

# MOLDOVA POWER SYSTEM DEVELOPMENT PROJECT

## TERMS OF REFERENCE

### CONSULTING SERVICES FOR RESETTLEMENT ACTION PLAN DEVELOPMENT

#### **I. Project background**

The Moldova's Energy Strategy 2030, approved by Government Decision no. 102/2013, envisages that Moldova will enter the European market through the continental system of the European Network of Transmission System Operators for Electricity – ENTSO-E, by strengthening the interconnection transmission capacities with neighboring Romania as first step to joining the ENTSO-E.

The Power System Development Project (PSDP, “the Project”) is supporting the Government of Moldova's overall asynchronous interconnection program. Once established, the asynchronous interconnection will substantially enhance security of supply by diversifying the supply mix and creating conditions for market competition in Moldova.

The Government of Moldova has taken in 2015 a strategic decision to establish the first asynchronous interconnection with Romania. In 2015, European Bank for Reconstruction and Development (EBRD) hired an independent consultant to prepare the Feasibility Study (FS), Environmental and Social Impact Assessment (ESIA), the Environmental and Social Management and Monitoring Plan (ESMMP) and a Land Acquisition and Compensation Framework (LACF). In 2017, it was agreed that the interconnection project will be co-financed by the World Bank (WB), EBRD, European Investment Bank (EIB) and European Union (EU).

Since the financial arrangements among donors for the entire Project was agreed only in 2017, the developed ESIA and other safeguards instruments, as well as the FS, cover all components of the asynchronous interconnection program that correspond to the requirements of both the EBRD/EIB/EU financed Project and the World Bank one.

The Social and Environmental safeguard documents necessary for PSDP implementation activities have been developed within PSDP preparation ECAPDEV Grant No. TF0A6821 implemented in the period November 20, 2018 – March 20, 2020. The safeguard documents include: Safeguards Summary Note on ESIA; Resettlement Policy Framework (RPF); Stakeholder Engagement Plan (SEP); Gender and Citizen Engagement Strategy and Institutional Assessment of Project Implementing Agencies.

Moldova Energy Projects Implementation Unit (MEPIU, the Employer) under the Ministry of Infrastructure and Regional Development is the entity responsible for the implementation of the Project. The Project completion is intended for August 31, 2024.

The Project includes the following components:

- I. construction of approximately 158 km of 400kV Vulcanesti – Chisinau single circuit OHTL.

II. extension of 400kV Vulcanesti substation;

III. upgrade of 330kV Chisinau substation.

The OHTL will cross the administrative units of Autonomous Territorial Unit of Gagauzia, Cahul, Taraclia, Leova, Cimislia, Hancesti, Ialoveni districts and Chisinau municipality. The OHTL will have a length of 158 km and 511 towers to be situated at an average distance of 350 m from each other. The proposed route for the transmission line was designed to be at a significant distance from any house or other construction.

The construction works for the OHTL will inevitably involve resettlement activities. In order to ensure a smooth construction process, timely works implementation and avoid costs overrun, a Resettlement Action Plan (RAP) is needed to provide a well-tailored resettlement procedure within Project implementation, with minimum impact on affected persons by the Project's construction works, in order to ensure the Contractor's access to the site, according to the schedule for carrying out the planned construction works.

## **II. The Objective of the Consulting Services**

The activity aims to engage the services of a competent Consulting firm (the Consultant) for timely, appropriate and comprehensive development of the RAP for the PSDP, Component I - Construction of 400 kV Vulcanesti – Chisinau OHTL.

The objective of the RAP is to set out the policies, principles, institutional arrangements, schedules, indicative budgets, and monitoring mechanism by which resettlement impacts will be addressed by the Employer during the RAP implementation process. The RAP will ensure that there is a systematic process for the participation of the PAPs, relevant institutions and stakeholders into expropriation process. The RAP will outline eligibility criteria for affected parties, will establish the estimated amount of compensation for loss of assets, and describe levels of assistance for PAPs for temporary or permanent loss of land.

