| Clause | Remarks/Guidelines |
| --- | --- |
| **GCT 14 Erratic pricing** |
| (1) | Without prejudice to the generality of the other General Conditions of Tender and Special Conditions of Tender, the *Client* may regard a tender as not being the most advantageous, irrespective of whether or not it is the lowest tender or the tender with the highest overall score, if in the *Client’*s opinion: | \* Delete as appropriate |
|  (a) | the \**bill of quantities*/\**activity schedule* of the tender have been priced erratically whether or not such erratic pricing is the result of the application of **Appendix** [*insert reference*] to the General Conditions of Tender; and |  |
|  (b) | the erratic pricing is such as to expose the *Client* to an unacceptable level of financial risk. |  |
| (2) | For the purposes of this clause, “**erratic pricing**” means the situation where an \*item/\*activity or certain \*items/\*activities in \*a/an \**bill of quantities*/\**activity schedule* are priced or structured in such a way as to suggest significant and unjustified:- | \* Delete as appropriate |
|  (a) | inconsistency, irregularity or non-uniformity as compared with \*item/\*activity or \*items/\*activities of the same or similar nature in the same \**bill of quantities*/\**activity schedule* or another \**bill of quantities*/\**activity schedule* submitted by the same tenderer in the same tendering exercise; or |  |
|  (b) | deviation from prevailing market prices in respect of the same or similar \*item/\*activity or \*items/\*activities. |  |
|  | The expression “priced erratically” shall be construed accordingly. |  |
| (3) | In determining prevailing market price, the *Client* may take into account the *Project Manager* designate’s estimates, the average price of the same \*item/\*activity in other tenders submitted for the same tendering exercise, and/or the price of the same or similar \*items/\*activities in other tendering exercises after making adjustment for changes in price in accordance with inflation or deflation. | \* Delete as appropriate |