

# The University of Macau

## Guidelines for Composition of Selection Committee

Document code:	ADMO-PCT.10/201210/400.r01
Approval date:	16 May 2018
Effective date:	16 May 2018
Supersedes:	ADMO-PCT.10/201210/400.r00

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**Keywords:** *avoidance, composition, confidentiality, conflict of interest, direct consultation, impartiality, integrity, invited tender, procurement, public tender, recusal system, selection committee, tender, tender evaluation*

**Remarks:** *1. This document encompasses both English and Chinese version. 2. The document content was approved by FMC on 16 May 2018 (FMC decision: FMC/019/0011/2018). 3. Summary of changes – (1) For Selection Committee with at least 5 members, the threshold amount is reduced from the estimated cost from MOP10 million to MOP500,000; (2) For appointment of Chairperson at Vice Rector level, the threshold amount is increased from the estimated cost from MOP8 million to MOP12 million per purchase; (3) To add “other related units with similar nature” to the categories of member representatives.*

### 1 Purpose

To provide general guidelines on how a selection committee will be set up.

### 2 Scope

The Selection Committee is mainly assessing procurement through public tender and written consultation; and if appropriate, for direct consultation.

### 3 General Rules of Composition of the Selection Committee

- 3.1 The Selection Committee may comprise at least 3 members (preferably an odd number).
- 3.2 For purchase with estimated cost of MOP500,000 or above, the Selection Committee should comprise at least 5 members.
- 3.3 Members of a selection committee shall not be involved in other stages of the procurement process especially quotation/tender opening process to ensure that the procurement process is not “controlled” by the same personnel. Hence, the influence of “human factor” will be minimized.

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### 4 Composition

- 4.1 For purchase with estimated cost below MOP500,000, the Selection Committee shall at least comprise 1 chairperson and 2 members.
- 4.2 For purchase with estimated cost of MOP500,000 or above, the Selection Committee shall at least comprise 1 chairperson and 4 members.
- 4.3 For purchase with estimated cost of MOP12 million or above, the Chairperson shall be an independent Vice Rector.
- 4.4 For purchase with estimated cost below MOP12 million, the Chairperson shall be an independent individual at Section Head or above level. The Chairperson may not come from the requesting or user unit.
- 4.5 For purchase with estimated cost below MOP500,000, members shall have representatives from **any two of the categories from (a) to (d)** as stated below. For purchase with estimated cost of MOP500,000 or above, members shall have representatives from **each of the four categories from (a) to (d)** as stated below. In case the above proposed composition of selection committee members is not applicable due to conflict of roles, the remaining number of members shall be drawn from category (e) as stated below :
- (a) requesting units;
  - (b) user units;
  - (c) technical support units (applicable for purchase of IT equipment, AV equipment, dangerous goods, etc.);
  - (d) other related units with similar nature;
  - (e) a random list of staff members at Administrative Officer level or above.
- 4.6 The Secretary shall be the staff member from the requesting or user unit.

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### **5 Roles and Responsibilities**

- 5.1 Chairperson (Chair and voting member) – to coordinate the selection process and ensure it a proper one.
- 5.2 Members (voting member) – to exercise due care in the selection process.
- 5.3 Secretary (non-voting member) – to provide secretariat support to the Selection Committee.
- 5.4 The following persons can be invited as consultant when necessary:
  - A legally qualified person
  - Specialist as required

### **6 Proportion of Members Composition**

- 6.1 Each user unit can appoint only ONE representative as committee member.
- 6.2 Large scale selection meeting could exclude the above restriction. The proportion of member can be adjusted when endorsement is obtained from Rector / Vice Rector.

### **7 Obligation**

- 7.1 Prior to acceptance of appointment, selection committee members should ensure their work schedules can fulfill the future selection work.
- 7.2 Selection committee membership is approved by relevant authority and hence members have the responsibility to fulfill the assigned job. They should attend the meeting and participate in the selection process except for absence with justified reasons, such as sick leave, maternity leave, or official trip.

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### 8 Substitution Mechanism

- 8.1 For substitution, any absence from the Selection Committee will be replaced directly by the respective supplementary members as approved by the relevant authority.
- 8.2 For special circumstances, member shall be nominated by Rector / Vice Rector from other units.

