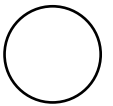


MEMO



<i>From</i>	Secretary for Development	<i>To</i>	Distribution
<i>Ref.</i>	() in DEVB(W) 546/84/01	<i>(Attn:</i>)
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<i>Fax No.</i>	2521 9682	<i>Dated</i>	<i>Fax No.</i>
<i>Date</i>	10 November 2023	<i>Total Pages</i>	3 + Encl.

DEVB TC(W) No. 4/2014 & No. 4/2014A Tender Evaluation Methods for Works Contracts

Merit / Demerit Point for Safety

This memo promulgates the introduction of a “merit / demerit point for safety” in the evaluation of works tenders as set out in DEVB TC(W) No. 4/2014, DEVB TC(W) No. 4/2014A and DEVB’s memos ref. DEVB(W) 546/84/01 dated 9 July 2021 and 18 August 2023.

Background

2. When a serious safety incident happens in a contractor’s construction site, there is a high possibility that there are deficiencies in the contractor’s site safety management system, irrespective of whether the construction site is a public or private one. Despite the introduction of various enhancement measures by the construction sector in recent years, the number of fatal accidents happened in construction sites remains alarming, the majority of which involved private construction sites. In light of this, we have reviewed our prevailing tender evaluation mechanism in respect of a tenderer’s past safety performance under the Formula Approach and the Standard Marking Scheme which only take account of the tenderer’s past performance reports / safety rating for public works contracts.

Merit / Demerit Point for Safety

3. In order to assess a tenderer’s past safety performance more accurately in the evaluation of our works tenders, an attribute “merit / demerit point for safety” is introduced to the Formula Approach and the Standard Marking Scheme to take account of the occurrence of serious safety incidents involving loss of life or serious bodily injury happened in **both public and private construction sites**.

4. The above revisions shall also apply to prequalification exercises as set out in the Administrative Procedures 2015 for Use with the Government of the HKSAR General Conditions of Contract for Design and Build Contracts 1999 Edition (“D&B Administrative Procedures”).

Updated documents

5. The latest version of documents of Appendices A, B and C to DEVB TC(W) No. 4/2014, in which Appendices B and C1 have been incorporated with the details of “merit / demerit point for safety”, are given in **Annex 1**. The updated document of the Standard Prequalification Marking Scheme set out in the D&B Administrative Procedures is provided in **Annex 2**.

Implementation

6. The above revisions shall be adopted for works contracts for which tenders are to be invited on or after 8 December 2023. For tenders invited or to be invited before that date, procuring departments may adopt these revisions where appropriate.

7. If there are any enquiries, please contact Mr Angus YIP, AS(WP4)8, on 3509 7308.

(David H W LEUNG)
for Secretary for Development

Encl.

Distribution (w/encl.)

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Internal

CAS(W)7, AS(WP4)1, AS(WP4)2, AS(WP4)3, AS(WP4)6, AS(WP4)8 and TS

**Latest Version of Appendices A, B and C to
DEVB TC(W) No. 4/2014**

Attachment	Appendix of DEVB TC(W) No. 4/2014 to be replaced
I	Appendix A
II	Appendix B (updated in this memo)
III	Appendix C
IV	Appendix C1 (updated in this memo)

Appendix A

Stage I Screening

1. Stage I Screening is adopted to screen out unqualified tenderers at the first stage of tender evaluation. Its use should be considered in conjunction with the two methods of tender evaluation, viz. Formula Approach and Marking Scheme Approach, as follows:

(i) Formula Approach

- For Group C tenders using Formula Approach, Stage I Screening should be used under the circumstances where quality of service, though not major enough to warrant the use of Marking Scheme Approach, is sufficiently important, calling for better qualified tenderers meeting minimum requirements appreciably above the relevant listing requirements met by the wide range of Group C contractors. These circumstances apply to works which may be fairly sensitive or have a fair bearing on public safety or convenience, works of average complexity, or works subject to a reasonably tight programme. Departments should consider stipulating minimum requirements so as to screen out tenderers not meeting these requirements.
- For Group A and Group B tenders using Formula Approach, Stage I Screening should normally not be used unless there is a strong justification.

(ii) Marking Scheme Approach

- Stage I Screening should be used for all tenders using Marking Scheme Approach to ensure that tenderers comply with the stipulated minimum requirements before their tenders are considered further.

Key Minimum Requirements stipulated in Stage I Screening

Mandatory minimum requirements

2. It is mandatory to set the minimum experience requirements in Stage I Screening:
 - Minimum experience requirements (mandatory). For example, the tenderer 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 tenderers 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.
3. For tenders requiring tenderer's design or inviting alternative design for tender assessment, it is mandatory to set the minimum submission requirements in Stage I Screening. Details should be referred to in DEVB TC(W) No. 3/2014.

Optional minimum requirements

4. The following optional minimum requirements should be considered in Stage I Screening to suit the nature of individual contracts:
 - The tenderer's status on the Approval List (optional). For example, the tenderer 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 tender.

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 tenderer is a specialist contractor.

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

- 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, tenderers 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 tender 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. A tenderer who does not have past performance record is considered as having satisfied this requirement.]

Points to Note

5. 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 tender invitation.
6. Each minimum requirement set in Stage I Screening should involve a clear cut “yes/no” answer based on factual information without qualitative evaluation. If a tenderer fails to comply with any of the stipulated minimum requirements in Stage I Screening, his tender shall not be considered further. Departments shall draw the tenderers’ attention to meeting all the minimum requirements and that any failure of which shall render the tender not being considered further.
7. Department should always check to ensure an adequate number of potential tenderers satisfying all the minimum requirements so as to maintain sufficient competition.
8. In cases where the Marking Scheme Approach is adopted, if a tenderer fails Stage I Screening, the tenderer’s “Tender Price Documents” shall not be processed and the sealed envelope containing the “Tender Price Documents” shall remain sealed until the completion of the whole tender evaluation process (i.e. the completion of both the technical and price assessments). After the completion of the whole tender evaluation process, the sealed envelope containing the “Tender Price Documents” of this tenderer shall be opened for

recording the tender price in the tender report for reference of the approving authority concerned. Notwithstanding the above, if it is necessary to look for technical submissions inadvertently placed inside the envelope containing the “Tender Price Documents” to determine whether a tenderer passes Stage I Screening under special circumstances, the opening of the sealed envelope containing the “Tender Price Documents” may be allowed strictly for this purpose with the approval from the officer at D2 rank (or above) responsible for the safe custody of the sealed envelope on tender prices. If so approved, opening of the sealed envelope should be carried out by two public officers, appointed by the officer at D2 rank (or above), who are independent from the tender assessment team and have declared no actual, potential or perceived conflict of interest. After the exercise, the envelope shall be sealed again for safe custody by the officer at D2 rank (or above).

9. In the case of a joint venture, if the participants/shareholders of the joint venture collectively satisfy the stipulated minimum requirements, this joint venture tenderer would be considered as passing Stage I Screening. Thus, the counting method in respect of experience and past performance of a joint venture tenderer in Stage I Screening should be set by reference to the method given in **Part (D) of Appendix C1**.

10. 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) of Appendix C1**.

Appendix B

The Formula Approach to Tender Evaluation

1. The Formula Approach to tender evaluation takes into account the tender price and the tenderer's past performance under public works contracts. With respect to each conforming tender, a combined price and performance (overall) score will be worked out in accordance with the formulae below. Normally, the tender with the highest overall score should be recommended for acceptance, subject to the usual requirement that the department is satisfied that the recommended tenderer is fully capable (including technically, commercially and financially) of undertaking the Contract, and that the recommended tender is the most advantageous to the Government in accordance with the tender provisions.

- **For tenders with a tender price:**

$$60 \times \frac{\text{the lowest tender price among those conforming tenders}}{\text{the tender price of the tenderer}} + 40 \times \frac{\text{the tenderer's performance score}}{\text{the highest performance score among those conforming tenders}}$$

- **For tenders without a tender price (such as term contract):-**

$$60 \times \frac{100 + \text{the lowest value for tender analysis among those conforming tenders}}{100 + \text{the value for tender analysis of the tenderer}} + 40 \times \frac{\text{the tenderer's performance score}}{\text{the highest performance score among those conforming tenders}}$$

Conforming Tender

2. For the purpose of calculation using the formulae above, a conforming tender means a tender which

- (a) conforms to the essential requirements of the tender documentation;
- (b) is submitted by a tenderer which complies with the conditions of participation;
and
- (c) has passed the Stage I Screening where applicable.

A conforming tender with abnormally low or high tender price or tender value or which is considered unsuitable for recommendation for the award of the Contract (such as financially, commercially or technically incompetent) remains to be a conforming tender.

Performance Score

3. The “performance score” in above formulae will be worked out in accordance with the formulae below.

- **For cases where “training rating” is not applicable:**

performance score = performance rating + safety rating + merit/demerit point
for safety

- **For cases where “training rating” is applicable:**

performance score = performance rating + safety rating + training rating +
merit/demerit point for safety

4. In case training rating is applicable, the full mark of the “performance score” will be increased from 111 (i.e. 100 for “performance rating”, 10 for “safety rating” and 1 for merit/demerit point for safety) to 112 or 113 (with an addition of 1 or 2 mark for “training rating”).

(A) Performance rating

5. The “performance rating” means the performance rating held in the DEVB’s Contractors’ Performance Index System (CMIS) on the original date set for the return of

tenders or, if this has been extended, the extended date. The maximum rating in the CMIS is 100.

6. If a tenderer has been enlisted by way of substitution, the performance rating of this tenderer as recorded in the CMIS will take into account the past performance of the previous contractor.

7. If a tenderer does not have a rating on the particular date, he shall be assigned an average performance rating based on the performance ratings attained by the other tenderers who have submitted a conforming tender. In cases where the only conforming tenderer does not / all the conforming tenderers do not have any performance rating on the particular date, the tenderer(s) concerned will be given a performance rating of 50% of the maximum rating.

Joint venture

8. The “performance rating” of a joint venture tenderer shall be evaluated as the higher of either -

(i) the weighted average of the performance ratings of its participants or shareholders in the joint venture in accordance with their percentage participation; or

(ii) the performance rating attained by the lead participant or major shareholder in the joint venture provided that the lead participant or major shareholder has a percentage participation of at least 70%; and that-

(I) all the other participants or shareholders are in the same Category as the lead participant or major shareholder and on the confirmed or probationary status of the same Group as 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 as 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 List of Approved Contractors for Public Works or contractors of more than one Category are invited to tender, only the method in (i) above is applicable in evaluation of performance rating of a joint venture tenderer.

9. For the purpose of evaluation using the method in paragraph 8(i) above, if a participant/shareholder in a joint venture has no performance rating, it will not be given any performance rating and its percentage participation shall be excluded from the calculation of the performance rating of the joint venture tenderer under paragraph 8(i). For example, if joint venture tenderer A is composed of 3 participants X, Y and Z with 30%, 30% and 40% shares respectively. If participant X has a performance rating of 60, participant Y has a performance rating of 50 and participant Z has no performance rating, the performance rating for the joint venture tenderer A shall be $(60 \times 0.3 + 50 \times 0.3)/(0.3 + 0.3) = 55$. If none of the participants/shareholders in this joint venture has any performance rating, the performance rating of this joint venture tenderer shall be calculated in accordance with paragraph 7 above by considering this joint venture tenderer being a tenderer as described in that paragraph.

(B) Safety rating

Calculation of safety rating

10. The “safety rating” is worked out from 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 tender or, if this has been extended, the extended date, according to paragraphs 11 to 16 below.

11. 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 tender or, if this has been extended, the extended date. A table showing the three 12-month periods and measuring dates for tender closing dates in 2021 is given in **Enclosure 1 to Appendix C1** for illustration purpose.

12. The following formula shall be used for calculating the accident rates for the concerned 12-month periods: -

$$\text{Accident Rate} = \frac{(\text{No. of non-fatal reportable accidents}^1 + \text{No. of fatal accidents in the period})}{\text{Total no. of man-hours worked in the period} / 100,000 \text{ man-hours}}$$

13. For “safety rating”, the maximum total is 10 for the total of the three 12-month periods. The first, second and third 12-month periods have a maximum rating of 5, 3 and 2 respectively. Each tenderer’s safety rating is worked out by reference to the table below and shall be the sum of the three ratings corresponding to the three 12-month periods.

Tenderer’s Accident Rate*	Rating		
	1 st 12-month	2 nd 12-month	3 rd 12-month
accident rate ≤ 25% of the limit#	5	3	2
25% of the limit < accident rate ≤ 50% of the limit	3.75	2.25	1.5
50% of the limit < accident rate ≤ 75% of the limit	2.5	1.5	1
75% of the limit < accident rate ≤ 100% of the limit	1.25	0.75	0.5
accident rate > 100% of the limit	0	0	0

* 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.

14. If a tenderer 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 accident rates for the other two periods. If a tenderer has an accident rate for one of the three 12-month periods only, that accident rate shall be used for calculating the safety rating for the other two 12-month periods.

15. For a tenderer without any accident rate for the past three 12-month periods, its safety rating shall be the average safety rating attained by the other tenderers with a safety rating who have submitted a conforming tender.

16. In cases where the only conforming tenderer does not/all the conforming tenderers do not have any accident rate for the past three 12-month periods, the tenderer(s) concerned will be given a safety rating of 50% of the maximum rating.