## **III. The Scope of the Consulting Services**

The RAP will be prepared to (i) identify and mitigate the impacts of the project; (ii) comply with the national laws and safeguard requirements of the World Bank; and (iii) ensure that appropriate measures are available to provide compensation to the households affected by the Project intervention, and implement other mitigation measures as applicable. The RAP should outline the procedure for monitoring to ensure that those who are eligible for compensation are compensated during the RAP implementation period.

The RAP shall be developed prior the commencement of construction works, in accordance with World Bank's OP 4.12 – *Involuntary Resettlement*, based on the technical data provided by the Contractor during the design stage and FS's data. Also, the RAP will be guided by the Project's ESIA results and principles described in the RPF.

The assignment by the Consultant shall cover the following tasks as described in this Terms of Reference (ToR). Other areas/tasks considered relevant may be considered by the Consultant so far as they add value to the outlined areas below.

- i. **Review of the Project's documents.** The consultant must review all relevant Project's documents. The documents to be reviewed would include but not limited to Project's FS, the preliminary project design and draft design developed by the Contractor and relevant socioeconomic (RPF, ESIA/ESMMP, SEP, gender related developed documents) and legal documents;
- ii. **Project description.** Provide a brief description of the project to place the RAP in the relevant context. This would include a summary of the background to the project and the different components. Most importantly, the consultant shall identify the possible resettlement issues that planned construction works are likely to generate and for which reason this RAP is being developed;
- iii. **Country legal and institutional guidelines and requirements.** This will present a review of the national laws governing land acquisition and other assets. It shall also look at the various land tenure and ownership systems in Republic of Moldova, the different legal instruments regarding government and individual acquisitions and resettlement and compensation policies;

The RAP shall also identify the legally mandated institutions associated with these legal instruments and their respective roles. The institutional arrangements will include implementation and monitoring mechanisms that ensure inclusiveness and participation of all affected people, groups and communities;

- iv. **World Bank safeguards policies.** The Consultant shall spell out the World Bank's policy on Involuntary Resettlement OP 4.12 and assess how this applies in the specific case of the PSDP. Attention should be paid to and documented on the difference(s) between the Bank's policy and the legislation of Republic of Moldova on involuntary resettlement if applicable. The Consultant shall propose measures to bridge the existing gaps, if any, to ensure that the RAP is conducted in compliance with World Bank requirements.
- v. **Carry out socioeconomic surveys and studies.** The studies need to be carried out for preparation of the RAP, including socioeconomic survey and inventory survey. The socioeconomic studies will gather data on livelihoods and income in order to establish a baseline for developing the measures of rehabilitating the livelihood and income pre-land acquisition. The studies will be carried out in gender sensitive approach and should also pay special attention to vulnerable households which may be impacted more considerably in order to design, specific assistance measures for these groups. The RAP should include the results of a Census Survey on all individuals, households, infrastructure, businesses (large or small, licensed or non-licensed), farms and agricultural concerns, herding pastures;
- vi. **Project affected Parties (PAP) including directly and indirectly affected population, displacement and categories of affected persons.** This requires a record of the number of estimated people likely to be affected or displaced by the Project activities (Project Affected Persons – PAP). The different categories of affected persons may include those who may be losing legal title to land and those without legal title but who use the land for economic/agricultural activities. There may be those who may be losing temporary access

to property or business sites. Therefore, the RAP shall identify the right categories based on the impacts identified or expected;

