

**ROADS AUTHORITY**

**REGIONAL CLIMATE RESILIENCE PROGRAM FOR EASTERN AND SOUTHERN AFRICA 2 (RCRP)**

**TERMS OF REFERENCE**

**FOR RECRUITMENT OF A FIRM:**

**CONSULTING SERVICES FOR THE DEVELOPMENT OF SAFEGUARDS INSTRUMENTS FOR THE** **CONSTRUCTION OF SMALL-SCALE BRIDGES, CULVERTS, AND ROAD SECTIONS IN THE SOUTHERN REGION – (FOR LOT 1 OF WORKS)**

**PROCUREMENT REFERENCE NO. MW-RA-404906-CS-QCBS**

**NOVEMBER, 2024**

1. **Introduction**

The Government of Malawi (GoM) has obtained a grant from the International Development Association (IDA) through the crisis response window to implement the Regional Climate Resilience Program for Eastern and Southern Africa 2 (RCRP-2) which is a scale up of the Regional Climate Resilience Program for Eastern and Southern Africa (RCRP-1). RCRP-2 is the second phase in a 10-year series of projects in Eastern and Southern Africa aimed at strengthening the resilience to water-related climate impacts. It provides a $240 million grant to Malawi to continue supporting the country to better prepare for and manage the increasing frequency, intensity, and impact of climate shocks on people, livelihoods, infrastructure, and ecosystems.

Malawi is highly vulnerable to climate events and has experienced 16 major flooding events, rainfall-related landslide, five storm-related disasters, and two severe droughts since 2010. Climate change is also associated with the increased strength and frequency of cyclones and storms. In March 2023, Malawi was severely affected by Tropical Cyclone Freddy, with floods and landslides affecting several districts. Increased exposure to climate change requires an increased need for effective disaster response and climate resilient investments, at both the national and the regional level.

The project holistically builds resilience against climate-change exacerbated floods, droughts and cyclones, taking on a new urgency due to the impacts of Cyclone Freddy and build back better. The project primarily responds to the increasing threat of climate change by integrating regional and national dimensions with added incentives of policy harmonization, knowledge generation, capacity development and collaboration across RCRP countries. The five components included provide a long-term approach to both climate change adaptation, mitigation and resilience building - with benefits that go beyond national boundaries. The project will also use funds from the Crisis Response Window to reconstruct critical infrastructure damaged by Tropical Cyclone Freddy in March 2023.

The overarching Development Objective of the RCRP SOP is to strengthen the resilience to water-related climate shocks in Eastern and Southern African countries. The overarching Development Objective of the SOP will be achieved by:

1. Reducing vulnerability to climate shocks - floods, droughts and/or cyclones
2. Increasing flood protection and catchment conservation
3. Improving access to Early Action and social protection systems supported through the project
4. Restoring infrastructure damaged by Tropical Cyclone Freddy and/or other eligible emergencies
5. Strengthening regional collaboration strengthened on water-related climate challenges

RA is the implementing agency for construction and rehabilitation of roads under the Ministry of Transport and Public Works. RA will take on the overall lead and coordination role of the design, reconstruction and supervision of washed-away road sections and drainage structures in the Southern Region. Table below provides information on the scope of works under Lot 1, which includes proposed intervention of washed-away road sections and drainage structures in the Southern Region.

