

NON-COLLUSIVE TENDERING CERTIFICATE

(To be completed and returned together with the proposal submission)

**Pilot Scheme for Electric Public Light Buses
Prequalification of Suppliers of Electric Public Light Buses**

To: the Government

Dear Sir/ Madam,

Non-collusive Tendering Certificate

1. I/We, (name of the EV supplier) _____ of
(address(es) of the EV supplier (s)) _____

refer to the Government's invitation to proposal for the subject ("Invitation to Prequalification of Suppliers of Electric Public Light Buses") and my/our Invitation in response to the Invitation to proposal.

Non-collusion

2. I/We represent and warrant that in relation to the Invitation to Prequalification of Suppliers of Electric Public Light Buses:

- (a) My/Our proposal was prepared genuinely, independently and made with the intention to accept the Agreement if awarded;
- (b) My/Our proposal was not prepared with any agreement, arrangement, communication, understanding, promise or undertaking with any person (including any other EV suppliers or competitor) regarding:
 - i) prices;
 - ii) methods, factors or formulas used to calculate prices;
 - iii) an intention or decision to submit, or not submit, any proposal;
 - iv) an intention or decision to withdraw any proposal;
 - v) the submission of any proposal that does not conform with the requirements of the Invitation to Prequalification of Suppliers;
 - vi) the quality, quantity, specifications or delivery particulars of the products or services to which the Invitation to Prequalification of Suppliers of Electric Public Light Buses relates; and

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vii) the terms of my/our proposal,

and I/we undertake that I/we will not, whether before or after the award of the Agreement, 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 Government;
- (b) the EV manufacturer(s) (where applicable)
- (b) a joint venture partner with which I/we have submitted my/our proposal, and such joint venture arrangement has already been notified to the Government in my/our proposal;
- (c) my/our 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) my/our 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 my/our proposal;
- (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;
- (f) banks for the purpose of obtaining financing for the Agreement, provided that the communications are held in strict confidence and limited to the information required to facilitate that financing; and
- (g) any person other than the Government, provided that the Government has given prior written consent.

Disclosure of subcontracting

- 4. Without prejudice to other requirements set out in the Invitation documents concerning sub-contracting arrangement, in particular, the requirement to seek the Government's prior written approval before sub-contracting, I/We understand that I/we are required to disclose all proposed sub-contracting arrangements for the Contract to the Government in my/our proposal, including those which will be entered into after the Agreement is awarded. I/We warrant

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that I/we have duly disclosed and will continue to disclose such arrangements to the Government.

Consequences of breach or non-compliance

5. I/We understand that in the event of any breach or non-compliance with any representations, warranties and/or undertakings in this certificate or in Paragraph 10.1 of the Invitation, the Government may exercise any of the rights under Paragraphs 10.3 to 10.5 of the Invitation in addition to and without prejudice to any other rights or remedies available to it against me/us.
6. Under the Competition Ordinance (Chapter 619 of the Laws of Hong Kong), bid-rigging is serious anti-competitive conduct. I/We understand that the Government 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 my/our proposal and my/our personal information.

Signed by the EV supplier / Signed by
an authorised signatory for and on :
behalf of the EV supplier

Name of the authorised signatory :
(where applicable)

Title of the authorised signatory :
(where applicable)

Date :