

**THE GOVERNMENT OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION**

[INSERT PROCURING DEPARTMENT]

CONTRACT NO. *[INSERT CONTRACT NO.]*

[INSERT CONTRACT TITLE]

CONTRACT DATA PART TWO

CONTRACT DATA

[Note to project office: This template is provided for reference only. In preparing the Contract Data, project office should review its suitability and make necessary amendments. The drafting of Contract Data Part Two is different for **Formula** and **Marking Scheme Approaches**. Project office should pay attention to the rationale behind and make necessary amendments.]

Part two - Data provided by the Contractor

[Note to project office: This heading is for tender evaluation adopting **Formula Approach**]

Part two (Section 1) - Data provided by the Contractor

[Note to tenderer: To be included in the envelope for “Technical Submission”]

[Note to project office: This heading is for tender evaluation adopting **Marking Scheme Approach**]

General statements • The Contractor is

Name _____

Address _____

- The name, qualifications, and experience, etc. of each *key person* are shown on the technical resources and technical proposals submitted by the Contractor with its tender, in compliance with the requirements of the Scope and the provisions of ACC Clause [II:2]. The responsibilities of the *key persons* to do their jobs described in the Scope are

Name of <i>key person</i>	Experience	Job	Responsibilities

[Optional Clause for **Marking Scheme Approach**]

- The Contractor is to submit the details of the *key persons* as stipulated in the Scope for acceptance within [2 weeks] [subject to review by the project office] of the Contract Date. The qualifications and experience requirements of the jobs are described in the Scope. The responsibilities of the *key persons* to do their jobs described in the Scope are

Name of <i>key person</i>	Experience	Job	Responsibilities

[Optional Clause for **Formula Approach**]

- The following matters will be included in the Early Warning Register

Subcontractor(s) proposed under the pre-bid arrangement
[Applicable only if pre-bidding is adopted]

The *Contractor* proposes the following Subcontractor(s)/supplier(s) under the pre-bid arrangement:

Mandatory Pre-bidding *[In case there is more than one work/item under mandatory pre-bidding, the project office adds more bullet points as appropriate.]*

- *[insert the work/item by the project office]:*

The *Contractor* proposes the above item to be undertaken by [itself / Subcontractor/supplier]*] under the Mandatory Pre-bid Arrangement:

[Note to tenderer:

1. Please delete “[Subcontractor/supplier]” and leaves the spaces below in blank if the tenderer proposes to undertake the item by itself. Otherwise, please delete “itself” and insert details of the Subcontractor/supplier below. In cases where name of proposed Subcontractor/supplier is given below, the tenderer is deemed to have proposed the above item to be undertaken by such Subcontractor/supplier. In cases where (i) the tenderer fails to indicate that it is prepared to undertake the item(s) by itself and fails to insert name of the proposed Subcontractor/supplier below or (ii) the name of the tenderer or, if the tenderer is a joint venture, the name of the participant/shareholder of the joint venture is given below, the tenderer is deemed to have proposed to undertake the above item by itself.

[insert Notes 2 and 3 below by the project office for design work for alternative design]

2. The Mandatory Pre-bid Arrangement for the above item shall only apply if the tenderer elects to submit a tender incorporating alternative design in accordance with Special Conditions of Tender Clause SCT 2.
3. If the tenderer does not submit any tender incorporating alternative design, any details of proposed Subcontractor submitted by the tenderer under the Mandatory Pre-bid Arrangement shall be disregarded.]

Name of proposed
 [Subcontractor/supplier]*:

Address of the Registered
 Office of the proposed
 [Subcontractor/supplier]*:

Person authorized to sign
 the subcontract for and on
 behalf of the proposed
 [Subcontractor/supplier]*:

Optional Pre-bidding *[In case there is more than one work/item under optional pre-bidding, the project office adds more bullet points as appropriate.]*

- *[insert the work/item by the project office]:*

The *Contractor* proposes the above item to be undertaken by
[Subcontractor/supplier]* under the Optional Pre-bid Arrangement:

[**Note to tenderer:** The tenderer inserts details of the Subcontractor/supplier below if the tenderer proposes the above item to be undertaken by the Subcontractor/supplier under the Optional Pre-bid Arrangement. Otherwise, the tenderer leaves the spaces below blank.]

