



Development Bureau

THE GUIDELINES

**The Guidelines for the Implementation
of the New Policy on Selection,
Appointment and Management of
Consultants under the purview of the
Engineering and Associated
Consultants Selection Board**

June 2018

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1. INTRODUCTION

1.1 Purpose of the Guidelines

The Development Bureau (DEVB) has conducted a review of the policy on the selection, appointment and management of consultants under the purview of EACSB. The purpose of these Guidelines is to list out in details the various measures under the new policy as recommended in the review for all user departments to follow.

1.2 Scope of the New Policy

These Guidelines cover the new management regime and administrative rules for the List of Consultants under the purview of EACSB, the amended selection and appointment rules for engineering and associated consultancies, the strengthened monitoring and disciplinary mechanism and the improved coordination among Bureaux and Departments. The timeframe for implementing each of the recommended measures is listed in **Appendix 1.1** to these Guidelines.

As the EACSB policy is constantly under review, these Guidelines will be updated as and when necessary.

1.3 Deviation from the Guidelines

Unless otherwise specified in these Guidelines, prior approval of the DEVB shall be obtained for any deviation from these Guidelines to suit specific needs of individual assignments.

2. MANAGEMENT STRUCTURE AND ADMINISTRATIVE RULES FOR THE LIST OF CONSULTANTS UNDER THE PURVIEW OF EACSB

2.1 Management Regime of EACSB

2.1.1 EACSB Administrative Structure

To assist EACSB, there are two in-house standing committees involved in managing performance of engineering and associated consultants and taking regulating actions against poor performers, namely:

- (a) Inter-Departmental Consultants Review Committee (ICRC); and
- (b) Departmental Consultants Review Committee (DCRC).

2.1.2 Inter-Departmental Consultants Review Committee (ICRC)

An Inter-Departmental Consultants Review Committee is to be established to assist EACSB in managing performance of engineering and associated consultants and taking regulating actions against poor performers.

2.1.2.1 Composition of ICRC

The composition of ICRC is as follows:

Chairperson : DWS, DHy, D of DS [on an annual rotational basis]

Secretary : SE/EACSB

Member : All Chairpersons of DCRC of list management departments and a Representative from DEVB

2.1.2.2 Terms of Reference of ICRC

The terms of reference of ICRC are:

- (a) To approve recommendations from DCRC for taking regulating action, including suspension from bidding and uplifting of any suspension imposed, against consultants receiving two or more consecutive adverse Interim Reports or being assessed as technically incompetent as mentioned in paragraph 21 in Annex I to DEVB TC(W) 3/2016;
- (b) To endorse recommendations from DCRC for taking regulating action other than (a) above before submission by DCRC to EACSB for approval; and

- (c) To provide guidance on various operational issues relating to management of the List of Consultants of EACSB including revision to admission criteria, grouping structures, tendering limit, etc. overseen by DCRC except processing applications from consultants, e.g. application for inclusion, change of company name, etc.

2.1.2.3 Meeting of ICRC

ICRC meetings shall be arranged if matter arisen cannot be handled by circulation of documents.

2.1.3 Departmental Consultants Review Committee (DCRC)

User departments procuring consultancy agreements shall set up a DCRC to manage consultants' performance reports. In addition to the management of performance, DCRCs of list management departments are also responsible for all matters related to the management of the List of Consultants of EACSB.

2.1.3.1 Composition of DCRC

The composition of DCRC is as follows:

Chairperson : D2 officer or above level

Secretary : senior professional rank or above

Member : at least a D1 officer and one other officer of at least professional rank

2.1.3.2 Terms of Reference of DCRC

The terms of reference of DCRC are:

- (a) To monitor the performance of consultants providing consultancy services to the department;
- (b) To review, endorse, and amend, if necessary, the consultants' performance reports;
- (c) To make recommendations to the ICRC for taking regulating action, including suspension from bidding and uplifting of any suspension imposed, against consultants who receive two or more consecutive adverse Interim Reports or are assessed as technically incompetent as mentioned in paragraph 21 in Annex I to DEVB TC(W) 3/2016, and to keep the relevant log(s)

updated of regulating actions in the Consultants' Performance Information System (CNPIS);

- (d) To consider circumstances other than (c) above and obtain endorsement from ICRC before seeking the approval of EACSB for taking regulating actions and to keep the relevant log(s) updated of regulating actions in the CNPIS; and
- (e) To process applications from consultants associated with the administration of the List of Consultants of EACSB and conduct annual re-grouping exercise under the guidance of ICRC including reviewing admission criteria, tendering limit, etc. prior to annual renewal. *[For list management departments Only]*

2.1.4 EACSB Information

The EACSB Information as listed in EACSB Handbook shall be replaced by the followings:

- (a) Record of consultants in the List of Consultants of EACSB which contains the names, addresses and other details necessary for admission, renewal, etc. Other than those restricted information, an up-to-date list of the various categories of consultants is maintained by the Secretary of EACSB and can be accessed via the Internet website of the Civil Engineering and Development Department (<http://www.cedd.gov.hk>);

2.2 Listing and Grouping

EACSB maintains a List of Consultants (the List) for undertaking engineering and associated consultancy services. The rules for administration of the List (the Rules) are set out in this section.

2.2.1 Categories

The List comprises the following categories:

<u>Service Category</u>	<u>List Management Department</u>
Civil Infrastructure and Development (CE)	Civil Engineering and Development Department
Drainage and Sewerage (DS)	Drainage Services Department
Electrical and Mechanical (EM)	Electrical and Mechanical Services Department
Environmental (EP)	Environmental Protection Department
Geotechnical and Slope (GE)	Civil Engineering and Development Department
Roads and Associated Structures (HY)	Highways Department
Town Planning (TP)	Planning Department
Traffic and Transport (TT)	Transport Department
Waterworks (WS)	Water Supplies Department

The list management department for a category is the department most closely connected with that particular type of consultancy and is responsible for servicing and monitoring the performance of all consultants within that category. The list management department for a category may not necessarily be the department responsible for procuring/managing a consultancy issued under that particular category.

2.2.2 Grouping

- (a) CE, DS, GE, HY and WS Categories are each divided into 3 Groups of consultants to accord with the size of the firms, while EM, EP, TP and TT Categories are each divided into 2 Groups. Dividing the latter four categories into 3 Groups will be considered when the job opportunities for these four categories become sufficiently large.
- (b) An up-to-date list of the various categories of consultants is maintained by the Secretary of EACSB and can be accessed via the Internet website of the Civil Engineering and Development Department (<http://www.cedd.gov.hk>). *[Note: When the annual renewal exercise is in operation, the EACSB Secretariat shall send admission record kept in the computer system as*

described in Section 3.6 of these Guidelines to respective consultants on the List and request them to submit returns on their staff resources as well as other documents demonstrating compliance with the minimum admission criteria for the respective category of consultant. DCRCs of the list management department shall then review the submissions and make recommendations on listing status to EACSB for approval.]

- (c) Office audits as stated in Section 2.2.11 of these Guidelines shall be conducted on selected consultants for verifying their submitted returns, i.e. the updated company information, and documents submitted by the consultants for the annual renewal exercise.
- (d) A consultant may apply for inclusion in more than one Service Category subject to compliance with the corresponding admission criteria.
- (e) A consultant cannot be listed on more than one Group within the same Service Category.
- (f) Associated companies (subsidiaries, parent/sister companies) shall be permitted to be included in the List, either in the same or different Service Categories or Groups provided that the companies are separate legal entities and there is no overlap of personnel at all ranks/grades.
- (g) A consultant may apply for direct entry/promotion to any one Group of a Service Category, subject to compliance with the minimum admission criteria for that particular Group.

2.2.3 Criteria for Inclusion in the List

Criteria for inclusion in the List are:

- (a) Number of qualified staff employed, their qualifications and resident status;
- (b) The experience of the consultant;
- (c) The local facilities used by the consultant's local office; and
- (d) ISO 9000 certification.

The minimum entry criteria for inclusion in the List are given at **Appendix 2.1**.

2.2.4 Application for Inclusion

A company profile shall be submitted by any consultant who wishes to apply for inclusion in the List. The company profile form together with all the required documents shall be addressed to the Secretary of EACSB, Civil Engineering and Development Department, 16/F, Civil Engineering and Development Building, 101 Princess Margaret Road, Homantin, Kowloon. The consultant profile form can be downloaded via the internet website of the Civil Engineering and Development Department (<http://www.cedd.gov.hk>).

Upon receipt of an admission application referred by the Secretary of EACSB, DCRC of the appropriate list management department will conduct an investigation to check the documents submitted and confirm compliance with the relevant admission criteria for the List as provided in **Appendix 2.1**. The DCRC concerned will make recommendation to EACSB for approval within two calendar months from the date of referral to the list management department.

If the DCRC concerned considers appropriate, office audits would be conducted as part of the investigation to check the documents submitted.

The processing of an application for inclusion in the List should normally be completed within 4 months after receiving a fully substantiated application from the consultant.

A consultant on the List shall be responsible for the good behaviour of its employees, agents and sub-consultants in relation to any consultancy appointments for public works projects under its control. The consultant shall advise its employees, agents or sub-consultants that they are not allowed to offer or give any advantage or excessive entertainment to any of the Government employees or members of their family, or to solicit or accept any advantage or excessive entertainment from the contractors, their employees, agents or subcontractors in relation to the works under any consultancy appointments for public works projects. The consultant may be subject to regulating actions as stated in Section 4 of these Guidelines if the consultant, its employees, agents or sub-consultants has/have committed any offence under the Prevention of Bribery Ordinance in relation to any consultancy appointments for public works projects unless the misconduct is not within the control of the consultant. In addition, the consultant may be subject to regulating actions for poor integrity such as negligence, misconduct and impropriety as proven in cases where its employees, agents or sub-consultants have solicited, accepted or been given advantage as defined in the Prevention of Bribery Ordinance in relation to any consultancy appointment for

public works project unless the misconduct is not within the control of the consultant.

Application for inclusion or permission for retention on the List under any category shall mean the consultant unconditionally accepts the Rules and any future amendments or additions thereto. Failure or refusal to observe the Rules may lead to refusal of entry to the List for the category being applied for, or suspension from bidding consultancies under the purview of EACSB or removal from all categories in which the consultant is listed.

2.2.4.1 Application from Consultant under Suspension

A consultant, whom is being suspended from bidding for new agreements under one or more categories, may submit application for inclusion in the List under category(ies) in which it is not yet included. The application will be processed in accordance with the procedure stipulated in Section 2.2.4 of these Guidelines as to whether the consultant will be included in the category(ies) applied. However, depending on the nature and seriousness of the cause of suspension, the DCRC concerned shall consider whether suspension should also be imposed on the category(ies) being applied as if the consultant was listed in that category at the time when the suspension was imposed. If affirmative, the consultant will be subject to current suspension even if the application for inclusion is accepted. Otherwise, the consultant will not be subject to current suspension if the application for inclusion is accepted. DCRC concerned shall make recommendation to EACSB for approval.

2.2.4.2 Application from Consultant under Debarment from Re-admission

A consultant, whom has been removed and is being debarred from re-admission under one or more categories, may submit application for inclusion in the List under other category(ies) in which it has not been previously included. The application will be processed in accordance with the procedure stipulated in Section 2.2.4 of these Guidelines as to whether the consultant will be included in the category(ies) applied. However, depending on the nature and seriousness of the cause of removal, the DCRC concerned shall consider whether the removal and debarment should also be imposed on the category(ies) being applied as if the consultant was listed in that category at the time when the removal and debarment from re-admission was imposed. If affirmative, the consultant will be debarred from admission and the application for inclusion will be rejected. Otherwise, the application will be processed accordingly. DCRC concerned shall make recommendation to EACSB for approval.

2.2.5 Changes of Group

A consultant may apply for change to another Group within the same Service Category, subject to compliance with the corresponding listing criteria of that Group. The processing of an application for change to another Group should normally be completed within 2 and 4 months for change to lower and higher Groups respectively after receiving a fully substantiated application from the consultant. *[Note: Once the first annual renewal exercise is in operation, the consultant who applies for change to another Group within the same Service Category will be debarred from further application for change of Group within 12 months upon approval.]*

The application for change of group will be processed by following the procedures stipulated in Section 2.2.4 of these Guidelines.

2.2.6 Duty to Remain Eligible after Admission

Consultants on the List have the duty to remain eligible after admission, i.e. the consultants on the List shall be able to satisfy the admission criteria for the Group and Category in which they are included. A consultant who does not meet the minimum admission criteria (except the criteria of “experience” which is subject to clarification with the consultant) for its associated Group of a category on the List at any time after admission shall notify the Secretary of EACSB in writing within one month and will be suspended from bidding for EACSB consultancies in that category upon instruction by EACSB until such time the minimum requirement is met.

Upon the receipt of the notification, the Secretary of EACSB will inform the relevant list management departments on the notification. DCRC(s) of the relevant list management departments shall carry out investigation to review the status of the consultant and office audit may be conducted, if necessary. Recommendation for suspension in this regard shall be submitted by the DCRC for endorsement by ICRC before seeking EACSB’s approval. If a suspended consultant still does not meet the minimum admission requirement within twelve months after the date of suspension, DCRC should consider seeking the approval of EACSB, following endorsement of DCRC’s recommendation by ICRC, to remove this consultant from the List.

A suspended consultant shall notify the Secretary of EACSB when the minimum requirement is met and apply for uplifting of suspension. Similar procedure as for notification above shall be followed.

2.2.7 Duty to Report Reduction of Staff Promptly

Consultants on the List have the duty to report reduction of staff promptly. The following regulating actions would be taken by EACSB if a consultant fails to notify the Secretary of EACSB within one month, without reasons acceptable to EACSB, when its qualified professional staff resources fall below the minimum number required for the particular Group in the List:

- (a) If a consultant could only meet the minimum staffing requirement of any groups lower than its respective group, it would be suspended from bidding for all EACSB consultancies for 3 months notwithstanding it may be eligible to be included in lower group.
- (b) If a consultant could not meet the minimum staff requirement of any groups, it would not only be suspended from bidding for all EACSB consultancies but would also be suspended for 3 additional months by the time the original suspension has been approved to be uplifted.

The effective date of suspension of a consultant and the subsequent uplifting in this respect shall be recommended by the DCRC concerned. The DCRC concerned will submit recommendation to ICRC for endorsement before submission to EACSB for approval.

2.2.8 Re-grouping

A re-grouping exercise will be conducted for all Service Categories, normally on an annual basis, by DCRCs of the list management departments prior to annual renewal exercise. Re-grouping exercise will assess the balance of job opportunities and the number of consultants available in each Group(s)/Category(ies). Adjustment on the admission criteria as provided in **Appendix 2.1** to these Guidelines and bidding restriction as provided in Section 2.3 of these Guidelines, including the tendering limit, will be considered. DCRCs of the list management departments will submit recommendation to ICRC for endorsement before submission to EACSB for approval.

If there is any change in the admission criteria and bidding restriction, DCRCs in consultation with DEVB may consider and recommend for approval by EACSB whether or not the debarment period for change from one Group to another Group under the same Category as stated in Section 2.2.5 shall be lifted.

Adjustment will be announced by EACSB upon approval and would be effective in the forthcoming annual renewal exercise.

2.2.9 Application for Change of Company Name

The section associated with the change of company name in EACSB Handbook shall be amended as follows:

When the company name of a consultant has been changed, the consultant shall notify the Secretary of EACSB in writing of the change in name and submit:

- (a) a copy of the Business Registration Certificate in the new name;
- (b) (i) in the case of a company incorporated in Hong Kong, a copy of the Certificate of Change of Name issued under Section 107(3)(b) of the Companies Ordinance (Cap. 622); or

(ii) in the case of a registered non-Hong Kong company, a copy of the Certificate of Registration containing the current corporate name issued under Section 779(1)(b) of the Companies Ordinance (Cap. 622), and a legal opinion (original copy) from a lawyer practising in the country in which the company was incorporated confirming that under the law of that country a change of name by a company does not affect any rights or obligations of the company, or render defective any legal proceedings by or against it, and any legal proceedings that could have been commenced or continued against it by its former name may be commenced or continued against it by its new name. The authenticity of the lawyer's professional qualifications also needs to be certified correct by a government or related establishment;
- (c) an updated company profile together with all the required documents;
- (d) a list of all current agreements with the Government; and
- (e) change of bank accounts, if any.

Subject to the receipt of the above documents from the consultant, the Secretary of EACSB will register the change of name in the List for the Service Category(ies) in which the consultant was previously listed under the former company name; and notify the relevant list management department(s) and relevant procuring departments, which have agreement(s) with the consultant, of the change.

Consultants are required to answer all reasonable enquiries from the Secretary of EACSB and the list management departments.

Upon the notification of the Secretary of EACSB, the DCRC of relevant list management department shall investigate if necessary and recommend to EACSB whether there should be any change in the consultant's status within one calendar month from the date of referral by the Secretary of EACSB. The consultant will continue to be allowed to bid for agreements unless the DCRC of the relevant list management department recommends to EACSB that the consultant should be suspended from bidding.

2.2.10 Organizational Restructuring of Consulting Companies – Integration

The guidelines given in SDEV's memorandum ref. (0211Y-01-12) in DEVB(PS) 106/43 dated 24 July 2009 are applicable to the organizational restructuring scenario of one or more consulting companies (the transferor(s)) integrating into another consulting company (the transferee) by full transfer of their liabilities, assets, staff and resources to the transferee.

If the transferor still remains in existence after the restructuring, it shall provide a deed to the Secretary of EACSB to undertake not to make any reference to any of its past records, including company experience and past performance records in previous public works contracts/consultancies, as these deem to have been transferred to the transferee.

The transferee shall submit an application to the Secretary of EACSB if it intends to attain the same listing status as the transferor(s) upon the organizational restructuring. The application will be processed by following the procedure stipulated in Section 2.2.4 of these Guidelines. If necessary, the Secretary of EACSB may also forward the documents provided by the transferee on the organizational restructuring, including legal opinion and undertakings, to the list management departments for reference.

2.2.11 Office Audits on Consultants

Office audits on selected consultants for verifying the company information and documents submitted by the consultants will be conducted quarterly in March, June, September and December every year.

Irrespective of the grouping status of the consultants, at least one consultant shall be selected from each Group under each Category for each quarterly office audit

exercise. To be fair in the selection of consultants for conducting office audit, factors to be considered shall include the following:

- (a) whether the consultant was audited in the previous quarters;
- (b) whether the consultant received one or more adverse performance reports in the past 12 months;
- (c) whether the consultant was restructured;
- (d) whether the consultant was inactive, for example it has not participated in/ has not been awarded any consultancy agreements in the past few years; and
- (e) other circumstances which are considered appropriate in consultation with the Secretary of EACSB.

The Secretary of EACSB will coordinate the selection of consultants by DCRCs of the list management departments for office audit and return the consolidated list of firms to be audited to DCRCs for conducting the audits accordingly. DCRCs should assign, normally, one senior professional rank officer and one professional rank officer to carry out each office audit. Prior to the audit, nominated officers should obtain the latest company information submitted by the consultants for checking.

Notwithstanding the quarterly office audit, if there is information that would give rise to reasonable suspicions as to the technical capability of a firm, e.g. dramatic reduction of staff resources or recent unsatisfactory performance etc., additional office audits may be arranged by DCRCs at any time of the year.

If a consultant fails to submit updated company information and relevant documents as required for the renewal exercise or to cooperate with the audit team for conducting the office audit without reasonable justifications, DCRC shall consider seeking EACSB's approval to suspend such consultant from bidding for EACSB consultancies in the category until EACSB is satisfied that the consultant meets the minimum admission criteria for the category on the List. If a suspended consultant still cannot demonstrate that it can meet the minimum admission requirement within twelve months after the date of suspension, DCRC shall consider seeking EACSB's approval to remove the consultant from the List. Recommendation for suspension and removal in this regard shall be submitted by DCRC for endorsement by ICRC before seeking EACSB's approval.