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| LOT 1 - DRAINAGE STRUCTURES ON VARIOUS ROAD SECTIONS WITHIN THE SOUTHERN REGION  |
| Site | Road Designation | Coordinates (GIS Location) | Location Name | Situation | Proposed intervention |
| 1 | M 1 | -16.0267574 | 34.8055927 | Washed away road section on Kamuzu bridge approach | Culverts installation and raising of the road section |
| 2 | M1 | -16.0437784 | 34.8016945 | Chikwawa - Sorgin (M1) | Washed away road embankment and Box culverts |
| 3 | M10 | -14.4516501 | 35.2283664 | Pabishop (Mpondasi) | Washed away box culvert |
| 4 | S129 | -14.3999205 | 35.3122526 | Mgoza drift on Chingo - Makanjila | Washed away road section |
| 5 | S129 | -14.0736925 | 35.1991918 | Between Lutende and Lilembwe Streams (Near Majiga) | Washed away road section |
| 6 | S144 | -15.631969 | 35.5166802 | Namadzi - Phalombe | Washed away bridge |
| 6 | S129 | -13.9647741 | 35.1436057 | Chainage 63+400 on S129 | Washed away road section |
| 7 | S129 |   |   | Chikosere | Washed away bailey approach |
| 8 | S145 | -15.6722115 | 35.5033758 | Phalombe bridge | Eroded approaches |
| 9 | M10 | -14.3356694 | 34.7374956 | Phanga | River running parallel to road and heavily overtops it when it floods |
| 10 | T415 | -15.7796657 | 35.7662364 | Chiringa - Muloza Drift | Washed away structures and road sections |
| 11 | S151 | -16.0485619 | 34.8629404 | Thabwa - Masenjere - Seveni | Various washed away sections and structures |
| 12 | S131 | -15.0701086 | 35.2809573 | Liwonde - Nsanama Bridge | Eroded armco culvert |
| 13 | S131 | -14.7476261 | 35.5386344 | Mpiri Box Culvert | Eroded armco culvert |
| 14 | T408/413 | -15.907018 | 35.357888 | Mkando - Mlomba - Phalombe | Sunken road section |
| 15 | S144 | -15.565987 | 35.4995135 | Sunuzi Bridge | Washed away approaches |
| 16 | M2 | -16.0804439 | 35.7368217 | Muloza border | Eroded shoulders and side drainage |
| 17 | M4 | -15.8515172 | 35.223551 | Malowa and Tchoda | Road side scour |
| 18 | T391 | -14.769873 | 35.624341 | Chikwewo - Lake Chiuta | Washed away embankment |
| 19 | S143 | -15.395256 | 35.4353243 | Govala - Kachulu | Washed away embankment |
| 20 |  | 15.41 | 34.496 | Mwanza, near Tsangano | Huge gullies about to cut the road |
| 21 | T463 | -15.7710588 | 35.5059443 | Chambe - Luangwa | Sunken road section |

The interventions in the table above such as the civils works will result into adverse environmental and social impacts which will require mitigation measures during the implementation of the project. Therefore, RA would like to engage a consultant to develop the Safeguards (environmental and social) instruments.

RA has set up a Project Implementation Unit (PIU) that is responsible for coordination, monitoring and reporting of the project works and environmental and social safeguards implementation. The PIU is working closely with client team and other Ministerial teams to coordinate implementation, build capacity of RA teams and District teams for implementation, facilitate support for compliance with environment and social requirements of the project, collect and compile data from the project results framework and manage communications for the Project.

The Roads Authority therefore invites applications from suitably qualified firms interested in carrying out services for the development of safeguards instruments for activities associated with washed-away road sections and drainage structures in the Southern Region—for Lot 1: in the following Districts: Blantyre, Chikwawa, Chiradzulu, Machinga, Mangochi, Mulanje, Mwanza, Nsanje, Phalombe, Thyolo, and Zomba.

1. **Objective of the assignment**

The main objective of the assignment is to conduct Environmental and Social Impact Assessments of washed-away road sections and drainage structures in the Southern Region under Lot 1 and prepare required safeguards instruments (ESIA/ESMPs/ RAPs) based on the scope and nature of project activities. The ESIA study will specifically focus on assessment of the current social, economic, biological and environmental settings of the project sites and also conduct flood assessment, hydrological and hydraulic modelling in the project sites where these assessments were not been carried out.

1. **ESIA study requirements/criteria**

The key criteria in conducting an Environmental and Social Impact Assessment (ESIA) study should consider the following:

* The Environmental and Social Framework (ESF) of the World Bank;
* The Environmental, Health and Safety Guidelines (EHSG) of the World Bank;
* The National E&S legislations, regulations, norms, standards, and procedures;
* Approved and/or published project environmental and social documents related to the project such as approved ESMF of the project;
* The Good International Industrial Practices (GIIP) of the Project’s sector, if any.

**3.1 Justification for the ESIA study**

The environmental and social risk classification for the project is High. The rehabilitation and construction of bridges are high risk. The risk is high due to a number of reasons including low borrower capacity to adequately assess risks and impacts and lack of commitment to implement appropriate management measures, and the site, system, and cumulative impact of the multiple civil works at various locations and on already degraded and sensitive ecosystems. The social risk for the project is also High due to the scope of the proposed activities, including Technical Assistance (TA) activities and proposed civil works across multiple sites and due to the limited capacity to manage social risks in Malawi.

The project will follow the principles and prerogatives set out in the project Environmental and Social Management Framework (ESMF) including site-specific environmental and social (E&S) screening, the preparation of site-specific instruments. The development of E&S instruments will be developed in line with approved SEP for the project and in line with requirements of WB ESS 10. All persons potentially impacted (beneficiaries or non-beneficiaries and all those with a stake) will be continuously engaged and consulted on a number of environmental and social issues including on the project design and impact assessment process. All E&S instruments will be approved and publicly disclosed both on the World Bank website and in-country prior to the physical start of project or activity implementation.

