

Agreement No. HKR 1/2005
Loading/Unloading Facilities for Stubbs Road Lookout – Feasibility Study

Invitation of Technical and Fee Proposals

Interested consultants are invited to submit Technical and Fee Proposals for undertaking the above consultancy. Please note that submissions are being invited on a non-commitment basis.

Consultants should fulfill and declare that they have met the following criteria for their submissions to be considered further:

The Consultants should have sufficient knowledge and experience in Geotechnical Engineering/Geology and Highway Engineering/Bridges.

This assignment falls within the criteria as a small consultancy assignment as laid down in ETWB TCW No. 45/2002. Accordingly, this invitation has been confined to "small consulting firms". As a prerequisite for your submission to be considered, you must satisfy the requirements of "small consulting firm" as stipulated in Part 1 of Annex 1 to this letter. Also you are required to declare the amount of outstanding work in hand by providing a list of all current assignments with the Government and other clients. For each assignment, please provide details on scope of assignment, name of client, consultancy fees, and percentage of work outstanding. Please complete Part 2 of Annex 1 and returning it to me together with your submission. Failure to do so will result in your submission not being considered.

The scope of this consultancy, which is to commence in April 2005, is indicated in the draft Brief. Interested consultants may obtain an Electronic Invitation Package (EIP) in the context of Works Bureau Technical Circular No. 17/2001 for the assignment by contact the following officers of Highways Department :

<u>Name</u>	<u>Post</u>	<u>Telephone</u>	<u>Fax No.</u>
Mr. K.C. Siu	Senior Engineer	2231 5617	2576 6244
Mr. Y.C. Ting	Engineer	2231 5620	2576 6244

The following documents for preparing your submission are included in the EIP and are listed in Schedule 2 to the license conditions (document no. (x) below) for using these documents. You will be deemed to have accepted these conditions if you use the documents listed in Schedule 2 :

- (i) Memorandum of Agreement;
- (ii) General Conditions of Employment of Engineering and Associated Consultants for a Feasibility Assignment (1997 Edition);
- (iii) Special Conditions of Employment;
- (iv) Schedule of Fees;
- (v) Brief and its annexes;
- (vi) Guidelines for Preparation of Technical Proposal;
- (vii) Proforma for the Presentation of Fee Proposal and Guideline for Preparation of Fee Proposal;
- (viii) List of Invited Consultants;
- (ix) Notes to the Requirements of Quality Management System Certification of Consultants;

- (x) License Conditions for Electronic Invitation Packages with Schedule 1 and Schedule 2; and
- (xi) Requirements for Submission of Proposal in Electronic format.

If you wish to be considered for possible appointment, you should submit your technical and fee proposals by 12:00 noon on 1 April 2005 (Friday). You should submit six (6) copies of your Technical Proposal to me and submit two (2) copies of your Fee Proposal in a sealed envelope clearly indicating the consultants' name and project reference to the Senior Treasury Accountant at Highways Department Headquarters, 5/F Homantin Government Offices, 88 Chung Hau Street, Homantin, Kowloon. Late submission will not be considered.

If a black rainstorm warning or typhoon signal No. 8 or above is hoisted between 9 a.m. and 12 noon on the closing day for receipt of the submissions, the closing date shall be extended to 12 noon on the first working day of the following week (excluding Saturday).

You are cordially invited to attend a pre-submission meeting which will be held at 10:00a.m. on 24 March 2005 (Thursday) at Conference Room, 7/F North Point Government Offices, 333 Java Road, North Point, Hong Kong.

You may make your submission in either electronic format or hard copy format. If part of the submission is made in both electronic and hard copy formats, the electronic format shall prevail over the corresponding hard copy format. If you elect to make your submission in electronic format, the documents for your proposal shall be prepared and submitted in accordance with the "Requirements for Submission of Proposal in Electronic Format" contained in the EIP. All proposals, whether submitted in electronic format or in hard copy format, will be evaluated on an equal basis.

You are requested to note that your Technical Proposal shall be limited to 30 pages in length, excluding drawings and appendices. It shall be inexpensively bound and shall be of A4 size with 2.0cm margins on all sides. It shall be printed on both sides and shall be of single line spacing. Excessive use of plastic laminates, glossy covers or double covers shall be avoided. The main text (excluding headings, or other figures, tables and the associated titles) of your submission shall be prepared in "Times New Roman" or "C.G. Times" with font size of point 12. You are requested to note that mark may be deducted from the overall Technical Mark if your technical submission is not conforming to these requirements. You may refer to the "Guidelines for Preparation of Technical Proposal" (document no. (vi) above) for details.

