

## Notice of Inviting Submission of Technical and Fee Proposals through Internet

15 July 2015

### Agreement No. WD 15/2015 Advisory Services on New Engineering Contract (NEC) for Lift and Pedestrian Walkway System at Cheung Hang Estate, Tsing Yi

1. 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.
2. Consultants should fulfill and declare that they have met the following selection criteria for their submissions to be considered further:
  - A. At least two of the key staff likely to be employed for the assignment shall be a Corporate member of an appropriate professional institution or equivalent (e.g. MHKIE / MHKIS) and have relevant experience of at least five years on management and advisory on construction works projects adopting the New Engineering Contract.
3. Interested consultants may obtain an Electronic Invitation Package (“EIP”) in the context of Works Bureau Technical Circular (“WBTC”) No. 17/2001 for the consultancy by contacting the following officers of Highways Department:

<u>Name</u>	<u>Post</u>	<u>Telephone</u>	<u>Fax. No.:</u>
Mr. K. C. POON	Senior Engineer	3903 6796	3188 3420
Mr. W. L. LAU	Engineer	3903 6800	3188 3420

4. The following documents are enclosed in the Electronic Invitation Package (EIP) for the Consultants’ information:
  - i) Memorandum of Agreement;
  - ii) General Conditions of Employment of Engineering and Associated Consultants for an Investigation Assignment (1997) Edition;
  - iii) Special Conditions of Employment;
  - iv) Schedule of Fees;
  - v) Brief;
  - vi) Guidelines on Preparation of Technical Proposals;
  - vii) Proforma for the Presentation of Fee Proposals;
  - viii) List of Consultants Approached for this Assignment (the Distribution List refers);
  - ix) Annex 1 - Licence Conditions for EIP;
  - x) Annex 2 - Requirements for Submission of Proposal in Electronic Format;
  - xi) Annex 3 - Minimum Qualification and Experience Requirements for the Categories of Staff;
  - xii) Annex 4 - Notes to the Requirements of Quality Management System Certification of Consultants;

- xiii) Annex 5 - Retention of Money Payable to Non-resident Consultant for Settlement of Profits Tax;
- xiv) Annex 6 - Agenda for Pre-submission Meeting; and
- xv) Annex 7 - Acknowledgement Receipt and Reply Slip for Pre-submission Meeting.

5. The electronic documents for preparing the submission are included in the EIP (Electronic Invitation Package Ref: EIP-WD15/2015-T&F-0) and are listed in Schedule 2 to Annex 1 to the EIP. You will be deemed to have accepted these conditions if you use the documents listed in Schedule 2. The scope of this consultancy, which is currently expected to commence in the third quarter of 2015, is detailed in the draft Brief given in the EIP.

6. 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 to the EIP - Requirements for Submission of Proposal in Electronic Format. All proposals, whether submitted in electronic format or hard copy format, will be evaluated on an equal basis.

7. If you wish to be considered for possible appointment, you should submit your Technical and Fee proposals by **12:00 noon on 7 August 2015 (Friday)** (the “closing date”). You should submit **six (6) copies of the Technical Proposal to the Highways Department Tender Box at 5/F., Ho Man Tin Government Offices, 88 Chung Hau Street, Ho Man Tin, Kowloon for the attention of Senior Treasury Accountant, Highways Department** and submit **two (2) copies of your Fee Proposal** in a separate sealed envelope marked “Restricted (Contract)” and clearly indicating the consultants’ name and project reference (i.e. Agreement No. WD 15/2015) to **the Highways Department Tender Box at 5/F., Ho Man Tin Government Offices, 88 Chung Hau Street, Ho Man Tin, Kowloon for the attention of Senior Treasury Accountant, Highways Department**. The maximum size of submission which can be deposited into the Highways Department Tender Box is 740mm x 640mm x 100mm. If a black rainstorm warning signal or tropical cyclone signal No. 8 or above is hoisted between 9:00 am and 12:00 noon on the above closing date, the closing date will be extended to 12:00 noon on the following working day. Saturday is not counted as a working day. 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.

