

APPENDIX 3.4 - SAMPLE INVITATION LETTER FOR TECHNICAL AND FEE PROPOSALS

Dear Sirs,

Agreement No. CE _____ / _____

1. I am pleased to invite you to ~~be considered for possible appointment to undertake~~ submit Technical and Fee Proposals for bidding for Agreement No. CE _____ / _____ . Please note that submissions are being invited on a non-commitment basis.

2. The following 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 Electronic Invitation Package (EIP) in Annex _____ to this letter. You will be deemed to have accepted these conditions if you use the documents listed in Schedule 2.

- i) This covering letter;
- ii) Memorandum of Agreement;
- iii) General Conditions of Employment of Engineering and Associated Consultants for a Assignment (_____) Edition;
- iv) Special Conditions of Employment (if any);
- v) Schedule of Resident Site Staff Standards and Duties (if any);
- vi) Schedule of Fees;
- vii) Brief;
- viii) Guidelines ~~for on~~ Preparation of Technical Proposal;
- ix) Proforma for the Presentation of Fee Proposal;
- x) List of Participating Consultants and Sub-consultants (the term “Sub-consultants” or “sub-consultants” 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” or “sub-consultants” in this letter should be construed accordingly. Your attention is drawn in particular to the requirement to verify the list of your sub-consultants and ensure its completeness as required in paragraph 15 below). For the avoidance of doubt, subject to your confirmation on the employment status, staff seconded from the consultant’s 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;
- xi) manning schedule template;
- xii) personal information collection statement; and
- ~~xi)~~xiii) Other documents (please state).

* Delete as appropriate

3. You may make your submission in either electronic format or hard copy format, except that the manning schedule should be submitted in both the prescribed electronic format and hard copy format. If part of the submission 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~~If the manning schedule in the

submission is made in hard copy format only, you shall provide the same manning schedule in the prescribed electronic format upon request by us. In such circumstance, the manning schedule in hard copy format in the submission made on or before the deadline specified in paragraph 4 below shall prevail. The documents for your proposal submitted in electronic format, including manning schedule and any part of the submission which you elect to submit so, shall be prepared and submitted in accordance with Annex [___] **【Insert appropriate Annex number】** - Requirements for Submission of Proposal in Electronic Format. Subject to the above, All proposals, whether submitted in electronic format or in hard copy format, will be evaluated on an equal basis.

4. If you wish to be considered for possible appointment to undertake the Agreement, you should submit your ~~Technical and Fee~~ **Technical and Fee** proposals by 12:00 noon on _____. You should submit ~~the your Technical proposal~~ **Technical proposal** to me **【 please state address 】** and submit two copies of your ~~Fee~~ **Fee** proposal in a sealed envelope clearly indicating the consultants' name and project reference to the Chairman of EACSB at Civil Engineering and Development Department, 15/F., Civil Engineering and Development Building, 101, Princess Margaret Road, Homantin, Kowloon. Your Technical Proposal and Fee Proposal must be deposited in the respective locations as specified above on or before the submission deadline. If a black rainstorm warning signal or 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. Saturday is not counted as a working day. Late submission of Technical and/or Fee Proposal(s), and/or any Proposal(s) not deposited in the location(s) specified above, shall not be considered. The Government reserves its right to notify you of any disqualification of your submission for any reason(s) after the completion of this consultant selection exercise where appropriate.

5. Your submission should be concise and accurate and should comply with the following conditions:

(i) Each consultant must provide information in the Technical Proposal on the manpower input for the ~~Assignment~~ **Assignment**. You are therefore required to state your proposed total manpower input under [six] categories of staff¹, [partners/directors, chief professional, senior professional, professional, assistant professional and technical staff] in terms of man-weeks and include a manning schedule ~~in a bar chart form using the template provided, to show the time manpower input of key staff such as Study Directors, Managers and Team Leaders under the [six] staff categories proposed in the Technical Proposal.~~ However, you should not provide any information in the Technical Proposal on charge rates or fees. If there is any difference between your proposed total manpower input in the Technical Proposal and the total manpower input calculated from the monthly breakdown in the manning schedule, the total manpower input calculated from the monthly breakdown in the manning schedule shall prevail. We will seek confirmation from you to abide by the bid with the corrected total manpower input for bid assessment purpose and for management of the Consultants upon award of the Assignment. If you fail to confirm your agreement to abide by the bid with the total manpower input so corrected in writing by a specified deadline, your bid shall not be considered further for this consultants selection exercise.

