

財經事務及庫務局
(庫務科)



FINANCIAL SERVICES AND
THE TREASURY BUREAU
(The Treasury Branch)

香港金鐘添美道二號
政府總部二十四樓

24/F, Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

電話號碼 Tel. No. : (852) 2810 2257
傳真號碼 Fax No. : (852) 2869 4519
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傳真及電郵文件

香港中區
立法會道一號
立法會綜合大樓
立法會秘書處
政府帳目委員會秘書
朱漢儒先生
[電郵地址 : ahychu@legco.gov.hk]

朱先生 :

審計署署長第六十九號報告書第二章
政府船隻的採購及維修

二零一七年十二月十二日致財經事務及庫務局局長的
來信收悉。

現應要求附上財經事務及庫務局在二零一四年八月發
出的第 8/2014 號通函(《財庫局通函第 8/2014 號》), 詳見附
件 I(只備英文本)。

《財庫局通函第 8/2014 號》提醒採購部門應審慎檢視
是否需要及繼續需要採用評分制度, 以及應避免過度使用評分
制度。根據海事處自二零一六年向中央投標委員會提交的投標
評審報告, 該處已停止採用評分制度評審新造船項目的標書。

但為確保購入的船隻的品質，我們留意到海事處將原有標準評分制度內較為重要的評審項目（例如投標者的相關經驗和船隻技術規格）列為“必要的要求”。不符合“必要的要求”的標書，即被視為不符合投標要求。我們相信海事處是參照《財庫局通函第 8/2014 號》的指引，及考慮部門運作需要和相關利弊之後，經過深思熟慮，決定不再採用評分制度進行這類採購項目。與此同時，我們知悉海事處在二零一六年和二零一七年仍採用評分制度評審海上清理服務的標書。我們尊重海事處的決定，因為每項採購工作都是按部門特定需要而進行的。

採購是政府取得貨品或服務的渠道，以推行各項計劃和工作。由於採購工作是按部門運作需要而進行，故採購部門須負責制訂採購計劃和招標策略，包括決定是否採用評分制度。一般而言，當價格並非唯一評審準則，而所採購的貨品／服務質素是重要的考慮因素時，便會使用評分制度。如採購部門決定採用評分制度，應考慮是否便利用家，並參照《財庫局通函第 8/2014 號》的指引，避免設計冗長或過於複雜的評分制度。

附件 II 和 III 載有兩個涉及採購 5,000 萬元以下的估計價值合約、被視為過於仔細及冗長的評分制度的例子（只備英文本），當中的評分制度長達 17 至 21 頁，各有 14 項評審準則或評審準則細項。按《財庫局通函第 8/2014 號》的指引，有關部門先後在二零一五年和二零一六年，把評分制度縮短為 9 至 11 頁，評審準則或評審準則細項減為 8 至 10 項。

煩請把以上資料轉交政府帳目委員會委員參考。

財經事務及庫務局局長

（鍾小玲  代行）

二零一七年十二月二十一日

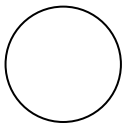
副本送：

運輸及房屋局局長（傳真號碼：2523 9187）

海事處處長（傳真號碼：2850 8810）

審計署署長（傳真號碼：2583 9063）

***委員會秘書附註：附件 II 及附件 III 並無在此隨附。**



FSTBCM No. 8/2014

MEMO

<p><i>From</i> Secretary for Financial Services and the Treasury</p> <p><i>Ref.</i> in TsyB T 00/810-6/33/0 Pt 5</p> <p><i>Tel. No.</i> 2810 2540</p> <p><i>Fax No.</i> 2596 0729 <i>Total Pages :</i> 7</p> <p><i>Date</i> 4 August 2014</p>	<p><i>To</i> Directors of Bureaux and Controlling Officers</p> <p><i>(Attn :</i> _____<i>)</i></p> <p><i>Your Ref.</i> _____</p> <p><i>Dated</i> _____ <i>Fax No.</i> _____</p>
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Keeping Tender Documentation Simple

Purpose

Further to Financial Circular No. 4/2013 entitled “Streamlining Procurement Procedures” promulgated on 27 June 2013, this memo reminds procuring departments to avoid excessive use of marking schemes and offers guidelines on how to avoid tender documentation becoming overly burdensome – for procuring departments as much as tenderers.

