

SECTION 7. TERMS OF REFERENCE

TERMS OF REFERENCE

A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the sub-basin upstream of Kraków) - Preparation of design documentation, including obtaining administrative permits and Author's Supervision during implementation under the future Poland's Building Climate Resilience in Water Management Project, including the preparation of bidding documents necessary to select contractors for future works.

March 2025

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General information

1.1 Definitions

No.	Term	Definitions
1	Employer/Client	The State Water Holding Polish Waters, on whose behalf the Regional Water Management Authority in Kraków is acting.
2	Consultant	A firm/legal person that is employed by the Employer to perform the services described in these bidding documents.
3	Assignment	A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the sub-basin upstream of Kraków) - Preparation of design documentation, including obtaining administrative permits and Author's Supervision during implementation under the future Poland's Building Climate Resilience in Water Management Project, including the preparation of bidding documents necessary to select contractors for future works.
5	Month	The term "month" is understood as 30 calendar days.
6	Day	It means a calendar day.
7	Project Board	A team of specialists managing and coordinating the Assignment, composed of the staff of RZGW Kraków, RZGW Gliwice, the Project Coordination Unit, and the National Water Management Authority (KZGW) as well as the Consultant's representatives.
8	Project	Building Climate Resilience in Water Management Project
9	OVFMP	Odra-Vistula Flood Management Project

1.2 List of abbreviations

No.	Abbreviation	Full name
1	uRBMP II	2nd update of the River Basin Management Plan
2	PCU	Odra-Vistula Flood Management Project Coordination Unit
3	PIU	Project Implementation Unit
4	WB	World Bank
5	KZGW	National Water Management Authority
6	MI	Ministry of Infrastructure
7	FRM and FHM	Flood Risk Map and Flood Hazard Map
8	ToR	Terms of Reference
9	Polish Waters	State Water Holding Polish Waters
10	FRMP	Flood Risk Management Plan
11	RZGW	Regional Water Management Authority
12	ESMP	Environmental and Social Management Plan

13	RAP	Resettlement Action Plan
14	EIA	An environmental impact assessment within the meaning of the Act of October 3, 2008 on Access to Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments (Dz. U. (Journal of Laws), consolidated text of 2024 item 1112, as amended)
15	ESIA	Environmental and Social Impact Assessment
16	SEP	Stakeholder Engagement Plan
17	ESF	Environmental and Social Framework
18	ESS	Environmental and Social Standards
19	ESMF	Environmental and Social Management Framework
20	RPF	Resettlement Policy Framework
21	AWZ	Land Ownership Title Deed
22	lwh	Mortgage register number
23	KW	Land Register Title Deed
24	5.7.1	A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the sub-basin upstream of Kraków), including flood protection for the city of Kraków

1.3 General Description of the Project

The Client/Government of Poland (GoP) is preparing a new Building Climate Resilience in Water Management Project (BCRWMP) (the Project) for international financing. The objective of the Project is to continue providing flood protection for millions of people living in major cities and industrial areas of Poland along the Upper and Middle Vistula Basin and Nysa Kłodzka catchment; mitigating droughts that affects millions of water users in Poland; and preserving and enhancing the water quality, environment environment quality, and biodiversity in the river systems through restoration of natural courses of some rivers and wetlands, and strengthening the water quality monitoring of river systems, taking into account the observed climate change. Objective of this particular sub-project is to increase the flood storage capacity along the upper and middle River Vistula channel by constructing polders and storage reservoirs.

The Project includes the following Components:

COMPONENT 1. Reduce flood risk in the Upper and Middle Vistula Basin using nature-based solutions.

COMPONENT 2. Reduce drought risk through increased retention of multi-purpose reservoirs and increased importance of gray and green solutions.

COMPONENT 3. Strengthening institutional capacity in mitigating the risk of floods and droughts, and improving water quality monitoring.

COMPONENT 4. Project Management and Monitoring & Evaluation.

The scope of the future Project includes, under the Component 1 *inter alia*, the sub-project for the implementation of the investments selected under Program 5.7.1. The Assignment to be now contracted: *Preparation of design documentation, including obtaining administrative permits and Author's Supervision, for the investment: "A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the*

sub-basin upstream of Kraków)” is a two stages of preparation for implementation of the investments indicated in the preferred option under Program 5.7.1.

1.4 Purposes of the Assignment

The objectives of this Assignment is to prepare design documentation, including obtaining administrative permits and Author’s Supervision during implementation, for the investment: “A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the sub-basin upstream of Kraków)”, which is being prepared for implementation under the future new Poland’s Building Climate Resilience in Water Management Project (BCRWMP), including the preparation of bidding documents necessary to select contractors for future works. The purpose of the service to be provided by the selected Consultant is to prepare the investments for implementation in the areas mentioned in these Terms of Reference (ToR) or any other areas determined by the Parties, in close cooperation with all interested parties as well as in compliance with the law and the international standards for this type of work.

The main scope of these consulting services involves in the **Stage I** is the preparation of design documentation and bidding documents, documentation related to environmental measures and measures mitigating social impacts (ESIA, ESMP), geological and engineering documentation, and other necessary documentation. Thereafter, in Stage II - making use of the prepared Stage I Tender Design and Costed BoQ, the client (GoP) will acquire a Loan/Grant from international financing institutions such as the World Bank, Council of Europe Development Bank and the European Union, etc. for the implementation of the project using international and local construction contractors. The Consultants of the Stage I will be required to provide support to the Employer in the selection of a Works Contractor(s), and the of Author’s Supervision (Implementation Support Consultants) over the execution of the Works based on the design documentation prepared, in compliance with the FIDIC standards required by the World Bank (ESF), the provisions of law of the land and EU legislation.

Under the Odra-Vistula Flood Management Project (OVFMP), RZGW Kraków commissioned the implementation of a concept entitled “A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the sub-basin upstream of Kraków)” as part of Contract 5.7.1 implemented under the OVFMP. This concept provides for a reduction of the flood hazard and risk in the Little Vistula and Upper Western Vistula water regions, with special attention to flood protection for the city of Kraków. This study output has been taken into Component I of the new project BCRWMP. The purpose of this Assignment is to perform the work described in these ToR associated with the preparation of design documentation for the investments specified under Contract 5.7.1, Feasibility Study Design.

Given the ongoing climate change and the predicted increase in maximum flows in the coming years, measures need to be taken that will allow for a safe passage of flooding water through the defined diked channel of the Vistula River (passing through the area within the administrative boundaries of the city of Kraków) without the risk of its being overtopped. Actual flood flows in future can be higher than those based on which the currently operating flood embankments have been built, which may lead to their failure. The storage of part of floodwater in the polders, and thus reducing peak flows within the river channel, will allow the embankments to be additionally protected against destruction and their current technical parameters to be maintained under changing environmental conditions. Flood protection will be provided for about 100,000 people, together with existing municipal infrastructure, and industrial and agricultural land areas. The next Program 5.7.2 entitled “Retention activities program as an element of flood risk management in the Upper Western Vistula and Upper Eastern Vistula water region between Kraków and Zawichost”, currently being prepared by RZGW Kraków, will be a continuation of the Program 5.7.1. The implementation of the activities specified in Program 5.7.1 will affect not only the area covered by the above-mentioned Program, but also the areas located in the Vistula River valley downstream of Kraków. Thanks to the construction of the polders upstream of Kraków, the water level at the Sierosławice stream gauging station will be

lowered by about 50 cm for a Q1% (1 percentflow) . Due to the large tributaries (the Raba, Szreniawa, Uszwica, and Dunajec Rivers) that feed into the Vistula downstream of Kraków, the effect of the polders on the water level in the Vistula disappears and it is necessary to undertake measures also in this area.

The main assumption and objective of Program 5.7.2 is to obtain polder retention capacity and to implement other flood protection measures in the Vistula River valley between Kraków and Zawichost in order to reduce negative flood effects by enhancing the capacity of the Vistula River to capture the flood wave coming mainly from the right bank tributaries of the Vistula downstream of Kraków.

1.5 General description of the Assignment and the parts of the Assignment

This Assignment is a widely understood design and structural engineering service, including the same consultant for Author's Supervision, which involves as Stage I - designing, and obtaining necessary approvals, decisions, and permits, including a Construction Permit (the so-called Investment Implementation Permit), together with the preparation of necessary bidding, environmental, land acquisition, and social documents in accordance with Polish law and WB requirements, and thereafter in Stage II- the phase of implementation the same consultant performance of Author's Supervision duties in connection with the implementation of the investment Assignment . As part of the guarantee granted to the Contracting Authority for the Design Documentation, the Consultant will provide Author's Supervision of the Documentation, including assistance in answering Contractor's questions during tender proceedings for the selection of Contractors for Construction Work. The author's supervision of the construction work will be carried out as part of the Construction Phase. The provisions of Author's Supervision phase will come in later, after the Loan and Grant acquisition process is complete in coming years, and the ToR is therefore to describe the implementation and manning schedule description for the current assignment in anticipation of such services soon. Important to note that there is time gap between Stage I and the Stage II, and the fact that realization of the Stage II is contingent upon obtainment of the Loan and Grant from the International Lending Agencies. The Consultant is required to submit in their proposal a separate Manning Schedule and Operation Plan for the Stage I and Stage II activities, and separate financial proposals so that it is easy to make the consultancy contract(s) in case of a significant time gap in between. The current financing arrangement of the Client for the Consultancy Services is that Stage I will be entirely financed by its own resources, while Stage II will be realized and funded only after the Loan and Grant of the International Financing Institutions funds.

The main CPV (Common Procurement Vocabulary) codes are as follows:

71242000 - 6 Project and design preparation, estimation of costs
71248000 - 8 Supervision of project and documentation
71000000 - Architectural, construction, engineering and inspection services
71242000 - Project and design preparation, estimation of costs
71250000 - Architectural, engineering, and surveying services
71250000 - Architectural, engineering, and surveying services
71320000 - Engineering design services

Detailed Terms of Reference

A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the sub-basin upstream of Kraków), including flood protection for the city of Kraków provides for the construction of the following 11 polders and 2 storage reservoirs in the area of operation of RZGW Kraków and RZGW Gliwice:

a) Czernichów polder

The proposed location of the Czernichów polder is on the left bank of the Vistula River (at km 873.900 of the Vistula chainage according to the FHMs and FRMs) in the village Czernichów, Municipality of Czernichów, Kraków County, Małopolskie Voivodeship.

The Czernichów polder basin area will be 73 ha. The storage capacity of the planned polder will be about 2.34 million m³.

b) Kłokoczyn polder

The proposed location of the Kłokoczyn polder is on the left bank of the Vistula River (at km 882.700 of the Vistula chainage according to the FHMs and FRMs) in the villages of Kłokoczyn and Rusocice, Municipality of Czernichów, Kraków County, Małopolskie Voivodeship.

The Kłokoczyn polder basin area will be 272 ha. The storage capacity of the planned polder will be about 8.29 million m³.

c) Rusocice polder

The proposed location of the Rusocice polder is on the left bank of the Vistula River (at km 885.500 of the Vistula chainage according to the FHMs and FRMs, which corresponds to km 138.740 of the Vistula according to the traditional chainage) and it is partly situated in the village of Rusocice, Municipality of Czernichów, Kraków County, while its eastern part is located in the Municipality of Brzeźnica, Wadowice County, Małopolskie Voivodeship.

The Rusocice polder basin area will be 155 ha. The storage capacity of the planned polder will be about 5.72 million m³.

d) Rozkochów polder

The proposed location of the Rozkochów polder is on the left bank of the Vistula River (at km 893.380 of the Vistula chainage according to the FHMs and FRMs) in three municipalities: Babice (Chrzanów County), Zator (Oświęcim County), and Alwernia (Chrzanów County), Małopolskie Voivodeship. The proposed polder will be to the south-east of the village of Rozkochów.

The Rozkochów polder basin area will be 169 ha. The storage capacity of the planned polder will be about 6.5 million m³.

e) Olszyny polder

The proposed location of the Olszyny polder is on the left bank of the Vistula River (at km 897.120 of the Vistula chainage according to the FHMs and FRMs) in the villages of Jankowice and Rozkochów, to the south-east of the village of Olszyny (Municipality of Babice, Chrzanów County, Małopolskie Voivodeship) and in the village of Smolice (Municipality of Zator, Oświęcim County, Małopolskie Voivodeship).

The Olszyny polder basin area will be 345 ha. The storage capacity of the planned polder will be about 10.24 million m³.

f) Mętków A polder

The proposed location of the Mętków A polder is on the left bank of the Vistula River (at km 900.750 of the Vistula chainage according to the FHMs and FRMs). The location of the inlet into the polder on the upstream side is accepted as the design cross-section. The Vistula catchment area closed by the design cross section is 5607.5 km².

The Mętków A polder basin area will be 54 ha. The storage capacity of the planned polder will be about 1.56 million m³.

g) Mętków B polder

Polder Mętków B polder is on the left bank of the Vistula River (at km 899.400 of the Vistula chainage according to the FHMs and FRMs). The location of the inlet into the polder on the upstream side is accepted as the design cross section. The Vistula catchment area closed by the design cross section is 5607.5 km².