An audit report as in **Appendix 2.2** shall be completed and submitted to the DCRCs for follow up action, in consultation with EACSB if necessary, after each audit.

2.2.12 Removal of consultants from the List

Under any of the following circumstances and upon receipt of recommendation from DCRC, and endorsement of ICRC, EACSB would consider that a consultant does not have the technical capability, integrity and/or intention to undertake further EACSB consultancies, and would resolve to remove it from a particular category or all categories under the List.

- (a) A consultant fails or refuses to observe the Rules and criteria pertaining to the administration of the List. (Last paragraph of Section 2.2.4 of these Guidelines refers)
- (b) A consultant has been suspended from bidding for EACSB consultancies in the appropriate category due to non-compliance with the minimum admission requirement such as inadequate number of qualified professional staff or as a consequence of the renewal exercise or office audit conducted and still fails to meet the said requirement within 12 months after the date of suspension. (Sections 2.2.6 and 2.2.11 of these Guidelines refer)
- (c) If it is noted in an office audit that a consultant has not practised in local or overseas consultancy business of the relevant discipline actively for the required number of years as stated in the admission criteria, an investigation of the firm would be conducted in order to check whether it is still eligible for retention on the List. For the avoidance of doubt, “not practised” shall mean a consultant not engaging as lead or sub-consultant in local or overseas engineering project of appropriate scale and nature of work relevant to the Service Category concerned.

External mitigating factors relating to changes in the business environment such as general economy, local and overseas market conditions, availability of human resources, level of competition in the market etc. shall be considered by EACSB in this case.

- (d) A consultant who has requested for the novation of existing consultancy agreement(s).
- (e) A consultant refuses to submit Technical and Fee Proposal after being shortlisted or withdraws Technical and Fee Proposals after submission of Technical and Fee Proposals without justifications to the satisfaction of

EACSB on three or more occasions within a period of three years counting from the closing date for submission of Technical and Fee Proposal for the consultants selection exercise associated with first occurrence of such failure. In this regard, a warning letter shall, if practicable, be sent by EACSB to the consultant concerned on such occasion.

- (f) If it is noted that a consultant has ceased its operation for three months or more without notifying EACSB, the situation should be reported to corresponding DCRC for issue of warning letter by registered mail to the consultant and an ad hoc office audit should be conducted prior to seeking EACSB's decision to remove this consultant from the List.
- (g) Other cases as stipulated in Section 4.3 of these Guidelines.

Subject to recommendation of DCRC, endorsement of ICRC and approval of EACSB, consultants removed from the List will normally be subject to a 12-month debarment period from re-admission.

2.2.13 Appeal

The consultant, who does not agree to the decision on its application or the regulating action imposed on it may appeal in writing, with substantiations and supporting evidence, to EACSB within 14 calendar days from the date when the copy of the decision or the notice of regulating action is sent to the consultant. The appeal can be delivered either by post, by fax or by email. Late submissions will not be considered. EACSB with the necessary assistance of respective DCRC(s) would decide on the case within one month if practicable, and such decision shall be final. Any imposed regulating actions will only be lifted when EACSB is satisfied that the appeal is sustained. The result of the successful appeal will not have any retrospective effect on the award of consultancies or decisions made in any consultants selection exercise that have already been conducted.

2.3 Bidding Restriction

(Refer to implementation dates stated in **Appendix 1.1**)

Unless there is no appropriate Service Category available, all consultancy bids are to be invited from the List of Consultants.

2.3.1 Procurement under EACSB and DCSCs

To promote competition and widen participation, bidding restrictions will be imposed taking into consideration a combination of two factors: “estimated lump sum fee” and “complexity of the assignment”. Cross-Group bidding is only allowed in a controlled manner as shown in **Figure 2.1**:

Bidding Restrictions – Service Categories with 3 Groups:

Complexity/ Tendering Limit	Normal	Complex
>\$10M	Group 2 & Group 3	Group 3
>\$5M & <=\$10M	Group 2	Group 2 & Group 3
<=\$5M	Group 1	Group 1 & Group 2

Bidding Restrictions – Service Categories with 2 Groups:

Complexity/ Tendering Limit	Normal	Complex
>\$10M	Group 2	Group 2
>\$5M & <=\$10M	Group 2	Group 2
<=\$5M	Group 1	Group 1 & Group 2

Figure 2.1 – Bidding restrictions

The complexity of each assignment will be determined by the procuring department following the prescribed criteria laid down by the procuring department of the respective Service Category. Details of the classification of assignment complexity for the nine Service Categories are listed at **Appendix 2.3**.

(a) Bidding as Sole/Lead Consultant

For assignments under listed Service Category, the sole/lead consultant should have the listed Group status for that particular type of assignment as stipulated in **Figure 2.1**. For example, a “complex” assignment with an estimated lump sum fee exceeding \$5M but not exceeding \$10M under Service Categories with three Groups, consultants in Groups 2 and 3 can bid as sole/lead consultant. For a “normal” assignment with an estimated lump sum fee exceeding \$5M but not exceeding \$10M under Service Categories with three Groups, only consultants in Group 2 are permitted to bid as

sole/lead consultant.

For engineering and associated consultancy assignments not under the listed Service Category, the Assessment Panel should select suitable consultants from all reasonably available sources to form a non-restrictive list based on the agreed selection criteria. The invitation of expression of interest (or technical & fee proposals under one-stage selection process) shall not be restricted to the consultants on the list. Other suitable consultants not on the list should also be considered. In addition, for assignments with estimated lump sum fee not exceeding \$5M, a consultant shall only be considered as eligible for bidding and award of the assignments if the total number of its works-related professional staff, for example, engineers, architects, surveyors, planners and landscape architects, does not exceed 15, and the consultant concerned shall be registered and maintain an active office in Hong Kong.

If there is/are one or more associated companies having the listed Group status for that particular assignment as stipulated in **Figure 2.1**, only one of the associated companies shall be allowed to bid in that assignment.

(b) Engagement of Sub-consultant^{1&2}

For assignments under listed Service Category requiring the engagement of sub-consultants, the lead consultant will be allowed to choose any sub-consultants, subject to compliance with the following requirements:

- (i) if the sub-consulting service is of the listed Service Category, the lead consultant can choose to engage a sub-consultant with the listed Group status for that particular type of assignment as stipulated in **Figure 2.1** or a listed consultant from a lower Group. For example, a “complex” assignment with an estimated lump sum fee exceeding \$5M but not exceeding \$10M under listed Service Categories, consultants in Groups 1 to 3 under Service Categories with three Groups, or Groups 1 to 2 under Service Categories with two Groups can be engaged as sub-

1 A sub-consultant is allowed to associate with more than one lead consultant under the same bidding exercise.

2 The sole consultant or all participants in joint venture should have an aggregate share of the lump sum fee more than that of the sub-consultants.

consultant. For a “normal” assignment with an estimated lump sum fee exceeding \$5M but not exceeding \$10M under listed Service Categories, only consultants in Group 1 to 2 can be engaged as sub-consultant; and

- (ii) if there is no appropriate Service Category for the sub-consulting services, the procuring department shall provide a restrictive list of sub-consulting firms by referring to other lists of consultants maintained and published by the Government (e.g. Architectural and Associated Consultants Selection Board) for the service discipline concerned if available. If the service discipline is also not available in these lists of consultants, the procuring department may provide a non-restrictive list of sub-consulting firms based on all reasonably available sources for the bidders’ reference as far as possible.

For engineering and associated consultancy assignments not under the listed Service Category requiring the engagement of sub-consultants, the lead consultant will be allowed to choose any sub-consultants, subject to compliance with the following requirements:

- (iii) for the sub-consulting service under listed Service Category, consulting firms eligible to be the sub-consultant should also be determined by referring to **Figure 2.1** as if the assignment is under the respective listed Service Category. For example, a “normal” assignment³ with estimated lump sum fee exceeding \$5M but not exceeding \$10M, only consulting firms in Group 1 and 2 can be engaged as sub-consultant; and
- (iv) for the sub-consulting service not under the listed Service Category, Section 2.3.1(b)(ii) above applies.

(c) Bidding as Joint Venture

For assignments under listed Service Category, only joint venture formed by two or more listed consulting firms with the listed Group status for that particular type of assignment as stipulated in **Figure 2.1** are allowed. For example, a “complex” assignment with estimated lump sum fee exceeding

3 Complexity of an assignment under unlisted Service Category shall be determined by Assessment Panel.

\$5M but not exceeding \$10M under Service Categories with three Groups, joint venture of consulting firms in Group 2 and 3 can be formed. For a “normal” assignment with estimated lump sum fee exceeding \$5M but not exceeding \$10M under Service Categories with three Groups, joint venture of consulting firms in Group 2 can be formed.

For engineering and associated assignments not under the listed Service Category, the Assessment Panel shall specify the selection criteria of suitable consultants for formation of joint venture. However, for assignments with estimated lump sum fee not exceeding \$5M, a joint venture will only be considered as eligible for bidding and award of the assignments if the total number of works-related professional staff in the joint venture does not exceed 15 and the total number of works-related professional staff in each of the individual participants does not exceed 15. In addition, the joint venture or the participants shall be registered and maintain an active office in Hong Kong.

(d) Engagement of Unlisted Consultants as Sub-consultant or Participant in Joint Venture

Unlisted consultants are allowed to form joint venture with listed consultants or to be engaged as sub-consultant in an engineering and associated consultants selection exercise subject to the following conditions:

- (i) Application for inclusion on the List of Consultant of EACSB under appropriate Service Category and Group shall be made by the unlisted consultants before submission of Expression of Interest (EOI) or Technical and Fee Proposal (if EOI is not required);
- (ii) For unlisted consultants bidding as sub-consultant, the lead consultant shall undertake to replace the unlisted consultant with a listed consultant if the application for inclusion on the List of Consultant of EACSB made by the unlisted consultant is subsequently rejected; and
- (iii) For unlisted consultants bidding as a participant under Joint Venture, the application for inclusion on the List should be approved by EACSB before the date set for the close of submission of Technical and Fee Proposal, or if this has been extended, the extended date. Otherwise, the Technical and Fee Proposal submitted by the Joint Venture concerned will not be considered.

2.3.2 Procurement by Quotation

For procuring engineering and associated consultancies not exceeding the financial limit as set out in Section 220 of Stores and Procurement Regulations (currently set at \$3M), i.e. by means of seeking quotations, **Figure 2.1** is still applicable. For assignments under the listed Service Category, only listed consulting firms in Group 1 shall be invited to submit quotation for the consultancies of “normal” complexity, while only listed consulting firms in Groups 1 and 2 shall be invited to submit quotation for consultancies of “complex” nature. Likewise, restriction on sub-consulting and formation of joint-venture mentioned in Section 2.3.1 of these Guidelines will also be applicable. Prior to the award of the consultancy, the procuring department shall check whether the nominated lead consultant and sub-consultant(s) are still eligible for appointment. The procuring department may make reference to the procedures in **Appendix 3.12** as appropriate.

For assignments not under the listed Service Category, the requirement on inviting quotation from listed consulting firms will not be applicable. However, a consultant will only be considered as eligible for bidding and award of the assignments if the total number of its works-related professional staff does not exceed 15.

2.3.3 Deviation from Bidding Restriction

Unless otherwise specified in these Guidelines, prior approval of the Head of Department should be obtained for any deviation from the bidding restriction stated in Section 2.3 of these Guidelines. The procuring department shall inform DEVB of the approval of Head of Department, providing relevant details of the consultancy for record purpose.

2.4 Tender Award Restriction on Consultants Newly Admitted to the List

Normally, there should be no limit on the number and value of engineering and associated consultancies for public works that may be awarded to a consultant. However, limit of consultancies awarded is imposed on consultants newly admitted to the Lists who is bidding as sole consultant or lead consultant in a joint venture as described in Sections 2.4.1 to 2.4.5 below.

2.4.1 Consultants to be subject to the Restriction

Tender award restriction (“the Restriction”) shall be imposed on consultants newly admitted to the List. However, the Restriction will not apply if the consultant has satisfactorily completed within 5 years before the date of application for admission to the List one local public work engineering services of the appropriate nature and scale of the Category/Group it belongs to. Documentary proof shall be provided by the consultant at the time of submission of application.

The DCRC of the relevant list management departments will make recommendation to EACSB, based on the information submitted by the consultant, on whether the consultant shall be subject to the Restriction under the category concerned.

2.4.2 The Restriction

The Restriction to be imposed on newly admitted consultants for award of engineering and associated consultancies procured under EACSB and DCSCs in different Groups is shown in **Figure 2.2**:

	Group 1	Group 2	Group 3
Max. No. of agreements	2	5	No limit
Max. total Lump Sum Fee	\$10M	\$50M	\$100M

Figure 2.2 – Tender award restrictions on newly admitted consultants.

Consultants subject to the Restriction are eligible to submit EOI submission, Technical and Fee Proposal, and for the award of consultancy agreements, provided that the number of agreements and the associated total lump sum fee that the consultant holds, as sole consultant or lead consultant in a joint venture, under the same category together with the consultant’s bid in the associated bidding exercise does not exceed the number or value indicated in **Figure 2.2**, in each of the Service Categories to which they are subject to the Restriction.

Consultants subject to the Restriction shall submit evidence on the number of agreements and the total lump sum fee of agreements that it already holds together with its EOI submission and/or Technical and Fee Proposal for tender assessment.

2.4.3 Eligibility Checking before Award of Agreement

Notwithstanding the eligibility checking during the assessment of EOI submission and Technical and Fee Proposal, the eligibility of the consultant subject to the Restriction for award of the agreement in the associated bidding exercise shall be re-checked at the date when the Stage 2 EACSB Submission is completed and signed for submission to the EACSB or DCSCs for approval if the consultant subject to the Restriction is to be recommended. Any new agreement(s) awarded to the consultant concerned between the closing date for submission of Technical and Fee Proposal and the date of Stage 2 EACSB Submission, both dates are inclusive, will be taken into account. The Stage 2 EACSB Submission should contain a statement confirming that such re-checking has been done at the date when the Stage 2 EACSB Submission is completed and signed as aforementioned in recommending the award of the agreement to the consultant concerned or not.

2.4.4 Uplift of the Restriction

The Restriction may be lifted after the consultant has satisfactorily completed or performed for two consecutive years (whichever is the earlier), within 5 years after inclusion on the List, one local public works engineering services of the appropriate nature and scale of the Category/Group it belongs to.

Any consultant who wishes to apply for uplift of the Restriction shall submit an updated company profile form together with all the required documents to the Secretary of EACSB similar to application for inclusion as stipulated in Section 2.2.4 of these Guidelines.

Upon receipt of an application referred by the Secretary of EACSB, DCRC of the appropriate list management department will conduct investigation to check the documents submitted and make recommendation to EACSB for approval.

2.4.5 Assessment related to the Imposition and Uplifting of the Restriction

For consultancy agreement completed or performed by the consultant as a participant in joint venture or sub-consultant, only the part of agreement completed by the consultant as a participant in the joint venture or sub-consultant shall be accredited and the value of services shall be calculated in accordance with its share of services by value. The part completed by the consultant shall be relevant to the service under the Category it is applying for admission/uplifting. The consultant shall provide sufficient evidence to demonstrate the experience acquired from its completed part in the joint venture agreement.

3. SELECTION AND APPOINTMENT RULES FOR ENGINEERING AND ASSOCIATED CONSULTANCIES

(For implementation dates, refer to **Appendix 1.1**)

3.1 Selection of Consultants for Submission of Expression of Interest

3.1.1 Consultancies under Listed Service Categories

The longlisting of consultants for submission of Expression of Interest (EOI) (EACSB Handbook Section 3.5.1 refers) is substituted by selection of consultants from the appropriate Category(ies)/Group(s) in the List for the assignment. The Assessment Panel shall take into account the nature and the pre-tender estimate of the consultancy, and decide in accordance with Section 2.3 of these Guidelines the appropriate Category(ies)/Group(s) of consultants to be invited to submit EOI for the assignment. Invitation for EOI or direct invitation for Technical and Fee (T&F) Proposals (if EOI is not required) shall be sent to all the listed consultants in the appropriate Category(ies)/Group(s), other than those under suspension, and posted on the internet website of the procuring department(s).

Open invitation for EOI for consultancies under listed Service Categories (EACSB Handbook Section 3.5.4 refers) is no longer required.

For one-stage selection process (EACSB Handbook Section 3.1.3.1 refers) where EOI is not required, Section 2.3 of these Guidelines shall also apply in selecting consultants for submission of T&F Proposals.

3.1.1.1 Extension of Invitation to Other Groups

If the number of listed consultants identified in accordance with Section 2.3 of these Guidelines is less than five, consultants from either the next higher or the next lower group, as Assessment Panel having taken the nature and scale of the assignment concerned into account considers appropriate, shall also be invited to submit EOI for the assignment.

If the Assessment Panel considers, based on available information (e.g. relevant tendering experience for consultancies of similar scale and nature), the number of EOI submissions to be received may be less than five, the Assessment Panel may consider conducting a sounding-out exercise to ascertain the number of EOI submissions likely to be received. If the estimated number of EOI submissions to be received is less than five based on the outcome of the sounding-out exercise, the

Assessment Panel shall consider inviting consultants in either the next higher or the next lower group, as Assessment Panel considers appropriate, to submit EOI for the assignment.

The sounding-out exercise shall be conducted in writing. Information including consultancy agreement number, agreement title, tentative EOI invitation date and brief scope of the consultancy shall be issued to the consultants in the appropriate Category and Group(s) selected in accordance with Section 2.3 of these Guidelines. The consultants shall be requested to reply in writing on a non-committal basis within a reasonable period, usually not less than one week and not more than two weeks, by indicating their interest in submitting EOI for the assignment. A sample letter for sounding out exercise is attached at **Appendix 3.1** for reference.

3.1.2 Consultancies not under Listed Service Categories

If there is no appropriate category of consultants under the List of Consultants maintained by EACSB to suit a particular engineering and associated assignment, the invitation for EOI of that particular assignment shall be opened to all consultants in the industry.

The Assessment Panel shall select suitable consultants from all reasonably available sources to form the Longlist based on the agreed selection criteria. The Longlist shall normally include 15-20 consultants depending on the nature of the services involved.

For consultancies not under listed Service Categories and with estimated lump sum fee not exceeding \$5M, the relevant bidding restriction as described in Section 2.3 will be applied. Consultants are required to declare that they satisfy all the requirements stipulated in the relevant bidding restriction as described in Section 2.3 in their EOI submission and T&F Proposal (if EOI is not required).

Invitation for EOI or direct invitation for T&F Proposals (if EOI is not required) shall be sent to the longlisted consultants and posted on the internet website of the procuring department.

3.2 Invitation for EOI Submission and Technical and Fee Proposals

3.2.1 Procedures relating to Invitation for EOI Submission and Technical and Fee Proposals

Unless otherwise specified in these Guidelines, the procedures relating to invitation for EOI submission and T&F Proposals shall follow EACSB Handbook.

The reference table for determining the specified weighting to be used for the Technical Score and Consultancy Fee Score is revised by deleting “Straight-forward” type of complexity. The revised reference table is in **Figure 3.1**.

Weightings for Different Complexity of Projects for Technical Score/Consultancy Fee Score (%)	
Normal	Complex
63/27	72/18

Figure 3.1 – Weighting for Technical Score/Consultancy Fee Score

The complexity of projects shall be determined with reference to **Appendix 2.3** to these Guidelines.

3.2.2 Invitation Letters

Amendments to the sample invitation letters for submission of EOI and T&F Proposals are attached at **Appendix 3.3** for reference. Additional requirements for preparation of the marking scheme should be observed with reference to the assessment of Technical Proposal, Fee Proposal, Fee Quality and overloading checking as stated in Sections 3.3, 3.4, 3.5 and 3.6.3 of these Guidelines.

Invitation letter for T&F Proposal should be accompanied with a soft copy of manning schedule template as attached in **Appendix 3.4** for the bidders to complete and return with the T&F Proposal. The manning schedule shall be submitted in both hard copy and soft copy, and the soft copy shall be digitally signed by the consultant. In case there is discrepancy in the manning schedule between the soft copy and the hard copy, the soft copy shall prevail.

