



STATE SECRETARY PENANG , INCORPORATED

**REQUEST FOR PROPOSAL (RFP) TO REFURBISH, RESTORE,
ENHANCE AND MANAGEMENT OF FORT CORNWALLIS
ON PART OF LOT 29, 30 AND 31 SEKSYEN 24,
NORTH EAST DISTRICT, GEORGE TOWN,
PENANG, MALAYSIA**

**SECRETARIAT
STATE SECRETARY OF PENANG INCORPORATED
LEVEL 26, KOMTAR,
10503 PENANG**

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1. INTRODUCTION

- 1.1 Fort Cornwallis is an old fort built in star-shaped formation situated on Part of Lot 29, 30 and 31 Seksyen 24, North East District, George Town, Penang. It was built by Captain Francis Light in the year 1786 and was named after the British Governor General of India at that time, Charles Marquis Cornwallis. In 1804, when Colonel R.T. Farquhar was the Governor of Penang, the fort was rebuilt with bricks and stones using imported Indian convicts labour. Fort Cornwallis was later completed in 1810 during Norman Macalister's term as Governor of Penang.
- 1.2 Even though the fort was originally built for the Royal artillery troops and the military, its function, historically, was more administrative than defensive. In its entire history, the fort had never engaged in any battle. Apart from being used for the British Royal artillery troops, the fort was once occupied by the Sikh Police of the Straits Settlements during the 1920s.
- 1.3 At present, Fort Cornwallis functions as a tourism product and is the main attraction for tourists in George Town, Penang. Fort Cornwallis is the only fully intact historic old fort in the country, which is owned by the Penang State Government. The fort is situated in the core zone of UNESCO World Heritage Site and an effective management of the heritage site is a very important issue.
- 1.4 In line with the State Government's vision to transform Fort Cornwallis as an international tourist destination, the State Secretary of Penang Incorporated (SSI) has been given the mandate to spearhead this initiative to refurbish, restore, enhance and manage Fort Cornwallis. The project has been identified to be undertaken by a private entity (hereinafter referred to as the Project Sponsor) on a build – operate – transfer (BOT) concept. The Project Sponsor is encouraged to incorporate heritage conservation and preservation elements with Green Building Index technology.

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FORT CORNWALLIS, PENANG - AERIAL VIEW



2. INSTRUCTIONS TO THE PROJECT SPONSOR

2.1 Purpose of Submission

SSI is requesting a proposal to restore, refurbish, enhance and manage e Fort Cornwallis as a new tourism product for Penang. SSI also hopes to maximize the potential of this beautiful and valuable site so as to raise Penang's profile internationally in the tourism industry.

As with all other heritage castles and forts all over the world , a comprehensive management plan must be drawn to show how conservation effort will be carried out for Fort Cornwallis, as the most important heritage site in Penang.

During the course of the implementation, the successful bidder will need to liaise with various parties such as stakeholders and other related departments and agencies.

