

External Monitoring Individual Consultant for the Verification of the Completion Reports of the Resettlement Plan and 2 Corrective Action Plans implementation of ADB financed road section 2 of M6 Vanadzor–Alaverdi–Georgian Border Interstate Road Rehabilitation and Improvement Project

TERMS OF REFERENCE

A. INTRODUCTION

1. The M6 Vanadzor-Alaverdi-Georgian Border Interstate Road Rehabilitation and Improvement Project (hereinafter: Project) is co-financed by the Asian Development Bank (ADB) and the European Investment Bank (EIB). Ministry of Territorial Administration and Infrastructures of Armenia (MTAI) is the Project's Executing Agency (EA) and the Road Department SNCO (RD) acts as an Implementing Agency (IA) for the Project. The project road is about 90 km long. Section 1 (Km0+000-Km38+450) is financed by EIB (EIB-financed road section); and section 2 (Km38+450-Km91+190) is financed by ADB (ADB-financed road section). ADB financed road section of the Project has no extensive land acquisition impacts and is classified as Category B for Involuntary Resettlement. The Land Acquisition and Resettlement Plan (LARP) and 2 Corrective Action Plans (CAPs) covering ADB financed section of the Project has been prepared by the MTAI. The LARP is based on the requirements of appropriate laws and regulations of the Republic of Armenia and ADB's Safeguards Policy Statement (SPS) of 2009. LARP and 2 CAPs assess the Project impact and provide details on required compensation and restoration measures based on the final detailed road design, Detailed Measurement Survey (DMS) for each affected land plot, Census and Social-Economic Survey of AHs. LARP also presents the scope of community rights in the case of community/public property loss.
2. LARP has been approved by MTAI and ADB in November 2017 and is available on the RD's web-site¹. CAP 1 and CAP 2 have been approved by ADB on June 2020 and July 2020 respectively and are available on the RD's web-site². The project description and scope of LAR Impacts are attached to this ToR as Annex 1. The LARP and 2 CAPs are implemented by Social Safeguards Support Consultant (SSSC).
3. Due to sectional approach, the LARP required external monitoring. There has been decision to hire external upon completion of implementation of LARP in 2017.
4. Currently, LARP and 2 CAPs implementation has been almost completed. RD has prepared 7 Completion Reports for LARP implementation: 1 for Phase 1, 3 for Phase 2, and 3 for Phase 3 per all Construction sections (Lots). This terms of reference (ToR) designed for the verification of Compliance reports prepared for Phase 1 (Lot 1, Lot 2, Lot 3), Phase 2 (Lot 1, Lot 2, Lot 3) and Phase 3 (Lot 1, Lot 2, Lot 3) under LARP and CAP1, CAP 2 implementation of M6 Vanadzor–Alaverdi–Georgian Border Interstate Road Rehabilitation and Improvement Project.

For Project description and scope of Impacts please see Annex 1, for road sections i.e. lots and phases see Annex 2, and for Monitoring reporting guideline Annex 3.

¹https://armroad.am/uploads/Social/M6%20%20%20%20LARP_ADB_Vanadzor_Alaverdi_Bagratashen_28.11.17_final.pdf

² 1. https://armroad.am/uploads/Social/200619%20M6%20Project%20CAP%201_Aproved%20by%20ADB.pdf

2. https://armroad.am/uploads/Social/M6_CAP-2_Aproved.pdf

B. OBJECTIVES

5. The main goal of external monitoring is to verify the Compliance reports prepared for LARP and CAP 1, CAP 2 implementation processes and to suggest any corrective measures, if necessary. If EMIC identifies LAR noncompliance issues, the RD will develop a Corrective Action Plan and implement thereof. The objectives of compliance verification of LARP and CAPs implementation are as follows:
 - 1) to verify that resettlement has been implemented in accordance with the approved LARP and CAPs, local legislation and SPS requirements; including schedules and the achievement of targets related to land acquisition and resettlement activities;
 - 2) to verify all Compliance reports on LARP completion prepared by RD and submitted to ADB which served as a basis for handover of the sections for the construction;
 - 3) to prepare a Compliance Verification Report for M6 road section (Km38+450-Km91+190) for each Lot (construction section).
6. The EMIC scope of work will also include the review of compensation, disbursement and grievance redress procedures and outcomes.
7. Particularly, the compliance review includes:
 - 1) A verification of AH and AP numbers.
 - 2) A verification that the impacts descriptions in the protocols fit actual impacts reflected in the compensation agreement. If not, then assess the relevance of changes and their compliance to LARP, CAP1, CAP 2 and SPS provisions.
 - 3) A verification that the unit of compensation rates used in the contracts and agreements fit LARP's and CAPs' provisions.
 - 4) A verification that compensation was delivered to all AHs and in the amounts defined in the contracts and agreements.
 - 5) An assessment of the way the compensation process was conducted/timed in relation to LARP's and CAPs' provisions and effectiveness parameters.
 - 6) A review of grievance cases including an assessment of whether grievance resolution was carried out in accordance with LARP's and 2 CAPs' provisions and with AP satisfaction.
 - 7) An assessment of AP's satisfaction from the entitlements and LAR procedures.
 - 8) An assessment of the initiation of expropriation cases (depositing of compensation amount to court deposit in accordance with LARP).
 - 9) An assessment of the conducting of public consultations, information disclosure and EA-AP communication.
 - 10) An assessment of the delivery of allowances to severely affected, vulnerable and resettled APs.
 - 11) An assessment of institutional arrangements and project governance.
 - 12) An assessment of legalization and cadastral correction activities conducted within the LARP and 2 CAPs implementation process.
8. If LARP and 2 CAPs implementation is not satisfactory, the compliance review will detail the necessary corrective measures.