3.3 Assessment of EOI Submission and Technical Proposal

The Assessment Panel shall grade the “Previous relevant experience” and “Knowledge, experience and capability of key staff” of EOI submission, and the

“Consultant’s Experience”, “Response to the Brief” and “Staffing” of Technical Proposal by following the “Full Marks” approach as described in **Appendix 3.2(A)**.

The adjustment to the assessment of the EOI submission and the Technical Proposal highlighted below shall be adopted:

- (a) The terms “Core Personnel” and “Key Staff” shall mean:

Core Personnel: staff includes the project manager, partner in charge, project/study director, team leaders of relevant disciplines or specialist. While the procuring departments shall specify the minimum number of Core Personnel and their respective designations in the EOI/T&F invitation documents for the purpose of tender assessment using the “Full Marks” approach, the consultants may propose in their EOI submissions or T&F Proposals additional Core Personnel for the assignment. For the avoidance of doubt, if more than one person is proposed for a core personnel specified in the invitation documents, the one who is assessed to attain the highest mark would be counted in tender assessment under the “Full Marks” approach.

Key Staff: staff named in the manning schedule of the Technical Proposal, including Core Personnel.

- (b) The relative significance of the staff categories for satisfactory performance of the assignment shall be in the ratio of 4:2:1 (which may however be substituted by another suitable ratio as may be determined by the Assessment Panel) with respect to the categories of three groups (viz. “partners/directors (P/D) and chief professional (CP)”, “senior professional (SP) and professional (P)” and “assistant professional (AP) and technical (T)”). The ratio shall be used for calculating the weighted total manpower input for the assessment.
- (c) To facilitate the implementation of the manpower resources checking system as mentioned in Section 3.6 of these Guidelines, the conversion factor from man-hour to man-week shall be fixed at 40 man-hour per man-week and used for the purposes including but not limited to the following:
- (i) checking of compliance with the Specified Percentage Range requirements; and
 - (ii) checking of overloading situation.

3.4 Assessment of Fee Proposal

Assessment of Fee Proposal shall follow the provisions of EACSB Handbook, together with the adoption of the fee-diving control mechanism as described in **Appendix 3.2(B)**.

3.5 Assessment of Fee Quality

Assessment of Fee Quality shall follow the provisions of EACSB Handbook, with computation of the weighted total manpower input of the technical proposal using the ratio mentioned in Section 3.3(b) above.

3.6 Manpower Resources Checking System

3.6.1 Public Works Consultants Resources Allocation Register

A manpower resources checking system, namely Public Works Consultants Resources Allocation Register (PWCRAR), has been developed to serve as a central database to facilitate management of consultants included in the List by the list management departments, and to upkeep and maintain the manpower input earmarked for each EACSB consultancy by consultants for the purpose of checking overloading in tender assessment and performance appraisal by procuring departments.

The PWCRAR can be accessed through the Government Backbone Networks via the Departmental Portal. A user manual and a training manual of the system can be downloaded from the web page of the system. The PWCRAR allows the consultants to submit quarterly updates direct to the PWCRAR through registered email accounts.

To ensure that the basic information of the consultancies and the associated access right are consistent with those in the Consultants' Performance Information System (CNPIS), the relevant project and user group data will be synchronized from the CNPIS to the PWCRAR regularly. To effect the two-tier checking/confirmation of the data input, the users of the PWCRAR will be divided into two different user groups (i.e. officers and endorsers) which will have different access right in the

system. In general, officers are to upload/input manpower data into the PWCRAR while endorsers are to confirm the manpower data uploaded/input by the officers in the PWCRAR. Please refer to the user manuals for details on the mapping of access rights.

Currently, there are departmental system administrators, one for each user department, assigned with the right to update and amend the user list of their departments in CNPIS. Any change in the access right shall first be carried out in CNPIS and the change will then be synchronized to the PWCRAR accordingly.

3.6.2 Management of the List of Consultants

As mentioned in Section 2, the consultants shall submit applications to EACSB Secretariat for admission to the List of Consultants. EACSB Secretariat will upload the relevant information, such as the consultants profile form, to the PWCRAR accordingly. EACSB will base on the recommendations of the list management departments, approve or reject the admission applications. Upon approval of admission by EACSB, the list management departments shall update the information in the PWCRAR when required and confirm the data in the PWCRAR accordingly. The list management departments can also retrieve relevant information of consultants through the PWCRAR and carry out checking, updating and/or renewal when required. Please refer to **Appendix 3.5(A)** for the workflow of list management for reference.

3.6.3 Overloading Checking in Tender Assessment

The overloading checking requirements in this Section shall apply to consultants selection exercises following the EACSB procurement procedures.

The bidders are currently required to submit the curriculum vitae (CV) of the key staff in their T&F Proposals when they bid for the consultancies. The procuring departments will base on the CV to assess the experience and capability of the key staff and give marks to the corresponding attributes of the T&F Proposals of the bidders accordingly. With the PWCRAR in place, the procuring departments can check at the tender stage the workload situation of the key staff proposed and see if they can undertake additional works in accordance with the manning schedule of the T&F Proposals. Any overloading situation (i.e. staff working at more than 4 man-weeks per month) can be taken into consideration and reflected in assessing the “Adequacy of professional and technical manpower input” attribute of the T&F Proposals in accordance with Section 3.3 of these Guidelines. Please refer to

Appendix 3.5(B) for the workflow of tender assessment and **Appendix 3.6** for details of overloading checking in tender assessment.

As overloading checking will involve the checking of the workloads of bidders in other bidding exercises and on-going consultancies as contained in the PWCRAR, provisions in **Appendix 3.3** have to be incorporated in the invitation letters under the new policy to obtain consent of the bidders on access to their workloads in other bidding exercises and on-going consultancies for the purpose of tender assessment.

3.6.4 Performance Appraisal

To align with Section 3.6.3 above, the overloading monitoring requirements in this Section shall apply to consultancies which are procured in accordance with the EACSB procedures.

Under the new policy, the consultants will be required to provide quarterly updates on the manpower input deployed and/or to be deployed for the consultancies that they are working on. The quarterly updates on the manpower input can be monitored through the PWCRAR which can provide an objective basis for assessing the adequacy of staff deployed by the consultants.

The procuring departments shall, however, note that there are various factors affecting the amount of manpower input earmarked by the consultants for the consultancies. The procuring departments shall take into account various factors in assessing consultants' performance. The quality of works is still the focus of the assessment and the performance of the consultants shall not be unnecessarily marked down simply due to the submission of a manpower input lower than that proposed in the T&F Proposal.

Please refer to **Appendix 3.5(C)** for the workflow and **Appendix 3.7** for details of quarterly update of manpower input.

The consultants are required to submit declarations that the manpower resources provided are in accordance with the staffing proposal made at the tender stage (or as amended and agreed subsequently by the procuring department). The Special Condition of Employment and sample clauses for consultancy brief in **Appendix 3.8** have to be incorporated in the consultancy agreement invited under the new policy.

3.7 Changes in Listing Status During Consultants Selection Process

The consultants taking part in consultants selection exercises shall maintain their listing status throughout the process. However, the listing status of consultants in the List of Consultants of EACSB (the List) may be changed for various reasons such as upgrading to higher Group as a result of re-grouping exercise, inclusion of a new firm on the List, suspending from bidding due to poor performance, downgrading to lower Group due to insufficient qualified professional staff, etc., which may in turn affect their eligibility for the consultants selection exercises and award of consultancy. Hence, the procuring department shall conduct checking to ensure their eligibility during tender assessment, preparation of submission for EACSB's approval and prior to award of the consultancy.

In order to avoid confusions that may arise when changes of listing status of firms occur during the consultants selection process, the operational procedures to deal with changes in the eligibility of a consultant to bid for a consultancy under several scenarios as set out in **Appendix 3.12** shall be followed.

4. MONITORING AND DISCIPLINARY MECHANISM

(Refer to the implementation dates in **Appendix 1.1**)

4.1 Submission and Declaration Requirement

Apart from those submissions and declarations as stipulated in the consultancy agreement, EACSB Handbook and relevant DEVB Technical Circulars (Works), the consultants are required to make the following submissions, for each consultancy agreement:

- (a) an updated manning schedule in electronic form with specified design/format for updating the Public Works Consultant Resources Allocation Register in accordance with Section 3.6 of these Guidelines on a quarterly basis;
- (b) a declaration that the manpower resources provided are to the best knowledge of the consultant and are adherence to the staffing proposal made at the tender stage (or as subsequently updated to suit the latest development of the assignment). This declaration shall be submitted by consultant using the template in **Appendix 3.8** when it submits the updated manning schedule in Section 4.1(a) above; and
- (c) a declaration of conflict of interest (actual, potential or perceived) associated with private sector consulting services, if any. This declaration shall be submitted by consultant in accordance with the provision in ETWB TC(W) No. 18/2005 subsumed in EACSB Handbook with standard Special Conditions of Employment related to conflict of interest and debarring and the sample declaration form amended in accordance with **Appendix 4.1**.

4.2 Performance Reporting

“Obligations under the Agreement” will be incorporated into the consultants’ performance reporting system for the purpose of assessing consultants’ performance in this aspect. For example, “avoidance of conflict of interest”, “observation of professional conduct” and “compliance with Agreement requirements including adherence to staffing proposal”, etc.

The system for management of consultant’s performance promulgated via DEVB TC(W) No. 3/2016, together with the above mentioned new assessment aspect, is

extended to engineering and associated consultancies not exceeding the financial limit as set out in Section 220 of the SPR and procured in accordance with the EACSB procurement procedures.

4.3 Disciplinary Mechanism

The disciplinary mechanism applicable to engineering and associated consultancies as stipulated in DEVB TC(W) No. 3/2016 shall be followed with amendments described below:

(a) **Regulating Action (Adverse Report)**

Regarding the taking of regulating actions associated with adverse report stipulated in paragraph 20 of Annex I to DEVB TC(W) No. 3/2016, the relevant DCRC shall consider recommending removal of the consultant from the List after receiving the fourth consecutive adverse Interim Report on the same assignment.

(b) **Regulating Action (Technical Incompetence)**

Regarding the taking of regulating actions associated with technical incompetence stipulated in paragraph 21 of Annex I to DEVB TC(W) no. 3/2016, if the consultant is again assessed as technically incompetent in the review by the DCRC of the procuring department as described in paragraph 24 of Annex I to DEVB TC(W) No. 3/2016 after suspension in accordance with paragraph 21 of Annex I to DEVB TC(W) no. 3/2016, the period of suspension shall be extended to at least twelve months or more, counting from the first day of the suspension. If the consultant concerned is still assessed as technically incompetent before the lapse of extended suspension period, the DCRC shall consider recommending removal of the consultant from the List after the suspension.

(c) **Regulating Action (Other Circumstance)**

Regarding the taking of regulating actions associated with other circumstances stipulated in paragraph 22 of Annex II to DEVB TC(W) no. 3/2016, if the consultant concerned is only suspended from bidding, i.e. not yet removed from the List in accordance with Section 2.2.12 of these Guidelines and is assessed as “other circumstance identified is not rectified” in the review by the DCRC of procuring department in accordance with

paragraph 24 of Annex I to DEVB TC(W) No. 3/2016, the period of suspension shall be extended to a minimum of twelve months, counting from the first day of the suspension. If the consultant concerned is still assessed as “other circumstance identified is not rectified” in the review by the DCRC of the procuring department before the lapse of extended suspension period, the DCRC shall consider recommending removal of the consultant from the List after the suspension.

4.3.1 Imposition and Uplift of Suspension

Prior to imposition and uplift of suspension associated with adverse report and technical competence stipulated in paragraphs 20 & 21 of Annex I to DEVB TC(W) No. 3/2016, the DCRC of the procuring department shall submit recommendation to ICRC for approval.

Prior to imposition and uplift of suspension associated with circumstances other those stipulated in paragraphs 20 & 21 of Annex I to DEVB TC(W) No. 3/2016, the DCRC of the procuring department shall submit recommendation to ICRC for endorsement before seeking EACSB’s approval.

4.3.2 Imposition of Removal and Debarment Period for Re-admission

Prior to imposition of removal of consultant and debarment period for re-admission, the DCRC of the procuring department shall submit recommendation to ICRC for endorsement before seeking EACSB’s approval.

Subject to recommendation of DCRC, endorsement of ICRC and approval of EACSB, consultant removed from the List will normally be subject to a 12-month debarment period from re-admission.

5. COORDINATION AMONG BUREAUX/DEPARTMENTS

(Refer to the implementation dates in **Appendix 1.1**)

5.1 Information Systems

The following information systems are available for facilitating the selection, appointment and management of consultants under the purview of EACSB:

(a) **Consultants' Performance Information System (CNPIS)**

It is a centralized repository of information of consultancy agreements and consultants' performance with functions. Such information is useful for management of consultants' performance and tender evaluation for consultancy assignments for public works projects.

(b) **Public Works Consultants Resources Allocation Register (to be subsumed in CNPIS)**

It is a centralized repository of information of consultants in the List of Consultants under the purview of EACSB and their manpower input proposed for consultancies under tendering and allocated/to be allocated for on-going consultancies. Such information is useful for management of the List of Consultants and checking of manpower resource allocation of consultants at both tendering stage and agreement execution stage.

(c) **Public Works Projects Location Plan Register**

It is a centralized repository of location plans for public/private works projects with textual and spatial information which can be used for visualizing project boundaries of on-going public/private works projects.

5.2 Management of Operation Structure

The existing EACSB and its Secretariat will be developed into a centralized unit for overseeing the management of the List of Consultants of EACSB, procurement of consulting services and review of consultants'

performance. An Inter-Departmental Consultants Review Committee (ICRC) comprising representatives from each list management department of the respective Service Categories and other procuring departments will be set up to assist EACSB and provide guidance to DCRC on various operational issues related to management of the List of Consultants of EACSB, evaluation of consultants' performance and disciplinary actions.

Implementation Plan

Activities	Start	Finish
1. Registration		
- Formal registration	3 July 2018	-
- Accept full time local/ overseas professionals recognized by local professional bodies	3 July 2018	30 Nov 2019
- Accept full time local professionals recognized by local professional bodies only	1 Dec 2019	-
- Allow change group after registration subject to compliance with relevant admission criteria	3 July 2018	30 Nov 2019
- First annual renewal of registration (Registration is valid for 12 months only and approved change of group will be subject to a minimum debarring period of 12 months)	1 Dec 2019	-
2. Consultancy Tender		
- All EOI/ Tenders to be invited from new service categories/groups <i>[For consultancies having EOI submission or T&F Proposal (for one-stage procedure) invited on or after the date shown]</i>	3 Dec 2018	-
- Implement new VFM Measures (Fee Diving Control Mechanism & Full Mark Approach) <i>[For consultancies having EOI submission or T&F Proposal (for one-stage procedure) invited on or after the date shown]</i>	3 Dec 2018	-
- Implement regulating action against manpower irregularity by deducting marks in technical assessment <i>[For consultancies having EOI submission or T&F Proposal (for one-stage procedure) invited on or after the date shown]</i>	3 Dec 2018	-
3. Performance Monitoring and Management		
- Continue to adopt current disciplinary action	Current	2 Dec 2018
- Implement disciplinary action in respect of List of Consultants of EACSB, including removing from the List and debarring for re-admission.	3 Dec 2018	-
- Introduce “Obligations under the Agreement” as a separate assessment criteria	mid 2020	-
4. Enhancing Inter-Bureaux/ Departments Coordination		
- Expansion of function of DCRCs	3 July 2018	-
- Establishment of ICRC	3 Dec 2018	-
- Allow authorized access to PWCRAR and PWPLPR by DEVB Group of Departments	3 July 2018	-

Admission Criteria for Inclusion in the List**A. Civil Infrastructure and Development (CE) Category**

Cat	Staff			History/Standard of Work			Local Office	ISO 9000
	Group 1	Group 2	Group 3	Group 1	Group 2	Group 3		
CE	(1) P1 \geq 1; and (2) All works-related professional staff \leq 15 (Declaration required)	P1 \geq 3	P1 \geq 10	Min. 1 year of practice in the discipline in past 5 years (local or overseas)	Min. 2 years of practice in the discipline in past 5 years (local or overseas)	(1) Min. 5 years of practice in the discipline in past 5 years (local or overseas); and (2) Satisfactory completion of either at least one agreement of value over \$10M or two agreements of value each over \$5M in relevant discipline in past 5 years (local or overseas).	Yes	Yes

Note: (1) P1 stands for professional in General Civil Engineering.

B. Drainage and Sewerage (DS) Category

Cat	Staff			History/Standard of Work			Local Office	ISO 9000
	Group 1	Group 2	Group 3	Group 1	Group 2	Group 3		
DS	(1) P1 \geq 1; and (2) All works-related professional staff \leq 15 (Declaration required)	P1 \geq 3	P1 \geq 10 P3 \geq 2 P6 \geq 2	Min. 1 year of practice in the discipline in past 5 years (local or overseas)	Min. 2 years of practice in the discipline in past 5 years (local or overseas)	(1) Min. 5 years of practice in the discipline in past 5 years (local or overseas); and (2) Satisfactory completion of either at least one agreement of value over \$10M or two agreements of value each over \$5M in relevant discipline in past 5 years (local or overseas).	Yes	Yes

Note: (1) P1, P3 & P6 stand for professional in “General Civil Engineering”, “Water Supply, Hydraulics and Hydrology” and “Environmental Studies” respectively.

C. Geotechnical and Slope (GE) Category

Cat	Staff			History/Standard of Work			Local Office	ISO 9000
	Group 1	Group 2	Group 3	Group 1	Group 2	Group 3		
GE	(1) P2 >= 1; and (2) All works-related professional staff <= 15 (Declaration required)	(1) P2 >= 3; and (2) Incl. min. 1 no. RPE(G) with 15 years post-graduation experience	(1) P2 >= 10; and (2) Incl. min. 1 no. RPE(G) with 15 years post-graduation experience	Min. 1 year of practice in the discipline in past 5 years (local or overseas)	Min. 2 years of practice in the discipline in past 5 years (local or overseas)	(1) Min. 5 years of practice in the discipline in past 5 years (local or overseas); and (2) Satisfactory completion of either at least one agreement of value over \$10M or two agreements of value each over \$5M in relevant discipline in past 5 years (local or overseas).	Yes	Yes

Note: (1) P2 stands for professional in “Geotechnical Engineering/Geology”.

D. Roads and Associated Structure (HY) Category

Cat	Staff			History/Standard of Work			Local Office	ISO 9000
	Group 1	Group 2	Group 3	Group 1	Group 2	Group 3		
HY	(1) P1 >= 1; and (2) All works-related professional staff <= 15 (Declaration required)	P1 >= 3	P1 >= 10 P4 >= 2 P5 >= 2	Min. 1 year of practice in the discipline in past 5 years (local or overseas)	Min. 2 years of practice in the discipline in past 5 years (local or overseas)	(1) Min. 5 years of practice in the discipline in past 5 years (local or overseas); and (2) Satisfactory completion of either at least one agreement of value over \$10M or two agreements of value each over \$5M in relevant discipline in past 5 years (local or overseas).	Yes	Yes

Note: (1) P1, P4 & P5 stand for professional in “General Civil Engineering”, “Traffic Engineering/Transportation” and “Highway Engineering/Bridge” respectively.

E. Waterworks (WS) Category

Cat	Staff			History/Standard of Work			Local Office	ISO 9000
	Group 1	Group 2	Group 3	Group 1	Group 2	Group 3		
WS	(1) P3 >= 1; and (2) All works-related professional staff <= 15 (Declaration required)	P3 >= 3	P3 >= 10	Min. 1 year of practice in the discipline in past 5 years (local or overseas)	Min. 2 years of practice in the discipline in past 5 years (local or overseas)	(1) Min. 5 years of practice in the discipline in past 5 years (local or overseas); and (2) Satisfactory completion of either at least one agreement of value over \$10M or two agreements of value each over HK\$5M in relevant discipline in past 5 years (local or overseas).	Yes	Yes

Note: (1) P3 stands for professional in “Water Supply, Hydraulics and Hydrology”.