(ii) In addition, you are required to give a manning schedule (with charge rates and fees) in the Fee Proposal. The manning schedule (with charge rates and fees) should be included in the Fee Proposal only and not in the Technical Proposal.

¹ The qualification and experience requirements are attached at [Annex xxx] to this letter. Only the qualification and experience obtained by the proposed staff on or before [the closing date as stated in para. 4] shall be counted.

(iii) The proposed lump sum fee on the first page of the Fee Proposal shall be equal to the total fee for staff and non-staff charges for all stages in the summary breakdown of lump sum fee. The information/data, in particular, the manpower input in the Fee Proposal, shall tally with the Technical Proposal.

(iv) The proposed all-inclusive time charge rates for additional Services could be different from the staff charge rates indicated in the manning schedule at sub-paragraph (ii) of this paragraph.

6. We shall not accept any Fee Proposals where:

(i) the lump sum fee on the first page of the Fee Proposal is different from the total fee for the staff and non-staff charges for all stages in the summary breakdown of lump sum fee; or

(ii) the percentage difference between the “staff rates for additional Services” and the “staff rates in lump sum fee” exceeds the “Specified Percentage Range”.

7. Where the lump sum fee on the first page of the Fee Proposal is different from the total fee for the staff and non-staff charges for all stages in the summary breakdown of lump sum fee or the information/data, in particular, the manpower input in the Fee Proposal, does not tally with the Technical Proposal, you will be asked to rectify the discrepancy by correcting arithmetic errors or making adjustments to the unit charge rate or amending any information/data in the Fee Proposal to bring it in line with the Technical Proposal, where appropriate. If you fail to rectify the discrepancy within [_____] days/weeks *【Fill in the numbers of days】* of the date of the request for rectification, your submission shall be disqualified and shall not be considered. You are not, however, allowed to make any adjustment to the lump sum fee, all-inclusive time charge rates and on-cost rates on the first page of the Fee Proposal.

8. In respect of each category of staff specified in the prescribed Fee Proposal Proforma for “additional ~~services~~Services”, irrespective of the number of sub-~~consultancies~~consultants that may be involved, only ONE time charge rate shall be inserted as specified. Submissions which do not comply with this requirement shall not be considered.

9. In respect of each category of staff specified in the prescribed Fee Proposal Proforma for “Direct Employment of Resident Site Staff”, only ONE on-cost rate shall be inserted as specified. Submissions which do not comply with this requirement shall not be considered.

10. Your attention is drawn to the requirement to insert the all-inclusive time charge rates in respect of each category of staff specified in the prescribed Fee Proposal Proforma for “additional ~~s~~Services” and the on-cost rate in respect of each category of staff specified in the prescribed Fee Proposal Proforma for “Direct Employment of Resident Site Staff”, which information is essential for bid assessment purpose and for payment/management of the Consultants upon award of the Assignment. If a zero rate is inserted for any or all of these rates, we will seek confirmation from you to abide by the bid with the zero rate(s) so proposed for bid assessment purpose and for payment/management of the Consultants upon award of the Assignment. If you fail to put in any or all of these rates, the relevant rate(s) shall be corrected by deeming the rate(s) as zero and we will seek confirmation from you to abide by the bid with the relevant rate(s) so corrected for bid assessment purpose and for payment/management of the Consultants upon award of the Assignment. If you confirm your agreement to abide by the bid with the rate(s) so proposed and/or corrected, the combined score assessment of ~~t~~Technical and ~~f~~Fee ~~p~~Proposals would then be completed in the prescribed manner in accordance with Development Bureau (DEVB) Technical Circular (Works) (TC(W)) No. 2/2016 and No. 5/2018 and its subsequent updates (if any) on the

basis of the proposed fee and/or rates with such rate(s) so corrected and confirmed. If you fail to confirm your agreement to abide by the bid with the rate(s) so proposed and/or corrected in writing by a specified deadline, your bid shall not be considered further for this consultants selection exercise.

