

「臺鐵都會區捷運化桃園段地下化建設廉政平臺」

啟動儀式暨交流座談會

「Integrity Platform for Taoyuan Urban District Railway  
Underground Project」

Launching Ceremony

會議紀錄

Minutes

壹、 時間：111年3月30日(星期三)上午9時30分

Date: March 30, 2022 (Wednesday) at 9:30 a.m.

貳、 地點：交通部鐵道局20樓國際會議廳

Venue: International Conference Hall, 20<sup>th</sup> Floor, Railway Bureau, MOTC

參、 主持人：伍局長勝園

紀錄：林諄宜

Host: Wu Sheng-Yuan, Director General of Railway Bureau, MOTC

Record: Lin Cheng-Yi

肆、 出(列)席人員：(詳如簽到單)

Attendees: (see sign-in sheet for details)

伍、 鐵道開發 建構美好生活(播放沙畫影片) :(略)

Railway Development & Constructing Better Life (play sand painting video) : (omitted)

陸、 長官及貴賓致詞：

Welcoming speech by Officers and VIPs

一、 交通部鐵道局伍局長勝園致詞：

Welcoming speech by Wu Sheng-Yuan, Director General of Railway Bureau, MOTC

各位參與廉政平臺的貴賓大家好，今天非常歡迎各位貴賓來廉政平臺啟動儀式，桃地計畫有三高，首先是經費高，過去鐵道局所做工程中計畫最高應該是高屏計畫990幾億，而桃地計畫已破這個紀錄，桃地計畫是1047億，第二是風險高、最後是施工困難度高，桃地計畫不像其他新建工程容易，很多工項只能於晚上、收班後施作，這是鐵路改建工程同仁的宿命與使命，局長有義務要提供同仁安心工作環境，然而採購或施工過程，會有很多外力干擾，所以我們藉由廉政平臺啟動儀式來向與會貴賓、司法單位、調查單位、上級長官、監造及施工廠商、機關同仁等宣誓及見證，並且展現我們防止舞弊，如期、如質、無垢完成採購過程的決心，公開透明、陽光這是最好的防腐劑。

Ladies and gentlemen, welcome to join this event, the launching ceremony of Integrity Platform for Taoyuan Urban District Railway Underground Project. There are three highs in this project. First one is high cost. In the past, the Kaohsiung Urban Railway Underground Project has the highest cost of NT\$ 99 billion, but the Taoyuan Urban District Railway Underground Project has broken this record with NT\$104.7 billion. The second is high risk, and the last one is high difficulties to construct. This project is not as easy as other new construction projects. Many work items could only be constructed at night or after off duty. This is the fate and mission of all staff working for the railroad reconstruction projects. As Director General of RB, I have the obligation to provide a safe working environment for my colleagues. However, during the procurement or construction process, there will be a lot of external interference. Therefore, we take this opportunity to swear to and be witnessed by all attendees, including distinguished guests, judicial units, investigative units, superiors, supervisory and construction company, and colleagues in the organization and show our determination to prevent fraud and complete the procurement process on schedule and on quality without corruption. The openness and transparency is the best preservative.

藉由今天的廉政平臺啟動儀式，由司法、檢察及廉政等相關單位，協助我們解決採購過程的相關疑問，在第二階段座談會時，會再開放與廠商及同仁交流，解除各位過去執行時心中所遇到的疑慮，向

各位專家討教、溝通。另外專題演講部分會請郭處長介紹桃地計畫1047億有哪些內容，再來會請工程會羅處長向我們說明採購過程要注意的事情及如何建立清廉形象；預祝今天會議圓滿，各位身體健康、家庭幸福美滿。

Through today's launching ceremony of Integrity Platform, justice, prosecution and integrity government departments will assist us in resolving questions related to the procurement process. In the second session, we will have open discussion to all participants to dispel your doubts that you encountered and consult with experts. In addition, Director Guo will show us the contents of Taoyuan Urban District Railway Underground Project with the cost of NT\$ 104.7 billion. Then, Director Luo from Public Construction Commission will explain to us what should we be aware of in the procurement process and how to establish a clean image. I believe we will have a successful meeting. Wish you have a good health and happy family.

## 二、法務部廉政署鄭署長銘謙致詞：

### Welcoming speech by Cheng Ming-Chian, Director General of Agency Against Corruption, Ministry of Justice

今天非常高興能夠受邀參加廉政平臺啟動儀式，廉政平臺是一個跨域整合的概念，事實上平臺的運作是藉由檢察、廉政、調查機關以及工程會等單位，大家一同在這個平臺上共同解決問題，排除不必要的困擾，也強調公私部門的互相協力，邀請廠商一起來提供寶貴的建議，另外局長也提到陽光透明機制，透過行政透明的方式，在網頁上設立廉政平臺專區，可以讓工程的進度隨時讓民眾能夠去瞭解及參與，減少不必要的困擾，我們期待公共建設在公民有效的參與及意見交流，能夠如期、如質、無垢的完成。最後希望大家都把問題提出來討論並有效解決，讓重要的公共工程能夠給民眾享受，最後祝大家一切順利，謝謝！

