

SPECIMEN PREQUALIFICATION DOCUMENT FOR DESIGN AND BUILD CONTRACTS

CONTRACT NO. []

[CONTRACT TITLE]

(PWP No. [])

(DEPARTMENT)

(DATE)

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CONTRACT NO. []

INSTRUCTIONS TO APPLICANTS

1. The following documents are issued to the applicants:-
 - (a) One copy of the Instructions to Applicants.
 - (b) One copy of the Prequalification Document comprising:-
 - Part A - Contract Information
 - Part B - Information Required from Applicants
 - Part C - Specific Queries

 - Appendix 1 - Outline Employer's Requirements with List of Specifications
 - Appendix 2 - Outline Drawings Showing Proposals for the Project
 - Appendix 3 - Prequalification Marking Scheme
 - Appendix 4 - Proforma Submissions

2. Applicants should satisfy certain requirements including but not limited to the following:
 - (a) The applicant or any one of the participants/ shareholders in a joint venture applicant is on the List of Approved Contractors for Public Works [Group/class/category/status][not applicable when contractors not on the list are also invited to apply for prequalification], and
 - (b) [The applicant or any one of the participants/ shareholders in a joint venture applicant is on the List of Approved Suppliers of Materials and Specialist Contractors for Public Works [Group/category/status][not applicable when contractors not on the list are also invited to apply for prequalification], and]
 - (c) The applicant or any one of the participants/ shareholders in a joint venture applicant has completed¹ at least one Design and Build contract, in or outside Hong Kong within the past [] years* with an adjusted original contract sum* not less than HK\$[] million.
 - (d) The applicant or any one of the participants/ shareholders in a joint venture applicant has completed¹ at least one [specific type of] construction contract, in or outside Hong Kong within the past [] years with an adjusted original contract sum[†] not less than HK\$[] million.
 - (e) The applicant or any one of participants / shareholders in a joint venture applicant has no more the [%] performance reports in the past [] years rated as adverse.

¹ Adjusted original contract sum refers to the original contract sum adjusted to the current value and other requirements as specified.

3. A joint venture with participation of local and/or non-local contractors not on the Approved List or the Specialist List may apply for prequalification. However, they shall satisfy the requirements as set out in paragraph 31 of the Instructions to Applicants and on page [] (Stage I – Screening) on joint venture applicants.
4. The following documents shall be submitted by the applicants:-
 - (a) A covering letter from the applicant expressing the intention to apply for prequalification. The letter shall be signed and dated by a person authorised to sign contracts on behalf of the applicant.
 - (b) [] copies of the information as required in Part B (including the Proforma Submission as listed in Appendix 4) and Part C of the Pre-qualification Document.
 - (c) [] copies of any other supporting information which the applicant may wish to provide.
5. All submissions shall be enclosed in a sealed envelope or properly wrapped, marked on the face “Prequalification Submission for Contract No. [] – [Contract title]”, and submitted to :-

[Relevant Project Department
Address]
6. Completed prequalification applications shall be submitted on or before 12:00 noon, [Date], or if this has been extended, the extended date. In the event of a tropical cyclone warning signal No. 8 or above or black rainstorm warning being hoisted or in force between 9:00 am and 12:00 noon on [Date], the application closing time will be postponed to 12:00 noon on the following working day. Late applications will not be accepted. (Note. Saturdays, Sundays and General Holidays are not working days.)

The Employer will not consider any clarification or information submitted by the applicant after close of prequalification applications irrespective of whether or not the clarification or information is submitted at the invitation of the Employer if such clarification or information would alter the prequalification submission in substance or give the applicant an advantage over the other applicants.
7. Enquiries concerning the prequalification document may be made to the Employer’s Representative or the Consultant, as appropriate. (For contact details, please refer to Part A2 of the Prequalification Document). Unless otherwise allowed by the Employer’s Representative or Consultant, enquires shall be raised at least 14 days before the closing date for prequalification application as stated in Clause 6 above.
8. This prequalification exercise is intended to create a list of potential tenderers for the Contract. The Government reserves the right to reject any applicant’s application.
9. Tenders will be invited from prequalified contractors only. The Government reserves the right to prequalify any contractor who meets the prequalification requirements in accordance with established procedures.
10. Not used

11. If there is any change to the proposed design team members of the applicant after the pre-qualification application, the Government reserves the right to disqualify the applicant for the tender.
12. The prequalification submission will be evaluated against the basic criteria as listed in Part A of the Prequalification Document and the specific responses required in Part B of the Prequalification Document. Failure to submit any details as required by this Prequalification Document will be reflected in the evaluation.
13. The submitted applications will be marked based on the Prequalification Marking Scheme enclosed in Appendix 3 of this Prequalification Document.
14. The terms “the Employer”, “the Government”, “the Hong Kong Government” or “the Government of Hong Kong” or “ the Hong Kong SAR Government” described / referred hereinbefore or hereinafter in this Prequalification Document or in all other standard Government documents shall be deemed to be a reference to “the Government of the Hong Kong Special Administrative Region”.
15. The prequalification will be conducted in accordance with the Agreement on Government Procurement (GPA) of the World Trade Organisation (WTO). Applicant can refer to DEVB TCW No. 2/2014 entitled "Tender Procedures for Procurement governed by the Agreement on Government Procurement of the World Trade Organization."²
16. All prequalified contractors will be required to make a statement at the time of tender submission to advise whether there has been material change in their qualifications. Any proposed changes in their qualifications shall not be inferior to those submitted in the prequalification stage. Subject to the foregoing, the Government may, at its discretion, permit such changes in the tender stage to any information previously submitted by the prequalified contractors in their prequalification applications. For the avoidance of doubt, the provisions of this paragraph do not apply to changes to the composition of a prequalified applicant which are subject to the provisions of paragraph 20.
17. Applicants who are unable to make a prequalification submission shall return all Prequalification Documents to the project department within two weeks after the date set for receipt of prequalification submission. Unsuccessful applicants shall return all Prequalification Documents within two weeks of the Employer's notice advising them of the results.
18. [Not used].
19. Applicants are advised that their financial capability will be assessed at the tender stage of the Contract in accordance with the financial requirements set out in the Contractor Management Handbook promulgated.
20. Changes to the composition of a prequalified joint applicant will only be allowed on the condition that:
 - (a) In case where change or changes are applied for before the date tenders are invited, there is sufficient time available before the tender invitation to undergo a prequalification exercise for this changed entity; or

² Please delete this paragraph if the prequalification is not subject to WTO GPA.

- (b) In case where change or changes are applied for on or after the date tenders are invited but prior to close of tenders, there is sufficient time available before close of tenders to undergo a prequalification exercise for this changed entity and there is no other contractor (who has met the qualification requirements) outside the prequalified list.³

When the conditions in (a) or (b) above are met, the prequalified joint venture contractor who applies for such a change will need to go through a reassessment of marking and ranking exercise as in the prequalification exercise.

In case (a) above, if the reassessment shows that the contractor could meet the qualification requirements and its rank is still within the range of the top _____ ranking, the prequalified joint venture contractor will remain on the list of prequalified contractors. Otherwise, it will be removed from the prequalified list. In the case of the removal of the prequalified status of a contractor, the first contractor on the lower ranking, if any, who has satisfied the qualification requirements will be admitted to the list of prequalified contractors.⁴

In case (b) above, if re-assessment shows that the contractor could meet the qualification requirements, the prequalified joint venture contractor will remain on the list of prequalified contractors. Otherwise, it will be removed from the prequalified list.

21. (a) Except where the Consultant has, in accordance with the terms of its appointment by the [Employer]⁺, obtained approval of the [Employer]⁺ for itself or its associated companies, associates, associated persons or Sub-consultants to undertake work for the applicant or be otherwise involved in relation to the applicant's submission for this prequalification exercise or, in the case where the Consultant's terms of its appointment by the [Employer]⁺ do not contain an approval mechanism, the applicant has obtained the prior written approval of the [Employer]⁺, the applicant shall not engage or otherwise permit the Consultant to undertake any services, tasks or jobs or do anything whatsoever in relation to the preparation of its submission for this prequalification exercise or to participate or be financially involved in its submission for this prequalification exercise and shall ensure that the Consultant's associated companies, associates, associated persons and Sub-consultants will not be engaged or otherwise permitted to undertake any services, tasks or jobs or do anything whatsoever in relation to the preparation of its submission for this prequalification exercise or to participate or be financially involved in its submission for this prequalification exercise.

³ If, for any reason, restriction on the number of applicants to be prequalified cannot be justified in relation to any particular D&B project and thus the prequalification would become a Type II prequalification, this paragraph should be modified along the lines of paragraph 32 of DEVB TCW No. 5/2014 for a Type II prequalification.

⁴ The procuring department should note that under Article IX.5 of the 2012 WTO GPA, "[a] procuring entity shall allow all qualified suppliers to participate in a particular procurement, unless the procuring entity states in the notice of intended procurement any limitation on the number of suppliers that will be permitted to tender and the criteria for selecting the limited number of suppliers". Moreover, in accordance with Article X.3 of the 1994 WTO GPA, any limitation on the number of prequalified suppliers should be justified on the basis of "efficient operation of the procurement system". Factors, which may generally be taken into account in determining the limitation on the number of applicants to be prequalified on the basis of "efficient operation of the procurement system", include time (e.g. time needed to conduct evaluation, time available before tender closing, etc.) and resources (e.g. high costs incurred in the evaluation process, efforts spent or to be incurred, etc.). Since the facts and circumstances in each particular case may vary, the procuring department should ensure that there are adequate justifications if this provision is to be included in the prequalification document for any particular case and, if there is any doubt, seek legal advice.

⁺ [*Note: It is important to ensure that term "Employer" is consistently used and defined in the Prequalification Document.]*

- (b) In the event of breach of or non-compliance with the provisions in (a) above by any applicant, the applicant's prequalification submission shall not be further considered or, in the event that the applicant is prequalified, its prequalification status shall be withdrawn.
- (c) In this paragraph 21

"person" includes individual, corporation, partnership, firm and unincorporated body.

"associated company" or "associated companies" in relation to the Consultants means

any company which is the holding company or subsidiary company or sister company of the Consultants. A "sister company" means a company which belongs to the same holding company as the Consultants'.

"associate" or "associates" in relation to the Consultants means

- (i) any partner of the Consultants; or
- (ii) any company one or more of whose directors is in common with one or more of the directors of the Consultants.

"associated person" or "associated persons" in relation to the Consultant means

- (i) any person who has control, directly or indirectly, over the Consultants; or
- (ii) any person who is controlled, directly or indirectly, by the Consultants; or
- (iii) any person who is controlled by, or has control over, a person at (i) or (ii) above.

"Consultant" means the Consultant whose name and address are specified in paragraph [A2(c) of Part A].

[Note: *This definition for "Consultant" may need to be modified to suit the particular circumstances of individual project. For example, the definition may need to be expanded to cover another consultant having regard to the nature and extent of its previous involvement in the Project.]*

"control" in relation to another person means holding office as a director or the power of a person to secure

- (i) by means of the holding of shares or interests or the possession of voting power in or in relation to that or any other person; or
- (ii) by virtue of powers conferred by any constitution, memorandum or articles of association, partnership, agreement or arrangement (whether legally enforceable or not) affecting that or any other persons;

that the affairs of the first-mentioned person are conducted in accordance with the wishes of that other person.

"director" means any person occupying the position of director by whatever name called and includes without limitation a de facto or shadow director.

"person" includes individual, corporation, partnership, firm and unincorporated body.

"Project" means the scheme described in paragraph [] of Part [].

"Sub-consultant" means any sub-consultant of the Consultant who is or has been involved in the carrying out of any part of the work or services under the Project.

[Guidance Note:

(a) *Subject to (b) below, this clause is to be included in all prequalification documents for consultant-managed contracts.*

(b) *Where the procuring department has obtained a ruling from the relevant consultants' selection board under SPR 193 not to impose a strict ban on future participation of the Consultant in procurement exercises, the procurement department shall observe the requirements of SPR 194 and modify or exclude this clause as appropriate in line with the ruling. Legal advice should be sought if necessary.]*

- 22. The applicants shall note that, Stage I Screening and Stage II Marking in the Prequalification Marking Scheme will be based on the information submitted by the applicants. The information, documents and forms to be submitted are detailed in Part B, Part C and Appendix 4 of this Prequalification Document.
- 23. Not used.
- 24. Not used.

25. All information submitted by the applicants in the prequalification submissions will be kept confidential by the Government.
26. Documents submitted by unsuccessful applicants will be destroyed three years after the date the Contract has been awarded.
27. Applicants shall be responsible for the costs of preparation and submission of their prequalification applications, including the costs of any meetings or discussions with the Employer, Project Team, Consultant, other authorities and utility undertakers, etc whether such applications are successful or not.
28. Applicants are requested to note that a Review Body on Bid Challenges under WTO GPA(the Review Body) has been set up by the Government to deal with challenges made against alleged breaches of the WTO GPA and the relevant procedures for handling bid challenges are set out in the Rules of Operation of the Review Body (the Rules) which are available for inspection at the Secretariat of the Review Body located at the Trade and Industry Department or which may be sent to the interested parties upon request. In the event that an applicant believes that a breach of the WTO GPA has occurred, the applicant may, within 10 working days after he/she knew or reasonably should have known the basis of the challenge, lodge a challenge to the Review Body on the alleged breaches of the WTO GPA. Nevertheless, the applicant is encouraged to seek resolution of its complaint in consultation with the procuring department before lodging a complaint to the Review Body.

In such instances, the procuring department shall accord impartial and timely consideration to any such complaint, in a manner that is not prejudicial to obtaining corrective measures through the Review Body.

Applicants are also to note that the Review Body may receive and consider a late challenge but a challenge shall not be considered if it is filed later than 30 working days after the basis of the challenge is known or reasonably should have been known.

In the event of a bid challenge being lodged with the Review Body on Bid Challenges under the WTO GPA on this prequalification exercise or the tendering of the Contract which is the subject of this prequalification exercise and the Employer is requested by the Panel appointed in accordance with the Rules of Operation of the Review Body on Bid Challenges (the "Panel") to disclose the information submitted in the prequalification submissions, the Employer may disclose the information to the Panel and to such other persons and in such manner as the Panel may require in accordance with the Rules of Operation. This may include disclosing the information to the complainant which has lodged the bid challenge.⁵

29. *(For use where the identities of the successful prequalified contractors will be disclosed in the interest of the public)* The result of the prequalification will be released by **(month and year)**. The result will be published in the Hong Kong SAR Government Gazette and on the Homepage of the [relevant project department] of the Internet website address []. Applicants will be notified separately by the Employer.

⁵ Please delete this clause if the prequalification is not subject to WTO GPA.

(For use where the above clause is not included and where pre- or post-tender meetings may be arranged.) The applicants' attention is drawn to the fact that *a pre-tender meeting (*Note: amend as appropriate – such as “a briefing session”, “a post-tender meeting”, etc.) may be arranged at the tender stage following the completion of the prequalification exercise. All prequalified contractors will be invited to attend this meeting if arranged. The identities of the prequalified contractors may be revealed when attending such a meeting or where public interest so requires. The Employer shall not be liable for any claims, loss or damages arising from the disclosure of the identity of any prequalified contractors during such occasions.