F. Electrical and Mechanical (EM) Category

Cat	Staff		History/Standard of Work		Local Office	ISO 9000
	Group 1	Group 2	Group 1	Group 2		
EM	(1) P8 >= 1; and (2) All works-related professional staff <= 15 (Declaration required)	P8 >=3	Min. 1 year of practice in the discipline in past 5 years (local or overseas)	(1) Min. 5 years of practice in the discipline in past 5 years (local or overseas); and (2) Satisfactory completion of either at least one agreement of value over \$10M or two agreements of value each over HK\$5M in relevant discipline in past 5 years (local or overseas).	Yes	Yes

Note: (1) P8 stands for professional in “Electrical”; “Mechanical”; “Building Services” or “Electronics”.

G. Environmental (EP) Category

Cat	Staff		History/Standard of Work		Local Office	ISO 9000
	Group 1	Group 2	Group 1	Group 2		
EP	(1) P6 \geq 1; and (2) All works-related professional staff \leq 15 (Declaration required)	P6 \geq 3	Min. 1 year of practice in the discipline in the past 5 years (local or overseas)	(1) Min. 2 years of practice in the discipline in the past 5 years (local or overseas)	Yes	Yes

Note: (1) P6 stands for professional in “Environmental Studies”.

H. Town Planning (TP) Category

Cat	Staff		History/Standard of Work		Local Office	ISO 9000
	Group 1	Group 2	Group 1	Group 2		
TP	(1) P7 \geq 1 with min. 2 years of post-qualification experience; and (2) All works-related professional staff \leq 15 (Declaration required)	P7 \geq 3 with min. 5 years of post-qualification experience	Min. 2 years of practice in the discipline in the past 5 years (local or overseas)	(1) Min. 5 years of practice in the discipline in the past 5 years (local or overseas)	Yes	Yes

Note: (1) P7 stands for professional in “Town Planning”.

I. Traffic and Transport (TT) Category

Cat	Staff		History/Standard of Work		Local Office	ISO 9000
	Group 1	Group 2	Group 1	Group 2		
TT	(1) P4 \geq 1; and (2) All works-related professional staff \leq 15 (Declaration required)	P4 \geq 3	Min. 1 year of practice in the discipline in the past 5 years (local or overseas)	(1) Min. 2 years of practice in the discipline in the past 5 years (local or overseas)	Yes	Yes

Note: (1) P4 stands for professional in “Traffic Engineering/Transportation”.

Remarks for Appendix 2.1

1. Both relevant public/private sector agreements will be counted for assessing history/standard of work for admission.
2. For agreements completed by the applicant as a participant or shareholder in the joint venture or as a sub-consultant, only the part of the agreement completed by the applicant shall be accredited and shall be calculated in accordance with its share of works by value. The part completed by the applicant shall be relevant to the services under the Category it is applying for. The applicant shall provide sufficient evidence to demonstrate the experience acquired as a participant or shareholder in the joint venture or as a sub-consultant from its completed part of the agreement. Agreements completed by the associated companies of the applicant will not be counted.
3. Completion of agreement refers to the issue of letter of completion of the services. Completion of a significant project milestone in an agreement would also be accepted, provided the consultant could provide evidence that the consultant had satisfactorily completed a range of services which were relevant to the admission application to the satisfaction of the list management department.
4. “Value” refers to the client’s estimated value of completed services and, in case of agreements completed by the consultant as a participant or shareholder in the joint venture or as a sub-consultant, the shared value of completed services undertaken by the applicant.
5. “Works-related professional staff” means professional staff input from which is directly related to works, for example, engineers, architects, surveyors, planners and landscape architects, etc.
6. For the requirement of minimum number of year of practice, it should be the status as at the date of application.
7. For the requirement of Staff, the staff proposed by the consultant must be employed by the consultant on full time basis. A staff proposed by the consultant can be counted once for each combination of category and expertise provided the staff proposed can meet the qualification and experience required. For example, if a consultant applying for both CE and DS Categories employs, on full time basis, Staff A who possesses qualification and experience satisfying the requirement of civil engineering (P1), water supply, hydraulics and hydrology (P3) and environmental studies (P6), then Staff A can be proposed by the consultant for satisfying the requirement of having one staff for P1, P3 and P6 each for DS Category and one staff for P1 for CE Category.

8. Referring to the implementation date stated in **Appendix 1.1**, to count as staff, individuals must be Hong Kong ID Card holders or residents with relevant working visa. In the interim, full-time overseas registered professional satisfying the requirements will also be accepted.
9. Qualification and experience requirements for P1 to P8 are shown below:

Expertise Concerned	Qualification and Experience Requirement
Professional in General Civil Engineering (P1)	(1) A corporate member of the HKIE (Civil Discipline) or equivalent
Professional in Geotechnical Engineering/ Geology (P2)	(1) Geotechnical Stream: a corporate member of the HKIE (Geotechnical discipline) or equivalent or a Registered Professional Engineer (Geotechnical) (2) Geologist Stream: a holder of an university degree in earth sciences, geology or engineering geology or equivalent with at least 5 years relevant post-qualification experience
Professional in Water Supply, Hydraulics and Hydrology (P3)	(1) A corporate member of the HKIE (Civil Discipline) or equivalent with at least 1 year relevant post-qualification working experience in waterworks
Professional in Traffic Engineering/ Transportation (P4)	(1) A corporate member of the HKIE (Civil Discipline) or equivalent with at least 3 years relevant post-qualification experience in traffic and transport; or (2) A corporate member of the HKIE (Logistics and Transportation Discipline) or equivalent
Professional in Highway Engineering/Bridge (P5)	(1) A corporate member of the HKIE (Civil or Structural Discipline) or equivalent with at least 1 year relevant post-qualification working experience
Professional in Environmental Studies (P6)	(1) A corporate member of the HKIE (Environmental Discipline) or equivalent; or (2) A professional member of Hong Kong Institute of Qualified Environmental Professionals (HKIQEP), or equivalent; or

Expertise Concerned	Qualification and Experience Requirement
	(3) A holder of university degree or equivalent in a relevant discipline, such as environmental science, with 8 years relevant post-qualification experience
Professional in Town Planning (P7)	(1) A corporate member of the Hong Kong Institute of Planners or a Registered Professional Planner in Hong Kong, or equivalent
Professional in Electrical, Mechanical, Building Services, Electronics (P8)	(1) A corporate member of the Hong Kong Institution of Engineers (Electrical, Mechanical, Building Services or Electronics discipline) or equivalent, or (2) A Registered Professional Engineer of Electrical, Mechanical, Building Services or Electronics disciplines.

List of Consultants of EACSB

Report on Office Audit

PART I - CONSULTANT DETAILS

1. Name of Consultant :

2. Date of first included in the List :

3. Categories & Groups at the time of audit :

Cat.	CE	DS	GE	HY	WS	EM	EP	TP	TT
Group									

PART II – OFFICE VISITS AND STAFF INTERVIEWED

1. Date(s) of this audit :

2. Categories & Groups covered in this audit :

Cat.	CE	DS	GE	HY	WS	EM	EP	TP	TT
Group									

3. This audit is conducted by : [Name of list management department]

4. The last audit was made on :

5. Categories & Groups covered in the last audit :

Cat.	CE	DS	GE	HY	WS	EM	EP	TP	TT
Group									

6. Staff Interviewed for this audit

Name

Position

PART III – ITEMS AUDITED

Item	Compliance with Requirements			Remarks
	Yes	No.	N/A	
1. Staff				
2. History/standard of works				
3. Local Office				
4. ISO 9000 Certificate				

PART IV – DETAILS OF NON-COMPLIANCE AND OTHER OBSERVATION

[Finding of the audit to be included.]

PART V – GENERAL REMARKS, CONCLUSIONS AND RECOMMENDATIONS

The consultant is / is not eligible to be admitted / remain in Group [] under [] Category of the List.

[Other general remarks, conclusions and recommendations can be added.]

Audited by:

Signed: _____
Name of Auditor: _____
Post: _____
Date: _____

Signed _____
Name of Auditor: _____
Post: _____
Date: _____

Note on Items to be checked:

Details of the checking for each item is stated below for reference only, audit officers shall decide on the relevant aspects to be checked or include other aspects as appropriate.

Item	Details of the Checking
1. Staff	<p>(a) Whether the staff appeared in the consultant’s application/ EACSB’s record or staff claimed to have provided service for the Government could be found in the office at the time of audit and, if not, whether his/her working space could be found;</p> <p>(b) Whether the staff concerned could present relevant and valid academic /professional certificates, if there is any doubt;</p> <p>(c) Whether the consultant could present proof for full-time employment status of the staff concerned (e.g. payrolls, bank statements or MPF records);</p> <p>(d) Whether the staff concerned could present HKID Card / working visa;</p> <p>(e) Whether number of works related professional is below 15 (for Group 1 consultant only);</p> <p>(f) Whether there is prima facie staff at any ranks/grades working for the consultant’s associated companies; and</p> <p>(g) If the consultant’s application or EACSB’s record need updating, whether the consultant’s qualified professional staff resource has prima facie been reduced to below the minimum number required for the particular group.</p>
2. History/ standard of works	<p>(a) Whether the consultant could present evidence of practicing in relevant discipline for the required number of years in past 5 years as at the date of audit and/or evidence of undertaking assignments for satisfying the admission criteria.</p>
3. Local Office	<p>(a) Whether local office is of reasonable size, suitably furnished and adequately equipped with appropriate drafting and computing facilities; and</p> <p>(b) Whether the consultant could present valid Business Registration Certificate.</p>
4. ISO 9000 Certificate	<p>(a) Whether the consultant could present a valid ISO 9000 Certificate.</p>

Classification of Assignment Complexity

	Complex Assignments	Normal Complexity Assignments
Civil Infrastructure & Development (CE)	<ul style="list-style-type: none"> ● Major civil infrastructures including <ul style="list-style-type: none"> ◆ transport networks and structures; ◆ boundary control point; ◆ site formation works; ◆ port works/ reclamations; ◆ construction and demolition material handling facilities; and ◆ related ancillary works ● Feasibility Study / Planning & Engineering Study for major developments requiring multi-disciplinary inputs / full consideration of interfacing / environmental and cultural heritage issues 	<ul style="list-style-type: none"> ● Minor civil infrastructures including <ul style="list-style-type: none"> ◆ local road networks and structures; ◆ uplifting / beautification / revitalization works and cycle track construction with lesser site constraints / technical difficulties; ◆ site formation works with lesser site constraints / technical difficulties; ◆ port works with lesser site constraints / technical difficulties; and ◆ related ancillary works ● Feasibility Study for minor development projects
Drainage and Sewerage (DS)	<ul style="list-style-type: none"> ● Drainage and sewerage projects involving sewage treatment works, major pumping stations, caverns, tunneling works, major trenchless works, major dry weather flow interceptors, retention/detention facilities, eco-hydraulics/river revitalization, major sustainable drainage system, or requiring multi-disciplinary inputs ● Drainage / sewerage master plan study ● Designated projects under EIA Ordinance ● Feasibility study 	<ul style="list-style-type: none"> ● General drainage and sewerage projects such as pipe laying works, village sewerage not involving EIA study and/or sewage treatment works
Geotechnical & Slope (GE)	<ul style="list-style-type: none"> ● Natural Terrain Hazard Study / Mitigation ● Tunnel and Cavern ● Underground Development ● Landslide Investigation 	<ul style="list-style-type: none"> ● Upgrading of man-made slopes ● Management and Operation of Public Works Regional Laboratories ● Slope Safety Screening ● Maintenance of man-made slopes

Appendix 2.3

	Complex Assignments	Normal Complexity Assignments
	<ul style="list-style-type: none"> ● Development of new standards ● Mines & Quarries 	
Waterworks (WS)	<ul style="list-style-type: none"> ● Review on water supply strategy including topics on assessment on rainfall yield, water gathering ground, utilization of various water supply sources, water demand forecast. ● Projects involving major and intelligent water supply network including raw water supply from Dongjiang, interconnection of water treatment works supply zones, strategic planning of Pressure Management Areas (PMA) and District Management Areas (DMA) ● Water treatment facilities adopting advanced and contemporary processes such as seawater desalination plant, ozone and UV disinfection. ● Safety review of impounding reservoirs and large service reservoirs ● Consultancy studies and services involving cavern formation 	<ul style="list-style-type: none"> ● Design and laying of water mains for local supply zones ● Pumping stations and service reservoirs ● Improvement to catch water system ● Safety review of service reservoirs
Roads & Associated Structures (HY)	<ul style="list-style-type: none"> ● Major road networks, including expressway, trunk road, primary distributor road or district distributor road ● Significant highway structures, including tunnel, flyover, subway, railway bridge and noise barriers/enclosures spanning over carriageway ● Designated projects under EIA Ordinance ● Feasibility study 	<ul style="list-style-type: none"> ● Minor road network, including local road and rural road ● Noise barriers not spanning over carriageway ● Simple highway structures, including bridge and subway without geometric, geotechnical or hydraulic complications
Electrical & Mechanical	<ul style="list-style-type: none"> ● Major E & M projects ● Complex projects involve input from 	<ul style="list-style-type: none"> ● Ordinary E & M design projects ● Normal E & M equipment replacement

Appendix 2.3

	Complex Assignments	Normal Complexity Assignments
(EM)	<p>professionals of multi-discipline</p> <ul style="list-style-type: none"> ● Projects that require new or special equipment, installation or design input 	<p>or improvement projects</p> <ul style="list-style-type: none"> ● Ordinary projects involve professionals of not more than 3 disciplines
Environmental (EP)	<ul style="list-style-type: none"> ● Territory-wide planning studies e.g. master plan of infrastructure ● Strategic / regional environmental facilities e.g. landfill, RTS, waste treatment facility ● Pilot study involving works on environmental facilities ● Scientific / technical or engineering studies / projects require multi-disciplinary inputs ● Strategic / regional / large scale project-based environmental monitoring and audit / impact assessment ● Pilot specialist researches / projects 	<ul style="list-style-type: none"> ● Scientific / technical or engineering studies / projects not involving multi-disciplinary input ● Small scale project-based / local environmental monitoring and audit / impact assessment ● Local / community environmental facilities e.g. AQMS, CGS
Town Planning (TP)	<ul style="list-style-type: none"> ● Regional/territorial studies ● Planning & engineering studies ● Special topical planning/urban design study ● Planning studies involving multi-disciplines 	<ul style="list-style-type: none"> ● Straightforward planning studies ● Site specific/area or district-based land use/urban design and landscaping/planning/review or conceptual studies not involving multi-disciplines
Traffic & Transport (TT)	<ul style="list-style-type: none"> ● Major traffic study and transport planning involving traffic impact assessment (requiring the application of transport model) ● Traffic/ transport related Feasibility Study ● Area Traffic Control and CCTV works ● Intelligent Transport Systems ● Large Scale Traffic Surveys such as Annual Traffic Census & Travel Characteristic Survey 	<ul style="list-style-type: none"> ● Minor traffic study and transport planning involving traffic review or traffic impact assessment (not requiring the application of transport model) ● Minor scale of traffic / public transport/ parking surveys, etc. ● Cycle tracks and cycle parking facilities

SAMPLE LETTER FOR SOUNDING OUT EXERCISE

To: [The Listed Consultants under the targeted Group and Service Category]

Dear Sirs,

Agreement No.
Agreement Title
Sounding Out Exercise

This Office is planning to invite submission of expression of interest (EOI) from consultants for undertaking the captioned assignment. The brief scope of the assignment and the tentative invitation date are shown below for reference.

- (a). Brief Scope of the Assignment
[Input by procuring department]

- (b). Tentative EOI Invitation Date
[Input by procuring department]

Please note that the information above may be subject to change without prior notice. In addition, this letter in no way indicates that consultancy will be invited for the captioned assignment, either at the time stated or at any time and either from the Lists of Consultants maintained by EACSB or any other initial list of consultants where appropriate, and Government accepts no responsibility whatsoever for any loss or expenses that may be incurred as a result of the issuance of this letter.

You are cordially invited to express your interest under this sounding out exercise on a non-committal basis in bidding for the captioned assignment by completing and returning the reply slip enclosed by [Date].

Yours faithfully,

()

Encl.

Reply Slip

To: [Procuring Departments]

Agreement No.

Agreement Title

Sounding Out Exercise

Dear Sirs,

I refer to your letter ref. [Letter reference] dated [Date] inviting the expression of interest in bidding for the captioned assignment.

I / We would like to express our interest in bidding for the captioned assignment. I / We look forward to receiving invitation documents for the captioned assignment.

I / We are not interested in bidding for the captioned assignment.

Signature: _____

Name: _____

(in Block letter)

Company: _____

Date: _____

Contact Person: _____

Tel. No: _____

Fax. No: _____

Email: _____

*Please put a tick in the appropriate box

Value for Money (VFM) Measures – Full Marks Approach and Fee Diving Control Mechanism

A. “Full Marks Approach”

1. Selection criteria which will adopt the “Full Marks Approach” are marked grey below:

(i) Expression of Interest (EOI) Submission

<i>Selection Criterion</i>	<i>% Mark to be allocated</i>	<i>Marking Approach</i>
1. Appreciation of key requirements and constraints/risks	5 to 10	Individual Qualitative Assessment
2. Approach and strategy to meet the requirements	20 to 40	
3. Previous relevant experience	5 to 10	Full Marks if Meeting Specifications
4. Knowledge, experience and capability of key staff	35 to 45	
5. Past performance	10 to 30	Past Performance Rating

(ii) Technical Proposal

<i>Selection Criterion</i>	<i>% Mark to be allocated</i>	<i>Marking Approach</i>
1. Consultant's experience	0 to 5	Full Marks if Meeting Specifications
2. Response to the Brief	5 to 15	
3. Approach to cost-effectiveness and sustainability	10 to 25	Individual Qualitative Assessment
4. Methodology and work programme	20 to 30	
5. Innovation and creativity	5 to 15	
6. Staffing	25 to 35	Full Marks if Meeting Specifications
7. Past Performance	10 to 25	Past Performance Rating

2. Full Marks will be attained by consultant if the consultant is able to meet quantitative specifications to be set out by the Assessment Panel. However, each assessment panel member shall individually assess whether the quantitative specifications have been met.