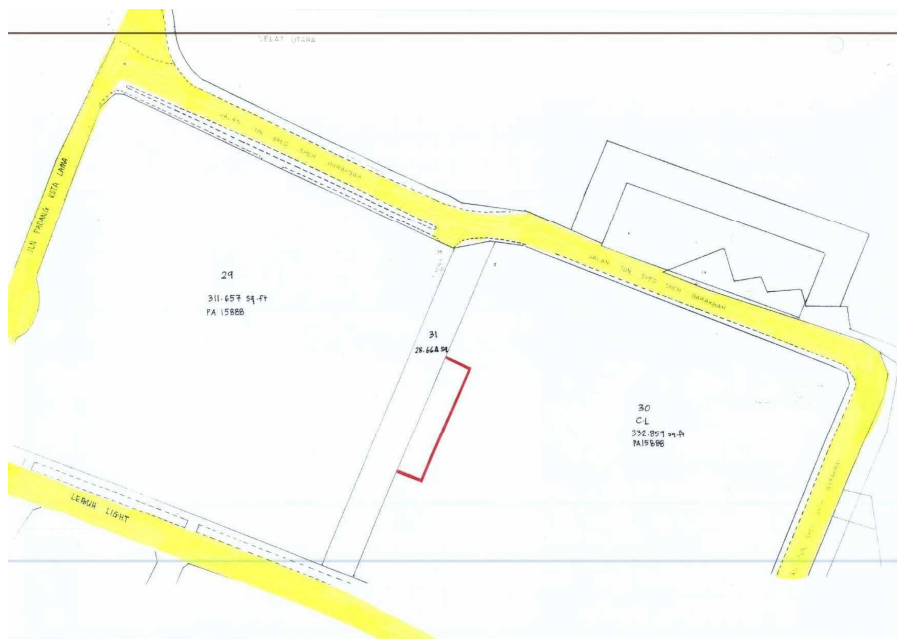
2.2 General Scope

The bidder is required to have an understanding of Appendix A and comply with the following:

- i. Penang Structure Plan;
- ii. Draft of Penang Island Local Plan;
- iii. National Heritage Act 2005 (Appendix B);
- iv. Heritage Management Plan;
- v. Dossier of Historic Cities of Straits of Malacca; Melaka and George Town
- vi. Local Council Requirements; and
- vii. Requirements of other technical agencies (List of technical agencies contact is per Appendix C).

2.3 Project Site

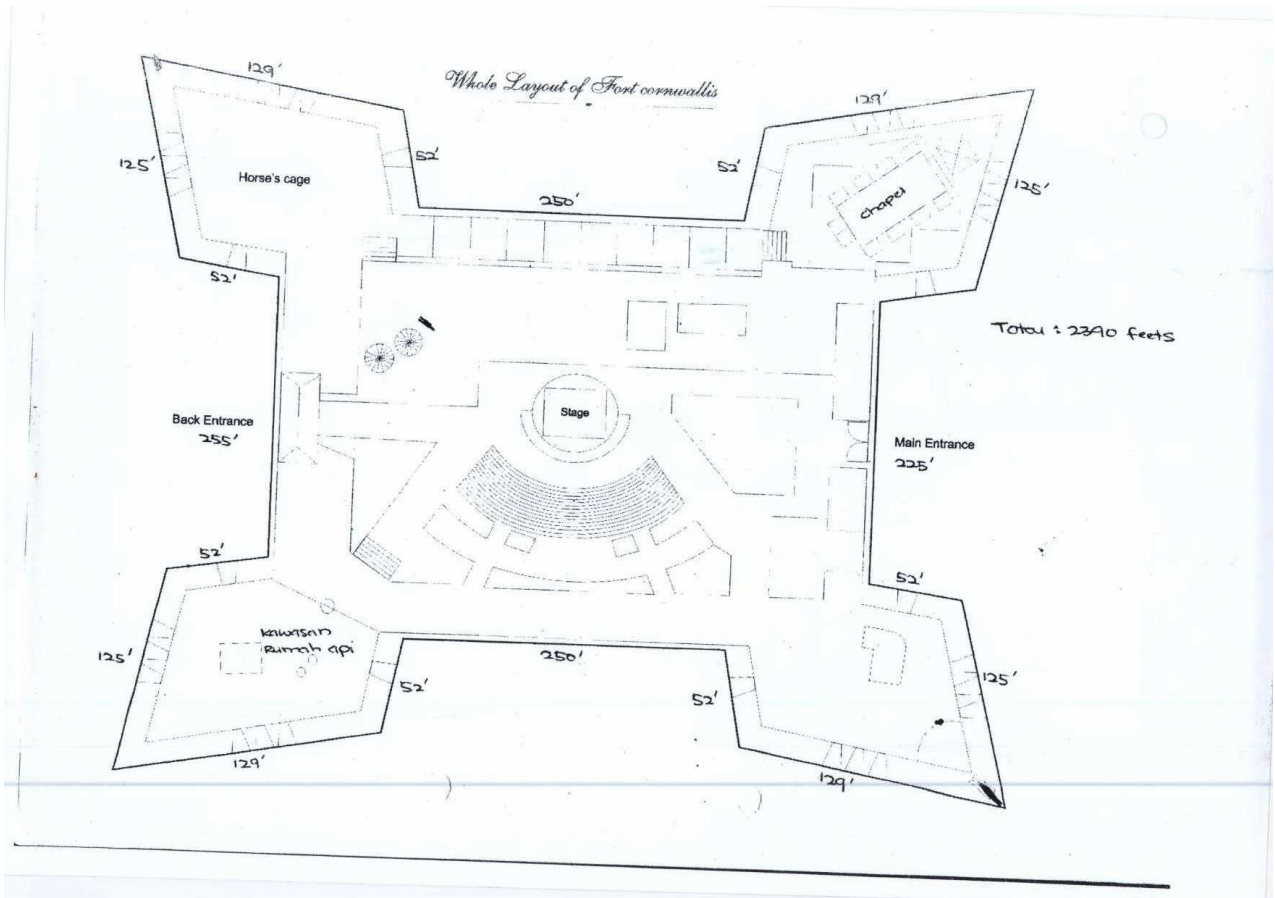
Fort Cornwallis is located on part of Lot 29 (311.657 sq ft), Lot 30 (332.859 sq ft) and Lot 31(28.664 sq ft) Seksyen 24 North East District, George Town, Penang. It is classified as a heritage building under Category 1 and gazetted under the National Conservation Act and is situated in the core area of George Town World Heritage Site.



