

Annex [D] to the Invitation Letter

Version 1A: For Invitation Letter for Expression of Interest

*[note to project office: For use if Sections 3.1.1.2(a) and (b) of “The Guidelines for the Implementation of the New Policy on Selection, Appointment and Management of Consultants under the purview of the EACSB” attached to DEVB TC(W) No.5/2018 (“the Guidelines”) are **not** applicable]*

Bidding Restrictions

1. Subject to paragraph 2 below, an Expression of Interest submission (“EOI submission”) shall be made by a consultant listed in **Annex [C]** to the invitation letter. . Failure to comply with this requirement will lead to invalidation of the EOI submission.
 2. If the EOI submission is made by a joint venture, the bidding restrictions stipulated in Section 2.3 of the Guidelines attached to DEVB TC(W) No. 5/2018 (the Guidelines) in respect of engagement of joint venture shall be complied with. Failure to comply with this requirement will lead to invalidation of the EOI submission.
 3. (a) If a joint venture is formed by listed consultants with one or more unlisted consultants, the listed consultants in the joint venture shall ensure that each unlisted consultant is technically capable for that part of the consultancy services it undertakes. For unlisted consultants bidding as participants in a joint venture, they shall make application for inclusion on the List of Consultant of EACSB (the List) under the appropriate Service Category on or before the submission of the EOI. Failure to comply with this requirement will lead to invalidation of the EOI submission.

(b) In the event the scenario in paragraph 3(a) above applies and the joint venture is shortlisted for submission of the Technical and Fee Proposals (“T&F Proposals”), approval from EACSB for inclusion on the List shall be obtained for all the unlisted consultants on or before the date set for the close of submission of the T&F Proposals, or if this has been extended, the extended date. Failure to comply with this requirement will lead to invalidation of the EOI submission.
- 4.1 Save as provided in paragraph 4.3(b) **[and 4.4 (note to project office: Insert if Section 3.1.1.2(c) of the Guidelines is applicable)]** below:-
- (a) If the consultant proposes one or more subcontractors to undertake sub-contracting service under the listed Service Category maintained by EACSB, the bidding

restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of engagement of subcontractor shall be complied with. That is to say that the consultant shall propose to engage subcontractor(s) with the listed status in Group _____ or lower under the relevant Service Category with three Groups and /or in Group _____ or lower under the relevant Service Category with two Groups maintained by EACSB for the sub-contracting service concerned. *[note to project office: Input the appropriate Group Number(s) as determined in accordance with Section 2.3.1(b) of the Guidelines.]*

(b) Failure by a consultant to comply with the requirements in paragraph 4.1(a) above will lead to invalidation of the consultant's EOI submission unless the unlisted subcontractor proposed has made an application for inclusion on the List under the appropriate Service Category on or before the submission of the EOI.

(c) In the event that the "unless" scenario in paragraph 4.1(b) above applies, the consultant shall ensure that the application for inclusion on the List made by the unlisted subcontractor is approved by EACSB on or before the date set for the close of submission of T&F Proposals, or this has been extended, the extended date. Otherwise, the consultant, if shortlisted, shall either remove the unlisted subcontractor or replace the unlisted subcontractor with a listed subcontractor and deliver the notification to the project office before the deadline set for change of subcontractor as more particularly stated in the invitation letter for T&F Proposals. Late notification of the proposed change of the subcontractor(s) may result in invalidation of the T&F Proposals because it may deprive the Assessment Panel of a proper chance to review how the proposed change will affect the shortlist status of the consultant before the deadline of submission of T&F Proposals.

