

政府總部  
發展局  
工務科  
香港添馬添美道 2 號  
政府總部西翼



Works Branch  
Development Bureau  
Government Secretariat

West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

本局網址 Our Website: <http://www.devb.gov.hk>

本局檔號 Our Ref.: DEVB(W) 546/94/03

來函檔號 Your Ref.:

電話 Tel No.: 3509 7279

傳真 Fax No.: 2905 1181

28 June 2024

All firms on the Lists of Consultants of  
Architectural and Associated Consultants Selection Board (AACSB) and  
Engineering and Associated Consultants Selection Board (EACSB), and  
the List of Buildings Department Pre-Qualified Consultants

Dear Sir/Madam,

### **Implementation of Electronic Tendering System for Works Consultancy Services**

Further to our letter ref. DEVB(W) 546/94/03 dated 24 January 2024 outlining the roll-out plan for the phased implementation of the Electronic Tendering System (Works Consultancy Services) (“**e-TS(CS)**”), we would like to provide you an update on the latest development of e-TS(CS) and announce its full implementation as follows:-

#### ***Latest Development***

2. Over the past few months, some consultancies have been selected for pilot use of e-TS(CS) to go through the entire consultant selection process. Teething problems identified during the trials have been addressed in a timely manner. In the next couple of months, more consultancies will make use of e-TS(CS) for selection of consultants so as to enable stakeholders to get familiar with the application of the system.

#### ***Full Implementation of e-TS(CS)***

3. Having regard to the satisfactory performance of e-TS(CS) in the pilot consultancies and after consulting the relevant stakeholders, we hereby announce full implementation of e-TS(CS), i.e. **mandatory use of e-TS(CS)**, for all works consultancies under the ambit of AACSB, EACSB and departmental consultants selection committees (DCSC) with Expression of Interest (EOI) or Technical and Fee (T&F) Proposals (for one-stage process) to be invited on or after **1 October 2024**.

4. To recap, following the full implementation of e-TS(CS), the entire bidding process for works consultancies will be conducted via electronic means, which includes, inter alia, receiving invitation for EOI and T&F Proposals; downloading invitation documents/addenda; raising queries and receiving responses; submitting EOI and T&F Proposals; receiving clarification requests and making responses; and receiving bidding results.

### ***Optional Hard Copy Submission***

5. In response to a concern raised by the stakeholders regarding potential issues that may affect the integrity of their e-submissions made via e-TS(CS), we have introduced a new measure whereby you will have an option to submit your EOI or T&F Proposals in hard copy format, in addition to your e-submissions made via e-TS(CS). The hard copy submission will only be opened or used for evaluation if the file(s) submitted via e-TS(CS) **cannot be opened** or are **contaminated with computer virus**. This “optional hard copy submission” arrangement will be applicable for all AACSB, EACSB and DCSC consultancies until further notice.

### ***Submission Requirements***

6. Please find attached the following sample invitation letters (see **Annexes A1 to A3**) with associated attachment (see **Annex B**) for invitation of EOI and T&F Proposals, **for your reference only**.

- Annex A1: Invitation of EOI (two-stage)
- Annex A2: Invitation of T&F Proposals (two-stage)
- Annex A3: Invitation of T&F Proposals (one-stage)
- Annex B: Requirements for Submission in Electronic Format

You should refer to the exact submission requirements as stipulated in relevant invitation documents when making submissions for each invitation exercise.

7. The following important matters are highlighted for your particular attention:

- (i) your submission must be in electronic format;
- (ii) you need to sign the electronic files of specific documents of your submission digitally in the manner as specified in the invitation letter and it is important for you to ensure the validity of your Organisational e-Cert;

- (iii) you need to re-submit the **entire** package of submission to e-TS(CS) if you wish to update, amend, replace or supplement, before the close of submission, any file or a part of a file in your submission(s) that have already been submitted to e-TS(CS) earlier; and
- (iv) if you need to make re-submission(s) under the “Upload EOI” Section / “Upload Technical Proposal” Section / “Upload Fee Proposal” Section of e-TS(CS), the last submission made in each of these Sections will prevail, and all previous submission(s) in each of these Sections will not be opened or considered.

### ***Registration***

8. If your firm has yet to obtain an e-TS(CS) account which is required for you to submit EOI / T&F Proposals and perform related tasks via e-TS(CS), please refer to the user manual and teaching video on the “e-Tendering System” theme page of GovHK website<sup>1</sup>, which will show you the detailed steps of how the account can be obtained. You are strongly advised to obtain an e-TS(CS) account early if you are interested in bidding works-related consultancies to be invited by the Government.

### ***Organisational e-Cert***

9. As mentioned in paragraph 7(ii) above, you need to make use of an Organisational e-Cert to sign the electronic files of specific documents of your submissions made via e-TS(CS). If you are yet to obtain your Organisational e-Cert or your Organisational e-Cert will expire soon, please make early arrangement to apply for/renew your Organisational e-Cert to avoid any delay in application which may hamper your submissions via e-TS(CS). In this connection, you may wish to visit the websites of the two recognised certification authorities<sup>2</sup> for details of the application procedures.

### ***Support***

10. In November and December last year, we organised two training sessions respectively for all firms on the Lists of Consultants of AACSB and EACSB and the List of Buildings Department Pre-Qualified Consultants in respect of the application of e-TS(CS). Relevant user manuals and teaching videos are also available on the “e-Tendering System” theme page of GovHK website. In the meantime, we are running

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<sup>1</sup> The user manual and teaching video is accessible via: <https://www.gov.hk/en/theme/etendering/usermanual/>

<sup>2</sup> Hong Kong Post : <https://www.hongkongpost.gov.hk/index.html>

Digi-Sign Certification Services Limited : <https://www.dg-sign.com/eng/index.htm>

a helpdesk cum telephone hotline: 3997 1844 to provide prompt assistance to users.

***Enquiries***

11. For enquiries, please contact Mr Eric Chan, AS(WP4)7, on 3509 8711.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Leung H W', with a stylized flourish at the end.

( David H W LEUNG )

for Secretary for Development

- c.c. The Association of Consulting Engineers of Hong Kong  
The Association of Architectural Practices  
The Association of Consultant Quantity Surveyors  
The Association of Landscape Consultants  
Secretary, AACSB  
Secretary, EACSB

## SAMPLE INVITATION LETTER FOR EXPRESSION OF INTEREST

For use with e-TS(CS)  
For NEC3

[insert date]

Dear Sirs,

Agreement No. CE [insert agreement no.]  
[insert agreement title]

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1. I am pleased to invite you to express interest in undertaking the above contract. The contract is to commence in [insert month & year].

2. The documents listed below are contained in an Electronic Invitation Package (“EIP”), which can be downloaded from the e-Tendering System (Works Consultancy Services) (“e-TS(CS)”) via this link [insert hyperlink].

- (i) This covering letter (with Annexes [A] to [M]);
- (ii) Contract Data Part one;
- (iii) Proforma for Contract Data Part two (Sections 1 and 2);
- (iv) Proforma for Activity Schedule;
- (v) Scope;
- (vi) Assessment criteria and weighting for marking the expression of interest and composition of assessment panel
- (vii) Other documents (please state).

[Note to project office: Amend the above list as appropriate.]

3. You must register an account on the e-TS(CS) before you can download the EIP from the e-TS(CS). By registering an account on the e-TS(CS) and downloading the EIP, you are deemed to have accepted the Terms and Conditions of Use and Participation and the user manual of the e-TS(CS) (available at [insert hyperlink]) and the Licence Conditions for the EIP in Annex [A] to this letter.

4. You **must submit** your expression of interest (“EOI”) submission **in electronic format via e-TS(CS)**. Your attention is further drawn to the following requirements on submitting the EOI submission electronically:

- (i) Except as provided in sub-paragraph (ii) below, you must submit your EOI submission via a valid account or sub-account in the e-TS(CS) under your own name;
- (ii) In the case you submit your EOI submission in the form of an unincorporated joint venture, your EOI submission must be submitted via a valid account or sub-account in the e-TS(CS) under the name of **one** participant to the joint venture. If your EOI submission is submitted via the accounts or sub-accounts of multiple participants, only the submissions made by the participant whose date and time of its first submission to the e-TS(CS) is the earliest amongst all participants will be considered. Files submitted by any other participant will be discarded without opening;

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

- (iii) All files in your EOI submission must comply with the “**Requirements for Submission in Electronic Format**” in Annex [B] to this letter; and
- (iv) The term “**Digitally Signed**”, in relation to a file, means that such file is Digitally Signed as more particularly required under paragraph 4 of the “**Requirements for Submission in Electronic Format**” in Annex [B] to this letter. Without prejudice to other requirements in this letter, if a file is required to be Digitally Signed pursuant to this letter, **the digital signature for that file must comply with the above mentioned requirements. Failure to comply will result in the relevant file being discarded and not be considered.**

*[Note to project office: Paragraphs 4A, 4B and 4C allow bidders to submit optional hard copies. This arrangement applies to all invitations until further notice.]*

4A. In addition to your electronic submission, you may opt to submit the EOI submission in hard copy as well. **Submission in hard copy is optional.** If you wish to submit hard copy in addition to the electronic submission, you must deposit one copy of your EOI submission in a sealed envelope clearly indicating the consultant’s name and project reference to *[insert post of public officer, project office and department]* at *[insert address of project office]*. For the purpose of the hard copy submission:

- (i) If a file is required to be Digitally Signed pursuant to this letter, such requirement is deemed to have been complied with if its hard copy has been duly signed by a person authorized to sign Government contracts on your behalf (or, in the case of an unincorporated joint venture, by a person authorized to sign Government contracts on each participants’ behalf); and
- (ii) If the signing of a file is required to be witnessed, such requirement is deemed to have been complied with if the witness has signed on its hard copy in the capacity of witness.

4B. The hard copy submission will not be opened or used except in the following circumstances:

- (i) a file submitted via the e-TS(CS) cannot be opened; or
- (ii) a file submitted via the e-TS(CS) is contaminated with computer virus.

**In such event, the file submitted via the e-TS(CS) will be discarded and not be considered.** Without prejudice to other requirements in this letter, the *Employer* **may use the hard copy of the relevant file submitted**, if available, to evaluate your EOI submission if it considers that your action of submitting a file that cannot be opened or is contaminated with computer virus is not intentional. For the avoidance of doubt, even if it is permissible under other paragraphs of this letter for the *Employer* to invite you to re-submit the relevant file after close of submission, **the Employer shall resort to the hard copy submission first.**

4C. In case the hard copy of a relevant file is used for evaluation of your EOI submission:

- (i) If the relevant file is an essential submission under paragraph [11], its hard copy must be submitted on or before the original date set for the close of submission or if this has been extended, the extended date. **Failure to do so will render your EOI submission invalidated.**
- (ii) If the relevant file is required to be Digitally Signed but does not satisfy paragraph [4A(i)]

above, without prejudice to other requirements, such document shall be discarded and not further considered.

For the avoidance of doubt, for the parts of the hard copy submission which are not used for evaluating your EOI submission, it is not necessary to check whether they have complied with any requirements stipulated, whether essential or not.

5. In case you wish to replace or supplement any file or a part of a file in your submitted EOI submission, you must do so by re-submitting the **entire** EOI submission. Your attention is drawn to the followings:

- (i) All resubmitted files must comply with the requirements set out in paragraph [4] above;
- (ii) In case there are more than one EOI submission submitted, the latest submission shall prevail and all previous submissions will not be opened or considered.

*[Note to project office: Paragraphs 5A allows bidders to submit optional hard copies. This arrangement applies to all invitations until further notice.]*

5A. In the event you opt to submit an optional hard copy EOI submission in addition to electronic submission and wish to replace or supplement any part of it after you have deposited it, attention in writing may be drawn to an amendment submitted, provided that the amendment shall have been deposited before the close of submission.

