

Agreement Reference: PLN AVA 2024
Term Consultancies for Air Ventilation Assessment Services

Invitation for Submission of Technical Proposal(s)

This notice serves as a non-commitment invitation for submission of Technical Proposal(s) for one or more of the following two Term Consultancies for Air Ventilation Assessment (AVA) services from interested bidders.

Category A: Term Consultancy for Expert Evaluation and Advisory Services on Air Ventilation Assessments – to provide expert evaluation services for instructed projects as well as to review AVA submissions prepared by third party project proponents and provide independent advice to the Planning Department

Category B: Term Consultancy for Air Ventilation Assessments by Computational Fluid Dynamics (CFD) – to carry out AVA study by CFD testing for instructed projects

2. Successful shortlisted consultants will be eligible to bid for projects as may be instructed subsequently by the Planning Department within a period of two years commencing tentatively from 13 November 2024 with a possible extension of another one year (Agreement Period). The actual commencement date will be specified in the Letter of Acceptance while the extension will be directed in writing on a need basis. Fee Proposal(s) will be invited from the shortlisted consultants for each instructed project based on a specific Scope of Services. The instructed project will be awarded to the consultant based on the lowest Total Fee.

Background

3. To ensure that air ventilation impacts are duly considered as one of the main criteria in the planning and design process, a Technical Circular on Air Ventilation Assessment was promulgated in July 2006 by the then Housing, Planning and Lands Bureau and Environment, Transport and Works Bureau (HPLB TC No. 1/06 and ETWB TC No. 1/06). The Technical Circular sets out the guidance and need to apply AVA to all major government projects which may have major impacts on the macro wind environment. The private and quasi-government sectors are also encouraged to apply AVA to their projects on voluntary and need basis. The methodology for conducting the AVA is set out in the Technical Guide for Air Ventilation Assessment for Developments in Hong Kong.

4. Since then, the Planning Department has applied AVA as one of the considerations in formulating planning proposals such as planning studies for new development areas and comprehensive redevelopment areas, preparation of new town plans and planning briefs, and major amendment of town plans. Private and quasi-government sectors have also shown initiatives to incorporate AVA in some of their planning submissions to the Planning Department/Town Planning Board.

5. In November 2021, the Planning Department has shortlisted and entered into Agreement with three pools of consultants to provide the three categories of services covering AVA services outlined in paragraph 1 and a category to provide services for undertaking AVA for instructed projects by wind tunnels.

6. The said Agreement will expire in the coming November. The Planning Department is now commissioning another round of consultant selection process to shortlist suitable term consultants under Category A and Category B under a new Agreement. Selection of term consultancy for AVA by wind tunnels has not been included in this round. AVA services by wind tunnels, if required, might be procured under alternative means.

Arrangement for Consultant Selection and Engagement

7. For shortlisting the two categories of term consultants, potential consultants from all available sources are invited to submit Technical Proposal(s) based on the Assignment Brief at **Attachment B**, which outlines the general services that may be required for each category of services. Potential consultants may bid for qualification to enter into one or two categories of the term consultancies commensurate with their experiences, qualification, knowledge, skills and resources by submitting one or more Technical Proposal(s).

8. The submission of Technical Proposals from interested bidders must be concise and conform strictly to the requirements laid down in the Guidelines on Preparation of Technical Proposal at **Attachment C**. You must **not** provide any information in the Technical Proposal on charge rates or fees. An Assessment Panel will assess the Technical Proposals received according to a set of pre-determined marking criteria (Appendix 5 to **Attachment C**) and shortlist suitable consultants for each of the two Term Consultancies.

9. In the selection of consultants, consideration will be given to available information about the consultant's performance, including but not limited to suspension records of the Planning Department for quotations, suspension records in relevant categories of the Engineering and Associated Consultants Selection Board (EACSB), other circumstance records, etc. in the Consultant's Performance Information System (CNPIS) under the Development Bureau. Your attention is drawn to paragraphs 15 and 22 of Annex I of Development Bureau Technical Circular (Works) No. 3/2016 or its latest revision or replacement.

