

Draft Terms of Reference (TOR)

(Yet to be finalized)

NGO Services for Implementation of Resettlement Action Plan of Nalua-Baherchar Bridge Construction Project

A. PROJECT BACKGROUND

The Government of the People's Republic of Bangladesh (GoB) has received loan from the OPEC Fund for International Development (OFID) for implementing "Construction of Nalua-Baherchar Bridge over the river Pandab-Paira at 27th Km of Barishal (Dinerarpool)-Laxmipasha-Dumki road (Z-8044)". The bridge is aimed to ensure an uninterrupted direct road communication between Bakerganj Upazilla of Barishal district and Dumki Upazilla of Patuakhali District and to promote economic development, employment generation and to improve the overall socio-economic conditions of the project area.

The major components of the projects are:

- Approx. 1300 m long PC Box Girder Bridge
- Approx. 3.0 km long Approach Road
- Service road 1.8 km
- One Toll Plaza and weigh Bridge
- Electrical Works and Bridge lighting
- Bridge Health Monitoring System (BHMS)
- 2000m long River Bank Protective work

The project involves large-scale physical displacement of both squatters, business and residence within Right-of Way (RoW). Hence, Land acquisition and resettlement shall be conducted by the Government of Bangladesh. It shall be carried out in accordance with internationally accepted principles as applicable, and in compliance with the applicable laws and regulations of the People's Republic of Bangladesh. All affected people (AP) shall be entitled to compensation packages, as per the entitlement matrix (EM) of the Resettlement Action Plan (RAP), and in line with the Acquisition and Requisition of Immovable Property Act, 2017 of the People's Republic of Bangladesh.

The Design Consultant has to prepare Land Acquisition Plan (LAP) and RAP of the project. An Implementing NGO will be required to review, update and implement the LAP and RAP of this project.

According to preliminary estimates, the project will require about 23.08 hectare of land for the Construction of bridge, approach road, service roads, axle weigh station and the same.

B. LAND ACQUISITION AND RESETTLEMENT POLICIES

Government of Bangladesh Legal Framework and Co-financier's Policies:

1. Current legislation governing land acquisition in Bangladesh is "The Acquisition and Requisition of Immovable Property Act, 2017" (hereafter Act No. 21 of 2017). The Act, 2017 requires that compensation will be paid for

- (i) Land and Assets permanently acquired (including standing crops, trees, houses);
- (ii) Any other damages caused by such acquisition.

The Deputy Commissioner (DC) determines the market price of affected assets based on the legislative procedures and in addition to that pays an additional 200 percent for land and 100 percent for others on the assessed market value established by DCs. The Act does not cover project APs without title to land or ownership record, such as informal settlers/squatters, occupiers and informal tenants and lease-holders etc. (without registration document) and does not ensure replacement value of the property affected.

2. The Act 2017 has no provision for providing resettlement assistance and transitional allowances for restoration of livelihoods of the title/non-titled APs. The act has been applied for this project for land acquisition; however, displaced persons, irrespective of their title will be assisted under resettlement framework/guidelines of the co-financier's safeguard policies on involuntary resettlement.

C. SCOPE OF WORK-GENERAL

- (i) The Consultant (NGO) shall be responsible to the Project Director (PD), who will select and hire the NGO for the review, update and implementation of LAP & RAP of the project including satisfactory arrangements to the development partner (DP). Responsibility for the effective, timely and efficient execution of the LAP and RAP with full transparency shall be with the NGO. A detailed survey of the affected land, households, Commercial and Business Enterprises (CBEs) and other establishments (Common/Community property) on the ROW shall be done by the NGO.
- (ii) The APs who do not own land or other property, but have economic interests or lose their livelihoods shall also be surveyed by the NGO and shall be duly assisted.
- (iii) Shall carry out additional census and establish the inventory of losses (IOL), if required for verification.
- (iv) Shall prepare supplementary LAP during implementation for any "left out" land/plots or disputed area required for Project implementation.
- (v) The NGO which has an established track record in resettlement management must demonstrate investment and ensure the highest standards of accuracy in all aspects of the implementation of the work. It shall particularly ensure that all Entitled Persons (EP's) irrespective of their title are paid their due compensation and resettlement benefits, and that all data provided are accurate and reliable.

