

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

9 February 2018

### Agreement No. CE 54/2017 (CE) Review on the Implementation of Common Utility Tunnel – Feasibility Study

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 fulfil and declare that they have met the following selection criteria for their submissions to be considered further:
  - (a) The consultants should have at least one professional staff located in Hong Kong in each of the following service categories:
    - S1 – General Civil Engineering
    - S4 – Water Supply, Hydraulics and Hydrology
    - S8 – Traffic Engineering / Transportation
    - S13 – Electrical and Mechanical Engineering
3. The scope of this consultancy, which is currently expected to commence in the second quarter of 2018, is indicated in the Brief given in the Electronic Invitation Package (EIP) reference EIP-CE 54/2017 (CE)-T&F-0. Interested consultants may obtain the EIP in the context of Works Bureau Technical Circular (WBTC) No. 17/2001 for the consultancy by contacting the following officers of Highways Department:
  - Mr. Tim HO at telephone no. 2762 3458 or
  - Mr. W. S. TONG at telephone no. 2762 3483
4. The following electronic documents for preparing your submission are included in the EIP and are listed in Schedule 2 to the Licence Conditions for EIP in Annex 1 in the EIP. 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;
  - vi) Guidelines on Preparation of Technical Proposals;
  - vii) Proforma for the Presentation of Fee Proposals;
  - viii) Initial List of Consultants Approached for this Assignment;
  - 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 - Requirements of ISO 9000 Certification;
  - xiii) Annex 5 - Retention of Money Payable to Non-resident Consultant for Settlement of Profits Tax; and
  - xiv) Annex 6 - Acknowledgement of Receipt
5. 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 submission shall be prepared and submitted in accordance with Annex 2 - 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.

6. If you wish to be considered for possible appointment, you should submit your Technical and Fee Proposals by 12:00 noon on **29 March 2018 (Extended from 12:00 noon on 16 March 2018)**. You should submit six copies of your 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 copies of your Fee Proposal in a sealed envelope marked “Restricted (Contract)” and 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. 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.

7. 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 Project Director, Project Manager and Team Leader(s) 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.

8. We shall not accept any Fee Proposal 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

---

<sup>1</sup> The qualification and experience requirements are attached at Annex3 to this letter. Only the qualification and experience obtained by the proposed staff on or before 16 March 2018 shall be counted.

(ii) the percentage difference between the “staff rates for additional Services” and the “staff rates in lump sum fee” exceeds the “Specified Percentage Range”.

9. 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 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.

10. In respect of each category of staff specified in the prescribed Fee Proposal Proforma for “additional Services”, irrespective of the number of sub-consultants 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.

11. 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 Proposal 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 Development Bureau (DEVB) Technical Circular (Works) (TC(W)) No. 2/2016 and its subsequent updated (if any) 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.

12. Your attention is also drawn to the units of the rates as specified in the prescribed Fee Proposal 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 Proposal 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 Proposal 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 and its subsequent updates (if any) 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.

13. The requirements of ISO 9000 certification are set out at Annex 4 to this letter.
14. 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.
15. The initial list of consultants approached for this Assignment is attached for your information. Upon completion of the assessment of Technical Proposals, Fee Proposals of those consultants that are considered technically capable of undertaking this Assignment will normally be opened and combined score assessment of Technical and Fee Proposals will be carried out in accordance with DEVB TC(W) No. 2/2016 and its subsequent updates (if any).
16. The name of the consultant awarded the consultancy agreement, the combined score and technical score awarded to each bidder, together with the lump sum fee, adjusted notional value for additional Services, fee quality score and manpower input proposed by each bidder where appropriate, will be made known to those, and only those, consultants making submissions and of which their Technical and Fee Proposals have been completely assessed in the combined score assessment after the completion of this consultant selection exercise. You will be deemed to agree to the disclosure of the above-mentioned information of your bid to other relevant bidders. 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 consultant awarded the consultancy agreement.
17. 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 Assignment 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.
18. 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).
19. 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.
20. 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-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.
21. 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.

22. Failure to observe the requirement stated in paragraphs 20 and 21 shall render all related Technical and Fee Proposals submitted null and void and any such submission shall not be considered.

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

24. The Government has no objection:

- (a) to any consulting firm or its associate or associated person lodging one submission to act as a consultant and concurrently proposing to act as a sub-consultant to another bidding consulting firm in this consultant selection exercise; or
- (b) to different and unconnected consulting firms proposing to engage the same sub-consultant(s) or its/their associate(s) or associated person(s) in this consultant selection exercise,

PROVIDED that:

- (i) all the relevant circumstances are disclosed in the submissions; and
- (ii) where any consulting firm or its associate or associated person lodges one submission to act as a consultant and concurrently proposes to act as a sub-consultant of another consulting firm in the submission of that other consulting firm, the first-mentioned consulting firm or its associate or associated person shall confirm in its submissions as the consultant and as the sub-consultant that no confidential information, confidentiality restrictions or restraints of trade or business have been contravened in lodging the submissions; and
- (iii) where any consulting firm proposes to act as a sub-consultant of more than one bidding consulting firms, it shall confirm in the submissions of all of those bidding consulting firms that no confidential information, confidentiality restrictions or restraints of trade or business have been contravened in lodging the submissions.

Therefore, you and your sub-consultant(s) are required to confirm that no confidential information, confidentiality restrictions and restraints of trade or business have been contravened in lodging the submissions in which the main consultant and/or sub-consultant may be in common or affiliated with the sub-consultant of another bidder.

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 your submission 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 and its subsequent updates (if any). Your Technical and Fee Proposals will be construed as a bid for this consultancy agreement and, unless under very special circumstances, there will be no fee negotiations.

27. The Government is not bound to accept any submission 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. The document listed in Clause 15 of the Brief is considered necessary for the implementation of the consultancy. You may request to see the document during the preparation of the submissions by appointment with my engineer Ms. W. S. TONG at telephone no. 2762 3483 / email: [eu1.rnd@hyd.gov.hk](mailto:eu1.rnd@hyd.gov.hk). Any documents which are on sale should be purchased by you.

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

32. 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.

33. 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.

34. To resolve queries and to ensure that the shortlisted 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: 26 February 2018

Time: 15:00

Venue: Room 613, 6/F., Homantin 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 20 February 2018.

36. If you require further details, please contact Ms. W. S. TONG at telephone 2762 3483.