30. Rejection of Application and Disqualification of Tenderers

- (a) Tenders for the Contract will be invited from prequalified contractors only. The Government reserves the right to prequalify any contractor who meets the qualification requirements. In the case of more than _____ applicants meeting the selection criteria, the _____ applicants with the highest marks in the prequalification process shall be selected.⁶
- (b) The Government reserves the right to prequalify any contractors who meets the qualification requirements.
- (c) The Government may permit changes to any prequalified contractor's application at its discretion.
- (d) All prequalified contractors shall be required to make a statement at the time of tender submission to confirm that there has been no material change in their qualifications. If the Government becomes aware that a prequalified contractor has ceased to be able to meet the qualification requirements, then the Government may, at its discretion, disqualify the contractor at any time prior to acceptance of the tender. In such case, the Government may add another prequalified contractor or tenderer for the contract.
- (e) No applicant is permitted to submit more than one application for each prequalification either on his own behalf or as a participant or shareholder of a joint venture. For the purpose of this Clause, a holding company and its subsidiaries are considered as one and the same applicant.
- (f) A holding company and all of its subsidiaries who are included in the [insert the appropriate list] shall be allowed to submit only one application for prequalification from any one of the companies in the group of companies as defined in Section 2(1) of the Companies Ordinance (Cap. 622), either on its own behalf or as a participant or shareholder of a joint venture. The existence

⁶ The procuring department should note that under Article IX.5 of the 2012 WTO GPA, "[a] procuring entity shall allow all qualified suppliers to participate in a particular procurement, unless the procuring entity states in the notice of intended procurement any limitation on the number of suppliers that will be permitted to tender and the criteria for selecting the limited number of suppliers". Moreover, in accordance with Article X.3 of the 1994 WTO GPA, any limitation on the number of prequalified suppliers should be justified on the basis of "efficient operation of the procurement system". Factors, which may generally be taken into account in determining the limitation on the number of applicants to be prequalified on the basis of "efficient operation of the procurement system", include time (e.g. time needed to conduct evaluation, time available before tender closing, etc.) and resources (e.g. high costs incurred in the evaluation process, efforts spent or to be incurred, etc.). Since the facts and circumstances in each particular case may vary, the procuring department should ensure that there are adequate justifications if this provision is to be included in the prequalification document for any particular case and, if there is any doubt, seek legal advice.

of a holding subsidiary relationship shall be determined as at the date set for the close of prequalification, or if this has been extended, the extended date, and in accordance with the provisions in Sections 13 to 15 of the Companies Ordinance (Cap. 622). Applications submitted from an applicant on his own behalf who is found to be in breach of this Clause or from a joint venture or joint ventures in which any participant or shareholder who is found to be in breach of this Clause shall not be considered.

31. Joint Ventures

Joint venture will be considered for the tender and applicants' attention is drawn to the following:

- (a) A joint venture means an entity in the form of:
 - (i) Sole proprietors, firms and / or companies joining together as partners within the meaning of a partnership under the Partnership Ordinance (Cap. 38) or as independent contractors under a purely contractual arrangement; collectively the "unincorporated joint venture", and each individual party in the "unincorporated joint venture" a joint venture participant; or
 - (ii) Sole proprietors, firms and / or companies incorporating as a company pursuant to statute, with each participating party as a shareholder of the company (the "incorporated joint venture"), and each individual party in the "incorporated joint venture" a joint venture shareholder.
- (b) The joint venture participants or joint venture shareholders shall collectively satisfy the prequalification requirements, including the requirements stated in Stage I Screening as detailed in Appendix 3; and each participant or shareholder in the joint venture shall be technically capable for the part of the Contract works or services it undertakes.
- (c) Where an applicant is an unincorporated joint venture, each participant of the joint venture will be jointly and severally liable for the due performance of the Contract.
- (d) Where an applicant is an incorporated joint venture, all the shareholders will be required to provide a joint venture guarantee for the Contract.
- (e) Where the joint venture is unincorporated, the participants therein must nominate a lead participant whose financial and management participation shall be more than that of any other participants in the joint venture. *[The lead participant must be a contractor on the List of Approved Contractors for Public Works in Group [] under [] Category]. Where the joint venture is incorporated, the financial and management participation of the major shareholder shall be more than of any other shareholders in the joint venture *[and the major shareholder must be a contractor on the List of Approved Contractors for Public Works in Group [] under [] Category][* not applicable when contractors not on the list are also invited to apply for prequalification].
- (f) The joint venture shall provide with its application details of the percentage participation of each participant or shareholder in the joint venture. The

percentage participation of each participant or shareholder in a joint venture shall be calculated by its financial and management participation.

32. Selection Criteria

A two-stage evaluation process will be adopted. The first stage is to determine whether the applicants satisfy the basic requirements. The second stage is a detailed assessment of applicants who satisfy the first stage assessment. The criteria for the two-stage evaluation are given in **Appendix 3 – Prequalification Marking Scheme**.

33. Validity

The list of prequalified contractors will normally be valid for one year from the date of the notification of the prequalification result.

34. Applicants shall note that this prequalification invitation is invited before the necessary funds have been approved. [Note: To be adopted if funding has not been approved at the time of prequalification invitation.]

35. Applicants should also note that the Employer reserves the right to cancel this prequalification exercise at any time before or after the deadline for submission of the application and the Employer shall not in any circumstances be liable for any costs and expenses incurred by the applicants in connection with the preparation and submission of their applications if the prequalification exercise is cancelled. In addition, the Employer shall not be liable for any costs and expenses incurred by the applicants in connection with the preparation and submission of their applications, in the event that the Employer decided not to proceed with the project after completion of the prequalification exercise.

36. Binding of prequalification submissions

[Note: Suitable tender and contract provisions by way of SCT and SCC should be adopted in the D&B tender and contract to reflect this binding requirement.]

With regard to resources for the [Design Team, Project Management Team, Site Supervising Team and Building Services Co-ordination Team], applicants' attention is drawn to the condition that they will be bound to their better proposals in terms of qualification, experience and number of personnel concerned as compared to those specified in Clause B3 under Part B: Information Required from Applicant in the Prequalification Document in the event that they become prequalified tenderers and submit tenders for the subsequent Design and Build Contract. Those minimum requirements as stated in B3 will be included as part of the Employer's Requirement in the tender documents for the subsequent Design and Build Contract. The prequalified tenderers shall comply with the Employer's Requirements in the tender documents and their submissions in respect of the aforesaid resources for the Teams shall not be worse than their prequalification submissions in terms of qualification, experience and number of personnel concerned. However, they may provide improved proposals in their tender submissions in terms of qualification, experience and number of personnel concerned which will be binding on them in the event that they become the successful tenderer.

[With regard to resources for the plant and equipment, applicants' attention is drawn to the condition that they will be bound to their better proposals in terms of the

function and quantity of plant and equipment concerned, as compared to those specified in Clause B3 under Part B: Information Required from Applicant in the Prequalification Document in the event that they become prequalified tenderers and submit tenders for the subsequent Design and Build Contract. Those minimum requirements, as stated in B3, if any, will be included as part of the Employer's Requirement in the tender documents for the subsequent Design and Build Contract. The prequalified tenderers shall comply with the Employer's Requirements in the tender documents and their submissions in respect of the aforesaid resources for plant and equipment shall not be worse than their prequalification submissions in terms of function and quantity concerned. However, they may provide improved proposals in their tender submissions in terms of function and quantity of plant and equipment concerned which will be binding on them in the event that they become the successful tenderer. (Note: Works departments should decide whether to bind the plant and equipment proposal on a case by case basis depending on the project nature.)]

37. Applicant's Consent and Authorization on Conviction Records

The applicant shall submit with his prequalification application a duly signed letter in the form set out in **Form 2B** giving consent to the [*name of the project office/procuring department*] to obtain from all relevant government departments/bureaux, authorizing such relevant government departments/bureaux to release and make available to [*name of the project office/procuring department*] and giving further consent to the [*name of the project office/procuring department*] to furnish to the Consultants of this Project, all information relating to his convictions, including the legislation violated, dates of offences, dates of convictions and the associated fine imposed by the court, site addresses, contract numbers and contract titles, for offences under the following ordinances (including all subsidiary legislation made thereunder) and specific subsidiary legislation (if any):

[*set out the relevant ordinances/specific sub-legislation*]⁷;

The letter shall be signed by a person authorized to sign Government contracts on the applicant's behalf.

If the applicant is a partnership or an unincorporated or incorporated joint venture, each participant of the partnership or unincorporated joint venture or shareholder of the incorporated joint venture shall submit such a duly signed letter. The signatory for such participant or shareholder shall be a person authorized to sign Government contracts on behalf of that participant or, as the case may be, shareholder.

⁷ Project office/procuring department should check the ordinances / specific subsidiary legislation to be listed, taking into account the provisions of the prequalification document as adopted for any particular project (including the prequalification marking scheme).

PREQUALIFICATION DOCUMENT

CONTRACT NO. []

[CONTRACT TITLE]

PWP No. []

A CONTRACT INFORMATION

A1 Description of the Works

- (a) Nature and scope of the Works
- (b) Salient design features, including the fact that the Contract will be executed on a design and build basis.
- (c) Major constraints such as problems of access, restrictions on working etc.

A2 Employer and Project Team

- (a) The Employer of the Contract shall be the Government of the Hong Kong Special Administrative Region.
- (b) The Works are to be carried out for the Employer as represented by the [Director of the relevant department]. The project is being managed by the [project team/ division of relevant department].

Enquiries to the Employer's Representative may be addressed to:

[Project team / division

Address]

Person to contact:

Mr. [] (Title)
(Title)

Tel:(852) –[]

Fax: (852)- []

- (c) All technical enquiries should be addressed to the following Consultant who will be appointed as the Supervising Officer by the Employer for the Contract:

[Name of Consultant

Address]

Person to contact:

Mr. []
(Title)

Tel:(852) -[]

Fax: (852)- []

A3 Tender Documentation

- (a) Law applicable to the Contract

The Contract shall be governed by the Laws of the Hong Kong SAR.

- (b) Articles of Agreement and Conditions of Contract.

The Conditions of Contract will be the Government of the Hong Kong Special Administrative Region "General Conditions of Contract for Design and Build Contracts - 1999 Edition" supplemented by appropriate Special Conditions of Contract (SCC). The SCC applicable to this Contract will be issued with the tender document.

The successful tenderer will be required to execute a formal Articles of Agreement with the Government.

- (c) Type of Contract

The Contract will be let as a lump sum Design and Build contract.

- (d) Outline Employer's Requirements and Drawings

The Outline Employer's Requirements with list of Specifications are listed in **Appendix 1**.

The Outline Drawings are appended in **Appendix 2**.

- (e) Sureties or Security

[To state whether sureties or security is required for the Contract.]

- (f) Payment

[To specify the payment method to be adopted for the Contract.]

- (g) Provision for Price Fluctuations

The Contract will be subject to fluctuation for rise and fall in the costs of labour and materials in accordance with Clause 89 in the General Conditions of Contract.

- (h) Currency

Tenders shall be denominated in Hong Kong Dollars and payments will be made in Hong Kong Dollars. No adjustments will be made for fluctuations between the value of the Hong Kong Dollar and any other currencies.

(i) Guarantees and Undertakings

Parent company guarantees and undertakings may be required from the parent company of the successful tenderer; or from the respective parent company of each participant / shareholder in the joint venture in the case of joint venture.

(j) Environmental Permit

[To state if the Project is a designated project under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499). The conditions, or draft conditions, of the Environmental Permit will be included in the tender documents. The Contractor shall observe the conditions of the Environmental Permit relevant to the Contract.]

A4 Tender Programme (Tentative)

- (a) The expected date for notification of the prequalification results is around the [quarter of year].
- (b) The date for invitation to tender is expected around the [quarter of year].
- (c) The tendering period will be approximately [] days.
- (d) The expected tender validity period will be [] days.

A5 Construction Programme

- (a) The Contract is expected to commence in the [quarter of year] and complete in the [quarter of year].
- (b) Sectional completion dates, if any, will be specified in the Contract.
- (c) Date for possession of site / phased possession is expected to be in the [quarter of year].
- (d) Liquidated damages will be applied to the Contract pursuant to the General Conditions of Contract and the Special Conditions of Contract.
- (e) Extension of time for inclement weather will apply in accordance with Clause 50 of the General Conditions of Contract.

A6 Other Information

- (a) The Contractor shall employ a Designer/ Designers for the design of all permanent works and temporary works in this Contract, and nominate such Designer/ Designers in the application for prequalification. Changes of the Designer/ Designers after the prequalification or at the tender stage will not

be allowed except in the most exceptional circumstances with written approval from the Employer.

- (b) [The Contractor shall appoint a Design Checker, who shall be approved by Employer, to check and certify the design of the permanent and temporary works designed by the Contractor's Designer/Designers.]⁸ The Contractor shall also be responsible for obtaining approvals from relevant government authorities and maintenance departments/ divisions, and shall allow for adequate time in the programme for obtaining the approval for the works designed by the Contractor.
- (c) The Contractor shall employ the staff as listed under Part B3 of this Prequalification Document to undertake the respective items of the Works.
- (d) Systematic Risk Management will be adopted in the Contract to reduce risks and uncertainties and to ensure timely completion of the Project. The Contractor shall perform such risk management in accordance with Development Bureau's circulars and guidelines, and relevant international codes of practice for risk management to identify the risks and uncertainties associated with the Works. The Contractor shall be required to employ a qualified engineer to implement and carry out measures stated in the Risk Management Plan, Risk Registers and Risk Treatment Action Plans to reduce the risks and uncertainties to acceptable level and to ensure completion of the Works in compliance with the Contract requirements. [Note: *This clause is not applicable if the estimated value of contract is not exceeding HK\$200M*]
- (e) This Contract will interface with other works being undertaken by the Government or other parties, requiring a high degree of co-operation between contractors. The interfacing contracts mainly include, but not limited to the following:
 - (i) []
- (f) The following documents are available for inspection at the office of the Consultant:
 - (i) []

[*Note: It is possible that documents within the meaning of "side information" as referred to in DEVB's memo to works departments entitled "Representation at Pre-contract stage" dated 23 April 2008 may be included. Procuring departments should comply with the guidelines given in the aforesaid memo. The procurement departments should seek legal advice from LAD(W) on the drafting of appropriate disclaimer/exemption clause to be included in the prequalification document if a decision is made to include any "side information."]*
- (g) If the Contractor, or in case of joint venture, all the joint venture participants/ shareholders, has/ have no experience in specialist works on, inter alia, the works items listed below under the "List of Approved Supplier or Materials and Specialist Contractors for Public Works", and if the Contract includes permanent or temporary works of such specialist nature, the Contractor shall

⁸ Please delete the sentence if the Contractor shall not be required to employ an Independent Design Checker.

employ an approved supplier or a specialist subcontractor from the Approved List for that specialist area or a contractor from the List of Approved Contractors for Public Works in the relevant category to carry out those specialist works.

Specialist Contractors from “the List of Approved Suppliers of Materials and Specialist Contractors for Public Works” in the following categories (categories are not comprehensive):-

(1) []

Contractors from “the List of Approved Contractors for Public Works” in the following categories (categories are not comprehensive):-

(1) []

A7 Tender Conditions Related to Status of Prequalified Tenderers

(a) Eligibility to tender

At tender stage, a tender will not be considered if the prequalified contractor, or any participant or shareholder in case of a prequalified joint venture contractor, is under suspension from tendering for public works by the date set for the close of tender.

A participant, or a shareholder as the case may be, of a prequalified joint venture contractor will not of itself be considered as prequalified.

(b) Status of prequalified tenderer – change of composition of tenderers

A contractor who has been prequalified individually will not be considered to be a prequalified joint venture contractor in the event of such contractor entering into a joint venture with other contractors whether prequalified or not. A separate application for prequalification as a joint venture contractor is required.

B INFORMATION REQUIRED FROM APPLICANTS

Applicant's submission will be assessed on the basis of the information submitted. The applicant should note that the standard forms (proforma) attached in **Appendix 4** shall be used in their submissions.

Failure to submit the information required by this prequalification document will result in no mark being given under the relevant criteria,

Completion of the information submitted must follow the exact order of the topics as listed below. Each topic section will be read as independent information. Marking cross-reference to information submitted under other topic sections in the prequalification submission shall be avoided.

