| Clause | | Remarks/Guidelines |
| --- | --- | --- |
| **GCT 31A Eligibility to tender and for the award of contracts applicable to confirmed Group [B]Note 1 contractors** | | |
| (1) | Where a tender is submitted by a confirmed Group [B]Note 1 contractor in the category(ies) and group(s) specified in the tender invitation:-  (a) The rules on the eligibility to tender and for the award of contract for probationary Group [C]Note 2 contractors and the limits on the number and/or values of contract or works that may be undertaken by probationary Group [C]Note 2 contractors in the relevant category, all as set out in the Contractor Management Handbook (the “CMH”), shall apply to the confirmed Group [B]Note 1 contractor. The eligibility shall be checked at the date set for the close of tender or, if this has been extended, the extended date and at the date when the tender report is completed and signed for submission to the relevant authority for determination of the contract award in accordance with sub-clauses (1)(b) and (1)(c).  (b) The submitted tender 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:  (i) the number and/or the value of Group [C]Note 2 contracts or works that it holds (also counting the contract and its corrected forecast total of the Prices) exceeds the limits on number and/or value of contracts or works in the relevant category applicable to probationary Group [C]Note 2 contractors as stipulated in the then current version of the CMH (the “**Group [C]Note 2 Limits**”); or  (ii) it is otherwise ineligible to tender, whether as a confirmed Group [B]Note 1 or a probationary Group [C]Note 2 contractor, according to the then current version of the CMH.  (c) The tenderer will not be eligible for award of the 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:  (i) the number and/or value of Group [C]Note 2 contracts or works that it holds (also counting the contract and its corrected forecast total of the Prices) exceeds the Group [C]Note 2 Limits; or  (ii) it is otherwise ineligible for the award of the contract, whether as a confirmed Group [B]Note 2 or a probationary Group [C]Note 2 contractor, 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,  in which case its tender shall still be considered to be a conforming tender for the purposes of tender assessment under \*the marking scheme at Annex [ ] / the formula approach set out in the Notes to Tenderers NTT Clause [ ]. | DEVB memos ref. DEVB(W) 510/33/02 dated 31.8.2020 and 8.8.2022.  \* Delete as appropriate. |
| (2) | Notwithstanding Special Conditions of Tender Clause [5]Note 3 and in assessing whether a participant or shareholder in a joint venture (whether incorporated or unincorporated) is technically capable of undertaking the part of the *works*, the participant or shareholder who is a confirmed Group [B]Note 1 contractor will be assessed as if it is a probationary Group [C]Note 2 contractor. The participant or shareholder will be considered as technically capable of undertaking the part of the *works*, if the forecast value of works to be undertaken does not exceed the Group [C]Note 2 Limits. If this participant or shareholder wishes to take up works in excess of the Group [C]Note 2 Limits, the provisions in Special Conditions of Tender Clause 5(6)(d)Note 3 shall apply. |  |
| (3) | In counting the number and/or the value of contracts or works that a tenderer holds under sub-clauses (1)(b) and (1)(c), 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. |  |
| (4) | Tenderers should note that where:   1. a confirmed Group [B]Note 1 contractor has submitted tenders (including a tender for the contract) and attained the highest combined scores for more than one Group [C]Note 2 contract (including the contract) in the same category; 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 contractor will exceed the Group [C]Note 2 Limits,   the *Client* shall be entitled to determine which contract(s) is/are to be awarded to that contractor on the basis of a combination of tender awards of these contracts that would cost least to the *Client*. |  |

**Notes:**

**Note 1** Please insert the appropriate group as follows:

| **Contract** | **Group** |
| --- | --- |
| Works contract (other than term contract) with pre-tender estimate more than the Group A tender limit but less than or equivalent to 110% of the Group A tender limit | Group A |
| Works contract (other than term contract) with pre-tender estimate more than the Group B tender limit but less than or equivalent to 110% of the Group B tender limit | Group B |

**Note 2** Please insert the appropriate group as follows:

|  |  |
| --- | --- |
| **Contract** | **Group** |
| Works contract (other than term contract) with pre-tender estimate more than the Group A tender limit but less than or equivalent to 110% of the Group A tender limit | Group B |
| Works contract (other than term contract) with pre-tender estimate more than the Group B tender limit but less than or equivalent to 110% of the Group B tender limit | Group C |

**Note 3**

SCT 5 (Contractors’ Joint Venture) in the Library of Standard Special Conditions of Tender.