



Web site 網址 : <http://www.cedd.gov.hk>
E-mail 電子郵件 : terencelam@cedd.gov.hk
Telephone 電話 : (852) 2762 5004
Facsimile 傳真 : (852) 2714 5174
Our ref 本署檔號 : CEDD(CR) 11/39
Your ref 來函檔號 : CB4/PAC/R70

香港九龍公主道 101 號
土木工程拓展署大樓
Civil Engineering and
Development Building,
101 Princess Margaret Road,
Kowloon, Hong Kong
(傳真至 2543 9197)

香港中區立法會道
立法會綜合大樓
政府帳目委員會
朱漢儒先生

朱先生：

政府帳目委員會
考慮審計署署長第七十號報告書第八章
八號幹線沙田段

謝謝你於 2018 年 5 月 3 日的來信查詢上述審計報告合約 C 的資料。現
附夾本署的中文及英文回覆以供參考。

土木工程拓展署署長

(林達明



代行)

2018 年 5 月 14 日

副送本：

發展局局長	(傳真：2147 3691)
運輸及房屋局局長	(傳真：2537 6519)
路政署署長	(傳真：2714 5203)
運輸署署長	(傳真：2802 2361)
建築署署長	(傳真：2810 7341)
機電工程署署長	(傳真：2882 9042)
財經事務及庫務局局長	(傳真：2147 5239)
審計署署長	(傳真：2583 9063)

草擬及覆核一份規模與合約 C 相若的工程招標文件的程序

現時撰寫工程合約文件的程序及指引主要在以下文件中說明：

- 《土木工程管理手冊》第5章及第6章，可於土木工程拓展署網頁參閱及下載
http://www.cedd.gov.hk/eng/publications/standards_handbooks_cost/stan_pah.html；及
- 土木工程拓展署綜合管理系統運作程序OP05：招標過程(主要在《土木工程管理手冊》第5章及第6章框架下擴大的程序)(參閱附件A)。

負責處理工程項目的專業人員可要求部門的合約顧問就招標草稿文件提供意見。所有合約預算開支超過 3 億元的招標文件必須在招標前，經合約顧問提交發展局法律諮詢部(工務)進行法律審核。

招標文件必須經由相關職級首長級人員批核，有關要求列明在《土木工程管理手冊》內：

招標文件	參考文件
投標特別章程	《土木工程管理手冊》 第 5 章 第 2.2 段
合約特別條款	《土木工程管理手冊》 第 5 章 第 5.2.3 段及第 9.40 段
工程特別規範	《土木工程管理手冊》 第 5 章 第 6.1 段
工程工料表特別序言	《土木工程管理手冊》 第 5 章 第 7.3 段
整份招標文件	《土木工程管理手冊》 第 6 章 第 1 段

撰寫及覆核合約 C 內容的程序及流程，包括所涉及土木工程拓展署人員的數目、職級及資格

合約 C 是由前拓展署轄下的新界東拓展處負責招標及管理。前土木工程署及前拓展署¹於 2004 年 7 月合併而成立了土木工程拓展署。土木工程拓展署其後接管該合約的管理。工程顧問公司按相關的顧問合約進行設計、草擬工程招標文件及工程監督。依照當時《土木工程管理手冊》內訂明的指引及要求，撰寫及覆核工程合約內容的一般程序及流程如下：

工程顧問公司

工程顧問公司根據顧問合約內所定明的職責，草擬相關的工程招標文件，當中包括工程規範、工程工料表、工程圖則及其他所需文件，以供土木工程拓展署進行招標程序。工程顧問公司的職責亦包括向有關當局和團體及受影響人士進行諮詢工作。工程顧問公司提交相關的工程招標草稿文件予土木工程拓展署作最終批核。

土木工程拓展署

項目團隊就工程招標草稿文件進行覆核，以確保招標草稿文件已遵循《土木工程管理手冊》。


項目團隊滿意招標文件的草稿後，要求土木工程拓展署總部的合約顧問組就招標文件草稿內尚有疑問的地方提供意見。項目團隊亦經合約顧問向發展局法律諮詢部(工務)提交招標文件草稿，以進行法律審核。之後，項目團隊按照《土木工程管理手冊》第 5 章的指引，徵求首長級官員批准招標文件。

在招標前，項目團隊查閱《土木工程管理手冊》第 6 章內的招標程序清單，以確定所有招標前的相關事項已完成，並根據《土木工程管理手冊》第 6 章內的要求，填寫一份《要求招標 - 流程表》，要求批准對合約 C 進行招標。