<i>Selection Criterion</i>	<i>Specification</i>
EOI Submission	
3. Previous relevant experience	Number of relevant consultancy assignments conducted by the consultant ¹
4. Knowledge, experience and capability of key staff	Core personnel's years of post-qualification experience and number of relevant job reference ²

¹ For attaining full mark (i.e. grade VG) in Item 3 of the EOI Submission or Item 1 of Technical Proposal, a consultant shall possess experience on having conducted [5] or more relevant consultancy assignments within [10] years before the original or the extended EOI/ T&F proposal submission closing date as agreed by the Assessment Panel (AP) and specified in the EOI/T&F invitation documents. Likewise, the criteria for the other grades shall be determined accordingly. The format of marking guideline may be as follows (for illustrative purpose only):

No. of relevant consultancies involved	Grade
[5] or more	VG
[3] to [4]	G
[1] to [2]	F
0	P

² For attaining full mark (i.e. grade VG) in Item 4 of EOI Submission or Item 6(b) of Technical Proposal, a core personnel (including staff down to Team Leaders) shall possess certain minimum qualification and experience, e.g. a staff belonging to Partner/Director Category as Project Manager, and shall have not less than [20] years post qualification experience and not less than [5] relevant job references as agreed by the AP and specified in the EOI/T&F invitation documents. Likewise, the criteria for the other staff categories shall be determined accordingly. The procuring department shall specify the minimum number of core personnel and their respective designations in the EOI/T&F invitation documents. Marks allocated to each core personnel shall be on equal basis. The format of the marking guideline may be as follows (for illustrative purpose only):

Key Staff	Post Qualification Experience	Relevant Job Reference	Grade
Project Manager (Mark: XX%) Minimum qualification of a P/D category	Not less than [20] years	Not less than [5] projects	VG
	Not less than [18] years	Not less than [3] projects	G
	Not less than [15] years	Not less than [1] project	F
	Fail to meet the standard above		P

<i>Selection Criterion</i>	<i>Specification</i>
Technical Proposal	
1. Consultant's experience	Number of relevant consultancy assignments conducted by the consultant (similar to Item 3 for EOI Submission)
2. Response to the Brief	Number of key issues/problems identified in the assignment with practicable suggestions on ways of addressing them ³
6. Staffing	
(a) Staff organization chart	Organization chart submitted will be marked using four different grades according to pre-set descriptions ⁴
(b) Relevant experience and qualification of key staff	Core personnel's years of post-qualification experience and number of relevant job reference (similar to Item 4 for EOI Submission)

³ For attaining full mark (i.e. grade VG) in Item 2 of Technical Proposal, a consultant should identify in the Services [5] or more key issues/problems with practicable suggestions on ways of addressing them as agreed by the AP and specified in the T&F invitation documents. Likewise, the criteria for the other grades shall be determined accordingly. The format of marking guideline may be as follows (for illustrative purpose only):

No. of key issues/problems identified	Grade
[5] or more	VG
[3] to [4]	G
[1] to [2]	F
0	P

⁴ The pre-set descriptions for the four different grades are follows:

Description	Grade
Very efficient and effective staff organization with strong teams of experts and professionals and comprehensive communication and collaboration platforms	VG
Efficient and effective staff organization with well-defined teams of experts and professionals and suitable communication and collaboration platforms	G
Fair staff organization showing reasonable teams of experts and professionals and communication and collaboration platforms	F
No information or a poor staff organization	P

<i>Selection Criterion</i>	<i>Specification</i>
Technical Proposal	
(c) Responsibility and degree of involvement of key staff	Degree of involvement of staff, in term of weighted manpower input, with professional category or above named in the technical proposal ⁵ .
(d) Adequacy of professional and technical manpower input	Same as the mechanism stipulated in DEVB TC(W) No. 2/2016, with the application of the multiplier for provision of overloaded staff in the tender ⁶ .

⁵ For attaining full mark (i.e. grade VG) in Item 6c, a consultant should propose at least [80%] of the weighted total manpower input of named staff for those with professional category or above as agreed by the AP and specified in the T&F invitation documents. Likewise, the criteria for the other grades shall be determined accordingly. The format of marking guideline may be as follows (for illustrative purpose only):

Degree of Involvement of Key Staff (X)	Grade
$X \geq [80]\%$	VG
$[60]\% \leq X < [80]\%$	G
$[40]\% \leq X < [60]\%$	F
$X < [40]\%$	P

⁶ Where the information, together with clarifications from the consultant (if any) reveals overloading situation in the manpower input, mark to be given for the “adequacy of professional and technical manpower input” attribute shall be adjusted by the Assessment Panel using the following as a guide:

Overloading Situation	Degree of Overloading	Marks for “Adequacy of professional & technical manpower input” shall be multiplied by (exact multiplier to be decided by the Panel)
Minor	$\leq [5]\%$	0.9 to 0.95
Medium	$> [5]\%$ and $< [10]\%$	0.8 to 0.9
Serious	$\geq [10]\%$	0.7 to 0.8

B. Fee Diving Control Mechanism

A threshold is set at 80% of the Median Consultancy Fee (Fx) which is the median of consultancy fees of all conforming bids and the pretender estimated consultancy fee worked out by the procuring department for that particular assignment.

If the lowest fee quoted is higher than or equal to 0.8 Fx, the assessment method of weighted consultancy fee score will be the same for all bids, i.e. the formula below will apply:

$$\text{Weighted Consultancy Fee Score} = \text{Specified weighting} \times \frac{\text{Lowest fee among all confirming bids}}{\text{Fee of bid being assessed}}$$

If the lowest fee quoted is less than 0.8Fx, any fees quoted below 0.8Fx will get the full fee score and other fees quoted will get score by applying the formula below:

$$\text{Weighted Consultancy Fee Score} = \text{Specified weighting} \times \frac{0.8F_x}{\text{Fee of bid being assessed}}$$

A. SAMPLE INVITATION LETTER FOR EXPRESSION OF INTEREST

1. When the Assignment is under the Service Category maintained by EACSB the following amendments to the Sample Invitation Letter for Expression of Interest attached to DEVB Memo ref. DEVB(PS) 106/43 dated 29 December 2017 shall be made:

i. Paragraph 12 shall be revised to:

“12. Consultants in Group [number] under the Service Category of [name of Service Category] maintained by EACSB are invited to make EOI submission for this Assignment. The initial list of qualified consultants approached for this Assignment is given in Annex _____ of the EIP for your information. Joint ventures with participation of local and/or overseas consultants with the lead participant or the major shareholder being on the above initial list are also invited to make submission of EOI for this Assignment. Based on the response received, normally [four*/five*(the latter for pairing of consultant selection exercises)] suitable firms will be shortlisted for submission of technical and fee proposals. **【Inclusion of Annex B as an Annex to this letter is mandatory.】**”

12a. Your attention is drawn to the bidding restriction and tender award restriction set out in Annex _____ to this letter. **【Inclusion of Annex C as an Annex to this letter is mandatory.】**

12b. **【Insert if applicable】** The list of sub-consulting firms for undertaking sub-consulting service not under any listed Service Category or service discipline maintained and published by the Government is given in Annex _____ of the EIP for your information. You may consider teaming up with the sub-consulting firms on the list if required for this Assignment. For the avoidance of doubt, the attached list of sub-consulting firms is non-restrictive and for your information only. You are not obliged to engage the sub-consulting firms on the attached non-restrictive list as sub-consultants for this Assignment. The EOI submission for this Assignment in the respect of sub-consultants will be evaluated on an equal basis, no matter whether the sub-consultants are on the attached non-restrictive list or not. The Government will not be responsible for any liability in the respect of your engagement of sub-consulting firms on the attached non-restrictive list. **【Insert Annex D, if applicable.】** ”

- ii. Paragraph 17 shall be deleted and marked as “Not used”.
2. Officers are reminded to check for the updated List of Consultants prior to inviting Expression of Interest.

Annex B to Sample Invitation Letter for EOI

INVITATION FOR EXPRESSION OF INTEREST

Consultancy Agreement No. _____
(Agreement Title)

List of Consultants Invited for Expression of Interest

1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____
11	_____
12	_____
13	_____
14	_____
15	_____

N.B

- (a) Please check for the most updated list of consultants in each Service Category maintained by EACSB on the CEDD’s website.
- (b) Please insert the full name of the consultant.

Annex C to Sample Invitation Letter for EOI

**[Annex__] to Invitation Letter for Expression of Interest –
Bidding Restriction and Tender Award Restriction**

1. If the Expression of Interest (EOI) submission is made by a joint venture, the bidding restriction stipulated in Section 2.3 of the Guidelines attached to DEVB TC(W) No. 5/2018 (the Guidelines) in the respect of engagement of joint venture shall be complied with. Any EOI submission 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, the listed consultants in the joint venture should confirm that the unlisted consultant is technically capable for that part of the consultancy services it undertakes.
3. If the consultant proposes one or more sub-consultants to undertake sub-consulting service under listed Service Category maintained by EACSB, the bidding restriction stipulated in Section 2.3 of the Guidelines in respect of engagement of sub-consultant shall be complied with.
4. The consultant must ensure that the consultant itself and its sub-consultants proposed to undertake sub-consulting service under listed Service Category maintained by EACSB or other listed service disciplines maintained and published by the Government 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.
5. If the consultant becomes ineligible for consideration because of change in listing status during the assessment period of EOI submission, the consultant's EOI submission will not be considered further. 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.
6. Normally, there should be no limit on the number or value of EACSB consultancies that may be awarded to a consultant. However, in considering whether the consultant shall be shortlisted, the Government will take account of all relevant circumstances including whether the consultant is subject to tender award restriction as stipulated in Section 2.4 of the Guidelines.

Annex D to Sample Invitation Letter for EOI

INVITATION FOR EXPRESSION OF INTEREST

Consultancy Agreement No. _____
(Agreement Title)

List of Sub-consulting Firms for Undertaking Sub-consulting Service not under Listed Service Category Maintained by EACSB or any Listed Service Discipline Maintained and Published by the Government

1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____
11	_____
12	_____
13	_____
14	_____

Note:

- (a) The list is non-restrictive and for information only. The tenderers are not obliged to engage the sub-consulting firms on the above list as sub-consultants for this Assignment.
- (b) The Government will not be responsible for any liability in the respect of tenderers' engagement of sub-consulting firms on the above list.

N.B

Please insert the full name of the consultant.

B. SAMPLE TEMPLATE FOR SHORTLISTING CRITERIA

1. The sample template for shortlisting criteria in EACSB Handbook shall be adopted with the following amendments:

i. The table of selection criteria for shortlisting shall be replaced by the one below:

Criterion	Percentage Mark to be allocated (%)
1. Appreciation of the key requirements and constraints/risks (See Note 2)	XX
2. Approach and strategy to meet the requirements of the assignment [Procuring department may include sub-criteria where appropriate, to cover the consultants' approach and strategy on innovation, creativity, mechanisation, prefabrication, other productivity enhancements, cost reduction, expenditure leveling, etc.] (See Note 3)	XX
3. Previous relevant experience both in Hong Kong and elsewhere (See Note 4)	XX
4. Knowledge, experience and capability of key staff (See Note 5)	XX
5. Past performance of the consultant (See Note 6)	XX
6. Past performance of sub-consultants (See Note 6)	XX
Total:	100%

ii. Original "Note 4" and "Note 5" shall be renumbered as "Note 6" and "Note 7" respectively. New "Note 4" and "Note 5" as below shall be added:

“4. For attaining full mark (i.e. grade VG), a consultant should possess experience on having conducted [5] or more relevant consultancy assignments within [10] years before the original or the extended expression of interest submission closing date.

No. of relevant consultancies involved	Grade
[5] or more	VG
[3] to [4]	G
[1] to [2]	F
0	P

5. For attaining full mark (i.e. grade VG), a consultant should provide the minimum number of core personnel who should possess the corresponding minimum qualification and experience as mentioned in the tables below. Marks allocated to each core personnel are on equal basis.

Key Staff	Post Qualification Experience	Relevant Job Reference	Grade
[Project Manager] (Mark: XX%) Minimum number: [1] Minimum qualification of a [P/D] category	Not less than [20] years	Not less than [5] projects	VG
	Not less than [18] years	Not less than [3] projects	G
	Not less than [15] years	Not less than [1] project	F
	Fail to meet the standard above		P

Key Staff	Post Qualification Experience	Relevant Job Reference	Grade
[Project Director] (Mark: YY%) Minimum number: [1] Minimum qualification of a [P/D] category	Not less than [20] years	Not less than [5] projects	VG
	Not less than [18] years	Not less than [3] projects	G
	Not less than [15] years	Not less than [1] project	F
	Fail to meet the standard above		P

Key Staff	Post Qualification Experience	Relevant Job Reference	Grade
[Team Leader] (Mark: ZZ%)	Not less than [18] years	Not less than [5] projects	VG
Minimum number: [3] Minimum qualification of a [CP] category	Not less than [15] years	Not less than [3] projects	G
	Not less than [12] years	Not less than [1] project	F
	Fail to meet the standard above		P

(N.B: The sum of XX, YY and ZZ shall be 100. Add additional tables if required.)”

iii. Item (e) of “Note 6” shall be deleted.

iv. Item 1 of the remarks shall be replaced by:

“The procuring department shall make reference to DEVB TC(W) No. 2/2016 and No. 5/2018 and amend the guidelines as appropriate.

C. SAMPLE INVITATION LETTER FOR TECHNICAL AND FEE PROPOSALS

1. When the Assignment is under the Service Category maintained by EACSB and two-stage selection process is adopted, the following amendments to the Sample Invitation Letter for Technical and Fee Proposals (for two-stage selection process) attached to DEVB Memo. Ref. DEVB(PS) 106/43 dated 29 December 2017 shall be made:

i. Paragraph 2 shall be revised by adding item “xa” and “xb” to the list of electronic documents as below:

“xa) manning schedule template;

xb) personal information collection statement;”

ii. Paragraph 3 shall be replaced by:

“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. 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. All proposals, whether submitted in electronic format or in hard copy format, will be evaluated on an equal basis.”

iii. Paragraph 5(i) shall be replaced by:

“(i) Each consultant must provide information in the Technical Proposal on the manpower input for the Assignment. You are therefore required to state your proposed total manpower input under [six] categories of staff, [partners/directors, chief professional, senior professional, professional, assistant professional and technical staff] in terms of man-weeks and include a manning schedule using the template provided, to show the manpower input of key staff 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 under [six] categories of staff and the manpower

input shown in the manning schedule, 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.”

iv. Paragraphs 10, 11 and 19 shall be revised by replacing the reference to “No. 2/2016” to “No. 2/2016 and No. 5/2018”.

v. New paragraph 10a shall be added after Paragraph 10 as below:

“10b. 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.”

vi. New paragraph 15a shall be added after Paragraph 15 as below:

“15a. Your attention is drawn to the bidding restriction and tender award restriction set out in Annex ____ to this letter. **【Inclusion of Annex B as an Annex to this letter is mandatory.】**”

vii. Paragraph 24 shall be revised by adding the following at the end:

“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 longer required to be used by the Government for tendering purpose, whichever is later.”

2. When the Assignment is under the Service Category maintained by EACSB and one-stage selection process is adopted, the Sample Invitation Letter for Technical and Fee Proposals (for one-stage selection process) attached to DEVB Memo. Ref. DEVB(PS) 106/43 dated 29 December 2017 shall be amended similarly.

Annex B to Sample Invitation Letter for T&F Proposal

**[Annex ___] to Invitation Letter for Technical and Fee Proposal –
Bidding Restriction and Tender Award Restriction**

1. If the Technical and Fee (T&F) Proposal is made by a joint venture, the bidding restriction stipulated in Section 2.3 of the Guidelines attached to DEVB TC(W) No. 5/2018 (the Guidelines) in the 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, the application for inclusion on the List of Consultant of EACSB should be approved by EACSB before the date set for the close of submission of T&F Proposal; or if this has been extended, the extended date. Otherwise, the Technical and Fee Proposal submitted by the concerned joint venture will not be considered.
3. If the consultant proposes one or more sub-consultants to undertake sub-consulting service under listed Service Category maintained by EACSB, the bidding restriction stipulated in Section 2.3 of the Guidelines in respect of engagement of sub-consultant shall be complied with.
4. The consultant must ensure that the consultant itself and its sub-consultants proposed to undertake sub-consulting service under listed Service Category maintained by EACSB or other listed service disciplines maintained and published by the Government are eligible for bidding and award of consultancies at the time of submission of the T&F Proposal. Failure to comply with this requirement will lead to disqualification of the consultant's T&F Proposal.
5. 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. If the lead consultant concerned attains the highest combined score, the lead consultant concerned may still be eligible for award of the agreement.
6. Normally, there should be no limit on the number or value of EACSB consultancies that may be awarded to a consultant. However, in considering whether the consultant shall be awarded of the consultancy, the Government will take account of all relevant circumstances including whether the consultant is subject to tender award restriction as stipulated in Section 2.4 of the Guidelines.

D. SAMPLE REQUIREMENTS FOR SUBMISSION OF PROPOSAL IN ELECTRONIC FORMAT

1. The following amendments to the sample requirements for submission of proposal in electronic format attached to DEVB TC(W) No. 31/2001 shall be made:

i. The “Schedules ...” in the second row of the table in paragraph 8 shall be revised to “Schedules (except manning schedule) ...” and a new row shown below shall be added:

<i>Type of Document</i>	Editable File	Image File
Manning schedule	ISO/IEC 29500:2008 format (.xlsx)	Adobe Acrobat

ii. Paragraph 9 shall be replaced by:

“9 Electronic files may be submitted in Editable File format or in Image File format or in both type of formats, except that the manning schedule shall be submitted in Editable File format. If both types of formats are submitted, the contents of Editable File and Image File of a document should be identical. If there are discrepancies, the Image File shall prevail.”

iii. Paragraph 11 shall be replaced by:

“11 For documents for fee proposal, two sets of printouts shall be submitted together with the EPP. For the manning schedule in the technical proposal, printout shall be submitted for each Assessment Panel member together with the EPP. For documents for technical proposal (except the manning schedule) or expression of interest, printouts may optionally be submitted together with the EPP. All printouts shall be clearly stamped “PRINTOUT” and duly signed by the Consultant. The signed printouts shall not be used for assessment unless there are problems in using the files in the EPP.”

E. SAMPLE FEE PROFORMA

1. The following amendments to the sample fee proforma in EACSB Handbook shall be made:
 - i. Part E of the sample fee proforma shall be replaced by the Annex to Sample Fee Proforma in this Appendix.
 - ii. Paragraph 8 of the Notes on the Preparation of Fee Proposals shall be revised by replacing the reference to “No. 2/2016” to “No. 2/2016 and No. 5/2018”.

Annex to Sample Fee Proforma

E. MANNING SCHEDULE AND CHARGE RATES

No.	Name	Position	Category of Staff (P/D, CP, SP, P, AP and T)	Weekly Charge Rate (HK\$)	Manpower Input (Man-Weeks)	Fee (HK\$)	Manpower Input (Man-weeks)														
							Month No.														
							1	2	3	4	5	6	7	8	9	10	11	12			
1																					
2																					
3																					
4																					
5																					
6																					
7																					
8																					
9																					
10																					
11																					
12																					
13																					
14																					
15																					
16																					
17																					
18																					
19																					
20																					
Total																					

N.B. (a) Charge rates must be all-inclusive rates.
 (b) Key staff such as partners/directors, professional and technical staff (of relevant disciplines) should be shown.

F. SAMPLE TEMPLATE FOR GUIDELINES FOR PREPARATION OF TECHNICAL PROPOSAL

1. The following amendments to the Sample Template for Guidelines for Preparation of Technical Proposal attached to DEVB Memo. Ref. DEVB(PS) 106/43 dated 29 December 2017 shall be made:

i. The content in Sub-section 1 – Consultant’s Experience of Section A – Requirements of Technical Proposals shall be replaced by:

“(a) The relevant consultancy assignments conducted; and

(b) Relevant experience and knowledge.”

ii. The list of items in Sub-section 2 – Response to The Brief of Section A – Requirements of Technical Proposals shall be replaced by:

“(a) identification of key issues/problems in the assignment, including but not limited to project constraints/risks, special requirements, etc.; and

(b) Suggestions of practicable solutions to address the key issues/problems identified, including presentation of design approach and ideas (in regard to aspects such as general arrangement, layout, functionality, green measures, heritage conservation, aesthetics and overall appearance where appropriate).”

iii. Item (b) in Sub-section 6 – Staffing of Section A – Requirements of Technical Proposals shall be amended by adding at the end:

“In particular, the post qualification experience and relevant job reference of the specified core personnel in Note (2) of Part B below shall be included”

iv. Items (1) and (2) of the table in sub-section 1 of Section B – Marking Scheme shall be revised as shown below:

Section		Percentage mark to be allocated (%)	
		Sub-section	Section
(1)	Consultant's Experience	-	XX
(2)	Response to the Brief	-	XX

Appendix 3.3

- v. Sub-section 2 of Section B – Marking Scheme shall be replaced by Annex I to Sample Template for Guidelines for Preparation of Technical Proposal in this Appendix.
- vi. Reference to “No. 2/2016” in Sub-section 3, Sub-section 6 and Remarks of Section B – Marking Scheme shall be amended to “No. 2/2016 and No. 5/2018”.
- vii. Sub-section 3 of Section B – Marking Scheme shall be revised by adding Annex II to Sample Template for Guidelines for Preparation of Technical Proposal in this Appendix at the end.
- viii. Item (e) of Sub-section 4 of Section B – Marking Scheme shall be deleted.

