

Notice of Inviting Expression of Interest through Internet

9 October 2009

Agreement No. WD 10/2009 Improvement and Extension of Kam Pok Road Design

Invitation for Expression of Interest

Interested consultants are invited to express their interest in undertaking the above consultancy.

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

- (1) A company registered in Hong Kong with an office in Hong Kong with resident staff.
- (2) Have the required number of professional staff in Hong Kong serving in the following category:
 - at least 2 nos. of professionals in General Civil Engineering discipline (S1) based in Hong Kong;
 - at least 2 nos. of professionals in Geotechnical Engineering/Geology discipline (S2) based in Hong Kong ;
 - at least 2 nos. of professionals in Water Supply, Hydraulics and Hydrology discipline (S4) based in Hong Kong;
 - at least 2 nos. of professionals in Traffic Engineering/Transportation discipline (S8) based in Hong Kong; and
 - at least 3 nos. of professionals in Environmental Studies discipline (S11) based in Hong Kong.

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</u>	<u>Fax No.</u>	<u>Email Address</u>
Mr. P. L. KAN	SE/NT3	31883298	31883420	sent3.wd@hyd.gov.hk
Mr. W. K. FONG	E/NT3-3	31883280	31883420	ent3-3.wd@hyd.gov.hk

The scope of this assignment, which is tentatively to commence in December 2009, is indicated in the draft Brief given in **Annex A**. The draft Schedule of Fees is attached at **Annex B**.

If you are interested in this assignment, would you please reply to the Works Division, Highways Department at 16/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay, Kowloon before **12:00 noon on 19 October 2009 (Monday)** by submitting **six** sets of documents containing the following information in a maximum of four A4 pages and a minimum font size of 12 of Times New Roman:

- (a) your broad approach to the assignment and appreciation of the requirements;
- (b) previous relevant experience both in Hong Kong and elsewhere;
- (c) an indication of key staff likely to be employed for the assignment (together with attachments showing their curriculum vitae and an organization chart of the study/project team as necessary);
- (d) an indication of sub-consultants to be employed; and
- (e) your comments on the draft Brief and the draft Schedule of Fees.

Please note that no attachments, except attachments for the curriculum vitae of the key staff likely to be employed on the consultancy and the organization chart of the study/project team as mentioned above, should be included in your submission. Late submissions or submissions that do not conform to the requirements in respect of the number of pages, the page size, the font size or the attachments will not be considered.

If a black rainstorm warning or typhoon signal No. 8 or above is hoisted between 9:00 a.m. and 12:00 noon on the closing date for receipt of the submissions, the closing date shall be extended to 12:00 noon on the following 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 the "Requirements for Submission of Proposal in Electronic Format" given in **Annex C**. All proposals, whether submitted in electronic format or in hard copy format, will be evaluated on an equal basis.

The assessment criteria and weightings for marking the expression of interest submitted by consultants and the composition of the assessment panel are given in **Annex D**. For information, the Assessment Panel has agreed that for this consultancy, the past performance of sub-consultants will not be assessed at the Technical and Fee Proposal stage, but the past performance of sub-consultants shall continue to be a mandatory assessment criterion at the Expression of Interest stage in accordance with DEVB TCW No. 2/2009.

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. This information will not be counted as part of the A4 size pages. Any involvement or interest declared would be carefully considered but would not automatically bar you from being further considered in the selection process.

You are required to comply with the requirements as described in the "Notes to the Requirements of Quality Management System Certification of Consultants" given in **Annex E**; and submit all necessary documents together with your expression of interest submission. The information will not be counted as part of the A4 size pages.

A list of qualified consultants to whom invitation letters for submitting expression of interest for this Assignment are sent is given in **Annex F** for your information. However, you should note that the Government is not bound to invite technical and fee proposals from any of these consultants expressing an interest. Based on the response received, normally **four** suitable firms will be shortlisted for submission of technical and fee proposals.

No consultants are permitted to submit more than one bid for the same agreement. For the avoidance of doubt, consultants who submit a bid in their own name and a bid in the name of an unincorporated joint venture / partnership (with the consultants concerned as a participant / partner) will be considered as having submitted two bids. 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 expression of interest for this consultancy. You are thus required to declare any linkage with other consultants on the above list. The existence of a holding-subsidiary 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 any expression of interest.

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 expression of interest 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 expression of interest submitted null and void and any such submission shall not be considered.

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 15% for unincorporated business and 16.5% for incorporated business for the year of assessment of 2008/2009) 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, 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 given in ETWB TC(W) No. 34/2004.

Please also note that documents of unsuccessful consulting firms will be destroyed three months after the date the Agreement has been awarded and signed.

The electronic documents for preparing your submission are included in the attached CD-ROM and listed in Schedule 2 to **Annex G** – “Licence Conditions for Electronic Invitation packages”. You will be deemed to have accepted these conditions if you use the documents listed in Schedule 2.

You are reminded that submissions are being invited on a non-commitment basis and the Government will not be responsible for the reimbursement of any cost incurred by you for the preparation of the submission.

If you have any enquiry, please contact Senior Engineer/NT3, Mr. P. L. KAN or Engineer/NT3-3, Mr. W. K. FONG. They can be contacted at Tel No: 31883298/Email address: sent3.wd@hyd.gov.hk or Tel No: 31883280/Email address: ent3-3.wd@hyd.gov.hk respectively.