

**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 2 OF WORKS)**

**PROCUREMENT REFERENCE NO. *MW-RA-475683-CS-QCBS***

**February, 2025**

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 Series of Projects (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

The Roads Authority (RA) is the implementing agency for construction and rehabilitation of roads under the Ministry of Transport and Public Works of Malawi. 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 2, which includes proposed intervention of washed-away road sections and drainage structures in the Southern Region.

| **LOT 2 - DRAINAGE STRUCTURES ON VARIOUS ROAD SECTIONS WITHIN THE SOUTHERN REGION**  |
| --- |
| **No.** | **Site** | **Road Designation** | **Coordinates (GIS Locations)** | **Location**  | **Situation**  | **Proposed intervention**  |
| 1 | 2 | M1 | -16.4080627 | 34.861025 | Miseu Folo (Namikalango) | Washed away bridge deck and abutment |
| 2 | 6 | S144 | -15.631969 | 35.5166802 | Namadzi - Phalombe | Washed away bridge |
| 3 | 14 | T414 | -15.8461954 | 35.7544863 | Mpata road | Washed away 4 No. Bridges |
| 4 | 25 | T388 | -14.834503 | 35.4751673 | Namisangu Bridge | Washed away |
| 5 | 16 | T420 | 16.2528642 | 35.2143336 | 50 Miles - Sandama - Chizama (Nyenyedi Bridge) | Washed away bridge |
| 6 | 20 | T406 | -15.61215 | 35.0870872 | Lirangwe bridge | washed away bridge |
| 7 | 22 | S147 | -15.6259966 | 0+036 | Sombani Market | Washed away bridge |
| 8 | 23 | T388 | -14.5399263 | 35.380883 | Lingamasa Bridge to Liwonde National park | Washed away bridge and a road section |
| 9 | 27 | T405 | -15.5452488 | 35.5582293 | Chitekesa/Chigumukire | Washed away bridge |
| 10 | 28 | T405 | -15.6528925 | 35.6825557 | Mitekete/Dzenje Bridge | Washed away bridge |
| 11 | 32 | T412 | -15.8596879 | 35.3598142 | Namlenga bridge | Washed away bridge |
| 12 | 29 | T405 | -15.6654323 | 35.7234038 | Matawa Bridge | Washed away bridge |
| 13 | 33 | T425 | -16.9089198 | 35.237584 | Chididi (Mwanalundu Bridge) | Washed away bridge/drift |
| 14 | 38 | T408 | -15.696947 | 35.3088811 | Mombezi Bridge | Sagged bridge |
| 15 | 39 | S146 | -15.725303 | 35.1534665 | Mombezi Bridge | Washed away bridge and a road section |
| 16 | 43 | S149 | -16.1041527 | 35.475395 | Lichenya Bridge | Washed away bridge |
|  |  |  |  |  |  |  |

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 2: 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 prepare the Environmental and Social Instruments for the washed-away road sections and drainage structures in the Southern Region under Lot 2 consisting of an ESIA including ESMPs for each district and as required RAPs proportional to the involuntary resettlement impacts. The ESIA study will specifically focus on assessment of the current social, economic, biological and environmental settings of the project sites. The ESIA studies will include flood risk analysis, hydrological and hydraulic modelling in the project sites.

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 (EHSGs) 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 (including annexes) and Resettlement Policy Framework (RPF) of the project which are published on the World Bank Website;
* The Good International Industrial Practices (GIIP) related to roads and bridges.

**3.1 Justification for the ESIA study**

The environmental and social risk classification for the RCRP\_ 2 project is High. Similarly, the rehabilitation and construction of bridges are high risk. The risk is high due to a number of reasons including, hydrology, flood risk, Occupational Health and Safety, waste management, and social risks associated with physical and economic displacement, in-migration of project workers and potential for disruption within communities, community health and safety and potential for poor working conditions.

The project will follow the principles and requirements set out in the project Environmental and Social Management Framework (ESMF) including the need for site-specific environmental and social (E&S) screening, and the preparation of site-specific instruments. The E&S instruments will also be consulted on in line with approved SEP for the project and in line with requirements of WB ESS 10. All persons potentially impacted as well as other interested parties 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 need to 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 ESIA/ESMPs/RAPs as 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, including the most vulnerable people in local communities, where rehabilitation measures are implemented. Stakeholder engagement is a fundamental part of the ESIA, ESMP and RAP processes. The Consultant will need to identify all key stakeholders who will need to be informed and consulted about the activities under LOT 2, 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. An initial 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. However, the consultant will need to build on this for the site specific activities with a focus on informing the ESIA, ESMP and RAP. As per ESS 10 and the SEP stakeholder 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.

The Project SEP details the 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 consultant is expected to ensure that stakeholders are aware of the GRM being implemented for the RCRP project and incorporate concerns raised through the GRM in the ESIA and / or RAP as needed.

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.

Based on the above, the consultant is expected to undertake stakeholder engagement with Project Affected People and Other Interested Parties including community meetings, focus group discussions and key informant interviews as needed. Efforts should be made to undertake differentiated engagement with vulnerable groups. The consultant is expected to abide by these principles when undertaking engagement and ensure that there are records of all meetings including photos, detailed meeting minutes etc. as needed capturing all issues.

