

Generic Terms of Reference (ToR) for Consulting Services for Social Impact Assessment (SIA) and Preparation of Resettlement Action Plans (RAPs), Vulnerable Community Development Plans (VCDPs) and other Social Management Plans (SMPs) for Transport Sector (Bridge and/or Road) Projects under the Second Bridges Improvement and Maintenance Program (BIMP-II)¹

(Please refer to separate ToR for Environmental Impact Assessment-EIA and preparation of Environmental management plans. The EIA and SIA will be undertaken in parallel complementing each other; and EIA and SIA together form Environmental and Social Impact Assessment – ESIA of a proposed intervention, road or bridge, under BIMP II. The EIA, SIA and plan preparations will also be coordinated with technical feasibility and detailed design studies under a separate parallel consultancy.)

¹ These terms of reference have been prepared as general guideline for detailed social impact assessments; and preparation of Resettlement Action Plans (RAPs), Vulnerable Community Development Plans (VCDPs) including Indigenous People's issues and other social management plans (SMPs) adhering to relevant policies and procedures of the World Bank and those of the Government of Nepal; and are applicable to IPF activities under the second Bridges Improvement and Maintenance Program (BIMP-II). While activities under this ToR shall be conducted in tandem with those for environmental and/or engineering ones, the SIA report and each plan thus prepared shall be subject to review and clearance by the World Bank and approval from GoN authority.

CONTENTS

GENERAL 1

OBJECTIVES 2

SCOPE OF WORK 2

REPORTING REQUIREMENT 9

TIME FRAME AND OTHER MINIMUM REQUIREMENTS 9

CONSULTANT’S FACILITIES 11

EMPLOYER SUPPORT 11

PAYMENT METHOD 12

TAXATION 12

CONTRACTUAL ARRANGEMENT 12

GENERAL

Government of Nepal (GON) is preparing the second Bridges Improvement and Maintenance Program (BIMP-II) under the Ministry of Physical Infrastructure and Transport (MoPIT)/Department of Roads (DoR) with assistance from the World Bank. The proposed program includes Technical Assistance (TA) component to support GoN in conducting relevant social impact assessments (SIAs) – *inter alia* - aimed at preparation of site-specific social management plans (SMPs) including resettlement action plans (RAPs), vulnerable community development plans (VCDPs) and, engineering designs/detailed project reports (DPRs), etc. for potential bridge and road projects in transport sector. Tasks under this ToR are envisaged to commence from subproject identification/feasibility study, include detailed SIA culminating into preparation of site-specific RAPs, VCDPs and other social management plans based on findings of the SIA, and be undertaken in tandem with environmental studies/plan preparations and DPR/design works for the corresponding sub-project site. Each document prepared shall be reviewed and cleared by the Bank and approved by concerned GoN authority.

Under the Ministry of Physical Planning and Transport (MoPIT) in Nepal, DoR (Implementing Agency, IA) manages Strategic Road Network (SRN) including, but not limited to, the East West Highway, several North-South corridor roads, Postal roads and Mid-Hill highway. As some of the roads/highways traverse through settlements, private lands, community asset sites – *inter alia* – and bridge/road works may involve inherent risks and impacts, site-specific social assessments and preparation of required management plans is required adhering to the World Bank safeguard policies and procedures and to those of GoN (Executing Agency, EA). The EA/IA intends to apply portion of the program funds for payments under the contract for Consulting Services for conducting site-specific social impact assessments, preparing the required site-specific social management plans including RAPs and VCDPs based on analysis of assessment findings, and securing required approvals wherever applicable. Consultancy service is intended to be procured under World Bank's "Guidelines for selection and employment of Consultants under IBRD Loans and IDA credits and Grants by World Bank Borrowers".

Experiences of the World Bank and those of Government of Nepal indicate that proper assessment/documentation and management of social risks and impacts add to the sustainability of development works. For instance, involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. Involuntary resettlement may thus cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are

carefully planned and carried out. Likewise, project risks and impacts – including those triggered due to labor influx², etc. – on vulnerable (Indigenous Peoples, women, children, aged people, poor and other deprived segments) and other communities need to be properly documented and managed. This ToR includes safeguards to address and mitigate these impoverishment risks while integrating measures for beneficial impact enhancements.