10a. A central database, namely Public Works Consultants Resources Allocation Register (PWCRAR), has been developed to maintain the manpower input deployed and/or to be deployed by the consultants for the consultancies they are working on for monitoring purpose. The manpower input contained in your Technical and Fee Proposals for the assignment will be input into the PWCRAR. By submission of the Technical and Fee Proposal, you are deemed to have given consent to the Employer to use any information on or in connection with the manpower input contained in your Technical and Fee Proposals and/or contained in any of your submissions to the Employer for other tenders and/or consultancies awarded to you or your sub-consultants for purpose of tender assessment for this Assignment which is in connection with you, your sub-consultants or staff employed.

11. Your attention is also drawn to the units of the rates as specified in the prescribed Fee Proposal Proforma attached to this letter. Where any of the units of the rates as presented on the first page of the Fee Proposal you have submitted differs from the unit(s) of the respective rate(s) specified in the prescribed Fee Proposal Proforma, such discrepancy shall be corrected by regarding the former as an inadvertent typographical error and the unit(s) concerned in the Fee Proposal submitted shall be automatically corrected to the corresponding unit(s) as per the prescribed Fee Proposal Proforma. For such corrections, only the units are to be so corrected, but not the numerical figures as filled in by you in the Fee Proposal submitted. We will then seek confirmation from you to abide by the bid with units so corrected. If you confirm your agreement to abide by the bid with units corrected, the combined score assessment of ~~₹~~Technical and ~~₹~~Fee ~~₹~~Proposals would then be completed in the prescribed manner in accordance with ~~DEVB TC(W) No. 2/2016 on 2/2016 and No. 5/2018 and its subsequent updates (if any) on~~ the basis of the proposed fee and/or rates with units so corrected and confirmed. If you fail to confirm your agreement to abide by the bid with units so corrected in writing by a specified deadline, your bid shall not be considered further for this consultants selection exercise.

12. You are required to confirm that you agree to abide by your Technical and Fee Proposals for a period of ninety (90) ~~【the procuring department may set a longer validity period, depending on the nature and complexity of the consultancy assignment】~~ days from the due date for submission of Technical and Fee Proposals and it shall remain binding upon you and may be accepted at any time before the expiration of that period.

13. ~~The names of the shortlisted consultants awarded the consultancy agreement, the total mark combined score and technical score awarded to each for technical merit bidder, together with the lump sum fee, time-charge rates, [adjusted notional value for additional Services, [notional Resident Site Staff on-cost rates charges] 【if applicable】 , fee quality score, and manpower input proposed by each bidder where appropriate, will be made known to those, and only those, consultants making submissions and of which their ₹Technical and ₹Fee ₹Proposals have been completely assessed in the combined score assessment after the completion of this consultant selection exercise. You will be deemed to agree to the disclosure of the above-mentioned information of your bid to the other relevant bidders.~~ I would also like to draw your particular attention to the requirements stipulated in Clause __ of the Special Conditions of Employment regarding the disclosure of fees payable to the ~~selected~~ consultant awarded the consultancy agreement.

14. In the case of a submission in the joint name of two or more consultants, documentary proof

of formal association for the purpose of undertaking this studyAssignment should be provided at the same time. Similar proof of agreement with firms, organizations or individuals who will act as your sub-consultants should also be submitted.

15. A list of the names of all the shortlisted consultants and their sub-consultants involved in this studyconsultant selection exercise that have been submitted by individual consultants is enclosed for your information. You are required to verify the list of your sub-consultants and ensure its completeness. If you wish to change the list of your sub-consultant(s), whether by way of addition, replacement, removal or otherwise, your notification must be delivered to me by hand before 12:00 noon, _____ **【 the managing department should specify the exact date here, say at least five working days before the deadline for submission of the ~~Technical and Fee~~ ~~Proposals~~ 】**. The proposed change of your sub-consultant(s) will be assessed to see if your shortlist status will be adversely affected.—If, and the Government is not obliged to accept any proposed change is accepted. Where appropriate and practicable, all the shortlisted consultants will be informed accordingly provided an updated list of the shortlisted consultants and their sub-consultants (with the accepted change(s)) before the submission deadline as far as possible. Late notification of the proposed change shall of your sub-consultant(s) may result in you being disqualified disqualification of your submission because it will may deprive the Assessment Panel of a proper chance to review how the proposed change will affect your shortlist status and to notify other shortlisted consultants in good time before the submission deadline.

