KINGDOM OF CAMBODIA
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ROYAL GOVERNMENT OF CAMBODIA

MINISTRY OF PUBLIC WORKS ANDTRANSPORT
ROAD ASSET MANAGEMENT PROJECT-II ADDITIONAL FINANCING (RAMP-II AF)

IDA Cr. 6279- KH

TERMS OF REFERENCE (TOR)

INTERNATIONAL INDIVIDUAL CONSULTANT

Independent Technical Audit (ITA)

NR4 (PK19+700-PK215+800)-8 Civil Work Packages

Position:	Individual International Consultant – Independent Technical Audit (ITA) for
Location	Phnom Penh, Cambodia
Duration	14 weeks in 3 Phases over a 24 months period
Expected Date of Start	October 2021
Expected Date Ending	October 2023

1. PROJECT BACKGROUND

1.1. RAMP-II AF Project Development Objective as per Project Appraisal Document (PAD):

The Project Development Objective (PDO) of the Road Asset Management Project II for Cambodia is to improve the condition, safety and climate resilience of selected national road corridors in Cambodia. The project will achieve this objective through the systematic introduction of designs that include climate proofing and road safety measures and the use of performance based contracts; and by enhancing Ministry of Public Works and Transport's (MPWT) capacity to carry out road maintenance planning, contracting and management.

The project comprises of two components.

1) Road asset management component is to support the preservation of MPWT's road network and provide implementation support for the design and supervision of works.
   i) Periodic maintenance and performance based contracting (PCB), and
   ii) Implementation support for the civil works under the project and related technical capacity building activities.
2) System upgrading and capacity development. It consists for following six sub-components:
   i). System upgrading and technical capacity development for road asset management within the MPWT;
   ii). Road safety awareness raising of communities and road safety audits of project roads;

iii). Enhancement of financial management and internal audit capacities of MPWT and the project team;
iv). Carrying out of technical and financial audits of the project;
v). Provision of technical assistance to enhance road asset management office's (RAMO) procurement capacity; and
vi). provision of operational and technical support for the day-to-day management, monitoring and evaluation of project activities.

1.2. RAMP- II AF Project Approval and Implementation:

The Bank approval date was on 19 May 2016 and the project closing date is 31 December 2026. The project Financing Agreement was signed on June 9, 2016. The effectiveness was declared on August 8, 2016. Key project committees are established and functional on July 12, 2018. The Project Director and the Project Manager are appointed. The General Procurement Notice (GPN) has been published online on 6 July 2016.

1.3. Project Contribution to Road Asset Management:

The project seeks to contribute to cultivating a road asset management culture within the sector by:

(i) expanding maintenance of the national road infrastructure nationwide and facilitating interventions in priority areas;
(ii) allocating adequate maintenance funding during the budgeting process;
(iii) knowledge building in MPWT on road network management, maintenance technology and contract management; and
(iv) private sector involvement in competitive bidding and performance quality.

1.4. Project Beneficiaries:

Project is expected to bring significant benefits to local residents in four Cambodian provinces, Phnom Penh, Kondal, Sihanouk Ville, Kompong Speu, Koh Kong and Sihanouk Ville, by reduced travel times, less arduous journeys and better connectivity along the national road network. It is intended that the benefits to local populations are maximized, and to ensure that the benefits are shared by local communities.

1.5. Project Benefits:

Rehabilitation through periodic maintenance along the national road network will have the benefit of reducing transportation costs for both passenger and freight transport by providing improved road surface conditions which lead to a reduction in vehicle operating costs. The improvement of road conditions would also lead to increased economic activity and efficiency by enabling transport operators to reduce their overall operating costs and thus lead to a stimulation of economic growth, leading to additional income and jobs.

1.6. MPWT Road Management Decision System:

Through assistance provided by IDA under the Road Rehabilitation and the Provincial and Rural Infrastructure Projects, and Road Asset Management Project, MPWT has established a Road Management Decision System (RMDS). The system currently covers the national (primary, secondary and provincial) road network under the management of MPWT. Detailed inventory and condition data collection for the national road network has been compiled. A strategic network level analysis of the preservation needs of the MPWT road network by the RMDS is expected to be made available during project implementation.