10. The following aspects shall also be taken into account in the assessment of the consultant's technical proposals:

- (a) A consultant who is under suspension from bidding by the Planning Department for quotations or by EACSB in respect of relevant category(ies) shall not be invited for submission of Technical Proposal(s) until the suspension is lifted. Bid already submitted by the consultant in response to invitations before the suspension from bidding, which is imposed after submission of Technical Proposals, should continue to be assessed subject to further consideration as given in item (b) below. Bid submitted by the consultant who is under suspension from bidding, which is imposed before submission of Technical Proposals, will not be considered further.
- (b) For (i) a consultant who is suspended from bidding by the Planning Department for quotations or by EACSB in respect of relevant category(ies) after he has submitted Technical Proposals or (ii) a consultant, although not suspended from bidding but serious default or non-performance of him (such as those mentioned in paragraph 22 of Annex I of Development Bureau Technical Circular (Works) No. 3/2016), which may or may not be specifically related to any consultancy agreement, has been made known to the Assessment Panel, the Assessment Panel shall carefully consider whether the Technical Proposal of such consultant should be further processed. If the Assessment Panel decides not to further process the Technical Proposals of such consultant, the Assessment Panel should seek endorsement from the relevant approval authority on such decision before continuing with this exercise.

11. The exact number, location, size and scope of services of instructed projects to be instructed under each category of service will remain open during the Agreement Period.

12. When an instructed project is to be executed, a specific Scope of Service setting out in greater detail the tasks for the instructed project, in addition to the general Assignment Brief, would be prepared by the Planning Department. All shortlisted term consultants under the respective category of services will then be invited to submit fee quotations to carry out the instructed project. Declaration of no conflict of interest and no change of key staff will be required each time when the fee quotation is called.

13. As all the shortlisted consultants will be considered technically eligible to provide the consultancy services, the consultant with the lowest Total Fee will be selected to undertake the service for the instructed project, subject to no conflict of interest and no change of key staff, unless with prior approval of the Assistant Director/Special Duties, Planning Department. In the event that more than one consultant submit the same lowest

bid, the instructed project will be assigned to the higher ranked consultant by the technical score of the Technical Proposal in the shortlisting stage.

14. For monitoring the term consultants' performance, the Planning Department will keep a performance record of the term consultants who have carried out instructed projects. The system of reporting and management of the consultants to be adopted by the Planning Department is set out at **Attachment F** for information. Any shortlisted consultants, who have received an adverse performance report shall be suspended from the bidding of any forthcoming instructed project, which the consultant should have been entitled to bid, for a period of at least 6 months. The commencement date of suspension shall be determined by the Planning Consultants Management Committee (PCMC). Lifting of suspension shall also be based on the decision of the PCMC.

15. Notwithstanding the above, in assessing the shortlisted consultant's fee proposals to undertake the instructed project, the considerations specified in paragraph 13 at **Appendix 1 to Attachment D** shall also apply.

Documents

16. To facilitate your consideration and preparation of the submission, the following documents are enclosed:

Attachment A	Articles of Agreement and Conditions of Contract
Attachment B	Assignment Brief
Attachment C	Guidelines on Preparation of Technical Proposal
Attachment D	Guidelines on Preparation of Fee Proposal, including Terms of Quotation
Attachment E	Consent to Disclosure
Attachment F	Notes on Reporting and Management of Consultants for AVA Services

17. The Articles of Agreement and Conditions of Contract at **Attachment A** contain the terms and conditions, which are frequently used in the Government's consultancy agreements. They are now provided for the purpose of reference only and may be subject to any additions and amendments, which the Planning Department in its discretion may consider to be appropriate to the circumstances of reaching agreement with the shortlisted consultants.

18. The Guidelines on Preparation of Fee Proposal at **Attachment D** guiding subsequent preparation and submission of Fee Proposals for known instructed projects is provided for advance information.