1. **Scope of Services**
	1. **Stakeholder Engagement and Information Disclosure**

Stakeholder consultations will be conducted as part of the E&S screening and the preparation of the ESIAs/ESMPs/RAPs as will be laid out in the project SEP and shall identify any E&S related concerns from project-affected parties.

The Project will benefit people across Malawi, specifically in the Shire River Valley, including the most vulnerable people in local communities, where flood risk mitigation measures are implemented. While not every affected party will also be a beneficiary, it is crucial to disseminate information and consult all stakeholders on project modalities as well as on the selection criteria of beneficiaries. Stakeholder engagement is a fundamental part of ESIA process, as it is central to identifying all key stakeholders who will need to be informed and consulted about the project, including all those that will be affected or likely to be affected (project-affected parties – PAP); or those that may have an interest in the project (other interested parties) at community, district and national level. A list of key stakeholders required to be consulted, engaged and notified for the project has been provided in SEP for the project including their characteristics, means of notification and their specific needs in the project. As per ESS10, stakeholder’s engagement shall be conducted throughout the project life cycle, such engagement shall commence as early as possible in the project development process and in a time frame that enables meaningful consultations with stakeholders.

Project SEP has separate sections for Grievance Redress Mechanism. The GRM has been designed to ensure that project related grievances and perceived injustices are timely and effectively handled by the Project. The Project will ensure that the GRM is efficient and accessible to project affected parties. The GRM has a well-defined institutional framework, instruments and methodological approach that will guide the grievance resolution process. The GRM for the project also provides an effective avenue for expressing concerns, providing redress, and allowing for general feedback from community members and from stakeholders at district and national level.

SEP for the project recognizes that information disclosure to all stakeholder, including project-affected persons and other interested parties, will rely on the following key methods: website, radio, events, community meetings in coordination with local authorities, phone communication (SMS), and notice boards at the district and village level. Information will be disclosed in English, Chichewa or other respective local languages, as appropriate. Local authorities will be requested to inform communities in community meetings and disclosures at project locations.

* 1. **Environmental and Social screening of the project sites**

The objective of this E&S screening is to assist in the evaluation of planned rehabilitation and construction of infrastructure (such as for the construction of small-scale bridges, culverts, and road sections). Sample of the form and screening report including screening process is provided under Annex 1 of ESMF of the project. The form is designed to place information in the hands of implementers and reviewers so that risks and impacts, and their mitigation measures, if any, can be identified and/or that requirements for further environmental and social impact assessment be determined. The form contains information that will allow reviewers to determine the characterization of the prevailing local bio-physical and social environment with the aim to assess the potential impacts of the activities on this environment. The form is completed by the PCU in coordination with project engineers and E&S staff, after field visit and consultations with local authorities in the respective sub-project sites. The screening is used to determine risk classification and which environmental and social risk assessment instrument is appropriate for assessing the risk and impacts.

The construction of small-scale bridges, culverts, and road sections in the Southern Region under LOT 1 will be subjected to a screening process to determine and assign an environmental and social risk rating to each activity / sub-project. The screening will also assist in further identifying potentially sensitive environmental and social receptors likely to be negatively impacted. The outcome of the screening will determine:

* whether the sub-project contains activities included in the list of exclusions and therefore has to be screened out (see Section 7.3 of ESMF for a list of exclusions),
* whether an Environmental and Social Impact Assessment (ESIA) (for high or substantial sub-projects),
* an Environmental and Social Management Plan (ESMP) is required (for moderate subprojects), or
* whether the subproject does not require any additional E&S instrument rather an E&S consideration with the relevant mitigation measures listed in this ESMF (for low risk subprojects).
	1. **ESIA study and RAP preparation**

**4.3.1 Conducting ESIA study**

The Consultant shall conduct an Environmental and Social Impact Assessment (ESIA) study of washed away road sections and drainage structures in accordance with WB ESF and National Safeguards Requirements. ESIAs/ESMPs will be prepared in line with paragraph 13 and 14 of ESS1 of the World Bank’s ESF (‘indicative outline of ESMP’) and the project-specific requirements outlined in the Environmental and Social Commitment Plan (ESCP). Annex 6 of ESMF of the project provides an indicative outline for ESIAs/ESMPs. Environmental and Social instruments will be submitted to the World Bank for clearance prior to approval by MEPA. No works can commence prior to clearance.

The Consultant shall also consider the socio-economic implications of the proposed works and make a preliminary assessment of the number of persons that will be displaced, if any, and the amount of compensation that will be required for structures, crops, trees and other assets including land, that will be affected by the reconstruction works.