OBJECTIVES

The objectives of the proposed consultancy services are: (i) to prepare site-specific Social Impact Assessment (SIA) as per the Environmental and social management framework (ESMF) of the Department of Roads (DOR) and the policies of the World Bank and those of the Government of Nepal; (ii) to prepare site specific Resettlement Action Plan (RAP), Vulnerable Community Development Plan (VPCD), and other social management plans (SMPs) based on the SIA (iii) to support DoR in disclosure and approval requirements as per GoN and World Bank provisions.

SCOPE OF WORK³

The expected activities included in the consultancy services are detailed below. However, the detailed description of services is not an exhaustive list but rather indicative of the overall tasks to be performed by the consultant. The Consultant needs to perform professionally adhering to applicable policies of the GoN and those of the World Bank (including OP 4.12 and/or 4.10, Guidance Note on Labor Influx, etc.) to achieve the objectives as defined above.

The consultant shall also coordinate with the teams carrying out environmental impact assessment and plan preparations and Design/Detailed Project Report (DPR) preparation works to ensure that social issues are appropriately factored into decisions about the scope of works and their detailed designs, to enable planning of compensation and mitigation measures within the relevant project timetable.

The consultant's tasks include but are not limited to the following:

Assessment-

- i. Conduct in-depth studies/assessments of each potential bridge and/or road site adhering to the World Bank policies and procedures (including OP 4.10, 4.12 and other applicable guidelines, etc.) and those of the GoN; and document the findings (risks, impacts,

² The rapid migration to and settlement of workers and followers in the project area (under certain conditions, it can affect project areas negatively in terms of public infrastructure, utilities, housing, sustainable resource management and social dynamics).

³ Tools, and reports/plans prepared shall be reviewed and cleared by the Bank and approved – wherever applicable - by relevant GoN authority.

mitigation measures, etc. on local communities including Indigenous Peoples) with ample coverage of adverse and beneficial impacts also on aspects likely to be triggered due to labor influx, land acquisition and resettlement, gender-based violence (GBV), job creation and economic impacts, amongst others.

- ii. Specific to any affected Indigenous communities (*Janajatis*), the assessment should focus on gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend; the identification of key project stakeholders and the elaboration of a culturally appropriate process for consulting with the Indigenous Peoples at each stage of project preparation and implementation; an assessment, based on free, prior, and informed consultation, with the affected Indigenous Peoples' communities, of the potential adverse and positive effects of the project and determination of potential adverse impacts with thorough analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples' communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live; identification and evaluation of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project; and any other crucial issues specifically applicable to the Indigenous communities.
- iii. Develop Cadastral Map of Project footprint, including approximately 2 km on either side of the bridge/road alignment.
- iv. Carry out public consultations with different project affected communities/social groups (including focus group discussions, key informant interviews, etc. with women only groups and Indigenous Peoples only if IPs are affected) about their options and rights pertaining to resettlement and other socio-economic impacts, and with other stakeholders like NGOs, traditional/customary institutions of the IPs as may be applicable, District Administration, ministry, etc.; documentation of consultation process and outcome with list of participants, including feedback received and responses/measures to address such feedback; and provide a plan for continuous public consultation during implementation.
- v. Assess the potential resettlement and other impacts and consider alternatives to avoid or minimize such potential impacts. This includes identification of: (a) the project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project; (b) the zone of impact of such components or activities; (c) the scope and scale of land acquisition and impacts on

structures and other fixed assets; (d) any project-imposed restrictions on use of, or access to, land or natural resources; (e) alternatives considered to avoid or minimize displacement and why those were rejected; and (f) the mechanisms established to minimize displacement, to the extent possible, during project implementation.