B1 Details of Applicants

- (a) The company details of the applicant
 - (i) Name of company
 - (ii) Address
 - (iii) Telephone number
 - (iv) Fax line number
 - (v) E-mail address
 - (vi) Name of person to contact
 - (vii) If the company is a subsidiary, the involvement, if any, of the parent company in the contract
 - (viii) Names and addresses of any associates the company has in the Hong Kong SAR.
 - (ix) Names and addresses of associated companies to be involved in the Project – and whether parent, subsidiary or others
 - (x) Names and addresses of the participants (for an unincorporated joint venture) or shareholders (for an incorporated joint venture) and the percentage of participation based on the financial and management participation of each participant or shareholder including a clear statement on its anticipated responsible portion and nature of works as a part of the joint venture.
- (b) In the case of companies on the List of Approved Contractors for Public Works or the Lists of Approved Suppliers of Materials and Specialist Contractors for Public Works, they shall provide their current details in the relevant Categories and Groups including details of any suspension from tendering currently in force.
- (c)
 - (i) Current numbers of staff employed
 - Managerial
 - Professional
 - Technical
 - Supervisory
 - (ii) Names, qualifications and experience of principal staff members in each of the above categories and length of service with the company.
- (d) Details of offices, workshops, stores and factories operated by the applicant, or each participant/ shareholder in case of a joint venture, stating the ownership (i.e. owned or leased)

B2 Experience

- (a) Details of all Design and Build contracts completed in the past [] years (each contract with adjusted original contract sum not less than HK\$[] million as required in Appendix 3 under Stage I Screening)
- (b) Details of [specific type of contracts] completed in the past [] years (each contract with adjusted original contract sum not less than HK\$[] million as required in Appendix 3 under Stage II Marking)
- (c) Details required under (a) to (b) shall be provided in the format as given in Proforma Form 1B and Form 1C in the Appendix 4. In case of joint venture applicant, each participant/shareholder is required to separately complete the Forms.
- (d) The applicant shall categorise the above details separately for:
 - (i) the Hong Kong Government contracts
 - (ii) other contracts within the region of the Hong Kong SAR
 - (iii) contracts outside the Hong Kong SAR.
- (e) For each contract, the applicant shall submit certified true copy of the articles of agreement or letter of acceptance or equivalent certifying the original contract sum of the works; documents showing the scope and duration of the contracts; the substantial completion certificates for the completed contracts; payment certificate showing the completed value of specific work which is considered relevant to the prequalification exercise. If any of the above documents are in languages not in English or Chinese, a translation to either language duly certified by the applicant should also be submitted. The percentage share of the works by value of each participant/ shareholders shall also be provided. The applicant shall also provide contact particulars of the Architect / Engineers / Supervising Officers and the Clients, including the names, addresses, contact telephones and facsimile numbers and e-mail addresses, if available, through the Proforma Forms included in Appendix 4. The applicant's experience in the capacity of a sub-contractor shall not be considered unless otherwise allowed.

The Employer will disregard any contracts which, in his opinion, are not substantiated with adequate and credible evidence or the information as to the contracts' existence, substantial completion, or the values of the works so supplied are conflicting.

- (f) The Employer may approach relevant parties for performance records and reference of the applicant.

B3 Resources

- (a) The proposed key staff for the [Design Team, Project Management Team, Site Supervising Team and Building Services Co-ordination Team] shall comply with the following minimum qualification and construction experience.

Key staff	Minimum qualifications	Minimum experience
Project Manager	Corporate Member of the [HKIE / HKIA/ HKIS etc) in [] discipline or equivalent	[] years post qualification general experience in construction contracts, with at least [] years specific experience in [] works.
Construction Manager	Corporate Member of the [HKIE / HKIA/ HKIS etc) in [] discipline or equivalent	[] years post qualification general experience in construction contracts, with at least [] years specific experience in [] works.
Design Manager	Corporate Member of the [HKIE / HKIA/ HKIS etc) in [] discipline or equivalent	[] years post qualification general experience in construction contracts, with at least [] years specific experience in [] works.
[] Manager	Corporate Member of the [HKIE / HKIA/ HKIS etc) in [] discipline or equivalent	[] years post qualification general experience in construction contracts, with at least [] years specific experience in [] works.

Applicants must show that they have suitably experienced staff, including those to be obtained from in-house designers and external design consultants who are capable of handling complex contracts of comparable magnitude to this Project, and committed to the Project. The following information should be provided for the proposed staff for this Contract:

- (i) Existing and proposed titles, name, years of experience, education and relevant experience of staff in the Hong Kong SAR;
- (ii) Existing and proposed titles, name, years of experience, education and relevant experience of overseas staff.

Specific details shall be provided to demonstrate the applicant's capability in the execution of the Works, as required under the criteria in Section 3 of the Marking Scheme. Where the staff are not currently employed by the applicant or by the design consultant, a letter of association shall be attached confirming that, should the applicant be awarded the Contract, the concerned staff will be employed by the applicant or his design consultant for the Contract.

- (b) [Note: Minimum requirements on plant and equipment should be specified here if the Clause 36 of the “Instructions to Applicants” binding applicants to their proposals on plant and equipment is adopted.] Applicants must show that they have or will have adequate plant and equipment committed to the Project. Details of major holdings in plant required for the contract stating whether the plant is owned by the applicants, their groups or subcontractors, leased or subject to a hire purchase agreement shall be provided.

Details required are: type of plant, make, size or rating, date of manufacture; if it is located in Hong Kong and when it will be available for use on the works.

- (c) Applicants should provide the above information in the formats shown in Appendix 4 – Proforma Submissions

B4 Sub-contracts

Not used.

B5 Project Management

- (a) Applicants shall provide details of the managerial structure, in summary form, proposed for the Contract, with particular reference being given to the means the Contractor will adopt to ensure control of the Works with regard to programming, constructability, quality, safety, environmental protection, timely completion of the Works, co-ordination with other contractors and the like. An organisation chart shall also be submitted.
- (b) Applicants shall submit proposals for programming and coordination of the Works with particular emphasis on the coordinating and programming of the following:
- (1) The design, construction and timely completion of the [Works] .The applicant shall also demonstrate how the [civil and E&M construction activities] are coordinated.
 - (2) Anticipated construction method and resources planning programme for [major element of the Works including interfacing works]

B6 Site Safety

A statement of policy on site safety together with an outline Safety Plan which shall contain information to demonstrate clearly the method of establishing and implementing effective and efficient safety procedures. The outline Safety Plan shall adequately demonstrate the applicants’ ability and/or commitment that all works undertaken by the applicants shall be conducted with full and proper regard for occupational safety and health as per the outline Safety Plan.

B7 Environmental Protection

A statement of policy on environmental protection identifying key environmental issues associated with the design and construction of the Works, together with an outline Environmental Management Plan containing information to demonstrate

clearly the methods and procedures that will be established and implemented to deal with the environmental issues effectively and efficiently, including but not limited to the following.

- (1) [Control of noise]
- (2) [Control of dust]
- (3) [Control of quality of discharging water]
- (4) [Handling and disposal of construction waste]
- (5) [Ecology protection]

B8 Proposal for Undertaking the Project

- (1) Applicants shall present their understanding of the prevailing circumstances such as [] and the implications of those circumstances on the construction of the Works.
- (2) Applicants shall submit outline method statements for carrying out the Works. The method statement shall clearly indicate the intended sequence and method of working, and shall demonstrate that these works would be completed [and commissioned] in accordance with the relevant construction programmes.
- (3) The applicants shall submit an outline Quality Assurance Plan, which shall include a management quality assurance plan and a construction quality assurance plan. This Quality Assurance Plan shall demonstrate clearly the methods of ensuring the quality and the standard of the Works, including any works proposed to be carried out by sub-contractors, and shall include proposals for the control and coordination of the design and construction process with due acknowledgement of the necessary approvals, integrated quality assurance, environmental and safety considerations.
- (4) Applicants shall submit a preliminary Risk Management Plan for the Works. The applicants should identify the key risks, which may affect the safety, cost and programme, and should propose corresponding risk mitigation measures in the preliminary Risk Management Plan.
- (5) Applicants shall submit an outline Constructability Plan for the Works which shall demonstrate clearly the integration between the design and the construction including the practical integration of permanent works and temporary works, cost effective approach or modular, prefabricated and / or mechanised construction to enhance productivity.

B9 Joint Venture

If a contractor proposes to seek prequalification as an unincorporated joint venture or incorporated joint venture, the procedure and details required to be submitted to gain prequalification shall apply to each participant (in the case of an unincorporated joint venture) or shareholder (in the case of an incorporated joint venture). Such details should be submitted under the name of the proposed unincorporated joint venture or incorporated joint venture. Where the joint venture is unincorporated, the participants therein must nominate a lead participant. Where the joint venture is incorporated, the shareholders therein must nominate a major shareholder. The lead participant, or major shareholder as the case may be, shall be responsible for the overall project management and co-ordination in the joint venture. The financial and management participation by the lead participant, or major shareholder as the case may be, shall be more than any other participants, or shareholders as the case

may be, in the joint venture. A draft of the proposed joint venture agreement, stating the name of the lead participant leading the unincorporated joint venture, or of the major shareholder leading the incorporated joint venture and the percentage participation of each of the participants, or shareholders as the case may be, should be included in the submission. Notwithstanding any such percentage participation, each participant (in the case of an unincorporated joint venture) will be jointly and severally liable for the due performance of the contract and all shareholders (in the case of an incorporated joint venture) are required to provide a joint venture guarantee.

B10 Statement of Convictions

- (a) Applicants are required to submit a statement of either all convictions under the following Ordinances for all sites under their control, and the dates of all such convictions during the 12-month period⁹ prior to the date fixed for submission of prequalification applications; or a statement of “no conviction”. The Statement shall be certified by a person authorised to sign Government contracts on the applicant’s behalf. For avoidance of doubt, conviction under appeal or review shall still be counted for the purpose of evaluation until it is quashed by the Court.
- (i) Sections 171 or 38A of the Immigration Ordinance (Cap. 115) for employing illegal immigrants or for having illegal immigrants
 - (ii) Factories and Industrial Undertaking Ordinance (Cap. 59) for site safety convictions
 - (iii) Occupational Safety and Health Ordinance (Cap. 509)
 - (iv) Shipping and Port Control Ordinance (Cap 313)
 - (v) Air Pollution Control Ordinance (Cap. 311)
 - (vi) Noise Control Ordinance (Cap. 400)
 - (vii) Waste Disposal Ordinance (Cap. 354)
 - (viii) Water Pollution Control Ordinance (Cap. 358)
 - (ix) Dumping at Sea Ordinance (Cap. 466)
 - (x) Ozone Layer Protection Ordinance (Cap. 403)
 - (xi) Section 27 of the Public Health and Municipal Services Ordinance (Cap. 132)
 - (xii) Land (Miscellaneous Provisions) Ordinance (Cap. 28)
 - (xiii) Environmental Impact Assessment Ordinance (Cap. 499)
 - (xiv) Employment Ordinance (Cap. 57)
 - (xv) Hazardous Chemical Control Ordinance (Cap. 595)
 - (xvi) Merchant Shipping (Local Vessels) Ordinance (Cap. 548)
- (b) A conviction against a joint venture shall be counted as a conviction against each of the participants or shareholders in the joint venture.
- (c) If the applicant is a joint venture, each participant or shareholder of the joint venture shall submit such a statement separately.

B11 Applicant’s Summary

Not used.

⁹ Works department shall amend the period and the counting method for the 3-year period as appropriate in accordance with item 2(g) on convictions of the Standard Prequalification Marking Scheme if it has been adopted in prequalification.

B12 Authenticity of Documents and Information

- (a) Applicants are required to submit a statement, signed by a person authorized to sign contracts on behalf of the applicants that all documents and information submitted in their prequalification are correct and true at the time of the submission.
- (b) If any document or information submitted is subsequently found by the Employer to be incorrect, untrue or misleading, any decision made by the Employer may be withdrawn and the applicant and all parties connected with their submissions shall be liable for any and all consequences arising out of this action for any loss, damages and claims caused to the Employer or to any other person as a result of or in connection with such action or arising there from.

C SPECIFIC QUERIES

Applicants are invited to comment and express their suggestions on a number of issues as listed below. Applicants shall note that although any comments received will be considered during the preparation of tender documents but there is no guarantee that the suggestions will be adopted in the subsequent tender for the project.

1. []

It is advised that the view sought will be treated as strictly confidential and for the information of the Project Team. The views will not in any way affect the evaluation of the prequalification submissions.¹⁰

¹⁰ Procuring department must ensure that the compilation of the tender/contract documents, by taking into account the comments and suggestions collected, will not give rise to the effect of precluding competition (for example, the tender/contract requirements should not be to the advantage or preference of the firm.) In the event that comments and suggestions of a firm are taken into account and the tender/contract requirements are subject to challenge, it would be for the relevant procuring department to defend its case by providing reasons and justifications.

APPENDIX 1

OUTLINE EMPLOYER'S REQUIREMENTS WITH LIST OF SPECIFICATIONS

	Works Elements	Sub-element	Design and Build (D&B) scope	Outline Employer's Requirements
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

General Notes.

- (1) The outline Employer's Requirements are preliminary information for the purpose of prequalification exercise only. A complete Employer's Requirements will be prepared and included in the tender document.
- (2) The Contractor shall be required to procure Professional Indemnity Insurance for the Design and Independent Checking Engineer. The amounts of insurance coverage shall be calculated based upon the directions given in the related technical circulars and memos issued by DEVB .
- (3) [The Contractor shall be required to complete the Works in accordance with the Contractor's Design Proposals and he shall be required to submit as-built drawings, operation and maintenance manuals etc once the construction works are completed to the satisfaction of the Architect / Engineer / Supervising Officer.]
- (4) [The Contractor shall be required to carry out, where required, pre-commissioning, commissioning and final commissioning of all E&M equipment and plant, including training of the Employer's staff.]

APPENDIX 2

OUTLINE DRAWINGS
SHOWING PROPOSALS FOR THE PROJECT

APPENDIX 3

¹¹ PREQUALIFICATION MARKING SCHEME

CONTRACT NO. []

CONTRACT TITLE

¹¹ This is a Standard Prequalification Marking Scheme comprising Stage I Screening and Stage II Marking which has been approved by PS(Tsy) and the use of it should be expressly stated in the request for approval of prequalified tendering. If departments intend to make any modifications to the Standard Prequalification Marking Scheme to suit the particular nature of individual contracts, they should seek policy support from the Works Policy Section of DEVB before they seek approval from the PS(Tsy).

The Standard Prequalification Marking Scheme for D&B Contracts

General Notes

1. The Standard Prequalification Marking Scheme in ensuing paragraphs below is normally applicable to prequalification of tenderers for D&B contracts, in which prequalification submissions are invited from contractors on the List of Approved Contractors for Public Works and/or the List of Approved Suppliers of Materials and Specialist Contractors for Public Works. For prequalification exercises adopting open invitation, the Standard Prequalification Marking Scheme shall only be adopted when the department has assessed that not less than 80% of potential applicants would have records of contractor's performance kept in the Contractor Management Information System (CMIS) of DEVB. This Standard Prequalification Marking Scheme is not applicable to design, build and operate contracts, but may serve as a reference in preparation of the corresponding marking schemes based on individual circumstances.
2. The use of the Standard Prequalification Marking Scheme has been approved by the PS(Tsy). However, departments are still required to seek the PS(Tsy)'s approval for use of prequalified tendering in accordance with SPR 330(b) and Appendix III(B).

The Standard Prequalification Marking Scheme

3. The Standard Prequalification Marking Scheme is provided hereunder:

Stage I Screening

Stage I Screening is adopted as a mandatory part of the Standard Prequalification Marking Scheme to ensure that the applicants comply with the stipulated minimum requirements before their prequalification submissions are considered further.

Key minimum requirements stipulated in Stage I Screening

Mandatory minimum requirements

It is mandatory to set the minimum experience requirements in Stage I Screening:

- Minimum experience requirements (mandatory). For example, the applicant shall have completed at least [1] [construction contract]¹ of contract value not less than a specified amount (normally between 40% and 50% of the estimated value of the Contract to be tendered, but the percentage may be set lower especially for mega-sized contracts² and term contracts taking into consideration the number of potential applicants and the complexity of the works) in the past [5] years. If necessary, departments may set the value of a particular type of works (e.g. roads and drainage work) in a contract instead of its contract value. In any case, the percentage of the contract/works value as the minimum experience requirements should not be less than 30% of the estimated value of the Contract to be tendered unless DEVB's policy support is obtained.

¹ For contracts governed by the Agreement on Government Procurement of the World Trade Organisation (WTO GPA), limiting the construction contract(s) to those previously awarded by the procuring department shall not be imposed. The type of construction contract shall be stated in broad terms to avoid being overly restrictive. For example, where different piling constructions are anticipated, a particular type of piling like large diameter bored piles should not be specified. Departments should also allow alternative types reasonably anticipated. Where minimum experience of specialist works is set, the construction contract can also be a relevant first-tier specialist subcontract under a non-specialist main contractor when the applicant is a specialist contractor.

² Refer to contracts with estimated sum exceeding \$1 billion.

Optional minimum requirements

The following optional minimum requirements should be considered in Stage I Screening to suit the nature of individual contracts.

