

**Addendum No. 5 to the  
Terms of Reference**

**Date: 11.04.2018**

**Public Works Department  
Government of Rajasthan**

**ADDENDUM NO. – 5**

Authority Engineer's Services for Banar-Bhopalgarh-Kuchera (SH-63) Length 126.500 Km. (Package No. WB/RSHDP II/EPC/01), Bhawi-Pipar-Khimsar (SH-86C) Length 83.225 Km (Package No. WB/RSHDP II/EPC/02) and Jodhpur-Marwar Junction-Jojawar Highway (SH-6I&6IA) Length 119.095 Km (Package No. WB/RSHDP II/EPC/03).

**(Package: No. WB/RSHDP II/AE/01)**

*38/2586*  
*11/4/2018*

## **Addendum No. 5 to the Terms of Reference**

The following is the modification to the Request for Expression of Interest and Terms for Reference for Authority Engineer's Services for Authority Engineer's Services for Banar-Bhopalgarh-Kuchera (SH-63) Length 126.500 Km. (Package No. WB/RSHDP II/EPC/01), Bhawi-Pipar-Khimsar (SH-86C) Length 83.225 Km (Package No. WB/RSHDP II/EPC/02) and Jodhpur-Marwar Junction-Jojawar Highway (SH-6I&6IA) Length 119.095 Km (Package No. WB/RSHDP II/EPC/03). The deletions from the earlier text are indicated as strikethroughs and additions are bold & underlined.

### **INDICATIVE TERMS OF REFERENCE FOR AUTHORITY'S ENGINEER**

#### **2.7. ESMP (C-ESMP)**

**Prior to Contractor commencing civil works, the Authority Engineer shall in consultation with the Authority and PMU (Project Management Unit):**

##### **2.7.1. Clearing the Contractor's ESMP (C-ESMP)**

- a) **Clear the C-ESMP. Using a safeguards specialist, the Authority Engineer shall review the C-ESMP to ensure that it meets the requirements of: (i) the respective project ESMPs; (ii) fully complies with relevant national laws, including any conditions of consent; (iii) meets the World Bank's Environmental, Health and Safety (EHS) Guidelines and environmental and social safeguards policies. Where appropriate, a staged C-ESMP may be cleared reflecting different phases of the project (i.e. does not contain activities that will not arise until much later in the project).**
- b) **Clear the Contractor's OHS Management Plan. This shall be consistent with the Authority's OHS requirements, as well as the World Bank's ESHS guidelines.**

**2.7.1.1. The Authority Engineer shall identify and report to the Authority and PMU any changes to project design or construction methods which would trigger an update to the ESMP or C-ESMP. Changes to works or methods should be assessed against the existing Project Area of Influence (PAI) and whether there is a likely public interest aspect to the changes. If either the PAI (geographically, socially or environmentally) has changed or if there is a public interest element to the changes, then the safeguard instruments shall be updated by the Authority Engineer and the Contractor as required and re-disclosed.**

**2.7.1.2. Records are to be kept and provided in the monthly reports of all changes and**



assessments regardless of whether an update to safeguard instruments is triggered.

2.7.1.3. Coordinating reviews of safeguards instruments by the Authority , Government Departments, PMU and World Bank, compiling comments, making amendments and approving as required;

2.7.1.4. Provide materials and otherwise support PMU to consult with the communities and stakeholders in accordance with the consultation plan in the ESMP.

2.7.1.5. Provide clearance to any update to the C-ESMP based on inputs from the Client and/or PMU.

2.7.2. OHS, HIV/AIDS, Gender Based Violence (GBV)

2.7.2.1. The Authority Engineer shall supervise the Contractor in all matters concerning occupational health, safety and care of the works, workers, and local communities.

2.7.2.2. Ensure that all persons working on the project (Contractor, Consultant and potentially Authority) have received: (i) OHS training; (ii) HIV/AIDS education; (iii) gender based violence (GBV) training in accordance with the Contract and the Authority's requirements.

2.7.2.3. Ensure that the GBV Action Plan is submitted prior to mobilization, and that the plan is fully implemented.

2.7.2.4. Monitor compliance of the Contractors, and ensure compliance of the Consultants, with regard to their undertakings as embodied in the 'Codes of Conduct' with regard to GBV, ESHS and OHS. Ensure that all managers and workers—including sub-contractors and the Authority Engineer's staff—have signed Codes of Conduct and have undertaken the necessary training.

2.7.2.5. If required, instruct the Contractor to take actions in accordance with the requirements of the Contract to ensure compliance with the requirements of the project for addressing HIV/AIDS, GBV and VAC prevention;

2.7.2.6. Participate on the GBV Compliance Team (GCT) which is a team established by the project to address GBV issues. As part of the GCT, with inputs from the GCT and particularly the GBV Services Provider, take remedial actions as appropriate for any of the Authority Engineer's staff who have been found to have conducted an act necessitating sanctions.