4.2 Save as provided in paragraph 4.3(b) **[and 4.4 (note to project office: Insert if Section 3.1.1.2(c) of the Guidelines is applicable)]** below

(a) If the consultant proposes one or more subcontractors to undertake sub-contracting service under the listed Service Category maintained by Architectural and Associated Consultants Selection Board ("AACSB") **[and/or (note to project office: Add relevant lists to align with the restrictive list provided in the invitation letter)]**, the bidding restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of engagement of subcontractor shall be complied with. The consultant shall engage subcontractor(s) with the listed status for the relevant service discipline/category maintained by AACSB **[and/or (note to project office: Add relevant lists to align with the restrictive list provided in the invitation letter)]** for the sub-contracting service concerned.

(b) Failure by a consultant to comply with the requirements in paragraph 4.2(a) above will lead to invalidation of the consultant's EOI submission.

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

(b) If the consultant proposes to engage an individual as a subcontractor to undertake the sub-contracting service in his or her own name, the engagement of such subcontractor is not subject to the requirements in paragraphs 4.1 and 4.2 above. In the event that the consultant is awarded the consultancy, the consultant shall produce an undertaking signed by such subcontractor to confirm that (i) the subcontractor is an individual undertaking the sub-contracting service in his or her own name; (ii) the subcontractor will not contract out all or any part of the sub-contracting service to any parties; and (iii) the subcontractor, if replaced, will not take part in the same sub-contracting service for any other subcontractors to be subsequently engaged by the consultant.

[note to project office: Insert paragraph 4.4 if Section 3.1.1.2(c) of the Guidelines is applicable]

4.4 In the event that the consultant proposes to engage unlisted non-local consultants as subcontractors solely for undertaking any of the following sub-contracting services in this Assignment:

【Input the sub-contracting services】

the engagement of such subcontractors is not subject to the requirements as mentioned in paragraphs 4.1 and 4.2 above. A consultant will be regarded as "non-local consultant" if (i) the consultant is a natural person who, as at the closing date of the EOI submission, is yet to obtain a working visa / entry permit issued by the Director of Immigration to stay in Hong Kong for the purpose of undertaking any of the sub-contracting services set out above; or (ii) the consultant is an entity which is not incorporated in Hong Kong under Companies Ordinance (Cap. 622) on the closing date of the EOI submission; or (iii) if the consultant is an unincorporated association or firm whose participating parties or partners are all natural persons described in item (i) above of this paragraph. In the event that the consultant propose to engage an

unlisted non-local subcontractor to perform any of the sub-contracting services listed above, the consultant shall submit with its EOI submission declarations signed by each of such proposed subcontractors to declare the subcontractor's non-local status. Failure by a consultant to submit such declarations with its EOI submission, and subsequently failing to submit it by the given due date after being requested to do so, will lead to invalidation of the consultant's EOI submission.

5. Subject to paragraphs 3(a) and 4.1(b) above, the consultant must ensure that at the time of submission of EOI, the consultant itself and its subcontractors proposed to undertake sub-contracting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown in **Annex [E]** to the invitation letter are eligible for bidding under the proposed service category in the relevant list. Failure to comply with this requirement will lead to disqualification of the consultant's EOI submission.

6. If the consultant becomes ineligible for consideration during the assessment period of EOI submission, the consultant's EOI submission will not be considered further. If a consultant who submitted the EOI submission has teamed up with a subcontractor who is no longer eligible for shortlisting after the closing date for EOI submission, the Assessment Panel may continue the assessment by referring the eligibility status as at the closing date for EOI submission.

Version 1B: For Invitation Letter for Expression of Interest

[note to project office: For use if Sections 3.1.1.2(a) and/or (b) of “The Guidelines for the Implementation of the New Policy on Selection, Appointment and Management of Consultants under the purview of the EACSB” attached to DEVB TC(W) No.5/2018 (“the Guidelines”) are applicable.]

