

Pilot Scheme for Electric Public Light Buses
Prequalification of Suppliers of Electric Public Light Buses

1. OPEN INVITATION

- 1.1 The Environmental Protection Department (EPD) plans to launch a Pilot Scheme for electric public light buses (e-PLBs) by mid-2023. Electric vehicle (EV) suppliers (including manufacturers or their authorized agents) interested in supplying e-PLBs to Hong Kong are invited to tender their interest of joining the Pilot Scheme.

2. BACKGROUND

- 2.1 Commercial vehicles are a major source of roadside air pollution in Hong Kong. Replacing conventional commercial vehicles with EVs can help improve roadside air quality. The EPD issued in October 2020 the *Technical Guidelines (TG) for Electric Public Light Buses (Fast Charging Type) and the Associated Charging Facilities* which provide the basic specifications and requirements for e-PLBs and the associated charging facilities that suit Hong Kong's operating environment. For more information about the TG, please visit the following EPD website:

https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/air/guide_ref/files/Technical_Guidelines_for_e-PLB_and_Charging_Facilities_October_2021.pdf

- 2.2 The Pilot Scheme aims to test the performance of about 40 e-PLBs and the associated charging facilities for 12 months. Public transport interchanges (PTIs), green public light bus (GPLB) routes, GPLB operators, e-PLB models suitable for conducting the Pilot Scheme will be selected. While the EPD will make separate arrangements for provision of the fast charging facilities for e-PLBs at the selected PTIs and recruitment of GPLB routes and operators, this open invitation invites interested EV suppliers to tender their proposals of supplying e-PLBs for EPD's consideration.
- 2.3 Interested EV suppliers may submit their proposals which shall include details of the e-PLBs to be supplied, price of the e-PLB, their experience and track records in supplying/manufacturing EVs and the plan of repair, maintenance and after sales support for the EPD's consideration. The Government will follow the steps set out

in Section 6 of this open invitation to select EV suppliers to be the Prequalified Suppliers of the Pilot Scheme. EV suppliers who are selected and agreed to participate are required to sign an Agreement with the Government to be the Prequalified Supplier of the Pilot Scheme.

3. SUMMARY OF THE PILOT SCHEME

- 3.1 The EPD will engage ALL eligible EV suppliers as Prequalified Suppliers to supply e-PLBs at a fixed price (Fixed Price) offered by the EV suppliers in their proposals for the Pilot Scheme. A cap will be set on the maximum number of e-PLBs to be supplied by each Prequalified Supplier under the Pilot Scheme.
- 3.2 The EPD will separately engage charging services provider to install the charging facilities and provide charging services to e-PLB at the selected PTIs.
- 3.3 The e-PLBs and the charging facilities must fully meet the requirements specified in this open notification.
- 3.4 The EPD will separately recruit GPLB operators to participate in the Pilot Scheme.
- 3.5 The GPLB operators joining the Pilot Scheme will be subsidized by the Government to purchase a total of 40 e-PLBs from the Prequalified Suppliers. The GPLB operators can purchase e-PLB, subject to the conditions in their agreement with the Government, from any of the Prequalified Suppliers.
- 3.6 The e-PLBs will be owned and operated by the GPLB operators. The EPD will arrange collection of the operation, maintenance and performance data of the e-PLBs and the charging facilities during the 12-month trial period.

4. REQUIREMENTS

- 4.1 A Prequalified Supplier shall sell e-PLBs meeting all the technical requirements set out in Annex 1 at a Fixed Price to the GPLB operators joining the Pilot Scheme.
- 4.2 The e-PLB sold by the Prequalified Supplier under paragraph 4.1 shall be manufactured by an EV manufacturer with at least 3 years of experience in the design and manufacture of electric or hybrid vehicles.
- 4.3 The Prequalified Supplier shall be fully responsible for obtaining type approval from the Transport Department of the HKSARG of the e-PLBs sold under paragraph 4.1. The Prequalified Supplier should consult the Transport Department

regarding registration of manufacturer for vehicle type approval. The Prequalified Supplier shall ensure that type approval will be obtained on or before 30 September 2022.

Information about Registration of Manufacturer for Vehicle Type-Approval is obtainable from the Transport Department website below:

https://www.td.gov.hk/filemanager/tc/content_4808/registration_of_manufacturer_for_ta.pdf

- 4.4 The EPD will appoint an Independent Assessor¹ to test the compliance of the technical requirements set out in Annex 1 and the “The Technical Guidelines (TG) for Electric Public Light Buses (Fast Charging Type) and the Associated Charging Facilities” by the e-PLB supplied by the Prequalified Supplier under paragraph 4.1.
- 4.5 The Prequalified Supplier shall not sell the e-PLB unless and until type approval has been granted by the Transport Department and confirmation by the Independent Assessor has been obtained that it meets all the requirements set out in Annex 1 and the TG .
- 4.6 The Fixed Price quoted by the Prequalified Supplier shall be valid for not less than 12 months from the date when the commencement of sale requirement under paragraph 4.5 is met.
- 4.7 The sale and purchase of the e-PLB is a direct deal between the Prequalified Supplier and the GPLB operator joining the Pilot Scheme. The GPLB operator will obtain subsidy for the purchase of e-PLB under the Pilot Scheme directly from the Government. The Government will not subsidize the Prequalified Suppliers under the Pilot Scheme.
- 4.8 The maximum number of e-PLBs allowed for sale by a Prequalified Supplier under the Pilot Scheme is subject to the following cap:

¹ “Independent Assessor” means a third-party assessor hired by the Government to check and test the compliance of the e-PLBs supplied by the Prequalified Supplier against the Specification specified in Schedule 1 of the agreement signed between the Government and the Prequalified Supplier and the requirements of the TG and assess its performance.

Number of Prequalified Suppliers	Cap ² on the number of e-PLBs
1	40
2	$25 + 2^3$
3 or more	$15 + 2^3$

- 4.9 The Prequalified Supplier shall set up at least one after-sales services centre to provide scheduled maintenance and ad hoc repair services for the e-PLBs for at least 8 years.

5. SUBMISSION OF PROPOSAL

- 5.1 EV suppliers who would like to join the Pilot Scheme as a Prequalified Supplier shall provide the following information for consideration by the Government. If an EV supplier fails, refuses or omits to provide the information and details requested, its application will not be considered:

- (a) Specifications of the e-PLB: The specifications shall include at least the information specified in Annex 2 and any other supplementary information considered appropriate by the EV supplier.
- (b) Fixed Price: The EV supplier shall quote the Fixed Price and its validity in Annex 3.
- (c) After-sales support for not less than 8 years: The EV supplier shall provide an after-sales services plan which shall include but not limited to the following:
 - e-PLB maintenance schedule;
 - ad hoc repair and breakdown arrangement; and

² The Cap is the maximum number of e-PLBs that may be sold under the Pilot Scheme. The actual number of e-PLBs sold under the Pilot Scheme will be market driven which may be the same or less than the Cap, depending on the popularity of the e-PLB model.

³ The cap will be increased by two (2) if the height of the floor level of the e-PLB above ground is or can be reduced by the driver during loading and unloading of passengers to not more than 300 mm above ground.

- the locations of all the after-sales services centres in Hong Kong.
- (d) The manufacturer of the e-PLB must have 3 or more years of experience in the design and manufacture of electric or hybrid vehicles, so as to ensure their possession of appropriate level of technical capability and experience. A record of experience in designing and manufacturing electric or hybrid vehicle shall be provided.
- (e) The EV suppliers shall complete and submit to the Government a Non-collusive Tendering Certificate (Annex 5) as part of its Proposal
- 5.2 The documents should be submitted in hard copy format in **triplicate** and should reach the Mobile Source Group of the Environmental Protection Department (Attn: Dr. LAM Siu, E(MS)62), 33/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong, on or before 30 November 2021. If a black rainstorm warning signal or a tropical cyclone warning signal No. 8 or above is announced by the Hong Kong Observatory on 30 November 2021, the deadline will be extended to the next working day (i.e. a day not being a general holiday, a Saturday or Sunday).
- 5.3 The Government, its authorized users, assigns and successors-in-title shall have the right to do any of the acts restricted by copyright under sections 22 to 29 of the Copyright Ordinance (Cap. 528) in respect of all the plans, charts, drawings, documents or any other relevant materials submitted by the EV supplier for purposes including but not limited to assessment and evaluation of proposal, monitoring the e-PLB manufacture, supply, repair and maintenance, audit, record keeping, the disclosure pursuant to paragraph 5.4 below and all other purposes incidental thereto or in connection therewith.
- 5.4 The Government, its authorized users, assigns and successors-in-title will disclose information in Annex 2 to Annex 4 of the proposal to the GPLB operators joining the Pilot Scheme for their fair comparison and selection of products.

6. SELECTION OF PREQUALIFIED SUPPLIERS

- 6.1 The Government in the course of considering and assessing the proposals received may require the EV suppliers to submit further information and details. If an EV supplier fails or refuses to provide the information and details requested, its proposal will not be considered.
- 6.2 EV suppliers with a proposal meeting all the following requirements will be

selected (the selected suppliers) for further consideration:

- (a) The specifications of the e-PLB proposed fully comply with requirements in Annex 1;
- (b) The validity of the Fixed Price is not less than 12 months;
- (c) The manufacturer of the e-PLB has at least 3 years of experience in the design and manufacture of electric or hybrid vehicles as specified in paragraph 5.1 (d) of this Invitation;
- (d) The proposed aftersales services fully comply with requirements specified in paragraph 4.9.

6.3 The Government will invite all selected suppliers to sign an Agreement (a sample Agreement is in Annex 4) to serve as a Prequalified Supplier of the Pilot Scheme.

6.4 The specifications, Fixed Price (including its validity period) proposed by the selected supplier as well as the relevant requirements in paragraph 4 shall form part of the Agreement. Selected suppliers shall carefully read and understand the terms and conditions of the Agreement before accepting the invitation.