It is honor to be invited to this launching ceremony today. The Integrity Platform is a concept of Inter-agency collaboration. In fact, the operation of the platform is for everyone to work together, solve problems and eliminate unnecessary troubles by the prosecutor's office, AAC,

investigation bureau, construction commission and other units. It also emphasizes the public-private cooperation and invites construction to provide valuable suggestions. In addition, Director General Wu also mentioned the mechanism of administrative transparency, the Integrity Platform on the website, so public can know about and participate in the progress of projects at any time to reduce unnecessary troubles. We are looking forward to effective participation from citizens and the exchange of opinions in public construction, which can make public construction completed on quality and on schedule without corruption. Finally, I hope that everyone will bring up your problems to discuss and solve them effectively to make important public projects available to the public. Wish you all the best, thank you!

### 三、交通部黃主任秘書荷婷致詞：

#### Welcoming speech by Huang He-ting, Chief Secretary of the Ministry of Transportation and Communications

各位大家好，今天這個廉政平臺是交通部第6個成立，包含我們臺鐵局已經有成立兩個，臺鐵購車案與電務智慧化案，及最有名的桃機第三航廈，還有公總的淡江大橋，最後就是郵政公司郵政物流園區建置案，包含今天的桃地計劃也是都是非常重大的一個工程。

Hello everyone! This is the 6<sup>th</sup> Integrity Platform established in MOTC. There are 2 integrity platforms for Taiwan Railway Administration, the Train Procurement Project and the Smart Electrical Engineering Project. One is the most famous project, Terminal 3 of Taoyuan International Airport, and another one is Dan-jiang Bridge Project from Directorate General of Highways. The last one is the Postal Logistics Park Construction Project from Chunghwa Post. Today's Taoyuan Urban District Railway Underground Project is also a very important project.

在這兩年，國際情勢的變化，缺工缺料，而且目前鋼價已急速上漲、勞工的部分非常欠缺，在各種成本急劇增加的情況之下，透過廉政平臺來做對外資訊公開，讓民眾可以隨時做合理的監督，也讓整個工程在合法、合理以及透明的狀況下來做推動，也藉由這樣的平臺，希望能夠解決廠商以及政府在執行上面不確定的因素及問題。

In the past two years, there are big changes in the international situation. There is shortage of labors and materials, and steel prices have risen rapidly with lack of labors. Considering the increase of costs, the public can monitor the government through the Integrity Platform at any time, and the entire project can be legal, reasonable and transparent. We hope this platform can solve the uncertainties and problems to the implementation of the project for both the constructors and the government.

廉政平臺提出的問題，由專業的專家提供意見、協助我們做滾動式修正，廉政平臺最重要的就是希望能夠讓公務員安心、廠商放心，民眾有信心，誠如局長所說，桃地計畫是非常艱困，桃園人口多，且桃園站及中壢站是運輸旅客最頻繁的站體，一定會有交通黑暗期，所以對民眾的溝通就很重要，透過廉政平臺專區公佈訊息，讓民眾可以接受，並且瞭解交通動線的規劃，透過平臺能讓所有專業人員來提供意見，所有廠商的問題甚至我們承辦人員的問題都可以提出來，在這個平臺上面來做討論，大家一同來解決，最後祝福各位工作順利、家庭幸福美滿，謝謝！

Questions raised on the Integrity Platform will be answered by experts, and this help us revise our projects continuously. The most important thing is to make civil servants and constructors relieved, and make public confident. As Director General Wu said, the Taoyuan Urban District Railway Underground Project in Taoyuan City with large population will be a very difficult project. Taoyuan Station and Zhongli Station also are the most crowded stations. There will definitely be a period of traffic darkness. Therefore, communication with the public is very important. Released information from the Integrity Platform can help the public understand the traffic plan and let all professionals provide their opinions. All question from our constructors and even our contact can be raised on this platform, and they can discuss and solve together. Finally, wish you all work well and have a happy family, thank you!

柒、廉政平臺啟動儀式:(略)

Integrity Platform Launching Ceremony: (omitted)

捌、專題介紹：臺鐵都會區捷運化桃園段地下化建設計畫工程說明與挑戰  
(鐵道局北部工程處郭處長林堯簡報)(略)

Session 1: Introduction for the challenges about Taoyuan Urban District  
Railway Underground Project

Speaker: Guo Lin-Yao, Director of Northern Region Engineering Office  
Railway Bureau, MOTC. (omitted)

玖、專題演講：防範公共工程發生弊端，建立採購及公共工程人員清廉形  
象(公共工程委員會企劃處羅處長天健簡報)(略)

Session 2: How to prevent the malpractices of public works and establish a  
clean image of procurement

Speaker: Luo, Tian-Jiann, Director of Public Construction Commission,  
Executive Yuan (omitted)

拾、「跨域廉結，幸福鐵道」座談會

「Inter-Agency Integrity, Happy Railways」Forum

一、與談人經驗分享：

Experience sharing by panelists

(一) 主持人：鐵道局伍局長勝園

Host: Wu Sheng-Yuan, Director General of Railway Bureau, MOTC

經過第一階段北工處郭處長對桃地計畫的專題介紹及工程會羅處長針對採購過程所發生的問題做深入的說明，接下來就是我們的座談會，我們首先會請幾位專家就他比較熟悉或專業的部分做分享，後面我們再開放與會的各位，包含廠商、同仁及監造部分，我想可以給大家做一個意見上的交換。

After the introduction by Director Guo of the Northern Region Engineering Office about the Taoyuan Urban District Railway Underground Project and Director Luo of Public Construction Commission explain the problems happened in the procurement process. Now, we also would like to invite several experts to share their knowledge and experience. Then, we will let everyone to exchange your opinions in the next session.

