



Hong Kong Sports Association for the Physically Disabled

To: Hong Kong Sports Association for the Physically Disabled (HKSAPD)

Dear Sir/ Madam,

Non-Collusive Tendering Certificate Contract No. TER-002-2022 (the “Contract”)

1. We, _____(name of the tenderer) of _____
_____(address of the tenderer) refer to the tender
for the Contract (the “Tender”) and our bid in relation to the Tender.

Non-collusion

2. We represent and warrant that in relation to the Tender:

- (a) Our bid was developed genuinely, independently and made with the intention to accept the Contract if awarded;
- (b) Our bid was not prepared with any agreement, arrangement, communication, understanding, promise or undertaking with any person (including any other tenderer or competitor) regarding:
 - i) prices;
 - ii) methods, factors or formulas used to calculate prices;
 - iii) an intention or decision to submit, or not submit, a bid;
 - iv) an intention or decision to withdraw a bid;
 - v) the submission of a bid that does not conform with the requirements of the tender;
 - vi) the quality, quantity, specifications or delivery particulars of the products or services to which this tender relates; and
 - vii) the terms of the bid,

and we undertake that we will not, prior to the award of the Contract, enter into or engage in any of the foregoing.

3. Paragraph 2(b) of this certificate shall not apply to agreements, arrangements, communications, understandings, promises or undertakings with:

- (a) the HKSAPD;
- (b) a joint venture partner, where joint venture arrangements relevant to the bid exist and which are notified to the HKSAPD;

- (c) consultants or sub-contractors, provided that the communications are held in strict confidence and limited to the information required to facilitate that particular consultancy arrangement or sub-contract;
- (d) professional advisers, provided that the communications are held in strict confidence and limited to the information required for the adviser to render their professional advice in relation to the Tender;
- (e) insurers or brokers for the purpose of obtaining an insurance quote, provided that the communications are held in strict confidence and limited to the information required to facilitate that particular insurance arrangement; and
- (f) banks for the purpose of obtaining financing for the Contract, provided that the communications are held in strict confidence and limited to the information required to facilitate that financing.

Disclosure of subcontracting

4. We understand that we are required to disclose all intended sub-contracting arrangements relating to the Tender to the HKSAPD, including those which are entered into after the Contract is awarded. We warrant that we have duly disclosed and will continue to disclose such arrangements to the HKSAPD.

Consequences of breach or non-compliance

5. We understand that in the event of any breach or non-compliance with any warranties or undertakings in this certificate, the HKSAPD may, at its discretion, invalidate our bid, exclude us in future tenders, pursue damages or other forms of redress from us (including but not limited to damages for delay, costs and expenses of re-tendering and other costs incurred), and/or (in the event that we are awarded the Contract) terminate the Contract.

6. Under the Competition Ordinance, bid-rigging is serious anti-competitive conduct. We understand that the HKSAPD may, at its discretion, report all suspected instances of bid-rigging to the Competition Commission (the “Commission”) and provide the Commission with any relevant information, including but not limited to information on our bid and our personal information.

Signed for and on behalf of the _____(tenderer):

Signature: _____
Name: _____
Position: _____
Date: _____