位；新臺幣一百萬元以上為總務處。

Procurement Unit: the unit responsible for procurement-relevant affairs, such as price competition, price negotiation (for single tendering), public notice, tender award, drawing contracts, inspection & acceptance, and dispute settlement, etc. If the value of procurement is less than NTD one million, individual colleges, departments/institutes, research centers and administrative units shall be authorized as the procurement unit, otherwise the Office of General Affairs shall be the procurement unit.

監辦單位(主計室): 負責辦理新臺幣一百萬元以上科研採購案件之監辦事項。

Supervisory Unit (Office of Accounting):

the unit responsible for supervising the R&D procurement with a value of more than NTD one million

六、請購作業程序

VI. Procurement Procedure

科研採購應經校長或其授權人員核定後，始得辦理，直接洽外國廠商採購者亦同。

R&D procurements shall be approved by the President or his/her authorized personnel before proceeding; procurements directly from overseas suppliers shall follow the same procedure.

採購金額達新臺幣一百萬元以上者，應辦理公告審查。但符合下列情形之一者，得採限制性招標方式辦理：

If the value of procurement is more than NTD one million, a notice for open tendering shall be announced and all tendering offers shall be reviewed by an ad hoc committee. Nevertheless, a restricted tendering procedure shall be carried out if one of the following conditions is satisfied.

(一) 以公開方式辦理結果，無廠商投標或無合格標，且以原定招標內容及條件未經重大改變者為限。

(1) There is either no tenderer or no qualified tenderer for the open tendering, and that no major change to the contents and requirements of the subject of procurement.

(二) 屬專屬權利、獨家製造或供應、秘密諮詢，無其他合適之替代標的者。

(2) The subject of procurement is subject to an exclusive right, unique manufacturer or supplier, secret consultation, or no qualified substitute.

(三) 遇有不可預見之緊急事故，致無法以公開招標程序適時辦理，且確有必要者。

(3) An open tendering cannot be implemented in time due to any unforeseen emergency, while the tendering is strictly necessary.

(四) 原有採購之後續維修、零配件供應、更換或擴充，因相容或互通性之需要，必須向原供應廠商採購者。

(4) The procurement is a subsequent maintenance, supply of spare parts & components, replacement, or expansion of the original subject of procurement and must be purchased from the same supplier due to the need for compatibility or interchangeability.

(五) 屬原型或首次製造、供應之標的，以研究發展、實驗或開發性質辦理者。

(5) The subject of procurement is a prototype, or is produced/supplied for the first time for the purpose of research, experiments or development.

(六) 在原招標目的範圍內，因未能預見之情形，必須追加契約以外之工程，如另行招標，確有產生重大不便及技術或經濟上困難之虞，非洽原訂約廠商辦理，不能達契約之目的，且未逾原主契約金額百分之五十者。

(6) Additional construction work outside the contract specification, which is

within the scope of the original contract and costs less than fifty percent (50%) of the original contract price, must be added due to unforeseen circumstances. If another open tendering is announced, there is a real risk of major inconvenience and technical or economic difficulties. The additional work may not serve its purpose if it is not handled by the original contractor.

- (七) 原有採購之後續擴充，且已於原招標公告及招標文件敘明擴充之期間、金額或數量者。
- (7) The procurement is a subsequent extension of the original procurement whose period of extension, value, or quantity is already specified in the public notice and documents of original tender.
- (八) 在集中交易或公開競價市場採購財物者。
- (8) The subject of procurement is traded in centralized exchange markets or through an open bidding process.
- (九) 委託專業服務、技術服務或資訊服務，經客觀評選為優勝者。
- (9) The supplier providing professional, technical, or information services of the procurement is objectively selected as a winner in professional fields.
- (十) 委託在專業領域具領先地位之自然人、法人或經公告審查優勝之學術或非營利機構進行科技、技術引進、行政或學術研究發展。
- (10) A natural or juridical person with a leading position of professional field, or an academic or non-profit organization with publicity review as outstanding, is entrusted to conduct an introduction of science and technologies, and the development of administration or academic studies.
- (十一) 補助或委託機關指定洽特定廠商辦理之採購，或本校投標文件已敘明分包對象並經補助或委託機關納入契約者。
- (11) The granting/entrusting unit has already designated a specific supplier, or a subcontractor is stated in the NSYSU bidding document and this condition is specified in the contract with the said unit.
- (十二) 配合研究計畫之需求特性、特殊功能，或其他專業性之財物或勞務項目，經機關首長或其授權人員核定者。
- (12) The procurement is approved by the president or his/her authorized personnel as a property or service purchase that matches the requirement, functionality, or other specialties of certain research projects.
- (十三) 其他報請機關首長或其授權人員核定者。
- (13) Other procurements approved by the president or his/her authorized personnel.