(二) 與談人：法務部廉政署陳組長培志

Panelist: Chen Pei-Zhi, Chief Director of Agency Against Corruption (AAC), Ministry of Justice

大家好，廉政署防貪組是機關採購廉政平臺的幕僚單位，除了這個幕僚單位的身分之外，其實我也是一位臺鐵的通勤族，幾十年來臺鐵的變化跟發展，是我們通勤族最在意的，今天非常榮幸能夠代表廉政署參加座談，廉政平臺在105年行政院責成法務部訂了實施計畫，推展到現在已經成立了42案，中央跟地方總金額高達1兆700多億，這麼多案件推廣的過程當中，有很多是標竿、典範。其中耳熟能詳的包含交通部所推動的淡江大橋、經濟部水利署推動的中部烏溪烏嘴潭人工湖的計畫，在推動的過程當中，獲得各級長官、廠商及公務員的一致好評。

Hello, everyone! The Corruption Prevention Division of the Agency Against Corruption is the staff unit for Government Procurement Integrity Platform. In addition to the staff unit, I am also a commuter of Taiwan Railway. The changes and development of Taiwan Railway in the past few decades are what commuters like us care about the most. It is my honor to represent AAC to join this event. In 2016, the Executive Yuan instructed the Ministry of Justice to implement a plan to setting up an integrity platform. There are 42 projects have adopted this platform with a total cost more than NT\$ 1.07 trillion. There are many benchmarks in these projects, including the Dan-Jiang Bridge Project by the Ministry of Transportation and Communications and the Wu River Niazueitan Artificial Lake

Project by Central Region Water Resources Office of Water Resources Agency, Ministry of Economic Affairs.

我來分享一下廉政平臺帶來什麼樣好處以及如何運作，可以讓公務員安心的工作，廠商可以放心的履約，首先，廉政平臺是開創新的一種合作模式，透過跨域合作的方式，從今天的公開宣誓過程當中，集中檢察、廉政、調查機關，甚至結合了專業團體工程會的參與，另外過程當中也可以邀請職安署的參與提供相關專業的意見，透過跨域合作的模式，鼓勵機關把所有的問題利用聯繫會議的過程當中，提出問題來討論，更藉由討論來集思廣益，提供機關正確的決策的參考，讓同仁能夠安心地做決定、工程採購在整個履約的過程當中，能夠順利的完成。當然在運作的過程當中，透過公私協力，各界的參與最重要的方式就是行政透明，我們會建立一個行政透明專區，把相關的開會資料、廠商的疑問、開會的結論或者釋疑的部分，在網站上做充分的揭露，讓關心這個工程的外界民眾能夠參與監督。當然最重要的一個關鍵就是機關首長的決心，有這樣的決心在運作過程當中，能夠讓整個跨域合作的機關或是機關同仁，都能做最好的一個後盾。

Let me share the benefits of Integrity Platform and how it works, so that civil servants can work at ease and constructors can feel relieved to perform their contracts. First of all, the Integrity Platform is a brand new cooperation method which connect the inspection, integrity, and investigation agencies, and even professional groups could be invited to this platform. It is encouraged to propose all problems to this platform, and everyone from different units or fields could discuss together and let the authority unit make right decision and move the project forward smoothly. Of course, in the process, it is important to let everyone clearly understand details, so we will set up an administration transparency area to disclose information including related meeting materials and records on line, so that the public who are concerned can participate in the supervision. The most important key is the determination from the head of the agency. With such determination in the operation process, the entire agency or agency

colleagues in inter-agency collaboration cooperation can be the best support.

廉政平臺將重大的採購透明化這個過程中，是提升我們今年清廉印象指數很重要的指標之一，那相信有今天這樣的舉動，未來在整個工程的過程當中，透過廉政平臺運作的成功的經驗，跨域合作、行政透明、公私協力，未來這個工程能夠順利如期、如質的完成，以上做簡要地分享，謝謝。

Integrity Platform makes major procurements transparent. This is one of the most important indicators to improve our integrity impression this year. It is believed that in the future, this project can be successful by the operation of the Integrity Platform. With inter-agency collaboration, administrative transparency, and public-private cooperation, this project can be completed smoothly on schedule and on quality. These are my brief thoughts, thank you.

