

TERMS OF REFERENCE (TOR)

Hiring NGO Services to assist in Resettlement Plan implementation in UPMDRIP proposed from ADB Loan

A. Project Background

1. Uttar Pradesh Major District Roads Improvement Project proposed for ADB's assistance seeks to upgrade and rehabilitate about eight (8) major district roads (MDR) for a total of 430 km, thereby improving connectivity and fostering inclusive economic growth. The estimated cost of the project is about US\$428 million, of which US\$300 million would be financed by the Asian Development Bank (ADB). The project's Executing Agency is Uttar Pradesh Public Works Department (UPPWD). The project will have following roads of approximately 430.0 Km length.

Table 0.1: Details of Project Road Sections

Sl. No.	Road/ Works	District	Category	Length (Km)
1	Hussainganj to Alipur Marg	Fatehpur	MDR-81C	36
2	Nanau to Dadau	Aligarh	MDR-82W	30
3	Muzaffarnagar to Baraut Marg	Muzaffarnagar and Baghpat	MDR-135W	59
4	Haliyapur to Kurebhar	Sultanpur	MDR-66E	96
5	Kaptanganj- Hata - Gauribazar & to Kaptanganj to Naurangiya	Deoria/Kushinagar	MDR-25E & ODR-24	84
6	Bulandshahar to Anoopshahar	Bulandshahar	MDR-58W	36
7	Mohanlalganj to Morava Unnao Marg	Lucknow/Unnao	MDR-52C	54
8	Aliganj-Soron Marg	Etah and Kashiram Nagar	MDR-45W	36

2. The project construction will entail damage to existing assets, impact on livelihoods, community property resources and potentially private land acquisition.
3. The overall implementation period for this assignment is 10 months from the commencement of contract.

Table 0.2: Summary of Likely Impact

Name of sub project	Length of Road (in Km)	Districts covered	No of Persons affected	Land Acquisition (Annex Ha)	No of Affected Households	No of CPR affected
Bulandshahar to Anoopshahar-MDR-58W	36	Bulandshahar	0	Nil	0	13
Muzaffarnagar to Baraut Marg-MDR-135W	59	Muzaffarnagar	213	Nil	32	95
Nanau to Dadau- MDR-82W	30	Aligarh	1337	Nil	177	36
Naurangiya to Kaptanganj to Barhaj Marg- MDR-25E & ODR-24	84	Deoria/ Kushinagar	918	Nil	105	55
Haliyapur to Kurebhar- MDR-66E	96	Sultanpur	1182	Nil	170	86
Hussainganj to Alipur Marg- MDR-81C	36	Fatehpur	727	Nil	130	61
Mohanlalganj to Morava Unnao Marg- MDR-52C	54	Lucknow/ Unnao	223	Nil	33	22
Aliganj-Sourav Marg- MDR-45W	36	Etah/Kanshiram Nagar	2503	Nil	329	38

B. Objectives of the Assignment

4. The NGO shall be responsible for assisting UPPWD in facilitating land acquisition, if any, and Resettlement Plan (RP) implementation in an efficient and transparent manner for the project roads. The implementation shall be based on The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the ADB's Safeguard Policy Statement 2009. Resettlement framework has been drafted for the project and the implementation may follow accordingly.
5. The overall tasks of the NGO are to:
 - (i) Coordinate the entire process from start to finish for disseminating assistance to relevant Affected Persons (APs);

- (ii) Coordinate with, and provide support, where needed, to Revenue officials and other relevant line agencies in expediting the land acquisition and resettlement process;
- (iii) Implement livelihood and income restoration program;
- (iv) Disseminate project information to APs in an NGO manner;
- (v) Assist the APs in redressing their grievances (through the grievance redress committee set up for the project);
- (vi) Conduct awareness program for HIV/AIDs, health and hygiene, and human trafficking in affected villages;
- (vii) Collect data and submit progress reports on a monthly and quarterly basis for UPPWD to monitor the progress of RP implementation; and
- (viii) Any other tasks as assigned by UPPWD.