6.5 Selected suppliers who accepted the invitation will be required to provide copy each of its valid Business Registration Certificate, Certificate of Incorporation, Memorandum and Articles of Association, Notification of First Secretary and Directors, the latest Annual Return (if any) and Notification of Changes of Secretary and Directors (if any) filed with the Companies Registry giving details of its current shareholders and directors before signing the Agreement. For non-local supplier, a local agent with valid Business Registration Certificate, Certificate of Incorporation, Memorandum and Articles of Association, Notification of First Secretary and Directors, the latest Annual Return (if any) and Notification of Changes of Secretary and Directors (if any) filed with the Companies Registry giving details of its current shareholders and directors shall be appointed and authorized to handle all the necessary documents involved.

6.6 If a selected supplier declines the Government's invitation or refuses to sign the Agreement (Annex 4), its proposal will become void and not be further considered.

7. ANNOUNCEMENT OF RESULT

7.1 The Government will issue an invitation letter to the EV suppliers selected in

accordance with paragraph 6 to sign the Agreement (Annex 4).

- 7.2 The Government will also notify the EV suppliers whose proposal has not been accepted.

8. PERSONAL DATA PROVIDED

- 8.1 The personal data of any individual provided in the proposals (including relevant documents submitted therewith) will be used for the purposes of proposal assessment and selection of a successful proponent.

- 8.2 The personal data provided in the proposal (including relevant documents submitted therewith) may be disclosed to the parties responsible for proposal assessment in other government bureaux, departments and non-governmental organisations.

- 8.3 The individual to whom the personal data belongs has the right of access and correction with respect to personal data as provided for in sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486). The right of access includes the right to obtain a copy of the individual's personal data provided in the proposal or the relevant document. Request for access to or correction of the data provided to the EPD may be made by contacting Senior Environmental Protection Officer (Knowledge Management) or email (enquiry@epd.gov.hk) to the EPD. For more information, please visit

<https://www.epd.gov.hk/epd/english/environmentinhk/notices/privacypolicy.html>

9. CANCELLATION OF INVITATION

- 9.1 The Government reserves the right to cancel this invitation without cause at any time, and shall not be liable for any costs, expenses or losses incurred or sustained by the proponents in undertaking preparatory work and submitting proposals, information or documents in response to this invitation.

- 9.2 All costs incurred in undertaking the preparatory work and submitting documents in response to this invitation shall be at the proponent's sole expense. This invitation may be changed after it is issued. The Government will inform the proponents separately in that case. The Government does not accept any liability for the correctness, accuracy or completeness of any information contained in this invitation.

- 9.3 Without prejudice to paragraph 9.1, where there are changes of requirement after closing date for operational or whatever reasons, the Government is not bound to select any proposal and reserves the right to cancel this invitation.

10. WARRANTY AGAINST COLLUSION

- 10.1 The EV suppliers must ensure that the proposal is prepared without any agreement, arrangement, communication, understanding, promise or undertaking with any other person (except as provided in paragraph 3 of the Non-collusive Tendering Certificate referred to in paragraph 10.2 below), regarding, amongst other things, price, proposal submission procedure or any terms of the Invitation. Bid-rigging is inherently anti-competitive and is considered serious anti-competitive conduct under the Competition Ordinance (Chapter 619 of the Laws of Hong Kong). EV suppliers who engage in bid-rigging conduct may be liable for the imposition of pecuniary penalties and other sanctions under the Competition Ordinance.
- 10.2 The EV suppliers shall complete and submit to the Government a Non-collusive Tendering Certificate (Annex 5) as part of its Proposal.
- 10.3 In the event that an EV supplier is in breach of any of the representations, warranties and/or undertakings in Paragraph 10.1 above or in Non-collusive Tendering Certificate submitted by it under paragraph 10.2 above, the Government shall be entitled to, without compensation to any person or liability on the part of the Government:
- (a) reject the EV suppliers' proposal;
 - (b) if the Government has accepted the proposal, withdraw its acceptance of the EV suppliers' proposal; and
 - (c) if the Government has entered into the Agreement with the EV supplier, terminate the Agreement under Clause 4 of the Agreement.
- 10.4 By submitting a proposal, an EV supplier is regarded to have undertaken to indemnify and keep indemnified the Government against all losses, damages, costs or expenses arising out of or in relation to any breach of any of the representations, warranties and/or undertakings in paragraph 10.1 above or in Non-collusive Tendering Certificate submitted by it under paragraph 10.2 above.
- 10.5 A breach by an EV supplier of any of the representations, warranties and/or undertakings in paragraph 10.1 above or in Non-collusive Tendering Certificate

submitted by it under paragraph 10.2 above may prejudice its future standing as a Government contractor or service provider.

- 10.6 The rights of the Government under paragraphs 10.3 to 10.5 above are in addition to and without prejudice to any other rights or remedies available to it against the EV supplier.

Environmental Protection Department

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