採購金額未達新臺幣一百萬元者，得不經公告程序，由請購單位取得至少一家以上之書面報價或企劃書，逕洽廠商採購，並作成書面紀錄；亦得準

用前項規定。

If the value of procurement is less than NTD one million, the requesting unit may directly seek a written quotation or proposal from at least one supplier to implement the procurement, without going through the open tendering procedure, and document a written record of the procurement. Or the requesting unit may follow the provisions stipulated in the previous Paragraph, mutatis mutandis.

七、公告審查

VII. Open Tendering

辦理科研採購公開招標時，應將相關資訊公開於本校資訊網站。公告期間以公告日次日起七個日曆天為原則，得視情形增減。公告內容有修正時，亦同。

Any open tendering for R&D procurement shall be announced on the website of NSYSU with its relevant information. The period of announcement shall in principle last for seven calendar days, starting from the following day of the announcement, and shall be extended or shortened if necessary. Amendment to the announcement shall follow the same procedure.

採購單位就廠商資格條件進行審查。

The procuring unit shall review the eligibility of the supplier.

除採限制性招標僅邀請一家廠商議價者外，請購單位應成立審查小組，視採購案件之特性及實際需要，就符合資格廠商之技術、管理、商業條款、過去履約績效、工程、財物或勞務之品質、功能或價格等項目進行審查。但為鼓勵新創公司參與，得調整前述審查項目，增加新創公司公平競爭機會。

Except for the restricted tendering with only one supplier for price negotiation, the requesting unit shall organize a review committee to examine the eligible supplier's technique, management, commercial terms, past contract performance, construction, quality of property & service, function, and price, depending on the attributes and the actual need of the procurement case. The aforementioned review items may be adjusted to create more opportunities and fairness to encourage the startup business.

前項審查小組應由本校教師、編制內職員、聘任人員或校外專家學者五人以上組成。

The said review committee stipulated in the previous Paragraph shall be

comprised of more than five (5) members, including the NSYSU faculty and staff within the manning quota, contract-employed staff, or external experts.

前項之校外專家學者，指於公私立大專院校或研究機構擔任教學研究工作之人員。

The said external experts stipulated in the previous Paragraph refer to faculty or researchers employed by public or private colleges, universities, or research institutions.

審查應作成書面紀錄，並附卷備供查詢。

The review shall be documented and kept for future reference.

前六項規定，於採購金額未達新臺幣一百萬元者，得準用之。

The provisions stipulated in the previous six Paragraphs shall apply, mutatis mutandis, to any procurement with a value less than NTD one million.

八、評定

VIII. Assessment

審查小組之決議應有總額二分之一以上成員出席，出席成員過半數之同意行之，且出席成員不得少於三人。

The decision shall be made by more than one-half of the review committee members attending, which shall be at least three member, and with the consent from at least one-half of the attendees.

前點第三項審查以總評分法或序位法評定。以總評分最高或序位第一，且經審查小組過半數決定之廠商為優勝廠商。

The result of the aforementioned review in Subparagraph 3 of Article 7 is determined based on overall score or ranking order. The awarded tenderer shall be the one scored or ranked the highest and approved by more than one-half of the review committee members.

序位評比應就各審查項目分別評分後予以加總，並依加總分數高低轉換為序位，以彙整合計各廠商序位之合計值最低者為序位第一。

All review committee members shall score and rank each tenderer; a tenderer is ranked by the sum of the scores given to its individual review items. The greater the sum is, the higher the rank assigned. The final rank of a tenderer is the sum

of the ranks from individual committee members; the tenderer with the lowest rank number shall be put the first place.

總評分最高或序位第一之廠商有二家以上時，就總評分最高或序位第一之廠商再行綜合審查，以總分較高者為優勝廠商。得分仍相同者，抽籤決定之。

If there is a tie for the first place among suppliers, either in terms of score or rank, a comprehensive review shall be conducted among them. The one with the highest score shall be awarded the tender. If they still end in a tie, the final awarded tenderer shall be determined by drawing lots.

