

APPENDIX 4.20 ELECTRONIC DISSEMINATION OF INVITATION DOCUMENTS FOR CONSULTANCIES

1. This Appendix describes procedures promulgated originally in WBTC No. 17/2001 for electronic dissemination of documents issued for inviting Expressions of Interest (EOI), and Technical and Fee Proposals for consultancies under the purview of the Engineering and Associated Consultants Selection Board (EACSB). The relevant paragraphs from the original circular are basically subsumed hereunder.

Definitions

2. In this Appendix, unless the context otherwise requires-

- (a) "Addendum" means a set of Invitation Documents that amends a previous set of Invitation Documents;
- (b) "Digital Signature" means a digital signature as defined in section 2 of the Electronic Transactions Ordinance satisfying the requirements stipulated in section 6 of that Ordinance. "Digitally Sign" should be interpreted accordingly;
- (c) "Electronic Invitation Package" (or "EIP") means a collection of electronic files containing-
 - (i) the Invitation Documents issued for an Invitation; or
 - (ii) the Invitation Documents issued for an Addendum;
- (d) "Invitation" means an invitation for-
 - (i) EOIs issued in accordance with the EACSB Handbook;
 - (ii) Technical and Fee Proposals issued in accordance with the EACSB Handbook;
- (e) "Invited Consultant" means a consultant included in the longlist for EOI or the shortlist for Technical and Fee Proposals;
- (f) "Invitation Document" means-
 - (i) a document issued in accordance with the EACSB Handbook to the Invited Consultants for preparing EOIs;

- (ii) a document issued in accordance with the EACSB Handbook to the Invited Consultants for preparing Technical and Fee Proposals;
 - (iii) a revised version of the document in (i) or (ii);
 - (iv) a covering letter issuing an Invitation;
 - (v) a covering letter issuing an Addendum; or
 - (vi) a document containing the supporting information for using the electronic versions of the documents in (i) to (v), in particular the settings for viewing, editing, and printing;
- (g) "Managing Department" means the department responsible for managing a consultancy under the purview of the EACSB.

Background

3. E-procurement is one of Government's major initiatives for bolstering the competitiveness of our economy. Having made significant progress in the electronic tendering of public works contracts, Development Bureau (formerly Works Bureau) decides to embark on the e-procurement of consultancies under the purview of the EACSB.

4. The scheme will bring several benefits to the Government and the consulting industry. Firstly, it will streamline the exchange of documents in the consultant selection process. Secondly, submissions in electronic format will save the cost of preparing bulky documents in hard copies. Thirdly, consultants may use new IT techniques in presenting their ideas thus helping the industry to become more innovative.

5. To bring e-procurement of consultancy services to fruition, Works Bureau formed a Working Group on E-procurement of Consultancy Services. The working group recommended implementing e-procurement in three phases. The first phase is the electronic dissemination of Invitation Documents. The second phase is the electronic submission of EOI's, and Technical and Fee Proposals on removable media. The final phase is the making of these submissions through the Internet.

6. This Appendix describes the procedures for electronic dissemination of Invitation Documents. The procedures for electronic submission will be described in Appendix 4.21.

Policy

7. The Managing Department for a consultancy should issue the Invitation Documents to the Invited Consultants in electronic format on EIP's prepared and dispatched in accordance with the manner and format in Annex 1.

8. An EIP should be issued for-

(a) an Invitations for EOI's, or Technical and Fee Proposals; or

(b) an Addendum amending the Invitation Documents previously issued.

9. The hard copies of the covering letters issuing Invitations and Addenda (EXCLUDING any enclosures) should also be sent to the Invited Consultants through normal mail. The existing practice of signing hard copies of these letters should continue.

10. A consultant who encounters problems in using an EIP may request the Managing Department to provide print-outs of the EIP contents. The Managing Departments should prepare the requested print-outs using the Image Files defined in paragraph 7(b) of Annex 1 for collection by the consultant.

Electronic Invitation Package

Purpose

1. This annex defines the manner and format for preparing and dispatching EIP's.

Contents

2. The EIP for an Invitation should include the electronic documents containing-
 - (a) the covering letter for the Invitation;
 - (b) the documents issued in accordance with the EACSB Handbook for the Invitation;
 - (c) the supporting information for using the documents in the EIP, in particular the settings for viewing, editing, and printing.
3. The EIP for an Addendum should include the electronic documents containing-
 - (a) the covering letter for the Addendum;
 - (b) the revised Invitation Documents issued with the Addendum; and
 - (c) the supporting information for using the documents in the EIP, in particular the settings for viewing, editing, and printing.
4. EIP's should not contain contents subject to the copyrights of non-government organizations.

Reference

5. Each EIP should be identified by a unique reference number consisting of the following fields-
 - (a) Standard prefix - which consists of the letters "EIP";
 - (b) Agreement number - which is the agreement number assigned by the selection boards for the consultancy;

- (c) Stage of consultant selection - which is one of the following abbreviations-
- (i) "EOI" for Expression of Interest; and
 - (ii) "T&F" for Technical and Fee Proposals;
- (d) Serial number - which is to be assigned as follows-
- (i) EIP for an Invitation - 0; and
 - (ii) EIP for an addendum - sequence number of the addendum

6. The following examples illustrate the conventions in paragraph 5 above-

Description	EIP Reference
EIP issued with the invitation for Expression of Interest for Agreement No. CE 30/2001	EIP-CE 30/2001-EOI-0
EIP issued with 2nd Addendum amending the documents issued for inviting Expression of Interest for Agreement No. CE 30/2001	EIP-CE 30/2001-EOI-2
EIP issued with the invitation for Technical and Fee Proposals for Agreement No. CE 30/2001	EIP-CE 30/2001-T&F-0
EIP issued with 1st Addendum amending the documents issued for inviting Technical and Fee Proposals for Agreement No. CE 30/2001	EIP-CE 30/2001-T&F-1

File Types

7. The contents of each document in an EIP should be hosted in two files-
- (a) Editable File – which is in file formats that are editable by mainstream computer applications for office automation and computer-aided drafting; and
 - (b) Image File – which is in file formats that capture the printed image of the document.
8. Editable Files facilitate data re-use in preparing consultancy submissions. Image Files are not editable. However, they are less susceptible than Editable Files to loss of fidelity in data exchange and will therefore be useful

references if there are doubts on the proper settings for viewing, editing, and printing Editable Files.