(三) 與談人：交通部政風處丁處長國耀

Panelist: Ding Guo-Yao, Director of Department of Civil Service Ethics MOTC

大家好，很高興今天有這機會來跟各位分享交通部所屬機關多年來推動廉政平臺的一些心得與感想，交通部所屬機關在106年6月臺鐵局的購車案，這是第一個成立的廉政平臺，後續包含臺鐵局的電務智慧化、桃機公司的第三航站工程、淡江大橋跟郵政公司的物流園區等，這5個廉政平臺大概採購金額都是100億以上起算，而今天是交通部所屬機關第6個成立廉政平臺。

Hello everyone, I am very happy to have this opportunity to share some experiences and impressions for the Integrity Platform in MOTC over the past few years. The first Integrity Platform is the Train Procurement Project by TRA, and there are follow-up the Smart Electrical Engineering Project, the Terminal 3 project of Taoyuan International Airport, the Dan-Jiang Bridge Project and the last Postal Logistics Park Construction Project. These five projects with

estimated purchase amount are more than NT\$ 10 billion, and today is the establishment of the 6th Integrity Platform under MOTC.

廉政平臺要成功，最重要是要達到4個環節的目標，第1個就是跨域合作，檢、廉、調及工程會未來在聯繫會報召開的時候，可能因為職工安全、職災部分，甚至職安署都會進來參與；第2個就是公私協力，包括公部門的機關(構)及外部廠商、監造業者，甚至當地的環保團體或是關心公共工程建設的民眾，第3個就是行政透明，工程相關的資料在專區裡面公開透明，最後是CCTV，也是工程會非常關心全民督工的權利，這4個環節的目標，大概就可以結合在廉政平臺裡面，大家一起努力去探索。

There are 4 key points to the success of the Integrity Platform. The first is Inter-Agency cooperation, which the prosecutor, integrity, investigation and construction commission sometimes can invited other department to joint for special cases in the regular meetings. The second is Public-Private Cooperation, which includes public sector agencies and external manufacturers, supervisors, and even local environmental groups or citizens who are concerned about public construction. The third is Administrative Transparency, which will disclose all information related to the project online. The last one is CCTV, which is also the most concern and the rights from the public to supervise all projects. These 4 key issues can be connected in this platform and help everyone to discover more in projects.

在開車的經驗中，我們可能聽過預防性駕駛，廉政平臺就是所謂預防性駕駛，或者說預防性醫學概念，前面推行的5個廉政平臺，有4個是廉政署列管，1個是交通部列管，而最重要成功的關鍵因素，第1個就是機關首長強烈意志力的支持才有可能推動，第2個我認為關鍵因素是，機關裡面所有業務單位跟幕僚單位的充分合作跟溝通協調，第3個是監造、承包廠商跟民眾的信任與配合，最後我提出三心，第一讓機關同仁能夠安心、第二個讓廠商跟監造能夠放心、第三讓民眾有信心。最後非常感謝伍局長對廉政平臺強烈的支持推動，也謝謝廠商以及相關單位同仁能夠與會，大家彼此觀摩來學習，謝謝。

We may have heard of defensive driving. The concept of the Integrity Platform is as same as defensive driving or preventive healthcare. There are 3 key factors to make the Integrity Platform succeed, strong supports from the head of the agency, full cooperation, communication and coordination with all business units and staff units in the agency and the trust and cooperation from the supervisors, constructors and the public. I would also like to conclude with three thoughts, making our colleagues at ease, making constructors and supervisors relieved and making the public confident. I would like to thank to Director-General Wu for his strong support to the Integrity Platform and also thank to everyone for attending this meeting. Thank you.

**(四) 與談人：公共工程委員會羅處長天健**

Panelist: Luo Tian-Jiann, Director of Department of Planning of Public Construction Commission

各位先進大家午安，有關於巨額工程採購，在過程上可能會碰到的一些問題，我很簡單的報告一下，第1個就是在計畫一開始一直到招標過程之間，剛剛有稍微報告一下，目前現在會碰到流標問題，流標的關鍵雖然有預算工期、規範等，然追根究底應該還是預算問題，包括要縮短工期就要投入資源，這些還是會反映到預算上面，我們去分析發現，有一些流標可能不是在招標階段才發生的，可能在計畫開始就已經埋下了原因，我們發現在計畫階段的定位就沒有很精準，所以會導致計畫階段編列的經費，就跟它的定位是沒有一致，像剛剛報告提到的深水池的案子，就發現它在計畫階段並沒有很精準的知道要做什麼樣的設施、工程的規模是到什麼樣程度，鐵道局是工程專業機關，在這邊大概不會有問題，如果不是工程專業機關，我們會建議這些機關先去辦規劃的技術服務案，計畫好的開始，大概就會讓我們成功了，計畫階段可能想到的、可能會花的錢都要放在計畫裡面，還有計畫階段的定位非常重要。

Good afternoon! During processes for large procurement, there are some problems everyone might encounter. The first problem is no

tender. Although there are factors such as schedule, specifications, etc., the main problem should be the budget. For example, it is necessary to put more resources to shorten the construction period, and this will be reflected to the budget. After our analysis, some of no tender situation may not occur only in the tender stage, but maybe in the beginning of the project. We found that if we didn't confirm our project precisely in the planning stage, it might lead to no consistency between the budget and the objectives. In the project that we mentioned previously, it is found that nobody knows the facilities and the scale of its construction in the planning stage. The Railway Bureau is a professional engineering agency, so it maybe could handle the problems. For other projects in other agencies not specialized in engineering, we will suggest to commission the planning technical services first. If the project is well planned in the beginning, it will probably be successful. All cost and expense should be considered in the planning stage, and it is also very important to confirm the position of the project in the planning stage.