The Mętków B polder basin area will be 172 ha. The storage capacity of the polder will be about 4.5 million m³.

h) Gromiec polder

The proposed location of the Gromiec polder is on the left bank of the Vistula River (at km 911.500 of the Vistula chainage according to the FHMs and FRMs) in the villages of Gromiec, Żarki, and Libiąż Mały, Municipality of Libiąż, Chrzanów County, Małopolskie Voivodeship.

The Gromiec polder basin area will be 185 ha. The storage capacity of the planned polder will be about 3.3 million m³.

i) Smolice polder

The proposed location of the Smolice polder is on the right bank of the Vistula River (at km 893.720 of the Vistula chainage according to the FHMs and FRMs) in the village Smolice in the urban-rural Municipality of Zator, Oświęcim County, Małopolskie Voivodeship. The proposed polder will be located on the northern side of the village of Smolice in the Lipowa settlement and to the north-west of the village of Miejsce.

The Smolice polder basin area will be 36 ha. The storage capacity of the planned polder will be about 1.46 million m³.

j) Wiśnicz polder

The proposed location of the Wiśnicz polder is on the right bank of the Vistula River (at km 890.500 of the Vistula chainage according to the FHMs and FRMs) in the village of Wiśnicz, Municipality of Spytkowice, Wadowice County, Małopolskie Voivodeship. The proposed polder will be located on the northern side of the village of Spytkowice, to the east of Miejsce and to the west of the villages of Dębina and Przewóz. The proposed polder is surrounded by the oxbow lakes Miejsce, Oko, and Krajskie.

The Wiśnicz polder basin area will be 130 ha. The storage capacity of the planned polder will be about 4.94 m³.

k) Kopanka polder

The proposed location of the Kopanka polder is on the right bank of the Vistula River (at km 863.000 of the Vistula chainage according to the FHMs and FRMs), at the mouth of the Skawinka River and to the north of the villages of Kopanka and Skawina, in the urban-rural Municipality of Skawina, Kraków County, Małopolskie Voivodeship.

The Kopanka polder basin area will be 56 ha. The storage capacity of the planned polder will be about 1.7 million m³.

And the Two Wet Reservoirs are:

l) Gostyń reservoir

The proposed location of the Gostyń reservoir is on the Gostyń River at km 19.800. The location of the dam of the planned reservoir is accepted as the design cross-section. The Gostyń River catchment area closed by the design cross section is 88.67 km².

m) Łąka-Mizerów reservoir

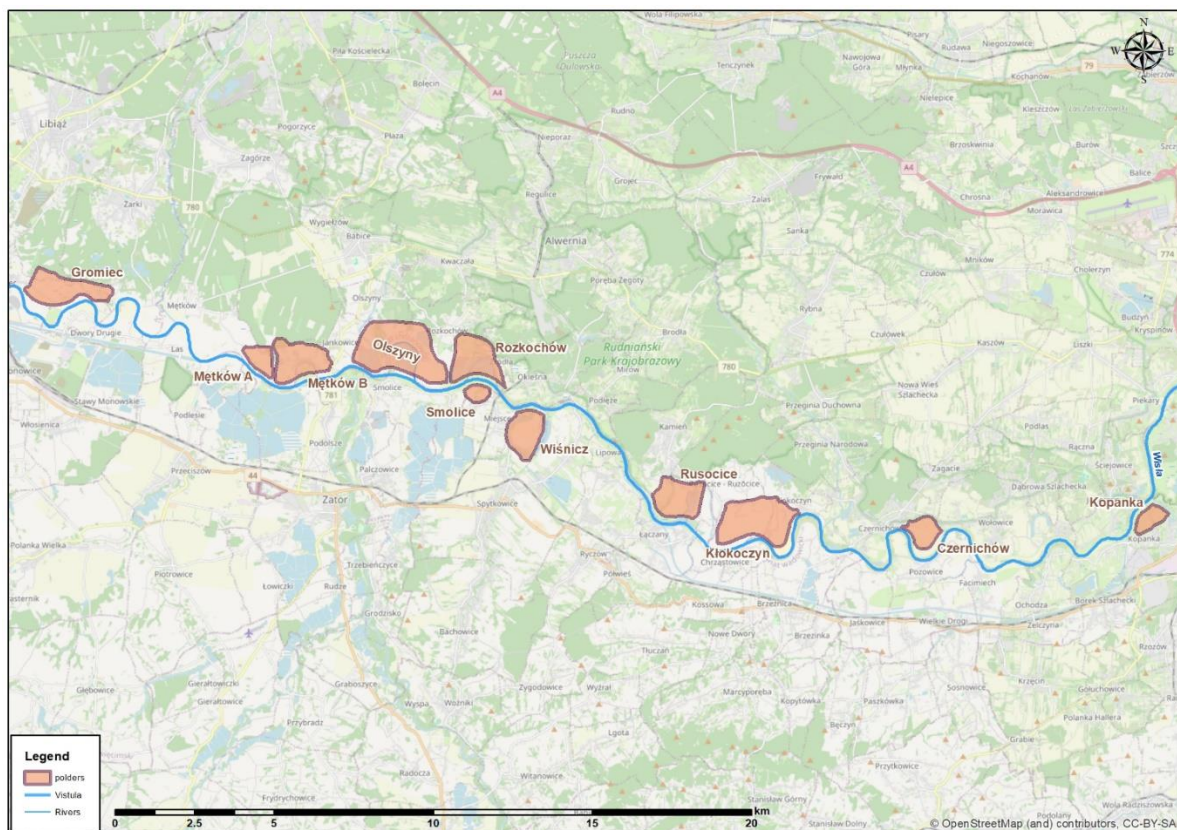
The proposed location of the Łąka-Mizerów reservoir is on the Pszczynka River at km 29.200. The location of the dam of the planned reservoir is accepted as the design cross-section. The Pszczynka River catchment area closed by the design cross-section is 87.88 km².

The polders will be controlled devices, and thus there will be interaction between them, taking into account the movement of the culmination of the surge flood wave.

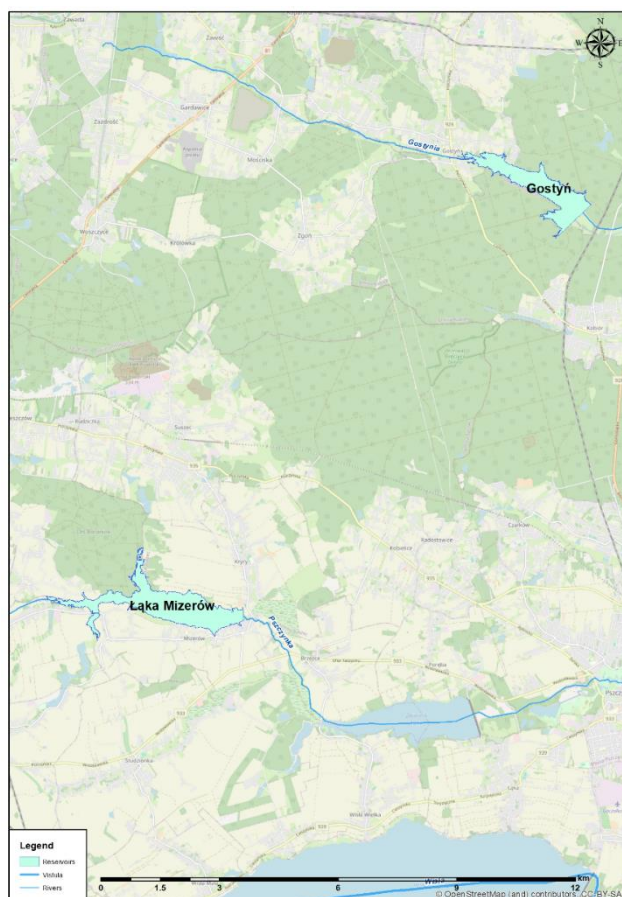
The summarized table of the proposed 11 polders and the 2 wet reservoirs are as below.

Name of polder/reservoir Polder	Capacity [mln m³]	Maximum Polder/Dam height (m)	The size of the potential land to be acquired [ha]
Czernichów Polder	2.34	6	About 73
Kłokoczyn Polder	8.29	7	About 273
Rusocice Polder	5.72	5	About 155
Rozkochów Polder	6.50	6	About 169
Olszyny Polder	10.24	7	About 381
Metków A Polder	1.56	6	About 239
Metków B Polder	4.50		
Gromiec Polder	3.30	5	About 183
Smolice Polder	1.46	6	About 34
Wiśnicz Polder	4.94	6	About 135
Kopanka Polder	1.70	6	About 54
Reservoir Gostyń	3.10	max. height of the dam - 5.60 m	About 166
Reservoir Łąka Mizerów	2.70	max. height of the dam – 4.90 m	About 247
Total Dry Polders and Wet Reservoirs	56.35		About 2109

Map showing proposed polder locations:



Map showing proposed Reservoirs locations:



1.6 Available data

At the current stage, the Employer has the following documents:

Concept 5.7.1 “A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the sub-basin upstream of Kraków), including flood protection for the city of Kraków”, including the attachments:

The Inception Report

Report No. 1

Report No. 2

Report No. 3

Report No. 4 including The Feasibility Study,

The Strategic Environmental Impact Assessment, along with the Environmental Impact Forecast including The Social Impact Forecast for the recommended option, including a preliminary public campaign plan.

The Final Report

The Closing Report

1.7 Scope of services to be provided by the Consultant

The Consultant will be selected from among national and international short-listed firms with experience meeting the relevant requirements, which will submit their Expressions of Interest (EoI) in response to the Request for Expressions of Interest (REoI). The Consultants’ Qualifications Selection (CQS) method will be used, following the World Bank’s Procurement Regulations: the World Bank Procurement Regulations for IPF Borrowers Procurement in Investment Project Financing Goods, Works, Non-Consulting and Consulting Services, Sixth Edition, February 2025 , and in accordance with the World Bank’s Standard Procurement Documents concerning consulting services: Request for Proposals (RFP) Consulting Services for Supervision [project management] of Infrastructure Contracts [such as Plant and Works], February 2025 .

Under this Assignment, payments are planned to be made based on a lump-sum contract. The detailed payment schedule will be based on the following Milestones of the Outputs:

- ***Preparation ESIA for each polder and reservoir***
- ***Preparation of a technical and economic concept***
- ***Obtaining an environmental permit***
- ***Preparation of an ESMP***
- ***Preparation SEP***
- ***Obtaining a water law permit***
- ***Preparation of a RAP for each polder and reservoir***
- ***Preparation of a Construction Design and Detailed Designs***
- ***Obtaining a construction permit***
- ***Preparation of Bidding Documents***
- ***Author’s Supervision - under the granted documentation warranty***

It should be indicated that payment will be made after the respective Milestone has been accepted / the respective permit has become final.

The main purpose of these consulting services is to prepare in the Stage I-Design and Structural Engineering Documentation, obtain necessary Permits and Approvals, including a Construction Permit, and prepare Bidding Documents and Tender Drawings as well as other documents necessary to implement the investment programs which are required by the World Bank standards, including in particular a RAP and site-specific ESIA's and corresponding ESMPs, and taking into account the relevant World Bank standards (ESF)¹ related to environmental and social measures, in particular the following:

Assessment and Management of Environmental and Social Risks and Impacts (ESS1);
Labor and Working Conditions (ESS2);
ESS3 Resource Efficiency and Pollution Prevention and Management (ESS3);
Community Health and Safety (ESS4);
Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5);
ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources (ESS6);
Cultural Heritage (ESS8);
Stakeholder Engagement and Information Disclosure (ESS10).

The consulting services should be performed in compliance with Polish law, the national standards for this type of work, including those applicable at the Employer's organization (the Polish Waters good practices), as well as the international standards, including the ESF and those arising from, among others, the Environment, Health and Safety Guideline (EHSG)² and the Good International Industry Practice (GIIP) Guideline of the World Bank. The standards of the Services to be provided by the Consultant should also include the following, where appropriate: (i) taking into account the issue of climate change in a construction design; (ii) incorporation of all obligatory requirements regarding the accessibility of new buildings and structures, as defined in the national primary or secondary legislation, in the design; (iii) where technically and financially feasible, the use of any additional measures necessary to meet the requirement of universal accessibility (i.e. undisturbed access for people at every age and with different abilities in different situations and circumstances, by the GIIP) in the designs of new buildings and structures; (iv) any applicable requirements concerning certification or approval by competent authorities or professionals; and (v) the dam safety requirements under the World Bank's ESS4. .