8. 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 manpower input under six categories of staff, (viz. partners/directors, chief professional, senior professional, professional, assistant professional and technical staff) in terms of man-weeks and include a manning schedule in a bar-chart form, to show the time input of key staff such as Study

Directors, Managers and Team Leaders under the six categories<sup>1</sup>. 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 the Fee Proposal. 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.

9. We shall **not** accept Fee Proposals where:

- (i) 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
- (ii) the percentage difference between the “staff rates for additional Services” and the “staff rates in lump sum fee” exceeds the “Specified Percentage Range” of **± 40%**.

10. 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) working days** of the date of the request for rectification, your submission shall be disqualified and shall not be considered. You are not, however, allowed to make any adjustment to the lump sum fee, all-inclusive time charge rates and on-cost rates on the first page of the Fee Proposal.

11. 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.

12. 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

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<sup>1</sup> The minimum qualification and experience requirements are attached at Annex 3 to the EIP. Only the qualification and experience obtained by the proposed staff on or before 7 August 2015 shall be counted.

“additional services”, which information is essential for bid assessment 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 assessment 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 assessment 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 combined score assessment of technical and fee proposals would then be completed in the prescribed manner in accordance with Appendix 3.16 to 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.

13. Your attention is also drawn to the units of the rates as specified in the prescribed Fee Proforma attached to this letter. 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 combined score assessment of technical and fee proposals would then be completed in the prescribed manner in accordance with Appendix 3.16 to 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.

14. The requirements of ISO 9000 certification are set out in Annex 4 to the EIP - Notes to the Requirements of Quality Management System Certification of Consultants.

15. You are required to confirm that you agree to abide by your Technical and Fee Proposals for a period of one hundred and twenty (120) 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.

16. The list of consultants approached for this Assignment (the Distribution List refers) is given 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.

17. 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 score assessment. I would also like to draw your particular attention to the requirements stipulated in Clause SCE 1 of the Special Conditions of Employment regarding the disclosure of fees payable to the selected consultant.

18. 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.

19. 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).

20. 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.

21. Consultants (these must be consulting firms to be eligible for being considered for this consultants 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-subsidiary relationship shall be determined in accordance with the provisions in Sections 13 to 15 of the Companies Ordinance (Cap 622), "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.

22. 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.

23. 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.

24. You are required to submit declaration for consultant's resident status with your submission. Please refer to Annex 5 to the EIP for the provisions of retention of money payable to non-resident consultant for settlement of profits tax.

25. 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.

26. 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 score assessment of Technical and Fee Proposals in accordance with Appendix 3.16 to the EACSB Handbook. Your Fee Proposal will be construed as a bid for this consultancy and, unless under very special circumstances, there will be no fee negotiations.

27. 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.

28. 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.

29. You should indicate in your staffing proposal which of the proposed staff are core personnel and the employment status (i.e. fulltime or not) at the time of bidding of each and every core personnel to be deployed by you or your sub-consultants in this assignment. You should produce undertaking signed by all non-fulltime core personnel (of yourself or your sub-consultants) to confirm their involvement in the event that you are awarded the consultancy.

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

31. 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.

32. Please note that a consultant who has requested for novation of consultancy agreements due to winding up of business pursuant to paragraph 6(ii) in ETWB TCW No. 3/2005 will not be awarded any further consultancies. Similarly, bids submitted by consultants who engage such a consultant as a sub-consultant will not be considered.

33. To resolve queries and to ensure that the consultants are fully aware of the requirements of the Agreement, and of the requirements for the Technical Proposal and Fee Proposal, a pre-submission meeting is scheduled as follows:-

Date: 21 July 2015 (Tuesday)

Time: 10:00 a.m.

Venue: Conference Room, Works Division, Highways Department,  
7/F., Trade and Industry Tower, 3 Concorde Road, Kowloon

34. The agenda for the meeting is enclosed in Annex 6 to the EIP. Representatives from each consultant should be restricted to not more than [two (2)]. Please submit to the officers of Highways Department as stipulated in paragraph 3 the details (name and post) of your representative(s), together with a list of queries that you prepare to ask in the pre-submission meeting by **20 July 2015**.

**END OF NOTICE**