6. If you wish to be considered for shortlisting to the Technical and Fee Proposals Stage, you should submit your EOI submission by **12 noon on [insert day], [insert date]**. Your EOI submission must be submitted in accordance with paragraph [4] above before the close of submission. **Late submission will not be considered.**

7. The close of submission may be extended under the following circumstances:

- (i) If tropical cyclone signal No. 8 or above, or a black rainstorm warning signal is hoisted or if “extreme conditions after super typhoons” announced by the Government is in force between 9 am and 12 noon on the date set for the close of submission, the close of submission will be extended to 12 noon on the first working day after the tropical cyclone signal No. 8 is lowered, or the black rainstorm warning signal or the “extreme conditions after super typhoons” announced by the Government has/have ceased to be in force. Saturday is not counted as a working day. The announcements on “extreme conditions after super typhoons” will be made via **press releases website** of the Information Services Department (<http://www.info.gov.hk/gia/general/today.htm>); or
- (ii) If there is any other reason which in the Government’s view shall affect the close of submission, the *Employer* will notify you the extension of the close of submission **via the e-TS(CS) and/or emails.**

8. In determining the date and time on which a file is submitted via the e-TS(CS), the submission end time generated automatically by the e-TS(CS) which specifies when the transmission of the file through the e-TS(CS) was completed, shall be final and binding. Save for the aforesaid, any text, notice or message that appears on the e-TS(CS) which displays any date, time, time zone or time remaining for any tender submission to be filed, is for reference only and shall not be relied on by the consultant.

9. Your EOI submission should contain the following information in a maximum of **four\*** [*Note to project office: for less complex and technically straight-forward assignments if considered appropriate by the Assessment Panel*] / **six\*** A4 pages with a minimum font size of 12 points Times New Roman or equivalent:-

- (a) your appreciation of the key requirements and constraints/risks of the contract and approach and strategy to meet the requirements of the contract;
- (b) previous relevant experience both in Hong Kong and elsewhere;
- (c) an indication of key staff likely to be employed for the contract (together with attachments showing their curriculum vitae and an organization chart of the study/project team as necessary);
- (d) an indication of the subconsultants to be employed and the services to be undertaken by each subconsultant. The term “Subconsultants” or “subconsultants” should include all individual academic institutions, specialists, advisors, experts and the like proposed to be externally engaged to Provide the Services under the contract, and all references to “Subconsultants” or “subconsultants” in this letter should be construed accordingly. For the avoidance of doubt, subject to your confirmation on the employment status, staff seconded from your associated companies (subsidiaries, parent / sister companies) not externally engaged as subconsultants shall be regarded as your own staff for the purpose of tender assessment, including the overloading checking of manpower input, for the contract; and
- (e) your comments on the draft Scope given in **Annex** [*insert reference*] of the EIP and the draft Proforma for Activity Schedule given in **Annex** [*insert reference*] of the EIP.

10. Please note that no attachments, except attachments for the curriculum vitae of the key staff likely to be employed on the consultancy (limited to 2 pages in A4 size per staff) and the organization chart of the study/project team (limited to 1 page in A3 size) as mentioned above, should be included in your submission. For exceedance of the specified number of pages of EOI submission and attachments or inclusion of attachments other than curriculum vitae and organization chart, all the exceeded pages shall be discarded prior to the assessment. Also, 1 mark shall be deducted from the overall score for non-compliance with the specified requirements on page size or font size. Documents submitted in response to paragraphs [13], [14], [22], [23], [26], [28] and undertakings as required in paragraph [27] below are not counted towards the number of pages of the EOI submission.

11. **The following requirements are essential requirements.** Failure to comply with any of these requirements on or before the date set for close of submission or, if this has been extended, the extended date **shall render your EOI submission non-conforming:-**

- (i) the EOI submission must be Digitally Signed; and
- (ii) the EOI submission must not contain any indication of prices or rates.

12. The assessment criteria and weightings for marking the EOI submission submitted by consultants and the composition of the Assessment Panel are given in **Annex** [*insert reference*] of the EIP.

13. If you are a limited liability company, then you are required to submit documentary proof that the majority of the voting power in meetings of the company shall be held by directors who are consulting engineers (or equivalent professionals of associated professions).

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference



14. You are also required to declare any involvement or interest if it is considered by you to be in real or apparent conflict with the duties to be performed for the contract. Any involvement or interest declared would be carefully considered but would not automatically bar you from being further considered in the selection process.

15. For information, the Assessment Panel has agreed that for the contract, the past performance of subconsultants will *\*[or will not]* be assessed in the Technical and Fee Proposal stage.

16. Consultants in Group *[insert number]* under the Service Category of *[insert Service Category]* maintained by EACSB are invited to make EOI submission for the contract. The initial list of qualified consultants approached for the contract is given in **Annex [C]** of the EIP for your information. Joint ventures with participation of local and/or overseas consultants with at least one of the participants or shareholders being on the above initial list are also invited to make submission of EOI for the contract. Based on the response received, normally four\*/five\* *[Note to the project officer: the latter for pairing of consultant selection exercises]* suitable firms will be shortlisted for submission of Technical and Fee Proposals. *[Note to project office: inclusion of this Annex as an Annex to EIP is mandatory.]*

17. Your attention is drawn to the bidding restrictions set out in **Annex [D]** to this letter. *[Note to project office: inclusion of this Annex as an Annex to this letter.]*

*[Note to project office: The following paragraphs 18 and 19 shall **not** be included if Sections 3.1.1.2(a) and/or (b) of the Guidelines attached to DEVB TC(W) No. 5/2018 (the “Guidelines”) are applicable.]*

18. If you propose to engage subconsultants 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 [E]** to this letter, you must ensure that the subconsultants concerned have complied with bidding restrictions as set out in **Annex [D]** *[Note to project office: the same Annex as stated in Paragraph 17 above]*. **Failure to comply with this requirement will lead to invalidation of your EOI submission.”**

*[Note to project office: The following paragraph 19 can be inserted (i) when the contract comprises services outside the listed Service Categories or service disciplines and the procuring department considers that the consultants may propose in the submission to engage subconsultants for undertaking such services, and/or (ii) when the procuring departments would like the consultants to engage subconsultants with specialized knowledge, non-local experience and/or providing expert/innovative input, etc. Before inserting this paragraph, the procuring department shall check with the list management departments where appropriate or seek prior approval for deviation from bidding restrictions – See Sections 2.3.1(b) and Section 2.3.4 of the Guidelines.]*

19. For the avoidance of doubt, you are not obliged to engage only the consultants on the lists given in **Annex [E]** to this letter *[Note to project office: Inclusion of the first Annex as stated in Paragraph 18 above]* for solely undertaking the following services in the contract:

*[insert services]*

The EOI submission for the contract in respect of the subconsultants solely for the above services will be evaluated on an equal basis, whether the subconsultants are on the lists given in **Annex [insert reference]** to this letter *[Note to project office: inclusion of the first Annex as stated in Paragraph 18 above]* or not.

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

*[Note to project office: The above paragraph 19 shall be replaced by paragraphs 20 and 21 below if Section 3.1.1.2(c) of the Guidelines is applicable.]*

20. For the avoidance of doubt, apart from the consulting firms on the lists given in **Annex [E]** *[Note to project office: inclusion of the same Annex as stated in Paragraph 18 above]* to this letter, you can also engage unlisted non-local consultants as **subconsultants** solely for undertaking any of the following sub-consulting services in this contract:

*[insert the sub-consulting services]*

The EOI submission for this contract in respect of the subconsultants solely for the above services will be evaluated on an equal basis, no matter whether the subconsultants are on the lists given in **Annex [E]** *[Note to project office: inclusion of the same Annex as stated in Paragraph 18 above]* to this letter or not.

21. A consultant will be regarded as “non-local consultant” if:

- (i) the consultant is a natural person who, as at the closing date of the EOI submission, is yet to obtain a working visa / entry permit issued by the Director of Immigration to stay in Hong Kong for the purpose of undertaking any of the sub-consulting services set out in paragraph [20]; or
- (ii) the consultant is an entity which is not incorporated in Hong Kong under Companies Ordinance (Cap. 622) on the closing date of the EOI submission; or
- (iii) if the consultant is an unincorporated association or firm whose participating parties or partners are all natural persons described in item (i) above of this paragraph.

In the event that you propose to engage an unlisted non-local subconsultant to perform any of the sub-consulting services listed in paragraph [20], you shall submit declarations signed by each of such proposed subconsultants to declare the subconsultants’ non-local status. **Failure to submit such declarations may lead to invalidation of your EOI submission.** If you still fail to submit such declarations by the given due date after being requested to do so, your submission will be invalidated. A sample declaration letter is attached at **Annex [F]** of this letter.

22. *[Note to project office: insert this paragraph 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 [G]** to this letter *[Note to project office: inclusion of the Annex to this letter – see Section 2.3.1(b)(iii) of the Guidelines.]* for your information. You may consider teaming up with the sub-consulting firms on the list if required for this contract. 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 subconsultants for this contract. The EOI submission for this contract in respect of subconsultants will be evaluated on an equal basis, whether the subconsultants are on the attached non-restrictive list or not. The Government will not be responsible for any liability in respect of your engagement of sub-consulting firms on the attached non-restrictive list.

23. No consultants are permitted to submit more than one EOI submission for the same contract. For the avoidance of doubt, consultants who submit an EOI submission in their own name and an EOI submission in the name of an unincorporated joint venture/partnership (with the consultants concerned as a participant/partner) will be considered as having submitted two EOI submissions. Consultants (these must be consulting firms to be eligible for being considered for this consultant selection exercise) having

linkages to each other, e.g. subsidiaries, parent or sister companies are not allowed to bid on the same contract. Only one firm among such consultants, as the case may be, should be allowed to submit EOI for the contract. In your EOI submission, you are thus required to declare any linkage with other consultants on the list as stated in paragraph [16] of this letter. For the avoidance of doubt, if you have no linkage with any consultants on the above list, you are also required to declare the same in the EOI submission. The existence of a holding-subsidiary relationship shall be determined in accordance with the provisions in Sections 13 to 15 of the Companies Ordinance (Cap 622), “Sister companies” shall mean all companies which are subsidiaries of or otherwise belonging to the same holding company. Consultants having linkages should sort out among themselves before submitting any EOI.

24. For the purpose of this “no linkage” requirement, an academic institution and any separate entities/companies formed by the same academic institution or any of its current staff, or any two of such entities/companies (whether formed by the same staff or not), shall be regarded as “linked”. An academic institution, and all such entities/companies formed by it or any of its current staff (whether by the same staff or not), shall be allowed to submit only one EOI for the same contract. You are also required to declare any such linkage with other consultants on the list as stated in paragraph [16] of this letter, if applicable. For the avoidance of doubt, if you have no linkage with any consultants on the above list, you are also required to declare the same in the EOI submission. An entity/company is regarded as formed by the academic institution or its staff if the latter is a partner/shareholder or a director of the former, whether or not the latter is a founding partner/subscriber when the entity/company was formed. However, the “no linkage” rule does not apply to “linked” consulting firms (including academic institutions) who bid as subconsultants only for any contract.

25. Failure to observe the “no linkage” requirement stated in paragraphs [23] and [24] will **lead to invalidation of your EOI submission and the EOI submission submitted by consultants having linkages with you.**

26. *[Note to project office: include this paragraph if applicable, please refer to the-then SETW’s memo ref (00WNL-02-4) in ETWB(PS) 106/11 dated 6.1.2006 for details.]* The consultant appointed in the early stage of the project is a potential bidder, but all the information which was made available to that consultant and all the advice which the consultant has provided and which is relevant to the procurement of the contract will be equally made available to all potential consultants upon request.