第二階段就是技術服務的招標，有些技術服務的投標廠商會比較求好心切，因為投標用一個普通的東西，不會吸引評審委員，但它的價格可能會落在我們的計劃預算內，然廠商認為這樣不會得標，因此提了一個比較吸引人的方案，但是這個價格就會比較高，但是如果問廠商有沒有比較高，他一定說沒有，因為如果他說比較高，超過計畫預算，可能也不會得標，所以在這種環境之下，會導致技術服務投出來的標案可能會超過我們控制的情況，所以剛剛有報告過，工程會準備再做一些處理。

The second stage is the tender for technical services. Some tenderers will be more eager to do well. If they provide attractive solution but over the budget, they may have better chance to win the project. However, they will claim their price is within the budget plan. This causes the cost may be out of control. Therefore, we should report to Public Construction Commission do something about it.

接著就到招標階段，如果發現錢不夠，可能是動用預備費或者做變更計畫，另外剛剛局長有提到後續擴充，標準的後續擴充還要議價，在後續擴充時的議價可能因為地位、談判的籌碼不對等，所以有時候後續擴充不一定會成功。在前幾個流標會議，我們都有做出這種建議，很明確會做的東西，大概都已經設計出來的，就先把它放到標單裡面，但是註明這個東西等到我通知後再做，這個法律上叫做附停止條件的契約，這樣一個是讓它明確化，第二個是避免以後議價困難。

In the tendering stage, if the budget is not enough, the agency might use the reserve fund or change the plan. In addition, the Director General Wu just mentioned subsequent expansions, which also requires bargaining. Bargaining may not be successful because of the unequal status. Therefore, we have suggested that for those will be done clearly or probably have been designed, we put them into the tender documentation first and specify them as received notice before work starts, which is legally called contract with stop conditions. This could make it clear and avoid difficulties in bargaining later.

再來，回到我們實際現場的人員或者操作的工程司，有時候會擔心要不要用最有利標，又有人說是最有弊標，我這邊簡單回覆最有利標的問題，最有利標以前發生的情況，大概是在委員身上，所以我們透過一些機制公開委員名單，大家對委員有意見可以馬上談，另外在評選完畢以後，會有問卷問委員，也會有問卷問機關，看這些委員有沒有什麼問題，這些回饋我們會當做資料庫建置的參考，這部分就是把委員制度化，再來一個就是經費部分，最有利標不是不考慮價錢，而是考慮價錢以外再加上其他因素，如果把價格列入評比，就是會佔20%到50%，它是一定會考慮價錢，另外一個就是評分單價法，就是年輕人喜歡講的 CP 值，法就是分數除以價格或者價格除以分數，它也會考慮價錢，第三種不用價格列入評比，也不用 CP 值法的話，依據最有利標評選辦法的規定，要決定最有利標之前也一定要討論這個分數和價格是不是合理，所以結論最有利標它一定會考慮價格，而且是考慮

價格以外，再加上其他的因素。而目前我們現在巨額工程規定，一定要成立採購工作及審查小組，包括招決標策略是否使用最有利標，這些部分在工作審查小組一定會討論，而且根據採購法的規定最有利標一定要報上級機關，所以工作小組已經擴大參與基礎，然後報上級機關又拉高核駁層次，所以這個風險應該是降低很多。

Furthermore, back to the actual situation. Sometimes we might think about adopting the most advantageous tender, but some people might joke with the most harmful tender. Let me simply explain the most advantageous tender to you. In the most advantageous tender, we have procurement evaluation committee, and we will disclose our committee members via some mechanics. If there is any question about the members, we can talk about it right away. After the evaluation, there will be a questionnaire to ask the members and authorities to see if these are any problems. Those feedback will be used as a reference for the establishment of our database. This is how we institutionalize committee members. The most advantageous tender is not to disregard the price but to consider other factors besides price. If the price is included in the evaluation, it will account for 20% to 50%. The other method is the price per score, which is the CP value that young people like to talk about. The third method neither includes price in the evaluation, nor the CP value method. However, according to the provisions of the most advantageous tender evaluation method, the score and price must be discussed before deciding the most advantageous tender. Therefore, the conclusion is that the most advantageous tender will definitely consider price and other factors. For large procurement, need to set up working and evaluation group to confirm to adopt the most advantageous tender in tender strategy. These parts will definitely be discussed in the working and evaluation group meeting. Also, according to the Procurement Act, the most advantageous tender must be reported to the superior entity and acquire their approval to reduce the risk.

