



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**

**Revision No. 1 (August 2019)**

## **ISSUE OF THE GUIDELINES AND REVISIONS**

These Guidelines are posted on the DEVB's website under the heading "Standard Consultancy Document" in the "Publications" section. The version of the Guidelines on the internet is always of the latest version and should be read together with relevant Development Bureau Technical Circulars (Works) and EACSB Circulars.

List of Major Updates in Revision No. 1 (August 2019)

<b>Section No.</b>	<b>Details of Amendments</b>
<b>A. Implementation programme</b>	
2.2.2(b) and App. 1.1	To revise the implementation plan, including the effective dates for the first annual renewal exercise and the change from acceptance of both local and overseas professionals to acceptance of local professionals only.
2.2.8 and App 1.1	To revise the frequency for re-grouping exercise from annually to once every three years.
<b>B. List management</b>	
2.2.5	To allow exemption on the annual renewal exercise for consultants whose applications for change of Group are still in progress at the commencement of the annual renewal exercise
2.2.11	To adjust the frequency of office audit to not more than once per year for consultants in a particular Service Category
<b>C. Bidding restrictions and tender award restriction</b>	
2.3.1(b) and App 3.3	<p>To modify and elaborate the bidding restrictions for engaging sub-consultant in EOI submissions and T&amp;F Proposals, including:</p> <ul style="list-style-type: none"> <li>- To allow consultants to engage unlisted sub-consultants to undertake sub-consulting service not falling within the list of consultants referred to in the restrictive list provided in the invitation documents;</li> <li>- To clarify that seconded staff from consultant's associated companies not externally engaged as sub-consultants shall be regarded as consultant's own staff for the purpose of tender assessment;</li> <li>- To include an essential requirement for consultants to submit with their EOI submissions and/or T&amp;F Proposals a table of listed and unlisted sub-consultants and the respective sub-consulting services to be undertaken; and</li> </ul>

Section No.	Details of Amendments
2.3.1(b) and App 3.3 (cont'd)	<ul style="list-style-type: none"> <li>- To introduce a deadline before which consultants shall deliver to the project office written enquiries on whether their proposed sub-consulting service(s) are within the scope of service categories included in the restrictive list provided in the invitation documents and the project office shall, in consultation with List Management Departments as appropriate, make the decision and reply to the consultants accordingly.</li> </ul>
2.3.1(d) and App 3.3	To introduce a deadline before which consultants shall notify the project office the proposed change of their unlisted sub-consultant(s) if the admission application(s) submitted by the unlisted sub-consultant(s) is/ are yet to be approved by the EACSB.
2.3.4	To clarify that procuring departments shall, if necessary, seek prior approval from Head of Department for deviation from bidding restrictions when there may be needs for engaging specialist sub-consultants.
2.4.2	To clarify that the tender award restriction for newly admitted consultants is not applicable for consultancies adopting open tender approach
2.4.3 and App. 2.5 and 3.3	To include the least cost to Government approach for awarding consultancy agreements to newly admitted consultants who are subject to the tender award restriction.
<b>D. Processing of manpower input updates</b>	
App. 3.2, 3.3, 3.6 and 3.9A	To add new provisions in invitation document to cater for the scenario in which the bidder fails to provide a manning schedule in its Technical Proposal

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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 the Engineering and Associated Consultants Selection Board (EACSB). The purpose of these Guidelines is to list out in detail 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

Members : All Chairpersons of DCRC of list management departments and DS(W)3, DEVB (or their delegates at D2 rank or above)

##### **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) No. 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

Members : 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) No. 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 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 following:

- (a) Record of consultants in the List of Consultants of EACSB (the List) 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 Service Categories of consultants is maintained by the Secretary of EACSB (Service Categories) 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 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 Service Categories**

The List comprises the following Service Categories:

<b><u>Service Category</u></b>	<b><u>List Management Department</u></b>
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 Service 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 Service Category. The list management department for a category may not necessarily be the department responsible for procuring/managing a consultancy issued under that particular Service Category.

### **2.2.2 Grouping**

- (a) Service Categories of CE, DS, GE, HY and WS are each divided into 3 Groups of consultants to accord with the size of the firms, while Service Categories of EM, EP, TP and TT are each divided into 2 Groups. Details of grouping and the admission criteria for individual Service Categories are listed at **Appendix 2.1**. Dividing the latter four Service Categories into 3 Groups will be considered when the job opportunities for these four Service Categories become sufficiently large.
- (b) An up-to-date list of the various Service 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 Secretary of EACSB 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 Service Category of consultant. DCRCs of the list management department shall then review the submissions and make recommendations on listing status to EACSB for approval. Subject to Section 2.2.5 of these Guidelines, once the first annual renewal exercise is in operation, registration is normally valid until the next annual renewal exercise.]*

- (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) A consulting firm can be listed on more than one Service Categories but not more than one Group within the same Service Category. Associated companies (subsidiaries, parent/sister companies) of separate legal entities but with overlap of personnel shall be permitted to be included under different but not the same Service Categories. Associate companies of separate legal entities and no overlap of personnel at all ranks/grades shall be permitted to be included under the same Service Categories and Group. For the avoidance of doubt, consultants (i.e. consulting firms to be eligible for being considered for a particular tendering exercise) having linkages to each other (e.g. subsidiaries, parent or sister companies) are not allowed to bid on the same agreement. If a consultant has any associated companies that are already included in the List or making application for inclusion in the List, the consultant shall mention all these associated companies in its admission application and provide declaration to confirm that the requirements stated in this item are met.

- (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 consultant profile shall be submitted by any consultant who wishes to apply for inclusion in the List. The consultant 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 Service 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 Service Category being applied for, or suspension from bidding consultancies under the purview of EACSB or removal from all Service Categories in which the consultant is listed.

#### 2.2.4.1 Application from Consultant under Suspension

A consultant, who is being suspended from bidding for new agreements under one or more Service Categories, may submit application for inclusion in the List under Service 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 Service 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 Service Category(ies) being applied for as if the consultant was listed in that Service 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 Service Categories, may submit application for inclusion in the List under other Service 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 Service 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 Service Category(ies) being applied as if the consultant was listed in that Service 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 Group Change Debarment Period). To streamline the processing of applications, the consultant whose application for change of Group is still in process at the commencement of annual renewal exercise of a particular year can be exempted from that renewal exercise. In addition, consultant who makes an in-year application for change of Group can be exempted from the annual renewal exercise if the annual renewal exercise takes place during the Group Change Debarment Period.]*

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 at any time after admission, i.e. the consultants on the List shall be able to satisfy the admission criteria for the Group and Service Category in which they are included. A consultant who does not meet the minimum admission criteria for its associated Group of a Service 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 Service 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 once every three years, by DCRCs of the list management departments prior to the renewal exercise of that year. Re-grouping exercise will assess the balance of job opportunities and the number of consultants available in each Group(s)/ Service Category(ies). Adjustment on the admission criteria as provided in **Appendix 2.1** to these Guidelines and bidding restrictions as provided in Section 2.3 of these Guidelines, including the tendering limit, may 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 proposed adjustment on the admission criteria and bidding restrictions, 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 Service Category as stated in Section 2.2.5 shall be lifted.

The latest admission criteria and bidding restrictions as well as any lifting of Group Change Debarment Period 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 supplemented with the provisions stipulated below in this sub-section:

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 consultant 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. However, a consultant under a particular Service Category shall be audited for not more than once every year. No quarterly office audit is required for a particular Service Category and Group if all consultants under that Service Category and Group have been audited within one year.

Irrespective of the grouping status of the consultants, at least one consultant shall be selected from each Group under each Service 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 consultant, 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 Service Category until EACSB is satisfied that the consultant meets the minimum admission criteria for the Service 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 Service Category or all Service 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 Service 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 (T&F) Proposal after being shortlisted or withdraws T&F Proposals after submission of T&F 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 T&F 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 Restrictions

(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.

### 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** or to be extended as stipulated in Section 3.1.1.1 of these Guidelines:

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 Assessment Panel, or procuring department if Assessment Panel is not formed, following the prescribed criteria laid down by the list management departments of the respective Service Categories. 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 under the corresponding listed Service Category should have the listed Group status for that particular 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 (EOI) (or T&F 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 (please refer to Remark No. 5 of Appendix 2.1 for determining whether a staff member is a “professional” in this regard), 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. The consultant shall be requested to submit a declaration letter declaring that the total number of its works-related professional staff is not more than 15 with its EOI submission (or T&F proposal under one-stage selection process) as shown in **Appendix 2.4**.

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-consultants<sup>1&2</sup>

For assignments under any of the listed Service Categories, engagement of sub-consultants shall be subject to the following requirements:

- (i) if the lead consultant engages a sub-consultant to undertake service of a listed Service Category, the sub-consultant shall (1) be listed under the relevant Service Category and (2) have the same or a lower Group status as compared to the Group status for that particular assignment as shown in **Figure 2.1**. 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 shall be engaged as sub-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 shall be engaged as sub-consultant;
- (ii) if there is no appropriate Service Category for the sub-consulting services but the services fall within a list of consultants maintained and published by the Government (e.g. Architectural and Associated Consultants Selection Board (AACSB)), 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. AACSB) for the service discipline concerned. In that case, the lead consultant shall engage a sub-consultant on the restrictive list so provided to undertake such sub-consulting service;
- (iii) Further to sub-paragraph (ii) above, if the procuring department has not provided the restrictive list, or if the sub-consulting services fall within a list of consultants maintained and published by the Government but such list has not been referred to in the restrictive list, the restriction stipulated in sub-paragraph (ii) shall not apply; and

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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.