19. The signed Articles of Agreement and Conditions of Contract, the Assignment Brief, the Technical Proposal as submitted by the bidder and agreed by the Planning Department, the Scope of Services, the Terms of Quotation and the Fee Proposal as submitted and agreed for any awarded instructed project, Planning Department's letter of acceptance of Fee Proposal for execution of the instructed project and the notes on Reporting and Management of Consultants shall form the contract.

20. The shortlisting of consultants only confers a right of bidding for subsequent instructed projects. It does not confer any exclusive right for the shortlisted consultants to provide services to the Planning Department. Nor is the Planning Department obliged to procure any services from the shortlisted term consultants.

Requirements and Deadline for Submission of Technical Proposal(s)

21. If you wish to be considered for shortlisting in one or more of the two categories of the term consultancies, you should submit **10 copies of the Technical Proposal for each category of the Term Consultancy that you bid for and the documents required in paragraphs 24, 25 and 26 below** in a sealed envelope **before 12:00 noon (Hong Kong time) on 6 August 2024** (Technical Proposal Closing Date and Time) to the Planning Department Quotation Box at Room 1424, 14/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong. The sealed package should be clearly labeled with the appropriate Agreement Reference No. 'PLN AVA 2024', Category (A or B) of the Term Consultancy under bidding and **Technical Proposal Closing Date** (but not bearing any indication which may relate the proposal to the consultant). Submission of proposal by fax will not be accepted. Mis-placed or late proposal will not be considered.

22. For avoidance of doubt, for example, bidders who wish to bid for both categories A and B of the term consultancies should submit two different sets of Technical Proposals for the two categories of term consultancies, and each set should contain 10 copies.

23. In case Tropical Cyclone Warning Signal No. 8 or above is hoisted, or Black Rainstorm Warning Signal or "extreme conditions" announced by the Government is/are in force, for any duration between 9:00 am and 12:00 noon on the Technical Proposal Closing Date, the latest date and time before which Technical Proposals are to be deposited in the Planning Department Quotation Box will be extended to 12:00 noon (Hong Kong time) on the next working day.

Company/Business Organisation Status

24. A Bidder shall provide a copy of a valid Business Registration Certificate issued under the Business Registration Ordinance (Chapter 310 of the Laws of Hong Kong) or copies of other documents evidencing its business status or if the Bidder does not carry

on business in Hong Kong, the equivalent document issued by the authority of place of business of the Bidder.

Consent to Disclosure

25. Please refer to Clause 42 of Attachment A – Articles of Agreement and Conditions of Contract concerning Consent to Disclosure and complete **Attachment E**.

Government Discretion

26. Please refer to Clause 47 of Attachment A – Articles of Agreement and Conditions of Contract concerning Government Discretion and complete **Annex to Attachment A**.

Points to Note

Please note that:

- (a) The provisions of the United Nations Convention on Contracts for the International Sale of Goods shall not apply to this invitation for Technical Proposals and a technical proposal submitted by a Bidder in response to this invitation for Technical Proposals.
- (b) The Government will not be responsible for reimbursement of any cost incurred by you for the preparation of the Technical Proposal(s).
- (c) 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 the subject Term Consultancy should be provided at the same time.
- (d) You should declare in your submission any involvement or interest if you consider that such involvement or interest is in real or apparent conflict with the duties to be performed as the Consultant for the assignment. Any involvement or interest declared will be carefully considered in the process of selection of the Consultant.
- (e) The Planning Department will be under no obligation whatsoever to discuss the results of the assessment with any of the firms.
- (f) Without prejudice to the Planning Department's right to cancel this bidding exercise, where there are changes of requirements after the closing date of this invitation for Technical Proposals for operational or whatever reasons, the Planning Department is not bound to accept any Technical Proposals it may receive and reserves the right to cancel the bidding exercise.

- (g) All questions concerning this invitation and the assignment should be submitted in writing no later than three (3) working days before the Technical Proposal Closing Date according to the procedures of Attachment C.