

廠商參與政府採購可能涉及之法律責任

一、刑事責任之法規

(一) 通案採購

法規名稱	相關條項	違反法規情形	相關刑罰
政府採購法	第 87 條 圍標、借牌等之處罰	意圖使廠商不為投標、違反其本意投標，或使得標廠商放棄得標、得標後轉包或分包，而施強暴、脅迫、藥劑或催眠術者。	處 1 年以上 7 年以下有期徒刑，得併科新臺幣 3 百萬元以下罰金。未遂犯罰之。
		犯前項之罪，因而致人於死或致重傷者。	致人於死者，處無期徒刑或 7 年以上有期徒刑；致重傷者，處 3 年以上 10 年以下有期徒刑，各得併科新臺幣 3 百萬元以下罰金。
		以詐術或其他非法之方法，使廠商無法投標或開標發生不正確結果者。	處 5 年以下有期徒刑，得併科新臺幣 1 百萬元以下罰金。未遂犯罰之。
		意圖影響決標價格或獲取不當利益，而以契約、協議或其他方式之合意，使廠商不為投標或不為價格之競爭者。	處 6 月以上 5 年以下有期徒刑，得併科新臺幣 1 百萬元以下罰金。未遂犯罰之。
		意圖影響採購結果或獲取不當利益，而借用他人名義或證件投標者。容許他人借用本人名義或證件參加投標者。	處 3 年以下有期徒刑，得併科新臺幣 1 百萬元以下罰金。
	第 88 條 綁標之處罰	受機關委託提供採購規劃、設計、審查、監造、專案管理或代辦採購廠商之人員，意圖為私人不法之利益，對技術、工法、材料、設備或規格，為違反法令之限制或審查，因而獲得利益者。意圖為私人不法之利益，對廠商或分包廠商之資格為違反法令之限制或審查，因而獲得利益者。	處 1 年以上 7 年以下有期徒刑，得併科新臺幣 3 百萬元以下罰金。未遂犯罰之。
	第 89 條 洩密之處罰	受機關委託提供採購規劃、設計或專案管理或代辦採購廠商之人員，意圖為私人不法之利益，洩漏或交付關於	處 5 年以下有期徒刑、拘役或科或併科新臺幣 1 百萬元以下罰金。未遂犯罰之。

法規名稱	相關條項	違反法規情形	相關刑罰
		採購應秘密之文書、圖畫、消息、物品或其他資訊，因而獲得利益者。	
	第 90 條 強制採購決定之處罰	意圖使機關規劃、設計、承辦、監辦採購人員或受機關委託提供採購規劃、設計或專案管理或代辦採購廠商之人員，就與採購有關事項，不為決定或為違反其本意之決定，而施強暴、脅迫者。	處 1 年以上 7 年以下有期徒刑，得併科新臺幣 3 百萬元以下罰金。未遂犯罰之。
		犯前項之罪，因而致人於死或重傷者。	致人於死者，處無期徒刑或 7 年以上有期徒刑；致重傷者，處 3 年以上 10 年以下有期徒刑，各得併科新臺幣 3 百萬元以下罰金。
	第 91 條 強制洩密之處罰	意圖使機關規劃、設計、承辦、監辦採購人員或受機關委託提供採購規劃、設計或專案管理或代辦採購廠商之人員，洩漏或交付關於採購應秘密之文書、圖畫、消息、物品或其他資訊，而施強暴、脅迫者。	處 5 年以下有期徒刑，得併科新臺幣 1 百萬元以下罰金。未遂犯罰之。
		犯前項之罪，因而致人於死或重傷者。	致人於死者，處無期徒刑或 7 年以上有期徒刑；致重傷者，處 3 年以上 10 年以下有期徒刑，各得併科新臺幣 3 百萬元以下罰金。
	第 92 條 法人之處罰	廠商之代表人、代理人、受雇人或其他從業人員，因執行業務犯本法之罪者。	除依規定處罰其行為人外，對該廠商亦科以該條之罰金。
刑法	第 210 條 偽、變造私文書罪	偽造、變造私文書，足以生損害於公眾或他人者。	處 5 年以下有期徒刑。
	第 214 條 使公務員登載不實罪	明知為不實之事項，而使公務員登載於職務上所掌之公文書，足以生損害於公眾或他人者。	處 3 年以下有期徒刑、拘役或 1 萬 5 千元以下罰金。
	第 215 條 業務上文書登載不實罪	從事業務之人，明知為不實之事項，而登載於其業務上作成之文書，足以生損害於公眾或他人者。	處 3 年以下有期徒刑、拘役或 1 萬 5 千元以下罰金。

法規名稱	相關條項	違反法規情形	相關刑罰
	第 216 條 行使偽變造文書罪	行使第 210 條至第 215 條之文書者，依偽造、變造文書或登載不實事項或使登載不實事項之規定處斷。	同第 210 條、第 214 條或第 215 條。
	第 339 條 詐欺罪	意圖為自己或第三人不法之所有，以詐術使人將本人或第三人之物交付者。 以前項方法得財產上不法之利益或使第三人得之者，亦同。	處 5 年以下有期徒刑、拘役或科或併科 50 萬元以下罰金。
	第 342 條 背信罪	為他人處理事務，意圖為自己或第三人不法之利益，或損害本人之利益，而為違背其任務之行為，致生損害於本人之財產或其他利益者。	處 5 年以下有期徒刑、拘役或科或併科 50 萬元以下罰金。未遂犯罰之。
貪污治罪條例	第 2 條 第 3 條	公務員犯本條例之罪者，依本條例處斷。 與前條人員共犯本條例之罪者，亦依本條例處斷。	詳貪污治罪條例第 4 條、第 5 條、第 6 條、10 條、第 12 條、第 13 條、第 15 條、第 17 條規定。
	第 11 條第 1 項、 第 2 項及第 4 項 行賄罪	對於第 2 條人員，關於違背職務之行為，行求、期約或交付賄賂或其他不正利益者。 不具第 2 條人員之身分而犯第 1 項之罪者。	處 1 年以上 7 年以下有期徒刑，得併科新臺幣 3 百萬元以下罰金。
		對於第 2 條人員，關於不違背職務之行為，行求、期約或交付賄賂或其他不正利益者。 不具第 2 條人員之身分而犯第 2 項之罪者。	處 3 年以下有期徒刑、拘役或科或併科新臺幣 50 萬元以下罰金。

(二) 工程及技術服務採購

法規名稱	相關條項	違反法規情形	相關刑罰
刑法	第 193 條 違背建築術成規罪	承攬工程人或監工人於營造或拆卸建築物時，違背建築術成規，致生公共危險者。	處 3 年以下有期徒刑、拘役或 9 萬元以下罰金。
營造業法	第 39 條	營造業負責人或專任工程人員違反第 37 條第 1 項、第 2 項或前條規定致生公共危險。	視其情形分別依法負其責任。

(三) 財物及勞務採購

法規名稱	相關條項	違反法規情形	相關刑罰
職業安全衛生法	37 條、第 40 條及第 41 條	廠商施工場所依法令或契約應有之安全衛生設施欠缺或不良，致發生職業災害。	發生死亡災害，處 3 年以下有期徒刑、拘役或科或併科新臺幣 30 萬元以下罰金；發生罹災人數在 3 人以上之災害，處 1 年以下有期徒刑、拘役或科或併科新臺幣 18 萬元以下罰金。
國家安全法	第 11 條、第 12 條	廠商或其分包廠商之人員，履約時有下列情形： 一、對用於軍事工程、財物或勞務採購之產製品或服務，知悉原產地、國籍或登記地係來自大陸地區、香港、澳門或境外敵對勢力，而為交付或提供。 二、知悉係不實之軍用武器、彈藥、作戰物資，而為交付或提供。	違反第 11 條第 1 項第 1 款規定者，處 1 年以上 7 年以下有期徒刑，得併科新臺幣 3,000 萬元以下罰金。 違反第 11 條第 1 項第 2 款規定，足以生損害於國家安全或軍事利益者，處 3 年以上 10 年以下有期徒刑，得併科新臺幣五百萬元以上 5,000 萬元以下罰金。
勞動基準法	第 5 條、第 75 條	雇主以強暴、脅迫、拘禁或其他非法之方法，強制勞工從事勞動。	處五年以下有期徒刑、拘役或科或併科新臺幣七十五萬元以下罰金

法規名稱	相關條項	違反法規情形	相關刑罰
	第 42 條、第 44 條第 2 項、第 45 條第 1 項、第 47 條、第 48 條、第 49 條第 3 項、第 64 條第 1 項、第 77 條	勞工因健康或其他正當理由，不能接受正常工作時間以外之工作者，雇主強制其工作。 童工及 16 歲以上未滿 18 歲之人，從事危險性或有害性之工作。 雇主僱用未滿 15 歲之人從事工作，且非屬第 45 條第 1 項但書情形者。 童工每日之工作時間超過 8 小時，每週之工作時間超過 40 小時，例假日工作。 童工於午後 8 時至翌晨 6 時之時間內工作。 女工因健康或其他正當理由，不能於午後 10 時至翌晨 6 時之時間內工作者，雇主強制其工作。 雇主招收未滿 15 歲之人為技術生，且非屬第 64 條第 1 項但書情形者。	處六個月以下有期徒刑、拘役或科或併科新臺幣三十萬元以下罰金

備註：其他各中央目的事業主管機關或地方政府所頒行之相關法規如勞安衛、環保、水利、水保、共同管道、建築、鐵公路等另有規定者，依其規定辦理。

二、民事責任之法規

(一) 通案採購

法規名稱	相關條項	違反法規情形	相關民事責任
政府採購法	第 32 條	得標廠商有招標文件規定之不發還其繳納之全部或部分保證金及其孳息之情形。(請參照押標金保證金暨其他擔保作業辦法第 20 條規定)	廠商如有違反，機關得不發還其所繳納之全部或部分保證金及其孳息。
	第 59 條	以支付他人佣金、比例金、仲介費、後謝金或其他不正利益為條件，促成採購契約之成立	機關得終止或解除契約，並將二倍之不正利益自契約價款中扣除。未能扣除者，通知廠商限期給付之。
	第 63 條	違反採購契約約定-一方執行錯誤、不實或管理不善，致他方遭受損害之責任	契約經訂定後，對廠商與機關均發生拘束力，任一方如不遵行，自應負契約責任(如逾期罰款、違約金、不發還履保金、損害賠償等)。
	第 66 條	得標廠商違反轉包之規定	機關得解除契約、終止契約或沒收保證金，並得要求損害賠償。 轉包廠商與得標廠商對機關負連帶履行及賠償責任。再轉包者，亦同。
	第 72 條	驗收不符之規定	驗收結果與契約、圖說、貨樣規定不符者，應通知廠商限期改善、拆除、重作、退貨或換貨。其驗收結果不符部分非屬重要，而其他部分能先行使用，並經機關檢討認為確有先行使用之必要者，得經機關首長或其授權人員核准，就其他部分辦理驗收並支付部分價金。 驗收結果與規定不符，而不妨礙安全及使用需求，亦無減少通常效用或契約預定效用，經機關檢討不必拆換或拆換確有困難者，得於必要時減價收受。其在查核金額以上之採購，應先報經上級機關核准；未達查核金額之採購，應經機關首長或其授權人員核准。