*[Note to project office: The following paragraph 27 shall not be included if Sections 3.1.1.2(a) and/or (b) of the Guidelines are applicable.]*

27. If subconsultants are to be employed, you are required to complete the table in **Annex [J]** to this letter indicating, if any, the name of each proposed subconsultant, the scope of sub-consulting services to be undertaken by each listed and unlisted subconsultant to be employed, the relevant listed Service Category or discipline for which each subconsultant is to be employed and the corresponding list maintained and published by the Government. If your proposed subconsultant 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 on which the date such application is made in the table. These items of information are collectively referred to in this paragraph as “the subconsultants’ information”. **Failure to submit any item of the subconsultants’ information, which makes the compliance check with the bidding restrictions as set out in Annex [D] to this letter in the respect of engagement of subconsultants unable to be conducted will lead to invalidation of your EOI submission.** If you have any enquiry about completing the table on whether the sub-consulting service to be undertaken by a subconsultant is within the scope of a particular listed Service Category or discipline and would like to seek clarification, you must submit your enquiry via the e-TS(CS) or other means as agreed by the *Employer* before **12 noon on [insert day], [insert date]** *[Note*

*to project office: 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 entertained. [*Note to project office: inclusion of this Annex as an Annex to this letter.*]

28. You should indicate in your staffing proposal which of the proposed staff are *key people* (the term “*key people*” in this letter (including the Annexes and enclosures thereto) shall, for the purposes of construing DEVB TC(W) Nos. 2/2016 and 5/2018 and their subsequent updates (if any) and AACSB/EACSB\* Handbook as amended from time to time, bear the same meaning as “Core Personnel” and “core personnel” in those documents) and the employment status (i.e. fulltime or not) at the time of bidding of each and every *key people* to be deployed by you or your subconsultants in the contract. You should also indicate which *key people* will undertake the designations of the Project Manager, the Project Director and the [three] Team Leader(s) [*Note to project office: 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 subconsultants) to confirm their involvement in the event that you are awarded the contract.

29. [*Note to project office: for agreements that are administered by works departments and exceeding the Quotation Limit in SPR 220, this paragraph and inclusion of Annex on Requirements of ISO 9000 Certification as an Annex to this letter are mandatory.*] The requirements for ISO 9000 certification are set out at **Annex [K]** to this letter.

30. [*Note to project office: insert this paragraph if applicable.*] Please note that this invitation is made before the necessary funds for the consultancy have been approved. The Government reserves the right to cancel this consultant selection exercise for not having the necessary funds approved or for any other reason, in which case you will accordingly be notified. It should be noted that the Government will not be responsible for the reimbursement of any cost incurred by you for the preparation of the submission.

31. Notwithstanding anything to the contrary in this invitation, the Government reserves the right to remove a consultant from the shortlisting exercise on the grounds that the consultant, or any of the consultants of the joint venture in the case of submission made by a joint venture, has engaged, is engaging, or is reasonably believed to have engaged or be engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security, or otherwise the removal is necessary in the interest of national security, or is necessary to protect the public interest of Hong Kong, public morals, public order or public safety.

32. Neither you nor any of your directors, employees, agents and subconsultants shall offer or give any advantage, gratuity, bonus, discount, bribe or loan of any sort to any agent or employee of the Employer in **connection** with this shortlisting exercise.

33. You are required to submit a **Digitally Signed** and witnessed undertaking on anti-collusion at **Annex [M]**. **Failure to comply with this paragraph may lead to invalidation of your EOI submission.** If you still fail to submit the Digitally Signed and witnessed undertaking by the given due date after being requested to do so, your submission will be invalidated.

34. Any breach of or non-compliance with paragraph [32] and/or the anti-collusion undertaking shall result in:

- (i) invalidation of your submission; or

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

(ii) removal from the list of shortlisted consultants if shortlisted.

35. By submitting your submission, you undertake to indemnify and keep indemnified the *Employer* against all losses, damages, costs and expenses arising out of or in relation to any breach of or non-compliance with paragraph [32] and/or the anti-collusion undertaking.

36. The rights of the *Employer* under paragraph [34] and [35] are in addition to and without prejudice to any other rights or remedies it has or may have against you.

37. Please note that documents of unsuccessful consultants will be destroyed three months after the date the contract has been awarded and signed.

38. The following Annexes are included with this letter:

Annex [A]	Licence Conditions for Electronic Invitation Package (EIP)
Annex [B]	Requirements for Submission in Electronic Format
Annex [C]	List of consultants invited for Technical and Fee Proposals
Annex [D]	Bidding Restrictions
Annex [E]	Listed Service Category or Service Discipline Having a List of Consultants Maintained and Published by the Government
Annex [F]	Sample Declaration Letter on “Non-local” Status
Annex [G]	List of sub-consulting firms for undertaking sub-consulting service not under the listed Service Category maintained by EACSB or any discipline having a list of consultants maintained and published by the Government
Annex [J]	Table of Listed and Unlisted Subconsultants and Scope of Sub-consulting Services to be undertaken
Annex [K]	Requirements of ISO 9000 Certification
Annex [M]	Sample Declaration Letter on Anti-Collusion Undertaking

39. In order to facilitate submission of tenders via e-TS(CS), the Government will set up a **help kiosk** with notebook computers and system support personnel at Room 1820, 18/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong for your use on the submission closing date (from 9 am to 12 noon). You may also make use of the help kiosk by appointment by giving one day’s advance notice to the *Employer* via telephone no. [insert number]. The Government does not warrant the availability of the help kiosk or the accuracy, timeliness, usefulness and/or completeness of the service provided by the help kiosk. For **enquiries** on the use of the e-TS(CS), please contact our helpdesk hotline at 3997 1844, which is available from 9 am to 6 pm, Monday to Friday, excluding public holidays.

40. If you require further details, please contact [insert name and post] at telephone [insert number].

41. Please acknowledge receipt of the invitation documents including this letter and the Annexes by clicking the acknowledgement check box in the e-TS(CS) notwithstanding whether you make EOI submission.

Yours faithfully,

( )

cc.

Secretary, EACSB - w/o encl.

Secretary, DCSC - w/o encl. [*insert if applicable*]

*Note - This sample letter should be modified where necessary to suit the circumstances in accordance with the details set out in the relevant Technical Circulars or circular memoranda, e.g. the open invitation for expression of interest, pairing of consultant selection exercises, etc. If it is intended that the past performance of sub-consultants should be one of the assessment criteria in the assessment of Technical Proposals at the next stage, the longlisted and interested consultants should be so informed in this letter, and the relevant practices as set out in Section 3.5.2 of the EACSB Handbook should have been followed prior to this invitation.*



**Sample Letter for Invitation of Technical and Fee Proposals**  
**(For Two-stage Consultants Selection)**  
**[for NEC3]**

Dear Sirs,

*[insert agreement no. & title]*

**Invitation of Technical and Fee Proposals**

1. I am pleased to invite you to submit Technical and Fee Proposals (“**T&F Proposals**”) for bidding for Agreement No. *[insert agreement no.]* “*[insert agreement title]*”. Please note that submissions are being invited on a non-commitment basis.

2. The documents listed below are contained in an Electronic Invitation Package (“**EIP**”) which can be downloaded from the e-Tendering System (Works Consultancy Services) (“**e-TS(CS)**”) via this link *[insert hyperlink]*:

- (i) This covering letter (with Annexes *[A]* to *[M]*);
- (ii) Memorandum of Agreement and its Schedule;
- (iii) *additional conditions of contract*;
- (iv) Schedule of Resident Site Staff Standards and Duties (if any);
- (v) Contract Data Part one;
- (vi) Proforma for Contract Data Part two (Sections 1 and 2);
- (vii) Proforma for Activity Schedule;
- (viii) Scope;
- (ix) Guidelines on Preparation of Technical Proposal;
- (x) Guidelines on Preparation of Fee Proposal;
- (xi) Proforma for Annexes A to E of Fee Proposal;
- (xii) List of Participating Consultants and Subconsultants;
- (xiii) Manning schedule template;
- (xiv) Personal information collection statement; and
- (xv) Other documents (please state).

*[Note to project office: Amend the above list as appropriate.]*

3. You must register an account on the e-TS(CS) before you can download the EIP from the e-TS(CS). By registering an account on the e-TS(CS) and downloading the EIP, you are deemed to have accepted the Terms and Conditions of Use and Participation and the user manual of the e-TS(CS) (available at *[insert hyperlink]*) and the Licence Conditions for the EIP in **Annex *[A]*** to this letter.

4. You must submit your T&F Proposals **in electronic format via e-TS(CS)**. Your attention is further drawn to the following requirements on submitting the T&F Proposals electronically:

- (i) Except as provided in sub-paragraph (ii) below, you must submit your T&F Proposals via a valid account or sub-account in the e-TS(CS) under your own name;
- (ii) In the case you submit your T&F Proposals in the form of an unincorporated joint

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

venture, your T&F Proposals must be submitted via a valid account or sub-account in the e-TS(CS) under the name of **one** participant to the joint venture. If your T&F Proposals are submitted via the accounts or sub-accounts of multiple participants, only the submissions made by the participant whose date and time of its first submission to the e-TS(CS) is the earliest amongst all participants will be considered. Files submitted by any other participant will be discarded without opening;

- (iii) All files in your T&F Proposals must comply with the “**Requirements for Submission in Electronic Format**” in Annex [B] to this letter;
- (iv) Your Technical Proposal must be uploaded under the “Upload Technical Proposal” Section of the e-TS(CS). Any part of the Technical Proposal uploaded under the “Upload Fee Proposal” Section of e-TS(CS) will **result in such part of the Technical Proposal being discarded and not be considered**;
- (v) Your Fee Proposal must be uploaded under the “Upload Fee Proposal” Section of the e-TS(CS). **Failure to upload the Fee Proposal under the “Upload Fee Proposal” Section shall render your T&F Proposals non-conforming**; and
- (vi) The term “**Digitally Signed**”, in relation to a file, means that such file is Digitally Signed as more particularly required under paragraph 4 of the “**Requirements for Submission in Electronic Format**” in Annex [B] to this letter. Without prejudice to other requirements in this letter, if a file is required to be Digitally Signed pursuant to this letter, **the digital signature for that file must comply with the above mentioned requirements. Failure to comply will result in the relevant file being discarded and not be considered**.

*[Note to project office: Paragraphs 4A, 4B and 4C allow bidders to submit optional hard copies. This arrangement applies to all invitations until further notice.]*

4A. In addition to your electronic submission, you may opt to submit the T&F Proposals in hard copy as well. **Submission in hard copy is optional.** If you opt to submit hard copy T&F Proposals in addition to electronic submission, the submission in hard copy must comply with the conditions as stipulated in the “**Requirements for Submission of T&F Proposals in Hard Copy**” in Annex [B1] to this letter. For the purpose of the hard copy submission:

- (i) If a file is required to be Digitally Signed pursuant to this letter, such requirement is deemed to have been complied with if its hard copy has been duly signed by a person authorized to sign Government contracts on your behalf (or, in the case of an unincorporated joint venture, by a person authorized to sign Government contracts on each participants’ behalf); and
- (ii) If the signing of a file is required to be witnessed, such requirement is deemed to have been complied with if the witness has signed on its hard copy in the capacity of witness.

4B. The hard copy submission will not be opened or used except in the following circumstances:

- (i) a file submitted via the e-TS(CS) cannot be opened; or

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- (ii) a file submitted via the e-TS(CS) is contaminated with computer virus.

**In such event, the file submitted via the e-TS(CS) will be discarded and not be considered.** Without prejudice to other requirements in this letter, the *Employer* **may use the hard copy of the relevant file submitted**, if available, to evaluate your T&F Proposals if it considers that your action of submitting a file that cannot be opened or is contaminated with computer virus is not intentional. For the avoidance of doubt, even if it is permissible under other paragraphs of this letter for the *Employer* to invite you to re-submit the relevant file after close of submission, **the Employer shall resort to the hard copy submission first**.

4C. In case the hard copy of a relevant file is used for evaluation of your T&F Proposals:

- (i) If the relevant file is an essential submission under paragraph [11], its hard copy must be submitted on or before the original date set for the close of submission or if this has been extended, the extended date. **Failure to do so will render your T&F Proposals invalidated**.
- (ii) If the relevant file is required to be Digitally Signed but does not satisfy paragraph [4A(i)] above, without prejudice to other requirements, such document shall be discarded and not further considered.

For the avoidance of doubt, for the parts of the hard copy submission which are not used for evaluating your T&F Proposals, it is not necessary to check whether they have complied with any requirements stipulated, whether essential or not.

5. In case you wish to replace or supplement any file or a part of a file in your submitted T&F Proposals, you must do so by re-submitting the **entire** Technical Proposal and / or Fee Proposal. Your attention is drawn to the followings:

- (i) All resubmitted files must comply with the requirements set out in paragraph [4] above;
- (ii) In case there are more than one submissions under the “Upload Technical Proposal” Section” or the “Upload Fee Proposal” Section, the latest submission in that Section shall prevail and all previous submissions in that Section will not be opened or considered.