Current inadequacies

2. Stores and Procurement Regulation (SPR) 350(h) allows procuring departments to adopt marking schemes in tender evaluation for the procurement of goods or services where **quality** (rather than price alone) is of paramount importance. While the use of marking schemes is permissible, we are concerned that the evaluation criteria and evaluation basis in many marking schemes are getting disproportionately detailed and lengthy, **delaying** the tender preparation work of departments, **discouraging** new operators especially small and medium enterprises with no tendering expert support from bidding, **inhibiting** competition, **without necessarily improving the quality of the goods and services procured**. Streamlining is called for.

Measures

(A) *Critically review the need to adopt marking schemes*

3. The use of marking schemes in tender evaluation is not the only means to secure better quality for the goods and services procured. Setting clear and attainable quality-based tender specifications, cutting excessive “essential requirements” especially those at risk of protecting the interest of incumbents, and

*** 委員會秘書附註：本文件只備英文本。**

proactive marketing of tenders which repeatedly attracted only one or two bidders are often more direct and effective for promoting real competition. In fact, some 70 – 80% of contracts with marking schemes approved by the Central Tender Board (CTB) and the Government Logistics Department Tender Board (GLDTB) between January 2012 and May 2014 were ultimately awarded to bidders with the lowest price offered. It is debatable whether the use of marking schemes *per se* has offered extra safeguard to the quality of the tender returns in these cases.

4. Procuring departments should critically review the need and continued need for the adoption of marking schemes in tender evaluation. This is especially the case for low value procurement not exceeding \$5 million under the purview of Departmental Tender Committees (DTCs).

(B) Keep marking schemes simple

5. Where the use of marking schemes is justified, the evaluation criteria and length of the entire section including the evaluation basis should be streamlined, as follows –

Value per Contract	Use of Marking Scheme
≤ \$5 million	Discouraged
> \$5 million and ≤ \$100 million	10 - 10 guideline
> \$100 million plus complex requirements	20 - 20 guideline

6. Under the **10 - 10 guideline**, the marking scheme proper (excluding appendices) should comprise not more than ten assessment criteria/sub-criteria and ten pages. The **20 - 20 guideline** allows 20 assessment criteria/sub-criteria within 20 pages.

7. CTB and GLDTB will expect strict observance of these guidelines; exceptions may be allowed but must be justified. We are not specifying font size, line spacing or other detailed requirements because the guidelines are meant to help rather than enslave departments.

(C) Limit the length of tender submissions

8. To make the government tendering experience less user-unfriendly and speed up tender evaluation, we would invite departments to –

- (a) **shorten and simplify** the tender invitation documents for all non-works contracts; and
- (b) **consider imposing a page limit** on the length of tender returns. Depending on the complexity of the goods or services to be procured, tender returns (excluding the original tender documents and supporting documentary proof) should preferably be contained as follows –

Nature of Tender	Page Limits on Tender Returns
Non-complicated, standard or low-valued (below \$50 million in this context) cases	≤ 50 pages
Complicated cases or cases involving higher value	≤ 100 pages
Highly complicated cases	≤ 200 pages

NB : Pages in A4 size

9. We would defer to procuring departments to decide whether to impose an upper limit for tender returns and if so, what that page limit should be **provided** the Controlling Officer (or designate) is satisfied that –

- (a) the overriding principles of keeping tender requirements **simple and clear** and keeping the tendering process **less user-unfriendly** are observed; and
- (b) the exact page limit to be set by the procuring department is **commensurate with** the overall complexity of the tender concerned.

(D) Avoid common pitfalls in designing marking schemes

10. Procuring departments are reminded to avoid some common pitfalls in designing marking schemes –

- _____
- (a) **Tenderer’s experience** – if joint ventures (JVs) are not common in the market for the types of goods or services under acquisition, there is no need to specify complicated rules for counting a JV tenderer’s experience. Our memorandum of 5 October 2012 at the Annex is relevant.
 - (b) **Qualification and experience of proposed key personnel** – the number of key personnel to be assessed in a marking scheme should be kept to the minimum. For instance, the full-time top management of a property management services contract would be “key”, but not the entire team of property attendants. Alternatively, procuring departments may actually impose the minimum qualification and experience requirements of the key personnel as contract requirements and remove the relevant assessment criteria/sub-criteria from the marking scheme.
 - (c) **Management / work / quality assurance / contingency plans** – when inviting tenderers to submit various plans to facilitate evaluation, procuring departments should be realistic, limit the types of plans sought and the details sought for each plan to the minimum necessary, and consider imposing a page limit to reflect the expected level of detail. It is more important for tenderers to deliver quality goods or services than for them to deliver quality tender portfolios. Since tender submissions are meant to be binding after contract award, procuring departments should ensure that the level of detail sought is not disproportionate with the resources available for contract management.

