

Question & Answer 1

ITB : Environmental Impact Assessment (EIA) Study for Betano Refinery Project
Reference No : ITB/TG/ 015/002
Date : 03 August 2015

1. Question: We would like to have access to the documents mentioned in the ITB, *Quoting: " This EIA study MUST take into account the available data and in addition develop more detail studies and/or assessment to meet the minimum requirement for Category A..."* Table 1, refers to 10 documents. Can you provide them to us?

Answer: The related documents will be provided to the successful bidder. The requirement to get the documents by submitting formal letter to TIMOR GAP, E.P., and list out the relevant data in relation to proposed study.
2. Question: The last bullet of Clause 4.3 "EIA Scope of Work", page 16 of ITB, stated that *"To provide clarification and review the EIA study, if necessary, as requested by the NDE. If required, this task is expected to be performed 91 days after delivery of the EIS and EMP documents."* In our understanding, the Consultant should act immediately when requested by NDE to clarify and review of the documents, in order to obtain the Environmental Licenses by the end of March 2016. So please consider our concerned point.

Answer: During assessment and reviewing period by NDE, if any clarification required then the consultant shall directly take immediate action to provide response in order to obtain environmental license within 91 days from January - March 2016
3. Question: On page 29 of the draft agreement, Schedule of Fees and Insurance Coverage, Clause 5, "Penalty Fees", the following is stated. *"In connection with article 12.5 of the Service Agreement, if CONSULTANT fails to deliver the final report within three (3) months after receipt of the Environmental Impact Assessment Study, the CONSULTANT agreed to pay a penalty corresponding to 0.3% of Contract Price per day, but not exceed 5% of Contract Price."* In our understanding, to deliver the final report, the EIA License must be approved by NDE first. Is it possible to control the period that NDE will require for the approval process (review, comment and etc)?

Answer: : in accordance with the Decree Law No.5/ 2011 of Timor Leste, the approvals of any EIA study requires certain days which is still favorable to the company to apply three months upon the receipt of the EIA study report (EIS) from the consultant. Any delay of being implementing such study that adheres to consultant responsibility should be in accordance with the terms and conditions of this agreement.

4. **Question:** On page 29 of the draft agreement, Schedule of Fees and Insurance Coverage, Clause 4, "Payment Schedule", the following is stated. *"CONSULTANT shall propose proper payment schedule upon deliverables. Is it possible to propose for the Advance Payment? This is because the first report will be submitted by 2.5 months after commencing date and payment will take another 30 days, while most of our activities will be carried out during the first three(3) months after commencing date, including field works and public participation."*

Answer: the company may consider any proper payment schedule upon receiving the proposal with the reasonable justification and base on the nature of the assessments, the advance payment is allowed up to a maximum of 10% of the total contact price and should not more than performance security fee as per article 16 of ITB document

5. **Question:** Our institutional documents are written in the Portuguese language. Is it a requirement, to translate them to English? Of course the original ones will also be delivered

Answer: The Company reserves the right to request all bidders to submit any documents related to this bidding process in English.

6. **Question:** With regards to the TOR for Environmental Impact Assessment Study for Betano Refinery Project in Timor-Leste, we would like to point out that one of the most concerned aspects is on the allocated time frame of 3 months for submission of EIS and EMP for component 1 and 2. With this limited period, the environmental sampling can be barely conducted only once during the EIA study, thus, the seasonal variation for each environmental parameter which is the essential baseline data for impact assessment cannot be fully covered. Therefore, the impact assessment, and EMP cannot be prepared properly. In addition, there are concerns from La'o Hamutuk, the Timor-Leste Institute for Development Monitoring and Analysis on the approval of SSB license without the public consultation and specific Environmental Management Plan (May 8, 2014). Thus, it is critical for this proposed EIA study to be strictly in accordance with all concerned laws and regulations. In order to cover all of the essential parts of the EIS and EMP for component 1 and 2, we would like to suggest the expansion of the study period into 9 months (not including the review period by NDE). Your kind consideration on this critical issue would be highly appreciated.

Answer: We do recognize that the seasonal variation for each component of the EIA Study is very critical. Having said that, TIMOR GAP has undertaken quite various studies for Refinery project, Highway project which is in line with Pipeline Road and other studies related to the whole package of the Refinery which mainly will be covered in the EIS Study performance. As a result, in accordance to ITB package 4.1 previous studies; the consultant is expected to be able to perform the EIS study by and complete the submission of EIS & EMP within 3 months.