

## **List of Major Items for Inclusion in Tender Documents for Trading Operations**

Schools should note that:

- The list of major items is for **REFERENCE ONLY**. It is by no means exhaustive. Individual schools should adapt, append and/or delete items to cater for their unique circumstances and the specific procurements/services in the course of preparing their tender documents;
- SMCs/IMCs have the responsibilities to follow and comply with the prevailing regulations and requirements;
- Schools should seek technical and legal advice as appropriate; and
- The Education Bureau should not be held responsible for any inadequacy in this set of reference material.

### **(1) Tender Objective and Services to be Provided**

Schools should specify what kind of trading activities/services is now called at the outset and define the scope of services.

e.g. [*In the case of tuckshop*] Tenders are now invited for the operation of a tuckshop at the Ground floor of the school premises for the sale of the commodities as set out in the enclosed Schedule of Services to the staff, students, parents and visitors of the school. [It is preferable for schools to make available the sketch map indicating the location of tuckshop].

### **(2) Contract Period**

The contract period should preferably be not exceeding 3 years. (Schools should allow adequate time to prepare tender for new contract before expiry of current contract if the services are still required.)

e.g. from 1 September 2008 to 31 August 2010.

### **(3) Tender Submission Deadline and Way of Submission**

Schools should clearly spell out the tender closing date and time, place of tender box, and the way of submission. Adequate time should be provided to allow tenderers to prepare and submit tenders. In normal circumstances, at least 3 weeks should be set between the issue and the closing of tender.

e.g. The tender must be completed in triplicate and should arrive not later than 12:00 noon on (date)\_\_\_\_\_. Late tenders will not be accepted. In case a black rainstorm warning signal or typhoon signal No. 8 or above is valid for any

duration between 9:00 a.m. and 12:00 noon, the tender closing time will be extended to 12:00 noon on the next weekday (i.e. except Saturday, Sunday and public holiday).

**(4) Identification of Tenderers**

Schools should specify in the tender document that tenderers should not identify themselves on the tender envelope and a tender bid will be disqualified if the bidder discloses its identity on the sealed tender envelope.

Schools should also indicate in the tender document that, if tenderers are allowed to amend their tenders after tender submission but before tender closing, the amendments should be submitted in the same manners as for submitting the tenders.

**(5) Specifications**

Full specifications should be provided in clear and specific terms. However, schools should ensure that tender specifications are drawn up in a manner which meets the procurement principle of maintaining open and fair competition. Tender specifications shall not be prepared, adopted or applied with a view to or with the effect of creating obstacles to competition amongst the potential tenderers.

e.g. [*In the case of school uniform*] Samples (if possible) and a standard chart on the sizes/dimensions of school uniforms should be available for compliance by potential suppliers; the material/fabric and colours should also be specified (preferably with samples of the materials).

**(6) Mandatory Requirements**

Mandatory requirements (if applicable) should be specified and tenderers should be alerted in a prominent way that tenders failing to meet the mandatory requirements will be **invalid** and will **not** be considered further.

e.g. [*In the case of school uniform*] Only the tenderers who sign to provide the uniform as specified in the mandatory requirements will be considered further. **Failure to comply with these requirements will render a tender invalid and the tender will not be further considered.**

**(7) Evaluation Criteria of Tenders**

Evaluation criteria of tenders should be determined before inviting tenders and an

outline of the evaluation criteria should be included in the tender documents to assist prospective tenderers in preparing their biddings. There are two main approaches to conduct tender evaluation – with or without marking scheme.

(a) Non-marking Scheme Approach

The pre-determined evaluation criteria (i.e. the mandatory requirements and any other requirements in deciding the suitability of tenders) should be indicated in the tender documents. Given that the mandatory requirements should be the minimum level of requirements that tenderers must meet, schools should not impose unfair or extra-demanding or undue technical burden upon the tenderers. Schools should ensure the mandatory requirements are fair and reasonable or not too stringent when taking into account market situation, trade practice and experience on similar quotation/tender exercises. To encourage fair and open competition by all potential tenderers, schools should periodically review whether any of the mandatory requirements should be relaxed. Selection of tenderers should be based on price only once the tenderers have met/conformed with all stipulated requirements.

e.g. [*In the case of tuckshop operation*] the requirement on the bidders' previous experience of tuckshop operation may be specified as a mandatory requirement whereas the tuckshop rental and the price of the commodities sold (which should be at the minimum feasible prices and should not be above the market price) as other requirements for tender evaluation. If tenderers are allowed to adjust the prices of the commodities sold during the contract period, the maximum percentage of price adjustment and the mechanism for approving the variation should also be spelt out in the tender documents and made known to the tenderer.

(b) Marking Scheme Approach

Marking scheme should be used for contracts where the quality of services or products is of vital importance (e.g. lunch box). It should also be pre-determined and included in the tender documents to facilitate the prospective tenderers preparing the biddings.

Schools may refer to the *Points to Note on Preparing Marking Scheme for Tender Evaluation* for further information.

**(8) Prevention of Bribery Clause**

The prevention of bribery clause should be included in the tender documents:

*“The bidder, its employees and agents shall not offer any advantage (as defined in the Prevention of Bribery Ordinance, Cap. 201) to the school employees, SMC/IMC members, or any parent or student representative in a committee responsible for considering any matters in relation to this contract. Any such offer by the bidder or its employees or agent may constitute an offence under the Prevention of Bribery Ordinance and may render the contract null and void. The school may also cancel the contract awarded and hold the bidder liable for any loss or damage the school may sustain.”*

**(9) Enquiries**

Schools should ensure that all tenderers are provided with equal knowledge of tender information to prepare their bids.

Education Bureau  
October 2008