* 1. **Environmental and Social Screening and Scoping of the project sites**

**4.2.1 Screening**

The objective of this E&S screening is to assist in the assessment of E&S risks 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 project ESMF. The form is designed to place information in the hands of implementers and reviewers so that risks and impacts, can be identified early and considered in the environmental and social impact assessment. 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, as well as determine other baseline data to be collected during the ESIA process. The form is to be completed by the consultant in collaboration with the PCU, project engineers and district officials/ local leadership. The screening report is used to determine risk classification and inform decision making on 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 2 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) including EMSP (for high or substantial sub-projects) is required, or
* whether an Environmental and Social Management Plan (ESMP) is required (for moderate subprojects) noting this expected to be limited.

**4.2.2. Scoping**

Subsequent to the E&S screening, an E&S scoping exercise should be undertaken (as part of the ESIA process) to (i) ensure that the information/data collected and reviewed is sufficient to establish the project settings and environmental and socio-economic baseline conditions and (ii) to determine from the identified/screened impacts which of them require further assessment /focus in the ESIA.

The outcomes of the scoping exercise should be summarized in concise and precise terms in a scoping report which will serve as guideline/foundation for the ESIA preparation.

* 1. **ESIA Preparation**

**4.3.1 Conducting ESIA study**

The Consultant shall conduct an Environmental and Social Impact Assessment (ESIA study with corresponding ESMPs for each district) of washed away road sections and drainage structures in accordance with WB ESF and National Safeguards Requirements. The ESIA will be prepared in line with the requirements of ESS1 of the World Bank’s ESF and the project-specific requirements outlined in the Environmental and Social Management Framework (ESMF). Annex 6 of ESMF of the project provides an indicative outline for ESIAs and ESMPs that needs to be followed. 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 impacts of the proposed works and make a preliminary assessment of the number of persons that will be displaced, if any, and the assets that will need to be compensated notably structures, crops, trees and other assets including land, that will be affected by the reconstruction works. Where displacement occurs a RAP shall be prepared as per the requirements under section 4.3.2.

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 etc. based on the design (which should be in an advance state) provided to the consultants by the client.
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 contractors and their worksites (campsites, borrow pits etc.). 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, 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 including biophysical characteristics, socio-economic and environmental 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. The consultant shall conduct hydrology, hydraulic flood risk modelling of the area of influence of project activity sites as part of ESIA 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: 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 including GBV, presence of vulnerable people; etc 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 and technologies / approaches for the project as opposed to other options. Provide alternatives to the project, such as alternative project designs (drainage designs, culverts design and bridge designs), alternative sites or technologies 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. The consultant should help 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 or 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 an Environmental and Social Management Plan (ESMP) and Monitoring Plan for each district (drainage structures in each district to be covered under one ESMP in the ESIA) by which all of the measures required to manage risks and impacts, 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 plans should include the activities, frequency of monitoring, the key monitoring indicators, resources required implementing the measures and monitoring implementation including relevant 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 planning, construction and operation of the project. Ensure that the ESMPs and Monitoring Plans 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 policy and legal framework pertaining to the proposed project and indicate their implications on the project. Reference should be made to all World Bank ESS applicable to the activities 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 informed by the project ESMF. 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 in line with the project SEP which should be adapted to the characteristics of the activities under this ToR to ensure all key interested and affected stakeholders are involved in the Environmental and Social Impact Assessment process including how their views on project design and mitigation 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 including provisions to prevent and sanction Sexual Exploitation and Abuse and Sexual Harassment (SEA-SH)
* 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 World Bank [Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works](https://thedocs.worldbank.org/en/doc/6f3d9ddc6010c4221315dd1282958e41-0290032022/original/SEA-SH-Civil-Works-GPN-Third-Edition-Final-October-12-2022.pdf) and the project ESMF
* Noise and Vibration Management Plan
* Debris Disposal Management Plan

For more details on guidance for preparing the 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 the plans.

As part of scoping process, the consultant shall prepare a project brief which shall be submitted to Malawi Environment Protection Authority (MEPA). The TORs issued by MEPA shall form part of annex of ESIA report but the ESIA report preparation shall strictly adhere to cleared WB 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 and social conditions and trends (biophysical, socioeconomic, gender, etc.), identifying any changes anticipated prior to project implementation;
* Summary of the public and stakeholder involvement activities, the views and concerns expressed and how/whether these have been taken into account. In some systems, an ESIA 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 ESIA 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 ESIA appendix or prepared as a separate document; and
* Appendices containing supporting technical information, description of methods used to collect and analyse data, reports of technical studies used in the ESIA, ESIA terms of reference, list of references, records of stakeholder engagement including attendance registers, photo logs, screening and scoping report etc.