Bidding Restrictions

1. Subject to paragraph 2 below, an Expression of Interest submission (“EOI submission”) shall be made by a consultant listed in **Annex [C]** to the invitation letter. Failure to comply with this requirement will lead to invalidation of the EOI submission.
2. If the EOI submission is made by a joint venture, at least one of the participants or shareholders shall be on the initial list shown in Annex **[C]** to the invitation letter. Failure to comply with this requirement will lead to invalidation of the EOI submission.
3. If the consultant proposes one or more subcontractors to undertake sub-contracting services under the listed service categories maintained by Engineering and Associated Consultants Selection Board (“EACSB”) and/or Architectural and Associated Consultants Selection Board (“AACSB”), the consultant may engage any subcontractors even if they are not listed under the relevant service categories maintained by EACSB or AACSB, as the case may be, provided that
 - i. the subcontractors are not suspended from bidding for EACSB consultancy agreements and/or AACSB consultancy agreements in the service categories relevant to the sub-contracting services to be undertaken; and
 - ii. the subcontractors are not subject to a debarment period from re-admission after removal from the lists of EACSB and/or AACSB for the service categories relevant to the sub-contracting services to be undertaken

on or before the date set for the close of EOI submission, or if this has been extended, the extended date. Failure to comply with this requirement will lead to invalidation of the consultant’s EOI submission.

4. If a consultant who makes the EOI submission has proposed to engage a subcontractor who has been suspended from bidding for either EACSB consultancy agreements in one or more service categories within the purview of the EACSB or AACSB

consultancy agreements in one or more service categories within the purview of the AACSB, and/or who has been subject to a debarment period from re-admission after removal from the lists of EACSB and/or AACSB after the closing date for EOI submission, the Assessment Panel may continue the assessment based on the said subcontractor's status as at the closing date for EOI submission.

Version 2A: For Invitation Letter for Technical and Fee Proposals (2-stage)

*[note to project office: For use if Sections 3.1.1.2(a) and (b) of “The Guidelines for the Implementation of the New Policy on Selection, Appointment and Management of Consultants under the purview of the EACSB” attached to DEVB TC(W) No.5/2018 (“the Guidelines”) are **not** applicable]*

Bidding Restrictions

1. If a Technical and Fee Proposals (“T&F Proposals”) is made by a joint venture, the bidding restrictions stipulated in Section 2.3 of the Guidelines attached to DEVB TC(W) No. 5/2018 (the “Guidelines”) in respect of engagement of joint venture shall be complied with. Failure to comply with this requirement will lead to invalidation of the T&F Proposals.
2. If a joint venture is formed by listed consultants with one or more unlisted consultants, it must ensure (i) the same participants were proposed in the earlier Expression of Interest submission (“EOI submission”); (ii) all the unlisted consultants have made applications for inclusion on the List of Consultant of EACSB (the “List”) under the appropriate Service Category on or before the submission of the EOI; and (iii) such applications have been approved by EACSB on or before the date set for the close of submission of T&F Proposals, or if this has been extended, the extended date. Failure to comply with this requirement will lead to invalidation of the T&F Proposals.
3. The consultant must ensure that at the time of submission of T&F Proposals, the consultant itself and its subcontractors proposed to undertake sub-contracting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown in **Annex [E]** to the invitation letter are eligible for bidding under the proposed service category in the relevant list. Failure to comply with this requirement will lead to invalidation of the consultant’s T&F Proposals.
- 4.1 Save as provided in paragraph 4.3(b) **[and 4.4 (note to project office: Insert if Section 3.1.1.2(c) of the Guidelines is applicable)]** below:-
 - (a) If the consultant proposes one or more subcontractors to undertake sub-contracting service under the listed Service Category maintained by EACSB, the bidding restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of engagement of subcontractor shall be complied with. That is to say that the consultant shall propose to engage subcontractor(s) with the listed status in Group

_____ or lower under the relevant Service Category with three Groups and /or in Group _____ or lower under the relevant Service Category with two Groups maintained by EACSB for the sub-contracting service concerned. *[note to project office: Input the appropriate Group Number(s) as determined in accordance with Section 2.3.1(b) of the Guidelines.]*