In the ESIA study, the Consulting firm shall undertake the following:

1. Describe the project in terms of nature/components of reconstruction works with respect to the name of the proponent, postal address, aim and objectives of the project, the spatial location of the site for the project with aid of appropriate topographical maps of the area (at least at a scale 1:50,000); the estimated cost of the project , the size of road project, the number of people to work on the area (provide a breakdown of males and females, locals and non-locals), number of people to be residing on the project area.
2. Describe the main activities to be undertaken in the construction of the washed away drainage structures, culverts and bridges works covering pre-construction, construction, operation phase and demobilization of contractor campsites. In the description include the type of machinery to be used, source of sand, gravel (borrow pit locations) and quarry for the works, campsites establishment/locations and related impacts, nature and quantity of wastes that will be generated including sources and streams of generation, facilities for appropriate waste disposal and management of waste and estimated costs for the activities. The description of activities shall be in line with the approved work designs, plans and methodology as at the time of undertaking the assessment. The ESIA team shall work in collaboration with design engineers to ensure that all construction works and associated activities are included in the ESIA report.
3. Describe the existing baseline biophysical characteristics and the socio-economic and environment status of area of influence of project activity sites by identifying and analysing:
* Physical conditions: soil, geology, site topography, temperature, rainfall patterns and drainage system (water courses) including projections on climate change. Ensure that the description of drainage system is informed by results of hydrology and hydraulic modelling, and flood risk modelling. Conduct hydrology, hydraulic flood risk modelling in the absence of these studies;
* Biological Resources: scope of vegetative resources of the project area including riparian vegetation, extent of terrestrial and aquatic fauna including conservation status;
* Socio-economic conditions of the area of influence of the project activity sites: projections on populations, projections on traffic, demographics within the project area of influence, land uses and land tenure, main economic / livelihood activities, agriculture and marketing, business activities, security of the project area, basic infrastructure, education facilities along the road and health situation, gender considerations, presence of vulnerable people; and
* Any changes anticipated during the implementation of construction of drainage structures, culverts and bridges in the project of influence of the project sites.
1. Describe project alternatives and stating the reasons for selecting the proposed site of the project as opposed to other sites. Provide alternatives to the project, such as alternative project designs (drainage designs, culverts design and bridge designs), alternative sites and the reason for selecting the preferred option including the ‘no project’ alternative. The ESIA should also consider ‘within – project’ alternatives e.g. civil works, technology, construction material use and sourcing including advantages and disadvantages. Ensure that information on final ESIA informs final designs.
2. The ESIA consultant will work in collaboration with the design engineers and ensure that the ESIA study considers all project alternatives designs (such as alternative designs for construction of drainage structures, culverts and bridges) and also ensure that the information on final ESIA study informs final designs. Apart from description of drainage designs; the description should also include strategies of removing debris of the failed infrastructures from the rivers.
3. Identify and analyse environmental and social risks and impacts associated with the activities at direct, indirect, and cumulative impacts, of area of influence, focusing on both the negative and potential positive (where they are directly related to the project) impacts. The impacts should consider:
* Project location (e.g. Loss of river buffer, loss of floodplains and flood storage areas, loss of forest reserves, loss of agricultural land, loss of grazing pastures, impact on flora and fauna, impact on cultural site, Impact on forest reserve/ areas of national importance and resettlement of people);
* Project design (e.g. drainage problem and other structures);
* Construction works (e.g. soil erosion, improper disposal of construction spoils, risk of poor or inefficient design and poor construction resulting in future structure failure, risk of air pollution through dust and emissions from machinery and vehicles, measures related risk of SEA/SH in line with the ESMF, increased risk of soil and water contamination leading to degradation of water caused by discharge of waste,); and
* Project operation (e.g, impacts on soil i.e. water logging, increase in water associated diseases, conflict of water use, noise and vibration from Traffic, habitat loss and chemical spill).
1. The ESIA study should propose measures to avoid, minimise, mitigate and offset, compensate (World Bank Mitigation hierarchy) the negative environmental and social impacts identified and the measures to enhance the positive impacts.
2. The ESIA should include Environmental and Social Management Plan (ESMP) and Monitoring Plan by which all of the measures prescribed in above, will be carried out and monitored (a generic Table of ESMP and Monitoring Plan is presented on Table 8 of page 71 of ESMF for the project. The plan should include the activities, frequency of monitoring, the key monitoring indicators, resources required and the authorities responsible for monitoring the measures. Indicate the budget for the recommended mitigation measures, specifications of who will be responsible for implementation and monitoring these measures and the schedule when these measures will take place during construction and operation of the project. Ensure that the ESMP and Monitoring Plan are disclosed to all relevant stakeholders through the recommended means of communication as stipulated in SEP for the project.
3. The ESIA study should include review policy and legal framework pertaining to the proposed project and indicate their impacts on the project. Reference should be made to all World Bank ESS applicable to the project and all applicable national legislation such as the Environment Management Act, Forestry Act, Local Government Act, Water Resources Act, National Employment and Labour Policy, National Water Policy, National Environment Policy, Malawi National Land Policy, National Gender Policy. Gender Equality Act, Land Acquisition Act, Public Roads Act, Sanitation Policy, Employment Act, Occupational Safety, Health and Welfare Act, Malawi 2063. The review should also include a gap analysis of ESS and the national legislation. Provide an account of all regulatory licenses and approvals to be obtained for the proposed project to ensure that they are in line with sound environmental and social management practices and are in compliance with relevant existing legislation.
4. The ESIA consultant will update the stakeholder identification which was started during scoping. Stakeholder engagement will be undertaken to ensure all key interested and affected stakeholders are involved in the Environmental and Social Impact Assessment process including how their views have been addressed in the report. Incorporate their views in the report and indicate a record of consultations in the appendices of the report.
5. The preparation, presentation and structure of these instruments (ESMP/ESIA); an indicative outlines and content suggestions for ESMPs and ESIAs is presented in Annex 6 of project ESMF based on the WB ESF and the Guidelines of Environmental Impact Assessment for Malawi (1997 or the latest at the time of conducting the ESIA) as stipulated on pages 33-37. Section 4.3.1.1 below provides more details on indicative outline and contents.
6. Provide the names of the ESIA Team under annex of the ESIA report and their roles and respective fields
7. The ESIA report should include the following relevant plans as part of annex of the report:
* Code of conduct
* Traffic Management Plan
* Borrow pit Management and Rehabilitation Plan
* Waste Management Plan
* Emergency Preparedness and Response Plan
* Occupational Health and Safety Management Plan
* Public Health and Safety Plan
* Campsite Management Plan
* Gender Based Violence Reporting Protocol, include specific measures to address SEA/SH in line with the project ESMF
* Noise and Vibration Management Plan
* Debris Disposal Management Plan

