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

Licence Conditions for Electronic Invitation Packages

EIP Reference	EIP-CE 37/2017-WS-EOI-0
Issue Date	15 August 2017

1. This set of conditions may be cited as "Licence Conditions for Electronic Invitation Packages".

2. In these conditions, unless the context otherwise requires:-

   (a) "EACSB Handbook" means the Handbook on Selection, Appointment and Administration of Engineering and Associated Consultants published by the Engineering and Associated Consultant Selection Board;

   (b) "Editable File" means a file listed under the column "Editable File" in Schedule 2 hereto containing the editable version of the Invitation Document listed on the same row under the column "Invitation Document". "Editable" in the previous sentence means editable using mainstream computer applications for office automation and computer-aided drafting;

   (c) "Electronic Invitation Package" (or "EIP") means the electronic files in Schedule 2 hereto;

   (d) "*Employer*" means the Government of the Hong Kong Special Administrative Region;

   (e) "Image File" means a file listed under the column "Image File" in Schedule 2 hereto containing the printed image of the Invitation Document listed on the same row under the column "Invitation Document";

   (f) "Invitation" means the invitation in Schedule 1 hereto;

   (g) "Invitation Document" means a document listed under the column "Invitation Document" in Schedule 2 hereto;

   (h) "Licensee" means the person who uses the EIP and includes, if the person acts on behalf of another person, that other person;

   (i) "Relevant File" means an electronic file that:-

      (i) is derived from duplication of any files in the EIP; or

(ii) contains any contents extracted from any files in the EIP;

(j) "Submission" means a submission that may be made by the Licensee in response to the Invitation;

(k) "Submission Closing Date" means the closing date for the Submission stipulated in Schedule 1 hereto;

(l) "Triggering Event" means one of the following events:-

(i) The Licensee does not make a Submission by the Submission Closing Date;

(ii) The Licensee withdraws his Submission;

(iii) The Licensee receives a written notice from the *Employer* advising that-

(1) he is not included in the list of consultants to be invited to submit Technical and Fee Proposals in accordance with the EACSB Handbook; or

(2) he is not selected as consultant for the consultancy agreement in Schedule 1 hereto.

3. Words importing the singular only also include the plural and vice versa where the context requires. Words importing one gender (whether masculine, feminine or neuter) shall be taken to include any other gender where the context requires.

4. Subject to the provisions hereof, the *Employer* grants the Licensee, free of charge, a non-exclusive and revocable licence for using the EIP solely for the purpose of preparing the Submission. The Licensee shall not use the EIP for any other purpose. Save as aforesaid, all other rights in the EIP are reserved by the *Employer*.

5. Insofar as it is necessary for the purpose of preparing the Submission by the Licensee, the Licensee may license its agents, consultants or other persons appointed by him as sub-licensees to use the EIP, subject to the following conditions:-

(a) The Licensee shall obtain from each sub-licensee an undertaking in writing that the sub-licensee shall not use the EIP for any purpose other than for the purpose of preparing the Submission;

(b) The Licensee shall be liable to the *Employer* for the breach of the undertaking referred to in sub-clause (a) of this Clause by the sub-licensees as if the breach were committed by the Licensee; and

(c) The Licensee shall not grant any sub-licensee the right to license other parties to use the EIP.

6. The licence for using the EIP shall expire within seven working days of the occurrence of a Triggering Event. On or before the expiration date of the licence, the Licensee shall:-

(a) either destroy the Relevant Files in his possession or retain them as archives; and

(b) ensure that all sub-licensees have either destroyed the Relevant Files in their possession or retained these files for archive purpose.

7. Any files kept as archives pursuant to Clause 6 shall not be used for any other purposes.

8. The contents of the Editable File and Image File of an Invitation Document are intended to be identical. If there are discrepancies, the Image File shall prevail.

9. The Licensee hereby indemnifies the *Employer* against all losses, liabilities, damages, costs, legal costs, professional and other expenses of any nature whatsoever incurred or suffered by the *Employer* whether direct or consequential arising from a breach or breaches of any of the conditions herein contained.

Schedule 1 – Invitation

Agreement No.	CE 37/2017 (WS)
Agreement Title	Relocation of Yau Tong Group Fresh Water and Salt Water Service Reservoirs to Caverns – Feasibility Study
Department	Water Supplies Department
Type of submission	Expression of Interest
Submission Closing Date	12:00 noon, 4 September 2017 (Monday)

Schedule 2 – Electronic Invitation Package

Invitation Document	Version No.	Image File	Editable File
Licence Conditions for Electronic Invitation Packages	0	CE 2017_37 EOI Licence Conditions.pdf	CE 2017_37 EOI Licence Conditions.doc
Annex A – Draft Memorandum of Agreement	0	CE 2017_37 EOI Annex A.pdf	CE 2017_37 EOI Annex A.doc
Annex B – Draft Additional Conditions of Contract	0	CE 2017_37 EOI Annex B.pdf	CE 2017_37 EOI Annex B.doc
Annex C – Draft Contract Data Part One	0	CE 2017_37 EOI Annex C.pdf	CE 2017_37 EOI Annex C.doc
Annex D – Draft Contract Data Part Two (Sections 1 and 2)	0	CE 2017_37 EOI Annex D.pdf	CE 2017_37 EOI Annex D.doc
Annex E – Draft Scope	0	CE 2017_37 EOI Annex E.pdf	CE 2017_37 EOI Annex E.doc
Annex E – Draft Scope – Appendix A	0	CE 2017_37 EOI Annex E Appendix A.pdf	N/A
Annex E – Draft Scope – Appendix B	0	CE 2017_37 EOI Annex E Appendix B.pdf	CE 2017_37 EOI Annex E Appendix B.doc
Annex E – Draft Scope – Appendix C	0	CE 2017_37 EOI Annex E Appendix C.pdf	CE 2017_37 EOI Annex E Appendix C.doc
Annex E – Draft Scope – Appendix D	0	CE 2017_37 EOI Annex E Appendix D.pdf	CE 2017_37 EOI Annex E Appendix D.doc
Annex F – Draft Activity Schedule	0	CE 2017_37 EOI Annex F.pdf	CE 2017_37 EOI Annex F.doc
Annex F – Draft Activity Schedule – Appendices A-E	0	CE 2017_37 EOI Annex F Appendices A-E.pdf	CE 2017_37 EOI Annex F Appendices A-E.doc
Annex G – Requirements for Submission of Proposal in Electronic Format	0	CE 2017_37 EOI Annex G.pdf	CE 2017_37 EOI Annex G.doc
Annex H – Assessment Criteria and Weightings for Marking Expression of Interest and Composition of Assessment Panel	0	CE 2017_37 EOI Annex H.pdf	CE 2017_37 EOI Annex H.doc
Annex I – List of Consultants Invited to Submit Expression of Interest	0	CE 2017_37 EOI Annex I.pdf	CE 2017_37 EOI Annex I.doc
Annex J – Longlisting Criteria	0	CE 2017_37 EOI Annex J.pdf	CE 2017_37 EOI Annex J.doc
Annex K – Declaration Form	0	CE 2017_37 EOI Annex K.pdf	CE 2017_37 EOI Annex K.doc
Annex L – Requirements for ISO 9000 Certification	0	CE 2017_37 EOI Annex L.pdf	CE 2017_37 EOI Annex L.doc

Remark:
All electronic files in this Electronic Invitation Package are digitally signed and the file extension ".p7s" is not shown in the file names in this Schedule for clarity.