

APPENDIX 3.20F OVERLOADING CHECKING IN TENDER ASSESSMENT

1 Checking of Suspected Overloading

- 1.1 Prior to invitation of Technical and Fee (T&F) Proposals, the procuring departments shall register the bidding exercise in the Public Works Consultants Resources Allocation Register (PWCRAR) and then download the manning schedule templates together with the personal information collection statements to form part of the invitation documents for the T&F Proposals. Any subsequent change of the information of the consultancies before the closing date for submission of T&F Proposal shall be updated in the PWCRAR. In particular, if the update involves change in the consultancy duration, the procuring departments shall download and send the revised manning schedule templates together with the personal information collection statements to the bidders before the aforesaid closing date.
- 1.2 After the aforesaid closing date, the procuring departments shall upload or manually input the manning schedules submitted by the bidders into the PWCRAR as soon as practicable. While the PWCRAR allows the procuring departments to upload/manually input the manning schedules to the system separately, the procuring department shall only confirm the manning schedules uploaded in the system in the same bidding exercise in one go to ensure the completeness of the data.
- 1.3 When the procuring departments find that the total manpower input calculated from the manning schedule (softcopy) does not tally with the figures stated in the T&F Proposal, the total manpower input calculated from the manning schedule (softcopy) shall prevail. The procuring departments shall follow the current practice to correct the discrepancies in both the Technical Proposals and Fee Proposals and then seek confirmation from the bidders to abide by their tenders with the corrected total manpower input.
- 1.4 To avoid confusion, the “reporting month” used in the following paragraphs shall refer to the month in which the final snapshots are taken (i.e. March, June, September and December) and the “reporting quarter” shall refer to the 3-month period immediately before the reporting month (e.g. the period from March to May is the reporting quarter for the reporting month of June). Concurrent tenders shall mean other tenders registered in the PWCRAR which have been closed but not yet been awarded as at end of the reporting quarter which are captured in the final snapshot taken immediately before the tender closing date of the tender under assessment.
- 1.5 For the purpose of assessing the “Adequacy of professional and technical manpower input” attribute of the T&F Proposals, the manpower input of on-going consultancies and concurrent tenders as at end of the reporting quarter which are captured in the final snapshot taken immediately before the tender closing date of the tender under assessment shall be used to check for any suspected overloading situation. Please note that the PWCRAR will take final snapshot on all the manpower input data in the system at 00:00 on 23rd of every reporting month and generate reports for various purposes, including performance appraisal and tender assessment. The

procuring departments shall upload and confirm in the PWCRAR the manpower input of their tenders closed within the reporting quarter before the PWCRAR takes the final snapshot to facilitate the PWCRAR in calculating the overloading percentage accordingly.

2 Clarifications on Suspected Overloading

- 2.1 When the procuring departments upload or manually input the manning schedule submitted by the bidders, the PWCRAR will base on the HKID/Passport No. and the name of the staff to check whether the staff concerned has been/ will be deployed for other on-going/up-coming consultancies registered in the PWCRAR (i.e. overlapping cases). If the PWCRAR identifies any suspected overlapping case, such as two persons with the same HKID/passport No. and surname but different first names, it will alert the procuring departments accordingly. The procuring departments may consider seeking clarifications from the bidders on the suspected overlapping case. Upon clarification, the procuring departments shall update the PWCRAR accordingly.
- 2.2 After the confirmation of the manning schedule in the PWCRAR by the procuring departments, the PWCRAR will check for any suspected overloading situation (i.e. staff working for more than 4 man-week per month) (Checking report Nos. TEN-RPT-01 and 02 are relevant). The procuring department shall also check for any outstanding first manpower input updating in the existing consultancies and/or outstanding submission of manning schedules in the concurrent tenders (Checking report Nos. TEN-RPT-04 and 05 are relevant). Checking reports on any suspected overloading situation and/or outstanding submission of manning schedule are available in the PWCRAR for reference.
- 2.3 The Assessment Panel may consider seeking clarifications from the bidders on the overloading situations and/or the submission status of manning schedule. Sample letters are attached at **Appendices 3.20G** and **3.20H** for reference. In any circumstance, the principles stipulated in Stores and Procurement Regulations 365 regarding the clarification of tenders shall be strictly observed.
- 2.4 The Assessment Panel may consider taking into account the clarifications provided by the tenderers, if any, in determining whether there are overloading situations in the T&F Proposals concerned. In any circumstance, tender modification, such as amendment to the manning schedule in the Technical Proposal, shall not be permitted which may give rise to discriminatory practice. The assessment and the associated assessment result shall be discussed and endorsed by the Assessment Panel. Legal advice may be sought if considered necessary. The procuring departments shall include the correspondences with LAD(W) and provide the deliberations/decisions of the Assessment Panel on the assessment of overloading situation of individual tenderers in EACSB submission.