D. SCOPE OF WORKS-SPECIFIC

The NGO will carry out the following tasks on its best ability and endeavours:

Task-1 (Conducting Census and Estimating Inventory of Lost Assets): The NGO shall carry out the following sub-

tasks:

- (a) Conduct a full census and carry out a joint survey (and multiple surveys in case of disputes and/or complaints) to assess the overall loss of assets and livelihoods and identify the number of PAPs as per the EM in the approved RAP. Prepare census/joint survey form/format in consultation and approval of the PIU (Project Implementation Unit).
- (b) Arrange the verification and signature of census survey/inventory of lost assets by the Property Assessment and Valuation Committee (PAVC).
- (c) Provide support to joint verification/survey conducted by DC and Requiring Body (RB) for listing and measurements of assets and types of losses. Also assist the DC Office in implementation of land acquisition process and confirm the LAP accordingly.
- (d) Assist PAVC in the preparation and finalization of item-wise loss, conduct market survey of affected properties through PAVC
- (e) Prepare, update and submit the resettlement budget as per approved EM of RAP and assist the PAVC in signing the census/joint survey conducted by PAVC.

Task-2 (Assistance in Land Acquisition Process): The NGO shall carry out the following sub-tasks:

- (a) Review and update the preliminary LAP in consultation with the PIU to minimize the cost and unutilized land;
- (b) Review and update the existing LAP in light of the detailed census/survey, the engineering requirements and field conditions, and the reasonable acceptance of the DC offices;
- (c) Assist in reviewing the plot indexes and the LAP by collecting the latest Mouza maps and 'Parcha'/'Khatian' (in Bangla) and necessary land records (i.e. land records in government land offices);
- (d) Assist in preparing necessary numbers of additional LAPs in consultation with the PIU (if required), and producing necessary documents for submission to the DC offices and the final LAP for approval of RHD (Roads and Highways Department);
- (e) Carry out further survey in coordination with the DC offices;
- (f) Ensure necessary logistic and required supports to LA section of DC office and Client in LAP implementation process
- (g) Assist and organize the DLACs (District Land Allocation Committee) & CLACs (Central Land Allocation Committee);
- (h) Assist in serving the notice u/s no. 4 including stationeries and logistic support;
- (i) Assist in the demarcation process of ROW including providing materials and logistic support;
- (j) Arrange and provide support to conduct the digital videography of the alignment as per DC office instruction;
- (k) Assist and provide logistic support during field verification;
- (l) Assist and provide logistic support in the preparation and finalization of the Field Book of the affected properties of Title which will be signed by the DC and RHD;
- (m) Assist in serving the notice u/s no. 7 including stationeries and logistic support;
- (n) Assist to collect land sale price from relevant sub-registrar offices and provide logistic support;

- (o) Assist Public Works Department (PWD) and Forest Department (FD) for field visit and other logistic support;
- (p) Assist in serving notice u/s no. 8 including stationeries and logistic support;
- (q) Assist to prepare and finalize award books including logistic support;
- (r) Arrange transport and provide other relevant support for the Joint Verification Survey (joint verification of affected properties of Title holders by the DC office);
- (s) Support for expenses for stationeries, photocopies, computer toner, notice papers etc. to the LA (Land Acquisition) sections of DC office; and
- (t) Support the DC offices in preparing the final and acquired Plot schedule and the arrangement of land handover to RHD.
- (u) Support for necessary arrangements of inter-ministerial Land Handover to RHD.
- (v) Support in settling the litigation, publishing Gazette for land.
- (w) Assist RHD/Client to proceed with paper work coordination and completion of "record of rights" (mutation process) in their favor for acquired land.
- (x) Any other land acquisition related activities assigned by the PIU.