- (iv) If the service discipline is not available in any list of consultants maintained and published by the Government, the procuring department may provide a non-restrictive list of sub-consulting firms based on all reasonably available sources for the lead consultants' reference. The lead consultant is not obliged to engage a sub-consultant on the non-restrictive list of sub-consulting firms.

For other engineering and associated consultancy assignments not under the listed Service Category, engagement of sub-consultants shall be subject to the following requirements:

- (v) for the sub-consulting service under listed Service Category, consulting firms eligible to be the sub-consultant shall also be determined by referring to Section 2.3.1(b)(i) as if the assignment is under the respective listed Service Category. For example, a “normal” assignment<sup>3</sup> with estimated lump sum fee exceeding \$5M but not exceeding \$10M, only consulting firms in Group 1 and 2 shall be engaged as sub-consultant; and
- (vi) for the sub-consulting service not under the listed Service Category, Section 2.3.1(b)(ii) to (iv) above applies.

Any submission of EOI or T&F Proposals which does not comply with Section 2.3.1(b)(i) and (ii), and subject to Section 2.3.1(d)(i) and (ii) below, will not be considered.

In case consultants have enquiries during tendering period on whether the proposed sub-consulting services are within the scopes of the listed Service Categories or disciplines on the restrictive list provided by the procuring departments, they may seek clarifications from the procuring departments accordingly. The consultants shall submit enquiries with sufficient details to facilitate the processing of clarifications. Upon receipt of enquiries from consultants during tendering period, the Assessment Panels shall, in consultation with the relevant list management departments as appropriate, make the decisions and provide to all consultants invited with the same information before the closing date for submission of EOI and/or T&F Proposals for sake of fairness and transparency. For enquiries regarding

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

whether the proposed sub-consulting service is within the scope of listed Service Categories under the purview of EACSB, the Assessment Panel may first make reference to the classification of assignment complexity table in Appendix 2.3 of the Guidelines before consulting with the list management departments. In any case, subject to the advice of the list management departments, services which are recognized as specialized and/or innovative in the industry and/or not generally available among the consultants on the concerned list of consultants based on the respective admission criteria can be considered outside the scope of the respective listed Service Categories or disciplines. If the enquiries raised by the consultants require extra time to resolve, the procuring departments may consider extending the tendering period as appropriate.

(c) Bidding as Joint Venture

For assignments under listed Service Category, only joint venture formed by two or more listed consulting firms under the corresponding listed Service Category 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 \$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 Participants in Joint Ventures or as Sub-consultants to undertake sub-consulting services under listed Service Category

Unlisted consultants are allowed to form joint ventures with listed consultants or to be engaged as sub-consultants to undertake sub-consulting services under any of listed Service Category subject to the following conditions:

- (i) Application for inclusion on the List under appropriate Service Category and Group has been submitted by the unlisted consultants on or before the date set for the close of submission of EOI, or if this has been extended, the extended date;
- (ii) If a consultant proposes to engage unlisted consultants as sub-consultant, where EOI are invited, the unlisted consultant shall make an application for inclusion on the List under the appropriate Service Category before the submission of EOI. The lead consultant shall either remove the unlisted consultant or replace the unlisted consultant with a listed consultant and deliver the notification to the project office before the deadline set for change of sub-consultants as more particularly stated in the invitation letter for T&F Proposals if the application for inclusion on the List made by the unlisted consultant is yet to be approved by EACSB. In all cases, the lead consultant shall ensure that the application for inclusion on the List made by the unlisted consultant can be approved by EACSB on or before the date set for the close of submission of T&F Proposal, or if this has been extended, the extended date; and
- (iii) For unlisted consultants bidding as a participant under a joint venture, the application for inclusion on the List shall be approved by EACSB on or before the date set for the close of submission of T&F Proposal, or if this has been extended, the extended date.

Any submission of EOI or T&F Proposals which does not comply with any of the conditions in Section 2.3.1(d) 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 Restrictions**

Unless otherwise specified in these Guidelines, prior approval of the Head of Department should be obtained for any deviation from the bidding restrictions stated in Section 2.3 of these Guidelines. The approval of the deviation shall cover the proposed alternative tender arrangement to be adopted for the consultant selection exercise. The procuring department shall inform DEVB of the approval of Head of Department, providing relevant details of the consultancy for record purpose.

### **2.3.4 Engagement of Specialist Sub-consultants**

Depending on the nature and complexity of the assignment, there may be a need for engaging sub-consultants possessing specialized knowledge, overseas experience, and/or providing expert/innovative input etc. on particular areas which may benefit the outcome of the assignment. Procuring departments shall seek prior approval on the relevant deviation from bidding restriction in accordance with Section 2.3.3 of these Guidelines if necessary. The requirements on engagement of the specialist sub-consultants should be clearly stated in the invitation documents as appropriate. The procuring departments shall also include relevant provisions in the invitation documents to suit the corresponding tender arrangement.

## 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 List 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 Service 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 Service 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 restriction on newly admitted consultants.

Consultants are eligible to submit EOI submission, T&F Proposal, and for the award of consultancy agreements under the Service Category which they are subject to the Restriction, 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 Service 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 the Service Category concerned. Notwithstanding the aforesaid requirement, consultants subject to the Restriction and having exceeded the limit stated in Figure 2.2 are still eligible to bid and be awarded of consultancies in tendering exercises which adopt open tender approach.

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 under the same Service Category as the agreement being bid together with its EOI submission and/or T&F Proposal for tender assessment.

### **2.4.3 Eligibility Checking before Award of Agreement**

Notwithstanding the eligibility checking during the assessment of EOI submission and T&F 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 T&F 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.

Where a consultant has submitted T&F Proposals and attained the highest combined scores in more than one bidding exercise under the same Service Category which it is subject to the Restriction, and if the award of these consultancy agreements are determined at the same time but the award of two or more of these consultancy agreements to that consultant will exceed the limits on number and/or lump sum fee of agreements in the Service Category concerned as stipulated in Figure 2.2 above, the Government shall be entitled to determine which consultancy agreement(s) is/are to be awarded to that consultant on the basis of a combination of tender awards of these consultancy agreements that would cost least to the Government. An example is provided in **Appendix 2.5**.

### **2.4.4 Uplift of the Restriction**

The Restriction may be lifted after the consultant (whether acting as the lead consultant, as a participant of a joint venture or as a sub-consultant) has

satisfactorily completed or performed for two consecutive years (whichever is the earlier)) after inclusion on the List, one local public works engineering services of the appropriate nature and scale of the Service Category/Group it belongs to.

Any consultant who wishes to apply for uplift of the Restriction shall submit an updated consultant 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. An application for uplift of the Restriction would only be considered if it is made within 5 years from the 2-year performance or completion of the local public works engineering services concerned.

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 Service 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 EOI (EACSB Handbook Section 3.5.1 refers) is substituted by selection of consultants from the appropriate Service Category/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 Service Category/Group(s) of consultants to be invited to submit EOI for the assignment. Invitation for EOI or direct invitation for T&F Proposals (if EOI submission is not required) shall be sent to all the listed consultants in the appropriate Service Category/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 submission 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 Service 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 Service 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 restrictions as described in Section 2.3 will be applied. Consultants are required to submit declarations as described in Section 2.3.1(a) that the total number of their works-related professional staff are not more than 15 with their EOI submission and T&F Proposal (if EOI submission is not required).

Invitation for EOI submission or direct invitation for T&F Proposals (if EOI submission 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 the number of core personnel proposed by the consultants for a particular designation is more than that specified in the invitation documents, the one(s) who is/are 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-dividing 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 Secretary of EACSB for admission to the List of Consultants. Secretary of EACSB 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           Checking of 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.

### **3.8           Correction Rules**

In occasions where errors are identified in the EOI submissions and/or the T&F Proposals, procuring departments shall follow the relevant correction rules in the invitation documents to handle the errors where appropriate. In the event that no written correction rule is applicable, procuring departments shall observe the relevant requirements in SPR 365 in seeking clarifications from consultants and handling the errors.

## **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 I 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 that the suspension should be extended 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 that the suspension should be extended 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. For the avoidance of doubt, the regulating actions stipulated in paragraph 22 of Annex I to DEVB TC(W) No. 3/2016 include direct removal of the consultant from the List without imposition of any prior suspension from bidding.