15a. Your attention is drawn to the bidding restrictions set out in Annex _____ to this letter. **【Inclusion of Annex B as an Annex to this letter is mandatory.】**

15b. If you propose to engage sub-consultants for this Assignment to undertake sub-consulting services under the listed Service Categories or service discipline having a list of consultants maintained and published by the Government as shown in Annex _____ to this letter. **【Inclusion of Annex C as an Annex to this letter is mandatory.】** you must ensure that the sub-consultants concerned have complied with bidding restrictions as set out in Annex _____ **【Annex B as stated in paragraph 15a above.】**. Failure to comply with this requirement will lead to disqualification of your Technical and Fee Proposal.

15c. **【Insert if applicable】** For the avoidance of doubt, you are not obliged to engage only the consulting firms on the lists given in Annex _____ to this letter **【Inclusion of Annex C – see Paragraph 15b. above】** for solely undertaking the following services in this Assignment:

【This paragraph can be inserted (i) when the Assignment comprises services outside the listed Service Categories or disciplines and the procuring department considers that the consultants may propose in the submission to engage sub-consultants for undertaking such services, and/or (ii) when the procuring departments would like the consultants to engage sub-consultants with specialized knowledge, overseas experience and/or providing expert/innovative input, etc. Before inserting this paragraph, the procuring department shall check with the list management departments where appropriate or seek prior approval for deviation from bidding restrictions – See Sections 2.3.1(b) and Section 2.3.4 of the Guidelines】

The Technical and Fee Proposal for this Assignment in respect of the sub-consultants solely for the above services will be evaluated on an equal basis, whether the sub-consultants are on the lists given in Annex _____ to this letter **【Inclusion of Annex C – see Paragraph 15b. above】** or not.

16. You are required to submit declaration for consultant's resident status with your submission. Please refer to [Annex ___] **【Include Annex A as an Annex to this letter】** for the provisions of retention of money payable to non-resident consultant for settlement of profits tax.

17. The Government has no objection:

- (a) to any consulting firm or its associate or associated person lodging one submission to act as a consultant and concurrently proposing to act as a sub-consultant to another bidding consulting firm in this consultant selection exercise; or
- (b) to different and unconnected consulting firms proposing to engage the same sub-consultant(s) or its/their associate(s) or associated person(s) in this consultant selection exercise.

PROVIDED that:

- (i) all the relevant circumstances are disclosed in the submissions; and
- (ii) where any consulting firm or its associate or associated person lodges one submission to act as a consultant and concurrently proposes to act as a sub-consultant of another consulting firm in the submission of that other consulting firm, the first-mentioned consulting firm or its associate or associated person shall confirm in its submissions as the consultant and as the sub-consultant that no confidential information, confidentiality restrictions or restraints of trade or business have been contravened in lodging the submissions; and
- (iii) where any consulting firm proposes to act as a sub-consultant of more than one bidding consulting firms, it shall confirm in the submissions of all of those bidding consulting firms that no confidential information, confidentiality restrictions or restraints of trade or business have been contravened in lodging the submissions.

Therefore, you and your sub-consultant(s) are required to confirm that no confidential information, confidentiality restrictions and restraints of trade or business have been contravened in lodging the submissions in which the main consultant and/or sub-consultant may be in common or affiliated with the sub-consultant of another bidder.

1718. You are reminded of Government's policy on competitive selection. The Fee Proposal submitted should be your best price determined without reference to any other shortlisted consultants. Failure to observe this condition may cause ~~the Proposal~~your submission to be disqualified.

1819. Subject to the Government's right to reject bids which are considered to have been priced unreasonably low, the selection of consultants will be determined on the basis of a combined score assessment of ~~Technical and Fee~~ Technical and Fee Proposals in accordance with ~~DEVB TC(W) No. 2/2016- and No. 5/2018 and its subsequent updates (if any).~~ Your Technical and Fee Proposals will be construed as a bid for this consultancy agreement and, unless under very special circumstances, there will be no fee negotiations.

1920. The Government is not bound to accept any ~~proposal~~submission it may receive. In addition, the Government will reject bids which are considered to have been priced unreasonably low.

2021. You are also reminded that, as a general policy, importation of labour from outside Hong Kong is not allowed by the Immigration Department, save that in some circumstances, the Director of Immigration may permit the importation of key management and technical personnel on a temporary basis.

~~2122~~. 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~~. Assignment. You should also indicate which core personnel will undertake the designations of the Project Manager, the Project Director and the [three] Team Leader(s) **【the procuring department shall amend it where appropriate to align with the Guidelines for Preparation of Technical Proposal】** as required in the Guidelines for Preparation of Technical Proposal. 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.