### 9 Recusal System

- 9.1 Members must declare to the Chairperson of the Selection Committee any possibility of conflict of interest prior to the selection process.
- 9.2 Members are advised to read the following relevant documents:
  - Item 1 of Article 46 of “Code of Administrative Procedure”
  - Article 279 of “Status of Civil Servants in Macao”
  - [Internal Guidelines for Personal Integrity Conduct \(Document code: ADMO-HRS.10/201603/515\)](#)
  - Working Guidelines for Selection Committee (please refer to the Appendix)

### 10 Regular Training

- 10.1 Procurement Section of Office of Administration organizes trainings and review meetings on the selection procedure regularly.
- 10.2 The relevant guidelines and documents can be accessed via [ADMO home page](#).
- 10.3 Any questions from the members of the Selection Committee can be directed to the Procurement Section at [pct\\_grp@umac.mo](mailto:pct_grp@umac.mo).

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### Appendix

#### Working Guidelines for Selection Committee

1. All tenders shall be assessed under the principles of fairness, impartiality, objectiveness and confidentiality.
2. Before the selection process, members of the Selection Committee are obliged to go through and fully understand the law and regulations of the avoidance system<sup>1</sup> and obligation of confidentiality<sup>2</sup>, and then sign the respective declaration of acknowledgement.
3. Committee members shall not have personal contact with, nor receive any property or benefits from any bidders or people who have direct or indirect interests with the bidding result.
4. Committee members should actively avoid conflict of interest. Should there be circumstances which may lead to reasonable doubt about one's impartiality and integrity, the committee member should report to the Chairperson, who will decide whether avoidance is necessary.
5. All matters and documents related to the tenders should be kept confidential, especially during the tender process.
6. The Chairperson of the Selection Committee is responsible for the coordination and organization of the evaluation of tenders, with support from the secretary, who usually comes from the requesting unit.

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<sup>1</sup> Law and regulations related to avoidance system:

- a) Item 1 of Article 46 of "Code of Administrative Procedure"
- b) Internal Guidelines for Personal Integrity Conduct (p.18-22)

<sup>2</sup> Law and regulations related to obligation of confidentiality:

- a) Article 279 of "Status of Civil Servants in Macao"
- b) Internal Guidelines for Personal Integrity Conduct (p.23-25)

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7. Committee members shall follow strictly the requirements stated in tender dossier and legal regulations, and conduct the tender evaluation in a manner that is objective, fair and accountable.
8. The Selection Committee shall examine seriously the tender's dossiers and the documents received during the process of bidding, special attention is required for the following contents:
  - 8.1. The subject matter of the tendering;
  - 8.2. The nature and scope of the tender items, the written records of the tender opening, clarifications, explanations and Q & A booklets;
  - 8.3. The principal technical requirements, remarkable matters and standards set out in the tender's dossiers;
  - 8.4. The criteria and methods of evaluation, the purpose and essentials of the tendering, as well as the relevant consideration in the evaluation process.
9. Prior to opening a tender, the Selection Committee shall formulate the method of calculation for each item, in accordance with the agreed criteria of evaluation, and record it in writing.
10. During the tender evaluation process, the Selection Committee shall report any incomplete tenders to the Procurement Section of Office of Administration, which is responsible for the tendering, and record the fact accordingly.
11. The Selection Committee shall progress systematic evaluation and comparison in accordance with the criteria of selection in the tender dossiers, as well as the method of calculation, which is formulated under the Working Guidelines no.9. Any evaluation criteria that are not included in the tender dossiers should not be taken as the basis of evaluation.
12. The Selection Committee shall adopt consistent and coherent criteria and methods for the evaluation of all tender items.

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13. If any dispute arises during the evaluation process, the Selection Committee can request assistance from relevant departments of expertise according to actual circumstances, to obtain necessary professional advice.
  14. The Selection Committee shall clarify all unclear issues before making a final result.
  15. The decision of the Selection Committee is made via voting by simple majority. No abstention is allowed.
  16. If there is any suspected illegal or rule-breaking behaviour, the Committee shall record it in the tender evaluation report in detail with evidence, and inform the Procurement Section of Office of Administration immediately. PCT shall report the case to the University Management.
  17. The tender evaluation report, which is written by the Chairperson of the Selection Committee or any member assigned by the Chairperson, should be a factual account of the following items:
    - 17.1. Basic information and data sheets;
    - 17.2. Member list of the Selection Committee;
    - 17.3. Checklist of all qualified tender documents;
    - 17.4. Detailed explanations for disqualified tenders;
    - 17.5. Checklist of the evaluation criteria and methods;
    - 17.6. Comparative Table of the scores of the tenders;
    - 17.7. Justification for exceptionally low / “0” marks given;
    - 17.8. The evaluation result sorted by ranking;
    - 17.9. Preferred tenderer and awarded amount;
    - 17.10. Summary of clarifications, illustrations and amendments of issues.
  18. The tender evaluation report has to be signed by all committee members. Committee members who oppose the decision of the evaluation can state their ideas and reasons in writing, and attach them together with the tender evaluation report. For members

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who refuse to sign on the assessment report without stating their opinions and reasoning, the Selection Committee shall explain and record it in writing.