*[Note to project office: Paragraphs 5A allows bidders to submit optional hard copies. This arrangement applies to all invitations until further notice.]*

5A. In the event you opt to submit an optional hard copy T&F Proposals in addition to electronic submission and wish to replace or supplement any part of it after you have deposited it, attention in writing may be drawn to an amendment submitted, provided that the amendment shall have been deposited before the close of submission.

6. If you wish to be considered for possible appointment to undertake this contract, you should submit your T&F Proposals by **12 noon on Friday, [insert date]**. Your T&F Proposals must be submitted in accordance with paragraph [4] above before the close of submission. **Late submission will not be considered.**

7. The close of submission may be extended under the following circumstances:

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Project office to ensure the consistency of reference

- (i) If tropical cyclone signal No. 8 or above, or a black rainstorm warning signal is hoisted or if “extreme conditions after super typhoons” announced by the Government is in force between 9 am and 12 noon on the date set for the close of submission, the close of submission will be extended to 12 noon on the first working day after the tropical cyclone signal No. 8 is lowered, or the black rainstorm warning signal or the “extreme conditions after super typhoons” announced by the Government has/have ceased to be in force. Saturday is not counted as a working day. The announcements on “extreme conditions after super typhoons” will be made via **press releases website** of the Information Services Department (<http://www.info.gov.hk/gia/general/today.htm>); or
- (ii) If there is any other reason which in the Government’s view shall affect the close of submission, the *Employer* will notify you the extension of the close of submission **via the e-TS(CS) and/or emails**.
8. The *Employer* may at its sole discretion decide whether to notify you of any invalidation of your T&F Proposals for any reason(s) after the completion of this consultant selection exercise where appropriate.
9. In determining the date and time on which a file is submitted via the e-TS(CS), the submission end time generated automatically by the e-TS(CS) which specifies when the transmission of the file through the e-TS(CS) was completed, shall be final and binding. Save for the aforesaid, any text, notice or message that appears on the e-TS(CS) which displays any date, time, time zone or time remaining for any tender submission to be filed, is for reference only and shall not be relied on by the consultant.
10. Your submission should be concise and accurate and should comply with the conditions as stipulated in the **Guidelines on Preparation of Technical Proposal** and the **Guidelines on Preparation of Fee Proposal**. Your attention is also drawn to the “Correction Rules for Tender Errors in Fee Proposal” in the Guidelines on Preparation of Fee Proposal. Your submission should comply with the following conditions:
- (i) Each consultant must provide information in the Technical Proposal on the manpower input for this contract. You are therefore required to state your proposed total manpower input under [six] categories of staff<sup>1</sup>, [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 staff proposed in the Technical Proposal. **However, you should not provide any information in the Technical Proposal on prices or rates.** If there is any difference between your proposed total manpower input in the Technical Proposal and the total manpower input calculated from the monthly breakdown in the manning schedule, the total manpower input calculated from the monthly breakdown in the manning schedule shall prevail. We will seek confirmation from you to abide by the bid with the corrected total manpower input for bid assessment purpose and for management of the *Consultant* upon award of this contract. **If you fail to confirm your agreement to abide by the bid with the total manpower input so corrected**

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<sup>1</sup> The qualification and experience requirements are attached at Contract Data Part one included in EIP. Only the qualification and experience obtained by the proposed staff on or before the date set for the close of submission shall be counted.

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

**in writing by a specified deadline, your T&F Proposals will be invalidated.**

- (ii) In addition, you are required to give a manning schedule (with adjusted staff rates and prices) in the Fee Proposal. The manning schedule (with adjusted staff rates and prices) must be included in the Fee Proposal only and not in the Technical Proposal.
- (iii) The tendered total of the Prices in the Contract Data Part two (Section 2) shall be equal to the total of the prices for all phases in the summary breakdown of the tendered total of the Prices in the Fee Proposal. The information/data, in particular, the manpower input in the Fee Proposal, shall tally with the Technical Proposal. Any discrepancy found in tendered total of the Prices shall be corrected according to the “Correction Rules for Tender Errors in Fee Proposal” in the Guidelines on Preparation of Fee Proposal.
- (iv) The *staff rates* [calculated in accordance with / stated in]\* the Contract Data Part two (Section 2) could be different from the adjusted staff rates indicated in the manning schedule at sub-paragraph (ii) of this paragraph.

11. **The following documents are essential submissions.** Failure to submit any of the following documents with your T&F Proposals on or before the date set for close of submission or, if this has been extended, the extended date **shall render your T&F Proposals non-conforming:**

- (i) Contract Data Part two (Section 2)
- (ii) Proforma of Activity Schedule

12. **The following requirements are essential requirements.** Failure to comply with any of these requirements on or before the date set for close of submission or, if this has been extended, the extended date **shall render your T&F Proposals non-conforming:**

- (i) The essential submissions required in paragraphs [11](i) and (ii) above must be Digitally Signed;
- (ii) Your Fee Proposal must be uploaded under the “Upload Fee Proposal” Section of the e-TS(CS);
- (iii) The tendered total of the Prices must be stated in Contract Data Part two (Section 2);
- (iv) Only ONE [percentage adjustment factor (for Option A) / staff rate (for Option C)] shall be inserted for each staff category specified in Contract Data Part two (Section 2);
- (v) Only ONE rate shall be inserted for each collective rank of the “RSS on-cost rates” specified in Contract Data Part two (Section 2) [*Note to project office: Optional. only applicable for consultancies with construction stage*]; and
- (vi) The Technical Proposal must not contain any indication of prices or rates.

13. 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

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

manpower input contained in your T&F Proposals for this contract will be input into the PWCRAR. By submission of the T&F Proposals, 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 T&F Proposals and/or contained in any of your submissions to the *Employer* for other consultancies awarded to you or your subconsultants for purpose of tender assessment for this contract which is in connection with you, your subconsultants or staff employed.

14. You are required to confirm that you agree to abide by your T&F Proposals for a period of [ninety (90)] [*Project office may set a longer validity period, depending on the nature and complexity of the consultancy agreement*] days from the due date for submission of T&F Proposals and it shall remain binding upon you and may be accepted at any time before the expiration of that period.

15. Your attention is drawn to the **bidding restrictions** set out in **Annex [D]** to this letter. [*Note to project office: inclusion of the Annex to this letter.*]

[*Note to project office: The following paragraph 16 shall **not** be included if Sections 3.1.1.2(a) and/or (b) of the Guidelines attached to DEVB TC(W) No. 5/2018 (the “Guidelines”) are applicable.*]

16. If you propose to engage subconsultants for this contract 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 [E]** to this letter [*Note to project office: inclusion of the Annex to this letter.*], you must ensure that the subconsultants concerned have complied with bidding restrictions as set out in **Annex [D]** to this letter [*Note to project office: the same Annex as stated in paragraph 15 above.*]. **Failure to comply with this requirement will lead to invalidation of your T&F Proposals.**

[*Note to project office:  
The following paragraph 17 shall **not** be included if Sections 3.1.1.2(a) and/or (b) of the Guidelines are applicable.*]

*The following paragraph 17 can be inserted (i) when the contract comprises services outside the listed Service Categories or service disciplines and the procuring department considers that the consultants may propose in the submission to engage subconsultants for undertaking such services, and/or (ii) when the procuring departments would like the consultants to engage subconsultants with specialized knowledge, non-local experience and/or providing expert/innovative input, etc. Before inserting this paragraph, the procuring department shall check with the list management departments where appropriate or seek prior approval for deviation from bidding restrictions – See Sections 2.3.1(b) and Section 2.3.4 of the Guidelines.]*

17. For the avoidance of doubt, you are not obliged to engage only the consulting firms on the lists given in **Annex [E]** to this letter for solely undertaking the following services in this contract: [*insert services*]

The T&F Proposals for this contract in respect of the subconsultants solely for the above services will be evaluated on an equal basis, whether the subconsultants are on the lists given in **Annex [E]** to this letter or not.

[*Note to project office: The above paragraph 17 shall be replaced by paragraphs 17A and 17B below if Section 3.1.1.2(c) of the Guidelines is applicable.*]

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

17A. For the avoidance of doubt, apart from the consulting firms on the lists given in **Annex [E]** to this letter, you can also engage unlisted non-local consultants as subconsultants solely for undertaking any of the following sub-consulting services in this contract:

*[insert the sub-consulting services]*

The T&F Proposals for this contract in respect of the subconsultants solely for the above services will be evaluated on an equal basis, no matter whether the subconsultants are on the lists given in **Annex [E]** to this letter or not.

17B. A consultant will be regarded as “non-local consultant” if:

- (i) the consultant is a natural person who, as at the closing date of the submission of T&F Proposals, is yet to obtain a working visa / entry permit issued by the Director of Immigration to stay in Hong Kong for the purpose of undertaking any of the sub-consulting services set out in paragraph [17A]; or
- (ii) the consultant is an entity which is not incorporated in Hong Kong under Companies Ordinance (Cap. 622) on the closing date of the submission of T&F Proposals; or
- (iii) if the consultant is an unincorporated association or firm whose participating parties or partners are all natural persons described in item (i) above of this paragraph.

In the event that you propose to engage an unlisted non-local subconsultant to perform any of the sub-consulting services listed in paragraph [17A], you shall submit declarations signed by each of such proposed subconsultants to declare the subconsultant’s non-local status. **Failure to submit such declarations may lead to invalidation of your T&F Proposals.** If you still fail to submit such declarations by the given due date after being requested to do so, your submission will be invalidated. A sample declaration letter is attached at **Annex [F]** of this letter.

18. The name of the consultant awarded this contract, the combined score and technical score awarded to each bidder, together with the tendered total of the Prices, adjusted notional value for compensation events, [notional RSS on-cost charges][*insert if applicable*], fee quality score, and manpower input proposed by each bidder where appropriate, will be made known to those, and only those, consultants making submissions and of which their T&F Proposals have been completely assessed in the combined score assessment after the completion of this consultant selection exercise. You will be deemed to agree to the disclosure of the above-mentioned information of your bid to the other relevant bidders. I would also like to draw your particular attention to the requirements stipulated in Clause B11 of the *additional conditions of contract* regarding the disclosure of amount payable to the *Consultant* awarded this contract.

19. In the case of a submission in the joint name of two or more consultants, documentary proof of formal association for the purpose of undertaking this contract should be provided at the same time. Similar proof of agreement with firms, organizations or individuals who will act as your subconsultants should also be submitted. The term “Subconsultants” or “subconsultants” should include all individual academic institutions, specialists, advisors, experts and the like proposed to be externally engaged to Provide the Services under this contract, and all references to “Subconsultants” or “subconsultants” 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 Subconsultants shall be regarded as your own staff for the purpose of tender assessment, including the overloading checking of manpower input, for this contract.

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

20. A list of the names of all the shortlisted consultants and their subconsultants involved in this consultant selection exercise that have been submitted by individual consultants is enclosed at **Annex [H]** of this letter for your information. You are required to verify the list of your subconsultants and ensure its completeness. If you wish to change the list of your subconsultant(s), whether by way of addition, replacement, removal or otherwise, you must send your notification via the e-TS(CS) before 12:00 noon, *[insert date]* *[Note to project office: Procuring department should specify the exact date here, say at least five working days before the deadline for submission of the Technical and Fee Proposals]*. The proposed change of your subconsultant(s) will be assessed to see if your shortlist status will be adversely affected, and the Government is not obliged to accept any proposed change. Where appropriate and practicable, all the shortlisted consultants will be provided an updated list of the shortlisted consultants and their subconsultants (with the accepted change(s)) before the submission deadline as far as possible. **Late notification of the proposed change of your subconsultant(s) may result in invalidation of your T&F Proposals because it may deprive the Assessment Panel of a proper chance to review how the proposed change will affect your shortlist status before the submission deadline.**

21. You are required to submit declaration for consultant's resident status with your submission. Please refer to **Annex [I]** to this letter for the provisions of retention of money payable to non-resident consultant for settlement of profits tax.

