

It is hereby notified that sealed tenders in triplicate are invited by the Official Receiver for the following:—

<i>Tender reference</i>	<i>Subject</i>	<i>Tender Closing Date</i>
OR/C/2023	Taking up of Appointment as Provisional Trustees under s.12(1A) of the Bankruptcy Ordinance (Chapter 6)	1.8.2023

Interested parties with the following qualification may submit tender:—

- The Tenderer must be a sole proprietor, a partnership or a limited company, and must provide at least two Appointment Takers to take up the appointment of joint and several provisional trustees or trustees in a Qualified Case in accordance with the Conditions of Contract and the Work Specifications. Each of the Appointment Takers must be:—
 - a certified public accountant within the meaning of section 2(1) of the Professional Accountants Ordinance (Chapter 50); or
 - a solicitor within the meaning of section 2(1) of the Legal Practitioners Ordinance (Chapter 159); or
 - a current member of The Hong Kong Chartered Governance Institute.
- Each of the Appointment Takers of the Tenderer must satisfy all of the following requirements:—
 - each must have at least 3 years of post-qualification experience in the relevant profession; and
 - each must have a minimum of 300 chargeable hours of experience acquired after obtaining the relevant professional qualifications ('the Qualifying Chargeable Hours') during the 3 years immediately preceding the Tender Closing Date:—
 - of which, at least 150 hours of experience must be experience in managing insolvency cases either as (I) a trustee and/or provisional trustee; (II) a liquidator and/or provisional liquidator; (III) a receiver; and/or (IV) as a senior associate assisting (I), (II) and/or (III) in the performance of their role related to bankruptcy, insolvency or receivership cases. The chargeable hours of experience must have been obtained in at least 4 separate cases which must be either bankruptcy or compulsory winding-up of companies which were not connected companies. Within the minimum 150 chargeable hours of experience in (b)(i), no more than 75 hours of experience on receivership will be counted as chargeable hours of experience. A pass in the Hong Kong Institute of Certified Public Accountants Professional Diploma in Insolvency Programme is regarded as equivalent to 50 hours of insolvency work experience for (b)(i); and
 - the remaining hours of experience shall be on solvent liquidations. However, for the purpose of calculating Qualifying Chargeable Hours, two chargeable hours of solvent liquidations work are deemed to be one chargeable hour only.
- Of these Appointment Takers provided by the Tenderer, at least one must be the proprietor, or a partner or director of the Tenderer. Other Appointment Taker, if not being a partner or director of the Tenderer, must be a full-time employee of the Tenderer.
- The Tenderer must have been providing insolvency, accounting, legal or company secretary services in Hong Kong for at least 3 years immediately preceding the Tender Closing Date.
- The Tenderer must have at least 10 full-time employees. For the purpose of counting these 10 full-time employees, the sole proprietor (in case of the Tenderer being a sole proprietorship), the partners (in case of the Tenderer being a partnership), the directors (in case of the Tenderer being an incorporated company), and the Appointment Takers of the Tenderer are not included.
- For the purposes of Clause 2 above, the hours for the work undertaken under any contract awarded by the Official Receiver in a quotation or tender for taking up of appointment to complete preliminary examinations in bankruptcy cases shall not be counted as chargeable hours.

7. The Tenderer and its Appointment Takers must not have been (a) disqualified or suspended by the Official Receiver from participating in any tender/quotation exercises conducted by the Official Receiver's Office; or (b) disqualified or suspended by other insolvency agencies or bodies outside Hong Kong from participating in any tender/quotation exercises conducted by them.
8. Where the Tenderer has made one or more contracts with the Official Receiver for the provision of any insolvency services or work, during the period between 2 August 2019 and 1 August 2023:—
 - (i) none of such contracts has been terminated by the Official Receiver; and
 - (ii) the Official Receiver has not suspended the allocation of cases or work to such Tenderer under any such contracts for any period of 2 months or more, by reason of:—
 - (a) any breach by the Tenderer of any of the terms and conditions of such contract(s); or
 - (b) the Official Receiver in her absolute discretion considering the quality of any of the work or services provided under such contract(s) unsatisfactory.

Forms of tender and further particulars are obtainable from the Official Receiver's Office, 10/F, High Block, Queensway Government Offices, 66 Queensway, Hong Kong (Tel. No.: 2867 2446).

Additional information is also available on the Internet at the following address:—

<http://www.oro.gov.hk>

Tenders must be clearly marked with the tender reference and the subject of the tender on the outside of the envelope (but should not bear any indication which may relate the tender to the tenderer) addressed to the Chairman, Tender Opening Committee, Government Logistics Department, and placed in the Government Logistics Department Tender Box situated at the Ground Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong before 12.00 noon (Hong Kong Time) on the Tender Closing Date. Late tenders or tenders not deposited in the Government Logistics Department Tender Box will not be accepted. In case:—

- (a) a black rainstorm warning or typhoon signal No. 8 or above is valid, or 'extreme conditions after super typhoons' announced by the Government is in force, for any duration between 9.00 a.m. and 12.00 noon on the Tender Closing Date, the Tender Closing Date will be extended to 12.00 noon on the first working day after the typhoon 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; or
- (b) of blockage of the public access to the location of the Government Logistics Department Tender Box referred to on the above address at any time between 9.00 a.m. and 12.00 noon on the Tender Closing Date, the Government will announce extension of the Tender Closing Date until further notice. Following removal of the blockage, the Government will announce the extended Tender Closing Date as soon as practicable. The above announcements will be made *via* press releases on the website of Official Receiver's Office (<https://www.oro.gov.hk>).

This tender is not covered by the Agreement on Government Procurement of the World Trade Organization.

The Government of the Hong Kong Special Administrative Region does not bind itself to accept the lowest tender or any tender, and reserves the right to negotiate with any tenderer about the terms of the offer.

Details of the award of this contract will be published in the Government of the Hong Kong Special Administrative Region Gazette and made available on the Internet.

7 July 2023

Phyllis MCKENNA *Official Receiver*