¹ Reportable accidents mean those accidents resulting in an injury with incapacity for more than three days and all fatal accidents.

Joint venture

17. The safety rating of a joint venture tenderer shall be the weighted average (in accordance with their percentage participation) of the safety ratings of its participants or shareholders which shall each be calculated in accordance with paragraphs 11 to 14 above.

18. If a participant/shareholder in a joint venture does not have an accident rate for the past three 12-month periods, it will not be given any safety rating and its percentage participation shall be excluded from the calculation of the safety rating of the joint venture tenderer under paragraph 17.

19. If none of the participants/shareholders in a joint venture has any accident rate for the past three 12-month periods, the safety rating of this joint venture tenderer shall be calculated in accordance with paragraphs 15 - 16 above by considering this joint venture tenderer being a tenderer as described in those paragraphs.

20. 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.

Accident rates for tenders with or without involvement of Contractors of the Buildings Category

21. For tenders invited from contractors of the Buildings category, the accident rates for completed and on-going contracts in the Buildings category only will be used in the calculation of the accident rates, hence the safety ratings for the assessment of tenders². For tenders 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 tenders invited from contractors in more than one category including the Buildings category, the accident rates for all

² Accident rates for building works are generally higher than non-building works. As such, contractors undertaking more non-building works may tend to have lower overall accident rates than contractors undertaking more building works, which means that contractors which have undertaken more non-building works may have a better chance of winning tenders for building works contracts when compared with those which have undertaken more building works. This is thus not in line with the objective of according good safety performers a higher chance of winning tenders. We thus only count the accident rates for building works in the assessment of tenders for building contracts, and likewise only the accident rates for non-building works in the assessment of tenders for non-building contracts.

completed and on-going contracts in all categories will be used. For open tendering, 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.

(C) Training rating**

Full mark

22. For contracts with estimated contract sum exceeding \$1 billion, the full mark will be “1”. Otherwise, the full mark will be “2”.

Calculation of training rating

23. The “training rating” of a tenderer 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 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 the stated period, and its manpower deployment in public works contracts in the same stated period.

24. The “training rating” shall be calculated using the below formula -

$$\text{Training rating (Max = full mark)} = \text{full mark} \times \frac{\text{Training score in the stated period}}{\text{Total “man-year” worked in the stated period /20}}$$

25. For a tenderer who (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 contractor³ in the stated period, its training rating shall be the average training rating attained by other tenderers with a training rating who have submitted a conforming tender.

³ 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.

26. In cases where the only conforming tenderer/each of all the conforming tenderers (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 tenderer(s) concerned will be given a training rating of 50% of the full mark.

Training score

27. The training score of a tenderer should be worked out using the number of workers trained as detailed below –

(i) 1 training score for each of his CCTS or ITCTS trainees 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 the registered skilled worker of the trained trade under CWRO during the stated period; and

(iv) 0 training score if none of the above applies.

28. 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 under the main contractor for the purpose of calculating the training rating. 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).

29. The tenderers' 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 a tenderer should be worked out based on paragraph 27 above, using the number of workers trained by the tenderer as recorded in the CTSSS.

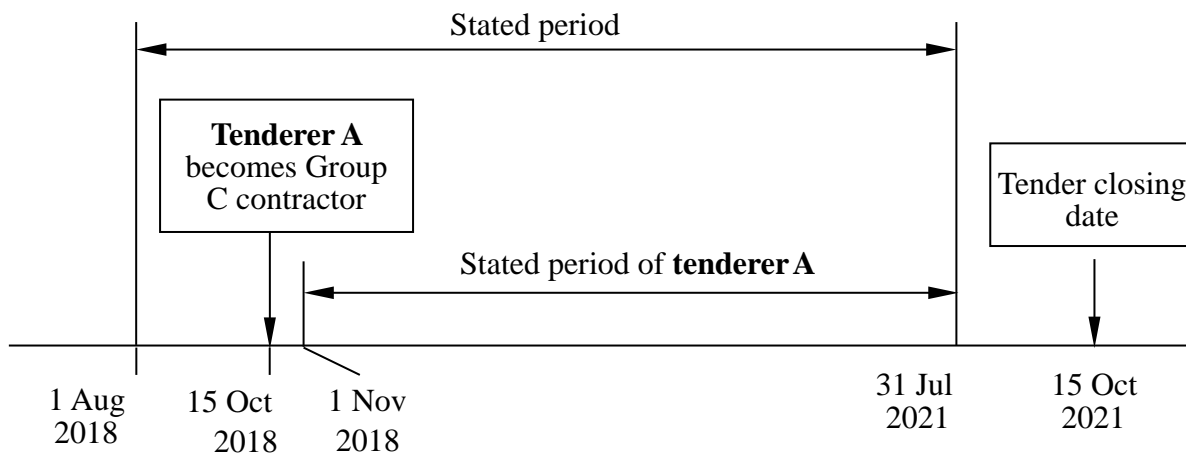
Total "man-year" worked

30. The total "man-year" worked of a tenderer shall be equal to the total "man-day" worked for all public works contracts of the tenderer in the stated period kept in the PCSES, divided by 295 work days per year.

Stated period

31. 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 the close of tender, or if this has been extended, the extended date. Examples to illustrate the stated period are given in **Enclosure 2 to Appendix C1**.

32. For tenderer who is not a Group C contractor of any category immediately preceding the start date of the stated period, the stated period for such tenderer shall start on the first day of the calendar month immediately following the earliest date on which the tenderer becomes a Group C contractor. An example is provided below for illustration purpose.



33. The following examples are provided to illustrate the calculation of training rating.

	(A)	(B)	(C)
	Total “man-year” worked in the stated period	Training score in the stated period	Training rating (see Note 2) = Full Mark (FM) x $\frac{(B)}{(A)/20}$
Example 1	40	1	= FM x 1/(40/20)
Example 2	40	2	= FM x 2/(40/20)
Example 3 (see Note 1)	453	11	= FM x 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	= FM x 1/(5/20) = 4 FM but capped by FM

Note:

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 by the Full Mark. Similarly, for the case of joint venture tenderers, the “training rating” shall be capped by the Full Mark for each participant or shareholder before calculating the weighted average.

Joint venture

34. For joint venture tenderers -

- (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 in the stated period.
- (ii) Subject to paragraphs (iii) and (iv) below, the training rating of a joint venture tenderer shall be the weighted average (in accordance with their percentage participation) of the training ratings of its participants or shareholders which shall each be calculated in accordance with paragraphs 23 to 33 (excluding 25 & 26) above.
- (iii) If a participant/shareholder in a joint venture is a specified participant/shareholder, it will not be given any training rating and its

percentage participation shall be excluded from the calculation of the training rating of the joint venture tenderer under paragraph (ii) above.

- (iv) If all the participants/shareholders in a joint venture are specified participants/shareholders, the training rating of this joint venture tenderer shall be calculated in accordance with paragraphs 25 - 26 above by considering this joint venture tenderer being a tenderer as described in those paragraphs.

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

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 other conforming tenderers with a training rating

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

36. 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.

(Note for Clauses 22 to 36:

** The “training rating” in this memo shall be incorporated in the Formula Approach as well as the Standard Marking Scheme for evaluating tenders invited from Group C contractors. In the case of open tendering, or where tenders 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 Formula Approach and the Standard Marking Scheme for evaluating tenders if the department has assessed that not less than 80% of potential tenderers 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.)

(D) Merit / Demerit Point for Safety

37. The “merit/demerit point for safety” is dependent on (i) whether a tenderer has or may have caused or contributed (whether by act or omission) to any incident involving loss of life or incident involving serious bodily injury ^{Note 1} at a construction site ^{Note 2} in Hong Kong (hereinafter collectively referred to as “Serious Incident”) during the Relevant Period as defined in paragraph 39 below; and (ii) whether such tenderer held any on-going works contract during the Relevant Period.

[Note 1: “Serious bodily injury” shall bear the same meaning as assigned to it under paragraph 10(g)(ii) of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update.

Note 2: “Construction site” shall bear the same meaning as defined in paragraph 10(a) of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update.]

38. The merit/demerit point for safety applicable to a tenderer under different situations is as follows:

Situation	The tenderer has or may have caused or contributed to a Serious Incident during the Relevant Period	The tenderer held an on-going works contract during the Relevant Period	Merit / Demerit Point for Safety (mark)
I	No	Yes	+1
II	No	No	Note 3
III	Yes (not involving any loss of life)	Yes or No	-0.5
IV	Yes (involving loss of life) [Note 4]	Yes or No	-1

[Note 3: Merit / Demerit Point for Safety for a tenderer falling within Situation II shall be the average mark obtained by all conforming tenderer(s), excluding those who fall within Situation II.

Provided that if the only conforming tenderer falls / all conforming tenderers fall within Situation II, +0.5 mark will be given to it/them. For the avoidance of doubt, a participant or shareholder of a joint venture tenderer is not regarded as a conforming tenderer.

Note 4: For the avoidance of doubt, if a tenderer has or may have caused or contributed to a Serious Incident involving any loss of life, it will be considered as falling within Situation IV, regardless whether the tenderer has or have caused or contributed to any other Serious Incident not involving any loss of life.]

39. For the purpose of assessing the merit/demerit point for safety:

- (i) Relevant Period means the period between and inclusive of the two dates below:-
 - (a) the first day of the 14th calendar month immediately preceding the calendar month in which the original date set for close of tender is in or, if this has been extended, the extended date; and
 - (b) the last day of the 3rd calendar month immediately preceding the calendar month in which the original date set for close of tender is in or, if this has been extended, the extended date.
- (ii) A tenderer is regarded as having or may be having caused or contributed to a Serious Incident during the Relevant Period if:
 - (a) According to the information provided by Labour Department or other relevant government departments as described in paragraph 13 of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update, the tenderer was involved in a Serious Incident occurred during the Relevant Period; and
 - (b) On the basis of the aforesaid information, DEVB consider that the tenderer has or may have caused or contributed to the Serious Incident in any capacity whatsoever, including but not limited to main

contractor and subcontractor at any tier.⁴

- (iii) A tenderer is regarded as holding an on-going works contract during the Relevant Period if:-
- (a) The tenderer is acting in the capacity of the main contractor or is a participant/shareholder of a joint venture acting in the capacity of a main contractor of a public or private works contract at any point of time during the Relevant Period;
 - (b) The whole or part of the works under the said contract is to be or has been carried out in a construction site ^{See Note 2 above} in Hong Kong; and
 - (c) The said contract has commenced on or before the last day of the Relevant Period and the works under the said contract as a whole (excluding Maintenance Period) have not been certified complete by the Engineer / Architect / Surveyor / Supervising Officer/ Authorised Person or other equivalent professionals before the Relevant Period commences or, in the case of term contract, the contract term has not yet expired before the Relevant Period commences.

40. A tenderer should provide sufficient documentary evidence of any on-going works contract held by it (e.g. articles of agreement, recent correspondences issued by the Engineer / Architect / Surveyor / Supervising Officer / Authorised Person and the like for the contract). If a tenderer fails to demonstrate that it has one or more on-going works contract, its tender shall be assessed as if it held no on-going works contract during the Relevant Period.

Joint venture

41. The merit/demerit point for safety for a joint venture tenderer shall, subject to paragraphs 42 and 43 below, be the weighted average (in accordance with their percentage participation) of the merit/demerit point for safety of its participants or shareholders which shall each be calculated in accordance with paragraphs 37 to 39 above.

⁴ The procuring departments shall refer to the records kept in DEVB's Works Group Intranet Portal.

42. If a participant/shareholder in a joint venture falls within Situation II in the table under paragraph 38, it will not be given any merit/demerit point for safety and its percentage participation shall be excluded from the calculation of the merit/demerit point for safety of the joint venture tenderer under paragraph 41.

43. If all participants/shareholders in a joint venture fall within Situation II in the table under paragraph 38, the merit/demerit point for safety of the joint venture tenderer shall be calculated as if it is a tenderer falling within Situation II in the said table.

Obtain present value by discounting future payments

44. For tenders with a tender price, if the tendered sums or the overall scores of the tenders under consideration with the highest overall scores are very close (usually the three with the highest overall scores), the department should consider discounting future payments to obtain the present value and use the present value instead of the tender price in determining the ranking of the tenders. This calculation exercise should only apply to those conforming tenders with the highest overall scores (usually the top three).

The Marking Scheme Approach to Tender Evaluation

General

1. The Marking Scheme Approach to tender evaluation takes into account the tender price, the tenderer's experience, tenderer's past performance, tenderer's technical resources, tenderer's technical proposal and tenderer's design proposal (if alternative design is invited or tenderer's design is required). With respect to each conforming tender, a combined price and technical (overall) score will be determined in accordance with a marking scheme. Stage I Screening should be used as a part of the marking scheme to ensure that the tenderers comply with the stipulated minimum requirements before their tenders are considered further. Normally, the tender with the highest overall score should be recommended for acceptance, subject to the usual requirement that the department is satisfied that the recommended tenderer is fully capable (including technically, commercially and financially) of undertaking the Contract, and that the recommended tender is the most advantageous to the Government in accordance with the tender provisions.

2. A Standard Marking Scheme is provided at Appendix C1 which is applicable to all works contracts (including design and build contracts but not design, build and operate contracts) not involving prequalification of tenderers. It is usually applicable to contracts adopting selective tendering, in which tenders 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 works tenders adopting open tendering, the Standard Marking Scheme shall only be adopted when the department has assessed that not less than 80% of potential tenderers would have records of contractors' performance kept in the Contractor Management Information System (CMIS) of DEVB.