LAYOUT PLAN



LAYOUT FLOOR PLAN



Formal request to visit the site shall be made in the first instance to the SSI Secretariat as per Appendix D.

SSI as the owner will enter into an agreement with the successful Project Sponsor for a period (15 + 15 years) under terms and conditions to be mutually agreed. The land shall not be charged to obtain bridging finance for the project and is prohibited from being use as collateral for whatever purposes. The site shall not be sub-leased or transferred to a third party to manage. At the end of the term, the Project Sponsor shall transfer the whole project to the ownership of SSI at no further cost.

2.4 Project Implementation

The following is the proposed schedule for the implementation of the project:

- | | | | |
|-------|--|---|---|
| i. | Issue Request For Proposal | - | 1 June 2010 |
| ii. | Submission of Proposal | - | 30 August 2010 |
| iii. | Technical Evaluation | - | September –
October 2010 |
| iv. | Tabling to SSI Committee | - | October 2010 |
| v. | Letter of Award | - | November / December
2010 |
| vi. | Signing of Agreement | - | December 2010 |
| vii. | Submission of Planning Permission/
Building Plans | - | April 2011 |
| viii. | Commencement of work | - | 2 months after
approval of Building
Plans and Engineering
Plan |
| ix. | Completion and Operation | - | 12 months after
commencement of
work |

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3. DETAILS OF INFORMATION TO BE PREPARED BY PROJECT SPONSOR

The Project Sponsor is requested to submit complete information on its proposal for the restoration, refurbishment, enhancement and management of Fort Cornwallis.

The Proposal shall follow the layout below:

3.1 General Information

This section of the proposal shall contain an executive summary comprising an overview of the Project Sponsor, project to be implemented, the implementation schedule and costing.

It should include the company history comprising:

- i. A history of the company and information on senior officers, directors, shareholders/partners;
- ii. Location of head office and branch offices;
- iii. Number of employees; and
- iv. Nature of main business.

3.2 Project Sponsors Information

This section shall contain the background information of the Project Sponsor [including registration certificate from Suruhanjaya Syarikat Malaysia (SSM) for local companies]. Foreign companies participating in the RFP are required to submit a letter from the respective Malaysian Embassy in their home country endorsing its experience, expertise and financial capacity as a Bona Fide company.