File Formats

9. The data formats for the various types of documents/files in EIP's should be as follows:-

Type of File	Editable File	Image File
Text documents	Word Excel (for tabular information)	Portable Document Format (PDF)
Scanned text documents	Not applicable	PDF
Drawings	<i>(Procurement Department to define and insert)</i>	PDF
Building Information Modeling (BIM)	<i>(Procurement Department to define and insert)</i>	PDF
Scanned drawings	Not applicable	PDF

The data formats and associated versions of documents/files to be adopted in EIP's should adhere to the latest OGCIO Interoperability Framework which can be downloaded from the OGCIO website: -

https://www.ogcio.gov.hk/en/our_work/infrastructure/e_government/if/interoperability_framework.html

Dispatch of EIP's

10. EIP's should be dispatched to the Invited Consultants as follows-

Stage	Total file size of EIP	Mode of dispatch
Expression of Interest	Not exceeding 4MB	Internet e-mail to e-mail addresses of consultants
	Exceeding 4MB	CD-ROM's/DVD-ROM's enclosed with covering letters issuing Invitations or Addenda
Technical and Fee Proposals	All sizes	CD-ROM's/DVD-ROM's enclosed with covering letters issuing Invitations or Addenda. (See paragraphs 13 and 14 below on the use of Internet e-mail.)

11. SPR 420(a) provides that all communications regarding the selection of consultants, from the time a shortlist is proposed until an agreement is executed, must be classified as RESTRICTED (CONTRACT). This classification should therefore apply to EIP's issued for Technical and Fee

Proposals. The RESTRICTED classification does not, however, apply to EIP's issued for EOIs because the shortlist will not be proposed until the completion of the EOI exercise.

12. As EIP's issued for Technical and Fee Proposals are RESTRICTED, the EIP files should be named in accordance with Security Regulations (SR) 373. Furthermore, CD-ROM's/DVD-ROM's hosting these EIP's should be transmitted in enclosures that complies with the requirements of SR 213(d).
13. If they so wish, Managing Departments may also dispatch an EIP for Technical and Fee Proposals through Internet e-mail under the following conditions-
 - (a) The total size of the package does not exceed 4MB;
 - (b) The EIP is dispatched in accordance with SR 368 using an e-mail system approved by OGCIO in accordance with SR 369;
 - (c) ALL shortlisted consultants elected to use Internet e-mail; AND
 - (d) ALL shortlisted consultants can supply digital certificates that may be used with the Managing Departments' e-mail systems for sending RESTRICTED documents.
14. Managing Departments that intend to use Internet e-mail should seek OGCIO's advice on the matters mentioned in paragraphs 13(b) and 13(d).

Digital signature

15. For the purpose of authentication, all files in an EIP should be Digitally Signed by the officer who signs the hard copies of the covering letters issuing Invitations or Addenda. The list of recognized certificates is available at OGCIO's website:

www.ogcio.gov.hk/en/regulation/eto/ca/rec_certs

Licence conditions

16. The use of EIP's should be subject to the licence conditions in Annex 2. Managing Departments should issue the licence conditions together with EIP's as follows-
 - (a) EIP's issued through e-mail

(i) The soft copy of the licence conditions should be attached to the e-mail message;

(ii) The following words should be included in the message text-

"The electronic documents for preparing your submission are attached to this message and are listed in Schedule 2 to the attached file [insert file name of the document containing the licence conditions] containing the licence conditions for using these documents. You will be deemed to have accepted these conditions if you use the documents listed in Schedule 2."

(b) EIP's issued on CD-ROM/DVD-ROM

(i) The hard copy of the licence conditions should be attached to the covering letter issuing Invitations or Addenda;

(ii) The soft copy of the licence conditions should be included in the CD-ROM/DVD-ROM;

(iii) The following words should be added to the covering letter-

"The electronic documents for preparing your submission are included in the attached CD-ROM/DVD-ROM and are listed in Schedule 2 to the attached licence conditions for using these documents. You will be deemed to have accepted these conditions if you use the documents listed in Schedule 2."

**Licence Conditions
for Electronic Invitation Packages**

EIP Reference¹	
Issue Date²	
Addendum No.³	

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 1)a)i)(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 1)a)i)(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 1)a)i)(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)a)i)(1) hereto;

¹ To be assigned by the Managing Department in accordance with paragraph 5 of Annex 1.

² Insert date of covering letter.

³ This row should be deleted if inappropriate.

- (g) "Invitation Document" means a document listed under the column "Invitation Document" in Schedule 1)a)i)(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)a)i)(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)a)i)(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) - Invitation⁴

Agreement No.	
Agreement Title	
Department	
Type of submission ⁵	
Submission Closing Date	

⁴ To be completed by department

⁵ Expression of Interest or Technical and Fee Proposal

Schedule (2) – Electronic Invitation Package⁶

Invitation Document	Version No.⁷	Image File⁸	Editable File⁸

⁶ To be completed by the Managing Department.

⁷ Number for identifying the version of an Invitation Document

⁸ Insert file name.