- (b) Failure by a consultant to comply with the requirements in paragraph 4.1(a) above will lead to invalidation of the consultant’s T&F Proposals unless (i) the unlisted subcontractor proposed has made an application for inclusion on the List under the appropriate Service Category on or before the submission of the EOI; and (ii) an approval from EACSB for inclusion of the unlisted subcontractor on the List is obtained on or before the date set for the close of submission of T&F Proposals, or if this has been extended, the extended date.
- (c) In the event the approval of EACSB, in the consultant’s assessment, is unlikely to be obtained on or before the deadline as mentioned in paragraph 4.1(b) above and the consultant shall either remove the unlisted subcontractor or replace the unlisted subcontractor with a listed subcontractor. In either case, the consultant shall deliver a notification of change of subcontractor (“**Notification**”) to the project office before deadline for change of subcontractor as more particularly stated in paragraph [20] of the invitation letter of T&F Proposals, or if this has been extended, the extended date. Late notification of the proposed change of subcontractor(s) may result in invalidation of the T&F Proposals because it may deprive the Assessment Panel of a proper chance to review how the proposed change will affect the shortlist status of the consultant before the deadline of submission of T&F Proposals

4.2 Save as provided in paragraph 4.3(b) **[and 4.4 (note to project office: Insert if Section 3.1.1.2(c) of the Guidelines is applicable)]** below:-

- (a) If the consultant proposes one or more subcontractors to undertake sub-contracting service under the listed service discipline/categories maintained by Architectural and Associated Consultants Selection Board (AACSB) **[and/or (note to project office: Add relevant lists to align with the restrictive list provided in the invitation letter)]**, the bidding restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of engagement of subcontractor shall be complied with. The consultant shall engage subcontractor(s) with the listed status for the relevant service discipline/category maintained by AACSB **[and/or (note to project office: Add relevant lists to align with the restrictive list provided)]** for the sub-contracting

service concerned.

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

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

- (b) If the consultant proposes to engage an individual as a subcontractor to undertake the sub-contracting service in his or her own name, the engagement of such subcontractor is not subject to the requirements in paragraphs 4.1 and 4.2 above. In the event that the consultant is awarded the consultancy, the consultant shall produce an undertaking signed by such subcontractor to confirm that: (i) the subcontractor is an individual undertaking the sub-contracting service in his or her own name; (ii) the subcontractor will not contract out all or any part of the sub-contracting service to any parties; and (iii) the subcontractor, if replaced, will not take part in the same sub-contracting service for any other subcontractors to be subsequently engaged by the consultant.

[note to project office: Insert paragraph 4.4 if Section 3.1.1.2(c) of the Guidelines is applicable]

4.4 In the event that the consultant proposes to engage unlisted non-local consultants as subcontractors solely for undertaking any of the following sub-contracting services in this Assignment:

【*Input the sub-contracting services*】

the engagement of such subcontractors is not subject to the requirements as mentioned in paragraphs 4.1 and 4.2 above. A consultant will be regarded as “non-local consultant” if (i) the consultant is a natural person who, as at the closing date of the submission of T&F Proposals, is yet to obtain a working visa / entry permit issued by the Director of Immigration to stay in Hong Kong for the purpose of undertaking any of the sub-contracting services set out above; or (ii) the consultant is an entity which is not incorporated in Hong Kong under Companies Ordinance (Cap. 622) on the closing date of the submission of T&F Proposals; or (iii) if the consultant is an

unincorporated association or firm whose participating parties or partners are all natural persons described in item (i) above of this paragraph. In the event that the consultant propose to engage an unlisted non-local subcontractor to perform any of the sub-contracting services listed above, the consultant shall submit with its Technical Proposal declarations signed by each of such proposed subcontractors to declare the subcontractor's non-local status. Failure by a consultant to submit such declarations with its Technical Proposal, and subsequently failing to submit it by the given due date after being requested to do so, will lead to invalidation of the consultant's T&F Proposals.

