

Annex [M] to the Invitation Letter

Letter of Anti-collusion Undertaking

To: The Government of the Hong Kong Special Administrative Region (“**Government**”)

Date: _____

Dear Sir/Madam,

Agreement No.:

Title:

Letter of Anti-collusion Undertaking

[I/We]*, [**【 Name of the consultant 】** of **【 Address of the consultant 】**] ¹, refer to [my/our] Technical and Fee Proposals for this contract.

[I/We]* confirm that, before [I/we]* sign this letter, [I/we]* have read and fully understand this letter.

[I/We]* represent and warrant that in relation to the Technical and Fee Proposals for this contract:

- (i) [I/We]*, other than the Excepted Communications referred to in the last paragraph of this letter, have not communicated and will not communicate to any person other than the *Employer* the amount of the proposed prices in the Fee Proposal or any part thereof until [I/we]* have been notified by the *Employer* of the outcome of the bidding exercise;
- (ii) [I/We]* have not fixed and will not fix the amount of the proposed prices in the Fee Proposal or any part thereof by arrangement with any person;
- (iii) [I/We]* have not made and will not make any arrangement with any person as to whether [I/we]* or that other person will or will not submit Technical and Fee Proposals; and
- (iv) [I/We]* have not otherwise colluded and will not otherwise collude with any person in any manner whatsoever in the bidding process.

[I/We]* shall indemnify and keep indemnified the *Employer* against all losses, damages, costs or expenses arising out of or in relation to any breach of any of the representations and/or warranties above, including but not limited to damages for delay, costs and expenses of re-tendering and other costs incurred.

In this letter, the expression "Excepted Communications" means [my/our]* communications in strict confidence with:

- (i) [my/our]* own insurers or brokers to obtain an insurance quotation for computation of the proposed prices in the Fee Proposal;
- (ii) [my/our]* Subconsultants to solicit their assistance in preparation of the Technical and Fee Proposals; and
- (iii) [my/our]* bankers in relation to financial resources for this contract.

Signed for and on behalf of [name of the consultant]

By [name and position of the signatory]²:

Name of Witness:

Signature of Witness:

Occupation:

Remarks:

* Delete as appropriate.

1. Where the consultant comprise two or more persons or companies acting in partnership, joint venture or otherwise, this part in square brackets should be expanded to include the respective names and addresses of such persons or as the case may be companies.
2. Where the consultants comprise two or more persons or companies acting in partnership, joint venture or otherwise, all such persons or as the case may be companies must sign. The signatory for each of such persons or companies shall be a person authorized to sign Government contracts on behalf of that person or as the case may be company.