¹ 為簡單起見，前拓展署在本摘要中稱為土木工程拓展署。

所涉及土木工程拓展署人員

新界東拓展處負責覆核合約 C 文件的項目團隊，是由一位總工程師帶領，成員包括一位高級工程師及兩位工程師。團隊工作由新界東拓展處處長及副處長監督，並由土木工程拓展署總部作支援。所涉及土木工程拓展署人員皆是合資格的專業土木工程師。

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附件 A

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Reviewed by: _____ Signed _____ Post: SE/P2, FMD Date: 17 Mar 2018
 (Name & Signature) HO Hei-yin, Bill

Approved by: _____ Signed _____ Post: CE/FM Date: 17 Mar 2018
 (Name & Signature) MOK Pang-ching, Peter

Rev No.	Page Affected	Revision Details	Effective Date
0	All	First issue to tally with the implementation of the new IMS in CEDD	1 Sept 2006
1	2, 3	New reference included	1 Mar 2007
2	3,4,5,6,7	New reference included	3 Mar 2008
3	All	Annual review	1 April 2009
4	All	Annual review	1 April 2010
5	All	Annual review	1 April 2011
6	All	Annual review	1 April 2012
7	All	Annual review	1 April 2013

***委員會秘書附註：本文件只備英文本。**

CEDD OP-05 Rev 12

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8	All	Annual review	1 April 2014
9	All	Annual review	1 April 2015
10	All	General revision with deletion and addition of reference documents. Work Instruction No. CEO-OP-05-WI-01 (Preparation of Tender Documents) deleted.	1 April 2016
11	All	Annual review	1 April 2017
12	All	Annual review	1 April 2018

1. Scope


- 1.1 This procedure is applicable to the tendering process for capital works contracts and term contracts managed by CEDD.

2. Objectives


- 2.1 The objective of this procedure is to ensure that the tendering process is properly implemented.

3. Reference Documents


- 3.1 CEDD Technical Circular (CEDD TC) No. 05/2017: Simplified Tendering Arrangement for Works Contracts not Exceeding \$55 million
- 3.2 CEDD Accounting and Supplies Guideline (CEDD ASG) No. 5/2017
- 3.3 CEO Circular No. 2/2001: Allocation of Contract Numbers
- 3.4 CEO Circular No. 5/2001: Reporting of Unit Cost Information after Contract Award
- 3.5 DTD's memo ref. (124) in TDD 6/7/52 Pt2 dated 13.1.2000
- 3.6 Financial Circular (FC) No. 5/2016: Parallel Tendering for All Contracts
- 3.7 FC No. 3/2009: Simplified Tendering Arrangement for Capital Works
- 3.8 Environment, Transport and Works Bureau Technical Circular (Works) (ETWB TCW) Nos. 15/1999, 15/1999A and 15/1999B: Improvement to Quality of Maintenance Works
- 3.9 ETWB TCW No. 30/2002: Implementation of Site Safety Cycle and Provision of Welfare Facilities for Workers at Construction Sites
- 3.10 ETWB TCW No. 50/2002: Contractors' Joint Ventures
- 3.11 Development Bureau Technical Circular (Works) (DEVB TCW) No. 8/2014: Examination of Tenders and Submission of Tender Reports