- vi. Conduct census survey and socio-economic baseline of persons residing/using the corridor of impact including family composition and details on age and sex of all the members of the house hold, income levels and occupational pattern, vulnerability status, legal ownership status (private, traditional and customary ownership, lease), and skills possessed. The study shall follow inclusive approach including all social, gender, economic, and occupational groups, ensuring specific information on vulnerable groups is included.
- vii. Collect an inventory of types and extent of losses of each affected household, including a detailed inventory of affected assets for all project affected persons to establish loss of fixed assets such as structures and trees, livelihood or access to community resources as a result of project implementation on the road or bridge influence area approximately
- viii. Map social and cultural characteristics of displaced communities and other vulnerable groups affected by the project, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
- ix. Determine the legal framework of private land, customary and traditional laws governing land tenure, usufruct rights, leasehold and land acquisition, or transfer plans for the total project including for tree plantation, if any, per the revenue records (including acquisition for temporary purposes). Assess local tenures and property rights arrangements, which may include usage or customary rights to the land or other resources taken for the project including common property resources and develop realistic land acquisition plan on the basis of the revenue records as per Government rules and legislations as well as those of the World Bank.
- x. Carry out market survey and focus group consultation with different social groups including IP's and women to prepare socially, technically and economically feasible vulnerable community development plan (including skill enhancement and income generations schemes) targeted at Indigenous People, women and other vulnerable segments of the communities.
- xi. Finalize the list of PAPs and PAFs with the close coordination among different stakeholders of the project. Finalize estimate of land required for any resettlement and for economic rehabilitation, if any.

- xii. Assess institutional capacity and propose the institutional arrangement for approval and implementation of RAP, VCDP and other social management plans, addressing grievances, and ensuring gender equity, and identify the roles and responsibilities of each agency.

RAP-

- i. *Develop entitlement matrix:* including for women and other vulnerable groups as mentioned above - in line with DOR ESMF and World Bank Policies (primarily OPs 4.12). Identify the land and prepare a plan for relocation in consultation with the project displaced people (including squatters, encroachers and other vulnerable and/or ethnic groups
- ii. *Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
- iii. *Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.
- iv. *Resettlement measures.* 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 the policy (see OP 4.12, para. 6). 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.
- v. *Site selection, site preparation, and relocation.* Alternative relocation sites considered and explanation of those selected, covering-
 - (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
 - (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
 - (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
 - (d) legal arrangements for regularizing tenure and transferring titles to resettlers.
- vi. *Housing, infrastructure, and social services.* Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services

- (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.
- vii. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts (pollution, erosion, deforestation, etc. as applicable based on site-specific assessment findings) of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
 - viii. *Community participation.* Involvement of resettlers and host communities,
 - (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;
 - (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
 - (c) a review of the resettlement alternatives 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 individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries) (refer to OP 4.11 *Physical Cultural Resources*).
 - ix. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including
 - (a) consultations with host communities and local governments;
 - (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;
 - (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and
 - x. *Monitoring:* Develop monitoring indicators and formats for physical and financial progress, process monitoring and impact evaluation and indicators to ensure that the objectives of resettlement management are achieved. an implementation schedule synchronized with the time frame of civil works, and ensure that no civil works will begin until people are fully compensated and relocated (if applicable).
 - xi. *Grievance procedures.* Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
 - xii. *Implementation schedule.* An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of

expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

- xiii. *Detail Institutional capacity or staffing enhancements:* required for effective implementation of the RAP, including a detailed budget for resettlement and livelihood restoration plan. All activities should be costed and time bound, with clearly identified responsible institutions and/or people.

VDCP-

- i. *Consultation.* Conduct free, prior and informed consultation with any likely to be affected Indigenous communities (Adivasi Janajati) that leads to broad community support. The Bank will review the process, documentation and the outcome of such consultation; and shall proceed further with project processing only if it is able to ascertain that the process followed is acceptable and that such support exists for the project being prepared. Also, a detailed consultation plan shall be prepared covering the sub-project preparation, implementation and monitoring activities – to be shared with the Bank as part of the VCDP (review and clearance). Meaningful community consultation with all affected communities, households and individuals should commence at the earliest possible stage of studies and continue through project preparation and implementation phases.
- ii. *Develop entitlement matrix:* including for women and other vulnerable groups as mentioned above - in line with DOR ESMF and World Bank Policies (primarily OPs 4.10).
- iii. Specific to Indigenous communities if applicable based on site-specific findings, the VCDP should have a dedicated Chapter adhering to OP4.10 including but not limited to: summary of the social assessment and results of the free, prior, and informed consultation with the affected Indigenous Peoples' communities that was carried out during project preparation and that led to broad community support for the project; a framework for ensuring free, prior, and informed consultation with the affected Indigenous Peoples' communities during project implementation; an action plan of measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies; an appropriate action plan of measures to avoid, minimize, mitigate, or compensate for any adverse effects with required cost estimates and financing plan, *inter alia*.
- iv. *Eligibility.* Definition of vulnerable persons and criteria for determining their eligibility for various assistance offered under the VDCP.
- v. *Community Development Programs and/or Skills enhancement programs:* Description of the program of support agreed on with communities and project team. All activities should

