

EMSD/BTSD/N-10329

2808 3706

2576 7276

25 April 2023

Dear Sirs,

Agreement No. CE 28/2023 (EM)
Replacement of Tunnel Lighting System at Tate's Cairn Tunnel
Design and Construction

1. I am pleased to inform you that you are invited to express interest in undertaking the above consultancy. The invitation documents, referred to as Electronic Invitation Package (EIP), are sent to you on CD-ROM in accordance with WBTC No. 17/2001.
2. The Scope of the *service*, which is scheduled to commence in November 2023, is indicated in the attached copy of the draft SCOPE given in **Annex A** of the EIP.
3. If you are interested in this assignment, please reply to this Office before 12:00 noon on 16 May 2023 by submitting **four** 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 *service* and approach and strategy to meet the requirements of the *service*;
 - (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 *service* under this contract, and all references to "sub-consultants" in this letter should be construed accordingly) and

the *service* 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 contract; and

- (e) your comments on the draft SCOPE given in **Annex A** of the EIP and the draft Contract Data Part one and two given in **Annex B** of the EIP.

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 the 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, 17, 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 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.

6. 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.

6a. Your submission must be:

- (i) enclosed in an envelope and sealed;
- (ii) marked on the outside "**Expression of Interest for Agreement No. CE 28/2023 (EM) – Replacement of Tunnel Lighting System at Tate’s Cairn Tunnel – Design and Construction**"; and
- (iii) addressed to the Director of Electrical and mechanical Services and placed in the "**Tender Box No.1 - For EMSD Works Tenders only** (~~一號投標箱-此投標箱只收集~~)

機電工程署工程項目的投標書)“ located on the ground floor entrance foyer of the Electrical and Mechanical Services Department, 3 Kai Shing Street, Kowloon Hong Kong.

7. If tropical cyclone signal No. 8 or above is hoisted, or a black rainstorm 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.

8. The assessment criteria and weightings for marking the EOI submitted by consultants and the composition of the Assessment Panel are given in **Annex D** 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 not** be assessed in the Technical and Fee Proposal stage.

12. Consultants in Group II under the Service Category of Electrical and Mechanical (E&M) maintained by EACSB are invited to make Expression of Interest submission for this Assignment. The initial list of qualified consultants approached is given in **Annex E** 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. 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 F** to this letter.

12b. If you propose to engage sub-consultants to undertake sub-consulting services under any of the listed Service Categories and/or service discipline having a list of consultants maintained and published by the Government shown in **Annex G** to this letter, you must ensure that the sub-consultants concerned have complied with bidding restrictions as set out in **Annex F**. Failure to comply with this requirement will lead to disqualification of your Expression of Interest submission.

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-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 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, 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 shall render all related expression of interest submitted null and void and any such submission shall not be considered.

16. Not used.

17. If sub-consultants are to be employed, you are required to complete the table in **Annex H** to this letter indicating, if any, the scope of sub-consulting services to be undertaken by each listed and unlisted sub-consultant to be employed, the relevant listed service category or discipline for which each subconsultant is to be employed and the corresponding list maintained and published by the Government. If your proposed sub-consultant is unlisted but an application for inclusion on the List of Consultants of EACSB under the relevant Service Category has been made prior to the date set for close of submission of Expression of Interest, please also

indicate on which the date such application is made in the table. Failure to submit the table as required above with the Expression of Interest submission will lead to disqualification of the consultant's Expression of Interest submission. If you have any enquiry in completing the table on whether the sub-consulting service to be undertaken by a sub-consultant is within the scope of a particular listed service category or discipline and would like to seek clarification, your enquiry must be delivered to me by hand before 12:00 noon, 2 May 2023 (*two weeks before the closing date*). The enquiry shall be sufficiently specific to facilitate the preparation of clarification. Late enquiry will not be entertained.

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. You should also indicate which core personnel will undertake the designations of the Project Manager, the Project Director and the three Team Leaders including Team Leader (E&M), Team Leader (Traffic and Transport), Team Leader (Civil and Structural) as required in the assessment criteria. You should produce undertakings 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 I** to this letter.

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

20a. You are required to submit a duly signed declaration on anti-collusion at **Annex J** 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.

20b. Any breach of or non-compliance with paragraph 20 and/or the anti-collusion undertaking shall result in :

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

20c. By submitting your submission, you undertake to indemnify and keep indemnified the *Employer* against all losses, damages, costs and expenses arising out of or in relation to any breach of or non-compliance with paragraph 20 and/or the anti-collusion undertaking.

20d. The rights of the Employer under paragraphs 20b and 20c 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. 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. I should be pleased if you would acknowledge receipt of this invitation letter.
24. If you require further details, please contact Mr. WANG Kai, David at telephone 2808 3260.

Yours faithfully,

(Andy K.M. KWAN)
for Director of Electrical and Mechanical Services

cc.
Secretary, EACSB – w/o encl.