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- 3.12 DEVB TCW No. 4/2014: Tender Evaluation Methods for Works Contracts
- 3.13 DEVB TCW No. 2/2014: Tender Procedures for Procurement governed by the Agreement on Government Procurement of the World Trade Organization
- 3.14 DEVB TCW No. 5/2015: Prequalification of Tenderers for Public Works Contracts
- 3.15 ETWB TCW No. 6/2005: Implementation of Systematic Risk Management in Public Works Projects
- 3.16 ETWB TCW No. 19/2005: Environmental Management on Construction Sites, ETWB's Interim Guidance Note dated 19.06.2006 on "Environmental Management on Construction Sites" & SDEV's memo dated 22.11.2013 on "Pay for Safety Performance Merit Scheme"
- 3.17 ETWB TCW No. 4/2006 : Delivery of Capital Works Projects
- 3.18 AD(T), CEDD's memo ref. () in CEDD T 7/4/7 dated 18.11.2005
- 3.19 DCED's memo ref. () in CEDD T4/5/1 dated 27.4.2005
- 3.20 Stores and Procurement Regulations (SPR)
- 3.21 Project Administration Handbook for Civil Engineering Works (PAH) Chapter 5: Contract Documents
- 3.22 PAH Chapter 6: Tender Procedure
- 3.23 FSTB's email dated 12.12.2008
- 3.24 SDEV's memo ref. () in ETWB(W) 545/83/02 dated 6.3.2009
- 3.25 TS/NTE's email dated 13.3.2009
- 3.26 AD(T)'s memo ref. CEDD T 4/5/3/1 dated 26.9.2011
- 3.27 TS/CEO's email dated 2.10.2009 and DEVB's email dated 12.3.2018
- 3.28 DCED's memo ref. CEDD T 4/33/3 Pt.III dated 18.12.2009
- 3.29 SFST's memo ref. 43 in TsyB MA 00/550/1 (C) Pt.2 dated 14.3.2016
- 3.30 TS/HQ's e-Memo ref. (81) in CEDD T 7/4/7 Pt. 33 dated 9.7.2010
- 3.31 FSTB's email dated 15.7.2010
- 3.32 SE/QM&S, HQ's e-Memo dated 13.8.2010
- 3.33 DEVB TCW No. 6/2010: Trip Ticket System for Disposal of Construction & Demolition Materials
- 3.34 SDEV's memos ref. (02FYE-01-11) in DEVB(W) 510/17/01 dated 27.7.2012, (02H25-01-1) in DEVB(W) 510/17/01 dated 8.11.2012 & (02UZT-01-1) in DEVB(W) 510/17/01 dated 28.9.2016
- 3.35 SFST's memo ref. (14) in TsyB T 00/575-1/6/0 dated 26.1.2011

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- 3.36 SE/QM&S's e-Memo ref. () in CEDD T 4/36/2/08 dated 4.3.2011 and DoJ's memo ref. L/M (4) in ADV 5054/1C dated 12.2.1998
- 3.37 TS/HQ's email dated 9.11.2011
- 3.38 TS/HQ's email dated 9.1.2012
- 3.39 TS/HQ's email dated 6.2.2012
- 3.40 ETWB TCW No. 11/2004: Cyber Manual for Greening
- 3.41 ETWB TCW No. 29/2004: Registration of Old and Valuable Trees, and Guidelines for their Preservation
- 3.42 DEVB TCW No. 7/2015: Tree Preservation
- 3.43 DEVB TCW No. 5/2012: Guidelines on the Classification of Works Contract and Service Contract for Procurement
- 3.44 CEDD TC No. 02/2013: Minor Works and Landscape Works Term Contracts
- 3.45 DEVB TCW No. 5/2013: Extension of Time due to Labour Shortage
- 3.46 CEDD TC No. 02/2014 dated 28.1.2014
- 3.47 SDEV's memos ref. () in DEVB(W) 510/10/01 dated 11.2.2014
- 3.48 DEVB TCW No. 7/2014: Guidance on Execution of Public Works Contracts as a Deed
- 3.49 DEVB TCW No. 3/2014: Contractors' Designs and Alternative Designs
- 3.50 SDEV's memo ref. () in DEVB(W) 920/30/01 dated 2.5.2014
- 3.51 SDEV's memo ref. () in DEVB(W) 546/70/03 dated 2.5.2014
- 3.52 DEVB's email dated 16.7.2014 & DEVB's memo ref. (02VKU-01-3) in DEVB(W) 510/17/01 dated 16.12.2016
- 3.53 SDEV's memo ref. () in DEVB(W) 546/84/01 dated 15.7.2015
- 3.54 SDEV's memo ref. () in DEVB(W) 546/84/01 dated 20.8.2014
- 3.55 TS/HQ's email dated 15.10.2014
- 3.56 SFST's memo ref. () in TSyB T 00/575-1/7/0 Pt. 6 dated 28.11.2014
- 3.57 DEVB TCW No. 1/2015: Emission Control of Non-road Mobile Machinery in Capital Works Contracts of Public Works
- 3.58 SDEV's memo ref. () in DEVB(W) 510/10/01 dated 7.7.2015
- 3.59 SDEV's memo ref. () in DEVB(W) 506/30/07 dated 17.2.2016 and 26.5.2017, DEVB TCW Nos. 5/2016, 1/2017 and 2/2017.

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3.60 SDEV's memo ref. (o2URZ-01-5) in DEVB(PS) 108/34 dated 20.12.2016

3.61 SDEV's memo ref. () in DEVB(Trg) 133/3(10) dated 23.1.2017

3.62 SDEV's memo ref. (02VWW-01-1) in DEVB(W) 510/83/05 dated 24.1.2017

3.63 CHE/R&D, HyD's memo ref. (4M9G) in HyD RD/1-95/5 dated 2.2.2017

Note: These reference documents will be updated as and when necessary by the relevant authority. Reference shall be made to the current or applicable version, as appropriate.