For more details on guidance for preparing the above management plans, the project ESMF includes a Traffic Safety Management Framework, an Occupational Health and Safety Framework, A Waste Management Framework, a Hazardous Substance Management Framework, Labor Management Procedures, a Sexual Exploitation and Abuse / Sexual Harassment (SEA/SH) Action Plan, and a Biodiversity Management and Rehabilitation Framework which provides proper guidance on preparation of plans.

The consultant shall prepare a project brief which shall be submitted to Malawi Environment Protection Authority (MEPA). The TORs from MEPA shall form part of annex of ESIA report but the ESIA report preparation shall strictly adhere to these TORS. the ESIA/ESMP instruments shall first be approved by the WB before been approved by MEPA as guided by safeguards instruments in ESMF for the project. In addition, note that once the ESIA is cleared by the Bank, information provided in the report may not be removed.

**4.3.1.1 Indicative outlines and contents of ESMP and ESIA**

Below are indicative outlines and content suggestions for ESMPs and ESIAs, based on the WB ESF, that should be followed in the preparation of these instruments. Typically, an ESIA/ESMP will be prepared in accordance with specific terms of reference (or equivalent) established during the screening process. It may also require additional issues that emerged from the screening and consultation with the responsible authority, the public and stakeholders. Apart from the activities to be undertaken by the consultant listed under section 4.3.1, an ESIA typically includes many or all of the following elements as ordered below:

* An executive summary focused on the ESIA results;
* A popular or non-technical summary of the ESIA intended for non-technical, general reviewers. Such a summary is typically a separate document to the EIA requirement, but can be useful as a public communication document, especially for major projects;
* Statement of the purpose and need for, and objectives of, the project;
* Description of applicable legislative, regulatory and policy frameworks;
* Key guidance and direction from the scoping phase of the ESIA;
* A summary of the methods used in the EIA (e.g., definition of environmental components and VECs, assessment areas, and boundaries; and how significance criteria were defined);
* Alternatives considered in finalizing the proposed project;
* Description of the project setting, including the relationship to other proposed projects or activities, current land uses, and relevant policies and plans for the area;
* Description of the project and how it will be implemented (construction, operation and decommissioning);
* Description of environmental conditions and trends (biophysical, socioeconomic, etc.), identifying any changes anticipated prior to project implementation;
* Summary of the public and stakeholder involvement activities, the views and concerns expressed and how these have been taken into account. In some systems, an EIAS appendix is required compiling all comments, and how they were responded to.
* Description of the main environmental impacts (positive and adverse, including cumulative impacts) that are likely to result from the project, their predicted characteristics (e.g. magnitude, extent, duration, etc.), proposed mitigation measures, the residual effects and any uncertainties and limitations of data and analysis;
* Evaluation of the significance of the residual impacts;
* Description of proposed follow-up and monitoring to verify the EIS predictions and assure compliance with expected authorization and permitting conditions;
* An environmental management system and/or plans that identify how proposed mitigation and monitoring measures will be translated into action. These may be in an EIS appendix or prepared as a separate document; and
* Appendices containing supporting technical information, description of methods used to collect and analyze data, reports of technical studies used in the EIA, EIA terms of reference, list of references, etc.