法規名稱	相關條項	違反法規情形	相關民事責任
			驗收人對工程、財物隱蔽部分，於必要時得拆驗或化驗。

(二) 工程採購

法規名稱	相關條項	違反法規情形	相關民事責任
政府採購法	第 70 條	品質及進度等相關規定	參閱工程施工查核小組作業辦法第 10 條及公共工程施工品質管理作業要點之規定。
	第 70 條之 1	機關辦理工程規劃、設計，應依工程規模及特性，分析潛在施工危險，編製符合職業安全衛生法規之安全衛生圖說及規範，並量化編列安全衛生費用	同第 63 條。

備註：對於廠商執行錯誤、不實或管理不善，致機關遭受損害情事及履約延遲、驗收不合、履約品質不良等設有契約責任之約定，應依約辦理。

三、行政責任之法規

(一) 通案採購

法規名稱	相關條項	違反法規情形	相關責任規定
政府採購法	第 31 條	一、以虛偽不實之文件投標。 二、借用他人名義或證件投標，或容許他人借用本人名義或證件參加投標。 三、冒用他人名義或證件投標。 四、得標後拒不簽約。 五、得標後未於規定期限內，繳足保證金或提供擔保。 六、對採購有關人員行求、期約或交付不正利益。 七、其他經主管機關認定有影響採購公正之違反法令行為者。	廠商有左列情形之一者，其所繳納之押標金，不予發還；其未依招標文件規定繳納或已發還者，並予追繳。
	第 50 條	一、未依招標文件之規定投標。 二、投標文件內容不符合招標文件之規定。 三、借用或冒用他人名義或證件投標。 四、以不實之文件投標。 五、不同投標廠商間之投標文件內容有重大異常關聯者。 六、第 103 條第 1 項不得參加投標或作為決標對象之情形。 七、其他影響採購公正之違反法令行為。	投標廠商有左列情形之一，經機關於開標前發現者，其所投之標應不予開標；於開標後發現者，應不決標予該廠商。 決標或簽約後發現得標廠商於決標前有前項情形者，應撤銷決標、終止契約或解除契約，並得追償損失。但撤銷決標、終止契約或解除契約反不符公共利益，並經上級機關核准者，不在此限。 第 1 項不予開標或不予決標，致採購程序無法繼續進行者，機關得宣布廢標。
	第 101 條至第 103 條	機關辦理採購，發現廠商有下列情形之一，應將其事實、理由及依第 103 條第 1 項所定期間通知廠商，並附記如未提出異議者，將刊登政府採購公報： 一、容許他人借用本人名	經刊登政府採購公報者，於 3 個月、6 個月、1 年或 3 年內，不得參加投標或作為決標對象或分包廠商。

法規名稱	相關條項	違反法規情形	相關責任規定
		義或證件參加投標者。 二、借用或冒用他人名義或證件投標者。 三、擅自減省工料，情節重大者。 四、以虛偽不實之文件投標、訂約或履約，情節重大者。 五、受停業處分期間仍參加投標者。 六、犯第 87 條至第 92 條之罪，經第 1 審為有罪判決者。 七、得標後無正當理由而不訂約者。 八、查驗或驗收不合格，情節重大者。 九、驗收後不履行保固責任者，情節重大者。 十、因可歸責於廠商之事由，致延誤履約期限，情節重大者。 十一、違反第 65 條之規定轉包者。 十二、因可歸責於廠商之事由，致解除或終止契約，情節重大者。 十三、破產程序中之廠商。 十四、歧視性別、原住民、身心障礙或弱勢團體人士，情節重大者。 十五、對採購有關人員行求、期約或交付不正利益者。 廠商之履約連帶保證廠商經機關通知履行連帶保證責任者，適用前項之規定。	

(二) 工程及技術服務採購

法規名稱	相關條項	違反法規情形	相關責任規定
技師法	第 8 條第 1 項 第 24 條	領有技師證書而未領技師執業執照、自行停止執業或未	中央主管機關應命其停止，並處新臺幣 3 萬元以上 15 萬元以

法規名稱	相關條項	違反法規情形	相關責任規定
	第 52 條	加入技師公會，擅自執行技師業務	下之罰鍰；其不停止行為者，得按次處罰。
	第 8 條第 4 項 第 53 條第 1 項	執業執照已逾有效期間未申請換發，而繼續執行技師業務	處新臺幣 1 萬 8 千元以上 9 萬元以下罰鍰，中央主管機關並應命其限期補辦申請；屆期未辦理而繼續執業者，得按次處罰。
	第 15 條 第 53 條第 2 項	未備具業務登記簿並記載技術服務事項與案件詳細紀錄	經中央主管機關應命其限期改善，屆期未改善或再次違反者，處 6 千元以上 3 萬元以下罰鍰；經處罰鍰後仍未改善者，得按次處罰。
	第 16 條第 1 項 第 41 條第 1 項 第 1 款	執行業務所製作之圖樣及書表，未親自簽署並加蓋技師執業圖記	警告或申誡之懲戒。
	第 16 條第 2 項 至第 3 項 第 41 條第 1 項 第 3 款	就非技師本人或其監督下完成之工作為簽證；涉及現場作業，技師未親自赴現場實地查核。 技師執行簽證，未提出簽證報告，或未將簽證經過確實作成紀錄，連同所有相關資料、文據彙訂為工作底稿。	申誡、2 個月以上 2 年以下停止業務或廢止執業執照之懲戒。
	第 17 條 第 41 條第 1 項 第 2 款	委託人或其執業機構擅自變更原定計畫及在計畫進行時或完成後不接受警告，致有發生危險之虞時，受委託技師未據實報告所在地主管機關	申誡或 2 個月以上 2 年以下停止業務之懲戒。
	第 19 條第 1 項 第 1 款 第 41 條第 1 項 第 5 款	容許他人借用本人名義執行業務或招攬業務	2 個月以上 2 年以下停止業務、廢止執業執照或廢止技師證書之懲戒。
	第 19 條第 1 項 第 2 款至第 6 款 第 41 條第 1 項 第 3 款	違反或廢弛其業務應盡之義務 執行業務時，違反與業務有關之法令。 辦理鑑定，提供違反專業或不實之報告或證詞。 無正當理由，洩漏因業務所知悉或持有他人之秘密。 執行業務時，收受不法之利	申誡、2 個月以上 2 年以下停止業務或廢止執業執照之懲戒。

法規名稱	相關條項	違反法規情形	相關責任規定
		益，或以不正當方法招攬業務。	
	第 20 條 第 41 條第 1 項 第 2 款	非其他法律另有規定之情形，所承辦業務逾越執業執照所登記之執業範圍	申誡或 2 個月以上 2 年以下停止業務之懲戒。
	第 21 條 第 41 條第 1 項 第 4 款	受停業處分之技師，於停業期間執行業務	廢止執業執照之懲戒
	第 23 條第 1 項 第 41 條第 1 項 第 2 款	拒絕或規避主管機關及中央目的事業主管機關檢查業務或向其報告、提出證明文件、表冊及有關資料	申誡或 2 個月以上 2 年以下停止業務之懲戒。
	第 39 條 第 41 條第 2 項	違反技師法第 16 條至第 18 條、第 19 條第 1 項、第 20 條、第 21 條或第 23 條第 1 項所定之行為者。 因業務上有關之犯罪行為，經判刑確定者。 違背技師公會章程、倫理規範或第 24 條第 2 項規定之行為，情節重大者。	1. 除依技師法規定處分外，應付懲戒。 2. 技師有第 39 條第 2 款或第 3 款規定情事之一者，其懲戒，由技師懲戒委員會依第 40 條規定，視情節輕重議定之。
	第 40 條第 2 項	依技師法受申誡處分 3 次以上或受停止業務處分累計滿 5 年者	技師受申誡處分 3 次以上者，應另受停止業務之處分；受停止業務處分累計滿 5 年者，應廢止其執業執照。
	第 50 條	未依法取得技師資格，擅自執行技師業務者。	中央主管機關應命其停止，並處新臺幣 20 萬元以上 100 萬元以下之罰鍰；其不停止行為者，得按次處罰。
建築師法	第 4 條 第 46 條第 1 項 第 5 款	違反不得充任建築師規定	撤銷或廢止開業證書之懲戒。 其已充任建築師者，撤銷或廢止其建築師證書。
	第 6 條 第 46 條第 1 項 第 2 款	違反建築師事務所設立及登記規定	申誡或停止執行業務 2 月以上 2 年以下之懲戒。
	第 11 條 第 46 條第 1 項 第 1 款	開業後之事務所地址變更及從業建築師與技術人員聘僱情形，未向直轄市、縣（市）主管機關分別登記	警告或申誡之懲戒。
	第 12 條 第 46 條第 1 項 第 1 款	事務所遷移未向原登記之主管機關申請核轉	警告或申誡之懲戒。

法規名稱	相關條項	違反法規情形	相關責任規定
	第 13 條 第 46 條第 1 項 第 1 款	自行停止執業建築師，未檢具開業證書向原登記主管機關申請註銷開業證書	警告或申誡之懲戒。
	第 17 條 第 46 條第 1 項 第 4 款	違反設計規定	警告、申誡或停止業務 2 月以上 2 年以下或撤銷開業證書之懲戒。
	第 18 條 第 46 條第 1 項 第 4 款	違反監造規定	警告、申誡或停止業務 2 月以上 2 年以下或撤銷開業證書之懲戒。
	第 24 條 第 46 條第 1 項 第 2 款	未襄助辦理經主管機關指定之公共安全、社會福利及預防災害等有關建築事項	申誡或停止執行業務 2 月以上 2 年以下之懲戒。
	第 25 條 第 46 條第 1 項 第 3 款	兼任或兼營職業	停止執行業務 2 月以上 2 年以下，其不遵從而繼續執業者，應予廢止開業證書之懲戒。
	第 26 條 第 46 條第 1 項 第 5 款	允諾他人假借其名義執行業務	撤銷或廢止開業證書之懲戒。
	第 27 條 第 46 條第 1 項 第 2 款	因業務知悉他人之秘密而洩漏	申誡或停止執行業務 2 月以上 2 年以下之懲戒。
	第 43 條	未經領有開業證書、已撤銷或廢止開業證書、未加入建築師公會或受停止執行業務處分而擅自執業者	除勒令停業外，並處新臺幣 1 萬元以上 3 萬元以下之罰鍰；其不遵從而繼續執業者，得按次連續處罰。
	第 9 條之 1 第 43 條之 1	違反第 9 條之 1 規定，開業證書已逾有效期間未申請換發，而繼續執行建築師業務者	處新臺幣 6 千元以上 1 萬 5 千元以下罰鍰，並令其限期補辦申請；屆期不遵從而繼續執業者，得按次連續處罰。
	第 54 條第 3 項 第 46 條第 1 項 第 1 款	外國人經許可在中華民國開業為建築師者，其有關業務上所用之文件、圖說，未以中華民國文字為主	警告或申誡之懲戒。
工程技術顧問公司管理條例	第 45 條第 2 項	依本法受申誡處分 3 次以上或受停止執行業務處分累計滿 5 年者	建築師受申誡處分 3 次以上者，應另受停止執行業務時限之處分；受停止執行業務處分累計滿 5 年者，應廢止其開業證書。
	第 8 條第 1 項 第 27 條第 1 項 第 1 款	未領有主管機關核發之登記證而營業	勒令其歇業，並得處新臺幣 50 萬元以上 250 萬元以下罰鍰。
	第 8 條第 1 項	未加入公會而營業	經命其限期改善，屆期未改善