For each of the polders, separate design documentation with site-specific ESIA, and ESMP as well as RAP (where applicable) **should be prepared in accordance with the below scope.**

The Consultant's activities will include but not be limited to the following:

1. Prepare an environmental analysis, taking into account the World Bank standards according to ESF and ESS Standards (1,2,3,4,5,6,8 and 10) and the EU standards.
2. Perform a Environmental and Social Impact Assessment – (ESIA) including identification of stakeholders, taking into account the World Bank standards and the existing (if) strategic environmental assessments for the investment project to: (i) identify potential social risks, including the following, among others: the impact of the works on the local population, the health and safety of local communities, involuntary land acquisition and resettlement, and measures for protection of employees involved in the implementation of the investment project; (ii) assessment of social vulnerability and identification of sensitive receptors (i.e., residential areas, public facilities, cultural heritage, etc.) that could be potentially impacted, (iii) analyze the relevant legal and institutional frameworks as well as the local land use plans and

¹ The ESF standards are available at the following World Bank website:

<https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

² <https://www.ifc.org/en/insights-reports/2000/general-environmental-health-and-safety-guidelines>

development plans related to any identified social risks, including the grievance redress mechanisms; and (iv) identify key stakeholders and prepare a Stakeholder Engagement Plan (SEP)³ in accordance with the World Bank's ESS10 and the existing project communication and engagement strategy, whose aim is to promote social license to operate, build stakeholder participation and support for the proposed investments and solutions as well as to identify measures for the strategic objectives and engagement at the investment level (as part of this activity, stakeholder engagement at the strategic level will only be implemented);

3. Implement site specific/targeted stakeholder engagement to identify and determine the scope of potential risks, fears, and mitigation measures, including obtaining feedback that will help prepare a public consultation process scenario, together with the disclosure of the documents and participation at the investment level, and help prepare grievance redress mechanisms.
4. Determine measures that may prevent, reduce, or mitigate the risks identified under the environmental and social risk analysis ESIA and which will allow any gaps in the existing legal and institutional frameworks, including the grievance redress mechanisms, to be eliminated. Such measures should be based on the strategic stakeholder engagement processes.
5. Assess comments received as part of the stakeholder engagement and incorporate them in ESIA with regard to cumulative impact assessments.
6. Cumulative and downstream impact assessments, particularly on aspects related to community health and safety, livelihoods, biodiversity, etc.
7. Prepare and if necessary update or revise Environmental Impact Assessment Reports.
8. Prepare and if necessary update or revise Resettlement Action Plans, including their public consultations under the ESF requirements, and Environmental Management Plans for the activities mentioned in subparagraphs a) – m) of chapter 1.5 above.
9. Develop and prepare required pre-design documentation, including analyses and expert reports.
10. Prepare a Construction Design and a Detailed Design and drawings, a Bill of Quantities, an Engineer's Cost Estimate, Specifications for the Execution and Acceptance of Construction Works, and an inventory of vegetation, including a tree management plan.
11. Prepare Geological and Engineering Documentation in light of additional data obtained during the FS design to date, including obtaining any necessary permissions, permits, and approvals of the geological administration.
12. Once the ESIA is approved and environmental permits are obtained - prepare an ESMP for each contract.
13. Effectively obtain any necessary approvals, permits, and decisions that will enable the execution of works in such a way that the requirements set by the financing institutions are met, in particular, the following permits:
 - a) *an Environmental Permit*, including any decisions, approvals, and other elements necessary to obtain this permit;
 - b) *a Water Law Permit*, including any decisions, approvals, and other elements necessary to obtain this permit;
 - c) *a Construction Permit according to the Act of July 8, 2010 on Special Rules for the Preparation and Implementation of Investments related to Flood Control Structures*, including any decisions, approvals and other elements necessary to obtain this permit; and
 - d) any other administrative approvals and permits required by law and necessary to perform this Assignment.
14. Prepare bidding documents based on the pink FIDIC book to select contractors for the Works, Services, and Supplies, including providing support to the Employer in conducting the tenders at the stage of preparing answers to bidders' questions and during the process of selecting a contractor(s).
15. Carry out promotion and information activities.
16. Under the granted documentation warranty provide Author's Supervision over the Documentation. In the case of execution of Stage II, to perform Author's Supervision over the Works, including making changes in the design documentation, if necessary, as part of this Assignment. Author's Supervision will be provided from the date specified in an instruction to

³ <https://thedocs.worldbank.org/en/doc/909361530209278896-0290022020/original/ESFTemplateESS10SEPJune2018.docx>

commence the Works until the date of completion of the Works, including the Defects Notification Period indicated in a separate notice.

17. In the course of obtaining administrative decisions If necessary, prepare additional expert reports and hydraulic models.
18. In the course of obtaining administrative decisions provide legal advisory services.
19. Provide assistance in entering into agreements on cooperation and collaboration with different entities for the purpose of implementing this Assignment.
20. Translate documents into English/Polish.
21. Analyze the operational effectiveness of the flood protection system after the completion of the Project.
22. Perform all other activities and tasks not mentioned in the above-mentioned scope which the Employer could not foresee at the stage of preparation of the Request for Proposals, but which will be necessary to be performed as part of the provision of these services to properly implement the Project.
23. Participate in periodic visits of the Banks (missions) and in meetings related to environmental and social activities as well as provide technical support to the Client in preparing such visits.

The detailed scope of activities to be performed by the Consultant is described below.

Note: The scope of services may change, be supplemented or reduced as necessary and at any time during the performance of this Assignment.

MAIN OUTPUTS OF THE CONSULTING SERVICES:

1. A review/update of the selected options.
2. Design documentation (construction designs, detailed designs and Tender Drawings).
3. Administrative permits, opinions, and approvals to be obtained as part of this Assignment.
4. Site-specific Environmental and Social Impact Assessment (ESIA) and corresponding Environmental and Social Management Plans (EMPs) to address all applicable ESS requirements concerning ESS1, 2, 3, 4, 5, 6, 8, and 10, including updates, if necessary.
5. Resettlement Action Plans (RAPs) to be prepared as part of this Assignment, including updates, if necessary.
6. Stakeholder Engagement Plans (SEPs) to guide stakeholder and community engagement, public consultations, disclosure and grievance management.
7. Bidding documents for contracts for the Works and other necessary required supervision services, e.g. Investor's supervision, environmental supervision.
8. Preparation of a detailed Schedule of the Consultant's activities and, if necessary, an Investment Implementation Schedule.
9. Author's Supervision in anticipation over the execution of the Works, including making changes in the design documentation, if necessary, throughout the entire period of execution of the Works.

General comments:

All detailed studies must be consistent with the hydrological documents prepared and approved at the regional and national level, even if due to this it will be necessary to reduce or increase the above-described list of the tasks.

Contracts for the Works will be carried out in accordance with the World Bank procedures. Procurement processes will be conducted in accordance with the standards of the International Bank for Reconstruction and Development (called the World Bank) and based on the provisions of the Act of September 11, 2019 – Public Procurement Law (consolidated text Dz.U. (Journal of Laws) of 2024 item 1320, as amended) and/or in accordance with the International Competitive Bidding (ICB) method based on the FIDIC procedures (the so-called Red Book).

The Consultant's obligations will include the preparation of documents and submission, on the Employer's behalf, of applications for the following: opinions, approvals, administrative notices and permits, necessary to implement the investment (including an environmental permit, a water law permit, and a construction permit) as well as making any additions and revisions to such documents until the said approvals or permits have been obtained. Before such applications are filed to the relevant authorities, drafts of particular complete applications, including any attachments, should be submitted to RZGW Kraków and RZGW Gliwice to review and approve them (in accordance with the procedures applicable at Polish Waters).

The above-mentioned applications, signed by the Director of RZGW Kraków / RZGW Gliwice, respectively, will be filed to the relevant authority by the Consultant.

The preparer of the documentation may not be an Attorney filing applications and notices and representing the Applicant, i.e. the Polish Waters President, before the administration authorities.

The Consultant is obliged to know all regulations issued by any European and Polish (central and local) authorities as well as any other regulations, rules and guidelines, including the requirements set by the financing institutions, which are related in any way to the service to be provided, and will be fully responsible for the compliance with their provisions during the preparation of the documentation.

The Consultant will observe any patent rights and will be fully responsible for complying with any legal requirements regarding trademarks, names or other protected rights in relation to any design, computer hardware and software as well as any materials or equipment used in or related to the preparation of the design documentation. Any losses, legal action costs, charges and expenses that result from the failure to comply with this requirement or are associated with the violation of any patent right by the Consultant will be covered by the Consultant.

The Consultant is obliged to perform the assigned services in a timely manner. In the case of untimely performance of the services, the Employer will be entitled to commission the substitute performance of the services to a third party at the Consultant's cost. The Consultant agrees that the cost of such substitute performance may be deducted from remuneration due to it or, should the remuneration of such a substitute contractor be higher, the Consultant undertakes to unconditionally pay the difference at the Employer's first demand.

1.8 TASK A (Stage I). PRE-DESIGN AND DESIGN WORK

The requirements regarding pre-design and design documentation as well as permits, approvals, and decisions that the Consultant to be selected in this tender will be obliged to prepare and/or obtain and/or collect are shown below.

The Consultant is responsible for organizing the process of preparing the design documentation in such a way that the assumed objectives of this Assignment will be achieved in accordance with the provisions of the Contract. The responsibility for methods used to prepare the design documentation rests on the Consultant.

The Consultant is obliged to provide persons holding appropriate design licenses.

Photocopies of all acquired requirements, agreements, approvals, and opinions should be handed over to the Employer on a regular basis, within time limits that will enable the Employer to use the appeal procedure, if necessary.

1.8.1 *Preparation of preliminary documentation – technical concepts*

The Consultant will prepare a technical concept, containing at least three options of assumed design solutions, including a preliminary economic and environmental analysis.

The final number of options for design solutions will be determined by the Consultant and agreed with the Employer/ Client. However, the concept should be such that the assumed objectives of the project described in Concept 5.7.1 will be achieved. At the same time, competent institutions should give, on an initial basis, their opinion on the options included in this concept with regard to the feasibility of their implementation, while the option to be included in the concept documentation at the later stage of implementation of the service must be accepted by the Employer/Client.

In particular, the baseline situation should be shown as option 0, while subsequently location and technological options should be prepared as well as the option resulting from the provisions of Polish, EU and international law, including the provisions set in Art. 66 of the Act of October 3, 2008 on Access to Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments (Dz. U. (Journal of Laws) of 2024 item 1112, as amended), should be indicated as follows:

- the option proposed for implementation and a rational alternative option, including multi-criteria analysis;
- the option most favorable to the environment and society in accordance with the mitigation hierarchy principle, arising from ESS1 and ESS5, whose preferred method of implementation is, in the first place, to avoid the impact (environmental or expropriation), including in particular physical and economic displacement, while secondly, to minimize these impacts, and thirdly to mitigate or offset the unavoidable negative impacts ;

including a justification for their selection and the presentation of financial and environmental costs (understood as the monetary value of environmental losses caused by the use of waters – following Art.9(1)(5ba) of Water Law) for the individual options.

Moreover, an assessment should be made of the impacts of all options on the water protection objectives, which include, according to the Water Framework Directive, the achievement of the environmental objectives, understood as the achievement and maintenance of the good status of bodies of surface water and bodies of groundwater, and those specified for protected areas referred to in Art. 317(4) of the Act of July 20, 2017 – Water Law (Dz. U. (Journal of Laws) of 2024, item 1087), and therefore the following should be done, in particular:

- Identify bodies of surface water and groundwater located within the project impact area and specify the environmental objectives assigned to them;
- Determine project impact factors concerning all elements included in the assessment of the status of waters (i.e. biological, hydro-morphological, and physicochemical elements) based on the Regulation of the Minister Infrastructure of June 25, 2021 on the classification of the ecological status, ecological potential and chemical status, and the method of classifying the status of a body of surface water, as well as environmental quality standards for priority substances (Dz. U. (Journal of Laws) of 2021 item 1475), including an assessment of the importance of identified impacts on such elements and a justification for the identified risk (or its absence) to the implementation of the environmental objectives as a result of the occurrence of specific impact factors. The assessment of the impact on the status of waters at the project implementation and operation stage should be conducted for all options analyzed;
- When assessing the importance of the impact of the options on the water protection objectives, the Consultant should take into account the requirements related to the obligation to achieve the environmental objectives provided for in Art. 59(1-3) of Water Law.

If the possibility of impairment of the functionality of an ecosystem is identified, mitigation measures should be proposed. They should be developed by an Environmental Management Expert and presented to the design team. This team should determine feasible technological and execution changes in alternative solutions, also taking into account the proposed new technological

implementations (additional solutions protecting the environment), whose effect should be the maximum possible reduction of the extent of such previously identified negative impacts (for each option). However, economically justified solutions based on the use of natural environmental resources, termed Nature-Based Solutions (NBSs), should be preferred. The assessment of the impact of this hydraulic project (with respect to the options analyzed) on the status of waters should be made by taking into account the following, in particular:

- maps showing legally protected areas, including among others Natura 2000 sites and sites planned for such protection - geoserwis.gdos.gov.pl/maps/;
 - results of monitoring of other investment plans and projects in the form of an assessment of possible transboundary and/or cumulative environmental and social impacts during and after the implementation of the projects considered;
 - results of environmental inventories conducted by the Consultant for the purpose of obtaining administrative permits (an environmental permit and water law permits) to the extent and time determined by the requirements contained in arrangements with the local administration competent for environmental protection and water management;
 - results of site visits conducted by the Consultant for each option of the investment within its implementation area and within the expected extent of its impact with regard to the occurrence of animate and inanimate nature elements, cultural property, and archaeological artefacts, including a proposal for exploratory investigations;
 - preliminary identification of land acquisition requirements including potential restrictions on land use associated with the project's investments.
 - identification of host communities' concern and feedback, including any assessment of social license to operate in all the proposed schemes (polders and reservoirs).
-
- supplemental research of specialist literature dealing with the area considered with respect to the occurrence of forms of legal nature protection, archaeological finds, surface and groundwater management, or if there is no such literature, a preliminary analysis of animate and inanimate nature elements (based on site visits conducted for each option of the investment in its implementation area and within the expected impact range);
 - an assessment of the risk of UXO presence in the project area, including proposed guidelines for a UXO search noted in the ESIA and ESMP;
 - the strategic documents (the updated Vistula River Basin Management Plan, the updated Flood Hazard Maps and Flood Risk Maps, and the updated Flood Risk Management Plan);
 - materials from the relevant crisis management teams (at the municipal, county, and regional level).

