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**Environment, Transport and Works Bureau**  
**Technical Circular (Works) No. 41/2002**

**Correction Rules for Tender Errors**

**Scope**

This Circular promulgates the new rules for correcting errors that may be found in tenders for works contracts. For the purpose of this Circular, “error” here means arithmetical error or any form of deviation from a conforming tender including without limitation omission to provide the required information pursuant to a condition of tender.

**Effective Date**

2. This Circular takes effect on 1.10.2002.

**Effect on Existing Circulars**

3. The correction rules appended to WBTC No. 24/98 are not applicable to tenders issued on or after 1.10.2002.

**Implementation**

4. The correction rules appended to this Circular shall apply to all works tenders for which the first notice of tender invitation is issued on or after 1.10.2002. Departments should draw tenderers’ attention to its use in the first 6 months, i.e., tender invitations made between 1.10.02 and 31.3.03.

## **Conditions of Tender**

5. The standard conditions of tender on tender correction is revised to read as follows when this Circular is operative:

“Without prejudice to other General Conditions of Tender and Special Conditions of Tender, if errors and/or omissions are found in a tender during tender examination, such errors and/or omissions shall be dealt with in accordance with the principles and rules contained in the Environment, Transport and Works Bureau Technical Circular (Works) No. 41/2002”

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## Correction Rules for Tender Errors

### Section 1 - General

1.1 For errors which have been specifically addressed in the general or special conditions of tender, the errors shall be dealt with strictly in accordance with the relevant conditions of tender. The following rules shall only apply where the errors have not been specifically addressed in the conditions of tender.

1.2 Subject to paragraph 1.1 above, where a correction rule provided in Section 2 below is applicable, the errors shall be corrected in accordance with that rule.

1.3 In the event no written correction rule is applicable,

- (i) where ambiguity as to the tenderer's true intention exists, it shall be construed by the tender examiner by reference to the best practice or his best judgement; and
- (ii) where errors relate to factual information and there is no room for manipulation by a tenderer by virtue of subsequent correction; or where the correction of such errors would not change the tender in substance or the quality of the tender which would give the tenderer an advantage over the other tenderers, the concerned tenderers may be permitted to correct the errors. In other cases, departments shall assess a tender with the errors as submitted.

1.4 For the purposes of these rules, errors include omissions.

### Section 2 - Errors in the pricing document

2 If the following error(s) in the pricing document are found after the opening of tenders, correction shall be made as follows, depending on the type of contract being tendered:

(1) **Lump Sum Contracts with Bills of Quantities**

- (a) The tender sum stated on the Form of Tender shall remain unchanged irrespective of any corrections made hereinafter. If there is a discrepancy between the amount in "words" and in

“figures”, the one that agrees with the figure stated in the Grand Summary of the Bills of Quantities shall be taken as the tender sum. If neither one agrees with the figure stated in the Grand Summary of the Bills of Quantities, the amount in “figures” shall be taken as the tender sum. Where either the amount in “words” or the amount in “figures” is left blank or illegible, the remaining one shall be taken as the tender sum. If the amount in “words” and the amount in “figures” are both left blank or illegible, the tender is invalid.

- (b) If there are errors in the Bills of Quantities, they shall be corrected as follows:
  - (i) if one or more pages of the Bills of Quantities are found missing, subject to sub-paragraph (ii) below, the rates for all items in the missing page(s) shall be marked as zero and the costs shall be deemed to have been allowed for in rates entered elsewhere in the Bills of Quantities, and
  - (ii) where the Bills of Quantities contain a Provisional Sum, a Contingency Sum, a Prime Cost Sum, any other pre-priced item or any combination of them and the tenderer fails to include any or all of them correctly in his Bills of Quantities, then such sum (or sums) shall be correctly reinstated in the Bills of Quantities; and
  - (iii) errors in the casting of cash columns shall be corrected; and
  - (iv) the extension may be amended to agree with the quantity and rate or (dependent on the judgement of the tender examiner) the rate may be amended to agree with the quantity and the extension in the cash column but in no case will the alteration of both rate and cash extension be permitted; and
  - (v) indistinct rates shall be clarified to agree with the quantity and the extension in the cash column.
- (c) Where no extension amount and no rate has been made against any item or quantity in the Bills of Quantities it shall be deemed that the cost of the item or quantity has been allowed for in rates entered elsewhere in the Bills of Quantities and the rate shall therefore be marked as zero.

- (d) Should there be a tender addendum introducing changes to the Bills of Quantities but the changes have not been incorporated into the Bills of Quantities by a tenderer, then the changes as required by the addendum shall be incorporated into the tenderer's Bills of Quantities and the rates for those new items or modified items shall be determined as follows:

Where new item is introduced	Rate for the new item shall be marked as zero
Where the item description and/or quantity is changed	If a rate has been entered against the original item of work, the same rate shall be used
Where an item is deleted	That item shall be deleted in accordance with the addendum
Where the measurement unit is modified	If a rate has been entered against the original item of work, the rate shall be adjusted to fit in with the new unit

- (e) Any sum entered against an Adjustment Item (the Adjustment Item may either be printed in the tender documents or added by the tenderer) in the General/Grand Summary of the Bills of Quantities shall not be altered regardless of corrections made in accordance with (1)(b), (c) and (d) provided that the sum (whether addition or deduction) entered against the Adjustment Item does not exceed 10% of the tender sum prior to the application of that Adjustment Item. If the sum is outside the  $\pm 10\%$  limits, the inserted positive sum exceeding the maximum positive limit shall be revised to a sum equal to the tender sum divided by 11. Likewise the inserted negative sum exceeding the maximum negative limit shall be revised to a sum equal to the tender sum divided by 9. If the Adjustment Item is left blank it shall be deemed to be zero. The total of the Bills of Quantities corrected in accordance with (1)(b), (c), (d) and (e) is hereinafter referred to as the corrected total of the Bills of Quantities.
- (f) After correcting all the errors in accordance with (1)(b), (c), (d) and (e), the difference between:

- (i) the tender sum minus the total of all Provisional Sums, the Contingency Sum, Prime Cost Sums (but not profit and attendance on them), any other pre-priced items and the Adjustment Item, and
- (ii) the corrected total of the Bills of Quantities minus the total of all Provisional Sums, the Contingency Sum, Prime Cost Sums (but not profit and attendance on them), any other pre-priced items and the Adjustment Item

shall be calculated as a plus percentage of the sum at (1)(f)(ii) if (1)(f)(i) is greater than (1)(f)(ii) or as a minus percentage of the sum at (1)(f)(ii) if (1)(f)(i) is less than (1)(f)(ii).

- (g) Subject to (1)(h), the plus or minus percentage will be applied to the tendered rates including those corrected under (1)(b)(iii) and (iv) and including Preliminaries/Preambles but excluding all pre-priced items and the Adjustment Item.
- (h) If the absolute value of the percentage calculated in accordance with (1)(f) is less than 0.25%, no adjustment shall be made.
- (i) For any Prime Cost Sum, the plus/minus percentage shall only be applied to the profit and attendance element and not the Prime Cost element.
- (j) After correcting errors in accordance with the foregoing rules and if the plus or minus percentage calculated in accordance with paragraph (1)(f) is equal to or more than 0.25%, the General/Grand Summary of the Bills of Quantities shall be endorsed as follows:

'In accordance with Environment, Transport and Works Bureau Technical Circular (Works) No. 41/2002, all the rates and prices inserted by the tenderer in these Bills of Quantities [except those pre-priced items and the Adjustment Item] shall be corrected by ...% for all purposes for which those rates and prices may be used under the Contract.'

Note: [ ] delete where inappropriate

No endorsement is necessary where the plus or minus percentage calculated in accordance with paragraph (1)(f) is less than 0.25%.

(2) **Lump Sum Contracts based on Specification and Drawings with Schedule of Rates and Approximate Quantities submitted by Tenderers**

The same principle and relevant procedures as in (1) shall apply except that the Schedule of Rates and approximate quantities submitted by the tenderer may be adjusted as necessary to reflect the approximate quantities of work to be carried out so that the total value so calculated is equal to the tender sum, with the intent that resultant rates may be used for valuing variations in accordance with the terms of the Contract. Adjustment of quantities and rates should only be necessary in the event of arithmetical errors or when the quantities are grossly in error.

(3) **Remeasurement Contracts**

- (a) Under no circumstances can the tendered rates be changed.
- (b) If errors are found in the Bills of Quantities, they shall be corrected as follows.
- (i) Errors in extensions and casting of page totals shall be corrected and the rectified amounts carried to the General/Grand Summary.
  - (ii) Where there is an extension amount but no rate or an illegible rate has been inserted against any quantity in the Bills of Quantities the rate is deemed to be the amount divided by the quantity as rounded off to the nearest cent.
  - (iii) Where there is no extension amount or an illegible amount and no rate or an illegible rate has been inserted against any item or quantity in the Bills of Quantities it shall be deemed that the cost of the item or quantity has been allowed for in rates entered elsewhere in the Bills of Quantities and the rate shall therefore be marked as zero.
  - (iv) If one or more pages of the Bills of Quantities are found missing, subject to sub-paragraph (vi) below, the rates for all items in the missing page(s) shall be marked as zero and the

costs shall be deemed to have been allowed for in rates entered elsewhere in the Bills of Quantities.

- (v) Should there be a tender addendum introducing changes to the Bills of Quantities but the changes have not been incorporated into the Bills of Quantities by a tenderer, then the changes as required by the tender addendum shall be incorporated into the tenderer's Bills of Quantities and the rates for those new items or modified items shall be determined as follows:

Where new item is introduced	Rate for the new item shall be marked as zero
Where the item description and/or quantity is changed	If a rate has been entered against the original item of work, the same rate shall be used
Where item is deleted	That item shall be deleted in accordance with the addendum
Where the measurement unit is modified	If a rate has been entered against the original item of work, the rate shall be adjusted to fit in with the new unit

- (vi) Where the Bills of Quantities contain a Provisional Sum, a Contingency Sum, a Prime Cost Sum, any other pre-priced item or any combination of them and the tenderer fails to include any or all of them correctly in his Bills of Quantities, then such sum (or sums) shall be correctly reinstated in the Bills of Quantities.
- (vii) Any sum entered against an Adjustment Item (the Adjustment Item may either be printed in the tender documents or added by the tenderer) in the General/Grand Summary of the Bills of Quantities shall, subject to sub-paragraph (viii) below, not be altered regardless of corrections made in accordance with (3)(b)(i) to (vi). If the Adjustment Item is left blank it shall be deemed to be zero.

- (viii) If the sum entered against an Adjustment Item is outside the adjustment limits which are  $\pm 10\%$  of the grand total of the Bills of Quantities (corrected in accordance with the rules above as necessary) before the addition or deduction of the Adjustment Item, the inserted positive sum exceeding the maximum positive limit shall be adjusted to such maximum positive limit (i.e.  $+10\%$ ) and the inserted negative sum exceeding the maximum negative limit shall be adjusted to the maximum negative limit (i.e.  $-10\%$ ).
  
- (c) After correcting all the errors in the manner abovementioned, the tender sum shall be corrected to the corrected grand total of the Bills of Quantities.

**END**