22. The Government has no objection:

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

PROVIDED that:

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

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



23. You are reminded of Government's policy on competitive selection. The Fee Proposal submitted should be your best price determined without reference to any other shortlisted consultants. **Failure to observe this condition will lead to invalidation of your T&F Proposals.**

24. Subject to the Government's right to reject bids which are considered to have been priced unreasonably low, the selection of consultants will be determined on the basis of a combined score assessment of T&F Proposals in accordance with Development Bureau (DEVB) Technical Circular (Works) (TC(W)) No. 2/2016 and No. 5/2018 and their subsequent updates (if any). Your T&F Proposals will be construed as a bid for this contract and, unless under very special circumstances, there will be no fee negotiations.

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

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

27. You should indicate in your staffing proposal which of the proposed staff are *key people* (the term "*key people*" in this letter (including the Annexes and enclosures thereto) shall, for the purposes of construing DEVB TC(W) No. 2/2016 and No. 5/2018 and their subsequent updates (if any) and AACSB/EACSB\* Handbook as amended from time to time, bear the same meaning as "Core Personnel" and "core personnel" in those documents) and the employment status (i.e. fulltime or not) at the time of bidding of each and every *key people* to be deployed by you or your subconsultants in this contract. You should also indicate which *key people* will undertake the designations of the Project Manager, the Project Director and the [three] Team Leader(s) [*Project office to amend the number where appropriate to align with the Guidelines on Preparation of Technical Proposal.*] as required in the Guidelines on Preparation of Technical Proposal. You should produce undertaking signed by all non-fulltime *key people* (of yourself or your subconsultants) to confirm their involvement in the event that you are awarded this contract.

\* Delete as appropriate

28. The documents listed in Clause [*insert reference*] of the Scope are considered necessary for the implementation of this contract. [*Note to project office: Include the sentence in square brackets if applicable, reference made to the then SETW's memo ref (00WNL-02-4) in ETWB(PS) 106/11 dated 6.1.2006 for details: The consultant appointed in the early stage consultancy is one of the shortlisted consultants, but all the information which was made available to that consultant and all the advice which the consultant has provided and which is relevant to the procurement of this contract will be equally made available to all shortlisted consultants upon request.*] You may request to see the documents during the preparation of the submissions. Any documents which are on sale should be purchased by you.

29. [*Note to project office: Include this paragraph if RSS will be employed.*] You are reminded that relevant sections of the Management Handbook for Direct Employment of Resident Site Staff by Consultants for Public Works Projects promulgated by the Development Bureau (Works Branch) or equivalent will form parts of the additional *conditions of contract* and the Scope of this contract. This Handbook can be found in the link below:

[https://www.devb.gov.hk/en/publications\\_and\\_press\\_releases/publications/standard\\_consultancy\\_document/index.html](https://www.devb.gov.hk/en/publications_and_press_releases/publications/standard_consultancy_document/index.html)

30. Documents of unsuccessful consulting firms will be destroyed three months after the date

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

of execution of the Memorandum of Agreement for this contract.

*[Note to project office: The following paragraph 31 shall not be included if Sections 3.1.1.2(a) and/or (b) of the Guidelines are applicable.]*

31. If subconsultants are to be employed, you are required to complete the table attached in **Annex [J]** to this letter indicating, if any, the name of each proposed subconsultant, the scope of sub-consulting services to be undertaken by each listed and unlisted subconsultant to be employed, the relevant listed Service Category or discipline for which each subconsultant is to be employed and the corresponding list maintained and published by the Government (these items of information are collectively referred to in this paragraph as “the subconsultants’ information”). **Failure to submit any item of the subconsultants’ information in the Technical Proposal, which makes the compliance check with the bidding restrictions as set out in Annex [D] to this letter in the respect of engagement of subconsultants unable to be conducted will lead to invalidation of your T&F Proposals.** If you have any enquiry on completing the table on whether the sub-consulting service to be undertaken by a subconsultant is within the scope of a particular listed Service Category or discipline and would like to seek clarification, you must submit your enquiry via the e-TS(CS) or other means as agreed by the *Employer* before 12:00 noon, *[insert day]*, *[insert date]*. *[Project office should specify the exact date here, preferably same as the deadline of provision of list of queries for pre-submission meeting.]* The enquiry shall be sufficiently specific to facilitate the preparation of clarification. Late enquiry will not be entertained.

32. [Please note that this invitation is made before the necessary funds for this contract have been approved. The Government reserves the right to cancel this consultant selection exercise for not having the necessary funds approved or for any other reason, in which case you will accordingly be notified.] *[Note to project office: Include the sentence in square brackets if applicable.]* It should be noted that the Government will not be responsible for the reimbursement of any cost incurred by you for the preparation of the submission.

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

34. Notwithstanding anything to the contrary in this invitation, the Government reserves the right to remove a consultant from the bidding exercise on the grounds that the consultant, or any of the consultants of the joint venture in the case of submission made by a joint venture, has engaged, is engaging, or is reasonably believed to have engaged or be engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security, or otherwise the removal is necessary in the interest of national security, or is necessary to protect the public interest of Hong Kong, public morals, public order or public safety.

***[Paragraph 35 shall not be included for consultancies where the letter in Annex H has already been submitted by all consultants during the EOI stage.]***

35. You shall submit a Digitally Signed and witnessed confirmation for compliance with national security in the form set out in **Annex [L]** attached to this letter. For the avoidance of doubt, the said letter must be Digitally Signed by both you and your witness, save that your witness does not have to be a person authorised to sign Government contracts on your behalf. *[Note to project office: inclusion of the Annex to this letter is mandatory.]* **Failure to comply with this paragraph may lead to invalidation of your submission.** If you still fail to submit the Digitally

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference



Signed and witnessed confirmation by the given due date after being requested to do so, your submission will be invalidated.

36. Neither you nor any of your directors, employees, agents and Subconsultants shall offer or give any advantage, gratuity, bonus, discount, bribe or loan of any sort to any agent or employee of the *Employer* in connection with this consultant selection exercise.

37. You are required to submit a Digitally Signed and witnessed undertaking on anti-collusion at Annex [M]. **Failure to comply with this paragraph may lead to invalidation of your submission.** If you still fail to submit the Digitally Signed and witnessed undertaking by the given due date after being requested to do so, your submission will be invalidated.

38. Any breach of or non-compliance with paragraph [36] and/or the anti-collusion undertaking shall result in invalidation of your submission.

39. By submitting your submission, you undertake to indemnify and keep indemnified the *Employer* against all losses, damages, costs and expenses arising out of or in relation to any breach of or non-compliance with paragraph [36] and/or the anti-collusion undertaking.

40. The rights of the *Employer* under paragraphs [38] and [39] are in addition to and without prejudice to any other rights or remedies it has or may have against you.

41. To resolve queries and to ensure that the shortlisted consultants are fully aware of the requirements of this contract, and of the requirements for the T&F Proposals, a pre-submission meeting is scheduled as follows: *[insert details of the pre-submission meeting below]*

Date:

Time:

Venue:

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

43. Please note that the Scope and the Proforma for Activity Schedule will be finalized following the pre-submission meeting. I will then write to you again providing you with the finalized documents after the pre-submission meeting.

44. In order to facilitate submission of tenders via e-TS(CS), the Government will set up a **help kiosk** with notebook computers and system support personnel at Room 1820, 18/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong for your use on the submission closing date (from 9 am to 12 noon). You may also make use of the help kiosk by appointment by giving one day's advance notice to the *Employer* via telephone no. *[insert number]*. The Government does not warrant the availability of the help kiosk or the accuracy, timeliness, usefulness and/or completeness of the service provided by the help kiosk. For **enquiries** on the use of the e-TS(CS), please contact our helpdesk hotline at 3997 1844, which is available from 9 am to 6 pm, Monday to Friday, excluding public holidays.

45. The following Annexes are included with this letter:

Annex [A]      Licence Conditions for Electronic Invitation Package (EIP)

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

Annex [B]	Requirements for Submission in Electronic Format
Annex [B1]	Requirements for Submission of T&F Proposals in Hard Copy
Annex [D]	Bidding Restrictions
Annex [E]	Listed Service Category or Service Discipline Having a List of Consultants Maintained and Published by the Government
Annex [F]	Sample Declaration Letter on “Non-local” Status
Annex [H]	List of Shortlisted Consultants and Their Subconsultants
Annex [I]	Retention Money Payable to Non-resident Consultant for Settlement of Profits Tax
Appendix to Annex [I]	Sample Declaration Letter
Annex [J]	Table of Listed and Unlisted Subconsultants and Scope of Subconsulting Services to be undertaken
Annex [L]	Letter of Confirmation for Compliance with National Security
Annex [M]	Sample Declaration Letter on Anti-Collusion Undertaking

*[Note to project office: Annex B1 allows bidders to submit optional hard copies. This arrangement applies to all invitations until further notice.]*

46. If you require further details, please contact [*insert name and post*] at telephone [*insert number*].

47. Please acknowledge receipt of the invitation documents including this letter and the Annexes by clicking the acknowledgement check box in the e-TS(CS) notwithstanding whether you make submission of proposals.

Yours faithfully,

( )

**Encl.**

c.c.

Secretary, AACSB/EACSB\* – with the Contract Data Part two (Sections 1 and 2) together with the names of all the shortlisted consultants and their subconsultants

Secretary, DCSC – with the Contract Data Part two (Sections 1 and 2) together with the names of all the shortlisted consultants and their subconsultants [*Note to project office: Insert if applicable*]

*[Note to project office: Relevant requirements of the DEVB TC(W) and circular memoranda should also be incorporated as appropriate.]*

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

**Sample Letter for Invitation of Technical and Fee Proposals**  
**(For One-stage Consultants Selection)**  
**[for NEC3]**

Dear Sirs,

*[insert agreement no. & title]*

**Invitation of Technical and Fee Proposals**

1. I am pleased to invite you to submit Technical and Fee Proposals (“**T&F Proposals**”) for bidding for Agreement No. *[insert agreement no.]* “*[insert agreement title]*”. Please note that submissions are being invited on a non-commitment basis.

2. The documents listed below are contained in an Electronic Invitation Package (“**EIP**”) which can be downloaded from the e-Tendering System (Works Consultancy Services) (“**e-TS(CS)**”) via this link *[insert hyperlink]*:

- (i) This covering letter (with Annexes *[A]* to *[M]*);
- (ii) Memorandum of Agreement and its Schedule;
- (iii) *additional conditions of contract*;
- (iv) Schedule of Resident Site Staff Standards and Duties (if any);
- (v) Contract Data Part one;
- (vi) Proforma for Contract Data Part two (Sections 1 and 2);
- (vii) Proforma for Activity Schedule;
- (viii) Scope;
- (ix) Guidelines on Preparation of Technical Proposal;
- (x) Guidelines on Preparation of Fee Proposal;
- (xi) Proforma for Annexes A to E of Fee Proposal;
- (xii) Initial List of Consultants Approached for this contract;
- (xiii) Manning schedule template;
- (xiv) Personal information collection statement; and
- (xv) Other documents (please state).

*[Note to project office: Amend the above list as appropriate.]*

3. You must register an account on the e-TS(CS) before you can download the EIP from the e-TS(CS). By registering an account on the e-TS(CS) and downloading the EIP, you are deemed to have accepted the Terms and Conditions of Use and Participation and the user manual of the e-TS(CS) (available at *[insert hyperlink]*) and the Licence Conditions for the EIP in **Annex [A]** to this letter.