- vii. **Eligibility criteria for various categories of affected persons.** The consultant shall determine the method for setting a cut-off date for eligibility for compensation and also as a means for making this information (on cut-off date) reach the wider public. In addition, the consultant shall determine the compensation type for the different categories, losses and affected persons. The RAP shall pay particular attention to the different forms of impacts and explore the relevant issues appropriately;
- viii. **Entitlement matrix for proposed resettlement and compensation policy.** Following from the above, the RAP shall develop a matrix that detail the type of compensation that each identified PAP will be entitled to and a rationale as part of the matrix explaining the reasoning behind the entitlement as will be proposed in the Matrix;
- ix. **Methods for valuing affected assets.** The consultant shall describe in detail the methods used in valuing those assets that will be eligible for compensation in compliance both with the national legislation and OP 4. 12. This process should capture the methodology for taking of inventory of assets, values assigned and agreement reached with each identified PAP and consider inflationary realities in the final determination of values. Compensation value should reflect fully the replacement cost of acquired assets
- x. **Develop the resettlement measures.** In addition to the compensation, the consultant will need to design a package of resettlement measures for income restoration, livelihood rehabilitation, and relocation for each category of eligible displaced persons to achieve the resettlement policy. The RAP should also include the feasibility analysis of the proposed resettlement measures;
- xi. **Carry out consultations with various Project's stakeholders,** including project affected people, on resettlement options, compensation standards, livelihood and income restoration measures; institutional arrangements, and grievance redress mechanisms. The Consultant will participate in the public consultation meetings related to RAP development organized and conducted by the MEPIU.
- xii. **Grievance Redress Mechanism (GRM).** The Consultant will describe in the RAP the regulations on functioning of the designed GRM available to PAPs concerning the process, the identification of eligible people for compensation, the valuing and compensation and any other complaints they may have with the entire process. The RAP shall indicate how the GRM shall be made accessible to them in a way that is clear and comprehensible to the PAPs. The GRM should also have a monitoring mechanism to check on responsiveness to complaints or grievances lodged. The different forms of receiving the complaints should be clearly described together with the different stages of going through the process. In addition, the redress mechanism shall indicate alternatives, in case the proposed mechanism, for any reason, does not respond to all grievances and complaints

- xiii. Budget and funding arrangements.** This will include the tables showing estimated costs for all resettlement activities (planning and implementation, management and administration, monitoring and evaluation), timetables for expenditures, arrangements for timely flow of funds, entitlement matrix (type of compensation for type of loss, by category of PAPs);
- xiv. Implementation schedule.** An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettles and completion/implementation of the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall Project (include a diagram of step by step RAP implementation schedule).
- xv. RAP implementation and monitoring arrangements.** The RAP shall provide an appropriate mechanism for monitoring the implementation of the resettlement activities. The consultant shall propose current and participatory monitoring methodologies that would involve the PAPs themselves. The roles of different stakeholders, including civil society, Social Impact Monitoring Committees, Supervision Consultant / Engineer and local government authorities in the implementation and monitoring process will need to be clarified;
- xvi. Prepare resettlement action plan (RAP).** The consultant will need to prepare the RAP, with MEPIU support, based on the findings and results of documentation reviews, socioeconomic studies, and consultation with project stakeholders and project affected persons. The RAP needs to clearly present detailed information on the proposed mitigation measures for each affected entities/PAPs group with reasoning for the type and level of mitigation being offered.

#### **IV. Implementation arrangements**

MEPIU is responsible for daily Project implementation. MEPIU is staffed with the social, environmental, legal and resettlement specialists, with high qualification and experience in the national land acquisition process, in-depth knowledge of World Bank's safeguards policies and safeguards instruments development. Therefore, MEPIU will provide support to Consultant in the RAP development, especially to description of the Project, national legal framework, World Bank's policies, GRM provisions, consultation process and RAP implementation arrangements.

The RAP Development Consultant will closely work with MEPIU and SOE Moldelectrica's E&S specialists, Construction Works Contractor, Supervision Consultant and cooperate with the relevant national / local authorities, responsible for land acquisition, resettlement and compensation.

#### **V. Time Frame**

The assignment on RAP development shall be completed within nine (9) months after signing of contract.

## **VI. Reporting/Deliverables**

The deliverables listed in the below shall be presented to the Employer in accordance with the proposed schedule but can be modified at the Contract negotiations/launch. All deliverables are subject to the Employer's and/or World Bank approval.

The Consultant shall provide the final RAP in accordance with the next stages:

- i. ***Inception Report***, within 1 month after the consulting services contract signing, including assignment methodology, socio-economic / census survey methodology and instruments, time schedule etc. The Inception Report is subject to approval by Employer and World Bank.
- ii. ***Draft Resettlement Action Plan*** (summarizing the preliminary results of the baseline socio-economic survey and PAPs census) shall be delivered to the Employer, within 7 months after Inception Report approval. The Draft Report is subject to approval by Employer and World Bank. MEPIU will disclose the approved draft RAP.
- iii. ***Final Resettlement Action Plan***. The consultant shall submit the final RAP after within 1 month of the receipt of the Employer's comments to the draft report.

