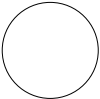


MEMO

From Secretary for Development
Ref. *In* DEVB(W)520/83/01
Tel. No. 3509 8335 *Fax. No.* 2524 9308
E-mail thomashui@devb.gov.hk
Date 4 April 2018



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**WBTC No. 13/2001 and 13/2001A
Quality Management System Certification of
Consultants and Contractors for Public Works
Administered by the Works Group of Departments**

**Contract Provisions – Revised Appendices A, B, E, F, G and I to
DEVB's memo of 26 January 2010**

In accordance with WBTC No. 13/2001, consultants and contractors are required to obtain certification of their quality management systems in accordance with ISO 9001:2000 standard (subsequently updated as ISO 9001:2008 standard in DEVB's memo [ref. (025B1) in DEVB(W)520/83/01] dated 26 January 2010). Following the publication of ISO 9001:2015 standard on 15 September 2015, any existing certificates issued to ISO 9001:2008 shall no longer be valid three years after publication of the new standard, i.e. by 15 September 2018.

2. In view of the above, while the Government will still accept ISO 9001:2008 certificates or ISO 9001:2015 certificates before 15 September 2018, only ISO 9001:2015 certificates will be accepted on or after 15 September 2018. As such, the following new contract provisions, which supersede the revised Appendices A, B, E, F, G and I as promulgated in DEVB's memo of 26 January 2010, are provided for immediate implementation:

- i) Statements to be incorporated into the document inviting expression of interest and/or consultancy proposals from consultants (replacing Revised Appendix A to DEVB's memo of 26 January 2010);
- ii) Special Condition of Employment to be incorporated into the Consultancy Agreement (replacing Revised Appendix B to DEVB's memo of 26 January 2010);
- iii) Special Condition of Tender to be incorporated into tender documents for contracts requiring the contractor to have obtained the Certification (replacing

Revised Appendix E to DEVB's memo of 26 January 2010);

- iv) Special Condition of Contract to be incorporated into tender documents for contracts requiring the contractor to have obtained ISO 9000 certification (replacing Revised Appendix F to DEVB's memo of 26 January 2010);
- v) Special Condition of Contract to be incorporated into tender documents for contracts where the main contractor is required to enter into written sub-contracts with the contractors on the categories and/or groups of the Lists shown in Appendix C to WBTC No. 13/2001 (replacing Revised Appendix G to DEVB's memo of 26 January 2010); and
- vi) Special Condition of Tender to be incorporated into tender documents for design and build contracts (replacing Revised Appendix I to DEVB's memo of 26 January 2010).

3. As the provisions will cover both contracts being tendered or those with tenders to be invited, I should be grateful if you could take necessary actions (including issuing tender addenda as far as practicable) to ensure incorporation of the provisions into the new contracts.

4. There are no changes with respect to the policy involved. This memo will be posted on the DEVB's webpage in conjunction with WBTC No. 13/2001 which will be duly updated in due course.

5. Please contact Ms Doris Yau, AS(LS)1, at 3509 8339 should you have any enquires.

(Thomas Hui)
for Secretary for Development

Encl.

Distribution

DArchS

DCED

D of DS

DEMS

D of Hy

DWS

c.c. LAD(W) (Attn: Mr Louie WONG)

D of Housing

Secretary, AACSB

Secretary, EACSB

Internal – please note in file

DS(W)2

PAS(W)4

SEO(PS)

The following statements shall be incorporated into the document inviting expression of interest and/or consultancy proposals from consultants

- (1) The consultant shall submit, together with its expression of interest/consultancy proposal*, a copy of its ISO 9001:2008[#] or ISO 9001:2015 certificate acceptable to the Employer showing the scope of certification and a statement either:
 - (A) confirming that no area/aspect in the consultancy agreement which its quality system specifically excludes; or
 - (B) disclosing the areas/aspects in the consultancy agreement which its quality system specifically excludes.
- (2) Subject to the following paragraphs, submissions from consultants who have not obtained ISO 9001:2008[#] or ISO 9001:2015 certification on or before the date of this invitation may not be considered.
- (3) If the consultant, due to circumstances beyond its control, has not obtained ISO 9001:2008[#] or ISO 9001:2015 certification but a full review of the Quality Manual of its Hong Kong office has been carried out in Hong Kong by a certification body acceptable to the Employer and such Quality Manual has been confirmed by the certification body as being in conformity with the requirements of ISO 9001:2008[#] or ISO 9001:2015 standard on or before the date of this invitation, the submission by the consultant will still be considered provided that the consultant shall undertake in writing if it is awarded the consultancy agreement, to book within three months of the award of the consultancy agreement, the date of audit for the ISO 9001:2008[#] or ISO 9001:2015 certification with the certification body; with detailed documented quality system procedures ready at the time of booking. The booking of the audit shall be a condition precedent to the consultant's entitlement to any payment or any further payment of fees under the consultancy agreement.
- (4) If the consultant whose scope of certification excludes site activities service which is required to be provided by the consultant under the consultancy agreement, its submission will be considered to be non-conforming in respect of the certification requirements. If the consultant can prove to the satisfaction of [name of the department concerned] that such exclusion is due to circumstances beyond its control, the proposal may still be considered to be conforming in respect of the certification requirements provided that the consultant shall undertake in writing that if the consultant is awarded the consultancy agreement, it shall apply within three months of the award of the consultancy agreement to the certification body for revision of its current scope to cover site activities

