

## Appendix A.

### TERMS OF REFERENCE

Construction of the Kamieniec Ząbkowicki Reservoir - Preparation of design documentation, including obtaining administrative permits and the provision of Author's Supervision, as well as the preparation of bidding documents necessary to select a Contractor for future works under the future POLAND'S Building Climate Resilience in Water Management Project

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# 1. General information

## 1.1. Definitions

“CEB” – Council of Europe Development Bank (The social development bank for Europe).

“WB” – World Bank.

“FIDIC” – Fédération Internationale des Ingénieurs-Conseils.

“PCU” – Odra-Vistula Flood Management Project Coordination Unit

“GFDRR” – Japan-World Bank Program for Mainstreaming Disaster Risk Management in Developing Countries for Global Resilience

“ESF” – the World Bank’s Environmental and Social Framework

“ESS” – Environmental and Social Standards (1-10 set out in the ESF)

“Consultant” – Technical Assistance Consultant – a company/legal person that will be hired by the Employer under this Contract, whose scope of services is described in these Terms of Reference.

“Works Contract/Contract for Construction Works” – the contracts described in Section 2 of these Terms of References. The terms Works Contract and Contract for Construction Works can be used interchangeably.

“MDB” Multilateral Development Bank – International Bank for Reconstruction and Development (IBRD) and International Development Association (IDA)/World Bank

“ToR” – Terms of Reference.

“PGW WP/Polish Waters” – State Water Holding Polish Waters.

“RAP” – Resettlement Action Plan.

“Building Law” – the Act of July 7, 1994 – Building Law, including any secondary legislation or any provisions replacing/amending its provisions, with the wording applicable during the performance of the consulting services.

“Water Law” – the Act of July 20, 2017 – Water Law, including any secondary legislation or any provisions replacing/amending its provisions, with the wording applicable during the performance of the consulting services.

“Project” – the new project “Building Climate Resilience in Water Management Project” (BCRWMP).

“Construction design” – the formal documentation that shows design solutions for the planned investment, being the basis for obtaining opinions, approvals, permissions, and permits, including a construction permit, and whose scope is legally defined in Building Law.

“Detailed design” – the documentation that supplements and makes specific the construction design to the extent and degree necessary to prepare a bill of quantity and an engineer’s cost estimate as well as to prepare a bid by a contractor and execute the works, in accordance with the Regulation of the Minister of Development and Technology of December 20, 2021, with the wording applicable during the performance of the consulting services.

“ESMP” – Environmental and Social Management Plan.

“Contract” – the contract entered into between the Employer and the Consultant whose aim is to provide pre-design, design, analytical, advisory, research, and other support services in order to prepare for implementation the “The Kamieniec Ząbkowicki Reservoir” scheme, including obtaining required decisions and permits and providing support in the selection of a Contractor for this investment, which is made based on the World Bank standard conditions for contracts for consultant’s services, including the Contract Agreement, the General Conditions of Contract (GCC), and the Special Conditions of Contract (SCC).

“RZGW” – Regional Water Management Authority.

“SEP” – Stakeholder Engagement Plan (with the meaning assigned in ESS10)

“Technical Specifications for the Execution and Acceptance of Construction Works (TSE&ACW)” – a document containing, in particular, a set of requirements that are necessary to determine the standard and quality of preparation and execution of works, their measurement and payment for them, among others with regard to the method of performance of construction work, properties of construction materials, equipment and machines used, and the correctness of performance of individual works.

“Contractor” – a company/legal person that performs the Contract for Construction Works.

“ES Guideline” – the World Bank’s Environmental and Social Guideline.

“EHSG Guideline” – the World Bank’s Environmental, Health and Safety Guideline.

“GIIP Guideline” – the World Bank’s Good International Industry Practice Guideline.

“Scheme/Investment project/Investment” – the construction of the Kamieniec Ząbkowicki Reservoir.

“Employer/Client/Investor” – the State Water Holding Polish Waters, on whose behalf the Regional Water Management Authority in Wrocław (RZGW Wrocław) is acting. The terms Employer, Client, and Investor can be used interchangeably.

“IDPOE” – International Dam Panel of Experts.

“ORFPP” - Odra River Flood Protection Project

“OVFMP” - Odra-Vistula Flood Management Project

## 1.2. 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 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, and mitigating recent droughts that affects millions of water users in Poland: and preserving and enhancing the water quality, 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.

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 COMPONENT I & 2 includes, among others, that the current TOR for the construction of the Kamieniec Ząbkowicki multi-purpose storage reservoir on Nysa Kłodzka River. The Nysa Kłodzka River is the major left tributary of the Odra River in the vicinity of some major cities in Poland, like Opole, Nysa, Lewin Brzeski, Brzeg, Oława, Wrocław, etc.

The primary objectives of the investment, involving the construction of the Kamieniec Ząbkowicki multi-purpose storage reservoir on the Nysa Kłodzka River, to provide flood protection, drought mitigate , and enhanced regulation/modulation of existing cascade to providing water for water supply for the cities of Nysa, Lewin Brzeski, Brzeg, Oława, Wrocław, and their vicinity; and hydropower generation. The creation of additional capacity (water

resources reserves) of the Kamieniec Ząbkowicki reservoir at the upstream of the existing cascade will enhance the regulation of the outflow from the four downstream existing reservoirs (Topola, Kozielno, Otmuchów, Nysa) in the Nysa Kłodzka River valley during extreme flood and drought conditions. Moreover, the Kamieniec Ząbkowicki reservoir will improve the recharging of the groundwater table in the riverine valley and the availability of required flows during low flow periods, enabling discharges from the reservoir to supply water back to the Odra River, thus improving the availability of environmental flows, provide stabilization of flows, and allow the reservoir to be used for recreational purposes, fishery, and water supply for municipal needs and agricultural use. Once the reservoir is built and regulated together with the other four existing reservoirs in tandem, the flow regime in Nysa Kłodzka, especially in the dry season low flow, will be evened out in the long term. According to the baseline feasibility study data, the investment will involve the construction of a dam with a height of 18.7 m and a length of 2260 m to form a reservoir with a flooded area of about 9.5 km<sup>2</sup> and a maximum storage capacity of 104 million m<sup>3</sup> as well as the construction of appurtenant structures, installations and infrastructure necessary for the use of the reservoir, including a small built-in hydropower plant with an installed power of about 2 MW, producing an average annual energy output of 11.3 GWh. (see para 2.2)

The catastrophic flood of 1997 occurred, among others, in the Lower Silesian Voivodeship, which caused enormous destruction, verified the existing flood protection system/infrastructure, which turned out to be insufficient and resulted in decisions to implement several hydrotechnical investments such as the construction of retention reservoirs, dry reservoirs, river regulation, construction of embankments, etc.

In 2001, the Act established the multi-annual Programme "Programme for the Odra River - 2006" which included the modernisation of the Odra Water System. The scope of the Programme specified a number of investment tasks. In the same year, the "Preliminary Feasibility Study for the Programme for the Odra River - 2006" was presented, which analysed the Flood Protection and Security Component containing seven groups of works:

Racibórz Reservoir, which was built in the years 2012 - 2020 as part of ORFPP and OVFMP financed under the World Bank.

Modernization of the Wrocław flood protection system (WFS), which was implemented in the years 2012 - 2017 as part of ORFPP and OVFMP

Kamieniec Ząbkowicki Reservoir, for which a Feasibility Study was prepared in the years 2004 -2005

Protection of Ślubice, which was implemented in the years 2017 - 2022 as part of OVFMP

Protection of Opole, which was implemented in the years 2002-2007 as part of investments co-financed by the World Bank

Protection of the Kłodzko Valley above Kłodzko, as part of which 4 dry flood reservoirs (active protection) and flood protection cities/ villages along Nysa Kłodzka river basin (passive protection) were built in the years 2017-2025 as a part of OVFMP

Protection of the Nysa Kłodzka River below the Nysa Reservoir, which was implemented in the years 2013-2016 as part of investment co-financed by Cohesion Fund

At the same time, taking the above into account, two multi-purpose reservoirs, Topola and Kozielno, were built on the Nysa Kłodzka River (below the planned Kamieniec Ząbkowicki reservoir) by 2004. Only the Kamieniec Ząbkowicki reservoir, as one of the most important elements of the flood protection system, had not been completed by that time. To complement comprehensive flood protection and fulfil investment plans, it is necessary to build the multi-purpose Kamieniec Ząbkowicki reservoir.

### 1.3. Purpose of the Assignment

The purpose of this Assignment is to provide a consulting service involving an effective and timely preparation for the implementation of an investment project (the Kamieniec Ząbkowicki reservoir) under COMPONENT 2 of the Project in the areas and scopes mentioned in these Terms of Reference and/or in any other areas agreed by the Parties, in close cooperation with all stakeholders and in compliance with the law and international standards applicable to this type of work.

The main scope of these consulting services involves two stages:

**Stage I** - Preparation of Complete Design Documentation, Bidding Documents and Tender Level Drawings including costed Bill of Quantities (BoQ), Documentation related to Environmental and Social risk and Impact Mitigation Measures and Land Acquisition activities, including measures mitigating social impacts, updating and supplementing the geological and engineering documentation, and other necessary documentation, obtaining any required approvals, decisions, and permits on behalf of the Client, including an environmental permit, a water law permit, and a construction permit.

**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 and the European Union, and Council of Europe Development Bank, for the implementation of the project using international and local construction contractors. The Consultants of the Stage I will be required to support the Client in the selection of the Contractor(s) through formulation of the construction contracts, and to provide services of the Implementation Support Consultants/Author's Supervision throughout the construction period in compliance with the guidelines and standards required by the World Bank and International Financing Institutions, provisions of laws, and the FIDIC.

Important to note that the Consultant is aware of the fact that there will be a time gap between Stage I and Stage II and also the realization of the Stage II is contingent upon the availability of the Loan and Grant from the International Lending Agencies. The Author's Supervision Stage II will come in later after the Loan and Grant acquisition process is completed. Therefore, the ToR for Stage II is to describe the implementation and manning schedule description for the current assignment in anticipation that such services will soon be realized in due course.

The Consultant is required to submit in their proposal a separate Manning Schedule and Operation Plan for the Stage I activities and Stage II activities and so a separate financial proposals for each stage. The Stage I will be financed by the Client own resources, while Stage II will be funded by Loan and Grant of the International Financing Institutions.

The Consultant's outputs will be required to maintain technical consistency with other strategic planning documents in the area of water management in Poland. Therefore, the Consultant will be obliged to take into account the feasibility study report which was completed in about two decades ago, so as the following ongoing and existing/planned projects (some are mentioned in the following sections):

- 1) The review and update of the flood hazard maps and the flood risk maps;
- 2) The preparation of the flood hazard maps, and the flood risk maps (for rivers) within the scope resulting from the review and preliminary assessment of flood risk (under preparation);
- 3) The review and update of the Flood Risk Management Plans;
- 4) The 2nd update of the Water Basin Management Plans;
- 5) The Drought Mitigation Plan.
- 6) The document "The Water Scarcity Mitigation Program for the period 2021-2027 with an outlook until 2030".

- 7) The implementation of instruments supporting the implementation of the Flood Risk Management Plans - related activities.
- 8) Contract 4.B Operational centers – 4.B.1/1 Modernization and implementation of IT systems supporting the operational work of the Operational Centers in Krakow and Wrocław together with supplies of necessary hardware and software.
- 9) Other projects that will be prepared or developed during the performance of the Assignment and which will also relate to the area associated with the implementation of the Assignment.

## 2. Terms of Reference

### 2.1. General scope of the consulting Services

The subject of this Assignment is, Stage I, a service involving analysis of the documentation made available and an analysis of the baseline pre-investment situation, updating as necessary of Hydrological and Hydraulic analysis, investigations and measurements, designing, obtaining necessary approvals, decisions, and permits, including an environmental permit, a water law permit, and a construction permit (the so-called investment project implementation permit), together with the preparation of necessary bidding, environmental, land acquisition, and social documentation, and in Stage II, supporting the Client in the selection of a Contractor as well as the performance of author's supervision duties associated with the implementation of this investment project involving the preparation for construction and the construction of the Kamieniec Ząbkowicki multi-purpose storage reservoir on the Nysa Kłodzka River.

The physical scope of this investment project includes the construction of a range of hydraulic structures of the reservoir and associated infrastructure structures.