3. The department should always disclose the full marking scheme for the information of the tenderers.

4. A two-envelope approach shall be adopted. The tender shall consist of two parts; the technical submission and the tender price documents. They should be enclosed in two separate envelopes, clearly marked with the words "Technical Submission" and "Tender

Price Documents” respectively, together with the tender reference on the outside of the envelope. The two envelopes shall then be placed inside a sealed envelope and delivered in the manner as required by the tender notice.

5. The submission on technical resources and technical proposals shall form part of the contract. To this end, the standard notes to tenderers and the standard Special Conditions of Contract (SCC) for Marking Scheme shall be incorporated in the tender documents as appropriate.

Opening of Tenders

6. After tenders are opened and authenticated, the tender opening team should place the originals of the tender price documents in a sealed envelope. The sealed envelope, together with the technical submissions, should be collected by the department while the duplicates of the tender price documents (including the Form of Tender) should be kept by the tender board.

7. The department should appoint an officer at D2 rank or above, who is not involved in the tender exercise, for the safe custody of the sealed envelope on tender prices. To guard against inadvertent placing of any tender price documents among technical submissions by tenderers, the officer at D2 rank (or above) appointed or the public officer assigned by him (the assigned officer is also not involved in the tender exercise) should check against the technical submissions collected from the tender opening team before passing them to the assessment panel for evaluation.

8. Normally, the technical submissions are to be evaluated first. If during the technical assessment it is found necessary to deal with any tender qualifications or seek any clarifications on matters in the technical submissions, they should be dealt with and resolved before the tender price documents are opened such that the technical submissions may be properly assessed.

9. If a tender is assessed as non-conforming in accordance with **Part (E)(b) of Appendix C1** before the completion of the technical assessment (e.g. failing to pass the Stage I Screening or failing to satisfy the passing marks requirements in respect of its technical submissions), the tenderer’s “Tender Price Documents” shall not be processed and the sealed envelope containing the “Tender Price Documents” shall remain sealed until the completion of the whole tender evaluation process (i.e. the completion of both the technical and price assessment). After the completion of the whole tender evaluation process, the sealed envelope containing the “Tender Price Documents” of this tenderer shall

be opened for recording of the tender price in the tender report for reference of the approving authority concerned. Notwithstanding the above, if it is necessary to look for technical submissions inadvertently placed inside the envelope containing the “Tender Price Documents” to determine whether a tender is conforming or not before the completion of the technical assessment under special circumstances, the opening of the sealed envelope containing the “Tender Price Documents” may be allowed strictly for this purpose with the approval from the officer at D2 rank (or above) responsible for the safe custody of the sealed envelope on tender prices. If so approved, opening of the sealed envelope should be carried out by two public officers appointed by the officer at D2 rank (or above), who are independent from the tender assessment team and have declared no actual, potential or perceived conflict of interest. After the exercise, the envelope shall be sealed again for safe custody by the officer at D2 rank (or above).

10. For conforming tenders, the sealed envelope which contains the tender price documents should only be opened after the assessment panel has completed the evaluation of all technical submissions based on the marking scheme. No alteration to the technical assessment should be allowed after the tender price documents are opened except in the case of correction on errors of form or if the technical assessment was based on incorrect factual information. Further, technical submissions inadvertently placed inside the envelope containing tender price documents shall generally not be considered. However, the assessment panel may consider such information contained in these technical submissions which is wholly of a factual nature and which does not require any subjective assessment. Examples include conviction records. In such cases, the assessment panel may re-visit the technical scores to see if any adjustments are needed in the light of the additional facts.

11. Where subject to a very tight programme schedule and with the personal approval of the Head of Department, the price submissions and technical submissions may be separately evaluated by the project team and an independent assessment panel concurrently, but the project team and the independent assessment panel must **not** exchange any information received on the tenders until the whole evaluation is completed and they shall not make any alteration to their assessment thereafter except for the corrections as noted above. Head of Department should only approve the concurrent assessment of the technical and price submissions as an exceptional arrangement and should ensure that there are adequate measures to safeguard the integrity of the tender evaluation process. When the concurrent assessment approach is adopted, departments should record the names of the parties involved in the technical assessment and price assessment and keep the period of assessment to the minimum.

Assessment Panel

12. An assessment panel shall be established to evaluate the technical submissions. The assessment panel shall be made up of suitably qualified personnel capable of making an independent assessment of the tenderers' submissions, technical or otherwise. The assessment panel shall consist a chairman plus at least two other members. Normally the chairman will not mark the tenderer's submissions in order to ensure that the meeting is considered orderly and impartially. The chairman shall be a directorate officer while the other members shall be public officers of professional rank or above coming from more than one department. Members of the project team and members of the assessment panel including the chairman should familiarize themselves with the basic requirements, implications and obligations contained in the WTO GPA and the associated rules which govern the subject tender exercise. Reference should be made to the guidelines given under DEVB TC(W) No. 2/2014. For contracts administered by consultants, the consultants may be invited to serve as an adviser to the assessment panel but the consultants shall not be appointed as a member of the assessment panel.

13. Members of the assessment panel shall individually mark the tenderers' submissions in accordance with the marking scheme. For each submission, the average mark given by the panel members shall then be taken as the technical score of that submission.

14. The assessment panel and the project team, as well as the officer responsible for the safe custody of the sealed envelope on tender prices, should observe the prevailing civil service guidelines on how to prevent or deal with conflict of interest situations, and the need to declare any conflicts, whether actual or perceived, arising between their official duties and their private interests. The Stores and Procurement Regulations Chapter IA (180 to 198) are relevant. The confidentiality requirements as set out in DEVB TC(W) No. 8/2014 must be strictly observed. The chairman shall ensure that every member of the assessment panel is reminded of the need to maintain confidentiality of the whole tender assessment process.

Calculation of Overall Score

15. After the technical submissions are evaluated and the tender price documents examined and corrected, an overall score for each conforming tender shall be calculated in accordance with the marking scheme.

Appendix C1

The Standard Marking Scheme

Stage I Screening

1. Stage I Screening described in **Appendix A** is introduced as a mandatory part of the Standard Marking Scheme to ensure that the tenderers comply with the stipulated minimum requirements before their tenders are considered further.

Stage II Marking

2. 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 5 sections below.

3. 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. For example, if innovation and creativity proposal is required for reducing greenhouse gas emissions, then greenhouse gas emissions shall not be included or marked under other attributes, such as those in Section (3)(b), Section (4) and Section (5).

(A) Weighting Distribution

Attributes	Permitted Full Mark
<u>Section (1) - Tenderer'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 tenderer's relevant management and technical experience. When specialist experience is required, first-tier specialist subcontracts can be allowed and specified where appropriate.	

Attributes**Permitted Full Mark**

(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 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 tenders subject to WTO GPA.)

Section (2) - Tenderer'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	5-10
(i) training rating ¹	1-2 ^{##}

¹ The “training rating” in this memo shall be incorporated in the Formula Approach as well as the Standard Marking Scheme for evaluating tenders invited from Group C contractors. In the case of open tendering, or where tenders 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 Formula Approach and the Standard Marking Scheme for evaluating tenders if the department has assessed that not less than 80% of potential tenderers 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.

Notes for attribute (2)(i)

The full mark for attribute (2)(i) shall be determined as follows -

<i>Estimated contract sum</i>	<i>Full mark</i>
<i>> \$1 billion</i>	<i>1</i>
<i>≤ \$1 billion</i>	<i>2</i>

- (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)” should 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 for tenders requiring tenderer’s design; “attendance to emergency” attribute may be added for maintenance contracts depending on the emergency situations to be covered; other attributes such as “organization”, “industry awareness” and “resources”, 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.)

- (l) merit / demerit point for safety 1

Section (3) - Tenderer’s technical resources

0 – 20^{Note 7}

(Note 7: The permitted full mark shall be 0-17 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 3-20 in case “bonus for joint venture with listed contractor in lower group or with probationary status” is adopted.)

- (a) (i) proposed managerial staff; and 0-10

(ii) proposed technical staff

(Note 8: 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. In any cases, the qualification or experience 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 tenderers 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. Particularly, for tenders invited from Group A or Group B contractors, it is recommended to specify the minimum requirements on managerial and technical staff in the Contract and to delete this attribute.)

*(Note 9: Where minimum requirements on managerial and technical staff are specified in the Contract, the statement “**proposed addition to or enhancement of the minimum requirements on managerial and technical staff as specified in the Contract and only such addition or enhancement shall be assessed**” should be used instead.)*

(Note 10: For design and build contracts without prequalification and for tenders requiring tenderer’s design, where necessary, managerial staff should be split into project management team and design management team.)

- (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. 0-10

(Note 11: If the attribute on productivity enhancement proposal (see attribute (4)(h) below) is required for a particular part of the works, the full mark allocated to this attribute shall be set for the other parts of the works only. Any proposed plant and equipment relating to productivity enhancement proposal should be assessed under attribute (4)(h) and should not be assessed under this attribute to avoid double counting.)

(Note 12: 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 tenderers 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.)

*(Note 13: Where minimum requirements on essential plant and equipment are specified in the Contract, the statement “**proposed addition to or enhancement of the minimum requirements on the essential plant and equipment and only such addition or enhancement, including the use of non-road mobile machinery units complying with the latest emission**”*

Attributes	Permitted Full Mark
<i>standards specified by EPD, shall be assessed” should be used instead.)</i>	
(c) bonus for joint venture with listed contractor in lower group or with probationary status ²	3
<u>Section (4) - Tenderer’s technical proposal</u>	<u>30 – 80</u> ^{Note 15}
<i>(Note 14: Except for attribute (4)(d), attributes may be added, expanded, combined and modified to suit the nature of Contract.)</i>	<u>or</u>
<i>(Note 15: Subject to the total mark for Sections (4) and (5) not exceeding 80.)</i>	<u>20 – 60</u> ^{Notes 15 & 16}
<i>(Note 16: For use in design and build contracts without prequalification.)</i>	
(a) method statement;	
(b) programming logistics and interface management;	
(c) quality assurance plan;	
(d) Safety and health management approach (including smart site safety system, outline safety plan, design for safety, other approaches for enhancing site safety etc.);	5-10
(e) environmental management plan and use of environmentally friendly (including low greenhouse gas emissions) products and processes;	
(f) risk management approach and contingency plans; <i>(Note 17: This attribute may be applicable to contracts 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.)</i>	
(g) innovation and creativity proposal; and	0-20

² 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 tenders to be invited from Group C contractors of the List of Approved Contractors for Public Works only and with the Standard Marking Scheme adopted for tender evaluating. In other words, this attribute is not applicable for open tendering or tenders which are to be invited from contractors other than Group C contractors on the List of Approved Contractors for Public Works, as well as tenders 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.

(Note 18: This attribute is not for screening out tenderers. The innovation and creativity proposal under this attribute should be included for Group B and C tenders, where specific aspects requiring innovation and creativity are identified. For Group A tenders, the innovation and creativity proposal under this attribute should normally not be used unless there is a strong justification.)

(Note 19: The innovation and creativity proposal under this attribute is not confined to aspects using new technology, system, plant and materials, but may also cover specific aspects where innovative and creative application of existing technology, system, plant and materials can benefit the project in terms of recurrent costs of life cycle, quality, functions, including operation and maintenance and energy efficiency, interfacing, environment and greenhouse gas emissions, social and other major benefits.)

(Note 20: To avoid double counting, specific aspects covered under this attribute shall not be included in other attributes in Section (3), Section (4) and Section (5), and vice versa. Tenderer's design and/or alternative design should be marked in Section 5 only.)

(h) productivity enhancement proposal

0-20

(Note 21: Departments should specify the part of the Works for which productivity needs to be enhanced to meet resources, programme and other constraints, e.g. to reduce the demand for skilled workers of trades with acute labour shortage. This may include mechanised and precast means and other productivity enhancements, e.g. resources leveling, use of plant / equipment instead of skilled workers in trade with acute labour shortage, use of standardized steel mould for concreting part of the Works on ground level instead of casting in-situ using timber formwork, use of precast/prefabricated units etc., that can reduce the demand for skilled workers of trades with acute labour shortage. Departments should also specify the trades with acute labour shortage. The construction method under the productivity enhancement proposal and the approach and extent of the Works to be mechanised, precast and/or productivity-enhanced should be detailed.)

(Note 22: This attribute should always be included for contracts (a) with estimated costs exceeding \$500 million unless the works do not offer potential for productivity enhancement practicably and/or (b) offering good productivity enhancement potential, i.e. mechanisation, precasting and other productivity enhancements to reduce demand for skilled workers in trades with acute labour shortage. For those contracts giving rise to particularly significant demand for these workers, the setting of a passing mark may be considered. This attribute for contracts exceeding \$500 million may be

waived only by the approval of a D2 rank or above officer, who shall be personally satisfied that the works do not offer potential to practicably reduce demand for skilled workers of trades with acute labour shortage. The justifications and assessment for the exemption shall be recorded.)

(Note 23: The assessment panel shall assess the technical feasibility of the tenderer's proposal, and estimate and compare the demand for skilled workers of trades with acute labour shortage in conventional method and the productivity enhancement method proposed by the tenderer with his own judgment. The panel should consider whether the reduction in demand for skilled workers of trades with acute labour shortage is realistic and achievable.)