法規名稱	相關條項	違反法規情形	相關責任規定
	第 32 條第 1 項 第 1 款		或再次違反者，處新臺幣 2 萬元以上 10 萬元以下罰鍰；主管機關得按次連續處罰並限期改善；情節重大者，得予以警告處分
	第 14 條第 1 項 及第 2 項 第 32 條第 1 項 第 3 款	執業技師離職或受停止業務處分，致違反第 5 條規定期間，其已承接業務未終止契約或委託辦理	經命其限期改善，屆期未改善或再次違反者，處新臺幣 2 萬元以上 10 萬元以下罰鍰；主管機關得按次連續處罰並限期改善；情節重大者，得予以警告處分
	第 16 條 第 27 條第 1 項 第 2 款、第 2 項	將工程技術顧問公司登記證出租或出借與他人使用	勒令其歇業，並得處新臺幣 50 萬元以上 250 萬元以下罰鍰。由主管機關廢止其許可及註銷登記證，並通知公司登記主管機關廢止其公司登記或部分登記事項。
	第 17 條 第 29 條第 1 項 第 5 款、第 3 項	違反承接工程技術服務業務規定	經命其限期改善，屆期未改善或再次違反者，處新臺幣 10 萬元以上 50 萬元以下罰鍰；主管機關得按次連續處罰並限期改善；情節重大者，得予以 1 個月以上 1 年以下之停業處分，且得廢止其許可及註銷登記證，並通知公司登記主管機關廢止其公司登記或部分登記事項。
	第 17 條第 3 項 第 29 條第 2 項	受工程技術顧問公司指派之監督業務人員違反承接工程技術服務業務規定	經命其限期改善，屆期未改善或再次違反者，處新臺幣 10 萬元以上 50 萬元以下罰鍰；主管機關得按次連續處罰並限期改善；情節重大者，得予以 1 個月以上 1 年以下之停業處分。
	第 18 條第 2 項 第 27 條第 1 項 第 3 款、第 2 項	停業期間再行承接業務	勒令其歇業，並得處新臺幣 50 萬元以上 250 萬元以下罰鍰。由主管機關廢止其許可及註銷登記證，並通知公司登記主管機關廢止其公司登記或部分登記事項。
	第 20 條第 2 項 第 29 條第 1 項 第 6 款、第 3 項	違反專業責任保險之退保及保險契約變動之通知義務規定	經命其限期改善，屆期未改善或再次違反者，處新臺幣 10 萬元以上 50 萬元以下罰鍰；主管

法規名稱	相關條項	違反法規情形	相關責任規定
	項		機關得按次連續處罰並限期改善；情節重大者，得予以 1 個月以上 1 年以下之停業處分，且得廢止其許可及註銷登記證，並通知公司登記主管機關廢止其公司登記或部分登記事項。
	第 28 條	借用、租用、冒用、偽造或變造工程技術顧問公司登記證	處新臺幣 50 萬元以上 2 百萬元以下罰鍰。
	第 30 條	工程技術顧問公司之執業技師執行業務，違反與業務有關法令	依相關法令處罰執業技師。對該工程技術顧問公司亦處新臺幣 10 萬元以上 50 萬元以下罰鍰，並得命其監督執業技師限期改正；屆期未改正者，得按次連續處罰至改正為止。
營造業法	第 11 條、第 56 條	土木包工業違反越區營業規定	按其情節輕重，予以警告或 3 個月以上 1 年以下停業處分。
	第 16 條、第 57 條	違反申請書變更規定	處新臺幣 2 萬元以上 10 萬元以下罰鍰；並限期依規定申請變更登記。屆期不申請者，予以 3 個月以上 1 年以下停業處分。
	第 18 條第 2 項、第 56 條	未依限辦理主管機關通知之補正事項	按其情節輕重，予以警告或 3 個月以上 1 年以下停業處分。
	第 19 條第 2 項、第 57 條	違反承攬工程手冊變動規定	處新臺幣 2 萬元以上 10 萬元以下罰鍰；並限期依規定申請變更登記。屆期不申請者，予以 3 個月以上 1 年以下停業處分。
	第 23 條第 1 項、第 56 條	違反承攬造價限額、工程規模範圍及承攬總額	按其情節輕重，予以警告或 3 個月以上 1 年以下停業處分。
	第 26 條、第 56 條	未依照工程圖樣及說明書製作工地現場施工製造圖及施工計畫書，負責施工	按其情節輕重，予以警告或 3 個月以上 1 年以下停業處分。
	第 28 條、第 58 條	違反營造業負責人設置規定	處新臺幣 20 萬元以上 1 百萬元以下罰鍰，並通知該營造業限期辦理解任。屆期不辦理者，對該營造業處新臺幣 20 萬元以上 1 百萬元以下罰鍰。並得繼續通知該營造業辦理解任，屆期仍不辦理者，得按次連續處罰。
	第 29 條、	技術士未於工地現場依其專	予以 3 個月以上 2 年以下停止

法規名稱	相關條項	違反法規情形	相關責任規定
	第 53 條	長技能及作業規範進行施工操作或品質控管，情節重大者	執行營造業業務之處分。
	第 30 條第 1 項、第 56 條	違反工地主任設置規定	按其情節輕重，予以警告或 3 個月以上 1 年以下停業處分。
	第 32 條第 1 項、第 62 條	一、依施工計畫書執行按圖施工。 二、按日填報施工日誌。 三、工地之人員、機具及材料等管理。 四、工地勞工安全衛生事項之督導、公共環境與安全之維護及其他工地行政事務。 五、工地遇緊急異常狀況之通報。	按其情節輕重，予以警告或 3 個月以上 1 年以下停止執行營造業工地主任業務之處分。 營造業工地主任經依前項規定受警告處分 3 次者，予以 3 個月以上 1 年以下停止執行營造業工地主任業務之處分；受停止執行營造業工地主任業務處分期間累計滿 3 年者，廢止其工地主任執業證。 前項工地主任執業證自廢止之日起 5 年內，其工地主任不得重新申請執業證。
	第 33 條第 1 項、第 56 條	違反技術士設置規定	按其情節輕重，予以警告或 3 個月以上 1 年以下停業處分。
	第 36 條、第 63 條	土木包工業負責人違反應負責辦理之工作	按其情節輕重，予以該土木包工業 3 個月以上 2 年以下停業處分。
	第 37 條第 2 項、第 59 條	營造業負責人未盡告知定作人義務或適時處理	處新臺幣 5 萬元以上 50 萬元以下罰鍰。
	第 38 條、第 59 條	營造業負責人未即時為必要之避免危險措施	處新臺幣 5 萬元以上 50 萬元以下罰鍰。
	第 39 條	營造業負責人或專任工程人員違反第 37 條第 1 項、第 2 項或前條規定致生公共危險	視其情形分別依法負其責任
	第 40 條、第 56 條	違反專任工程人員離職或因故不能執行業務之處置規定	按其情節輕重，予以警告或 3 個月以上 1 年以下停業處分。
	第 41 條第 1 項、第 62 條	營造業工地主任違反工程主管或主辦機關於勘驗、查驗或驗收工程應辦理事項之規定	按其情節輕重，予以警告或 3 個月以上 1 年以下停止執行營造業工地主任業務之處分。 營造業工地主任經依前項規定受警告處分 3 次者，予以 3 個月以上 1 年以下停止執行營造業工地主任業務之處分；受停止執行營造業工地主任業務處分期間累計滿 3 年者，廢止其

法規名稱	相關條項	違反法規情形	相關責任規定
			工地主任執業證。 前項工地主任執業證自廢止之日起 5 年內，其工地主任不得重新申請執業證。
	第 42 條第 1 項、第 56 條	違反承攬工程手冊簽章證明或註記規定	按其情節輕重，予以警告或 3 個月以上 1 年以下停業處分。
	第 52 條	未經許可或經撤銷、廢止許可而經營營造業業務	勒令其停業，並處新臺幣 1 百萬元以上 1 千萬元以下罰鍰；其不遵從而繼續營業者，得連續處罰。
	第 54 條	使用他人之營造業登記證書或承攬工程手冊經營營造業業務者。 將營造業登記證書或承攬工程手冊交由他人使用經營營造業業務者。 停業期間再行承攬工程者。	處新臺幣 1 百萬元以上 5 百萬元以下罰鍰，並廢止其許可。 自廢止許可之日起 5 年內，其負責人不得重新申請營造業登記。
	第 55 條 第 17 條第 1 項 第 20 條	一、經許可後未領得營造業登記證或承攬工程手冊而經營營造業業務者。 二、未加入公會而經營營造業業務者。 三、未依第 17 條第 1 項規定，申請複查或拒絕、妨礙或規避抽查者。 四、自行停業、受停業處分、復業或歇業時，未依第 20 條規定辦理者。	處新臺幣 10 萬元以上 50 萬元以下罰鍰。 營造業有前項第 1 款或第 2 款情事者，並得勒令停業及通知限期補辦手續，屆期不補辦而繼續營業者，得按次連續處罰。有前項第 4 款情事，經主管機關通知限期補辦手續，屆期不辦者，得按次連續處罰。
	第 56 條第 2 項	依本法受警告處分 3 次或於 5 年內受停業處分期間累計滿 3 年者	營造業受警告處分 3 次者，予以 3 個月以上 1 年以下停業處分；於 5 年內受停業處分期間累計滿 3 年者，廢止期許可。

（三）財物及勞務採購

法規名稱	相關條項	違反法規情形	相關責任規定
資通安全管理法	第 7 條、第 16 條、第 17 條、第 18 條、第 20 條	一、未依第 16 條第 2 項或第 17 條第 1 項規定，訂定、修正或實施資通安全維護計畫，或違反第 16 條第 6 項或第 17 條第 4 項所定辦法中有關資通安全維護計畫必要	由中央目的事業主管機關令限期改正；屆期未改正者，按次處新臺幣 10 萬元以上 100 萬元以下罰鍰。

法規名稱	相關條項	違反法規情形	相關責任規定
		<u>事項之規定。</u> 二、<u>未依第 16 條第 3 項或第 17 條第 2 項規定，向中央目的事業主管機關提出資通安全維護計畫之實施情形，或違反第 16 條第 6 項或第 17 條第 4 項所定辦法中有關資通安全維護計畫實施情形提出之規定。</u> 三、<u>未依第 7 條第 3 項、第 16 條第 5 項或第 17 條第 3 項規定，提出改善報告送交主管機關、中央目的事業主管機關，或違反第 16 條第 6 項或第 17 條第 4 項所定辦法中有關改善報告提出之規定。</u> 四、<u>未依第 18 條第 1 項規定，訂定資通安全事件之通報及應變機制，或違反第 18 條第 4 項所定辦法中有關通報及應變機制必要事項之規定。</u> 五、<u>未依第 18 條第 3 項規定，向中央目的事業主管機關或主管機關提出資通安全事件之調查、處理及改善報告，或違反第 18 條第 4 項所定辦法中有關報告提出之規定。</u> 六、<u>違反第 18 條第 4 項所定辦法中有關通報內容之規定。</u>	
	第 18 條第 2 項、第 21 條	未向中央目的事業主管機關通報資通安全事件。	由中央目的事業主管機關處新臺幣 30 萬元以上 500 萬元以下罰鍰，並令限期改正；屆期未改正者，按次處罰之。
勞動基準法	第 17 條、第 17 條之 1 第 7 項、第 55 條、	未依第 17 條、第 17 條之 1 第 7 項、第 55 條規定之標準或期限給付資遣費、勞工退	處新臺幣三十萬元以上一百五十萬元以下罰鍰，並限期令其給付，屆期未給付者，應按次