The basic structures of the reservoir are as follows:

#### Reservoir

- Main (earthen) dam
- Outlet works and outlet channel
- Hydropower plant
- Fish pass
- Discharge channel and training of the Nysa Kłodzka River under new releases of flow

#### Przyłęk polder

- Side (earthen) embankment of the Przyłęk polder
- Pumping station of the Przyłęk polder
- Flood relief channel of the Studew stream

#### Dzbanów polder

- Side (earthen) embankment of the Dzbanów polder
- Pumping station of the Dzbanów polder

#### Reservoir basin

- Support of the steep slopes of the reservoir
- Training of the streams at the inlet to the reservoir
- Training of the Nysa Kłodzka River within the reservoir's backwater effect zone

#### Recreational reservoirs

- (Earthen) dam of the Ożary recreational reservoir
- (Earthen) dam of the Dzbanów recreational reservoir

An administration/workshop building(s) (the main control room, office rooms, including employee break rooms, a workshop hall, a boathouse, a car garage, and other technical rooms).

## **2.2. Available Data for the planned investment subcomponent: “The Kamieniec Ząbkowicki reservoir”**

At present, the Client has the following Feasibility Study (FS) documents (archival materials in hard copy paper version):

Feasibility Study - Volume I – maps for design purposes, August 2004

- Hydrological Assessment Report
- Geological and engineering documentation. Part 1. The main dam, November 2004

The master plan for the Kamieniec Ząbkowicki storage reservoir, 2004

- Study
- Study – the version incorporating the review report’s comments
- Analysis of the costs of a government-sponsored investment
- Environmental impact assessment report, November 2004
- Environmental impact assessment report – the English version
- Study on the combined flood management of the reservoirs in the Nysa Kłodzka catchment and their impact on the Odra River
- Application for a location permit for a public purpose project

Feasibility Study, August 2005

Feasibility Study – Descriptive part, Volume 2

- Feasibility Study – Descriptive part
- Feasibility Study – Graphic part (drawings)
- Feasibility Study – Version incorporating the review report’s comments by agencies
- Feasibility Study – Synthesis, the version incorporating the review report’s comments
- Feasibility Study – Synthesis in English
- Feasibility Study, Amendment No. 1 – ERRATUM
- Geological documentation describing geological and engineering conditions in the subsoil of the dam and associated structures of the planned Kamieniec Ząbkowicki storage reservoir on the Nysa Kłodzka River

Review reports on the FS Feasibility Study:

- Co-report for comprehensive design and cost documentation for the Kamieniec Ząbkowicki water reservoir in the part concerning the program and spatial study. Authors: Team led by PhD Eng. Maria Stanisławska, October 22, 2004 Investment Management Environment Consulting.
- Co-report on comprehensive design and cost documentation for the Kamieniec Ząbkowicki water reservoir in the part concerning the Feasibility Study in combination with the environmental impact report. Authors: Team led by PhD Eng. Maria Stanisławska, December 27, 2004 Investment Management Environment Consulting.
- Opinion on documentation: 1) Study of combined flood management of reservoirs in the Nysa Kłodzka catchment area and their impact on the Odra River, December 2004. 2) Program and spatial study, October 2004. 3) Feasibility study – Kamieniec Ząbkowicki reservoir on the Nysa Kłodzka River implemented within the framework of the “Programme for the Odra 2006”, December 2004. Author: PhD, DSc, Eng. Czesław Szczegielniak, December 2004.
- Opinion on the documentation concerning the Kamieniec Ząbkowicki reservoir Authors: Ryszard Rogala, Laura Radczuk, Tomasz Strzelecki, Stanisław Kostecki,

Jerzy Machajski Wrocław University of Science and Technology Institute of Geotechnics and Hydrotechnics November 2005.

- Evaluation of variant concepts of the Kamieniec Ząbkowicki reservoir in the context of the justification for its construction against the needs of flood protection of the Nysa Kłodzka catchment area. Authors: prof. PhD, DSc, Eng. Elżbieta Nachlik, PhD Eng. Antoni Bojarski, Tadeusz Kościuszko Cracow University of Technology, Institute of Water Engineering and Management, December 2005
- Opinion on taking into account the comments included in the co-report by Czesław Szczegielniak regarding the “Study of the combined flood management of reservoirs in the Nysa Kłodzka catchment area and their impact on the Odra River” Authors: Ryszard Rogala, Tomasz Strzelecki Stanisław Kostecki, Jerzy Machajski Wrocław University of Science and Technology Institute of Geotechnics and Hydrotechnics August 2005.

### **2.3. Scope of services to be provided by the Consultant**

The Consultant will be selected from among experienced international firms that will submit their Expressions of Interest in response to the Request for Expressions of Interest, using the Consultants' Quality and Cost-Based Selection - QCBS and under the following 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 the following World Bank's Standard Procurement Documents for consulting services: *Request for Proposals (RFP) Consulting Services other than for Supervision [project management] of Infrastructure Contracts [such as Plant and Works], March 2025*.

The services associated with preparing the investment for implementation within the scope described in this ToR are designed to provide comprehensive preparation for the proper and timely performance of a Works Contract associated with the implementation of the Kamieniec Ząbkowicki reservoir scheme within the allocated funding and within the specified completion time once the International funds/grants are obtained.

The services to be provided as part of this Assignment also include, among others, the provision of technical, organizational, and legal support to the Client, conducting and coordinating all activities associated with the preparation for implementation of the Kamieniec Ząbkowicki reservoir scheme, starting from the stage of analysis and study, followed by designing, the selection of a Works Contractor(s), taking into account the World Bank's relevant policies and also the most recent environmental and social standards (ESF)<sup>1</sup>, participation in periodic visits of the Banks (missions), visits of experts of the International Dam Safety Panel of Experts, and other meetings as well as providing support to the Client in preparing such visits.

The Consultant's services should be carried out in compliance with Polish law, the national standards for this type of work, including those applicable at the Client's organization (Polish Waters good practices), and also the international standards for this type of work, including the Environmental and Social Framework – (ESF) and those arising from, among others, the Environment, Health and Safety Guideline (EHSG)<sup>2</sup> and the Good International Industry Practice (GIIP) Guideline of the World Bank. The standards of the Services provided by the Consultant should also include the following, where appropriate: (i) taking into account the issue

<sup>1</sup> Environmental and Social Framework (ESF)

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

<sup>2</sup> Environment, Health and Safety Guideline (EHSG)

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

of climate change in a construction design; (ii) incorporation of any obligatory requirements regarding the accessibility of new buildings and structures, as defined in the national primary or secondary legislation, in the designs for new buildings and structures; (iii) incorporation of any obligatory energy efficiency requirements, as defined in the national and European primary or secondary legislation, in the designs for new buildings and structures; (iv) 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, in accordance with the GIIP) in the designs of new buildings and structures; (v) any applicable requirements concerning certification or approval by competent authorities or professionals; and (vi) the dam safety requirements under the World Bank's ESS4.

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 an 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 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)<sup>3</sup> 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 Environmental Impact Assessment Reports.
8. Prepare technical concepts containing at least two options for design solutions, including a preliminary economic viability analysis.

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

9. Prepare and agree with the Client's design assumptions, carry out design, taking into account the existing documentation, including conducting additional measurements, investigations (together with modeling ones), and calculations, as well as prepare required pre-design documentation, including the preparation/update of expert reports and models necessary to appropriately select design concepts. In the technical design, the viability of the construction material used in the proposed dams and its appurtenances is to be reviewed and analyzed.
10. Prepare a Resettlement Action Plan(s) (RAP), including a social assessment, under the ESF requirements.
11. Obtain any necessary permits, approvals, and decisions that will enable the execution of the Works in such a manner that the requirements set by the project financiers are met as well as obtain permits and approvals, including construction permits, water law permits, environmental permits, etc.
12. Prepare necessary bidding documents to select a Works Contractor(s) and/or Supplier(s), including providing support to the Client in conducting the tender processes (together with the participation in the work of the Evaluation Committee)).
13. Provide support in performing the reporting obligations arising from the procedures of the project financiers and cooperate in this respect with the Polish Waters/RZGW Wrocław services.
14. Provide author's supervision over the execution of the Works, including making changes in the design documentation, if necessary, throughout the entire period of execution of the Works.
15. Provide legal and construction advisory services.
16. Assist in entering into agreements, arrangements, and memoranda of understanding on cooperation and collaboration with various entities and stakeholders to implement the Kamieniec Ząbkowicki reservoir scheme.
17. Translate and copy documents.
18. Analyze the effectiveness of the operation of the flood protection and drought mitigation system in the Upper and Middle Odra region after the completion of the implementation of the Kamieniec Ząbkowicki reservoir scheme accounting for joint operations of all five reservoirs (in the cascade: planned Kamieniec Ząbkowicki reservoir, existing reservoirs: Kozielno, Topola, Otmuchów, Nysa), including the preparation of an Operation Manual and an integrated Water Management Manual that will take into account the water management rules applied by the other reservoirs located on the Nysa Kłodzka River (including the flood protection dry polders in the Nysa Kłodzka Valley.).
19. Prepare and make arrangements with the owners of infrastructure to be relocated/newly constructed as part of the implementation of the Kamieniec Ząbkowicki Reservoir scheme to relocate utility conflicts (among others, power supply, natural gas supply, water supply, sewage and telecommunications systems, road infrastructure, etc.);
20. Participate in periodic visits of the Banks (missions) as well as providing technical support to the Client in preparing such visits.
21. Perform any other associated activities and tasks that may appear during the entire period of the preparation for implementation of the Kamieniec Ząbkowicki reservoir scheme and during its implementation (yet to be done in future under realization of Stage II supervision works) which are not mentioned in the above scope of services and which the Client could not foresee at the stage of preparation of these Terms of Reference but which will be necessary to be performed as part of the Technical Assistance activities for the proper implementation of the Kamieniec Ząbkowicki Reservoir scheme in due course.

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

Comments:

The Consultants are to anticipate that for the betterment of the outcome, the scope of services may change, be supplemented, or reduced as and when necessary during the performance of this Assignment.

The Consultant must cooperate closely and on an ongoing basis with any consultant(s) hired by the other beneficiaries of the Project, including by the Employer and the PCU.

All detailed studies must be consistent with the hydrological/water management documents prepared and approved at the regional and national level as well as with the Polish Waters strategic documents, even if due to this it will be necessary to reduce or increase the above-described list of the activities.

The Works Contracts will be carried out following the World Bank procedures consistent with the FIDIC procedures ("Conditions of Contract FIDIC MDB Harmonized Edition" - Version 3: June 2010 Harmonised Red Book).

The Consultant is obliged to perform the assigned services on time and with the quality of the Client. In the case of untimely and/or unsatisfactory performance of the services, the Client 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 of the services 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.

The Client does not allow for duplicating the content of any already existing documents, studies, analyses, etc., in the documents that will be the deliverables, while as regards any information that is cited, compared to or modified based on such documents, the Client requires the copyrights of their authors or of the holders of such rights to be respected. The applicable regulations on copyright and related rights will apply to the prohibition to duplicate the content of any existing documents.

The Consultant is responsible for organizing the process of creating the outputs and providing the services in such a manner that the assumed objectives of this Assignment will be achieved in accordance with the provisions of the Contract. The Consultant is also responsible for methods used in preparing such documentation.

The Consultant is obliged to be familiar with all regulations issued by any EU and Polish authorities (central and local) as well as with any other regulations, rules, and guidelines that are related in any way to the documents to be prepared and will be fully responsible for the compliance with their provisions during the performance of the object of the Contract.

The Consultant will respect any copyright and patent right and will be fully responsible for the fulfilment of all legal requirements relating to any trademarks, names or other protected rights to any design, equipment, computer software and materials or devices used for or associated with the performance of the object of the Contract. Any losses, legal costs, charges and expenditure arising from any failure to meet this requirement or connected with the infringement of any patent rights by the Consultant will be paid by the Consultant.

Photocopies of any obtained requirements, approvals, and opinions should be promptly submitted to the Employer, within time periods enabling the appeal procedure to be initiated, if necessary. Documentation should be prepared in accordance with the requirements of Polish and EU law as well as in accordance with the World Bank's guidelines and policies.