service; with detailed documented quality system procedures ready at the time of applying for revision. The submission of an application for revision of the scope of its ISO 9001:2008[#] or ISO 9001:2015 certification to cover site activities service shall be a condition precedent to the consultant's entitlement to any payment or any further payment of fees under the consultancy agreement.

- (5) If the consultant is a joint venture, the consultant shall submit, together with its expression of interest/consultancy proposal*, a statement declaring that it shall implement the quality system of one of its participants or shareholders, and specifying which one. The reference to ISO 9001:2008[#] or ISO 9001:2015 certificate, ISO 9001:2008[#] or ISO 9001:2015 certification and Quality Manual referred to in (1) to (4) above shall refer to that of the specified participant or shareholder. The consultant shall also submit a copy of the written notification to the certification body of the specified participant or shareholder that the joint venture shall implement the quality system by the specified participant or shareholder and the written agreement of all participants, or as the case may be, shareholders of the joint venture that the activities of the joint venture shall be subject to the surveillance of the certification body.

* Delete whichever inappropriate

For use before 15 September 2018

Special Condition of Employment to be incorporated into the Consultancy Agreement

SCE 1 [Non-certified consultants]

- (1) Within three months of the award of this Agreement, the Consultant shall book with a certification body acceptable to the Employer, the date of audit for the ISO 9001:2008[#] or ISO 9001:2015 certification; with detailed documented quality system procedures ready at the time of booking. If the Consultant is a joint venture, the certification audit referred to in this sub-clause shall mean that of the participant or shareholder whose quality system shall be implemented by the joint venture as specified in the declaration submitted with the expression of interest/consultancy proposal*.
- (2) Notwithstanding any other provision of this Agreement, compliance with sub-clause (1) of this Clause shall be a condition precedent to the Consultant's entitlement to any payment or any further payment as the case may be under this Agreement.
- (3) Sub-clauses (1) and (2) of this Clause are not applicable if the Consultant or, where the Consultant is a joint venture, its specified participant or shareholder has already obtained ISO 9001:2008[#] or ISO 9001:2015 certification on or before the date of the award of this Agreement.

SCE 2 [Scope of Certification]

- (1) Within three months of the award of this Agreement, the Consultant shall apply to the relevant certification body for revision of its current scope of ISO 9001:2008[#] or ISO 9001:2015 certification to cover site activities service; with detailed documented quality system procedures ready at the time of applying for revision. If the Consultant is a joint venture, the ISO 9001:2008[#] or ISO 9001:2015 certification referred to in this sub-clause shall mean the certification of the participant or shareholder whose quality system shall be implemented by the joint venture as specified in the declaration submitted with the expression of interest/consultancy proposal*.
- (2) Notwithstanding any other provision of this Agreement, compliance with sub-clause (1) of this Clause shall be a condition precedent to the Consultant's entitlement to any payment or any further payment as the case may be under this Agreement.

- (3) Sub-clauses (1) and (2) of this Clause are not applicable if:
- (a) site activities service is not required to be provided by the Consultant under this Agreement; or
 - (b) the scope of ISO 9001:2008[#] or ISO 9001:2015 certification of the Consultant or, where the Consultant is a joint venture, its specified participant or shareholder has already been revised by the relevant certification body to cover site activities service on or before the date of the award of this Agreement.