#### **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 than 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 Secretary of EACSB 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
<b>1. Registration</b>		
- Formal registration	3 July 2018	-
- Accept full time local/ overseas professionals recognized by local professional bodies	3 July 2018	30 Nov 2020
- Accept full time local professionals recognized by local professional bodies only	1 Dec 2020	-
- Allow change group after registration subject to compliance with relevant admission criteria	3 July 2018	30 Nov 2020
- First annual renewal of registration	1 Dec 2020	-
- First re-grouping exercise	2021	
-		
<b>2. Consultancy Tender</b>		
- All EOI/ Tenders to be invited from new Service Categories/groups <i>[For consultancies having EOI submission or T&amp;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&amp;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&amp;F Proposal (for one-stage procedure) invited on or after the date shown]</i>	3 Dec 2018	-
<b>3. Performance Monitoring and Management</b>		
- 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	1 Dec 2020	-
<b>4. Enhancing Inter-Bureaux/ Departments Coordination</b>		
- 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 $\geq$ 1; and (2) All works-related professional staff $\leq$ 15 (Declaration required)	(1) P2 $\geq$ 3; and (2) Incl. min. 1 no. RPE(G) with 15 years post-graduation experience	(1) P2 $\geq$ 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 $\geq$ 1; and (2) All works-related professional staff $\leq$ 15 (Declaration required)	P1 $\geq$ 3	P1 $\geq$ 10 P4 $\geq$ 2 P5 $\geq$ 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, 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 past 5 years (local or overseas)	(1) Min. 2 years of practice in the discipline in 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 past 5 years (local or overseas)	(1) Min. 5 years of practice in the discipline in 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 past 5 years (local or overseas)	(1) Min. 2 years of practice in the discipline in 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 Service 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. For the avoidance of doubt, the academic/professional qualification and experience requirements stipulated in the “Categories of Staff” section in Appendix C to DEVB TC(W) No. 2/2016 shall be referred to for the assessment of whether a staff member is a "professional" in this regard.
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. For the avoidance of doubt, staff employed by the associated companies of the applicant will not be counted as staff of the applicant. 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:

<b>Expertise Concerned</b>	<b>Qualification and Experience Requirement</b>
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

Expertise Concerned	Qualification and Experience Requirement
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 (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. Service Categories &amp; 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. Service Categories &amp; 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. Service Categories &amp; Groups covered in the last audit :

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

6. Staff Interviewed for this audit

NamePosition



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

### Appendix 2.3

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

### Appendix 2.3

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

**Declaration for Bidding Consultancies with Estimated Lump Sum Fee not exceeding \$5M  
(for use in consultancy not under the listed Service Category)**

1. I/we hereby declare that the total number of the works-related professional staff, for example, engineers, architects, surveyors, planners and landscape architects, of my/our firm(s) does not exceed 15.
2. I/we understand that the declared information is used for the purposes of assessing my/our eligibility for bidding and award of the consultancy assignment in this consultants selection exercise and is subject to verification checking. I/we agree that the information provided in this declaration may be disclosed to the third party for purpose of verification.
3. I/We understand that any misrepresentation in the information that I/we provide on this declaration form may result in the eligibility for bidding and award of the consultancy assignment being jeopardized and/or legal consequences against me/us.

---

(Name of the Consultants)	.....
(Name of the Signatory)	.....
(Position of the Signatory)	.....
(Date)	.....

**Example on Selection of Tender Combination based on  
Least Cost to Government Approach**

Bidder A is a consultant subject to Tender Award Restriction in Group 2 under the Civil Infrastructure and Development (CE) Service Category. The total number and total lump sum fee of agreements under CE Service Category that Bidder A already holds are 4 and \$ 40M respectively. Its bids for two consultancy agreements in CE Service Category have attained the highest combined scores. The award of these two consultancy agreements is to be considered in the same meeting by the Engineering and Associated Consultants Selection Board. However, Bidder A is only eligible for award of one more consultancy agreement of lump sum fee not exceeding \$ 10M.

There are two possible tender combinations in considering award of one consultancy agreement to Bidder A and the other consultancy agreement to the bidder with the second highest combined score. Based on the least cost to Government approach, Combination 2 will be selected and Consultancy Agreements I and II will be awarded to Bidders C and A respectively as below:

	Consultancy Agreement I	Consultancy Agreement II	Total Proposed Lump Sum Fee
Combination 1			
Successful Bidder (Proposed Lump Sum Fee) <Combined Score>	A (\$ 9M) <95.0>	B (\$ 8M) <90.0>	\$ 17M
Combination 2			
Successful Bidder (Proposed Lump Sum Fee) <Combined Score>	C (\$ 6M) <93.0>	A (\$ 8M) <94.0>	\$ 14M

Note: Bids from Bidders C and B have attained the second highest combined score in Consultancy Agreements I and II respectively.



**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 List 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>Marking Approach</i>
1. Appreciation of key requirements and constraints/risks	Individual Qualitative Assessment
2. Approach and strategy to meet the requirements	
3. Previous relevant experience	Full Marks if Meeting Specifications
4. Knowledge, experience and capability of key staff	
5. Past performance	Past Performance Rating

**(ii) Technical Proposal**

<i>Selection Criterion</i>	<i>Marking Approach</i>
1. Consultant's experience	Full Marks if Meeting Specifications
2. Response to the Brief	
3. Approach to cost-effectiveness and sustainability	Individual Qualitative Assessment
4. Methodology and work programme	
5. Innovation and creativity	
6. Staffing	Full Marks if Meeting Specifications
7. Past Performance	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>
<b>EOI Submission</b>	
3. Previous relevant experience	Number of relevant consultancy assignments conducted by the consultant <sup>1</sup>
4. Knowledge, experience and capability of key staff	Core personnel's years of post-qualification experience and number of relevant job reference <sup>2</sup>

<sup>1</sup> 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):

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

<sup>2</sup> 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 under the same designation shall be on equal basis. If the staff proposed to undertake the designations are not core personnel as required, the staff concerned shall be considered as failure to meet the requirements and "P" shall be marked for the staff concerned accordingly. The format of the marking guideline may be as follows (for illustrative purpose only):

<b>Key Staff</b>	<b>Post Qualification Experience</b>	<b>Relevant Job Reference</b>	<b>Grade</b>
<b>Project Manager</b> (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>
<b>Technical Proposal</b>	
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 <sup>3</sup>
6. Staffing	
(a) Staff organization chart	Organization chart submitted will be marked using four different grades according to pre-set descriptions <sup>4</sup>
(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)

<sup>3</sup> 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

<sup>4</sup> 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>
<b>Technical Proposal</b>	
(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 <sup>5</sup> .
(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 <sup>6</sup> .

<sup>5</sup> For attaining full mark (i.e. grade VG) in Item 6c, a consultant should propose at least [80%] of the weighted total manpower input to be named staff 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):

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

where X is calculated by using the following formula:

$$\frac{\text{Weighted manpower input of named staff with professional category or above}}{\text{Weighted total manpower input}} \times 100\%$$

<sup>6</sup> 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:

<b>Overloading Situation</b>	<b>Degree of Overloading</b>	<b>Marks for “Adequacy of professional &amp; technical manpower input” shall be multiplied by (exact multiplier to be decided by the Panel)</b>
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 ( $F_x$ ) 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  $0.8 F_x$ , the assessment method of weighted consultancy fee score will be the same for all bids, i.e. the formula below will apply:

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

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

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

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[Continuation of footnote 6 in Page 4 of 5]

Notwithstanding the above, the following circumstances will be considered as “Serious” overloading situations:

- (a) Where the consultant or any of its proposed sub-consultant fails to provide the first manpower input updating to enable the procuring departments to endorse it for existing consultancies (i.e. consultancies with EOI submissions or Technical and Fee Proposals (for one-stage procedure) invited before 3 December 2018); or
- (b) Where the consultant fails to provide the manning schedule in the Technical and Fee Proposal to enable the procuring departments to properly perform the assessment of overloading situation.

**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 3(d) shall be revised to:

“3(d). an indication of sub-consultants to be employed (which should include all individual academic institutions, specialists, advisors, experts and the like proposed to be externally engaged to provide the Services under the Agreement, and all references to “sub-consultants” in this letter should be construed accordingly) and the services to be undertaken by each sub-consultant. For the avoidance of doubt, subject to your confirmation on the employment status, staff seconded from your associated companies (subsidiaries, parent companies or subsidiaries of your parent company) not externally engaged as sub-consultants shall be regarded as your own staff for the purpose of tender assessment, including the overloading checking of manpower input, for this Assignment; and”

- ii. 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 restrictions and tender award restriction set out in Annex \_\_\_\_\_ to this letter. **【Inclusion of Annex C as an Annex to this letter is mandatory.】**

12b. If you propose to engage sub-consultants for this Assignment to undertake sub-consulting services under any of the listed Service Categories



and/or service discipline having a list of consultants maintained and published by the Government shown in Annex \_\_\_\_\_ to this letter, **【Inclusion of Annex D as an Annex to this letter is mandatory.】** you must ensure that the sub-consultants concerned have complied with bidding restrictions as set out in Annex \_\_\_\_\_ **【Inclusion of this Annex to this letter is mandatory - see Paragraph 12a. above】** . Failure to comply with this requirement will lead to disqualification of your EOI submission.”