## **MAIN OUTPUTS OF THE CONSULTING SERVICES:**

1. Investigations and measurements necessary to prepare design documentation and obtain administrative permits required to commence the Works.
2. Technical concepts contain at least two options of design solutions, including a preliminary economic analysis.
3. Design documentation (construction (technical) designs and detailed (industry-specific) designs and BoQ), including any approvals.
4. Administrative permits, opinions, approvals, and arrangements required to commence the Works.
5. Site-specific Environmental and Social Impact Assessment (ESIA) and corresponding Environmental and Social Management Plans (ESMPs) for the investment associated with the construction of the Kamieniec Ząbkowicki reservoir to address all applicable ESS requirements concerning ESS 1, 2, 3, 4, 5, 6, 8, and 10, including updates, if necessary.
6. A Resettlement Action Plan (RAP) for the investment associated with the construction of the Kamieniec Ząbkowicki reservoir, including updates, if necessary.
7. Stakeholder Engagement Plans (SEPs) to guide stakeholder and community engagement, public consultations, disclosure and grievance management.
8. Bidding documents for the planned investment associated with the construction of the Kamieniec Ząbkowicki reservoir.
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.
10. Reports on the implementation of the consulting service and thematic reports.

### **2.4. PRE-DESIGN AND DESIGN WORK**

#### **2.4.1. Scope of work regarding the existing documentation**

Review and use of the existing information, including a report on the review. The Consultant will review all existing available information, in particular any data, documents, tools, and models used in the preparation of the Feasibility Study for the construction of the Kamieniec Ząbkowicki storage reservoir on the Nysa Kłodzka River of 2005, including the use of any reports, maps, measurements, hydrological studies, hydrological models, geological documentation, cost estimates, concepts, environmental and social assessments, economic analyses, etc., carried out thus far. In that, changes over time in the last 20 years are to be updated and accounted.

#### **2.4.2. Scope of work regarding documentation to be prepared**

The requirements concerning pre-design and design documentation as well as approval permits, and decisions that the Consultant selected in this tender will be required to prepare and/or obtain and/or take over are presented below.

The Consultant will obtain on his own the following:

- archival materials kept in the resources of the relevant institutions and authorities as well as private entities.
- requirements for the construction, relocation or rehabilitation issued by the operators of the respective structures and facilities which are necessary to prepare design documentation.

#### **2.4.3. Compliance of design documentation with the Contract and the regulations**

The Consultant is responsible for organizing the process of preparing design documentation in such a way that the assumed objectives associated with the construction of the Kamieniec Ząbkowicki reservoir are achieved in accordance with the provisions of the Contract. The responsibility for methods used to prepare the design documentation will rest on the Consultant.

The Consultant is obliged to provide qualified persons as various branches designers holding appropriate design/architectural licenses – without limitations and/or in specializations relevant to the scope of all activities/schemes/structures associated with the construction of the Kamieniec Ząbkowicki reservoir. Moreover – will watch regard to project character with high and substantial risk in the meaning of ESS1 para. 25 – Consultant is obliged to ensure team/s of independent environmental and social specialists / experts, cooperating and co-creating design documentation.

The Consultant is obliged to know all regulations issued by any European and Polish (central and local) authorities, and any other regulations, rules, and guidelines, including the requirements set by the financing institutions, as well as any Orders of the President of the State Water Holding Polish Waters which are related in any way to the design documentation to be prepared and will be fully responsible for the compliance with their provisions during the preparation of such documentation. Including World Bank's regulations referring to Environmental and Social Standards, i.e. among others ESS4 with Annex no. 1 in scope of Safety of dams and World Bank's International Dam Panel of Experts in this scope.

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 concerning any design, computer hardware, and software as well as any materials or equipment used in or associated with the preparation of the design documentation. Any losses, legal costs, charges and expenses that result from the failure to comply with this requirement or associated with the violation of any patent right by the Consultant will be covered by the Consultant.

The Consultant has an obligation to ensure the preparation of a construction (technical) design, and its review in terms of compliance with the relevant regulations, including technical and building ones, by a person holding a construction design/architectural license without limitations in the relevant specialization or by a building surveyor.

Photocopies of all acquired requirements, permits, approvals, and opinions should be handed over to the Employer regularly, within time limits that will enable the Employer to use the appeal procedure or prolongation, if necessary.

The design documentation and bidding documents for the selection of a Contractor for the Kamieniec Ząbkowicki reservoir scheme should be prepared in compliance with the requirements of Polish and EU law as well as the World Bank's guidelines and policies, including Environmental and Social Standards, including translation of such documentation into English. The Costed BoQ is just for the purpose of Client's use on the financial requirement for implementation, and any part or full cost associated analysis and data details must be kept

confidential and not to disclose to the bidders (contractors). It means the Client will use the Uncosted BoQ in tender bidding for the selection of implementation Contractor.

NOTE:

As regards design solutions for I&C, CCTV, and IT equipment, the Consultant will regularly exchange information and plan with the Client's industry-specific services (IT Department). The designs should meet the requirements of the standards described in the documents entitled: *"Technical and operational Guidelines for designs of automation and telecommunications systems and hardware specifications for the hydrotechnical facilities managed by Regional Water Management Authority in Wrocław"* – according with Annex No. 1 to Regulation No. 0230/42/2017 of the Director of RZGW in Wrocław;

*"Technical and operational Guidelines for designs of automation and telecommunications systems and hardware specifications for the offices and the hydrotechnical facilities managed by Regional Water Management Authority in Wrocław"* – 4.6\_08.07.2022 edition

(or other guidelines, technical solutions for infrastructure, data processing and storage systems, networks and conceptual diagrams in effect/in force on the date of Consulting services) and will also provide full integration with the IT System of the Operational Center in Wrocław that the Employer has.

As far as any RAP-related and environmental issues are concerned, at the design stage the Consultant will cooperate with PCU's RAP team/specialists so that the adopted solutions related to land acquisition are optimal as well as with the PCU's environmental specialists to ensure the implementation of environmentally friendly and nature-based solutions (NBSs).

#### **2.4.4. Hydraulic/hydrological models**

The Consultant will be responsible for the development of hydrological and hydraulic models and will use such models to verify the effect of various concepts for technical solutions related to the Kamieniec Ząbkowicki reservoir and any proposed flood prevention and management measures. Such models will cover the Nysa Kłodzka River catchment (including the operation of the components of the target cascade of the reservoirs) as well as the middle and lower sections of the Odra River, which are necessary to assess such various solutions and the proposed measures as well as other projects implemented in the Odra River basin. These models will be updated during the performance of the Consultant's service and used to verify the design solutions at various stages of implementation, if necessary, and other flood management scenarios, depending on the needs. The models will be delivered to RZGW Wrocław and the Consultant will be obliged to provide operation manuals for these models and train personnel designated by the Employer on the use and updating of these models, propose technical solutions, indicate the selected most optimal equipment necessary to operate the models, and will also assist in creating IT capability (including the purchase, delivery, and installation of hardware and software as well as training) necessary for the Client's use of these models for designing and creating models supporting water management processes in the aspect of flood management. The Client expects that compatibility will be maintained with MIKE+ software possessed by the Client and with other available software programs that serve such purposes. The Consultant will provide the Project Operation Manuals (POM) for the models in Polish and English.

The Consultant will develop technical concepts that will propose at least two alternative options of the design solutions, including a preliminary economic analysis.

It is left to the Consultant to determine the final number of alternative design solutions prepared. However, this number should be sufficient to achieve the assumed objectives of the design documentation. At the same time, the relevant entities should give opinion on the alternative options included in such a concept as regards the feasibility of their implementation, whereas the option to be used at the further stage of preparation of the design documentation, i.e. the optimal option, must be accepted by the Employer.

#### **2.4.5. Preparation of the basic design documentation (a construction design and detailed designs)**

- Construction (technical) designs.
- Detailed (industry-specific) designs.
- Bidding documents including BoQ to select a contractor(s) for the construction Works.

The detailed scope and form of the construction design should meet the requirements set out in the Building Law Act and in similar related legislation that are necessary for the construction of the Kamieniec Ząbkowicki reservoir.

The construction design is the basis for the preparation of a detailed design.

The detailed design should contain additions to the a.m. document 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 the contract for the Works and/or Supplies.
- any issues and costs related to land acquisition and resettlement required for the implementation of the investment.
- compliance with the requirements of the environmental permit and the measures described in the ESMP.
- the needs associated with the future process of carrying out the construction Works.

The detailed design will also include cost calculations (unit cost analysis for each item of Work) and Technical Specifications for the Execution and Acceptance of the Works as well as will have any necessary approvals, permits, and opinions that will enable the Works to be carried out.

The Consultant will be responsible for the protection of the design documentation and output, and any input materials used or received during the design work. The Consultant will keep such design documentation and input materials classified until they are handed over to the Employer.

The above-mentioned Feasibility Study of 2005 will be a support material for all designing.

As part of the services, the Consultant will, among others:

- (a) prepare construction and detailed designs, and for this purpose will conduct investigations, site visits, and analyses, and prepare detailed design reports regarding the functionality and use, which will take into account the requirements of the financing institutions, in relation to the work tender requirements, in particular associated with:
  - field conditions;
  - the technical standard and the use;
  - the need to meet the requirements concerning technical innovations, including the least costly technological and structural solutions;
  - architectural and aesthetic requirements;

- functionality, durability, and operation requirements;
- maintenance following acceptable standards;
- avoidance of environmental and social impacts;

(b) conduct exhaustive investigations at the future Construction Site and collect all information required to assess current field conditions;

(c) carry out surveying measurements to the extent necessary to determine and update the optimal elevation and height of the dam/channels/hydraulic structures, select the optimal location, and reliably estimate the required quantity of the construction Works;

(d) carry out field geotechnical investigations that may be additionally required to determine the basic design parameters for designing the dams/ structures and spillways to be constructed and identify appropriate borrow areas (or disposal areas, if necessary) for materials and aggregates, among others in terms of their quantity and suitability for construction purposes. In particular, the Consultant will analyze technical, environmental, and social impacts of any spoil material that may be generated during the carrying out of the Works and prepare a detailed design for safe disposal and/or use of such material;

(e) 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 national and international standards applied. Drawings will be prepared to the extent necessary to estimate costs and enable Contractors to prepare their bids and construction drawings;

(f) choose appropriate materials, optimize and select the lowest cost options that meet the technical requirements and enable the quantities of materials, Works, etc., to be estimated for the purpose of preparing bids;

(g) prepare technical specifications and drawings necessary to prepare bidding documents as well as prepare bill of quantities (BOQs) and bidding documents. The bidding documents will be prepared in accordance with the World Bank standards defined in the Loan Agreement, 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, including those that are based on the FIDIC Conditions of Contract;

(h) prepare engineer's cost estimates for the Works/contracts, considering all required costs, including the requirements for construction supervision, equipment, material testing labs, on or off the Construction Site, as necessary, facilities, personnel or any other special requirements; and

(i) make an environmental and social impact assessment - ESIA and prepare a plan of mitigation measures (e.g. an Environmental and Social Management Plan ESMP, a Resettlement Plan, Stakeholders Engagement Plan SEP and others if necessary).

As regards the Works that are included in the Project and for which no Feasibility Study has been prepared, but which are necessary for the implementation, the Consultant will prepare a feasibility report and a design report, in the way described above.

#### **2.4.6. Preparation of legal and formal documentation**

Preparation of legal and formal documentation, including the following:

- Materials for an application for an environmental permit, including an application. In particular, an environmental inventory to the extent agreed with the Regional Directorate for Environmental Protection should be conducted at this stage;
- Materials for an application for a water law permit for the construction of the reservoir and water storage in it, including an application;

- Materials for an application for a construction permit, an investment project implementation permit or any other permit that will allow the construction and erection Works to be carried out, including an application;
- Materials for an application for a permit to remove trees, including an application;
- Materials for applications for any other decisions/permits, among others derogation decisions, including an application(s);
- Making agreements and obtaining permissions to use the land for construction purposes from all entities from which such permission will be required in order to implement the investment project;
- Materials for the acquisition of properties and where resettlement is required;
- Materials related to the RAP, SEP, ESIA and ESMP, taking into account any administrative permits obtained and in accordance with the World Bank's ESS standards;
- Bidding documents for future construction works and necessary construction supervision.

On behalf of the Client and on the basis of an authorization given by the Client, the Consultant will:

- a) obtain all required opinions, approvals, permits, and decisions;
- b) file relevant applications and conduct any activities necessary to obtain the required permits;
- c) also be obliged to actively participate in, among others, the process of obtaining the permits by providing clarifications and making required changes and additions in the design documentation and in any applications filed as well as to conduct public disclosure activities and activities that enable participation of the public, including PAPs, in agreement-making processes.