- The applicant's status on the Approved List (optional). For example, the applicant or a lead participant / major shareholder of the joint venture must be on the List of Approved Contractors for Public Works under a specified category or specified categories when only contractors on these lists are invited to apply for prequalification.
- Minimum staff/plant resource requirements (optional). For example, Project Manager shall have at least [X] years of post qualification experience in civil engineering contracts.
- Minimum past performance standard (optional). For example, applicants shall have less than [X]% performance reports rated as adverse in the [X]-year period which ends on the last Quarter End Date before the date being 2 months counting back from but exclusive of the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date. There are four Quarter End Dates in a year, namely the last day of February, May, August and November.

[Remark: Departments should avoid setting stringent minimum past performance standard. An applicant who does not have past performance record is considered as having satisfied this requirement.]

Points to Note

- (i) Departments may include additional Stage I Screening requirements in addition to the above key minimum requirements only with the approval of Works Policy Section of DEVB before invitation for prequalification.
- (ii) Each minimum requirement set in Stage I Screening should involve a clear cut "yes/no" answer based on factual information without qualitative evaluation. If an applicant fails to comply with any of the stipulated minimum requirements in Stage I Screening, his prequalification submission shall not be considered further. Departments shall draw the applicants' attention to meeting all the minimum requirements and that any failure of

which shall render the prequalification submission not being considered further.

- (iii) Department should always check to ensure an adequate number of potential applicants satisfying all the minimum requirements so as to maintain sufficient competition.
- (iv) In the case of a joint venture, if the participants/shareholders of the joint venture collectively satisfy the stipulated minimum requirements, this joint venture applicant would be considered as passing Stage I Screening. Thus, the counting method in respect of experience and past performance of a joint venture applicant in Stage I Screening should be set by reference to the method given in **Part D** below.
- (v) The counting method in respect of experience and past performance of a past joint venture contract in Stage I Screening should also be set by reference to the method given in **Part D** below.

Stage II Marking

A full mark shall be assigned to each attribute which must not lie outside the specified range and the total of the full marks must be 100 for all 4 sections below. Departments shall specify the details of a marking scheme and ensure that specific aspects covered in one attribute should not be included in other attributes to avoid double counting.

(A) Weighting Distribution

<u>Attributes</u>	<u>Permitted Full Mark</u>
<u>Section (1) – Applicant’s experience</u>	<u>0 – 10</u>
Relevant construction contracts completed in the past 5 years (or other specified no. of years as appropriate) to demonstrate the applicant’s relevant management and technical experience including capability to manage D&B contracts.	
<i>(Note 1: While full mark for this attribute shall be in the range of 0 to 10, a relatively low full mark (say, 0 to 5) is recommended for most contracts. The key minimum experience requirements should have been considered in Stage I Screening. As such, only where it is desirable to engage a contractor possessing more relevant experience to undertake the Contract, departments may consider</i>	

Attributes

Permitted Full Mark

allocating marks to this attribute for the additional relevant experience above the minimum experience requirement in Stage I Screening. Only the additional relevant experience shall be counted and considered in the marking.)

(Note 2: If relevant local experience is to be specifically considered, there must be justifications to support that it is essential for the satisfactory completion of the project and it is not intended to discriminate against contractors based outside Hong Kong. If in doubt, legal advice should be sought, in particular for prequalification exercises subject to WTO GPA.)

Section (2) - Applicant's past performance

20-40^{Note 4}

(Note 3: Full mark for this attribute shall be in the range of 20 to 40 depending on the nature of works, and the higher the quality of service or product required to be delivered under the Contract, the higher maximum full mark should be adopted.)

(Note 4: The permitted full mark shall be 20-38 in case training rating is not adopted. The permitted full mark shall be 21-40 in case training rating is adopted.)

- | | |
|--|-------------------|
| (a) workmanship | 2-4 |
| (b) progress | 2-4 |
| (c) site safety | 2-4 |
| (d) environmental pollution control | 2-4 |
| (e) general obligations | 1-2 |
| (f) attitude to claims | 1-2 |
| (g) record against convictions under the Immigration Ordinance, Employment Ordinance or other site safety, environment related and road opening offences | 2-4 |
| (h) safety rating | 6-10 |
| (i) training rating ³ | 1-2 ^{##} |

³ The "training rating" in this memo shall be incorporated in the Standard Prequalification Marking Scheme for D&B Contracts for evaluating prequalification submissions invited from Group C contractors. In the case of open invitation, or where prequalification submission are invited from contractors other than Group C contractors enlisted in any category of the List of Approved Contractors for Public Works, the "training rating" shall also be incorporated in the Standard Prequalification Marking Scheme for evaluating prequalification submissions if the department has assessed that not less than 80% of potential applicants would be Group C contractors enlisted in any category of the List of Approved Contractors for Public Works so that the past performance assessment criterion in connection with the provision of on-the-job training to workers could be meaningfully adopted and put to use.

<i>Notes for attribute (2)(i)</i>	
## The full mark for attribute (2)(i) shall be determined as follows -	
<i>Estimated contract sum</i>	<i>Full mark</i>
> \$1 billion	1
≤ \$1 billion	2

- (j) overall performance 2-4

(Note 5: If the department considers that there are relevant Hong Kong Housing Authority (HKHA) contracts to be included in the assessment, the statement “overall performance (including relevant Hong Kong Housing Authority (HKHA) contracts)” shall be used instead.)

- (k) other aspects, if any 0-2

(Note 6: This attribute to be added on a need basis where the department considers any additional performance attributes as important. In exceptional circumstances, inclusion of more than one attribute is allowed. For example, a “design” attribute may be added if the Contract calls for demanding management of the design team and process. Other attributes such as “organization”, “industry awareness”, “resources” and “attendance to emergency”, which are items for assessment in DEVB’s appraisal system, may be added depending on the nature of the Contract. However, the attributes added should not overlap with the other performance attributes elsewhere in this Section.)

Section (3) - Applicant’s technical resources

5 – 20^{Note 7}

(Note 7: The permitted full mark shall be 5-17 in case “bonus for joint venture with listed contractor in lower group or with probationary status” is not adopted. The permitted full mark shall be 8-20 in case “bonus for joint venture with listed contractor in lower group or with probationary status” is adopted.)

- (a) (i) Company structure and staff organization; 5 - 15
(ii) Project management team;
(iii) Design management team; and
(iv) Technical staff (e.g. key site supervisory staff)

(Note 8: The qualification or experience requirements for

Attributes

**Permitted
Full Mark**

grading full marks shall be pitched at a reasonable level and the marking scheme shall not be drawn up in a way that would encourage applicants to propose managerial and technical staff with qualification or experience well exceeding the minimum requirements which is not necessary for the Contract and may discourage competition.)

(Note 9: Where minimum requirements are specified, zero mark will be given to any non-compliance and higher marks will be given to proposed addition to or enhancement of the minimum requirements.)

- (b) proposed essential plant and equipment, if any, for certain operations as specified by departments where the plant and equipment will have a bearing on the quality of service. 0 - 5

(Note 10: The requirements for grading full marks shall be pitched at a reasonable level and the marking scheme shall not be drawn up in a way that would encourage applicants to propose plant and equipment with quality or quantity well exceeding the minimum requirements which is not necessary for the Contract and may discourage competition.)

- (c) bonus for joint venture with listed contractor in lower group or with probationary status⁴ 3

Section (4) - Applicant's Proposals for undertaking the Contract **30 – 75**

(Note 11: Except for attribute (4)(f), attributes may be added, expanded, combined and modified to suit the nature of Contract.)

- (a) Outline programme proposal of milestones and other key dates including programming logistics and interface management;

⁴ DEVB will review the applicability of the “bonus for joint venture with listed contractor in lower group or with probationary status” from time to time and promulgate changes to its applicability if necessary for compliance by project offices. Under the prevailing policy, this attribute is applicable for prequalification submissions to be invited from Group C contractors of the List of Approved Contractors for Public Works only and with the Standard Prequalification Marking Scheme adopted for evaluating prequalification submissions. In other words, this attribute is not applicable for open invitation or where prequalification submissions are invited from contractors other than Group C contractors on the List of Approved Contractors for Public Works, as well as prequalification submissions to be invited from both Group B and Group C contractors. Procuring departments should refer to the latest procedural requirements promulgated by the DEVB before invitation of tender.

Attributes

**Permitted
Full Mark**

- (b) Outline schematic design (covering architecture, function, structure, E&M, building services, operation and maintenance aspects, etc.) and schematic construction method;
- (c) Outline plan for reduction of recurrent cost of the life cycle including energy efficiency;
- (d) Preliminary innovative and intelligent design solutions and technology (such as for structural, building services, architectural aspects and the adoption / application of other new data-driven technology) to enhance quality and improve buildability;
- (e) Outline quality plan;
- (f) Outline Safety and health management approach (including smart site safety system, outline safety plan, design for safety, other approaches for enhancing site safety etc.);
- (g) Outline environmental management plan;
- (h) Preliminary method statement with emphasis on solution to overcome the site constraint;
- (i) Preliminary innovative and intelligent construction solutions (such as smart and holistic construction methods) or smart and advance application of other technological means (such as artificial intelligence, virtual reality, augmented reality, 3-D printing, digital / web-based technologies, etc.) to enhance quality, productivity and safety of construction works;
- (j) Preliminary productivity enhancement proposal;
- (k) Preliminary capital cost reduction strategic plan; and
- (l) Preliminary risk management approach and contingency plans.

5-10

(Note 12: This attribute may be applicable to contract with high risk, e.g. mega contract with uncertain underground conditions, or contract which is highly sensitive and has a bearing on public safety and convenience.)

Total

100

[Departments may consider limiting the number of pages of applicant’s proposals and drawing submissions in the form as shown below:

Applicants shall submit applicant’s proposals in no more than [X1] pages A4 and [X2] pages A3 drawings with margin not less than 25mm and character font size not less than 12. [X3] mark shall be deducted from the overall mark for each extra page. [X4] mark should be deducted if the submission does not conform to the font size, margins, paper size and other format requirements. The maximum deduction of marks regarding non-conformance on number of pages and formats shall be [X5]⁵ .]

(B) Marking Standard

General – As a matter of principle, there shall be no negative marks or marks exceeding the full mark given for any attributes. All assessment criteria must be clearly stated and made known to the applicants in the prequalification documents. Departments are reminded to re-visit the marking scheme, including the Marking Standards and the assessment criteria, on the issue of any addendum to the prequalification documents to assess whether adjustments should be made to correspond with the changes brought about by the addendum.

The following table serves only as a reference for departments in drawing up the Marking Standard to be issued with the prequalification documents.

Attribute	Marking
<p>Section (1) - Applicant’s experience</p>	<p>Departments should have specified the minimum requirements in Stage I Screening, e.g. have at least one design and build construction contracts of value not less than \$200 million completed in the past 5 years, counting from the original date set for the close of receipt of prequalification submission. As there is a time limit for the minimum experience requirements, extension of the date set for the close of receipt of prequalification submission will potentially affect the eligibility of applicants. To ensure certainty, the original date set for the close of receipt of prequalification submission should be referred to in the requirements irrespective of any extension. Departments should also spell out in the prequalification documents the types of contract which are considered relevant and the requirements on relevant management and technical experience. For multi-disciplinary contracts, attribute (1) can be divided into sub-attributes to take into account the past experience for different types of contracts.</p> <p>If foreign currencies are involved in assessing the value of the</p>

⁵ Works departments to insert figures in [X1,X2,X3,X4,X5] as appropriate.

Attribute	Marking
	<p>contracts completed, the exchange rate for conversion to Hong Kong currency shall be the average between the buy and sell TT rates sourced from the Hong Kong Association of Banks (HKAB) available from its website's historical data on the date of first notice of invitation for prequalification. For contracts using ex-European currencies, such ex-European currencies shall be converted to the Euro Currency using the exchange rate on 1 January 1999, before conversion to Hong Kong currency.</p> <p>If the exchange rate for a particular currency is not available from the website of HKAB on the date of first notice of invitation for prequalification, departments should determine the exchange rate based on the exchange rate from the monetary authority of that currency. If the exchange rate based on that from the monetary authority is not available on the date of first notice of invitation for prequalification, the date with available exchange rate for such currency immediately before the date of first notice of invitation for prequalification shall be adopted. If the exchange rate is not available from the HKAB and the monetary authority concerned, departments should determine the exchange rate based on the exchange rate from an internationally recognized financial data institution for that currency exchange. If the exchange rate from internationally recognized financial data institution is not available on the date of first notice of invitation for prequalification, the date with available exchange rate for such currency immediately before the date of first notice of invitation for prequalification shall be adopted.</p> <p>Departments may vary the requirements on contract value and the 5-year period to suit the nature of their contracts. However, a minimum of 5 years shall be adopted to avoid excessive limitation on the available applicants. If a counting period of more than 5 years is adopted, it is advisable that the values of contracts completed by the applicants shall be adjusted to current price based on a published index available on the date of first notice of invitation for prequalification, such as Building Works Tender Price Index or other appropriate Index as indicated by the departments, to reasonably reflect the current values of past contracts as compared with the specified values of the minimum requirements. Departments are required to decide on the assessment criteria, such as the marks to be given for each qualified contract, and the criteria must be disclosed at the time of prequalification invitation.</p> <p>As Stage I Screening is mandatory, applicants will be checked against the minimum experience requirements and the applicant must comply with the minimum experience requirements in order to proceed to the Stage II Marking.</p> <p>As the minimum experience requirements are stipulated under</p>

Attribute	Marking
	<p>Stage I Screening, there is no passing mark for this attribute and marks will be given for anything above the minimum. Again departments are required to set criteria to decide on the marks to be given for anything above the minimum. Also departments should require applicants to submit documentary evidence in support of the claimed experience.</p> <p>In setting out the requirements under this attribute, departments should bear in mind the limited time available to applicants within the usually tight prequalification submission period and should avoid complex calculation of contract values.</p> <p>For contracts (including first-tier specialist subcontracts where specified) completed within the past 5 years or another specified period, irrespective of its commencement date, the full value of the works⁶ should be taken into account subject to any adjustment specified above.</p> <p>The original contract sum at the time of contract award will be taken as the full value of the works⁷.</p> <p>Experience gained in the capacity of a sub-contractor will <u>NOT</u> be considered unless specified otherwise. Where specified, a first-tier specialist subcontract under a non-specialist main contractor will be considered when the applicant is a specialist contractor.</p> <p>The experience of any associated company of the applicant will <u>NOT</u> be counted. In the case of a joint venture, the experience of any associated company of any participant or shareholder in the joint venture will <u>NOT</u> be counted. The term "associated company", in relation to the applicant, means: (a) a subsidiary of the applicant; (b) a holding company of the applicant; or (c) a subsidiary of such a holding company. The existence of a holding-subsubsidiary relationship shall be determined in accordance with the provisions in Sections 13 to 15 of the Companies Ordinance (Cap. 622).</p> <p>Contracts which are still on-going (except for landscape establishment works), irrespective of the date of commencement of the contract, will <u>NOT</u> be considered.</p> <p>Sectional completions, not being the last section completed excluding establishment works, if any, will <u>NOT</u> be considered.</p> <p>Completion means “certified complete” by the</p>

⁶ To be revised as appropriate (e.g. by using “the full value of a particular type of work”) if attribute (1) refers to construction contracts involving a particular type of work with value of such work being not less than a specified amount.

⁷ To be revised as appropriate (e.g. by using “The original value of a particular type of work at the time of contract award will be taken as full value of that type of work.”) if attribute (1) refers to construction contracts involving a particular type of work with value of such work being not less than a specified amount.