九、底價訂定

IX. Determination of Reserve Price

以審查方式辦理者，應依圖說、規範、契約並考量成本、市場行情訂定底價。

When the procurement is processed by review, the reserve price shall be determined in accordance with the illustrations, government contract framework, specifications, sample budgets, and market prices.

底價應由請購單位或審查小組建議，校長或其授權人員核定之。

The reserve price shall be recommended by the requesting unit or the review committee, and then be submitted to the President or his/her authorized personnel for approval.

底價應於議價或比價前定之；底價訂定之作業流程應予保密，並於決標後解密。

The reserve price shall be determined prior to the price negotiation or competition. The procedure for determining the reserve price shall be kept confidential, and disclosed after the tender award.

訂定底價確有困難之特殊或複雜案件得不訂底價。

If there exists difficulty in determining the reserve price for a particular or complicated procurement, determining the reserve price shall be waived.

十、決標原則

X. Principles of Tender Award

以審查方式辦理訂有底價之採購，依優勝序位，自最優勝者起，依序以議價方式辦理，以合於招標文件規定，且在底價以內者為得標廠商。

If a procurement with a reserve price is processed by way of review, the price negotiation shall be proceeded with the tenderers in succession from the highest rank to the lowest. The awarded tenderer shall meet the requirements of tendering documentation and the reserve price.

以限制性招標辦理訂有底價之採購，以合於招標文件規定，且在底價以內之最低標為得標廠商。

If a procurement with a reserve price is processed under restricted tendering, the tenderer meeting the requirements of tendering documentation with the lowest bidding price within the reserve price shall be awarded the tender.

以審查方式辦理未訂底價之採購，以合於招標文件規定，標價合理，在預算金額以內且經審查為序位第一之優勝者為得標廠商。

If a procurement without a reserve price is processed by way of review, the first place tenderer meeting the requirements of tendering documentation with a reasonable bidding price within the budget shall be awarded the tender.

以限制性招標辦理未訂底價之採購，以合於招標文件規定，標價合理，且在預算金額以內之最低標為得標廠商。

If a procurement without reserve price is processed under restricted tendering, the tenderer meeting the requirements of tendering documentation with a reasonable bidding price within the budget shall be awarded the tender.

十一、協商

XI. Negotiation

請購單位得於訂定採購契約之前與供應廠商就採購工程、財物之規格或勞務之需求等進行協商。

The requesting unit may conduct negotiations with suppliers regarding the construction, property specifications, service requirements, etc. before entering the procuring contract.

協商非以書面為之者，應作成書面紀錄，載明接觸對象、時間、地點及內容。

Any negotiation which is not conducted in writing shall be documented in written form, with the records of both parties, time, location, and contents of negotiation thereof.

前二項與協商相關之文件，應附卷備供查詢。

Documents pertaining to the negotiation stipulated in the two previous Paragraphs shall be attached for reference.

十二、押標金、保證金

XII. Bid and Guarantee Bonds

本校得規定廠商所應繳納押標金、保證金或提供其他擔保，及沒入或發還押標金或保證金之條件。

NSYSU shall formulate the provisions for the deposit of the bid bond, guarantee bond, or other guarantees, as well as for its forfeit and refund.

十三、利益迴避

XIII. Avoidance of Conflict of Interest

辦理科研採購之人員對於與採購有關之事項，涉及本人、配偶、二親等以內血親或姻親之利益時，應行迴避。

The personnel managing R&D procurement shall recuse themselves from purchasing-related matters that involve the interests of themselves, their spouses, relatives within the second degrees by blood or marriage.

前項所稱辦理科研採購人員，包含請購人、計畫主持人、請購單位主管、審查小組成員、採購承辦人員及其主管、監辦人員及其主管。

The said personnel stipulated in the previous Paragraph include the purchase requesting applicant, principal investigator, chief of the requesting unit, review committee members, managing personnel and chief of the procuring unit, supervisory inspectors and chief.

本校之教職員工，不得為供應廠商之負責人、合夥人或代表人。但屬政府或公股指派、遴聘代表或由政府聘任者，不包括之。

The teaching or administrative staff of NSYSU shall not serve as the responsible person, partner, or representative of the suppliers, unless they are the representatives appointed or selected by the government entities or state-owned shareholders or retained by the government entities.

前三項之執行，不利於科技研究發展與研發成果創新運用、公平競爭或公共利益時，得報請補助、委託機關核定解除其限制。

If the implementations of the provisions in the previous three Paragraphs hinder the scientific-technological research and development, its innovative applications, a principle of fair competition, or public interest, the restrictions in the said provisions shall be lifted with the approval from the granting and entrusting units.