Section (5) – Tenderer's design proposal

0 – 40

or

20 – 60^{Note 25}

(Note 24: This section shall only be used for design and build contracts without prequalification of tenderers and those contracts in which alternative design of part of the Works is invited or tenderer's design is required³. Departments should decide on the full mark having regard to the extent of the Works which the tenderers are invited or required to design. The following attributes (a) to (h) may be added, expanded, combined and modified to suit the nature of design elements and the emphasis on design requirements.)

(Note 25: For use in design and build contracts without prequalification of tenderers.)

(Note 26: For part of the Works where no Engineer's design is provided and tenderer's design is required, screening criteria relating to the minimum requirements of the design should be included in Stage I Screening. The statement "**proposed addition to or enhancement of the minimum requirements of the design and only such addition or enhancement shall be assessed**" should be used in conjunction with the following attributes (a) to (h) as appropriate.)

(Note 27: Where alternative design is invited for part of the Works, a tender proposing no alternative design should always be given the passing mark assigned to this section whereas a tender proposing alternative design shall be assessed against the Engineer/Architect's design as a reference benchmark. For a tender inviting both alternative design and tenderer's design, this Section 5 of the Marking Scheme should be divided into two sub-sections. The sum of the permitted full marks for the two sub-sections should not exceed the permitted full marks for this section. The assessment methodology for alternative design and tenderer's design stated below should apply to each of the two sub-sections respectively.)

³ Reference should also be made to DEVB TC(W) 3/2014. Where the Contractor is required to carry out a relatively straight-forward design for part of the Works, the tenderer's design will not need to be submitted at the tender stage for assessment and this section will not be required for this.

Attributes	Permitted Full Mark
(a) aesthetics and overall appearance;	
(b) functional and planning requirements;	
(c) structure system and buildable design;	
(d) building service, M&E and electronic system;	
(e) operation, maintenance and durability;	
(f) environmental friendliness, health & safety;	
(g) life cycle analysis & energy efficiency; and	
(h) compatibility with designs of adjacent and interfacing works including that part of Works not to be designed by the tenderer.	
Total	100

(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, except **attribute (2)(I)** in which a negative mark may be given. All assessment criteria must be clearly stated and made known to the tenderers in the tender documents. Departments are reminded to re-visit the marking scheme, including the Marking Standards and the assessment criteria, on the issue of any tender addendum to assess whether adjustments should be made to correspond with the changes brought about by the tender addendum.

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

Attribute	Marking
Section (1) – Tenderer’s experience	Departments should have specified the minimum requirements in Stage I Screening, e.g. have at least one construction contract of value not less than \$200 million completed in the past 5 years, counting from the original date set for the close

Attribute	Marking
	<p>of tender. As there is a time limit for the minimum experience requirements, extension of tender closing date will potentially affect the eligibility of tenderers. To ensure certainty, the original tender closing date should be referred to in the requirements irrespective of any extension. Departments should also spell out in the tender 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 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 tender invitation. 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 tender invitation, 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 tender invitation, the date with available exchange rate for such currency immediately before the date of first notice of tender invitation shall be adopted. If the exchange rate is not available from the HKAB and the monetary authority concerned, departments should determine the exchange rates 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 tender invitation, the date with available exchange rate for such currency immediately before the date of first notice of tender invitation 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. A longer counting period should be adopted for contracts which are recurrent in nature, e.g. term contracts, particularly those with long contract period and/or with restriction of number of contracts to be undertaken by the same contractor. This would avoid excessive limitation on the available tenderers. If a counting period of more than 5 years is adopted, it is</p>

Attribute	Marking
	<p>advisable that the values of contracts completed by the tenderers shall be adjusted to current price based on a published index available on the date of first notice of tender invitation, 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 tender invitation.</p> <p>As Stage I Screening is mandatory, tenderers will be checked against the minimum experience requirements and the tenderer must comply with the minimum experience requirements in order to proceed to Stage II Marking.</p> <p>As the minimum experience requirements are stipulated under 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 tenderers 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 tenderers within the usually tight tender 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 works⁴ 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 works⁵. For term contracts, the total amount certified payable or the estimated average yearly expenditure will be used as appropriate. For subcontracts, the original contract sum refers to the subcontracts’.</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</p>

⁴ 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.

⁵ 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 the 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>contractor will be considered when the tenderer is a specialist contractor.</p> <p>The experience of any associated company of the tenderer 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 tenderer, means: (a) a subsidiary of the tenderer; (b) a holding company of the tenderer; or (c) a subsidiary of such a holding company. The existence of a holding-subsidary 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 Engineer/Architect/Surveyor/Supervising Officer/Authorised Person and applies to the contract as a whole, excluding Maintenance Periods. For term contracts, the date of expiry of the contract term is regarded as the completion date.</p> <p>If there is a need to extend the tender period, departments should ensure that the assessment of the tenderers’ experience within the 5-year period or other specified period would still be based on the original date set for the close of tender and would not be affected by the extension. All tenderers 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 tender notice 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) - Tenderer’s past performance</p> <p>(2)(a) – workmanship</p> <p>(2)(b) – progress</p> <p>(2)(c) – site safety</p> <p>(2)(d) – environmental</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> <p>(a) kept in the Contractor Management Information System (CMIS) of DEVB on the original date set for the close of tender or, if this has been extended,</p>

Attribute	Marking												
<p>pollution control</p> <p>(2)(e) – general obligations</p> <p>(2)(f) –attitude to claims</p>	<p>the extended date;</p> <p>(b) relating to any category of on-going or completed contract; 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 below.</p> <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 tender 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> <table border="1" data-bbox="683 965 1406 1509"> <thead> <tr> <th data-bbox="683 965 1054 1133">The original date set for the close of tender, or if this has been extended, the extended date being a date falling within the following period</th> <th data-bbox="1054 965 1406 1133">Applicable Quarter End Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="683 1133 1054 1207">1 February to 30 April</td> <td data-bbox="1054 1133 1406 1207">Last day of November of the preceding year</td> </tr> <tr> <td data-bbox="683 1207 1054 1281">1 May to 31 July</td> <td data-bbox="1054 1207 1406 1281">Last day of February of the same year</td> </tr> <tr> <td data-bbox="683 1281 1054 1355">1 August to 31 October</td> <td data-bbox="1054 1281 1406 1355">Last day of May of the same year</td> </tr> <tr> <td data-bbox="683 1355 1054 1429">1 November to 31 December</td> <td data-bbox="1054 1355 1406 1429">Last day of August of the same year</td> </tr> <tr> <td data-bbox="683 1429 1054 1509">1 January to 31 January</td> <td data-bbox="1054 1429 1406 1509">Last day of August of the preceding year</td> </tr> </tbody> </table> <p>For example:</p> <p>The original date set for the close of tender 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 tender 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>	The original date set for the close of tender, or if this has been extended, the extended date being a date falling within the following period	Applicable Quarter End Date	1 February to 30 April	Last day of November of the preceding year	1 May to 31 July	Last day of February of the same year	1 August to 31 October	Last day of May of the same year	1 November to 31 December	Last day of August of the same year	1 January to 31 January	Last day of August of the preceding year
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Attribute	Marking																											
	<p>(iv) If a tenderer 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 tenderers in the corresponding attribute(s) who have satisfied (i), (ii), and (iii) under Part (E)(b) of this marking scheme.</p> <p>(v) In cases where the only tenderer/all the tenderers (who has/have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme) does not/do not have any Relevant Report on Contractor’s Performance, or any Relevant Report on Contractor’s Performance for any attribute(s), the tenderer(s) will be given 50% of the full mark for the attribute(s) concerned.</p> <p>(vi) For attributes (2)(a) to (e), the marking for each attribute shall be as follows:-</p> <table border="1" data-bbox="683 1021 1425 1525"> <thead> <tr> <th colspan="2" data-bbox="683 1021 1177 1081">% of Relevant Reports on Contractor’s Performance falling</th> <th data-bbox="1177 1021 1425 1081"></th> </tr> <tr> <th data-bbox="683 1081 930 1160">Below “satisfactory”</th> <th data-bbox="930 1081 1177 1160">Above “satisfactory”</th> <th data-bbox="1177 1081 1425 1160">% of full Mark</th> </tr> </thead> <tbody> <tr> <td data-bbox="683 1160 930 1211">>20%</td> <td data-bbox="930 1160 1177 1211">Any percentages</td> <td data-bbox="1177 1160 1425 1211">0</td> </tr> <tr> <td data-bbox="683 1211 930 1263">>10% and ≤20%</td> <td data-bbox="930 1211 1177 1263">Ditto</td> <td data-bbox="1177 1211 1425 1263">25</td> </tr> <tr> <td data-bbox="683 1263 930 1314">>2% and ≤10%</td> <td data-bbox="930 1263 1177 1314">Ditto</td> <td data-bbox="1177 1263 1425 1314">50</td> </tr> <tr> <td data-bbox="683 1314 930 1366">> 0% and ≤2%</td> <td data-bbox="930 1314 1177 1366">Ditto</td> <td data-bbox="1177 1314 1425 1366">65</td> </tr> <tr> <td data-bbox="683 1366 930 1417">0</td> <td data-bbox="930 1366 1177 1417"><15%</td> <td data-bbox="1177 1366 1425 1417">75</td> </tr> <tr> <td data-bbox="683 1417 930 1469">0</td> <td data-bbox="930 1417 1177 1469">≥15% and <30%</td> <td data-bbox="1177 1417 1425 1469">85</td> </tr> <tr> <td data-bbox="683 1469 930 1525">0</td> <td data-bbox="930 1469 1177 1525">≥30%</td> <td data-bbox="1177 1469 1425 1525">100</td> </tr> </tbody> </table>	% 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
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0	≥30%	100																										

Attribute	Marking														
	<p>(vii) For attribute (2)(f), the marking shall be as follows:</p> <table border="1" data-bbox="683 248 1406 707"> <thead> <tr> <th data-bbox="689 257 1098 389">% of Relevant Reports on Contractor's Performance with unreasonable claim attitude</th> <th data-bbox="1098 257 1399 389">% of full Mark</th> </tr> </thead> <tbody> <tr> <td data-bbox="689 389 1098 443">< 3%</td> <td data-bbox="1098 389 1399 443">100</td> </tr> <tr> <td data-bbox="689 443 1098 497">≥ 3% and < 6%</td> <td data-bbox="1098 443 1399 497">80</td> </tr> <tr> <td data-bbox="689 497 1098 551">≥ 6% and < 9%</td> <td data-bbox="1098 497 1399 551">60</td> </tr> <tr> <td data-bbox="689 551 1098 604">≥ 9% and < 12%</td> <td data-bbox="1098 551 1399 604">40</td> </tr> <tr> <td data-bbox="689 604 1098 658">≥ 12% and < 15%</td> <td data-bbox="1098 604 1399 658">20</td> </tr> <tr> <td data-bbox="689 658 1098 707">≥ 15%</td> <td data-bbox="1098 658 1399 707">0</td> </tr> </tbody> </table>	% 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
% 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) – Tenderer's past performance</p> <p>(2)(g) – Record against convictions under the Immigration Ordinance, Employment Ordinance or other site safety, environment related and road opening offences</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 Land (Miscellaneous Provisions) Ordinance, Environmental Impact Assessment Ordinance, Employment Ordinance, Merchant Shipping (Local Vessels) Ordinance or Hazardous Chemicals Control Ordinance, the marks will be allocated according to the formula below.</p> $\text{Factor} = \frac{\text{number of convictions in the past 3-year period}}{\text{number of ongoing and completed construction contracts in the same period}^{\#}}$ <p># The 3-year period shall end on the last day of the month preceding the date being 2 months counting back from but exclusive of the original date set for the close of tender 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 tenderer himself.</p>														

Attribute	Marking														
	<p>Convictions of the tenderer's sub-contractors should not be counted. However, if the convictions relate to the tenderer 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 tenderer 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 tenderer 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> <table border="1" data-bbox="654 1153 1404 1534"> <thead> <tr> <th data-bbox="654 1153 1029 1205">Percentage of full mark</th> <th data-bbox="1029 1153 1404 1205">Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="654 1205 1029 1256">0%</td> <td data-bbox="1029 1205 1404 1256">if the factor is > 4</td> </tr> <tr> <td data-bbox="654 1256 1029 1308">20%</td> <td data-bbox="1029 1256 1404 1308">if the factor is > 3 and ≤ 4</td> </tr> <tr> <td data-bbox="654 1308 1029 1359">40%</td> <td data-bbox="1029 1308 1404 1359">if the factor is > 2 and ≤ 3</td> </tr> <tr> <td data-bbox="654 1359 1029 1411">60%</td> <td data-bbox="1029 1359 1404 1411">if the factor is > 1 and ≤ 2</td> </tr> <tr> <td data-bbox="654 1411 1029 1462">80%</td> <td data-bbox="1029 1411 1404 1462">if the factor is > 0 and ≤ 1</td> </tr> <tr> <td data-bbox="654 1462 1029 1529">100%</td> <td data-bbox="1029 1462 1404 1529">if the factor is = 0</td> </tr> </tbody> </table> <p>(ii) Tenderers 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 a tenderer 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 tenderers for this attribute who have satisfied (i), (ii) and (iii) under Part (E)(b) of this</p>	Percentage of full mark	Criteria	0%	if the factor is > 4	20%	if the factor is > 3 and ≤ 4	40%	if the factor is > 2 and ≤ 3	60%	if the factor is > 1 and ≤ 2	80%	if the factor is > 0 and ≤ 1	100%	if the factor is = 0
Percentage of full mark	Criteria														
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80%	if the factor is > 0 and ≤ 1														
100%	if the factor is = 0														