4. Definition

4.1 Nil

5. Responsibility

5.1 The Office/Branch/Division head is responsible for the implementation of this procedure.

6. Procedure

6.1 General

6.1.1 Tender documents shall be prepared in accordance with PAH Chapter 5. Tendering shall be carried out, wherever applicable, in accordance with PAH Chapter 6 and the SPR. Reference shall be made to DEVB TCW No. 5/2012 regarding the guidelines on the classification of works contract and service contract for procurement of public works.


6.1.2 Comprehensive lists of reference documents are given in the "References" sections of PAH Chapter 5 and Chapter 6. However, reference shall also be made to the "Information not yet incorporated in the OP" for OP-05 on the IMS Bulletin Board and the latest circulars together with related documents posted on the CEDD Bulletin Board.

6.1.3 For contracts managed by consultants, the procedure prescribed in the respective consultancy agreement, on matters that require consultation with or seeking comment/approval from the Employer, shall also be followed.

6.1.4 All officers involved in preparing tender documentation including tender specifications and assessing tenders must declare whether they have any actual, potential or perceived conflict of interest at the start of deliberation or as soon as they become aware of a potential conflict, in accordance with Chapter IA of the SPR and paragraph 6.4 of PAH Chapter 6.

6.1.5 For preparation of the tender assessment marking scheme for design and build (D&B) contracts, reference shall be made to DEVB TCW No. 4/2014 regarding the revisions to the specimen tender assessment marking scheme.

6.1.6 Reference shall be made to CEDD TC No. 02/2013 regarding minor works and landscape works term contract.

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- 6.1.7 Reference shall be made to DEVB TCW No. 5/2013 regarding extension of time due to labour shortage.
- 6.1.8 Reference shall be made to Clause 3.52 of this OP regarding Reimbursement of Contractor's and Sub-contractors Contributions to the Mandatory Provident Fund.
- 6.1.9 Reference shall be made to DEVB TCW No. 1/2015 regarding the use of non-road mobile machinery in capital works contracts of public works.

6.2 Tender Procedure Check-list

- 6.2.1 The tender procedure checklist in Paragraph 1 of PAH Chapter 6 provides a general list of actions to be taken at various stages of tendering. This list is not exhaustive and the project engineer (PE) shall expand the list, where necessary.
- 6.2.2 For construction contracts with estimated contract sum and term contracts with an estimated value of works in a 12-month period exceeding 5,000,000 Special Drawing Rights, the tender procedure for procurement governed by the Agreement on Government Procurement of the World Trade Organization (GPA WTO) stipulated in Paragraph 3.7 of PAH Chapter 6, DEVB TCW No. 2/2014, Clause 3.50 of this OP and the general requirements on government procurement covered by the "Hong Kong, China – New Zealand Closer Economic Partnership Agreement" in Clause 3.35 of this OP, shall be followed. Attention shall be paid to DoJ's advice given by FSTB in Clause 3.23 of this OP regarding the determining method whether a tender of a mixed nature is to be covered by WTO GPA and Clause 3.36 of this OP regarding the basis for calculating the contract value of a term contract.
- 6.2.3 Reference shall be made to Clause 3.56 of this OP regarding Free Trade Agreement between Hong Kong, China and Chile Government Procurement.

6.3 Calling for Tenders

- 6.3.1 The appropriate method of calling for tenders and selection of tender boards shall be determined, wherever applicable, in accordance with Paragraphs 2.1 and 2.2 of PAH Chapter 6, CEDD TC No. 05/2017 and FC No. 3/2009.
- 6.3.2 Guidelines for the timing of tender procedure are provided in Paragraph 2.4 of PAH Chapter 6.
- 6.3.3 For DevOs: If the design certificate has not been issued then tenders shall only be invited with the consent of DPM.
- 6.3.4 The PE must get the pre-tender estimate endorsed by the Pre-tender Estimate Vetting Committee (PTE Vet Com), the CEO Committee on Project Estimates (COPE) and the GEO Committee on Project Estimates (GEO COPE) for DevOs, CEO and GEO respectively. The PTE Vet Com, COPE and GEO COPE shall be chaired by DPM, DH(PEM) and DH(LPM) respectively and attended by CE and PE in charge of the respective contracts. The checklist in Annex 1 shall be used in preparing the pre-tender estimate. Reference shall be made to Clause 3.46 of this OP regarding the establishment of the Departmental Committee on Project Estimates (DCOPE).
- 6.3.5 Prior to invitation to tender, SDEV shall be alerted through Press Secretary to SDEV by the works department on the issue of important works tenders, especially those related to Chief Executive's initiatives in the policy address, via the departmental headquarters. The notification shall be made

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by including the item in the regular weekly submission for "Forthcoming Events and District Consultation" through TS/Office to SE/CR who shall then report the event in his routine media return.