依前項規定免除第一項至第三項之執行時，應公開揭露原應迴避者與供應商間之關係及免除之理由。

When exempting from the implementation of Paragraphs 1 to 3 in accordance with the provisions of the preceding Paragraph, the relationship between the person who should have recused and the supplier and the reason for the exemption should be disclosed publicly.

十四、履約管理

XIV. Management of Contract Performance

履約期間應由請購單位善盡履約管理責任，對廠商各項申請作業，各業務單位應本於權責積極協助廠商解決。

During the effective term of the contract, the requesting unit shall be fully responsible for contractual management. The unit shall proactively assist the supplier with its various applications for operations.

請購單位應履行查驗之責，於廠商履約期間就履約情形辦理查驗、測試或檢驗，以掌握履約進度及交貨品質。

To ensure the progress and quality of the contract performance, the requesting unit shall take charge of the inspection, testing, or examination of the procured subject

請購單位之履約管理，得以書面傳真審核或實地查驗、測試、檢驗等方式行之。

The requesting unit may carry out the contractual management by means of written documentation review or on-site inspection, testing, or examination.

十五、驗收

XV. Inspection and Acceptance

採購金額未逾新臺幣一百萬元之採購，由請購單位依權責自行辦理驗收並作成書面紀錄。

For the procurement with a value of less than NTD one million, the requesting

unit shall, for its own accountability, process the inspection and acceptance and make a written record.

採購金額達新臺幣一百萬元以上之採購，應辦理會同驗收，並依國立中山大學採購作業權責劃分表辦理。

For the procurement with a value of more than NTD one million, the inspection and acceptance shall be conducted by all the units concerned in accordance with the Procurement Operation Responsibilities Form.

十六、使用效益

XVI. Benefits of Use

依本要點購入之設備應妥善使用；達新臺幣一百萬元以上者，請購或接管使用單位應製作其使用狀況之書面紀錄，備供查詢。

The equipment procured in accordance with this set of guidelines shall be utilized properly.

A record of usage of procured equipment costing more than NTD one million shall be documented by the requesting or using unit for future reference.

前項設備於補助、委託關係存續期間，不得設定負擔或處分。但經補助、委託機關同意者，不在此限。

Procured equipment shall not be established encumbrance or liquidated during the period of subsidy or entrustment relationship, unless the subsidizing or entrusting entity grants the consent.

十七、爭議處理

XVII. Settlement of Disputes

廠商對科研採購案件有異議者，應以書面提出。

The supplier who dissent from the R&D procurement shall file the protest in writing.

本校採購單位於收受廠商異議之次日起十五日內為適當之處理，請購單位、計畫主持人及請購人應協助採購單位處理異議，異議處理結果以書面通知異議廠商。

The procuring unit shall handle the supplier's protest within fifteen (15) days starting from the next day of receiving the protest. The requesting unit, principal

investigator, and requesting applicant shall collectively assist in dealing with the said case. Its result shall be notified in writing to the supplier.

本校與廠商因採購事項而生爭議者，應依法令及契約規定，考量公共利益及公平合理，本於誠信和諧，盡力協調解決之。

Disputes between NSYSU and the supplier due to procurement matters shall be amicably resolved in accordance with laws and contract regulations based on integrity, considering public interest and fairness.

因科研採購爭議涉訟時，以中華民國法律為準據法，並以臺灣高雄地方法院為第一審管轄法院。

In the event of any lawsuit arising out of or relating to this R&D procurement, the Laws of Republic of China prevail, and the Taiwan Kaohsiung District Court shall be the court of first instance jurisdiction.

十八、附則

XVIII. Supplementary Provisions

辦理科研採購應檢附補助、委託契約或其他足堪認定採購方式之文書。

The R&D Procurement shall be processed with its supporting documentation, including its granting or entrusting contract, or other documents that could be acknowledged as R&D Procurement.

辦理科研採購應依法令辦理領受公款之核銷。

The reimbursement of government subsidies for R&D Procurement shall be handled in accordance with the relevant regulations.

十九、施行

XIX. Implementation

本要點經行政會議通過，報請校長核定後公告實施，修正時亦同。

This set of guidelines has been approved at the Executive meeting, and submitted to the President for approval before implementation. Amendments to the guidelines shall follow the same procedure.