12c. **【Insert if applicable】** The list of sub-consulting firms for undertaking sub-consulting service not under any service discipline having a list of consultants maintained and published by the Government is given in Annex \_\_\_\_\_ to this letter for your information. **【Inclusion of this Annex to this letter is discretionary - see Section 2.3.1(b)(iv)】** You may consider teaming up with the sub-consulting firms on the list if required for this Assignment. For the avoidance of doubt, this 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 E, if applicable】** ”

iii. Paragraph 17 shall be deleted and replaced as below:

“17. If sub-consultants are to be employed, you are required to complete the table in Annex \_\_\_\_\_ to this letter indicating, if any, the scope of sub-consulting services to be undertaken by each listed and unlisted sub-consultant to be employed, the relevant listed service category or discipline for which each sub-consultant is to be employed and the corresponding list maintained and published by the Government. If your proposed sub-consultant is unlisted but an application for application for inclusion on the List of Consultants of EACSB under the relevant Service Category has been made prior to the date set for close of submission of EOI, please also indicate the date such application is made in the table. Failure to submit the table as required above with the EOI submission will lead to disqualification of the consultant’s EOI submission. If you have any enquiry in completing the table on whether the sub-consulting service to be undertaken by a sub-consultant is within the scope of a particular listed service

category or discipline and would like to seek clarification, your enquiry must be delivered to me by hand before 12:00 noon,\_\_\_\_\_ **【 the procuring department should specify the exact date here, say at least ten working days before the deadline for submission of EOI】** . The enquiry shall be sufficiently specific to facilitate the preparation of clarification. Late enquiry will not be acceded to. **【Inclusion of Annex F as an Annex to this letter is mandatory.】** ”

- iv. New paragraph shall be added as below:

“You should indicate in your staffing proposal which of the proposed staff are core personnel and the employment status (i.e. fulltime or not) at the time of bidding of each and every core personnel to be deployed by you or your sub-consultants in this Assignment. You should also indicate which core personnel will undertake the designations of the Project Manager, the Project Director and the [three] Team Leader(s) **【the procuring department shall amend it where appropriate to align with the assessment criteria】** as required in the assessment criteria. You should produce undertaking signed by all non-fulltime core personnel (of yourself or your sub-consultants) to confirm their involvement in the event that you are awarded the consultancy.”

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 Restrictions and Tender Award Restriction**

1. Any Expression of Interest (EOI) submission made by a consultant not eligible for being invited to make EOI submission at the time of invitation will not be considered.
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 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.
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 confirm 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. Otherwise, the EOI submitted by the concerned joint venture will not be considered.  
  
(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 (T&F) Proposal, 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 Proposal, or if this has been extended, the extended date. Otherwise, the T&F Proposal submitted by the concerned joint venture will not be considered.
- 4.1 (a) If the consultant proposes one or more sub-consultants to undertake sub-consulting service under the listed Service Category maintained by EACSB, the bidding restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of engagement of sub-consultant shall be complied with. In that case, the consultant shall choose to engage sub-consultant(s) with the listed status in Group \_\_\_\_\_ or lower under the relevant Service Category with three Groups and /or in Group \_\_\_\_\_ or lower under the relevant Service Category with two Groups maintained by EACSB for the sub-consulting service concerned. **【the procuring department shall input the appropriate Group Number(s) as determined in accordance with Section 2.3.1(b) of the Guidelines.】**  
  
(b) Failure by a consultant to comply with the requirements in paragraph 4.1(a) above will lead to disqualification of the consultant’s EOI submission unless the unlisted sub-consultant proposed

has made an application for inclusion on the List under the appropriate Service Category 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 sub-consultant is approved by EACSB on or before the date set for the close of submission of T&F Proposal, or this has been extended, the extended date. Otherwise, the consultant, if shortlisted, shall either remove the unlisted sub-consultant or replace the unlisted sub-consultant with a listed sub-consultant and deliver the notification to the project office before the deadline offset for change of sub-consultant as more particularly stated in the invitation letter for T&F Proposal. T&F Proposal which does not comply with the above requirements will not be considered.

4.2 (a) If the consultant proposes one or more sub-consultants to undertake sub-consulting service under the listed service discipline/categories maintained by Architectural and Associated Consultants Selection Board (“AACSB”) **【and/or (*the procuring department shall add relevant lists to align with the restrictive list provided in the invitation letter*)** **】**, the consultant shall engage sub-consultant(s) with the listed status for the relevant service discipline/category maintained by AACSB **【and/or (*the procuring department shall add relevant lists to align with the restrictive list provided*)** **】** for the sub-consulting service concerned.

(b) Failure by a consultant to comply with the requirement in paragraph 4.2(a) above will lead to disqualification of the consultant’s EOI submission.

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

5. 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 sub-consultants proposed to undertake sub-consulting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown in Annex \_\_\_\_ **【Refer to Annex D to the sample invitation letter for EOI】** 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 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 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.

7. 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 (the Restriction). Consultants subject to the Restriction shall submit evidence on the number of agreements and the total lump sum fee of agreements procured under EACSB and Departmental Consultants Selection Committees that it already holds under the same Service Category together with its EOI submission for assessment.
8. Where:
  - (a) a shortlisted consultant has submitted a T&F Proposal for this consultancy agreement and attained the highest combined scores in this bidding exercise and the bidding exercise(s) for another consultancy agreement or other consultancy agreement(s) under the same Service Category;
  - (b) the consultant is subject to the Restriction;
  - (c) the award of these consultancy agreements are determined at the same EACSB / DCSC meeting or by way of circulation in lieu of an EACSB / DCSC meeting; and
  - (d) the award of two or more of these consultancy agreements to that consultant will exceed the limits on number and/or lump sum fee of agreements in the Service Category concerned under the Restriction,the Government shall be entitled to determine which consultancy agreement(s) is/are to be awarded to that consultant on the basis of a combination of tender awards of these consultancy agreements that would cost least to the Government.

Annex D to Sample Invitation Letter for EOI

INVITATION FOR EXPRESSION OF INTEREST

Consultancy Agreement No. \_\_\_\_\_  
(Agreement Title)

Listed Service Category or Service Discipline  
having a List of Consultants Maintained and Published by the Government

- 1 All listed Service Categories maintained by EACSB;
- 2 All listed Service Categories maintained by AACSB;
- 3 [*Procuring departments to add relevant lists*];
- 4 \_\_\_\_\_
- 5 \_\_\_\_\_
- 6 \_\_\_\_\_
- 7 \_\_\_\_\_
- 8 \_\_\_\_\_
- 9 \_\_\_\_\_

Note:

- (a) If you propose to engage one or more sub-consultants for this Assignment, you shall comply with the relevant bidding restrictions stipulated in Section 2.3.1 of the Guidelines attached to DEVB TC(W) No. 5/2018.
- (b) The consultant must ensure that at the time of submission of EOI, the consultant itself and its sub-consultants proposed to undertake sub-consulting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown above are eligible for bidding under the proposed service category in the relevant list. Subject to note (c) below, failure to comply with this requirement will lead to disqualification of the respective EOI submission.
- (c) Unlisted consultants are allowed to be engaged as sub-consultants to undertake sub-consulting services under listed Service Category maintained by EACSB subject to prior application for inclusion in the List of Consultants having been made and compliance with the requirements set out in Section 2.3.1 (d) of the Guidelines.
- (d) If the consultant has any enquiry on whether the sub-consulting service to be undertaken by a sub-consultant is within the scope of a particular listed service category or discipline, the

### **Appendix 3.3**

consultant may seek clarification from procuring departments as stated in the invitation letter.

N.B

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



Annex E 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 Service Discipline having a List of Consultants 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.

Annex F to Sample Invitation Letter for EOI

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

Consultancy Agreement No. \_\_\_\_\_  
(Agreement Title)

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

Note:

- (a) If the proposed sub-consultant is unlisted but an application for inclusion on the List of Consultants of EACSB under the relevant Service Category has been made prior to the date set for close of submission of EOI, please also indicate the date such application is made.
- (b) If the proposed sub-consultant is unlisted without making any application for inclusion on the List of Consultants of EACSB, please mark “Nil”.
- (c) If you propose to engage one or more sub-consultants for this Assignment, you shall comply with the relevant bidding restrictions stipulated in Section 2.3.1 of the Guidelines attached to DEVB TC(W) No. 5/2018.
- (d) The consultant must ensure that at the time of submission of EOI, the consultant itself and its sub-consultants proposed to undertake sub-consulting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown in Annex \_\_\_\_ **【Refer to Annex D to the sample invitation letter for EOI】** to the invitation letter are eligible for bidding under the proposed service category in the relevant list. Subject to note (e) below, failure to comply with this requirement will lead to disqualification of

the respective EOI submission.

- (e) Unlisted consultants are allowed to be engaged as sub-consultants to undertake sub-consulting services under listed Service Category maintained by EACSB subject to prior application for inclusion in the List of Consultants having been made and compliance with the requirements set out in Section 2.3.1 (d) of the Guidelines.
- (f) If the consultant has any enquiry on whether the sub-consulting service to be undertaken by a sub-consultant is within the scope of a particular listed service category or discipline, the consultant may seek clarification from procuring departments as stated in the invitation letter.

**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:

<b>Criterion</b>	<b>Percentage Mark to be allocated (%)</b>
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 levelling, 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:

### Appendix 3.3

“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 under the same designation are on equal basis.

If the staff proposed to undertake the designations of Project Manager, Project Director and/or Team Leaders **【the procuring department shall amend it where appropriate to align with the assessment criteria】** are not core personnel as required, the staff concerned shall be considered as failure to meet the requirements and “P” shall be marked for the staff concerned accordingly.

