| Clause | Remarks/Guidelines |
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| **SCT 12 Statement Of Convictions Under The Factories And Industrial Undertakings Ordinance (Cap. 59), The Occupational Safety And Health Ordinance (Cap. 509), The Shipping And Port Control Ordinance (Cap. 313), The Merchant Shipping (Local Vessels) Ordinance (Cap. 548), The Air Pollution Control Ordinance (Cap. 311), The Noise Control Ordinance (Cap. 400), The Waste Disposal Ordinance (Cap. 354), The Water Pollution Control Ordinance (Cap. 358), The Dumping At Sea Ordinance (Cap. 466), The Ozone Layer Protection Ordinance (Cap. 403), The Land (Miscellaneous Provisions) Ordinance (Cap. 28), The Environmental Impact Assessment Ordinance (Cap. 499) and The Hazardous Chemicals Control Ordinance (Cap. 595)** |
| (1) | The tenderer shall submit with the tender, either a statement of “no conviction” or a statement of all convictions for site safety and environmental offences under the Factories and Industrial Undertakings Ordinance (Cap. 59), the Occupational Safety and Health Ordinance (Cap. 509), the Shipping and Port Control Ordinance (Cap. 313), the Merchant Shipping (Local Vessels) Ordinance (Cap. 548), the Air Pollution Control Ordinance (Cap. 311), the Noise Control Ordinance (Cap. 400), the Waste Disposal Ordinance (Cap. 354), the Water Pollution Control Ordinance (Cap. 358), the Dumping at Sea Ordinance (Cap. 466), the Ozone Layer Protection Ordinance (Cap. 403), the Land (Miscellaneous Provisions) Ordinance (Cap. 28), the Environmental Impact Assessment Ordinance (Cap. 499) and the Hazardous Chemicals Control Ordinance (Cap. 595) for each site during the period of [ ]\* months prior to the date set for the close of tender, or if this has been extended, the extended date, based on the date of conviction. The statement of all convictions shall include the legislation contravened, dates of offences, dates of convictions and the associated fine imposed by the court, site addresses, contract numbers and contract titles (including sub-contracts where the contractor has acted as a sub-contractor). 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.] | This Clause is extracted from DEVB TCW No. 5/2023. It is only needed if Marking Scheme Approach is used.# For use in tenders which EMSTF is eligible to bid |
| (2) | If the tenderer is a joint venture, each participant or shareholder of the joint venture shall submit such a statement separately. |  |
| (3) | 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 [ ]\* 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. | \* [Period to be specified by the *Project Manager* where appropriate to cope with the assessment period for tender evaluation. According to the standard marking scheme promulgated under Appendix C1 to DEVB TCW No. 4/2014, the 3-year period shall end on the last day of the month preceding the date being 2 months counting back from but exclusive of the original date set for the close of tender, or if this has been extended, the extended date, the period shall be set to 39 months.] |
| #(4) | For tenders submitted by EMSTF, the letters of “non-compliance” issued by the relevant regulatory authorities shall also be treated as conviction records. |  |