Attribute	Marking
	<p>marking scheme.</p> <p>(iv) In cases where the only tenderer/all the tenderers (who has/have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme) does not/do not have any construction contracts in Hong Kong in the same 3-year period as defined above, the tenderer(s) will be given 50% of the full mark for this attribute.</p>
<p>Section (2) Tenderer’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 tender 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 tender or, if this has been extended, the extended date. A table showing the three 12-month periods and measuring dates for tender 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>

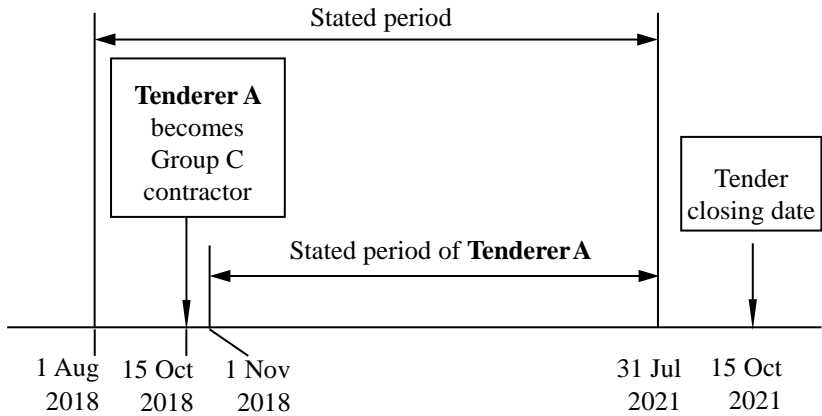
Attribute	Marking																																
	<p style="text-align: center;"> (No. of non-fatal reportable accidents⁶ + (No. of fatal accidents in the period) / Total no. of man-hours worked in the period/ 100,000 man-hours </p> <p>(iii) Assuming the full mark for the safety rating attribute to be X, the marking for a tenderer 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> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">1st 12-month period</th> <th style="text-align: center;">2nd 12-month period</th> <th style="text-align: center;">3rd 12-month period</th> </tr> </thead> <tbody> <tr> <td>Full mark for each 12-month period in the ratio of 5:3:2</td> <td style="text-align: center;">0.5X</td> <td style="text-align: center;">0.3X</td> <td style="text-align: center;">0.2X</td> </tr> <tr> <td>Tenderer's Accident Rate*</td> <td></td> <td></td> <td></td> </tr> <tr> <td>accident rate ≤ 25% of the limit#</td> <td style="text-align: center;">0.5X</td> <td style="text-align: center;">0.3X</td> <td style="text-align: center;">0.2X</td> </tr> <tr> <td>25% of the limit < accident rate ≤ 50% of the limit</td> <td style="text-align: center;">0.375X</td> <td style="text-align: center;">0.225X</td> <td style="text-align: center;">0.15X</td> </tr> <tr> <td>50% of the limit < accident rate ≤ 75% of the limit</td> <td style="text-align: center;">0.25X</td> <td style="text-align: center;">0.15X</td> <td style="text-align: center;">0.1X</td> </tr> <tr> <td>75% of the limit < accident rate ≤ 100% of the limit</td> <td style="text-align: center;">0.125X</td> <td style="text-align: center;">0.075X</td> <td style="text-align: center;">0.05X</td> </tr> <tr> <td>accident rate > 100% of the limit</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </tbody> </table> <p>* The unit of accident rate is number of accident per 100,000 man-hours worked.</p> <p># The limit of accident rate currently set by DEVB is 0.6.</p> <p>(iv) For tenders 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 tenders. For tenders invited from contractors from any category/categories other than the Buildings category, the accident rates for completed and</p>		1 st 12-month period	2 nd 12-month period	3 rd 12-month period	Full mark for each 12-month period in the ratio of 5:3:2	0.5X	0.3X	0.2X	Tenderer'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
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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																														

⁶ Reportable accidents mean those accidents resulting in an injury with incapacity for more than three days and all fatal accidents

Attribute	Marking
	<p>on-going contracts in non-Buildings categories (i.e. all other categories) will be used. For tenders invited from contractors in 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 tendering, 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 a tenderer 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 tenderer’s accident rates for the other two periods. If a tenderer 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 a tenderer 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 tenderers for this attribute who have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme.</p> <p>(vii) In cases where the only tenderer/all the tenderers (who has/have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme) does not/do not have any accident rate in the past three 12-month periods, the tenderer(s) will be given 50% of the full mark for this attribute.</p>
<p>Section (2) Tenderer’s past performance</p> <p>(2)(i) – Training rating (Note: Applicability is given in footnote for training rating in Part</p>	<p>For attribute (2)(i), the assessment of “training rating” shall be as follows:</p> <p>(i) The “training rating” of a tenderer 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</p>

Attribute	Marking
(A) of this marking scheme)	<p data-bbox="692 203 1469 622">Tradesman Collaborative Training Scheme (ITCTS) (formerly called 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 the stated period, and its manpower deployment in public works contracts in the same stated period.</p> <p data-bbox="600 680 1469 808">(ii) Assuming the full mark of “training rating” to be Y, the marking for a tenderer 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 data-bbox="600 1081 1469 1205">(iii) The training score of a tenderer should be worked out using the number of workers trained as detailed below –</p> <p data-bbox="692 1227 1469 1787">(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;</p> <p data-bbox="692 1798 1469 2022">(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;</p>

Attribute	Marking
	<p>(III) 2 training scores for each of his ACMTS or CICATP trainees in public works contracts who is registered as the registered skilled worker of the trained trade under CWRO during the stated period; and</p> <p>(IV) 0 training score if none of the above applies.</p> <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 under the main contractor for the purpose of calculating the training rating. 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 tenderers’ training records under CCTS, ITCTS, ACMTS and CICATP to be used for calculating “training rating” are kept in CIC’s Collaborative Training Schemes Statistics System (CTSSS) accessible via CIC’s website at http://www.cic.hk/ctsss. The training score of a tenderer should be worked out based on this sub-clause (iii), using the number of workers trained by the tenderers as recorded in the CTSSS.</p> <p>(iv) The total “man-year” worked of a tenderer shall be equal to the total “man-day” worked for all public works contracts of the tenderer 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</p>

Attribute	Marking																															
	<p>dates being 2 months counting back from but excluding the original date set for the close of tender, 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 tenderer who is not a Group C contractor of any category immediately preceding the start date of the stated period, the stated period for such tenderer shall start on the first day of the calendar month immediately following the earliest date on which the tenderer becomes a Group C contractor. An example is provided below for illustration purpose.</p> <div style="text-align: center;">  <p>The diagram shows a horizontal timeline with dates: 1 Aug 2018, 15 Oct 2018, 1 Nov 2018, 31 Jul 2021, and 15 Oct 2021. A long double-headed arrow labeled 'Stated period' spans from 1 Aug 2018 to 31 Jul 2021. A box labeled 'Tenderer A becomes Group C contractor' is positioned above the timeline with a vertical line pointing to 15 Oct 2018. A shorter double-headed arrow labeled 'Stated period of Tenderer A' spans from 1 Nov 2018 to 15 Oct 2021. Another box labeled 'Tender closing date' is positioned above the timeline with a vertical line pointing to 15 Oct 2021.</p> </div> <p>(vii) The following examples are provided to illustrate the calculation of training rating.</p> <table border="1" data-bbox="609 1429 1455 2027"> <thead> <tr> <th></th> <th>(A)</th> <th>(B)</th> <th>(C)</th> </tr> </thead> <tbody> <tr> <td></td> <td>Total “man-year” worked in the stated period</td> <td>Training score in the stated period</td> <td>Training rating (see Note 2) = Full Mark (FM) x $\frac{(B)}{(A)/20}$</td> </tr> <tr> <td>Example 1</td> <td>40</td> <td>1</td> <td>= FM x 1/(40/20)</td> </tr> <tr> <td>Example 2</td> <td>40</td> <td>2</td> <td>= FM x 2/(40/20)</td> </tr> <tr> <td>Example 3 (see Note 1)</td> <td>453</td> <td>11</td> <td>= FM x 11/(453/20)</td> </tr> <tr> <td>Example 4</td> <td>0</td> <td>N/A</td> <td rowspan="2">= average of other conforming tenderers with a training rating</td> </tr> <tr> <td>Example 5</td> <td>15 (i.e. <20)</td> <td>0</td> </tr> <tr> <td>Example 6</td> <td>5</td> <td>1</td> <td>= FM x 1/(5/20) = 4 FM but capped by FM</td> </tr> </tbody> </table>		(A)	(B)	(C)		Total “man-year” worked in the stated period	Training score in the stated period	Training rating (see Note 2) = Full Mark (FM) x $\frac{(B)}{(A)/20}$	Example 1	40	1	= FM x 1/(40/20)	Example 2	40	2	= FM x 2/(40/20)	Example 3 (see Note 1)	453	11	= FM x 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	= FM x 1/(5/20) = 4 FM but capped by FM
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Attribute	Marking
	<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 tenderers, the “training rating” shall be capped at the Full Mark for each individual participant or shareholder before calculating the weighted average. <p>(viii) For a tenderer who (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 ^{Note} 1 in the stated period, its training rating shall be the average training rating attained by other tenderers with a training rating who have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme.</p> <p>(ix) In cases where the only tenderer/each of all tenderers (who has/have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme) (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 tenderer(s) concerned 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>

Attribute	Marking
<p>Section (2) - Tenderer'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> $\text{Factor} = \frac{\text{number of Adverse Report in the 5-year assessment period}}{\text{number of Relevant Reports in the same period}}$ <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 tender 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) HKHA contracts kept by HKHA on the original date set for the close of tender 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</p>

Attribute	Marking														
	<p>that for attributes (2)(a) to (f).</p> <p>III. “Adverse Reports” means the Relevant Reports assessed to be adverse.</p> <table border="1" data-bbox="644 456 1404 837"> <thead> <tr> <th data-bbox="644 456 967 510">Percentage of full Mark</th> <th data-bbox="967 456 1404 510">Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="644 510 967 564">0%</td> <td data-bbox="967 510 1404 564">if the factor is > 0.02</td> </tr> <tr> <td data-bbox="644 564 967 618">20%</td> <td data-bbox="967 564 1404 618">if the factor is > 0.015 and ≤ 0.02</td> </tr> <tr> <td data-bbox="644 618 967 672">40%</td> <td data-bbox="967 618 1404 672">if the factor is > 0.01 and ≤ 0.015</td> </tr> <tr> <td data-bbox="644 672 967 725">60%</td> <td data-bbox="967 672 1404 725">if the factor is > 0.005 and ≤ 0.01</td> </tr> <tr> <td data-bbox="644 725 967 779">80%</td> <td data-bbox="967 725 1404 779">if the factor is > 0 and ≤ 0.005</td> </tr> <tr> <td data-bbox="644 779 967 837">100%</td> <td data-bbox="967 779 1404 837">if the factor is = 0</td> </tr> </tbody> </table> <p>(ii) For a tenderer 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 tenderers for this attribute who have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme.</p> <p>(iii) In cases where the only tenderer/all the tenderers (who has/have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme) does not/do not have any Relevant Reports in the same 5-year assessment period as defined above, the tenderer(s) will be given 50% of the full mark for this attribute.</p>	Percentage of full Mark	Criteria	0%	if the factor is > 0.02	20%	if the factor is > 0.015 and ≤ 0.02	40%	if the factor is > 0.01 and ≤ 0.015	60%	if the factor is > 0.005 and ≤ 0.01	80%	if the factor is > 0 and ≤ 0.005	100%	if the factor is = 0
Percentage of full Mark	Criteria														
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100%	if the factor is = 0														
<p>Section (2) - Tenderer’s past performance</p> <p>(2)(k) – Other aspects</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 inviting tenders.</p>														
<p>Section (2) - Tenderer’s past performance</p> <p>(2)(l) – merit / demerit</p>	<p>For attribute (2)(l), the assessment of “merit/demerit point for safety” shall be as follows:</p> <p>(i) The “merit/demerit point for safety” is dependent on (a) whether a tenderer has or may have caused or contributed (whether by act or omission) to any incident involving</p>														

Attribute	Marking			
point for safety	<p>loss of life or incident involving serious bodily injury ^{Note 1} at a construction site ^{Note 2} in Hong Kong (hereinafter collectively referred to as “Serious Incident”) during the Relevant Period as defined in paragraph (iii) below; and (b) whether such tenderer held any on-going works contract during the Relevant Period.</p> <p>Note 1: “Serious bodily injury” shall bear the same meaning as assigned to it under paragraph 10(g)(ii) of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update.</p> <p>Note 2: “Construction site” shall bear the same meaning as defined in paragraph 10(a) of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update.</p> <p>(ii) The merit/demerit point for safety applicable to a tenderer under different situations is as follows:</p>			
	Sit- uation	The tenderer has or may have caused or contributed to a Serious Incident during the Relevant Period	The tenderer held an on-going works contract during the Relevant Period	Merit / Demerit Point for Safety (mark)
	I	No	Yes	+1
	II	No	No	Note 3
	III	Yes (not involving any loss of life)	Yes or No	-0.5
	IV	Yes (involving loss of life) [Note 4]	Yes or No	-1
	<p>Note 3: Merit / Demerit Point for Safety for a tenderer falling within Situation II shall be the average mark obtained by all tenderer(s) who has / have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme, excluding those who fall within Situation II.</p> <p>Provided that if the only tenderer / all the tenderers (who has/have satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme) falls/fall within Situation II, +0.5 mark will be given to it/them. For the avoidance of</p>			