Your submission should be concise and accurate and should comply with the following conditions:

- (i) Each consultant must provide information in the Technical Proposal on the manpower input for the assignment. You are therefore required to state your proposed total professional and technical manpower input in terms of man-weeks. However, you should not provide any information in the Technical Proposal on charge rates or fees.
- (ii) In addition, you are required to give a manning schedule (with charge rates and fees), in a bar-chart form, to show the time input of key staff such as Study Directors, Managers and Team Leaders of the relevant disciplines. The manning schedule (with charge rates and fees) should be included in the Fee Proposal only

and not in the Technical Proposal.

- (iii) The consultant should indicate in their staff proposal the employment status (i.e. fulltime or not) at the time of bidding of each and every core personnel to be employed by the consultant or the sub-consultants in the assignment concerned.
- (iv) The consultant should produce undertaking signed by all non-fulltime core personnel (of the consultant or sub-consultants) to confirm their involvement in the event that the consultant is awarded the consultancy.
- (v) The proposed lump sum fee on the first page of the Fee Proposal shall be equal to the total fee for staff and non-staff charges for all stages in the summary breakdown of lump sum fee. The information/data, in particular, the manpower input in the Fee Proposal, shall tally with the Technical Proposal.
- (vi) The proposed all-inclusive time charge rates for additional Services could be different from the staff charge rates indicated in the manning schedule at sub-paragraph (ii) of this paragraph.

We will not accept Fee Proposals in which the lump sum fee on the first page of the Fee Proposal is different from the total fee for the staff and non-staff charges for all stages in the summary breakdown of lump sum fee.

Where the lump sum fee on the first page of the Fee Proposal is different from the total fee for the staff and non-staff charges for all stages in the summary breakdown of lump sum fee or the information/data, in particular, the manpower input in the Fee Proposal, does not tally with the Technical Proposal, you will be asked to rectify the discrepancy by correcting arithmetic errors or making adjustments to the unit charge rate or amending any information/data in the Fee proposal to bring it in line with the Technical Proposal, where appropriate. If you fail to rectify the discrepancy within three (3) days of the date of the request for rectification, your submission will be disqualified and will not be considered. You are not, however, allowed to make any adjustment to the lump sum fee on the first page of the Fee Proposal.

It should be noted that the Government will not be responsible for the reimbursement of any cost incurred by you for the preparation of the submission.

The names of the consultants, the total mark awarded to each for technical merit, together with the lump sum fee, time-charge rates and manpower input proposed by each, will be made known to those, and only those, consultants making submissions and of which the technical and fee proposals have been completely assessed. This Department will be under no obligation whatsoever to discuss the results of the assessment with any of the consultants. Your particular attention is drawn to the requirements stipulated in Clause SCE1 and SCE9 of the Special Conditions of Employment regarding the disclosure of fees payable to the selected consultant.

Documents of unsuccessful consulting firms will be destroyed three months after the date the consultancy has been awarded and the agreement signed.

In the case of a submission in the joint name of two or more consultants, documentary proof of formal association for the purpose of undertaking this study should be

provided at the same time. Similar proof of agreement with firms, organizations or individuals who will act as your sub-consultants should also be submitted.

If you are a limited liability company, then you are required to submit documentary proof that the majority of the voting power in meetings of the company shall be held by directors who are consulting engineers (or equivalent professionals of associated professions).

A list of the names of all the consultants involved in making submissions for the study is enclosed for your information.

You are required to declare any involvement or interest if it is considered by you to be in real or apparent conflict with the duties to be performed for this consultancy. Any involvement or interest declared would be carefully considered but would not automatically bar you from being further considered in the selection process.

Consultants having linkages to each other, e.g. subsidiaries, parent or sister companies are not allowed to bid on the same agreement. Only one firm of such consultants, as the case may be, should submit proposals for this agreement. You are required to declare any linkage with other consultants on the above list (document no. (viii) above).

You are reminded of Government's policy on competitive tendering. The Fee Proposal submitted should be your best price determined without reference to any other invited consultants. Failure to observe this condition may cause the Proposal to be disqualified.

Subject to the Government's right to reject bids which are considered to have been priced unreasonably low, the selection of consultants will be determined on the basis of a combined assessment of technical merit and cost. Your fee proposal will be construed as a bid for this consultancy and, unless under very special circumstances, there will be no fee negotiations.

The Government is not bound to accept any proposal it may receive. In addition, the Government will reject bids which are considered to have been priced unreasonably low.

You are also reminded that, as a general policy, importation of labour from outside Hong Kong is not allowed by the Immigration Department, save that in some circumstances, the Director of Immigration may permit the importation of key management and technical personnel on a temporary basis.