(五) 與談人：桃園地檢署康主任檢察官惠龍

Panelist: Kang Hui-long, Head Prosecutor of Taoyuan District Prosecutors Office

就貪污治罪條例圖利與便民做一些簡單報告，貪污治罪條例與刑法圖利罪的部分是有其歷史背景，當時在法治觀念比較薄弱的情況下以嚴刑峻法來規範，很多內容都加進去但卻很簡潔，像貪污治罪條例是動員戡亂時期的一個法規，規定更簡單，在第6條第1項第4款跟第5款部分，直接、間接圖利的罪名會讓公務員無法勇於任事，然在行政執行方面是要非常創新、要去解決問題，假如我們把法令規範的那麼模糊，如同流刺網一樣，通通都可以抓起來的話，這樣會讓法律的規定違反刑法謙抑性原則，所有行政逾越的處罰被架空。後於98年修法時將違背法令要件規範清楚，大家認為亂世用重典的法令違憲可能性蠻大，法務部希望將貪污治罪條例可以廢除，在刑法裡加進相關的條文，讓刑度可以合理化，來解決關於廉政的問題，但因為民情的關係，光一個死刑廢除的問題還是停留在以前的觀念，不能接受。

Let me give a brief statement on the profits and facilitation under the Anti-Corruption Act. At that time, the concept of the law was weak, strict laws were used to regulate people, but lots of contents were added simply. Like the Anti-Corruption Act, which was a statute in the Period of National Mobilization for the Suppression of the Communist Rebellion, the provisions are simpler. Take the Anti-Corruption Act as example, direct or indirect accusation in Art 6.1.4 and 4.1.5 discourage civil servants to perform their duties. This is also a new problem to solve in administration aspect. If we make the law so blurry, everything will be caught. In 2009, The Ministry of Justice hoped that the Anti-Corruption Act would be repealed and relevant provisions would be added to Criminal Law to rationalize the penalties to address the corruption problem. But because of the people's opinion, the abolition of the death penalty is still in the previous concept and cannot be accepted.

再回到圖利罪，就是將違背法令的部分，如法律、法令、法律授權命令、行政命令、自治規則等其他會對外發生法律效力的規定都納進去，客觀上要違法，而且要發生圖利的結果，也就是自己或第三人的部分有收受或得到不法的利益，這樣才會構成，從圖利罪的構成要件來看的話，相對是比較完善，在法制面上已修得更嚴謹，公務員或廠商們會比較安心，實務上檢察署在辦案上也更細緻，像是利用圖利罪檢核表去做逐一的檢視，也對地檢署偵辦的檢察官要求嚴格的精進機制，現在檢察官在偵辦圖利罪的作為跟心態上都是較為慎重。

Back to corruption. The situation must be against to the law, such as laws, ordinances, legal authorization orders, administrative orders, rules of self-government, etc. Also, objectively there must be a violation of the law with actual corruption results; that is, one's own part or a third party's partially received or obtained illegally profits. The conditions that constitute Abuse of Public Power for Private Profit are relatively sound and more stringent in terms of the legal system. The civil servants and constructors will be more assured. The Prosecutors Office will also be more careful in dealing with cases. For example, the Abuse of Public Power for Private Profit checklist is used to examine each case individually, and a strict refinement mechanism is required for the prosecutors of the district attorney's office. Prosecutors are now more cautious in their actions when investigating Abuse of Public Power for Private Profit.

**與談人：交通部鐵道局溫副局長代欣**

**Panelist: Wen Dai-Xin, Deputy Director General of Railway Bureau, MOTC**

剛剛康主任檢察官報告便民與圖利，我分享兩個案例，然後再有一個心得報告，東海大學在中港路旁邊，外面中港路有一個非常陡的下坡，學生騎機車都騎很快，有很多撞死的案例，我當時在臺中市交通局服務，希望把公車開進校園，但當時的同仁都說不行，這樣圖利東海大學，所以當時沒成，但是現在交通部推

動的 DRTS 或是公車進校園也好，是如火如荼在推動，法規沒變是觀念變了，第二個案例是，當時在建汐科車站的時候，也有人擔心若開出口正對週邊開發區，會有圖利的疑慮，但若是對多數民眾有利，應該做的事情，就要趕快去做。

Just heard Director Kang, the head prosecutor, reported on facilitation and profit, I would like to share two cases and what I have learned. Tung-hai University is located on Chung Kong Road, and there is a very steep downhill outside the campus. There are many car accidents caused by fast speed. When I was serving in the Transportation Bureau of Taichung City Government, I suggested to bring buses into the campus, but my colleagues said that it would not work because it would be beneficial to Tung-hai University. Now, the DRTS or Bus to Campus promoted by the Ministry of Transportation and Communications is in full swing because the concept has changed, even the law has not changed. The second case is the surrounding development area when the XiKe station was built. Many people had concerns this will profit some group. However, if it is beneficial to the majority, what should be done should be done quickly.