Name of proposed
[Subcontractor/supplier]*: _____

Address of the Registered
Office of the proposed
[Subcontractor/supplier]*: _____

Person authorized to sign
the subcontract for and on
behalf of the proposed
[Subcontractor/supplier]*: _____

Name

Signature

in the capacity of

**duly authorized to sign
tenders for and on
behalf of**

Date

Name of Witness

Signature of Witness

Occupation

Address of Witness

*[The above section on Contractor's and witness's information and signatures is applicable for tender evaluation adopting **Marking Scheme Approach**. For tender evaluation adopting **Formula Approach**, this section is to be provided at the end of the whole Contract Data Part two.]*

Part two (Section 2) - Data provided by the Contractor**[Note to tenderer: To be included in the envelope for “Tender Price Documents”]***[Note to project office: This heading is for tender evaluation adopting **Marking Scheme Approach**]*

- fee percentage,
activity schedule,
pricing information
and Prices
[Applicable to **Options
A and C**
Delete “pricing
information” if pre-bid
arrangement is NOT
adopted]]*
- The *fee percentage* is ____%.
 - The *minimum fee percentage* is **5%**.
 - The *cap of fee percentage* is *[insert %]* *[subject to review by project office]*.
 - The *activity schedule* is the document entitled “ACTIVITY SCHEDULE” submitted by the *Contractor* in its tender with any error(s) found and corrected in accordance with the correction rules for tender errors as set out in Clause GCT 11 of the General Conditions of Tender.
 - The *pricing information* for item(s) stipulated as subject to pre-bid arrangement in Appendix [S] to the *additional conditions of contract* is the document entitled “Pricing Information for Optional Pre-bid Arrangement” or “Pricing Information for Mandatory Pre-bid Arrangement” whichever is applicable submitted by the *Contractor* in its tender in accordance with Clause SCT [18] of the Special Conditions of Tender with any error(s) found and corrected in accordance with the correction rules for tender errors as set out in Clause GCT [11] of the General Conditions of Tender. *[Delete “pricing information” if pre-bid arrangement is NOT adopted. Project office shall replace “Pricing Information for Optional Pre-bid Arrangement” or “Pricing Information for Mandatory Pre-bid Arrangement” whichever is applicable’ with “Pricing Information for Optional Pre-bid Arrangement” or “Pricing Information for Mandatory Pre-bid Arrangement” if either optional or mandatory pre-bid arrangement is adopted.]*

- The tendered total of the Prices is HK dollars _____

- fee percentage,
bill of quantities,
pricing information
and Prices
[Applicable to **Options
B and D**
Delete “pricing
information” if pre-bid
arrangement is NOT
adopted]*
- The *fee percentage* is ____%.
 - The *minimum fee percentage* is **5%**.
 - The *cap of fee percentage* is *[insert %]* *[subject to review by project office]*.
 - The *bill of quantities* is the document entitled “BILL OF QUANTITIES” submitted by the *Contractor* in its tender with any error(s) found and corrected in accordance with the correction rules for tender errors as set out in Clause GCT 11 of the General Conditions of Tender.
 - The *pricing information* for item(s) stipulated as subject to pre-bid arrangement in Appendix [S] to the *additional conditions of contract* is the document entitled “Pricing Information for Optional Pre-bid Arrangement” or “Pricing Information for Mandatory Pre-bid Arrangement” whichever is applicable submitted by the *Contractor* in its tender in accordance with Clause SCT [18] of the Special Conditions of Tender with any error(s) found and corrected in accordance with the correction rules for tender errors as set out in Clause GCT [11] of the General Conditions of Tender. *[Delete “pricing information” if pre-bid arrangement is NOT adopted. Project office shall replace “Pricing Information for Optional Pre-bid Arrangement” or “Pricing Information for Mandatory Pre-bid Arrangement” whichever is applicable’ with “Pricing Information for Optional*

Pre-bid Arrangement” or “Pricing Information for Mandatory Pre-bid Arrangement” if either optional or mandatory pre-bid arrangement is adopted.]