5. If a consultant who submitted the T&F Proposals has teamed up with a subcontractor who is no longer eligible for award of the consultancy after the closing date for submission of T&F Proposals, the Assessment Panel may continue the assessment by referring the eligibility status as at the closing date for submission of T&F Proposals. If the consultant concerned attains the highest combined score, the consultant concerned may still be eligible for award of the contract.

Version 2B: For Invitation Letter for Technical and Fee Proposals (2-stage)

[note to project office: For use if Sections 3.1.1.2(a) and/or (b) of “The Guidelines for the Implementation of the New Policy on Selection, Appointment and Management of Consultants under the purview of the EACSB” attached to DEVB TC(W) No.5/2018 (“the Guidelines”) are applicable]

Bidding Restrictions

1. Subject to paragraph 2 below, a Technical and Fee Proposals (“T&F Proposals”) shall be submitted by a consultant listed in **Annex [C]** to the invitation letter. Failure to comply with this requirement will lead to invalidation of the T&F Proposals.
2. If the T&F Proposals is submitted by a joint venture, it must ensure that the same participants were proposed in the earlier Expression of Interest (“EOI”) submission. Failure to comply with this requirement will lead to invalidation of the T&F Proposals.
3. If the consultant proposes one or more subcontractors to undertake sub-contracting services under the listed service categories maintained by Engineering and Associated Consultants Selection Board (“EACSB”) and/or Architectural and Associated Consultants Selection Board (“AACSB”), the consultant may engage any subcontractors even if they are not listed under the relevant service categories maintained by EACSB or AACSB, as the case may be, provided that
 - (i) the subcontractors are not suspended from bidding for EACSB consultancy agreements and/or AACSB consultancy agreements in the service categories relevant to the sub-contracting services to be undertaken; and
 - (ii) the subcontractors are not subject to a debarment period from re-admission after removal from the lists of EACSB and/or AACSB for the service categories relevant to the sub-contracting services to be undertaken

on or before the date set for the close of submission of T&F Proposals, or if this has been extended, the extended date. Failure to comply with this requirement will lead to invalidation of the consultant’s T&F Proposals.
4. If a consultant who submits the T&F Proposals has proposed to engage a subcontractors who has been suspended from bidding for either EACSB consultancy agreements in one or more service categories within the purview of the EACSB or AACSB consultancy agreements in one or more service categories within the purview of the AACSB, and/or

who has been subject to a debarment period from re-admission after removal from the lists of EACSB and/or AACSB after the closing date for submission of T&F Proposals, the Assessment Panel may continue the assessment based on the said subcontractor's status as at the closing date for submission of T&F Proposals. If the consultant concerned attains the highest combined score, the consultant concerned may still be eligible for award of the contract.

Version 3A: For Invitation Letter for Technical and Fee Proposals (1-stage)

*[note to project office: For use if Sections 3.1.1.2(a) and (b) of “The Guidelines for the Implementation of the New Policy on Selection, Appointment and Management of Consultants under the purview of the EACSB” attached to DEVB TC(W) No.5/2018 (“the Guidelines”) are **not** applicable]*

