

*{Internal Remark: The following are internal notes for APPENDIX TO FORM OF TENDER}*

\* Delete or modify as appropriate

1. Use when a separate Section of the Works (Section xx) is given for preservation and protection to existing trees. The scope of Section xx is described in the Particular Specification.
2. The Period for Aftercare to Old and Valuable Trees together with its subsequent Maintenance Period should preferably end on the same date as the Maintenance Period for the Works, or if there is more than one Maintenance Period, on the same date as the last Maintenance Period.
3. This paragraph is applicable to all public works contracts. Please refer to SDEV's memos ref. (01TC9-01-5) in DEVB(W) 510/17/01 dated 17.7.2008, ref. (01VP5-01-4) in DEVB(W) 510/17/01 dated 11.11.2008 ref. (027RU-01-3) in DEVB(W) 510/17/01 dated 16.7.2010, and ref. DEVB(W) 510/94/02 dated 28.3.2019 and 11.8.2020.
4. Where the Engineer / Surveyor / Supervising Officer is a consultant, works departments should take steps to ensure that the constraint is stipulated in the relevant consultancy agreement.
5. To insert relevant clause number for the SCC clause on Limiting the Tiers of Sub-contracting.
6. To insert relevant clause number of the SCC clause on Section Subject to Excision.
7. This paragraph is applicable to all public works contracts, including capital works contracts and term contracts. Please refer to the revised trip ticket system as promulgated in DEVB TCW No. 6/2010.
8. To insert relevant clause number for the PS clause on Trip Ticket System.
9. Refer to ETWB TCW No. 4/2003 for guidance to include appropriate provisions in the Appendix to the Form of Tender where there is no minimum LD's and where there is minimum LD's.
10. Choose from either (a) or (b) below an appropriate footnote depending on whether or not there is minimum LD's for the Works/Sections and, where the works involve excavation requiring the application of excavation permits, add footnote (c):
  - (a) Where there is no minimum LD's

"The value of the formula within the square brackets shall be taken as zero for the purpose of computation of the daily rate of liquidated damages if and when the sum is worked out to be a negative value by substituting Y1, ...Yn with its corresponding value in the priced Bills of Quantities."
  - (b) Where there is minimum LD's

"The value of the formula within the square brackets shall be taken as HK\$ [the minimum amount of LD's for the Works or, as the case may be, the relevant Section] per day for the purpose of computation of the daily rate of liquidated damages if and when the sum is worked out to be less than HK\$ [the minimum amount of LD's for the Works or, as the case may be, the relevant Section] per day by substituting each of Y1, ...Yn with its corresponding value in the priced Bills of Quantities."
  - (c) Where application of excavation permit is required

"In computing the above liquidated damages, the Employer has not taken into account the Employer's liability for fees including economic cost under the Land (Miscellaneous Provisions) Ordinance, Cap. 28 ("the Ordinance") for any extension in respect of a permit referred to in Sections 10A(3) and 10D(4) of the Ordinance."