The developed options should also indicate elements required by Polish, EU, and international law, in particular the following:

- flood-prone areas are understood as the areas specified in the Preliminary Flood Risk Assessment where there is a significant flood risk or a significant flood risk is probable (Art. 169(2)(1) of Water Law);
- special flood hazard areas (in accordance with Art. 169(2)(2) of Water Law);
- specification of the method for meeting the flood risk management objectives (per Art. 172(3) of Water Law), by determining, among others, the number of:
 - protected population;
 - protected industrial facilities (the number and type of private, public and industrial facilities as well as the estimated or book value of property protected as a result of the investment);
 - protected historical sites (protection class, specification of the most valuable sites);
 - the size of the protected area.

The Consultant will conduct appropriate financial, economic, social, and environmental analyses and prepare, after agreement with the Employer, design and bidding documentation for all the project activities.

1.8.2 Preparation of the basic design documentation (a construction design and a detailed design)

The Consultant will prepare::

1) separately for each polder/reservoir

- A construction design that will enable the Works to be carried out based on the option shown in Concept 5.7.1 *A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the sub-basin upstream of Kraków), including flood protection for the city of Kraków*, including any changes arising from the need to adjust/modify the optimal technical solution, if necessary;
- A detailed design;
- A site-specific Environmental and Social Impact Assessment (ESIA) and corresponding Environmental and Social Management Plan (ESMP) and Stakeholder Engagement Plan (SEP) to address the national law requirements as well as ESS1, ESS2, ESS3, ESS4, ESS6, ESS8, and ESS10.
- A Resettlement Action Plan (RAP) in line with the national law and World Bank's ESS5 requirements;

2) Bidding documents for the Works and industry-specific Supervision, optimized in packages, depending on the progress in the preparation of the design documentation and obtaining administrative permits.

The detailed scope and form of the construction design should meet the requirements set out in Building Law and in similar related legislation that must be complied with in order to implement the project activities. The construction design is the basis for the preparation of a detailed design. All design documentation should be prepared using BIM technology.

The detailed design should contain additions to the a.m. documentation to include issues important from the point of view of:

- the possibility of making a clear assessment and valuation of the subject matter of the contract by bidders bidding for a contract for the construction Works;
- any issues and costs related to the planning and implementation of land acquisition and resettlement required for the implementation of the investment;
- the needs associated with the future process of carrying out the construction Works.

The detailed design will also include costed Bill of Quantity (BoQ) calculations and Technical Specifications for the Execution and Taking Over of the Works as well as any necessary approvals and opinions that will enable the Works to be carried out.

The Consultant should include any activities resulting from the possibility of occurrence of sites of historical, archaeological, etc., significance.

The Consultant is obliged to have the design documentation reviewed in terms of its compliance with regulations, including technical and construction ones, by a person holding a designer's license without limitations in the relevant specialization or by a construction expert as well as by the RAP team/specialists so that the adopted solutions are optimal in terms of land acquisition and comply with the WB standards in this respect.

The Consultant's tasks will include the following:

1. Prepare construction and detailed designs; for this purpose, the Consultant will conduct investigations, site visits, a field reconnaissance survey of the project area in historical/archaeological/UXO terms, review of the FS and analyses, and prepare design reports regarding the functionality and use, which will take into account the requirements of the contracting authorities related to the tender requirements, in particular, associated with:

- a) field conditions;
 - b) the technical standard and the use;
 - c) the need to meet the requirements concerning technical innovations, including the least costly technological and structural solutions;
 - d) architectural and aesthetic requirements;
 - e)
 - f) functionality, durability, and operation requirements;
 - g) maintenance following acceptable standards;
 - h) avoidance of environmental and social impacts.
2. Conduct exhaustive investigations at the Site and collect all information required to assess current field conditions.
 3. Carry out surveying measurements to the extent necessary to determine and update the optimal elevation and height of the hydraulic structures, select the optimal location, and reliably estimate the required quantity of the Works.
 4. Carry out field geotechnical investigations that may be required to determine the basic design parameters for the dams/structures and spillways to be constructed and identify appropriate borrow areas (or disposal areas, if necessary) for materials and aggregates. In particular, the Consultant will conduct an analysis of technical, environmental and social impacts of any spoil material that can be generated during the carrying out of the Works and prepare a detailed design for safe disposal of such material and a soil management plan.
 5. Prepare design criteria and detailed designs that will include supporting calculations for the planned dams/structures, channels, embankments and other Works in accordance with the international standards applied. Drawings will be prepared to the extent necessary to estimate costs and enable contractors to prepare their bids.
 6. Obtain all required permissions and approvals, including consents to enter the properties/plots, the land owners' consents to use their land, etc., in accordance with the requirements of the WB standards, and obtain any necessary administrative permits required by law.
 7. Acquire necessary extracts and maps from the land registry and carry out necessary property subdivisions, including the preparation of property valuations.
 8. If it is necessary to obtain a tree removal permit and approvals from the relevant Conservator of Monuments, the Consultant will obtain them as part of this Service.
 9. Choose appropriate materials, optimize and select optimal materials that comply with the requirements of the WB standards and meet the relevant technical requirements and which enable the quantities of Materials, Works, etc., to be estimated for the purpose of preparing bids.
 10. Prepare Technical Specifications and drawings necessary to prepare bidding documents as well as prepare Bills of Quantities (BOQs) and bidding documents. The bidding documents will be prepared in accordance with the World Bank standards, while in the case of large contracts – in accordance with the International Competitive Bidding (ICB) procedure used based on the World Bank's Standard Bidding Documents, which are based on the FIDIC Conditions of Contract.
 11. Prepare Engineer's Cost Estimates for the Works, including the requirements for construction supervision, as well as for equipment, material testing labs, on or off the Construction Site, as necessary, facilities, personnel, or any other special requirements.
 12. Provide Author's Supervision over the execution of all the Works to be carried out as part of the investment.
 13. Prepare a final report and quarterly progress reports showing the progress in the execution of the Works covered by this Assignment.
 14. Prepare a feasibility report for any works for which no feasibility study has been prepared, but which are necessary to be carried out.
 15. Make an environmental and social impact assessment and prepare a plan of mitigation measures (an Environmental Management Plan, a Resettlement Action Plan, and other documents, if necessary).

If any elements not mentioned in this ToR are necessary to perform the Service provided for under the Contract, the Consultant will prepare relevant designs and documents and obtain necessary

administrative permits and decisions. Such documentation should be prepared in compliance with the requirements of Polish and EU law as well as the World Bank standards, including its translation into English, if necessary.

1.8.3 *Preparation of legal and formal documentation*

The Consultant will prepare:

1. Design documentation, including any associated documentation.
2. Materials for an application for a location permit for the investment.
3. Materials for an application for an environmental permit.
4. Materials for an application for a water law permit.
5. Materials for an application for a construction permit, an investment project implementation permit, or any other permit that will allow the Works to be carried out.
6. Materials for an application for a tree removal permit.
7. Materials for an application for any other decision/permit.
8. Materials for the acquisition of the properties and, where required, for resettlement.
9. Materials related to the RAP and site-specific ESIA and ESMP, taking into account any administrative permits obtained and in compliance with the World Bank ESS Standards.
10. Bidding documents for construction works and necessary construction supervision.

On behalf of the Employer and based on an authorization given by the Employer, the Consultant will:

- a) obtain all required opinions, approvals, and permits;
- b) file relevant applications and conduct any activities necessary to obtain the required permits;
- c) actively participate in the process of obtaining the permits by providing clarifications and making required changes and additions to any materials, applications, and documentation.

At the bidding stage, the Consultant will:

- 1) support the Evaluation Committee in project-related tenders conducted by the Employer in responding to questions asked and also where it is necessary to change/modify the design documentation;
- 2) at the Employer's request, perform the role of an expert in project-related tenders conducted by the Employer, e.g. in the event that equivalent solutions are proposed in a bid.

Moreover, the Consultant will promptly prepare any documents required to obtain necessary administrative approvals, permits, and decisions in order to ensure an efficient implementation of the Project.

Furthermore, the Consultant will obtain consents to use land for construction purposes from all entities from which such consent will be required to be obtained.

The Consultant will promptly provide any documents, i.e. the maximum time limit to prepare a response, accepted by the Employer, to a request for a clarification/revision of any application required during the investment process may not be more than 7 days, counting from the next working day following the date of receipt of a respective letter by the Consultant. If there are no formal or technical obstacles, independent of the Consultant, the time limit to prepare successive applications for any required permits may not be more than 7 days from the date of obtaining a final decision or permit preceding the issuance of the decision or permit to be obtained under the respective application.

1.8.4 *Preparation of surveying documentation and formal and legal documentation*

In this respect, the Consultant's tasks will include the following:

1. Update the maps from the register of land and buildings.

2. Prepare, update, and supplement maps for design purposes.
3. Prepare surveying and cartographic documentation associated with the acquisition of properties and temporary land use as well as with other property use restrictions.
4. Prepare documentation associated with land subdivisions, including among others conducting cases related to the delineation of the bank line.
5. Prepare land subdivision plans necessary to obtain Construction Permits, including the determination of the bank line (internally for the sake of the State Treasury and externally for the sake of the owners of any adjacent properties).
6. Prepare a property subdivision plan in the form of a land subdivision survey that shows the subdivision of the parcels necessary to construct the engineering structures; the number of parcels will be determined by the Consultant. A complete set of documentation should include, among others, maps containing property subdivision plans prepared under the separate regulations and lists of land changes:
 - a summary list of land changes;
 - a synchronization list (comparative, cadaster records);
 - the separation of mortgage bodies where one cadastral parcel includes several mortgage bodies;
 - a summary expropriation list that includes all parcels to be acquired – both parcels resulting from the subdivision and parcels that are included in whole in the planned investment. The left side of the expropriation list, under item 1, should contain the last name, first name and address according to the current legal status of a property, while under item 2, the data from the land records. The parcel area should be shown in m². The a.m. list should also contain the following: lwh number (mortgage register number), KW number (Land Register title deed number), AWZ number (land ownership title deed number), notarial deed number, and land register number. At the end of the list of land changes and of the expropriation list, a summary of all parcels included in the planned investment should be given, including the specification of the designation and the type of acquisition/use) Parcels, assets and any informal and unregistered activities must be identified in line with ESS5. The assessment should also cover any existing land uses (both formal and informal) and identification of livelihoods impacts due to expropriation and restrictions on land uses, with measurable indicators on livelihood;
 - examination of the legal status of all properties included in the planned investment (designated for the investment in whole or to be subdivided), copies of records of examination of the mortgage register number (lwh), the Land Register title deed (KW), entries in the Land Register, copies of land ownership title deeds (AWZ), copies of decisions, copies of notarial deeds, copies of certificates of inheritance);
 - a cadastral map showing the investment area, indicating the planned subdivision of properties and the area necessary to construct the engineering structures as well as existing utility infrastructure, and also indicating properties that are part of the investment where no Works will be carried out, with delineating boundaries of the investment area – as an attachment to a construction permit application;
 - copies of certificates showing the boundary (submitted to the County Geodetic and Cartographic Documentation Centre (PODGiK));
 - a copy of a surveying outline (submitted to the County Geodetic and Cartographic Documentation Centre (PODGiK)) (this is a dimensioned copy of the cadastral map containing, among others, the numbers of the boundary stones, the lengths of the frontages, the location of control points, and the chainage of the project according to the construction design).
7. Prepare necessary documents that will regularize the formal and legal status of the properties after obtaining a construction permit (among others, applications for registration in the cadaster, etc.).
8. Prepare censuses, socio-economic surveys, identify livelihood impacts, vulnerable groups or individuals and valuations of assets of people directly affected by the project (e.g. resettlement, restrictions on land uses) – property valuations to determine and pay compensation as part of the implementation of the RAP.

The data regarding the parcels necessary to be expropriated or temporarily used, or subject to any other restrictions (in particular their area, cadastral designation, legal status), will be specified by the Consultant because this information fully depends on design solutions adopted for implementation.

In each case, the Consultant will make sure that any adverse impacts on people during the land acquisition and resettlement process will be avoided, while where it is impossible to avoid them, the Consultant will minimize such impacts. Any activities undertaken in this respect will be documented.

1.8.5 *Preparation of geological, geotechnical, engineering, and hydrological documentation*

The Consultant's tasks will include the following:

1. Preliminary investigation of geological conditions.
2. A plan of geological works, including obtaining approval from the relevant geological administration authority.
3. A program for tests of geotechnical soil parameters concerning both the existing structures and new planned ones.
4. Documentation of soil tests and the geotechnical conditions for foundations of the engineering structures.
5. Quality tests of the physio-mechanical characteristics of construction materials to be used for the structures and facilities, including an assessment of their technical condition.
6. A hydrogeological assessment report.
7. Hydrological calculations for design purposes.
8. Assessment of environmental damage, if necessary.
9. Designs for compensatory measures.
10. Documents associated with a historical/archaeological survey of the project area.
11. Conducting a pre-construction search for unexploded ordnance.

