

Notice of Inviting Expression of Interest through Internet

Agreement No. CE 21/2023 (CE) The District Cooling System (DCS) for Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) Phase I Stage 2 Works – Design and Construction

Consultants in Group 3 of the Service Category of Civil Infrastructure and Development (CE) under the List of Consultants of EACSB (as of the date of issuance of EOI) are invited to express interest in undertaking the above consultancy.

Sole / Lead Consultants Invited:

Category: Civil Infrastructure and Development (CE)

Group 3

- (1) AECOM Asia Company Limited
- (2) Asia Infrastructure Solutions Limited
- (3) Atkins China Limited
- (4) Aurecon Hong Kong Limited*
- (5) Binnies Hong Kong Limited
- (6) Halcrow China Limited
- (7) Mannings (Asia) Consultants Limited
- (8) Meinhardt Infrastructure and Environment Limited
- (9) Mott MacDonald Hong Kong Limited
- (10) Ove Arup & Partners Hong Kong Limited
- (11) Tony Gee and Partners (Asia) Limited
- (12) WSP (Asia) Limited

Note:

* Subject to Tender Award Restriction as stipulated in Section 2.4 of the Guidelines attached to DEVB TC(W) No. 5/2018.

** Interested consultants shall contact the following officers of Electrical and Mechanical Services Department in advance:

Name	Post	Telephone
Mr. Siu-yiu WAN	Senior Engineer	3528 6319
Mr. Ho-kwan LI	Engineer	3757 6142

for arrangement on collection of the Electronic Invitation Package

(EIP) in the context of Clause 4.18 of EACSB Handbook for this consultancy by at the following address:

Energy Efficiency Office,
Electrical and Mechanical Services Department,
7/F, 3 Kai Shing Street, Kowloon Bay, Hong Kong

2. The scope of this assignment, which is currently expected to commence in October 2023, is indicated in the draft Scope given in **Annex 1** of the EIP.

3. If you are interested in this assignment, please reply to this Office before 12:00 noon on Friday, 23 June 2023 by submitting **five** 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 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);
- (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 notice should be construed accordingly) and the services to be undertaken by each sub-consultant. For the avoidance of doubt, subject to your confirmation on the employment status, staff seconded from your associated companies (subsidiaries, parent companies or subsidiaries of your parent company) not externally engaged as sub-consultants shall be regarded as your own staff for the purpose of tender assessment, including the overloading checking of manpower input, for this Assignment; and
- (e) your comments on the draft Scope given in **Annex 1** of the EIP and the draft Schedule of Fees given in **Annex 2c** of the EIP.

Your submission must be submitted in sealed envelopes clearly indicating **your company's name** and the Project reference [**Expression of Interest for Agreement No. CE 21/2023 (CE) –The District Cooling System (DCS) for Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) Phase I Stage 2 Works – Design and Construction**] and marked "**Restricted (Contract)**" and placed in the "**Tender Box No. 1 – For EMSD Works Tender**"

only” shown in **Annex 3**, located in the entrance foyer of the Electrical and Mechanical Services Department, 3 Kai Shing Street, Kowloon, Hong Kong for the **attention of Director of Electrical and Mechanical Services**.

4. Please note that no attachments, except attachments for the curriculum vitae of the key staff likely to be employed on the consultancy (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, should be included in your submission. The expression of interest (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, 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 9, 10, 13, 14, 19 and undertakings as required in paragraph 18 below are not counted towards the number of pages of the EOI submission.

5. 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 4** - 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.

6. The electronic documents for preparing your submission are listed in Schedule 2 to the Licence Conditions in **Annex 5** for the EIP. You will be deemed to have accepted these conditions if you use the documents listed in Schedule 2.

7. If a tropical cyclone signal No. 8 or above is hoisted, or a black storm warning signal or “extreme conditions after super typhoons” announced by the Government is/are in force 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.

8. The assessment criteria and weightings for marking the EOI submitted by consultants and the composition of the Assessment Panel are given in **Annex 6** of the EIP.

9. 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).

10. 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.

11. 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. However, you are still required to include the sub-consultants, if any, in response to paragraph 3 above.