Attribute	Marking
	<p>doubt, a participant or shareholder of a joint venture tenderer is not regarded as a tenderer who has satisfied (i), (ii) and (iii) under Part (E)(b) of this marking scheme.</p> <p>Note 4: For the avoidance of doubt, if a tenderer has or may have caused or contributed to a Serious Incident involving loss of life, it will be considered as falling within Situation IV, regardless whether the tenderer has or have caused or contributed to any other Serious Incident not involving any loss of life.</p> <p>(iii) For the purpose of assessing the merit/demerit point for safety:</p> <p>(A) Relevant Period means the period between and inclusive of the two dates below:-</p> <p>(a) the first day of the 14th calendar month immediately preceding the calendar month in which the original date set for close of tender is in or, if this has been extended, the extended date; and</p> <p>(b) the last day of the 3rd calendar month immediately preceding the calendar month in which the original date set for close of tender is in or, if this has been extended, the extended date.</p> <p>(B) A tenderer is regarded as having or may be having caused or contributed to a Serious Incident during the Relevant Period if:</p> <p>(a) According to the information provided by Labour Department or other relevant government departments as described in paragraph 13 of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update, the tenderer was involved in a Serious Incident occurred during the Relevant Period; and</p> <p>(b) On the basis of the aforesaid information, DEVB consider that the tenderer has or may have caused or contributed to the Serious Incident in any capacity whatsoever, including but not limited to main contractor and</p>

Attribute	Marking
	<p style="text-align: center;">subcontractor at any tier.⁷</p> <p>(C) A tenderer is regarded as holding an on-going works contract during the Relevant Period if:-</p> <p>(a) The tenderer is acting in the capacity of the main contractor or is a participant/shareholder of a joint venture acting in the capacity of a main contractor of a public or private works contract at any point of time during the Relevant Period;</p> <p>(b) The whole or part of the works under the said contract is to be or has been carried out in a construction site ^{See Note 2 above} in Hong Kong; and</p> <p>(c) The said contract has commenced on or before the last day of the Relevant Period and the works under the said contract as a whole (excluding Maintenance Period) have not been certified complete by the Engineer / Architect / Surveyor / Supervising Officer/ Authorised Person or other equivalent professionals before the Relevant Period commences or, in the case of term contract, the contract term has not yet expired before the Relevant Period commences.</p> <p>(iv) A tenderer should provide sufficient documentary evidence of any on-going works contract held by it (e.g. articles of agreement, recent correspondences issued by the Engineer / Architect / Surveyor / Supervising Officer / Authorised Person and the like for the contract). If a tenderer fails to demonstrate that it has one or more on-going works contract, its tender shall be assessed as if it held no on-going works contract during the Relevant Period.</p>
<p>Section (3) - Tenderer's technical resources</p> <p>(3)(a) – proposed managerial staff and</p>	<p>Technical resources required and submitted from the tenderer shall form part of the Contract. Where there are no minimum requirements on technical resources, a passing mark should be set.</p> <p>Where minimum requirements on technical resources are set in the Contract, these minimum requirements are contractual</p>

⁷ The procuring departments shall refer to the records kept in DEVB's Works Group Intranet Portal.

Attribute	Marking
<p>proposed technical staff, and (3)(b) – proposed essential plants and equipment</p>	<p>and are required to be complied with. There is no need to set a passing mark for such a case. All tenderers are expected and are required to be able to meet these minimum requirements.</p> <p>Tenderers should be invited to make submission on any resources which are either additional to or enhancement of these minimum requirements such as using non-road mobile machinery (“NRMM”) units complying with the specified emission standards, in addition to the types and capacities and/or exceeding the quantities as stipulated in the Contract. Marks may then be given for any resources which are either additional to or enhancement of these minimum requirements.</p> <p>Departments are required to decide on the assessment criteria for this attribute to suit their specific project needs. The criteria must be disclosed at the time of inviting tenders.</p> <p>To ensure certainty, the original tender closing date should be referred to in the cut-off date set for counting the relevant experience and qualification of tenderer’s proposed managerial staff and proposed technical staff irrespective of any extension.</p>
<p>Section (3) - Tenderer’s technical resources (3)(c) – Bonus for joint venture with listed contractor in lower group or with probationary status (Note: Applicability is given in footnote for “Bonus for joint venture with listed contractor in lower group or with probationary status” in</p>	<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 a tenderer which fulfills all the requirements in (i), (ii), (iii), (iv) and (v) below:</p> <p>(i) the tenderer is an incorporated or unincorporated joint venture tenderer;</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 close of tender 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</p>

Attribute	Marking
Part (A) of this marking scheme)	<p>for close of tender 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) 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 close of tender 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-subsidary relationship with nor be related parties of the lead participant / major shareholder as at the original date set for close of tender or, if this has been extended, the extended date. The meanings of holding-subsidary relationship and related parties are stated in sub-clauses (2) and (2A) of General Conditions of Tender [GCT 29] ^{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 tender, that Category shall be inserted in both requirements (ii) and (iii). Where contractors of more than one Category are invited to tender, 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 tenderer 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);

Attribute	Marking
	<ol style="list-style-type: none"> 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 in accordance with Special Conditions of Tender [SCT 5]; 4. delete “or probationary Group C” if tenders are invited from both confirmed Group C and probationary Group C contractors; 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; 6. insert reference to the GCT clause 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>Section (4) - Tenderer’s technical proposal</p>	<p>Technical proposals required and submitted from the tenderer shall form part of the Contract. A passing mark for the whole Section shall be set for a satisfactory proposal. For individual attributes which are considered essential, extra credits will be given for any achievement that well exceeds the Contract requirements offering extra merits to the project or the public, e.g. Contractor’s proposal of provision of welfare facilities exceeding specified requirements, Contractor’s proposed method of construction could reduce the construction noise, construction waste, greenhouse gas emissions or other environmental impacts to well below the level specified in the Contract. Contractor’s proposal which could integrate construction with design enhancing constructability and where the proposed construction activities could minimise interfaces and enhance construction will also be given credit.</p> <p>Departments are required to decide on the assessment criteria for this attribute to suit their specific construction needs. The</p>

Attribute	Marking
	<p>criteria must be disclosed at the time of inviting tender.</p> <p>There is no passing mark for the attribute of innovation and creativity proposal. Marks will be given for any enhancements of the proposal on the particular aspects specified by Departments (e.g. the proposal could reduce recurrent cost within life cycle by enhancing the operation, maintenance and energy efficiency of the completed works; the proposal could avoid disruption to the environment and use less-energy consumption construction processes; the proposal could avoid construction works at ground level minimising traffic disruption and freeing the works from constraints).</p>
<p>Section 5 - Tenderer's design proposal</p>	<p>Design submitted by the tenderer shall form part of the Contract. The minimum requirements for design are set out in the Contract and are contractually binding. Where the Engineer/Architect's design has not been included, the tenderer's design required shall comply with such minimum requirements and meet the Stage I Screening criteria if any.</p> <p>Where there are minimum requirements on any attribute(s) in Section (5) specified in the Contract and/or Stage I screening, there is no need to set a passing mark for such attribute(s). Marks may be given for design merits of feasible proposals which are either additional to or enhancement of these minimum requirements. These may cover constructability to increase productivity, betterment of design criteria, specification and functional performance, ease and cost-effectiveness of operation and maintenance, durability and energy efficiency, and compatibility with designs of adjacent works and interfacing works.</p> <p>Where the Engineer/Architect's design has been included in the Contract and alternative design is invited, in order not to compromise design quality, a passing mark for the alternative design shall be set as a benchmark against the Engineer/Architect's design. Nevertheless, the passing mark and marking standard for alternative design should not be too stringent so as to avoid discouraging tenderers from submitting alternative designs. For example, if the passing mark is set at 50% of the full mark of this Section, an alternative design comparable with the Engineer/Architect's design should be given no less than 50% of the full mark of the attribute(s).</p> <p>Departments are required to decide on the assessment criteria</p>

Attribute	Marking
	<p>for this attribute to suit their specific design needs. The criteria must be disclosed at the time of inviting tender.</p> <p>Departments should refer to Appendix E to DEVB TC(W) No. 3/2014 for more detail on the setting of assessment criteria for tenders inviting alternative design or tenders requiring tenderer's design.</p>

(C) Passing Mark

- (i) Except for those stated below, a passing mark for an attribute or a Section normally equals to 50% of the respective full mark shall be set. Tenderers failing in any attribute/Section with a passing mark shall be considered as having failed the technical 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)** (excluding **attribute (2)(1)**). For example, if the full mark for the whole of **Section (2)** is 40 and the full mark for the whole of Section (2) (excluding **attribute (2)(1)**) is 39, the passing mark for the whole of Section (2) (excluding **attribute (2)(1)**) is 19.5 (i.e. 39 x 50%). For the avoidance of doubt, marks attained by a tenderer under **attributes (2)(1)** shall not be considered in assessing whether this tenderer has attained marks under **Section (2)** meeting the passing mark for the whole of **Section (2)** (excluding **attribute (2)(1)**).
- (iv) Where there are minimum requirements on any individual attributes of **Sections (3), (4) and (5)** specified in the Contract, 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)**, "innovation and creativity proposal" in **attribute (4)(g)** and productivity enhancement proposal in **attribute (4)(h)** in any event.

- (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)** (excluding **attributes (4)(g) and (4)(h)**) which normally equals to 50% of the full marks for the whole of **Section (4)** (excluding **attributes (4)(g) and (4)(h)**). For example, if the full mark for the whole of **Section (4)** is 30 and the full mark for each of the **attributes (4)(g) and (4)(h)** is 4, the passing mark for the whole of **Section (4)** (excluding **attributes (4)(g) and (4)(h)**) is 11 (i.e. (30 - 4 - 4) x 50%). For avoidance of doubt, marks attained by a tenderer under **attributes (4)(g) and (4)(h)** shall not be considered in assessing whether this tenderer has attained marks under **Section (4)** meeting the passing mark for the whole of **Section (4)** (excluding **attributes (4)(g) and (4)(h)**). Similarly, departments shall exclude other attribute(s) which is/are subject to minimum requirement(s) or passing mark(s), as the case may be.
- (vi) It is mandatory for departments to set a passing mark for the whole of **Section (5)**.

(D) Joint Ventures

(a) Attributes under Section (1)

All participants or shareholders of a joint venture tenderer shall be collectively assessed as one entity. It is not necessary that every participant or shareholder must be individually qualified to tender 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 tender.

For the **Section (1) attributes**, the experience of a joint venture tenderer 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 percentage 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 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)⁸.

Where contractors not on the List of Approved Contractors for Public Works or contractors of more than one Category are invited to tender, the method (ii) above shall not be used in evaluation of the experience of a joint venture tenderer[./; 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.]⁹

⁸ 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.

⁹ 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.

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 percentage 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 Contracts¹⁰

In counting experience acquired by a tenderer (i.e. non-joint-venture tenderer) or a participant/shareholder of a joint venture tenderer 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 tender, 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 a tenderer or a participant/shareholder of a joint venture tenderer acquired in a past joint venture contract shall be calculated as the higher of either Rule 1A or Rule 1B, as set out below.

Rule 1A

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

The number of relevant contracts that a tenderer or a participant/shareholder of a joint venture tenderer 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.

¹⁰ 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 1B applies only if the share of works by value of the tenderer 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 tenderer'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 tenderer/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 tender 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 tender 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 tender 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 tender, 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 participation of each participant/shareholder concerned in the current joint venture tender 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 submit a tender for the current project and their respective percentage participation in the current joint venture tender 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 tender 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 tender 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, (2)(i) – training rating and (2)(l) – merit/demerit point for safety]

For **attributes (2)(a) to (g) and (j) to (k)**, the mark attained by a joint venture tenderer 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 percentage participation; OR
- (ii) the marks attained by the lead participant or major shareholder in the joint venture provided that the lead participant or major shareholder has a percentage participation of at least 70%; and that-

(I) all the other participants or shareholders are in the same Category as the lead participant or major shareholder and on the confirmed or probationary status of the same Group as 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 as 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 List of Approved Contractors for Public Works or contractors of more than one Category are invited to tender, the method (ii) above is not applicable in evaluation of past performance of a joint venture tenderer under **attributes (2)(a) to (g) and (j) to (k)**[./; OR]

- [(iii) the marks 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.**] ¹¹

¹¹ 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.

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 share is 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 **attribute (2)(g)**, the whole joint venture contract shall be attributed to each 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)**, if a participant/shareholder in a joint venture 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, it will not be given any mark for the corresponding attribute(s) and its percentage participation shall be excluded from the calculation of the mark attained by the joint venture tenderer for the corresponding attribute(s) under **Part(D)(b)(i)**. For example, if joint venture tenderer 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 tenderer 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 tenderer 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 tenderer being a tenderer as described in those paragraphs.

(c) Attribute (2)(h) – Safety Rating

For **attribute (2)(h)**, the **safety rating** for a joint venture tenderer shall be the weighted average (in accordance with their percentage participation) of the safety ratings of all participants/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.