The Consultant will specify the number of necessary tests referred to above, with the reservation that it requires the Employer's approval, but the Employer's approval of their scope does not release the Consultant from the responsibility for the quality and suitability of such documentation for the achievement of the purpose for which they are intended. When preparing the documentation, the occurrence of complex and/or complicated soil and water conditions should be taken into account. The Geological and Engineering Documentation should be prepared in compliance with applicable legislation.

1.8.6 *Format of design documentation*

For each polder and reservoir, separate design documentation will be prepared, including necessary administrative permits, in 5 hard copies in Polish and 1 hard copies in English language..

For each polder and reservoir, a separate site-specific ESIA and corresponding Environmental and Social Management Plan (ESMP) and a Resettlement Action Plan (RAP) will be prepared in 2 hard copies.

Together with the conventional (printed) version of the documentation, the Consultant should also submit the documentation in electronic version (2 copies) in "Word" and in "PDF" format, unless otherwise stated below.

The guidelines for the electronic version:

1. All design documentation should be provided in .pdf format (i.e. scans of the entire paper version of the documentation signed by the designers and reviewers, including scans of the signed drawings); only the pages containing any data protected under the Personal Data Protection Act of August 29, 1997 (Dz.U. (Journal of Laws) of 2019 item 1781, as amended), should be excluded.
2. Basic plan views and projections of the land development plan in a format that allows viewing and editing in CAD, GIS type software.

3. The plane rectangular coordinate system PUWG-2000, geodetic coordinates in the EUREF-89 system, the PL-EVRF2007-NH height datum.
4. Bills of quantities as files in a format compatible with .prd and .rds.
5. A bid cost estimate as files in a format compatible with docx, .doc, .dot.
6. An engineer's cost estimate as files in a format compatible with .ath and .rds.
7. The text and tabulated documents in a format that allows editing in applications such as WORD and EXCEL.
8. The calibrated and verified hydraulic models should be submitted in electronic form, including a complete set of the input and output data in formats that enable them to be opened, edited and saved in MIKE software or, if it is impossible, in some other software. In such case, the Consultant will provide to the Employer free access to the "read-only" version. Any model calibration reports should also be attached, including the calibration results obtained.
9. Photographic and video (drone) documentation from the area of the planned polders/reservoirs (including.jpg files).

1.8.7 *Protection and preservation of design documentation and input materials*

The Consultant will be responsible for protection of the design documentation and any input materials used and received during the provision of the service. The Consultant will keep the design documentation and input materials until their submission to the Employer.

1.8.8 *Performance of measurements, investigations, calculations and expert reports*

General requirements

The Consultant will conduct all necessary measurements, investigations and assessments (expert reports), both those specified in these Terms of Reference and other ones that are not included in these ToR, but whose preparation the Consultant considers to be justified and necessary to properly perform the entire service being the object of this Assignment.

The Consultant will use methods for conducting measurements and tests, when making inventories, and calculation methods, when making assessments of the technical condition and carrying out the design work, which comply with the requirements of the Contract, the applicable legislation, the relevant standards, and the principles of technical knowledge.

Securing land for carrying out measurements and investigations

Any costs of obtaining permissions in this regard and the costs of securing land for carrying out measurements are not subject to a separate payment and they are assumed to be included in the contract price.

Compliance with the regulations when carrying out measurements and investigations

During the carrying out of measurement and investigation work (inventories), the Consultant is obliged to know all environmental protection, fire protection, and occupational safety and health regulations as well as other related regulations resulting from Polish law, EU law and WB Policies (ESF)

Materials for investigations and design work

When performing investigations and design work, the Consultant will only use materials that meet the requirements of Polish legislation as well as the relevant standards and guidelines applicable in this respect.

The Consultant will carry all costs of purchase, transport and use of materials and any other costs that prove to be necessary in connection with the performance of the service.

1.8.9 Control of Design Documentation Quality

1. Supervision of the Employer over the design process

The Employer will provide ongoing oversight over the compliance of the performance of the service with the requirements of the Contract during meetings with the Consultant. During the duration of the service, the following types of meetings concerning the design documentation will be held:

- a) Review of design documentation – a meeting at the Consultant’s office or the Employer’s office with the participation of the Employer and the Consultant as well as any other invited parties, if necessary, whose main objectives are the following:
 - assess the current progress in the design work;
 - regularly assess the compliance of the design documentation with the requirements of the Contract, which will be done by the Employer;
 - discuss current problems and solve them, if necessary.
- b) Project meeting – a meeting at the Employer’s office, with the participation of the Consultant and the Employer as well as any other invited parties, if necessary, whose main objectives are the following:
 - The consultant’s presentation of a report on the current progress in the performance of the service;
 - the Employer’s presentation of findings from reviews of the design documentation;
 - discuss current problems and solve them, if necessary.

Project meetings will be held at the Employer’s office with a frequency: as necessary.

- c) Working visit - a meeting that takes place outside the Employer’s office, with the participation of the Employer and the Consultant as well as other interested parties, aimed at making clarifications and working arrangements, which is combined with a visit to the site that the design documents relate to or a visit to the respective party’s office.

Working visits will be held at the initiative of the Consultant or the Employer.

The Employer and the Consultant may demand from each other that any people that have an impact on the timeliness and correctness of preparation of any documents to be provided under the Contract participate in such meetings.

The Consultant should provide to the Employer necessary assistance in carrying out working reviews of the design documentation. During such reviews, the Employer should have the possibility of easy access to the design documentation under preparation. During the reviews, the people responsible for project management as well as the relevant designers, verifiers and authors of the design documentation should be present. The Employer will assess the compliance of the design documentation being prepared with the requirements of the Contract based on the results of its own inspections and the results of internal inspections provided by the Consultant (a document confirming the conducting of an internal inspection will be provided to the Employer and such document will be signed by the verifiers and the General Designer). If any inspection results show that the Consultant’s reports are unreliable, in such case the Employer will rely exclusively on the results of its own inspections. The Employer may commission repeated or additional inspections to an independent entity at the Consultant’s cost. The Employer will provide to the Consultant written information on any deficiencies found. If such deficiencies are serious enough to negatively affect the quality or timeliness of the documents, the Employer may immediately suspend the Consultant’s work until a Remedial Action Plan is submitted to the Employer and implemented. The Employer will permit any further work only after the Consultant’s deficiencies have been removed and the quality of the design work is appropriate.

2. Supervision of the Consultant over the design process

The Consultant is responsible for organizing the system of supervision and internal control over the performance of the service, to be agreed and approved by PIU .

All costs associated with organizing and conducting the Consultant's own control as well as with preparing reports on such control will be carried by the Consultant.

3. Assignment-related documents

During the performance of the service, the Consultant and the Employer will create documents that will form the documentation of the process of performing the service and the documentation of inspections conducted.

Such documents include the following:

- a) memoranda and minutes of meetings related to the design documentation;*
- b) correspondence between the Employer's representatives and the Consultant;*
- c) the Consultant's correspondence with third parties;*
- d) any assessments, opinions, approvals, permits, review reports, etc., obtained for the design documentation.*
- e) audit reports and inspection reports, including their analysis made by the Consultant;*
- f) memoranda of meetings with the public and third parties.*

Assignment-related documents will be kept by the Consultant in an appropriately secured place. Any assignment-related documents will always be available to the Employer or its authorized representative.

1.8.10 Scope of work regarding environmental, social and land acquisition activities

1.8.10.1.1 Environmental and Social Management Plan (ESMP), Environmental and Social Impact Assessment (ESIA), and other required

The scope of work regarding environmental, social and land acquisition planning (i.e., Resettlement Action Plans), site-specific Environmental and Social Impact Assessment (ESIA), and corresponding Environmental and Social Management Plan (ESMPs/EMP), etc.

Preparation of environmental and social documentation as specified in the Environmental and Social Management Framework (ESMF):

- Screening of environmental and social impacts;
- A preliminary environmental and social impact assessment study (a valuation of nature in the area intended for the investment, impacts on host communities, impacts on vulnerable groups, identification of sensitive receptors, downstream and cumulative impact assessment);
- An environmental and social impact assessment report for the planned investment, including a detailed analysis of the impacts and effects of the investment to be implemented/Project Information Sheets, materials for applications for permits to derogations from certain activities towards protected species.;
- Materials for applications for decisions on the requirements for carrying out the works, supply chain assessments and associated risks (i.e., child and forced labor)
- A tree survey;
- A hydraulic assessment report ~~must be included in ESIA~~;
- An inventory of habitats;
- Impacts on land acquisition and restrictions on land use (i.e., livelihoods, temporary service disruptions, etc.)

- Identification of Associated Facilities under the World Bank's ESF (where applicable)⁴
- An inventory of cultural heritage (tangible and intangible);
- Water quality investigations;
- Occupational Health and Safety and Community Health and Safety risk assessments
- Consultations with project stakeholders, focusing on directly impacted stakeholders; Providing extensive information about the project prior to the consultation.
- Site-specific Environmental and Social Management Plans as an obligatory element of the bidding documents. Integral to the ESMPs, Stakeholder Engagement Plans (SEPs) for each site shall also be prepared to address the World Bank's ESS10 requirements.
- Analysis of alternatives to avoid and/or minimize adverse environmental and social impacts.
- Other expert reports, e.g. related to the Water Framework Directive.

Note: for details of ESIA, ESMP and other documents, please see the World Bank ESS1, and relevant Annexes.

The detailed scope of measurements, investigations, and analyses necessary to prepare the above-mentioned documents will be determined by the Consultant itself, having previously determined the scope of the adopted design solutions as part of the preparation of the design documentation. Such activities should be conducted in accordance with the Environmental and Social Management Framework (ESMF). The output documents will be prepared in full compliance with both Polish law and the ESMF. For each individual contract, the Consultant will prepare a site specific ESIA and corresponding Environmental and Social Management Plan (ESMP), which will be developed using the templates contained in the ESMP. Draft Environmental Management Plans will be reviewed and approved by the PIU, in agreement with the PCU, and submitted to the WB for a no objection. The ESIA's will inform detailed engineering designs and relevant requirements in the ESMPs will form part of the bidding documents for works. This part of the design documentation will obtain the World Bank's no objection under a separate procedure than the design documentation.

The Consultant will ensure close cooperation of the design team and the environmental team during the preparation of the construction design documentation in order to incorporate environmental requirements in proposed technical solutions as effectively as possible.

The Consultant will prepare/update/revise these documents (among others the ESIA and ESMP) to the extent necessary. The Consultant will prepare, depending on the need, individual environmental and social impact assessments in compliance with the Polish legislation and the relevant European Union directives. The Consultant will obtain waivers (derogation decisions) of the prohibitions applicable to protected plant, animal or fungal species as provided for in the Nature Conservation Act.

This investment is to be implemented following the Polish environmental protection regulations, the European Union directives as well as the guidelines and procedures specified in the World Bank environmental and social standards, i.e. the ESF, and hence the Consultant will also be responsible for updating any environmental protection related documents and for their proper use. If there are any discrepancies in this respect between the Polish requirements and guidelines and those of the World Bank, in such case the World Bank's requirements will prevail.

The Consultant will acquire necessary data and information and prepare all environmental and social documents for all the Works associated with this Assignment which can be necessary to obtain a location permit, a construction permit, and any other permits for construction works and for the implementation of the project activities as well as to obtain financing from the European Commission, the CEB, the WB, and the Polish Government.

⁴ Associated Facilities" means facilities or activities that are not funded as part of the project and, in the judgment of the Bank, are: (a) directly and significantly related to the project; and (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist.

The ESMP should contain mitigation measures, a monitoring program, resource allocation and an institutional management/strengthening program that serve to implement the ESMP and related consultation activities. The Consultant will prepare a cost estimate for the implementation of the ESMP, the scope of works, the scope of activities, and a plan how different mitigation measures will be implemented either through modification of the Works Contracts related to the project structures or through additional works, for which the Consultant will prepare a design, or through technical support and training on the operation of the project structures, which will be conducted by the Consultant.

During the preparation of the concept and design documentation, the Consultant will prepare an Environmental Assessment and an Environmental Management Plan, as specified in the ESMF, for any elements that do not have such documents and for each contract (as an element of the bidding documents). After the completion of the concept, the Consultant will prepare ESIA reports and ensure that the environmental procedures are conducted in accordance with the above defined requirements and procedures, including its participation in the processes of public disclosure and consultation of draft ESMP documents and in those arising from the ESIA procedures.

The Consultant will carry out surveys to determine any “cultural property” (based on the definitions contained in ESS8 and, supplementally, in Polish and EU law as well as, where necessary, based on the definition of the Organization of United Nations), including any sites having archeological, paleontological, historical, and religious values as well as unique natural values in the area covered by this Assignment, and will also prepare relevant documentation for such sites. Moreover, the Consultant’s task will be to determine the impact, if any, that the Project may have on such cultural property and to develop a plan for its protection and preservation.