Task-3 (Assistance in Compensation Distribution Process): The NGO shall carry out the following sub-tasks:

- (a) Identify all APs by categories following the Entitlement Matrix (EM);
- (b) Prepare the individual AP's ID number with photograph and issue ID Cards to all APs before any payment to APs; Finalize entitlement packages for all APs in consultation with the PIU;
- (c) The EPs and their losses will be identified and recorded in EP file. The EPs will be informed of the resettlement benefits adequately. Payment of entitlement will be processed and assisted in collection of those. They should be guided in relocating and investing the compensation and resettlement benefit in an appropriate manner;
- (d) In consultation with the PIU, prepare additional payments and other resettlement benefits in accordance with EM to eligible APs;
- (e) Assist awardees in collecting CCL (cash compensation under law) for land, structures, trees and other assets from DC office (areas of assistance include counseling, guiding in collecting necessary documents, compiling application for compensation collection and advocating them in the DC office);
- (f) Support in paying additional top-up and other resettlement benefits to APs (payment vouchers will be signed by the RHD representative, and NGO);
- (g) Assist in preparing the budget for top-up and other resettlement benefits, and payment process (i.e. payment voucher, A/C payee cheque to the individual EP);
- (h) Assist APs in opening Bank Accounts; and
- (i) Assist the PIU to open up a joint Bank Account in a commercial bank between the Consultant and the PIU with a view to disbursing compensations

Task-4 (Resettlement and Land Acquisition Consultation and Campaign): The NGO shall carry out the following

sub-tasks:

- (a) Conduct information and communication campaigns regarding land acquisition resettlement policies, eligibility criteria, the EM, required legal documentation, procedures, compensation payment, , relocation notification timeline and the Grievance Redress Mechanism (GRM);
- (b) Establish Resettlement Information Desks at suitable locations to disseminate resettlement-related materials (brochures, leaflets, etc.);
- (c) Conduct regular public meetings, Focus Groups Discussions (FGDs) and one-to-one interviews with APs and document consultation process;
- (d) Establish access to information and records on land acquisition in the LA section of the DC offices with assistance from the PIU;
- (e) Arrange monthly and periodic co-ordination meeting through the PIU involving the representatives of the different executing agencies/Departments and others concerned on a regular basis;
- (f) Provide copies of EM and summaries of the Resettlement Plan to the PIU; and
- (g) Provide special assistance to vulnerable groups as defined in the Resettlement Plan

Task-5 (Resettlement Data Management and Monitoring): The Consultant shall carry out the following sub-tasks:

- (a) Assist the PIU in maintaining records of compensation and resettlement disbursements, consultations and grievances;
- (b) Maintain a Computerized Management Information System (CMIS) to manage land acquisition and resettlement data to generate reports; Calculating and Processing Payment, EP and EC Files etc.
- (c) Prepare an Operational Manual for resettlement activities implementation management;
- (d) Provide regular updates comparing the quantity of land of LA schedule with that of the amount of CCL paid for;
- (e) Monitor compensation and assistance provided to vulnerable affected households and severely affected households; and
- (f) Monitor all land acquisition and resettlement related activities and prepare monthly and periodic reports on behalf of RHD highlighting progress in all areas as well as implementation issues/constraints that require decisions from RHD, DC offices and other agencies involved.

Task-6 (Assistance and Participation in Grievance Redress Committee): The NGO shall carry out the following sub-tasks:

- (a) Assist the APs in filing complaints related to resettlement activities and provide particular assistance to vulnerable households who have grievances;
- (b) Identify problems and advise APs to find quick resolution of the problem on how to proceed with the application for compensation and resettlement assistance;
- (c) Assist the Grievance Redress Committee (GRC) in organizing and documenting meetings; and
- (d) Assist in the grievance resolution process.



Task-7 (Assistance to Vulnerable Group on Improving Livelihood and Skills Enhancement): The NGO shall carry out the following sub-tasks:

- (a) Conduct an assessment of skills needed among vulnerable and severely affected households;
- (b) Arrange appropriate and relevant training for vulnerable PAPs in order to improve their skills for income generating activities and alternate livelihood activities. Based on this assessment, arrange skill enhancement trainings for one designated member of the vulnerable and severely affected households. Trainings can include but are not limited to: poultry and livestock farming, fattening cows, sewing, vegetable cultivation, fish cultivation, computer operation, and workshop mechanic, small trade/personal financial management, etc. and
- (c) Provide special assistance to vulnerable groups (female-headed households, women, landless and others) in their physical and economic rehabilitation.