If a participant/shareholder in a joint venture does not have an accident rate for the past three 12-month periods, it will not be given any safety rating and its percentage participation shall be excluded from the calculation of the safety rating of the joint venture tenderer in accordance with the immediately preceding paragraph.

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 tenderer shall be calculated in accordance with (vi) – (vii) of **Section (2)(h)** under **Part (B)** of this marking scheme by considering this joint venture tenderer being a tenderer 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 tenderer:

(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) Subject to paragraphs (iii) and (iv) below, the training rating of a joint venture tenderer shall be the weighted average (in accordance with their percentage participation) of the training ratings of its participants or shareholders which shall each be calculated in accordance with **Part (B)** of this marking scheme.

(iii) If a participant/shareholder in a joint venture is a specified participant/shareholder, it will not be given any training rating and its percentage participation shall be excluded from the calculation of the training rating of the joint venture tenderer under paragraph (ii) above.

(iv) If all the participants/shareholders in a joint venture are specified participants/shareholders, the training rating of this joint venture tenderer shall be calculated in accordance with (viii) - (ix) of **Section (2)(i)** of **Part (B)** of this marking scheme by considering this joint venture tenderer being a tenderer as described in those paragraphs.

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

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 tenderers 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.

(e) Attribute (2)(1) – Merit/Demerit Point for Safety

(i) The “**merit/demerit point for safety**” for a joint venture tenderer shall, subject to paragraphs (ii) and (iii) below, be the weighted average (in accordance with their percentage participation) of the merit/demerit point for safety of its participants or shareholders which shall each be calculated in accordance with **attribute 2(1) in Part (B)** of this marking scheme.

(ii) If a participant/shareholder in a joint venture falls within Situation II in accordance with the table under **attribute (2)(1) in Part (B)** of this marking scheme, it will not be given any merit/demerit point for safety and its percentage participation shall be excluded from the calculation of the merit/demerit point for safety of the joint venture tenderer under paragraph (i) above.

(iii) If all the participants/shareholders in a joint venture fall within Situation II in accordance with the table under **attribute (2)(1) in Part (B)** of this marking scheme, the merit/demerit point for safety of the joint venture tenderer shall be calculated as if it is a tenderer falling within Situation II in the said table.

(E) Overall Score

The overall score for each conforming tender is determined according to the formula below. Normally, the tender with the highest overall score would be recommended for acceptance subject to the requirement that the Government is satisfied that the recommended tenderer is fully (including technically, commercially and financially) capable of undertaking the Contract, and that the recommended tender is the most advantageous to the Government in accordance with the tender provisions. (Note: For tenders without a tender price, departments should replace the term “tender price” in the formula with the appropriate term which is equivalent to tender price in the context of tender comparison for that tender exercise similar to the formula used for term contracts.)

$$\text{Price Weighting} \times \frac{\text{the lowest tender price among those conforming tenders}}{\text{the tender price}} + \text{Technical Weighting} \times \frac{\text{the technical score}}{\text{the highest technical score among those conforming tenders}}$$

Note: Under NEC, the tender price refers to the “forecast total of the Prices”.

(a) Price to Technical Weighting

The following options of price to technical weighting may be adopted.

Price to Technical Weighting for Works Tenders		
Options	A. Contracts with a high technical content that: (i) require contractors’ specialised input (e.g. design of certain critical parts of the works); and (ii) entail highly complex functional requirements, and/or require construction methodology involving specialised plant/equipment with special constraints (e.g. delivery programme, site/environmental constraints).	50/50
	B. Other contracts	60/40

In general, the respective weights of price and technical scores are 60 / 40. For the adoption of 50/50 weighting above, policy support should be sought from the Works Policy Section of DEVB.

If departments consider a different weighting is more appropriate to meet the specific features of their contracts, policy support should be sought from the Works Policy Section of DEVB before seeking approval from the Central Tender Board.

(b) Conforming tender

For the purpose of calculation using the formula above, a conforming tender means a tender which

- (i) conforms to essential requirements of the tender documentation;
- (ii) is submitted by a tenderer which complies with the conditions of participation;
- (iii) has passed the Stage I Screening; and
- (iv) in respect of its technical submissions, has satisfied the passing marks requirements.

A conforming tender with abnormally low or high tender price or a conforming tender considered unsuitable for recommendation for the award of the Contract (such as financially, commercially or technically incompetent) remains to be a conforming tender.

(c) Obtain present value by discounting future payments

For tenders with a tender price, if the tendered sums or the overall scores of the tenders under consideration with the highest overall scores are very close (usually the three with the highest overall score), departments should consider discounting future payments to obtain the present value and use the present value instead of the tender price in determining the ranking of the tenders. This calculation exercise should only apply to those conforming tenders with the highest overall scores (usually the top three).

For design and build contracts, tender prices should be discounted to “net present value” for comparison purposes. Reference shall be made to the Administrative Procedure for Use with HKSAR General Conditions of Contract for Design and Build Contracts.

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

The original date set for the close of tender, 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 tenders with tender closing dates
between 1 January 2021 and 31 December 2022**

The original date set for the close of tender, 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 28 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-Jul-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

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	5-10
(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.

Notes for attribute (2)(i)
^{###} *The full mark for attribute (2)(i) shall be determined as follows -*

<i>Estimated contract sum</i>	<i>Full mark</i>
<i>> \$1 billion</i>	<i>1</i>
<i>≤ \$1 billion</i>	<i>2</i>

- (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.)

- (l) merit / demerit point for safety 1

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 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

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.

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

(Note II: 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;
- (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

Attributes

**Permitted
Full Mark**

(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, except **attribute (2)(1)** in which a negative mark may be given. 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
Section (1) - Applicant’s experience	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

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

Attribute	Marking
	<p>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 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</p>

Attribute	Marking
	<p>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 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</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>subsidiary of such a holding company. The existence of a holding-subsidiary 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 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> <p>(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;</p> <p>(b) relating to any category of on-going or completed contract; 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 below.</p>

Attribute	Marking	
	<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>	
	<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</p>	

Attribute	Marking																													
	<p>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 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>																													
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" data-bbox="539 864 1489 943" style="text-align: center;">% of Relevant Reports on Contractor's Performance falling</th> </tr> <tr> <th data-bbox="539 943 863 987" style="text-align: center;">Below "satisfactory"</th> <th data-bbox="863 943 1225 987" style="text-align: center;">Above "satisfactory"</th> <th data-bbox="1225 943 1489 987" style="text-align: center;">% of full Mark</th> </tr> </thead> <tbody> <tr> <td data-bbox="539 987 863 1032" style="text-align: center;">>20%</td> <td data-bbox="863 987 1225 1032" style="text-align: center;">Any percentages</td> <td data-bbox="1225 987 1489 1032" style="text-align: center;">0</td> </tr> <tr> <td data-bbox="539 1032 863 1077" style="text-align: center;">>10% and ≤20%</td> <td data-bbox="863 1032 1225 1077" style="text-align: center;">Ditto</td> <td data-bbox="1225 1032 1489 1077" style="text-align: center;">25</td> </tr> <tr> <td data-bbox="539 1077 863 1122" style="text-align: center;">>2% and ≤10%</td> <td data-bbox="863 1077 1225 1122" style="text-align: center;">Ditto</td> <td data-bbox="1225 1077 1489 1122" style="text-align: center;">50</td> </tr> <tr> <td data-bbox="539 1122 863 1167" style="text-align: center;">>0% and ≤2%</td> <td data-bbox="863 1122 1225 1167" style="text-align: center;">Ditto</td> <td data-bbox="1225 1122 1489 1167" style="text-align: center;">65</td> </tr> <tr> <td data-bbox="539 1167 863 1211" style="text-align: center;">0</td> <td data-bbox="863 1167 1225 1211" style="text-align: center;"><15%</td> <td data-bbox="1225 1167 1489 1211" style="text-align: center;">75</td> </tr> <tr> <td data-bbox="539 1211 863 1256" style="text-align: center;">0</td> <td data-bbox="863 1211 1225 1256" style="text-align: center;">≥15% and <30%</td> <td data-bbox="1225 1211 1489 1256" style="text-align: center;">85</td> </tr> <tr> <td data-bbox="539 1256 863 1301" style="text-align: center;">0</td> <td data-bbox="863 1256 1225 1301" style="text-align: center;">≥30%</td> <td data-bbox="1225 1256 1489 1301" style="text-align: center;">100</td> </tr> </tbody> </table>			% 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
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0	≥30%	100																												
	<p>(vii) For attribute 2(f), the marking shall be as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="539 1458 1157 1592" style="text-align: center;">% of Relevant Reports on Contractor's Performance with unreasonable claim attitude</th> <th data-bbox="1157 1458 1489 1592" style="text-align: center;">% of full Mark</th> </tr> </thead> <tbody> <tr> <td data-bbox="539 1592 1157 1648" style="text-align: center;">< 3%</td> <td data-bbox="1157 1592 1489 1648" style="text-align: center;">100</td> </tr> <tr> <td data-bbox="539 1648 1157 1704" style="text-align: center;">≥ 3% and < 6%</td> <td data-bbox="1157 1648 1489 1704" style="text-align: center;">80</td> </tr> <tr> <td data-bbox="539 1704 1157 1760" style="text-align: center;">≥ 6% and < 9%</td> <td data-bbox="1157 1704 1489 1760" style="text-align: center;">60</td> </tr> <tr> <td data-bbox="539 1760 1157 1816" style="text-align: center;">≥ 9% and < 12%</td> <td data-bbox="1157 1760 1489 1816" style="text-align: center;">40</td> </tr> <tr> <td data-bbox="539 1816 1157 1872" style="text-align: center;">≥ 12% and < 15%</td> <td data-bbox="1157 1816 1489 1872" style="text-align: center;">20</td> </tr> <tr> <td data-bbox="539 1872 1157 1928" style="text-align: center;">≥ 15%</td> <td data-bbox="1157 1872 1489 1928" style="text-align: center;">0</td> </tr> </tbody> </table>			% 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													
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≥ 15%	0																													

Attribute	Marking
<p>Section (2) - Applicant's past performance</p> <p>(2)(g) – Record against convictions under the Immigration Ordinance, Employment Ordinance or other site safety, environment related and road opening offences</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 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 = $\frac{\text{number of convictions in the past 3-year period}}{\text{number of ongoing and completed construction contracts in the same period}} \#$</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</p>

Attribute	Marking	
	<p>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>	
	<p><u>Percentage of full mark</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 > 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</p>	

Attribute	Marking			
	<p>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 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> $\text{Accident Rate} = \frac{(\text{No. of non-fatal reportable accidents}^8 \text{ in the period}) + (\text{No. of fatal accidents in the period})}{\text{Total no. of man-hours worked in the period} / 100,000 \text{ man-hours}}$ <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
	* 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.			

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>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</p>

Attribute	Marking
<p><i>(Note: Applicability is given in footnote for training rating in Part (A) of this marking scheme)</i></p>	<p>Collaborative Training Scheme (ITCTS) (formerly called 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> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(IV) 0 training score if none of the above applies.</p> <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</p>

Attribute	Marking
	<p data-bbox="651 197 1489 510">contractor for the purpose of calculating the training rating. 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 data-bbox="651 555 1489 833">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 data-bbox="549 878 1489 1034">(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 data-bbox="549 1079 1489 1348">(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 data-bbox="549 1393 1489 1662">(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																															
	<div style="text-align: center;"> </div> <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>(A)</th> <th>(B)</th> <th>(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 applicants 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"> Example 3 illustrates the average situation of active Group C contractors in 2016. 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 applicants 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	$= \text{FM} \times 1/(40/20)$																													
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Example 4	0	N/A	= average of other conforming applicants 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.																							
<p data-bbox="308 324 512 479">Section (2) Applicant’s past performance</p> <p data-bbox="308 521 512 633">(2)(l) – merit / demerit point for safety</p>	<p data-bbox="553 344 1477 421">For attribute (2)(l), the assessment of “merit/demerit point for safety” shall be as follows:</p> <p data-bbox="564 463 1485 815">(i) The “merit/demerit point for safety” is dependent on (a) whether an applicant has or may have caused or contributed (whether by act or omission) to any incident involving loss of life or incident involving serious bodily injury ^{Note 1} at a construction site ^{Note 2} in Hong Kong (hereinafter collectively referred to as “Serious Incident”) during the Relevant Period as defined in paragraph (iii) below; and (b) whether such applicant held any on-going works contract during the Relevant Period.</p> <p data-bbox="644 862 1485 976">Note 1: “Serious bodily injury” shall bear the same meaning as assigned to it under paragraph 10(g)(ii) of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update.</p> <p data-bbox="644 1021 1485 1135">Note 2: “Construction site” shall bear the same meaning as defined in paragraph 10(a) of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update.</p> <p data-bbox="564 1180 1485 1256">(ii) The merit/demerit point for safety applicable to an applicant under different situations is as follows:</p> <table border="1" data-bbox="544 1294 1465 1767"> <thead> <tr> <th data-bbox="544 1294 671 1494">Situation</th> <th data-bbox="671 1294 1027 1494">The applicant has or may have caused or contributed to a Serious Incident during the Relevant Period</th> <th data-bbox="1027 1294 1294 1494">The applicant held an on-going works contract during the Relevant Period</th> <th data-bbox="1294 1294 1465 1494">Merit / Demerit Point for Safety (mark)</th> </tr> </thead> <tbody> <tr> <td data-bbox="544 1494 671 1565">I</td> <td data-bbox="671 1494 1027 1565">No</td> <td data-bbox="1027 1494 1294 1565">Yes</td> <td data-bbox="1294 1494 1465 1565">+1</td> </tr> <tr> <td data-bbox="544 1565 671 1606">II</td> <td data-bbox="671 1565 1027 1606">No</td> <td data-bbox="1027 1565 1294 1606">No</td> <td data-bbox="1294 1565 1465 1606">Note 3</td> </tr> <tr> <td data-bbox="544 1606 671 1686">III</td> <td data-bbox="671 1606 1027 1686">Yes (not involving any loss of life)</td> <td data-bbox="1027 1606 1294 1686">Yes or No</td> <td data-bbox="1294 1606 1465 1686">-0.5</td> </tr> <tr> <td data-bbox="544 1686 671 1767">IV</td> <td data-bbox="671 1686 1027 1767">Yes (involving loss of life) [Note 4]</td> <td data-bbox="1027 1686 1294 1767">Yes or No</td> <td data-bbox="1294 1686 1465 1767">-1</td> </tr> </tbody> </table> <p data-bbox="644 1816 1485 2007">Note 3: Merit / Demerit Point for Safety for an applicant falling within Situation II shall be the average mark obtained by all applicant(s) who has/have complied with the conditions of participation and passed Stage I Screening, excluding those who fall within Situation II.</p>				Situation	The applicant has or may have caused or contributed to a Serious Incident during the Relevant Period	The applicant held an on-going works contract during the Relevant Period	Merit / Demerit Point for Safety (mark)	I	No	Yes	+1	II	No	No	Note 3	III	Yes (not involving any loss of life)	Yes or No	-0.5	IV	Yes (involving loss of life) [Note 4]	Yes or No	-1
Situation	The applicant has or may have caused or contributed to a Serious Incident during the Relevant Period	The applicant held an on-going works contract during the Relevant Period	Merit / Demerit Point for Safety (mark)																					
I	No	Yes	+1																					
II	No	No	Note 3																					
III	Yes (not involving any loss of life)	Yes or No	-0.5																					
IV	Yes (involving loss of life) [Note 4]	Yes or No	-1																					