Audited statement of accounts for the latest three years, list of projects (local and foreign) and credentials should be included.

3.3 Corporate Capability

3.3.1 Project Development and Experiences

The Project Sponsor must identify its consultants, contractors, suppliers, operators and financiers to be engaged for the proposed project. The Project Sponsor must submit a project management brief for the development and implementation of the Project including a summary of the key management functions to be performed and positions to be filled. The Project Management Brief shall include the Project Construction Schedule and commercial operation. Documents showing a commitment or intention to participate in the project must be identified and included in the proposal. A Letter of Understanding or signed contract reflecting a commitment in the project should be included, if any.

3.3.2 Technical Capability

This section must be completed in sufficient detail and contain sufficient information to show convincingly that the Project Sponsor and its consultants, contractors, suppliers and operators have the technical capability, experience and expertise (either directly or through the use of other parties) to design, construct and operate the proposed Project, and that the concerns of SSI regarding their qualification for the Project have been addressed.

At the minimum, the exhibit should include:

- i. Experience of senior technical staff with heritage expertise;
- ii. Resumes of key personnel who will be associated with the project and names of consultants to be used for the Project; and
- iii. List of projects developed and operated by the Project Sponsor or its partners including project related to Heritage.

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3.3.3 Financial Capability

This section must be completed in sufficient detail and contain sufficient information to show convincingly that the Project Sponsor and its partners have the capability, experience and expertise to finance, develop and manage the proposed Project, and that all concerns of SSI regarding their qualifications for the Project are satisfied.

Convincing evidence that the Project Sponsor has strong credit backing (minimum paid up capital of USD50,000.00), and that the Project Sponsor can directly or successfully arrange financing for the project, or arrange the required security on completion and performance, shall be provided.

3.4 Project Feasibility

3.4.1 General

The proposal must incorporate a plan showing the location of the proposed project, its site layout and associated topography.

3.4.2 Physical Design of Project

For the overall physical design of the Project, the Project Sponsor is required to provide among others description of major components including plan and elevation drawings. The Project Sponsor is encouraged to include Green Building Concept in the plan.

The Project Sponsor shall list any deviations from the RFP in their proposal.

3.4.1 Economic Study

The Project Sponsor should provide an economic study of the proposed project. The extent of this study is left to the judgement of the Project Sponsor but the study should be in sufficient depth to convince SSI that the project is feasible and the cost estimates and construction schedule are realistic and verifiable.

3.5 Cost Estimates, Financing and Return on Investment

- 3.5.1 The Project Sponsor shall provide a detailed capital cost breakdown and operating costs.
- 3.5.2 The Project Sponsor must provide a detailed project financing plan including debt and equity details, along with documentation showing experience in obtaining financing for projects of similar size and project technology.
- 3.5.3 The Project Sponsor shall provide a detailed project cash flow and indicate the revenue stream required to provide a return on investment (i.e. to meet debt servicing requirements and to provide a reasonable return to the equity investors) under normal operating conditions, over the proposed contract duration. Indicate the assumed debt servicing requirements and conditions.
- 3.5.4 The Project Sponsor must provide an audited account for the past three years.

3.6 Tourism and Marketing Strategies

The Project Sponsor must provide heritage tourism strategies to promote Fort Cornwallis, to design and develop a range of eco-tourism products and services, maximize the potential of this beautiful and valuable site and raise Penang's profile internationally in the tourism industry.

3.7 Benefits to State Government of Penang

The Project Sponsor must provide details of benefits to Penang State including employment, engagement of local contractors and local heritage expert, suppliers and monetary returns to the State Government.

The Project Sponsor shall pay to SSI an amount mutually agreed for a period of 15 years (to be reviewed every five (5) years with an increase of maximum 20%).

