

4. EXPERIENCE AND QUALIFICATIONS: Minimum qualification of the Consultant will be as follows: (1) At least Bachelor degree in community development, environmental and/or social safeguards; higher degree in the related field is a plus; (2) At least 5 years in environmental and/or social aspects of planning, assessing and managing civil works projects at various scales in Lao PDR; (3) Having experience and knowledge on World Bank's ES safeguard requirements (OP4.01, OP4.10, and OP4.12), and GOL ES safeguard requirements especially those related to Resettlement and Compensation Decree, ESIA/IEE legislations, and other concerned regulations on environmental and social safeguards related to water infrastructure will be an advantage; (4) Having experience and skill on community engagement and mobilization in the context of an integrated river basin, green water infrastructure, and/or other community/soft-nonstructural measures as well as on collaboration with communities and local administration, documentations, and recording of data and implementation at different stages etc. will be also be desirable; (3) Fluency in speaking and writing Lao language, good oral and written communications skills in English, and computer literacy (Microsoft Office and Excel) will be necessary; (4) Willingness to travel and work with provincial and department DPWT-ODX, partnered agencies and local communities in Oudomxay province; and (5) Female candidates are encouraged to apply.

5. THE DETAILED SERVICES AND QUALIFICATION REQUIREMENTS is provided in Terms of Reference (TOR) that can be obtained from the point of contact below, and can be downloaded on www.mpwt.gov.la

A Consultant will be selected in accordance with the procedures of Individual Consultants (IC) method set out in die World Bank's Guidelines: Selection and Employment of Consultants by World Bank Borrowers dated January 2011, revised in July 2014.

Interested Consultant may obtain further information on working days at the address below during office hours; from 8:30 AM - 16:30 PM.

6. EXPRESSIONS OF INTEREST MUST BE DELIVERED:

No later than **4:00 PM on 17 June 2019** on the address below (in person, or by fax, or by e-mail).

Ministry of Public Works and Transport (MPWT), Department of Waterways (DOW), Project Coordinator Office, Tel: +856-21-452423; Mob: +856-20-29122279; moukmany.not@gmail.com

Attention: Ms. MoukmanyVannasy



Houngla SENGMUANG

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Ministry of Public Works and Transport (MPWT)

Department of Waterways (DOW)

Public Works and Transport Research Institute (PTRI)

TERMS OF REFERENCE
NATIONAL COMMUNITY ENGAGEMENT CONSULTANT
(NCEC)

Reference No. C1/C005

Lao PDR Southeast Asia Disaster Risk Management Project
(Lao PDR DRM Project)

P160930

Ministry of Public Works and Transport (MPWT)

Department of Waterways (DOW)

Component 1. Integrated Urban Flood Risk Management

Vientiane, 3 June 2019

A. Background

1. The Lao PDR Southeast Asia Disaster Risk Management Project (Lao PDR-SEA-DRM Project) is financially supported by the World Bank (WB), with the aim to mainstream disaster risk management in investment planning through technical assistance for institutional strengthening, systems improvements, and physical investments. The Project promotes an integrated approach to flood risk management, which takes a balanced approach to structural and non-structural solutions while resilience characteristics include robustness, reliability, responsiveness, redundancy, and participation of wide range of stakeholders. The Project also seeks to reduce the impact of floods in Oudomxay and improve the performance of early warning systems in selected provinces.

2. The Project components include: Component 1. Integrated Urban Flood Risk Management will help strengthen flood resilience in Oudomxay Province. Structural investments will include flood protection infrastructure in Muang Xay, such as riverbank protection and embankments, flood gates, weirs, river-side parks, and drainage canals. Infrastructure investments will be complemented with non-structural measures, including strengthening land-zoning, institutional capacity-building on integrated flood risk management, etc. Improved planning will consider flood management in the river sub-basin, exploring approaches to allow room for the river in low-density areas, while protecting against flooding in high-density areas. Component 2. Hydromet Modernization and Disaster Risk Management Systems will improve the delivery of weather, climate and hydrological services and end-to-end early warning system in Lao PDR with physical investments in select provinces, and capacity building. Component 3. Disaster Risk Financing and Insurance will help increase the financial resilience of Lao PDR against natural disasters and the Government's capacity to meet post-disaster funding needs. Component 4: Project Management will support the day-to-day implementation of the project. Component 5: Contingent Emergency Response will allow for a reallocation of credit proceeds from other components to provide emergency support following an eligible crisis or emergency.

