

Notice of Inviting Submission of Technical and Fee Proposals through Internet

Agreement No. CE 37/2009 (HY)
Provision of Access Facilities for the Disabled
at Existing Footbridges Phase 2 and Existing Subways Phase 1 (Package 1) –
Design and Construction

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

- (1) The consultants shall have at least 2 professional staff based in Hong Kong with relevant expertise in the following professional service category:
 - (a) Highway Engineering/Bridges (S9)

- (2) The consultants shall have at least 1 professional staff based in Hong Kong with relevant expertise in each of the following professional service categories:
 - (a) Geotechnical Engineering/Geology (S2)
 - (b) Traffic Engineering/Transportation (S8)
 - (c) Electrical and Mechanical Engineering (S13)

Interested consultants may obtain an Electronic Invitation Package (EIP) in the context of Works Bureau Technical Circular No. 17/2001 for the Assignment by contacting the following officers of Highways Department:

<u>Name</u>	<u>Post</u>	<u>Telephone No.</u>	<u>Fax No.</u>
Mr K.C. Leung	Senior Engineer	3188 3386	2714 5219
Mr. C.W. Lau	Engineer	3188 3408	2714 5219

The electronic documents for preparing your submission are included in the EIP and are listed in Schedule 2 of Annex 1 (Licence Conditions for Electronic

Invitation Packages) in the EIP. You will be deemed to have accepted these Conditions if you use the documents listed in Schedule 2. The electronic documents in Schedule 2 have been digitally signed by using an e-Cert issued by the Hong Kong Post.

The scope of this consultancy, which is currently expected to commence in January 2010, is indicated in the draft Brief in the EIP.

A pre-submission meeting will be held at **10:00 a.m. on 23 November 2009 (Monday)** in Conference Room 1601, Works Division, Highways Department at 16/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay, Kowloon, to elaborate on the draft Brief and to answer any queries from the invited consultants. Please note that the draft Brief and Schedule of Fees will be finalized following the pre-submission meeting.

If you wish to be considered for possible appointment, you should submit your Technical and Fee Proposals by **12:00 noon on 4 December 2009 (Friday)**. You should submit **five** copies of your Technical Proposal to the Senior Treasury Accountant of the Highways Department which shall be placed in the Highways Department Tender Box at 5/F, Homantin Government Offices, 88 Chung Hau Street, Homantin, Kowloon, and submit **two** copies of your Fee Proposal in a sealed envelope clearly indicating the consultants' name and project reference to the Chairman of EACSB at Civil Engineering and Development Department, 15/F, Civil Engineering and Development Building, 101 Princess Margaret Road, Homantin, Kowloon. Late submissions or submissions with Technical Proposals that do not conform to the requirement in respect of the number of pages shall 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 next working day (excluding Saturday). Late submissions will not be considered.

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 Annex 2 (Requirements for Submission of Proposal in Electronic Format) in the EIP. All proposals, whether submitted in

electronic format or in hard copy format, will be evaluated on an equal basis.

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 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.
- (iv) 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 7 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.

In respect of each category of staff specified in the prescribed Fee Proforma for “additional services”, irrespective of the number of sub-consultancies that may be involved, only ONE time charge rate shall be inserted as specified. Submissions which do not comply with this requirement shall not be considered.

In respect of each category of staff specified in the prescribed Fee Proforma for “Direct Employment of Resident Site Staff”, only ONE on-cost rate shall be inserted as specified. Submissions which do not comply with this requirement shall not be considered.

Your attention is drawn to the requirement to insert the all-inclusive time charge rates in respect of each category of staff specified in the prescribed Fee Proforma for “additional services” and the on-cost rate in respect of each category of staff specified in the prescribed Fee Proforma for “Direct Employment of Resident Site Staff”, which information is essential for bid comparison purpose and for payment/management of the Consultants upon award of the Assignment. If a zero rate is inserted for any or all of these rates we will seek confirmation from you to abide by the bid with the zero rate(s) so proposed for bid comparison purpose and for payment/management of the Consultants upon award of the Assignment. If you fail to put in any or all of these rates, the relevant rate(s) shall be corrected by deeming the rate(s) as zero and we will seek confirmation from you to abide by the bid with the relevant rate(s) so corrected for bid comparison purpose and for payment/management of the Consultants upon award of the Assignment. If you confirm your agreement to abide by the bid with the rate(s) so proposed and/or corrected, the comparative assessment of Technical and Fee Proposals would then be completed in the usual prescribed manner in accordance with Appendix 3.16 of the EACSB Handbook on the basis of the proposed fee and/or rates with such rate(s) so corrected and confirmed. If you fail to confirm your agreement to abide by the bid with the rate(s) so proposed and/or corrected in writing by a specified deadline, your bid shall not be considered further for this consultants selection exercise.