6.4 Prerequisites to Calling for Tenders

6.4.1 Availability of Funds

6.4.1.1 Funding shall normally be secured before tendering. If it is necessary to initiate the tendering exercise before funding is secured, the procedure stipulated in FC No. 5/2016, ETWB TCW No. 4/2006 and Clause 3.27 of this OP shall be followed.

6.4.2 Tender Documents

6.4.2.1 All tender documents shall be completed prior to calling for tenders. They shall comply with and satisfy the requirements prescribed in Paragraph 3.5 of PAH Chapter 6. Reference shall also be made to Clauses 3.26 of this OP regarding standard libraries and other documents for preparation of tender documents. DEVB's library of standard General Conditions of Tender, Special Conditions of Tender and Notes to Tenderers and library of standard Special Conditions of Contract are posted on the Works Group Intranet Portal with the link as follows:

http://portal.etwgi.etwb.hksarg/useful_information/

Subsequent changes to the standard provisions shall also be noted.

6.4.2.2 Paragraph 11.1 of PAH Chapter 5 shall be followed for allocation of a contract number. For CEO, the allocation of contract numbers shall also follow CEO Circular No. 2/2001. For DevOs, the format on the contract numbers and contract titles shall follow CEDD ASG No. 5/2017 and Clause 3.19 of this OP. The contract title shall be agreed by the CE responsible. For GEO, a register is maintained by TS/GEO, and PE shall request contract numbers from him.

6.4.2.3 For any in-house term contract tender document drafted based on sample documents, the additional procedures set out in **Annex 2** shall be followed.


6.4.2.4 For GEO: the procedure set out in Work Instruction No. GEO/LPM-OP-05-WI-01 shall be followed for Landslip Prevention and Mitigation works contracts administered by in-house staff.

6.4.2.5 Reference shall be made to Paragraph 9.27 of PAH Chapter 5 for selection of contracts to adopt non-contractual partnering.

6.4.2.6 Reference shall be made to the guidelines given in Paragraphs 9.11 and 9.32 of PAH Chapter 5 and Clause 3.34 of this OP regarding contract measures for prevention of non-payment of wages and limiting the tiers of sub-contracting.

6.4.2.7 Reference shall be made to ETWB TCW No. 50/2002 for contracts where joint ventures are allowed to tender.

6.4.2.8 Reference shall be made to Paragraphs 7.7, 7.8, 7.9 and 9.15 of PAH Chapter 5, ETWB TCW Nos. 30/2002 and 19/2005, ETWB's Interim Guidance Note dated 19.06.2006 and 22.11.2013, DEVB TCW Nos. 06/2010 and 08/2010 regarding site safety and environmental management.

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- 6.4.2.9 If the project has adopted Systematic Risk Management, reference shall be made to the guidelines given in ETWB TCW No. 6/2005.
- 6.4.2.10 Reference shall be made to Paragraph 4.3.2 of PAH Chapter 6 regarding DEVB's guidelines for issuing information to prospective contractors in pre-contract stage.
- 6.4.2.11 Reference shall be made to Paragraph 7.10 of PAH Chapter 5, ETWB TCW Nos. 11/2004 & 29/2004 and DEVB TCW No. 7/2015 regarding preservation and protection of preserved trees and old and valuable trees.
- 6.4.2.12 Reference shall be made to DEVB TCW No. 3/2014 and Clause 3.51 of this OP regarding Contractors' Designs and Alternative Designs.
- 6.4.2.13 Reference shall be made to Clause 3.58 of this OP regarding Revised SCC 2.
- 6.4.2.14 Reference shall be made to Clause 3.59 of this OP regarding the adoption of New Engineering Contract Form.
- 6.4.2.15 Reference shall be made to Clause 3.61 of this OP regarding the provision of site uniform for personnel working on public works sites.
- 6.4.2.16 Reference shall be made to Clause 3.62 of this OP regarding SCT 4 – Contractors' Joint Venture.
- 6.4.2.17 Reference shall be made to Clause 3.63 of this OP regarding revision to particular specification for recycled glass in concrete paving units for capital works projects.