1.8.10.1.2 Social impact assessment and the preparation of a Resettlement Action Plan (RAP)

Preparation of Resettlement Action Plans (RAPs) as specified in the World Bank standards, in particular in ESS5 and ESS10

In cases where the process of screening related to the above-described activities was conducted and the Project’s potential impacts on the host community associated with involuntary land acquisition and restrictions on land use to implement the Project were identified, the Consultant should follow the objectives specified in the ESF, including in particular ESS5, i.e. restrictions on land use and involuntary resettlement of project affected persons. Such activities include the following, but are not limited to:

- Conduct a census and socioeconomic surveys.
- Define and inform project-affected persons about the dates of commencement and completion of the works.
- Prepare and conduct the public consultation process according to ESS10.
- Prepare property valuations and compensation packages.
 - ***In the case of physical or economic impact (e.g. loss of agricultural land) of resettlement or land acquisition on the population, prepare and execute appropriate resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project and restore their livelihoods, as the nature of the project may warrant.***
- Prepare Resettlement Action Plans (RAPs) for the individual investment activities. Draft RAPs will be prepared in accordance with ESS5 and ESS10. They will be reviewed and accepted by the Employer and, after they have been agreed with the PCU, sent to the World Bank for a no objection.

If necessary, RAPs will be adjusted and updated by the Consultant during the implementation of the Project, after obtaining approval from the Client and the World Bank.

For the different activities/works included in the Project, the Consultant will carry out an assessment of the Project on social issues, as provided for in the ESF, including in particular ESS1, ESS5, and ESS10, and in accordance with the provisions of Polish law as well as with the directives of the EU, the WB, and the CEB. Based on findings of the Social Impact Assessment, if any property is to be acquired permanently or used temporarily or any people will be affected by other impacts associated with the need to gain access to any property, the Consultant will prepare a full Resettlement Action Plan (RAP), which will be reviewed and accepted by the Employer, and agreed with the PCU as well as will require the World Bank's no objection to be obtained. In this context, the major activities to be carried out will include the following:

1. Update the assessments of the Project's impact on the society and prepare a Resettlement Action Plan (RAP) according to the Polish Government's policy, the World Bank standards contained in the ESF, in particular ESS5, the directives of the Council of Europe Development Bank, and the directives of the European Commission.
2. Collect data required to prepare the RAP, including the following, in particular:
 - a) a full census of project-affected persons - land owners (resident and non-resident), family members;
 - b) a full inventory of project-affected properties - parcels, structures, crops, fruit trees;
 - c) Identification of vulnerable persons,
 - d) an estimate of the Project's impact on the income of each household;
 - e) a census of people who have already been compensated for the loss of their properties and the immediate surrender of the land;
 - f) an assessment of the impact on income/standard of living of those who have already been compensated for the loss of their properties and the immediate surrender of the land;
 - g) a comparison and analysis of land valuation law;
 - h) an analysis of the standard practices for land valuation, acquisition, and expropriation;
 - i) documentation of activities aimed at avoiding/minimizing land acquisition/resettlement; and
 - j) A full description of options available to project-affected persons.
 - k) Identification of informal land uses and respective stakeholders.
 - l) Identification of other direct impacts associated with land acquisition such as loss of EU agricultural subsidies, and similar impacts
3. Prepare alternatives aimed at avoiding/minimizing the resettlement and displacement prior to the commencement of the implementation of the Project as well as during its implementation. Prepare alternatives aimed at minimizing the number of relocations by selecting relocation sites that are suitable and acceptable to local communities.
4. Design and implement a program to involve beneficiaries in project conceptualization, planning, and implementation and inform the general public about the Project as well as highlight the right of ownership.
5. Identify sites for relocation, involve project-affected persons, in accordance with ESS10, in preparing alternatives for relocation sites, and prepare a strategy for relocating the sites and buildings.
6. Develop a Stakeholder Engagement Plan (SEP) in accordance with ESS10.
7. Describe the legal framework, relevant local laws, and taxes that apply to resettlement, describe the relevant standards applied to each category of impact, specify specific implementation rules on which the agreed RAP will be based, describe methods for valuation of affected structures, land, trees, and other assets, prepare an entitlement matrix, and describe the grievance redress procedure related to compensation, appeal mechanisms, and the process of bringing cases to civil courts, develop escrow (court deposit) procedures for cases where PAPs are absent, unknown or have disputes over land /asset titles (this should include early engagement and outreach and continued assistance to access the proceeds placed into escrow)

8. Update any socio-economic surveys and identify project affected persons and the extent of the adverse impact on socio-economic conditions due to the Project's infrastructure during the carrying out of the construction works and after their completion.
9. Prepare an entitlement matrix for the relocation plan and action plan.
10. Determine the baseline situation, sketch all properties, houses, and other buildings, crop trees, and the geographic profile on a map covering the area that is included in the design work. Use video recording technology to facilitate the determination of the baseline situation.
11. Propose institutional and organizational activities for the implementation of the RAP, including cooperation with the Implementing Agencies, the local authorities, non-governmental organizations, and other related organizations.
12. Prepare a cost estimate for the RAP implementation, separately identifying administrative costs and costs of consulting services, equipment and compensation under major categories, such as: land, houses, trees and other assets, costs of preparation of alternative resettlement sites, etc.
13. Prepare a RAP implementation plan and identify critical path actions for a timely implementation of the Project.
14. The RAP will be updated and modified. The update will show the progress in its implementation and changes in the RAP implementation that will be necessary due to overall changes in the Project compared to the previous period.
15. The Consultant will ensure a proper implementation of RAP-related activities during the project implementation stage, including among others land acquisition activities, and for that purpose will prepare documentation as well as conduct/participate in negotiations with beneficiaries and activities aimed at obtaining local permits, etc. This will also include identification of alternative sites for the resettled population and their property as well as cultural property, the preparation of such sites, including planning, infrastructure, the provision of utilities, and replacement of houses/apartments/rented accommodation, etc.

Before the commencement of the designing of different elements of the activities mentioned in Component 1 of the Project, the Consultant will prepare a full RAP for each activity that will be required according to ESS5. The RAP should be prepared in accordance with the above described scope and activities, in compliance with the ESF standards, in particular ESS5. Consultations on the RAP should be conducted for the entire project area and all procedures must comply with Polish law as well as with the guidelines of the WB's standard ESS10, the CEB, and the EU. The RAP should be updated and modified periodically, if necessary.

1.8.11 (Stage II) -Author's Supervision - as part of Stage II, the implementation of which is contingent upon obtaining funds for financing the project

The Consultant will provide the Author's Supervision tasks during the execution of the Works based on the results of Stage I design documentation provided by the Employer and prepared under this Assignment, to the extent specified by Building Law, as well as during the Defects Liability Notification Period.

The Consultant's duties also include the provision of the full scope of the Author's Supervision tasks and activities, as set out in the provisions of the Act of July 7, 1994 – Building Law, as well as any analytical and design work carried out both at the Contractor's office and during visits to the construction sites and/or visits to the Employer's office, to be performed at the Employer's request/inquiry and/or at the request/inquiry of representatives of the building control authority (confirmed by the Employer), as part of which the Consultant will be obliged to do the following, in particular:

- a) with regard to the design documentation and the Works to be carried out:
- 1) assess the compliance of the execution of the Works with the assumptions of the design documentation;
 - 2) explain to the Employer any doubts regarding the design documentation;
 - 3) give an opinion on any technological and replacement designs prepared by the Works Contractor in terms of their compliance with the assumptions and requirements of the design documentation.
 - 4) give an opinion on the need to perform any additional work;
 - 5) make sure that the extent of changes introduced at the stage of execution of the Works does not cause a significant change in the approved construction design, which would require a new Construction Permit to be obtained;
 - 6) give an opinion (in terms of compliance with the assumptions of the design documentation) on the results of the geological investigations and other geotechnical documentation, submitted by the Works Contractor during the execution of the Works;
 - 7) adjust the design documentation, about particular disciplines, to conditions found at the Construction Site as well as to results of investigations and measurements conducted and submitted by the Works Contractor and/or by the Employer during the execution of the Works which differ from the results of any investigations, maps or other documents, and from any inventories made at the stage of preparation of the design documentation;
 - 8) submit to the Employer and Investor's Supervision representatives explanations of the reasons for any differences between the design documentation and the actual situation (also including any exceedance in bill of quantity items);
 - 9) give to the Employer, if necessary, exhaustive answers to questions related to the adopted design solutions and approvals obtained;
 - 10) prepare written explanations, opinions, analyses, approvals (including an extension of the dates of their validity), and any documents as well as perform any other activities related to the design documentation that are necessary to properly carry out the Works being the object of the contract;
 - 11) prepare additional or replacement design documents in relation to the solutions provided for in the original documentation where it is necessary and required to properly carry out the Works;
 - 12) prepare clarifications on the technical documentation and any changes made in it in the event that there are questions or objections from the institutions supervising the implementation of the project or from any entities authorized by them;
 - 13) advise in other matters concerning the design documentation which are associated with this Assignment (the construction process);
 - 14) because works under different work contracts may will be carried out on the same structures, make sure, as part of this Assignment, that such activities are carried out coherently, and if it is necessary to make changes in the design documentation, make sure that the integrity of the documentation for the individual activities is maintained;
- b) concerning to the activities carried out directly at the Construction Site, i.e. participation in technical committees and meetings as well as in the taking over process:
- 1) prepare materials necessary to perform Author's Supervision (for meetings, consultations, taking over, etc.);
 - 2) travel to the Construction Site and return to the unit providing Author's Supervision services;
 - 3) pay visits to the Construction Site and participate in meetings/consultations/taking over;
 - 4) deal with matters associated with Author's Supervision during a visit to the Construction Site (identification of a problem, assessment of the situation, performing all necessary tests and measurements);
 - 5) deal with matters associated with Author's Supervision after the return to the unit providing Author's Supervision services (including consultations with the Employer in all matters associated with Author's Supervision provided);

- 6) prepare replacement drawings and additional documents with regard to any issues raised during the performance of Author's Supervision at the Construction Site;
 - 7) make necessary arrangements and consultations;
 - 8) provide: per diem allowances, accommodation, transport, personnel upkeep, communication means, etc.;
- c) other duties:
- 1) ensure participation in Author's Supervision activities, at each request of the Employer, during the Defects Notification Period.

The specified catalog of duties does not exhaust the entire scope of the Consultant's contractual obligations. The fact that a given activity is not mentioned cannot be grounds for the Consultant to refuse to perform it.

The Consultant performs its contractual obligations through the Author's Supervision team, which includes Supervision Inspectors, including an environmental team and specialists from other disciplines necessary during the execution of the Works.

During the execution of the Works, the Consultant is obliged to prepare and submit to the Employer quarterly reports on Author's Supervision provided, which should contain the actual scope of activities in a given quarter, but the last report, being the final report, should at the same time be a summary of the implementation of the entire service.

Quarterly reports and the final report will be accepted based on certificates of acceptance of quarterly reports and of the final report signed by the Parties. The Consultant is obliged to perform the role of Author's Supervisor also during the Defects Liability Notification Period and the statutory warranty period with respect to the Works completed.

1.9 TASK B. TECHNICAL ASSISTANCE TO THE CLIENT

1.9.1 Cooperation with project stakeholders

The Consultant will cooperate with all project stakeholders, conduct consultations, and in particular participate in the process of making arrangements and holding talks with the agencies involved in the implementation of the Project. The Consultant will also participate in meetings with the central government and local governments. Cooperation with project stakeholders will be conducted based on the World Bank's standard ESS10. The Consultant will develop and implement a Stakeholder Engagement Plan (SEP) proportionate to the nature and scale of the project and its potential risks and impacts based on the guidelines contained in the World Bank's standard ESS10.

1.9.2 Support in Financial Management of the Assignment

The Consultant will provide assistance to the Employer/Client in management, reporting and making financial settlements, including the following, among others:

1. Provide information necessary to manage and supervise the Assignment.
2. Assist in effectively obtaining funds for the Assignment.
3. Ensure effective utilization of all funds obtained for the implementation of the Assignment.
4. Monitor funds available for the implementation of the Assignment.
5. Regularly prepare and submit in a timely manner financing plans for the Assignment and funding requirements, including disbursement projections for four successive quarters.

6. Prepare and submit in a timely manner monthly financial reports and other special reports agreed with the Client.
7. Collect and submit financial documents for reports and settlements.
8. Prepare data and reports necessary to file applications for the issuance or amendment of the decisions concerning the financing of the Assignment (with respect to all the financing sources).
9. Prepare application forms required by the institutions financing the Project in the scope agreed with the Client.
10. Assist in the completion of all elements of the Assignment and in making settlements for them until the closing date of the Assignment with respect to the project activities implemented by the PIU.
11. Make the final settlement of the Assignment, including assistance in accounting for the loan from the World Bank and for EU funds.
12. Classify the costs of the Assignment based on the co-financiers' recommendations.
13. Determine the method and form of settlements with the authorities cooperating with the Project Implementing Agency in the implementation of the Project, e.g. the Voivodeship Office or the Marshal's Office.
14. Assist in the valuation of the initial value of assets created as part of the investment.
15. Provide assistance in meeting the obligations to the external institutions (among others, the International Bank for Reconstruction and Development (World Bank), the Council of Europe Development Bank (CEB), the European Commission, etc.).
16. Prepare and update, on behalf of the Employer, physical and financial schedules as well as the project implementation schedule (in accordance with the requirements of the project co-financiers, in particular the World Bank).
17. If necessary, assist in preparing applications to modify the Financial Memorandum in accordance with the guidelines issued by the European Commission and the Intermediary Bodies.