3. The Project is being implemented until 2022. Three safeguard instruments being applied to the Project especially Components 1 and 2 are the Environment and Social Management Framework (ESMF), the Ethnic Group Policy Framework (EGPF), and the Resettlement Policy Framework (RPF). After the design of subprojects has been prepared and scope of impacts known, safeguard screening for the subprojects will be required to be conducted and preparation of an Environmental and Social Management Plan (ESMP), an Environmental Code of Practice (ECOP), an Ethnic Group Development Plan (EGDP), and/or Resettlement Action Plan (RAP) may be needed according to results of the safeguard screening. WB clearance of the ESMP, EGDP, and/or RAP will be required before public disclosure. A gender action plan has also been prepared and considered as part of the ESMF implementation. Grievance Redress Mechanism (GRM) is also required to be established and strengthened under the project based on the existing national system and the Grievance Handling Law, 2015. GRM will serve as a timely, accessible and transparent mechanism for project affected people (PAPs) to raise their project related concerns and suggestions that they may have. Good record keeping on the implementation of Grievance Redress Mechanism (GRM) is necessary.

4. The consultancy services described by this TOR is part of the ESMF implementation of Component 1, which is being implemented by the Department of Waterways (DOW), Ministry of Public Works and Transport (MPWT) and the Oudomxay Provincial Department of Public Works and Transport (DPWT-ODX). DOW and DPWT-ODX are also responsible for ensuring effective implementation of the safeguard instruments and/or measures with assistance from the Environmental Research and Disaster Protection Division (EDPD) of the Public Works and

Transport Research Institute (PTRI) of MPWT. Specific responsibility of EDPD of PTRI the safeguards implementation include, but not limited to, the following: (i) providing environment and social (ES) safeguard training to DOW and DPWT; (ii) ensuring effective implementation and full compliance of ESMF, RPF, and EGDF including overseeing the preparation and implementation of the ESMP, RAP, and/or EGDP as needed; (iii) ensuring full compliance with government (GOL) ES safeguard requirements for the Component 1 activities; (iv) ensuring that DOW and/or DPWT includes the safeguards and occupation and community health and safety requirements into the bidding and contract documents for all works contracts; (v) undertaking monitoring and supervision of safeguard instruments/measures implementation and coordination with concerned agencies; (vi) submission of ES safeguard monitoring report to WB (6 months and annual), and (vii) in close cooperation and consultation with local authorities and mass organizations, developing guidelines on ES safeguard measures necessary for facilitating effective implementation of ES measures on the ground.

5. To ensure timely implementation of ES safeguard measures and to assist EDPD/PTRI and DPWT-ODX, DOW will hire one qualified national ES safeguard consultant (NESC) (individual, full time or part time, station in Vientiane) to assist EDPD/PTRI and DOW in forging effective and timely implementation and monitoring of the ES safeguards measures for Component 1 including delivering of good quality reports. Another qualified national consultant on community engagement (NCEC) (individual, full time or part time, station in Odomxay) will also be mobilized to assist DPWT-ODX engage local community and promote gender integration on the ground. It is expected that extensive inputs from the two consultants will be necessary during 2019-2021 while less input is expected in year 2022. The consultants will be selected following the WB's guideline for selection of individual consultant being applied to the DRM Project. It is expected that these 2 national consultants will be on board in July or August 2019.

B. Objective

6. Main objective of this assignment (this TOR) is to mobilize the National Community Engagement Consultant (NCEC or the Consultant) to assist DPWT-ODX undertaking the ES safeguard responsibilities in Oudomxay to ensure full compliance of ES safeguard policy requirements and gender action plan for Component 1 during 2019-2022. Specific responsibilities and key deliverables are described below.

C. Scope of Services

7. The Consultant will provide technical services to DPWT-ODX during the implementation of the ES safeguard activities and gender action plan (GAP) for Component 1 of the DRM Project. The Consultant will sign a contract with DOW and however will be based and work with DPWT-ODX and help ensuring timely planning, supervision, monitoring and training that are required during the implementation of ES safeguard activities and ensuring quality of the outputs. The Consultant will work closely with NESC and be responsible for ensuring effective community engagement, planning and implementation of RAP and EGDP (if needed), GAP and other community-based activities to be carried out by DPWT-ODX. Specific responsibilities and deliverables are described, but not limited to, the following tasks:

Task 1: Safeguard Screening (risks and impact assessment) and Preparation of Safeguard Documents and gender action plan

- Under Component 1.1, DOW is mobilizing a consulting firm (FS/DD) to finalize the feasibility study and complete detailed design and bidding documents for the

investments to be financed under this component as well as supervision of works. This FS/DD firm will also be responsible for undertaking safeguard screening or Environmental and Social Impact Assessment (ESIA), preparation of safeguard documents (ESMP/ESIA, EGDP, and/or RAP) and supervision of safeguard activities under responsibility of contractor. The firm is expected to be on board in September – October 2019.