法規名稱	相關條項	違反法規情形	相關責任規定
	第 78 條第 1 項	休金者。	處罰
	第 13 條、第 17 條之 1 第 1 項、第 4 項、第 26 條、第 50 條、第 51 條或第 56 條第 2 項、第 78 條第 2 項	違反第 13 條（不得終止契約）、第 17 條之 1 第 1 項（面試或指定特定派遣勞工）、第 4 項（不利處分）、第 26 條（預扣勞工工資作為違約金或賠償費用）、第 50 條（女工分娩前後給予產假）、第 51 條（妊娠期間申請改調）或第 56 條第 2 項（提撥勞工退休準備金）規定者。	處新臺幣 9 萬元以上 45 萬元以下罰鍰。
	第 21 條第 1 項、第 22 條至第 25 條、第 27 條、第 30 條第 1 項至第 3 項、第 6 項、第 7 項、第 32 條、第 33 條、第 34 條至第 41 條、第 43 條、第 49 條第 1 項、第 59 條、第 79 條第 1 項	一、違反第 21 條第 1 項（基本工資）、第 22 條至第 25 條（工資給付）、第 30 條第 1 項至第 3 項（工作時間）、第 6 項（出勤紀錄）、第 7 項（減少勞工工資）、第 32 條（延長工作時間）、第 34 條至第 41 條（休息、休假）、第 49 條第 1 項（女工工作時間）或第 59 條（職業災害補償）規定。 二、違反主管機關依第 27 條限期給付工資或第 33 條調整工作時間之命令。 三、違反中央主管機關依第 43 條所定假期或事假以外期間內工資給付之最低標準。	處新臺幣 2 萬元以上 100 萬元以下罰鍰。
	第 30 條第 5 項、第 49 條第 5 項、第 79 條第 2 項	違反第 30 條第 5 項（置備勞工出勤紀錄）或第 49 條第 5 項（妊娠或哺乳期間之女工工作時間）規定者。	處新臺幣九萬元以上四十五萬元以下罰鍰。
	第 7 條、第 9 條第 1 項、第 16 條、第 19 條、第 28 條第 2 項、第 46 條、第 56 條第 1 項、第 65 條第 1 項、第 66	違反第 7 條（置備勞工名卡）、第 9 條第 1 項（勞動契約）、第 16 條（終止勞動契約預告期）、第 19 條（勞動契約終止，請求發給服務證明書）、第 28 條第 2 項（繳納積欠工資墊償基金）、第 46 條（未滿 18 歲備其法定	處新臺幣二萬元以上三十萬元以下罰鍰。

法規名稱	相關條項	違反法規情形	相關責任規定
	條 至 第 68 條、第 70 條或 第 74 條第 2 項 、第 79 條第 3 項	代理人同意書及年齡證明文件)、第 56 條第 1 項(提撥勞工退休準備金)、第 65 條第 1 項(技術生簽訂書面訓練契約)、第 66 條至第 68 條(技術生訓練及人數保障)、第 70 條(訂定工作規則)或第 74 條第 2 項(勞工申訴不得為不利處分)規定者。	
	第 80 條	拒絕、規避或阻撓勞工檢查員依法執行職務。	處新臺幣三萬元以上十五萬元以下罰鍰。
	第 33 條	雇主違反第十七條、第二十五條第一項、第二項、第二十七條至第二十九條規定者。	主管機關應通知限期改善，並處新臺幣五萬元以上三十萬元以下罰鍰。經限期改善或繼續限期改善，而未如期改善者，得按次分別處罰，至改善為止。
職業災害勞工保護法	第 34 條	依法應為所屬勞工辦理加入勞工保險而未辦理之雇主，其勞工發生職業災害事故者。	按僱用之日至事故發生之日應負擔之保險費金額，處以四倍至十倍罰鍰，不適用勞工保險條例第七十二條第一項有關罰鍰之規定。但勞工因職業災害致死亡或遺存障害符合勞工保險失能給付標準表第一等級至第十等級規定之項目者，處以第六條補助金額之相同額度之罰鍰。

備註：其他各中央目的事業主管機關或地方政府所頒行之相關法規如勞安衛、環保、水利、水保、共同管道、建築、鐵公路等另有規定者，依其規定辦理。

四、其他法規

通案採購

法規名稱	相關條項	法 規	相關罰責
政治獻金法	第 6 條、第 28 條	任何人不得利用職務上之權力、僱傭關係或其他生計上之利害，媒介或妨害政治獻金之捐贈。	1. 處新臺幣 20 萬元以上 1 百 20 萬元以下罰鍰。 2. 公務員違反第 6 條規定者，處 1 年以下有期徒刑。
	第 7 條第 1 項、第 29 條第 2 項	得捐贈政治獻金者，以下列各款以外之個人、政黨、人民團體及營利事業為限： 一、公營事業或政府持有資本達 20% 之民營企業。 二、與政府機關(構)有巨額採購或重大公共建設投資契約，且在履約期間之廠商。 三、有累積虧損尚未依規定彌補之營利事業。 四、宗教團體。	違反第 7 條第 1 項捐贈政治獻金者，按其違反規定之捐贈金額處 2 倍以下之罰鍰。
	第 8 條、第 25 條	政黨、政治團體及擬參選人不得收受前條所定得捐贈者以外對象之政治獻金。	1. 擬參選人違反第 8 條規定收受第 7 條第 1 項第 7 款至第 9 款規定對象之政治獻金，未依第 15 條規定之期限繳交受理申報機關辦理繳庫，或違反第 13 條規定募集政治獻金者，處 5 年以下有期徒刑；為擬參選人收受或募集政治獻金之代理人、受雇人亦同。 2. 政黨、政治團體之負責人、代表人或代理人、受雇人犯前項之罪者，依前項之規定處罰。 3. 犯前 2 項之罪，已依第 7 條第 4 項規定盡查證義務者，不予處罰。
	第 9 條第 1 項、第 29 條第 1 項	政治獻金之捐贈，不得行求或期約不當利益。	捐贈政治獻金者，按其捐贈之金額處 2 倍以下之罰鍰。

法規名稱	相關條項	法 規	相關罰責
	第 9 條第 2 項、第 27 條	前項（第 9 條第 1 項）之政治獻金，政黨、政治團體及擬參選人亦不得收受。	1. 收受政治獻金者，按其收受金額處 2 倍之罰鍰。 2. 違法收受之政治獻金，沒入之；如全部或一部不能沒入時，追徵其價額。
	第 14 條、第 29 條第 2 項	任何人不得以本人以外之名義捐贈或為超過新臺幣 1 萬元之匿名捐贈。 超過新臺幣 10 萬元現金捐贈，應以支票或經由金融機構匯款為之。	捐贈政治獻金者，按其違反規定之捐贈金額處 2 倍以下之罰鍰。
	第 17 條、第 29 條第 2 項	對同一政黨、政治團體每年捐贈總額，不得超過下列金額： 一、個人：新臺幣 30 萬元。 二、營利事業：新臺幣 3 百萬元。 三、人民團體：新臺幣 2 百萬元。 對不同政黨、政治團體每年捐贈總額，合計不得超過下列金額： 一、個人：新臺幣 60 萬元。 二、營利事業：新臺幣 6 百萬元。 三、人民團體：新臺幣 4 百萬元。	捐贈政治獻金者，按其違反規定之捐贈金額處 2 倍以下之罰鍰。
	第 18 條第 1 項及第 2 項、第 29 條第 2 項	對同一擬參選人每年捐贈總額，不得超過下列金額： 一、個人：新臺幣 10 萬元。 二、營利事業：新臺幣 1 百萬元。 三、人民團體：新臺幣 50 萬元。 對不同擬參選人每年捐贈總額，合計不得超過下列金額： 一、個人：新臺幣 30 萬元。 二、營利事業：新臺幣 2 百萬元。 三、人民團體：新臺幣 1 百萬元。	捐贈政治獻金者，按其違反規定之捐贈金額處 2 倍以下之罰鍰。

法規名稱	相關條項	法 規	相關罰責
公職人員利益衝突迴避法	第 14 條、第 18 條	公職人員或其關係人，不得與公職人員服務之機關或受其監督之機關團體為補助、買賣、租賃、承攬或其他具有對價之交易行為。但有下列情形之一者，不在此限： 一、依政府採購法以公告程序或同法第一百零五條辦理之採購。 二、依法令規定經由公平競爭方式，以公告程序辦理之採購、標售、標租或招標設定用益物權。 …… 公職人員或其關係人與公職人員服務之機關團體或受其監督之機關團體為前項但書第一款至第三款補助或交易行為前，應主動於申請或投標文件內據實表明其身分關係；於補助或交易行為成立後，該機關團體應連同其身分關係主動公開之。但屬前項但書第三款基於法定身分依法令規定申請之補助者，不在此限。	1. 違反第 14 條第 1 項規定者，交易或補助金額未達新臺幣 10 萬元者，處新臺幣 1 萬元以上 5 萬元以下罰鍰；交易或補助金額新臺幣 10 萬元以上未達 1 百萬元者，處新臺幣 6 萬元以上 50 萬元以下罰鍰；交易或補助金額新臺幣 1 百萬元以上未達 1 千萬元者，處新臺幣 60 萬元以上 5 百萬元以下罰鍰；交易或補助金額新臺幣 1 千萬元以上者，處新臺幣 6 百萬元以上該交易金額以下罰鍰。 2. 違反第 14 條第 2 項規定者，處新臺幣 5 萬元以上 50 萬元以下罰鍰，並得按次處罰。

Potential Legal Liabilities from Participation in Government Procurement

I. Legislation of Criminal Liability

(I) Project Procurement

Title of Legislation	Applicable Provision	Event of Breach	Applicable Criminal Penalty
Government Procurement Act	Article 87 Penalty for bid-rigging, bid with other's justification, etc.	Commitment of violence, threat, administration of drugs or hypnosis with the intent of preventing a supplier from answering to a tender, procuring a winning bidder from waiving the tender award, or procuring assignment or subcontracting after a tender award.	Term imprisonment between 1 and 7 years, which may be combined with a fine below NT\$3,000,000. Attempted offense is subject to penalty.
		Death or serious injury caused by the commitment of the offense under the previous paragraph.	Term imprisonment for life or at least 7 years in case of death, term imprisonment between 3 and 10 years in case of serious injury, each may be combined with a fine below NT\$3,000,000.
		Use of fraudulent or other illegal means to prevent a supplier from answering to a tender or procuring incorrect result of bid opening.	Term imprisonment of less than 5 years, which may be combined with a fine below NT\$1,000,000. Attempted offense is subject to penalty.
		Meeting of minds by contract, agreement or in any other manner withholding suppliers from tender submission or from engaging in price competition with the intention to influence the tender award price or to gain undue benefit.	Term imprisonment between 6 months and 5 years, which may be combined with a fine below NT\$1,000,000. Attempted offense is subject to penalty.
		Use of another person's name or supporting documents to make a tender submission with the intention to influence the result of the procurement or to gain undue benefit. Allowing another person to use one's name or supporting documents to make a tender submission.	Term imprisonment below 3 years, which may be combined with a fine below NT\$1,000,000.
	Article 88 Penalty for Bid Manipulation	With the intention to gain unlawful personal interest, a member of a supplier mandated by the principal to provide procurement planning, design, review, supervision, project management or procurement services imposes unlawful restrictions or review about technical, craftsmanship, materials, equipment or specifications, from which a benefit has been received. With the intention to gain unlawful personal interest, exercise of unlawful restrictions or review on the bidder's or subcontractor's qualifications, from which a benefit has been received.	Term imprisonment between 1 and 7 years, which may be combined with a fine below NT\$3,000,000. Attempted offense is subject to penalty.
	Article 89 Penalty for Disclosure	With the intention to gain unlawful personal interest, a member of a supplier mandated by the principal to provide procurement planning, design, review, supervision, project management or procurement services discloses or delivers any document, graphic, news, object or any other information about the procurement that should be kept confidential, from which a benefit has been received.	Term imprisonment below 5 years, detention and/or a fine below NT\$1,000,000. Attempted offense is subject to penalty.
	Article 90 Penalty for Forcing Procurement Decisions	Commitment of violence or threat with the intention to prevent a decision or to procure a decision against the original intention on a procurement related matter by a member of the principal responsible for the planning, design, organization or supervision of procurement or a member of a supplier mandated by the principal to provide procurement planning, design, project management services or organizing the procurement on behalf of the principal.	Term imprisonment between 1 and 7 years, which may be combined with a fine below NT\$3,000,000. Attempted offense is subject to penalty.