6.5 Tendering

- 6.5.1 The normal procedure for selection of tenderers, tenderers' eligibility for various types of works (general works, specialist works, term contract works, WTO GPA works), and procedure for inviting tenders are provided in Paragraph 4.1 of PAH Chapter 6. The supply of additional copies of tender/contract drawings in electronic form shall follow Paragraph 8.4 of PAH Chapter 5. For GEO: The tendering procedure for Landslip Prevention and Mitigation works contract administered by in-house staff set out in Work Instruction No. GEO/LPM-OP-05-WI-02 shall also be followed.
- 6.5.2 The procedure for simplified tendering is stipulated in CEDD TC No. 05/2017 and FC No. 3/2009.

6.5.3 Single and Restricted Tendering


- 6.5.3.1 The procedure for single and restricted tendering in Paragraph 4.2 of PAH Chapter 6 shall be followed.

6.5.4 Prequalified Tendering

- 6.5.4.1 The procedure for prequalified tendering in Paragraph 4.3 of PAH Chapter 6 and DEVB TCW No. 5/2015 shall be followed. Prequalification of tenderers for maintenance works contracts shall follow the requirements in ETWB TCW Nos. 15/99, 15/99A and 15/99B.

6.6 Action during Tender Period

- 6.6.1 The pre-tender meeting, if held, shall be conducted in accordance with Paragraphs 5.1 and 5.3 of PAH Chapter 6.

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6.6.2 The procedure for amendments to tender documents shall be carried out in accordance with Paragraphs 5.2, 5.3, 5.5 and 5.6 of PAH Chapter 6.

6.6.3 The extension of tender validity period, if required, shall be handled in accordance with Paragraph 5.8 of PAH Chapter 6.

6.7 Examination of and Report on Tenders

6.7.1 Matters relating to confidentiality of tenders, opening and listing of tenders and assessment panel are prescribed in Paragraphs 6.1, 6.2 and 6.3 of PAH Chapter 6.

6.7.2 Examination of Tenders and Tender Evaluation

6.7.2.1 The procedure for tender examination and tender evaluation is prescribed in the SPR 365-370, Paragraphs 6.8 and 6.14 of PAH Chapter 6, DEVB TCW Nos. 4/2014 and 8/2014, Clauses 3.29, 3.55 and 3.56 of this OP.

6.7.2.2 Reference shall be made to Clause 3.27 of this OP and Paragraph 6.2 of PAH Chapter 6 regarding the requirement of informing DEVB the prices for the 3 highest combined score tenders within 3 working days after the opening of the tender fees.

6.7.2.3 Reference shall be made to Clause 3.38 of this OP regarding screening out non-conforming tenders in tender evaluation.

6.7.2.4 Reference shall be made to Clause 3.55 of this OP regarding CEDD Tender Committee – Observations on Identification of high / low rates.

6.7.3 Matters to be referred to Tenderers

6.7.3.1 Matters relating to non-compliance with the conditions of tender shall be dealt with according to the requirements stipulated in the Appendix to DEVB TCW No. 8/2014. The procedures for matters to be referred to tenderers are prescribed in Paragraph 6.6 of PAH Chapter 6. Reference shall be made to Clause 3.18 of this OP regarding correspondence in the examination of tender prices and rates.


6.7.4 Tender negotiations

6.7.4.1 Tender negotiations shall be conducted in accordance with Paragraph 6.17 of PAH Chapter 6, SPR 385, CEDD TC No. 05/2017 and FC No. 3/2009.

6.7.5 Tender Report by the Engineer Designate

6.7.5.1 The tender report shall be completed and signed by the Engineer designate for the Contract in accordance with Paragraph 6.18 of PAH Chapter 6, SPR 375, CEDD TC No. 05/2017 and FC No. 3/2009.

6.7.5.2 Reference shall be made to Clause 3.30 of this OP regarding format of recommendation paragraph in tender report.

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6.7.5.3 Reference shall be made to Clause 3.37 of this OP regarding tender report recommending tender who has recently received adverse performance report.

6.7.5.4 Reference shall be made to Clause 3.39 of this OP regarding information on "Authority to Call Tenders" and "Conviction Records" in tender report.