~~2223~~. The documents listed in Clause xx **【example, clause 16 for D&C consultancy at Appendix 4.6】** of the Brief are considered necessary for the implementation of the consultancy. **【Insert if applicable, please refer to the-then SETW's memo ref (00WNL-02-4) in ETWB(PS) 106/11 dated 6.1.2006 for details: The consultant appointed in the early stage consultancy is one of the shortlisted consultants, but all the information which was made available to that consultant and all the advice which the consultant has provided and which is relevant to the procurement of this consultancy will be equally made available to all shortlisted consultants upon request.】** You may request to see the documents during the preparation of the submissions. Any documents which are on sale should be purchased by you.

~~23a~~. **【Insert if RSS will be employed: You are reminded that relevant sections of the Management Handbook for Direct Employment of Resident Site Staff by Consultants for Public Works Projects promulgated by the Development Bureau (Works Branch) or equivalent will form parts of the Special Conditions of Employment and the Brief of this consultancy agreement. This Handbook can be found in the link below:**

https://www.devb.gov.hk/en/publications_and_press_releases/publications/standard_consultancy_document/index.html**】**

~~2324~~. Documents of unsuccessful consulting firms will be destroyed three months after the date the consultancy has been awarded and the agreement signed. The manpower input proposed by the unsuccessful consulting firms and contained in the PWCRAR will be disposed of three months after the date the consultancy has been awarded and the agreement signed or the date when such manpower input is no longer required to be used by the Government for tendering purpose, whichever is later.

~~25~~. If sub-consultants are to be employed, you are required to complete the table attached in Annex _____ 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 sub-consultant is to be employed and the corresponding list maintained and published by the Government. Failure to submit the table as required above with the Technical and Fee Proposal will lead to disqualification of consultant's Technical and Fee Proposal. 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, _____ **【the procuring department should specify the exact date here, preferably same as the deadline of provision of list of queries for pre-submission meeting】**. The enquiry shall be sufficiently specific to facilitate the preparation of clarification. Late enquiry will not be entertained. **【Inclusion of Annex D as an Annex to this letter is mandatory.】**

~~2426~~. **【Insert if applicable: 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.

2527. Please note that a consultant who has requested for novation of consultancy agreements due to winding up of business pursuant to paragraph 6(ii) of ETWB TCW No. 3/2005 will not be awarded any further consultancies. Similarly, bids submitted by consultants who engage such a consultant as a sub-consultant will not be considered. Nevertheless, consultants may propose a change of sub-consultants if the deadline for notification of change has not been lapsed.

2628. To resolve queries and to ensure that the shortlisted consultants are fully aware of the requirements of the Agreement, and of the requirements for the Technical Proposal and Fee Proposal, a pre-submission meeting is scheduled as follows:- **【Insert details of the pre-submission meeting below】**

Date:

Time:

Venue:

2729. Representatives from each shortlisted consultants should be restricted to not more than [two (2)] **【Insert number】**. Please provide me with the details (name and post) of your representative(s), together with a list of queries that you prepare to ask in the pre-submission meeting by 12:00 noon on _____ **【Insert date】**.

2830. If you require further details, please contact _____ at telephone _____.

2931. Please acknowledge receipt of this letter and the enclosures by signing and returning the duplicate of this letter.

Yours faithfully,

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Encl.

c.c.

Secretary, EACSB – w/first 2 pages of Fee Proposal **pP**roforma together with the names of all the shortlisted consultants (including also sub-consultants)

【Insert if applicable: Secretary, DCSC – w/first 2 pages of Fee Proposal **pProforma together with the names of all the shortlisted consultants (including also sub-consultants)】**

Note :

Relevant requirements of the Technical Circulars and circular memoranda should also be incorporated as appropriate, e.g. pairing of consultant selection exercises (if adopted).