**4.3.1.2 ESMP/ESIA Preparation Timing and Approval process**

ESMPs should be prepared alongside the design of the subproject works. A draft ESMP should be finalized a couple of weeks after designs are drafted. Stakeholder consultations should be conducted during the design preparations. The ESMPs should therefore be ready for submission to the WB for clearance prior to finalization of the designs, so comments can be incorporated into the designs. The ESMPs should be cleared by the WB prior to inclusion of ESMP details into the bidding process. The PCU will commit to respond to comments received within two weeks to prevent procurement processes from being delayed through the clearance of E&S instruments. Table 22 of ESMF for the project provides an Indicative Outline/Content for ESMP.

* + 1. **RAP PREPARATION**

RAPs will be prepared as outlined in the RPF and in line with the requirements of ESS5. The Consultant shall prepare RAP in accordance with World Bank ESF specifically ESS 5 and National Resettlement legislation.

In preparing the RAP, the consulting firm shall assess the project impact on involuntary relocation, identify potential project affected persons and propose social safeguard measures to minimize the impacts of involuntary resettlement on the livelihoods of the PAPs. The RAP shall therefore consist of the following areas;

1. **Description of the Project, Project Area and Area of Influence**

Provide a general description of the project and the area of influence covering the following sections:

1. **Policy, legal, and institutional framework:**
* Discusses the policy, legal and administrative framework within which the RAP is carried out. This should include both national relevant policies and World Bank policies.
* Assess an review the applicable legal and administrative procedures, including description of the remedies available to displaced persons in the project area and the normal time frame for such procedures, and any available dispute resolution mechanisms that may be relevant to resettlement under the project.
* Identify and presents relevant laws and regulations (including customary and traditional law), the law governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation.
* Identify and presents laws and regulations relating to the agencies responsible for implementing resettlement activities.
* Present a gap analysis, between local laws covering eminent domain and resettlement and the Bank’s resettlement policy, and the mechanisms to bridge such gaps; and any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land—including claims that derive from customary law and traditional usage and a comparative analysis between world bank ESS5 and Malawi legislations.
1. **Institutional Framework:**

The following should be discussed under this section:

* Identification of the main agency responsible for resettlement activities.
	+ 1. Assessing the institutional capacity of such agencies, including prior experience in preparation and implementation of the RAP.
		2. Presentation of any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.
1. **Socio-economic data and inventory of all assets and Census of PAPs and their Properties:**

The present section should present socio-economic data covering the following issues:

* + 1. Current occupants of the right-of-way, at the material sites and/or construction camp site, to avoid inflow of people for eligibility for compensation using GIS mapping;
		2. Standard characteristics of displaced households (baseline information on livelihood, economic and social information to provide PAPs households profile);
		3. The magnitude of the expected loss (total or partial) including business loss;
		4. Information on vulnerable groups or persons (for whom special provision may have to be made);
		5. Provision of information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement;
		6. Land tenure and transfer systems;
		7. The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
		8. Public infrastructure and social services that will be affected and
		9. Social and cultural characteristics of displaced communities in terms of gender, migrants and settled; professions and a description (to the extent feasible) of their preferences as regard to assisted resettlement or self-resettlement).
1. **Eligibility criteria for resettlement:**

This section provides a definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including the established relevant cut-off dates. The RAP shall also contain the livelihood restoration plan in order to carter the vulnerable PAPs.

1. **Valuation of and Compensation for Losses:**

It defines and presents the methodology to be used in valuing losses; determines the replacement cost and describes the types and levels of compensation proposed under local law and supplementary measures considered necessary to achieve replacement cost for lost assets. while taking into account different types of land rates based on location and provide justification for the rates

1. **Entitlement Matrix:**

This part provides a clear value of assets lost, description of the packages of compensation and other resettlement measures, such as disturbance allowance, temporary loss of income, that will assist each category of eligible displaced persons to achieve the objectives of the World Bank Policy (see World Bank ESS 5). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them. As a good practice, land for land would be a preferable option.