- The tendered total of the Prices is HK dollars _____

X1 Price adjustment for inflation
[Applicable to **building contracts**]

- The price adjustment shall be separately calculated for each *schedule of proportions* (i.e. Table A for the *works* other than Building Services works and Table B for Building Services Works).
- The *schedule of proportions* used to calculate the Price Adjustment Factors are:

Table A for *schedule of proportions* for the *works* other than Building Services Works as defined in Clause [XX of XXX] [project office to amend to suit; Refer to Annex 1 and Appendix B2 of DEVB TC(W) No. 4/2021 for items to be included and their respective limits at Column (1) & (2).]

Item of Labour and Selected Materials applicable to the contract	Percentage of tendered prices subject to adjustment (%)		TENDER (whole number) (*)	Calculated Proportions
	LIMITS			Index Proportion (+) (0.0085x(3))
	Max.	Min.		
(Column No.)	(1)	(2)	(3)	(4)
Composite labour wages for building contracts (a)	XX	XX		
Composite selected labour trades (b)				
Aggregates	XX	XX		
Portland cement (ordinary)	XX	XX		
Concrete blocks	XX	XX		
Sand	XX	XX		
Steel reinforcement	XX	XX		
Galvanised mild steel	XX	XX		
Metal formwork	XX	XX		
Timber formwork	XX	XX		
Woodwork	XX	XX		
Homogeneous floor tiles	XX	XX		
Mosaic tiles	XX	XX		
Glazed ceramic wall tiles	XX	XX		
Copper pipes	XX	XX		
uPVC pipes	XX	XX		
GMS pipes	XX	XX		
Epoxy coated cast iron pipes	XX	XX		
Glass	XX	XX		
Paint	XX	XX		
All other costs not subject to adjustment	-	-	-	0.1500
TOTAL	-	-	100	1.0000

Table B for *schedule of proportions* for Building Services Works as defined in Clause **XX of XXX** [project office to amend to suit; Refer to Annex 1 and Appendix B2 of DEVB TC(W) No. 4/2021 for items to be included and their respective limits at Column (1) & (2)]

Item of Labour and Selected Materials applicable to this contract	Percentage of tendered prices subject to adjustment		Calculated Proportions	
	LIMITS		TENDER (whole number) (*)	Index Proportion (+) (0.0062x(3))
	Max.	Min.		
(Column No.)	(1)	(2)	(3)	(4)
General Workers	XX	XX		
Refrigeration/ AC/ Ventilation Mechanic	XX	XX		
Electrical Fitter (including Electrician)	XX	XX		
Fire Services Mechanic	XX	XX		
Plumber				
Painter and Decorator	XX	XX		
Galvanised mild steel	XX	XX		
GMS pipes	XX	XX		
Copper pipes	XX	XX		
uPVC pipes	XX	XX		
B.S. Equipment	-	-	-	0.2300
All other costs not subject to adjustment	-	-	-	0.1500
TOTAL	-	-	100	1.0000

Notes:

Columns (1) and (2) in Tables A and B for the *schedule of proportions* have been pre-determined before issue of tender documents. Under no circumstances shall these figures be changed.