Moreover, the Consultant will promptly provide any documents required to obtain any necessary administrative permits and decisions to ensure an efficient implementation of the Kamieniec Ząbkowicki reservoir scheme, i.e. the maximum time limit to prepare a response, accepted by the Client (if such acceptance is required), to any request for clarifications/revisions of any applications required during the investment process may not be more than 3 days from the date set by the authority. Furthermore, the time limit to prepare successive applications for the 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 resulting from the respective application.

#### **2.4.7. Preparation of surveying and legal documentation**

Preparation of surveying and legal documentation, including the following:

- updating the land register maps and land subdivision maps;
- maps for design purposes (prepare, update and supplement);
- surveying and cartographic documentation associated with the acquisition of properties and temporary land use as well as with other required property use restrictions; including informal land use where any, and permanent land restrictions (i.e., watershed management, backwater areas to manage water fluctuations, etc.)
- documentation associated with land subdivisions, including among others conducting cases related to the delineation of the bank line;
- preparation of land subdivision plans necessary to obtain construction permits;
- preparation of necessary documents that regularize the formal and legal status of the properties after obtaining a construction permit (among others, applications for registration in the cadaster, etc.);
- preparation of censuses, socio-economic surveys, and valuations of assets of people directly

affected by the Project (e.g. resettlement), if applicable.

The quantitative data regarding the number of plots and their areas necessary to be expropriated or temporarily used will be determined by the Consultant because this information fully depends on the design solutions approved by the Client for implementation.

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

#### **2.4.8. 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. If and where necessary, the secondary-tertiary benchmark posts showing ordinates are to be established.
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 in accordance with 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 m<sup>2</sup>. 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
  - 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 of showing the boundary (submitted to the County Geodetic and Cartographic Documentation Centre);
- a copy of a surveying outline (submitted to the County Geodetic and Cartographic Documentation Centre) (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, and valuations of assets of people directly affected by the project (e.g. resettlement) – 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, and 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 such impacts, the Consultant will minimize them. Any activities undertaken in this respect will be documented.

#### **2.4.9. Preparation of geological, geotechnical, engineering and hydrological documentation**

Preparation of geological, geotechnical, engineering, and hydrological documentation, including the following, among others:

- Preliminary investigation of geological conditions;
- A plan of geological works, including obtaining its approval from the relevant geological administration authority;
- A program for tests of geotechnical soil parameters concerning both the existing structures and new planned ones;
- Documentation of soil tests and the geotechnical conditions for foundations of the engineering structures,
- Documentation of investigation of the polder basin, which includes the following, among others:
  - i) an inventory of deposits, their investigation, estimation of their size and possible use for the construction of the structures;
  - ii) the degree of imperviousness of the polder basin;
  - iii) hydrogeological investigations under the structures and within the polder basin area;
  - iv) modeling investigations of the impact of water storage in the reservoir on the adjacent areas (a change in the groundwater level) and the extent of this impact;
- 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;
- a hydrological/ hydrogeological assessment report for design purposes;
- hydrological calculations;
- assessment of environmental damage, if any;

- designs for the restoration of the pre-construction condition of the natural environment and environmental compensation understood according to the standards applicable in projects financed by the WB and the EU;
- documents associated with a historical survey of the project area (mainly physical cultural resources) and an archaeological survey at the pre-construction stage; if necessary, support provided to the Client in conducting specialist archaeological investigations;
- pre-construction search for unexploded ordnance.

The Consultant will specify the number of necessary tests, with the reservation that it requires the Client's approval, but such approval does not release the Consultant from the responsibility for the quality and suitability of these documents 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.

#### **2.4.10. Computer software**

Computer software, used to prepare the design documentation, should meet the requirements contained in the Contract as well as the requirements related to individual elements of the design documentation, as described in the specific subchapters of these Terms of Reference. The scope of the licenses to use such computer programs must be consistent with the scope and method for using the software to prepare the design documentation which are intended by the Consultant.

The purchase of computer software licenses and computer hardware should be agreed with the Client's IT service. The software licenses should be issued to RZGW Wrocław as the user and should be its property. Such computer hardware and software will be transferred to the Consultant for its free use during the performance of the Contract. The computer equipment and data should be protected against access of unauthorized persons by using an integrated user authorization system and antivirus software, under the Consultant's Information Security Policy. If the Consultant does not have such policy in place, the Consultant will prepare information security policy and submit it for approval to the Client's Information Security Administrator.

In keeping with the progress in the services provided, the Consultant will deliver to the Client computer hardware, including specialist engineering software, necessary to implement the Project in an effective and timely manner, among others the following: 3 network software licenses related to technical solutions in the design and construction industry, 1 software license related to electrical designing, including instrumentation and control equipment, telecommunications and low voltage power systems as well as system, office support, project management (3 licenses), and antivirus software – compatible with the software used by the Client.

The Consultant will be obliged to provide ongoing support in the operation of advanced project management techniques and computer software for financial accounting of the Project.

#### **2.4.11. Equipment and transport during tests, measurements and design preparation**

When carrying out any activities associated with the performance of this Assignment, the Consultant is obliged to use only equipment and transport that will not cause an adverse effect on the condition of the equipment and structures in the area where measurements and tests are carried out and on the quality of the design documentation being prepared.

The Consultant will submit to the Client a declaration or copies of documents confirming that the relevant equipment is permitted for use where this is required by legislation or at the Client's specific request in this respect.

#### **2.4.12. Electronic format of the design documentation**

Together with the conventional (printed) version of the documentation, the Consultant should also submit the following documentation in electronic version (2 copies):

- all design documentation 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 any data protected under the Personal Data Protection Act of May 10, 2018, or any provisions replacing/amending its provisions, including the EU provisions under the General Data Protection Regulation (GDPR), with the wording applicable during the performance of the consulting services, should be excluded;
- basic plan views and projections that allow viewing and editing in CAD type software, i.e. in **.dwg**, **.dgn** or **.dxr** format;
- a land development plan on a digital map that allows viewing and editing in GIS type software, i.e. in **.shp** format;
- the plane rectangular coordinate system PUWG-2000/PL-2000, geodetic coordinates in the EUREF-89 system, the PL-EVRF2007-NH height datum;
- bills of quantities in the form of files in a format compatible with **.prd** and **.rds**;
- an engineer's cost estimate in the form of files in a format compatible with **.ath** and **.rds**;
- the text and tabulated documents in a format that allows export/import, viewing and editing in applications such as WORD and EXCEL;
- photographic documentation from the design stage - before the commencement of the Works (including **.jpg** files);
- the design documentation for I&C and IT equipment should be provided in an editable electronic form;
- if the documentation is provided in formats other than those mentioned above, the Consultant will provide the Client licenses for software that will allow viewing and editing in the formats provided.

#### **2.4.13. Protection and preservation of the design documentation and input materials**

The Consultant will be responsible for protection of the design documentation and output, and any input materials used and received during the design work. The Consultant will keep the design documentation and input materials until their submission to the Client.

Upon realization of the Loan/Grant from the International funding Institutions, the following Stage II services will be provided by the same Stage I design Consultant.

#### **2.4.14. Author's Supervision**

The Consultant will provide Author's Supervision (Implementation Support) during the execution of the Works carried out based on the design documentation prepared under this Contract and arising from the already prepared design documentation to the extent specified by Building Law as well as during the Defect Liability Notification Period.

The Consultant's duties also include the provision of the full scope of Author's Supervision activities 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 Investor's Supervision representatives (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 geological investigations and other geotechnical documentation, submitted by the Works Contractor during the execution of the Works;
  - 7) adjust the design documentation, concerning 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 which 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 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 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 processes, 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 processes;
  - 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 Notification Period and the statutory warranty period with respect to the Works completed.

#### **2.4.15. 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 is or will be considered to be justified and necessary or required in the light of the applicable legislation to properly prepare the entire

design documentation, being the object of this Assignment, and to properly perform all the Works.

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

#### ***Securing land for carrying out measurements and investigations***

The 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 and other applicable regulations.

#### ***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 to conduct investigations and other design work.

### **2.4.16. Control of Design Documentation Quality**

#### ***Supervision of the Client over the design process***

The Client will provide ongoing oversight over the compliance of the design process with the requirements of the Contract during meetings with the Consultant. During the design process, there will be the following types of meetings concerning the design documentation or other issues related to the performance of the Contract:

**1. Review of design documentation** – a meeting at the Consultant's office or the Client's office with the participation of the Client, the Consultant, and the PCU as well as any other invited parties (including e.g.: IDPOE), if necessary, whose main objectives are the following:

- assess the current progress in the preparatory and design work.
- regularly assess the consistency of the design documentation with the requirements of the Contract, which will be done by the Client;
- discuss current problems and solve them, if necessary.

Design documentation review meetings will be held with a frequency: once a week.

**2. Project meeting related to the Kamieniec Ząbkowicki reservoir scheme** – a meeting at the Client's office, with the participation of the PCU, the Client, and the Consultant as well as any other invited parties (IDPOE), if necessary, whose main objectives are the following:

- the Consultant's presentation of a report on the current progress in the preparation of the design documentation;
- 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 with a frequency: as necessary.

3. **Working visit** – a meeting that takes place outside the Client's office, with the participation of the Client, the Consultant, and the PCU as well as other interested parties, aimed at making clarifications and working arrangements and 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 Client.

4. **Emergency meeting** - a meeting at the Client's or the Consultant's office, with the participation of the Client, the PCU, and the Consultant as well as any other invited parties, whose objective is to discuss or resolve design issues or other issues associated with the performance of the Contract that require immediate action to be taken.

Emergency meetings will be held at the initiative of the Consultant or the Client.

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

The Consultant should provide the Client necessary assistance in carrying out working reviews of the design documentation. During such reviews, the Client 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 Client will assess the compliance of any documentation, including the design documentation, with the requirements of the Contract based on the results of its 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 Client and such document will be signed by the verifiers and the General Designer). If the inspection results show that the Consultant's reports are unreliable, in such case the Client will rely exclusively on the results of its own inspections. The Client may commission repeated or additional inspections to an independent entity. The Client 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 Client may immediately suspend the Consultant's work and will permit any further work only after the Consultant's deficiencies have been removed and the quality of the design work has been found to be appropriate. The Consultant will carry the cost of suspension of the work and all related costs.

#### ***Supervision of the Consultant over the design process***

The Consultant is responsible for organizing the system of supervision and internal control over the preparation of the design documentation. Supervision and control should cover the completeness, timeliness and quality of the performance of the services. To this end, the Consultant should prepare a Quality Assurance System (QAS) and submit it to the Client for approval before the commencement of the work. The Quality Assurance System should cover the scope of preparatory work, work related to the preparation of the design documentation, and the provision of Author's Supervision.

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.

#### ***Project documents***

During the performance of the design work, the Consultant and the Client will create project documents that will form the documentation of the preparatory and design process as well as the documentation of inspections conducted.

Project documents include the following:

1. memoranda and minutes of meetings related to the performance of the object of the Contract, including among others the design documentation;

2. correspondence between the Client's representatives and the Consultant;
3. correspondence between the Consultant and third parties;
4. any assessments, opinions, approvals, permits, review reports, audit reports, and inspection reports, including their analysis made by the Consultant, obtained with respect to the design documentation;
5. memoranda of meetings with the public and third parties.

Project documents will be kept by the Consultant in an appropriately secured place. Any project documents will always be available to the Client or its authorized representative. The Consultant will also create a properly secured virtual cloud, in which project documents will be kept and made available to the Employer. The Consultant will implement teamwork software (such as, e.g., JIRA or other software with equivalent functionality) and will also train the Client's and the PCU's staff on the use of the selected platform. The Consultant will be responsible for administering the teamwork platform, Its update and security, and will be responsible for archiving the content of the platform.

The Consultant will be responsible for archiving all produced documents, designs, etc., and for maintaining virtual archives in its IT resources, while making a copy of the virtual archives in the Client's IT resources.

The Consultant will prepare a document flow scheme, including all paths, operators, and relationships related to the flow of documents as well as a document flow control system, and submit it for the Client's approval.

