

## **Terms of Tender/Quotation**

1. Except where the context requires otherwise, the following expressions in this form, the General Conditions of Contract and the Special Conditions of Contract (if any) shall have the following meanings :

“must”	means mandatory
“should”	means desirable
“expected”	means that recommendations from the Tenderer will be considered in due course
“Goods” /“Service”	means the Specifications in Part E of this tender document
“University’s Representatives”	means Representatives assigned by the University
‘Contract’	means the contract between The Education University of Hong Kong and the Contractor under the Terms and Conditions
‘Contractor’	means the Tenderer whose tender is accepted as hereinafter provided;
‘University’ or ‘EdUHK’	means The Education University of Hong Kong;
‘Schedule’	‘means the list of articles, materials or services in the Offer to be Bound and ‘Scheduled Goods’ means the articles, materials or services so listed
‘Tenderer(s)’	means the person or persons and/or the firm or the company submitting the tender and ‘Tender’ means the tender so submitted
‘Terms and Conditions’	means the terms and conditions contained in the Part B: Terms of Tender / Quotation, the Part D General Conditions of Contract and the Part C: Special Conditions of Contract (if any), the Part E: Specifications and, for the avoidance of doubt, includes the Part A: Notes to Tenderers in the Invitation to Tender

2. The offer terms in the Offer to be Bound, unless otherwise allowed by EdUHK, cannot be withdrawn by the tenderers and can be accepted by EdUHK at any time within a period of 120 days and 90 days after the closing date of the Tender and Quotation respectively or within the validity period stated in the Invitation to Tender / Request For Quotation / Written Quotation Request.
3. The person who signs the Offer to be Bound as the tenderer shall be deemed to be acting as a principal unless he discloses therein that he is acting as an agent only; in which case he shall also disclose therein the name and address of his principal.
4. It is hereby specifically declared by EdUHK that any statement, whether oral or written, made and any action taken by any University officers in response to any enquiries made by a prospective tenderer shall be for guidance and reference purposes only. Any such statements shall not be deemed to form parts of the Terms and Conditions and such statements or action shall not and shall not be deemed to amplify, alter, negate, waive or otherwise vary any of the Terms or Conditions.

5. Tenderer's personal data provided in the tender will be used for tender evaluation and contract award purposes, and will be disclosed to the parties responsible for tender evaluation as the University, at its absolute discretion, deems necessary. Tenders with insufficient and/or inaccurate information may not be considered.
6. Notwithstanding anything to the contrary in the quotation and/or tender documents, EdUHK reserves the right to disqualify a tenderer on the grounds that the tenderer has engaged, is engaging, is about to engage, or is reasonably believed to have engaged, be engaging or about to engage in acts or activities that are likely to cause or constitute the occurrence of offences endangering national security or otherwise the exclusion is necessary in the interest of national security, or is necessary to protect the public interest of Hong Kong, public morals, public order or public safety.
7. Notwithstanding anything to the contrary in the quotation, tender documents or any subsequent contract to be entered into (if any), EdUHK has the right to immediately terminate the contract, by notice, upon the occurrence of any of the following events:
  - (i) the contractor has engaged or is engaging in acts or activities that are likely to cause or constitute the occurrence of offences endangering national security or which would otherwise be contrary to the interest of national security;
  - (ii) the continued engagement of the contractor or the continued performance of the contract is contrary to the interest of national security or the public interest of Hong Kong, public morals, public order or public safety; or
  - (iii) EdUHK reasonably believes that any of the events mentioned above is about to occur.