

# Legal Fundamentals of TENDERING

During tendering, there is in existence a ‘process’ contract regulating rights and obligations of all involved. However, the law and process of tendering are getting more and more sophisticated. Thus, the guiding principles have to be properly understood for managing commercial risks and keeping contracts out of troubles.

This seminar is tailored for non-lawyers, such as government officials, business owners, directors, chief executives, managers and professionals, and provides a comprehensive yet practical roadmap to the legal principles regulating the tendering process for enabling the direct application to their daily work situations. By reviewing recent insightful cases, the legal principles and their implications in practice upon the effective management of the tendering process are examined and shared. Further, it goes on to outline the key challenges and areas that those involved need to be specifically alerted to.

## CONTENT

- Principles and processes of public procurement
- Inviting to tender and tendering
- Formation and content of ‘process’ contract
- Acceptance of tenders: letter of intent; ‘subject to contract’; qualified tenders
- Withdrawal of tenders: stated period of validity; termination of offer
- Tender queries dos and don’ts
- Mistakes in tenders
- Disqualifying tenders
- Judicial review and legal challenges of public procurement
- Situation discussion / case study exercises

Date & Time: 15<sup>th</sup> October 2015 (Thursday) 9:30a.m. - 5:00p.m.  
 Fee: HK \$1,500  
 Venue: 19/F., K. Wah Centre, 191 Java Road, North Point, Hong Kong  
 Language: Cantonese with English handouts

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香港法律培訓學院  
Hong Kong Legal Training Institute

Trainer: **Mr. Oscar Tan, Barrister-at-law & Accredited Mediator**

Profile: Mr. Tan has been practicing mediation since 2006. He has mediated disputes in relation to investment products, commercial matters, building management, insurance, construction, probate and discrimination, etc. He has served extensively in various mediation organizations, including the Law Society of Hong Kong as the Mediation Coordinator, as Senior Mediator of the Financial Dispute Resolution Centre, Assistant Honorary Secretary of the Joint Mediation Helpline Office and the Mediation Executive Officer of the Hong Kong International Arbitration Centre, providing secretarial service to various committees and working groups of HKLTI.

Trainer: **Mr. Duncan Ho, Barrister-at-law & Accredited Mediator**

Profile: Mr. Ho worked as a civil engineer in one of the largest civil and structural engineering consultants in Hong Kong gaining both design and on site experience. He entered the business world thereafter and obtained extensive cross-border commercial experience in a semiconductor company. Mr. Ho started his legal career as a paralegal and handled many litigation and contentious Intellectual Property matters in two of the largest international law firms. He was called to the Bar in 2014 after serving his pupillage with Mr. John Yan, S.C., Mr. Erik Shum, Mr. Gary Soo and Mr. Bruce Tse. Mr. Ho also possesses a Master Degree in Arbitration and Dispute Resolution.

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 19/F., K. Wah Centre, 191 Java Road, North Point, Hong Kong 香港北角渣華道191號嘉華國際中心19樓 Tel (電話) : (852) 2202 9111 Fax (傳真) : (852) 2202 9222