3 Assessment Method

- 3.1 The reasons for overloading may be due to:

- (a) on-going consultancy(ies);
- (b) concurrent tender(s) including paired tender(s) with the same bidder; or
- (c) a combination of (a) & (b) above.

- 3.2 For named staff taking part in a concurrent tender, their manpower input to be deployed in the concurrent tender shall be factored down by the number of bids involved in that concurrent tender. The approach has employed the Expectation Theory (i.e. the probability of winning the concurrent tender) to derive the expected manpower input due to the concurrent tender.
- 3.3 To avoid lengthy lock up of manpower input of consultants in the concurrent tenders and enable better planning of manpower resources, an enhancement will be made when the PWCRAR is to be subsumed in CNPIS after the revamping of CNPIS such that the manpower input of a concurrent tender will not be captured in more than two consecutive final snapshots. For example, for a concurrent tender with a tender closing date on 31 January, if it is eventually awarded on 31 October in the same year, its manpower input will only be captured in the final snapshots taken on 23 March and 23 June but not in the final snapshot taken on 23 September.
- 3.4 For paired tenders, the procuring departments shall ensure that the tender closing dates of the two tenders fall within the same reporting quarter so that the PWCRAR can include the manpower input of both tenders into the same final snapshot for calculation of overloading percentage. If the bidder concerned has only submitted one bid under pairing arrangement, it will be captured by the PWCRAR as one concurrent tender and the same assessment method mentioned in paragraph 3.2 above will be adopted. However, if the bidder concerned has submitted two bids under pairing arrangement, it will be captured as two concurrent tenders but the expected manpower input due to the paired tenders is taken as the average manpower input of the staff taking part in both tenders factored down by the probability of the consultant winning at least one of the two paired tenders.
- 3.5 The manpower input of the tender under assessment together with that of the on-going consultancy(ies) are then summed up with the expected manpower inputs due to all concurrent tenders to arrive at the total expected manpower input. The amount of total expected manpower input of a particular staff in excess of 4 man-weeks per month will be considered as an overloading case. The weighted average overloading manpower input for all overloading cases will be used in calculating the overloading percentage which will in turn be used to determine the reduction factor to be applied to the mark given to the “Adequacy of professional and technical manpower input” attribute of the T&F Proposal in accordance with **Appendix 3.20B(A)**. If a proposed key staff member has its manpower input stated under more than one staff categories in the Technical Proposal and such proposed key staff member is found to be working under overloading situation, the highest weighting among the staff categories stated for such staff member shall be used in calculating the overloading percentage. A worked example and a sample report generated by the PWCRAR on details of overloading situation are attached in **Appendix 3.20L** and **Appendix 3.20M** respectively. Please note that the procuring departments shall have the responsibility to

check the calculations done by the PWCRAR based on the data contained in the above report.

3.6 Notwithstanding the above, after checking the checking report Nos. TEN-RPT-04 and 05, the following circumstances shall be considered by the Assessment Panel as "Serious" overloading situation:

- (a) Where the consultant or any of its proposed sub-consultant fails to provide the first manpower input updating for any signed consultancies having Expression of Interest Submissions or T&F Proposals (for one-stage procedure) invited before 3 December 2018 (referred to as "existing consultancies") undertaken by the consultant or any of its proposed sub-consultant as the sole consultant or one of the participants in the joint venture. For the purpose of tender assessment in this regard, a consultant will be considered as failing to provide the first manpower input updating for an existing consultancy if it fails to provide a manpower input updating which enables the procuring department of the existing consultancy concerned to endorse it in the PWCRAR as described in paragraph 2 of **Appendix 3.20J** for all the reporting quarters before the tender closing date of the tender under assessment; or
- (b) Where the consultant fails to provide the manning schedule as required in the invitation letter for the Technical and Fee Proposal for the consultants selection exercise under assessment and/or failed to provide the manning schedule as required in the invitation letter for Technical and Fee Proposal for any concurrent tender with the same bidder, which make the assessment of overloading situation in accordance with DEVB TC(W) No. 5/2018 unable to be properly performed.