

**[CONSOLIDATED SIA TENDER QUERIES]**

**APPENDIX F – TENDER CLARIFICATION FORM**

**KUALA LUMPUR HIGH SPEED RAIL PROJECT**

**REQUEST FOR CLARIFICATION (1)**

No.	Reference No. (Item of the Tender Document)	Question	Response	Date
1	TOR - 5 2.2.4	What is the status of the TOR SIA PLANMalaysia? Has it been endorsed by PLANMalaysia? What is PLANMalaysia’s comment on the TOR SIA?	MyHSR Corp has received the comments regarding the TOR SIA PLANMalaysia from PLANMalaysia on 20 November 2017. The said comments can be referred in Lampiran A (as attached herewith)	27 November 2017
2	TOR - 7 3.1.7.5	When will the decision to conduct the additional 2,500 perception surveys be made? The Tenderer advises that the timing of the perception surveys has a major implication on the overall timeline of the SIA as these surveys take time to be conducted and analysed.	The decision to conduct the additional 2,500 perception surveys will be made latest by end of January 2018 after MyHSR Corp receives advice from the appointed Social Impact Assessment Consultant (“SIA Consultant”) on the number of perception survey required to assess the social impact for the entire HSR alignment.	27 November 2017
3	TOR - 8 3.1.8.2	<p>a. Normally in a Railway Scheme, the public feedback received during the Railway Scheme must be analysed and documented and a report submitted to the S.P.A.D.</p> <p>b. Is this Railway Scheme public feedback report within the scope of the SIA</p>	<p>a. As mentioned in the Item 3.1.8 of the TOR SIA (TOR -8), the SIA Consultant is responsible to assess the feedback and concern raised by public and affected people during the Public Inspection.</p> <p>b. This feedback shall be included in the final Social Impact Assessment (“SIA”)</p>	27 November 2017

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		consultant? Or will this be done by another party?	report, which then will be used to submit to the SPAD for Railway Scheme approval.	
4	TOR - 8 3.1.9.2	Some of the studies listed (e.g. SDF, Corporate Social Responsibility) will be directly relevant to the SIA. Will these studies be completed in time to be used in the SIA?	All studies will be conducted concurrently throughout the SIA. However, the SIA Consultant will be provided with relevant information of those studies to enable the SIA Consultant to conduct the SIA study.	27 November 2017
5	TOR-8 & TOR-9 3.2.3 3.2.5	Clause 3.2.3 states that public health and visual will not be part of the EIA whereas clause 3.2.5 states that public health and visual are part of the EIA.  Is public health assessment and visual assessment to be conducted under the SIA or under the EIA?	Item 3.2.3 clearly states that the public health, visual and social impact under Environmental Impact Assessment (“EIA”) study is only focused on secondary data acquisition (information received from respective government agencies, statistic from local government clinic, etc). The SIA Consultant is expected to obtain the primary data for public health, visual and social impact either through perception surveys or FGD.	27 November 2017
6	TOR - 9 3.4.1	According to the SIA manual by PLANMalaysia, the SIMP must be submitted as part of and concurrent with the SIA report and is evaluated together.  All SIAs submitted to PLANMalaysia so far have included SIMP.	The Social Impact Management Plan (“SIMP”) is part of the final SIA report that will be submitted to the PLANMalaysia. The SIMP that will be submitted after approval of SIA report will be a comprehensive SIMP that will be used for monitoring and auditing purposes to study on the progress and performance of the SIA for High Speed Rail (“HSR”) project.	27 November 2017

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		It is not clear why the SIMP is to be submitted separately and at a later date. The SIA report will not be approved without the SIMP.  Please clarify.		
7	TOR - 10  4.1.2	Does “community engagement” refer to other forms of engagement besides FGD? Please clarify.	Yes, the SIA Consultant has the flexibility to conduct any kind of engagement, for example, town hall, dialogue session, etc. with the public and affected community for the purpose of completion of the SIA study.	27 November 2017
8	TOR - 10  FGD and perception survey  4.2.1 4.3.1	We assume the TOR is a guide and we can make improvements to the questionnaire based on interpretation of the potential impacts	It is stated in the Item 2.2.4 (TOR – 5) of the TOR SIA that the TOR SIA PLANMalaysia is a reference for the SIA Consultant in assessing the scope of works required to conduct the SIA study.  In addition, as stated in Item 4.3.1 (TOR -10), the SIA Consultant is required to further develop the questionnaire to ensure all social issues and concerns are being addressed.	27 November 2017
9	TOR - 11  6.2.1 6.2.2 6.3.1	a. Can the Baseline Programme be amended to be different from the Deliverables listed in Section 9 (TOR - 16)?	a. As the SIA study is mandatory to be completed on time for approval of the Railway Scheme, the SIA Consultant is expected to deliver the works based on the date mentioned in Section 9 (TOR – 16).	27 November 2017