Task-8 (Monitoring and Supervision): The NGO shall carry out the following sub-tasks:

- (a) Install and use a user-friendly menu driven software (as mentioned in Task-5) to generate progress reports for real time monitoring of progress;
- (b) Provide interface to use the software by the PIU, the Consultant and the project management consultant (to be appointed by the Client later) so that all the parties are aware of the progress and problems instantly; and
- (c) Generate the following information/reports:
 - (i) Utilization of manpower input by the Consultant;
 - (ii) Internal coordination meetings within the Consultant;
 - (iii) Meeting and FGD with the PAPs;
 - (iv) Number of ID Card issued;
 - (v) Number of persons compensation paid;
 - (vi) Amount of land acquired and in different stages of acquisition;
 - (vii) Number of complaints raised by and resolved with the PAPs;
 - (viii) Other support indicators to PAPs; and
 - (ix) Meeting between the Client and the Consultant.

Task-9 (Coordination Meeting): The NGO shall arrange/participate monthly and periodic coordination meetings with the PIU, the other representatives of RHD, the government departments and other stakeholders as necessary on regular basis and shares the outcome with the PIU at least monthly basis.

Task-10 (Progress Reporting): The NGO shall carry out the following sub-tasks:

- (a) Provide monthly progress report to the PIU on the progress of implementation of resettlement plan and land acquisition based on many indicators at least covering the indicators mentioned in Task-8;
- (b) Provide quarterly and annual progress report on item (a);
- (c) Provide monthly, quarterly and annual report on money spent from the RAP budget and the likely funding

- requirements in accordance with the updated RAP;
- (d) Develop report structure in consultation with the PIU;
 - (e) Provide work plan for the next reporting period; and
 - (f) Provide input and expenditure of this contract.

Task-11 (Site Office): The NGO shall **rent** suitable site offices to carry out and LAP and RAP implementation works at site and to disseminate campaign materials (brochures, leaflets, forms, etc.) to the stakeholders.

Task-12 (Miscellaneous Activities): Any other tasks relevant to this assignment and related to this project but not mentioned in the above.

E. Monitoring and Evaluation

- (a) For monitoring progress of the Consultant's work in LAP and RAP implementation, an appropriate monitoring format shall be prepared with score/weight against each activities and sub-activities. User-friendly menu driven software shall be used to generate progress reports for monitoring the progress regularly. The software will be simultaneously operated by the PIU and the Consultant, so that all the organizations are aware of the progress without delay.
- (b) Proper orientation to the PIU staff members is to be given so that they can supervise the Consultant activity appropriately from the very beginning and operate the menu-driven MIS to remain updated about the progress and problem. CCL payment records shall be collected from the DC office regularly and be compared with the payment data of the Consultant so that the progress achieved, mistakes made, if any, by the stakeholders in the process of the RAP implementation are checked and verified instantly. Before making payment of entitlement, land schedule and census data will be compared with the payable amount, to avoid mistakes or fraud;
- (c) There are number of actions needed in collecting CCL. The NGO operatives will investigate the steps completed so far in collecting compensation for a particular plot. Data collected through Focus Group meetings in this connection will be processed in a computerized system to monitor the progress in CCL collection by the EPs. Performance evaluation of the Consultant operatives, especially the field staff will be judged by that progress. Production and application of the RAP implementation tools, payment of grants and resettlement of APs shall also be the basis for calculating the performance of the Consultant;
- (d) The NGO shall develop monthly progress reporting format as per the requirement of PIU. Based on the quantitative reports generated through the above-mentioned computerized system monthly progress report by the Consultant shall be prepared and submitted to the PIU. The Consultant shall ensure the following issues in implementation of the RAPs in addition to the above.

F. CONSULTANT'S INPUTS

The assignment shall be carried out over a period of **Fifteen (15)** months from the date of commencement. It is anticipated that approximately **Eighty-Eight (88) person-months** of input by National staffs will be required, but the

NGO may propose alternative staffing arrangement required to complete the assignment as described in Section C & D of the TOR, and to meet the output and reporting requirements in Section G of the TOR.