Annex I to Sample Template for Guidelines for Preparation of Technical Proposal

- (2) Each Assessment Panel Member shall grade each section/sub-section, except the “past performance” section/sub-sections and the “adequacy of professional and technical manpower input” sub-section of the “Staffing” section, as either “very good”, “good”, “fair” or “poor”. The marks corresponding to these grades are:

Grade	Marks (%)
Very Good (VG)	1.0 × Y
Good (G)	0.8 × Y
Fair (F)	0.6 × Y
Poor (P)	0.3 × Y

where Y is the percentage mark allocated to the criterion.

For selection criteria “Consultant’s experience”, “Response to the Brief” and “Staffing” which adopt the “Full Marks Approach”, full marks should normally be given if the quantitative specifications set out by the Assessment Panel in the following tables are able to be met as assessed by the Assessment Panel Members:

Consultant’s experience

For attaining full mark (i.e. grade VG), a consultant should possess experience on having conducted [5] or more relevant consultancy assignments within [10] years before the original or the extended T&F proposal submission closing date.

No. of relevant consultancies involved	Grade
[5] or more	VG
[3] to [4]	G
[1] to [2]	F
0	P

Response to the Brief

For attaining full mark (i.e. grade VG), a consultant should identify in the assignment [5] or more key issues/problems with practicable suggestions on ways of addressing them.

No. of key issues/problems identified	Grade
[5] or more	VG
[3] to [4]	G
[1] to [2]	F
0	P

Staffing – Staff organization chart

The pre-set descriptions for the four different grades are follows:

Description	Grade
Very efficient and effective staff organization with strong teams of experts and professionals and comprehensive communication and collaboration platforms	VG
Efficient and effective staff organization with well-defined teams of experts and professionals and suitable communication and collaboration platforms	G
Fair staff organization showing reasonable teams of experts and professionals and communication and collaboration platforms	F
No information or a poor staff organization	P

Staffing – Relevant experience and qualification of key staff

For attaining full mark (i.e. grade VG), a consultant should provide the minimum number of core personnel who should possess the corresponding minimum qualification and experience as mentioned in the tables below. Marks allocated to each core personnel are on equal basis.

Key Staff	Post Qualification Experience	Relevant Job Reference	Grade
[Project Manager] (Mark: XX%) Minimum number: [1] Minimum qualification of a [P/D] category	Not less than [20] years	Not less than [5] projects	VG
	Not less than [18] years	Not less than [3] projects	G
	Not less than [15] years	Not less than [1] project	F
	Fail to meet the standard above		P

Key Staff	Post Qualification Experience	Relevant Job Reference	Grade
[Project Director] (Mark: YY%)	Not less than [20] years	Not less than [5] projects	VG
Minimum number: [1] Minimum qualification of a [P/D] category	Not less than [18] years	Not less than [3] projects	G
	Not less than [15] years	Not less than [1] project	F
	Fail to meet the standard above		P

Key Staff	Post Qualification Experience	Relevant Job Reference	Grade
[Team Leader] (Mark: ZZ%)	Not less than [18] years	Not less than [5] projects	VG
Minimum number: [3] Minimum qualification of a [CP] category	Not less than [15] years	Not less than [3] projects	G
	Not less than [12] years	Not less than [1] project	F
	Fail to meet the standard above		P

(N.B: The sum of XX, YY and ZZ shall be 100. Add additional tables if required)

Staffing – Responsibility and degree of involvement of key staff

For attaining full mark (i.e. grade VG), a consultant should propose at least [80%] of the weighted total manpower input of named staff for those with professional category or above.

Degree of Involvement of Key Staff (X)	Grade
$X \geq [80]\%$	VG
$[60]\% \leq X < [80]\%$	G
$[40]\% \leq X < [60]\%$	F
$X < [40]\%$	P

For other selection criteria not adopting the “Full Marks Approach”, if the Brief or other relevant requirements are just fulfilled, a “fair” grading at most should normally be given.

The weighted marks of Assessment Panel Members shall be accumulated to produce the final marks for each sub-section. Summation of all sub-section final marks will produce a total mark for the technical proposal.

Annex II to Sample Template for Guidelines for Preparation of Technical ProposalStaff working under an overloading situation

The manpower input as at end of [February, May, August or November YYYY] captured in the final snapshot taken by the Public Works Consultants Resources Allocation Register (PWCRAR) as detailed in DEVB TC(W) No. 5/2018 will be used for checking if any named professional staff or above proposed in the manning schedule of his technical proposal is working under an overloading situation. If overloading is identified for a particular named professional staff or above, the consultant may be approached for clarification.

Where the manpower input data in the PWCRAR, together with relevant clarifications from the consultant (if any) reveals overloading situation, mark to be given for the “adequacy of professional and technical manpower input” attribute shall be adjusted by the Assessment Panel using the following table:

Overloading Situation	Degree of Overloading	Marks for “Adequacy of professional & technical manpower input” shall be multiplied by
Minor	\leq [5%]	XX
Medium	$>$ [5%] and $<$ [10%]	XX
Serious	\geq [10%]	XX

Sample Template for Manning Schedule

Manning Schedule to be Submitted Quarterly during execution of the Agreement

Agreement No. CE 05/2018 (I+st)
Actual Commencement Date of the Agreement 03/01/2018
Reporting month Jun-2018

No.	Surname *	First Name *	ResidentH KJO/Oversea s *	HKID/Pass port No * (1st 4 Characters)	Company Name *	Position *	Core/ Others/ Unnamed *	Staff Category * (FD, CP, SP, F, AP & T)	Total Estimated Manpower Input (Man-Weeks)	Cumulative Manpower Input up to 28 Feb 2018 (Man-Weeks)	2018-03	2018-04	2018-05	2018-06	2018-07	2018-08	2018-09	2018-10	2018-11	
Total										0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

N.B. (i) All staff which have been involved or to be involved should be included.
(ii) If conversion between man-hour and man-week is required, a conversion factor of 60 hours/week is to be adopted.
(iii) If conversion from man-month to man-week is required, a conversion factor of 4 weeks per month is normally adopted.

Guideline for uploading of file to Public Works Consultants Resources Allocation Register (PWCRAR)

- Please check if agreement no., commencement date of the agreement and reporting month (cells [M3], [M4] and [M5]) are correct.
- Mandatory fields are marked with *.
- Please provide manpower input deployed in the reporting quarter (i.e. the 3-month period before the reporting month) column L, M & N) and the forecast manpower input in the following columns.
- Please fill staff information below the staff information header row (from row 11) and ensure that numbering below "No." column (column A) is inserted continuously down the column.
- Name of company by which the staff are directly employed shall be filled.
- Please use the name in the company name worksheet when filling the company name. If the staff are employed by a consulting firm not found in the company name worksheet, please fill the full company name.
- If the anticipated completion date of the Agreement has to be extended, please fill the additional months in the header row (row 10) continuously down the row. Manpower input data in the column without month in the header row (row 10) will cause failure in uploading manpower input data.
- Please fill manpower input data up to 2 decimal places in the unit of man-week. Formulas should not be used.
- For named staff, full name as per HKID / Passport shall be filled.
- For unnamed staff, the surname should be named as "UNNAMED*", Staff Category, e.g. UNNAMED-T. Agreement no. should be used as first name, and "IDNA" should be used as hkid. Manpower input for unnamed staff under the same staff category should be grouped into one row only.

* Cell, row and column information in this Guideline marked in red refers to the reference location when submitted in soft copy in Excel format.

**Public Works Consultants Resources Allocation Register (PWCRAR),
Development Bureau (Works Branch) and all Bureaux/Departments procuring or managing
engineering consultancy services¹⁾**

STATEMENT OF PURPOSE FOR THE COLLECTION OF PERSONAL DATA

Purpose of Collection

1. The personal data provided by means of the attached form will be used for the following purposes:
 - (a) activities relating to the management of the status of the Consultant under the List of Consultants (the List) under the purview of the Engineering and Associated Consultants Selection Board (EACSB) of the Government, including any regulating actions against the Consultant such as downgrading, suspension or removal from the List;
 - (b) activities relating to the award of consultancies including but not limited to the assessment of the Consultant's tenders for consultancies. The Consultant is obliged to provide updated information about his company profile including his employees, projects undertaken etc.
 - (c) activities relating to management of consultancies including but not limited to the monitoring of manpower resources provided and the assessment of consultant's performance.
 - (d) compilation of statistical report and diagnosis of problems with or concerning PWCRAR or the management of consultants to help the Government to improve.

2. If the Consultant fails to provide the required information in the attached form, the consequences would be:
 - (a) for forms associated with his application related to the List or his status in the List, his application could not be proceeded with and/or his status in the List might be adversely affected and/or regulating actions might be imposed;
 - (b) for forms associated with his submission for tender, his tender could not be assessed and considered further; and
 - (c) for forms associated with his submission of manpower resource in the course of the execution of the consultancy agreements, his performance assessment in the consultancies with respect to the adherence to staffing proposal could be adversely affected due to his non-fulfilment of the contractual obligations and regulating actions might be imposed.

Classes of Transferees

3. The personal data provided by the Consultant may be disclosed to other Government bureaux and departments for the purposes of managing the status of Consultants in the List, assessing their tenders for consultancies or management of consultancies.

4. The personal data provided by means of the attached form may be disclosed to the Commissioner of Police or law enforcement agencies for the purposes of law enforcement when appropriate.
5. In addition to the above, except for consultancy agreements with invitation for submission of Technical and Fee Proposals or quotation before 3rd December 2018, the personal data provided by the Consultant for the purpose mentioned in sub-clause 1(c) above only, including the names of each of the professional staff, the agreements in which he is deployed / to be deployed and his amount of time input in the respective agreements, may be disclosed to a third party including but not limited to consultants who are involved in or in connection with other tendering exercises for consultancies managed by any Government bureaux and departments.

Access to Personal Data

6. The data subject has a right of access and correction with respect to personal data as provided for in Section 18 & 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. The right of access includes the right to obtain a copy of his/her personal data provided by means of this form.

Enquiries

7. Enquiries concerning the personal data collected by the attached form, including the making of access and corrections, should be addressed to:

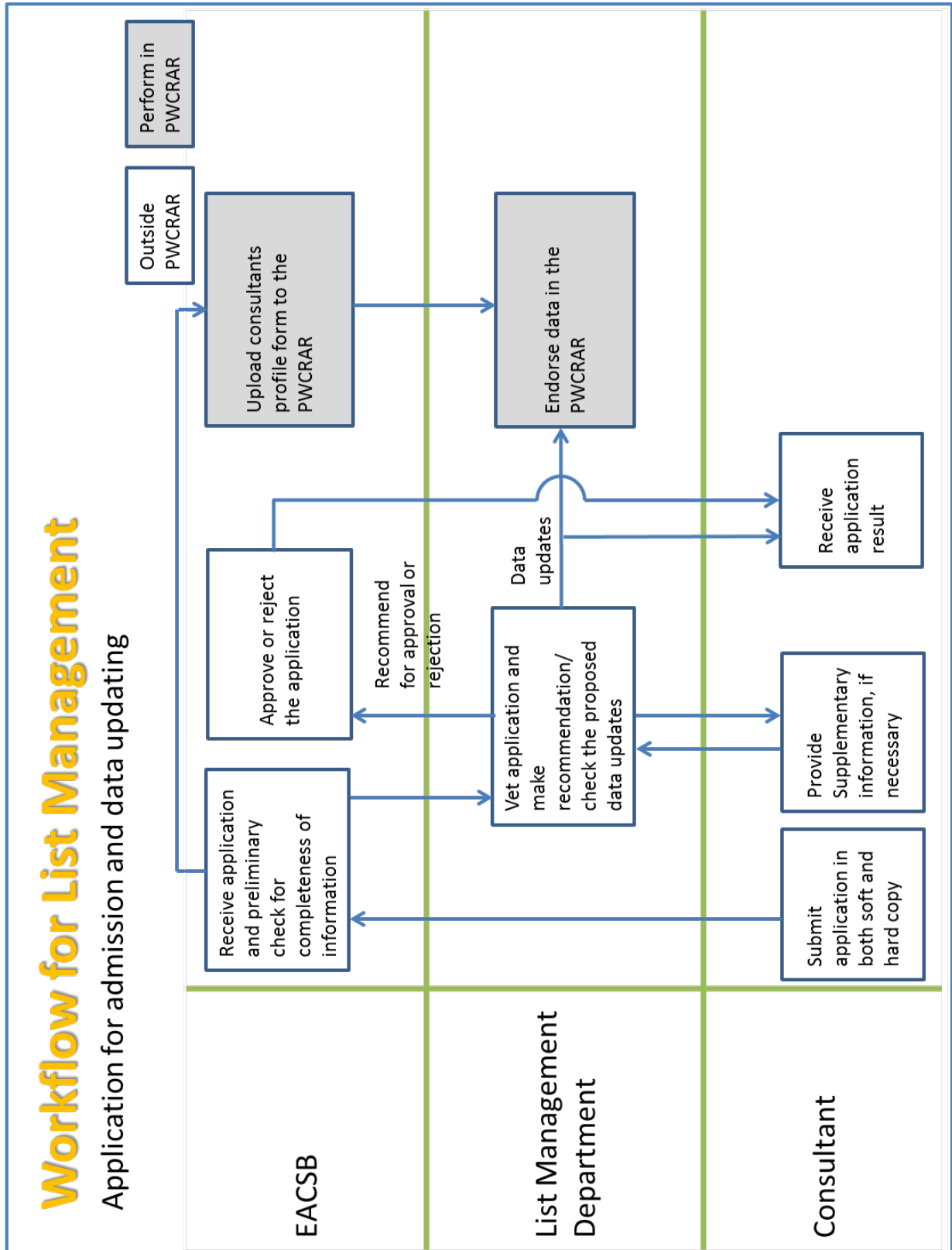
Works Policy 4
Works Branch
Development Bureau
15/F, West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong
Email: pwcrar_admin@devb.gov.hk

Note:

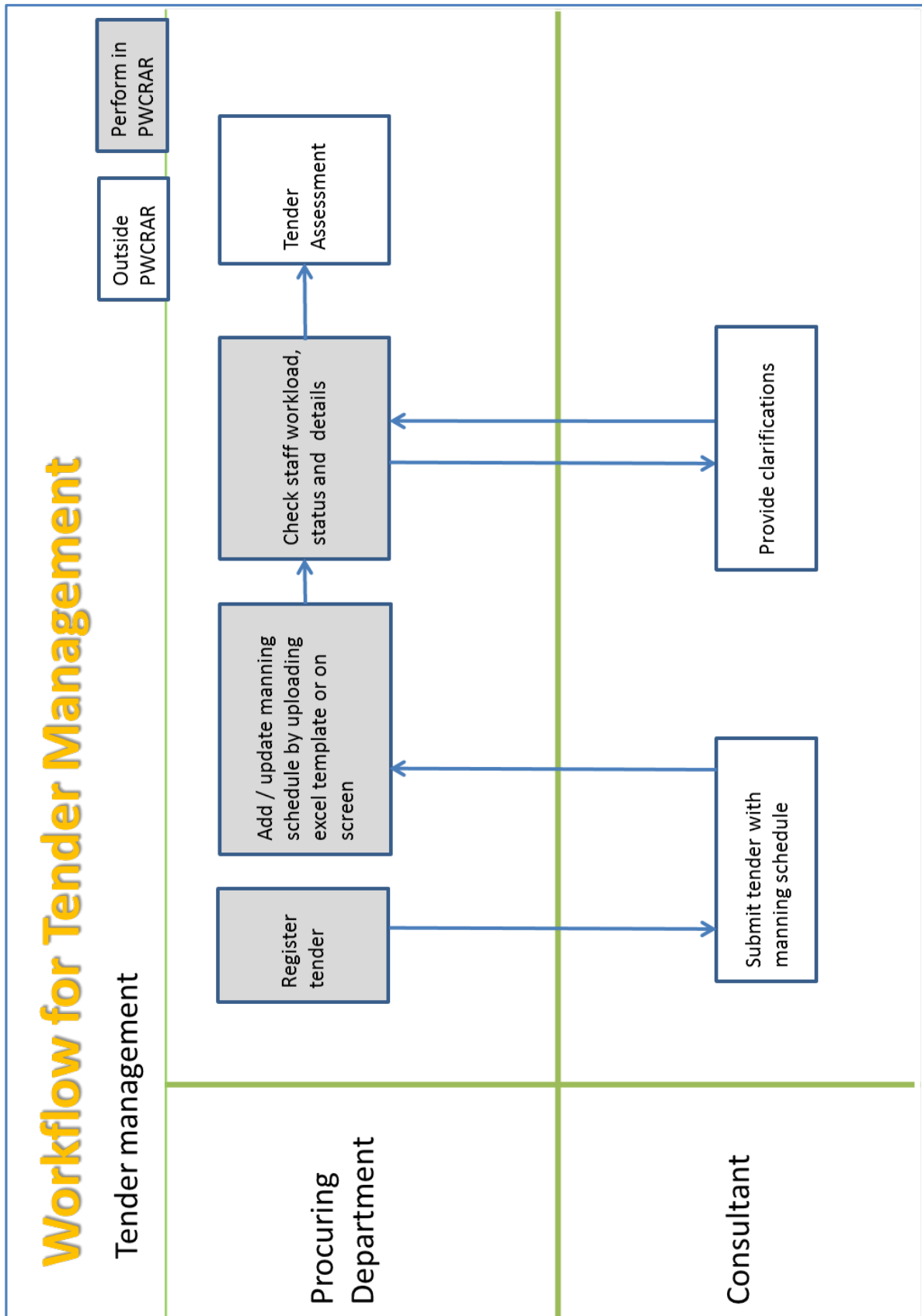
- 1 Other Bureaux/Departments procuring or managing engineering consultancy services including but not limited to Transport and Housing Bureau, Architectural Services Department, Buildings Department, Civil Engineering and Development Department, Drainage Services Department, Electrical and Mechanical Services Department, Environmental Protection Department, Home Affairs Department, Highways Department, Lands Department, Planning Department, Transport Department and Water Supplies Department.

