

Government of Nepal
Ministry of Physical Infrastructure & Transport
Department of Roads,
Development Cooperation Implementation Division
Babarmahal, Kathmandu

Terms of Reference (ToR)
for
Environmental Safeguard Expert(ESE)Consultant
Contract No. SRCTIP-DOR-CS-IND-42

1. INTRODUCTION

The Department of Roads established a unit called Environmental Management Unit under Planning Branch in the year 1988 to support the Arun Access Road for the proposed Arun-III Hydropower Project and reformed as a permanent cell under Planning and Design Branch with a new name as Geo-Environmental Unit (GEU) in the year 1994. In the beginning from 1994 to 1999 the unit remained supported with Overseas Development Agency (British) and World Bank financial support for Road Maintenance and Rehabilitation Projects. The British support was mainly focused in DoR's capability building and strengthening in Bio-engineering area whereas World Bank's support was focused in the field of Environmental sector.

Road construction often causes adverse effects on the bio-physical as well as the social, economic and cultural environments. Realizing the importance of social analysis and participation of project stakeholders in the planning and implementation of projects, aspect of Social assessment was incorporated for the improved project efficiency, effectiveness and sustainability as an integral part of the planning process.

The Government of Nepal has received financing from the World Bank toward the cost of the Strategic Road Connectivity and Trade Improvement Project (SRCTIP) for the improvement of Nagdhunga - Naubise - Mugling Road and Kamala - Dhalkebar - Pathlaiya Road sections.

Development Cooperation Implementation Division, Department of Roads under the Ministry of Physical Infrastructure and Transport intends to apply part of the proceeds for consulting service of the Environmental Safeguard Consultant [ESC]/Expert.

In order to implement environmental safeguard measures envisaged under the World Bank financed projects such as SRCTIP, BBIN etc.under DCID, DoR intends to engage dedicated and experienced Environmental Safeguard Consultant/Expert to assist GESU, Development Cooperation Implementation Division (DCID), Project office and Road Division Offices (RDOs) throughout the contract period. The Consultant will provide support to conduct environmental due diligence on projects, and assist to resolve pertinent environmental impacts and issues related to Donor funded projects.

2. OBJECTIVE

Environmental and social impact assessments on road development project are imperative to identify and implement measures for safeguarding the environment and the concerns of local communities, as well as to identify and implement measures for enhancing the development benefits of projects. DoR has prepared a sector wide Environmental and Social Management Framework (ESMF) which has been approved by the government. The framework is a guiding document for all the road sector project proponents, developers and implementers when planning and implementing strategic road projects in Nepal. The ESMF is consistent with GoN and applicable World Bank's Environmental and Social Framework is to be used to all projects/subprojects through all project life cycle i.e. screening, selection, planning, implementation, monitoring and evaluation. The ESMF outlines how the government and IDA policy requirements are applied in the road projects along with various steps and procedures that need to be followed at different stages. The ESMF requires that each funding request/proposal be subject to environmental and social screening for potential environmental and social impacts to decide the level of environmental and social investigation that may be required. The ESMF provides criteria for such screening. The ESMF also recognize the need for stronger and independent monitoring of environmental compliance in the field. Bank's

financed projects institutional strengthening support also covers environmental capacity building of the GESU.

Social and environmental safeguard implementations are integral part of project execution. This should be carried out with the objective of sustainable development. The basic tenet of this consultancy service is to ensure that the environmental & social safeguard measures specified in ESMF in general and road specific measures in particular are complied with; and standard of living of affected people are restored or improved, all the resettlement and compensation measures are applied in practice, and all environmental mitigations measures are implemented. The Consultant will take care of all the environmental issues related to the SRCTIP project. The project mainly consists of improvement of Nagdhunga - Naubise - Mugling Road (95 Km), improvement of Kamala - Dhalkebar - Pathlaiya Road (130 Km) and Periodic Maintenance of 3,400 lane - km of Core Road Network as identified.