1.7. RAMP-II AF Works Contracting:

The initial restoration work and, where needed, road improvements are to be delivered within a contract period of 54 months. PBC maintenance of road will start immediately after initial road improvement and/or rehabilitation is completed for any sections satisfactory delivered. Each contract will include 3 main components:

1) Improvement of existing pavement and strengthening of existing pavement by base course overlay on the existing pavement;
2) Preventive and corrective maintenance of the roads; and
3) Emergency Works under work orders issued during the contract period. The project will support an increasing extent using an output/performance-based approach successfully piloted under the Provincial and Rural Infrastructure Project (PRIP).

2. IMPLEMENTATION ARRANGEMENTS

2.1. Project Implementing Entity:

The MPWT is the Project Implementing Entity and will be responsible for overall technical supervision, execution and management of the project. The project will be implemented using the existing MPWT organizational structure and institutional arrangements, thus a separate Project Implementation Unit (PMU) will not be established. The current RAMP Management will be responsible for the day to-day implementation, supervision and operation of the project, including contracting and direction of all consultants, and will be the Employer for all civil works contracts. The General Department of Administration and Planning (GDAP) will carry on with the financial, safeguards, capacity development, training and public disclosure matters of the project.

2.2. RAMP-II AF Project Director and Project Manager:

The RAMP Project Director (PD) will be responsible to oversee and coordinate the project activities, provide strategic direction, and who will be accountable to the Minister of Public Works and Transport (PPWT). With support from the Consultants, the PD will conduct the day-to-day management, coordination and supervision, assisted by a full time Project Manager (PM) who has also been appointed. Under the overall guidance of the PD of RAMP, the Consultants shall work closely with the PM, and MPWT RAMP staff. The Consultants' staff will be based in the office of the RAMP in MPWT in Phnom Penh.

2.3. Implementation Support and Work Supervision (ISWS) Consultancy:

An engineering firm will be awarded shortly a contract for Implementation Support and Works Supervision (ISWS) for all works delivered under RAMP-II AF during Works and Maintenance Period. Implementation support includes, but not limited: (i) the adjustment of designs; (ii) advice to MPWT on technical designs, cost estimates, contract management, and safeguard activities for works in subsequent years; (iii) support for the operation of the Road Data Collection and Management Unit (RDCMU) and for effective implementation and operation of RMDS; (iv) construction supervision of civil works throughout the project; (vi) gender-based violence (GBV), sexual harassment, child protection, and HIV/AIDs awareness campaigns; (vii) the activities in the road safety communities

2.4. Procurement Support Consultancies:

Two individual consultants have been hired: a Part-time International Procurement Expert and a full-time National Procurement Assistant. Procurement proceedings were subjected to compliance with: the WB Guidelines for Procurement of Goods, Works and Non-Consulting Services under IBRD Loans and IDA Credits & Grants for World Bank Borrowers of January 2011 (Revised July 2014) and the WB Guidelines for Selection and Employment of Consultants under IBRD Loans and IDA Credits and Grants by World Bank Borrowers of January 2011 (Revised

July 2014). Among the contracts subjected to WB Prior Review, were all contracts for Works and the contract for Implementation Support and Work Supervision (ISWS). All procurement proceedings were also subject to compliance requirements with the Standard Operations Procedures for all Externally Financed Projects / Programs in Cambodia (Revised May 2012).

3. THE OBJECTIVE OF ITA CONSULTANCY

The objective and scope of the ITA consultancy, is to conduct an independent Technical Audits mainly, but not limited to, on the works carried-out by the contractors on the NR4 (7 key civil work contracts along NR4 and permanent weight stations on NR3, NR4 and NR7, and on the services provided by the ISWS Consulting Firmin accordance with contracts awarded.

4. SCOPE OF WORKS

The ITA services shall include, but not limited to:

4.1 Independent Opinions and Technical Audits (ITA) on:

A. Eight key (8) Bidding Documents and eight (8) Contract Documents awarded to eight (8) contractors, including but not limited to: special provisions for hybrid Output-Performance-based Road Contracts (OPRC); sampling and testing frequency, construction tolerances, repair of defects and drawings; suitability of contract documents, period of contract. weather related time extensions; defect notification period; Gender-Based Violence (GBV); experts of the Contractors; selection of contractors; and, others for civil works procurement period.

B. Designs for the road works and maintenance, including but not limited to: preliminary designs by the Employer; final designs by the Contractors approved by the Employer; pavement strength, traffic loading, FWD pavement loading, temperature measurements, road roughness, AC designs, Road safety, drainage and culverts.

C. Contracted Road Works and Road Maintenance: to include but not limited to: interim Payments; Amendments to contracts; variation orders; sectional Take-Over Certificates; rehabilitation works; improvement works; emergency works; use of contingency provisions; UXO and demining; Row of Way (ROW); shoulders; AC overlay; and, defect liability period.