Your attention is also drawn to the units of the rates as specified in the prescribed Fee Proforma. Where any of the units of the rates as presented on the first page of the Fee Proposal you have submitted differs from the unit(s) of the respective rate(s) specified in the prescribed Fee Proforma, such discrepancy shall be corrected

by regarding the former as an inadvertent typographical error and the unit(s) concerned in the Fee Proposal submitted shall be automatically corrected to the corresponding unit(s) as per the prescribed Fee Proforma. For such corrections, only the units are to be so corrected, but not the numerical figures as filled in by you in the Fee Proposal submitted. We will then seek confirmation from you to abide by the bid with units so corrected. If you confirm your agreement to abide by the bid with units corrected, the comparative assessment of Technical and Fee Proposals would then be completed in the usual prescribed manner in accordance with Appendix 3.16 of the EACSB Handbook on the basis of the proposed fee and/or rates with units so corrected and confirmed. If you fail to confirm your agreement to abide by the bid with units so corrected in writing by a specified deadline, your bid shall not be considered further for this consultants selection exercise.

You are required to confirm that you agree to abide by your Technical and Fee Proposals for a period of ninety (90) days from the due date for submission of Technical and Fee Proposals and it shall remain binding upon you and may be accepted at any time before the expiration of that period.

The initial list of consultants approached for this Assignment is included in the EIP for your information. Based on the assessment of Technical Proposals, normally four suitable firms will be selected for combined technical and fee assessments.

The names of the selected 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 in the combined assessment. I would also like to draw your particular attention to the requirements stipulated in Clause SCE6 of the Special Conditions of Employment regarding the disclosure of fees payable to the selected consultant.

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).

You are also 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 (these must be consulting firms to be eligible for being considered for this consultant selection exercise) having linkages to each other, e.g. subsidiaries, parent or sister companies are not allowed to bid on the same agreement. Only one firm among such consultants, as the case may be, should be allowed to submit Technical and Fee Proposals for a consultancy agreement. You are thus required to declare any linkage with other consultants on the above list. The existence of a holding-subsidary relationship shall be determined in accordance with the provisions in Section 2(4) to (8) of the Companies Ordinance, Cap 32. "Sister companies" shall mean all companies which are subsidiaries of or otherwise belonging to the same holding company. Consultants having linkages should sort out among themselves before submitting Technical and Fee Proposals.

For the purpose of this "no linkage" requirement, an academic institution and any separate entities/companies formed by the same academic institution or any of its current staff, or any two of such entities/companies (whether formed by the same staff or not), shall be regarded as "linked". An academic institution, and all such entities/companies formed by it or any of its current staff (whether by the same staff or not), shall be allowed to submit only one set of Technical and Fee Proposals for the same consultancy agreement. You are also required to declare any such linkage with other consultants on the above list, if applicable. An entity/company is regarded as formed by the academic institution or its staff if the latter is a partner/shareholder or a director of the former, whether or not the latter is a founding partner/subscriber when the entity/company was formed.

Failure to observe this requirement shall render all related Technical and Fee Proposals submitted null and void and any such submission shall not be considered.

You are reminded of Government's policy on competitive selection. The Fee

Proposal submitted should be your best price determined without reference to any other consultants approached for this Assignment. 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 required to comply with the requirements as set out in Annex 3 (Notes to the Requirements of Quality Management System Certification of Consultants) in the EIP, and submit a copy of your certificate on the quality management system accordingly.

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.

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

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.

Please note that where the Consultants are non-resident corporation or, where the Consultants are unincorporated joint venture or partnership or sole proprietorship, anyone 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 15% for unincorporated business and 16.5% for incorporated business for the year of assessment of 2009/2010) of any fee payable to

the Consultants, whether by way of lump sum, installments 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, anyone 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 in ETWB TC(W) No. 34/2004.

If you require further details, please contact Mr K.C. LEUNG on tel. 3188 3386 or Mr C.W. LAU on tel. 3188 3408.