| Clause | | Remarks/Guidelines |
| --- | --- | --- |
| **GCT 22 Contractors under suspension** | | |
| (1)  (2) | If the tenderer or, if the tenderer is an unincorporated or incorporated joint venture, any participant of the unincorporated joint venture or shareholder of the incorporated joint venture is under suspension from tendering for Buildings\* / Port Works\* / Roads and Drainage\* / Site Formation\*/ Waterworks\* category of the List of Approved Contractors for Public Works (“the List”) (see Note 1), its tender will not be considered unless the suspension is lifted by the relevant works department or the Development Bureau by the date set for the close of tender, or if this has been extended, the extended date.  If the tenderer or, if the tenderer is an unincorporated or incorporated joint venture, any participant of the unincorporated joint venture or shareholder of the incorporated joint venture is under voluntary suspension from tendering for Buildings\* / Port Works\* / Roads and Drainage\* / Site Formation\*/ Waterworks\* category of the List (see Note 1) at the date of tender invitation but subsequently revokes the voluntary suspension without agreement in writing from either the relevant works department or the Development Bureau, its tender will not be considered. | Ref: DEVB TC(W) No. 5/2023.  This clause is designed for inputting one service category only. If a project requires invitation of contractors from more than one service category on the List of Approved Contractors for Public Works, DEVB and LAD(W) will have to be consulted on the non-standard amendments.  For tenders adopting open tendering procedures, if the project requires more than one service category on the List of Approved Contractors for Public Works or the List of Approved Suppliers of Materials and Specialist Contractors for Public Works to be included in this clause, DEVB and LAD(W) will have to be consulted on the non-standard amendments.  Note 1: Insert the appropriate description in the event that the contract is invited from the List of Approved Suppliers of Materials and Specialist Contractors for Public Works.  \* Delete as appropriate. |
| (3) | In addition to sub-clauses (1) and (2) above, where the tenderer or, if the tenderer is an unincorporated or incorporated joint venture, any participant of the unincorporated joint venture or shareholder of the incorporated joint venture, is –   1. under suspension from tendering for all categories of the List pursuant to paragraphs 5.2.3(c)(i) or 5.2.3(c)(vi) of the Contractor Management Handbook (“CMH”); or 2. under suspension from tendering for Buildings\* / Port Works\* / Roads and Drainage\* / Site Formation\*/ Waterworks\* category of the List (see Note 1) arising from “poor site safety record in a category” specified in paragraph 5.2.3(d)(ii) of the CMH or the occurrence of a serious incident or conviction of site safety offences pursuant to DEVB Technical Circular (Works) Nos. 4/2022, 5/2023 and their subsequent updated versions,     and if the aforesaid suspension is in force at any point of time between (i) the date set for close of tender or if this has been extended, the extended date; and (ii) the date on which this contract is awarded (both dates inclusive), then its tender will not be considered or eligible for award of this contract (see Note 2). | Note 2:  Project Office shall check the status of tenderers, including any participant of the unincorporated joint venture or shareholder of the incorporate joint venture if applicable, in relation to suspension at appropriate junctures of time during the process of tender assessment and tender award. For details of the checking procedures, please refer to Section 7.6 of the Contractor Management Handbook. |