

**APPENDIX 3.21 SAMPLE PROVISIONS IN INVITATION LETTERS FOR EXPRESSION OF INTEREST (EOI) SUBMISSIONS AND TECHNICAL & FEE (T&F) PROPOSALS FOR PAIRING OF CONSULTANT SELECTION EXERCISES**

X. Your attention is drawn to the following special requirements applicable to the consultant selection exercises for Agreement No. [*Please state the agreement no.*] entitled “[*Please state the agreement title*]” and Agreement No. [*Please state the agreement no.*] entitled “[*Please state the agreement title*]”:

- (i) where a consultant firm <sup>Note 1</sup> attains the highest combined score <sup>Note 2</sup> in the assessment of Technical and Fee Proposals in only one Agreement, the consultant firm may be awarded that Agreement;
- (ii) where a consultant firm attains the highest combined score in the assessment of Technical and Fee Proposals in both Agreements:
  - (a) that consultant firm may be awarded not more than one of the two Agreements;
  - (b) the consultant firm(s) that attain(s) the second highest combined score in the assessment of Technical and Fee Proposals in any of the two Agreements may be considered for the award of that Agreement according to the principles set out in sub-clause (c) below; and
  - (c) in determining the combination of winners for awarding the Agreements, the scenario under which the total of the combined scores <sup>Note 3</sup> in the assessment of Technical and Fee Proposals is the highest will be considered as the basis for awarding the Agreements. If, however, there are two scenarios under which the total of the combined scores is the highest, the scenario under which the total of the consultancy fees <sup>Note 4</sup> is the least to the Employer will then be considered as the basis for awarding the Agreements. If, however, there are two scenarios under which the total of the combined scores is the highest and the total of the consultancy fees is the least to the Employer, the scenario under which the total of the technical scores <sup>Note 5</sup> is the highest will be considered as the basis for awarding the Agreements.
- (iii) If you submit/have submitted Technical and Fee Proposals for both Agreements and subsequently withdraw/have withdrawn your submission for one of the Agreements,

your submissions shall not be considered further for both Agreements.

\* Delete as appropriate.

Note 1: Provisions (i) to (ii) above also apply to joint ventures. A joint venture or a consultant firm that has any participation or shareholding in common with another joint venture or a consultant firm shall be regarded as being the same consultant firm for such joint venture(s) and consultant firm(s) for the purpose of consideration of provisions (i) to (ii) above.

Note 2: The combined score will be determined in accordance with paragraph 14 of Development Bureau Technical Circular (Works) No. 2/2016 and 5/2018.

Note 3: The total of the combined scores is the sum of (i) the highest combined score in one of the Agreements and (ii) the second highest combined score in the other Agreement.

Note 4: The consultancy fee will be determined in accordance with paragraph 21 of Development Bureau Technical Circular (Works) No. 2/2016 and 5/2018. The total of the consultancy fees is the sum of (i) the consultancy fee of the consultant with the highest combined score in one of the Agreements and (ii) the consultancy fee of the consultant with the second highest combined score in the other Agreement.

Note 5: The total of the technical scores is the sum of (i) the technical score of the consultant with the highest combined score in one of the Agreements and (ii) the technical score of the consultant with the second highest combined score in the other Agreement.

Remark:

- (i) For two-stage consultants selection process, the project offices should replace a similar sentence in the invitation letters for EOI Submissions by the following sentence:  
“...Based on the response received, normally [five] suitable firms will be shortlisted for submission of technical and fee proposals.”