**[Annex ___] to the Invitation Letter - Retention of Money Payable to
Non-resident Consultant for Settlement of Profits Tax**

- (1) Please note that where the Consultants are non-resident corporation or, where the Consultants are unincorporated joint venture or partnership or sole proprietorship, any one of the participants or partners or the sole proprietor is a non-resident, the Government shall withhold a percentage equivalent to the prevailing Hong Kong Special Administrative Region (hereinafter referred to as Hong Kong) profits tax rate applicable to unincorporated and incorporated business at the time the services are rendered (~~the current rates being [15%] for unincorporated business and [16.5%] for incorporated business for the year of assessment of [2013/2014]~~ ~~【Insert the current rate at the time the invitation is issued.】~~ ~~【Insert the relevant year.】~~) For the details of the current profits tax rates , please refer to the website of the Inland Revenue Department www.ird.gov.hk of any fee payable to the Consultants, whether by way of lump sum, instalments or discounted payments, but exclusive of any reimbursement of expenses, if any, in respect of the Services performed/provided in Hong Kong for the settlement of Hong Kong profits tax chargeable on the fee. Any balance representing the excess of fees so withheld in the basis period of the year of assessment over the Consultants' tax liability for that year will be returned to the Consultants without interest within a reasonable time upon final determination and settlement of their tax liabilities.
 - (2) Where the Consultants are non-resident corporation or, where the Consultants are unincorporated joint venture or partnership or sole proprietorship, any one of the participants or partners or the sole proprietor is a non-resident, should they be awarded the consultancy, such data (including but not limited to their names, nature of engagement, consultancy period, consultancy fee, correspondence address (both local and overseas) and the amount of tax withheld) will be notified/provided to the Inland Revenue Department for tax assessment and collection purposes.
 - (3) "Non-resident" means in the case of an individual, one who maintains a place of abode outside Hong Kong; and in the case of a corporation, one which is not incorporated in Hong Kong.
 - (4) Consultants shall declare their resident status or the sole proprietor's resident status in their consultancy proposals. If the Consultants are unincorporated joint venture or partnership, the Consultants must declare the resident status of each and every participant or partner thereof. A sample declaration letter is attached at the Appendix to this Annex. **【Attach the Sample Declaration Letter in Appendix 4.15 of EACSB Handbook.】**
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[Annex / to Invitation Letter for Technical and Fee Proposal –
Bidding Restrictions

1. If the Technical and Fee (T&F) Proposal is made by a joint venture, the bidding restrictions stipulated in Section 2.3 of the Guidelines attached to DEVB TC(W) No. 5/2018 (the Guidelines) in respect of engagement of joint venture shall be complied with. Any T&F Proposal made by a joint venture in the form being not acceptable in accordance with Section 2.3 of the Guidelines will not be considered.

2. If a joint venture is formed by listed consultants with one or more unlisted consultants, it must ensure (i) the same arrangement was proposed in the earlier Expression of Interest (EOI) submission; (ii) all the unlisted consultants have made applications for inclusion on the List of Consultant of EACSB (the List) under the appropriate Service Category on or before the submission of the EOI; and (iii) such applications have been approved by EACSB on or before the date set for the close of submission of T&F Proposal, or if this has been extended, the extended date. Otherwise, the T&F Proposal submitted by the concerned joint venture will not be considered.

3. The consultant must ensure that at the time of submission of T&F Proposal, the consultant itself and its sub-consultants proposed to undertake sub-consulting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown in Annex **【Refer to Annex C to this sample invitation letter】** to the invitation letter are eligible for bidding under the proposed service category in the relevant list. Failure to comply with this requirement will lead to disqualification of the consultant's T&F Proposal.

- 4.1 (a) If the consultant proposes one or more sub-consultants to undertake sub-consulting service under the listed Service Category maintained by EACSB, the bidding restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of engagement of sub-consultant shall be complied with. In that case, the consultant shall choose to engage sub-consultant(s) with the listed status in Group or lower under the relevant Service Category with three Groups and /or in Group or lower under the relevant Service Category with two Groups maintained by EACSB for the sub-consulting service concerned. **【the procuring department shall input the appropriate Group Number(s) as determined in accordance with Section 2.3.1(b) of the Guidelines.】**

- (b) Failure by a consultant to comply with the requirements in paragraph 4.1(a) above will lead

to disqualification of the consultant's T&F Proposal unless the unlisted sub-consultant proposed has made an application for inclusion on the List under the appropriate Service Category on or before the submission of the EOI and approval of EACSB is obtained on or before the date set for the close of submission of T&F Proposal, or if this has been extended, the extended date.