1. **Community participation, Involvement of Project Affected Persons and host communities:**
* A description of the strategy for consultation with and participation of Project Affected Persons and hosts in the design and implementation of the resettlement activities;
* A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
* A review of the resettlement options presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property
* Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented. Description of procedures for redress of grievances by people affected to project authorities throughout the planning and implementation.
1. **Grievance Redress Mechanism (GRM)**

As per SEP of the project, GRM has been designed to ensure that project related grievances and perceived injustices are timely and effectively handled by the Project. The Project will ensure that the GRM is efficient and accessible to project affected parties. The project GRM has a well-defined institutional framework, instruments and methodological approach that will guide the grievance resolution process. The GRM therefore provides an effective avenue for expressing concerns, providing redress, and allowing for general feedback from all stakeholders from community, district and national level. The consultant should ensure that development of ESMP/ESIA/RAP takes into account of views and concerns raised by stakeholders.

**2. Potential Impacts**

Description of the project components or activities that would give rise to resettlement, zone of impact of such activities and the alternatives considered to avoid or minimize resettlement.

**3. Organizational Responsibility**

The institutional arrangements within the executing agency and provision of adequate resources to the executing agency should be discussed and all inter-agency coordination should be described. The capacity and commitment of the executing agency to carry out the resettlement plan should also be evaluated. If necessary, strengthening of the executing agency should be considered and the steps that will be taken, together with a timetable and budget, should be described at the project preparation phase. There should be considerable scope for involving the local people and Non-Governmental Organizations (NGOs) in planning, implementing and monitoring resettlement.

**4. Integration with Host Communities**

Consultations with host communities and local governments and arrangements for prompt tendering of any payments due to the hosts for land or other assets should be provided to resettled persons. Arrangements for addressing any conflict that may arise between the resettled persons and host communities should also be made. Appropriate measures should be taken to augment public services (e.g. education, water and health) in host communities to make them comparable to services provided to resettled persons.

1. **Socio-economic data**

The consultant shall assess the following as part of soci0-ecomic data

1. A population census covering current occupants of the affected area including the description of the production systems, household organization, baseline information on livelihoods and standards of living of the displaced population.
2. An inventory of assets of displaced households, the magnitude of the expected loss (total or partial) for individual or group assets and the extent of physical and economic displacement.
3. Information on disadvantaged groups or persons for whom special provisions may have to be made.

(d) Provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

1. Description of land tenure systems including common property and non-title based land ownership or allocation system recognized locally and related issues.
2. Public infrastructure and social services that will be affected
3. Social and cultural characteristics of displaced communities.
4. **Legal Framework including Mechanisms for Conflicts Resolution and Appeals**
5. The applicable legal and administrative procedures including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures and available alternative dispute resolution mechanisms that may be relevant to the project.

(b) National Laws and regulations including World bank policy on involuntary resettlement relating to implementing resettlement activities.

(c) Any legal steps necessary to ensure the effective implementation of resettlement activities including a process for recognizing claims to legal rights to land – including claims that derive from customary and traditional law and usage.

**7. Institutional Framework**

(a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation.

(b) An assessment of the institutional capacity of such agencies and NGOs.

**8. Eligibility for compensation**

The consultant shall define displaced persons and propose criteria for determining their eligibility for compensation in line with RFP and national legislations and also determine resettlement assistance including relevant cut-off dates.

**9. Valuation of and Compensation for Losses**

The consultant shall determine valuation and compensation losses as follows:

* The methodology to be used in valuing losses to determine their replacement cost, a description of the proposed types and levels of compensation under local laws and such supplementary measures to achieve replacement cost for lost assets.
* A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of this policy.

**10. Identification of Alternative Sites and Selection of Resettlement Site (s), Site Preparation and Relocation**

In identifying alternative sites and selection of resettlement sites where applicable; The consultant shall perform the following

* Institutional and technical arrangements for identifying and preparing relocation sites for which a combination of productive potential, location advantages and other factors are at least comparable to the ancillary resources.
* Procedures for physical relocation under the project including timetables for site preparation and transfer.
* Any measures to prevent influx of ineligible persons at the selected sites.

**11. Plans for Shelter, Infrastructure and Social Services**

The consultant shall develop plan and estimate budgets to provide or finance housing, infrastructure (e.g. roads, water supply, etc) and social services (schools, health services), plans to ensure comparable services to host populations and any necessary site development.

**12. Environmental and Social Protection**

The RAP shall include an assessment of the environmental and social impacts of the proposed resettlement and measures to mitigate and manage the impacts.

**13. Implementation Schedules**

An implementation schedule shall cover all resettlement activities from preparation through implementation including target dates for achievement of expected benefits to Project Affected Persons and hosts and terminating the various forms of assistance.