6.7.5.5 Reference shall be made to Clause 3.60 of this OP regarding financial vetting before the award of a contract.

6.7.6 Endorsement and submission of Tender Reports

6.7.6.1 The procedure for endorsement and submission of tender reports shall be in accordance with Paragraphs 6.19 and 6.20 of PAH Chapter 6, SPR 375, DEVB TCW No. 8/2014, CEDD TC No. 05/2017, FC No. 3/2009 and Clauses 3.24, 3.31 & 3.32 of this OP. The requirements by FSTB in Clause 3.25 of this OP shall be followed. A copy of the tender report shall be provided to CEDD HQ (Attn: AD(T)) urgent by hand and TS/Office, both with the tender report but without the enclosure.

6.7.7 Acceptance of Tender

6.7.7.1 The checking procedures prior to accepting a tender are prescribed in Paragraph 7.2 of PAH Chapter 6, CEDD TC No. 05/2017 and FC No. 3/2009.

6.7.8 Rejection of Tender

6.7.8.1 The procedure for rejection of tenders shall follow the requirements stipulated in the Appendix to DEVB TCW No. 8/2014 and Paragraph 6.21 of PAH Chapter 6.

6.7.9 Handling of complaints

6.7.9.1 If complaints are received from tenderers about the process of a tender exercise, they shall be handled in accordance with Paragraph 11.2 of PAH Chapter 6 and SPR 160.

6.7.10 Reporting of Tendering Performance


6.7.10.1 The procedure for reporting tendering performance is prescribed in Paragraph 7.7 of PAH Chapter 6.

6.8 Execution of the Articles of Agreement

6.8.1 The procedure and checklist relating to execution of Articles of Agreement and signing of Contract are prescribed in Paragraphs 8 and 9 of PAH Chapter 6.

6.8.2 For DevOs: The CE shall decide on the publicity need of contract signing. The PE shall report tendering performance of all tenderers in accordance with Paragraph 7.7 of PAH Chapter 6. The SCO shall acknowledge, to the Contractor, receipt of documents retained and distribute the signed contract documents and certified true copies in accordance with Paragraph 10 of PAH Chapter 6 and Clause 3.5 of this OP.

6.8.3 Reference shall be made to Clause 3.47 regarding alignment with the new Companies Ordinance (Cap. 622).

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6.8.4 Reference shall be made to DEVB TCW No. 7/2014 regarding guidance on execution of public works contracts as a deed.

6.9 Cost Data Collection

6.9.1 Within 3 weeks from the date of award of a contract (i.e. the date of the letter of acceptance), the project engineer shall follow the guideline given in the Contract Rates Database System accessed via the CEDD Information Portal: <https://portal.cedd.hksarg/> to prepare a data file containing the unit rates of major items of the contract for submission to the Planning Unit. The Planning Unit shall input the data file into the Contract Rates Database System. For CEO: CEO Circular No. 5/2001 shall be followed.

6.10 Control of Approved Project Estimates

6.10.1 If the awarded contract prices are significantly lower than the estimated ones included in the Approved Project Estimates (APE), actions should be taken to reduce the APE with reference to Clause 3.28 of this OP.

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7. Records

7.1 For CEO/GEO:

Record	Responsible Officer	Minimum Retention Period
Tender procedure checklist	Division head	6 years
Unsuccessful tenders	Division head	3 months after contract execution or notification of no tender acceptance (3 years for tenders covered by WTO GPA)
Tender report	Division head	15 years
Other documents and records related to tenders	Division head	12 years
Signed contract documents and drawings	STA, HQ	12 years after completion of contract

7.2 For DevOs:

Record	Responsible Officer	Minimum Retention Period	Filing Index
Signed contract documents and drawings	STA, HQ	12 years after completion of contract	By contract number
For prequalification and tender documents in respect of contracts governed by WTO GPA	IR	3 years	By contract number
Other documents and records related to tenders	IR	3 months after execution of contract	By contract number

IR is the officer in charge of General Registry/Technical Registry

8. Annex

Annex 1 Checklist of Pre-Tender Estimate

Annex 2 Additional Procedures for the Preparation, Checking and Approval of In-house Contract Tender Documents Based on Sample Documents

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Annex 1 - Checklist of Pre-Tender Estimate