11. For a tender exercise involving more than one contract and restrictions on the number of contracts to be awarded to a contractor at any one time, procuring departments would normally recommend the award of contracts on the basis of a tender combination that is least costly to the Government (**the least costly approach**). However, it might not be cost-effective in applying the least costly approach in all circumstances. In a recent tender exercise involving ten contracts and 58 conforming tenders from six tenderers, the procuring department had spent enormous efforts and time in working out over 100 000 combinations to identify the one that was least costly to the Government. To avoid similar complications, please consider –

- (a) **staggering** the contract start and end dates with a view to minimising the chance of similar contracts being dominated by one single contractor at any point in time; and

- (b) **simplifying** the tender acceptance rule (e.g. pre-setting the priority of contracts to be awarded based on the contract value) where necessary, and seeking the prior approval of the relevant tender board or DTC, as appropriate, for use of the pre-determined tender acceptance rule instead of the least costly approach in a tender exercise.

(E) Standardise marking schemes for contracts of similar nature

12. Procuring departments should review the number of marking schemes in the pipeline which require the prior approval of the relevant tender board or DTC, as appropriate, and standardise those for contracts of similar nature (e.g. security, cleansing, facility management, IT maintenance, technical support services in different venues or facilities).

Implementation

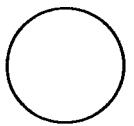
13. The guidelines apply to all tender exercises which fall within the purview of CTB, GLDTB or DTC. They do not apply to works tenders and consultants selection exercises. Marking schemes that have been approved for on-going tender exercises and standard marking schemes approved by CTB, GLDTB or DTC before the issue of this memorandum are **not** affected.

14. In the light of operational feedback, we may incorporate the new guidelines into SPR.

15. Enquiries on this memorandum may be directed to Principal Executive Officer (Tender) at 2810 2257, Treasury Officer (Tender)² at 2810 2518 or Chief Supplies Officer (Procurement Administration) of the Government Logistics Department at 2231 5232.



(Ms Elizabeth Tse)
for Secretary for Financial Services
and the Treasury



M E M O

<p><i>From</i> <u>Secretary for Financial Services and the Treasury</u></p> <p><i>Ref.</i> <u>(11) in TsyB T 00/810-6/45/0 Pt 2</u></p> <p><i>Tel. No.</i> <u>2810 2257</u></p> <p><i>Fax No.</i> <u>2523 5722</u> <i>Total Pages :</i> <u>2</u></p> <p><i>Date</i> <u>5 October 2012</u></p>	<p><i>To</i> <u>Controlling Officers</u></p> <p><i>(Attn :</i> _____ <i>)</i></p> <p><i>Your Ref.</i> _____</p> <p><i>Dated</i> _____ <i>Fax No.</i> _____</p>
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Tenders for Contracts involving Joint Ventures

This memorandum draws your attention to the factors that need to be taken into account in the design of tender documents and marking schemes if joint ventures (“JVs”) are accepted in tenders for government procurement.

2. The Central Tender Board noted at a meeting that while a procuring department was prepared to accept JVs in its tender exercise for a service contract, the specific form of JV to be accepted had not been spelt out clearly in the tender document and the marking scheme for the tender exercise had not been designed in such a way enabling the qualification, experience and past performance of JVs to be assessed if JV tenders were received. This might render the procuring department unable to proceed with the tender assessment in an open and fair manner and/or lead to disputes from the JV tenderers or abortion of the tender exercise.

3. While JVs are common in tenders for works projects and information technology systems for reasons such as need for pooling of different expertise and resources, bureaux/departments should consciously consider from the operational perspective in each case as to whether it is desirable to allow JVs to participate in their tender exercises, particularly those for service contracts which are relatively straight-forward in nature. If a bureau/department decides to accept JVs in its tenders, it should ensure that the tender document, the marking scheme (if any) and the related financial vetting requirements have incorporated suitable provisions to cater for different scenarios of JVs. To this end, bureaux/departments may draw reference to the Technical Circulars (Works) (“TCW”) issued by the then Environment, Transport and Works Bureau (“ETWB”) including ETWB TCW Nos. 50/2002

and 8/2004 (both available on the Development Bureau's website) in which arrangements related to JVs, including the rules for counting the qualification, experience and past performance of JV tenderers, the special conditions of tender, the form of JV Guarantee for incorporated JV, the Articles of Agreement for unincorporated JV, etc. are set out in detail.

4. For further enquiries on this memorandum, please contact Treasury Officer (Tender)2 at 2810 2518.



(Miss Winky Wong)

for Secretary for Financial Services and the Treasury