



**LAO PEOPLE'S DEMOCRATIC RESPUBLIC**  
**PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**  
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Ministry of Public Works and Transport  
Public Works and Transport Institute

Country	: Lao People's Democratic Republic (PDR)
Project Name	: Lao National Road 13 Improvement and Maintenance Project
Project ID	: P163730
Credit No.	: IDA Credit No. 6226-LA
Description of Services	: Environmental and Social Safeguard Consultant
Reference	: Consulting package: P-12

**TERMS OF REFERENCE**

**(FOR THE PERIOD FROM Ref. No: C-12/04-2021 TO .....)**

**of**

**Environmental and Social Safeguard Consultant (ESC)**

**August 2022**

**Lao PDR National Road 13 Improvement and Maintenance Project  
TERMS OF REFERENCE (Package No 12)**

**ENVIRONMENTAL and SOCIAL SAFEGUARD CONSULTANT (ESC)  
Support for Environment Research and Disaster Prevention Division of Public  
Work and Transport Institute, MPWT to Manage, Monitor and Report on  
Implementation of the Environmental and Social Safeguard Works**

**I. BACKGROUND**

1. The Government of Lao PDR (GOL) through the Ministry of Public Works and Transport (MPWT), Department of Road (DOL) is implementing a project for Lao National Road 13 Improvement and Maintenance (the Project). The Project has been effective from June 2018 and expected to close in May 2023. It will support improvement works, and maintenance and operation of a 58 km critical section of the National Road 13 north (NR13N) – and Additional 6 km section (segment) of the NR13N section from Xaymengkoun to Sikay, the most important transport corridor of Lao PDR in terms of both domestic and regional connectivity.
2. The Project Development Objective is to improve road condition, safety and climate resilience on critical sections of the NR 13N. The Project has three main components as described below. The World Bank (WB), the Nordic Development Fund (NDF), and the Asian Infrastructure Investment Bank (AIIB) provide financing to the Project. The Project implementation arrangement and specific environmental and social (ES) safeguard requirements are provided in Sections II and III, respectively.
3. ***Component 1: Road Improvement and Maintenance:*** This component will finance road widening, improvement and maintenance works and land acquisition required for road works. The component will include the following sub-components:
  - ***Subcomponent 1.1: Road Improvement and Maintenance:*** This subcomponent will support implementation of road improvement and maintenance works on the following road sections: (i) the Section Sikeut-Songpeuay Market (km 12 to km 31), which will be upgraded from 2 to 4-lane road; and (ii) the Section Songpeuay Market-Phonhong (km 31 to km 70), which will be improved along the existing 2-lane road. The road improvement and maintenance will be carried out through the implementation of an Output and Performance-Based Road Contract (OPBRC). The Project will be extended to cover an improvement of additional 6 km section and it is expected that RAP will be implemented in late 2022. Preparation of RAP and an Environment and Social Impact Assessment (ESIA) including an Environment and Social Management Plan (ESMP) for the additional 6 km are ongoing and the Project will be restructured by the WB to facilitate the implementation of the additional 6 km.
  - ***Subcomponent 1.2: Land Acquisition:*** It is expected that RAP implementation will be financed by the GoL and NDF and support the acquisition of land needed for road works.
4. ***Component 2: Technical Assistance and Supervision.*** This component will support MPWT to manage the OPBRC implementation, implement traffic safety awareness

activities, overloading control, enhance ES monitoring, and supervise road improvement and maintenance works, including ensuring that relevant climate resilience aspects are included in the detailed designs and implemented. The component will also support preparation of studies for future investments on other sections of NR13N. The component will include the following sub-components:

- *Subcomponent 2.1: Traffic Safety Awareness and Enhancement, Overloading Control and Safeguards Monitoring:* This subcomponent will be financed by IDA and support (i) implementation of traffic safety campaigns and other traffic safety enhancement activities, (ii) overloading control and (iii) environmental and social monitoring.
  - *Subcomponent 2.2: Technical Assistance for the management of the OPBRC implementation and the Resettlement Action Plan (RAP) implementation support:* Under this subcomponent, NDF will finance technical assistance for the OPBRC implementation including supervision of climate resilient road improvement works over a three-year construction period and two-year post-construction maintenance and operation period. The subcomponent may also provide technical assistance to MPWT in implementation of the RAP, as necessary.
  - *Subcomponent 2.3: Preparation of Future Investments:* Under this subcomponent, NDF will finance preparation of ES assessments and AIIB will finance conceptual design and related technical studies for other critical sections of NR13N, which will be defined during project implementation and which will take into consideration specific actions to enhance the climate resilience of the road based on existing and, as necessary, additional vulnerability mapping and relevant data.
5. **Component 3: Project Management.** This component will be financed by IDA to support Project management, including the costs of Project management consultancy, monitoring and evaluation, financial and technical audits, OPBRC contracting training, vehicle and equipment, incremental operating costs and other Project management related expenses.

## II. IMPLEMENTATION ARRANGEMENT:

6. MPWT is the Project Implementing Agency. MPWT's Department of Roads (DoR) is responsible for the overall management and implementation of the Project. DoR has established a Project Management Unit (PMU) with responsibilities for day-to-day implementation. An Implementation Support and Works Supervision (ISWS) consultant is responsible for day-to-day supervision and monitoring of ES safeguard implementation by contractor during construction and operation and maintenance (O&M) of the contract (OPBRC).
7. On ES safeguard, the Environment research and Disaster Prevention Division of the Public Works and Transport Institute (EDPD/PTI) of MPWT will lead all aspects of ES safeguards preparation, implementation, supervision and reporting. EDPD/PTI is responsible for fulfilling ES safeguards policy requirements as agreed with WB, NDF, and/or AIIB as well as those to be required by GOL (ESIA, IEE, and resettlement) applicable to the Project. EDPD/PTI mobilizes a senior social safeguard consultant (SSSC) (fulltime) to assist during the implementation of RAP and EGEP while two Project Resettlement Committees (PRCs) have been established, one for each NR13N section. The Vice-Governor from Naxaythong District in Vientiane Capital chairs the PCR for the Section km 12 to km 44 (within

Naxaithong territory) while the Vice-Governor of Phonhong District in Vientiane Province chairs the PRC for the Section km 44 to km 70 (within Phonhong territory). The PRCs including representatives of the DPWT, district Lao Front for National Development (LFND), district Lao Women's Union (D-LWU), district Agriculture and Forestry Office (DAFO), and district natural resources and environment office (DONRE) will oversee and facilitate the implementation of RAP and EGEP including monitoring and responding to Grievance Redress Mechanism (GRM).

### **III. CONTEXT AND OBJECTIVE OF ASSIGNMENT**

8. The proposed project includes improvement and widening of 58 km section of the NR13N from Vientiane to Phonhong (km 12-70) and an additional 6 km segment of the same section of NR13N from Xaymongkhoun to Sikay. The ongoing road section runs through two districts (Naxaythong and Phonhong), covering 44 villages in total, whereas the additional 6 km segment covering 8 village in Sykhottabong district. The road passes through semi-urbanized areas and may impact a substantial number of land parcels and roadside commercial operations. Communities, facilities and other receptors located along the road sections could potentially be disrupted by road construction and operations. There is also an ethnic Hmong community located alongside the Project road. These communities would be affected primarily by labor influx, dust, noise, vehicle emissions, and other forms of pollution from construction, drainage blockage, traffic interruption, removal of vegetation, and impacts to temples during construction, as well as increased traffic flow, speed and noise during operations.
9. As the WB is the lead co-financer of the Project, a Resettlement Action Plan (RAP), Ethnic Group Engagement Plan (EGEP) have been prepared by the MPWT to be applied under the project in line with the Word Bank's policy on Involuntary Resettlement (OP/BP 4.12), Indigenous People (OP/BP 4.10) and Environmental Assessment (OP/BP 4.01). The RAP provides information on social and livelihood impacts, land acquisition, mitigation measures including compensation and necessary support for Project Affected Persons (PAPs) with greater emphasis on the vulnerable and ethnic groups to restore their livelihood and income. The RAP also sets out the process, institutional arrangements for implementation and monitoring of the RAP including the GRM to be established building on the existing structures and strengthened under the project. Compensation payment and necessary support described in the RAP will be completed prior to the commencement of the civil work.
10. The EGEP was prepared based on a social assessment (involving key informant interviews with community authorities and focus groups with community residents, and representatives of ethnic groups) of potential impacts, and a process of free, prior and informed consultation leading to broad community support, which was established during the second round of consultation, and which was documented in the EGEP. The EGEP includes concerns, issues, mitigation measures and suggestions made by the ethnic PAPs and stakeholders during the social assessment and consultations. It also describes the implementation and monitoring arrangement including the GRM to enhance citizen engagement and accountability.
11. On the environmental aspect, the Project is classified by WB as EA category A and preparation of an ESIA and implementation of an ESMP are required. Implementation of the ESMP for the first 2 sections (58km) is on-going while preparation of the ESIA/ESMP