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		b. The Risk Management Plan is not listed as a deliverable in Section 9 (TOR - 16) and not listed in Appendix B3 – Payment Milestone (ITT - APP -21). Please clarify if the Risk Management Plan should be considered as one of the deliverables.	b. The risk management plan is not a formal deliverable, but the SIA Consultant shall develop a risk management plan upon appointment.	
10	TOR - 13 6.9.1.3b(i)	Please clarify whether a set of all drawings will be required to be submitted in A1 size. (The Tenderer is of the opinion that an SIA report does not require drawings in A1 size.)	In the event where any drawing is required to be submitted in A1 size, the SIA Consultant will be notified by MyHSR Corp on same.	27 November 2017
11	TOR - 14 6.9.2.1	The final SIA and HIA reports will be in English and not in Bahasa Malaysia. (Also, Section 6.9.1.1 states that all reports shall be written in English.)  Please clarify.  Note : the TOR SIA PLANMalaysia was prepared in English.	MyHSR Corp will issue an addendum to amend Section 6.9.2.1 to allow flexibility of the report to be written in either English or Bahasa Malaysia (subject to agreement with PLANMalaysia)	27 November 2017
12	TOR - 14 6.9.2.2	Sub-section 3.12.1.4 and 3.12.1.5 are referred to, but these sub-sections do not exist in the TOR and ITT document. Please clarify.	MyHSR Corp will make necessary amendment to this wording. The reference should be made to the Item 6.9.1 (TOR – 13) – Deliverables Submission.	27 November 2017
13	TOR - 14 6.9.3.1	a. The “GIS and Geospatial document” is not listed as a deliverable in Section 9 (TOR - 16) and not listed in Appendix B3 – Payment Milestone (ITT - APP -21). Please clarify if the GIS and Geospatial document	a. The Geographic Information System (“GIS”) and Geospatial document shall be part of the SIA report deliverables. The softcopy of the document (in	27 November 2017

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		<p>should be considered as one of the deliverables.</p> <p>b. At which stage of the project is the GIS and Geospatial document required to be submitted?</p>	<p>original format) shall be forwarded to MyHSR Corp as a record.</p> <p>b. The GIS and Geospatial shall be submitted upon approval of the TOR SIA report by PLANMalaysia.</p>	
14	TOR - 14 7.1.1 (vi)	<p>a. Is the land use data from PLANMalaysia in GIS format?</p> <p>b. What is the width of the land use data coverage?</p> <p>c. What is the date of the land use data?</p>	<p>a. The land use data from PLANMalaysia is in GIS format.</p> <p>b. Data coverage is statewide.</p> <p>c. The date of the land use data is 2016.</p>	27 November 2017
15	TOR - 14 7.1.1	Will high resolution satellite imagery be provided by MyHSR?	MyHSR Corp will provide the Light Detection and Ranging (LIDAR) document that shows a LIDAR image of the HSR Corridor (500-meter width)	27 November 2017
16	TOR - 15 SIA team 7. Land expert	Please clarify what is "Persatuan Tanah Malaysia"	MyHSR Corp will issue an addendum to replace "Persatuan Tanah Malaysia" into "Pertubuhan Professional Tanah Malaysia (PERTAMA)". PERTAMA is an association established to recognise the persons with wide knowledge relating to land matters (for example, land acquisition, land survey, land development etc) in Malaysia.	27 November 2017

