| Clause | | Remarks/Guidelines |
| --- | --- | --- |
| **GCT 31 Eligibility of probationary contractors to tender and for the award of contracts** | | |
| (1) | A tender submitted by a contractor who is on probation in the category(ies), class(es) and/or group(s) specified in the tender invitation will be considered as non-conforming if, at the date set for the close of tender or, if this has been extended, the extended date:  (a) the number and/or value of contracts or works that it holds (also counting this contract and its corrected forecast total of the Prices\* / its corrected Total Value for Tender Assessment (TVTA)\* / its Estimated Total Expenditure\*) exceeds the limits on number and/or value of contracts or works in the relevant category, class and group as stipulated in the then current version of the Contractor Management Handbook (the “**Limits**”); or  (b) it is otherwise ineligible to tender according to the then current version of the Contractor Management Handbook (the “**CMH**”). | DEVB memo ref. DEVB(W) 546/83/01 dated 10.8.2011  and  DEVB’s memo ref. DEVB(W) 510/83/05 dated 14.7.2020  This clause is not applicable for tenders adopting open tendering procedures.  \* Delete as appropriate. |
| (2) | A tenderer who is on probation in the category(ies), class(es) and/or group(s) specified in the tender invitation will not be eligible for award of this contract if, at the date when the tender report is completed and signed for submission to the relevant authority for determination of the contract award:  (a) the number and/or value of contracts or works that it holds (also counting this contract and its corrected forecast total of the Prices\* / its corrected Total Value for Tender Assessment (TVTA)\* / its Estimated Total Expenditure\*) exceeds the Limits; or  (b) it is otherwise ineligible for the award of this contract according to the version of the CMH current at the date set for close of tender or, if this has been extended, the extended date. | \* Delete as appropriate. |
| (3) | In counting the number and/or value of contracts or works that a tenderer holds under sub-clauses (1)(a) and (2)(a) above, only the joint venture contract(s) held by the tenderer of which it is the lead participant or major shareholder will be counted.  For the purpose of this sub-clause (3):   1. Lead participant means a participant of an unincorporated joint venture who has the highest percentage participation in the joint venture; and 2. Major shareholder means a shareholder of an incorporated joint venture who has the highest percentage participation in the joint venture. | Refer to DEVB’s memo ref. DEVB(W) 510/83/05 dated 14.7.2020 |
| (4) | Tenderers should note that where:   1. a probationary contractor has submitted tenders (including a tender for this contract) and attained the highest combined scores for more than one contract (including this contract) in the same category, class and group; and 2. if the award of these contracts are determined at the same time but the award of two or more of these contracts to that probationary contractor will exceed the Limits,   the *Client* shall be entitled to determine which contract(s) is/are to be awarded to that probationary contractor on the basis of a combination of tender awards of these contracts that would cost least to the *Client*. | Refer to DEVB’s memo ref. DEVB(W) 510/83/05 dated 14.7.2020 |