| **Clause** | **Remarks/Guidelines** |
| --- | --- |
| 1. **Marking Scheme Approach**  [*optional clause*] | |
| (1) Tenderers should note that tenders will be evaluated in accordance with the Marking Scheme at Appendix [*insert appropriate reference*]# to these Notes to Tenderers. Tenderers should note DEVB TC(W) No. 4/2014 and 4/2014A which set out the use of Marking Scheme Approach for tender evaluation. Tenderers shall note that the Government is not bound to accept the tender with the highest overall score or any tender and may cancel the tender exercise on public interest ground. In considering the acceptance of a tender, the Government will take account of all relevant circumstances including the following :-  (i) The overall score;   1. The effect of incident of payments by discounting future payments to obtain the present values and use the present values to substitute the forecast total of the Prices\* / Total Value for Tender Assessment (TVTA)\* in determining the ranking of the tenders, if the forecast total of the Prices\* / TVTA\* / overall scores are very close; 2. The effect of exceptionally high or low priced items; 3. The tenderer’s capability (financially, commercially and technically) in undertaking this contract. For the avoidance of doubt, matters such as bankruptcy, false declaration, lack of integrity, acts of dishonesty, the latest available information and reports reflecting serious shortfall in performance and the latest available information and reports relating to serious site safety or environmental incidents may be taken into account in determining whether a tenderer is fully capable of undertaking this contract [\*\*. For tenders submitted by EMSTF, the letters of “non-compliance” issued by the relevant regulatory authorities shall also be treated as conviction records]; \* 4. \*The effect of erratic pricing determined in accordance with Clause GCT 14 of the General Conditions of Tender; and 5. The interest of national security.   (2) Tenderers are required to make a Technical Submission in accordance with Clause GCT 4 of the General Conditions of Tender, which will be taken into account in the tender evaluation. The submissions on technical resources and technical proposals shall form part of this contract. The *contract percentages* in the Schedule of Percentages submitted in the tender, subject to the correction(s) in accordance with Clause [GCT 11]# of the General Conditions of Tender where appropriate, is deemed to be inclusive of the execution of the *service* in accordance with the tender submissions on technical resources and technical proposals. Tenderers shall ensure that it is legally and physically possible to execute the *service* in accordance with the tender submissions on technical resources and technical proposals. Should the *Contractor* for any reason be unable to adhere to the tender submissions on technical resources and technical proposals, any cost savings to the *Contractor* arising therefrom shall be determined by the *Service Manager* and deducted from the Prices in accordance with Clause [A2]# of the *additional conditions of contract*. Tenderers’ attention is drawn to Clause [A2]# of the *additional conditions of contract*.  (3) The respective weights for price and technical score are 60/40@. 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 procuring department is satisfied that the recommended tenderer is fully (including technically, commercially and financially) capable of undertaking this contract, and that the recommended tender is the most advantageous to the Government in accordance with the tender provisions.   |  |  | | --- | --- | | 60@ x | the lowest forecast total of the Prices\* / TVTA\* among those conforming tenders | | the forecast total of the Prices\* / TVTA\* of the tenderer | | + 40@ x | the tenderer’s technical score | | the highest technical score among those conforming tenders |   Forecast total of the Prices\* / TVTA\* is subject to correction rules as stipulated in Clause [*insert appropriate reference*] of the General Conditions of Tender.  (4) For the purpose of calculation using the formula above, a conforming tender means a tender which  (a) conforms to essential requirements of the tender documentation;  (b) is submitted by a tenderer which complies with the conditions of participation;  (c) has passed the Stage I Screening; and  (d) in respect of its Technical Submission, has satisfied the passing marks requirements.  A conforming tender with abnormally low or high *contract percentages* in the Schedule of Percentages / forecast total of the Prices\* / TVTA\* or a conforming tender considered unsuitable for recommendation for the award of this contract (such as financially, commercially or technically incompetent) remains to be a conforming tender.  (5) For tenders with a forecast total of the Prices\* / TVTA\*, if the forecast total of the Prices\* / TVTA\* or the overall scores of the top few tenders are very close (usually the three with the highest overall score), the procuring department should consider discounting future payments to obtain the present value and use the present value instead of the forecast total of the Prices\* / TVTA\* 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).  Appendix [X]  MARKING SCHEME IN TENDER EVALUATION  *[Please* *disclose the full marking scheme including Stage I Screening where applicable. Disclose the weighting of each attribute in the technical evaluation, the marking standard and the assessment criteria. The information provided should be similar to those shown in Appendix C1 in DEVB TC(W) No. 4/2014, as well as any additional qualification requirements on tenderers as part of the Stage I Screening and/or any criteria of assessment specific to the needs of the contract. The consequences of failing Stage I Screening should be clearly stated.]* | To be used for tender evaluation using Marking Scheme Approach.  Please refer to DEVB TCW No. 4/2014 and 4/2014A. See also SDEV memos ref. DEVB(W) 546/84/01 dated 9.7.2021, DEVB(W) 510/30/01 dated 31.8.2022, DEVB(W) 546/84/01 dated 18.8.2023 and DEVB(W) 546/84/01 dated 10.11.2023.  \* Delete where appropriate.  \*\* For use in tenders which EMSTF is eligible to bid  # Please insert appropriate reference.  Net present value analysis is NOT applicable for NEC target contracts. Please replace sub-clause (1)(ii) as “not used” for NEC target contracts.  @ Price to Technical Weighting for Works Tender:-  **Option A** – “Price to Technical Weighting” at **50/50**: For contracts with a high technical content that: (i) require contractors’ specialized input (e.g. design of certain critical parts of the works); and (ii) entail highly complex functional requirements, and/or require construction methodology involving specialized plant/equipment with special constrains (e.g. delivery programme, site/environmental constraints). Policy support from DEVB for the adoption of 50/50 weighting is required.  **Option B** – “Price to Technical Weighting” at **60/40**: For other contracts.  Net present value analysis is NOT applicable for NEC target contracts. Please replace sub-clause (5) as “not used” for NEC target contracts. |