(*) Column (3) to be filled in by the tenderer as follows:

- (i) For Table A, if item (b) for composite selected labour trades is more than 0%, the tenderer shall provide information regarding weighting to be assigned to each selected trade in the Table for Composite Selected Labour Trades below;
- (ii) For items (a) composite labour wages and (b) composite selected labour trades in Table A only, the aggregate of the percentages assigned to items (a) and (b) shall be within the max. and min. limits set in columns (1) and (2), and item (b) shall not be greater than 40% of the aggregate of the percentages assigned to items (a) and (b);

- (iii) Other than items (a) and (b) in Table A, each of the percentages assigned to the remaining items in Table A [and all individual items of Table B] shall be within the respective max. and min. limits set in columns (1) and (2);
- (iv) Any non-compliance with paragraph (i), (ii) or (iii) above is regarded as an error of form and the *Project Manager* designate may seek clarification or information relating any part(s) of Table A [and any part(s) of Table B] affected by such error. If the requested information or clarification is not provided by the tenderer within the time or further time allowed by the *Project Manager*, Clause GCT 16(3) of the General Conditions of Tender shall apply.
- (v) Column (3) in Table A [and Table B] shall be completed in whole numbers. The total shall equal to 100 for each table.
- (+) Column (4) to be completed by the *Project Manager* designate after receipt of tender and before the execution of the Articles of Agreement.
- The tenderer shall complete the following table by filling in the weighting for each of the selected trades for computing the *index figure* of the “composite selected labour trades”.

Table for Composite Selected Labour Trades [*project office to amend to suit*]

Labour Trades #	Weighting (%) **
Column No. (1)	Column No. (2)
Bar bender and fixer	
Carpenter (formwork)	
Concretor	
General welder	
Leveller	
Metal worker	
Plant & equipment operator (general)	
Plasterer	
Plumber	
Scaffolder	
TOTAL:	100

Notes:

(#) The Census and Statistics Department publishes “Average Daily Wages of Workers Engaged in Public Sector Construction Projects as Reported by Main Contractors (2021 Edition of Data Series)” for the occupations listed in this column.

(**) To be filled in by the tenderer in whole numbers between 0 and 100. The total shall equal to 100.

• An *index figure* shall mean:

- In respect of composite selected labour trades, the weighted average of the “Average Daily Wages of Workers Engaged in Public Sector Construction

Projects as Reported by Main Contractors (2021 Edition of Data Series)". The "Average Daily Wages of Workers Engaged in Public Sector Construction Projects as Reported by Main Contractors (2021 Edition of Data Series)" is as compiled by the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region. The weighting for each selected trade is determined in accordance with the information provided by the *Contractor* in the Table for Composite Selected Labour Trades above.

- In respect of labour items in Table B for the *schedule of proportions*, the average daily wages of those occupations for the concerned labour items listed in the "Average Daily Wages of Workers Engaged in Public Sector Construction Projects as Reported by Main Contractors (2021 Edition of Data Series)" compiled by the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region.
 - In respect of all other items in Tables A and B for the *schedule of proportions*, the appropriate *index figure* listed in the "Index Numbers of the Costs of Labour and Materials used in Public Sector Construction Projects (April 2021=100)" compiled by the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region.
- The *base date* for the *index figures* is the date 42 days prior to the date for the return of tenders.
 - In the event of any change(s) to the base period, composition, compilation method or availability of the *index figures* or any statistical figures used for compiling an *index figure*, as adopted by the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region in the published *index figures* or published statistical figures on or after the date for the return of tenders, and
 - (a) where a conversion factor and/or the associated conversion method for the change in the *index figure* or statistical figure is available from the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region, the relevant Latest Index upon and after the discontinuation of the *index figure* or statistical figure with the original base period, composition and/or compilation method shall be calculated by using such conversion factor on the corresponding *index figure* or statistical figure;
 - (b) where the *index figure* or statistical figure remains available but a conversion factor and/or the associated conversion method is not available from the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region, the relevant Latest Index upon and after the discontinuation of the *index figure* or statistical figure with the original base period, composition and/or compilation method shall be calculated by multiplying the new *index figure* by a contract conversion factor which is a fraction, the numerator of which is the sum of the *index figure* with the original base period, composition and/or compilation method over the 12 months immediately before the first reference month whereby the *index figure* or statistical figure is discontinued ("month of the discontinuation"), and the denominator of which is the sum of the *index figure* with the new base period, composition and/or compilation method over the 12 months immediately before the month of the discontinuation
- (i.e. *Contract Conversion Factor C* =
$$\frac{\text{OIF}_{k-1} + \text{OIF}_{k-2} + \dots + \text{OIF}_{k-12}}{\text{NIF}_{k-1} + \text{NIF}_{k-2} + \dots + \text{NIF}_{k-12}}$$
)
- where

k is the month of the discontinuation of the old *index figure* / statistical figure
NIF_{k-x} is the new *index figure* applicable for x month(s) before month k
OIF_{k-x} is the old *index figure* applicable for x month(s) before month k); or