4. TERMS AND CONDITIONS

- 4.1 Project Sponsors are invited to submit their proposals according to the requirements contained in this document
- 4.2 Project Sponsors shall bear all costs associated with the preparation and submission of its proposal which must be delivered on or before **12.00 noon, 30th August 2010.**
- 4.3 **One (1) softcopy** and **one (1) hardcopy** of the proposal must be submitted to the following address:
- The Secretariat
State Secretary of Penang (Incorporated)
Level 26, KOMTAR
10503 Penang
Malaysia.
- 4.4 Proposals received after the closing date and time will not be entertained.
- 4.5 Submissions shall be placed in a sealed envelope, clearly marked at the top-right-hand-corner of the parcel as **“Restoration, Refurbishment, Enhancement And Management Of Fort Cornwallis at part of Lot 29, Lot 30 and Lot 31, North East District, George Town, Penang”.**
- 4.6 All proposals shall be in English.
- 4.7 All proposals must be typed on A4 paper (8.27” x 11.69”). Each section shall begin on a new page and be appropriately tabbed. Each page shall be numbered in sequence and shall include the Project Sponsors identification.
- 4.8 The proposal must be signed by an official who is authorised to act on behalf of the organisation that is submitting the proposal (as per Appendix E).
- 4.9 Any suggestions for additional features or alternatives, within the general framework specified are welcome.
- 4.10 Companies participating in this exercise may either submit proposals on their own or in collaboration with others. However, the role and responsibility of each company must be clearly stated.
- 4.11 No amendments shall be made to the proposal after its submission.

- 4.12 SSI has the absolute discretion to accept or reject the submitted proposal and is not obligated in any way to award the project to the person(s) and or company(ies) submitting the proposal.
- 4.13 After the issuance of the RFP, information relating to the contents, examination, evaluation and comparison of proposals and recommendations concerning the award of contract shall not be disclosed to the respondent or other persons not officially concerned with the process.
- 4.14 All submission shall be valid for six (6) months from the closing date of this invitation but SSI reserves the right to extend the validity period by another three (3) months by giving notice to the respondents.
- 4.15 Only shortlisted and/or successful company(ies) responding to this RFP will be notified of their status and will be required to make a representation of their proposal. There will be no notification of status of the award to unsuccessful company(ies).
- 4.16 SSI is not obliged to inform or provide details of the selection process to either successful or unsuccessful Project Sponsors.
- 4.17 The successful Project Sponsor shall be required to enter into a formal agreement with SSI.
- 4.18 Failure of the successful Project Sponsor to comply with the stipulated requirement shall constitute sufficient grounds for the annulment of the award.
- 4.19 The successful Project Sponsor shall furnish SSI within fourteen (14) days from the date of the Letter of Award (LOA) a performance bond in the form of a Bank Guarantee to an amount equal to five percent (5%) of the total Project Cost issued by a licensed bank operating in Malaysia.
- 4.20 The Bank Guarantee shall be kept valid from the date of issue to the date not earlier than three (3) months after the completion of the project. In the event that the Project Sponsor fails to complete the project within the stipulated period, the Bank Guarantee shall be forfeited. The Bank Guarantee shall also be forfeited if the Project Sponsor withdraws its Proposal during the validity period or any extension thereof.
- 4.21 SSI at all times reserves the right to alter from time to time the specifications and descriptions mentioned in this RFP and respondents must conform to the altered specifications and descriptions. In the event of any amendments to this RFP, all applicants will be notified accordingly.

- 4.22 It shall be agreed and understood that in the event that the negotiations fail and the contract is not signed, there shall be no course of action against SSI, nor shall it be possible to pursue a course of action against SSI for any action howsoever arising.
- 4.23 Whilst care is taken to ensure that the facts and information contained in this RFP are correct at the time it is presented, SSI hereby makes no representation as to the accuracy and adequacy of such facts and information contained in the RFP. SSI shall not be liable for any inaccuracy or inadequacy of such facts and information.

