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朱漢儒先生

朱先生：

政府帳目委員會  
審議《審計署署長第六十三號報告書》第 4 章  
航空交通管制和相關服務的管理

貴秘書處於 2015 年 3 月 12 日就採購航空交通管理系統一事致函本署。

本署已就貴秘書處要求的資料擬備詳細回覆，有關回覆載於附件內，謝謝。

政府物流服務署署長

(葉敏中  代行)

附件

副本送：運輸及房屋局局長(傳真:2523 9187)  
民航處處長(傳真:2910 6384)  
財經事務及庫務局局長(傳真:2147 5239)  
審計署署長(傳真:2583 9063)

二零一五年三月二十日

(a)(i) information on GLD's usual practice for determining the compensation for large-scale/complex systems; and

回覆：

政府就大型 / 複雜系統因完工日期延誤而引致的損失，會設定損害賠償金額，一般做法是由用戶部門按其有關係統的個別情況作真實預先估算損失。金額可定為每日或每周的一個固定金額或一次性成本 / 合約價值的一個百分比，並設有上限。

(a)(ii) compensation clauses in the tender for the procurement of the existing ATMS Autotrac I in 1993. If there were changes to the compensation clauses, the justifications for such changes;

回覆：

上次採購現有航空交通管理系統 Autotrac I 的合約補償條款載於附錄一。上次和今次採購有關係統的合約補償條款訂定方法基本一致，即民航處按當時每日真實預先估算損失而釐定損害賠償金額，並設定賠償上限。但由於上次和今次採購兩個系統的推展計劃有所不同，賠償方式需按系統內不同部分的完工日期延誤而計算。上次合約的損害賠償金額是以模擬器和航空交通管理系統的完工日期延誤而釐定；而這次的合約則根據航空交通管理系統的第一及第二期完工日期的延誤而計算。

(b) with reference to clause 8.1 to 8.4 of the Conditions of Tender to the procurement of the new ATMS regarding the track records requirements, please provide the following information:

(i) whether similar clause had been used in the conditions of tender in the procurement of other large-scale/complex systems. If yes, the relevant details of such tenders;

回覆：

招標條款第 8.1 至 8.4 條涵蓋投標者或其分判商過往經驗、投標者的工廠及參照地點的實地視察，以及須提交的相關資料。根據我們的記錄，採購其他大型／複雜系統時一般都有類似的 yêu cầu。

**\* 委員會秘書附註：有關附錄一，請參閱此報告書的附錄 26。**

政府在採購大型／複雜系統或對部門運作至為關鍵的系統時，標書大多會有評估投標者經驗的條款。用戶部門會按有關系統的個別情況和需要而釐定評估投標者經驗的準則，例如處理同類合約的系統規模及執行人員的經驗等；要求進行系統示範、工廠實地視察及索取參照地點有關資料的規定亦時有採用。由於每個系統的規格及應用範圍有所不同，所以在制訂相關規定時也有不同的要求。

(ii) copy of similar provisions in the tender for the procurement of the existing ATMS (Autotrac 1) in 1993;

回覆：

上次採購現有航空交通管理系統 Autotrac I 的投標方式與今次採購新航空交通管理系統的投標方式不同。現有航空交通管理系統 Autotrac I 在選擇投標商時，採納了兩個階段的投標方式。首階段為投標者進行資格預審，再邀請在首階段通過資格預審的投標者進行第二階段投標。

當時由民航處負責為投標者進行首階段的資格預審。由民航處提供有關投標者相關經驗要求的條款載於附錄二。至於在第二階段招標文件中有關示範安排要求的條款載於附錄三。

(iii) whether the description “A proposed System with no proven performance record will not be considered further” in Clause 8.4 was included in the first draft of the Tender documents submitted by CAD to GLD. If no, the details on how this description was included in Clause 8.4;

回覆：

民航處向政府物流服務署遞交的首份招標文件擬稿內的第 8.4 條為“**A proposed System with no proven performance (that meet the requirements in the Specifications) will not be considered further.**”。此句在擬定標書過程中曾作出修改，使招標條文更清晰簡潔。

(iv) whether the description referred to in (iii) above had been used in the procurement of other large-scale/complex systems. If yes, the relevant details of such tenders, including how the description had been incorporated in these procurement exercises;

回覆：

根據我們的記錄，政府在採購其他大型／複雜系統時，並沒有採用與“A proposed System with no proven performance record will not be considered further”完全一致的描述。

(v) number of enquiries received on the interpretation of Clause 8 before the Tender Closing Date and from tenderers.

回覆：

根據我們的記錄，除了有一名投標者查詢招標條款第 8.1 條有關空管人員席位的類別外，政府在截標日期前並沒有收到由投標者或其他公司就詮釋招標條款第 8 條的查詢。

Request for Tender

Part II – Conditions of Tender

The Company Profile information requested as part of the Executive Summary shall include the following details:

1. Company Information.
  - Name and address of the Company/Business organisation;
  - Length of business experience;
  - Shareholders/Partners of the Company/Business Organisation;
  - Names and residential addresses of the following:
    - Managing Director/Partners
    - Other Directors
    - Sole Proprietor
  - Names and addresses of bankers who are prepared to provide references, recent balance sheets, profit and loss accounts or other relevant financial data which will indicate the financial viability of the Tenderer; and
  - A copy of the Memorandum and Articles of Association or other documents providing evidence of the business status.
2. The Tenderer must have had extensive experience in the development and implementation of computerised RDPDS, FDPS and SIM systems and must have sufficient expertise to implement the required system in the time specified and to provide the required post-implementation services. As evidence of this experience, the Tenderer shall provide a list of users of systems similar to the proposed system which it has supplied within the last ten years. For each user the following information is required:
  - Name of User;
  - Name, address and telephone number for contact;
  - Summary of hardware and software used and its inter-connection;
  - Date of installation;
  - Date of commissioning; and
  - Serviceability/availability figures for the previous 12 months.
3. The Offer to be Bound set out in Part VIII of this Tender Document must be signed by the Tenderer's authorised signatory (or signatories), and suitable written evidence of his (or their) authority to sign the Tender Document on behalf of the Tenderer should be included in the Tender.

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\* 委員會秘書附註：本文件只備英文本。

17. Separate Offers
- 17.1 The tenderer acknowledges that the Government may elect at its sole option to accept all or any part of the tenderer's offers and that the Government has sole discretion whether or not to accept any tender irrespective of its price.
18. Tenderer's Commitment
- 18.1 All tenders, information and responses from each tenderer must be submitted in writing. The relevant provisions of this tender document and any documents so submitted by the tenderer shall be treated as a material representation of the tenderer.
19. Free Demonstration
- 19.1 During the tender validity period, the tenderer shall make available the equipment specified in the tenderer's proposal for demonstration at a location specified by the Government within 14 days after receipt of a request from the Government for such demonstration. The tenderer acknowledges that it shall be in the Government's sole discretion whether or not to request such demonstration.
20. Assessment of Tender Prices
- 20.1 The tender prices will be assessed on the basis of capital costs plus the running costs, licence fees and other charges.
21. Award of Contract
- 21.1 The Government is not bound to accept any of the tenders submitted or to award any contract. In evaluating the tenders submitted, the Government is not bound to accept the lowest tender. The award of a contract, if made, will be made to the tenderer who is determined by the Government to be fully capable of undertaking the contract and whose tender is determined by the Government to be the most advantageous.
22. Consultant
- 22.1 Tenderers are informed that the Government has appointed Hughes Systems Pacific Limited, a wholly owned subsidiary of Hughes Aircraft Company, as Project Management Consultant (PMC) for the Chek Lap

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