[#] For use before 15 September 2018

* Delete whichever inappropriate

Special Condition of Tender to be incorporated into tender documents for contracts requiring the contractor to have obtained the Certification

SCT - ISO 9000 Certification for the Contractor

- (1) The tenderer shall, upon written request by the ¹Architect/Engineer designate issued in accordance with General Conditions of Tender Clause 25, submit to the ¹Architect/Engineer/designate:
- EITHER**
- (a) a copy of his ISO 9001:2008[#] or ISO 9001:2015 certificate acceptable to the Employer showing the scope of certification and a statement either:
- (i) confirming that there is no area/aspect in the Contract which his quality system specifically excludes; or
- (ii) disclosing the areas/aspects in the Contract which his quality system specifically excludes.
- OR**
- (b) where the tenderer due to circumstances beyond his control has not obtained ISO 9001: 2008[#] or ISO 9001:2015 certification:
- (i) a copy of the confirmation from a certification body acceptable to the Employer, stating that a full review of the Quality Manual of the tenderer's Hong Kong office has been carried out in Hong Kong and such Quality Manual has been found to be in conformity with the requirements of the ISO 9001: 2008[#] or ISO 9001:2015 standard; and
- (ii) an undertaking that within three months of the acceptance of tender, he would book with the certification body the date of audit for the ISO 9001:2008[#] or ISO 9001:2015 certification; with detailed documented quality system procedures ready at the time of booking.
- (2) Where the tenderer is a joint venture, he shall, upon written request by the ¹Architect/Engineer designate issued in accordance with General Conditions of Tender Clause 25, submit to the ¹Architect/Engineer designate :
- (a) a statement declaring that he shall implement the quality system of one of his participants or shareholders and specifying which one;
- (b) a copy of the written notification to the certification body of the specified participant or shareholder that the joint venture shall

implement the quality system of the specified participant or shareholder and the written agreement of all participants or, as the case may be, shareholders of the joint venture that the activities of the joint venture shall be subject to the surveillance of the certification body; and

- (c)(i) a copy of his specified participant or shareholder's ISO 9001: 2008[#] or ISO 9001:2015 certificate acceptable to the Employer showing the scope of certification and a statement either:

(A) confirming that there is no area/aspect in the Contract which the specified participant or shareholder's quality system specifically excludes; or

(B) disclosing the areas/aspects in the Contract which the specified participant or shareholder's quality system specifically excludes.

OR

- (ii) where the specified participant or shareholder due to circumstances beyond his control has not obtained the ISO 9001:2008[#] or ISO 9001:2015 certification:

(A) a copy of the confirmation from a certification body acceptable to the Employer, stating that a full review of the Quality Manual of the specified participant or shareholder's Hong Kong office has been carried out in Hong Kong and such Quality Manual has been found to be in conformity with the requirements of ISO 9001:2008[#] or ISO 9001:2015 standard; and

(B) an undertaking that within three months of the acceptance of tender, the specified participant or shareholder would book with the certification body the date of audit for the ISO 9001: 2008[#] or ISO 9001:2015 certification; with detailed documented quality system procedures ready at the time of booking.

- (3) The submission under sub-clause (2)(a) of this Special Conditions of Tender, if applicable, shall form part of the Contract.

[#] For use before 15 September 2018

¹ Delete as appropriate

Special Condition of Contract to be incorporated into tender documents for contracts requiring the contractor to have obtained ISO 9000 certification

SCC - ISO 9000 Certification for the Contractor

- (1) Within three months of the acceptance of the Tender, the Contractor shall book with a certification body acceptable to the Employer the date of audit for the ISO 9001:2008[#] or ISO 9001:2015 certification; with detailed documented quality system procedures ready at the time of booking. If the Contractor is a joint venture, the date of audit for the ISO 9001:2008[#] or ISO 9001:2015 certification shall mean that of the specified participant or shareholder in the statement submitted in accordance with SCT [][§].
- (2) Notwithstanding any other provisions in the Contract, compliance with sub-clause (1) of this Clause shall be a condition precedent to the Contractor's entitlement to any payment or any further payment as the case may be under the Contract.
- (3) Sub-clauses (1) and (2) of this Clause are not applicable if the Contractor or, where the Contractor is a joint venture, its specified participant or shareholder has already obtained the ISO 9001:2008[#] or ISO 9001:2015 certification on or before the date of acceptance of the Tender.

[#] For use before 15 September 2018

[§] Insert the clause number of the SCT dealing with ISO 9000 Certification for the Contractor.