#### **2.4.17. Scope of work regarding environmental, social, and land acquisition activities**

##### **2.4.17.1 Environmental and Social Management Plan (ESMP), Environmental and Social Impact Assessment (ESIA), and other required**

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

- Screening of environmental and social impacts;
- Preliminary environmental analyses (an environmental inventory of the area intended for the investment), and social baseline, including identification of sensitive receptors.
- Project Information Sheets;
- 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, analysis of social vulnerability, downstream and cumulative impacts, etc.;
- Materials for applications for environmental permits;
- Materials for applications for permits to destroy habitats;
- Materials for applications for decisions on the requirements for carrying out the works;
- A tree survey;
- A hydraulic assessment report;
- An environmental inventory within the scope agreed with the authority conducting the environmental impact assessment procedure, in particular with regard to any protected habitats;
- Analysis of project alternatives to avoid and/or minimize adverse impacts.
- Water quality investigations;
- Consultations with project stakeholders, prioritizing directly affected parties;
- Environmental and Social Management Plans as an obligatory element of the bidding documents;

- Other expert reports, e.g. related to the Water Framework Directive.

The detailed scope of measurements, investigations, and analyses necessary to prepare the above-mentioned documents will be determined by the Consultant, 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 Framework (ESF). The output documents will be prepared in full compliance with both Polish law and the ESF. The Consultant will prepare a separate Environmental and Social Management Plan (ESMP), which will be developed using the templates contained in the ESF. The draft Environmental and Social Management Plan will be reviewed and approved by the Implementing Agency. The ESMP will be part of the bidding documents, which will be submitted to the World Bank for a no objection.

The environmental impact assessment report was prepared during the preparation of the Feasibility Study of 2005, and it will need to be updated and supplemented in accordance with the currently applicable national and EU legislation. The environmental and social impact assessment (ESIA) and the Environmental and Social Management Plan (ESMP) will be prepared by the Consultant.

The Consultant will update these documents (ESIA, ESMP) to the extent necessary and to address relevant requirements in the applicable World Bank's ESSs. More importantly, 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.

This investment is to be implemented following the Polish environmental protection regulations, the European Union directives as well as the World Bank's guidelines and operational policies (among others, in accordance with the WB's ESF Standards, i.e. ESS 1-10) 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 between the Polish requirements and guidelines and those of the World Bank concerning this matter, in such case the World Bank's requirements will prevail.

The Consultant will acquire the necessary data and information and prepare all environmental and social documents for all the Works to be carried out under the Kamieniec Ząbkowicki reservoir scheme which can be necessary to obtain a construction permit and any other permits for the construction Works.

The Consultant will help apply in practice the recommendations contained in the environmental assessment and environmental impact assessments in the implementation of the Environmental and Social Management Plan in order to avoid any adverse environmental impact caused by the construction Works and subsequently by the operation of the structures constructed. The ESMP should contain mitigation measures, a monitoring program, 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 Contract or by performing additional work, for which the Consultant will prepare a design or provide technical support and training on the operation of the project structures, to be conducted by the Consultant.

During the preparation of the concept and design documentation, the Consultant will prepare an Environmental and Social Impact Assessment and an Environmental and Social

Management Plan, as specified in the ESF, for any activities 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 the Consultant's participation in the processes of public disclosure and public consultation on draft ESMP documents and any documents resulting 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 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 the Kamieniec Ząbkowicki reservoir project, 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.

#### **2.4.17.2 Social Impact Assessment and the preparation of a Resettlement Action Plan (RAP)**

##### **Preparation of Resettlement Action Plans (RAPs) following the World Bank's ESF Standards, in particular ESS5 and ESS10**

In cases where the process of screening related to the above-mentioned activities was conducted and the Project's potential impacts on the society associated with land acquisition for the purpose of implementing the Project were identified, the Consultant should follow the objectives specified the ESF, i.e. in particular involuntary resettlement should be avoided, and where it is unavoidable, it should be minimized, and efforts should be taken to improve, or at least to maintain at the same level, living conditions (income sources and residential conditions) of persons affected by the implementation of the Kamieniec Ząbkowicki reservoir scheme. Such activities include the following, but are not limited to:

- Conduct a census and sociological, social and socioeconomic surveys;
- Define and inform project affected persons about the final dates of the Works;
- Prepare and conduct the public consultation process in accordance with 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, 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 during the implementation of the Kamieniec Ząbkowicki reservoir scheme, after obtaining approval from the Client and the World Bank.

A Resettlement Action Plan (RAP) will be prepared for the Kamieniec Ząbkowicki reservoir scheme.

For the different activities/works included in the Project, the Consultant will carry out a Social Impact Assessment of the Kamieniec Ząbkowicki reservoir scheme following the ESF, in

particular Standards ESS1, ESS5, and ESS10, and in accordance with the provisions of Polish law and the directives of the EU, the WB, and the CEB. Based on findings of the Social Impact Assessment, if there are any impacts that require a Resettlement Action Plan (RAP) to be prepared in accordance with ESS5, the Consultant will prepare such document according to the above-mentioned World Bank standard. In this context, the major activities to be carried out will include the following:

- (i) Update the assessments of the project's impact on the population and prepare/update the RAP according to the Polish Government's policy, the World Bank's guidelines contained in the ESF, including ESS5 (Standard No. 5), the directives of the Council of Europe Development Bank, and the directives of the European Commission;
- (ii) Collect data required by ESS5 to prepare the RAP; this will include 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 - land, structures, crops, fruit trees; (c) an estimate of the Project's impact on income of each household; (d) a census of people who have already been compensated for the loss of their properties and the immediate surrender of the land; (e) 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; (f) a comparison and analysis of land valuation law; (g) an analysis of the standard practices for land valuation, acquisition and expropriation; (h) documentation of activities aimed at minimizing land acquisition/resettlement; and (i) a full description of options available to project affected persons;
- (iii) Example: due diligence of the previously acquired land to assess overall compliance with the ESS5 and identify remedial measures where applicable.
- (iv) Prepare alternatives aimed at minimizing the resettlement and displacement before 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;
- (v) 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;
- (vi) Identify sites for relocation, involve project-affected persons in preparing alternatives for relocation sites, in accordance with ESS5, and prepare a strategy for relocating the sites and buildings;
- (vii) Prepare a Stakeholder Engagement Plan (SEP) in accordance with EES10;
- (viii) Describe the legal framework for the RAP, relevant local laws, and taxes that apply to resettlement; describe the relevant policies for each category of impact and specify specific implementation rules on which the agreed RAP will be based; describe methods for valuation of affected structures, land, trees, and other assets, and prepare an entitlement matrix; describe the grievance redress procedure related to compensation, appeal mechanisms, and the process of bringing cases to civil courts;
- (ix) With respect to social impacts and the preparation of the RAP:
  - (a) 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;
  - (b) prepare an entitlement matrix for the relocation plan and action plan;
  - (c) 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;

- (d) 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;
- (e) 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 resettlement sites, etc.;
- (f) prepare a RAP implementation plan and identify critical path actions for a timely implementation of the Project;
- (viii) The RAP will be updated and modified as necessary and will show the progress in its implementation and changes in the RAP implementation that will be necessary due to overall changes compared to the previous period; and
- (ix) The Consultant will provide support in the implementation of RAP-related activities during the project implementation stage, including among others support in land acquisition, and for that purpose will prepare necessary documentation, including property valuations necessary to determine compensation, conduct/participate in negotiations with beneficiaries, and provide assistance in obtaining local permits, etc. This may 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.

Note:

An initial analysis of the documentation held shows the following:

- More than 500 cadastral plots with an area of more than 500 ha (among others gravel extraction land, roads and forests) will need to be acquired for the State Treasury;
- Polish Waters will also need to take over the administration of about 50 State Treasury-owned plots (administered by, among others, the National Agriculture Support Center and the State Forests National Forest Holding);
- In the plots intended to be acquired, there are at least 2 residential buildings as well as farm/agricultural buildings (in at least over a dozen plots).

Once detailed designs are available and after obtaining construction permit, the Consultant will prepare a full RAP. The RAP should be prepared in accordance with the above-described scope and activities, the RPF, and the ESF, including EES5 (Standard No. 5). Consultations on the RAP should be conducted for the entire area included in the Kamieniec Ząbkowicki reservoir scheme and all procedures must comply with Polish law as well as with the guidelines of the WB, the CEB, and the EU. The RAP should be updated and modified periodically, if necessary.

The Consultant will also prepare, **once a quarter or within a different time limit expected by the Client**, the timeline/schedule for the implementation of the RAP, a report showing the progress in the implementation of the RAP and any changes in the RAP implementation that will be necessary due to changes in the assumptions adopted in the previous period. The Consultant will provide support in the implementation and monitoring of the RAP during the performance of its Services.

## 2.5 TECHNICAL ASSISTANCE TO THE CLIENT

### 2.5.1 Cooperation with stakeholders for the Kamieniec Ząbkowicki reservoir scheme

The Consultant will cooperate with all stakeholders of the Project. The Consultant will conduct consultations and participate in meetings with the central government, local governments,

residents, and non-governmental organizations. The Consultant will prepare and present a Stakeholder Engagement Plan (SEP) in accordance with EES10 (Standard No. 10).

### **2.5.2 Support in the management of the Kamieniec Ząbkowicki Reservoir scheme**

The Consultant will provide support to the Client in overall project management and activities such as the preparation of project implementation plans, budget expenditures, financial plans and forecasts, monthly, quarterly and annual reports, as required by the Polish government and the project co-financiers. The Consultant will also assist in preparing procurement plans as well as in contract management and financial management. Such plans will be updated on a regular basis, as required by the Client.

The Consultant will provide support in obtaining location and construction permits or any other permits or approvals that will be necessary for the implementation of the investment and will act on behalf of the Client in accordance with the authorizations granted. The Consultant will support RZGW Wrocław in conducting procurement processes (including as members of the Evaluation Committee or experts) for the Works associated with the investment, prepare bidding documents for such procurements, participate in bid evaluation, prepare Bid Evaluation Reports, and provide support to the Client in signing the Contract.

The Consultant will prepare contractor prequalification documents and describe qualification criteria. The Consultant will also assist the Employer (RZGW Wrocław) in carrying out the prequalification process (if any), that is, in activities such as the preparation of an invitation to prequalification, evaluation of prequalification applications, the preparation of a prequalification report, etc.

In the event that it is required to operate the IT System for Monitoring and Financial Control of Loan Funds, the Consultant will provide assistance in adaptation to the requirements arising from the need to use this System.

### **2.5.3 Support in financial management of the Kamieniec Ząbkowicki reservoir scheme**

Assisting the Client in management, reporting, and making financial settlements, including the following, among others:

1. Provide information necessary to manage and supervise the investment;
2. Assist in effectively obtaining funds for the investment;
3. Ensure effective utilization of all funds obtained for the implementation of the investment;
4. Monitor funds available for the implementation of the investment;
5. Regularly prepare and submit in a timely manner project financing plans 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 investment (concerning all the financing sources);
9. Prepare application forms required by the institutions financing the Project in the scope agreed with the Client;
10. Classify the costs of the investment based on the co-financiers' recommendations;

11. Determine the method and form of settlements with the authorities cooperating with the Project Implementing Agency in the implementation of the investment, e.g. the Voivodeship Office or the Marshal's Office;
12. 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.);
13. Prepare and update, on behalf of the Employer, design work schedules (in accordance with the requirements of the project co-financiers, in particular the World Bank);
14. 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;
15. Prepare reports regarding the final cost estimates at various stages of the duration and implementation of the investment;
16. The preparation of the document "Risk analysis" should be understood as identification of any existing and potential risks to the expected effects. Such analysis should enable the determination of the level of risk in qualitative terms, thereby making it possible to conduct a preventive action or a mitigation action, or even to eliminate the respective risk. The analysis should also indicate the entity managing a particular risk. The expectation is that the probability of occurrence of a particular risk will be assessed and circumstances that may contribute to the occurrence of a particular situation will be indicated.

The scope is as follows:

1. Economic and financial risks;
2. Formal and institutional risks (including risks associated with the lack of compliance with the World Bank procedures and the Polish/ EU legal framework, risks associated with the compliance with the applicable regulations, and risks associated with proper implementation of the planned activities);
3. Technical and technological, environmental, and social risks.

#### **2.5.4 Support in preparing and conducting procurement processes**

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 the contract must meet and submit them to the Client for approval;
- 3) Determine the appropriate procurement method to select the Works Contractors.
- 4) Determine the value of the contract(s);
- 5) Prepare complete 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.
- 6) Give responses to questions asked by bidders that have acquired/obtained access to the content of the Bidding Documents and prepare proposed amendments to the content of the Bidding Documents, if necessary;
- 7) Provide support in preparing and conducting a pre-bid conference;
- 8) Analyze and evaluate bids of contractors bidding for the contract at each procurement stage (prequalification and qualification) 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) indicate the reasons of exclusion of any bidder, if necessary;
- d) perform an analysis for a grossly low price;
- e) select the most advantageous bid or propose to cancel the tender, including the justification;
- f) prepare a Prequalification Evaluation Report and a Bid Evaluation Report;

9) Perform activities during the tender proceedings, 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 any;

13) Prepare the required number of hard copies of the complete Bidding Documents, the Contract(s), including the designs and drawings, etc.;

14) Publish notices in a newspaper of wide national circulation;

15) Provide an English translator and English translation of the Bidding Documents prepared during the procurement process.