In close coordination with the NESC, the Consultant will review all safeguard requirements and instruments for the Component 1 (ESMF, RPF, and EGPF, ESMP, RAP/EGDP, gender action plan) as well as the TOR for the FS/DD firm in light of the World Bank safeguard policies and most recent GOL legislations and scope and implementation schedule of the project investments under Component 1.1. Initial discussion with the Department of Natural Resources and Environment Policy (DNEP) of the Ministry of Natural Resources and Environment (MONRE) suggested that DOW assisted by the FS/DD will have to submit a scoping report and draft ESIA study report to DNEP for agreement on the nature of the ESMP and/or other safeguard documents to be required by DNEP for issuance of an ECC. Active involvement of the Oudomxay provincial office of Natural Resources and Environment (PONRE-ODX) will be necessary during the process. In line with the work plan on safeguard activities for year 2019-2021 to be prepared by NESC and EDPD/PTRI, the Consultant will assist DPWT-ODX coordinate and mobilize the local teams to be responsible for undertaking the activities on the ground including facilitating consultations and meetings and keeping proper records. Due attention will be given to ensure effective implementation of GRM and promote gender integration.

- In close coordination with the NESC and EDPD/PTRI and in line with the yearly plan of the Component 1, the Consultant will ensure (a) that the FS/DD firm will timely prepare safeguard documents (screening, scoping, TOR for ESIA, ESMP, EGDP/RAP, etc.) as required for the Component 1; (b) timely issuance of the Environmental Compliance Certificate (ECC) by MONRE; and (c) effective and timely coordination among key agencies at local level. It is also necessary to ensure that the detailed design and preparation of bidding and contract documents will incorporate proper mitigations on safeguard measures including occupational and community health and safety (OCHS), Gender Based Violence (GBV) and Violence Against Children (VAC) and that the FS/DD firm also fully aware of their responsibility regarding day-to-day supervision of safeguard activities during construction of works.
- In close coordination with the NESC and EDPD/PTRI and in consultation with DPWT-ODX, the Consultant will assist DPWT-ODX on providing guidance and/or training to local communities and/or mass organizations (Lao Women Union (LWU), Lao Youth Union (LYU) and Lao Front for National Development (LFND) during the preparation of safeguard documents to ensure compliance with WB and government's requirements and facilitate clearances as needed. The Consultant will also assist DPWT-ODX to secure ECC for the Component 1 investments as required by the national legislation.
- **Key deliverables are:** timely submission of safeguard documents as required by WB as well as for WB clearance and GOL issuance of ECC including setting up the grievance mechanism (GRM) for Component 1. All safeguard documents will

be properly kept in the project/subproject files for WB review. The NCEC will ensure that all the approved safeguard documents (ESMF, RPF, EGDF, RAP, EGDP, Information Leaflet) are publicly disclosed by making a hard copy of these documents available in both Lao language and uploading onto the MPWT's website as required. The consultant will also help EDPD/PTRI prepare project information leaflet with GRM and contact details included for distribution to the project affected villages and households (PAVs/PAHs)

Task 2: Safeguard Supervision, Monitoring, and Report

- DPWT-ODX is required to ensure full compliance of WB safeguard requirements (ESMF covering RPF and EGEF/EGDF) which is applied to Component 1 including provision of training on monitoring and reporting and submission of safeguard monitoring report (6 months and annual) to WB.
- The Consultant will assist DPWT-ODX in delivery these outputs in a timely manner and at quality acceptable to WB. The Consultant will be responsible for ensuring full compliance with RAP and effective implementation of EGDP (if needed) in close consultation with WB safeguard specialist and assist DPWT-ODX establishing a team to be responsible for carry out RAP activities including preparation of detailed measurement survey (DMS) as needed. On this aspect, the Consultant will work closely with NESC, EDPD/PTRI, and the FS/DD firm to facilitate effective engagement with local community and local mass organizations.
- **Key deliverables are:** Timely submission of a series of quality safeguard review and progress monitoring reports for Component 1 focusing on RAP and/or EGDP implementation and integration of gender. The reports should provide information on safeguard implementation status, issues, status of grievances raised by project affected people, action taken and to be taken, and GRM records.