Special Condition of Contract to be incorporated into tender documents for contracts where the main contractor is required to enter into written sub-contracts with the contractors on the categories and/or groups of the Lists shown in Appendix C

SCC – ISO 9000 Certification for Sub-contractor

General Conditions of Contract Clause 4 is amended by adding the following:

(7) The approved listed contractor to be engaged in accordance with sub-clause (6) of this Clause for [specify the relevant categories and/or groups of works]:

shall either:

- (a) have obtained an ISO 9001:2008[#] or ISO 9001:2015 certificate acceptable to the Employer with the scope of certification acceptable to the Architect/Engineer; or
- (b)
 - (i) have obtained a confirmation from a certification body acceptable to the Employer, stating that a full review of the Quality Manual of its Hong Kong office has been carried out in Hong Kong and such Quality Manual has been found to be in conformity with ISO 9000 the requirements of the ISO 9001:2008[#] or ISO 9001:2015; and
 - (ii) submit an undertaking to the Engineer that within three months of the execution of the sub-contract, it would book with the certification body the date of audit ISO 9001:2008[#] or ISO 9001:2015 certification; with detailed documented quality system procedures ready at the time of booking.

(8) (a) If the works specified in sub-clause (7) of this Clause are to be carried out by the Contractor itself, in which case the Contractor must be listed in the relevant category and/or group, it shall within three months of the acceptance of Tender, book with a certification body acceptable to the Employer the date of audit for the ISO 9001:2008[#] or ISO 9001:2015 certification, with detailed documented quality system procedures ready at the time of booking. If the respective works are to be carried out through a sub-contract by an approved listed contractor, then the Contractor shall procure that the approved listed contractor shall carry out such booking within three months of execution of the sub-contract.

(b) Notwithstanding any other provisions in the Contract, compliance with sub-clause (8)(a) of this Clause shall be a condition precedent to the Contractor's entitlement to any payment, or any further payment, as the case may be, for the works specified in sub-clause (7) of this Clause under the Contract.

(c) Sub-clauses (8)(a) and (8)(b) of this Clause are not applicable if the Contractor has already obtained ISO 9001:2008[#] or ISO 9001:2015 certification on or before the acceptance of the Tender or, as the case may be, the approved listed contractor has already obtained the ISO 9001:2008[#] or ISO 9001:2015 certification on or before the date of execution of the sub-contract.

[#] For use before 15 September 2018

Special Condition of Tender to be incorporated into tender documents of design and build contracts

SCT - Contractors under suspension

(a) If the tenderer or, if the tenderer is a partnership or an unincorporated or incorporated joint venture, any participant of the partnership or unincorporated joint venture or shareholder of the incorporated joint venture is under suspension from tendering for *any of/all of the following category [or categories] of public works, his tender will not be considered unless the suspension is lifted by the relevant works department or the Development Bureau by the date set for the close of tender, or if this has been extended, the extended date.

[list the category or categories of public works]

Provided that the tender will still be considered if the suspension is due solely to the failure of the tenderer to obtain ISO 9001:2008[#] or ISO 9001:2015 certification.

(b) If the tenderer or, if the tenderer is a partnership or an unincorporated or incorporated joint venture, any participant of the partnership or unincorporated joint venture or shareholder of the incorporated joint venture is under voluntary suspension from tendering for *any of/all of the following category [or categories] of public works at the date of tender invitation but who subsequently revokes the voluntary suspension without agreement in writing from either the relevant works department or the Development Bureau, its tender will not be considered.

[list the category or categories of public works]

Provided that the tender will still be considered if the voluntary suspension is undertaken by the tenderer due solely to its failure to obtain the ISO 9001:2008[#] or ISO 9001:2015 certification.

* Delete whichever is inappropriate

For use before 15 September 2018

MEMO

From Secretary for Development
Ref () in DEVB(W) 520/83/01
Tel. No. 2848 1149
Fax No. 2524 9308
Email jonathan mh leung@devb.gov.hk
Date 26 January 2010

To See Distribution
(Attn :)
Your Ref.
dated
Fax No.
Total Pages 3 + Encl.

WBTC No. 13/2001 and 13/2001A
Quality Management System Certification of
Consultants and Contractors for Public Works
Administered by the Works Group of Departments

Contract Provisions - Appendices A, B, E, F, G and I
and SCT6 – ISO 9000 of ETWB TCW 26/2004

In accordance with WBTC No. 13/2001, consultants and contractors are required to obtain certification of their quality management systems in accordance with ISO 9001:2000 standard. However, following the publication of the ISO 9001:2008 standard on 15 November 2008, any existing certificates issued to ISO 9001:2000 shall not be valid two years after the publication of this new standard, i.e. by 15 November 2010.