D. Performance by the Contractors for Rehabilitation Works and Improvement Works, to include but not limited to: quality assurance; quality control; replacement of pavement at the flood prone areas; rectification / repairs of defects; sealing of paving problems, maintaining the self-control unit and the road service level during works; road safety; road marking and road furniture. The ITA shall provide independent opinions on i) compliance by Contractors on their contractual obligations for the eight key (8) works packages; ii) the Technical compliance with the Specifications for works delivered; and, iii) identification of deviations from specifications, if any.

E. Performance by the Contractors for Maintenance Services, to include but not limited: Road Service Level requirements and payment mechanisms for maintenance; and, compliance by Contractors to OPRC Specifications for road maintenance services.

F. Payments to Contractors, to include but not limited to: advance payment to Contractors; interim payments under the eight key (8) contracts (including for amendments and variations).

G. Evaluation of MPWT Management, to include but not limited to: reporting procedures. Project change control; document filing structure; and, human resources.

H. Performance of the ISWS Consultants, to include but not limited to: mobilization of Key-Experts and non-key Experts: road works and road maintenance monitoring; implementation support services for RDCMU; compliance with PAD, PIP FA, WB Policy on Fraud and Corruption, management meetings; project records; data

collection, supervision of works; supervision of maintenance; review of the Contractors' Performance; Review of the Contractors Quality Assurance plan and Quality controls; review for time management and additional payments; review of safety issued; monitoring of Health and Safety Management Plans of the Contractors; review of Emergency Procedures of the Contractors; review of the technical documents submitted by the Contractors; supervision and management of variations; monitoring of quality control and workmanship; verification of Materials quality; compliance by contractors on the Level of Services for the Works; monitoring and cost control; payment and performance regime; management and control of emergency works as per contract provisions; benefits monitoring and evaluation; time schedules; budget management for works; progress reporting including Project M&E.

I. Environmental and Social Safeguards, to include but not limited to: resettlement; social risks, GBV, HIV/AIDs Awareness; environmental risks, site safety. site amenities, road safety; and, social safeguards.

4.2 Phase One:

Task 1: Review Project Documents and Contracts for:

- Packages 1 to 7: National Road 4 (PK 19+700 to PK 215+800) 196,100km
- Package 8: National Roads 3,4 and 7 (Permanent Weight Stations)

Task 2: Review ISWS Files and Documents on Implementation Support and Works Supervision for the Four (4) Works and Maintenance Packages, including for all items listed in the Scope of Works.

Task 3: Collect relevant information on MPWT RAMP-II AF Project Management and comments from the WB RAMP-II AF Team.

Task 4: Visit all sites and attend meetings with Contractors and stakeholders. Review quality assurance data, Daily/weekly/monthly construction records and confirm all the layers are at least to the specified thicknesses, all materials to meet specification requirements and all specified construction standards to have been met; Assess the overall finish of the road - a neat, well-finished and whether service level for all criteria are met after sectional taking over.

Task 5: Based on findings and evidences, draft independent opinions on the performance of the contractors and of the ISWS Consulting Firm.

Task 6: Based on independent findings, provide the final independent report (ITA Report) with supporting documents and evidences thereon so as to support the independent opinions. The opinions and findings shall be drafted so as to permit identification of any lack of performance by Contractors (if any) and/or lack of performance by the ISWS Consultants (if any) and in case of failure to comply with contract obligations, responsibilities of the ones involved.

Task 7: Based on review and variations, provide opinion on project technical designs for improvement.

4.3 Phase TWO:

The tasks to be delivered shall be an update on the same items covered under the Phase One to include Works and Maintenance as per the progresses of the Contractors.

4.4 Phase Three:

The tasks to be delivered shall be an update on the same items covered under the Phase One and Phase Two to include Works and Maintenance as per the progresses of the Contractors, to be focusing mainly on Road Maintenance and Emergency Works (if any), and the use of contingency funds (if any).

5. DURATION OF ASSIGNMENT IN 3 PHASES

5.1 Total Inputs during the Period

It is expected that the total inputs not exceed 14 working weeks over a period of 24 months including completion of consultations and submission of the three (3) ITA Reports.