Consultant's attention is drawn to the requirements stipulated in Annex 2 regarding the tax withholding for non-resident corporation.

Consultants undertaking the consultancy agreement are required to have obtained the ISO 9000:2000 Certification on or before the date on which the submission of consultancy proposals is invited. Consultants are required to comply with the requirements as described in the "Notes to the Requirements of Quality Management System Certification of Consultants" contained in the EIP.

Consultants' attention is drawn to Clause SCE5 of the Special Conditions of Employment regarding the professional indemnity insurance required under the Agreement.

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Requirements of "Small Consulting Firm"

Part 1. Requirements

- (a) A consulting firm is considered to be small if it has a total of 10 or less works-related professional staff, for example, engineers, architects, surveyors, planners and landscape architects. At least half of the professional staff must be Hong Kong-registered professionals or corporate members of Hong Kong professional institutions in the appropriate disciplines. For a joint venture, it will be considered as small if the total number of works-related professional staff in all firms of the joint venture is 10 or less.
- (b) The consulting firm shall be registered and maintain an active office in Hong Kong.

Part 2. Confirmation by Consultant (to be completed and returned to the managing department together with the Expression of Interest submission)

I hereby declare that my/our firms satisfy all the requirements stipulated in Part 1 above.

A list of all current assignments handled by my/our firms is attached.

Name of Consultant(s) : _____

Signed : _____
()

Date : _____

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Tax Withholding for Non-Resident Consultants

Please note that where the Consultants are non-resident corporation or, where the Consultants are unincorporated joint venture or partnership or sole proprietorship, any one of the participants or partners or the sole proprietor is a non-resident, the Government shall withhold a percentage equivalent to the prevailing Hong Kong Special Administrative Region (hereinafter referred to as Hong Kong) profits tax rate applicable to unincorporated and incorporated business at the time the services are rendered (the current rates being 16% for unincorporated business and 17.5% for incorporated business for the year of assessment of 2004/2005) of any fee payable to the Consultants, whether by way of lump sum, instalments or discounted payments, but exclusive of any reimbursement of expenses, if any, in respect of the Services performed/provided in Hong Kong for the settlement of Hong Kong profits tax chargeable on the fee. Any balance representing the excess of fees so withheld in the basis period of the year of assessment over the Consultants' tax liability for that year will be returned to the Consultants without interest within a reasonable time upon final determination and settlement of their tax liabilities.

Where the Consultants are non-resident corporation or, where the Consultants are unincorporated joint venture or partnership or sole proprietorship, any one of the participants or partners or the sole proprietor is a non-resident, should they be awarded the consultancy, such data (including but not limited to their names, nature of engagement, consultancy period, consultancy fee, correspondence address (both local and overseas) and the amount of tax withheld) will be notified/provided to the Inland Revenue Department for tax assessment and collection purposes.

“Non-resident” means in the case of an individual, one who maintains a place of abode outside Hong Kong; and in the case of a corporation, one which is not incorporated in Hong Kong.

Consultants shall declare their resident status or the sole proprietor's resident status in their consultancy proposals. If the Consultants are unincorporated joint venture or partnership, the Consultants must declare the resident status of each and every participant or partner thereof. A sample declaration letter is attached.

Sample Declaration Letter

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To: The Government of the HKSAR

¹We declare that we are Hong Kong Resident / Non-resident [please delete where inappropriate] having regard to the definition of “Non-resident” in the Invitation Letter for consultancy proposal in respect of the Project.

Or

²We declare that our sole proprietor is a Hong Kong Resident / Non-resident [please delete where inappropriate] having regard to the definition of “Non-resident” in the Invitation Letter for consultancy proposal in respect of the Project.

Or

³We declare that the participants/partners of the Consultants’ unincorporated joint venture/partnership are all Hong Kong Residents having regard to the definition of “Non-resident” in the Invitation Letter for consultancy proposal in respect of the Project.

Or

⁴ We declare that the following participants/partners in the Consultants’ unincorporated joint venture/partnership are Non-resident(s) having regard to the definition of “Non-resident” in the Invitation Letter for consultancy proposal in respect of the Project, and the rest of the participants/partners are Hong Kong Residents:

- 1.
- 2.
- 3.
- .
- .
- .
- .

Name of Consultants: _____

Signature of Person authorised to sign the Proposal: _____

Name in block letters: _____

Telephone number: _____

Date: _____

¹ For use where the Consultants are an incorporated company.

² For use where the Consultants are sole proprietorship.

³ For use where the Consultants are an unincorporated joint venture or partnership and all the participants/partners are Hong Kong Residents.

⁴ For use where the Consultants are an unincorporated joint venture or partnership and some but not all the participants/partners are Hong Kong Residents.