19. A check list for selection process with explanatory notes has been attached as a practical guide and reference for the selection committee (please refer to [ADMO website](#) for the Check list for selection process).

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### 1 目的

為評標委員會的成立提供基本指引。

### 2 範疇

評標委員會主要對公開招標及書面諮詢之採購項目進行評審，但經適當配合後，直接磋商之項目亦可適用。

### 3 組成評標委員會之一般規條

- 3.1 評標委員會應至少由三名成員組成（宜為奇數）。
- 3.2 倘採購項目的估計金額等於或超過澳門幣五十萬元正，評標委員會須至少由五名成員組成。
- 3.3 評標委員會成員不應被安排擔任採購程序其他階段的工作（特別是開啟報價單/標書階段），以確保不致造成由相同人員操控採購程序的情況發生，減低“人為”因素在相關階段的影響。

### 4 評標委員會的組成

- 4.1 倘採購項目的估計金額少於澳門幣五十萬元正，評標委員會須至少由一名主席及兩名成員組成。
- 4.2 倘採購項目的估計金額等於或超過澳門幣五十萬元正，評標委員會須至少由一名主席及四名成員組成。
- 4.3 倘採購項目的估計金額等於或超過澳門幣一千二百萬元正，主席須由獨立之副校長擔任。
- 4.4 倘採購項目的估計金額少於澳門幣一千二百萬元正，主席須為獨立之部門附屬單位主管或以上職級之人員。主席不可以由申請部門或用家部門之人員擔任。

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4.5 當採購項目的估計金額少於澳門幣五十萬元正，評標委員會成員須包括以下(a)至(d)項其中兩個類別的代表；當採購項目的估計金額等於或超過澳門幣五十萬元正，評標委員會成員須包括以下(a)至(d)項每一類別的代表；如因角色上的衝突而未能按上述建議方案組成評標委員會，餘下的成員則以(e)項的方法而訂定。

- (a) 申請部門；
- (b) 用家部門；
- (c) 技術支援部門 (適用於採購資訊科技產品，影音器材，危險物品等)；
- (d) 其他相關範疇的部門；
- (e) 由行政主任或以上職級的人員名單中隨機抽出。

4.6 評標委員會秘書須由申請部門或用家部門之人員擔任。

## 5 角色與責任

- 5.1 主席 (主席及具投票權的成員) - 協調整個評審過程並確保其恰當性。
- 5.2 成員 (具投票權的成員) - 於評審過程中行使應盡的義務。
- 5.3 秘書 (非具投票權的成員) - 為評標委員會提供秘書支援工作。
- 5.4 有需要時，可邀請以下人員擔任顧問：
  - 法律範疇的工作人員
  - 相關的專業人士

## 6 評標委員會之成員比例

- 6.1 各用家部門只可派出一名代表擔任評標委員會成員。
- 6.2 大型的評標會議可免除上點所述之限制。倘得到校長或副校長的認可，評標委員會之成員比例可作出調整。

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### 7 義務

- 7.1 評標委員會成員在接受委任前，須確保其工作日程能配合日後的評標工作。
- 7.2 評標委員會之成員身分由具權限實體所批核，成員有責任完成被指派的工作。評標委員會成員務必出席所有會議及參與整個評審過程，有合理理由缺席者除外（如因病缺勤、因成為母親而缺勤或公幹）。

### 8 替補機制

- 8.1 倘任何成員缺席會議，將按照經有權限實體批准之評標委員會組成名單由相應的後補成員替補。
- 8.2 在特別情況下，替補成員須由校長或副校長從其他單位中任命。

### 9 迴避機制

- 9.1 評標委員會成員之身份倘與有關的任何投標書出現利益衝突的情況，成員必須於標書被評標委員會評審前向主席作出申報。
- 9.2 建議成員於確定被委任時細閱以下文件：
- 《行政程序法典》第 46 條第一款
  - 《公共行政工作人員通則》第 279 條
  - 《澳門大學內部廉潔守則》([文件編號：ADMO-HRS.10/201603/515](#))
  - 《評標委員會工作守則》