Attribute	Marking
	<p>Engineer/Architect/Surveyor/Supervising Officer/Authorised Person and applies to the contract as a whole, excluding Maintenance Periods.</p> <p>If there is a need to extend the prequalification submission period, departments should ensure that the assessment of the applicants' experience within 5-year period or other specified period would still be based on the original date set for the close of receipt of prequalification submission and would not be affected by the extension. All applicants should be notified of this assessment criterion at the time the notification of the extension is given.</p> <p>For novated contracts, only those contracts novated before the date on which the notice for prequalification of tenderers is first published will be considered. The full value of the novated contract will be considered to be accountable to the new contractor (the novatee) but not the old contractor (the novator).</p>
<p>Section (2) - Applicant's past performance</p> <p>(2)(a) – workmanship</p> <p>(2)(b) – progress</p> <p>(2)(c) – site safety</p> <p>(2)(d) – environmental pollution control</p> <p>(2)(e) – general obligations</p> <p>(2)(f) –attitude to claims</p>	<p>For attributes (2)(a) to (f), marking shall be based on Relevant Reports on Contractor's Performance, and the following provisions shall apply:</p> <p>(i) "Relevant Report on Contractor's Performance" means a report on contractor's performance:</p> <ul style="list-style-type: none"> (a) kept in the Contractor Management Information System (CMIS) of DEVB on the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date; (b) relating to any category of on-going or completed contract; and (c) with the last day of the reporting period as specified in the report falling within the 5-year assessment period (inclusive of the first and the last day of the 5-year assessment period) as defined below. <p>"5-year assessment period" means the 5-year period which ends on the last Quarter End Date before the date being 2 months counting back from but exclusive of the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date. There are four Quarter End Dates in a year, namely the last day of February, May, August and November.</p> <p>(ii) The Quarter End Date applicable shall be determined as follows:</p>

Attribute	Marking	
	<p>The original date set for the close of receipt of prequalification submission, or if this has been extended, the extended date being a date falling within the following period</p>	<p>Applicable Quarter End Date</p>
	<p>1 February to 30 April</p>	<p>Last day of November of the preceding year</p>
	<p>1 May to 31 July</p>	<p>Last day of February of the same year</p>
	<p>1 August to 31 October</p>	<p>Last day of May of the same year</p>
	<p>1 November to 31 December</p>	<p>Last day of August of the same year</p>
	<p>1 January to 31 January</p>	<p>Last day of August of the preceding year</p>
	<p>For example:</p> <p>The original date set for the close of receipt of prequalification submission is 1 February 2021 and such date has not been extended.</p> <p>The date being 2 months counting back from but exclusive of the original date set for the close of receipt of prequalification submission is 1 December 2020. The applicable Quarter End Date is 30 November 2020. The 5-year assessment period is the period from 1 December 2015 to 30 November 2020.</p> <p>(iii) Where an attribute was marked as “NA” in a report, such report shall not be counted as a Relevant Report on Contractor’s Performance for the purpose of assessing that particular attribute.</p> <p>(iv) If an applicant does not have any Relevant Report on Contractor’s Performance, or any Relevant Report on Contractor’s Performance for any attribute(s), the marking for each of the attributes or the attribute(s) concerned, as the case may be, shall be based on the average mark attained by the other applicants in the corresponding attribute who have complied with the conditions of participation and passed Stage I Screening.</p> <p>(v) In cases where the only applicant/all the applicants (who has/have complied with the conditions of participation and passed Stage 1 Screening) does not/do not have any Relevant Report on Contractor’s Performance, or any Relevant Report</p>	

Attribute	Marking		
	<p>on Contractor's Performance for any attribute(s) in the 5-year assessment period, the applicant(s) will be given 50% of the full marks for the attribute(s) concerned.</p> <p>(vi) For attributes (2)(a) to (e), the marking for each attribute shall be as follows:-</p>		
	% of Relevant Reports on Contractor's Performance falling		
	Below "satisfactory"	Above "satisfactory"	% of full Mark
	>20%	Any percentages	0
	>10% and ≤20%	Ditto	25
	>2% and ≤10%	Ditto	50
	>0% and ≤2%	Ditto	65
	0	<15%	75
	0	≥15% and <30%	85
	0	≥30%	100
	<p>(vii) For attribute 2(f), the marking shall be as follows:</p>		
	% of Relevant Reports on Contractor's Performance with unreasonable claim attitude		% of full Mark
	< 3%		100
	≥ 3% and < 6%		80
	≥ 6% and < 9%		60
≥ 9% and < 12%		40	
≥ 12% and < 15%		20	
≥ 15%		0	
<p>Section (2) - Applicant's past performance</p> <p>(2)(g) – Record against convictions under the Immigration</p>	<p>For attribute (2)(g), the assessment shall be as follows:</p> <p>(i) References to the Ordinances below shall be deemed to include references to such Ordinances as the same may be amended from time to time. For conviction records under Section 17I or 38A of the Immigration Ordinance, the Factories and Industrial Undertakings Ordinance, Occupational Safety and Health Ordinance, Shipping and Port Control Ordinance, Air Pollution Control Ordinance, Noise Control Ordinance, Waste Disposal Ordinance, Water Pollution Control Ordinance, Dumping at Sea Ordinance, Ozone Layer Protection Ordinance, Section 27 of the Public Health and Municipal Services Ordinance, Section 10 of the</p>		

Attribute	Marking
<p>Ordinance, Employment Ordinance or other site safety, environment related and road opening offences</p>	<p>Land (Miscellaneous Provisions) Ordinance, Environmental Impact Assessment Ordinance, Employment Ordinance, Merchant Shipping (Local Vessels) Ordinance or Hazardous Chemical Control Ordinance, the marks will be allocated according to the formula below.</p> <p>Factor = $\frac{\text{number of convictions in the past 3-year period}}{\text{number of ongoing and completed construction contracts in the same period}} \times \#$</p> <p># The 3-year period shall end on the last day of the month preceding the dates being 2 months counting back from but exclusive of the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date. The number of convictions includes the total number of convictions under all concerned ordinances. Convictions relate only to the convictions of the applicant himself. Convictions of the applicant's sub-contractors should not be counted. However, if the convictions relate to the applicant in the capacity of a sub-contractor, those convictions should be counted. The date of the conviction is taken to be the date of the judgment in which the conviction was pronounced. The date of committing the offence which gave rise to the conviction is not to be considered.</p> <p>* The number of on-going and completed construction contracts is taken to be the sum of the following:</p> <p>(a) the total number of public and private sector contracts of all categories within the above 3-year period in Hong Kong where the applicant is acting in the capacity of a main contractor or is a participant/shareholder of a joint venture acting in the capacity of a main contractor; and</p> <p>(b) Where convictions of the applicant or a participant/ shareholder of a joint venture were recorded in the capacity of a sub-contractor, those sub-contracts within the same 3-year period in which the convictions were recorded.</p>

Attribute	Marking	
	<p style="text-align: center;"><u>Percentage of full mark</u></p> <p style="text-align: center;">0%</p> <p style="text-align: center;">20%</p> <p style="text-align: center;">40%</p> <p style="text-align: center;">60%</p> <p style="text-align: center;">80%</p> <p style="text-align: center;">100%</p>	<p style="text-align: center;"><u>Criteria</u></p> <p>if the factor is > 4</p> <p>if the factor is > 3 and ≤ 4</p> <p>if the factor is > 2 and ≤ 3</p> <p>if the factor is > 1 and ≤ 2</p> <p>if the factor is > 0 and ≤ 1</p> <p>if the factor is $= 0$</p>
	<p>(ii) Applicants shall provide a list of the various contracts together with the contact telephone, facsimile numbers and where applicable, emails of the Engineer/Architect/Surveyor/Supervising Officer/Authorised Person for the contracts.</p> <p>(iii) For an applicant without any construction contracts in Hong Kong in the same 3-year period as defined above, the marking shall be based on the average mark attained by the other applicants for this attribute who have complied with the conditions of participation and passed the Stage I Screening.</p> <p>(iv) In cases where the only applicants/all the applicants (who has/have complied with the conditions of participation and passed the Stage I Screening) does not/do not have any construction contracts in Hong Kong in the same 3-year period as defined above, the applicant(s) will be given 50% of the full mark for this attribute.</p>	
<p>Section (2) Applicant's past performance</p> <p>(2)(h) – Safety rating</p>	<p>For attribute (2)(h), the assessment of “safety rating” shall be as follows:</p> <p>(i) The marking shall be by reference to the past accident rates under public works contracts as per the accident and records of man-hours worked kept in DEVB’s PWP Construction Site Safety & Environmental Statistics (PCSES) for three 12-month periods fixed by reference to the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date according to the method below:</p> <p>The three 12-month periods shall end on the last day of the calendar month immediately preceding the dates being 2 months (1st 12-month period), 14 months (2nd 12-month period) and 26 months (3rd 12-month period) respectively counting back from but excluding the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date. A table showing the three</p>	

Attribute	Marking			
	<p>12-month periods and measuring dates for receipt of prequalification submission closing dates in 2021 is given in Enclosure 1 to this marking scheme for illustration purpose.</p> <p>(ii) The following formula shall be used for calculating the accident rates for the concerned 12-month periods:</p> $\text{Accident Rate} = \frac{(\text{No. of non-fatal reportable accidents}^8 + \text{No. of fatal accidents in the period})}{\text{Total no. of man-hours worked in the period} / 100,000 \text{ man-hours}}$ <p>(iii) Assuming the full mark for the safety rating attribute to be X, the marking for an applicant shall be the sum of marks given with respect to the 1st 12-month period, 2nd 12-month period and 3rd 12-month period, each of which by reference to the table below:-</p>			
		1st 12-month period	2nd 12-month period	3rd 12-month period
	Full mark for each 12-month period in the ratio of 5:3:2	0.5X	0.3X	0.2X
	Applicant's Accident Rate*			
	accident rate ≤ 25% of the limit#	0.5X	0.3X	0.2X
	25% of the limit < accident rate ≤ 50% of the limit	0.375X	0.225X	0.15X
	50% of the limit < accident rate ≤ 75% of the limit	0.25X	0.15X	0.1X
	75% of the limit < accident rate ≤ 100% of the limit	0.125X	0.075X	0.05X
	accident rate > 100% of the limit	0	0	0
	<p>* The unit of accident rate is number of accident per 100,000 man-hours worked. # The limit of accident rate currently set by DEVB is 0.6.</p>			

⁸ Reportable accidents mean those accidents resulting in an injury with incapacity for more than three days and all fatal accidents

Attribute	Marking
	<p>(iv) For prequalification submissions invited from contractors on the Buildings category, the accident rates for completed and on-going contracts in Buildings category only will be used in the calculation of the accident rates, hence the safety ratings for the assessment of prequalification submissions. For prequalification submissions invited from contractors from any category/categories other than the Buildings category, the accident rates for completed and on-going contracts in non-Buildings categories (i.e. all other categories) will be used. For prequalification submissions invited from contractors from more than one category including the Buildings category, the accident rates for all completed and on-going contracts in all categories will be used. For open invitation, departments should decide whether the accidents rates for all completed and on-going contracts in Buildings category, non-Buildings categories or all categories will be used.</p> <p>(v) If an applicant does not have an accident rate for a particular 12-month period (on the ground of no man-hour worked for that period), the accident rate to be used for that period shall be the average of that applicant’s accident rates of the other two periods. If an applicant has an accident rate for one of the three 12-month periods only, that accident rate shall be used for the purpose of marking for the other two 12-month periods.</p> <p>(vi) For an applicant without any accident rate in the past three 12-month periods, the mark to be given shall be the average mark attained by the other applicants for this attribute who have complied with the conditions of participation and passed Stage I Screening.</p> <p>(vii) In cases where the only applicant/all the applicants (who has/have complied with the conditions of participation and passed Stage I Screening) does not/do not have any accident rate in the past three 12-month periods, the applicant(s) will be given 50% of the full mark for this attribute.</p>
<p>Section (2) Applicant’s past performance</p> <p>(2)(i) – Training rating</p> <p><i>(Note:</i></p>	<p>For attribute (2)(i), the assessment of “training rating” shall be as follows:</p> <p>(i) The “training rating” of an applicant is worked out based on its past records of training workers to skilled/semi-skilled levels in public works contracts via joining the collaborative training schemes (including Contractor Collaborative Training Scheme (CCTS), Intermediate Tradesman Collaborative Training Scheme (ITCTS) (formerly called</p>

Attribute	Marking
<p><i>Applicability is given in footnote for training rating in Part (A) of this marking scheme</i></p>	<p>Construction Tradesman Collaborative Training Scheme (CTS)), Advanced Construction Manpower Training Scheme (ACMTS) and Construction Industry Council Approved Technical Talents Training Programme (CICATP)) administered by the Construction Industry Council (CIC) in a stated period, and its manpower deployment in public works contracts in the same period.</p> <p>(ii) Assuming the full mark of “training rating” to be Y, the marking for an applicant shall be calculated using the formula below -</p> $\text{Training rating} = Y \times \frac{\text{Training score in the stated period (B)}}{\text{Total “man-year” worked in the stated period (A) / 20}}$ <p>(Max = Y)</p> <p>(iii) The training score of an applicant should be worked out using the number of workers trained as detailed below –</p> <ul style="list-style-type: none"> (I) 1 training score for each of his CCTS or ITCTS trainee in public works contracts who: (a) is registered as the registered semi-skilled worker of the trained trade under the Construction Workers Registration Ordinance (Cap. 583) (CWRO); or (b) has passed the end-of-training assessment under CCTS or ITCTS if such trade has no corresponding trade division under CWRO, or if CWRO does not allow registration of registered semi-skilled worker for the corresponding trade division, during the stated period; (II) 2 training scores for each of his ACMTS or CICATP trainees in public works contracts who has passed CIC’s mid-term assessment of ACMTS or CICATP for the trained trade during the stated period; (III) 2 training scores for each of his ACMTS or CICATP trainees in public works contracts who is registered as registered skilled worker of the trained trade under CWRO during the stated period; and (IV) 0 training score if none of the above applies. <p>To cope with the characteristics of the construction industry that most of the skilled workers are employed by sub-contractors, CCTS, ITCTS, ACMTS or CICATP trainees employed and trained by sub-contractors in a public works contract will be counted as the trainees of the main contractor for the purpose of calculating the training rating.</p>

Attribute	Marking
	<p>A trainee will be counted as receiving training under a public works contract so long as such contract is stated, in the trainee’s application form for joining the collaborative training schemes, as the public works contract under which the trainee will mainly receive training. Such information will be duly reflected in CIC’s Collaborative Training Schemes Statistics System (CTSSS).</p> <p>The applicants’ training records under CCTS, ITCTS, ACMTS and CICATP to be used for calculating “training rating” are kept in CIC’s CTSSS accessible via CIC’s website at http://www.cic.hk/ctsss. The training score of an applicant should be worked out based on this sub-clause (iii), using the number of workers trained by the applicant as recorded in the CTSSS.</p> <p>(iv) The total “man-year” worked of an applicant shall be equal to the total “man-day” worked for all public works contracts of the applicant in the stated period kept in the PCSES, divided by 295 work days per year.</p> <p>(v) The stated period shall be 36 months ending on the last day of the calendar month immediately preceding the dates being 2 months counting back from but excluding the original date set for close of receipt of prequalification submission, or if this has been extended, the extended date. Examples to illustrate the stated period are given in Enclosure 2 to this marking scheme.</p> <p>(vi) For an applicant who is not a Group C contractor of any category immediately preceding the start date of the stated period, the stated period for such applicant shall start on the first day of the calendar month immediately following the earliest date on which the applicant becomes a Group C contractor. An example is provided below for illustration purpose.</p>