for the additional 6km will be completed and submitted to WB for clearance in June 2022. During construction and O&M, the contractor is required to prepare and implement a contractor-ESMP (C-ESMP) in accordance with the ESIA and ESMP approved by WB which is considered part of the bidding and contract documents for OPBRC under the term Environmental, Social, Health, and Safety (ESHS) requirements.

12. The objective of the assignment is to provide technical and managerial support to the EDPD/PTI, concerned agencies, and the PRCs to supervise, implement, monitor, and report on the preparation and implementation of the RAPs, EGEPs, and the ESHS/ESMP including GRM especially those related to Occupational Health and Safety (OHS), traffic management, road safety, and community health and safety applied for the NR13N. This is to ensure compliance with the relevant national legislations and the WB safeguard policies that are triggered for the Project.

#### **IV. SCOPE OF ASSIGNMENT**

13. The Consultant will report to the Director of EDPD/PTI, who is the focal point for the safeguard (ESIA/ESMP, RAP and EGEP) implementation and monitoring under the NR13N plus the additional 6 km segment. The Director also leads an Environmental and Social Management Unit (ESMU) established under the PMU. ESMU consists of staff from EDPD/PTI responsible for ES safeguard implementation and monitoring. The Consultant is expected to also liaise and work with concerned government agencies including (but not limited to) Ministry of Natural Resources and Environment (MONRE) and their local offices (PONREs, DONREs), Ministry of Agriculture and Forestry (MAF) and its local offices (PAFOs and DAFOs), local authorities, Project Resettlement Committees (PRCs) and concerned project committees or technical teams assigned from the ministries and Vientiane Province (VTP) and Vientiane Capital City (VTC).
14. The Consultant will provide technical and management support to EDPD/PTI (or sometimes it is called ESMU established for the Project) to carry out, but not limited to, the following tasks:

##### **Task 1. Preparation and Supervision of ESMP, C-ESMP, and ESHS Instruments for both the Original NR13N (58Km) Section and the Additional 6Km Segment**

- Develop an Implementation Work Plan for EDPD/PTI to supervise, monitor, and report on the implementation of the ESMP, C-ESMP, and ESHS of NR13N, with a clear timeframe, roles and responsibilities of agencies involved, organizational chart, weekly and monthly milestones monitorable indicators, and a mechanism to deal with delays (as needed). The Workplan must be prepared and updated in line with the Project's construction timelines, Result Framework and Annual Work Plan of the Project, and other agreements with the WB, NDF, and/or AIIB.
- Supervise and work closely with EDPD/PTI and the Senior Social Safeguard Consultant (SSSC) to manage and monitor the implementation progress of the ESMP, C-ESMP-, and ESHS on the ground. Regular visit to the Project sites is expected (on a monthly basis) to ensure achievement of milestones specified in the workplan and recommend immediate corrective actions if milestones are not met or are not on track. Special attention will be made to address issues related to OHS, traffic management, road safety and improve knowledge of local community on road safety.