4. You **must submit** your T&F Proposals **in electronic format via e-TS(CS)**. Your attention is further drawn to the following requirements on submitting the T&F Proposals electronically:

- (i) Except as provided in sub-paragraph (ii) below, you must submit your T&F Proposals via a valid account or sub-account in the e-TS(CS) under your own name;

\* Delete/amend as appropriate  
 Project office to ensure the consistency of reference

- (ii) In the case you submit your T&F Proposals in the form of an unincorporated joint venture, your T&F Proposals must be submitted via a valid account or sub-account in the e-TS(CS) under the name of **one** participant to the joint venture. If your T&F Proposals are submitted via the accounts or sub-accounts of multiple participants, only the submissions made by the participant whose date and time of its first submission to the e-TS(CS) is the earliest amongst all participants will be considered. Files submitted by any other participant will be discarded without opening;
- (iii) All files in your T&F Proposals must comply with the “**Requirements for Submission in Electronic Format**” in Annex [B] to this letter;
- (iv) Your Technical Proposal must be uploaded under the “Upload Technical Proposal” Section of the e-TS(CS). Any part of the Technical Proposal uploaded under the “Upload Fee Proposal” Section of e-TS(CS) will **result in such part of the Technical Proposal being discarded and not be considered**;
- (v) Your Fee Proposal must be uploaded under the “Upload Fee Proposal” Section of the e-TS(CS). **Failure to upload the Fee Proposal under the “Upload Fee Proposal” Section shall render your T&F Proposals non-conforming**; and
- (vi) The term “**Digitally Signed**”, in relation to a file, means that such file is Digitally Signed as more particularly required under paragraph 4 of the “**Requirements for Submission in Electronic Format**” in Annex [B] to this letter. Without prejudice to other requirements in this letter, if a file is required to be Digitally Signed pursuant to this letter, **the digital signature for that file must comply with the above mentioned requirements. Failure to comply will result in the relevant file being discarded and not be considered**.

*[Note to project office: Paragraphs 4A, 4B and 4C allow bidders to submit optional hard copies. This arrangement applies to all invitations until further notice.]*

4A. In addition to your electronic submission, you may opt to submit the T&F Proposals in hard copy as well. **Submission in hard copy is optional.** If you opt to submit hard copy T&F Proposals in addition to electronic submission, the submission in hard copy must comply with the conditions as stipulated in the “**Requirements for Submission of T&F Proposals in Hard Copy**” in Annex [B1] to this letter. For the purpose of the hard copy submission:

- (i) If a file is required to be Digitally Signed pursuant to this letter, such requirement is deemed to have been complied with if its hard copy has been duly signed by a person authorized to sign Government contracts on your behalf (or, in the case of an unincorporated joint venture, by a person authorized to sign Government contracts on each participants’ behalf); and
- (ii) If the signing of a file is required to be witnessed, such requirement is deemed to have been complied with if the witness has signed on its hard copy in the capacity of witness.

4B. The hard copy submission will not be opened or used except in the following circumstances:

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Project office to ensure the consistency of reference

- (i) a file submitted via the e-TS(CS) cannot be opened; or
- (ii) a file submitted via the e-TS(CS) is contaminated with computer virus.

**In such event, the file submitted via the e-TS(CS) will be discarded and not be considered.** Without prejudice to other requirements in this letter, the *Employer* **may use the hard copy of the relevant file submitted**, if available, to evaluate your T&F Proposals if it considers that your action of submitting a file that cannot be opened or is contaminated with computer virus is not intentional. For the avoidance of doubt, even if it is permissible under other paragraphs of this letter for the *Employer* to invite you to re-submit the relevant file after close of submission, **the Employer shall resort to the hard copy submission first.**

4C. In case the hard copy of a relevant file is used for evaluation of your T&F Proposals:

- (i) If the relevant file is an essential submission under paragraph [11], its hard copy must be submitted on or before the original date set for the close of submission or if this has been extended, the extended date. **Failure to do so will render your T&F Proposals invalidated.**
- (ii) If the relevant file is required to be Digitally Signed but does not satisfy paragraph [4A(i)] above, without prejudice to other requirements, such document shall be discarded and not further considered.

For the avoidance of doubt, for the parts of the hard copy submission which are not used for evaluating your T&F Proposals, it is not necessary to check whether they have complied with any requirements stipulated, whether essential or not.

5. In case you wish to replace or supplement any file or a part of a file in your submitted T&F Proposals, you must do so by re-submitting the **entire** Technical Proposal and / or Fee Proposal. Your attention is drawn to the followings:

- (i) All resubmitted files must comply with the requirements set out in paragraph [4] above;
- (ii) In case there are more than one submission under the “Upload Technical Proposal” Section or the “Upload Fee Proposal” Section, the latest submission in that Section shall prevail and all previous submissions in that Section will not be opened or considered.

*[Note to project office: Paragraphs 5A allows bidders to submit optional hard copies. This arrangement applies to all invitations until further notice.]*

5A. In the event you opt to submit an optional hard copy T&F Proposals in addition to electronic submission and wish to replace or supplement any part of it after you have deposited it, attention in writing may be drawn to an amendment submitted, provided that the amendment shall have been deposited before the close of submission.

6. If you wish to be considered for possible appointment to undertake this contract, you should submit your T&F Proposals by **12 noon on Friday, [insert date]**. Your T&F Proposals must be submitted in accordance with paragraph [4] above before the close of submission. **Late submission will not be considered.**

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7. The close of submission may be extended under the following circumstances:
- (i) If tropical cyclone signal No. 8 or above, or a black rainstorm warning signal is hoisted or if “extreme conditions after super typhoons” announced by the Government is in force between 9 am and 12 noon on the date set for the close of submission, the close of submission will be extended to 12 noon on the first working day after the tropical cyclone signal No. 8 is lowered, or the black rainstorm warning signal or the “extreme conditions after super typhoons” announced by the Government has/have ceased to be in force. Saturday is not counted as a working day. The announcements on “extreme conditions after super typhoons” will be made via **press releases website** of the Information Services Department (<http://www.info.gov.hk/gia/general/today.htm>); or
  - (ii) If there is any other reason which in the Government’s view shall affect the close of submission, the *Employer* will notify you the extension of the close of submission **via the e-TS(CS) and/or emails**.
8. The *Employer* may at its sole discretion decide whether to notify you of any invalidation of your T&F Proposals for any reason(s) after the completion of this consultant selection exercise where appropriate.
9. In determining the date and time on which a file is submitted via the e-TS(CS), the submission end time generated automatically by the e-TS(CS) which specifies when the transmission of the file through the e-TS(CS) was completed, shall be final and binding. Save for the aforesaid, any text, notice or message that appears on the e-TS(CS) which displays any date, time, time zone or time remaining for any tender submission to be filed, is for reference only and shall not be relied on by the consultant.
10. Your submission should be concise and accurate and should comply with the conditions as stipulated in the **Guidelines on Preparation of Technical Proposal** and the **Guidelines on Preparation of Fee Proposal**. Your attention is also drawn to the “Correction Rules for Tender Errors in Fee Proposal” in the Guidelines on Preparation of Fee Proposal. Your submission should comply with the following conditions:
- (i) Each consultant must provide information in the Technical Proposal on the manpower input for this contract. You are therefore required to state your proposed total manpower input under [six] categories of staff<sup>1</sup>, [[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 staff proposed in the Technical Proposal. **However, you should not provide any information in the Technical Proposal on prices or rates.** If there is any difference between your proposed total manpower input in the Technical Proposal and the total manpower input calculated from the monthly breakdown in the manning schedule, the total manpower input calculated from the monthly breakdown in the manning schedule shall prevail. We will seek confirmation from you to abide by the bid with the corrected total manpower input for bid assessment purpose and for

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<sup>1</sup> The qualification and experience requirements are attached at Contract Data Part one included in EIP. Only the qualification and experience obtained by the proposed staff on or before the date set for the close of submission shall be counted.

management of the *Consultant* upon award of this contract. **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 T&F Proposals will be invalidated.**

- (ii) In addition, you are required to give a manning schedule (with adjusted staff rates and prices) in the Fee Proposal. The manning schedule (with adjusted staff rates and prices) must be included in the Fee Proposal only and not in the Technical Proposal.
- (iii) The tendered total of the Prices in the Contract Data Part two (Section 2) shall be equal to the total of the prices for all phases in the summary breakdown of the tendered total of the Prices in the Fee Proposal. The information/data, in particular, the manpower input in the Fee Proposal, shall tally with the Technical Proposal. Any discrepancy found in tendered total of the Prices shall be corrected according to the “Correction Rules for Tender Errors in Fee Proposal” in the Guidelines on Preparation of Fee Proposal.
- (iv) The *staff rates* [calculated in accordance with / stated in]\* the Contract Data Part two (Section 2) could be different from the adjusted staff rates indicated in the manning schedule at sub-paragraph (ii) of this paragraph.

11. **The following documents are essential submissions.** Failure to submit any of the following documents with your T&F Proposals on or before the date set for close of submission or, if this has been extended, the extended date **shall render your T&F Proposals non-conforming:**

- (i) Contract Data Part two (Section 2)
- (ii) Proforma of Activity Schedule

12. **The following requirements are essential requirements.** Failure to comply with any of these requirements on or before the date set for close of submission or, if this has been extended, the extended date **shall render your T&F Proposals non-conforming:**

- (i) The essential submissions required in paragraphs [11](i) and (ii) above must be Digitally Signed;
- (ii) Your Fee Proposal must be uploaded under the “Upload Fee Proposal” Section of the e-TS(CS);
- (iii) The tendered total of the Prices must be stated in Contract Data Part two (Section 2);
- (iv) Only ONE [percentage adjustment factor (for Option A) / staff rate (for Option C)] shall be inserted for each staff category specified in Contract Data Part two (Section 2);
- (v) Only ONE rate shall be inserted for each collective rank of the “RSS on-cost rates” specified in Contract Data Part two (Section 2) [*Note to project office: Optional. only applicable for consultancies with construction stage*]; and
- (vi) The Technical Proposal must not contain any indication of prices or rates.

13. A central database, namely Public Works Consultants Resources Allocation Register

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference



(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 T&F Proposals for this contract will be input into the PWCRAR. By submission of the T&F Proposals, 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 T&F Proposals and/or contained in any of your submissions to the *Employer* for other consultancies awarded to you or your subconsultants for purpose of tender assessment for this contract which is in connection with you, your subconsultants or staff employed.

14. You are required to confirm that you agree to abide by your T&F Proposals for a period of [ninety (90)] [*Project office may set a longer validity period, depending on the nature and complexity of the consultancy agreement*] days from the due date for submission of T&F Proposals and it shall remain binding upon you and may be accepted at any time before the expiration of that period.

15. Consultants in Group [*insert number*] under the Service Category of [*insert name of Service Category*] maintained by EACSB are invited to make T&F Proposals for this contract. The initial list of qualified consultants approached for this contract is given in Annex [C] to this letter for your information. Joint ventures with participation of local and/or overseas consultants with at least one of the participants or shareholders being on the above initial list are also invited to make submission of T&F Proposals for this contract. Upon completion of the assessment of Technical Proposals, Fee Proposals of those consultants that are considered technically capable of undertaking this contract will normally be opened and combined score assessment of T&F Proposals will be carried out in accordance with DEVB TC(W) No. 2/2016 and No. 5/2018 and its subsequent updates (if any). [*Note to project office: inclusion of the Annex to this letter is mandatory.*]

16. Your attention is drawn to the **bidding restrictions** set out in Annex [D] to this letter. [*Note to project office: inclusion of the Annex to this letter.*]

[*Note to project office: The following paragraph 17 shall not be included if Sections 3.1.1.2(a) and/or (b) of the Guidelines attached to DEVB TC(W) No. 5/2018 (the “Guidelines”) are applicable.*]

17. If you propose to engage subconsultants for this contract 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 [E] to this letter [*Note to project office: inclusion of the Annex to this letter.*], you must ensure that the subconsultants concerned have complied with bidding restrictions as set out in Annex [D] to this letter [*Note to project office: the same Annex as stated in paragraph 16 above.*]. **Failure to comply with this requirement will lead to invalidation of your T&F Proposals.**

[*Note to project office:*

*The following paragraph 18 shall **not** be included if Sections 3.1.1.2(a) and/or (b) of the Guidelines are applicable.*

*The following paragraph 18 can be inserted (i) when the contract comprises services outside the listed Service Categories or service disciplines and the procuring department considers that the consultants may propose in the submission to engage subconsultants for undertaking such services, and/or (ii) when the procuring departments would like the consultants to engage subconsultants with specialized knowledge, non-local experience and/or providing expert/innovative input, etc. Before inserting this paragraph, the procuring department shall check with the list management departments where appropriate or seek prior approval for deviation from bidding restrictions –*

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference



*See Sections 2.3.1(b) and Section 2.3.4 of the Guidelines.]*

18. For the avoidance of doubt, you are not obliged to engage only the consulting firms on the lists given in **Annex [E]** to this letter for solely undertaking the following services in this contract:  
[insert services]

The T&F Proposals for this contract in respect of the subconsultants solely for the above services will be evaluated on an equal basis, whether the subconsultants are on the lists given in **Annex [E]** to this letter or not.