Attribute	Marking																															
	<p style="text-align: center;"> Stated period Applicant A becomes Group C contractor Stated period of Applicant A The date set for close of receipt of prequalification submission 1 Aug 2018 15 Oct 2018 1 Nov 2018 31 Jul 2021 15 Oct 2021 </p>																															
	<p>(vii) The following examples are provided to illustrate the calculation of training rating.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">(A)</th> <th style="text-align: center;">(B)</th> <th style="text-align: center;">(C)</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">Total “man-year” worked in the stated period</td> <td style="text-align: center;">Training score in the stated period</td> <td style="text-align: center;">Training rating (see Note 2) $= \text{Full Mark (FM)} \times \frac{(B)}{(A)/20}$</td> </tr> <tr> <td>Example 1</td> <td style="text-align: center;">40</td> <td style="text-align: center;">1</td> <td style="text-align: center;">$= \text{FM} \times 1/(40/20)$</td> </tr> <tr> <td>Example 2</td> <td style="text-align: center;">40</td> <td style="text-align: center;">2</td> <td style="text-align: center;">$= \text{FM} \times 2/(40/20)$</td> </tr> <tr> <td>Example 3 (see Note 1)</td> <td style="text-align: center;">453</td> <td style="text-align: center;">11</td> <td style="text-align: center;">$= \text{FM} \times 11/(453/20)$</td> </tr> <tr> <td>Example 4</td> <td style="text-align: center;">0</td> <td style="text-align: center;">N/A</td> <td rowspan="2" style="text-align: center;">= average of other conforming tenderers with a training rating</td> </tr> <tr> <td>Example 5</td> <td style="text-align: center;">15 (i.e. <20)</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Example 6</td> <td style="text-align: center;">5</td> <td style="text-align: center;">1</td> <td style="text-align: center;">$= \text{FM} \times 1/(5/20) = 4 \text{ FM}$ but capped by FM</td> </tr> </tbody> </table> <p><u>Note:</u></p> <ol style="list-style-type: none"> 1. Example 3 illustrates the average situation of active Group C contractors in 2016. 2. In case $\frac{(B)}{(A)/20}$ is larger than 1, it shall be taken as 1 only, i.e. the “training rating” shall be capped at the Full Mark. Similarly, for the case of joint venture applicants, the “training rating” shall be capped at the Full Mark for each individual participants or shareholders before calculating the weighted average. <p>(viii) For an applicant who (i) does not have any total “man-year” worked in the stated period or (ii) has total “man-year”</p>		(A)	(B)	(C)		Total “man-year” worked in the stated period	Training score in the stated period	Training rating (see Note 2) $= \text{Full Mark (FM)} \times \frac{(B)}{(A)/20}$	Example 1	40	1	$= \text{FM} \times 1/(40/20)$	Example 2	40	2	$= \text{FM} \times 2/(40/20)$	Example 3 (see Note 1)	453	11	$= \text{FM} \times 11/(453/20)$	Example 4	0	N/A	= average of other conforming tenderers with a training rating	Example 5	15 (i.e. <20)	0	Example 6	5	1	$= \text{FM} \times 1/(5/20) = 4 \text{ FM}$ but capped by FM
	(A)	(B)	(C)																													
	Total “man-year” worked in the stated period	Training score in the stated period	Training rating (see Note 2) $= \text{Full Mark (FM)} \times \frac{(B)}{(A)/20}$																													
Example 1	40	1	$= \text{FM} \times 1/(40/20)$																													
Example 2	40	2	$= \text{FM} \times 2/(40/20)$																													
Example 3 (see Note 1)	453	11	$= \text{FM} \times 11/(453/20)$																													
Example 4	0	N/A	= average of other conforming tenderers with a training rating																													
Example 5	15 (i.e. <20)	0																														
Example 6	5	1	$= \text{FM} \times 1/(5/20) = 4 \text{ FM}$ but capped by FM																													

Attribute	Marking
	<p>worked below 20 and a training score of “0” in the stated period or (iii) is not a Group C contractor ^{Note 1} in the stated period, its training rating shall be the average training rating attained by other applicants with a training rating who have complied with the conditions of participation and passed Stage I Screening.</p> <p>(ix) In cases where the only applicant/each of all applicants (who has/have complied with the conditions of participation and passed Stage I Screening) (i) does not have any total “man-year” worked in the stated period; or (ii) has total “man-year” worked below 20 and a training score of “0” in the stated period; or (iii) is not a Group C contractor in the stated period, the applicant(s) will be given 50% of the full mark for this attribute.</p> <p>Note 1 : In the context of training rating, a Group C contractor means a Group C contractor enlisted in any category of the List of Approved Contractors for Public Works.</p>
<p>Section (2) - Applicant’s past performance</p> <p>(2)(j) – Overall performance</p>	<p>For attribute (2)(j), the assessment shall be as follows:</p> <p>(i) The marking shall be made based on the information available on the contractor’s performance kept by DEVB [and the Hong Kong Housing Authority (HKHA) (Note: to be included when relevant type/category of HKHA contracts are specified)], and the following provisions shall apply:</p> $\text{Factor} = \frac{\text{number of Adverse Reports in the 5-year assessment period}}{\text{number of Relevant Reports in the same period}}$ <p>Where</p> <p>(i) “Relevant Reports” means reports on contractor’s performance:</p> <p>(a) relating to any category of on-going or completed contracts recorded in CMIS of DEVB on the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date;</p> <p>(b) [relating to on-going or completed (type/category of contract to be specified)]</p>

Attribute	Marking	
	<p>HKHA contracts kept by HKHA on the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date (Note: to be included when relevant type/category of HKHA contracts are specified)]; and</p> <p>(c) with the last day of the reporting period as specified in the report falling within the 5-year assessment period (inclusive of the first and the last day of the 5-year assessment period) as defined in paragraph (II) below.</p> <p>(ii) The 5-year assessment period shall be the same as that for attributes 2(a) to (f).</p> <p>(iii) “Adverse Reports” means the Relevant Reports assessed to be adverse.</p>	
	<p><u>Percentage of Full Marks</u></p> <p>0%</p> <p>20%</p> <p>40%</p> <p>60%</p> <p>80%</p> <p>100%</p>	<p><u>Criteria</u></p> <p>if the factor is > 0.02</p> <p>if the factor is > 0.015 and ≤ 0.02</p> <p>if the factor is > 0.01 and ≤ 0.015</p> <p>if the factor is > 0.005 and ≤ 0.01</p> <p>if the factor is > 0 and ≤ 0.005</p> <p>if the factor is = 0</p>
	<p>(ii) For an applicant without any Relevant Reports in the same 5-year assessment period as defined above, the marking shall be based on the average mark attained by the other applicants for this attribute who have complied with the conditions of participation and passed the Stage I Screening.</p> <p>(iii) In cases where the only applicant/all the applicants (who has/have complied with the conditions of participation and passed the Stage I Screening) does not/do not have any Relevant Reports in the same 5-year assessment period as defined above, the applicant(s) will be given 50% of the full mark for this attribute.</p>	
<p>Section (2) - Applicant’s past performance</p>	<p>When this attribute is included in the marking scheme, departments are required to clearly specify the marking standard by adopting the same or similar approach to those stated in attributes (2)(a) to (f) above. The criteria must be disclosed at the time of prequalification</p>	

Attribute	Marking
(2)(k) – Other aspects	invitation.
Section (3) - Applicant’s technical resources (3)(a) – (i) Company structure and staff organization; (ii) Project management team; (iii) Design management team; and (iv) Technical staff (e.g. key site supervisory staff) (3)(b) – proposed essential plant and equipment	<p>Number, minimum qualification and experience of key staff shall be clearly listed out in the marking scheme in addition to the contract. Each of the key staff shall be assessed separately. The method of assessment shall be clearly stated.</p> <p>Zero mark will be given to any non-compliance with the minimum requirements of the key staff. Higher marks will be given to proposed addition to or enhancement of the minimum requirements. Counting rule (I)^{Note} If a team of staff is nominated for a key staff post, then the staff who can fulfil both specified minimum qualification and experience requirements and with the longest period of experience will be considered. Counting rule (II)^{Note} If the same person is proposed for more than one key staff post, then mark will only be given to this person once and to the post that this person can obtain the greatest benefit in its assessment.</p> <p>Note: Counting rule (II) will take precedence over the counting rule (I). Notwithstanding the above, in any case, if only one person is proposed for a key staff post, he/she shall fill that first for the purpose of this assessment.</p> <p>Minimum requirements for plant and equipment, if any, shall be clearly stated.</p> <p>Departments are required to decide on the assessment criteria for this attribute to suit specific project needs. The criteria must be disclosed at the time of invitation for prequalification submission. Departments should give examples to explain the operation of proposed method of assessment/counting rules.</p> <p>To ensure certainty, the original date set for the close of receipt of prequalification submission should be referred to in the cut-off date set for counting the relevant experience and qualification of applicant’s proposed key staff irrespective of any extension.</p>
Section (3) - Applicant’s technical resources (3)(c) – Bonus for joint	<p>The mark given to this attribute will be either 0 or 3, and there should be no intermediate mark. The full mark will be given to an applicant which fulfills all the requirements in (i), (ii), (iii), (iv) and (v) below:</p> <p>(i) the applicant is an incorporated or unincorporated joint venture applicant;</p>

Attribute	Marking
<p>venture with listed contractor in lower group or with probationary status</p> <p>(Note: Applicability is given in footnote for “Bonus for joint venture with listed contractor in lower group or with probationary status” in Part (A) of this marking scheme)</p>	<p>(ii) the lead participant / major shareholder is a confirmed Group C [or probationary Group C] ^{Note 1} contractor in the List of Approved Contractors for Public Works under [the Buildings / Port Works / Roads and Drainage / Site Formation / Waterworks] ^{Note 2} Category as at the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date; [OR</p> <p>the lead participant / major shareholder is a contractor who is not enlisted in any service category under the List of Approved Contractors for Public Works and the List of Approved Suppliers of Materials and Specialist Contractors for Public Works as at the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date;] ^{Note 3}</p> <p>(iii) at least one participant / shareholder (other than the lead participant or major shareholder to which requirement (ii) above applies) is enlisted as [confirmed / probationary Group A or confirmed / probationary Group B [or probationary Group C] ^{Note 4}] ^{Note 5} in the List of Approved Contractors for Public Works under [the Buildings / Port Works / Roads and Drainage / Site Formation / Waterworks] ^{Note 2} Category as at the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date;</p> <p>(iv) the percentage participation of at least one participant / shareholder by whom the requirement (iii) is fulfilled shall not be less than 10%; and</p> <p>(v) the participant / shareholder by whom the requirement (iii) and (iv) are fulfilled, or where there is more than one such participant / shareholder, at least one of them shall not have any holding-subsidiary relationship with nor be related parties of the lead participant / major shareholder as at the original date set for the close of receipt of prequalification submission or, if this has been extended, the extended date. The meanings of holding-subsidiary relationship and related parties are stated in sub-clauses (f) of Clause [30] of the “Instructions to Applicants” ^{Note 6}.</p> <p><u>Note:</u></p> <ol style="list-style-type: none"> 1. delete “or probationary Group C” if tenders are only invited from confirmed Group C contractors; 2. insert appropriate category(ies). Where contractors of only one Category are invited to apply for prequalification, that Category shall be inserted in both

Attribute	Marking
	<p>requirements (ii) and (iii). Where contractors of more than one Category are invited to apply for prequalification, categories to be inserted in requirement (ii) shall tally with the conditions for participation for the lead participant / major shareholder and categories to be inserted in requirement (iii) shall ensure that a participant or shareholder in any one of those categories would be sufficient in fulfilling requirement (iii). For example, if the lead participant / major shareholder of a joint venture applicant shall be enlisted under Site Formation or Roads and Drainages Categories, “Site Formation or Roads and Drainage” shall be inserted in requirements (ii) and (iii);</p> <p>3. to be included for contract with estimate contract value equal to or greater than the threshold for allowing the lead participant or major shareholder being a contractor who is not enlisted in any service category under the List of Approved Contractors for Public Works and the List of Approved Suppliers of Materials and Specialist Contractors for Public Works;</p> <p>4. delete “or probationary Group C” if prequalification submissions are invited from both confirmed Group C and probationary Group C contractors;</p> <p>5. delete “confirmed / probationary Group A or” if the estimated contract sum is greater than 10 times the Group Tender Limit for Group A contractors and delete “confirmed / probationary Group A or confirm / probationary Group B or” if the estimated contract sum is greater than 10 times the Group Tender Limit for Group B contractors;</p> <p>6. insert reference to the Instructions to Applicants on “one tender only for holding companies, subsidiaries or related parties”. Also, departments should require tenderers to submit declaration form to confirm the requirement (v) are met.</p>
<p>Section (4) - Applicant’s Proposals for undertaking the Contract</p>	<p>Credits will be given based on the quality of prequalification submissions, including but not limited to the applicant’s proposal demonstrating thorough understanding and meeting the design and other objectives of the contract, clear policy statement and contract-specific plan in respect of quality of works, safety, health, welfare and environmental protection, logical programme and interfacing management, productivity, life cycle cost and reasonable approach for devising method statement, managing risks and other proposal/plan as specified.</p> <p>Departments are required to decide on the assessment criteria for this attribute to suit their specific construction needs. The criteria must be disclosed at the time of prequalification invitation.</p>

(C) Passing Mark

- (i) Except for those stated below, a passing mark for an attribute or a Section normally equal to 50% of the respective full mark shall be set. Applicants failing in any attribute/Section with a passing mark shall be considered as having failed the prequalification assessment and shall not be given any further consideration. If a passing mark for an attribute or a Section is set other than 50% of the respective full mark, DEVB's policy support shall be obtained.
- (ii) There shall be no passing mark for **Section (1)**.
- (iii) There shall be only one passing mark for the whole of **Section (2)**.
- (iv) Where there are minimum requirements on any individual attributes of **Sections (3) and (4)** specified in the prequalification documents, there will be no passing mark for such attribute(s). Except for those stated below, normally, departments should not set a passing mark for any individual attributes unless the requirement of that attribute is considered essential. There shall be no passing mark for the attributes of "bonus for joint venture with listed contractor in lower group or with probationary status" in **attribute (3)(c)**.
- (v) There shall be only one passing mark for the whole of **Section (3)**(excluding **attribute (3)(c)**) if there are no minimum requirements on both **attributes (3)(a) and (3)(b)**. For example, if the full mark for the whole of **Section (3)** is 20 and the full mark for the whole of **Section (3)** (excluding **attribute (3)(c)**) is 17, the passing mark for the whole of **Section (3)** (excluding **attribute (3)(c)**) is 8.5 (i.e. 17 x 50%). For the avoidance of doubt, marks attained by a tenderer under **attributes (3)(c)** shall not be considered in assessing whether this tenderer has attained marks under **Section (3)** meeting the passing mark for the whole of **Section (3)** (excluding **attribute (3)(c)**). **No** passing mark for the whole of **Section (3)** (excluding **attribute (3)(c)**) should be set if there are minimum requirements on either **attribute (3)(a) or (3)(b)**.
- (vi) It is mandatory for departments to set a passing mark for the whole of **Section (4)**.

(D) Joint Ventures

(a) Attributes under Section (1)

All participants or shareholders of a joint venture applicant shall be collectively assessed as one entity. It is not necessary that every participant or shareholder must be individually qualified to apply for prequalification or on the List of Approved Contractors for Public Works or the List of Approved Suppliers of Materials and Specialist Contractors for Public Works when only contractors on these lists are invited to apply for prequalification.

For the **Section (1) attributes**, the experience of a joint venture applicant shall be evaluated as the higher of:

- (i) the weighted average of experience acquired by each participant or shareholder in the joint venture based on their respective percentages of financial participation (the “**Weighted Average Method**”); OR
- (ii) the experience acquired by the lead participant or major shareholder in the joint venture provided that the lead participant or major shareholder has a percentage of financial participation of at least 70%; and that-
 - (I) all the other participants or shareholders are in the same Category of the lead participant or major shareholder and on the confirmed or probationary status of the same Group of the lead participant or major shareholder (where the lead participant or major shareholder is a confirmed contractor); or
 - (II) all the other participants or shareholders are in the same Category of the lead participant or major shareholder and on probationary status of the same Group or on confirmed status of a Group lower than that of the lead participant or major shareholder (where the lead participant or major shareholder is a probationary contractor)⁹.

Where contractors not on the List of Approved Contractors for Public Works or contractors of more than one Category are invited to apply for

⁹ Methods (ii) and (iii) are introduced in this Marking Scheme as an incentive for the joint venture’s lead participant or major shareholder to team up with smaller or less experienced contractors, thus conducive to knowledge/experience transfer in the industry capacity.

prequalification, the method (ii) above shall not be used in evaluation of the experience of a joint venture applicant[./; OR]

- [(iii) the experience acquired by the lead participant or major shareholder in the joint venture provided that the joint venture tenderer attains full mark under **attribute (3)(c)** – bonus for joint venture with listed contractor in lower group or with probationary status.]¹⁰

Weighted Average Method

An example of applying the Weighted Average Method in **Part (D)(a)(i)** above is given below:

Example 1

If Contractor A (having 3 relevant contracts) and Contractor B (having 2 relevant contracts) form a joint venture and their respective percentages of financial participation is 60/40, the joint venture would be considered as having $(3 \times 0.6) + (2 \times 0.4) = 2.6$ relevant contracts.

Past Joint Venture Contracts¹¹

In counting experience acquired by an applicant (i.e. non-joint-venture applicant) or a participant/shareholder of a joint venture applicant in past joint venture contracts, the following RULE 1 shall be applied. Where participants/shareholders of a past joint venture contract form a joint venture again in the current prequalification application, the following RULE 2 shall be applied also if the conditions for RULE 2 are met. Otherwise, only RULE 1 shall be applied for counting experience acquired by each of the participants/shareholders.