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

### Appendix 3.3

Key Staff	Post Qualification Experience	Relevant Job Reference	Grade
[Team Leader] (Mark: ZZ%) Minimum number: [3] Minimum qualification of a [CP] category	Not less than [18] years (professional); or Not less than [23] years (academic)	Not less than [5] projects	VG
	Not less than [15] years (professional); or Not less than [20] years (academic)	Not less than [3] projects	G
	Not less than [12] years (professional); or Not less than [17] years (academic)	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.)”

The minimum qualification and experience requirements of individual categories of staff are shown in the table below. Only the qualification and experience obtained by the proposed staff on or before the closing date of submission of EOI for this tender shall be counted.

Staff category	Minimum academic / professional qualifications	Minimum experience requirement
Partners/ Directors	Corporate member of an appropriate professional institution or equivalent	15 years relevant post-qualification experience (applicable to professional membership only)
Chief Professional	Corporate member of an appropriate professional institution or equivalent	12 years relevant post-qualification experience
	University degree or equivalent in an appropriate discipline for specialist trades, such as geology, transport, environmental science or other trades where appropriate professional institutions are not commonly in existence	17 years relevant post-qualification experience

(N.B: Include other categories of staff 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 “xi” and “xii” to the list of electronic documents as below:

“xi) manning schedule template;

xii) personal information collection statement;”

- ii. Paragraph 2(x) shall be revised by adding the following after “Your attention is drawn in particular to the requirement to verify the list of your sub-consultants and ensure its completeness as required in Paragraph 15 below)”:

“For the avoidance of doubt, subject to your confirmation on the employment status, staff seconded from the consultant’s associated companies (subsidiaries, parent companies or subsidiaries of your parent company) not externally engaged as sub-consultants shall be regarded as your own staff for the purpose of tender assessment, including the overloading checking of manpower input, for this Assignment.”

- iii. 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. If the manning schedule in the submission is made in hard copy format only, you shall provide the same manning schedule in the prescribed electronic format upon request by us. In such circumstance, the manning schedule in hard copy format in the submission made before the deadline specified in paragraph 4 below shall prevail. The documents for your proposal submitted in electronic format, including manning schedule and any part of the submission which you elect to submit so, shall be prepared and submitted in accordance with Annex [ \_\_ ] **【Insert appropriate**



**Annex number 1** - Requirements for Submission of Proposal in Electronic Format. Subject to the above, all proposals, whether submitted in electronic format or in hard copy format, will be evaluated on an equal basis.”

- iv. 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. If there is any difference in the manning schedule between the total manpower input under individual staff and the total manpower input calculated from the monthly breakdown, the total manpower input calculated from the monthly breakdown 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.”

- v. Paragraphs 10, 11 and 19 shall be revised by replacing the reference to “No. 2/2016” to “No. 2/2016 and No. 5/2018”.
- vi. New paragraph 10a shall be added after Paragraph 10 as below:

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

with the manpower input contained in your Technical and Fee Proposals and/or contained in any of your submissions to the Employer for other tenders and/or consultancies awarded to you or your sub-consultants for purpose of tender assessment for this Assignment which is in connection with you, your sub-consultants or staff employed.”

- vii. New paragraphs 15a and 15b shall be added after Paragraph 15 as below:

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

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

- viii. Paragraph 22 shall be replaced by:

“22. You should indicate in your staffing proposal which of the proposed staff are core personnel and the employment status (i.e. fulltime or not) at the time of bidding of each and every core personnel to be deployed by you or your sub-consultants in this Assignment. You should also indicate which core personnel will undertake the designations of the Project Manager, the Project Director and the [three] Team Leader(s) **【the procuring department shall amend it where appropriate to align with the Guidelines for Preparation of Technical Proposal】** as required in the Guidelines for Preparation of Technical Proposal. You should produce undertaking signed by all non-fulltime core personnel (of yourself or your sub-consultants) to confirm their involvement in the event that you are awarded the consultancy.”

- ix. 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.”

- x. New paragraph shall be added as below:

“If sub-consultants are to be employed, you are required to complete the table attached in Annex \_\_\_\_\_ to this letter indicating, if any, the scope of sub-consulting services to be undertaken by each listed and unlisted sub-consultant to be employed, the relevant listed service category or discipline for which each sub-consultant is to be employed and the corresponding list maintained and published by the Government. Failure to submit the table as required above with the T&F Proposal will lead to disqualification of consultant’s T&F Proposal. If you have any enquiry in completing the table on whether the sub-consulting service to be undertaken by a sub-consultant is within the scope of a particular listed service category or discipline and would like to seek clarification, your enquiry must be delivered to me by hand before 12:00 noon, \_\_\_\_\_ **【the procuring department should specify the exact date here, preferably same as the deadline of provision of list of queries for pre-submission meeting】**. The enquiry shall be sufficiently specific to facilitate the preparation of clarification. Late enquiry will not be acceded to.**【Inclusion of Annex D as an Annex to this letter is mandatory.】**”

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. In addition, paragraph 16 shall be revised by adding the following at the end:

“The term “Sub-consultant” or “sub-consultants” should include all individual academic institutions, specialists, advisors, experts and the like proposed to be externally engaged to provide Services under the Agreement, and all references to “Sub-consultants” or “sub-consultants” in this letter should be construed accordingly. For the avoidance of doubt, subject to your confirmation on the employment status, staff seconded from the consultant’s associated companies (subsidiaries, parent / sister companies) not externally engaged as sub-consultants shall be regarded as your own staff for the purpose of tender assessment, including the overloading checking of manpower input, for this Assignment.”

**Annex B to Sample Invitation Letter for T&F Proposal**

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

1. If the Technical and Fee (T&F) Proposal is made by a joint venture, the bidding restrictions stipulated in Section 2.3 of the Guidelines attached to DEVB TC(W) No. 5/2018 (the Guidelines) in 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, it must ensure (i) the same arrangement was proposed in the earlier Expression of Interest (EOI) submission; (ii) all the unlisted consultants have made applications for inclusion on the List of Consultant of EACSB (“the List”) under the appropriate Service Category on or before the submission of the EOI; and (iii) such applications have been approved by EACSB before the date set for the close of submission of T&F Proposal, or if this has been extended, the extended date. Otherwise, the T&F Proposal submitted by the concerned joint venture will not be considered.
3. The consultant must ensure that at the time of submission of T&F Proposal, the consultant itself and its sub-consultants proposed to undertake sub-consulting service under listed Service Category maintained by EACSB or service disciplines under a list of consultants maintained and published by the Government shown in Annex \_\_\_\_ **【Refer to Annex C to the sample invitation letter for T&F Proposals】** to the invitation letter are eligible for bidding under the proposed service category in the relevant list. Failure to comply with this requirement will lead to disqualification of the consultant’s T&F Proposal.
- 4.1 (a) If the consultant proposes one or more sub-consultants to undertake sub-consulting service under the listed Service Category maintained by EACSB, the bidding restrictions stipulated in Section 2.3.1(b) of the Guidelines in respect of engagement of sub-consultant shall be complied with. In that case, the consultant shall choose to engage sub-consultant(s) with the listed status in Group \_\_\_\_\_ or lower under the relevant Service Category with three Groups and /or in Group \_\_\_\_\_ or lower under the relevant Service Category with two Groups maintained by EACSB for the sub-consulting service concerned. **【the procuring department shall input the appropriate Group Number(s) as determined in accordance with Section 2.3.1(b) of the Guidelines.】**
  - (b) Failure by a consultant to comply with the requirements in paragraph 4.1(a) above will lead to

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

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

4.2 (a) If the consultant proposes one or more sub-consultants to undertake sub-consulting service under the listed service discipline/categories maintained by Architectural and Associated Consultants Selection Board ("AACSB") **【and/or (*the procuring department shall add relevant lists to align with the restrictive list provided in the invitation letter*)** **】**, the consultant shall engage sub-consultant(s) with the listed status for the relevant service discipline/category maintained by AACSB **【and/or (*the procuring department shall add relevant lists to align with the restrictive list provided*)** **】** for the sub-consulting service concerned.

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

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

5. 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.

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

7. 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 (the Restriction). Consultants subject to the Restriction shall submit evidence on the number of agreements and the total lump sum fee of agreements procured under EACSB and Departmental Consultants Selection Committees that it already holds under the same category together with its T&F Proposal for assessment.
8. Where:
  - (a) a shortlisted consultant has submitted a T&F Proposal and attained the highest combined scores in this bidding exercise and the bidding exercise(s) for another consultancy agreement or other consultancy agreement(s) under the same Service Category;
  - (b) the consultant is subject to the Restriction;
  - (c) the award of these consultancy agreements are determined at the same EACSB / DCSC meeting or by way of circulation in lieu of an EACSB / DCSC meeting; and
  - (d) the award of two or more of these consultancy agreements to that consultant will exceed the limits on number and/or lump sum fee of agreements in the Service Category concerned under the Restriction,the Government shall be entitled to determine which consultancy agreement(s) is/are to be awarded to that consultant on the basis of a combination of tender awards of these consultancy agreements that would cost least to the Government.