The Employer's obligation is to:

- publish a procurement notice about the commencement of the 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;
- appoint an Evaluation Committee;
- authorize the Consultant's personnel to participate in the work of the Evaluation Committee as its members.

#### **2.5.5 Support in the acquisition and takeover of properties and the preparation/update of the RAP**

Conducting activities associated with land acquisition to implement the investment and obtain the right to use the properties for construction purposes in accordance with Polish law, the RPF for the new Project, and the ESF, including ESS5 (Standard No. 5). If there are discrepancies between Polish law and the World Bank policies, 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 in this respect will include the following, among others:

1. Assist the Client in land acquisition by representing the Client in the land acquisition process, prepare property valuations necessary to determine compensation for people affected by the implementation of the Project/Investment, hold/participate in negotiations, conduct the expropriation process where negotiations fail, carry out activities aimed at securing land for construction purposes, provide valuations of land, residential properties, plants and property improvements as well as other assets, conduct processes related to temporary land use, and prepare memoranda of understanding, agreements, etc.
2. Provide legal advice to people expropriated from the investment area.
3. Provide legal support in land acquisition for the purpose of implementing the investment.
4. Prepare property valuations to determine compensation for project affected people, including in particular cases of permanent acquisition, temporary land use, permanent restrictions, and other impacts requiring a valuation. 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:

- the Act of July 8, 2010 on Special Rules for the Preparation and Implementation of Investments related to Flood Control Structures (consolidated text Journal of Laws of 2024 item 274), pursuant to the requirements specified in Art. 21;
- the Act of August 21, 1997 on Real Property Management (consolidated text Journal of Laws) of 2024 item 1145, as amended);
- the Act of July 7, 1994 – Building Law (consolidated text Journal of Laws) of 2024 item 725, as amended);
- 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 (Journal of Laws of 2023, item 1832, as amended);
- 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 1m<sup>2</sup>;
- 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 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.

5. Agree on compensation for the properties to be taken over (permanent land acquisition, temporary land use, permanent land restrictions, obligatory rights, economic impacts, etc.).
6. 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.
7. Regularize the legal status of the properties by registering the Title Deed in the Land Register for the respective property or apply 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 (Journal of Laws of 2024 item 274).
8. Monitor the implementation of the RAP and submit quarterly (or at another frequency required by the Employer) reports on the RAP implementation in a format agreed with the Employer.

The Consultant will carry out the following activities, as specified in the RFP for the new Project:

9. Monitor the implementation of the RAP and the compliance of any activities carried out with the World Bank's policy contained in the ESF and the RFP, the requirements to

mitigate and eliminate negative impacts, and common good practices in the area of expropriation.

10. 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).
11. 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 on the implementation of the Kamieniec Ząbkowicki reservoir project.

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 the compliance of any activities carried out with the standards specified in the ESF, the requirements to mitigate and eliminate negative impacts, and common good practices in the area of expropriation, including grievance mechanism management.
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 contact with the relevant authorities (also including non-governmental organizations).
3. Prepare monthly, 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 RAP final reports on the implementation of this Assignment.

## **2.5.6 Support in conducting environmental activities and preparing/updating Environmental and Social Management Plans (ESMPs)**

During the implementation of this activity, the Consultant will follow the WB's Standards and the NBS principles.

1. Prepare and carry out a procedure(s) designed to have all environmental permits issued in accordance with Polish and EU law as well as with the project financiers' requirements and guidelines.
2. Verify all environmental permits issued in terms of the project financiers' requirements and guidelines.
3. Obtain all missing decisions and approvals necessary to issue any missing environmental permits in accordance with Polish and EU law as well as with the project financiers' requirements and guidelines.
4. Where necessary (if any irregularities in the environmental permit proceedings or in the provisions of any environmental permit have been found), conduct the repeated ESIA procedure in order to obtain an environmental permit that will be valid in the light of the applicable provisions of Polish and EU law and which will be recognized by the project financiers.
5. Conduct the ESIA procedure and obtain an environmental permit for the project activities that do not have such permit (in accordance with the applicable provisions of Polish and EU law and which will be recognized by the project financiers).
6. The Consultant will take efforts to obtain any derogation decisions – if necessary. Moreover, the Consultant will undertake activities, agreed with the Employer, associated with documentation related to cultural property protection and search for unexploded ordnance.
7. Conduct public consultations and inform local communities in the area affected by the investment's impact at the earliest possible stage about the investment process in order to avoid or mitigate possible conflicts, in accordance with ESS1 and the requirements of Polish law.
8. Provide ongoing monitoring of the occurrence of legally protected nature areas related to the investment.
9. Regularly update the Client on any changes in the list of legally protected nature areas.
10. In the case of any change in the list of legally protected nature areas affecting the implementation of the investment, take necessary actions in accordance with the project financiers' requirements and guidelines as well as with Polish and EU law, and update the relevant plans (ESMP).
11. Determine the correctness of the Employer's activities related to environmental issues in terms of their compliance with Polish and EU law as well as the requirements of the World Bank.
12. Regularly update the Client on any problems that occur with respect to environmental protection and environmental proceedings as well as on the procedures for conducting an environmental impact assessment (ESIA) in accordance with Polish and EU law and with the requirements of the World Bank's Standards ESS, if there are relevant changes/amendments during the carrying out of the ESIA procedure.
13. Provide ongoing support to the Client (assistance in preparing periodic reports for the PCU, participation in meetings with the PCU and other institutions participating in the Kamieniec Ząbkowicki reservoir project), including the ESMP implementation stage.
14. Keep readable archives of any data, decisions, arrangements, and correspondence as well as minutes, memoranda, agreements, contracts, or reports produced during the process of conducting the ESIA procedure, in the form of electronic and traditional databases, and make them available to the Client.

15. Carry out monitoring and take pre-emptive actions to ensure the validity of the permits throughout the entire period of performance of the Consultant's service.

#### **2.5.7 Legal support**

The Consultant will provide legal support throughout the entire period of provision of the services, including support to the Client in administrative proceedings at each stage, such as appeal, complaint, application proceedings, etc., and also in proceedings associated with expropriation, compensation payment, compensatory activities, arrangement making, negotiations, mediation, etc., and in any other activities requiring legal assistance.

Legal support will relate to any formal and legal aspects whose solution will affect the effective implementation of the Kamieniec Ząbkowicki reservoir scheme and more widely to the Project.

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

#### **2.5.8 Conducting information and promotion activities in accordance with the standards of the World Bank's ESF, 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 contact with the general public;
2. Publish procurement notices and other documents in the media resulting from the carrying out of procurements associated with the implementation of the Kamieniec Ząbkowicki reservoir scheme;
3. Support the Employer in preparing required information on the implementation of the implementation of the Kamieniec Ząbkowicki reservoir scheme for the media, including required materials for any radio/press/TV interviews/reports (the text and photos);
4. Provide comprehensive organization (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. During the term of the Contract, at each request of the Client, the Consultant will prepare a multimedia presentation using Microsoft PowerPoint software, not less frequently than once per month;
6. Prepare and present multimedia presentations during meetings, including during World Bank missions;
7. Make photographic documentation of the structures included in the investment project before the commencement of the Works and submit this documentation to the Client.
8. Support in monitoring and management of grievances issued on preparing investment stage and preparing grievance mechanism for investment stage;

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 Kamieniec Ząbkowicki reservoir 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 to a project financed from the respective European Union Fund;
- ESS10.

## **2.5.9 Translations**

The Consultant will provide translations of all documents arising from the implementation of the Kamieniec Ząbkowicki reservoir investment that will need to be translated into English. Documents must be translated within the time limits required by the procedures that will result from the implementation of the investment. Moreover, if necessary, the Consultant will also provide certified translations.

The Consultant will provide simultaneous interpretation in all meetings where such interpretation is required, including among others meetings of World Bank Missions (also at the Construction Site) and of the International Dam Safety Panel of Experts.

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 assist in direct contacts with the World Bank and the European Commission in the role of an expert and an interpreter (if need be).

## **2.6 OUTPUT SCHEDULES**

An Output Plan and a Schedule for the performance of this Assignment, which the Consultant is to provide in accordance with the instruction for the preparation of proposals related to this Contract, will form the basis for the Consultant's detailed Schedule that will be prepared according to the below specified requirements. The Schedules mentioned in these specifications should be prepared in electronic form in MS Project or equivalent (also in an editable version).

### **2.6.1 Preparation of a detailed Schedule**

The Consultant will prepare a detailed Output Plan and a computerized Schedule (Manning and Activities) for all activities associated with the provision of the services and submit them to the Client for approval. The Output Plan and the Schedule prepared by the Consultant will include all activities dependent on or related in some other way to the process of designing and obtaining necessary approvals, permits, and decisions, including the required dates for providing construction data and conditions, the dates for submitting different documents, and the time limits assigned for their evaluation.

The Output Plan should include the outputs resulting from the implementation of this Contract, broken down into key activities necessary to produce them.

The main outputs of the performance of this Assignment: Milestones allowing monitoring and assessment of the progress in the implementation:

- The Outputs of the design process are as follows: geological and engineering documentation, a multi-option concept for design solutions for the investment approved by the Client, submission of a hydraulic appraisal report, obtaining a water law permit, submission of construction (technical) designs necessary to obtain a construction permit, and obtaining a construction permit;
- The Outputs of the environmental process are as follows: an environmental inventory, an application to determine the scope of an ESIA Report, including a Project Information Sheet, an ESIA Report, an application for an environmental permit, obtaining an environmental permit for the investment, preparation of a draft Environmental and Social Management Plan following the ESS Standards, while if necessary, preparation of documentation compliant with the EHSG (<https://www.ifc.org/content/dam/ifc/doc/2000/2007-general-ehs-guidelines-en.pdf>), conducting public consultations, and obtaining the World Bank's no objection to the Environmental and Social Management Plan;
- The Outputs of the land acquisition and social process are as follows: preparation of a

draft Resettlement Action Plan, conducting public consultations, obtaining the World Bank's no objection to the Resettlement Action Plan, submission of property valuations, support to the Investor in land acquisition (permanent land acquisition and temporary land use, property use restrictions, and other) for the purpose of implementing the investment, and preparation of land acquisition cases for final compensation payments;

- The Outputs of the tendering process are as follows: obtaining the World Bank's no objection to the content of the Bidding Documents, bid opening, obtaining the World Bank's no objection to the content of the Bid Evaluation Report and the contract award recommendation, and signing of the Works Contract with the Contractor.

Within 28 days from the signing of the Contract, the Consultant will prepare a detailed schedule for all activities associated with the provision of its services and submit it to the Client for approval. The schedule prepared by the Consultant will include all related activities, including the required dates for providing data, the dates for submitting different documents, and the time limits assigned for their evaluation.

As the minimum, the schedule will show the following data for all activities provided for in the plan:

- schematic diagram (computer generated)
- tabulated summaries showing:
  - the earliest dates of commencement and completion
  - the latest dates of commencement and completion
  - holiday periods and their total number
  - information about planned breaks, summer holidays and other periods during which no works will be carried out
  - the critical path.

After the Client's approval of the Schedule (which will at the same time become the baseline Schedule), the Output Plan and the Schedule will form the basis for monitoring the Consultant's performance of future activities and the Consultant will not be able to change or modify them without the Client's prior consent.

### **2.6.2 Updating the Schedules**

The Consultant will submit the updated Schedule for the provision of the services with each monthly report. Each update should be identified and any deviations from the baseline Schedule should be indicated, including their justification and information on the activities in the critical path.

The Consultant will monitor its plan and show the status of such monitoring in its monthly reports. Monthly updates of the Consultant's plan will also be monitored in relation to the approved plan and all deviations will be recorded. The impact of major changes on further activities will also be determined and analyzed. The Consultant will specify necessary corrective actions or plan its work anew. The Client will be notified of any corrective actions.

If the Consultant's plan requires some significant changes, the changed plan and the Schedule prepared by the Consultant will be submitted again for the Client's approval. After their approval, such plan and Schedule will become a new basic plan and the baseline Schedule for all future work.

