| Clause | | | Remarks/Guidelines | |
| --- | --- | --- | --- | --- |
| **GCT 4 Submission of tender (Marking Scheme Approach)** | | | | |
| (1) | Pursuant to the Gazette Notification or Letter of Invitation to Tender or the Tender Notice, a tenderer **must submit** its tender in **electronic format via e-TS(WC)**. | | Alternative Clause GCT 4 for tenders using a marking scheme for tender evaluation.  Ref. DEVB memos ref. (026NM-01-3) in DEVB(W) 546/17/01 dated 25.6.2010 and DEVB(W) 546/83/01 dated 11.11.2020. | |
| (2) | Attention of tenderers are drawn to the following requirements on submitting the tender electronically: | |  | |
| (a) | #[Except as provided in sub-clause (b) below,] a tenderer must submit its tender via a valid account or sub-account in the e-TS(WC) **under its own name**. | | #If joint venture is not allowed, delete the text in square brackets and sub-clause (b). | |
| (b)# | In case a tenderer submits its tender in the form of an unincorporated joint venture, the tender must be submitted via a valid account or sub-account in the e-TS(WC) under the name of the **lead participant** as defined in Special Conditions of Tender Clause SCT [5](2). Only files submitted by the lead participant will be considered. Files submitted by any other participant will be discarded without opening. | |  | |
| (c) | All files in the tender must comply with the “**Requirements for Tender Submission in Electronic Format**” in **Appendix** [*insert reference*] to the General Conditions of Tender. | |  | |
| (d) | If a file is required to be **Digitally Signed** pursuant to the General Conditions of Tender and Special Conditions of Tender, it must be Digitally Signed. Without prejudice to other requirements, **a file which does not comply with this requirement will be discarded and not be considered**. | |  | |
| (3) | To electronically submit a tender, the required files to be uploaded under each section of the e-TS(WC) are as follow: | |  | |
| (a) | “**Upload Form of Tender**” | |  | |
|  | (i) | A Digitally Signed Form of Tender referred to in General Conditions of Tender Clause GCT 2(1) \*. | \* Delete/Modify as appropriate | |
| (b) | “**Upload Tender Price Document**” | |  | |
|  | (i) | The following documents referred to in General Conditions of Tender Clause GCT 2(1)\*: |  | |
|  | (I) | The duly completed and Digitally Signed Contract Data Part two \*(Section 2); |  | |
|  | (II) | The \**bill of quantities*/\**activity schedule* fully priced as to each *\*item/\*activity*, extended, cast and totalled as appropriate; |  | |
|  |  | The following submissions that are required by the General Conditions of Tender and Special Conditions of Tender [See Note 1]: | **Note 1**: All submissions required from tenderers should be stated, quoting where the details of the requirements are given, e.g. Special Conditions of Tender Clause SCT 1. | |
|  | (I) | ……………… (Clause GCT [ ] ) |
|  | (II) | ………..………(Clause SCT [ ] ) |
|  | (III) | If the tenderer elects to subcontract any of the item(s) stipulated as subject to Optional Pre-bid Arrangement in Part [A] of **Appendix** [*insert reference*] to the *additional conditions of contract*, the “Pricing Information for Optional Pre-bid Arrangement” for such item(s) (Clause SCT [18(3(a))]). [See Note 2] | **Note 2**: Sub-clauses (b)(ii)(III) to (V) are applicable only if pre-bid arrangement is adopted. Sub-clause (b)(ii)(III) shall be deleted if no item is subject to optional pre-bid arrangement. Sub-clauses (b)(ii)(IV) and (V) shall be deleted if no item is subject to mandatory pre-bid arrangement. | |
|  | (IV) | If the tenderer proposes to subcontract any of the item(s) stipulated as subject to Mandatory Pre-bid Arrangement in Part [B] of **Appendix** [*insert reference*] to the *additional conditions of contract*, the “Pricing Information for Mandatory Pre-bid Arrangement” for such item(s) (Clause SCT [18(3)(a)]). [See Note 2] |
|  | (V) | If the tenderer proposes to undertake by itself any of the item(s) stipulated as subject to Mandatory Pre-bid Arrangement in Part [B] of **Appendix** [*insert reference*] to the *additional conditions of contract*, the “Pricing Information for Mandatory Pre-bid Arrangement” for such item(s) (Clause SCT [18(10)(a)(i)]). [See Note 2] |  | |
|  | (VI) | The Estimates for Tender Price Index (ETPI) fully priced as to each item, extended, cast and totaled as appropriate (Clause SCT [20]). [See Note 3] | **Note 3**: Sub-clause (b)(ii)(VI |  |
| (c) | “**Upload Technical Submission**” | |  | |
|  | (i)# | Submissions on tenderer’s experience, technical resources and technical proposals which are the subject of evaluation in accordance with the marking scheme at [Appendix to Notes to Tenderers] \*[and more particularly described in Special Conditions of Tender Clause [ ]]. | \* Delete/Modify as appropriate  #Where applicable, amend this to (c)(i)(I) and add other items such as “Contract Data Part two (Section 1)” | |