最後一個分享，遇到很多的問題時，同仁會擔心害怕、會拖延決策，我建議大家還是可以勇敢面對，因為陽光是最好的防腐劑，陽光就是把所有事情攤出來，我以前做主管不敢做決定的時候，以前的前輩教我們，就是找一些專家學者，把所有事情攤出來，大家一起來做決定，今天的廉政平臺啟動儀式是一個開始，以後遇到任何問題透過這個平臺，趕快來解決，不要拖延、不要怕，用這個平臺好好把它發揮到極致，我相信未來的工程可以更快速，品質做得更好。

I would like to share that when we encounter lots of problems, we will be worried and afraid, and this will make the decision delayed. I encourage you to face them confidently because sunlight is the best antiseptic. When I was a supervisor and always afraid to make decisions, seniors taught us to find some experts and scholars to discuss everything and make decisions together. Today's launching ceremony of the Integrity Platform is a start. In the future, if you

encounter any problem, you can use this platform to solve them without delay and fear. If we can make good use of this platform, I believe that projects in the future can be done faster and with better quality.

**(六) 與談人：鐵道局北部工程處郭處長林堯**

**Panelist: Guo Lin-Yao, Director of Northern Engineering Division, Railway Bureau, MOTC**

我提一個經驗，剛剛副局長是說環境都沒變，但我是認為環境有點變了，因為以前沒有採購法，我本人民國80年在中和市公所的時候也曾經因為三家估價單被約談過，當然有人說工程人員如果沒有被約談過，算是蠻幸福的！但我們有切身之痛，所以後來有採購法的時候，我們就表達強烈意願去學習，那時候還是高鐵路，算是第一批的種子教官，只上了3天課就考試，所以說，現在環境是變得更好，有採購法來保護，只要熟悉採購法我覺得可以大膽的去做。

Let me share one of my experiences. The Deputy Director General Wen just said that the environment has not changed, but I think the environment has changed a little. In the past, there was no Procurement Act, and when I was in Zhonghe City Office in 1991, I was once interviewed because of three quotation issues. Some people say that engineers are blessed if they have never been interviewed. Because of my personal experience, I expressed a strong desire to learn the Procurement Act when available. At that time, we were the first batch of seed instructors, and we took the exam after three days of classes. Now, the environment has become better, and Procurement Act will protect us, so as long as we are familiar with the Procurement Act, I think we can do it boldly.

另外一個是我以前在住都局做萬瑞快速道路時，土方也是很棘手，當時就跟工程會科長合作，完成全臺灣第一件的土方交換，將土方運到臺北大學，後來聽說臺北大學那邊有興建方案，

跟我們透過工程會去勇於解決土方問題也是類似，當時也是請工程會來共同解決問題，應該也是廉政平臺的概念，以上兩點報告。

The other experience is about spoil disposal problem when I was working for the Wan-Rui Expressway Project. It is also very difficult. I worked with the Public Construction Commission to complete the first spoil disposal exchange project in Taiwan, transporting the spoil disposal to National Taipei University. After that, there were some construction plans at National Taipei University. They also solved some problems through the Public Construction Commission. This should also be the concept of the Integrity Platform. These are my experiences.

## 一、意見交流與回應： Exchange of opinions and feedback:

### (一) 提問一：臺灣世曦工程顧問股份有限公司計畫經理黃宏澤

#### Question 1: Huang Hong-Zhe, CECI Project Manager

由於目前營造業缺工缺料，整個營建物價及工資成本都大幅上漲，造成國內很多廠商對於公共工程的投標意願都大幅地降低，除了對桃地計畫的影響之外，嚴重恐影響未來桃地計畫的通車啟用及期程。另機關或者工程顧問公司在辦理採購編列預算時，是不是一定要去參照其他機關或是採先前同類型採購案中同品項、同類型單價來編列？如果經過我們市場訪價的結果，多數廠商的報價跟先前單價相當懸殊時，顧問公司或機關採用市場上的商情來編列，會不會有圖利之嫌？。

Due to the current shortage of labor and materials in the construction industry, the entire construction price has risen sharply. As a result, many domestic constructors have lower willingness to bid for public works. This may seriously affect the schedule of the Taoyuan Urban District Railway Underground Project. On the other hand, when agency or engineering consultants prepare the budget list for procurement, do they have to refer to other projects or use same items with same types of unit price from previous procurement cases?

If the results of marketing are quite different from the previous prices, will using the market conditions to estimate budget become profiting?

1. 鐵道局北部工程處郭處長林堯回應：

Answer 1: Guo Lin-Yao, Director of Northern Engineering Division, Railway Bureau, MOTC

同一個品項採購數量與時間已經不一樣，大家可以去做一些調整，但必須要確認的是，第一是市場行情，第二是要有足備的佐證資料，只要資料完備，應該是有考慮的空間，處會跟局裏面做詳實的報告，最後局、處應該會有一致的做法。

The quantity and the timing of purchasing are different. It is acceptable to make some adjustments. However, it is necessary to confirm market conditions with sufficient evidences. As long as the information is completed, there should be room for consideration. The division will make a detailed report with the bureau to reach conclusions.