Bidding Restrictions

1. Subject to paragraph 2 below, the Technical and Fee Proposals (“T&F Proposals”) shall be submitted by a consultant listed in **Annex [C]** to the invitation letter. Failure to comply with this requirement will lead to invalidation of the T&F Proposals.
2. If a T&F Proposals is made by a joint venture, the bidding restrictions stipulated in Section 2.3 of the Guidelines attached to DEVB TC(W) No. 5/2018 (the “Guidelines”) in respect of engagement of joint venture shall be complied with. Failure to comply with this requirement will lead to invalidation of the T&F Proposals.
3. If a joint venture is formed by listed consultants with one or more consultants who are unlisted at the time of invitation for T&F Proposals, it must ensure all the unlisted consultants concerned have been approved by EACSB for inclusion on the List of Consultant of EACSB (the “List”) under the appropriate Service Category on or before the date set for the close of submission of T&F Proposals, or if this has been extended, the extended date. Failure to comply with this requirement will lead to invalidation of the T&F Proposals.
4. The consultant must ensure that at the time of submission of T&F Proposals, the consultant itself and its subcontractors proposed to undertake sub-contracting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown in **Annex [E]** to the invitation letter are eligible for bidding under the proposed service category in the relevant list. Failure to comply with this requirement will lead to invalidation of the consultant’s T&F Proposals.
- 5.1 Save as provided in paragraph 5.3(b) [**and 5.4** (*note to project office: Insert if Section 3.1.1.2(c) of the Guidelines is applicable*)] below:-
 - (a) If the consultant proposes one or more subcontractors to undertake sub-contracting service under the listed Service Category maintained by EACSB, the bidding restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of

engagement of subcontractor shall be complied with. That is to say that the consultant shall propose to engage subcontractor(s) with the listed status in Group _____ or lower under the relevant Service Category with three Groups and /or in Group _____ or lower under the relevant Service Category with two Groups maintained by EACSB for the sub-contracting service concerned. *[note to project office: Procuring department shall input the appropriate Group Number(s) as determined in accordance with Section 2.3.1(b) of the Guidelines.]* If the subcontractor proposed is unlisted at the time of invitation for T&F Proposals, the consultant shall ensure that the unlisted subcontractor concerned has been approved by EACSB for inclusion on the List under the appropriate Service Category on or before the date set for the close of submission of T&F Proposals, or if this has been extended, the extended date.

- (b) Failure by a consultant to comply with the requirements in paragraph 5.1(a) above will lead to invalidation of the consultant's T&F Proposals.

5.2 Save as provided in paragraph 5.3(b) **[and 5.4 (note to project office: Insert if Section 3.1.1.2(c) of the Guidelines is applicable)]** below:-

- (a) If the consultant proposes one or more subcontractors to undertake sub-contracting service under the listed service discipline/categories maintained by Architectural and Associated Consultants Selection Board (AACSB) **[and/or (note to project office: Add relevant lists to align with the restrictive list provided in the invitation letter)]**, the bidding restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of engagement of subcontractor shall be complied with. The consultant shall engage subcontractor(s) with the listed status for the relevant service discipline/category maintained by AACSB **[and/or (note to project office: Add relevant lists to align with the restrictive list provided)]** for the sub-contracting service concerned.

- (b) Failure by a consultant to comply with the requirement in paragraph 5.2(a) above will lead to invalidation of the consultant's T&F Proposals.

5.3 (a) If the consultant proposes one or more subcontractors to undertake sub-contracting service not under the listed service discipline/categories as mentioned in paragraphs 5.1 and 5.2, the consultant may engage any subcontractor(s) even if they are not listed under the listed service discipline/categories as mentioned in paragraphs 5.1 and 5.2.

- (b) If the consultant proposes to engage an individual as a subcontractor to undertake

the sub-contracting service in his or her own name, the engagement of such subcontractor is not subject to the requirements in paragraphs 5.1 and 5.2 above. In the event that the consultant is awarded the consultancy, the consultant shall produce an undertaking signed by such subcontractor to confirm that: (i) the subcontractor is an individual undertaking the sub-contracting service in his or her own name; (ii) the subcontractor will not contract out all or any part of the sub-contracting service to any parties; and (iii) the subcontractor, if replaced, will not take part in the same sub-contracting service for any other subcontractors to be subsequently engaged by the consultant.