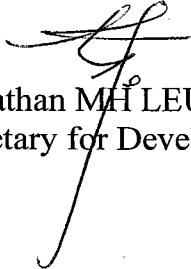
2. In view of the above, while Government will accept ISO 9001:2000 certificates or ISO 9001:2008 certificates before 15 November 2010, only ISO 9001:2008 certificates will be accepted on or after 15 November 2010. As such, the following new contract provisions, which supersede Appendices A, B, E, F, G & I of WBTC No. 13/2001, are provided for immediate implementation. As the provisions will cover both contracts being tendered and those with tenders to be invited, I should be pleased if you can arrange to take necessary actions (including issue of tender addenda as far as practicable) to ensure they are duly incorporated into new contracts.

- Statements to be incorporated into the document inviting expression of interest and/ or consultancy proposals from consultants (*replacing Appendix A of WBTC No. 13/2001*)
- Special Condition of Employment to be incorporated into the Consultancy Agreement (*replacing Appendix B of WBTC No. 13/2001*)

- Special Condition of Tender to be incorporated into tender documents for contracts requiring the contractor to have obtained the Certification (*replacing Appendix E of WBTC No. 13/2001 updated by SCT6-ISO 9000 of ETWB TCW 26/2004*)
- Special Condition of Contract to be incorporated into tender documents for contracts requiring the contractor to have obtained ISO 9000 certification (*replacing Appendix F of WBTC No. 13/2001*)
- Special Condition of Contract to be incorporated into tender documents for contracts where the main contractor is required to enter into written sub-contracts with the contractors on the categories and/ or groups of the Lists shown in Appendix C of WBTC No. 13/2001 (*replacing Appendix G of WBTC No. 13/2001*)
- Special Condition of Tender to be incorporated into tender documents of design and build contracts (*replacing Appendix I of WBTC No. 13/2001A*)

3. There is no change in policy involved. This memo will be posted on the DEVB's webpage in conjunction with WBTC 13/2001 which will be duly updated in due course.

4. Should you require any further information, please contact Mr. M. Y. Tang, AS(WP)6, at 2848 2585.


(Jonathan M.H. LEUNG)
for Secretary for Development

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c.c. LAD(W) (Attention: Mr Tony Tang)

D of Housing

Secretary, AACSB

Secretary, EACSB

Internal

DS(W)2

PAS(W)4

SEO(PS)

Encl.

Revised Appendix A

The following statements shall be incorporated into the document inviting expression of interest and/or consultancy proposals from consultants

- (1) The consultant shall submit, together with its expression of interest/consultancy proposal*, a copy of its ISO 9001:2000[#] or ISO 9001:2008 certificate acceptable to the Employer showing the scope of certification and a statement either:
 - (A) confirming that no area/aspect in the consultancy agreement which its quality system specifically excludes; or
 - (B) disclosing the areas/aspects in the consultancy agreement which its quality system specifically excludes.
- (2) Subject to the following paragraphs, submissions from consultants who have not obtained ISO 9001:2000[#] or ISO 9001:2008 certification on or before the date of this invitation may not be considered.
- (3) If the consultant, due to circumstances beyond its control, has not obtained ISO 9001:2000[#] or ISO 9001:2008 certification but a full review of the Quality Manual of its Hong Kong office has been carried out in Hong Kong by a certification body acceptable to the Employer and such Quality Manual has been confirmed by the certification body as being in conformity with the requirements of ISO 9001:2000[#] or ISO 9001:2008 standard on or before the date of this invitation, the submission by the consultant will still be considered provided that the consultant shall undertake in writing if it is awarded the consultancy agreement, to book within three months of the award of the consultancy agreement, the date of audit for the ISO 9001:2000[#] or ISO 9001:2008 certification with the certification body; with detailed documented quality system procedures ready at the time of booking. The booking of the audit shall be a condition precedent to the consultant's entitlement to any payment or any further payment of fees under the consultancy agreement.
- (4) If the consultant whose scope of certification excludes site activities service which is required to be provided by the consultant under the consultancy agreement, its submission will be considered to be non-conforming in respect of the certification requirements. If the consultant can prove to the satisfaction of [name of the department concerned] that such exclusion is due to circumstances beyond its control, the proposal may still be considered to be conforming in respect of the certification requirements provided that the consultant shall undertake in writing that if the consultant is awarded the consultancy agreement, it shall apply within three months of the award of the consultancy agreement to

the certification body for revision of its current scope to cover site activities service; with detailed documented quality system procedures ready at the time of applying for revision. The submission of an application for revision of the scope of its ISO 9001:2000[#] or ISO 9001:2008 certification to cover site activities service shall be a condition precedent to the consultant's entitlement to any payment or any further payment of fees under the consultancy agreement.

