| Clause | Remarks/Guidelines |
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| **GCT 28 Statement of convictions under the Employment Ordinance (Cap. 57)** |
| (1) | A tender will not be considered if, during the 12-month period prior to the date set for the close of tender, or if this has been extended, the extended date, the tenderer has had three or more convictions in respect of separate incidents under the Employment Ordinance (Cap. 57) on any site under the tenderer’s control, whether or not it has been formally suspended as a result of such convictions. If the tenderer is an unincorporated or incorporated joint venture, the tender will not be considered if any participant of the unincorporated joint venture or shareholder of the incorporated joint venture has had three or more such convictions during the 12-month period, whether or not that participant or shareholder has been formally suspended as a result of such convictions. | Ref. ETWB TCW No. 10/2004 and Clause 5.7.1 of the Contractor Management Handbook, with modifications in accordance with the definition in GCT 1(b). |
| (2) | The tenderer shall submit, subject to General Conditions of Tender Clause GCT 25/ with the tender\*\*, either a statement of all convictions under the Employment Ordinance (Cap. 57) for all sites under its control (whether they are sites under public or private contracts) during the 12-month^ period prior to the date set for the close of tender, or if this has been extended, the extended date, the details of which shall include the legislation violated, dates of offences, dates of convictions and the associated fine imposed by the court, site addresses, contract numbers and contract titles, or a statement of “no conviction”. The statement shall be certified by a person authorized to sign Government contracts on the tenderer’s behalf #[, or in case of EMSTF’s tender, a person authorized to sign the Service Level Agreement]. | \*\* Delete as appropriate for Formula Approach / Marking Scheme tender evaluation.^ [or other period specified by the *Project Manager* where appropriate to cope with the assessment period for tender evaluation using the Marking Scheme.]# For use in tenders which EMSTF is eligible to bid |
| (3) | If the tenderer is an unincorporated or incorporated joint venture, each participant of the unincorporated joint venture or shareholder of the incorporated joint venture shall submit such a statement separately. |  |
| (4) | Where the tenderer (including shareholders and participants in joint ventures) is a company it shall disclose any change of name made during the period of twelve months^ prior to the date set for the close of tender, or if this has been extended, the extended date, and shall include in its statement of all convictions any conviction recorded under any previous name. | ^ [or other period specified by the *Project Manager* where appropriate to cope with the assessment period for tender evaluation using the Marking Scheme.] |
| #(5) | For tenders submitted by EMSTF, the letters of “non-compliance” issued by the relevant regulatory authorities shall also be treated as conviction records. | # For use in tenders which EMSTF is eligible to bid |