1.9.3 Preparation of documentation and applying for funds from the European Commission

The Consultant will be responsible for preparing different documents necessary to obtain location permits, permits to carry out the Works, operation/use permits, or any other permits related to the structures included in the Project, throughout the entire period of project implementation. All work carried out under the different tasks specified above will be used as the basis for preparing documentation for such permits. The Consultant will be responsible for collecting additional data, results of investigations, and information necessary to prepare such documentation. The Consultant will also be responsible for preparing an application (or more than one application, as required), including all necessary attachments (among others feasibility studies, applications for co-financing, and all other necessary attachments), in accordance with the applicable procedures of a particular Fund in order to obtain financing from the European Commission and from the National Fund for Environmental Protection and Water Management (NFOŚiGW) for various works that are part of the Project involving the investments implemented by RZGW Kraków.

1.9.4 Support in preparing and conducting procurement processes

The Employer will commission the Consultant to prepare and conduct procurement processes in accordance with Polish and EU law and with the World Bank requirements.

The performance of the service will include the following actions and activities of the Consultant:

- 1) Determine the basic assumptions of the object of the procurement, based on the Standard Bidding Documents (SBD) agreed with the World Bank.
- 2) Define tender participation requirements that contractors bidding for a contract must meet and submit them to the Employer for approval.
- 3) Prepare a complete set of bidding documents.
- 4) Determine the appropriate procurement method.
- 5) Determine the value of a contract.
- 6) Prepare complete bidding documentation associated with the procurement process necessary to commence and conduct tenders, also including all advertisements and notices (to be published, e.g., in the UNDB, on the World Bank's external website, in dgMarket, the Polish Public Procurement Bulletin, and the EU Official Journal), based on the Standard Bidding Documents (SBD) agreed with the World Bank.
- 7) Publish/assist in publishing procurement notices.
- 8) Analyze and evaluate bids of contractors bidding for a contract at each procurement stage with respect to the following, among others:
 - a) examine the compliance of bids with the requirements of the bidding documents;
 - b) indicate the reasons for rejection of any bid, if necessary;
 - c) perform an analysis for a grossly low price (if applicable)
 - d) indicate the reasons of exclusion of any bidder, if necessary;
 - e) indicate the most advantageous bid or propose to cancel the tender.
- 9) Perform activities during the tender conducted, including the participation in the work of Evaluation Committees as their members or experts.
- 10) Prepare a complete report/minutes on the conducted and completed tender.
- 11) At the bidding stage, the Consultant will prepare responses to bidders' questions, including draft amendments to the bidding documents, if necessary.
- 12) Prepare materials and participate in appeal proceedings, if necessary.
- 13) Prepare the required number of hard copies of the complete bidding documents (where it is required by the procurement procedure based on the WB's Guidelines), including the designs and drawings, etc.
- 14) Provide support in publishing notices in the relevant tender journals, also published in English, if necessary.

The Employer's obligation will be to:

- 15) publish a procurement notice about the commencement of a tender and information about the activities to be performed during the tender in the UNDB, on the Bank's external website, in the Polish Public Procurement Bulletin, and the EU Official Journal;
- 16) appoint an Evaluation Committee;
- 17) authorize the Consultant's personnel to participate in the work of the Evaluation Committee as its members.

1.9.5 *Support in the acquisition and take-over of properties and the preparation/update and monitoring of the RAP*

If the investment is implemented based on a construction permit, conducting activities associated with obtaining the right to use properties for construction purposes, in accordance with Polish law and the environmental and social standards, the ESF. If there are discrepancies between Polish law and the World Bank standards, in such case the most stringent guidelines that are the most advantageous to project affected persons should be taken into account.

The Consultant's tasks will include the following, among others:

1. Assist the Employer in land acquisition, in particular holding/participating in negotiations, carrying out/participating in the expropriation process where negotiations fail, activities aimed at securing land for construction purposes, providing valuations of land, residential properties, plants and

property improvements as well as other assets, conducting processes related to temporary land use, and preparing memoranda of understanding, agreements, etc.

2. If necessary, provide assistance to the Voivode's services in signing memoranda of understanding / compensation agreements with the property owners in order to expedite the process of issuing compensation decisions by the Voivode.
3. Provide legal advice to people expropriated from the investment area.
4. Provide legal support in land acquisition for the purpose of implementing the investment.
5. Prepare valuations of land properties as well as plant components and building structures in the parcels designated for acquisition by the State Treasury. Property valuations will also be prepared for parcels subject to permanent restriction and to the obligation to relocate utility infrastructure, for the so-called "remaining land", i.e. properties that are not suitable to be used for the previous purposes, and for any other impacts that will require compensation to be determined based on a property valuation. Property valuations should be prepared according to the requirements set out in:
 - a) the Act of July 8, 2010 on Special Rules for the Preparation and Implementation of Investments related to Flood Control Structures (consolidated text Dz. U. (Journal of Laws) of 2024 item 274), pursuant to the requirements specified in Art. 21;
 - b) the Act of August 21, 1997 on Real Property Management (consolidated text Dz. U. (Journal of Laws) of 2024 item 1145, as amended);
 - c) the Act of July 7, 1994 – Building Law (consolidated text Dz. U. (Journal of Laws) of 2024 item 725, as amended);
 - d) the Regulation of the Council of Ministers of September 5, 2023 on the valuation of a real estate property and the preparation of a property valuation (Dz. U. (Journal of Laws) of 2023, item 1832, as amended);
 - e) the professional standards of property appraisers of the Polish Federation of Associations of Property Appraisers.

An integral part of a valuation of land properties and of vegetation and building components will be a list of values of parcels, which includes the following data, among others:

- ordinal number;
- owner, user and his address;
- soil class and use;
- parcel no.;
- Land Register Title Deed no. (KW no.);
- parcel area;
- unit price per 1m²;
- price of the parcel to be acquired;
- price of vegetation and building components.

An integral part of a valuation of vegetation and building components is a record of inventory of such components made by a property appraiser and signed by the owner or user.

NOTE: In the case of the investments implemented based on the Act of July 8, 2010 on Special Rules for the Preparation and Implementation of Investments related to Flood Control Structures (consolidated text Dz. U. (Journal of Laws) of 2024 item 274), **a property valuation should be prepared within 14 days** from the date of issuance of a construction permit, whereas the amount of compensation should be determined according to the condition of a property as of the date of issuance of the construction permit.

6. Agree with compensation for the properties to be taken over (permanent land acquisition, temporary land use, permanent land restrictions, and others).
7. In justified cases, cause notarized agreements to be signed and handle the entire process leading to their signing. Provide a notary public and include this cost in the contract price.

8. Regularize the legal status of the properties by registering the Title Deed in the Land Register for the respective property or file an application to change an entry in the Land Register Title Deed – according to the provisions set out in the Act of July 8, 2010 on Special Rules for the Preparation and Implementation of Investments related to Flood Control Structures (Dz. U. (Journal of Laws) of 2024 item 274).
9. The Consultant is responsible for monitoring the implementation of the RAP and submitting quarterly (or at another frequency required by the Employer) reports on the RAP implementation in a format agreed with the Employer.

The general rules for signing agreements:

- a) Agreements should be signed by the property owners or their attorneys in person.
- b) A power of attorney authorizing one to sign an agreement, certified by the relevant city or municipal office, should be attached to the agreement.
- c) Where a parcel is co-owned, an agreement must be signed by all the co-owners.
- d) If a married couple owns a parcel, an agreement should be signed by both spouses.
- e) In the event that the owner is deceased and no inheritance proceedings have been conducted, a list of heirs to a given parcel should be determined by the Contractor and attached to the record of agreement.
- f) If the owners do not consent to their land being used, this fact should be recorded in the record and the owners' signatures should be obtained.
- g) A tabulated list of agreements/memoranda of understanding/records of agreement should be made.
- h) Civil law agreements should be entered into in accordance with the applicable legislation (including in particular the following: the Civil Code, the Act on Real Property Management, and the Act on Special Rules for the Preparation and Implementation of Investments related to Flood Control Structures).
- i) Memoranda of understanding/records of agreement should be made in 3 copies. Agreements should be made in the form of notarial deeds (depending on the number of pages).

The Consultant will carry out the following activities, as specified in the ESF:

- 1. Monitor the implementation of the RAP and its compliance with the ESF standards, the requirements to mitigate and eliminate negative impacts, and common good practices in the area of expropriation.**
- 2. Provide experienced specialists in the area of social assessment, land acquisition, and resettlement. Such persons will be responsible for the supervision of all aspects related to land acquisition and resettlement. If necessary, such persons will represent the Client in contacts with the relevant authorities (also including non-governmental organizations).**
- 3. Prepare quarterly and annual reports on social issues and the resettlement process, taking into account any memoranda made during site visits. A summary of the activities carried out with respect to social issues and the resettlement process, including a description of all aspects and problems, should form a part of periodic reports and the RAP final reports on the implementation of the Assignment.**

1.9.6 Legal support

The Consultant will provide legal support throughout the entire period of provision of the service.

Legal support will relate to any formal and legal aspects whose solution will affect the effective implementation of the service.

The Consultant will provide advisory assistance in preparing the PIU for internal and external audits as well as assistance in adapting to any recommendations arising from such audits.

1.9.7 Conducting information and promotion activities in accordance with the World Bank's ESF standards, including in particular ESS10

As part of the information and promotion activities, the Consultant will be responsible for the following:

- 1. Ensure a professional level of contacts with the general public.**
- 2. Publish procurement notices and other documents resulting from the carrying out of procurements under the Project in the media.**
- 3. Support the Employer in preparing required information on the implementation of the Project for the media, including required materials for any radio/press/TV interviews/reports (the text and photos).**
- 4. Provide comprehensive organization of conferences (including among others the renting of conference rooms, support, catering, preparation of presentations, provision of equipment) and conduct conferences (not more than 3), at dates agreed with the Client.**
- 5. Prepare, within time limits and with the graphic design proposed by the Consultant and agreed with the Client, promotional materials, including A4 printed folders (300 pcs.), A5 50-page printed notebooks (300 pcs.), printed ballpoint pens (300 pcs.).**
- 6. Publish two information brochures about each contract (A4 folded to A5, color (4+4), paper: gloss art paper, 250 gsm) – this means the preparation of the text and the graphic design, preparation (dtp) for printing, and printing.**
- 7. During the term of the Contract, at each request of the Employer, the Consultant will prepare multimedia presentations using Microsoft PowerPoint software (or equivalent).**
- 8. Prepare and present multimedia presentations during meetings, including World Bank missions.**

In all meetings and conferences organized by the Employer, to which the Consultant will be invited to participate, and in press interviews associated with the implementation of the Project that are given by the Consultant, the Consultant must clearly stress the role of the World Bank and the European Union in co-financing the Project. All activities in this regard must be carried out in compliance with:

- the Visual Identity Guidelines for Contractors and Implementing Partners;
- the guidelines for conducting information and promotion activities related projects financed from the relevant EU Fund.

1.9.8 Translations

The Consultant will provide translations of all documents resulting from the implementation of the service that will need to be translated into English/Polish. Documents must be translated within the time limits required by the procedures that will result from the implementation of the service. Moreover, if necessary, the Consultant will also provide certified translations.

The Consultant will prepare documents in English, as required by the institutions supervising the Project, relating to specific financial, technical and legal issues associated with the Project and will also provide assistance in direct contacts with the European Commission in the role of an expert and an interpreter (if need be).

1.10 Personnel

1.10.1 Structure and management of the team

The Project Manager will be responsible for the management and coordination of the Team's activities. During his/her absence, the Project Manager would be replaced by the Deputy Project Manager.

The Project Manager will be responsible to the Employer for all matters associated with the coordination and performance of this Assignment.

1.10.2 Key personnel

To perform its obligations, the Consultant should provide highly qualified personnel.

The Consultant's personnel must have documented qualifications and experience in the areas that are of key importance for the performance of this service, including the following:

- a) designing and supervising over the execution of contracts for the Works in the areas adequate to these Terms of Reference;
- b) supervision over the execution of contracts for the Works co-financed by International Financial Institutions;
- c) supervision over the execution of contracts for the Works implemented following the FIDIC Conditions of Contract (depending on the agreed procurement method for the Works).

The Consultant should specify its own needs with respect to the work organization used and employ all necessary personnel required to effectively and efficiently implement the service.

The Consultant should provide to its team of experts, designers, and inspectors necessary support and technical assistance of other specialists (short-term experts) who may be necessary for the proper implementation of these Terms of Reference (i.e. geotechnical engineer, hydrogeologist, flood management specialist, public communication specialist, land acquisition specialist, fire protection expert, **materials engineer, experts for security, hydrology, hydraulic engineering, ichthyology, botany, habitat protection, fauna and flora species protection, archaeologist, etc.**). **Moreover, in addition to the above personnel, the Consultant** should provide, if needed, appropriate translation services necessary to effectively perform this Assignment.

Moreover – will witch regard to project character with high and substantial risk in the meaning of ESS1 par. 25 – Consultant is obliged to ensure team/s of independents environmental and social specialists / experts, cooperating and co-creating design documentation.

The list of **Key Personnel** shown below may not be exhaustive and can be supplemented by the Consultant if deemed necessary (for example: Dam safety experts, social specialist with experience/expertise in stakeholder engagement and grievance management)

Expert 1- Project Manager, Designer Engineer (1 person)- will have the following qualifications:

General qualifications

Higher technical education with a Graduate or Post Graduate degree.

