| Clause | Remarks/Guidelines |
| --- | --- |
| **SCT 21 Bonus for joint venture with listed contractor in lower group or with probationary status** |
| For the purpose of evaluation of the attribute “Bonus for joint venture with listed contractor in lower group or with probationary status” under attribute [(3)(c)]# of Section [(3)]# of Part [(B)]# of the marking scheme at Appendix *[insert appropriate reference]* to the Notes to Tenderers, the joint venture tenderer, for fulfilling the requirement [(v)]# referred to in the attribute [(3)(c)]#, if applicable,shall submit with its tender a declaration in the form set out in Appendix *[insert appropriate reference]* to these Special Conditions of Tender.  | DEVB’s memo ref. DEVB(W) 546/84/01 dated 18.8.2023. Applicable to tenders invited from Group C contractors of the List of Approved Contractors for Public Works only. Not applicable for open tendering or where tenders are invited from contractors other than Group C contractors enlisted in any category of the List of Approved Contractor for Public Works. Also not applicable for tenders invited from both Group B contractors and Group C contractors.*#* Insert appropriate reference  |

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| **Appendix [ ]**To: The Government of the Hong Kong Special Administrative Region ("**Government**")Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Dear Sir/Madam,Contract No.: [ ]Title: [                                                         ]1. \*[I/We], the tenderer, [(name of the tenderer) of (address of the tenderer)]1, refer to [my/our] tender submitted for the above contract.2. \*[I/We] confirm that, each of the following participant(s) / shareholder(s) in the joint venture:1. has/have no holding-subsidiary relationship with the lead participant / major shareholder in the joint venture; and
2. is/are not related parties of the lead participant / major shareholder in the joint venture.

|  |  |
| --- | --- |
| No. | Name |
| 1 | (Name of participant /shareholder in lower group(s) or with probationary status) (i.e. the JV Participant/shareholder as referred to in the requirement [(iii)]# of attribute [(3)(c)] # under Section [(3)]# of Part [(B)]# of the marking scheme at Appendix *[insert appropriate reference]* to the Notes to Tenderers) |

3. The meaning of holding-subsidiary relationship and related parties are stated in sub-clauses (2) and (2A) of General Conditions of Tender [GCT 29]. 4. \*[I/We] shall indemnify and keep indemnified the Government against all losses, damages, costs or expenses arising out of or in relation to any breach of any of the representations and/or warranties above, including but not limited to damages for delay, costs and expenses of re-tendering and other costs incurred.5. \*[I/We] understand that the information declared above is used for the purpose of assessing [my/our] tender submitted for the above contract and is subject to verification checking. \*[I/We] agree that the information provided in this declaration may be disclosed to third parties for verification purposes.Signed for and on behalf of [name of the tenderer] by [name and position of the signatory]2: Name of Witness:  Signature of Witness:  Occupation:   | \* Delete as appropriate. *#* Insert appropriate reference1 Where the tenderer comprises two or more persons or companies acting in partnership, joint venture or otherwise, this part in square brackets should be expanded to include the respective names and addresses of such persons or as the case may be companies.2 Where the tenderer comprises two or more persons or companies acting in partnership, joint venture or otherwise, all such persons or as the case may be companies must sign. The signatory for each of such persons or companies shall be a person authorized to sign Government contracts on behalf of that person or as the case may be company. |