

香港特別行政區政府
The Government of the Hong Kong Special Administrative Region

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環境運輸及工務局
香港花園道美利大廈



Environment, Transport
and Works Bureau
Government Secretariat
Murray Building, Garden Road,
Hong Kong

Ref. : ETWB (W) 546/70/02 and ETWB(W) 546/17/01
Group : 5

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Environment, Transport and Works Bureau
Technical Circular (Works) No. 56/2002A

Form of Tender

Background

This Circular amends the Appendix to Form of Tender for use in capital works contracts other than design and build contracts. The Appendix now includes provisions for the calculation of Liquidated Damages in line with ETWB TC(W) No. 4/2003.

Effect on Existing Circular

2. The SCT stated in paragraph 16 of ETWB TC(W) No. 4/2003 is no longer required.

Effective Date

3. This Circular takes effect on all tenders invited on or after 2 January 2004.

(W S Chan)
Deputy Secretary for the Environment,
Transport and Works (Works) 2

APPENDIX TO FORM OF TENDER

General Conditions of Contract forWorks, 1999 Edition

Clause No.

- 1(1) *Maintenance Period/Defects Liability Periodmonths
*[Maintenance Period for the Works except Establishment Worksmonths
Maintenance Period for Establishment Worksmonths]

- 2(1)(b) Actions of the ¹Engineer subject to the Employer’s right of objection and direction

The Engineer is required under the terms of his appointment by the Employer to obtain confirmation of no objection from the Employer and, in the event of an objection, to act in accordance with the Employer’s direction before ordering any variation to the Works or taking any other action (including without limitation making an order under General Conditions of Contract Clause 54) which may commit the Employer to additional expenditure under the Contract, other than in respect of claims, of a value estimated to exceed HK\$300,000. This requirement shall not be applicable where the variation order or other action is considered by the Engineer to be essential on grounds of safety or other emergency in circumstances when it is impracticable to refer the matter to the Employer beforehand.

The Engineer may, subject to any prior contrary instructions given by the Employer to the Engineer, order variation to the Works in accordance with the provisions of the Contract or take any other action (including without limitation making an order under General Conditions of Contract Clause 54) which may commit the Employer to additional expenditure under the Contract, other than in respect of claims, without the need to obtain confirmation of no objection from the Employer if the value of such order or commitment is estimated not to exceed HK\$300,000.

- *12 Amount of bond or cash security (if required) \$.....
- 47 Time after acceptance of Tender within which the date for commencement of the Works shall occurdays
- 49 Time for completion of the *Works/Sectiondays

* Delete or modify as necessary

¹ All references to “the Engineer” may need to be suitably adjusted for building works

52 ²Liquidated damages

[For use where the Works are not divided into Section]
For the Works HK\$[..... * (Y₁ + Y_n) +]# per day

[For use where the Works are divided into Sections]
Section A HK\$[.... * Y₁ + * Y_n + * Y₂ +]# per day
Section B HK\$[.... * Y₁ + * Y_n + * Y₃ +]# per day

In the above summary statement of liquidated damages:

Y₁ = Total sum of Bill No. 1 in the Bills of Quantities

Y₂ = Total sum of Bill No. 2 in the Bills of Quantities

Y₃ = Total sum of Bill No. 3 in the Bills of Quantities

Y_n = The value of the Adjustment Item

(Note: items which do not attract LD's, such as the safety related items, should be taken out)

³59(7) Period of final measurementmonths

⁴78(1) Period of interim certificates

² Refer to ETWB TCW No. 4/2003 for guidance to include appropriate provisions in the Appendix to the Form of Tender where there is no minimum LD's and where there is minimum LD's.

³ For building works only.

⁴ Applicable for building works only. For E & M works, make necessary modifications.

Choose from below an appropriate footnote (depending on whether or not there is minimum LD's for the Works/Sections):

(a) Where there is no minimum LD's

“The value of the formula within the square brackets shall be taken as zero for the purpose of computation of the daily rate of liquidated damages if and when the sum is worked out to be a negative value by substituting Y₁, ...Y_n with its corresponding value in the priced Bills of Quantities.”

(b) Where there is minimum LD's

“The value of the formula within the square brackets shall be taken as HK\$ [the minimum amount of LD's for the Works or, as the case may be, the relevant Section] per day for the purpose of computation of the daily rate of liquidated damages if and when the sum is worked out to be less than HK\$ [the minimum amount of LD's for the Works or, as the case may be, the relevant Section] per day by substituting each of Y₁, ...Y_n with its corresponding value in the priced Bills of Quantities.”

79(1)	Percentage of certified value retainedper cent
79(1)	Limit of Retention Money	\$.....
79(2)	Minimum amount of interim certificate *[There shall be no minimum amount of interim certificates for the Establishment Works]	\$.....
*SCC_	Period for Establishment Works months
*SCC_	Time, commencing from and including the date for commencement of the Works notified by the Engineer in accordance with GCC Clause 47, within which the Section Subject to Excision may be ordereddays
*SCC_	Minimum amount of third party insurance	\$.....
*SCC_	Minimum amount of liquidated damages for the Works/Sections ...	\$.....per day