

Notice of Inviting Expression of Interest through Internet

7 September 2017

Dear Sir/ Madam,

**Agreement No. CE 58/2017 (DS)
Energizing Kowloon East – Revitalization of Tsui Ping River –
Design and Construction**

Invitation to Express Interest

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

----- 2. Consultants should fulfil and declare by submitting the Declaration Form at **Annex H**
----- of the Electronic Invitation Package (EIP) that they have met the longlisting criteria at **Annex G**
of the EIP for their submissions to be considered further.

3. The invitation documents, referred to as EIP, are published on the DSD's internet
homepage (http://www.dsd.gov.hk/EN/Tender_Notices/index.html) and are listed in Schedule 2
to the Licence Conditions for Electronic Invitation Packages. The scope of this consultancy,
which is currently expected to commence in January 2018, is indicated in the draft Brief given in
----- **Annex A** of the EIP.

4. If you are interested in this assignment, please reply to the **Chief Engineer/Drainage
Projects of Drainage Services Department at 45/F, Revenue Tower, 5 Gloucester Road,
Wan Chai, Hong Kong for the attention of Mr. H S KAN before 12:00 noon on 21
September 2017** by submitting **seven** sets of documents containing the following information in
a maximum of six A4 pages and a minimum font size of 12 points:

- (i) your broad approach to the problem;
- (ii) previous relevant commissions;
- (iii) an indication of the 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);
- (iv) an indication of sub-consultants to be employed (which should include all
individual academic institutions, specialists, advisors, experts and the like
proposed to be externally engaged to provide the Services under the
Agreement, and all references to "sub-consultants" in this letter should be
construed accordingly); and
- (v) your comments on the draft Brief in **Annex A** of the EIP and the draft
----- Schedule of Fees given in **Annex B**.

5. The submission shall be in sealed envelopes clearly marked with the project reference
"Agreement No. CE 58/2017 (DS) Energizing Kowloon East – Revitalization of Tsui Ping
River – Design and Construction (Expression of Interest Submission)" and "Restricted
(Contract)".

6. 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 or any other documents mentioned in this letter, 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 shall not be considered.

7. 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 C** – 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.

8. The electronic documents for preparing your submission are listed in Schedule 2 to the Licence Conditions for the EIP. You will be deemed to have accepted these conditions if you use the documents listed in Schedule 2.

9. If a black rainstorm warning signal or tropical cyclone signal No. 8 or above is hoisted between 9:00 a.m. 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.

10. 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** of the EIP.

11. 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). This information will not be counted as part of the six A4 pages requirement given in paragraph 4 of page 1 of this notice.

12. 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.

13. For information, the Assessment Panel has agreed that for this consultancy, the past performance of sub-consultants will be assessed in the Technical and Fee Proposal stage.

14. In accordance with ETWB TC(W) No. 34/2004, 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 2017/2018) of any fee payable to the consultants, whether by way of lump sum, instalments 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.

15. 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.

16. "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.

17. 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 at **Annex E** of the EIP. This information will not be counted as part of the six A4 pages requirement given in paragraph 4 of page 1 of this notice.

18. It is intended that, from those consultants who express an interest in undertaking the Agreement, a shortlist of consultants will be prepared. The shortlisted consultants will be invited to submit technical submission and fee proposal, based on which the final selection of the consultants will be made. However, you should note that the Government is not bound to invite technical and fee proposals from any of those consultants expressing an interest.

19. The initial list of qualified consultants approached for this Assignment is given in
----- **Annex F** of the EIP for your information. The longlisting criteria for the captioned Assignment
----- are at **Annex G** of the EIP. You must fulfil and should declare that you have met the
----- longlisting criteria by submitting the Declaration Form at **Annex H** of the EIP for your submissions to be considered further. This information will not be counted as part of the six A4 pages requirement given in paragraph 4 of page 1 of this notice. You should submit the attached Declaration Form duly signed by an authorized person of your company together with your Expression of Interest submission. Based on the response received, normally **four** suitable firms will be shortlisted for submission of technical submission and fee proposals.

20. 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 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 any expression of interest.

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

23. The consultants appointed in the early stage consultancies are potential bidders, but all the information which was made available to those consultants and all the advice which the consultants have provided and which is relevant to the procurement of this consultancy will be equally made available to all potential consultants upon request.

----- 24. The requirements for ISO 9000 certification are set out at **Annex I** of the EIP. You are required to submit all necessary documents together with your EOI submission in accordance to the requirements set out at Annex I. This information will not be counted as part of the six A4 pages requirement given in paragraph 4 of page 1 of this notice.

25. The documents and reports as listed in Clause 16.1 of the draft Brief are available for inspection by appointment with my engineer, Mr. John H M CHAN, at telephone no. 2594 7346 or e-mail at hmchan02@dsd.gov.hk, at 45/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong.

26. Your attention is drawn to Clause 20 of the Draft Brief regarding the professional indemnity insurance requirements stipulated in DEVB TC(W) No. 9/2007. Your attention is also drawn to ETWB TC(W) No. 3/2005 regarding the novation of consultancy agreement. A consultant who has requested novation of consultancy agreements pursuant to the provision in the circular would not be invited to bid for or be awarded any further consultancies. Similarly, bids submitted by consultants who engage such a consultant as a sub-consultant would not be considered.

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

28. 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 preparation of the submission.

29. If you have any enquiry, please contact my senior engineer, Mr. H K CHAN (tel: 2594 7404, email: hkchan@dsd.gov.hk) or my engineer, Mr. John H M CHAN (tel: 2594 7346, email: hmchan02@dsd.gov.hk).

30. I should be pleased if you would acknowledge receipt of this invitation notice and the EIP by returning the Acknowledgement on Page 6 of this notice duly signed by an authorized person of your company by fax (fax No. 2157 0619) **on or before 11 September 2017.**

Yours faithfully,

(KAN Hon-shing)
Chief Engineer/Drainage Projects
Drainage Services Department

Encl.

Licence Conditions for Electronic Invitation Package

CD-Rom containing the invitation letter with the Licence Conditions for Electronic Invitation Packages and the following Annexes:

Annex A – Draft Brief

Annex B – Draft Schedule of Fees

Annex C – Requirements for Submission of Proposal in Electronic Format

Annex D – Shortlisting Criteria

Annex E – Sample Declaration Letter of Resident Status

Annex F – List of Consultants Invited to Submit Expression of Interest

Annex G – Longlisting Criteria

Annex H – Declaration Form

Annex I – Requirements of ISO 9000 Certification

RESTRICTED (CONTRACT)

REPLY SLIP

(To be returned by 11 September 2017)

Fax no. (852) 2157 0619

To: Chief Engineer/Drainage Projects
Drainage Projects Division
Drainage Services Department

Agreement No. CE 58/2017 (DS)
Energizing Kowloon East – Revitalization of Tsui Ping River –
Design and Construction

Invitation to Express Interest

I acknowledge receipt of your invitation notice dated 7 September 2017 posted on the website of Drainage Services Department enclosing the following information:

1. Licence Conditions for Electronic Invitation Packages; and
2. the invitation notice with Annexes A to I.

I understand that I must fulfill and declare that I have met the longlisting criteria as given in Annex G for my submission to be considered further.

If I am interested in the Assignment, I will submit an expression of interest and all other information as required by the invitation letter together with the Declaration Form signed by an authorized person of my company to the Chief Engineer/Drainage Projects at 45/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong **before 12:00 noon on 21 September 2017.**

Company Chop

Signed: _____

Name (block letter): _____

Title: _____

Company: _____

Date: _____