Annex C to Sample Invitation Letter for T&F Proposal

INVITATION FOR TECHNICAL AND FEE PROPOSAL

Consultancy Agreement No. \_\_\_\_\_  
(Agreement Title)

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

- 1 All listed Service Categories maintained by EACSB;
- 2 All listed Service Categories maintained by AACSB;
- 3 [*Procuring departments to add relevant lists*];
- 4 \_\_\_\_\_
- 5 \_\_\_\_\_
- 6 \_\_\_\_\_
- 7 \_\_\_\_\_
- 8 \_\_\_\_\_
- 9 \_\_\_\_\_

Note:

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

N.B

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

## Annex D to Sample Invitation Letter for T&amp;F Proposal

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

Consultancy Agreement No. \_\_\_\_\_  
(Agreement Title)

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

Note:

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



## 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>	<b>Editable File</b>	<b>Image File</b>
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 fourth sentence of the first paragraph in Part A shall be amended as below:

“The appendices attached to the technical proposals should be limited to [30] pages in A4 size (excluding pages of manning schedule in A3 size, the table indicating the listed and unlisted sub-consultants to be employed and the sub-consulting service undertaken, and any declarations/ confirmations required in A4 size), the figures/ drawings/ illustrations limited to [30] pages in A3 size and the curriculum vitae limited to [2] pages per staff in A4 size.”

ii. 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.”

iii. 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).”

iv. 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”

### Appendix 3.3

- v. Item (a) in Sub-section 7 – Appendices of Section A – Requirements of Technical Proposals shall be replaced by:

“(a) Previous relevant experience and projects completed;”

- vi. Items (1) and (2) of the table in sub-section 1 of Part 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

- vii. Sub-section 2 of Part B – Marking Scheme shall be replaced by Annex I to Sample Template for Guidelines for Preparation of Technical Proposal in this Appendix.
- viii. Reference to “No. 2/2016” in Sub-section 3, Sub-section 6 and Remarks of Part B – Marking Scheme shall be amended to “No. 2/2016 and No. 5/2018”.
- ix. Sub-section 3 of Part 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.
- x. Item (e) of Sub-section 4 of Part 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)	$1.0 \times Y$
Good (G)	$0.8 \times Y$
Fair (F)	$0.6 \times Y$
Poor (P)	$0.3 \times Y$

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 under the same designation are on equal basis. If the staff proposed to undertake the designations of Project Manager, Project Director and/or Team Leaders **【the procuring department shall amend it where appropriate to align with the assessment criteria】** are not core personnel as required, the staff concerned shall be considered as failure to meet the requirements and “P” shall be marked for the staff concerned accordingly.

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

### Appendix 3.3

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%) Minimum number: [3] Minimum qualification of a [CP] category	Not less than [18] years (professional); or Not less than [23] years (academic)	Not less than [5] projects	VG
	Not less than [15] years (professional); or Not less than [20] years (academic)	Not less than [3] projects	G
	Not less than [12] years (professional); or Not less than [17] years (academic)	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 to be named staff with professional category or above.

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



where X is calculated by using the following formula:

$$\frac{\text{Weighted manpower input of named staff with professional category or above}}{\text{Weighted total manpower input}} \times 100\%$$

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 Proposal

### Staff working under an overloading situation

The manpower input as at end of [February, May, August or November YYYY] **【procuring department shall input the end month of the reporting quarter as at which the manpower input is as captured in the final snapshot taken immediately before the tender closing date of the tender under assessment】** 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

Notwithstanding the above, the following circumstances shall be considered by the Assessment Panel as “Serious” overloading situation:

- (a) Where the consultant or any of its proposed sub-consultant fails to provide the first manpower input updating in accordance with paragraph 3 of Appendix 3.7 to DEVB TC(W) No. 5/2018 with refinements as instructed by the procuring departments for any signed consultancies and consultancies having Expression of Interest Submissions or Technical and Fee Proposals (for one-stage procedure) invited before 3 December 2018 (referred to as “existing consultancies”) undertaken by the consultant or any of its proposed sub-consultant as the sole consultant or one of the participants in the joint venture. For the purpose of tender assessment in this regard, a consultant will be considered as failing to provide the first manpower input updating for an existing consultancy if it fails to provide a manpower input updating which enables the procuring department

of the existing consultancy concerned to endorse it in the PWCRAR as described in paragraph 2 of Appendix 3.7 to DEVB TC(W) No. 5/2018 for all the reporting quarters before the tender closing date of the tender under assessment; or

- (b) Where the consultant fails to provide the manning schedule as required in the invitation letter for the Technical and Fee Proposal for the consultants selection exercise under assessment and/or failed to provide the manning schedule as required in the invitation letter for Technical and Fee Proposal for any concurrent tender with the same bidder, which make the assessment of overloading situation in accordance with DEVB TC(W) No. 5/2018 unable to be properly performed. For the avoidance of doubt, concurrent tenders shall mean other tenders registered in the PWCRAR which have been closed but not yet been awarded as at end of **【February, May, August or November YYYY】** *【procuring department shall input the end month of the reporting quarter as at which the manpower input is as captured in the final snapshot taken immediately before the tender closing date of the tender under assessment】* captured in the final snapshot taken by the Public Works Consultants Resources Allocation Register (PWCRAR) as detailed in DEVB TC(W) No. 5/2018.

## G. SAMPLE NOTICE OF INVITING EXPRESSION OF INTEREST TO BE POSTED ON INTERNET

1. When the Assignment is under the Service Category maintained by EACSB, the sample notice of invitation of expression of interest to be posted on internet is shown below:

### Notice of Invitation for Expression of Interest

**Consultancy Agreement No.:** CE XX/YYYY (ZZ)  
**Agreement Title:** *[Agreement title to be inserted]*

**Invitation Date:** *[Invitation date to be inserted]*  
**Closing Date and Time:** *[Closing date and time to be inserted]*

**Contact Person:** *[Contact Person to be inserted]*  
**Telephone No.:** *[Telephone No. to be inserted]*

Consultants in Group [number] under the Service Category of [name of Service Category] maintained by EACSB are invited to express interest in undertaking the above consultancy.

#### **Sole/Lead Consultants Invited:**

*[Category and Group to be inserted]*

1. ....
2. ....

The scope of this consultancy, which is currently expected to commence on \_\_\_\_\_, is indicated in the draft Brief. *[to be hyperlinked] [This can be modified to indicate alternative means for the interested consultants to obtain the electronic invitation package if the size of the package is too large to be posted on the website.]*

Attention is drawn to bidding restrictions and tender award restriction set out in the respective invitation letter sent to the above consultants and relevant sections of the Guidelines attached to DEVB TC(W) No. 5/2018.

Note: This sample Notice may be modified where necessary to suit the circumstances.

## H. SAMPLE NOTICE OF INVITING SUBMISSION OF TECHNICAL AND FEE PROPOSALS TO BE POSTED ON INTERNET (FOR ONE-STAGE CONSULTANTS SELECTION)

1. When the Assignment is under the Service Category maintained by EACSB, the sample notice of inviting submission of Technical and Fee Proposals to be posted on internet is shown below:

### Notice of Invitation for Technical and Fee Proposals

**Consultancy Agreement No.:** CE XX/YYYY (ZZ)  
**Agreement Title:** *[Agreement title to be inserted]*

**Invitation Date:** *[Invitation date to be inserted]*  
**Closing Date and Time:** *[Closing date and time to be inserted]*

**Contact Person:** *[Contact Person to be inserted]*  
**Telephone No.:** *[Telephone No. to be inserted]*

Consultants in Group [number] under the Service Category of [name of Service Category] maintained by EACSB are invited to submit Technical and Fee Proposals for undertaking the above consultancy.

#### **Sole/Lead Consultants Invited:**

*[Category and Group to be inserted]*

1. ....
2. ....

The scope of this consultancy, which is currently expected to commence on \_\_\_\_\_, is indicated in the draft Brief. *[to be hyperlinked]* *[This can be modified to indicate alternative means for the interested consultants to obtain the electronic invitation package if the size of the package is too large to be posted on the website.]*

Attention is drawn to bidding restrictions and tender award restriction set out in the respective invitation letter sent to the above consultants and relevant sections of the Guidelines attached to DEVB TC(W) No. 5/2018.

Note: This sample Notice may be modified where necessary to suit the circumstances.