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Appendix A

REQUIREMENTS FROM NATIONAL HERITAGE DEPARTMENT

1. Vast experience in building management and specializing in heritage buildings.
2. Vast knowledge on the history of Fort Cornwallis and other international historical forts to enable comparison of the management of other forts. The successful project sponsor must have the ability to give accurate information to visitors especially historians, researchers and those interested in history.
3. Knowledge in restoration and conservation of old buildings, artifacts, historical items and general issues.
4. In depth knowledge on the Heritage Building Conservation Guidelines (especially on renovation or development as per UNESCO, State and Federal Government requirements).
5. Effective Traffic Management Plan for tour buses, parking, entrance to and exit from Fort Cornwallis. The plan should consist procedures on entrance and movement of visitors and safety measures.
6. To set up an Information Centre with accurate historical information to enable visitors to appreciate the historical value of Fort Cornwallis and its artifacts.
7. To provide high end technology exhibits and replicas such as small churches, prisons, kitchen and living areas to give accurate historical impression of the Fort.
8. To provide a restoration schedule for Fort Cornwallis.

9. Guidelines and visiting schedules and training for tourist guides should be in line with World Heritage Site (professional and trained tour guide as per UNESCO standard)
10. To provide clear signages on facilities available i.e. souvenir shops, food stalls, public toilets, historical artifact exhibition area and excavation area. Service provided and items sold must be of international quality.
11. Food stalls and other structures in the heritage site should reflect its value as a Historical Heritage Site in the core zone of World Heritage Site as inscribed by the UNESCO.
12. Management of programmes and events held at the Fort Cornwallis premises must be controlled by certain rules. This is to prevent disturbances to other visitors and bring negative impact to Fort Cornwallis and other on site historical artifacts. There is a need for crowd safety and control management plan during certain events to protect valuable assets and historical artifacts.
13. Restoration of original historical structure (such as redevelopment of certain parts of the original drainage outside the fort) will add value and authenticity.
14. All conservation works, development and programmes undertaken at Fort Cornwallis must obtain prior approval from the Heritage Commissioner as stated in the National Heritage Act 2005. Following are the extract from the Act ;

ACT 645

EXTRACT OF THE NATIONAL HERITAGE ACT 2005

PART XV

OFFENCES

Offences in respect of heritage site

112. (1) No person shall, without the approval in writing of the Commissioner—

(a) dig, construct, excavate, build, plant trees, quarry, irrigate, burn lime or deposit earth or refuse, on or in the heritage site or conservation area;

(b) demolish, disturb, obstruct, modify, mark, pull down or remove any monument in any heritage site;

(c) erect any building or structure abutting upon a monument in any heritage site;

(d) destroy the relationship of a building and its environment that is incompatible with the character of the neighbourhood in any heritage site;

(e) clear any area or interfere with, destroy or remove any tree, plant undergrowth, weed, grass or vegetation in any heritage site; or

(f) do any activities or actions that would likely cause damage to the adjacent and surrounding land which have been registered as heritage site.

(2) Any person who, without lawful authority, contravenes subsection (1) shall be

guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand ringgit or to both.

(3) Any person who has in his possession or custody or under his control, any material originating from the land which constitutes a natural heritage or cultural heritage, shall be presumed to have extracted, removed or transported or permitted the extraction, removal or transportation of natural heritage or cultural heritage without lawful authority.

(4) Any person convicted of an offence under this section may be ordered to pay, in addition to any punishment, imposed under subsection (2), compensation equal to the value of the object and of anything damaged in the course of its extraction.

(5) For the purposes of subsection (4), the value of any object shall, in the absence of evidence to the contrary, be deemed to be such amount as the Federal Government valuer may certify.

(6) Any sum ordered to be paid under subsection (4) shall be recoverable as if it were a fine imposed on conviction.

Offences in respect of heritage object

113. Any person who destroys, damages, disfigures, disposes or alters a tangible cultural heritage, without a permit issued by the Commissioner commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand ringgit or to both.