|  | (ii) | The following submissions that are required by the General Conditions of Tender and Special Conditions of Tender [See Note 1]: |  | |
|  | (I) | ……………… (Clause GCT [ ] ) |  | |
|  | (II) | ………..………(Clause GCT [ ] ) |  | |
|  | (III) | If the tenderer elects to subcontract any of the item(s) stipulated as subject to Optional Pre-bid Arrangement in Part [A] of **Appendix** [*insert reference*] to the *additional conditions of contract*, the expression of interest and evidence to demonstrate each of the proposed Subcontractor(s)/supplier(s)’ compliance with the requirements for undertaking such item(s) in accordance with SCT [18(2)(b), (c) and (d)]. [See Note 4] | **Note 4**: Sub-clause (c)(ii)(III) to (V) are applicable only if pre-bid arrangement is adopted. Sub-clause (c)(ii)(III) shall be deleted if no item is subject to optional pre-bid arrangement. Sub-clauses (c)(ii)(IV) and (V) shall be deleted if no item is subject to mandatory pre-bid arrangement. | |
|  | (IV) | [See Note 4] |  | |
|  | (V) | [See Note 4] |  | |
| (4) # | In addition to the electronic submission, a tenderer may opt to submit its tender in hard copy as well. Submission in **hard copy is optional**. If a tenderer opts to submit a hard copy tender in addition to the electronic submission, it shall submit a hard copy of all files referred to in sub-clause (3) above in two separate envelopes as specified below and the two envelopes shall then be enclosed in a sealed envelope addressed, endorsed and deposited as required by the Gazette Notification or Letter of Invitation to Tender or the Tender Notice:-  **In an envelope clearly marked with the tender reference and the words ‘Tender Price Documents’:**   1. Hard copy of all files referred to in sub-clauses (3)(a) and (b) above.   **In an envelope clearly marked with the tender reference and the words ‘Technical Submission’:**   1. Hard copy of all files referred to in sub-clause (3)(c) above.   For the purpose of the hard copy submission:-   1. If a file is required to be uploaded to a particular section of the e-TS(WC), such requirement does not apply to the hard copy submission; 2. If a file is required to be Digitally Signed, such requirement is deemed to have been complied with if its hard copy has been duly signed by a person authorised to sign Government contracts on the tenderer’s behalf (or, in the case of an unincorporated joint venture, by a person authorised to sign Government contracts on each participant’s behalf); and 3. If the signing of a file is required to be witnessed, such requirement is deemed to have been complied with if the witness has signed on its hard copy in the capacity of witness. | | #Interim measure allowing the tenderer to submit optional hard copy for 1 year from 1 July 2024 to 30 June 2025. | |
| (5) # | The hard copy submission will not be used except in the following circumstances:   1. a file submitted via the e-TS(WC) cannot be opened; or 2. a file submitted via the e-TS(WC) is contaminated with computer virus.   **In such event, the file submitted via the e-TS(WC) will be discarded and not be considered**. Without prejudice to General Conditions of Tender Clause GCT 21 and other provisions providing for invalidating a tender, the *Project Manager* designate may **use the hard copy of the relevant file submitted**, if available, for tender evaluation if it considers that the tenderer’s action of submitting a file that cannot be opened or is contaminated with computer virus is not intentional. For the avoidance of doubt, even if it is permissible under other provisions of this tender for the *Project Manager* designate to invite the tenderer to re-submit the relevant file after close of tender, **the *Project Manager* designate shall** **resort to the hard copy submission first**. | |  | |
| (6) # | In case the hard copy of a relevant file is used for tender evaluation:   1. If that relevant file is an essential submission required under General Conditions of Tender Clause GCT 21, its hard copy must be submitted on or before the original date set for the close of tender or if this has been extended, the extended date. Failure to do so will **render the tender invalid**; and 2. If the relevant file is required to be Digitally Signed but its hard copy does not satisfy sub-clauses (4)(b) above, without prejudice to other requirements, such document shall be discarded and not further considered.   For the avoidance of doubt, for the parts of the hard copy submission which are not used for tender evaluation, it is not necessary to check whether they have complied with any requirements stipulated, whether essential or not. | |  | |