*[Note to project office: The above paragraph 18 shall be replaced by paragraphs 18A and 18B below if Section 3.1.1.2(c) of the Guidelines is applicable.]*

18A. For the avoidance of doubt, apart from the consulting firms on the lists given in **Annex [E]** to this letter, you can also engage unlisted non-local consultants as subconsultants solely for undertaking any of the following sub-consulting services in this contract:

*[insert the sub-consulting services]*

The T&F Proposals for this contract in respect of the subconsultants solely for the above services will be evaluated on an equal basis, no matter whether the subconsultants are on the lists given in **Annex [E]** to this letter or not.

18B. A consultant will be regarded as “non-local consultant” if:

- (i) the consultant is a natural person who, as at the closing date of the submission of T&F Proposals, is yet to obtain a working visa / entry permit issued by the Director of Immigration to stay in Hong Kong for the purpose of undertaking any of the sub-consulting services set out in paragraph [18A]; or
- (ii) the consultant is an entity which is not incorporated in Hong Kong under Companies Ordinance (Cap. 622) on the closing date of the submission of T&F Proposals; or
- (iii) if the consultant is an unincorporated association or firm whose participating parties or partners are all natural persons described in item (i) above of this paragraph.

In the event that you propose to engage an unlisted non-local subconsultant to perform any of the sub-consulting services listed in paragraph [18A], you shall submit declarations signed by each of such proposed subconsultants to declare the subconsultant’s non-local status. **Failure to submit such declarations may lead to invalidation of your T&F Proposals.** If you still fail to submit such declarations by the given due date after being requested to do so, your submission will be invalidated. A sample declaration letter is attached at **Annex [F]** of this letter.

19. *[Note to project office: insert this paragraph 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 [G]** to this letter *[Note to project office: inclusion of the Annex to this letter – see Section 2.3.1(b)(iii) of the Guidelines.]* for your information. You may consider teaming up with the sub-consulting firms on the list if required for this contract. 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 subconsultants for this contract. The T&F Proposals for this contract in respect of subconsultants will be evaluated on an equal basis, whether the subconsultants

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

are on the attached non-restrictive list or not. The Government will not be responsible for any liability in respect of your engagement of sub-consulting firms on the attached non-restrictive list.

20. The name of the consultant awarded this contract, the combined score and technical score awarded to each bidder, together with the tendered total of the Prices, adjusted notional value for compensation events, [notional RSS on-cost charges] *[insert if applicable]*, fee quality score, and manpower input proposed by each bidder where appropriate, will be made known to those, and only those, consultants making submissions and of which their T&F Proposals have been completely assessed in the combined score assessment after the completion of this consultant selection exercise. You will be deemed to agree to the disclosure of the above-mentioned information of your bid to the other relevant bidders. I would also like to draw your particular attention to the requirements stipulated in Clause B11 of the *additional conditions of contract* regarding the disclosure of amount payable to the *Consultant* awarded this contract.

21. In the case of a submission in the joint name of two or more consultants, documentary proof of formal association for the purpose of undertaking this contract should be provided at the same time. Similar proof of agreement with firms, organizations or individuals who will act as your subconsultants should also be submitted. The term “Subconsultants” or “subconsultants” should include all individual academic institutions, specialists, advisors, experts and the like proposed to be externally engaged to Provide the Services under this contract, and all references to “Subconsultants” or “subconsultants” 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 Subconsultants shall be regarded as your own staff for the purpose of tender assessment, including the overloading checking of manpower input, for this contract.

22. If you are a limited liability company, then you are required to submit documentary proof that the majority of the voting power in meetings of the company shall be held by directors who are consulting engineers (or equivalent professionals of associated professions).

23. You are also required to declare any involvement or interest if it is considered by you to be in real or apparent conflict with the duties to be performed for this contract. Any involvement or interest declared would be carefully considered but would not automatically bar you from being further considered in the selection process.

24. No consultants are permitted to submit more than one set of T&F Proposals for the same contract. For the avoidance of doubt, consultants who submit one set of T&F Proposals in their own name and another set of T&F Proposals in the name of an unincorporated joint venture/partnership (with the consultants concerned as a participant/partner) will be considered as having submitted two sets of T&F Proposals. Consultants (these must be consulting firms to be eligible for being considered for this consultant selection exercise) having linkages to each other, e.g. subsidiaries, parent or sister companies are not allowed to bid on the same contract. Only one firm among such consultants, as the case may be, should be allowed to submit T&F Proposals for the contract. In your Technical Proposal, you are thus required to declare any linkage with other consultants on the list as stated in paragraph [15] of this letter. For the avoidance of doubt, if you have no linkage with any consultants on the above list, you are also required to declare the same in the Technical Proposal. The existence of a holding-subsidiary relationship shall be determined in accordance with the provisions in Sections 13 to 15 of the Companies Ordinance (Cap 622). “Sister companies” shall mean all companies which are subsidiaries of or otherwise belonging to the same holding company. Consultants having linkages should sort out among themselves before submitting T&F Proposals.

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

25. For the purpose of this “no linkage” requirement, an academic institution and any separate entities/companies formed by the same academic institution or any of its current staff, or any two of such entities/companies (whether formed by the same staff or not), shall be regarded as “linked”. An academic institution, and all such entities/companies formed by it or any of its current staff (whether by the same staff or not), shall be allowed to submit only one set of T&F Proposals for the same contract. You are also required to declare any such linkage with other consultants on the list as stated in paragraph [15] of this letter, if applicable. For the avoidance of doubt, if you have no linkage with any consultants on the above list, you are also required to declare the same in the Technical Proposal. An entity/company is regarded as formed by the academic institution or its staff if the latter is a partner/shareholder or a director of the former, whether or not the latter is a founding partner/subscriber when the entity/company was formed. However, the “no linkage” rule does not apply to “linked” consulting firms (including academic institutions) who bid as subconsultants only for any contract.

26. Failure to observe the “no linkage” requirement stated in paragraphs [23] and [24] **will lead to invalidation of your T&F Proposals and the T&F Proposals submitted by consultants having linkages with you.**

27. You are required to submit declaration for consultant’s resident status with your submission. Please refer to **Annex [I]** to this letter for the provisions of retention of money payable to non-resident consultant for settlement of profits tax.

28. The Government has no objection:

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

PROVIDED that:

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

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

with the subconsultant of another bidder.

29. You are reminded of Government's policy on competitive selection. The Fee Proposal submitted should be your best price determined without reference to any other consultants approached for this contract. **Failure to observe this condition will lead to invalidation of your T&F Proposals.**

30. Subject to the Government's right to reject bids which are considered to have been priced unreasonably low, the selection of consultants will be determined on the basis of a combined score assessment of T&F Proposals in accordance with DEVB TC(W) Nos. 2/2016 and 5/2018 and their subsequent updates (if any). Your T&F Proposals will be construed as a bid for this contract and, unless under very special circumstances, there will be no fee negotiations.

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

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

33. You should indicate in your staffing proposal which of the proposed staff are *key people* (the term "*key people*" in this letter (including the Annexes and enclosures thereto) shall, for the purposes of construing DEVB TC(W) Nos. 2/2016 and 5/2018 and their subsequent updates (if any) and [AACSB/EACSB\\*](#) Handbook as amended from time to time, bear the same meaning as "Core Personnel" and "core personnel" in those documents) and the employment status (i.e. fulltime or not) at the time of bidding of each and every *key people* to be deployed by you or your subconsultants in this contract. You should also indicate which *key people* will undertake the designations of the Project Manager, the Project Director and the [three] Team Leader(s) [*Project office to amend the number where appropriate to align with the Guidelines on Preparation of Technical Proposal.*] as required in the Guidelines on Preparation of Technical Proposal. You should produce undertaking signed by all non-fulltime *key people* (of yourself or your subconsultants) to confirm their involvement in the event that you are awarded this contract.

34. [The documents listed in Clause [\[insert reference\]](#) of the Scope are considered necessary for the implementation of this contract.] [*Note to project office: Include the sentence in square brackets if applicable, reference made to the then SETW's memo ref (00WNL-02-4) in ETWB(PS) 106/11 dated 6.1.2006 for details: The consultant appointed in the early stage consultancy is a potential bidder, but all the information which was made available to that consultant and all the advice which the consultant has provided and which is relevant to the procurement of this contract will be equally made available to all potential consultants upon request.*] You may request to see the documents during the preparation of the submissions. Any documents which are on sale should be purchased by you.

35. [*Note to project office: Include this paragraph if RSS will be employed.*] You are reminded that relevant sections of the Management Handbook for Direct Employment of Resident Site Staff by Consultants for Public Works Projects promulgated by the Development Bureau (Works Branch) or equivalent will form parts of the additional *conditions of contract* and the Scope of this contract. This Handbook can be found in the link below:

[https://www.devb.gov.hk/en/publications\\_and\\_press\\_releases/publications/standard\\_consultancy\\_document/index.html](https://www.devb.gov.hk/en/publications_and_press_releases/publications/standard_consultancy_document/index.html)

\* Delete/amend as appropriate  
Project office to ensure the consistency of reference

36. Documents of unsuccessful consulting firms will be destroyed three months after the date of execution of the Memorandum of Agreement for this contract.

*[Note to project office: The following paragraph 37 shall not be included if Sections 3.1.1.2(a) and/or (b) of the Guidelines are applicable.]*

37. If subconsultants are to be employed, you are required to complete the table attached in **Annex [J]** to this letter indicating, if any, the name of each proposed subconsultant, the scope of sub-consulting services to be undertaken by each listed and unlisted subconsultant to be employed, the relevant listed Service Category or discipline for which each subconsultant is to be employed and the corresponding list maintained and published by the Government (these items of information are collectively referred to in this paragraph as “the subconsultants’ information”). **Failure to submit any item of the subconsultants’ information in the Technical Proposal, which makes the compliance check with the bidding restrictions as set out in Annex [D] to this letter in the respect of engagement of subconsultants unable to be conducted will lead to invalidation of your T&F Proposals.** If you have any enquiry on completing the table on whether the sub-consulting service to be undertaken by a subconsultant is within the scope of a particular listed Service Category or discipline and would like to seek clarification, you must submit your enquiry via the e-TS(CS) or other means as agreed by the *Employer* before 12:00 noon, *[insert day]*, *[insert date]*. *[Project office should specify the exact date here, preferably same as the deadline of provision of list of queries for pre-submission meeting.]* The enquiry shall be sufficiently specific to facilitate the preparation of clarification. Late enquiry will not be entertained.

38. The requirements of ISO 9000 certification are set out at **Annex [K]** to this letter. *[Note to project office: Agreement that are administered by works departments and exceeding the Quotation Limit in SPR 220, this paragraph and inclusion of the Annex to this letter are mandatory.]*

39. [Please note that this invitation is made before the necessary funds for this contract have been approved. The Government reserves the right to cancel this consultant selection exercise for not having the necessary funds approved or for any other reason, in which case you will accordingly be notified.] *[Note to project office: Include the sentence in square brackets if applicable.]* It should be noted that the Government will not be responsible for the reimbursement of any cost incurred by you for the preparation of the submission.

40. Please note that a consultant who has requested for novation of consultancy agreements or contracts due to winding up of business pursuant to paragraph 6(ii) of ETWB TCW No. 3/2005 will not be awarded any further consultancy agreements or contracts. Similarly, bids submitted by consultants who engage such a consultant as a subconsultant will not be considered.

41. Notwithstanding anything to the contrary in this invitation, the Government reserves the right to remove a consultant from the bidding exercise on the grounds that the consultant, or by any of the consultants of the joint venture in the case of submission made by a joint venture, has engaged, is engaging, or is reasonably believed to have engaged or be engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security, or otherwise the removal is necessary in the interest of national security, or is necessary to protect the public interest of Hong Kong, public morals, public order or public safety.