## Sample Template for Manning Schedule

**Manning Schedule to be Submitted Quarterly during execution of the Agreement**

Agreement No. **CE 05/2018 (T=4)**  
Actual Commencement Date of the Agreement **03/01/2018**  
Reporting month **Jun-2018**

No.	Surname	First Name	Resident/HKID/Passport No. K/O Overseas	HKID/Passport No. (1st 4 Characters)	Company Name	Position	Core/ Others/ Unnamed	Staff Category (PD, CP, SP, P, 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
1																			
2																			
Total										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 (PWCRRAR)**

- Please check if agreement no., commencement date of the agreement and reporting month (cells **[H3]**, **[H4]** and **[H5]**) 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. Formula 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 "DNA\*" 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 services<sup>1)</sup>**

**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 3<sup>rd</sup> 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

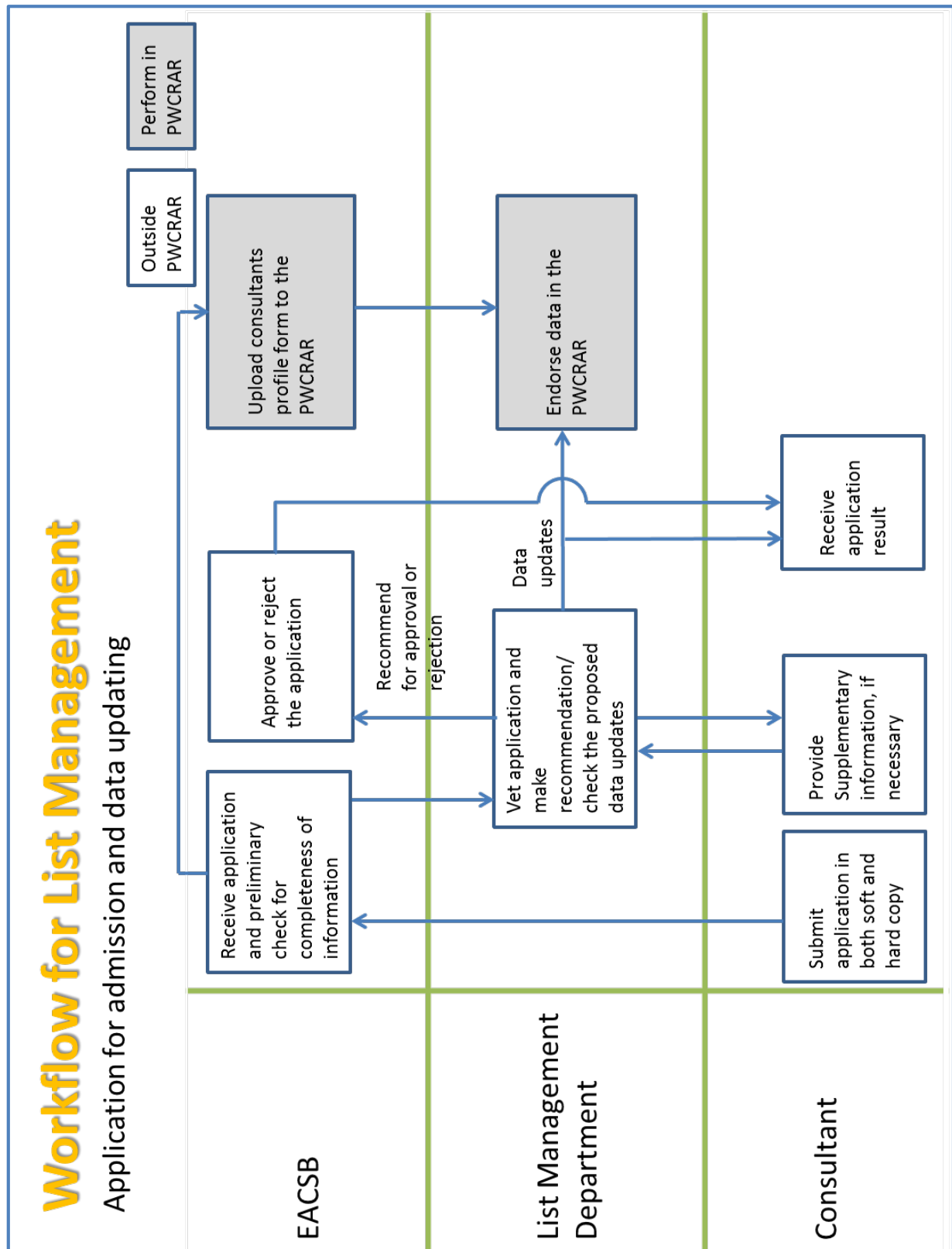
### **Note:**

- 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.