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

ESMPs should be prepared alongside the design of the subproject works. Draft ESMPs should be finalized shortly after designs are drafted. Stakeholder consultations should be conducted during the design preparations. The ESIA and 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 Project Coordination Unit (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**

A RAP 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 resettlement, identify potential project affected persons and propose 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, Institutional Framework and Project Affected Area**

The consultant will provide a description of the project, institutional arrangements and the affected communities covering the following sections:

1. **Policy, legal, and regulatory framework:**
* Describe the policy, legal and administrative framework within which the RAP is carried out. This should include both national relevant policies and requirements of the World Bank ESF, based on the Project specific RPF.
* Describe 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) 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 in line with the project ESF.
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 and / or monitoring.
1. **Socio-economic data and inventory of all assets and Census of PAPs and their Properties:**

The consultant should a socio-economic household survey and asset inventory for all affected PAPs. As part of the survey’s a cut-off date should be disseminated.

 The following socio-economic data should be collected using 100% survey for affected PAPs:

* + 1. Census of occupants of households along the right-of-way, at the material sites and/or construction camp site, using GIS mapping including household organization;
		2. Characteristics of displaced households (baseline information on livelihoods, economic and standard of living 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. Information on the displaced people’s livelihoods and standards of living;
		6. Description of land tenure systems including common property and non-title based land ownership or allocation system recognized locally and related issues.
		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 (if applicable) 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 resettlement (cash, in-kind and assisted or self-resettlement).

This information should be presented in the RAP report, detailing the number of people to be physically and / or economically resettled as a result of each activity (restoration).

An asset inventory detailing all affected assets and associated costs should be carried out by qualified personnel. This should include an assessment of the scale of the loss and if needed include compensation for orphan land. This should be documented in the RAP and form the basis for individual compensation agreements.

**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. Consideration should be given to involving the local people and Non-Governmental Organizations (NGOs) in planning, implementing and monitoring resettlement.

**4. 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.

1. **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.
1. **Entitlement Matrix:**

The consultant should prepare an entitlements matrix including 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) guided by the RPF prepared for the project. 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:**

The consultant should ensure community participation and the involvement of PAPs in the development of the RAP. The RAP should include:

* A description of the strategy for consultation with and participation of Project Affected Persons (and if relevant host communities) 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.
* Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups such as 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.

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

In identifying alternative sites and selection of resettlement sites / land for in kind compensation 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.

The consultant shall develop plan and estimate budgets to provide or finance housing and if needed infrastructure (e.g. roads, water supply, etc.) to ensure comparable services to host populations. If needed, the RAP shall include an assessment of the environmental and social impacts of the proposed resettlement and measures to mitigate and manage the impacts.

1. **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.

**11. 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.

**12. 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 Twenty (20) 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 20 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 five hundred and forty (540) person days as listed below:

|  |  |  |
| --- | --- | --- |
| **Item** | **Description** | **Person days** |
| 1 | ESIA team leader | 120 |
| 2 | Social Expert | 120 |
| 3 | Civil Engineer  | 60 |
| 4 | Biodiversity expert (aquatic ecologist) | 60 |
| 5 | OHS expert  | 60 |
| 6 | Valuer  | 60 |
| 7 | Surveyor  | 60 |
| **Total Person Days** | **540** |

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, or a similar relevant background or expertise, with a minimum of 10 years proven experience in conducting similar assignments including in the development of RAPs and/or a minimum of eight projects as a Social Specialist, including in Bank funded projects.
3. **Civil Engineer:** He/she should be professionally registered Civil Engineer with a minimum qualification of BSc. 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 fields. He /She must have a minimum of 8 years of demonstrable project experience in ESIA studies specifically in conducting Biodiversity Assessment. With experience in bridge/ road infrastructure projects.
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 projects.
6. **Valuer**: He/she must have minimum qualification of BSc. of Science in Land Management/ in Estate Management /in Real Estates Management /in Land Economy or Property Management. He / She should be registered from recognized institution (Surveyors Institute of Malawi). A minimum of 8 years of demonstrable project experience in valuation to international standards including replacement cost, with experience in bridge/ road infrastructure projects.
7. **Surveyor**: He/she must have minimum qualification of BSc. of Science in Land Management (surveying) or BSc. of Science in Surveying. He / She should be registered from recognized institution (Surveyors Institute of Malawi). A minimum of 8 years of demonstrable project experience in surveying on projects applying international standards, with experience in bridge/ road infrastructure projects.
8. **Timing**

The services are expected to take twenty (20) weeks to complete including the time for the client and WB 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 and WB 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**  | **Expected deliverable**  |
| --- | --- | --- |
| Inception report | 2 weeks from effective date | Inception report |
| Scoping Report: inputs from first public consultation, and detailed work program, including which activities will be ESIA and which will be ESMP | 2 weeks from effective date  | Scoping report |
| Draft ESIA/ESMP/RAP reports preparation  | 11 weeks from effective date | Draft ESIA/ESMPs and RAP reports |
| RA review of drafts reports and comments addressing by consultant  | 2 weeks | First revised reports  |
| Submission of draft reports to Bank for review  | 2 weeks | Report with Bank comments  |
| Consultant addressing Bank Comments and resubmission for Bank clearance | 4 weeks  | Second revised reports cleared by Bank |
| Final ESIA, ESMPs and RAP reports | 20 weeks from effective date | Final reports (ESIA/ESMPs and RAP) |

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