42. You shall submit a Digitally Signed and witnessed confirmation for compliance with national security in the form set out in **Annex [L]** attached to this letter. For the avoidance of doubt, the said letter must be Digitally Signed by both you and your witness, save that your witness does not have to be a person authorised to sign Government contracts on your behalf. *[Note to project office: inclusion of the Annex to this letter is mandatory.]* **Failure to comply with this paragraph may lead to invalidation of your submission.** If you still fail to submit the Digitally

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Signed and witnessed confirmation by the given due date after being requested to do so, your submission will be **invalidated**.

43. Neither you nor any of your directors, employees, agents and Subconsultants shall offer or give any advantage, gratuity, bonus, discount, bribe or loan of any sort to any agent or employee of the *Employer* in connection with this consultant selection exercise.

44. You are required to submit a Digitally Signed and witnessed undertaking on anti-collusion at Annex [M]. **Failure to comply with this paragraph may lead to invalidation of your submission.** If you still fail to submit the Digitally Signed and witnessed undertaking by the given due date after being requested to do so, your submission will be invalidated.

45. Any breach of or non-compliance with paragraph [42] and/or the anti-collusion undertaking shall result in invalidation of your submission.

46. By submitting your submission, you undertake to indemnify and keep indemnified the *Employer* against all losses, damages, costs and expenses arising out of or in relation to any breach of or non-compliance with paragraph [42] and/or the anti-collusion undertaking.

47. The rights of the *Employer* under paragraphs [44] and [45] are in addition to and without prejudice to any other rights or remedies it has or may have against you.

48. To resolve queries and to ensure that the eligible consultants are fully aware of the requirements of this contract, and of the requirements for the T&F Proposals, a pre-submission meeting is scheduled as follows: *[insert details of the pre-submission meeting below]*

Date:

Time:

Venue:

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

50. Please note that the Scope and the Proforma for Activity Schedule will be finalized following the pre-submission meeting. I will then write to you again providing you with the finalized documents after the pre-submission meeting.

51. The following Annexes are included with this letter:

Annex [A]	Licence Conditions for Electronic Invitation Package (EIP)
Annex [B]	Requirements for Submission in Electronic Format
Annex [B1]	Requirements for Submission of T&F Proposals in Hard Copy
Annex [C]	List of consultants invited for Technical and Fee Proposals
Annex [D]	Bidding Restrictions
Annex [E]	Listed Service Category or Service Discipline Having a List of Consultants Maintained and Published by the Government
Annex [F]	Sample Declaration Letter on “Non-local” Status
Annex [G]	List of sub-consulting firms for undertaking sub-consulting service not under the listed Service Category maintained by EACSB or any discipline having a list of consultants maintained and published by

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Project office to ensure the consistency of reference

	the Government
Annex [I]	Retention Money Payable to Non-resident Consultant for Settlement of Profits Tax
Appendix to Annex [I]	Sample Declaration Letter
Annex [J]	Table of Listed and Unlisted Subconsultants and Scope of Subconsulting Services to be undertaken
Annex [K]	Requirements of ISO 9000 Certification
Annex [L]	Letter of Confirmation for Compliance with National Security
Annex [M]	Sample Declaration Letter on Anti-Collusion Undertaking

*[Note to project office: Annex B1 allows bidders to submit optional hard copies. This arrangement applies to all invitations until further notice.]*

52. In order to facilitate submission of tenders via e-TS(CS), the Government will set up a **help kiosk** with notebook computers and system support personnel at Room 1820, 18/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong for your use on the submission closing date (from 9 am to 12 noon). You may also make use of the help kiosk by appointment by giving one day's advance notice to the *Employer* via telephone no. *[insert number]*. The Government does not warrant the availability of the help kiosk or the accuracy, timeliness, usefulness and/or completeness of the service provided by the help kiosk. For **enquiries** on the use of the e-TS(CS), please contact our helpdesk hotline at 3997 1844, which is available from 9 am to 6 pm, Monday to Friday, excluding public holidays.

53. If you require further details, please contact *[insert name and post]* at telephone *[insert number]*.

54. Please acknowledge receipt of the invitation documents including this letter and the Annexes by clicking the acknowledgement check box in the e-TS(CS) notwithstanding whether you make submission of proposals.

Yours faithfully,

( )

**Encl.**

c.c.

Secretary, AACSB/EACSB\* – with the Contract Data Part two (Sections 1 and 2) together with the names of all the eligible consultants and their subconsultants

Secretary, DCSC – with the Contract Data Part two (Sections 1 and 2) together with the names of all the eligible consultants and their subconsultants *[Note to project office: Insert if applicable]*

*[Note to project office: Relevant requirements of the DEVB TC(W) and circular memoranda should also be incorporated as appropriate.]*

\* Delete/amend as appropriate  
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## Requirements for Submission in Electronic Format

The following are the requirements for submitting T&F Proposals in electronic format via the **e-TS(CS)**.

1. In this Annex, unless the context otherwise requires-
  - (a) **“Digitally Signed”**, in relation to a file, means that such file has been Digitally Signed in accordance with paragraph 4 in this Annex.
  - (b) **“Editable File”** means a file in the EPP which is stored in file formats that are editable using mainstream computer applications for office automation and computer-aided drafting.
  - (c) **“Image File”** means a file in the EPP which is stored in file formats that capture the printed image of the document.
  - (d) **“Electronic Proposal Package”** (or **“EPP”**) means all files submitted by the bidder for this invitation via the e-TS(CS).
  - (e) **“ETO”** means the Electronic Transactions Ordinance (Cap. 553).
  - (f) **“Organisational e-Cert”** means a recognized certificate issued by a recognized certification authority to an organisation and which identifies a person who is duly authorised by the organisation to use the recognized certificate. “Recognized certificate” and “recognized certification authority” shall bear the meanings as assigned to them under the ETO.
  - (g) **“Registered User”** means a person who holds a valid account on the e-TS(CS).
2. The EPP shall be submitted via e-TS(CS) and shall contain a **“README.rtf”** file in its root directory prepared in rich text format. This file shall contain at least the following information:
  - (a) general guidance on the use of the files in the EPP (e.g. the file naming convention, directory structure of the submission, software name and version for viewing the file);



- (b) a list of all files submitted in the EPP with brief description of the contents of the file.
- (c) information on the proper setting for viewing, editing, and printing the electronic files, including, without limitations-
  - (i) the printer to be used for printing the files;
  - (ii) the paper sizes;
  - (iii) requirements for special fonts;
  - (iv) any special printing instructions (e.g. the adjustment settings such as “shrink oversized pages to paper size”, “expand small pages to paper size”, etc. when printing PDF files); and
  - (v) software name and version for viewing the files.
- (d) detailed instructions for viewing other type of electronic information or visualisation not covered in paragraph 5 of this Annex.

3. *[note to project office: the following paragraphs are for inviting EOI]*

During each upload, the maximum number of files that may be uploaded to the e-TS(CS) is **10**, with the maximum file size for all files limited to **1GB** (maximum file size for each file is limited to **500MB**). If the intended file(s) to be uploaded exceed the maximum number of files or maximum file size, the file(s) will not be successfully uploaded to e-TS(CS). The same restrictions apply for any subsequent uploads. Consultants should take note of such restrictions and organise their uploads accordingly. For the avoidance of doubt, there is no restriction on the total number of uploads that may be made by a consultant before the close of submission, nor on the total number of files so uploaded.

In case the bidder wishes to replace or supplement any file or a part of a file in the submitted EOI submission, the bidder must do so by re-submitting the **entire** EOI submission. If there are more than one EOI submissions submitted, the latest submission shall prevail and all previous submission will not be opened or considered.

*[note to project office: the following paragraphs are for inviting T&F Proposals]*

During each upload, the maximum number of files and maximum file size that may be uploaded to each section of e-TS(CS) are set out in the table below. If the intended file(s) to be uploaded exceed the maximum number of files or maximum file size, the file(s) will not be successfully uploaded to e-TS(CS). The same restrictions apply for any subsequent uploads. Consultants should take note of such restrictions and organise their uploads accordingly. For the avoidance of doubt, there is no restriction on the total number of uploads that may be made by a consultant before the close of submission, nor on the total number of files so uploaded.

In case the bidder wishes to replace or supplement any file or a part of a file in the submitted T&F Proposals, the bidder must do so by re-submitting the **entire** Technical Proposal and / or Fee Proposal. If there are more than one submissions under the “Upload Technical Proposal” Section or the “Upload Fee Proposal” Section, the latest submission in that Section shall prevail and all previous submission in that Section will not be opened or considered.

Section of e-TS(CS)	Maximum number of file	Maximum file size in total
“Upload Technical Proposal”	<b>10</b>	1GB [note: each file size is limited to 500MB]
“Upload Fee Proposal”	<b>1</b> [note: .zip file is <b>not</b> acceptable]	500MB

4. For the purpose of the Invitation Letter and this Annex, a file is Digitally Signed if and only if it complies with the following conditions:
  - (a) It is signed using a digital signature as defined in section 2 of the ETO by the person(s) who is/are authorised to sign Government contracts. A person is authorised to sign Government contracts if the person is acting in the following capacity:
    - i. if the consultant is a sole proprietorship, the sole proprietor;
    - ii. if the consultant is a partnership, a partner of the partnership;
    - iii. if the consultant is a body corporate, a person who is duly

- authorized by the consultant to sign Government contracts for and on behalf of the consultant;
- iv. if the consultant is an unincorporated joint venture, the sole proprietor, partner or authorized person, as the case may be, **of each and every of its participants**.
- (b) For the avoidance of doubt, a file submitted by an unincorporated joint venture must be Digitally Signed by **all of its participants**;
- (c) The digital signature is supported by an Organisational e-Cert issued to the consultant or (for unincorporated joint venture) its participants, which identifies the person(s) who signs the file as authorised user of the Organisational e-Cert;
- (d) The digital signature is generated within the validity of the Organisational e-Cert in accordance with section 6(2) of the ETO;
- (e) The digital signature is used in accordance with the terms of the Organisational e-Cert;
- (f) The digital signature is attached to the file in Public-key Cryptography Standards (PKCS#7) and (CAAdES) such that the signed file is in .p7s format; and
- (g) The Organisational e-Cert remains valid as at the earlier of (i) the date and time on which the file is submitted via the e-TS(CS); or (ii) the date and time on which the file is signed, if such information is generated in the form of a time stamp in the affixed digital signature.

5. (a) The following data formats shall be used for preparing the files in the EPP:

Type of File	Editable File	Image File
Text documents	Not Applicable	Portable Document Format (PDF)
Schedules (except the manning schedule in Technical Proposal) or documents in tabular form	Not Applicable	PDF
Manning schedule in Technical Proposal	Excel (.xls or .xlsx)	Not applicable
Drawings	Not Applicable	PDF
Slide presentation	Not Applicable	PDF
Building Information Modeling (BIM)	<i>[note to project office: Insert as appropriate]</i>	Not applicable

The data formats and associated versions of files to be adopted in the EPP should adhere to the latest OGCIO Interoperability Framework which can be downloaded from the OGCIO website:

[https://www.ogcio.gov.hk/en/our\\_work/infrastructure/e\\_government/if/interoperability\\_framework.html](https://www.ogcio.gov.hk/en/our_work/infrastructure/e_government/if/interoperability_framework.html)

- (b) A file shall not contain any computer instructions, including but not limited to,
- (i) computer viruses; and
  - (ii) macros, scripts and fields that depend on the execution environment and the execution of which will cause changes to the file itself or the information system displaying the electronic record in respect of the file.
6. As the conversion of drawing files to PDF format may slightly distort the scale of the drawing elements, line scales in both horizontal and vertical directions should be included in drawings files to enable correction factors to be made to

compensate for distortion.

7. If other type of electronic information, for example, visualisation or modelling, not covered in paragraph 5 above is submitted with the EPP, software necessary for viewing the information shall be supplied with the submission. The software provided must be free of virus and can be run in mainstream PC under Windows operating environment. Necessary licence to use the software must be provided free of charge to the Government for viewing the information. Detailed instructions on setup, usage and removal of the software provided must be included in the EPP.
8. The account user or any sub-account user of a Registered User may use its password to login the e-TS(CS) and make the submission. The person who login to the e-TS(CS) may be different from the person who Digitally Signs the EPP.