C. Scope of Work

6. The principal responsibilities of the NGO will include, but not limited to the following:

1. Administrative Responsibilities of the NGO

7. The NGO will work under the direction of the Chief Engineer, Externally Roads Project, UPPWD, Lucknow, or any person authorized by him. NGO shall assist UPPWD in carrying out the implementation of the RP for the project road.
8. The NGO shall assist UPPWD in conducting all public meetings, information campaigns at the commencement of the project and give full information to the affected villages. This includes translating the summarized RP into local language in a form of a Project Information Brochure for disclosure and dissemination to APs.
9. The NGO shall submit monthly and quarterly progress report to UPPWD. The report should cover implementation issues, grievances and summary of consultations
10. The NGO shall assist UPPWD in convening the GRC and keep the records of GRC at PIU and State level.
11. Assist UPPWD in the management of the database of the APs, and at the end of the assignment, ensure proper handover of all data and information to UPPWD.

2. Responsibilities for Implementation of the RP

12. The NGO shall verify the information already contained in the RP and the individual losses of the relevant APs. They should validate the data provided in the RP and make suitable changes if required and wherever changes are made it should be supported by documentary evidence. The NGO shall establish rapport with all APs, consult and provide information to

them about the respective entitlements as proposed under the RP, and distribute entitlement cum Identity Cards to the eligible APs. The identity card should include a photograph of the DP, the extent of loss suffered due to the project, and the choice of the DP with regard to the mode of compensation and assistance.

13. The NGO shall develop rapport between the APs and the Project Authority. This will be achieved through regular meetings with both the PIU and the APs. Meetings with the PIU will be held at least fortnightly, and meetings with the APs will be held monthly, during the entire duration of the assignment. All meetings and decisions taken shall be documented by the NGO.
14. The NGO shall display the list of eligible APs in prominent public places like villages, Panchayat Offices, Block/Tehsil headquarters, and the District Headquarters.
15. During the verification of the eligible APs, the NGO shall ensure that each of the APs are contacted and consulted either in groups or individually. The NGO shall specially ensure consultation with women from the DP families especially women headed households.
16. Participatory methods should be adopted in assessing the needs of the APs, especially with regard to the vulnerable groups of APs. The methods of contact may include village level meetings, gender participation through group's interactions, and Individual meetings and interactions.
17. The NGO shall explain to the APs the provisions of the policy and the entitlements under the RP. This shall include communication to the roadside squatters and encroachers about the need for their eviction, the timeframe for their removal and their entitlements.
18. The NGO shall disseminate information to the APs on the possible consequences of the project on the communities' livelihood systems and the options available, so that they do not remain ignorant.
19. In all of these, the NGO shall consider women as a special focus group, and deal with them with care and sympathy.
20. The NGO shall assist the project authorities in ensuring a smooth transition (during the part or full relocation of the APs), helping the APs to take salvaged materials and shift. In close consultation with the APs, the NGO shall inform PIU about the shifting dates agreed with the APs in writing and the arrangements desired by the APs with respect to their entitlements.
21. The NGO shall assist the APs in opening bank accounts explaining the implications, the rules and the obligations of a bank account and how s/he can access the resources s/he is entitled to. The NGO shall recommend methods of disbursement for assistance to UPPWD for

approval. The disbursement method should be transparent, efficient and meets government audit requirements.

22. The NGO shall implement the livelihood restoration program for those APs who qualify. The program should be based on a skill needs assessment of the eligible APs and trainings should be of duration of no less than 3 months. The NGO shall coordinate with relevant organization or mobilize its own short-term experts in carrying out the training activities. An evaluation of the program should be conducted 3 months after its completion. APs whose livelihood has not been restored to pre-project level should be provided with individualized counseling and linked to national and state-sponsored employment development and livelihood enhancement schemes.
23. The NGO shall ensure proper utilization of the R&R budget available for the subproject. The NGO shall counsel the APs in finding suitable economic investment options and help them in regaining the losses of land and other productive assets.