2. 公共工程委員會羅處長天健回應：

Answer 2: Luo Tian-Jiann, Director of Department of Planning of Public Construction Commission

個別設備的部分，需求在採購法允許下就是用該規格去採購，商源是不是唯一的？我們有沒有辦法找到雖然標的是一樣，但有其他廠商可以提供商源，實務上試試看有沒有其他通路找一個競爭者，另外就是在採購的策略上，於在招標的時候，把備品的設備一併買，或者承諾將備品價錢明示，承諾維修期間要用多少錢買，把一定期間的備品買賣放在這個契約裏面，也可以避免被綁住。

For individual equipment, if the requirement is allowed by the Government Procurement Act, it is acceptable to purchase with the specification. What we should consider is if it is the only source.

Maybe we can search for other supplier providing the same equipment. Moreover, in the tendering strategy, we can purchase equipment with spare parts or ask supplier to provide fixed price during the maintenance period and put the quantity of spare parts for a certain period in this contract.

(一) 提問二: 大陸工程股份有限公司副理張景程

Question 2: Chang Jing-Cheng, Assistant Manager of CEC

廉政平臺其中一面向是防污，另外一個面向我的解讀是合約跟條文之間的公平合理性，桃地建設計畫裡面有兩個介面，第一個介面是桃園車站跟桃園綠線三標，綠線三標正好是我們大陸公司，第二個介面是中壢車站，中壢車站 C001標正好也是大陸公司，我所要彰顯的問題是，桃地計畫案在未來一定會有介面問題，裏面會有無數多的契約變更等，希望公部門在契約實務面上公平合理化。

One aspect of the Integrity Platform is corruption prevention, and the other one focus on the fairness and reasonableness of the contract. There are two interfaces in Taoyuan Urban District Railway Underground Project. The first interface is the Taoyuan Station and Taoyuan Green Line (GC03), and second one is the Zhongli Station and Taoyuan Airport MRT (C001 contract), we are contractors for the both. The problem is that there will definitely be lots of interface problems in the future for Taoyuan Urban District Railway Underground Project, and there will be countless contract changes. Hopefully, it will be fair and reasonable regarding the contract practice.

1. 鐵道局北部工程處郭處長林堯回應：

Answer 1: Guo Lin-Yao, Director of Northern Engineering Division, Railway Bureau, MOTC

機場捷運延伸線在 A22站往 A23站，因為桃園鐵路地下化，後來整個高程從地下二層的車站改為地下三層，造成這樣的展延結果，但是因為既有原來契約的條款裏面，只能就數量超過30%的部分來跟您們重新議價，我們也跟廠商有告知，相關的爭議都可以先書面資料提過來備查，也很感謝大家優先把工作完成，這些爭議未來都可以循契約機制處理。

Taoyuan Airport MRT from A22 station to A23 station, due to the Taoyuan Urban District Railway Underground Project, the underground floors were changed 2 floors to 3 floors. However, according to the terms of the contract, we can only renegotiate the price for the portion of the project that exceeds 30%. We have informed the contractor that any disputes can be submitted in writing for review. We are grateful for the priority given to the completion of the work, and these disputes can be handled by the contract mechanism in the future.

## 2. 公共工程委員會羅處長天健回應：

Answer 2: Luo Tian-Jiann, Director of Department of Planning of Public Construction Commission

我想這比較偏向個案的問題，如果有契約上解釋的問題，工程會有一個行政諮詢的機制，我覺得雙方可以協議去用哪個條款來討論，工程會有行政諮詢機制也可以做。

In my opinion, this is an issue for individual case. The Public Construction Commission has a mechanism for administrative consultation to help those issues, if there is a problem with the interpretation of the contract. I think both parties can agree with which clause to use to discuss.

### (一) 提問三：德商西門子交通運輸股份有限公司銷售經理張尹駿

Question 3: Chang Yin-Jun, Sales Manager of Siemens Mobility GmbH Taiwan Branch

機電系統裡面的另外一個分支，公共資安，資安法從2018年之後開始施行，現在這個需求逐漸提升，不過公共資安又跟原廠的硬體設備以及通訊協定高度相關，對於整個招標的流程又更加的特別，有點像是原廠衍生出來的這種服務，這部分想聽聽看大家對於這個產品線以後招標流程，大概會是怎樣執行？

There is another branch of the MEP system, and that is public information security. The Information Security Law has been implemented since 2018. Now, the requirement is increasing. However, public information security is highly related to the original hardware equipment and communication protocols, so the whole tendering process is more special. It is a kind of service derived from the original factory. I would like to hear from you about how the tender process will be executed in the future for this product line.

**交通部鐵道局溫副局長代欣回應：**

**Answer 1: Wen Dai-Xin, Deputy Director General of Railway Bureau, MOTC**

我們也瞭解不光是資安，中控、在車子上面的一些 on board system 或者是這些設備等，其實都是靠這個系統廠商要提供給我們服務，鐵道局特別針對這一點，有推動所謂系統的國產化，希望有自己開發的一些系統來做這個備品，或者是取代這個系統。

We also understand that not only information security, but also the central control, on board systems in cars, or other devices, are dependent on the original system manufacturers to provide services. In particular, the Railway Bureau has promoted those systems can be localization, hoping to have some systems developed or replace this system by our local company.

**拾壹、散會(12時40分)**

Meeting adjourned (12:40 p.m.)