be costed and time bound, with clearly identified responsible institutions and/or people. The schedule should indicate how the VCDP activities are linked to the implementation of the overall project.

- vi. *Monitoring and Grievance redress:* Develop monitoring indicators and formats for monitoring implementation progress and impacts of the agreed activities. Ensure accessible grievance redress mechanisms available to communities involved.

Other Social Management Plans-

- i. *Prepare other social management plans:* Based on the detailed assessment findings for each site, develop social management plans including but not limited to:
 - a) Labor Influx Management Plan – focused on in-depth assessment findings for ensuring proper management of the risks and impacts (both adverse and beneficial) while avoiding, minimizing, mitigating and/or managing risks such as gender-based violence (GBV) and others on top of the risk of diseases' transmissions. This shall include assessment of risks associated with labor influx (Critical negative social risks) such as: conflicts arising from increased demand on existing infrastructure, services, and utilities, including transportation, health, education, water and sanitation, waste management, public utilities and community, religious, and recreational facilities and loss of land for access routes, etc.; increase in criminal activity and alcohol and drug abuse, domestic violence, prostitution, smuggling and gang activity; increase in gender-based violence, including sexual harassment and sex with underage children, deriving from the dramatic rise in the “four M’s” characteristic of labor influx - men, money, movement (influx), and mixing (i.e., social interaction); increases in communicable diseases, including respiratory problems, diarrheal diseases, vector-borne diseases (e.g., malaria), and sexually transmitted infections (e.g., HIV/AIDS, syphilis, gonorrhea, chlamydia, hepatitis B), etc.
 - b) Worker's Management Plan - including prohibition of child labor, workers' recordkeeping system and code of conduct, etc.
 - c) Gender Equality and Social Inclusion (GESI) Plan - including bridge/road designs with measures for ensuring application of the concept of universal access for persons with disabilities and any other vulnerable persons with limited accessibility; access of women, poor and other vulnerable individuals/groups to opportunities generated by the project activities; and inclusive participation of such vulnerable groups/individuals in project preparation, implementation, monitoring and other activities.
 - d) Citizen Engagement Plan (CEP) – including provisions for engagement of inclusively formed (with women and other vulnerable groups) community consultative forums throughout project cycle.
 - e) Any other social management plan (s) as may be required based on site-specific findings

The Consultant's scope of work also includes compliance to any requirements on translations and Disclosures wherever applicable as per GoN and/or World Bank policies/standards.

The Consultant shall prepare detailed cost estimates for implementation of each site-specific RAP, VCDP and other social management plans with implementation schedule for each; and the total cost of SMPs shall be part of the total project cost (which shall include any specific cost estimate for SMP measures required of the contractor - to be included as a line item in the BOQ of the Bid Document).

REPORTING REQUIREMENT

The Consultant shall keep full records relating to all aspects of the work covered by his service contract. Such records shall be available for inspection and use by DOR/World Bank and/or other authorized entities. All original drawings, work sheets, field notes, computer programs, reports and other documents relating to the study shall become the property of the Government.

The Consultant shall prepare and submit Draft Social Impact Assessment and related Social Management Plans including Resettlement Action Plans and VCDP's for review and comments to DOR/Geo-environment and Social Unit (GESU) and to the World Bank. The Consultant is required to present their findings and recommendations to the DOR and World Bank, in close coordination with of DOR/GESU. After integrating comments, the Consultant shall submit the final Social Impact Assessment Report and the prepared Plans (6 Copies Draft and 10 copies Final Report of each, in paper and electronic soft copy in original version).