RULE 1

The number of relevant contracts that an applicant or a participant/shareholder of a joint venture applicant acquired in a past joint venture contract shall be calculated as the higher of either Rule 1A or Rule 1B, as set out below.

¹⁰ To be included when the “bonus for joint venture with listed contractor in lower group or with probationary status” is adopted, the applicability of which is given in Part (A) of this marking scheme.

¹¹ The counting method in respect of experience of a past joint venture contract in **Stage I Screening** should also be set by reference to this section.

Rule 1A

Adjusting the number of past joint venture contracts based on the share of works by value.

The number of relevant contracts that an applicant or a participant/shareholder of a joint venture applicant acquired shall be adjusted based on their respective share of works by value in the past joint venture contracts.

Rule 1B

Adjusting the number of past joint venture contracts based on the adjusted contract value.

Rule 1B applies only if the share of works by value of the applicant or, as the case may be, the concerned participant/shareholder in the past joint venture contract is equal to or more than 30%.

The value of the past joint venture contract shall be adjusted based on the applicant's or, as the case may be, the participant's/shareholder's share of works by value in the past joint venture contract. If such adjusted value satisfies the value requirement for a relevant contract, the applicant/participant/ shareholder concerned shall be regarded as having acquired one (1) relevant contract.

Example 2

Assumptions:

The value requirement for a relevant contract - contract sum not less than HK\$700M and building services installations (including plumbing and drainage) not less than HK\$140M. [Note: Project offices may use other suitable examples for illustrative purposes in the prequalification documents, where considered appropriate.]

Contractor A and Contractor B have completed one building contract at HK\$2,000M with building services installations (including plumbing and drainage) at HK\$400M in a past joint venture with their respective share of works by value at 60/30 (the remaining 10% was taken by the third participant/shareholder).

Contractor A

Apply Rule 1A: Contractor A would be considered to have completed 0.6 relevant contract (i.e. 1×0.6).

Apply Rule 1B: Contractor A would be considered to have completed a building contract at HK\$1,200M with building services installations (including plumbing and drainage) at HK\$240M* (i.e. 60% value of the past joint venture contract). Contractor A would be considered to have completed one relevant contract (*contract sum \geq HK\$700M and building services installations \geq HK\$140M).*

Apply RULE 1: Contractor A would be considered to have completed one relevant contract for the purpose of prequalification assessment as the number of relevant contracts calculated under Rule 1B is higher.

Contractor B

Apply Rule 1A: Contractor B would be considered to have completed 0.3 relevant contract (i.e. 1×0.3).

Apply Rule 1B: Contractor B would be considered to have completed a building contract at HK\$600M with building services installations (including plumbing and drainage) at HK\$120M* (i.e. 30% value of the past joint venture contract). Contractor B would be considered to have completed no relevant contract. (*contract sum $<$ HK\$700M and building services installations $<$ HK\$140M).*

Apply RULE 1: Contractor B would be considered to have completed 0.3 relevant contract for the purpose of prequalification assessment as the number of relevant contracts calculated under Rule 1A is higher.

RULE 2

In case participants/shareholders of a past joint venture contract form a joint venture again in the current prequalification application, the counting method is set out below.

The experience of the participants/shareholders concerned in the past joint venture contract shall be collectively assessed in determining the number of relevant contracts of each participant/shareholder concerned.

RULE 2 applies only if (a) the share of works by value of each participant/shareholder concerned in the past joint venture contract is equal to or more than 30% and (b) the percentage of financial participation of each participant/shareholder concerned in the current joint venture prequalification is equal to or more than 30%.

Example 3

Assumptions:

Contractor A and Contractor B in Example 2 team up with a new participant, Contractor C (which has completed 2 building contracts at HK\$700M with building services installations (including plumbing and drainage) at HK\$140M in a past joint venture contract with its respective share of works by value each at 80%), to apply for prequalification for the current project and their respective percentages of financial participation in the current joint venture prequalification is 50/30/20.

Contractor C

The experience of Contractor C in each completed building contract is calculated below:

Apply Rule 1A: Contractor C would be considered to have completed 0.8 relevant contract (i.e. 1×0.8).

Apply Rule 1B: Contractor C would be considered to have completed one building contract at HK\$560M with building services installations (including plumbing and drainage) at HK\$112M* (i.e. 80% value of the past joint venture contract). Contractor C would be considered to have completed no relevant contract. (*contract sum*

*< HK\$700M and building services installations
< HK\$140M).*

Apply RULE 1: Contractor C would be considered to have completed 0.8 relevant contract for the purpose of prequalification assessment as the number of relevant contracts calculated under Rule 1A is higher.

As Contractor C has acquired 0.8 relevant contract from each completed building contract, it would be considered to have completed 1.6 relevant contracts (i.e. 2×0.8).

Contractor A and Contractor B

The experience of Contractor A and Contractor B in the past joint venture contract is calculated below:

Apply RULE 2: Since Contractor A and Contractor B team up again and the application criteria under RULE 2 are met, their experience in the past joint venture contract would be collectively assessed in determining the number of relevant contracts for each of Contractor A and Contractor B.

Apply Rule 1A & RULE 2: Each of Contractor A and Contractor B would be considered to have completed 0.9 relevant contract (i.e. $0.6+0.3$).

Apply Rule 1B & RULE 2: Each of Contractor A and Contractor B would be considered to have completed a building contract at HK\$1,800M with building services installations (including plumbing and drainage) at HK\$360M* (i.e. $60\%+30\% = 90\%$ value of the past joint venture contract). Therefore, each of Contractor A and Contractor B would be considered to have completed one relevant contract. (*contract sum \geq HK\$700M and building services installations \geq HK\$140M).*

Apply RULE 1: Each of Contractor A and Contractor B would be considered to have completed one relevant contract for the purpose of prequalification assessment as the number of relevant contracts calculated under Rule 1B and RULE 2 is higher.

Joint Venture of Contractor A, Contractor B and Contractor C

*By applying the **Weighted Average Method** in Part (D)(a)(i), the joint venture formed by Contractor A, Contractor B and Contractor C would be considered to have completed $(1 \times 0.5) + (1 \times 0.3) + (1.6 \times 0.2) = 1.12$ relevant contracts.*

(b) Attributes under Section (2)
[except (2)(h) – safety rating and (2)(i) – training rating]

For **attributes (2)(a) to (g) and (j) to (k)**, the mark attained by a joint venture applicant shall be evaluated as the higher of:

- (i) the weighted average of the marks attained by each participant or shareholder for the respective attributes in the joint venture based on their respective percentages of financial participation; OR
- (ii) the mark attained by the lead participant or major shareholder in the joint venture provided that the lead participant or major shareholder has a percentage of financial participation of at least 70%; and that-

(I) all the other participants or shareholders are in the same Category of the lead participant or major shareholder and on the confirmed or probationary status of the same Group of the lead participant or major shareholder (when the lead participant or major shareholder is a confirmed contractor); or

(II) all the other participants or shareholders are in the same Category of the lead participant or major shareholder and on probationary status of the same Group or on confirmed status of a Group lower than that of lead participant or major shareholder

(where the lead participant or major shareholder is a probationary contractor).

Where contractors not on the Approved List or contractors of more than one Category in the Approved List are invited in a prequalification exercise, the method (ii) above above is not applicable in evaluation of past performance of a joint venture applicant under **attributes (2)(a) to (g) and (j) to (k)**[./; OR]

- [(iii) the mark attained by the lead participant or major shareholder in the joint venture provided that the joint venture tenderer attains full mark under **attribute (3)(c)** – bonus for joint venture with listed contractor in lower group or with probationary status.]¹²

As a worked example for calculation purpose using the method in **Part (D)(b)(i)**, if the full mark allocated to **attribute (2)(g)** is 4 and if contractor A has completed 2 construction contracts and has 2 convictions in the past 3-year period, the calculated factor will be equal to 1 and the corresponding percentage of full mark is 80%. The calculated mark is $4 \times 80\% = 3.2$. If this contractor A teams up with contractor B in a joint venture and their percentage of financial participation are 60/40, contractor A will be considered as having $(0.6 \times 3.2) = 1.92$ marks. If contractor B has no conviction in the past 3-year period, contractor B will be considered as having $0.4 \times 4 = 1.6$ marks. The marks for the joint venture of contractor A and contractor B shall be $1.92 + 1.6 = 3.52$ marks.

Past/Existing Joint Venture Contracts

For ascertaining the past performance and conviction records of each participant/shareholder of a past/existing joint venture contract under **attributes (2)(a) to (g) and (j) to (k)**, the past performance records and conviction records of the whole joint venture contract shall be attributed to the participant/shareholder irrespective of his share of works in the past/existing joint venture contract.

Similarly, for the purpose of counting the number of contracts for the attribute **(2)(g)**, the whole joint venture contract shall be attributed to each

¹² To be included when the “bonus for joint venture with listed contractor in lower group or with probationary status” is adopted, the applicability of which is given in Part (A) of this marking scheme.

participant/shareholder of a past/existing joint venture contract irrespective of his share of works in the past/existing joint venture contract.

Where some of the participants/shareholders have no past records

For the purpose of calculation using the method in **Part (D)(b)(i)**, where there is/are participant(s)/shareholder(s) in a joint venture who has/have no past performance record referred to in **attributes (2)(a) to (f), (j) and (k)** or no contract referred to in **attribute (2)(g)** for the period under assessment and there is one participant/shareholder in this joint venture who has past performance records or contracts referred to in the corresponding attributes, the total mark for this joint venture applicant shall then be the mark attained by the participant/shareholder who has past performance records or contracts referred to in the corresponding attributes. Where there is/are participant(s)/shareholder(s) in a joint venture who has/have no past performance record referred to in **attributes (2)(a) to (f), (j) and (k)** or no contract referred to in **attribute (2)(g)** for the period under assessment and there are more than one participants/shareholders in this joint venture who have past performance records or contracts referred to in the corresponding attributes, the total mark for this joint venture applicant shall be the weighted average of the marks attained by these participants/shareholders who have past performance records or contracts in accordance with their percentages of financial participation for the corresponding attributes. For example, if applicant A is composed of 3 participants X, Y and Z with 30%, 30% and 40% shares respectively. If participant X has scored 4 marks, participant Y has scored 3 marks and participant Z has no past performance record or contract for the attribute in question, the total mark for applicant A shall be $(4 \times 0.3 + 3 \times 0.3)/(0.3 + 0.3) = 3.5$ marks.

If none of the participants/shareholders of a joint venture has any past performance record referred to in **attributes (2)(a) to (f), (j) and (k)** or any contract referred to in **attribute (2)(g)** for the period under assessment, the total mark for this joint venture applicant for the corresponding attributes shall be calculated in accordance with (iv) – (v) of **Section (2)(a) to (f)**, (iii) – (iv) of **Section (2)(g)** and (ii) – (iii) of **Section (2)(j)** under **Part (B)** of this marking scheme, as the case may be, by considering this joint venture applicant being an applicant as described in those paragraphs.

(c) Attribute (2)(h) – Safety Rating

For **attribute (2)(h)**, the **safety rating** for a joint venture applicant shall be the weighted average (in accordance with their percentages of financial participation) of the safety rating of all participants or shareholders based on individual participant/shareholder's accident rates in the past three 12-month periods. If a participant/shareholder of a joint venture does not have an accident rate for a particular 12-month period (on the ground of no man-hour worked for that period), the accident rate to be used for that period shall be the average of that participant/shareholder's accident rates for the other two 12-month periods. If a participant/shareholder of a joint venture has an accident rate for one of the three 12-month periods only, that accident rate shall be used for the purpose of marking for the other two 12-month periods.

Where there is/are participant(s)/shareholder(s) in a joint venture without any accident rate for the past three 12-month periods and there is only one participant/shareholder in this joint venture with accident rate(s) for the past three 12-month periods, the safety rating of this joint venture applicant shall be the safety rating attained by the participant/shareholder of this joint venture with accident rate(s) for the past three 12-month periods. Where there is/are participant(s)/shareholder(s) in a joint venture without any accident rate for the past three 12-month periods and there are more than one participants/shareholders in this joint venture with accident rate(s) for the past three 12-month periods, the safety rating of this joint venture applicant shall be the weighted average of the safety rating of the participants/shareholders in this joint venture with accident rate(s) for the past three 12-month periods in accordance with their percentages of financial participation.

If none of the participants/shareholders of a joint venture has any accident rate for the past three 12-month periods, the safety rating of this joint venture applicant shall be calculated in accordance with (vi) – (vii) of **Section (2)(h)** under **Part (B)** of this marking scheme by considering this joint venture applicant being an applicant as described in those paragraphs.

In calculating the accident rates of each participant/shareholder of a past/existing joint venture contract, the accident rates of the whole joint venture contract shall be used and attributed to the participant/shareholder irrespective of his share of works in the past/existing joint venture contract.

(d) Attribute (2)(i) - Training Rating (applicability is given in footnote for training rating in **Part (A)** of this marking scheme)

For a joint venture applicant:

- (i) A “specified participant/shareholder” in a joint venture means a participant/shareholder who –
 - (a) does not have any total “man-year” worked in the stated period;
 - (b) has total “man-year” worked below 20 and a training score of “0” in the stated period; or
 - (c) is not a Group C contractor of any category in the stated period.
- (ii) Except for situations as described in items (iii), (iv) and (v) below, the training rating shall be the weighted average (in accordance with their percentages of financial participation) of the training ratings of the individual participants or shareholders which shall each be calculated in accordance with **Part (B)** of this marking scheme.
- (iii) Where there is/are specified participant(s)/shareholder(s) in a joint venture, and there is only one participant/shareholder of this joint venture not being a specified participant/shareholder, the training rating of this joint venture applicant shall be the training rating attained by the participant/shareholder of this joint venture not being a specified participant/shareholder.
- (iv) Where there is/are specified participant(s)/shareholder(s) in a joint venture, and there are more than one participants/shareholders not being specified participants/shareholders, the training rating of this joint venture applicant shall be the weighted average of the training ratings of those participants/shareholders not being specified participants/shareholders in accordance with their percentages of financial participation.
- (v) If all the participants/shareholders of a joint venture are specified participants/shareholders, the training rating of this joint venture applicant shall be calculated in accordance with (viii) - (ix) of **Section (2)(i) of Part (B)** of this marking scheme by considering this joint venture applicant being an applicant as described in those paragraphs.

The following table illustrates the calculation of the training rating for joint venture applicant.

Status of JV participant / shareholder (see Note)					Training rating of ABCDE joint venture
A	B	C	D	E	
NS	NS	NS	NS	NS	Weighted average of all participants/shareholders
NS	NS	NS	S	S	Weighted average of A, B and C
NS	S	S	S	S	Training rating of A
S	S	S	S	S	Average training ratings attained by the other applicants with a training rating

Note: S – A specified participant/shareholder
 NS – Not a specified participant/shareholder

In calculating the training rating of each participant/shareholder of a past/existing joint venture contract, the training rating of the whole joint venture contract shall be used and attributed to the participant/shareholder irrespective of his share of works in the past/existing joint venture contract.