Task 3: Capacity Assessment and Community Capacity Building

- During the assignment, the Consultant and the NESC will also carry out an ES safeguard capacity assessment of EDPD/PTRI, DOW, DPWT-ODX, and PONRE-ODX with respect to knowledge and commitment, and networking to ensure effective implementation of safeguard measures during road development project cycle (planning, preconstruction, construction, and operations) and identify measures on capacity building (in phases) to ensure effective implementation of safeguard measures on the ground. The Consultant will be responsible for undertaking data collection and analysis of the local entities and the process for local engagement and establishment of local mechanism and/or process necessary for ensuring effective implementation on the ground.

On environmental aspects, the Consultant will provide basic knowledge on community-based environmental management and facilitate community-led actions that could be implemented under the DRM project Component 1.

- On social side, the Consultant will identify and/or engage local mass organizations (LWU, LYU and LFND), and/or local communities that are interested in actively participate in the safeguard monitoring and/or implementation of soft-non-structural measures to address floods, river bank protection, and other pollution

control measures. The consultant will help in consultations with PAPs and local communities and prepare minutes of meetings and consultation for review and records. The Consultant will provide guidance and work closely with DWPT-ODX and PONRE-ODX to establish effective network on ES safeguard and community-driven activities.

- **Key deliverables are:** (1) ensuring compliance with ESMP, RAP, EGDP and other social safeguard measures (especially GRM) as required for Component 1 and (2) Timely submission of social safeguard monitoring reports as agreed with WB.

Task 4. Safeguard Consideration for Urban Planning

- Under Component 1.2, DPWT-ODX will play a key role on updating the urban planning for Meuangxai taken into account the flood management in the river sub-basin, exploring approaches to allow room for the river in low-density areas, while protecting against flooding in high-density areas. Priority will also include promotion of community-based environmental management focusing on ensuring effective management of solid and liquid wastes and river bank protection using non-structural measures. DOW will mobilize a consulting firm to conduct a study and update the plan and a draft TOR is being prepared and expected to be finalized in Q3 2019. DOW will also carry out a series of workshops to facilitate discussion and agreement on the work plan.
- The NCEC will assist DOW and EDPD/PTRI draft the TOR for WB clearance taken into account the needs for incorporating ES issues into the planning and engaging local community and for undertaking local actions that can be conducted with DRM support. Solid waste management and river bank protection by local communities are considered priority for ensuring effective planning and management of MeuangXay area. The Consultant will assist DWPT-ODX and/or PONRE-ODX to conduct local meetings and facilitate discussion to identify priority areas and activities that can demonstrate ways to reduce solid waste generation and if possible to be the first “zero waste community” in Lao PDR. Efforts should be made to promote gender integration and demonstrate local ownership and sustainability of the activities. The Consultant will also assist in the preparation and/or implementation of the workshops and/or supervision of the consulting firm as agreed with DPWT-ODX.
- **Key deliverables:** To be identified in agreement with DPWT-ODX.

Task 5. Updating ESMF for DRM-AF

- DOW and EDPD/PTRI are requesting for WB financial support to apply the Oudomxay integrated flood risk management model in 2 additional towns (Loung Phabang and Bolikhamxay). This will require an updated of the existing ESMF and other ES safeguard documents (RPF, EGPF, etc.). The Consultant will assist EDPD/PTRI and DOW during the update of the ESMF, RPF, and EGPF and provide guidance to DPWTs during the screening and preparation of safeguard activities as agreed with EDPD/PTRI, DOW, and the World Bank.
- **Key deliverables:** To be identified in agreement with DOW and/or EDPD/PTRI.

D. Consultant Qualifications

8. Minimum qualification of the Consultant will be as follows:

- At least Bachelor degree in community development, environmental and/or social safeguards; higher degree in the related field is a plus.
- At least 5 years experience in environmental and/or social aspects of planning, assessing and managing civil works projects at various scales in Lao PDR.
- Having experience and knowledge on World Bank's ES safeguard requirements (OP4.01, OP4.10, and OP4.12), and GOL ES safeguard requirements especially those related to Resettlement and Compensation Decree, ESIA/IEE legislations, and other concerned regulations on environmental and social safeguards related to water infrastructure will be an advantage.
- Having experience and skill on community engagement and mobilization in the context of an integrated river basin, green water infrastructure, and/or other community/soft-structural measures as well as on collaboration with communities and local administration, documentations, and recording of data and implementation at different stages etc. will be also be desirable.
- Fluency in speaking and writing Lao language, good oral and written communications skills in English, and computer literacy (Microsoft Office and Excel) will be necessary.
- Willingness to travel and work with provincial and department DPWT-ODX, partnered agencies and local communities in Oudomxay province.
- Female candidates are encouraged to apply.