- (5) If the consultant is a joint venture, the consultant shall submit, together with its expression of interest/consultancy proposal*, a statement declaring that it shall implement the quality system of one of its participants or shareholders, and specifying which one. The reference to ISO 9001:2000[#] or ISO 9001:2008 certificate, ISO 9001:2000[#] or ISO 9001:2008 certification and Quality Manual referred to in (1) to (4) above shall refer to that of the specified participant or shareholder. The consultant shall also submit a copy of the written notification to the certification body of the specified participant or shareholder that the joint venture shall implement the quality system by the specified participant or shareholder and the written agreement of all participants, or as the case may be, shareholders of the joint venture that the activities of the joint venture shall be subject to the surveillance of the certification body.

* Delete whichever inappropriate

[#] For use before 15 November 2010

Special Condition of Employment to be incorporated into the Consultancy Agreement

SCE 1 [Non-certified consultants]

- (1) Within three months of the award of this Agreement, the Consultant shall book with a certification body acceptable to the Employer, the date of audit for the ISO 9001:2000[#] or ISO 9001:2008 certification; with detailed documented quality system procedures ready at the time of booking. If the Consultant is a joint venture, the certification audit referred to in this sub-clause shall mean that of the participant or shareholder whose quality system shall be implemented by the joint venture as specified in the declaration submitted with the expression of interest/consultancy proposal*.
- (2) Notwithstanding any other provision of this Agreement, compliance with sub-clause (1) of this Clause shall be a condition precedent to the Consultant's entitlement to any payment or any further payment as the case may be under this Agreement.
- (3) Sub-clauses (1) and (2) of this Clause are not applicable if the Consultant or, where the Consultant is a joint venture, its specified participant or shareholder has already obtained ISO 9001:2000[#] or ISO 9001:2008 certification on or before the date of the award of this Agreement.

SCE 2 [Scope of Certification]

- (1) Within three months of the award of this Agreement, the Consultant shall apply to the relevant certification body for revision of its current scope of ISO 9001:2000[#] or ISO 9001:2008 certification to cover site activities service; with detailed documented quality system procedures ready at the time of applying for revision. If the Consultant is a joint venture, the ISO 9001:2000[#] or ISO 9001:2008 certification referred to in this sub-clause shall mean the certification of the participant or shareholder whose quality system shall be implemented by the joint venture as specified in the declaration submitted with the expression of interest/consultancy proposal*.
- (2) Notwithstanding any other provision of this Agreement, compliance with sub-clause (1) of this Clause shall be a condition precedent to the Consultant's entitlement to any payment or any further payment as the case may be under this Agreement.

(3) Sub-clauses (1) and (2) of this Clause are not applicable if:

- (a) site activities service is not required to be provided by the Consultant under this Agreement; or
- (b) the scope of ISO 9001:2000[#] or ISO 9001:2008 certification of the Consultant or, where the Consultant is a joint venture, its specified participant or shareholder has already been revised by the relevant certification body to cover site activities service on or before the date of the award of this Agreement.

[#] For use before 15 November 2010

* Delete whichever inappropriate

Special Condition of Tender to be incorporated into tender documents for contracts requiring the contractor to have obtained the Certification

- (1) The tenderer shall, upon written request by the ¹Architect/Engineer designate issued in accordance with General Conditions of Tender Clause 25, submit to the ¹Architect/Engineer/designate:
- EITHER
- (a) a copy of his ISO 9001:2000[#] or ISO 9001:2008 certificate acceptable to the Employer showing the scope of certification and a statement either:
 - (i) confirming that there is no area/aspect in the Contract which his quality system specifically excludes; or
 - (ii) disclosing the areas/aspects in the Contract which his quality system specifically excludes.
- OR
- (b) where the tenderer due to circumstances beyond his control has not obtained ISO 9001:2000[#] or ISO 9001:2008 certification:
 - (i) a copy of the confirmation from a certification body acceptable to the Employer, stating that a full review of the Quality Manual of the tenderer's Hong Kong office has been carried out in Hong Kong and such Quality Manual has been found to be in conformity with the requirements of the ISO 9001:2000[#] or ISO 9001: 2008 standard; and
 - (ii) an undertaking that within three months of the acceptance of tender, he would book with the certification body the date of audit for the ISO 9001:2000[#] or ISO 9001:2008 certification; with detailed documented quality system procedures ready at the time of booking.
- (2) Where the tenderer is a joint venture, he shall, upon written request by the ¹Architect/Engineer designate issued in accordance with General Conditions of Tender Clause 25, submit to the ¹Architect/Engineer designate :
- (a) a statement declaring that he shall implement the quality system of one of his participants or shareholders and specifying which one;
 - (b) a copy of the written notification to the certification body of the specified participant or shareholder that the joint venture shall implement the quality system of the specified participant or shareholder and the written agreement of all participants or, as the case may be, shareholders of the joint venture that the activities of the joint venture shall be subject to the surveillance of the certification body; and
 - (c)(i) a copy of his specified participant or shareholder's ISO 9001:2000[#] or ISO 9001: 2008 certificate acceptable to the Employer showing the scope of certification and a statement either:
 - (A) confirming that there is no area/aspect in the Contract which the specified participant or shareholder's quality system specifically excludes; or
 - (B) disclosing the areas/aspects in the Contract which the specified participant