3. Accompanying and Representing the APs at the Grievance Committee Meetings

24. The NGO shall make the APs aware of the existence of grievance redressal committees (GRCs).
25. The NGO shall help the APs in submitting their grievances and also in clearing their doubts about the procedure as well as the context of the GRC award.
26. The NGO shall record the grievance and bring it to the notice of the GRCs within seven days of receipt of the grievance from the APs.
27. To accompany the APs to the GRC meeting on the decided date, help the DP to express his/her grievance in a formal manner if requested by the GRC and again inform the APs of the decisions taken by the GRC within 3 days of receiving a decision from the GRC.

4. Carry out Public Consultation

28. In addition to counseling and providing information to APs, the NGO will carry out periodic and consultation with APs and other stakeholders.

5. Assisting the PIU with the Project's Social Responsibilities

29. The NGO shall assist the UPPWD to implement STI & HIV/AIDS, road safety and human-trafficking awareness measures. The NGO shall coordinate with relevant organization or mobilize its own short-term experts in carrying out the activities.

6. Monitoring and Reporting

30. The NGO involved in the implementation of the RP will be required to supply all information, documents to the external monitor.

D. Documentation and Reporting by NGO

31. The NGO shall submit all of the following reports, brochures and outputs in a format approved by UPPWD.

- (i) **Inception Report.** To be submitted within two weeks of mobilization which includes work plan for the whole contract period, staffing and personnel deployment plan, and a withdrawal plan at the end of the period of contract.
- (ii) **Project Information Brochure.** Summarize the RP, translate summary and produce Project Information Brochure in local language within 1 month of mobilization. For distribution to all affected households.
- (iii) **Microplans for relevant Non-titleholders.** Includes issuance of ID cards and other documents. To be completed at an agreed time with UPPWD.
- (iv) **Monthly Progress Reports.** To be submitted to UPPWD at the end of each month. Shall include weekly progress and work charts as against the scheduled timeframe of RP implementation.
- (v) **Quarterly Progress Reports.** To be submitted to UPPWD at the end of each quarter. Shall include progress on implementation, livelihood restoration program, GRC, STI & HIV/AIDS awareness program, issues and challenges, and etc.
- (vi) **Completion Report** at the end of the contract period summarizing the actions taken during the project, the methods and personnel used to carry out the assignment, and a summary of support/assistance given to the APs.
- (vii) All other reports/documentation as described in these terms of reference.
- (viii) Record minutes of all meetings.

E. Staffing Schedule

32. The table below details the required staffing structure for the assignment. Key personnel will be evaluated during the proposal evaluation stage. The NGO is required to submit CVs for the key personnel positions. Non-key personnel will not be evaluated during proposal stage. At least one woman should be included as Field Support Staff.

1. Indicative Required Experts

No.	Particulars	No. Positions	Estimated months	Person-
Key Personnel				
1	Team Leader	1	10	
2	Field Coordinator 1	1	8	

3	Field Coordinator 2	1	8
Non-key Personnel			
4	Field Support Staff	4	32
5	MIS Officer	1	8
Total			

33. All staff should be mobilized within 15 days of actual commencement.

2. Key Indicative Tasks per Position

34. The position-based tasks specified for each of the positions is mentioned below. The tasks are indicative and the NGO needs to propose its own working arrangement as a team based on the overall requirements in the TOR.

No.	Particulars	
1	Team Leader	<ul style="list-style-type: none"> • Provide overall technical and operational management of NGO team. • Act as main counterpart when communicating with UPPWD and relevant government agencies. • Draft work plan and ensure work plan is followed. • Ensure deliverables and activities are completed in a timely and transparent fashion. • Review documentation and reports to verify accuracy.
2	Field Coordinator	<ul style="list-style-type: none"> • Responsible for assigned section of alignment • Provide guidance to Field Staff and verify information collected. • Ensure deliverables and activities are completed in a timely and transparent fashion. • Provide support to Grievance Redressal Mechanism
4	Field Support Staff	<ul style="list-style-type: none"> • Responsible for assigned section of alignment. • Establish rapport with relevant APs. • Responsible collecting field level information. • Undertake continued information disclosure and consultation.
5	MIS Officer	<ul style="list-style-type: none"> • Perform all computer/database related needs for the assignment.