Table-1: Required Staffs and Input

No.	Title	Academic Qualification and Relevant Experience	Position	Input (Person-Month)
Professional Staff: National				
NC1	Team Leader/ Land Acquisition and Resettlement Expert	<ul style="list-style-type: none"> • M.Sc./MSS/MA/B.Sc. Engg. • Minimum 15 years of professional experiences • Minimum 10 years of experience in social development and resettlement planning • Minimum 5 years as Team Leader • Experience in Development Partner (WB, ADB, OFID, JICA etc.) funded projects preferred. 	1	6
NC2	Database Manager	<ul style="list-style-type: none"> • B.Sc.in Statistics/Computer Science/Mathematics/ Physics. • Post-Graduation Preferred. • Minimum 10 years of professional experiences. • Minimum 05 years of experience in LA and resettlement works. 	1	6
NC3	Field Manager	<ul style="list-style-type: none"> • B.Sc./BSS/BA/LLM • Post-Graduation Preferred. • Minimum 10 years of professional experiences. • Minimum 05 years of experience as field manager in LA and resettlement works. 	1	15
Total =			3	27
Support Staff (National)				
1.	Accountant	<ul style="list-style-type: none"> • Bachelor in Accounting/ Statistics/ Computer Science/ Computer Engg./ Mathematics • Minimum 05 years of professional experiences in relevant field. • Minimum 03 years of specific experiences in development projects 	1	7
2(a)	Data and Word Processor-1	<ul style="list-style-type: none"> • H.S.C. or equivalent. Bachelor will be preferred. • Minimum 05 years of professional experiences. • Minimum 03 years of specific experiences. • Training/Diploma on Computer course is preferred 	1	8
2(b)	Data and Word Processor -2	<ul style="list-style-type: none"> • H.S.C. or equivalent. Bachelor will be preferred. • Minimum 05 years of professional experiences. • Minimum 03 years of specific experiences. • Training/Diploma on Computer course is preferred 	1	8
3(a)	Resettlement Worker -1	<ul style="list-style-type: none"> • BA/BSS/BSc/Diploma in Civil Engg. • Training in Land Survey is preferred. • Minimum 03 years of professional experiences. • Minimum 02 years of experience in relevant field. 	1	8

3(b)	Resettlement Worker -2	<ul style="list-style-type: none"> • BA/BSS/BSc/Diploma in Civil Engg. • Training in Land Survey is preferred. • Minimum 03 years of professional experiences. • Minimum 02 years of experience in relevant field. 	1	8
3(c)	Resettlement Worker -3	<ul style="list-style-type: none"> • BA/BSS/BSc/Diploma in Civil Engg. • Training in Land Survey is preferred. • Minimum 03 years of professional experiences. • Minimum 02 years of experience in relevant field. 	1	7
4(a)	MLSS-1	<ul style="list-style-type: none"> • Technical degree/SSC or equivalent • Minimum 3 years in related field. 	1	8
4(b)	MLSS-2	<ul style="list-style-type: none"> • Technical degree/SSC or equivalent • Minimum 3 years in related field. 	1	7
Total =			8	61
Grand Total =			11	88

G. OUTPUT AND REPORTING REQUIREMENTS

1. The NGO shall carry out activities according to the following time schedule, and submit reports about the activities and outputs. Adjustments to the outlines may be proposed by the Consultant according to the field situation, but will be subject to the employer's approval.
2. The NGO shall submit all reports/deliverables in English and Bangla language in both hard and electronic copy along with all raw data. *One package shall be forwarded to OFID. RHD and OFID will review the reports and give suggestions and modifications to be incorporated in the final version.*

Table-2: Reporting Requirements

Report	Description/Technical Accomplishments	Submission Deadline	Copies
1. Inception Report	Description of proposed methodology, works and staffing schedules; comments on the ToR for this contract/package and comment and observation on issues which may have technical or financial implications or which may affect the progress of the works	30 days after commencement of the assignment.	3 hard copies with electronic copy and raw data
2. Monthly Progress Report	Updated Progress Report on LAP and RAP	Every month	3 hard copies
3. Final Report	Final Report/ Project Completion Report on the implementation of LAP and RAP	Before one (1) month of deadline	3 hard copies with electronic copy and raw data)

H. PAYMENT SCHEDULE

- Monthly payment as per submission of Monthly invoice.
- Final Payment shall be paid upon submission of the completion report duly accepted by the Client.

I. CLIENT'S INPUT

- The Client will provide all the data which are available at RHD.
- The Client will facilitate communicating with the concern offices of RHD.