Attribute	Marking
	<p>Provided that if the only applicant / all the applicants (who has/have complied with the conditions of participation and passed Stage I Screening) falls/fall within Situation II, +0.5 mark will be given to it/them. For the avoidance of doubt, a participant or shareholder of a joint venture applicant is not regarded as an applicant who has complied with the conditions of participation and passed Stage I Screening.</p> <p>Note 4: For the avoidance of doubt, if an applicant has or may have caused or contributed to a Serious Incident involving loss of life, it will be considered as falling within Situation IV, regardless whether the applicant has or have caused or contributed to any other Serious Incident not involving any loss of life.</p> <p>(iii) For the purpose of assessing the merit/demerit point for safety:</p> <p>A. Relevant Period means the period between and inclusive of the two dates below:-</p> <p>(a) the first day of the 14th calendar month immediately preceding the calendar month in which the original date set for the close of receipt of prequalification submission is in or, if this has been extended, the extended date; and</p> <p>(b) the last day of the 3rd calendar month immediately preceding the calendar month in which the original date set for the close of receipt of prequalification submission is in or, if this has been extended, the extended date.</p> <p>B. An applicant is regarded as having or may be having caused or contributed to a Serious Incident during the Relevant Period if:</p> <p>(a) According to the information provided by Labour Department or other relevant government departments as described in paragraph 13 of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update, the applicant was involved in a Serious Incident occurred during the Relevant Period; and</p> <p>(b) On the basis of the aforesaid information, DEVB consider that the applicant has or may have caused or</p>

Attribute	Marking
	<p>contributed to the Serious Incident in any capacity whatsoever, including but not limited to main contractor and subcontractor at any tier.⁹</p> <p>C. An applicant is regarded as holding an on-going works contract during the Relevant Period if:-</p> <p>(a) The applicant is acting in the capacity of the main contractor or is a participant/shareholder of a joint venture acting in the capacity of a main contractor of a public or private works contract at any point of time during the Relevant Period;</p> <p>(b) The whole or part of the works under the said contract is to be or has been carried out in a construction site ^{See Note 2 above} in Hong Kong; and</p> <p>(c) The said contract has commenced on or before the last day of the Relevant Period and the works under the said contract as a whole (excluding Maintenance Period) have not been certified complete by the Engineer / Architect / Surveyor / Supervising Officer/ Authorised Person or other equivalent professionals before the Relevant Period commences or, in the case of term contract, the contract term has not yet expired before the Relevant Period commences.</p> <p>(iv) An applicant should provide sufficient documentary evidence of any on-going works contract held by it (e.g. articles of agreement, recent correspondences issued by the Engineer / Architect / Surveyor / Supervising Officer / Authorised Person and the like for the contract). If an applicant fails to demonstrate that it has one or more on-going works contract, its application shall be assessed as if it held no on-going works contract during the Relevant Period.</p>
<p>Section (3) - Applicant's technical resources</p> <p>(3)(a) – (i) Company structure and staff organization;</p>	<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.</p>

⁹ The procuring departments shall refer to the records kept in DEVB's Works Group Intranet Portal.

Attribute	Marking
<p>(ii) Project management team; (iii) Design management team; and (iv) Technical staff (e.g. key site supervisory staff)</p> <p>(3)(b) – proposed essential plant and equipment</p>	<p>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.</p> <p>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>
<p>Section (3) - Applicant’s technical resources</p> <p>(3)(c) – Bonus for joint venture with listed contractor in lower group or with probationary status</p> <p>(Note: Applicability is given in</p>	<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> <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</p>

Attribute	Marking
<p>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>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 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);

Attribute	Marking
	<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 applicants 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)** (excluding **attribute (2)(1)**). For example, if the full mark for the whole of **Section (2)** is 40 and the full mark for the whole of **Section (2)** (excluding **attribute (2)(1)**) is 39, the passing mark for the whole of **Section (2)** (excluding **attribute (2)(1)**) is 19.5 (i.e. 39 x 50%). For the avoidance of doubt, marks attained by an applicant under **attributes (2)(1)** shall not be considered in assessing whether this applicant has attained marks under **Section (2)** meeting the passing mark for the whole of **Section (2)** (excluding **attribute (2)(1)**).
- (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 an applicant under **attributes (3)(c)** shall not be considered in assessing whether this applicant 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)¹⁰.

Where contractors not on the List of Approved Contractors for Public Works or contractors of more than one Category are invited to apply for prequalification, the method (ii) above shall not be used in evaluation of the experience of a joint venture applicant[./; OR]

¹⁰ 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.

- [(iii) the experience acquired by the lead participant or major shareholder in the joint venture provided that the joint venture applicant attains full mark under **attribute (3)(c)** – bonus for joint venture with listed contractor in lower group or with probationary status.]¹¹

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 Contracts¹²

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.

¹¹ 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.

¹² 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, (2)(i) – training rating and (2)(l) – merit/demerit point for safety]

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 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 applicant attains full mark under **attribute (3)(c)** – bonus for joint venture with listed contractor in lower group or with probationary status.]¹³

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

¹³ 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)**, if a participant/shareholder in a joint venture 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, it will not be given any mark for the corresponding attribute(s) and its percentage of financial participation shall be excluded from the calculation of the mark attained by the joint venture applicant for the corresponding attribute(s) under **Part(D)(b)(i)**. 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.

If a participant/shareholder in a joint venture does not have an accident rate for the past three 12-month periods, it will not be given any safety rating and its percentage of financial participation shall be excluded from the calculation of the safety rating of the joint venture applicant in accordance with the immediately preceding paragraph.

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) Subject to paragraphs (iii) and (iv) below, the training rating of a joint venture tenderer shall be the weighted average (in accordance with their percentages of financial participation) of the training ratings of its participants or shareholders which shall each be calculated in accordance with **Part (B)** of this marking scheme.

- (iii) If a participant/shareholder in a joint venture is a specified participant/shareholder, it will not be given any training rating and its percentage of financial participation shall be excluded from the calculation of the training rating of the joint venture applicant under paragraph (ii) above.
- (iv) 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.

(e) Attribute (2)(l) – Merit/Demerit Point for Safety

- (i) The “**merit/demerit point for safety**” for a joint venture applicant shall, subject to paragraphs (ii) and (iii) below, be the weighted average (in accordance

with their percentages of financial participation) of the merit/demerit point for safety of its participants or shareholders which shall each be calculated in accordance with **attribute 2(I) in Part (B)** of this marking scheme.

(ii) If a participant/shareholder in a joint venture falls within Situation II in accordance with the table under **attribute (2)(I) in Part (B)** of this marking scheme, it will not be given any merit/demerit point for safety and its percentage participation shall be excluded from the calculation of the merit/demerit point for safety of the joint venture applicant under paragraph (i) above.

(iii) If all the participants/shareholders in a joint venture fall within Situation II in accordance with the table under **attribute (2)(I) in Part (B)** of this marking scheme, the merit/demerit point for safety of the joint venture applicant shall be calculated as if it is an applicant falling within Situation II in the said table.

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

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Ref : DEVB 546/84/01

Group : 15

28 April 2014

Development Bureau
Technical Circular (Works) No. 4/2014

Tender Evaluation Methods for Works Contracts

Scope

This circular sets out the tender evaluation methods for works contracts which do not involve prequalification of tenderers.

Effective Date

2. This circular takes effect on all tenders for relevant works contracts invited on or after 15 May 2014.

Effect on Existing Circular

3. This circular supersedes ETWB TC(W) No. 8/2004.

Note: This Circular is to be read in conjunction with DEVB TC(W) No. 4/2014A.

Application

4. This circular applies to all capital works contracts and term contracts (excluding design, build and operate (DBO) contracts) which do not involve prequalification of tenderers.

Policy

5. The tender evaluation methods for works tenders, particularly the Standard Marking Scheme, are revised to place more emphasis on the contract specific attributes of tenders than the corporate general attributes of tenderers with a view to enhancing competition on the technical quality of tenders, particularly on safety, innovation and creativity, productivity and constructability.

Tender Evaluation Methods

6. Two tender evaluation methods have been developed for tendering exercises, viz.:-

- (a) Formula Approach
- (b) Marking Scheme Approach

7. In conjunction with the use of the above methods, departments may adopt a process to screen out unqualified tenderers (“Stage I Screening”) as the first stage of tender evaluation. When Formula Approach is adopted, Stage I Screening may be used for Group C tenders justifiably demanding better qualified tenderers amongst the wide range of Group C contractors whereas it should not normally be used for Group A or B tenders. When Marking Scheme Approach is adopted, Stage I Screening is mandatory to ensure that tenderers comply with the stipulated minimum requirements before their tenders are considered further. Details of Stage I Screening, the Formula Approach and the Marking Scheme Approach are given in **Appendices A, B and C** respectively.

8. The Central Tender Board (CTB) has given approval to the use of the Formula Approach and Marking Scheme Approach, with or without Stage I Screening, in the respective appendices. CTB has also approved a Standard Marking Scheme for use under the Marking Scheme Approach in **Appendix C1**.

Note: Appendices A, B, C & C1 are superseded by DEVB's memo of the same series dated 10 November 2023.

Selection of Method

9. Generally, a works contract shall be awarded to the tenderer who complies with the conditions of participation and whose tender conforms to the

essential requirements of the tender documentation and is the most advantageous in terms of the specific evaluation criteria set out in the tender documentation.

10. Often, there are circumstances where the quality of service is a major consideration, e.g. works contracts of a high value or prestigious nature, works which are sensitive or have a bearing on public safety or convenience, works of an unusual complexity or requiring a high level of co-ordination, technical expertise or unusual technology, or works which are subject to a very tight programme. Under these circumstances, departments should normally adopt the Marking Scheme Approach.

11. Under the Marking Scheme Approach, the Standard Marking Scheme is normally applicable to selective tendering in which tenders 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 open tendering, the Standard Marking Scheme shall only be adopted when the department has assessed that not less than 80% of potential tenderers would be contractors on the relevant approved lists aforementioned and therefore, the past performance assessment criteria could be meaningfully adopted and put to use.

12. Only in exceptional cases should departments consider deviation from the Standard Marking Scheme. If departments intend to use a non-standard marking scheme, they should seek policy support from the Works Policy Section of DEVB before they seek approval from the CTB. This approval must be obtained prior to invitation for tenders.

13. The more simplified method of tender evaluation using the Formula Approach shall apply to all other works contracts not falling into the circumstances referred to in paragraphs 10 to 12 above.

Electrical and Mechanical Services Trading Fund (EMSTF)

14. Works tenders for which the EMSTF may be a potential bidder in the tendering process require special attention. As EMSTF is managed by a government department, to guard against potential bid challenges, departments should avoid using the Formula Approach nor the Marking Scheme Approach which may accord much weight to past performance records. Where the quality of service is a major concern requiring consideration in addition to tender prices, the department should consider using the prequalified tendering procedures instead, or

where a marking scheme is preferred, the department may seek the policy support from the Works Policy Section of DEVB to adopt a non-standard marking scheme by taking out the attributes relating to past performance assessment.

Enquiries

15. Enquiries on this circular should be addressed to Chief Assistant Secretary (Works)7 of DEVB.

(C S Wai)

Permanent Secretary for the Development (Works)