- (c) where the *index figure* or statistical figure becomes unavailable, such *index figure* (with its relevant item in the *schedule of proportions*) or statistical figure (with its relevant labour trade in the Table for Composite Selected Labour Trades above) shall be abandoned. The corresponding weighting in column 3 of the *schedule of proportions* in Table A [and Table B] (i.e. the percentage of tendered prices subject to adjustment) and/or column 2 of the Table for Composite Selected Labour Trades above shall be redistributed to other *index figures* or statistical figure(s) which remain available on a pro-rata basis. The calculated proportions in the *schedule of proportions* shall be updated and/or the *index figure* relevant to the Table for Composite Selected Labour Trades above shall be compiled accordingly.

X1 Price adjustment for inflation

[Applicable to civil engineering contracts]

- The *schedule of proportions* used to calculate the Price Adjustment Factor are:

Table for *schedule of proportions* [project office to amend to suit; Refer to Annex 1 and Appendix B1 of DEVB TC(W) No. 4/2021 in setting the limits at Column (1) & (2)]

Item of Labour and Selected Materials applicable to the contract	Percentage of tendered prices subject to adjustment (%)			Calculated Proportions
	LIMITS		TENDER (whole number) (*)	Index Proportion (+) (0.0085x(3))
	Max.	Min.		
(Column No.)	(1)	(2)	(3)	(4)
Composite labour wages for civil engineering contracts (a)	XX	XX		
Composite selected labour trades (b)				
Aggregates	XX	XX		
Bitumen	XX	XX		
Diesel fuel	XX	XX		
Steel reinforcement	XX	XX		
Galvanised mild steel	XX	XX		
Portland cement (ordinary)	XX	XX		
Timber formwork	XX	XX		
All other costs not subject to adjustment	-	-	-	0.1500
TOTAL	-	-	100	1.0000

Notes:

(*) Column (3) to be filled in by the tenderer as follows:

- If item (b) for composite selected labour trades is more than 0%, the tenderer shall provide information regarding weighting to be assigned to each selected trade in the Table for Composite Selected Labour Trades below;
- For items (a) composite labour wages and (b) composite selected labour trades only, the aggregate of the percentages assigned to items (a) and (b) shall be within the max. and min. limits set in columns (1) and (2), and item (b) shall not be greater than 40% of the aggregate of the percentages assigned to items (a) and (b);
- Other than items (a) and (b), each of the percentages assigned to the remaining items shall be within the respective max. and min. limits set in columns (1) and (2);
- Any non-compliance with paragraph (i), (ii) or (iii) above is regarded as an error of form and the *Project Manager* designate may seek

clarification or information relating any part(s) of Table A [and any part(s) of Table B] affected by such error. If the requested information or clarification is not provided by the tenderer within the time or further time allowed by the *Project Manager*, Clause GCT 16(3) of the General Conditions of Tender shall apply.

- (v) Column (3) shall be completed in whole numbers. The total shall equal to 100.
- (+) Column (4) to be completed by the *Project Manager* designate after receipt of tender and before the execution of the Articles of Agreement.
- The tenderer shall complete the following table by filling in the weighting for each of the selected trades for computing the *index figure* of the “composite selected labour trades”.