12. Consultants in Group 3 under the Service Category of Civil Infrastructure and Development (CE) maintained by EACSB are invited to make Expression of Interest submission for this Assignment. The initial list of qualified consultants approached for this Assignment is given in **Annex 7** of the EIP for your information. Joint ventures with participation of local and/or overseas consultants with at least one of the participants or shareholders being on the above initial list are also invited to make submission of Expression of Interest for this Assignment. Based on the response received, normally four suitable firms will be shortlisted for submission of technical and fee proposals.

12a. Your attention is drawn to the bidding restrictions set out in **Annex 8** of the EIP.

12b. Not used.

12c. Not used.

12d. Not used.

12e. If (i) a joint venture is formed with one or more independent consultant(s) in Groups 1 and 2 under the Service Category of Civil Infrastructure and Development (CE) maintained by EACSB ("**Joint Venture Participant(s)**") and/or (ii) one or more independent consultant(s) in Groups 1 and 2 under the Service Category of Civil Infrastructure and Development (CE) maintained by EACSB is/are engaged as sub-consultant(s) ("**Sub-consultant(s)**")

for this Assignment, the overall score for that EOI submission will be increased by 3 marks (“**Bonus Marks**”) if the requirements below are met:

- A. submission of a duly completed declaration form in the form set out in **Annex 9** of the invitation letter confirming compliance with the no linkage requirement and that the Joint Venture Participant(s) and/or the Sub-consultant(s) will undertake part of the services under the Service Category of Civil Infrastructure and Development (CE) maintained by EACSB;
- B. If Joint Venture Participant(s) and/or the Sub-consultant(s) is/are unlisted consultant(s) and not under a debarment period from re-admission after removal from the lists of EACSB for the Service Category of Civil Infrastructure and Development (CE), they shall make application for inclusion in the List of Consultant of EACSB under the Service Category of Civil Infrastructure and Development (CE) on or before the close of submission of the EOI; and
- C. The Joint Venture Participant(s) and/or the Sub-consultant(s) is/are not suspended from bidding for EACSB consultancy agreements in the Service Category of Civil Infrastructure and Development (CE) on or before the close of submission of the EOI.

13. 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 un-incorporated 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. In your expression of interest submissions, you are thus required to declare any linkage with other consultants on the above list. For the avoidance of doubt, if you have no linkage with any consultants on the above list, you are also required to declare the same in the expression of interest submissions. 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.

14. 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 using the declaration form in **Annex 10** of the EIP, 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.

15. Failure to observe the requirement stated in paragraphs 13 and 14 above shall render all related expression of interest submitted null and void and any such submission shall not be considered.

16. Not used.

17. Not used.

18. 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 also indicate which core personnel will undertake the designations of the Project Manager, the Project Director and the Team Leader(s) of associated engineering/non-engineering discipline(s) as required in the draft Scope and assessment criteria or it is necessary for your works. 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.

19. The requirements for ISO 9000 certification are set out at **Annex 11** of the EIP.

20.1 Neither you nor any of your directors, employees, agents and Subcontractors shall offer or give any advantage, gratuity, bonus, discount, bribe or loan of any sort to any agent or employee of the Client in connection with this shortlisting exercise.

20.2 You are required to submit a duly signed declaration on anti-collusion at **Annex 12** together with your submission. The declaration should be signed by a person/persons authorized to sign tenders for and on your behalf. If you fail to comply with the requirements of this paragraph, your submission will be disqualified.

20.3 Any breach of or non-compliance with paragraph 20.1 and/or the anti-collusion undertaking shall result in:

- (i) disqualification of the submission; or
- (ii) removal from the list of shortlisted consultants if shortlisted

20.4 By submitting your submission, you undertake to indemnify and keep indemnified the *Client* against all losses, damages, costs and expenses arising out of or in relation to any breach of or non-compliance with paragraph 20.1 and/or the anti-collusion undertaking.

20.5 The rights of the *Client* under paragraphs 20.3 and 20.4 are in addition to and without prejudice to any other rights or remedies it has or may have against you.

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

22. 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.

23. Please return the reply slip on acknowledgement of the invitation for Express of Interest at **Annex 13** of the EIP on or before 16 June 2023.

24. If you require further details, please contact my Senior Engineer, Mr. Siu-yiu WAN at telephone No. 3528 6319 or my Engineer, Mr. Ho-kwan LI at telephone No. 3757 6142.

***** End of Notice *****