If no noticeable major deviations are found during the process of monthly monitoring, in such

case the Consultant will, once every three months, carry out a complete review of its overall plan, making changes in it or preparing a new plan, depending on circumstances, so that the monitored plan and Schedule submitted to the Client are fully consistent with the Consultant's current intentions associated with the provision of the future services.

If a review of the plan carried out by the Consultant shows that the intended goals will not probably be achieved, the Consultant will prepare alternative or remedial plans allowing the overall objective to be achieved. These plans will be submitted to the Client for approval.

## **2.7 REPORTING**

### **2.7.1 Report submission and approval**

1. Each of the key reports on the implementation of the Project to be prepared by the Consultant, i.e. the Inception Report, any Special Report(s), and the Final Report, will be submitted to the Client in electronic version for review, whereas 1 hardcopy in Polish, and if necessary at the Client's request also in English (a computer printout), will be submitted after the Client's approval, including an electronic version.
2. Monthly and Quarterly Reports will be submitted to the Client in electronic version for review. Following their approval by the Client, they will also be submitted in 1 hardcopy in Polish (a computer printout) and also in electronic version. The Consultant is obliged to prepare monthly reports in Polish, but the Client may request such reports to be prepared in English, if necessary.
3. The form of the Inception, Monthly, Quarterly and Final Reports should comply with the requirements of the relevant institutions financing the implementation of the Project and be submitted to the Client for approval within 21 days for the Inception Report and 28 days for the other Reports from the effective date of the Contract.
4. Following their approval by the Client, Monthly Reports prepared by the Consultant will form the formal basis for making payments. Monthly reports, showing the Outputs produced in a particular period, will be signed by the Consultant and, if approved, by the Client. The settlement of recognized costs will be made on a monthly basis.

All Reports must be submitted simultaneously in paper and electronic form, but the Consultant will also use a project management tool or equivalent to prepare them.

### **2.7.2 Inception Report**

The Inception Report, to be prepared within 35 days from the effective date of the Contract, will contain a detailed analysis of the documents provided by the Client to determine opportunities and threats to a smooth implementation of the Kamieniec Ząbkowicki reservoir scheme and the necessary scope of the Consultant's activities and incorporate the Client's activities performed to date, but in particular it should contain the updated Schedule of the Consultant's work/activities.

## **SCHEDULE OF THE CONSULTANT'S WORK/ACTIVITIES:**

- the time distribution, sequence and duration of the proposed activities, indicating the critical path;
- identification and time distribution of more important stages and outputs of contract performance, indicating the methods used to reflect their achievement in any reports;
- proposed monitoring of the indicators/Milestones for the achievement of the objectives of the Contract (the achievement of the level of the assumed indicators/Milestones over time);
- a work schedule for the personnel.

The report should also contain the following, among others:

- the organization chart of the Consultant's team indicates the scope of responsibilities of all persons whose participation in the performance of the Contract is planned;
- a report on a review of the archival design documentation provided by the Client, its completeness, and mutual consistency as well as on making control calculations to find errors, if any;
- a risk analysis, indicating preventive actions;
- a detailed action plan for the next half year;
- the work organization and methodology of the Consultant's team;
- a proposed common project management platform for cooperation between the Client and the Consultant;
- a detailed review of the documentation in the Client's possession, indicating documents necessary for the proper implementation of the project that will need to be prepared, updated, or supplemented by the Consultant in agreement with the Client;

Regardless of the work methodology and organization proposed by the Consultant, because unpredictable issues may arise during the performance of the Contract for the Services, but which are important for the success of the Project and which will need to be solved by the Consultant, the Client reserves the right to ultimately decide about the sequence of performing the tasks defined in the scope of work, in agreement with the Consultant.

### **2.7.3 Monthly Report**

Monthly Reports, covering a calendar month, will be submitted until the **10th day** of the month following the month to which a particular Report relates. The Monthly Reports will be submitted from the date of signing of the Contract. The first Monthly Report will cover the period from the date of signing of the Contract to the end of the month following the month in which the Contract was signed.

Monthly Reports will include the following, among others:

- 1) general information on the status and progress in the preparation for implementation of the Kamieniec Ząbkowicki reservoir scheme;
- 2) the designation of the Client, the Consultant, the PCU, and other institutions involved in the implementation of the Kamieniec Ząbkowicki reservoir scheme;
- 3) a detailed analysis of the activities carried out by the Consultant during the reporting period and on a cumulative basis;
- 4) information on the progress achieved in the past month concerning the implementation of the defined Outputs/Milestones, the determination in quantitative (physical) and cost/financial terms, including a graphic presentation; a comparison of the progress with the schedule; an explanation of the reasons for any deviations that have occurred, etc., as well as any proposed mitigation actions;
- 5) a description of preparatory and design work;
- 6) an analysis (including a percentage analysis) of the performance of the services and of the costs incurred during the reporting period;
- 7) preventive or corrective actions (if any);
- 8) information on any technical problems and actions taken to prevent them;
- 9) a list of total expenditures and estimated costs;
- 10) early warning information concerning any possible problems, identification of risks, in particular where they can affect the time for completion of the investment;
- 11) a work schedule planned for the next reporting period;

- 12) any other necessary attachments (e.g. meeting memoranda, including attendance lists, opinions prepared, their status, etc.).

#### **2.7.4 Quarterly Report**

These reports will be submitted after the end of each quarter (up to 14 days after the end of each quarter), counting from the effective date the Contract for the Services, and they should include a summary of the Consultant's main activities carried out in the reporting period, including a work plan for the next reporting period. To each Report, the Consultant will attach a list of experts who performed work and the scope of activities performed by them.

The Consultant's Quarterly Reports should also include information about the following issues:

- progress in the achievement of the targets set in the Financial Memorandum for the Project;
- the level of execution of the project budget;
- a risk analysis;

including an analysis and summary of these issues.

#### **2.7.5 Special Reports**

Special Reports will be prepared at the Client's request and according to its expectations.

#### **2.7.6 Closing Report on the Completion of the Contract**

This Report should be submitted within 28 days after the completion of the Contract for the Services and it should include a full and extensive summary of the Consultant's main activities performed during the execution of the Contract.

The Final Report should include the following elements:

**SUMMARY OF THE PERFORMANCE OF THE CONTRACT FOR THE SERVICES**  
regarding:

- the level of achievement of the contract performance indicators;
- major problems that occurred during the performance of the Contract.

**SUMMARY OF THE PREPARATION FOR IMPLEMENTATION of the Kamieniec Ząbkowicki reservoir scheme**

This chapter of the Final Report should include the following elements:

- a description of the completed work, including the physical indicators, expenditures classified by the work categories and all types of activities undertaken on the basis of the clauses included in the Financial Memorandum;

1. Introduction
- A description of the scheme
- Activities before the commencement of the Contract
2. Project documents
- Project assumptions
- Documentation produced
3. Environmental documentation
4. Land acquisition and social documentation
5. Bidding documents
6. Comments and conclusions on the performance of the Contract

- confirmation of the compliance of the completed work with the Financial Memorandum;
- a preliminary evaluation of the achievement of the expected outcomes/ Outputs/Milestones;
- indication of required environmental protection measures and their predicted costs, including the costs of measures arising from the EMP;
- information about promotional activities undertaken;
- a list of environmental activities and obligations to be performed by the Client after the completion of contract performance.
- will also prepare a financial requirement plan along with the future operation and management of the Kamieniec Ząbkowicki Reservoir manual once completed.

## **2.8 PERSONNEL**

### **Structure and management of the team**

The Project Manager will be responsible for the management and coordination of activities of the Team as well as for supervision over the performance of this Assignment. During his/her absence, the Project Manager would be replaced by the Deputy Project Manager.

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

The team of experts will report to the Project Manager. The Consultant should propose the final structure of the team in its proposal.

Any design work will be performed by dedicated, independent, autonomous expert designers.

The Consultant will ensure the availability of the experts at each request of the Client during the Client's normal working hours. The engagement and work methodology of the Consultant's entire team should be adjusted to the approved schedule for the Consultant's all activities.

Any time inputs associated with future Amendments / Agreements, if any, will be the Consultant's own cost (ineligible under the Contract).

### **Key Personnel**

To fulfil its obligations, the Consultant should provide highly-qualified personnel who have practical experience in designing and preparation of works contracts for implementation.

The key personnel must have documented qualifications and experience in the areas that are of key importance for this Contract, including the preparation of investments for implementation.

The Consultant should specify his own needs with respect to the work organization used and employ all necessary personnel required to effectively and efficiently implement the Project with regard to the performance of this Assignment.

The Consultant is required to specify the time inputs of its personnel in person-months. The Consultant should provide to its team of experts and designers necessary support and technical assistance of other specialists who may be necessary for the proper implementation of this Contract and the Works Contract(s) (i.e. land surveyor, hydrologist, water management specialist(s) for hydraulic structures, hydropower, public communication specialist, fire

protection expert, materials engineer, experts for security, ichthyology, botany, habitat protection and fauna and flora species protection, archaeologist, etc.). Moreover, in addition to the above personnel, the Consultant should provide, if necessary, services of an appropriate English simultaneous translator (also including technical English) necessary for an effective implementation of the Contract co-financed from the World-Bank loan.

Before the commencement of the work (but not later than 7 days before the Date of Commencement of the Services), the Consultant will prepare, and submit for approval of the Client's Project Manager, an organizational chart of the teams of experts, with a detailed scope of responsibilities and powers to be granted to the individual persons being members of the particular teams as well as the expected work program on a monthly basis. This document should be signed by the Consultant's Project Manager.

The list of Key Personnel shown below may not be exhaustive and can be supplemented, if deemed necessary ( e.g. dam safety expert, stakeholder engagement specialist, etc.) by the Consultant, after prior approval of the Client.

For the execution of this Assignment, the Consultant should propose persons in accordance with the Client's requirements, as follows:

**Expert 1- Project Manager** - will have the following qualifications:

*General qualifications*

Higher technical education with a Graduate or Post Graduate degree. (in one of the following fields of study: water management, hydraulic engineering, civil engineering, environmental engineering), or economic or legal education.

Minimum 15 years of work experience in the coordination and management of similar investments (environmental protection, hydraulic engineering, flood management, environmental engineering). Experience in the management of FIDIC contracts and similar projects financed by international financial institutions is necessary.

*Adequacy for the Assignment*

Experience in the management of a team performing the role of technical support (technical assistance or equivalent) and/or the Engineer (or equivalent) under at least 2 projects in the area of water management, flood protection or environmental engineering implemented in accordance with the FIDIC Conditions of Contract, and at least one project implemented in the above specified areas and financed by the International Bank for Reconstruction and Development (World Bank) or equivalent international financial institutions.

**Expert 2 - Deputy Project Manager** - will have the following qualifications:

*General qualifications*

Higher technical education with a Graduate or Post Graduate degree. (in one of the following fields of study: water management, hydraulic engineering, civil engineering, environmental engineering) or economic education.

*General professional qualifications*

At least 5 years of work experience in the coordination and management of similar investments (environmental protection, hydraulic engineering, flood management, environmental engineering).

*Special professional qualifications*

Experience in the management of a team performing the role of technical support (technical assistance or equivalent) and/or the Engineer (or equivalent) under at least 1 project in the area of water management, flood protection or water and sewage management implemented under the FIDIC Conditions of Contract is necessary.

**Expert 3 - General Designer** - 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 documents 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 of the Act of July 7, 1994 - Building Law, as amended, in the field of structural and construction engineering related to hydraulic and hydropower structures (or an equivalent license related to hydraulic engineering 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 of not less than 1200 m<sup>3</sup>/s;

Experience in designing at least Class II flood control structures (earthen dams) according to the relevant Regulation; experience in the provision of author's supervision.

**Expert 4 – Hydrologist** - will have the following qualifications:

*General qualifications*

Adequate higher education in hydrology, water management, environmental engineering, or hydraulic engineering.

At least 10 years of work experience.

*Adequacy for the Assignment*

Documented knowledge and experience in performing calculations for hydrological characteristics and maximum flows as well as in conducting hydrological analyses and surveys, and also experience in modeling river flows, in particular floodwater flows, and participation in the preparation of at least one set of documentation for a hydraulic structure constructed on a river with a base flow of not less than 1200 m<sup>3</sup>/s. Experience in conducting field investigations and in determining hydrological characteristics for both controlled and uncontrolled catchments is desirable.