The consultant shall submit the RAPs in both Romanian and English languages. Final acceptance certificates will be signed upon receipt of final no objection from World Bank. For practical reasons it is proposed to allow a delay of 10 (ten) working days in submission of the reports in Romanian language due to the translation efforts.

All reports issued by the Consultant shall be reviewed and approved by the Employer and/or World Bank. A period of two weeks shall be allowed for the review and approval.

Consultant Team Leader or other team representative, shall participate in the periodic review meetings of the MEPIU to discuss about the progress of the assigned tasks, issues and constraints in carrying out any specific task etc.

## **VII. Qualification**

The qualification and selection criteria as well the demonstration of compliance with the criteria / requirements are set out in the participation notice (see point 16).

The consulting company must have at least five (5) years of general experience and 3 years of specific experience in social activities, social impact management, in the field of involuntary resettlement and other relevant fields, in at least one contract of similar nature and complexity.

It is desirable that the consultant team have experience with working with international development institutions like the World Bank. Knowledge about World Bank safeguard policies and experience in similar projects is vital. The consultant's team shall be composed of professionals with experience in socio-economic analysis, surveying and valuation.

The indicative inputs and required qualifications for the project team are presented in the table below. However, the Consultant shall propose the time commitment for each of the key staff in the proposal.

All key personnel shall be fluent in English and local languages and be fully computer literate, including in word processing and spreadsheets. The Consultant Team shall comprise (but not necessarily be limited to) the following key personnel:

Position	Qualification Requirements	Indicative Input Man-Months
Project Manager (team leader)	<ul style="list-style-type: none"> <li>- Minimum B.Sc. degree in social science, or law/economics/finance or similar field;</li> <li>- Minimum 10 years of work experience in handling social issues (especially, social impacts management, land management, acquisition, resettlement planning and implementation) of infrastructure projects, and be familiar with the social safeguards policies of the World Bank and implementation of the safeguards in World Bank financed projects.</li> <li>- Work experience and skills in social analysis, community engagement, conflict management, social surveys, impact assessment and related areas and have good knowledge of local conditions and laws.</li> </ul>	9
Resettlement Planning and Monitoring Specialist	<ul style="list-style-type: none"> <li>- Minimum B.Sc. degree in cadastral, public administration, economy, or similar field;</li> <li>- Minimum of 5 years' experience in resettlement planning, valuation of assets according to Local laws</li> </ul>	9
Social development and household survey Specialist	<ul style="list-style-type: none"> <li>- Minimum B.Sc. degree in sociology, social sciences or similar fields;</li> <li>- Minimum of 5 years' experience in social analysis, social surveys, social impacts assessment.</li> </ul>	4

### Schedule of payment

The final schedule of payments to the Consultant will be determined during signing the contract based on following conditions:

- Subsequent payments will be made upon submission and approval of the deliverables specified below.

No.	Deliverables	Payments
1	Advance payment	20%
2	Inception Report	20%
3	Draft RAP	40% / TBD
4	Final RAP	20% / TBD

### **Contract award criteria**

The award of the Contract will be made according to the criteria of best quality-price ratio. The factors for evaluating the most advantageous offer and their weightings are set out in the participation notice (see point 23).

### **Requirements for technical proposal**

In the technical proposal, the tenderer will present:

- General experience
- Specific experience
- Staff qualification
- Methodology and action plan

### **Financial offer**

The price of tender offer will be presented in MDL, without VAT, and will include all the expenses related to the execution of the Contract.