### 10 定期培訓

- 10.1 行政部採購處會定期舉辦與評標程序相關之培訓及檢討會議。
- 10.2 有關的指引及文件可於[行政部網頁](#)查閱。

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10.3 倘評標委員會成員對評標工作有任何疑問，可與採購處聯絡 ([pct\\_grp@umac.mo](mailto:pct_grp@umac.mo))。

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### 附件

#### 《評標委員會工作守則》

1. 評標工作須遵循公平、公正、客觀及保密等原則。
2. 評標委員會成員在評標工作開始前有責任知悉及了解迴避制度<sup>1</sup>及保密義務<sup>2</sup>之法例及規定，並須簽署相關聲明書。
3. 評標委員會成員不得與任何投標人或與評標結果有直接或間接利害關係的人進行私下接觸，亦不得收受投標人或其他利害關係人的財物或其他利益。
4. 評標委員會成員須遵守自行迴避之制度；若出現有理由使人懷疑評標委員會成員是否公正無私的情況，有關成員應向主席報告並由主席決定是否需要迴避。
5. 有關招標的一切事項及文件必須保持機密，尤其在招標過程中。
6. 評標委員會主席負責協調、組織評審標書的活動，有關工作由申請採購之部門同事出任秘書以協助處理。
7. 評標委員會成員應嚴格遵守招標案卷及相關法例的規定，以客觀、公正和負責任的態度進行評審標書的工作。
8. 評標委員會應當認真研究招標案卷及於招標過程中接收的各項文件，尤其須特別注意以下內容：
  - 8.1 招標的標的；
  - 8.2 招標項目的範圍和性質、開標筆錄、澄清、說明及答疑書；
  - 8.3 招標案卷中規定的主要技術要求、注意的事項和標準；
  - 8.4 招標案卷中規定的評標標準、評標方法、招標目的及要點，以及評標過程中需考慮的相關因素。
9. 評標委員會須於開標前按已訂定的評標標準，具體制定各項目的計分方法，並以書面紀錄。
10. 在評標過程中，如有發現標書資料不齊全的情況，評標委員會應向負責招標之行政部 — 採購處報告，並將有關事實記錄。

<sup>1</sup> 《行政程序法典》第 46 條第一款及澳門大學內部廉潔守則之迴避制度(p.18-22)

<sup>2</sup> 《公共行政工作人員通則》第 279 條及澳門大學內部廉潔守則之保密義務(p.23-25)

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11. 評標委員會須根據招標案卷規定的評標標準，以及按第九點而制定的計分方法進行有系統的評標和比較。招標案卷中沒有規定的評分標準不得作為評標的依據。
12. 評標委員會對所有招標項目均須採用一致及連貫的評標標準及評標方法進行評審。
13. 如在評標過程中出現任何爭議，評標委員會可因應實際情況向相關領域具專業知識之部門要求提供協助，以取得所需的專業意見。
14. 在作出最終評審結果前，評標委員會須確保解決所有不清晰的問題。
15. 評標委員會的決議取決於表決之多數，且任何成員均不得投棄權票。
16. 如發現任何涉嫌違法、違規行為，評標委員會應當在評標報告中作出詳細記錄及提出倘有的證據，並須即時通知行政部 —— 採購處，由其向大學管理層報告。
17. 由評標委員會主席或其指定的其他評委撰寫之評標報告，應當如實記載以下內容：
  - 17.1 基本情況和資料表；
  - 17.2 評標委員會之成員名單；
  - 17.3 符合要求的標書一覽表；
  - 17.4 廢標情況之詳細解釋；
  - 17.5 評標標準、評標方法一覽表；
  - 17.6 經評審的標書的評分比較表；
  - 17.7 項目被予以偏低分數或零分之詳細解釋；
  - 17.8 經評審的評標結果以排序方式列明；
  - 17.9 建議判給的投標人及金額；
  - 17.10 澄清、說明、補正事項之紀要。
18. 評標報告須由全體評標委員成員簽署。對評標結果持有異議的評標委員會成員可以書面方式闡述其不同意見和理由，並附於評標報告。倘評標委員會成員拒絕簽署評標報告且不陳述其不同意見和理由，評標委員會應當對此作出書面解釋並記錄在案。
19. 評標委員會可參考“評標程序核對表”之實務性指引及步驟進行評標（請參閱[行政部網頁](#)關於評標程序核對表 - Check list for selection process）。