- To work with the local authorities and the ISWS responsible for supervision and monitoring the implementation of the ESMP, C-ESMP, ESHS and ensure effective coordination, consultation, and timely approval of the ECCs for the IEE report as required by government.
- Monitor compliance of the C-ESMP and the ESHS implementation of the contractor in close cooperation with the site engineers of the ISWS consultant and local authorities and ensure full compliance with these instruments as required in the contract and/or approved by the ISWS.
- As assigned by the EDPD/PTI, provide support to the SSSC, EDPD/PTI, and local authorities to ensure that the vulnerable, ethnic and female headed PAHs are provided with compensation and entitlements and that their livelihood will not get worse than that of pre-project level.
- Ensure that IT monitoring and tracking system developed by the Project is institutionalized into the EDPD/PTI and that the system is functioning and can be maintained by the junior and/or ES support staff on a regular basis.
- Take lead in the preparation of quarterly, six-month, and annual progress reports on the ESMP, C-ESMP, ESHS and support the SSSC for those related to RAP and EGEP implementation for submission to MPWT, the WB, NDF, and/or AIIB.
- In coordination with the SSSC, provide advice and mentoring support to the ES junior consultants and the support staff to be hired by EDPD/PTI as part of its in-house capacity building on IEE, ESIA, resettlement management, planning, monitoring and reporting for NR13N and other similar types of road projects.
- Undertake other related tasks that may be assigned and agreed with the EDPD/PTI Director.
- Provide support to the SSSC and EDPD/PTI and work closely with the contractor, the ISWS, and the local authorities to ensure effective coordination and planning during the implementation of safeguard measures (ESMP, C-ESMP, RAP, EGEP).
- Keep proper filing for the safeguard implementation and reporting for EDPD/PTI.

**Task 2. Support the Implementation of Resettlement Action Plan (RAP) and GRM for both the Original NR13N (58Km) Section and the Additional 6Km Segment Ethnic Group Engagement Plan (EGEP) and GRM**

- With Guidance from the EDPD/PTI Director and/or the SSSC, prepare and update workplan for implementation and monitoring of RAP, EGEP and social aspects of ESMP (road safety and community health and safety) under the NR13N Project to be sent and discussed with the Project financiers (WB, NDF, and/or AIIB);
- Together with the SSSC, monitor and support implementation of RAP for the NR13N Project to ensure that the compensation and resettlement process is fully completed and payment made before construction can begin. The ESC will work with the SSSC as a team with special attention to the pending cases of affected households and grievances. This is to enable the contractor to complete their works as scheduled;
- Support the SSSC and EDPD/PTI to organize and conduct training on ESMP, RAP, EGEP, GRM and the compensation process including, but not limited, to DMS, consultation with Affected Households, compensation payment, reporting and etc.;

- Assist the SSSC to monitor GRM with the PRCs, concerned local authorities and village level grievance/resettlement committee (locally known as village mediation unit) established and trained to handle project related grievances that may be received from PAPs/PAHs and who believe they are PAPs/PAHs with respect to resettlement process;
- Together with the SSSC, conduct regular visit to the Project sites and PAPs/PAHs to review the RAP and EGEP implementation progress and provide advisory support and guidance to address issues and grievances that may be raised and identified during the site visit. Special attention will be paid to the vulnerable, ethnic and female headed PAHs to ensure that they have been provided with compensation and entitlements and that their livelihood will not get worse off than that of pre-project level;
- Ensure that RAP completion assessment and RAP completion report for the 6 Km segment with recommendation for PMU to hand over the construction site to the contractor is prepared and submitted to the PMU and the financiers for review
- Undertake other related tasks that may be assigned and agreed with the EDPD/PTI Director; and
- Participate in implementation support missions and site visits to the NR13N section as required.

**Task 3. Provide technical guidance and training for EDPD/PTI and its staff to build their capacity.**

- Perform activities as agreed with EDPD/PTI. Priority will also be given to provide training on specific courses related to road sector, on the job training, and technical guidance on ES safeguards issues and mitigation measures including filing of key documents to junior and support staff and consultants.
- Priority will also be given to provide training to junior and support staff and consultants.
- Assist EDPD/PTI in development of ES safeguard training materials and training.
- Assist the EDPD to maintain update the GRM database and ensure that status of GRM, grievances received and addressed are included in the safeguard and project progress reports to be submitted to the project financiers.