Title of Legislation	Applicable Provision	Event of Breach	Applicable Criminal Penalty
		Death or serious injury caused by the commitment of the offense under the previous paragraph.	Term imprisonment for life or at least 7 years in case of death, term imprisonment between 3 and 10 years in case of serious injury, each may be combined with a fine below NT\$3,000,000.
	Article 91 Penalty for Forced Disclosure	Commitment of violence or threat with the intention to procure disclosure or delivery of any document, graphic, news, object or any other information related to the procurement that should be kept confidential by a member of the principal responsible for the planning, design, organization or supervision of procurement or a member of a supplier mandated by the principal to provide procurement planning, design, project management services or organizing the procurement on behalf of the principal.	Term imprisonment below 5 years, which may be combined with a fine below NT\$1,000,000. Attempted offense is subject to penalty.
		Death or serious injury caused by the commitment of the offense under the previous paragraph.	Term imprisonment for life or at least 7 years in case of death, term imprisonment between 3 and 10 years in case of serious injury, each may be combined with a fine below NT\$3,000,000.
	Article 92 Penalty for Corporations	Commitment of any offense by a legal representative, authorized representative, employee or other hired person of a supplier in the course of business activities.	In addition to stipulated penalty imposed on the offender, the fine under the corresponding article shall also be imposed on the supplier.
Criminal Code	Article 210 Forgery or Alteration of Private Document	Forgery or alteration of a private document that may jeopardize the general public or any other person.	Term imprisonment below 5 years.
	Article 214 Procuring False Written Record by Civil Servant	With knowledge of the falsity of the matter, procuring a civil servant to record such false matter in a public document within the scope of his job duties, which may jeopardize the general public or any other person.	Term imprisonment below 3 years, detention or a fine below \$15,000.
	Article 215 False Record in Business Document	With knowledge of the falsity of the matter, a person engaging in business activities records such false matter in a document prepared in the course of business, which may jeopardize the general public or any other person.	Term imprisonment below 3 years, detention or a fine below \$15,000.
	Article 216 Offense for Use of Forged Document	A person who puts into circulation a document specified in one of the Articles 210 to 215, shall be punished in accordance with the provisions relating to forging or altering documents, to making a false entry, or to causing a false entry to be made.	Same as Article 210, 214 or 215.
	Article 339 Offense of Fraud	A person who by fraud causes another to deliver to him property belonging to such other or to a third person for purpose to exercise unlawful control over other's property for himself or for a fourth person. A person who by the means specified in the preceding paragraph takes an illegal benefit for himself or for a third person shall be subject to the same punishment.	Term imprisonment below 5 years, detention and/or a fine below \$500,000.
	Article 342 Breach of Trust	While handling matters for another person and with the intention to gain unlawful benefit for oneself or a third party or to jeopardize the interest of the person for which the matter is handled, commitment of an act in breach of his duties and resulting in damage to the property or other interest of the person for which the matter is handled.	Term imprisonment below 5 years, detention and/or a fine below \$500,000. Attempted offense is subject to penalty.

Title of Legislation	Applicable Provision	Event of Breach	Applicable Criminal Penalty
Regulation against Corruption	Article 2	Any civil servant committing an offense under these Regulations shall be adjudicated in accordance with these Regulations. Any person committing an offense together with a person under the previous article shall also be adjudicated in accordance with these Regulations.	See Articles 4, 5, 6, 10, 12, 13, 15 and 17 of the Regulation against Corruption
	Article 3		
	1 st , 2 nd and 4 th paragraphs, Article 11, Bribery	Seeking, offering or providing bribery or other undue benefit to a person under Article 2 in relation to an act in violation of his job duties. A person committing the offense under the first paragraph without the status provided in Article 2.	Term imprisonment between 1 and 7 years, which may be combined with a fine below NT\$3,000,000.
		Seeking, offering or providing bribery or other undue benefit to a person under Article 2 in relation to an act that is not in violation of his job duties. A person committing the offense under the second paragraph without the status provided in Article 2.	Term imprisonment below 3 years, detention and/or a fine below NT\$500,000.

(II) Construction and Technical Service Procurement

Title of Legislation	Applicable Provision	Event of Breach	Applicable Criminal Penalty
Criminal Code	Article 193 Breach of Established Rules of Construction	A contractor or an overseer who endangers public safety by violating an established rule of construction in erecting or demolishing a structure.	Term imprisonment below 3 years, detention and/or a fine below \$90,000.
Construction Industry Act	Article 39	Where the principal or full-time engineer of a construction enterprise infringes the first or second paragraph, Article 37 of the preceding article and thus causes public danger.	Liability in accordance with the law depending on individual situation.

(III) Property and Labor Service Procurement

Title of Legislation	Applicable Provision	Event of Breach	Applicable Criminal Penalty
<u>Occupational Safety and Health Act</u>	<u>Articles 37, 40 and 41</u>	<u>In the event that an occupational accident occurs at the workplace of business entities due to lack or unsatisfactory safety and health facility required by the law or contract.</u>	<u>Term imprisonment below 3 years, detention and/or a fine below NT\$300,000 in case of death; term imprisonment below 1 year, detention and/or a fine below NT\$180,000 in case of accident with 3 or more death victims.</u>
<u>National Security Act</u>	<u>Articles 11 and 12</u>	<u>The supplier or personnel of its subcontractor has any of the following circumstances in the performance of the contract:</u> 1. <u>Delivering or providing the product or service under the procurement of military construction, property or service, with knowledge that its original place, nationality or registered place is from Mainland China, Hong Kong, Macau or foreign hostile forces.</u> 2. <u>Delivering or providing military weapons, ammunition or combat materials with knowledge that they are false.</u>	<u>Term imprisonment between 1 and 7 years with potential fine below NT\$30,000,000 for breach of subparagraph 1, first paragraph, Article 11.</u> <u>Term imprisonment between 3 and 10 years with potential fine between NT\$5,000,000 and NT\$50,000,000 for breach of subparagraph 2, first paragraph, Article 11 if the offense may incur damage to national security or military interest.</u>
<u>Labor Standards Act</u>	<u>Articles 5 and 75</u>	<u>When an employer uses force, threat, detention or other unlawful means to oblige labor work by the worker.</u>	<u>Term imprisonment below 5 years, detention and/or a fine below NT\$750,000.</u>

	<u>Article 42, 2nd paragraph of</u> <u>Article 44, 1st paragraph of</u> <u>Article 45.</u> <u>Article 47.</u> <u>Article 48, 3rd paragraph of</u> <u>Article 49, 1st paragraph of</u> <u>Article 64.</u> <u>Article 77</u>	<u>When a worker cannot accept work outside normal work hours due to health reason or other justification and the employer forces the worker to work.</u> <u>When a child worker or any person between 16 and 18 years old performs dangerous or harmful work.</u> <u>When an employer hires a person below the age of 15 to perform work and there is no event listed under the proviso of the first paragraph, Article 45.</u> <u>When a child worker works more than 8 hours a day or more than 40 hours a week or works on weekends.</u> <u>When a child worker works between 8pm to 6am of the following morning.</u> <u>When a female worker is unable to work between 10pm and 6am of the following morning due to health reason or other justification and the employer forces the worker to work.</u> <u>When the employer recruits a person below the age of 15 as a technical intern and there is no event listed under the proviso of the first paragraph, Article 64.</u>	<u>Term imprisonment below 6 months.</u> <u>detention and/or a fine below</u> <u>NT\$300,000.</u>
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Note: If otherwise provided in other applicable laws promulgated by the central government authorities governing the relevant businesses or the local governments, such as labor safety and health, environmental protection, water facilitation, water conservation, common conduits, construction, railways and highways, such provisions shall be complied with.

II. Legislations of Civil Liabilities

(I) General Procurement

Title of Legislation	Applicable Provision	Event of Breach	Applicable Civil Liability
Government Procurement Act	Article 32	The winning bidder has any event for which the security paid may be forfeited in whole or in part, including the proceeds thereof. Please refer to Article 20 of the Regulations for Bid Bond, Guarantee Bond and Other Guarantees.	If the bidder commits a breach, the principal may forfeit the security paid in whole or in part, including the proceeds thereof.
	Article 59	Payment of commission, percentage fee, brokerage fee, kickback or other undue benefit as a condition to procure establishment of a procurement contract.	The authority may terminate or cancel the contract and deduct twice the undue benefit from the contract price. If deduction is not possible, a notice shall be given to the supplier to demand payment before a deadline.
	Article 63	Breach of procurement contract – Liability from either party's failure to correctly and duly perform or properly manage, causing damage to the other party.	The contract shall be binding on both the supplier and the principal after it is established. If either party fails to comply with the contract, it shall incur contractual liability (such as delay penalty, breach penalty, forfeiture of performance security, compensation for damages, etc.)
	Article 66	Winning bidder's breach of stipulations against subcontracting.	The principal may rescind the contract, terminate the contract or forfeit the security and may also seek compensation for damages. The subcontractor and the winning bidder shall bear joint performance and compensation liabilities toward the principal. The same shall be applicable in case of further subcontracting.
	Article 72	Unsuccessful acceptance.	If the result of acceptance inspection shows inconsistency with the provisions of the contract, drawings or product samples, the supplier shall be asked to remedy, dismantle, re-work, return the product or replace the product before a deadline. If the inconsistency is not material and the remaining portions may be used first and if the principal deems it necessary to use the remaining portions first, the head of the principal or his authorized person may grant approval to accept and pay for the remaining portion. If the inconsistency with the requirements revealed by the inspection does not jeopardize safety and the requirements of use, does not reduce the common function or the expected function of under the contract and if the principal determines that no dismantling/replacement is required or there is indeed difficulty in dismantling/replacement, the deliverable may be accepted at a reduced price as required. For procurement above the threshold amount for inspection, a filing must first be made with the superior authority for approval. For procurement below the threshold amount for inspection, prior approval must be acquired from the head of the principal or his authorized person. The inspector may conduct dismantled inspection or chemical examination on the hidden portion of the work or property as required.

(II) Project Procurement

Title of Legislation	Applicable Provision	Event of Breach	Applicable Civil Liability
Government Procurement Act	Article 70	Quality and progress related requirements.	Reference to Article 10 of the Project Construction Audit Committee Procedure and the Guidelines for Public Works Construction Quality Management.
	Article 70-1	In conducting planning or design of a construction work, an entity shall analyze the potential construction hazards depending on the construction scale and characteristics, prepare the drawings and specifications related to safety and health in accordance with the Occupational Safety and Health Act and its regulations, and quantify the expenditures of safety and health thereof.	Same as Article 63.

Note: If a contract stipulates contractual liabilities in the event of damage suffered by the principal, delayed performance, unsuccessful acceptance or failure to achieve quality requirements due to the supplier's failure to correctly and duly perform or to properly manage, such stipulations shall be complied with.

