

# Notice of Inviting Submission of Technical and Fee Proposals through Internet (For One-stage Selection)

29 August 2017

## Agreement No. CE 30/2017 (EP) Independent Environmental Checker for Central Kowloon Route - Investigation

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) The consultants shall have a minimum of 10 professional staff in Hong Kong; and
  - (b) The consultants shall have a minimum of 9 numbers of professional staff with expertise in Environmental Studies category in Hong Kong; and
3. Interested consultants may obtain an Electronic Invitation Package (EIP) in the context of Works Bureau Technical Circular (“WBTC”) No. 17/2001 for this assignment by contacting the following officers of Highways Department:

<u>Name</u>	<u>Post</u>	<u>Telephone</u>	<u>Fax No.</u>
Mr. Norman K C NG	Senior Engineer	2762 3606	2714 5198
Ms. Karen W Y CHUI	Project Coordinator	2762 3663	2714 5198

4. The scope of this consultancy, which is currently expected to commence in November 2017, is indicated in the Brief given in the EIP.
5. The electronic documents for the Consultants’ information and submission are included in the Electronic Invitation Package Ref: EIP-CE 30/2017 (EP)-T&F-0 and are listed in Schedule 2 of the Licence Conditions for EIP (**Annex A** to the invitation letter) and are contained in a CD-ROM. You will be deemed to have accepted these conditions if you use the documents listed in Schedule 2.
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 B** to the EIP – “Requirements for Submission of Proposal in Electronic Format”. All proposals, whether submitted in electronic format or in 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 26 September 2017 (Tuesday)**. You should submit **five (5) copies of the Technical Proposal to the Highways Department Tender Box at 5/F, Ho Man Tin Government Offices, 88 Chung Hau Street, Homantin, 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 [Agreement No. CE 30/2017 (EP)] to **the Chairman of EACSB at Civil Engineering and Development Department, 15/F., Civil Engineering and Development Building, 101, Princess Margaret Road, Homantin, Kowloon**. 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 deadline, the deadline will be extended to 12:00 noon on the following working day. Saturday is not counted as a working day. Late submissions 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<sup>1</sup>, 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 staff categories. 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 -10% to +40%; or

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<sup>1</sup> The qualification and experience requirements are attached at **Annex C** to the EIP. Only the qualification and experience obtained by the proposed staff on or before 26 September 2017 shall be counted.

- (iii) the “staff rates for additional Services” and the “staff rates in lump sum fee” do not comply with the Minimum Wage Ordinance (Cap 608).

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 “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 DEVB TC(W) No. 2/2016 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 DEVB TC(W) No. 2/2016 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 at **Annex D** to the EIP.

15. You are required to confirm that you agree to abide by your Technical and Fee Proposals for a period of **two hundred and forty (240) 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 initial list consultants approached for this Assignment is attached 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-charges 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 14 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 consultancy 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 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-subsiary 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. However, the “no linkage” rule does not apply to “linked” consulting firms (including academic institutions) who bid as sub-consultants only for any agreement.

23. Failure to observe the requirement stated in paragraphs 21 and 22 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 E** 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 DEVB TC(W) No. 2/2016. 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. Please note that this invitation is made before the necessary funds for the consultancy have been approved. The Government reserves the right to cancel this selection exercise for not having the necessary funds approved or for any other reason, in which case you will accordingly be notified. 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) of 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. Nevertheless, consultants may propose a change of

sub-consultants if the deadline for notification of change has not been lapsed.

33. Please note that the IEC shall not be in any way an associated body of the contractors of the Central Kowloon Route (CKR) project or the Environmental Team as appointed in accordance with the requirements of the environmental permit of the CKR project. The consultants and their subsidiary companies who are members of Arup-Mott MacDonald Joint Venture are also not permitted to undertake the duties of IEC in accordance with the Brief for Agreement No. CE 43/2010 (HY) “Central Kowloon Route – Design and Construction”. You are required to declare any involvement or interest if it is considered by you to be in actual, potential, perceived or apparent conflict with the duties to be performed for this consultancy as an IEC by signing and returning the declaration form at **Annex F** to the invitation letter for your submissions to be considered further.

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

Date : **4 September 2017 (Monday)**  
Time : 2:30 p.m.  
Venue : Room 312, 3/F., Ho Man Tin Government Offices, 88 Chung Hau Street,  
Homantin, Kowloon, Hong Kong

35. Representatives from each eligible consultants should be restricted to not more than two (2). Please provide me with 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 12:00 noon on **1 September 2017 (Friday)**.

36. If you require further details, please contact my Senior Engineer, Mr. Norman NG at telephone no. 2762 3606 or my Project Coordinator, Ms. Karen CHUI at telephone no. 2762 3663.

**END OF NOTICE**