In the last 15 years, in total at least 10 years of work experience in the preparation and/or review of design documentation for construction work and a license to hold independent positions in the construction industry following the requirements of the applicable Building Law without limitations in the field of structural and construction engineering with the specialization in hydraulic structures (or an equivalent hydraulic engineering license issued under earlier applicable law). Communicative knowledge of Polish; if there is a lack of knowledge of Polish – a Polish translator should be provided.

Adequacy for the Assignment

Experience in designing three hydraulic structures or in river training.

Confirmed knowledge of the preparation and implementation of investments implemented in accordance with the FIDIC Conditions of Contract. Experience in the provision of Author's Supervision.

Experience in projects managed in accordance with the FIDIC Conditions of Contract and similar projects financed by the European Union or International Financial Institutions will be an additional asset.

Expert 2 – General Designer (min. 3 persons) - will have the following qualifications:

General qualifications

Higher technical education with a Graduate or Post Graduate degree.

At least 10 years of work experience in the preparation, development and review of design documentation for construction work in the area of hydraulic engineering and a license to hold independent positions in the construction industry in accordance with the requirements set out the Act of July 7, 1994 - Building Law, as amended, in the field of structural and construction engineering with the specialization in hydraulic structures (or an equivalent hydraulic engineering license issued under earlier applicable law).

Adequacy for the Assignment

Experience in the coordination and designing of hydraulic structures or river training structures located on rivers with a base flow discharge of not less than 1200 m³/s.

Experience in designing at least Class II flood control structures (embankments, earthen dams, water storage reservoirs) according to the Regulation of the Minister of Environment of April 20, 2007 on the technical requirements that hydraulic structures and their location should meet (Dz.U. (Journal of Laws) No. 86, item 579).

Experience in the provision of Author's Supervision.

Expert 3 - Environmental Management Expert (min. 3 persons) - will have the following qualifications:

General qualifications

Higher education with a Graduate or Post Graduate degree in life sciences, environmental protection, or environmental engineering. At least 8 years of work experience, including 5 years of work experience in environmental impact assessments. Communicative knowledge of Polish; if there is a lack of knowledge of Polish – a Polish translator should be provided.

Adequacy for the Assignment

Experience in providing environmental management under at least one project co-financed from EU funds or by International Financial Institutions.

Expert 4 – Land Acquisition Specialist (min. 3 persons) - will have the following qualifications:

General qualifications

Higher legal or social science education or education with a Graduate or Post Graduate degree in geodesy and cartography.

At least 10 years of work experience.

Adequacy for the Assignment

Experience in providing legal support in land acquisition and resettlement under at least one project co-financed from EU funds or by International Financial Institutions as well as knowledge of good international land acquisition and resettlement practices.

Expert 5 - Finance and Economic Expert (1 person):

General qualifications:

Higher economic education with Graduate or Post Graduate degree.

At least 10 years of work experience, including 3 years in supporting public sector entities.

Adequacy for the Assignment:

Experience in the preparation of financial and economic analyses under at least three projects co-financed from EU funds or by International Financial Institutions and under at least one project financed from funds of the International Bank for Reconstruction and Development (World Bank). Knowledge of financial issues relating to public sector entities will be an additional asset.

Expert 6 – Procurement Specialist (1 person) - will have the following qualifications:

General qualifications

Higher education with a Graduate or Post Graduate degree .
At least 10 years of work experience, including 3 years in supporting public sector entities.

Adequacy for the Assignment

Experience in the preparation of public procurements under at least one project co-financed from EU funds or by International Financial Institutions.

Expert 7 – Legal Support Specialist (min. 3 persons) - will have the following qualifications:

General qualifications

Higher legal education with Graduate or Post Graduate degree .
At least 10 years of work experience, including 3 years in supporting public sector entities.

Adequacy for the Assignment

Experience in providing legal support under at least one project co-financed from EU funds or by International Financial Institutions.

The listed Personnel do not exhaust the requirements needed for the reliable fulfillment of the Consultant's obligations and should be treated as the Employer's minimum requirements.

However, the Employer does not limit the proposed team only to these positions, and if the Consultant consider that it is necessary or appropriate to propose any additional experts, this may be done without the need to include them in this list of Personnel.

The Consultant should pay attention to the need to ensure active participation of local professional skills where available, and a suitable mix of international and local staff in its Team. All experts must be independent and free from conflicts of interest in the responsibilities accorded to them.

Note: Civil servants and other staff of the beneficiary country's public administration cannot be recruited as experts.

1.10.3 Non-key specialists

The Team of Support Experts will be a group of persons with large experience who will provide advice and assistance to the key personnel, but these experts will be able to travel from the home office to the field, if necessary.

Non-Key Experts

The Support Personnel should meet the following minimum requirements:

General qualifications

Higher education in the relevant field of study.
At least 5 years of work experience.

Adequacy for the Assignment

Experience in the implementation of at least one project co-financed from EU funds or by International Financial Institutions.

The list of experts required for the performance of the Assignment:

Expert – Hydraulic Engineering Designer (3 persons) – will have the following qualifications:

General qualification with a Graduate or Post Graduate degree

Higher education in the relevant field of study.

At least 5 years of work experience.

Adequacy for the Assignment:

Experience in designing at least three Class II hydraulic structures according to the relevant Regulation, with a water storage level of at least 10 m, and a license to hold independent positions in the construction industry in accordance with the requirements set out the Act of July 7, 1994 - Building Law, as amended, in the field of structural and construction engineering with the specialization in hydraulic structures (or an equivalent hydraulic engineering license issued under earlier applicable law).

Expert – Hydrologist (3 persons) – will have the following qualifications:

General qualifications with a Graduate or Post Graduate degree

Higher education in the relevant field of study.

At least 5 years of work experience.

Adequacy for the Assignment:

Experience in the preparation of documentation for water management structures and linear structures, including the preparation of hydraulic assessment reports, and experience in the preparation of applications for administrative permits.

Expert – Road Designer (3 persons) – will have the following qualifications:

General qualifications

Higher education in the relevant field of study with a Graduate or Post Graduate degree.

At least 5 years of work experience.

Adequacy for the Assignment:

Experience in designing at least three road infrastructure structures with asphalt concrete pavement, including technical infrastructure, and a license to hold independent positions in the construction industry without limitations in the field of road designing in accordance with the requirements set out the Act of July 7, 1994 - Building Law, as amended.

Expert – Utilities Designer (3 persons) specialized in designing heating, ventilation, natural gas supply, water supply and sewage disposal networks, systems and equipment– will have the following qualifications:

General qualifications

Higher education in the relevant field with a Graduate or Post Graduate degree

At least 5 years of work experience.

Adequacy for the Assignment:

Experience in designing at least three structures related to heating, ventilation, natural gas supply, water supply and sewage disposal networks, systems and equipment and a license to hold independent positions in the construction industry in accordance with the requirements set out in the Act of July 7, 1994 - Building Law without limitations in the field of designing heating, ventilation, natural gas supply, water supply and sewage disposal networks, systems and equipment or an equivalent civil engineering license issued under earlier applicable law.

Expert – Electrical Engineering Designer (3 persons) – will have the following qualifications:

General qualifications

Higher education in the relevant field of study a Graduate or Post Graduate degree

At least 5 years of work experience and a relevant industry-specific license.

Adequacy for the Assignment:

Experience in designing at least three structures related to electrical and power supply systems, installations and equipment in hydraulic engineering and/or industrial civil engineering; experience in the preparation/optimization of bidding documents, experience in supporting the coordination of designing electrical systems with other disciplines.

Expert – Telecommunications and Security System Designer – will have the following qualifications:

General qualifications

Higher education in the relevant field of study with a Graduate or Post Graduate degree

A license in the construction industry in the field of telecommunications.

At least 5 years of work experience.

Adequacy for the Assignment:

Experience in designing at least three structures related to telecommunications and security networks, systems and equipment in hydraulic engineering and/or industrial civil engineering, experience in preparing/optimizing bidding documents, experience in supporting the coordination of designing telecommunications and security systems with other disciplines.

Geological Expert (3 persons) – will have the following qualifications:

General qualifications

Higher education in the relevant field of study with a Graduate or Post Graduate degree

At least 5 years of work experience.

Adequacy for the Assignment:

Documented professional qualifications to execute, supervise and manage Category V geological work, obtained in accordance with the Regulation of the Minister of Climate and Environment of August 23, 2023 on the qualifications in geology (Dz.U. (Journal of Laws) of 2023 item 1756) are required.

Expert – Architectural Designer (3 persons) – will have the following qualifications:

General qualifications

Higher education in the relevant field of study with a Graduate or Post Graduate degree .

At least 5 years of work experience and a relevant license in the construction industry.

Adequacy for the Assignment:

At least 3 years of work experience in a similar position in the implementation of investments in hydraulic engineering and/or industrial civil engineering, an extensive knowledge of law and administrative procedures in the investment process.

Geotechnical Expert (3 persons) – will have the following qualifications:

General qualifications

Higher education in the relevant field of study with a Graduate or Post Graduate degree

At least 5 years of work experience and a relevant license in the construction industry.

Adequacy for the Assignment

At least 3 years of work experience in geotechnical designing, with very good knowledge and experience in using soil strengthening and foundation construction technologies for engineering structures in hydraulic engineering and/or industrial civil engineering.

Hydrogeologist Expert (3 persons) – will have the following qualifications:

General qualifications

Higher education in the relevant field of study with a Graduate or Post Graduate degree

At least 10 years of work experience.

Adequacy for the Assignment

Documented professional qualifications to execute, supervise and manage Category V geological work, obtained in accordance with the Regulation of the Minister of Climate and Environment of August 23, 2023 on the qualifications in geology (Dz.U. (Journal of Laws) of 2023 item 1756) are required and the preparation of at least 2 sets of hydrogeological documentation should be demonstrated.

Occupational Health and Safety Expert (1 person) - will have the following qualifications:

Higher education in the relevant field of study with a Graduate or Post Graduate degree

At least 5 years of work experience.

Adequacy for the Assignment

experience in work related to construction of embankments and dams; OHS certificate in line with the Polish law and/or international standards like NEBOSH.

NOTE The Consultant's personnel should use Polish at least at a communicative level; in the event that foreign language persons are employed, the Engineer will provide an appropriate Polish translator throughout the entire period of contract performance.

1.11 Logistics and Project Implementation Schedule

1.11.1 Contract duration and important dates

In terms of water management, the project area belongs to 2 Regional Water Management Authorities of the State Water Holding Polish Waters –RZGW Gliwice and RZGW Kraków. The area covered by this Assignment includes the areas located along the Vistula River in its section from Oświęcim to Kraków. The investments are planned to be implemented in the area of seven counties: Żory County, Pszczyna County, Mikołów County, Chrzanów County, Oświęcim County, Wadowice County, and Kraków County, in the following municipalities: Żory, Pawłowice, Suszec, Kobiór, Wry, Libiąż, Babice, Zator, Alwernia, Spytkowice, Czernichów, Brzeźnica, and Skawina.

1. The Consultant will commence the performance of the Contract within 7 days from the date of receipt of an instruction issued by the Employer's authorized representative, but not later than within 3 months from the date of execution of the Contract. The estimated contract duration is as follows:
 - a) Stage I: Preparation of design and bidding documentation 18 months months from the signing of the Contract with the Consultant
 - b) Stage II: Author's Supervision – from the commencement of the construction works.

The Employer makes the reservation that the implementation of Stage II will be dependent on launching the project entitled "Building Climate Resilience in Water Management Project" and entering the stage of physical implementation. Moreover, the Employer admits the possibility that Stage II will be abandoned partly or in whole. Subject to the approval of the Loan/Grant the commencement date is to be notified.

2. After familiarization with the range of the documentation held by the Employer and on the basis of its knowledge and experience, the Consultant will prepare, within 3 weeks, an assignment implementation schedule, including a schedule for obtaining permits, which will be approved by the Employer. Following their approval, the schedules will form the basis for monitoring the Consultant's work.

1.11.2 Implementation arrangements

- 1) *The Consultant will closely cooperate with the Employer, i.e. RZGW Kraków and RZGW Gliwice.*
- 2) *On the part of RZGW Kraków and RZGW Gliwice, the respective Director will be the Client's representative and will appoint a person to coordinate work with the Consultant. This person will assist the Consultant in solving various administrative problems that may arise during the service provision phase.*
- 3) *The Consultant will be responsible for all aspects of the provision of the services, as defined in the previous parts of these Terms of Reference. RZGW Kraków and RZGW Gliwice will be*

responsible for providing existing data and information, including all reports prepared to date related to this Assignment.

1. Attachments: Concept 5.7.1 *“A program of non-structural and flood storage measures being an element of flood risk management in the Little Vistula and Upper Vistula water regions (the sub-basin upstream of Kraków), including flood protection for the city of Kraków”*, including the attachments:

The Inception Report

Report No. 1

Report No. 2

Report No. 3

Report No. 4 including The Feasibility Study,

The Strategic Environmental Impact Assessment along with the Environmental Impact Forecast including The Social Impact Forecast for the recommended option, including a preliminary public campaign plan.

The Final Report

The Closing Report