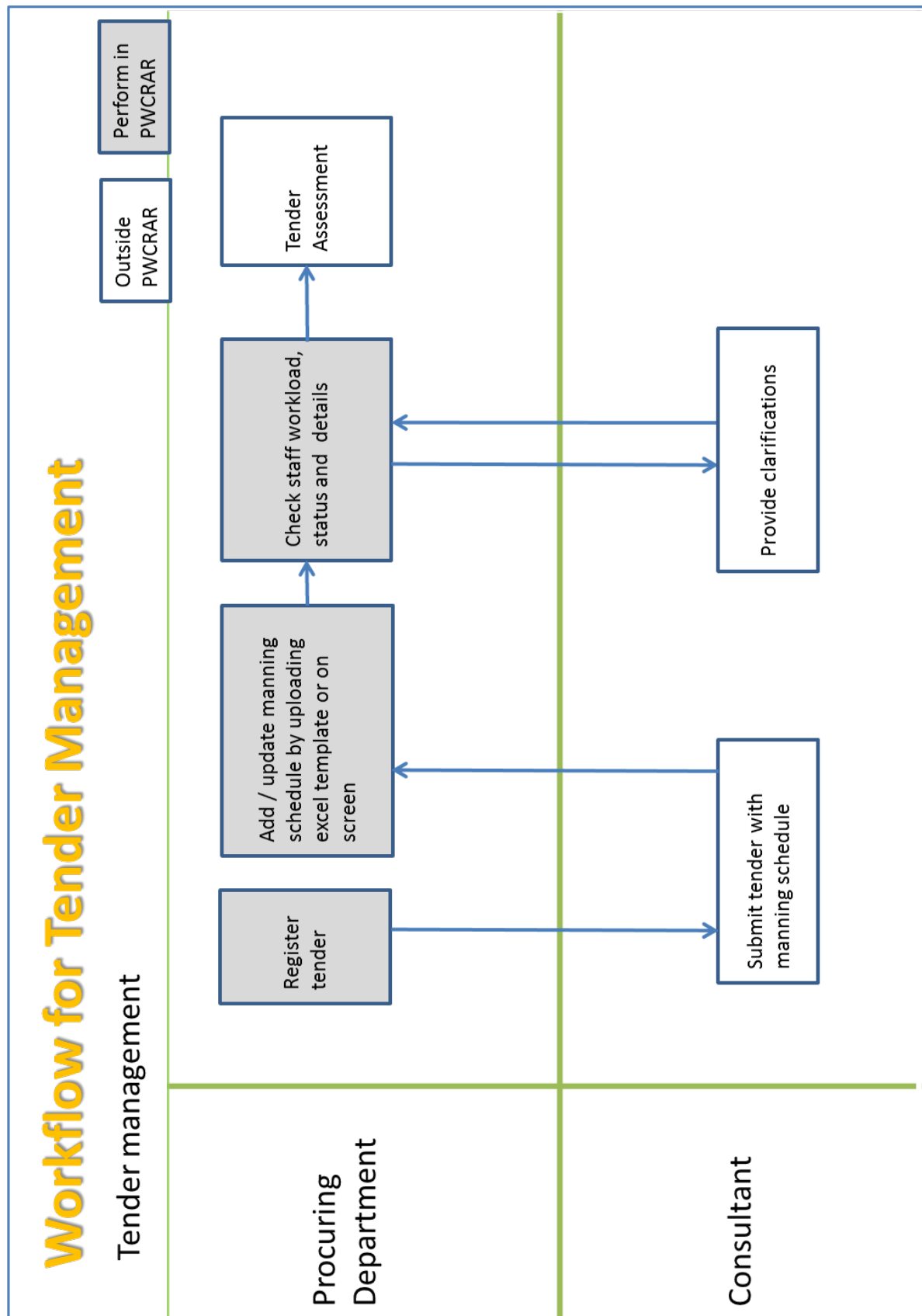


## Workflow in PWCRAR

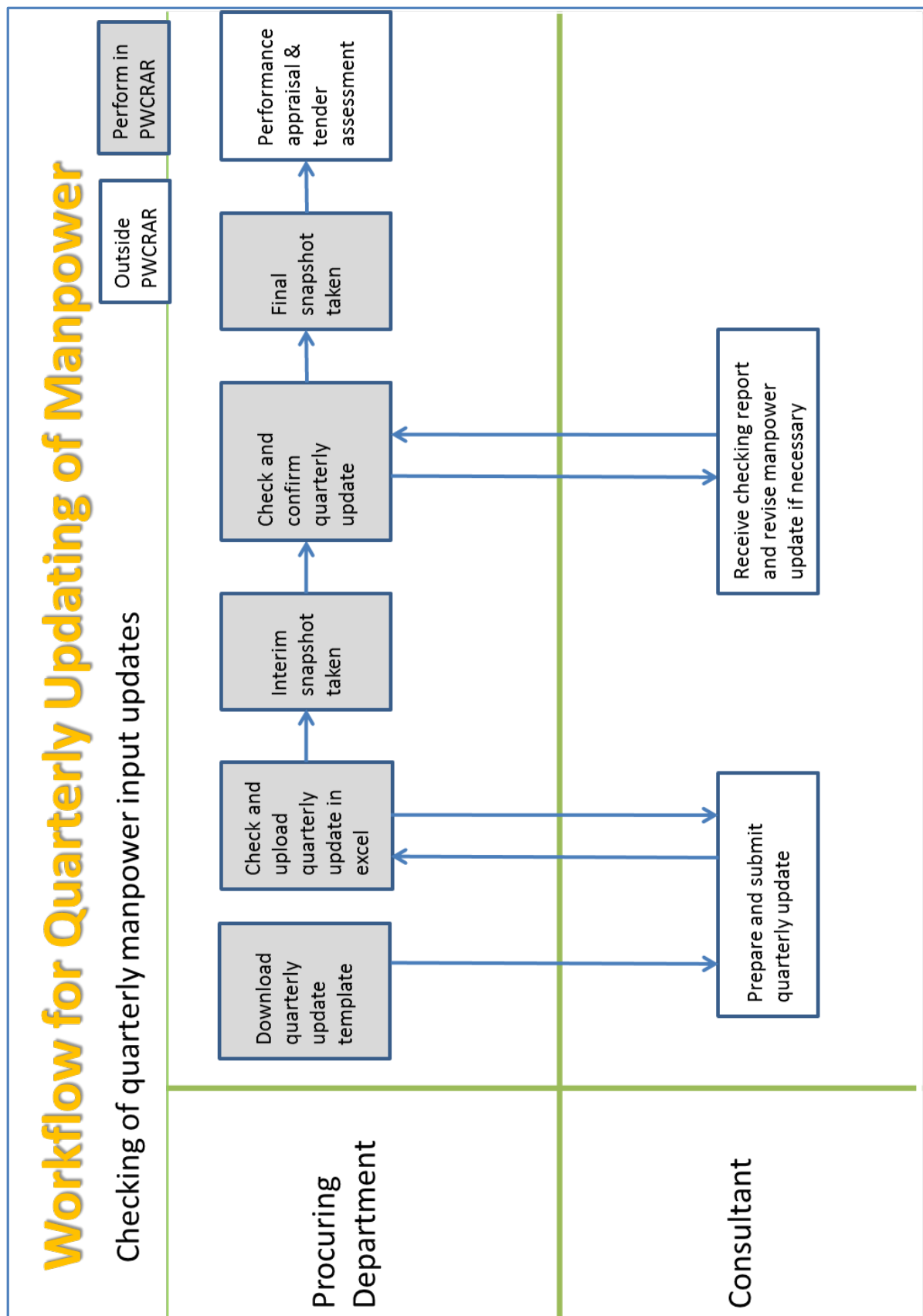
## A. List Management



## 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 month 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). The procuring department shall also check for any outstanding first manpower input updating in the existing consultancies and/or outstanding submission of manning schedules in the concurrent tenders. Checking reports on any suspected overloading situation and/or outstanding submission of manning schedule are available in the PWCRAR for reference.
- 2.3 The Assessment Panel may consider seeking clarifications from the bidders on the overloading situations and/or the submission status of manning schedule. Sample letters are attached at **Appendices 3.9 and 3.9A** 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 shall 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 final snapshots of the last reporting quarters. 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 all on-going consultancy(ies), excluding those having commenced for more than 10 years. 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 manpower input updates in final snapshots of the last reporting quarters to 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 manpower input updates in interim snapshots to 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 Existing Consultancies**

- 3.1 For the purpose of this Appendix, “existing consultancies” means signed consultancies and consultancies having Expression of Interest Submissions or T&F Proposals (for one-stage procedure) invited before 3 December 2018.
- 3.2 The first manpower input updating for existing consultancies should follow the procedures as mentioned in paragraphs 1 & 2 above, with the refinements in paragraph 3.3 to 3.4 below.
- 3.3 Notwithstanding the last sentence of paragraph 1.2 above, manpower input updates of unnamed staff are not required for existing consultancies;
- 3.4 Notwithstanding paragraph 1.3 above, the following information on the manpower input as at end of the reporting quarter shall be included in the quarterly updates for existing consultancies:
  - (a) the manpower input of the named staff at professional category or above deployed in the reporting quarter;
  - (b) the manpower input of the named staff at professional category or above to be deployed for 1 year (for Feasibility Study or Investigation type of assignment) or 2 years (for Design and Construction or Investigation, Design and Construction type of assignment) in the future counting from the beginning of the respective reporting month; and
  - (c) the manpower input of named staff deployed and to be deployed by the sub-consultants in (a) and (b) above respectively is to be excluded.

### **4 Newly Awarded Consultancies**

- 4.1 For consultancies newly awarded and commenced 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 10<sup>th</sup> 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 in 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 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) and to confirm 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 in 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 as at which the manpower input is as captured in the final snapshot taken 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



## **Appendix 3.9**

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,

(     )

RESTRICTED

TEN-RPT-01 Overloading Situation Summary For Tender Assessment

08/05/2018

THB

CE 02/2018 (TEST)

OverLoaded

THB Non-Listed Consultant 1

CE 02/2018 (TEST) title

01/03/2018

20/03/2018

Anticipated Commencement Date:

Report Title:									
Report Generation Date:									
Selection criteria:									
Department:									
Agreement no.:									
Staff:									
Tenderer:									
Agreement Title:									
Tender closing Date:									
Anticipated Commencement Date:									
		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(5.60,5.60)	2.00(4.60,4.60)	2.00(4.60,4.60)	2.00(4.60,4.60)	

**SAMPLE LETTER TO TENDERER SEEKING  
CLARIFICATION ON SUBMISSION OF MANNING SCHEDULE**

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 [*procuring department shall input the end month of the reporting quarter as at which the manpower input is as captured in the final snapshot taken immediately before the tender closing date of the tender under assessment*], the following situation(s) is/are identified:

- (a) \*You failed to provide the first manpower input updating for the existing consultancy agreement No. \_\_\_\_\_; and/or
- (b) \*You failed to provide the manning schedule in accordance with the requirements stated in the invitation letter for the tendering exercise for consultancy agreement No. \_\_\_\_\_.

Please confirm by DD/MM/YYYY whether you have provided the first manpower input updating and/or submitted the manning schedule in accordance with the relevant requirements for the above agreement(s). If affirmative, please advise the date and means of your submission. Please do not submit the first manpower input updating and/or the manning schedule in response to this letter. If we do not receive your reply and the date and means of submission by the above due date, we would consider that you have failed to provide the first manpower input updating and /or submit the manning schedule and would proceed with the tender assessment in accordance with the relevant provisions in the Guidelines for Preparation of Technical Proposal accordingly.

In your reply, you are only allowed to provide factual information about the submission status of the manning schedule(s) concerned. You 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.

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

Yours faithfully,

(     )

\* Delete where appropriate

*Note: 【This notes in italics are only for reference of the departments' staff】*

- *Procuring department shall download the checking report Nos. TEN-RPT-04 and TEN-RPT-05 for the final snapshot taken immediately before the tender closing date of the tender under assessment from the PWCRAR to respectively check for any outstanding first manpower input updating in the existing consultancies and/or outstanding submission of manning schedules in concurrent tenders as captured in the final snapshot used for tender assessment.*
- *The procuring department shall seek clarifications from the consultant under the following circumstances:*
  - a. The consultant (including any of its participant(s) in case of joint venture) or any of its proposed sub-consultant(s) is observed in the checking report No. TEN-RPT-04; and/or*
  - b. The consultant is observed as the same bidder for any of the concurrent tenders in the checking report No. TEN-RPT-05.*

### 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	
<b>S1</b>	<b>PD</b>	1	-	1	-	1	-	1	-	1	-	1	-	6
<b>S2</b>	<b>CP</b>	-	1	-	1	-	1	-	1	-	1	-	1	6
<b>S3</b>	<b>SP</b>	2	2	2	2	2	2	2	2	2	2	2	2	24
<b>S4</b>	<b>P</b>	3	3	3	3	3	3	3	3	3	3	3	3	36
<b>S5</b>	<b>P</b>	3	3	3	3	3	3	3	3	3	3	3	3	36
<b>S6</b>	<b>AP</b>	3	3	3	3	3	3	3	3	3	3	3	3	36
<b>S7</b>	<b>AP</b>	3	3	3	3	3	3	3	3	3	3	3	3	36
<b>S8</b>	<b>T</b>	3	3	3	3	3	3	3	3	3	3	3	3	36
<b>S9</b>	<b>T</b>	3	3	3	3	3	3	3	3	3	3	3	3	36
<b>S10</b>	<b>T</b>	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 Taa	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
	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
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	2.00	2.00
	Chief Professional	THB Non-Listed Consultant 1	CE 01/2018 (CNPS)	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:  
Endorsed 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 Chiu	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 (CNPS)	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 (DM)	Implemented	N/A	N/A	2.00	2.00	2.00	2.00	2.00			
Weighted Total:													24.00	6.28
Overall Overload %: 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 with the Secretary of EACSB for the most updated List. A copy of the invitation letter together with the list of consultants invited shall be sent to the Secretary of EACSB for record as usual.
  - (ii) The general rule is that only consultants eligible at the time of invitation should be invited for submitting EOI. For the avoidance of doubt, EOI submitted by sole/lead consultants other than consultants invited shall not be considered. 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 EACSB 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. For the avoidance of doubt, T&F Proposals submitted by sole/lead consultant other than consultants invited to do so shall not be considered. 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 with the Secretary of EACSB for the most updated List. 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 Secretary of EACSB 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) 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.

- (vi) 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.