III. Legislations of Administrative Liability

(I) General Procurement

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
Government Procurement Act	Article 31	1. Tender submission with forged or altered documents. 2. The bidder uses another person's name or supporting documents to make a tender submission. 3. Use another person's name or supporting documents to make a tender submission. 4. Winning bidder's refusal to sign the contract after bid opening. 5. Failure to pay full security or to provide guarantee or security before the prescribed deadline after tender award. 6. Provision, offer or seeking of undue benefit to/from procurement-related personnel. 7. Other conduct in breach of law that is determined by the competent authority as having an impact on the fairness of the procurement.	If the bidder has any of the events listed on the left, the bid security paid shall be forfeited. If such security has already been refunded, it must be paid again.
	Article 50	1. Failure to make a tender submission in accordance with the requirements of the tender document. 2. Incompliance of the tender submission documents with the requirements of the tender document. 3. Use or fraudulent use of another person's name or supporting documents, or use of forged or altered documents, to make a tender submission. 4. Forgery of tender submission documents. 5. Significant and anomalous link among tender submission documents by different bidders. 6. An event under the first paragraph, Article 103 for which the bidder is barred from participating in the bidder or being awarded the tender. 7. Other conduct in breach of law that has an impact on the fairness of the procurement.	If the bidder has any event listed on the left and if such event is discovered by the principal before bid opening, the bidder's submission shall not be opened. If the event is discovered after bid opening, the tender shall not be awarded to the bidder. If the winning bidder is found after tender award or contract signature to have any event under the previous paragraph before tender award, the tender award shall be revoked or the contract shall be terminated or rescinded and compensation may also be claimed, except if the revocation of tender award or the termination or rescindment of contract is contrary to public interest and if there is an approval from the superior authority. If the procurement procedure cannot continue because the bids are not opened or the tender is not awarded under the first paragraph, the principal may announce a tender failure.
	Articles 101 to 103	In organizing a procurement if the principal discovers that the supplier has any of the following events, it shall give notice to the supplier about the facts and the grounds, with the specification that, unless an objection is filed, such information will be published on the Government Procurement Gazette: 1. Allowing any other person to use one's name or supporting documents to make a tender submission. 2. Use or fraudulent use of another person's name or supporting documents, or use of forged or altered documents, to make a tender submission, establish a contract or perform a contract. 3. Unauthorized reduction of work materials, in serious cases. 4. Forgery of tender submission documents, contract or contract performance related documents. 5. Participation in a tender during business suspension period.	A supplier published on the Government Procurement Gazette shall be barred from participating in a tender or from being awarded the tender or named as a subcontractor within 3 months, 6 months, 1 year or 3 years.

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
		6. Commitment of any offense listed under Articles 87 to 92, as confirmed by first-instance guilty judgment. 7. Failure to sign the contract following tender award without due justification. 8. Failure to pass inspection or acceptance, in serious cases. 9. Failure to perform warranty responsibility after acceptance. 10. Serious delay of contract performance deadlines due to any reason that is imputable to the supplier. 11. Subcontracting in breach of Article 65. 12. Rescindment or termination of contract due to any reason that is imputable to the supplier. 13. Supplier in bankruptcy proceeding. 14. Serious discrimination against women, indigenous people or members of a disadvantaged group. 15. Provision, offer or seeking of undue benefit to/from procurement related personnel. If the principal gives notice to the supplier's guarantor to perform the guarantor's responsibilities, the previous paragraph shall be applicable.	

(II) Construction and Technical Service Procurement

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
Technician's Act	1 st paragraph of Article 8, Articles 24 and 52	Failure to collect the technician's practicing license after collecting the technician's certificate, voluntary suspension of practice or exercise of technician's business without joining a technician's association.	The central competent authority shall order the technician to stop and impose a fine between NT\$30,000 and NT\$150,000. The fine may be repeated if the activities do not stop.
	4 th paragraph of Article 8, 1 st paragraph of Article 53	Failure to file an application for renewal of practicing license after its expiry and continued exercise of the technician's business activities.	Penalty between NT\$18,000 and NT\$90,000. The central competent authority shall also order that an application for renewal be filed before a deadline. The fine may be repeated if the business activities continue without filing the application before the deadline.
	Article 15, 2 nd paragraph of Article 53	Failure to have a business register in place to keep detailed records of technical service matters and cases.	The central competent authority shall order rectification before a deadline. If not rectified in time or in case of reoccurrence, a fine between \$6,000 and \$30,000 shall be imposed. If rectification does not take place after the fine, the fine may be repeated.
	1 st paragraph of Article 16, subparagraph 1, 1 st paragraph of Article 41	Failure to personally sign business charts and affix the technician's practicing seal.	Warning or reprimand.
	2 nd to 3 rd paragraph of Article 16, subparagraph 3, 1 st paragraph of Article 41	Certification of any work that is not completed by the technician personally or under his supervision; in case of onsite procedure, without the technician's personal visit to the site to perform onsite audit. Technician's certification without providing a certification report or without duly recording the proceedings of the certification and compiling them together with all relevant information and documents as the working drafts.	Reprimand, suspension of business between 2 months and 2 years or revocation of practicing license.

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
	Article 17, subparagraph 2, 1 st paragraph of Article 41	Where the client or its practicing organization unilaterally changes the original program and refuses to accept a warning in the course of or after completion of the program, resulting in a concern of hazard, the mandated technician's failure to duly report to the local competent authority	Reprimand or business suspension between 2 months and 2 years
	Subparagraph 1, 1 st paragraph of Article 19, subparagraph 5, 1 st paragraph of Article 41	Allowing another person to use one's name to exercise or solicit business	Business suspension between 2 months and 2 years, revocation of practicing license or revocation or technician's certificate
	Subparagraphs 2 to 6, first paragraph of Article 19, Subparagraph 3, first paragraph of Article 41	Breach or neglect of business obligations. Breach of business related legislations in the course of business activities. Provision of non-professional or false reports or testimonies during appraisal. Disclosure of any other person's secrets learned or held in the course of business without due justification. Acceptance of unlawful benefit in the course of business or solicitation of business in undue manners.	Reprimand, business suspension between 2 months and 2 years or revocation of practicing license.
	Article 20, Subparagraph 2, first paragraph of Article 41	Undertaking of any business activity beyond the scope of business registered in the practicing license, unless otherwise provide in other laws.	Reprimand or business suspension between 2 months and 2 years.
	Article 21, Subparagraph 4, first paragraph of Article 41	Exercise of business activities during business suspension period by a technician subject to business suspension.	Revocation of practicing license.
	First paragraph of Article 23, Subparagraph 2, first paragraph of Article 41	Refusal or avoidance of business inspection by the competent authority or central competent authority for the relevant industry, or refusal to submit reports, supporting documents, statements or relevant information to such authorities.	Reprimand, business suspension between 2 months and 2 years or revocation of practicing license.
	Article 39, second paragraph of Article 41	Violation of Articles 16 to 18, first paragraph of Article 19, Article 20, Article 21 or the first paragraph of Article 23 of the Technician's Act. Criminal offense related to business confirmed by prison sentence. Violation of the charters or ethical rules of the Technician's Association or serious offense under paragraph 2, Article 24.	1. In addition to sanction in accordance with the Technician's Act, disciplinary action shall also be imposed. 2. If a technician has any event under subparagraph 2 or 3 of Article 39, the disciplinary action shall be imposed by the Technician's Disciplinary Committee in accordance with Article 40 depending on the level of gravity.
	Second paragraph of Article 40	3 or more reprimands in accordance with the Technician's Act or accumulated 5 years or longer of business suspension period	When a technician has been reprimanded for 3 or more times, he shall also be subject to business suspension. If the accumulated business suspension period is 5 years or longer, the practicing license shall be revoked.
	Article 50	Performance of technician's work without acquiring technician's qualification in accordance with the law.	The central competent authority shall order the offender to stop and impose a fine between NT\$200,000 and NT\$1,000,000. If the person does not stop, penalty may be repeated.
Architect's Act	Article 4, Subparagraph 5, first paragraph of Article 46	Breach of stipulations about disqualification of architects.	Revocation or cancellation of practicing license. If the offender is already an architect, revocation or cancellation of the architect's certificate.

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
	Article 6, Subparagraph 2, first paragraph of Article 46	Breach of stipulations about establishment and registration of architect firms.	Reprimand or business suspension between 2 months and 2 years.
	Article 11, Subparagraph 1, first paragraph of Article 46	Failure to register with the municipal, county (city) competent authority respectively about change of address of the architect firm after opening or change of employment of practicing architects and technical staff.	Warning and reprimand.
	Article 12, Subparagraph 1, first paragraph of Article 46	Failure to file an approval transfer application with the original registration competent authority following relocation of the firm.	Warning or reprimand.
	Article 13, Subparagraph 1, first paragraph of Article 46	Failure to submit the practicing certificate to the original registration competent authority to apply for cancellation of practicing certificate after a practicing architect has voluntarily suspended business activities.	Warning or reprimand.
	Article 17, Subparagraph 4, first paragraph of Article 46	Breach of design regulations.	Warning, reprimand or business suspension between 2 months and 2 years or revocation of practicing certificate.
	Article 18, subparagraph 4, first paragraph of Article 46	Breach of construction supervision regulations.	Warning, reprimand or business suspension between 2 months and 2 years or revocation of practicing certificate.
	Article 24, subparagraph 2, first paragraph of Article 46	Failure to support public safety, social welfare and disaster prevention related architectural activities in accordance with the instructions of the competent authority.	Reprimand or business suspension between 2 months and 2 years.
	Article 25, subparagraph 3, first paragraph of Article 46	Serving in or working for another profession.	Business suspension between 2 months and 2 years. If the practice continues despite the sanction, revocation of practicing certificate.
	Article 26, subparagraph 5, first paragraph of Article 46	Allowing another person to practice business activities in one's name.	Revocation or cancellation of practicing certificate.
	Article 27, subparagraph 2, first paragraph of Article 46	Disclosure of any other person's secrets learned in the course of business.	Reprimand or business suspension between 2 months and 2 years.
	Article 43	Business practice without receiving a practicing certificate, with a revoked or canceled practicing certificate, without joining an architect's association or during business suspension.	In addition to business suspension, a fine between NT\$10,000 and NT\$30,000 will also be imposed. The fine may be repeated if the person continues the business practice.
	Article 9-1, Article 43-1	Failure to file an application for renewal of practicing certificate upon expiry and continuing the exercise of architect's business activities in breach of Article 9-1.	Fine between NT\$6,000 and NT\$15,000 and order to file the application before a deadline. The fine may be repeated for failure to comply and continued practice.
	Third paragraph of Article 54, Subparagraph 1, first paragraph of Article 46	Failure to use the language of the Republic of China as the principal language in documents and drawings related to business activities by a foreign national who has been approved to practice within the Republic of China as an architect.	Warning or reprimand.
	Second paragraph of Article 45	3 or more reprimands in accordance with the Act or accumulated business suspension period of 5 years or longer.	When an architect is subject to 3 or more disciplinary sanctions, his business shall also be suspended. If the accumulated period of business suspension is 5 years or longer, his practicing certificate shall be canceled.