or shareholder's quality system specifically excludes.

OR

(ii) where the specified participant or shareholder due to circumstances beyond his control has not obtained the ISO 9001:2000[#] or ISO 9001:2008 certification:

(A) a copy of the confirmation from a certification body acceptable to the Employer, stating that a full review of the Quality Manual of the specified participant or shareholder's Hong Kong office has been carried out in Hong Kong and such Quality Manual has been found to be in conformity with the requirements of ISO 9001:2000[#] or ISO 9001:2008 standard; and

(B) an undertaking that within three months of the acceptance of tender, the specified participant or shareholder would book with the certification body the date of audit for the ISO 9001:2000[#] or ISO 9001:2008 certification; with detailed documented quality system procedures ready at the time of booking.

(3) The submission under sub-clause (2)(a) of this Special Conditions of Tender, if applicable, shall form part of the Contract.

For use before 15 November 2010

1 Delete as appropriate.

Special Condition of Contract to be incorporated into tender documents for contracts requiring the contractor to have obtained ISO 9000 certification

SCC - ISO 9000 Certification for the Contractor

- (1) Within three months of the acceptance of the Tender, the Contractor shall book with a certification body acceptable to the Employer the date of audit for the ISO 9001:2000[#] or ISO 9001:2008 certification; with detailed documented quality system procedures ready at the time of booking. If the Contractor is a joint venture, the date of audit for the ISO 9001:2000[#] or ISO 9001:2008 certification shall mean that of the specified participant or shareholder in the statement submitted in accordance with SCT [][§].
- (2) Notwithstanding any other provisions in the Contract, compliance with sub-clause (1) of this Clause shall be a condition precedent to the Contractor's entitlement to any payment or any further payment as the case may be under the Contract.
- (3) Sub-clauses (1) and (2) of this Clause are not applicable if the Contractor or, where the Contractor is a joint venture, its specified participant or shareholder has already obtained the ISO 9001:2000[#] or ISO 9001:2008 certification on or before the date of acceptance of the Tender.

[#] For use before 15 November 2010

[§] Insert the clause number of the SCT dealing with ISO 9000 Certification for the Contractor.

Revised Appendix G

Special Condition of Contract to be incorporated into tender documents for contracts where the main contractor is required to enter into written sub-contracts with the contractors on the categories and/or groups of the Lists shown in Appendix C

SCC – ISO 9000 Certification for Sub-contractor

General Conditions of Contract Clause 4 is amended by adding the following:

(7) The approved listed contractor to be engaged in accordance with sub-clause (6) of this Clause for [specify the relevant categories and/or groups of works]:

shall either:

- (a) have obtained an ISO 9001:2000[#] or ISO 9001:2008 certificate acceptable to the Employer with the scope of certification acceptable to the Architect/Engineer; or
- (b)
 - (i) have obtained a confirmation from a certification body acceptable to the Employer, stating that a full review of the Quality Manual of its Hong Kong office has been carried out in Hong Kong and such Quality Manual has been found to be in conformity with ISO 9000 the requirements of the ISO 9001:2000[#] or ISO 9001:2008; and
 - (ii) submit an undertaking to the Engineer that within three months of the execution of the sub-contract, it would book with the certification body the date of audit ISO 9001:2000[#] or ISO 9001:2008 certification; with detailed documented quality system procedures ready at the time of booking.

(8) (a) If the works specified in sub-clause (7) of this Clause are to be carried out by the Contractor itself, in which case the Contractor must be listed in the relevant category and/or group, it shall within three months of the acceptance of Tender, book with a certification body acceptable to the Employer the date of audit for the ISO 9001:2000[#] or ISO 9001:2008 certification, with detailed documented quality system procedures ready at the time of booking. If the respective works are to be carried out through a sub-contract by an approved listed contractor, then the Contractor shall procure that the approved listed contractor shall carry out such booking within three months of execution of the sub-contract.