Table for Composite Selected Labour Trades [*project office to amend to suit*]

Labour Trades #	Weighting (%) **
Column No. (1)	Column No. (2)
Bar bender and fixer	
Carpenter (formwork)	
Concretor	
Electrical fitter (incl. electrician)	
General welder	
Mechanical fitter	
Metal worker	
Plant & equipment operator (general)	
Rigger/metal formwork erector	
Truck driver	
TOTAL:	100

Notes:

- (#) The Census and Statistics Department publishes “Average Daily Wages of Workers Engaged in Public Sector Construction Projects as Reported by Main Contractors (2021 Edition of Data Series)” for the occupations listed in this column.
- (**) To be filled in by the tenderer in whole numbers between 0 and 100. The total shall equal to 100.
- An *index figure* shall mean:
 - In respect of composite selected labour trades, the weighted average of the “Average Daily Wages of Workers Engaged in Public Sector Construction Projects as Reported by Main Contractors (2021 Edition of Data Series)”. The “Average Daily Wages of Workers Engaged in Public Sector Construction Projects as Reported by Main Contractors (2021 Edition of Data Series)” is as compiled by the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region. The weighting for each selected trade is determined in

accordance with the information provided by the *Contractor* in the Table for Composite Selected Labour Trades above.

- In respect of all other items in the *schedule of proportions*, the appropriate *index figure* listed in the “Index Numbers of the Costs of Labour and Materials used in Public Sector Construction Projects (April 2021=100)” compiled by the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region.
- The *base date* for the *index figures* is the date 42 days prior to the date for the return of tenders.
 - In the event of any change(s) to the base period, composition, compilation method or availability of the *index figures* or any statistical figures used for compiling an *index figure*, as adopted by the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region in the published *index figures* or published statistical figures on or after the date for the return of tenders, and
- (a) where a conversion factor and/or the associated conversion method for the change in the *index figure* or statistical figure is available from the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region, the relevant Latest Index upon and after the discontinuation of the *index figure* or statistical figure with the original base period, composition and/or compilation method shall be calculated by using such conversion factor on the corresponding *index figure* or statistical figure;
- (b) where the *index figure* or statistical figure remains available but a conversion factor and/or the associated conversion method is not available from the Census and Statistics Department of the Government of the Hong Kong Special Administrative Region, the relevant Latest Index upon and after the discontinuation of the *index figure* or statistical figure with the original base period, composition and/or compilation method shall be calculated by multiplying the new *index figure* by a contract conversion factor which is a fraction, the numerator of which is the sum of the *index figure* with the original base period, composition and/or compilation method over the 12 months immediately before the first reference month whereby the *index figure* or statistical figure is discontinued (“month of the discontinuation”), and the denominator of which is the sum of the *index figure* with the new base period, composition and/or compilation method over the 12 months immediately before the month of the discontinuation
 (i.e. *Contract Conversion Factor C* =
$$\frac{\text{OIF}_{k-1} + \text{OIF}_{k-2} + \dots + \text{OIF}_{k-12}}{\text{NIF}_{k-1} + \text{NIF}_{k-2} + \dots + \text{NIF}_{k-12}}$$
 where
 k is the month of the discontinuation of the old *index figure* / statistical figure
 NIF_{k-x} is the new *index figure* applicable for x month(s) before month k
 OIF_{k-x} is the old *index figure* applicable for x month(s) before month k); or
- (c) where the *index figure* or statistical figure becomes unavailable, such *index figure* (with its relevant item in the *schedule of proportions*) or statistical figure (with its relevant labour trade in the Table for Composite Selected Labour Trades above) shall be abandoned. The corresponding weighting in column 3 of the *schedule of proportions* (i.e. the percentage of tendered prices subject to adjustment) and/or column 2 of the Table for Composite Selected Labour Trades above shall be redistributed to other *index figures* or statistical figure(s) which remain available on a pro-rata basis. The

calculated proportions in the *schedule of proportions* shall be updated and/or the *index figure* relevant to the Table for Composite Selected Labour Trades above shall be compiled accordingly.

Name

Signature

in the capacity of

duly authorized to sign tenders for and on behalf of

.....
Date

Name of Witness

Signature of Witness

Occupation

Address of Witness