(c) In the event the approval of EACSB, in the consultant's assessment, is unlikely to be obtained on or before the deadline as mentioned in paragraph 4.1(b) above and the consultant wishes to either remove the unlisted sub-consultant or replace the unlisted sub-consultant with a listed sub-consultant, the consultant shall deliver the notification to the project office before deadline for change of sub-consultant as more particularly stated in paragraph [XX] of the invitation letter of T&F Proposal. T&F Proposal which does not comply with the above requirements will not be considered.

4.2 (a) If the consultant proposes one or more sub-consultants to undertake sub-consulting service under the listed service discipline/categories maintained by Architectural and Associated Consultants Selection Board (AACSB) 【and/or (*the procuring department shall add relevant lists to align with the restrictive list provided in the invitation letter*) 】, the bidding restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of engagement of sub-consultant shall be complied with. In that case, the consultant shall engage sub-consultant(s) with the listed status for the relevant service discipline/category maintained by AACSB 【and/or (*the procuring department shall add relevant lists to align with the restrictive list provided*) 】 for the sub-consulting service concerned.

(b) Failure by a consultant to comply with the requirement in paragraph 4.2(a) above will lead to disqualification of the consultant's T&F Proposal.

4.3 If the consultant proposes one or more sub-consultants to undertake sub-consulting service not under the listed service discipline/categories as mentioned in paragraphs 4.1 and 4.2, the consultant may engage any sub-consultant(s) even if they are not listed under the listed service discipline/categories as mentioned in paragraphs 4.1 and 4.2.

5. If a 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. If the consultant concerned attains the highest combined score, the consultant concerned may still be eligible for award of the agreement.

INVITATION FOR TECHNICAL AND FEE PROPOSAL

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Consultancy Agreement No. _____
(Agreement Title)

Listed Service Category or Listed Service Discipline
Maintained and Published by the Government

—

- 1 All listed Service Categories maintained by EACSB; [Mandatory to be included]
- 2 All listed Service Categories maintained by AACSB; [Mandatory to be included]
- 3 [Procuring departments to add relevant lists which are of restrictive nature];
- 4 _____
- 5 _____
- 6 _____
- 7 _____
- 8 _____
- 9 _____

Note:

- (a) If you propose to engage one or more sub-consultants for this Assignment, you shall comply with the relevant bidding restrictions stipulated in Section 2.3.1 of the Guidelines attached to DEVB TC(W) No. 5/2018.
- (b) The consultant must ensure that at the time of submission of T&F Proposal, the consultant itself and its sub-consultants proposed to undertake sub-consulting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown above are eligible for bidding under the proposed service category in the relevant list. Failure to comply with this requirement will lead to disqualification of the respective T&F Proposal.
- (c) If the consultant has any enquiry 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, the consultant may seek clarification from procuring departments as stated in the invitation letter.

N.B

Procuring departments shall add relevant lists above to suit the specific natures of projects where appropriate.

Table of Listed and Unlisted Sub-Consultants and
Scope of Sub-consulting Services to be undertaken

Consultancy Agreement No. _____
(Agreement Title)

<u>Name of Sub-consultant</u>	<u>Listed Service Category or Discipline</u> <small>(Note a)</small>	<u>Corresponding List maintained and published by the Government</u> <small>(Note a)</small>	<u>Scope of Sub-consulting Services to be undertaken</u> <small>(Notes b to d)</small>
<u>e.g. Company A</u>	<u>Traffic and Transport Category</u>	<u>The Engineering and Associated Consultants Selection Board</u>	<u>Traffic study and planning</u>
	<u>Architectural Category</u>	<u>The Architectural and Associated Consultants Selection Board</u>	<u>Architectural aesthetic design</u>

Note:

- (a) If the proposed sub-consultant is unlisted, please mark “Nil”.
- (b) If you propose to engage one or more sub-consultants for this Assignment, you shall comply with the relevant bidding restrictions stipulated in Section 2.3.1 of the Guidelines attached to DEVB TC(W) No. 5/2018.
- (c) The consultant must ensure that at the time of submission of T&F Proposal, the consultant itself and its sub-consultants proposed to undertake sub-consulting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown in Annex _____ **【Refer to Annex C to this sample invitation letter】** to the invitation letter are eligible for bidding under the proposed service category in the relevant list. Failure to comply with this requirement will lead to disqualification of the respective T&F Proposal.
- (d) If the consultant has any enquiry 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, the consultant may seek clarification from procuring departments as stated in the invitation letter.