**Expert 5 – Geotechnical Engineer** - will have the following qualifications:

*General qualifications*

Higher education in hydraulic engineering, civil engineering or environmental engineering with a specialization in geotechnical and foundation engineering. A designer's license without limitations in the field of structural and civil engineering (as regards the licenses held, the geotechnical specialization is desirable) or an equivalent license issued under earlier applicable law and at least 5 years of work experience in the position of a designer.

At least 10 years of work experience.

*Adequacy for the Assignment*

Documented professional qualifications to execute, supervise, and manage Category VI geological work, obtained under 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 6 - Environmental Management Expert** - will have the following qualifications:

*General qualifications*

Higher education in life sciences, environmental protection, environmental engineering, or geography with an environmental specialization.

At least 5 years of work experience in environmental management.

*Adequacy for the Assignment*

Experience in environmental management of at least one project co-financed by EU funds or by international financial institutions.

**Expert 7 - Legal Specialist** - will have the following qualifications:

*General qualifications*

Higher legal education.

At least 5 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.

**Expert 8 - Procurement Expert** - will have the following qualifications:

*General qualifications*

Higher legal or economic education, or in the related field of study, and experience and knowledge of the implementation of investments using the World Bank procedures as well as of the regulations and procedures applicable to projects implemented in the EU. Knowledge of English and Polish at an advanced level.

At least 5 years of work experience, including 3 years in supporting public sector entities.

*Adequacy for the Assignment*

Experience in the preparation and implementation of at least one project in accordance with the World Bank's guidelines and three projects under which the procurement processes were carried out in accordance with the guidelines of the European Commission and international financial institutions.

**Expert 9 – Finance and Economic Expert** - will have the following qualifications:

*General qualifications:*

Higher economic education.

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 and in making financial settlements under at least one project co-financed from EU funds or by international financial institutions as well as at least one project financed from funds of the International Bank for Reconstruction and Development (World Bank), or equivalent international financial institutions. Knowledge of financial issues relating to public sector entities will be an additional asset.

**Expert 10 – Land Acquisition Specialist** - will have the following qualifications:

*General qualifications*

Higher legal or social science education or education in geodesy and cartography.

At least 10 years of work experience.

*Adequacy for the Assignment*

Experience in providing legal support 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.

The listed Personnel do not exhaust the requirements needed for the reliable fulfillment of the Consultant's obligations and should be treated as the Client's minimum requirements that should be supplemented by adding additional personnel that will ensure the proper and timely performance of the Contract, i.e. the services provided with respect to the produced/achieved Outputs at each stage of the performance of the Contract.

If more than one Key Expert is proposed for a given position, each of them must meet the qualifications defined/required for such a position.

The assignment of one or more persons that is/are necessary in the Consultant's opinion to properly perform the Contract should be done and specified by showing a specific number of person-months at a particular stage of the Service for a given Output.

However, the Client does not limit the proposed team only to these positions and if the Consultant deems 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 select and hire other experts, as required, according to the profiles identified in these Terms of Reference.

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. As part of their duties, the Experts should be available to properly implement the Contract.

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

### **Non-Key Experts**

The group of Support Experts will be a team of persons with professional/appropriate experience who will provide advice and assistance to the Key Personnel. These experts will travel from the home office to the field, when necessary.

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 Project*

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** – will have the following qualifications:

*General qualifications*

Higher education in hydrology, water management, environmental engineering, or environmental protection.

At least 5 years of work experience.

*Adequacy for the Assignment:*

Experience in designing at least one Class II hydraulic structure 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 of the Act of July 7, 1994 - Building Law, as amended, in the field of structural and construction engineering related to hydraulic structures (or an equivalent license related to hydraulic engineering issued under earlier applicable law).

**Expert – Hydrologist** – will have the following qualifications:

*General qualifications*

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 – Electrical Engineering Designer** – will have the following qualifications:

*General qualifications*

Higher education in the relevant field of study.

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

Adequacy for the Assignment:

At least 3 years of work experience in designing 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 Designer** – will have the following qualifications:

*General qualifications*

Higher education in the relevant field of study.

A license in telecommunications.

At least 5 years of work experience.

Adequacy for the Assignment:

At least 3 years of work experience in designing telecommunications 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 telecommunications systems with other disciplines.

**Expert – IT Designer** – will have the following qualifications:

*General qualifications*

Higher education in the relevant field of study.

At least 5 years of work experience.

Adequacy for the Assignment:

At least 3 years of work experience in IT (including automation systems, server systems with respect to hardware and software, industrial control of I&C equipment, implementation of SCADA systems for industrial control and monitoring, etc.) in hydraulic engineering and/or industrial civil engineering; experience in the preparation/optimization of bidding documents, experience in supporting the coordination of designing IT systems with other disciplines.

**I&C Equipment and Automation Expert** – will have the following qualifications:

*General qualifications*

Higher education in the relevant field of study.

At least 10 years of work experience.

Adequacy for the Assignment:

At least 5 years of work experience in designing or construction and operation of I&C systems in hydraulic structures.

**Expert – Geological Designer** – will have the following qualifications:

*General qualifications*

Higher education in the relevant field of study.

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 (Journal of Laws of 2023 item 1756) are required.

**Expert – Architectural Designer** – will have the following qualifications:

*General qualifications*

Higher education in the relevant field of study.

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** – will have the following qualifications:

*General qualifications*

Adequate higher education.

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, a very good knowledge and experience in using soil strengthening and foundation construction technologies for engineering structures in hydraulic engineering and/or industrial civil engineering.

**Expert – Hydrogeological Designer** – will have the following qualifications:

*General qualifications*

Adequate higher education.

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 (Journal of Laws of 2023 item 1756) are required and the preparation of at least 2 sets of hydrogeological documentation should be demonstrated.

**Expert – Road Designer** – will have the following qualifications:

*General qualifications*

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 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 following the requirements set out the Act of July 7, 1994 - Building Law, as amended.

**Expert – Mechanical Designer** – will have the following qualifications:

*General qualifications*

Higher education in the relevant field of study.

At least 5 years of work experience in designing hydroelectric power plant equipment

*Adequacy for the Assignment:*

Experience in designing the technological equipment of at least two hydroelectric power plants with a capacity of not less than 1.5 MW.

**Hydromechanical/Hydroelectric Experts:** You may need as a part time or full time during the design and implementation of the Hydropower Facilities envisaged in this Kamieniec Ząbkowicki Reservoir scheme.

**Expert – Utilities Designer 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 of study.

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.

**Support Expert for hydraulic modeling** – will have the following qualifications:

*General qualifications*

Higher education in the relevant field of study.

At least 5 years of work experience.

*Adequacy for the Assignment:*

Knowledge of issues related to hydrology and fluid mechanics, knowledge of hydraulic modeling issues, including practical knowledge of MIKE by DHI, HEC-RAS modeling systems or related systems, practical knowledge of GIS applications (ArcGIS or QGIS).

**Support Expert – GIS Specialist** – will have the following qualifications:

*General qualifications*

Higher education in the relevant field of study.

At least 5 years of work experience.

*Adequacy for the Assignment:*

Practical knowledge of GIS applications (ArcGIS, QGIS, and other).

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

Non-key experts will be proposed for the Client's approval by submitting a written request for approval, indicating the scope of services to be provided and their experience. Non-key experts will be approved according to the rules described in the Conditions of Contract regarding Key Experts.

## **2.9 LOGISTICS AND THE PROJECT IMPLEMENTATION TIME WITH RESPECT TO COMPONENT 2 OF THE PROJECT**

### **2.9.1 Logistics**

The Consultant's services will be implemented in and around the vicinity of the Nysa Kłodzka River valley and in other areas administered by PGW WP RZGW Wrocław.

In the scope of its duties, the Consultant must include short-term trips (mainly within Lower Silesian Voivodeship) resulting from meetings and arrangements made with the World Bank. These trips will be made at the Consultant's cost on reimbursable basis.

Anything that has been provided or paid for by the Client for the Consultant's use will remain the Client's property and, where possible, will be marked as such. When the Services have been completed or interrupted, the Consultant will submit to the Client a list of items that have not been used in the performance of the Services and deliver them according to the Client's instructions.

### **2.9.2 Contract duration and important dates**

1. The Consultant will commence the performance of the Contract the next day after signing the Contract.
2. The Consultant's services will be provided during the period of preparation for physical execution of the Works related to the construction of the Kamieniec Ząbkowicki reservoir and during the implementation of this investment. The estimated duration of the Consultant's Services is as follows:
  - a) Stage I: Preparation of design and bidding documentation - 18 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. The design phase of physical works can be started pending the implementation supervision phase (Authors' Supervision) at the later starting upon Loan/Grant realization. Moreover, the Employer admits the possibility that Stage II will be abandoned partly or in whole.

Suggested that Stage I and Stage II parts of the Consultant proposal must be easily separable due to the different nature of the Stages Funding source and Certainty.
3. After familiarization with the range of documentation held by the Client and on the basis of its knowledge and experience, the Consultant will prepare, within 28 days from the date of contract execution, a Schedule of the Consultant's work/activities/manning for the Client's approval.
4. Following its approval, this Schedule will form one of the bases for monitoring, verifying and paying for the work of the Consultant's team. This Schedule will include a detailed plan for the engagement of individual (all) Experts, in conjunction with a schedule for the activities to be carried out by the Consultant (Output Plan).

### **2.9.3 Implementation arrangements**

1. The Consultant will closely cooperate with the State Water Holding Polish Waters, Regional Water Management Authority in Wrocław, Catchment Management Authorities, Supervision Water Facilities Management Authorities and coordinate its work with the Odra-Vistula Flood Management Project Coordination Unit (PCU), being responsible for the different components of the Project. The Consultant will be obliged to set up its home

office in Wrocław.

2. The Director of PGW WP RZGW Wrocław will be the Client's representative acting through the Manager of the Project Implementation Unit (PIU), who will coordinate the work of all the parties with the Consultant. The PIU Manager, with the Director's support, 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. PGW WP RZGW Wrocław will be responsible for providing existing data and information, including all documents related to the construction of the Kamieniec Ząbkowicki reservoir prepared to date.

## **2.10 MONITORING AND EVALUATION**

The Consultant's work will be evaluated in terms of the timeliness, reliability, rationale, and quality of the duties performed and the outputs delivered, while the effects of its work will be evaluated taking into account the following:

- meeting the deadlines specified in the mutually agreed Schedule of activities;
- the quality of the Services provided;
- the timeliness of the submission of the Reports and outputs;
- the timely performance of the tasks presented in the service provision methodology;
- the availability of the Consultant's personnel (including in particular the Key Personnel) at each request of the Client during the normal office hours of the Client;
- early identification and solving problems.

The Consultant, who should have the required knowledge and experience, will also be evaluated based on measures aimed at mitigating any risks and potential hazards, which the Consultant could reasonably predict on the basis of its knowledge and warn the Client against their negative consequences.

### **Control of the quality of documentation (outputs) and the Client's supervision over the process of implementing this Assignment**

The Client's ongoing supervision over the compliance of the process of implementing this Assignment with the requirements of the Contract will be carried out during meetings with the Consultant, in the presence of the PCU's representatives.

During the period of performance of this Assignment, the following types of meetings regarding the services provided and outputs delivered will be held:

1. Review of outputs and services – a meeting with the Consultant at the Consultant's office or at the Client's office, with the participation of the Client, the PCU, and other invited parties, if necessary, whose main objectives are as follows:
  - a. assess the current progress in the services provided and outputs delivered;
  - b. regularly assess the compliance of the services provided and outputs delivered with the requirements of the Contract, which will be carried out by the Client and the PCU;
  - c. discuss current problems and solve them, if necessary.
2. Project meeting – a meeting with the Consultant at the Client's office, with the participation of the Client, the PCU, and other invited parties, if necessary, whose main objectives are as follows:
  - a. the Consultant's presentation of a report on the progress in the performance of this Assignment;

- b. the Client's presentation of findings from its reviews of the concept documents;
- c. discuss current problems and solve them, if necessary.

Project meetings will be held with a frequency: as necessary.

The Consultant is obliged to provide, regularly or at the Client's request, intermediate results of calculations, drawings, reports, and documentation for the purpose of ongoing control and review.

**2.11 Annexes (materials included in point 2.2) Available data of this TOR are archival materials in paper form (hard copies) that can be viewed in person after submitting an application and at an agreed time at the Employer's headquarters at 91B Jana Kochanowskiego Avenue in Wrocław.**



Z-ca Dyrektora  
Jacek Drabinski