TIME FRAME AND OTHER MINIMUM REQUIREMENTS

The envisaged duration of consulting services for all parts is XXX months.

The consulting firm should be familiar with the transport sector assessments and shall possess the following qualifications: i) Registered in Nepal and in good legal status recognized by the Nepal Government, enabling the organization to perform the tasks mentioned above; ii) Demonstrated experience of organizing large scale household surveys and SIA studies and social management plan preparations within the past ten years); iii) Demonstrated capacity and experience in planning and organizing survey logistics; iv) Good network of experienced enumerators, supervisors, and data entry clerks; and v) Demonstrated strong capacity in data management and statistics. The contracted entity shall engage in a multi-disciplinary team comprising of professionals covering at least the following disciplines for this assignment

During the overall period, it is estimated that at least XXX person-months of professional level technical staff input will be required.

The estimated key consulting team requirements for performance of the services specified in the scope of work for each Road or Bridge project are indicated below.

Estimated Team Composition

Key Professional Staff	No. of Staff	Approx. Person Month	Remarks
<p>Resettlement and Social Development Specialist, Team Leader, with at least the following qualifications:</p> <ul style="list-style-type: none"> (a) Advanced university degree (Master's) in social sciences (sociology/social work/ Rural Development/Development Studies, or relevant disciplines). (b) At least 15 years of experience in social development sector. (c) Experience of preparing IPP for WB or other donor funded projects. (d) Experience in land acquisition, resettlement and community development areas (conducting studies, plan preparations, etc.). (e) Experience in road transport sector, especially resettlement and rehabilitation planning. (f) Experience working with Indigenous communities and other vulnerable groups. (g) Experience in data analysis, both quantitative and qualitative is essential. (h) Experience of preparing RAP for WB or other donor funded projects. (i) Ability to manage and train survey teams is essential. 	1	X	KEY PERSON NEL

Additional specialist-level expertise, such as in GIS mapping, stakeholder engagement and consultation, cultural heritage, , social development, social surveys, gender equality and social inclusion, citizen engagement, outreach and communication, etc.	Various , as needed	Up to 10 additional team members might be required for appropriate duration of engagements	
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Note:

- a) The above key staff composition and estimated total key staff man-month is Client's estimate. The consultants are advised to assess their own requirement and propose their own staff composition and staff input requirement for efficient performance of their job as per the Terms of Reference. If the proposed consultant's team is found inadequate or not sufficient during the performance of the services then additional staff shall be provided by the consultant at their own cost.

CONSULTANT’S FACILITIES

It should be noted that the consultant will need to provide all the administrative, technical professional and support staff needed to carry out their services efficiently. The Consultants will also be responsible for providing all other necessary facilities and logistical support for its staff/teams engaged, including accommodation, 4 WD vehicles/transportation, office equipment, field survey and investigation equipments, communications, utilities, office supplies and other miscellaneous requirements wherever applicable to render their services.

EMPLOYER SUPPORT

The following shall be provided to the Consultant by the Employer/DOR:

- Access to relevant documents and data available which may be supportive to the Consultant;
- Letter (s) introducing the Consultant wherever required in performing the assignment.

PAYMENT METHOD

The Consultant shall be paid as below:

- (i) after submission of inception report: up to 10 % of the contract amount.
- (ii) after submission of finalized survey instruments, recruitment and training to field staff : up to 25 % of the contract amount.
- (i) after submission of draft resettlement plans acceptable to the Employer/DoR: up to 30 % of the contract amount.
- (ii) after submission of the final resettlement plans and their acceptance by the Employer/DoR and approval by the authority: remaining (full and final) payment of the contract amount.

TAXATION

The consulting firm shall be fully responsible for all taxes imposed by Government of Nepal. The firm must be registered in VAT.

CONTRACTUAL ARRANGEMENT

The Consultant's contract will be with Government of Nepal, Department of Roads, Second Bridges Improvement and Maintenance Program (BIMP-II) and will be based on a contract agreement consistent with the World Bank guidelines for consultancy services contracts.