The main objective of the consultancy service is to augment GESU/DCID's staff strength and to provide direct support for conducting environmental due diligence on projects, and assist in the implementation of environmental management plans and measures for mitigating the environmental impacts of donor-funded projects and GON funded Projects as and when required.

3. SCOPE OF WORKS

With the above set objectives, the Environmental Consultant, whose work station shall be at DoR will undertake the following responsibilities:

- Conduct Environmental due diligence on projects and assist in designing projects that are responsive to environmental requirements;
- Develop and refine procedures for the preparation, execution, monitoring, and evaluation of Environmental Assessment (EA) as per Sector wide ESMF of DOR
- Draft, review and refine TOR to carry out Environmental Screening, Initial Environmental Examination (IEE), Environmental Impact Assessment (EIA) and

to prepare EMP, ESCP consistent to the ESMF and other documents required as per World Bank's Environmental and Social Framework

- Review ongoing ToR, IEE and EIA reports, LMPs and SEPs and provide comments and suggestions to DCID/GESU for improvement, as well as undertake or support to undertake screening of project activities as required
- Check BOQs, Bids/Contract Clauses and other document for incorporation of relevant mitigation measures specified in IEEs, EIAs, ESIA LMPs and SEPs
- Develop and carry out Environmental monitoring and reporting system
- Undertake preparedness check and periodic compliance check. For these purpose, undertake visits to the project sites and work closely with stakeholders and with the consultant, NGOs, contractors, project staff etc; get relevant information on environmental issues covering issues of the occupational health and safety practices, traffic safety and management practice, noise control, dust control, spoil disposal and quarry site operation and management practice; drain-outfalls, plantation, etc
- Monitor and evaluate the findings and recommendations, and also report, for the implementation of ESMP, IEE, ESIA LMP and SEP, ESMF, as relevant
- Assist GESU/DCID to Coordinate with other agencies towards raising awareness on environmental safeguard measures in road projects, disseminate information on Environmental Aspects of road development among various stakeholders viz donors, projects, government bodies, affected communities etc
- Assist GESU/DCID to perform the environmental roles and responsibilities as mentioned in Project Appraisal Document, ESIA, SESA, and ESMF of SRCTIP and other Donor Funded projects
- Assist DCID for the relevant activities related to Environmental and Social Framework (ESF) of World Bank
- Assist GESU for overall implementation of Environmental and Social Management Framework (ESMF) particularly in the SRCTIP.
- Monitor the Environmental Safeguard activities as per World Bank's Environmental and Social Framework, 2018 and other donor agencies'

respective Frameworks/Guidelines as well as GoN Act, Regulation and Guidelines

- Co-ordinate activities of Safeguard Mobilizers, Monitor the implementation of environmental related works in each projects, suggest corrections if needed and reporting regularly to DCID and GESU.
- Coordinate and provide assistance to different Road Division Offices in preparing Environment and Social Screening Reports or other Safeguard Reports.

4. NECESSARY EXPERTISE & EDUCATION

The Consultant for the post of EC should have following necessary expertise and education

Area	Qualifications
A) Education and Training	<p>Minimum:</p> <ul style="list-style-type: none"> ▪ Graduate degree in Environmental Science/Engineering or related field <p>Preferable:</p> <ul style="list-style-type: none"> ▪ Master’s degree in Environmental Science/Engineering or related field ▪ Training on Environment and Social (E&S) risk management under WB Environment and Social Framework (ESF) ▪ Training on Environment Impact Assessment
B) Experience	<p>A. General Experience</p> <p>Minimum: 7 years in Environmental Safeguard sector Preferable: 12 years in Environmental Safeguard sector</p> <p>B. Specific Experience</p> <p>i. Minimum: 7 years of Experience with Environmental Safeguard works in Road and Bridges Projects Preferable: 10 years of Experience with Environmental Safeguard works in Road and Bridges Project.</p> <p>ii. Experience in Preparation/review of safeguard document as per multi lateral Bank’s safeguard policy framework/ESF:/</p>