C. SCOPE OF WORK

9. The tasks of the EMIC are the following:
 - 1) To develop specific monitoring indicators in compliance with the LARP monitoring framework.
 - 2) To monitor the progress of the land acquisition and resettlement activities against the targeted performance indicators.
 - 3) To review the changes of LAR impacts during the LARP and 2 CAPs implementation against the planned and verify their appropriateness and accuracy.
 - 4) To verify the GRM functioning through random checking at the desk review level to assess whether the all complaints have been properly registered, investigated and addressed by RD.
 - 5) To review and verify the internal monitoring carried out by IA through the LARP and 2 CAPs

implementation database, Completion Reports and Semi-annual social monitoring reports prepared by RD.

6) To identify the strengths and weaknesses of the resettlement approaches and implementation strategies.

D. METHODOLOGY AND PROCEDURE

10. The monitoring of LARP and 2 CAPs implementation progress against the targeted performance indicators will be based on data from primary source. For the Compliance Verification the EMIC shall:

1) Review Internal Monitoring Reports³ and other relevant documentations (LARP, CAP 1, CAP 2, property description protocols, valuation reports, contracts and agreements, payment records and receipts, etc.) prepared by the RD to ensure that compensation was delivered to all AHs. The EMIC shall review and verify the delivery of compensation through 100% check of payment/compensation records.

2) Review compliance of compensation process with principles, procedures and approaches stated in the approved LARP and 2 CAPs. The EMIC shall check if the valuation, consultations, disclosure, payments, and related processes are done in accordance with the approved LARP and 2 CAPs.

3) Prepare Compliance Verification Report of the Phase 1 (Lot 1, Lot 2, Lot 3), Phase 2 (Lot 1, Lot 2, Lot 3) and Phase 3 (Lot 1, Lot 2, Lot3) Completion reports of the LARP and CAPs implementation that shall demonstrate to what extent the LARP was able to accomplish its objectives. The Compliance Verification Report will provide data disaggregated per each lot.

11. The following data collection methods/surveys will be used:

1) Desk review and verification:

- the completeness of the profile for 100% of the APs should be checked available at EA for LARP;
- all payment/compensation records/receipts to ensure that compensation was delivered to all AHs;
- 100% of APs contracts and agreements against used unit compensation rates, amount of compensation and other details compared with the LARP.

2) Sample household phone calls (at least 30%):

- to assess satisfaction of the APs from LARPs entitlements and procedures.

3) In addition, key informant interviews can be conducted with all relevant stakeholders (IA staff, local government officials, and community leaders etc.) to assess appropriateness of institutional arrangements for LARP and 2 CAPs implementation and effectiveness of each party involved in that process.

12. As part of the Verification Report of Compliance, the EMIC will pay special attention to project affected vulnerable groups such as female-headed households, disabled/elderly households and families below the poverty line including them in compliance verification process in 100%.

E. IMPLEMENTATION ARRANGEMENTS

13. The EMIC shall report to the RD, and carry out works in close collaboration with the RD's Social impact management service and RD's Social Safeguards Support Consultant (SSSC).

F. REPORTING REQUIREMENTS

³ The LARP is being implemented by 3 phases. RD prepares separate Completion Reports for each phase per Lots.