[note to project office: Insert paragraph 5.4 if Section 3.1.1.2(c) of the Guidelines is applicable]

- 5.4 In the event that the consultant proposes to engage unlisted non-local consultants as subcontractors solely for undertaking any of the following sub-contracting services in this Assignment:

【Input the sub-contracting services】

the engagement of such subcontractors is not subject to the requirements as mentioned in paragraphs 5.1 and 5.2 above. A consultant will be regarded as “non-local consultant” if (i) the consultant is a natural person who, as at the closing date of the submission of T&F Proposals, is yet to obtain a working visa / entry permit issued by the Director of Immigration to stay in Hong Kong for the purpose of undertaking any of the sub-contracting services set out above; or (ii) the consultant is an entity which is not incorporated in Hong Kong under Companies Ordinance (Cap. 622) on the closing date of the submission of T&F Proposals; or (iii) if the consultant is an unincorporated association or firm whose participating parties or partners are all natural persons described in item (i) above of this paragraph. In the event that the consultant propose to engage an unlisted non-local subcontractor to perform any of the sub-contracting services listed above, the consultant shall submit with its Technical Proposal declarations signed by each of such proposed subcontractors to declare the subcontractor’s non-local status. Failure by a consultant to submit such declarations with its Technical Proposal, and subsequently failing to submit it by the given due date after being requested to do so, will lead to invalidation of the consultant’s T&F Proposals.

6. If a consultant who submitted the T&F Proposals has teamed up with a subcontractor who is no longer eligible for award of the consultancy after the closing date for submission of T&F Proposals, the Assessment Panel may continue the assessment by

referring the eligibility status as at the closing date for submission of T&F Proposals. If the consultant concerned attains the highest combined score, the consultant concerned may still be eligible for award of the contract.

Version 3B: For Invitation Letter for Technical and Fee Proposals (1-stage)

[note to project office: For use if Sections 3.1.1.2(a) and/or (b) of “The Guidelines for the Implementation of the New Policy on Selection, Appointment and Management of Consultants under the purview of the EACSB” attached to DEVB TC(W) No.5/2018 (“the Guidelines”) are applicable]

Bidding Restrictions

1. Subject to paragraph 2 below, the Technical and Fee Proposals (“T&F Proposals”) shall be submitted by a consultant listed in **Annex [C]** to the invitation letter. Failure to comply with this requirement will lead to invalidation of the T&F Proposals.
2. If the T&F Proposals is submitted by a joint venture, at least one of the participants or shareholders shall be on the initial list shown in **Annex [C]** to the invitation letter. Failure to comply with this requirement will lead to invalidation of the T&F Proposals.
3. If the consultant proposes one or more subcontractors to undertake sub-contracting services under the listed service categories maintained by Engineering and Associated Consultants Selection Board (“EACSB”) and/or Architectural and Associated Consultants Selection Board (“AACSB”), the consultant may engage any subcontractors even if they are not listed under the relevant service categories maintained by EACSB or AACSB, as the case may be, provided that
 - (i) the subcontractors are not suspended from bidding for EACSB consultancy agreements and/or AACSB consultancy agreements in the service categories relevant to the sub-contracting services to be undertaken; and
 - (ii) the subcontractors are not subject to a debarment period from re-admission after removal from the lists of EACSB and/or AACSB for the service categories relevant to the sub-contracting services to be undertaken

on or before the date set for the close of submission of T&F Proposals, or if this has been extended, the extended date. Failure to comply with this requirement will lead to invalidation of the consultant’s T&F Proposals.
4. If a consultant who submits the T&F Proposals has proposed to engage a subcontractor who has been suspended from bidding for either EACSB consultancy agreements in one or more service categories within the purview of the EACSB or AACSB consultancy agreements in one or more service categories within the purview of the AACSB, and/or

who has been subject to a debarment period from re-admission after removal from the lists of EACSB and/or AACSB after the closing date for submission of T&F Proposals, the Assessment Panel may continue the assessment based on the said subcontractor's status as at the closing date for submission of T&F Proposals. If the consultant concerned attains the highest combined score, the consultant concerned may still be eligible for award of the contract.