	Review of E & S Policy Documents will be an advantage .
C) Language	Capable in reading, writing and speaking English and Nepali Language
D) Others	<ul style="list-style-type: none"> ▪ Able to deal, and coordinate with concerned Stakeholders at construction site. ▪ Able to travel any project sites located different parts of Nepal frequently

Note: Category C and D will not be given technical score while evaluating but will be taken into consideration at the time of contract negotiation.

5. PAYMENT

The remuneration to the individual Consultant shall be on the monthly basis, as a time based contract. Reimbursable expenses are paid as per contract in fixed lump sum basis.

Price Adjustment shall be applied only to remuneration only. Remuneration paid in local currency shall be adjusted every 12 months (and, the first time, with effect for the remuneration earned in the 13th calendar month after the date of the Contract Effectiveness date) by applying the following formula:

$$R_t = R_o \times \left[0.1 + 0.9 \frac{I_t}{I_o} \right]$$

where

R_t is the adjusted remuneration;

R_o is the remuneration payable on the basis of the remuneration rates in local currency;

I_t is the official index for salaries in the Client's country for the first month for which the adjustment is to have effect; and

I_o is the official index for salaries in the Client's country for the month of the date of the Contract.

Salary Index, Private Institution, Officers published by the Nepal Rastra Bank shall be used for salaries corresponding to I_l and I_o in the adjustment formula for remuneration paid in local currency.

6. DURATION OF CONSULTANT'S SERVICE

Consultant shall commence the work from the date of signing agreement and last for twenty seven months upon satisfactory performance.

7. WORKING DAYS

The working days and office holidays will be as per Government rules and practice. The Consultant should submit the monthly work plan at the start of each month. In addition to holidays as per Government Rules and Practice, there shall be provision of one day additional paid leave per month which shall not be accumulated for next month.

8. TAX

The Consultant shall be fully responsible for all taxes imposed by Government of Nepal. The Consultant must be registered in VAT after signing the contract agreement, if not registered. The consultant will be responsible for the costs of the premium of any insurance plan including accidental insurance he/she takes up.

9. TECHNOLOGY TRANSFER

ESC shall consider the technology transfer as an important aspect of the service. ESC shall provide one day training to DCID team and a minimum half day training to 20 DoR officials per year in different aspects of Environmental Issues and Prevailing practices of Conduction Environmental Studies in Road Projects. DCID shall provide the training hall and other necessary logistics for training.

10. LOGISTIC AND OTHER ASSISTANCE PROVIDED BY THE CLIENT

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

- Related reports available in DoR

- Access to other necessary documents and data available in DOR required for the performance of the consultant's services.
- Office space with furniture
- Email and internet access
- Required office stationery

The Consultant will be provided an office space in premises of the Development Cooperation Implementation Division. Transportation shall have to be arranged by consultant himself/herself within Kathmandu valley however Transport expenditures incurred during visiting to work sites outside of Kathmandu valley shall be reimbursed as per actual bill.

11. CONSULTANT'S RESPONSIBILITY

The Consultants shall not, during the term of this Contract and after its expiration, disclose any proprietary or confidential information relating to the Services, this Contract or the Client's business or operations without the prior written consent of the Client. The Consultant shall keep full records relating to all aspects of the work covered by his/ her service contract. All original drawings, work sheets, field notes, computer programs, reports and other documents relating to the study shall become the property of the Government.

In addition to the above, the Consultant shall submit the reports not limited to following during the course of services:

- Monthly progress report on overall activities
- Other reports as required

12. AGREEMENT

The Consultant shall be required to enter into an agreement with Development Cooperation Implementation Division on time based. An agreement shall be signed by both parties before the commencement of the work.