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
Regulations Governing Construction Technical Consulting Firms	1 st paragraph of Article 8, subparagraph 1, 1 st paragraph of Article 27	Engagement in business activities without receiving a registration certificate from the competent authority.	Order of business closure, which may be combined with a fine between NT\$500,000 and NT\$2,500,000.
	1 st paragraph of Article 8, 1 st paragraph of Article 32	Engagement in business activities without joining an association.	Order for correction to be made before a deadline. If the correction is not made before the deadline or in case of repeated breach, a fine shall be imposed between NT\$20,000 and NT\$100,000. The competent authority may impose repeated sanctions and may impose a deadline for correction. In serious cases, a warning may be given.
	1 st and 2 nd paragraphs of Article 14, subparagraph 3, 1 st paragraph of Article 32	A practicing technician fails to file a report with the competent authority for reference after leaving a job or after a sanction of business suspension is imposed. The construction technical consulting firm under the previous paragraph undertakes business activities during a period in breach of Article 5, without terminating the contract or subcontracting the activities.	Order for correction to be made before a deadline. If the correction is not made before the deadline or in case of repeated breach, a fine shall be imposed between NT\$20,000 and NT\$100,000. The competent authority may impose repeated sanctions and may impose a deadline for correction. In serious cases, a warning may be given.
	Article 16, subparagraph 2, 1 st paragraph and 2 nd paragraph of Article 27	Leasing or allowing any other person to use the registration certificate of the construction technical consulting firm.	Order for business closure and a fine may be imposed between NT\$500,000 and NT\$2,500,000. The competent authority shall revoke the permit and cancel the registration certificate, with a notice sent to the company registration competent authority to cancel company registration or part of the registrations.
	Article 17, subparagraph 5, 1 st paragraph and 3 rd paragraph of Article 29	Breach of stipulations about contracting of construction technical services activities.	Order for business closure and a fine may be imposed between NT\$500,000 and NT\$2,500,000. The competent authority shall revoke the permit and cancel the registration certificate, with a notice sent to the company registration competent authority to cancel company registration or part of the registrations.
	3 rd paragraph of Article 17, 2 nd paragraph of Article 29	Breach of stipulations about contracting of construction technical services activities by supervisory personnel designated by construction technical consulting firm.	Order for correction to be made before a deadline. If the correction is not made before the deadline or in case of repeated breach, a fine shall be imposed between NT\$100,000 and NT\$500,000. The competent authority may impose repeated sanctions and may impose a deadline for correction. In serious cases, business may be suspended between 1 month and 1 years.
	2 nd paragraph of Article 18, subparagraph 3, 1 st paragraph and 2 nd paragraph of Article 27	Undertaking business activities during business suspension period.	Order for business closure and a fine may be imposed between NT\$500,000 and NT\$2,500,000. The competent authority shall revoke the permit and cancel the registration certificate, with a notice sent to the company registration competent authority to cancel company registration or part of the registrations.
	2 nd paragraph of Article 20, subparagraph 6, 1 st paragraph and 3 rd paragraph of Article 29	Breach of regulations about withdrawal from professional liability insurance and obligation to give notice of contract change.	Order for correction to be made before a deadline. If the correction is not made before the deadline or in case of repeated breach, a fine shall be imposed between NT\$100,000 and NT\$500,000. The competent authority may impose repeated sanctions and may impose a deadline for correction. The permit and registration certificate may also be

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
			revoked and canceled, with a notice sent to the company registration competent authority to cancel company registration or part of the registrations.
	Article 28	Borrowing, lease, fraudulent use, forgery or alteration of a construction technical consulting firm's registration certificate.	A fine between NT\$500,000 and NT\$2,000,000
	Article 30	The practicing technician of the construction technical consulting firm breaches business related legislation in the course of business activities.	Penalty on the practicing technician in accordance with applicable law. A fine shall also be imposed on the construction technical consulting firm between NT\$100,000 and NT\$500,000. The firm may also be ordered to procure that the practicing technician corrects the breach before a deadline. If the correction is not made before the deadline, the fine may be repeated until correction is made.
Construction Industry Act	Articles 11 and 56	Breach of provisions about business operation zone by civil engineering contractor company.	Warning or business suspension between 3 months and 1 year, depending on the level of gravity of the event.
	Article 16 and 57	Breach of provisions about change application.	Fine between NT\$20,000 and NT\$100,000, with a deadline to file an application for change registration. If the application is not filed before the deadline, business suspension between 3 months and 1 year.
	Second paragraph, Article 18, Article 56	Failure to make corrections as demanded in the competent authority's notice.	Warning or business suspension between 3 months and 1 year, depending on the level of gravity of the event.
	Second paragraph, Article 19, Article 57	Breach of change provisions under the contractor's manual.	Fine between NT\$20,000 and NT\$100,000, with a deadline to file an application for change registration. If the application is not filed before the deadline, business suspension between 3 months and 1 year.
	First paragraph, Article 23, Article 56	Breach of contracting price limit, scope of project scale and total contracting price.	Warning or business suspension between 3 months and 1 year, depending on the level of gravity of the event.
	Articles 26 and 56	Failure to follow construction drawings and specifications in the preparation of worksite construction manufacturing drawings and construction program.	Warning or business suspension between 3 months and 1 year, depending on the level of gravity of the event.
	Articles 28 and 58	Breach of provisions about establishment of construction industry representative.	Fine between NT\$200,000 and NT\$1,000,000, with a deadline to dismiss the representative. If the representative is not dismissed before the deadline, a fine between NT\$200,000 and NT\$1,000,000 will be imposed, with a continued notice to dismiss the representative. If the representative is still not dismissed, the penalty may be repeated.
	Article 29 and 53	Failure of a technician to perform construction operation or quality control on the worksite in accordance with his specialized skills and procedures, in serious cases.	Suspension of the construction business performed between 3 months and 2 years.
	First paragraph, Article 30, Article 56	Breach of provision about establishment of worksite director.	Warning or business suspension between 3 months and 1 year, depending on the level of gravity of the event.
	First paragraph, Article 32, Article 62	1. Construction according to construction plan and drawings. 2. Filling in daily construction logs. 3. Management of persons, machines, equipment and materials at the jobsite. 4. Supervision of labor safety and hygiene at the jobsite, maintenance of public environment and safety, as	Warning or suspension of the construction business performed between 3 months and 1 year, depending on the level of gravity of the event. If the construction industry worksite director receives 3 warnings under the previous paragraph, suspension of the construction business performed between 3 months and 1 year. If the accumulated

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
		well as other jobsite administrative affairs. 5. Information of emergency and abnormality at the jobsite.	suspension period is 3 years or longer; the worksite director's practicing certificate shall be revoked. The worksite director under the previous paragraph shall be barred from a new application for practicing certificate during the period of 5 years from the date of revocation of his practicing certificate.
	First paragraph, Article 33, Article 56	Breach of provisions about establishment of technician.	Warning or business suspension between 3 months and 1 year, depending on the level of gravity of the event.
	Articles 36 and 63	Failure of legal representative of a civil engineering contractor to perform the tasks of his responsibility.	Suspension of the civil engineering contracting business performed between 3 months and 2 years.
	Second paragraph, Article 37, Article 59	Failure of the legal representative of a construction enterprise to advise contractor's obligations or to undertake timely measures.	Fine between NT\$50,000 and NT\$500,000.
	Articles 38 and 59	Failure of the legal representative of a construction enterprise to undertake necessary measures to avoid hazard in a timely manner.	Fine between NT\$50,000 and NT\$500,000.
	Article 39	Breach of the first or second paragraph or Article 37 or the previous article by the legal representative or full-time engineer of a construction enterprise, resulting in public danger.	Respective liabilities in accordance with the law.
	Articles 40 and 56	Breach of provisions about disposition of full-time engineers who left the company or who cannot perform business activities.	Warning or business suspension between 3 months and 1 year, depending on the level of gravity of the event.
	First paragraph of Article 41, Article 62	Breach of provisions about examination, inspection or acceptance work required by the project organizing or hosting authority by the worksite director of a construction enterprise.	Warning or suspension of the construction business performed between 3 months and 1 year, depending on the level of gravity of the event. If the construction industry worksite director receives 3 warnings under the previous paragraph, suspension of the construction business performed between 3 months and 1 year. If the accumulated suspension period is 3 years or longer, the worksite director's practicing certificate shall be revoked. The worksite director under the previous paragraph shall be barred from a new application for practicing certificate during the period of 5 years from the date of revocation of his practicing certificate.
	First paragraph, Article 42, Article 56	Breach of provisions about signature certifications or notes under the contractor's manual.	Warning or business suspension between 3 months and 1 year, depending on the level of gravity of the event.
	Article 52	Operation of construction enterprises' business without approval or after the approval has been revoked or canceled.	Business suspension, with a fine between NT\$1,000,000 and NT\$10,000,000. If the business continues, the fine may be repeated.
	Article 54	Use of another person's construction enterprise registration certificate or contractor's manual to operate construction business. Allowing another person to use one's construction enterprise registration certificate or contractor's manual to operate construction business. Contracting work during business suspension period.	Fine between NT\$1,000,000 and NT\$5,000,000 and revocation of permit. The legal representative shall be barred from filing a new application for construction enterprise registration during 5 years from the date of revocation.
	Article 55, first paragraph of Article 17, Article	1. Construction business is operated without the construction enterprise registration certificate or the projects	Fine between NT\$100,000 and NT\$500,000. If the construction enterprise has any event under subparagraph 1 or 2, an order may

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
	20	contracting manual although being permitted. 2. Construction business is operated without joining in an association of construction enterprises 3. Reexamination is not applied for or sampling reexamination is refused, encumbered or evaded with infringement of Paragraph 1, Article 17. 4. Necessary procedure is not handled according to Article 20 upon closure, closure punishment, recovery of operation, or termination.	also be issued to suspend its business and demanding that the procedures be completed before a deadline. If the procedures are not completed before the deadline and if the business operation continues, the fine may be repeated. In the event under subparagraph 4 of the previous paragraph, if the competent authority has demanded completion of procedures before a deadline and if the enterprise fails to do so before the deadline, the fine may be repeated.
	Second paragraph, Article 56	3 warnings in accordance with the Act or accumulated business suspension of 3 years or longer during a period of 5 years.	For 3 warnings, business suspension between 3 months and 1 years. For accumulated business suspension of 3 years or longer within 5 years, revocation of permit.