3. Qualification

35. Qualification and experience requirements for experts are listed below.

No.	Particulars	
1	Team Leader	Minimum: Post graduate degree in social science, Sociology,

No.	Particulars	
		<p>Economics, Master in Social Work, Masters in Rural Development. Bachelors of law shall be added qualification</p> <p>10 years of minimum professional experience</p> <p>5 years of minimum relevant experience in implementing land acquisition and resettlement and rehabilitation activities. Previous experience in project funded by external donors. Good understanding of land acquisition process and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</p>
2	Field Coordinator	<p>Minimum: Bachelor's degree in any discipline Post graduate degree in social science is preferred</p> <p>10 years of minimum professional experience</p> <p>5 years of minimum relevant experience in implementing land acquisition and resettlement and rehabilitation activities. Previous experience in project funded by external donors strongly preferred. Good understanding of land acquisition process and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Proficient in local language preferred.</p>
4	Field Support Staff	<p>Minimum: Bachelor's degree in any discipline civil Post graduate degree in social science is added qualification</p> <p>3 years of minimum professional experience</p> <p>Previous experience in working rural communities required. Proficiency in local language is required. Previous experience in land acquisition activities is strongly preferred.</p>
5	MIS Officer	<p>Minimum: Bachelor's degree in computer application or related fields.</p> <p>3 years of minimum professional experience</p> <p>Proficient in operating computer and Microsoft Word, and Excel. Ability to design and manage database. Proficient in English and local language.</p>

4. Condition of Services

36. The NGO shall ensure that the RP is implemented in an effective and proper manner. The prime responsibility of the NGO shall be to ensure that each and every eligible AP receives appropriate and due entitlement (within the Entitlement Framework) and that, at the end of the project R&R services, the eligible APs have improved (or at least restored) their previous standard of living. Additionally the NGO shall help the UPPWD in all other matters deemed to be required to implement the RP in its spirit and entirely including activities involving some financial implications.
37. All documents created, generated or collected during the period of contract, in carrying out the services under this assignment will be the property of the UPPWD. No information gathered or generated during and in carrying out this assignment shall be disclosed by the NGO without explicit permission of the UPPWD.

5. Data, Services and Facilities to be provided by UPPWD

38. The UPPWD will provide to the NGO the copies of all relevant documents required for the NGO to undertake its work. Documents will include the APs' Census, the RP, and technical drawings. The UPPWD will assist the NGO in collaborating with the Supervision Consultants. All facilities required in the performance of the assignment, including office space, office stationery, transportation and accommodation for staff of the NGO, etc., shall be arranged by the NGO.

6. Payment Schedule:

39. The following payment milestone is proposed for making the payment to the NGO. The payment will be made subject to the submission of a certificate from the UPPWD that the targets have been achieved in a satisfactory manner.

Sl. No.	Indicative Payment Milestone	Indicative Payment (% of contract Value)
1	On submission of the inception Report complete in all respects	10%
2	On completion of the identification, verification of APs and initial consultation sessions, and submission of updated data on APs (Identification and Verification report) and review of the same by the UPPWD.	20%
3	On submission and approval of first 30% of the Micro Plans of APs	6%
4	On submission and approval of second 30% of the Micro Plans of APs	7%
5	On submission and approval of final 40% of the Micro Plans of APs	7%
6	On completion of the rehabilitation process and	20%

Sl. No.	Indicative Payment Milestone	Indicative Payment (% of contract Value)
	implementation of Livelihood and Income Restoration Program and STI & HIV/AIDS, human trafficking in affected villages.	
7	On submission of the Final Completion Report	10%
8	On approval of the Final Completion Report	20%
	Total	100%