14. The EMIC is expected to prepare and submit to the RD the following reports and deliverables:
- An Inception Report, which shall include the final methodology/work plan of compliance verification surveys, draft tools (as appropriate for various questionnaires, guides, etc.) and outlines for reports, within 5 working days upon signing of the contract;
 - Verification report of the Phase 1 (Lot 1, Lot 2, Lot 3), Phase 2 (Lot 1, Lot 2, Lot 3) and Phase 3 (Lot 1, Lot 2, Lot 3) LARP implementation completion reports and CAP 1, CAP 2 implementation within 60 working days upon signing of the contract.

G. CONSULTANT QUALIFICATIONS

15. The Consultant should have prior experience in conducting LARP's external monitoring for development projects. Familiarity with ADB Safeguards Policy Statement (2009), other IFI's and LAR related RA laws and a regulation is required.
- The Individual Consultant (2 person-months) should have a bachelor degree in social science, economics, statistics, finance or related fields with preferably 7 years of relevant experience and with at least 3 years of relevant experience in monitoring and evaluation of land acquisition and resettlement related activities).
 - The estimated start date of assignment is February 2021. During implementation of this assignment the Consultant shall use its office, vehicles and equipment.

I. PAYMENT SCHEDULE

16. Payment schedule will be as follows:
- 30% of the Contract Cost will be paid to Consultant after approval of Inception Report;
 - 35% of the Contract Cost will be paid to Consultant after approval of the Compliance Verification Report of LARP implementation completion reports by ADB and Client;
 - 20% of the Contract Cost will be paid to Consultant after approval of Compliance Verification Report of CAP 1 implementation by ADB and Client;
 - 15% of the Contract Cost will be paid to Consultant after approval of Compliance Verification Report of CAP 2 implementation by ADB and Client.

Annex 1. Project description and scope of Impact

The affected communities are located within the administrative territory of Lori and Tavush Marzes. Based on the final detailed design, 10 communities are affected by the identified alignment in ADB financed section which are as follows: Akhtala, Aygehat, Tumanyan, Aqori, Haghpat, Neghots, Shnogh, Alaverdi, Odzun and Archis. In terms of construction works, the Project is divided into three road sections (Lots) which has separate Contractors.

The breakdown of the Project road per Lots and communities is shown in the table 1 below.

According to the LARP the 216 (48.7%) of totally affected 444 land plots are concentrated in Lot 1 and 114 (26.1%) and 112 (25.2%) in Lot 2 and Lot 3 respectively.

Regarding CAP 1, there are 19 affected land plots, which are concentrated in Lot 1, and concerning CAP 2, there are 17 affected land plots, out of which 7 (41%) land plots are concentrated in Lot 1, 7 (41%) land plots in Lot 2 and 3 (18%) land plots in Lot 3 respectively.

Table 1: Breakdown of the Project per Lots and Communities

Lots (construction section)	Start Km- End Km	Length, m	Community	Number of Communities	Remarks
Lot 1	km 38+450-km 48+140	9,690	Aygehat	4	One community in Lot 1 (Alaverdi) is in lot 2 as well, and one of 3 communities in Lot 2 (Haghpat) is in Lot 3 as well.
			Alaverdi city		
			Odzun		
			Tumanyan		
Lot 2	km 48+140-km 62+300	14,160	Haghpat	3	
			Alaverdi city		
			Aqori		
Lot 3	km 62+300-km 90+191	27,891	Haghpat	9	4 communities in Lot 3 are not affected by the project: Ayrum, Haghtanak, Ptghavan and Bagratashen
			Akhtala		
			Shnogh		
			Artchis		
			Neghots		
			Ayrum		
			Haghtanak		
			Ptghavan		
Bagratashen					
Total		51,741		14	The total number of 14 communities is presented without double counting

Annex 2. Lots divided into phases: logical structure

Table 2. Status of LARP Implementation Phases, Lot 1

Construction section, KM/m	Chainage, KM	Length, m	LARP Implementation Phase	Involved communities
Lot 1 (km 38+450-km 48+140), 9690m	38+450-39+600	1150	Phase 1	Tumanyan, Aygehat, Odzun, Alaverdi
	39+600-39+750	150	Phase 2	
	39+750-42+100	2350	Phase 1	
	42+100-43+800	1700	Phase 2	
	43+800-43+850	50	Phase 3	
	43+850-46+000	2150	Phase 2	
	46+000-47+030	1030	Phase 3	
	47+030-47+055	25	Free from third parties rights	
	47+055-47+065	10	Under expropriation	
	47+065-47+540	475	Phase 3	
	47+540-47+670	130	Free from third parties rights	
	47+670-47+780	110	Phase 3	
	47+780-47+900	120	Free from third parties rights	
	47+900-48+140	240	Phase 2	
Handed over		3500	Phase 1	
Handed over		4240	Phase 2	
Handed over		1665	Phase 3	
Handed over		155	Court's decision had entered into force	
Handed over		120	Court's decision had entered into force	
Pending		10	Under expropriation (0.10%)	

