

Overview of Government Procurement Review Board Operation

December 26, 1995

Government Procurement Review Board decision

October 20, 2000 – Revision

January 11, 2008 – Revision

March 7, 2014 – Revision

February 1, 2019 – Revision

In accordance with 2 of the Overview of the Council on the Government Procurement Review Operation (December 14, 1995 Council on the Government Procurement Review decision), Government Procurement Review Board operation shall be as outlined below.

1. Chairperson

- (1) The Chairperson shall preside over the Board.
- (2) The Chairperson shall lead the proceedings of the Board.
- (3) The Chairperson shall be elected by and from among the members of the Board.
- (4) If the Chairperson is incapacitated due to an accident or similar circumstance, the relevant duties shall be executed by a Board member designated in advance.

2. Members

- (1) Members shall participate in reviews performed by the Board and its subcommittees.
- (2) Members shall serve on a part-time basis.
- (3) Members shall serve on the board for a period of two years. Those appointed to fill vacancies shall serve on the board for the remainder of the term of the individual whose vacancy they are filling.
- (4) Members may be appointed for additional terms.
- (5) Members whose terms expire shall continue to fulfill their Board duties until a successor is appointed.
- (6) Members shall not be dismissed against their will while they are in office by the Chairperson of the Council of Government Procurement Review except in those cases falling under any of each following item:
 - i. When having received a decision on the commencement of bankruptcy proceedings
 - ii. When having been punished by imprisonment without work or severer sentence
 - iii. When, by the Board, having been recognized to be incapable of fulfilling his or her duties because of a mental or physical disorder, or having been recognized to be committing a violation of obligation in the course of duties or other misconduct unbecoming to a member

3. Board meetings

- (1) The Chairperson shall convene Board meetings.
- (2) The Chairperson shall notify Board members in writing of the meeting's date, time, location and the details of the proceedings in advance. Exceptions may apply in the event of emergency meetings for which this procedure is not possible.

4. Board resolutions

- (1) Board meetings may not be held and resolutions may not be passed without the attendance of at least half the Board members.
- (2) Resolutions may be passed by a majority of the members in attendance. In the event of a tie, resolutions may be passed by the Chairperson.

5. Meeting minutes

- (1) Meeting minutes shall be kept for Board meetings.
- (2) As a general rule, meeting minutes shall not be publicly disclosed.

6. Chairperson prerogatives

- (1) The Chairperson may pass the following resolutions normally issued by the Board without carrying out resolution proceedings at a Board meeting:
 - i. Acceptance or rejection of complaints

- ii. Issuance of requests for suspension of contract conclusion and enforcement by the related procuring entity
 - iii. Determination of whether or not the related procuring entity has sufficient justification not to comply with the requests described in 2.
 - iv. Issuance of requests for explanations, statements of position, submitting documentation and other information for both the complainant and the related procuring entity
 - v. Issuance of requests for explanations, statements of position, presentation of documentation and other information for the related procuring entity
 - vi. Approval of participation by representatives other than lawyers
 - vii. Withdrawal of approval for participation by representatives other than lawyers
 - viii. Approval of attendance by assistants
 - ix. Withdrawal of approval for attendance by assistants
 - x. Prohibition of statement hearing by complainants and related procuring entity
 - xi. Granting of permission for attendance by witnesses
 - xii. Open holding of Board meetings
 - xiii. Holding of public hearings
 - xiv. Requests for hearing of opinions from technical specialists and other experts
 - xv. Disclosure of confidential business information presented by suppliers
 - xvi. Approval of applications for expedited processing
- (2) The Chairperson shall immediately notify Board members of the details when a resolution is passed pursuant to the preceding proviso.

7. Subcommittees

- (1) With the consent of the Board, subcommittees may be established as deemed necessary by the Chairperson to handle specialized matters in the review of complaints regarding government procurement. Exceptions may apply if the consent of the Board cannot be obtained due to unavoidable circumstances.
- (2) The Chairperson shall announce any subcommittees established pursuant to the preceding proviso at the next Board meeting.
- (3) The Chairperson may delegate the review of complaints regarding government procurement to subcommittees as deemed necessary.
- (4) The Chairperson shall select a Board member to serve as the Subcommittee Chief.
- (5) The Chairperson shall select Board members to serve on the subcommittee.
- (6) Items 1 and 3 to 6 (other than 1.(3), 6.(1)1, 6.(1)2 and 6.(1)16) shall also apply to subcommittees.

8. Specialist Board members

- (1) Specialist Board members may be appointed.
- (2) Specialist Board members shall participate in subcommittees designated by the Chairperson.
- (3) Specialist Board members shall serve on a part-time basis.

9. Subcommittee review results and proposals

- (1) Subcommittee review results and proposals may be presented as those of the Board with the consent of the Chairperson.
- (2) After giving consent pursuant to the preceding proviso, the Chairperson shall announce the review results and proposals at the next Board meeting.

10. Miscellaneous provisions

In addition to the items specified in this operation overview, provisions necessary for Board operation shall be decided on by the Board.