

Notice of Inviting Expression of Interest through Internet

Agreement No. CE 49/2013 (EM) District Cooling System (DCS) at the Kai Tak Development (KTD) Phase III (Remaining) – Design and Construction

Interest consultants are invited to express their interest in undertaking the above consultancy.

Consultants should fulfil and declare that they have met the following longlisting criteria for their submissions to be considered further:

- (1) Having at least ten professional staff in Hong Kong
- (2) Having at least one professional staff in Hong Kong in each of the following three categories :
 - (a) S1 General Civil Engineering
 - (b) S13 Electrical and Mechanical Engineering
 - (c) S14 Project Management

The assignment is to conduct the detailed design, tender exercise and construction supervision for the District Cooling System at the Kai Tak Development Phase III (Remaining) works. The scope of this assignment, which is to commence in April 2014, is indicated in the attached copy of the draft Brief given in Annex 1 of the EIP.

If you are interested in this assignment, please reply to this Office before 12:00 noon on **(Tuesday) 8 October 2013** (Hong Kong Time) by submitting **five** sets of documents containing the following information in a **maximum of four A4 pages** with a minimum font size of 12 points:-

- (a) your broad approach to the assignment and appreciation of the requirements;
- (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 organisation chart of the project team);
- (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 Services under the Agreement, and all references to “sub-consultants” in this letter should be construed accordingly); and

- (e) your comments on the draft Brief (**Annex 1**) and the draft Schedule of Fees (**Annex 2**)

Please note that no attachments, except for a copy of your ISO 9001 certificate as described in **Annex 6** and the curriculum vitae of the key staff likely to be employed on the consultancy and the organization chart of the project team as mentioned above, should be included in your submission. **Late submissions or submissions that do not conform to the requirements in respect of the number of pages, the page size, the font size or the attachments shall not be considered.**

Your reply must be submitted in sealed envelopes clearly indicating **your company’s name** and the Project reference [**Expression of Interest for Agreement No. CE 49/2013 (EM) – District Cooling System (DCS) at Kai Tak Development (KTD) Phase III (Remaining) – Design and Construction**] and marked “**Restricted (Contract)**” and placed in the “**Tender Box No. 1 – For EMSD Works Tender only**” located in the entrance foyer of the Electrical and Mechanical Services Department, 3 Kai Shing Street, Kowloon, Hong Kong for the **attention of Director of Electrical and Mechanical Services.**

You may make your submission in either electronic format or 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 shall be prepared and submitted in accordance with **Annex 4 - Requirements for Submission of Proposal in Electronic Format**. All proposals, whether submitted in electronic format or in hard copy format, will be evaluated on an equal basis.

The electronic documents for preparing your submission are listed in **Schedule 2** to the Licence Conditions (**Annex 3**) for the EIP. You will be deemed to have accepted these conditions if you use the documents listed in **Schedule 2**.

If a black rainstorm warning or typhoon signal No. 8 or above is hoisted between 9:00 a.m. 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.

The assessment criteria and weightings for marking the EOI submitted by Consultants and the composition of the Assessment Panel are given in **Annex 7** of the EIP.

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).

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.

For information, the Assessment Panel has agreed that for this consultancy, the past performance of sub-consultants will be assessed in the Technical and Fee Proposal Stage. However, the past performance of sub-consultants of any disciplines shall continue to be a mandatory assessment criterion in the Expression of Interest Stage.

The initial list of qualified consultants approached for this Assignment is given in **Annex 5** of the EIP for your information. A notice of inviting expression of interest through internet is posted on the website of this Department. Based on the response received, normally four (4) suitable firms will be shortlisted for submission of technical and fee proposals.

You are required to comply with the requirements for ISO 9001 certification included in **Annex 6**, and submit all necessary documents together with your expression of interest submission.

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. You are thus required to declare any linkage with other consultants on the longlist given in **Annex 5**. The existence of a holding-subsidary relationship shall be determined in accordance with the provisions in Section 2(4) to (8) of the Companies Ordinance, Cap 32. "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.

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 longlist given in **Annex 5**, 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.

Failure to observe this requirement shall render all related expression of interest submitted null and void and any such submission shall not be considered.

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 assessment of 2011/2012) 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 preformed/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.

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.

“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.

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 given in ETWB TWC No. 34/2004.

Please also note that documents of unsuccessful consulting firms will be destroyed three months after the date the Agreement has been awarded and signed.

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.

I should be pleased if you would acknowledge receipt of this invitation letter by returning the attached reply slip at **Annex 8**.

If you have any queries, please contact my Senior Engineer, Mr. S. K. LO at 2808 3166.