Example to illustrate the three 12-month periods and measuring dates for prequalification submission closing dates

The original date set for the close of receipt of prequalification submission, or if this has been extended, the extended date being a date falling within the following period	First 12- Month Period			Second 12- Month Period			Third 12- Month Period		
	From	To	Measuring Date	From	To	Measuring Date	From	To	Measuring Date
1 to 31 Jan-21	1-Nov-19	31-Oct-20	31-Oct-20	1-Nov-18	31-Oct-19	31-Oct-19	1-Nov-17	31-Oct-18	31-Oct-18
1 to 28 Feb-21	1-Dec-19	30-Nov-20	30-Nov-20	1-Dec-18	30-Nov-19	30-Nov-19	1-Dec-17	30-Nov-18	30-Nov-18
1 to 31 Mar-21	1-Jan-20	31-Dec-20	31-Dec-20	1-Jan-19	31-Dec-19	31-Dec-19	1-Jan-18	31-Dec-18	31-Dec-18
1 to 30 Apr-21	1-Feb-20	31-Jan-21	31-Jan-21	1-Feb-19	31-Jan-20	31-Jan-20	1-Feb-18	31-Jan-19	31-Jan-19
1 to 31 May-21	1-Mar-20	28-Feb-21	28-Feb-21	1-Mar-19	29-Feb-20	29-Feb-20	1-Mar-18	28-Feb-19	28-Feb-19
1 to 30 Jun-21	1-Apr-20	31-Mar-21	31-Mar-21	1-Apr-19	31-Mar-20	31-Mar-20	1-Apr-18	31-Mar-19	31-Mar-19
1 to 31 Jul-21	1-May-20	30-Apr-21	30-Apr-21	1-May-19	30-Apr-20	30-Apr-20	1-May-18	30-Apr-19	30-Apr-19
1 to 31 Aug-21	1-Jun-20	31-May-21	31-May-21	1-Jun-19	31-May-20	31-May-20	1-Jun-18	31-May-19	31-May-19
1 to 30 Sep-21	1-Jul-20	30-Jun-21	30-Jun-21	1-Jul-19	30-Jun-20	30-Jun-20	1-Jul-18	30-Jun-19	30-Jun-19
1 to 31 Oct-21	1-Aug-20	31-Jul-21	31-Jul-21	1-Aug-19	31-Jul-20	31-Jul-20	1-Aug-18	31-Jul-19	31-Jul-19
1 to 30 Nov-21	1-Sep-20	31-Aug-21	31-Aug-21	1-Sep-19	31-Aug-20	31-Aug-20	1-Sep-18	31-Aug-19	31-Aug-19
1 to 31 Dec-21	1-Oct-20	30-Sep-21	30-Sep-21	1-Oct-19	30-Sep-20	30-Sep-20	1-Oct-18	30-Sep-19	30-Sep-19

**The stated period for prequalifications with the date set
for close of receipt of prequalification submission
between 1 January 2021 and 31 December 2022**

The original date set for the close of receipt of prequalification submission, or if this has been extended, the extended date being a date falling within the following period	The stated period		Number of calendar months in the stated period
	Start date	End date	
1 to 31 Jan-21	1-Nov-17	31-Oct-20	36
1 to 28 Feb-21	1-Dec-17	30-Nov-20	36
1 to 31 Mar-21	1-Jan-18	31-Dec-20	36
1 to 30 Apr-21	1-Feb-18	31-Jan-21	36
1 to 31 May-21	1-Mar-18	28-Feb-21	36
1 to 30 Jun-21	1-Apr-18	31-Mar-21	36
1 to 31 Jul-21	1-May-18	30-Apr-21	36
1 to 31 Aug-21	1-Jun-18	31-May-21	36
1 to 30 Sep-21	1-Jul-18	30-Jun-21	36
1 to 31 Oct-21	1-Aug-18	31-Jul-21	36
1 to 30 Nov-21	1-Sep-18	31-Aug-21	36
1 to 31 Dec-21	1-Oct-18	30-Sep-21	36
1 to 31 Jan-22	1-Nov-18	31-Oct-21	36
1 to 29 Feb-22	1-Dec-18	30-Nov-21	36
1 to 31 Mar-22	1-Jan-19	31-Dec-21	36
1 to 30 Apr-22	1-Feb-19	31-Jan-22	36
1 to 31 May-22	1-Mar-19	28-Feb-22	36
1 to 30 Jun-22	1-Apr-19	31-Mar-22	36
1 to 31 Jul-22	1-May-19	30-Apr-22	36
1 to 31 Aug-22	1-Jun-19	31-May-22	36
1 to 30 Sep-22	1-July-19	30-Jun-22	36
1 to 31 Oct-22	1-Aug-19	31-Jul-22	36
1 to 30 Nov-22	1-Sep-19	31-Aug-22	36
1 to 31 Dec-22	1-Oct-19	30-Sep-22	36

APPENDIX 4

PROFORMA SUBMISSIONS

1. LIST OF FORMS

A. STAGE I – SCREENING	
•Form 1A	Details of Approved Contractor / Supplier and Specialist Contractor for Public Works
•Form 1B	List of completed contracts of Design and Build projects, in the past [] years with an adjusted original contract sum not less than HK\$[] million

B. STAGE II – MARKING	
•Form 1B	(Same as Form 1B above)
•Form 1C	List of completed contracts of [specific type of projects] in the past [] years with an adjusted original contract sum not less than HK\$[] million
•Form 2A	Information of convictions in current/outstanding contracts in the past three years
•Form 2B	Applicant's Consent and Authorization on Conviction Records
•Form 3A	Details of Applicant
•Form 3B	Joint Venture Details (if applicable)
•Form 3C	Company Structure and Proposed Personnel
•Form 3D	Proposed key staff for this Contract
•Form 3E	Proposed essential plant and equipment

C. Others	
Undertaking to Submit One Tender for the Contract	

2. LIST OF DOCUMENTS

FORM 1A

**DETAILS OF APPROVED CONTRACTOR / SUPPLIER AND SPECIALIST CONTRACTOR
FOR PUBLIC WORKS**

Where specified, the applicant or participant / shareholder of a joint venture applicant shall provide their details in the List of Approved Contractors for Public Works and the List of Approved Suppliers of Materials and Specialist Contractors for Public Works, including the Category and Group, together with all supporting documentations.

The applicant or participant / shareholder of a joint venture applicant shall also make a statement whether there are currently in force any suspensions from tendering of government projects.

FORM 1B

LIST OF COMPLETED DESIGN AND BUILD CONTRACTS IN THE PAST [] YEARS WITH AN ADJUSTED ORIGINAL CONTRACT SUM NOT LESS THAN HK\$[] MILLION

Project (with brief description of the project)	Adjusted Original Contract Sum (see Note 2 below)	Contract Commencement Date (mm-yy)	Contract Completion Date (mm-yy) (original)	Contract Completion date (extended)	Actual / Anticipated Completion date	Contract Duration (days)	Client/Main Contractor, Supervising Officer (name, address & tel.) to be contacted for reference	Name and status of the Company (state the % of participation by value of work in case of a JV company) (see Note 1 below)
1.								
2.								
3.								

Note 1. Please state whether your company was the main contractor, a first-tier subcontractor where specified, or a joint venture (to state the % of participation by value of work in case of a joint venture).

Note 2. The contract sum shall be adjusted to the current value and other requirements as specified. If the adjusted original contract sum is less than HK\$[]M after the adjustment, the contract will not be taken into account. Documentary evidence must be provided to substantiate the calculations for the adjusted original contract sum;

Note 3. The applicant shall categorise the above details for Hong Kong Government contracts and other contracts in the Hong Kong and outside Hong Kong separately.

Note 4. The applicant shall provide certified true copy of following supporting documents to demonstrate that his experiences in construction projects can fulfil the stipulated requirements

- Articles of agreement or Letters of Acceptance for the completed contracts, showing the awarded contract values.
- copy of the substantial completion certificates for the completed contracts.
- general layout plans and relevant pages of specifications showing the scope of the completed/[on-going]contracts.
- state whether the completed/[on-going] project was "Design and Build" type of contract; and to provide relevant supporting documents such as the form of contract.
- for completed contracts undertaken by joint ventures, the applicant shall provide a copy of the joint venture agreement showing the percentages of participation by value of work of the participants/ shareholders.
- [for subcontracts, the applicant shall provide relevant supporting documents showing his first-tier subcontracting relationship with that non-specialist main contractor. (Note: If subcontracts are considered.)]
- If any of the above documents are in languages not in English or Chinese, a translation to either language duly certified by the applicant should also be submitted.

FORM 1C

LIST OF COMPLETED CONTRACTS OF [SPECIFIC TYPE OF PROJECTS] IN THE PAST [] YEARS WITH AN ADJUSTED ORIGINAL CONTRACT SUM NOT LESS THAN HK\$[] MILLION

Project (with brief description of the project)	Adjusted Original Contract Sum (see Note 2 below)	Contract Commencement Date (mm-yy)	Contract Completion Date (mm-yy) (original)	Contract Completion date (extended)	Actual / Anticipated Completion date	Contract Duration (days)	Client/Main Contractor, Supervising Officer / Arch/Eng. (name, address & tel.) to be contacted for reference	Name and status of the Company (state the % of shares by value of work in case of a JV company) (see Note 1 below)
1.								
2.								
3.								

Note 1. Please state whether your company was the main contractor, a first-tier subcontractor where specified, or a joint venture (to state the % of shares by value of work in case of a joint venture).

Note 2. The contract sum shall be adjusted to the current value and other requirements as specified. If the adjusted original contract sum is less than HK\$[] million after the adjustment, the contract will not be taken into account. Documentary evidence must be provided to substantiate the calculations for the adjusted original contract sum.

Note 3. The applicant shall categorise the above details for Hong Kong Government contracts and other contracts in the Hong Kong and outside Hong Kong separately.

Note 4. The applicant shall provide certified true copy of following supporting documents to demonstrate that his experiences in construction projects can fulfil the stipulated requirements

- copy of the Letters of Acceptance for the completed contracts, showing the awarded contract values.
- copy of the substantial completion certificates for the projects.
- general layout plans and relevant pages of specifications showing the scope of the completed contracts and on-going contracts
- state whether the completed/[on-going] project was "Design and Build" type of contract; and to provide relevant supporting documents such as the form of contract.
- for completed contracts undertaken by joint ventures, the applicant shall provide a copy of the joint venture agreement showing the percentages of participation by value of work and the nature of work of the participants/ shareholders.
- [for subcontracts, the applicant shall provide relevant supporting documents showing his first-tier subcontracting relationship with that non-specialist main contractor. (Note: If subcontracts are considered.)]
- If any of the above documents are in languages not in English or Chinese, a translation to either language duly certified by the applicant should also be submitted.

FORM 2A

INFORMATION OF CONVICTIONS IN CURRENT/ OUTSTANDING CONTRACTS IN THE PAST THREE (3) YEARS

Name of Applicant (or Participant/ Shareholder of a joint venture applicant) ^(Note 1) _____

Contract No. <small>(Note 2)</small>	Contract Title	Contract period (Maintenance Period excluded)		No. of convictions <small>(Note 2)</small>	Details of Supervising Officer/ Engineer/Architect/Authorised Person responsible for the contract			
		From	To		Name	Company	Contact telephone no. and facsimile numbers	Email address
Public Works								
Other contracts								

Note 1. A separate form is to be completed for each of the contracts of the applicant or each participant/shareholder in the case of a joint venture. The form shall be certified in accordance with clause B10(a) of the Prequalification Document.

Note 2. The applicant shall provide the information of the contract which is on-going or was completed in the past 3-year period counting from and including the date 2 months before the original date set for the close of prequalification exercise or, if this has been extended, the extended date. In each of these contracts, the applicant shall provide the number of convictions under the Section 171 or 38A of the Immigration Ordinance, the Factories and Industrial Undertakings Ordinance, Occupational Safety and Health Ordinance, Shipping and Port Control Ordinance, Air Pollution Control etc. as specified.

Form 2B

To: [Name of the procuring department]

Dear Sir/Madam,

Contract No. []

[Contract title]

Letter of Consent and Authorization

We hereby give consent to the [name of the project office/procuring department] to obtain from all relevant government departments/bureaux and authorize such relevant government departments/bureaux to release and make available to [*name of the project office/procuring department*] information relating to our conviction records (if any), including the legislation violated, dates of offences, dates of convictions and the associated fine imposed by the court, site addresses, contract numbers and contract titles, for offences under the following ordinances (including all sub-legislation made thereunder) and specific sub-legislation (if any) for the purposes of assessment of [our application]* in this prequalification exercise.

[*set out the legislation referred to in paragraph X(1)*]

We give further consent to the [*name of the project office / procuring department*] to furnish such information to [*name of the Consultants of this Project*], the Consultants of this Project, for the same purposes.

(Signed for and on behalf of the applicant or, where paragraph X(2) applies, the relevant participant or, as the case may be, shareholder)

* Where paragraph X(2) applies, change to "the application of [*name of the applicant*]".

FORM 3A

DETAILS OF APPLICANT

Note : A separate Form 3A shall be completed for each participant/ shareholder in a joint venture.

1. Name of the Applicant or Participant/Shareholder in case of a Joint Venture:

Name of Contact Person: _____

2. Head Office Address: _____

Telephone No. _____ Fax No. _____ Email Address _____

3. Hong Kong Office Address:

Telephone No. _____ Fax No. _____ Email Address _____

4. Type of organisation (e.g. private company, public company, subsidiary, partnership etc):

5. Country and year of incorporation:

6. Status in Hong Kong (head office, branch, subsidiary etc):

7. Main Business Activities

1. _____ Since: _____

2. _____ Since: _____

3. _____ Since: _____

4. _____ Since: _____

FORM 3A

DETAILS OF APPLICANT (CONT'D)

8. If the applicant or participant/shareholder in case of a joint venture is a subsidiary or an affiliated company, what involvement, if any, will the parent or other related companies have in the project?

9. Names and addresses of associated companies to be involved in the Contract and whether parent, subsidiary or others.

FORM 3B

JOINT VENTURE DETAILS (IF APPLICABLE)

Note: To be completed by joint venture applicant

1. Name of Lead Participant (in case of an unincorporated Joint Venture) / Major Shareholder (in the case of an incorporated Joint Venture) _____

2. JV Name _____

3. Head Office Address _____

Telephone No. _____ Fax No. _____ Email Address _____

4. Local Address _____

Telephone No. _____ Fax No. _____ Email Address _____

5. Contact Name _____

6. Names of Participants/Shareholders

	<u>Financial Participation</u>	<u>Management Participation</u>
a. _____	_____ %	_____ %
b. _____	_____ %	_____ %
c. _____	_____ %	_____ %
Total =	<u>100%</u>	<u>100%</u>

Percentage Participation = (Financial Participation + Management Participation)/2

7. Type of proposed Joint Venture agreement - incorporated/unincorporated (give details):

8. Proposed distribution of management, financial and contractual responsibilities including responsible position and nature of works between joint venture participants/shareholders. (A draft of the proposed joint venture agreement shall be attached).

FORM 3C

COMPANY STRUCTURE AND PRINCIPAL STAFF

1. Applicants shall provide organisation charts showing the company structure
2. Applicants shall provide current total number of staff (by function and location):

Type of Staff	Number of Staff			Total
	Head Office (Hong Kong)	Site (Hong Kong)	Outside Hong Kong	
Managerial				
Professional				
Technical				
Supervisory				
Total				

3. Senior Management Personnel of the Applicant

Provide C.V. of all directors and principal personnel of the applicant. (Use photocopies of this sheet as required.)

(1) Name :

Qualifications :

Experience :

Length of Service :

(2) Name :

Qualifications :

Experience :

Length of Service :

(3) Name :

Qualifications :

Experience :

Length of Service :

FORM 3D

PROPOSED KEY STAFF FOR THIS CONTRACT

Item	Position	Name	Staff I.D. No.	Age	Working Experience (Year) (see Note 1 below)	Existing Engagement	Qualifications (see Note 2 below)	
							Degree in	Corporate member of professional institution
a	Project Manager							
b	Construction Manager							
c	Design Manager							
d	[Testing and Commissioning Manager]							
e	[Key staff of the Design Team]							

Note 1. Please provide staff's C.V. and length of service with the company. The experience of the staff shall be stated in details. (Separate sheets can be supplemented for the staff's design experience).

Note 2. The qualifications obtained should be relevant to the works and recognised by the Government of the Hong Kong Special Administrative Region.

FORM 3E
SECTION 3(B) - PROPOSED ESSENTIAL PLANT AND EQUIPMENT

Key tasks and quantity of Works A	Main resources (type of plant / equipment and quantities) B	Anticipated working rate C	Minimum duration required A / (B x C)	Ownership # (Self-owned / hire / owned by others)

The Contractor is required to state whether he owns the plant and equipment and provide evidence if self-owned.

Form 4

To: [Name of the procuring department]

Dear Sir/Madam,

Contract No. []

[Contract title]

²⁰Letter of Undertaking to Submit One Tender for the Contract

I undertake that if I am prequalified individually or as part of a joint venture that I shall only submit one tender for the contract either as a holding company on its own behalf or as a subsidiary company on its own behalf or as a participant or shareholder of a joint venture. I understand and accept that if I fail to observe this condition that this will render all related tenders null and void and such tenders shall not be considered by the Government.

²⁰ Each prequalified contractor, either as a holding company or its subsidiary companies on its own behalf or as a participant or shareholder of a joint venture or as a participant or shareholder of more than one joint venture shall each give an undertaking.