Workflow in PWCRAR

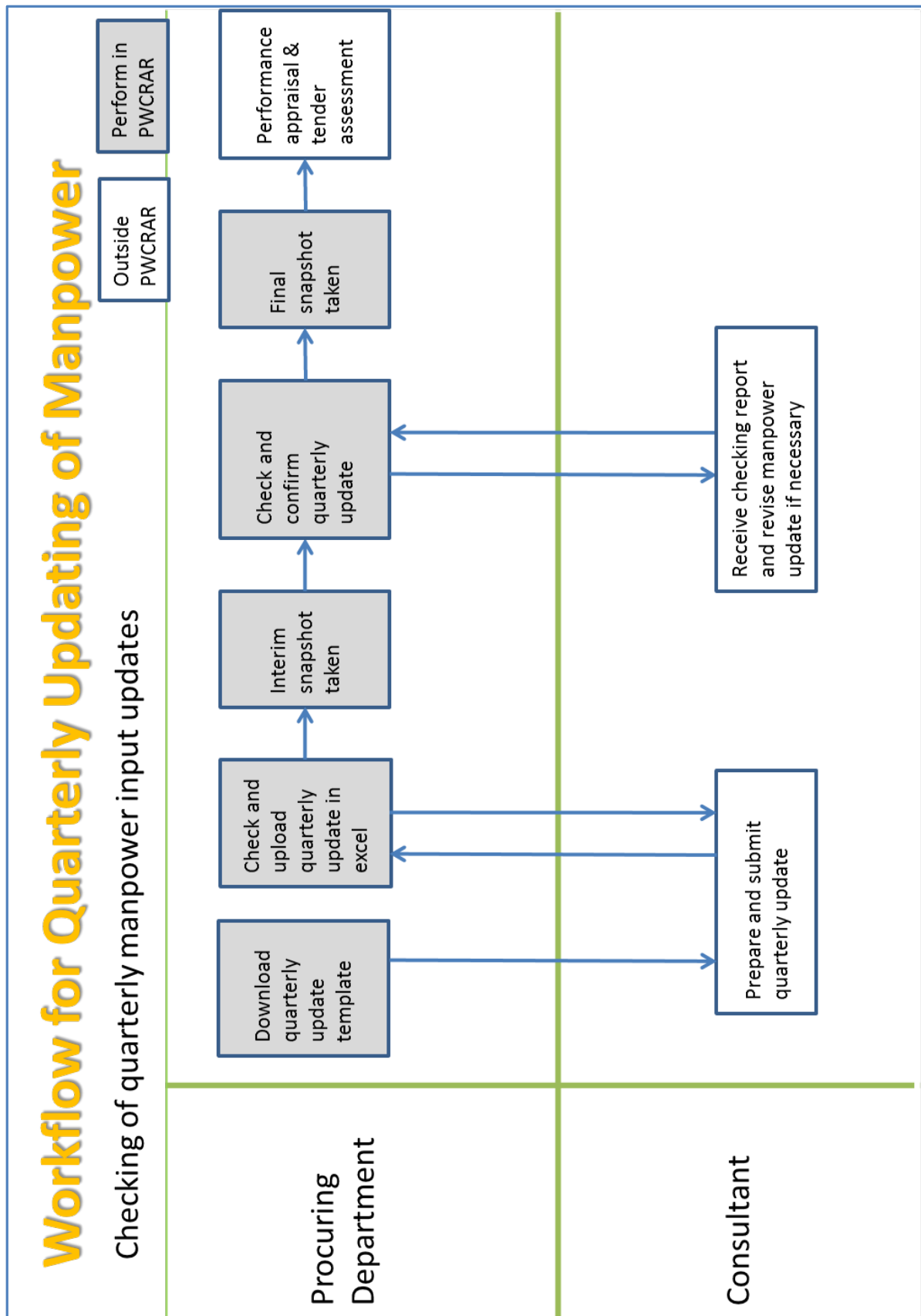
A. List Management



B. Tender Management



C. Quarterly Updating of Manpower



Overloading Checking in Tender Assessment

1 Checking of Suspected Overloading

- 1.1 Prior to invitation of Technical and Fee (T&F) Proposals, the procuring departments shall register the bidding exercise in the Public Works Consultants Resources Allocation Register (PWCRAR) and then download the manning schedule templates together with the personal information collection statements to form part of the invitation documents for the T&F Proposals. Any subsequent change of the information of the consultancies before the closing date for submission of T&F Proposal shall be updated in the PWCRAR. In particular, if the update involves change in the consultancy duration, the procuring departments shall download and send the revised manning schedule templates together with the personal information collection statements to the bidders before the aforesaid closing date.
- 1.2 After the aforesaid closing date, the procuring departments shall upload or manually input the manning schedules submitted by the bidders into the PWCRAR as soon as practicable. While the PWCRAR allows the procuring departments to upload/manually input the manning schedules to the system separately, the procuring department shall only confirm the manning schedules uploaded in the system in the same bidding exercise in one go to ensure the completeness of the data.
- 1.3 When the procuring departments find that the total manpower input calculated from the manning schedule (softcopy) does not tally with the figures stated in the T&F Proposal, the total manpower input calculated from the manning schedule (softcopy) shall prevail. The procuring departments shall follow the current practice to correct the discrepancies in both the Technical Proposals and Fee Proposals and then seek confirmation from the bidders to abide by their tenders with the corrected total manpower input.
- 1.4 To avoid confusion, the “reporting month” used in the following paragraphs shall refer to the month in which the final snapshots are taken (i.e. March, June, September and December) and the “reporting quarter” shall refer to the 3-month period immediately before the reporting month (e.g. the period from March to May is the reporting quarter for the reporting month of June). Concurrent tenders shall mean other tenders registered in the PWCRAR which have been closed but not yet been awarded as at end of the reporting quarter which are captured in the final snapshot taken immediately before the tender closing date of the tender under assessment.
- 1.5 For the purpose of assessing the “Adequacy of professional and technical manpower input” attribute of the T&F Proposals, the manpower input of on-going consultancies and concurrent tenders as at end of the reporting quarter which are captured in the final snapshot taken

immediately before the tender closing date of the tender under assessment shall be used to check for any suspected overloading situation. Please note that the PWCRAR will take final snapshot on all the manpower input data in the system at 00:00 on 23rd of every reporting quarter and generate reports for various purposes, including performance appraisal and tender assessment. The procuring departments shall upload and confirm in the PWCRAR the manpower input of their tenders closed within the reporting quarter before the PWCRAR takes the final snapshot to facilitate the PWCRAR in calculating the overloading percentage accordingly.

2 Clarifications on Suspected Overloading

- 2.1 When the procuring departments upload or manually input the manning schedule submitted by the bidders, the PWCRAR will base on the HKID/Passport No. and the name of the staff to check whether the staff concerned has been/ will be deployed for other on-going/up-coming consultancies registered in the PWCRAR (i.e. overlapping cases). If the PWCRAR identifies any suspected overlapping case, such as two persons with the same HKID/passport No. and surname but different first names, it will alert the procuring departments accordingly. The procuring departments may consider seeking clarifications from the bidders on the suspected overlapping case. Upon clarification, the procuring departments shall update the PWCRAR accordingly.
- 2.2 After the confirmation of the manning schedule in the PWCRAR by the procuring departments, the PWCRAR will check for any suspected overloading situation (i.e. staff working for more than 4 man-week per month).
- 2.3 The Assessment Panel may consider seeking clarifications from the bidders on the overloading situations. A sample letter is attached at **Appendix 3.9** for reference. In any circumstance, the principles stipulated in Stores and Procurement Regulations 365 regarding the clarification of tenders shall be strictly observed.
- 2.4 The Assessment Panel may consider taking into account the clarifications provided by the tenderers, if any, in determining whether there are overloading situations in the T&F Proposals concerned. In any circumstance, tender modification, such as amendment to the manning schedule in the Technical Proposal, shall not be permitted which may give rise to discriminatory practice. The assessment and the associated assessment result shall be discussed and endorsed by the Assessment Panel. Legal advice may be sought if considered necessary. The procuring departments shall include the correspondences with LAD(W) and provide the deliberations/decisions of the Assessment Panel on the assessment of overloading situation of individual tenderers in EACSB submission.

3 Assessment Method

- 3.1 The reasons for overloading may be due to:
- (a) on-going consultancy(ies);
 - (b) concurrent tender(s) including paired tender(s) with the same bidder; or
 - (c) a combination of (a) & (b) above.
- 3.2 For named staff taking part in a concurrent tender, their manpower input to be deployed in the concurrent tender shall be factored down by the number of bids involved in that concurrent tender. The approach has employed the Expectation Theory (i.e. the probability of winning the concurrent tender) to derive the expected manpower input due to the concurrent tender.
- 3.3 For paired tenders, the procuring departments shall ensure that the tender closing dates of the two tenders fall within the same reporting quarter so that the PWCRAR can include the manpower input of both tenders into the same final snapshot for calculation of overloading percentage. If the bidder concerned has only submitted one bid under pairing arrangement, it will be captured by the PWCRAR as one concurrent tender and the same assessment method mentioned in paragraph 3.2 above will be adopted. However, if the bidder concerned has submitted two bids under pairing arrangement, it will be captured as two concurrent tenders but the expected manpower input due to the paired tenders is taken as the average manpower input of the staff taking part in both tenders factored down by the probability of the consultant winning at least one of the two paired tenders.
- 3.4 The manpower input of the tender under assessment together with that of the on-going consultancy(ies) are then summed up with the expected manpower inputs due to all concurrent tenders to arrive at the total expected manpower input. The amount of total expected manpower input of a particular staff in excess of 4 man-weeks per month will be considered as an overloading case. The weighted average overloading manpower input for all overloading cases will be used in calculating the overloading percentage which will in turn be used to determine the reduction factor to be applied to the mark given to the “Adequacy of professional and technical manpower input” attribute of the T&F Proposal in accordance with **Appendix 3.2(A)** of these Guidelines. A worked example and a sample report generated by the PWCRAR on details of overloading situation are attached in **Appendix 3.10** and **Appendix 3.11** respectively. Please note that the procuring departments shall have the responsibility to check the calculations done by the PWCRAR based on the data contained in the above report.

Quarterly Updates of Manpower Input

1 Manpower Input to be Updated

- 1.1 To avoid confusion, the “reporting month” and “reporting quarter” used in the following paragraphs shall have the same meaning as those used in Section 3.6.3 of the Guideline.
- 1.2 The consultants are required to submit curriculum vitae (CV) for the key staff proposed in their Technical and Fee (T&F) Proposals. To demonstrate their adherence to the staffing proposal, the consultants are required to submit quarterly updates on the manpower input for each named staff at professional category or above included in their T&F Proposals. The staff who replaces one of the named staff shall also be a named staff and its manpower input shall be provided for monitoring when staff re-deployment is required. For the unnamed staff, their manpower input can be grouped together under each staff category.
- 1.3 In the quarterly updates, the following information on the manpower input as at end of the reporting quarter shall be included:
 - (a) the manpower input of both the named and unnamed staff deployed in the reporting quarter; and
 - (b) the manpower input of both the named and unnamed staff to be deployed for the remaining duration of the consultancy.

2 Quarterly Updates of Manpower Input for the Consultancies

- 2.1 The Public Works Consultants Resources Allocation Register (PWCRAR) has been programmed to generate a quarterly update template based on the manpower input in the previous reporting quarter under each consultancy to facilitate the quarterly updating exercise. The procuring departments should download and send the template to consultants to facilitate the consultants to prepare the next quarterly updates. The consultants shall submit to the procuring departments quarterly updates by the 5th of every reporting month. The PWCRAR allows the consultants to submit quarterly updates direct to the PWCRAR through registered email accounts. When such function is not available, the consultants shall submit the quarterly updates to the respective reporting officer of the procuring departments.
- 2.2 Upon receipt of the quarterly updates, the procuring departments shall check the updates and liaise with the consultants for clarifications and amendments if necessary. If the procuring departments consider that the quarterly updates submitted by the consultants are generally in order, the procuring departments shall upload/manually input the manpower data into the

PWCRAR.

- 2.3 After uploading the updated manpower input but before taking interim snapshots as mentioned in the paragraph below, the procuring departments can make use of the PWCRAR to conduct preliminary checking on the quarterly updates by comparing them with the manpower input data in the previous final snapshots. If necessary, the procuring departments may send the preliminary checking results downloaded from the PWCRAR to the consultants for review and clarification if necessary.
- 2.4 The PWCRAR will take interim snapshots at 00:00 on the 16th of every reporting month on the manpower input data that has been confirmed by the procuring departments as properly input in the system and generate checking reports on any overloading situations. For performance appraisal purpose, the PWCRAR will determine the overloading situation based on the manpower input of the concerned staff under other on-going consultancy(ies). If the manpower input updates in the PWCRAR have not been confirmed by the procuring departments before the interim snapshots are taken, the PWCRAR will copy the last manpower input update which was confirmed in the PWCRAR by the procuring departments to the interim snapshots as if there is no further update to such manpower input. The procuring departments shall send the checking reports to the consultants for review and clarification if necessary.
- 2.5 The consultants shall liaise with the procuring departments if they want to amend the manpower input data in the checking reports as soon as possible, in any case before final snapshot is taken, or otherwise the consultants will be deemed to have no comment on the manpower input data in the checking reports. Any amendments to the manpower input data in the checking reports shall be re-confirmed by the procuring departments before final snapshots are taken.
- 2.6 The PWCRAR will take final snapshots at 00:00 on the 23rd of every reporting month on the manpower input data that has been confirmed by the procuring departments and generate various types of reports. The procuring departments shall send the checking reports to the consultants for retention/reference. If any manpower input updates for an agreement in the PWCRAR have not been confirmed by the procuring departments before the final snapshots are taken, the PWCRAR will copy the last manpower input update which was confirmed in the PWCRAR by the procuring departments for the same agreement to the final snapshots as if there is no further update to such manpower input.
- 2.7 The manpower input in the final snapshots taken at 00:00 on the 23rd of every reporting month will be used for checking overloading situation in tender assessment of other consultancies. In this connection, any proposed amendment to the manpower input in the final snapshots after the 23rd of the reporting month will only be considered under very exceptional circumstances.

3 The First Manpower Input Updating for Existing Consultancies

- 3.1 The first manpower input updating for existing consultancies should follow the procedures as mentioned in paragraph 2 above, except that on top of the manpower input data mentioned in paragraphs 1.3(a) and (b) above, the consultants shall also include the cumulative manpower input of named and unnamed staff up to the month immediately before the reporting quarter.

4 Newly Awarded Consultancies

- 4.1 For consultancies newly awarded within the reporting quarter, the procuring department shall update the consultancy status in the PWCRAR from a tendering stage to an on-going stage. The update shall be carried out in a timely manner and in any case before the interim snapshot taken so that the latest status of the consultancy can be reflected in the interim snapshot. In updating the PWCRAR, some basic information is required to be entered, such as the award date and the actual commencement date. The procuring departments shall ensure that the same information shall be entered into the CNPIS in preparing the consultants performance reports for sake of consistency.
- 4.2 Upon the change of consultancy status from a tendering stage to an on-going stage in the PWCRAR, the manning schedule proposed by the consultant who wins the bid will become the “draft” manpower input for the newly awarded consultancy and be included in the quarterly update template. The procuring department shall require the consultant to review and update the “draft” manpower input where appropriate in the first quarterly updating. If update on the “draft” manpower input is not required or has not been confirmed by the procuring departments before the interim snapshot is taken, the updating procedures mentioned in paragraphs from 2.4 to 2.6 shall follow and the “draft” manpower input will be incorporated in the checking reports to be sent to the consultant.

5 Additional Services

- 5.1 The PWCRAR has a function to allow the procuring department to key in the manpower input for each additional service instructed under a consultancy to facilitate the monitoring of the total manpower input by the consultants.
- 5.2 After an additional service is instructed, the procuring department should input the relevant data, such as the date of instruction and the agreed manpower input, of the additional service into the

PWCRAR for record and monitoring of the overall manpower input to be provided by the consultants.

- 5.3 In view that there may be difficulties for the consultants to divide and record manpower inputs for individual additional service under the consultancy, the consultants are normally not required to provide a separate return of manpower input for individual additional service in the quarterly updates. The additional manpower input could be included in the quarterly updates under such circumstances.

6 Consultancies Commenced for More Than 10 years

- 6.1 Consultants will not be required to submit quarterly updates on manpower input for on-going consultancies which have commenced for more than 10 years. The last update is required for the reporting quarter within which the 10th anniversary date falls. Thereafter, the consultants will not be required to submit further quarterly update and the PWCRAR will not capture the manpower input of the consultancies concerned in the snapshots to be taken in the next reporting month and onward.

7 Completion of Consultancies

- 7.1 If the anticipated completion date of the on-going consultancy is advanced, the consultant may simply update the manpower input for the months beyond the revised completion date as zero. However, if the anticipated completion date is deferred, the consultant shall insert additional columns in the spreadsheet and fill in the associated manpower input for the extended period accordingly.
- 7.2 After the actual completion of the consultancy, the procuring departments shall require the consultants to submit the last update on manpower input for that reporting quarter.
- 7.3 If the procuring department does not confirm the manpower input of the last update in the PWCRAR before the interim snapshot is taken, the updating procedures mentioned in paragraphs from 2.4 to 2.6 shall follow. In this case, if the end date of the previously confirmed manpower input is earlier than the actual completion date, the PWCRAR will automatically input zero for the months in between in the interim and final snapshots. On the other hand, if the end date of the previously confirmed manpower input is latter than the actual completion date, the PWCRAR will only include the manpower input up to the actual completion date in the interim and final snapshots.

Special Conditions of Employment Clause

SCE()

Submission of Manpower Input

(A) Without prejudice to the generality of Clause 11 of the General Conditions of Employment, the Consultants shall submit to the Director's Representative details of all staff deployed and/or to be deployed in the performance of the Services in the form, manner and for the purposes specified in the Brief.

(B) The Consultants or any of the sub-consultants, including any staff employed by them in the performance of the Services, shall be deemed to have read the SCE, the relevant part of the Brief, particularly the personal information collection statement (hereinafter referred to as "the Statement") in the form specified, and have given their consent to the Employer to disclose to any parties for the purposes as stated the Statement without further reference to the Consultants or any of the sub-consultants, including any staff employed by them.

(C) The Consultants shall submit to the Director's Representative, when the information in sub-clause (A) are submitted, a signed declaration in a form prescribed or approved by the Director's Representative (a sample of which is attached in Appendix XX) to confirm that the information in sub-clause (A) submitted is true to the best of Consultants' knowledge, is in accordance with the staffing proposal made at the tender stage (or as subsequently updated to suit the latest development of the assignment) and belief and that the Consultants and any of the sub-consultants, including all staff employed in the performance of the Services are aware of this SCE Clause [], the relevant part of the Brief, particularly the personal information collection statement concerned, and have given consent to the Employer to disclose to any parties for the purposes as stated in the Statement.

(D) The Consultants shall waive and forego their right, if any, to make any claims against the Employer for any losses, damages, costs, charges, liabilities, demands, proceedings and actions that may arise out of or in consequence of such disclosure by the Employer.

Sample Declaration Form by Consultants
on their compliance with requirements on the submission of manpower input

(to be attached to the manpower input submitted by the Consultants)

To: Director's Representative

Agreement No.:

Title:

In accordance with the SCE Clause []:

(1) We confirm that the information regarding manpower input deployed and/or to be deployed for this Agreement as indicated in the manning schedule updated as at end of [month] is true to the best of our knowledge and belief and is adherence to the staffing proposal made at the tender stage (or as subsequently updated to suit the latest development of the assignment).

(2) We further confirm that we and any of our sub-consultants, including any staff employed in the performance of the Services, are aware of this SCE Clause [], the relevant part of the Brief, particularly the personal information collection statement concerned, and have given consent to the Employer to disclose to any parties for the purposes as stated the Statement without further reference to us or any of our sub-consultants, including any staff employed.

(Name of the Consultants)

(Name of the Signatory)

(Position of the Signatory)

(Date)

Clauses for Checking of Manpower Input provided by Consultants

Clauses 15.2 and 15.3 of the feasibility assignment, Clauses 16.2 and 16.3 of the investigation assignment and Clauses 17.2 and 17.3 of the design and construction assignment should be replaced with the clauses as follows:

- X.2 The Consultants shall provide the staff and manpower input in accordance with the Technical Proposal which was submitted with the Consultants' tender for this Assignment, or the quarterly manpower input updates as stated in sub-clause 6 below if available. The Director's Representative shall have the right to check the time-log record of the Consultants' staff deployed for the Assignment.
- X.3 If the Director's Representative considers that the performance of the Consultants is not satisfactory due to inadequate staffing and manpower input allocated to the Assignment, the Consultants shall, upon the request of the Director's Representative, forthwith submit to the Director's Representative the time-log record of the staff deployed for the Assignment for the Director's Representative to check against the Technical Proposal, or the quarterly manpower input updates as stated in sub-clause 6 below if available.

The following clauses should be added to the Section "Consultants' Office and Staffing" of the Brief:

- X.6 The Consultants shall follow the relevant requirements stipulated in Development Bureau Technical Circular (Works) No. 5/2018 or its latest revision or replacement and submit to the Director's Representative quarterly updates on the manpower input deployed and/or to be deployed by the Consultants under the Assignment for checking and monitoring with the use of Public Works Consultants Resources Allocation Register (PWCRAR) in accordance with the relevant mechanism mentioned in the same technical circular. The Consultants shall provide clarifications on the manpower input to the Director's Representative upon request.
- X.7 The Consultants agree that the quarterly updates as mentioned in sub-clause 6 above would be inputted into the PWCRAR for purposes as mentioned in the personal information collection statement to be sent to the Consultants with the templates for the quarterly updates, which shall include but not limited to the following:

Appendix 3.8

- (a) activities relating to the management of the status of the Consultant under the List of Consultants (the List) under the purview of the Engineering and Associated Consultants Selection Board (EACSB) of the Government, including any regulating actions against the Consultant such as downgrading, suspension or removal from the List;
- (b) activities relating to the award of consultancies including but not limited to the assessment of the Consultant's tenders for consultancies;
- (c) activities relating to management of consultancies including but not limited to the monitoring of manpower resources provided and the assessment of Consultant's performance; and
- (d) compilation of statistical report and diagnosis of problems with or concerning PWCRAR or the management of consultants to help the Government to improve.