**14. Costs and Budget**

Tables indicating breakdown of cost estimates for all resettlement activities including allowances for inflation and other contingencies, timetable for expenditures, sources of funds and arrangements for timely flow of funds.

**15. Monitoring and Evaluation**

Arrangements for monitoring of resettlement activities by the implementing agency supplemented by independent monitors as appropriate to ensure complete and objective information, performance monitoring indicators to measure inputs, outputs and outcomes for resettlement activities, evaluation of the impacts of resettlement for a reasonable period of time after the resettlement activities have been completed.

1. **Timelines for Preparation of safeguards instruments (ESIA/ESMPs, RAP)**

Based on the outcomes of the ESIA study, the consultant shall prepare ESIA/ESMP and RAP reports which shall be submitted as separate reports. The Reports shall be submitted after Fifteen (15) weeks from the date of commencement of the services. Ten (10) hard copies and one (1) soft copy of each of the reports/documents shall be sent to the Client (RA). The ESIA, ESMP and RAP reports shall be submitted following the development of the Design Report. Thereafter, the final report incorporating the Client and WB comments shall be submitted after 15 weeks from the date of commencement of the services.

1. **Team Composition and Qualifications for the Key Experts**

The following expertise will be required to carry out the consultancy services: For each expert proposed, curriculum vitae of no more than four pages shall be submitted. Each curriculum vitae shall be signed by the expert and shall be supported by copies of certificates and a list of at least three contactable references. The key professional staff input is expected to be approximately One Hundred and thirsty (130) person days as listed below:

|  |  |  |
| --- | --- | --- |
| **Item** | **Description** | **Person days** |
| 1 | ESIA team leader | 40 |
| 2 | Social Expert | 20 |
| 3 | Civil Engineer  | 15 |
| 4 | Biodiversity expert (aquatic ecologist) | 15 |
| 5 | OHS expert  | 10 |
| 6 | Valuer  | 15 |
| 7 | Surveyor  | 15 |
| **Total Person Days** | **130** |

The consultant’s personnel nominated for this project shall be suitably qualified and experienced. The following is an indication of the minimum level of training and experience expected of the key members of the team.

1. **ESIA Team Leader:** He/she shall have as a minimum a Masters in Environmental Sciences or Masters in any related Natural Science degree from a recognised university with a minimum of 10 years proven experience in conducting similar assignments and a minimum of eight projects as an Environmental specialist including Bank funded projects.
2. Social Expert: He/she shall have as a minimum Masters in Social Sciences or Gender Studies or Community Development/ Masters in Development Studies from a recognized university with a minimum of 10 years proven experience in conducting similar assignments including in the development of RAPs and a minimum of eight projects as a Social Specialist including Bank funded projects.
3. Civil Engineer: He/she should be professionally registered Civil Engineer with a minimum qualification of B.Sc. in Civil Engineering or the equivalent, with a minimum of 8 years' experience in conducting similar assignments and a minimum of five projects as a Civil Engineer including Bank funded projects, in particular experience in hydrology, hydraulic projects.
4. Biodiversity expert (aquatic ecologist): HE /She must have minimum qualification of Bsc. in Biodiversity, Conservation Biology, Environmental Sciences or other Natural Resources related field. He /She must have a minimum of 8 years of demonstrable project experience in developing ESMP/ESIA and/or assessing biodiversity in construction in bridge/ road infrastructure.
5. OHS expert: He/She must have minimum qualification of Bsc. in disciplines such as Engineering (Civil, Electrical, Environmental, Quality and Safety), Environmental Health and Safety and Occupational Health and Safety. A minimum of 8 years of demonstrable project experience in developing, implementing and/or supervising OHS in construction, with experience in bridge/ road infrastructure.
6. Valuer
7. Surveyor
8. **Timing**

The services are expected to take Fifteen (15) weeks to complete including the time for the client to review and approve submissions. The consultant shall draw up his own proposal for a time schedule, but shall make due allowance for time required by RA to review and approve reports submitted by the consultant before subsequent project tasks can commence. The timing presented in the following schedule is to be used as a guide:

|  |  |
| --- | --- |
| **Activity**  | **Timing**  |
| Inception report | 2 weeks from effective date |
| Scoping Report: inputs from first public consultation, and detailed work program, including which activities will be ESIA and which will be ESMP | ???? |
| Draft ESIA/ESMP/RAP reports  | 11 weeks from effective date |
| RA comments on the draft ESIA report | 2 weeks |
| Final ESIA, ESMPs and RAP reports | 15 weeks from effective date |

The consultant shall commence the services within seven (7) calendar days after the effective date of the contract.