

# Notice of Inviting Expression of Interest through Internet

13 February 2018

## Agreement No. CE 82/2017 (WS) Siu Ho Wan Water Treatment Works Extension – Investigation, Design and Construction

### Invitation for Expression of Interest

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

2. Consultants shall fulfil the following longlisting criteria as detailed in **Annex L** of the Electronic Invitation Package (EIP) for their expression of interest (EOI) submissions to be considered further.

The consultants must have professional staff with expertise in the following services:		
S1	General Civil Engineering	$A \geq 4$ ; and
S2	Geotechnical Engineering/Geology	$A \geq 1$ ; and
S4	Water Supply, Hydraulics and Hydrology	$A \geq 3^*$ ; and
S5	Structural Engineering	$A \geq 1$ ; and
S8	Traffic Engineering/ Transportation	$A \geq 1$ ; and
S11	Environmental Studies	$A \geq 1$ ; and
S13	Electrical and Mechanical Engineering	$A \geq 2$ ; and
S14	Project Management	$A \geq 1$
* At least 1 no. is based in Hong Kong		
“A” denotes number of professional staff based in Hong Kong / overseas		

3. Interested consultants may obtain a CD-ROM of the EIP in the context of Works Bureau Technical Circular No. 17/2001 for the Assignment by contacting Ms. Mable LAM, Senior Engineer/Consultants Management (3), at telephone 2634 3502.

4. The scope of this Assignment, which is to commence in June 2018 tentatively, is indicated in the attached copy of the draft Scope given in **Annex F** of the EIP.

5. If you are interested in this Assignment, please reply to **“Chief Engineer/Consultants Management, Water Supplies Department at Room 624, 6/F, Sha Tin Government Offices, No. 1 Sheung Wo Che Road, Sha Tin, New Territories, Hong Kong”** before **12:00 noon on 16 March 2018 (Friday)** by submitting 8 sets of documents containing the following information in a maximum of **six** A4 pages with a minimum font size of 12 points Times New Roman or equivalent:-

- (a) your appreciation of the key requirements and constraints/risks of the Assignment, and approach and strategy to meet the requirements of the Assignment;
- (b) previous relevant experience both in Hong Kong and elsewhere;
- (c) an indication of 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); and
- (d) 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).

6. You may also provide your comments, if any, on the invitation documents in relation to the amendments as a result of adopting Professional Services Contract (PSC) main Option A of New Engineering Contract – Third Edition (NEC3) in separate pages, which are not counted towards the number of pages of the EOI submission.

7. Please note that no attachments should be included in your submission, except attachments for the curriculum vitae of the key staff likely to be employed on the Consultancy Agreement (limited to 2 pages in A4 size per staff) and the organization chart of the study/project team (limited to 1 page in A3 size) as mentioned above. The EOI submission including the attachments shall be inexpensively bound and printed on both sides. Late submissions or submissions containing pricing information shall not be considered. For exceedance of the specified number of pages of EOI submission and attachments or inclusion of attachments other than curriculum vitae and organization chart, 1 mark per page shall be deducted from the overall score and all these exceeded pages shall be discarded prior to the assessment. Also, 1 mark shall be deducted from the overall score for non-compliance with the specified format such as the page size, font size, or double-sided printing. Documents submitted in response to paragraphs 6, 14, 15, 20, 21, 22, 23 and 25 are not counted towards the number of pages of the EOI submission.

8. You may make your submission in either electronic format or hard copy format. If part of the submissions 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 H** of the EIP- “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.

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 the draft Scope is subject to addition, deletion and alteration.

10. The submission shall be made in sealed envelopes clearly marked with the project reference “**Agreement No. CE 82/2017 (WS) - Siu Ho Wan Water Treatment Works Extension – Investigation, Design and Construction (Expression of Interest Submission)**” and “**Restricted (Contract)**”.

11. 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

12. 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.

13. The assessment criteria and weightings for marking the EOI submitted by consultants and the composition of the Assessment Panel are given in **Annex I** of the EIP.

14. If you are a limited liability company, 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).

15. 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 Agreement. Any involvement or interest declared would be carefully considered but would not automatically bar you from being further considered in the selection process.