Contract No. _____

Contract Title _____

Procedures to be Completed	Completion Date
(i) Confirm scope of works	
(ii) Check drawings	
(iii) Check Particular Specifications	
(iv) Check Special Conditions of Contract	
(v) Check Particular Preambles	
(vi) Check amendments to Standard Method of Measurement	
(vii) Check estimated Bills of Quantities	
(viii) Reassess contingency items	
(ix) Identify and list special conditions in respect of nature of works and uncertain site conditions which may affect the accuracy of the estimate	
(x) PTE *VetCom/COPE/GEO COPE to endorse the PTE with due consideration given to the following:-	
(a) make reference to averaged unit rates of works of similar nature	
(b) adjustment to account for the prevailing market conditions and special site circumstances/requirements	
(c) the location of the site	

*Delete where appropriate

Note: In checking the BQ, the Project Engineer should pay particular attention to items that are sensitive to quantity variation (e.g. earthworks)

Checked by Project Engineer: _____
(NAME & POST)

(SIGNED)

(Date)

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Annex 2 - Additional Procedures for the Preparation, Checking and Approval of In-house Term Contract Tender Documents Based on Sample Documents

Note: The following procedures apply to the preparation, checking and approval of all CEDD's in-house term contract tender documents, which are prepared based on a Sample Document. These procedures, which are in response to SETW's memo ref. ETWB (CR)(W) 1-160/12 Pt. 1 dd. 11.1.2006, involve consolidation of existing procedures and adoption of recommendations in Item 4.24 of the Audit Commission's Audit Report No. 45, that are relevant to the operation of the department.

Notation:

PE: An engineer, a geotechnical engineer or a professional grade officer of other discipline responsible for drafting the tender documents. If more than one professional officer are involved in the drafting, the Head of Division shall assign one of them as the PE.

Project SE: The immediate supervisor of the PE in the project team.

Sample Document: A set of the Specification (GS and PS), Method of Measurement and Schedule of Rates commonly used for the type of term contracts concerned, the source of which may either be a set of sample contract documentation approved for use by the project office or an existing term contract document.

Responsibilities:

The PE shall be responsible for the drafting of the tender documents. If more than one officer are involved in the drafting of the documents, the PE shall be responsible for coordination and checking of the complete draft documents

The Project SE shall be responsible for overseeing the preparation of the tender documents by the PE and carry out checking and review of the tender documents following these procedures.

Procedures:

1. The Project SE and the PE shall agree on the Sample Document upon which the tender documents of a term contract will be based.

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Annex 2 - Additional Procedures for the Preparation, Checking and Approval of In-house Term Contract Tender Documents Based on Sample Documents

2. During the preparation of draft tender documents, if amendments (additions, omissions or changes) are required to the Sample Document the PE shall highlight such amendments in highlight mode and prepare a summary of changes. The summary of changes shall provide justification for the amendments.
3. The draft tender documents in highlight mode and the summary of changes shall be checked by the Project SE. If the Project SE is not satisfied with the amendments to the Sample Document, he shall resolve the matter with the PE.
4. The draft tender documents in highlight mode and a summary of changes agreed to by the PE and the Project SE shall then be forwarded to the Head of Division for checking and approval. If the Head of Division is not satisfied with the amendments to the Sample Document, he shall resolve the matter with the Project SE and the PE.
5. All tender documents shall be checked against the approved draft tender documents for correctness before they are issued to the tenderers. The Head of Division shall designate either the PE, an Assistant Engineer or a Survey Officer (Quantity) to carry out such checking.
6. Compliance with the above procedures by the officers concerned, shall be properly recorded and documented. A sample checklist is attached at Appendix A to Annex 2.
7. Reasonable time shall be allowed in each checking process referred above.

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Annex 2 - Additional Procedures for the Preparation, Checking and Approval of In-house Term Contract Tender Documents Based on Sample Documents

Appendix A - Sample Checklist

Contract No. _____

Title: _____

	Action	Completed on	Initial	Remarks
CE/CGE	Assign _____ as the PE for drafting the tender documents			
Project SE and PE	Agree on the Sample Document to be used for the drafting		Project SE _____ PE _____	Specify the documents agreed to be adopted as the Sample Document
PE	Prepare (1) the draft tender documents with amendments highlighted and (2) the summary of changes			
Project SE	I) Check (1) the draft tender documents with amendments highlighted and (2) the summary of changes			
	II) Resolve any issues with the PE and agree the tender documents and the summary of changes before submission to CE/CGE for approval			
CE/CGE	I) Check and approve the tender document and the summary of changes			
	II) Assign _____ as the Checking Officer to keep, print and check all tender documents against the approved draft before issuance to tenderers			
Checking Officer	To keep, print and check all tender documents against the approved draft before issuance to tenderers			