(b) Notwithstanding any other provisions in the Contract, compliance with sub-clause (8)(a) of this Clause shall be a condition precedent to the Contractor's entitlement to any payment, or any further payment, as the case may be, for the works specified in sub-clause (7) of this Clause under the Contract.

(c) Sub-clauses (8)(a) and (8)(b) of this Clause are not applicable if the Contractor has already obtained ISO 9001:2000[#] or ISO 9001:2008 certification on or

before the acceptance of the Tender or, as the case may be, the approved listed contractor has already obtained the ISO 9001:2000[#] or ISO 9001:2008 certification on or before the date of execution of the sub-contract.

For use before 15 November 2010

Special Condition of Tender to be incorporated into tender documents of design and build contracts

SCT - Contractors under suspension

(a) If the tenderer or, if the tenderer is a partnership or an unincorporated or incorporated joint venture, any participant of the partnership or unincorporated joint venture or shareholder of the incorporated joint venture is under suspension from tendering for *any of/*all of the following category [or categories] of public works, his tender will not be considered unless the suspension is lifted by the relevant works department or the Development Bureau by the date set for the close of tender, or if this has been extended, the extended date.

[list the category or categories of public works]

Provided that the tender will still be considered if the suspension is due solely to the failure of the tenderer to obtain ISO 9001:2000[#] or ISO 9001:2008 certification.

(b) If the tenderer or, if the tenderer is a partnership or an unincorporated or incorporated joint venture, any participant of the partnership or unincorporated joint venture or shareholder of the incorporated joint venture is under voluntary suspension from tendering for *any of/all of the following category [or categories] of public works at the date of tender invitation but who subsequently revokes the voluntary suspension without agreement in writing from either the relevant works department or the Development Bureau, its tender will not be considered.

[list the category or categories of public works]

Provided that the tender will still be considered if the voluntary suspension is undertaken by the tenderer due solely to its failure to obtain the ISO 9001:2000[#] or 9001:2008 certification.

* Delete whichever is inappropriate

For use before 15 November 2010

政府總部
環境運輸及工務局
香港花園道美利大廈



Environment, Transport
and Works Bureau
Government Secretariat
Murray Building, Garden Road,
Hong Kong

Ref. : ETWB(W) 520/82/01
Group : 2, 5, 6

25 May 2004

Environment, Transport and Works Bureau
Technical Circular (Works) No. 13/2001A

**Quality Management System Certification of Consultants and
Contractors for Public Works Administered by
the Works Group of Departments**

Background

In line with the changes brought about by ETWB TC(W) No. 10/2004 on tenderers' eligibility (the abolition of the 40-day rule), corresponding amendments are now being introduced to the subject circular as follows:-

Amendments

2. Appendix I of the subject circular is to be replaced by the "revised" Appendix I attached herewith.

Effective Date

3. This Circular takes effect on all tenders to be invited on or after 1 June 2004.

Effects on Existing Circulars

4. This Circular shall be read in conjunction with WBTC No. 13/2001.

(C S Wai)
Deputy Secretary for the Environment,
Transport and Works (Works) 2

Special Condition of Tender to be incorporated into tender documents of design and build contracts

SCT - Contractors under suspension

(a) If, by the tender closing date, the tenderer or, if the tenderer is a partnership or an unincorporated or incorporated joint venture, any participant of the partnership or unincorporated joint venture or shareholder of the incorporated joint venture is under suspension from tendering for *any of/*all of the following category [or categories] of public works, his tender will not be considered unless the suspension is lifted by the Works Department or the Environment, Transport and Works Bureau by the date set for the close of tender, or if this has been extended, the extended date.

[list the category or categories of public works]

Provided that the tender will still be considered if the suspension is due solely to the failure of the tenderer to obtain ISO 9001:2000 certification.

(b) If, by the tender closing date, the tenderer or, if the tenderer is a partnership or an unincorporated or incorporated joint venture, any participant of the partnership or unincorporated joint venture or shareholder of the incorporated joint venture is under voluntary suspension from tendering for *any of/all of the following category [or categories] of public works at the date of tender invitation but who subsequently revokes the voluntary suspension without agreement in writing from either the works departments or the Environment, Transport and Works Bureau, its tender will not be considered.

[list the category or categories of public works]

Provided that the tender will still be considered if the voluntary suspension is undertaken by the tenderer due solely to its failure to obtain the ISO 9001:2000 certification.

* Delete whichever is inappropriate