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17	TOR - 16  Deliverables and Timelines	Should the Risk Management Plan and the GIS and Geospatial document be included as deliverables? If yes, what is the submission timeline for each?	The Risk Management Plan and the GIS and Geospatial will not be tracked under deliverables and are only used for record purposes. The Risk Management Plan shall be submitted upon appointment while the GIS and Geospatial shall be used in the final SIA report. The softcopy of GIS and Geospatial (in original source) is required to be submitted upon approval of the SIA report.	27 November 2017
18	ITT - 9  3.1.7	<p>a. Is each Nominated Party required to sign and submit its own documents (Appendix A1, A5, A8) in addition to the same documents signed and submitted by the Tenderer? E.g. the Tenderer and Nominated Party must each sign their own Declaration Form which are then compiled into one Tender Submission?</p> <p>b. Is the Nominated Party required to submit their own Appendix A8?</p>	<p>a. Yes, as stipulated in Section 3.1.7 of the Instructions to Tenderers ("ITT"), each Nominated Party is required to complete and sign the said documents.</p> <p>b. However, the Nominated Party is not required to submit their own Appendix 8 separately. All parties (i.e. the Tenderer and the Nominated Party) should sign and submit only one copy of Appendix 8.</p>	27 November 2017

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19	ITT-APP-1 to ITT-APP-11, ITT-APP-18 to ITT-APP-22  Appendices A1 to A9, B1 to B4	Is the Tenderer allowed to reproduce the ITT Appendices in Microsoft Word or Excel format in order to fill in the forms and tables in the Appendices?	Yes, the Tenderer may reproduce the ITT Appendices in Microsoft Word or Excel for proposal submission purposes.	27 November 2017
20	ITT-APP-5 ITT-APP-6  Appendix A5	<p>a. Does the “total number of SIA / EIA related experience...” include other projects which the Tenderer does not specifically list in Appendix A5?</p> <p>b. Can a project be listed in both Part A and Part B of Appendix A5?</p>	<p>a. It will depend on the number of SIA/EIA related experience stated in Part A of Appendix A5. If the number of related experience stated in Part A is 10, for example, then the number may include other projects which have not been listed in Part A of Appendix A5. If on the other hand, the number of the said projects is less than 10, then the number of projects should not include those which have not been listed in Part A of Appendix A5.</p> <p>b. Yes.</p>	27 November 2017
21	ITT-APP-10	Should the Implementation Schedule include HIA submission to Jabatan Warisan Negara and approval by JWN?	The table in Appendix A8 is an example of the Implementation Schedule. The SIA Consultant have the flexibility to add any additional activities, for example, Heritage Impact	27 November 2017

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			Assessment submission to Jabatan Warisan Negara in the Implementation Schedule as deemed necessary to indicate the activities that will be conducted by SIA Consultant for the completion of the scope of works.	
22	ITT-APP-14 Appendix A11	The audited financial statements should be for how many years?	Kindly submit 3 years audited financial statements.	27 November 2017
23	ITT-APP-18 Appendix B1	Does the Tender Sum include Optional/Provisional costs?	No, the Tender Sum does not include Optional/Provisional costs.	27 November 2017
24	ITT-APP-19 Appendix B2	<p>a. Is report printing cost to be included in "Preparation of SIA report" or in Reimbursable Cost?</p> <p>b. Are the expenses for FGD and perception survey (e.g. travel, accommodation, per diem) to be included in Reimbursable Cost or in the FGD and Perception Survey cost (items 1a and 1b)?</p>	<p>a. The printing cost may be included in the reimbursable cost. However, please take note that the total reimbursable cost is capped at 10% of the total cost.</p> <p>b. Yes, the said expenses may be included as part of reimbursable cost. However, please take note that the total reimbursable cost is capped at 10% of the total cost.</p>	27 November 2017
25	TOR - 8	Can the proposed Expert for Project Manager and Social Expert be the same individual, as their requirements are similar and inter-related (i.e. Can the same individual hold more than one position in the project, providing he/she fulfils the requirements of each position?)	No, each individual expert is expected to hold only one position at a time.	27 November 2017



## **The Terms of Reference for the SIA study of the Kuala Lumpur- Singapore High Speed Rail (HSR) Project**

PLANMalaysia has propose the following aspects be incorporated in the Terms of Reference document:

### **1. OBJECTIVE OF SIA**

The overall objective of the SIA is to identify, analyse and manage the intended and unintended social consequences, both positive and negative of the HSR project and any social change processes invoked by these processes

In accordance to the Manual on Social Impact Assessment, 2017 (2<sup>nd</sup> Edition), the SIA study shall:

- i. Engage all relevant stakeholders to identify social issues, impacts and its predictions as well as strategies to manage social impacts;
- ii. Provide a detailed description and analysis of the social pre-project baseline situation as a basis for social profiling, mitigation and future monitoring
- iii. Provide an assessment based on collected baseline data and public engagements to identify both positive and negative social impacts, direct and indirectly affected parties (and especially the marginalised groups)
- iv. Determine impact predictions using effective techniques during planning stage, construction stage and operational stage
- v. Determine level of significance of impacts for effective mitigation measures.
- vi. Optimise positive impacts and mitigate negative impacts throughout the project lifetime
- vii. Develop a Social Impact Assessment (SIMP) that can effectively be implemented to mitigate negative impacts and optimise positive impacts

### **2. SCOPE OF SIA STUDY**

1. The preparation of the SIA study should be guided by the Manual on SIA (2<sup>nd</sup> Edition) 2017 produced by PLANMalaysia (Federal Town and Country Planning Department). Accordingly, the SIA study should be organised to incorporate the various levels of an impact assessment as follows:

- Screening
  - Scoping
  - Baseline study
  - Prediction and evaluation of impacts
  - Mitigation
  - Social Impact Management Plan
2. The given corridor of the HSR should form the basis for the SIA study and the SIMP to be developed should be at the appropriate level of detail corresponding with the scale and significance of the project that can be translated by the various states to develop further their respective SIMPs in an effective and coordinated manner
  3. The HSR has many spatial implications at the national, regional and local level. Being a strategic project that transverse several states namely the states of Selangor, Negeri Sembilan, Melaka and Johor, thus the SIA study shall has to adhere to the spatial management plan of the National Physical Plan 3 that synchronises spatial planning at the national level.
  4. SIA is an effective tool in implementing social policies of the government at the development project level. Therefore the SIA study shall incorporate elements of the government's social policies of inclusivity and equity in line with the aspirations of leaving no one behind from the benefits and opportunities that a development project can offer. Appropriate social outcomes and targets in line with the government's aspirations need to be appropriately incorporated in the SIA study
  5. The methodology of the SIA study has to be comprehensive that shows clearly the types and scale of public engagements to be undertaken, appropriate techniques and models as well as expert inputs needed to effectively identify social impacts, prediction and assessment.
  6. Determination of Zone of Influence is crucial for this study. An effective Zone of Influence will ensure an accurate analysis of social issues and impacts that influences subsequent findings. In determining Zone of Influence, data and information gathered during the baseline study and public consultation should be utilised. Spatial planning as contained in the National Physical Plan 3 should also be an integral input in identifying Zone of Influence.

7. The SIA study shall be based on most updated data and information that include existing land use zoning as well as any committed development that has to be verified by the various states.
8. The SIA study shall has to make references to other impacts assessment studies especially Environmental Impact Assessment (EIA) since findings of other impact assessment on various fields have social implications that need to be addressed in SIA. Data and information in the SIA should be consistent with other impact assessment studies.

### **OTHER GENERAL COMMENTS**

1. In the context of this SIA study, a Terms Of Reference document should define all aspects of how the consultant and the team shall conduct the study. It should define the objectives and the scope of the study, the professional/expert inputs needed for the study and outlines the responsibilities of each consultant in conducting the study. It should also include the time frame involved and costing.
2. The Terms of Reference for this SIA study is too bulky (414 pages). Since the TOR for SIA is different from the EIA study, it is therefore necessary at this point to include information that is only relevant. It is also not feasible to identify Zone of Influence at this stage. An effective Zone of Influence need to be determined by the consultant after thorough analysis at the scoping and baseline data stage of the study is undertaken.
3. TOR document need to be focussed and effective in guiding the consultant on how to conduct the SIA study. It should not pre-empt and dictate the designated consultant on determining the methodology of the study to be applied, mitigation measures and SIMP. This can be effectively done by the designated consultant at the scoping stage of the study after thorough analysis.