### **Annexes**

Annex 1 – Tentative table of contents of RAP

Annex 2 – Stakeholder Engagement Plan

Annex 3 – Resettlement Policy Framework

Annex 4 – Environmental and Social Impact Assessment



RAP Tentative Table of Contents	
<b>Abbreviations and acronyms</b>	
<b>Definition of Terms</b>	
<b>Executive Summary</b>	
A.	Project Background
B.	Scope of Land Acquisition and Resettlement and Impact Summary
C.	Socioeconomic Information and Profile of the Affected Population
D.	Information Disclosure, Consultations and Participation
E.	Grievance Redress Mechanism
F.	Legal Framework of the Republic of Moldova
G.	Entitlements, Assistance and Benefits
H.	Institutional Arrangements
I.	Resettlement Budget
J.	Resettlement Action Plan (RAP) Implementation Process
K.	Monitoring and Reporting
<b>1</b>	<b>Introduction</b>
1.1	Project Background
1.2	Description of the Project
1.3	Main Technical Characteristics of the Designed Route
1.4	Impact on Utilities and Services
1.5	Project Benefits
1.6	Objective and Scope of the Land Acquisition and Resettlement Plan.
<b>2</b>	<b>Legal and Policy Framework</b>
2.1	Types of land ownership and land use rights allocation
2.2	Moldova Law/regulation on Land Acquisition, Resettlement and Compensation
2.3	Applicable WB Policy, scope of Application of WB ESS 5
2.4	Gap Analyses - National Legal Framework for Expropriation and the WB ESS 5
2.5	Project Specific Entitlements.
<b>3</b>	<b>Scope of Land Acquisition and Resettlement</b>
3.1	Introduction
3.2	Summary of Impacts
3.3	Impact on Land
3.4	Impact on Fruit Trees
3.5	Impact on Government Land, Buildings and Structures
3.6	Impact on Businesses and Income
3.7	Significantly Affected Households (Income Loss)
3.8	Impact on Poor and Vulnerable Households
<b>4</b>	<b>Income Restoration and Resettlement</b>
4.1	Loss of Livelihoods in the Project
4.2	Provisions of Loss of Livelihoods
4.3	Income Restoration Measures
<b>5</b>	<b>Socio Economic Profile of the Affected Population</b>
5.1	Socioeconomic Survey Methodology
5.2	Socioeconomic Profile of Surveyed Households

RAP Tentative Table of Contents	
5.3	Key Facilities in the Surveyed Households
5.4	Gender, Ethnicity and Religion
5.5	Age and Marital Status
5.6	Education
5.7	Employment, Income Sources and Expenses
5.8	Women and the Vulnerable in Project Area
<b>6</b>	<b>Information Disclosure and Stakeholders Engagement</b>
6.1	Overview
6.2	Consultations with Stakeholders and Project Communities
6.3	Information Disclosure
<b>7</b>	<b>Grievance Redress Mechanism and SIMC</b>
7.1	Overview
7.2	Grievance Resolution Process
7.3	Functioning of the SIMC within the Grievance Redress Mechanism
7.4	Duties of SIMC Members
7.5	SIMC Complaint Register, Records and Documentation
<b>8</b>	<b>Institutional Arrangements</b>
8.1	General
8.2	Core Agencies and Organizations
<b>9</b>	<b>RAP Principals: Valuation Method in Moldova</b>
9.1	Valuation methodology of permanent or temporary lost assets
<b>10</b>	<b>Resettlement Plan Budget</b>
10.1	Background
10.2	Compensation for Land and Trees
10.3	Compensation for Residential Land, Residential cum Commercial Lands and Commercial Lands
10.4	Compensation for Buildings, Structures and Improvements
10.5	Assets Registration Cost
10.6	Compensation for Business and Income Losses
10.7	Budget Summary
<b>11</b>	<b>Resettlement Action Plan Implementation Schedule</b>
11.1	Introduction
11.2	RAP Implementation Schedule
<b>12</b>	<b>Monitoring and Reporting</b>
12.1	Monitoring and Reporting Requirement
12.2	Internal Monitoring
<b>Annexes</b>	
Annex 1-1	List of PAPs (Owners and Tenants)
Annex 2-2	Socioeconomic Survey Report
Annex 3-3	Report on public and stakeholder consultations (List of Participants + Photographs)
Annex 4-4	Cut-Off-Date Declaration
Annex 5-5	Decision on SIMC Establishment
Annex 6-7	Grievance Redress Reporting Formats
Annex 7-8	Flowchart of Grievance Redress Mechanism