## **VI. Qualifications Required**

15. The Consultant should have the following qualifications and experiences required to undertake her/his assignment:

- At least Bachelor degree in civil engineering, environment sciences or engineering, and/or other fields related to environmental management, environmental technology, and/or occupational health, safety, t.
- A minimum of 5-year experience in environment and social impact assessment for road or other infrastructure projects.

- 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, ESIA/IEE legislations, and other concerned regulations on environmental and social safeguards related to infrastructure will be highly desired.
- Experience in working with government agencies to support and develop their institutional capacity would be an advantage.
- Good spoken and written English with ability to prepare report in English language, and computer literacy (Microsoft Office and Excel) will be necessary.
- Willingness and ability to travel to project site frequently as well as undertaking other related tasks that may be assigned and agreed with the EDPD/PTI.

## **VII. Expected Deliverables**

16. During the course of her/his assignment, the Consultant will deliver, but not limited to, the following outputs to the EDPD/PTI:

- Updated workplan for implementation and monitoring of ESMP, C-ESMP, ESHS, RAP (for both the original NR13N section and additional 6 km segment), and EGEP (for the original NR13N section only) to be shared with Project financiers, PMU, EDPD/PTI and her/his own comments or suggestions based on field observations and discussions, including biweekly meeting with the financiers (WB, NDF, and/or AIIB) as needed. The workplan should include agreed actions, expected outputs or key milestones, responsibilities and timeframe, and other parameters as needed.
- Monthly progress report on implementation ESMP, C-ESMP, ESHS, and RAP (for both the original NR13N section and additional 6 km segment) and EGEP (for the original NR13N section only) to be submitted to the Director of EDPD/PTI no later than 3 working days after the final date of each calendar month. The monthly progress report will cover overall implementation status of RAP and ESMP (for both the original NR13N section and additional 6 km segment), and EGEP (for the original NR13N section only), status of compensation and livelihood support for PAPs, issues faced, and actions taken, grievances received and addressed and next steps,
- Bi-annual progress report on implementation RAP and ESMP (for both the original NR13N section and additional 6 km segment), and EGEP (for the original NR13N section only) to be submitted to the Director of EDPD/PTI no later than 5 working days after the last date of sixth month. The bi-annual report summarizes implementation status of RAP, ESMP (for both the original NR13N section and additional 6 km segment), and EGEP (for the original NR13N section) and highlight main issues faced, action taken, status of grievances received and addressed and next steps or priorities for the next 6 months.
- Specific input to the NR13N team as assigned by EDPD/PTI for the preparation of the six-month, the annual progress report and final reports on ES safeguard implementation for NR13N to be submitted to MPWT, WB, NDF, and/or AIIB as



required. The reports will summarize the implementation status of all ES safeguard measures and highlight main issues faced, action taken, status of grievances received and addressed and next steps or priorities for the next 6 months. The reports should also include key findings from site visits, minutes of consultations and meetings which could be submitted as annexes to the progress reports.

- As required and agreed with EDPD/PTI Director, update ESMP, RAP and EGEP to reflect lessons learned and experiences from the Project implementation.

#### **VIII. Duration of Assignment:**

15. The Consultant is expected to start her/his assignment on 01 Jan 2023 or as soon as her/his extended contract has been signed. S/he will work totally for 12 months full-time from 15 March 2023 to 14 March 2024. The Consultant will sign a contract time-based as agreed with EDPT/PTI. Subject to the further need for her/his input and her/his performance to be reviewed and discussed at the mid-term and end of this assignment, her/his contract may be renewed.

#### **IX. RESOURCES TO BE PROVIDED BY EMPLOYER:**

16. EDPD/PTI 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, v) per-diem and allowance and accommodation expenses (when working in the field) as per the Project financial management guideline, and vi) cost for the consultation workshops as agreed in the workplan.

17. The Consultant will be responsible for other services that may be required and agreed with EDPD/PTI, including: i) translation of the reports in Lao language; ii) international telecommunication arrangement; iii) personal taxes and insurance related to the services.