E. Estimated Inputs and Duration

9. The assignment will be about 440 days (full time) spread over the period from July 2019 to December 2021 with the possibility of extension over the duration of the Component 1. The Consultant will sign a contract time-based as agreed with DOW and DPWT-ODX with a three-month probation and possible extension after the first year services which will be subjected to satisfactory performance. An extensive or fulltime input is expected to be required from NCEC during the first 10-12 months depending on the actual progress to provide close support for the DOW/PPRI and PPWT to supervise ESIA and consultations to be conducted by the FS/DD firm, monitor RAP and EGEP preparation and implementation particularly compensation and GRM on the ground. The Consultant will be based in Oudomxay Province, Lao PDR.

F. Reporting and Payment

10. The Consultant will prepare the following reports in English and submit it to DOW and DPWT-ODX. The report format and content of each report will be agreed with DPWT-ODX and EDPD/PTRI. For each report submitted an electronic copy will be provided. Electronic copies will be in the format used in their preparation will all links, formulas, and fields active. For all reports an executive summary will be included:

- **Inception Report:** The Consultant will, within two weeks of Commencement of Services or any other date as agreed with DPWT-ODX, submit an Inception Report to DPWT-ODX (with a copy to EDPD/PTRI and DOW) setting out the activities and work plan to be carried out during the consulting services including the Consultant's manning schedule and other inputs to be provided for the services including a plan for submission of invoices. The report will also provide a section summarizing the existing status of the Component 1 activities and implementation progress and ES requirements

and next steps. *Focus will be given to ensure timely preparation and implementation of RAP ad EGDP related activities.*

- **Progress Reports:** The Consultant will, subsequent to the Inception Report, prepare and submit monthly or quarterly progress reports as agreed with DPWT-ODX, reflecting the progress of the work during the report period. *Focus will be given to ensure timely preparation and implementation of RAP ad EGDP related activities.*
- **Completion Report:** At the end of the service, the Consultant will prepare and submit a Completion Report to EDPD/PTRI and WB in a manner satisfactory to EDPD/PTRI including: a summary of the activities conducted; successes, problems, and lessons learned during the services; extent to which the outputs and targets agreed have been achieved, together with an analysis of any variance from agreed targets; and recommendations for improvement including an estimated budgets, schedules and implementation arrangements, for follow on work to the services. *Focus will be given to ensure timely preparation and implementation of RAP ad EGDP related activities.*

11. **Environmental and Social Compliance Monitoring Reports (six month report and Annual):** DOW and EDPD/PTRI are required to submit ES safeguard monitoring report every six month and annually. DPWT-ODX is required to submit ES safeguard monitoring report every 3 month to EDPD-PTRI and DOW. The Consultant will prepare and submit safeguard monitoring report focusing on the preparation and implementation of RAP and EGDP and submit them to DPWT-ODX at least 5 days before the submission date as agreed with EDPD/PTRI and DOW. The report will summarize all ES activities related to RAP and EGDP including results of the compliance monitoring of the ESMP, ECOP including progress and records on GRM and other aspects related to road safety, workers, etc. The report will also summarize the performance of the Contractor on the ESMP/ECOP implementation as well as monitoring capacity and/or performance of DPWT-ODX, PONRE-ODX, and other monitoring parties including training that have been provided by EDPD/PTRI and/or assisted by the Consultant.

12. The payment will be made through DOW with recommendations from DPWT-ODX. The Consultants will submit an invoice to claim payments along with the working days, list of deliverables and reports outlining key activities undertaken and outputs to facilitate the payment.

G. Resources to be provided by Employer: Facilities and Equipment

13. DWPT-ODX will provide i) office space and basic office furniture including photocopier and telephone landline, ii) technical counterparts, iii) basic office assistance, iv) transportation for field work, and v) per-diem and allowance (when working out of Oudomxay)

14. The Consultant will be responsible for other services that may be needed, including: i) translation of the reports in Lao language; ii) international telecommunication; iii) organization of the workshops; iv) other means required for performing the services.