**SAMPLE LETTER TO TENDERER SEEKING
CLARIFICATION ON OVERLOADING SITUATION**

Dear Sirs,

Agreement No.

Agreement Title

I refer to your Technical and Fee Proposals submitted for the captioned Consultancy Agreement dated DD/MM/YYYY.

According to our records as at end of MM/YYYY [*the procuring department shall input the end month of the reporting quarter immediately before the tender closing date of the tender under assessment*], there is/are staff member(s) in your Technical and Fee Proposal who is/are identified to be working under an overloading situation as shown in the attached checking report [*the procuring department shall attach Report No. TEN-RPT-01 downloaded from the PWCRAR to this letter*] after taking into account their manpower input deployed or to be deployed in other consultancies and/or concurrent tenders. Please confirm by DD/MM/YYYY whether there is or will be an overloading situation of the staff member(s) concerned as reflected in the attached checking report. If there is not, please provide your clarifications as to the intended workload of the staff member(s) concerned by the above due date for our consideration. If we do not receive your reply by the above due date, we would proceed with the tender assessment based on the overloading situation as shown in the attached checking report accordingly.

In your reply, you are only allowed to provide factual information about the involvement of the proposed staff member(s) in other consultancies and concurrent tenders and are not allowed to replace the proposed staff member(s) by other staff member(s), and/or change the time input of the proposed staff member(s) in the manning schedule of your Technical and Fee Proposal.

For the avoidance of doubt, in the performance of the assignment, if awarded to you, you are bound to provide the manpower input under each relevant staff category in accordance with your proposal. If any proposed staff member(s) is to work under an overloading situation, you are deemed to agree to rectify the overloading situation at your cost by making appropriate replacement with other staff member(s), redistributing workload to other staff member(s), and/or providing additional staff member(s) with equal or better qualifications and experience than the proposed staff member(s). The re-deployment of staff member(s) in this regard shall be subject to the approval procedures as if there

is a change of core personnel under the assignment.

Please note that this letter should NOT be counted as you are being selected for the award of this assignment.

Yours faithfully,

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RESTRICTED										
TEN-RPT-01 Overloading Situation Summary For Tender Assessment										
<p>Report Title: TEN-RPT-01 Overloading Situation Summary For Tender Assessment</p> <p>Report Generation Date: 08/05/2018</p> <p>Selection criteria:</p> <p>Department: THB</p> <p>Agreement no.: CE 02/2018 (TEST)</p> <p>Staff: OverLoaded</p> <p>Tenderer: THB Non-Listed Consultant 1</p> <p>Agreement Title: CE 02/2018 (TEST) title</p> <p>Tender closing Date: 01/03/2018</p> <p>Anticipated Commencement Date: 20/03/2018</p>										
Figure in tender (cumulative with on-going agreements, cumulative with on-going agreement and submitted tender) (man-week)										
Name	Staff Category	Mar 2018	Apr 2018	May 2018	Jun 2018	Jul 2018	Aug 2018	Sep 2018		
David Wong	Chief Professional	2.00(7.00,7.00)	2.00(7.10,7.10)	2.00(7.20,7.20)	2.00(5.60,3.60)	2.00(4.60,4.60)	2.00(4.60,4.60)	2.00(4.60,4.60)		

A Worked Example for Determining Overloading Percentage

Technical and Fee Proposals are received from Consultants W for Assignment A which adopts a total weighted manpower ratio of 4:2:1 for Partner/Director & Chief Professional : Senior Professional & Professional : Assistant Professional & Technical. After checking with the PWCRAR and seeking confirmation from the consultants on the overloading situation, the reduction factors for the “Adequacy of Professional and Technical Manpower Input” attributes in tender assessment are calculated as follows.

The tables shaded in grey are related to the manpower input of other concurrent tenders or on-going consultancies in the PWCRAR, and the computation carried out by the PWCRAR which will not be presented to the procuring departments.

Overloading due to on-going consultancies and concurrent tenders

The manning schedule submitted by Consultants W for Assignment A is shown in the table below.

Staff	Staff Category	No. of man-week per month												Total
		1	2	3	4	5	6	7	8	9	10	11	12	
S1	PD	1	-	1	-	1	-	1	-	1	-	1	-	6
S2	CP	-	1	-	1	-	1	-	1	-	1	-	1	6
S3	SP	2	2	2	2	2	2	2	2	2	2	2	2	24
S4	P	3	3	3	3	3	3	3	3	3	3	3	3	36
S5	P	3	3	3	3	3	3	3	3	3	3	3	3	36
S6	AP	3	3	3	3	3	3	3	3	3	3	3	3	36
S7	AP	3	3	3	3	3	3	3	3	3	3	3	3	36
S8	T	3	3	3	3	3	3	3	3	3	3	3	3	36
S9	T	3	3	3	3	3	3	3	3	3	3	3	3	36
S10	T	3	3	3	3	3	3	3	3	3	3	3	3	36

Table 1 - The manning schedule proposed by Consultants W for Assignment A

Based on the manning schedule in Table 1, the total weighted average manpower input proposed by Consultants W for Assignment A is 60 man-weeks as follows:

$$= (4 / 7) \times (6 + 6) + (2 / 7) \times (24 + 36 + 36) + (1 / 7) \times (36 + 36 + 36 + 36 + 36)$$

$$= 60 \text{ man-weeks}$$

Appendix 3.10

The PWCRAR identifies that Consultants W have been working on one on-going consultancy and participating in four concurrent tenders (i.e. Tenders B, C, D and E). Among these four concurrent tenders, Tenders B and C are not paired with each other while Tenders D and E are paired with each other. There are four and five bids received under each of Tenders B and C and each of Tenders D and E respectively.

The manpower input of named professional staff of Consultants W in the on-going consultancy who have also been involved in Assignment A is recorded by the PWCRAR as below:

Staff	Staff Category	No. of man-week per month												Total
		1	2	3	4	5	6	7	8	9	10	11	12	
S1	PD	1	-	1	-	1	-	1	-	1	-	1	-	6
S2	CP	-	1	-	1	-	1	-	1	-	1	-	1	6
S3	SP	2	2	2	2	2	2	2	2	2	2	2	2	24
S4	P	2	2	2	2	2	2	2	2	2	2	2	2	24
S5	P	2	2	2	2	2	2	2	2	2	2	2	2	24

Table 2 - The manpower input of concerned named professional staff of Consultants W in the on-going consultancy

The manpower input of named professional staff of Consultants W in the concurrent Tenders B and C who have also been involved in Assignment A is recorded by the PWCRAR as below:

Staff	Staff Category	No. of man-week per month												Total
		1	2	3	4	5	6	7	8	9	10	11	12	
S1	PD	1	-	-	-	1	-	-	-	1	-	-	-	3
S2	CP	-	2	2	2	-	2	2	2	-	2	2	2	18
S3	SP	-	1	-	2	-	1	-	2	-	1	-	2	9
S4	P	1	1	1	1	1	1	1	1	1	1	1	1	12
S5	P	2	2	2	2	2	2	2	2	2	2	2	2	24

Table 3 - The manpower input of concerned named professional staff of Consultants W in the concurrent Tender B

Staff	Staff Category	No. of man-week per month												Total
		1	2	3	4	5	6	7	8	9	10	11	12	
S1	PD	-	-	1	-	-	-	1	-	-	-	1	-	3
S2	CP	2	-	-	-	2	-	-	-	2	-	-	-	6
S3	SP	-	2	-	1	-	2	-	1	-	1	-	1	8
S4	P	3	3	3	3	3	3	3	3	3	3	3	3	36
S5	P	2	2	2	2	2	2	2	2	2	2	2	2	24

Table 4 - The manpower input of concerned named professional staff of Consultants W in the concurrent Tender C

As there are four bids in each of concurrent Tenders B and C, the PWCRAR will divide the manpower input in Tables 3 and 4 by four individually and sum up to calculate the discounted manpower input in the concurrent tenders as shown in Table 5 below.

Staff	Staff Category	No. of man-week per month												Total
		1	2	3	4	5	6	7	8	9	10	11	12	
S1	PD	0.25	-	0.25	-	0.25	-	0.25	-	0.25	-	0.25	-	1.5
S2	CP	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	6
S3	SP	-	0.75	-	0.75	-	0.75	-	0.75	-	0.5	-	0.75	4.25
S4	P	1	1	1	1	1	1	1	1	1	1	1	1	12
S5	P	1	1	1	1	1	1	1	1	1	1	1	1	12

Table 5 - The discounted manpower input of the concerned named professional staff of Consultants W in the concurrent Tenders B and C

The manpower input of named professional of Consultants W in the two concurrent Tenders D and E who have also been involved in Assignment A as recorded by the PWCRAR is as below:

Staff	Staff Category	No. of man-week per month												Total
		1	2	3	4	5	6	7	8	9	10	11	12	
S1	PD	1	-	-	-	1	-	-	-	1	-	-	-	3
S2	CP	-	2	-	2	2	2	-	2	2	2	-	2	16
S3	SP	-	1	-	3	-	1	-	1	-	3	-	1	10
S4	P	1	1	1	1	1	1	1	1	1	1	1	1	12
S5	P	1	1	1	1	1	1	1	1	1	1	1	1	12

Table 6 - The manpower input of the concerned named professional staff of Consultants W in the concurrent Tender D

Staff	Staff Category	No. of man-week per month												Total
		1	2	3	4	5	6	7	8	9	10	11	12	
S1	PD	-	-	1	-	-	-	1	-	-	-	1	-	3
S2	CP	2	-	2	-	-	-	2	-	-	-	2	-	8
S3	SP	-	2	-	-	-	2	-	2	-	-	-	2	8
S4	P	1	1	1	1	1	1	1	1	1	1	1	1	12
S5	P	1	1	1	1	1	1	1	1	1	1	1	1	12

Table 7 - The manpower input of the concerned named professional staff of Consultants W in the concurrent Tender E

As there are 5 tenderers in each of the two paired tenders, the probability of the consultant winning at least one of the tenders is 0.36 (i.e. $1 - 4/5 \times 4/5$). The expected manpower input due to the paired tenders is taken as the average of the manpower input of Tenders D and E factored down by 0.36 as shown in Table 8 below.

Staff	Staff Category	No. of man-week per month												Total
		1	2	3	4	5	6	7	8	9	10	11	12	
S1	PD	0.18	-	0.18	-	0.18	-	0.18	-	0.18	-	0.18	-	1.08
S2	CP	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	4.32
S3	SP	-	0.54	-	0.54	-	0.54	-	0.54	-	0.54	-	0.54	3.24
S4	P	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	4.32
S5	P	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	4.32

Table 8 - The expected manpower input due to paired Tenders D and E

Appendix 3.10

Based on Tables 1, 2, 5 and 8, the PWCRAR will determine the overloading situation as follows. Procuring departments can obtain this information from the situation report downloaded from the PWCRAR.

Staff	Staff Category	No. of man-week per month											Total	
		1	2	3	4	5	6	7	8	9	10	11		12
S3	SP	-	1.29	-	1.29	-	1.29	-	1.29	-	1.04	-	1.29	7.49
S4	P	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	28.32
S5	P	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	2.36	28.32

Table 9 - Named professional staff of Consultants W in Assignment A
with overloading situation

Based on Table 9, the PWCRAR will calculate the weighted average overloading manpower input as 18.32 man-weeks and show the result in the situation report:

$$= (2 / 7) \times (7.49 + 28.32 + 28.32)$$

$$= 18.32 \text{ man-weeks}$$

Given the above, the PWCRAR will calculate the overloading percentage due to both on-going consultancy and the two concurrent tenders and show the result in the situation report:

$$= 18.32 / 60 \times 100\%$$

$$= 30.54\% \quad (\text{i.e.} \geq 10\%)$$

Hence, the procuring department shall apply a reduction factor of 0.75 (to be agreed by Assessment Panel) to the marks given to “Adequacy of Professional and Technical Manpower Input” attribute for Consultants W in Assignment A accordingly.

Sample Report of Overloading Situation Details for Tender Assessment

RESTRICTED

Report Title: TEN-RPT-02 Overloading Situation Details For Tender Assessment
 Report Generation Date: 08/05/2018
 Selection criteria:
 Department: THB
 Agreement no.: CE 02/2018 (TEST)
 Staff: All
 Tenderer: THB Non-Listed Consultant 1
 Agreement Title: CE 02/2018 (TEST) title
 Tender closing Date: 01/05/2018
 Anticipated Commencement Date: 20/05/2018
 Anticipated Completion Date: 10/02/2019
 Endorsement Status: Endorsed

Name	Staff Category	Consultant Name	Agreement No.	Agreement Status	No. of Bidders	Paired Tender	Mar 2018	Apr 2018	May 2018	Jun 2018	Jul 2018	Aug 2018	Sep 2018
Fiona Tan	Partners/Directors	THB Non-Listed Consultant 1	CE 02/2018 (TEST)	This Tender	N/A	N/A	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Reeta Chan	Chief Professional	THB Non-Listed Consultant 1	CE 02/2018 (TEST)	This Tender	N/A	N/A	2.00	2.00	2.00	2.00	2.00	2.00	2.00
David Wong	Chief Professional	THB Non-Listed Consultant 2	CE 04/2018 (T)	Implemented	N/A	N/A	1.50	1.50	1.50	1.50	1.50	1.50	1.50
	Chief Professional	THB Non-Listed Consultant 1	CE 02/2018 (TEST)	This Tender	N/A	N/A	2.00	2.00	2.00	2.00	2.00	2.00	2.00
	Chief Professional	THB Non-Listed Consultant 1	CE 01/2018 (NPS)	Implemented	N/A	N/A	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Partners/Directors	THB Listed Consultant 1	CE 02/2018 (DM)	Implemented	N/A	N/A	0.50	0.50	0.50	0.50	0.50	0.50	0.50
	Other Technical Staff	THB Non-Listed Consultant 2	CE 04/2018 (T)	Implemented	N/A	N/A	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Partners/Directors	THB Listed Consultant 1	CE 05/2018 (DM)	Implemented	N/A	N/A	2.00	2.00	2.00	2.00	2.00	2.00	2.00

RESTRICTED

RESTRICTED

TEN-RPT-02 Overloading Situation Details For Tender Assessment
08/05/2018

Report Title:
Report Generation Date:
Selection criteria:
Department:
Agreement no.:
Staff:
Tenderer:
Agreement Title:
Tender closing Date:
Anticipated Commencement Date:
Anticipated Completion Date:
Endowment Status:

THB
CE 02/2018 (TEST)
All
THB Non-Listed Consultant 1
CE 02/2018 (TEST) title
01/03/2018
20/03/2018
10/02/2019
Endorsed

Name	Staff Category	Consultant Name	Agreement No.	Agreement Status	No. of Bidders	Paired Tender	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Weighting	Manpower Input Total (man-week)	Overloaded Manpower Input (man-week)
Fiona Tam	Partners/Directors	THB Non-Listed Consultant 1	CE 02/2018 (TEST)	This Tender	N/A	N/A	1.00	1.00	1.00	1.00	1.00	0.40	12.00	0.00
Rein Chu	Chief Professional	THB Non-Listed Consultant 1	CE 02/2018 (TEST)	This Tender	N/A	N/A	2.00	2.00	2.00	2.00	2.00	0.40	24.00	0.00
	Chief Professional	THB Non-Listed Consultant 2	CE 04/2018 (T)	Implemented	N/A	N/A	1.50	1.50	1.50	1.50	1.50			
David Wong	Chief Professional	THB Non-Listed Consultant 1	CE 02/2018 (TEST)	This Tender	N/A	N/A	2.00	2.00	2.00	2.00	2.00	0.40	24.00	15.70
	Chief Professional	THB Non-Listed Consultant 1	CE 01/2018 (NPS)	Implemented	N/A	N/A	2.00	2.00	2.00	2.00	2.00			
	Partners/Directors	THB Listed Consultant 1	CE 02/2018 (DM)	Implemented	N/A	N/A	2.00	2.00	2.00	2.00	2.00			
	Other Technical Staff	THB Non-Listed Consultant 2	CE 04/2018 (T)	Implemented	N/A	N/A	2.00	2.00	2.00	2.00	2.00			
	Partners/Directors	THB Listed Consultant 1	CE 05/2018 (DS)	Implemented	N/A	N/A	2.60	2.60	2.60	2.60	2.60			
Weighted Total:												24.00	6.28	

Overall Overhead %: 26.17%

RESTRICTED

Operational Procedures for Checking of Listing Status During Consultants 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 the most updated List which is posted on the CEDD's website within one working day after each EACSB meeting. A copy of the invitation letter shall be sent to the EACSB Secretariat for record as usual.
 - (ii) The general rule is that only consultants eligible at the time of invitation should be invited for submitting EOI. 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 EASCB 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. 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 the most updated List which is posted on the CEDD's website within one working day after each EACSB meeting. 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 EACSB Secretariat 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 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) A provision should be included in the invitation documents stating that the lead consultant must ensure the eligibility for bidding and award of consultancies of its own and its sub-consultant(s) are valid at the time of submission of T&F Proposals. Failure to comply with this requirement will lead to disqualification of the consultant's submission.

- (vi) For a consultant who is downgraded or suspended from bidding or removed from the List after closing date of submission of T&F Proposal or a consultant 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 consultants selection exercise.
- (vii) 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 whether the nominated lead consultant and sub-consultant(s) are still eligible for appointment.
- (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.

Amendments to Special Conditions of Employment Clause
Conflict of Interest and Debarring and the Sample Declaration Form

1. Sub-Clause D of the Special Condition of Employment Clause in accordance with ETWB TC(W) No. 18/2005 subsumed in EACSB Handbook shall be replaced by sub-clause below.

SCE()

Conflict of Interest and Debarring

(D) The consultants shall render their advice or recommendations pursuant to this Agreement to the Employer on an impartial basis without giving favour to any particular product, services or equipment in which the Consultants have a commercial interest or to any third party with whom the Consultants have a commercial interest, including but not limited to those who engaged the consultants in consulting services related to private works. The Consultant shall notify the Employer immediately and in writing and keep the Employer notified of any actual, apparent, potential or perceived conflict they or their associated companies, associates or associated persons or any of their sub-consultants may have in, or any association or connection they or the aforesaid persons may have with, any of the services, products or equipment proposed or recommended by the Consultants under this Agreement or any of third party with whom the Consultants have a commercial interest. The Consultants shall obtain from each and every one of their directors, employee, agents and sub-consultants who are involved in this Agreements a binding undertaking to observe this sub-clause.

2. Sub-Clause (c) of the Sample Declaration Form in accordance with ETWB TC(W) No. 18/2005 subsumed in EACSB Handbook shall be replaced by sub-clause below.

(c) we are under an obligation to render advice or recommendations pursuant to this Agreement to the Employer on an impartial basis without giving favour to any particular product, services or equipment in which we have a commercial interest or to any third party with whom we have a commercial interest, including but not limited to those who engaged us in consulting services related to private works. We also have an obligation to notify the Employer immediately and in writing and keep the Employer notified of any actual, apparent, potential or perceived conflict we or our

Appendix 4.1

associated companies, associates or associated persons or any of our sub-consultants may have in, or any association or connection we or the aforesaid persons may have with, any of the services, products or equipment proposed or recommended by us under this Agreement or any of third party with whom we have a commercial interest. Each and every one of our directors, employee, agents and sub-consultants who are involved in this Agreement have given a binding undertaking to observe the aforesaid.