Table 3. Status of LARP Implementation Phases, Lot 2

Construction section, KM/m	Chainage, KM	Length, m	LARP Implementation Phase	Involved communities
Lot 2 (km 48+140-km 62+300), 14160m	48+140-48+935	795	Phase 2	Alaverdi, Aqori, Haghpat
	48+935-49+025	90	Free from third parties rights	
	49+025-49+060	35	Under expropriation	
	49+060-49+510	450	Phase 3	

49+510-49+540	30	Free from third parties rights
49+540-49+705	165	Phase 3
49+705-50+670	965	Phase 2
50+670-53+250	2580	Phase 1 (LAR-free section)
53+250-54+515	1265	Phase 2
54+515-54+540	25	Under expropriation
54+540-54+695	155	Phase 3
54+695-54+825	130	Free from third parties rights
54+825-56+050	1225	Phase 2
56+050-56+135	85	Phase 3
56+135-56+280	145	Free from third parties rights
56+280-56+450	170	Phase 3
56+450-56+475	25	Free from third parties rights
56+475-57+300	825	Phase 3
57+300-58+540	1240	Phase 2
58+540-58+780	240	Free from third parties rights
58+780-60+745	1965	Phase 3
60+745-60+810	65	Free from third parties rights
60+810-62+300	1490	Phase 2
Handed over	2580	Phase 1
Handed over	6980	Phase 2
Handed over	3815	Phase 3
Handed over	635	Court's decision had entered into force
Handed over	90	Court's decision had entered into force
Pending	60	Under expropriation (0.42%)

Table 4. Status of LARP Implementation Phases, Lot 3

Construction section, KM/m	Chainage, KM	Length, m	LARP Implementation Phase	Involved communities
Lot 3 (km 62+300-km 90+191), 27891m	62+300-64+710	2410	Phase 2	Haghpat, Neghots, Akhtala, Shnogh, Artchis
	64+710-64+895	185	Phase 3	
	64+895-64+900	5	Free from third parties	
	64+900-66+340	1440	Phase 2	

66+340-66+480	140	Phase 3	
66+480-67+850	1370	Phase 2	
67+850-68+070	220	Free from third parties	
68+070-71+340	3270	Phase 2	
71+340-71+670	330	Phase 3	
71+670-71+710	40	Free from third parties	
71+710-72+450	740	Phase 3	
72+450-72+475	25	Free from third parties	
72+475-72+575	100	Phase 3	
72+575-72+905	330	Free from third parties	
72+905-75+520	2615	Phase 3	
75+520-75+595	75	Free from third parties	
75+595-75+860	265	Phase 3	
75+860-75+955	95	Free from third parties	
75+955-75+995	40	Under expropriation	
75+995-76+250	255	Free from third parties	
76+250-90+191	13941	Phase 1 (LAR-free section)	Ayrum, Haghtanak, Ptghavan and Bagratashen
Handed over	13941	Phase 1	
Handed over	8490	Phase 2	
Handed over	4375	Phase 3	
Handed over	1045	Court's decision had entered into force	
Pending	40	Under expropriation (0.14%)	

Annex 3. SET OF MONITORING REPORTING GUIDELINES

The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social impacts. A safeguard monitoring report may include the following elements:

- 1) Background/context of the monitoring report (adequate information on the project, including physical progress of project activities, scope of monitoring report, reporting period, and the monitoring requirements as agreed upon);
- 2) Changes in project scope and adjusted safeguard measures, if applicable;
- 3) Qualitative and quantitative monitoring data;
- 4) Monitoring parameters/indicators and methods based on the monitoring plan/program previously agreed upon with RD and ADB;
- 5) Monitoring results compared against previously established benchmarks and compliance status (e.g., IR compensation rates and timeliness of payments, adequacy and timeliness of IR rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing RP, timeliness and adequacy of capacity building, etc.);
- 6) Monitoring results compared against the objectives of safeguards or desired outcomes documented (e.g. IR impacts avoided or minimized; livelihood restored or enhanced comparing planned and compensated; etc.);
- 7) If noncompliance or any major gaps identified, include a corrective action plan;
- 8) Records on disclosure of monitoring information to affected communities;
- 9) Identification of key issues, or complaints from affected people, or recommendations for improvement;
- 10) Monitoring adjustment measures recommended based on monitoring experience/trends and stakeholder's response;
- 11) Information about actual institutional arrangement for implementing the monitoring program/plan provided or adjusted, as may be required.