2.7.2.7. Ensure that any workers camps are established and managed in accordance with the recommendations of the ESMP and the guidance contained in the 2009

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IFC Guidance Note on Worker's Accommodation (<http://tinyurl.com/workers-camps>).

**2.7.3. General Supervision**

**2.7.3.1. The Authority Engineer shall:**

- a) Ensure that the Contractor and their sub-contractors are adhering to the day-to-day requirements of the C-ESMP, OHS, the environmental and social safeguard requirements under local law (including conditions of consent), and the World Bank's ESHS policies.
- b) Regularly advise the Authority and PMU on progress with the Contractor's applications for permits or consents as relevant under local laws or regulations.

**2.7.3.2. This supervision shall include not only activities at each project site, but non-site activities such as worker's camps, quarries, lay down areas, etc.**

**2.7.3.3. As part of supervision, the Authority Engineer shall complete the ESMP Monitoring Plan Inspection Checklists. If requested, the Authority Engineer shall use an electronic reporting program as provided by the client.**

**2.7.3.4. The Consultant shall:**

- a) Ensure that the Contractor and sub-contractors are adhering to the provisions of the traffic management plan, particularly with regard to speed controls, covering of truck loads, and the use of flag men and other provisions for safe traffic management;
- b) Review the condition of equipment and require the Contractor to stop using equipment which may be unsafe or improperly maintained;
- c) For plant and materials to be imported from overseas, ensure that the Contractor complies with all importation related inspection and quarantine requirements, including fumigation and other such treatments, and allow for these in their procurement planning and works pricing. Appropriate quarantine certificates are to be provided to the Engineer prior to importing of material and/or equipment;
- d) Continuously monitor the project Grievance Redress Mechanism (GRM) and provide support to the client for resolving any issues related to the Contractor or construction activities;
- e) Undertake monthly inspections of worker's camps using Annex I from the 2009 IFC Guidance Note on Worker's Accommodation (<http://tinyurl.com/workers-camps>), to record compliance;



f) With regard to OHS:

1. Ensure that the Contractor is following their OHS Management Plan;
2. Ensure that all workers have proper personal protective equipment (PPE);
3. Regularly review the OHS incident register as well as activities on site to identify any potentially dangerous practices or issues;
4. Have the Authority Engineer 's Health and Safety Auditor visit the construction site on a regular (monthly to bi-monthly) basis to conduct safety audits to validate the OHS supervision of the Resident Engineer and independently confirm compliance with the Contractor's OHS plan. Audit reports of the findings will be provided to the client at the end of each visit.

2.7.3.5. Issue instructions to the Contractor to address any C-ESMP or ESMP non-compliance issues. For C-ESMP or ESMP infringements, the Contractor shall be given a Notice by the Engineer to initiate actions to remedy the issue within 48 hours. If remediation and restoration has been satisfactorily initiated but could not be completed during this period, the Authority Engineer shall determine a reasonable extended period to complete the remediation in consultation with the Contractor and the Employer. If in the judgment of the Engineer the Contractor has not:

- a) Initiated any satisfactory remedial action within the 48 hour period, or
- b) The restoration is not being done properly, or
- c) The restoration is not being done in a timely manner during any extended period, the Authority Engineer may instruct the Contractor to cease all remediation activities. The Employer shall be entitled to employ and pay others to carry out the restoration work. The Contractor shall reimburse the Employer all costs reasonably incurred by the Employer for others to carry out the restoration work.

2.7.4. Quarterly Inspections

2.7.4.1. The quarterly PMU inspections are to be accompanied by the Authority Engineer's safeguards specialists, as well as the resident engineer. The Authority Engineer shall prepare a joint quarterly report to be agreed by all parties clearly identifying actions to be taken to improve safeguards compliance.

2.7.4.2. As a minimum, the Authority Engineer's safeguards specialist shall undertake quarterly site inspections at each project site, including any workers camps and lay down areas, and complete ESMP Monitoring Plan Inspection Checklists and

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submit to the Client along with a report.


**2.7.5. Reporting**

**2.7.5.1. The Authority Engineer shall use the monitoring report formats in the ESMP as part of their inspection program and summarize these as monthly reports.**

**2.7.5.2. The following reports are required:**

- a. **Ensure that the Contractor's provide monthly reports on OHS including leading and lagging indicators, in the format agreed for the project.**
- b. **Provide a monthly report on the Contractor's performance with regard to: (i) OHS; and (ii) the PESMP's ESHS requirements.**
- c. **Report on the progress with: (i) implementation of the GBV Action Plan; (ii) any sanctions applied to workers; and (iii) confirmation that all workers have signed the Contractor's Code of Conduct and have received appropriate training, including list of all workers and Code of Conduct status to validate information.**
- d. **Immediately report to the client any fatalities on the project.**

**Prepare quarterly safeguard progress reports in an agreed format covering all aspects of the project supervision, including OHS, ESMP and C-ESMP compliance, incidents, near misses, summary of grievances / complaints and actions taken, upcoming or potential issues to be any consultation undertaken, relevant training, and compliance with permits and consent.**

  
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