16. For information, the Assessment Panel has agreed that for this Consultancy Agreement, the past performance of sub-consultants will not be assessed in the EOI stage and Technical and Fee Proposal stage.

17. 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 (whether as declared in the consultancy proposals or as subsequently notified to or found out by the Government), 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, installments 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.

18. 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 Agreement, 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.

19. "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.

20. 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 **Annex J** of the EIP.

21. The initial list of qualified consultants approached for this Assignment is given in **Annex K** of the EIP for your information. A Notice of Inviting EOI through Internet is also posted on the website of this Department. The longlisting criteria for this Assignment are at **Annex L** of the EIP. You must fulfil and should declare that you have met the longlisting criteria by submitting the Declaration Form at **Annex M** of the EIP 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 EOI submission. Based on the response received, normally **four** suitable firms will be shortlisted for submission of technical and fee proposals.

22. 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 EOI for a consultancy agreement. You are thus required to declare any linkage with other consultants on the above list. The existence of a holding-subsidary 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 EOI.

23. 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 EOI 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.

24. Failure to observe the requirement stated in paragraphs 22 and 23 shall render all related EOI submitted null and void and any such submission shall not be considered.

25. The requirements for ISO 9000 certification are set out at **Annex N** 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 N**. The requirements for Quality Assurance Certification are more specifically set out in the WBTC No. 13/2001.

26. The documents and reports as listed in Appendix H of the draft Scope in **Annex F** of the EIP are available for inspection by appointment with Mr. W K TAI, Engineer/Consultants Management (14), at telephone no. 2634 3506 or e-mail at max\_wk\_tai@wsd.gov.hk, at 6/F., Sha Tin Government Offices, No. 1 Sheung Wo Che Road, Sha Tin, New Territories, Hong Kong.

27. Your attention is drawn to Clauses 8 of the Draft Contract Data Part one regarding the professional indemnity insurance requirements stipulated in DEVB TC(W) No. 9/2007.

28. Your attention is drawn to ETWB TC(W) No. 3/2005 regarding the novation of consultancy agreements. Any consultants who have requested novation of consultancy agreements pursuant to the provisions in the circular would not be invited to bid for or be awarded any further consultancy agreements. Similarly, bids submitted by any consultants who engage such consultants as the sub-consultants would not be considered.

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

30. Please note that this invitation is made before the necessary funds for the Consultancy Agreement have been approved. The Government reserves the right to cancel this consultant 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. To brief the consultants about the project, a briefing session is scheduled as follows:

Date : 2 March 2018 (Friday)  
Time : 10:30 a.m.  
Venue : Conference Room 633  
6/F, Sha Tin Government Offices,  
No. 1 Sheung Wo Che Road,  
Shatin, New Territories

32. Please return the attendance list of the briefing session on Page 8 of this notice **on or before 23 February 2018** by fax (fax no. 2634 3799) or email to [max\\_wk\\_tai@wsd.gov.hk](mailto:max_wk_tai@wsd.gov.hk) for registration. Unregistered attendants may not be entertained due to limited seating capacity.

33. If you require further details, please contact Ms. Mable LAM, Senior Engineer/Consultants Management (3), at telephone no. 2634 3502.

**END OF NOTICE**

**RESTRICTED (CONTRACT)**

**REPLY SLIP**

(To be returned by 23 February 2018)

Fax no. (852) 2634 3799

To: Chief Engineer/Consultants Management  
Consultants Management Division  
Water Supplies Department

**Agreement No. CE 82/2017(WS)**  
**Siu Ho Wan Water Treatment Works Extension**  
**– Investigation, Design and Construction**  
**Invitation for Expression of Interest**

**Briefing Session**

I refer to the notice of inviting expression of interest dated 13 February 2018.

I would like to nominate following representative(s) to attend the briefing session at 10:30 a.m. on 2 March 2018 (Friday).

Name	:	_____	Name	:	_____
Title	:	_____	Title	:	_____

**Company Chop**

Signed:  
(Authorized Person) \_\_\_\_\_

Name (block letter): \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_