(III) Property and Labor Service Procurement

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
<u>Cybersecurity Management Act</u>	<u>Articles 7, 16, 17, 18 and 20</u>	<u>Failure to establish, amend or implement cybersecurity maintenance program in accordance with the second paragraph of Article 16 or the first paragraph of Article 17, or breach of requirements about mandatory inclusions in the cybersecurity maintenance program in accordance with the regulations established under the sixth paragraph of Article 16 or the fourth paragraph of Article 17.</u> <u>Failure to submit implementation status of the cybersecurity maintenance program to the central competent authority of the relevant industry in accordance with the third paragraph of Article 16 or the second paragraph of Article 17, or breach of any requirement about the submission of implementation of cybersecurity maintenance program in accordance with the regulations established under the sixth paragraph of Article 16 or the fourth paragraph of Article 17.</u> <u>Failure to submit correction report to the competent authority or the central competent authority of the relevant industry in accordance with the third paragraph of Article 7, the fifth paragraph of Article 16 or the third paragraph of Article 17, or breach of any requirement about submission of correction report in accordance with the regulations established under the sixth paragraph of Article 16 or the fourth paragraph of Article 17.</u> <u>Failure to establish cybersecurity incident reporting and response mechanism in accordance with the first paragraph of Article 18, or breach of any requirement about mandatory inclusion in the reporting and response mechanism in accordance with the regulations established under the fourth paragraph of Article 18.</u> <u>Failure to submit cybersecurity incident investigation, handling and correction report to the central competent authority of the</u>	<u>The central competent authority shall demand correction before a deadline. If correction is not made in time, a fine between NT\$100,000 and NT\$1,000,000 shall be imposed each time.</u>

Title of Legislation	Applicable Provision	Event of Breach	Applicable Liabilities
		<u>relevant industry or the competent authority in accordance with the third paragraph of Article 18, or breach of any requirement about submission of report in accordance with the regulations established under the fourth paragraph of Article 18.</u> 6. <u>Breach of any requirement about reported details in accordance with the regulations established under the fourth paragraph of Article 18.</u>	
	<u>2nd paragraph of Article 18 and Article 21</u>	<u>Failure to report cybersecurity incident to the central competent authority of the relevant industry.</u>	<u>The central competent authority of the relevant industry shall impose a fine between NT\$300,000 and NT\$5,000,000 and demand correction before a deadline. If correction is not made in time, penalty shall be repeated.</u>
<u>Labor Standards Act</u>	<u>Article 17, 7th paragraph of Article 17-1, Article 55, 1st paragraph of Article 78</u>	<u>Failure to make severance payment in accordance with the standard or deadline under Article 17, the seventh paragraph of Article 17-1 or Article 55.</u>	<u>A fine between NT\$300,000 and NT\$1,500,000, with a demand for payment before a deadline. If payment is not made in time, penalty shall be repeated.</u>
	<u>Article 13, 1st and 4th paragraphs of Article 17-1, Articles 26, 51 or 2nd paragraph of Article 56, and 2nd paragraph of Article 78</u>	<u>Breach of Article 13 (no termination), first paragraph (interview or designate specific assigned worker) or fourth paragraph (negative sanction) of Article 17-1, Article 26 (withholding of worker's wage as breach penalty or compensation), Article 50 (maternity leave before and after female worker's childbirth), Article 51 (application for relocation during pregnancy) or the second paragraph of Article 56 (provision for workers' pension reserve).</u>	<u>A fine between NT\$90,000 and NT\$450,000.</u>
	<u>1st paragraph of Article 21, Articles 22 to 25, Article 27, 1st to 3rd paragraphs, 6th paragraph and 7th paragraph of Article 30, Articles 32 and 33, Articles 34 to 41, Article 43, 1st paragraph of Article 49, Article 59, 1st paragraph of Article 79</u>	1. <u>Breach of the first paragraph of Article 21 (minimum wage), Articles 22 to 25 (wage payment), first to third paragraphs (work hours), sixth paragraph (attendance records) and seventh paragraph (worker wage reduction) of Article 30, Article 32 (overtime), Articles 34 to 41 (break, leave of absence), first paragraph of Article 49 (female workers' work hours) or Article 59 (occupational accident compensation).</u> 2. <u>Breach of order from the competent authority to pay wage before a deadline under Article 27 or to adjust work hours under Article 33.</u> 3. <u>Breach of minimum wage for work performed outside holidays or personal leave established by the central competent authority under Article 43.</u>	<u>A fine between NT\$20,000 and NT\$1,000,000.</u>
	<u>5th paragraph of Article 30, 5th paragraph of Article 49, 2nd paragraph of Article 79</u>	<u>Breach of the fifth paragraph of Article 30 (establishment of worker attendance record) or the fifth paragraph of Article 49 (female workers' work hours during pregnancy and nursing period).</u>	<u>A fine between NT\$90,000 and NT\$450,000.</u>

	<u>Article 7, 1st paragraph of Article 9, Article 16, Article 19, 2nd paragraph of Article 28, Article 46, 1st paragraph of Article 56, 1st paragraph of Article 65, Articles 66 to 68, Article 70 or 2nd paragraph of Article 74, 3rd paragraph of Article 79</u>	<u>Breach of Article 7 (establishment of worker name card), first paragraph of Article 9 (labor contract), Article 16 (advance notice period for termination of labor contract), Article 19 (termination of labor contract, request for issuance of certificate of employment), second paragraph of Article 28 (overdue wage advance compensation fund), Article 46 (legal representative's consent for workers under 18 and age justification document), first paragraph of Article 56 (provision of labor pension reserve), first paragraph of Article 65 (signature of written training contract with technical student), Articles 66 to 68 (guaranteed training and number of technical students), Article 70 (establishment of work rules) or the second paragraph of Article 74 (no negative impact for worker complaint).</u>	<u>A fine between NT\$20,000 and NT\$300,000.</u>
	<u>Article 80</u>	<u>Refusal, evasion or interference with labor inspector in his/her performance of duties in accordance with the law.</u>	<u>A fine between NT\$30,000 and NT\$150,000.</u>
<u>Occupational Accident Labor Protection Act</u>	<u>Article 33</u>	<u>Employer's breach of Article 17, first or second paragraph of Article 25, Articles 27 to 29.</u>	<u>The competent authority shall give notice to demand correction before a deadline and impose a fine between NT\$50,000 and NT\$300,000. If a deadline is imposed or repeated for correction and if correction is not made in time, penalty may be repeated until correction is made.</u>
	<u>Article 34</u>	<u>Occurrence of occupational accident to worker whose employer did not take out labor insurance required for the worker in accordance with the law.</u>	<u>Penalty equivalent to 4 to 10 times the amount of insurance premium that should have been undertaken from the date of employment until the date of occurrence of the accident. The first paragraph, Article 72 of the Labor Insurance Act about penalty does not apply. However, if the worker is deceased due to occupational accident or if the worker suffers from residue handicap of level 1 to 10 under the Labor Insurance Incapacity Payment Standard, penalty shall be the same amount as the subsidy under Article 6.</u>

Note: If otherwise provided in other applicable laws promulgated by the central government authorities governing the relevant businesses or the local governments, such as labor safety and health, environmental protection, water facilitation, water conservation, common conduits, construction, railways and highways, such provisions shall be complied with.

IV. Other Legislations

General Procurement

Title of Legislation	Applicable Clause	Stipulation	Applicable Penalties
Political Contribution Act	Articles 6 and 28	No one shall take advantage of his power under job duties, employment relationship or other interest of livelihood to broker or interfere with the donation of political contributions.	1. A fine between NT\$200,000 and NT\$1,200,000. 2. A civil servant breaching Article 6 shall be sentenced to no more than 1 year of term imprisonment.
	1 st paragraph of Article 7, 2 nd paragraph of Article 28	Those qualified to donate political contributions are limited to individuals, political parties, people's organizations and profit-seeking enterprises other than the following: 1. Private enterprise with 20% or more capital owned by state-owned enterprise(s) or the government. 2. Supplier during the performance period of a large-amount procurement or significant public construction investment contract with a government authority (organization). 3. Profit-seeking enterprise with accumulated losses that are not yet compensated as prescribed. 4. Religious group. ...	For political contribution donated in breach of the 1 st paragraph of Article 7, a fine less than 2 times the donated amount shall be imposed.
	Articles 8 and 25	No political party, political organization or political candidate shall accept political contribution from any other person other than the permitted donors under the previous article.	1. Any political candidate who accepts political contribution in breach of Article 8 from any person listed under subparagraphs 7 to 9, 1 st paragraph of Article 7 and who fails to turn such contribution to the filing authority for forwarding to the national treasury before the deadline under Article 15, or any person who solicits political contribution in breach of Article 13, shall be sentenced to term imprisonment of less than 5 years, including any representative or employee who accepts or solicits political contribution for the political candidate. 2. Any legal representative, authorized representative, agent or employee of a political party or political organization who commits the offense under the previous paragraph shall be subject to the penalty under the previous paragraph. 3. No penalty shall be imposed on any person who committed the offense under the previous two paragraphs but who has performed the obligation of verification in accordance with the fourth paragraph of Article 7.
	1 st paragraph of Article 9, 1 st paragraph of Article 29	No political contribution shall be donated to offer or seek undue benefit.	The person donating the political contribution shall be subject to a fine equivalent to less than 2 times the donated amount.
	2 nd paragraph of Article 9, Article 27	No political party, political organization or political candidate shall accept any political contribution under the previous paragraph (1 st paragraph of Article 9).	1. Anyone accepting such political contribution shall be subject to a fine equivalent to 2 times the accepted amount. 2. Political contribution accepted in breach of law shall be forfeited. If all or part of the contribution is unavailable for forfeiture the value shall be claimed from the person.
	Article 14, 2 nd paragraph of Article 29	No one shall make a donation in any other person's name, nor shall any donation be made in an anonymous manner over	The person donating such political contribution shall be subject to a fine less than 2 times the accepted amount.

Title of Legislation	Applicable Clause	Stipulation	Applicable Penalties
		NT\$10,000. Cash donation over NT\$100,000 shall be made by check or by wire transfer from a financial institution.	
	Article 17, 2 nd paragraph of Article 29	The total amount donated in one year to the same political party or political organization shall not exceed the following amount: 1. Individuals: NT\$300,000. 2. Profit-seeking enterprise: NT\$3,000,000. 3. People's organization: NT\$2,000,000. The total amount donated in one year to different political parties or political organizations shall not exceed the following amount: 1. Individuals: NT\$600,000. 2. Profit-seeking enterprise: NT\$6,000,000. 3. People's organizations: NT\$4,000,000.	The person donating such political contribution shall be subject to a fine less than 2 times the donated amount.
	1 st and 2 nd paragraphs of Article 18, 2 nd paragraph of Article 29	The total amount donated in one year to the same political candidate shall not exceed the following amount: 1. Individuals: NT\$100,000. 2. Profit-seeking enterprise: NT\$1,000,000. 3. People's organization: NT\$500,000. The total amount donated in one year to different political candidates shall not exceed the following amount: 1. Individuals: NT\$300,000. 2. Profit-seeking enterprise: NT\$2,000,000. 3. People's organization: NT\$1,000,000.	The person donating such political contribution shall be subject to a fine less than 2 times the donated amount.
Act on Recusal of Public Servants Due to Conflicts of Interest	Articles 14 and 18	A public servant and his related persons shall not conduct transactions such as subsidizing, sales, lease, contracting, or other transactions conducted with consideration with the organ with which the public servant serves or the organs under his supervision, unless in any one of the following circumstances: 1. The procurement carried out by public notice under the Government Procurement Act or pursuant to Article 105 of the same Act; 2. The property right in interest created for the procurement, sale by tender, lease by tender or tender solicitation carried out by public notice in a fair competitive manner pursuant to laws; ... The public servant or his related person and the organ with which the public servant serves or the	1. Those in violation of Paragraph 1 of Article 14 herein shall be punished in the following manners: For the transaction amount not more than NT\$100,000, a penalty between NT\$10,000 and NT\$50,000 shall be imposed; for the transaction amount more than NT\$100,000 but not more than NT\$1,000,000, a penalty between NT\$60,000 and NT\$500,000 shall be imposed, for the transaction amount more than NT\$1,000,000 but not more than NT\$10,000,000, a penalty between NT\$600,000 and NT\$5,000,000 shall be imposed, for the transaction amount more than NT\$10,000,000, a penalty between NT\$6,000,000 and the amount of the transaction shall be imposed. 2. Those in violation of Paragraph 2 of Article 14 herein shall be imposed a penalty of between NT\$50,000 to NT\$500,000, and may be fined per violation.

Title of Legislation	Applicable Clause	Stipulation	Applicable Penalties
		organs under his supervision shall disclose their identity or relationship in the application forms or tender submissions voluntarily, before rendering the subsidy or engaging in the service referred to in the subparagraphs 1–3 of the preceding paragraph. Upon rendering the subsidy or engaging in the service, the organ shall disclose his identity and relationship altogether voluntarily, unless the subsidy is requested in the legal capacity pursuant to laws as referred to in the subparagraph 3 of the preceding Article	