

APPENDIX 3.20C OPERATIONAL PROCEDURES FOR CHECKING OF LISTING STATUS DURING CONSULTANT SELECTION PROCESS

1. Scenario A - From Compiling the List of Consultants for Inviting EOI to Invitation for EOI Submission
 - (i) Prior to invitation for EOI, the procuring department shall check with the Secretary of EACSB for the most updated List. A copy of the invitation letter together with the list of consultants invited shall be sent to the Secretary of EACSB for record as usual.
 - (ii) The general rule is that only consultants eligible at the time of invitation should be invited for submitting EOI. For the avoidance of doubt, EOI submitted by sole/lead consultants other than consultants invited shall not be considered. A provision shall be included in the invitation documents stating that the lead consultant must ensure that the lead consultant itself and its sub-consultant(s) are eligible for bidding of consultancies at the time of submission of EOI. Failure to comply with this requirement will lead to disqualification of the consultant's EOI submission.
2. Scenario B - From Invitation for EOI Submissions to the Approval of Stage 1 Submission (Shortlisting Stage) by EACSB or DCSC
 - (i) During the EOI assessment stage, the Assessment Panel should keep track on any change on the eligibility for appointment of those lead and sub-consultants who have submitted the EOI, particularly prior to the Stage 1 submission (Shortlisting Stage) for approval by EACSB.
 - (ii) For the purpose of determining whether a consultant is eligible for shortlisting, the Assessment Panel shall check the listing status of the consultant at the time when EACSB Stage 1 approval is sought instead of at the time of EOI invitation or submission. In any case, a consultant who is under suspension from bidding shall not be shortlisted for submission of T&F proposals.
 - (iii) If a lead consultant who included in the proposed shortlist becomes ineligible for consideration because of subsequent change in listing status, then the next eligible consultant in the priority list of the same shortlisting exercise shall be submitted to EACSB for approval in lieu.
 - (iv) If a lead consultant who submitted the EOI submission has teamed up with a sub-consultant who is no longer eligible for shortlisting after the closing date for EOI submission, the Assessment Panel may continue the assessment by referring the listing status as at the closing date for EOI submission.

3. Scenario C - From Invitation for T&F Proposals to Approval of Stage 2 Submission (Nomination Stage) by EACSB or DCSC

- (i) For consultancies adopting the one-stage selection process, i.e. without invitation for EOI, only consultants eligible at the time of invitation shall be invited to submit T&F Proposals. For the avoidance of doubt, T&F Proposals submitted by sole/lead consultant other than consultants invited to do so shall not be considered. After the invitation letter of T&F Proposal has been issued, the consultant list shall not be changed.
- (ii) Prior to invitation for T&F Proposals from the shortlisted consultants, the procuring department should check with the Secretary of EACSB for the most updated List to ensure the eligibility of the consultants on the shortlist. If necessary, subject to the approval of EACSB, other suitable consultants may also be shortlisted. A provision shall be included in the invitation documents stating that the lead consultant must ensure that the lead consultant itself and its sub-consultant(s) are eligible for bidding of consultancies at the time of submission of T&F Proposals. Failure to comply with this requirement will lead to disqualification of the consultant's T&F Proposals. The invitation letter shall be copied to Secretary of EACSB for record as usual.
- (iii) The procuring department should keep track of any change in the listing status of firms that occurs during the invitation period, in particular prior to making the Stage 2 submission (Nomination Stage) for approval by EACSB.
- (iv) If a lead consultant has been suspended from bidding or removed from the List after the invitation for T&F Proposals and on or before closing date of submission of T&F Proposals, the procuring department may, after considering the tender competition and other relevant factors, continue the selection exercise concerned without replacement of the suspended shortlisted consultant, or cancel the selection exercise concerned and conduct another one afresh. Regarding a bid with sub-consultant suspended from bidding or removed from the list, the lead consultant has the right to team up with another sub-consultant as stipulated in the standard invitation letter of T&F Proposals subject to changes in circumstances stipulated in EACSB Handbook.
- (v) For a consultant who is downgraded due to failure to meet the minimum admission criteria of the original listed Group status or is suspended from bidding or removed from the List after closing date of submission of T&F Proposal or is found having serious default or non-performance (such as those mentioned in paragraph 22 of Annex I of DEVB TC(W) No. 3/2016), though not under suspension from bidding at the moment, the Assessment Panel shall carefully consider whether the T&F Proposal of such consultant should be further processed. If the Assessment Panel decides not to further process the bid of such consultant, they shall seek endorsement from EACSB on such decision before continuing with the consultant selection exercise.

(vi) If a lead consultant who submitted the T&F Proposal has teamed up with a sub-consultant who is no longer eligible for award of the consultancy after the closing date for submission of T&F Proposal, the Assessment Panel may continue the assessment by referring the listing status as at the closing date for submission of T&F Proposal. The lead consultant concerned may still be eligible for award of the agreement.

4. Scenario D - From the Approval of Stage 2 Submission (Nomination Stage) by EACSB or DCSC to Final Execution of the Agreement

(i) Prior to the award of the consultancy, the procuring department shall check the nominated lead consultant and sub-consultant(s) with respect to the sub-paragraphs (ii) and (iii) below.

(ii) If the nominated lead consultant has poor performance or has been suspended or removed from the List, the procuring department should according to the principle of section (B)(4)(i) in Appendix B to DEVB TC(W) No. 2/2016 critically consider whether the nominated lead consultant is still technically capable or appropriate for entering into the agreement with Government. If necessary, subject to the approval of EACSB, other suitable consultant shall be nominated.

(iii) Regarding a bid with sub-consultant suspended from bidding or removed from the List, the bid should still be eligible for recommendation for award of the agreement. The procuring department should closely monitor the performance of the sub-consultant and take appropriate follow up actions under the provisions of the agreement.