

# **Notice of Inviting Expression of Interest through Internet**

15 August 2017

## **Agreement No. CE 37/2017 (WS) Relocation of Yau Tong Group Fresh Water and Salt Water Service Reservoirs to Caverns – Feasibility Study**

### **Invitation for Expression of Interest**

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

2. Consultants should fulfil and declare that they have met the following longlisting criteria for their submissions to be considered further. The consultants shall have the specified minimum number of professional staff residing in Hong Kong serving in the following service categories:

<b>Service Category</b>	<b>Minimum Number of Professional Staff in Hong Kong</b>
S1 General Civil Engineering	4
S2 Geotechnical Engineering/Geology	2
S4 Water Supply, Hydraulics and Hydrology	3
S5 Structural Engineering	1
S7 Tunnel Engineering	2
S8 Traffic Engineering/Transportation	1
S11 Environmental Studies	1
S12 Urban Planning and Landscaping	1

3. Interested consultants may obtain a CD-ROM of Electronic Invitation Package (EIP) in the context of Works Bureau Technical Circular No. 17/2001 for the Assignment by contacting our Senior Engineer/Project Management (1), Mr. W. K. LAU at telephone 2829 5633.

4. Please note that this contract is a project adopting NEC Professional Services Contract (PSC) main Option A. The draft contract documents are

included in **Annexes A to F** of the EIP for your reference and may subject to changes in the subsequent stage for Technical Submission and Fee Proposal.

5. The scope of this contract, which is expected to commence in December 2017, is indicated in the attached copy of the draft Scope given in **Annex E** of the EIP.

6. If you are interested in this assignment, please reply to **Chief Engineer/Project Management, Water Supplies Department at Room 4605B, 46/F, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong** before **12:00 noon on 4 September 2017 (Monday)** by submitting 7 sets of documents containing the following information in a maximum of **six A4 pages** with font type Times New Roman and minimum font size of 12 points:

- (a) your appreciation of key requirements and constraints;
- (b) your broad approach and strategy to meet the requirements of the assignment;
- (c) previous relevant commissions;
- (d) an indication of the key staff likely to be employed for the contract (together with attachments showing their curriculum vitae and an organization chart of the study/project team as necessary);
- (e) 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
- (f) your comments on the draft Scope in **Annex E** of the EIP, the draft Contract Data Part one and two given in **Annexes C and D** of the EIP, and draft Activity Schedule in **Annex F** of the EIP.

7. Please note that no attachments, except attachments for the curriculum vitae of the key staff likely to be employed on the contract and the organisation 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 shall not be considered.

8. 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 G** "Requirements for Submission of Proposal in Electronic Format" contained in the CD-ROM of EIP. All proposals, whether submitted in electronic format or in hard copy format, will be evaluated on an equal basis.

9. 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. Please note that the scope of work in this draft Scope is subject to addition, deletion and alteration.

10. The longlisting criteria for this contract are at **Annex J**. You must fulfil and should declare that you have met the longlisting criteria by submitting the attached Declaration Form at **Annex K** for your submissions to be considered further. You should submit the attached Declaration Form duly signed by an authorized person of your company together with your expression of interest submission.

11. The submission shall be made in sealed envelopes clearly marked with the project reference **“Agreement No. CE 37/2017 (WS) Relocation of Yau Tong Group Fresh Water and Salt Water Service Reservoirs to Caverns – Feasibility Study (Expression of Interest Submission)”** and **“Restricted (Contract)”**.

12. Please note that the office hours of the Water Supplies Department for receipt of the submission are as follows:

Mondays to Fridays: 9:00 a.m. to 12:00 noon (Hong Kong Time)  
1:30 p.m. to 5:15 p.m. (Hong Kong Time)  
Closed on Saturdays, Sundays and General Holidays

13. 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 4 September 2017, the deadline will be extended to 12:00 noon on the following working day. Saturday is not counted as a working day.

14. 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 H** of the EIP.

15. 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).

16. You are also required to declare any involvement or interest if it is considered by you to be in actual, apparent, potential or perceived conflict with the duties to be performed for this contract. Any involvement or interest declared would be carefully considered but would not automatically bar you from being further considered in the selection process.

17. For information, the Assessment Panel has agreed that for this contract, the past performance of the sub-consultants will be assessed in the Technical and Fee Proposals stage. However, the past performance of sub-consultants of any disciplines shall continue to be a mandatory assessment criterion in the Expression of Interest stage.

18. The initial list of qualified consultants approached for this contract is given in **Annex I** of the EIP for your information. Based on the response received, normally four suitable firms will be shortlisted for submission of technical and fee proposals.

19. 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 Section 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.

20. 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.

21. Failure to observe the requirement in paragraphs 20 and 21 shall render all related expression of interest submitted null and void and any such submission shall not be considered.

22. The requirements for ISO 9000 certification are set out at **Annex L** of the EIP. You shall submit all necessary documents together with the expression of interest submission. The requirements for Quality Assurance Certification are more specifically set out in the WBTC No. 13/2001. This information will not be counted as part of the six A4 size pages.

23. In accordance with ETWB TCW No. 34/2004, where you are a non-resident corporation or, where you are an unincorporated joint venture or partnership or sole proprietorship and 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 2016/2017) of any amount payable to you, 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 amount. Any balance representing the excess of amount so withheld in the basis period of the year of assessment over the consultant's tax liability for that year will be returned to you without interest within a reasonable time upon final determination and settlement of their tax liabilities.

24. Where you are a non-resident corporation or, where you are an

unincorporated joint venture or partnership or sole proprietorship and any one of the participants or partners or the sole proprietor is a non-resident, then should you be awarded the contract, such data, including but not being limited to their names, nature of engagement, contract period, Prices, 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.

25. "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.

26. 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. This information will not be counted as part of the six A4 size pages.

27. It is intended that, from those consultants who express an interest in undertaking the contract, a shortlist of consultants will be prepared. The shortlisted consultants will be invited to submit technical and fee proposals, based on which the final selection of the consultant to be awarded the contract 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.

28. Your attention is drawn to Contract Data Part one and Additional Conditions of Contract Clause B12 regarding the professional indemnity insurance requirements stipulated in DEVB TCW No. 9/2007. Your attention is also drawn to ETWB TCW 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.

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

30. 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.

31. Should you have any enquiry, you may contact Mr. W. K. LAU of this office at telephone no. 2829 5633.

**END OF NOTICE**