Appendix C

LIST OF TECHNICAL AGENCIES CONTACT

NO.	NAME & ADDRESS	TEL. & FAX	WEB SITE
1.	One Stop Centre (OSC) Penang Island Municipal Council Level 4, KOMTAR 10675 Penang Malaysia.	Tel: 604-2592038 Fax: 604-2639575	http://www.mppp.gov.my
2.	North East District And Land Office, Penang Level 50 & 51, KOMTAR 10000 Penang Malaysia.	Tel: 604-2616030 Fax: 604-2616137	http://dtl.penang.gov.my
3.	Penang Town And Country Planning Department Level 57, KOMTAR 10000 Penang Malaysia.	Tel: 604-6505270 Fax: 604-2637580	http://jpbd.penang.gov.my
4.	Tenaga Nasional Berhad Level 17, Wisma TNB, No. 30, Jalan Anson, 10400 Penang, Malaysia.	Tel: 604-2224000 Fax: 604-2273110	http://www.tnb.com.my
5.	Penang Water Supply Corporation Level 32, KOMTAR 10000 Penang Malaysia.	Tel: 6042634200 Fax: 6042613581	http://www.pba.com.my

NO.	NAME & ADDRESS	TEL. & FAX	WEB SITE
6.	Department Of Irrigation And Drainage, Penang Level 29, KOMTAR 10000 Penang Malaysia.	Tel: 604-2610460 Fax: 604-2613435	http://jps.penang.gov.my
7.	Penang Land And Mines Office Level 21 & 22, KOMTAR 10000 Penang Malaysia.	Tel: 604-2615459 Fax: 604-2619588	http://ptg.penang.gov.my/
8.	Penang Public Works Department Level 18 & 19, KOMTAR 10000 Penang Malaysia.	Tel: 604-2616263 Fax: 604-2614707	http://ppinang.jkr.gov.my/
9.	Indah Water Konsortium Sdn. Bhd. No. 41, Level 1, Jalan Todak 4 Pusat Bandar Seberang Jaya 13700 Perai Penang Malaysia.	Tel: 604-3984828 Fax: 604-3977924	http://www.iwk.com.my
10.	Telekom Malaysia Berhad TM Whole Sale, Access Network Development, Level 3, TM New Building Jalan Tun Hussein Onn 13700 Seberang Jaya Penang Malaysia.	Tel: 604-3809316 Fax: 604-3988595	http://www.tm.com.my

NO.	NAME & ADDRESS	TEL. & FAX	WEB SITE
11.	Penang Fire And Rescue Department Jalan Perusahaan 13600 Perai Penang Malaysia.	Tel: 604-3970760 Fax: 604-3982544	http://www.bomba.gov.my
12.	Penang Department Of Environment Ground Level - B Zone Wisma Persekutuan Seberang Perai Utara 13200 Kepala Batas Penang Malaysia.	Tel : 604-5751911 Fax : 604-5751455	http://www.doe.gov.my/
13.	Penang Survey And Mapping Department Level 39, KOMTAR 10000 Penang Malaysia.	Tel: 604-2611762 Fax: 604-2635884	http://www.jupp.gov.my/
14.	Malaysian Communication And Multimedia Commission Level 1, Tabung Haji Building Jalan Bagan Luar 12000 Butterworth Penang Malaysia.	Tel: 604-3238228 Fax: 604-3239448	http://www.skmm.gov.my
15.	George Town World Heritage Office 116 & 118, Lebuh Aceh 10200 Penang Malaysia.	Tel: 604-2616606 Fax: 604-2616605	worldheritageincorporated @gmail.com

Appendix D

SSI Secretariat :

1. Mdm. Bharathi Suppiah
04-6505554
016-4751602
2. Mr. Muhammad Al-Hafiz bin Razali@Saidina Ali
04-6505227
017-2372347

DECLARATION

To the best of my knowledge I declare that the information given in the proposal is correct.

Signature : _____

Name : _____

Designation : _____

Date : _____

Company Stamp : _____

Signature of Witness : _____

Name : _____

Designation : _____

Date : _____