5.2 Travels to Phnom Penh

It is expected three (3) travels (one per phase) to Phnom Penh to be subject to three (3) mobilization letters transmitted by the RAMP-II Project Director:

5.3 Expected Duration per Phase

Phase One: 6 weeks; Phase Two: 4 weeks; Phase Three: 4 Weeks

6. IMPLEMENTATION ARRANGEMENTS

The ITA Consultant will work under the supervision of the RAMP-II AF Project Manager. The Consultant will also work in close liaison with the RAMP-II World Bank team. It is anticipated at least three (3) field trips to the project areas (1 per phase for all sites). Close coordination will be required with the ISWS Consultants and MPWT RAMP-II AF project team.

7. REPORTING OBLIGATIONS

The ITA reports for Phases 1, 2 and 3 shall include but not limited to all items stated in the scope of works. The independent report shall at least include, but not limited to, the following headings:

A. Executive Summary
B. Introduction
C. Project Background
D. ITA Objective and Scope
E. ITA Methodology and Activities undertaken
F. Evaluation on designs for the civil works
G. Contracting Documents for the civil Works
H. Contracting Documents for the ISWS Consultants
I. Scope of Works and Technical Specifications-
J. Contractors Progresses and Compliance with Contract Obligations
K. ISWS Progresses and compliance with Contract Obligations
L. Payments to Contractors and to ISWS Consulting Firm
M. MPWT RAMP-II AF Management Processes
N. Environmental and Social Safeguards
O. Independent Opinions on all the above, based on Findings
P. Executive Table on findings and independent opinions with proposed remedies for every findings.
Q. Executive Table on Contractual Obligations of all parties with opinions thereon.

8. FACILITIES TO BE PROVIDED BY THE CLIENT (MPWT)

- Office space at MPWT with furniture and supplies;
- Access to All RAMP-II AF projects records;
- Access to all ISWS consulting firm records;
- Access to all RAMP-II AF procurement and financial records;
- Access to drawings and all other documents appropriate for the ITA findings;
- Access to WIFI and printers;
- Conference facilities audio-visual aids; and,
- Local Transportation to all work sites on NR3, NR4 and NR7.

9. QUALIFICATIONS AND EXPERIENCE REQUIREMENTS

i. Bachelor in Engineering or similar technical qualifications related directly or indirectly to Road Technical Audit (ITA): Master preferred;
ii. Formal certification related to Road Technical Audit, OR up-to-date relevant professional experience and knowledge of Road Technical Audit in Cambodia or in a country having similarities on civil works for roads;
iii. At least three (3) practical experience in carrying out Technical Audit or delivering related / relevant services;
iv. At least ten (10) years in relevant experience as Independent Technical Audit (ITA) for road construction or traffic engineering field;
v. Fluent in English, with strong report-writing and oral presentation abilities;
vi. Previous experience working in Cambodia or in South Asia will be an asset; and,
vii. Relevant experience in Output Performance Based Road Contracting (OPBRC) will be an asset.

Attachment 1: Guidelines for a Code of Conduct and Action Plan to prevent Gender-Based Violence (GBV) and Violence Against Children (VAC)

1. Background

The purpose of these Codes of Conduct and Action Plan to prevent Gender Based Violence (GBV) and Violence Against Children (VAC) is to introduce a set of key definitions, minimum standard sample Codes of Conduct, and guidelines that establish mechanisms for preventing, reporting and addressing GBV and VAC within the work site and in its immediate surrounding communities. The application of the GBV and VAC Codes of Conduct will help prevent and/or mitigate the risks of GBV and VAC on the project.

Mutual respect and fair treatment between those working on the project and local communities is critical to a safe, respectful, and productive workplace and operating environment. GBV and VAC can be one of the most serious violations of respect and fair treatment which can harm the local community, and significantly damage trust and cooperation between parties.

These Codes of Conduct are to be adopted by those working on the project and are meant to: (i) create common awareness about GBV and VAC; (ii) ensure a shared understanding; and, (iii) create a clear system for identifying, responding to, and sanctioning GBV and VAC incidents.

Ensuring that all project staff understand the values of the project, understand expectations for all employees, and acknowledge the consequences for violations of these values, will help to create a smoother, more respectful and productive project implementation thereby helping ensure that the project's objectives will be achieved.

2. Scope

The code requirements apply to all staff of any contractor that has been awarded a contract to conduct infrastructure development works in the context of the RAMP-II. Specifically, the code applies to:

- Managers and directors of the contractor
- Employees of the contractor at all levels

- Other individuals working under the authority of the contractor, such as seconded staff, consultants, external experts etc.
- Sub-contractors conducting work on behalf of the main contract holder and their employees

3. Definitions

The following definitions apply:

- **Gender-Based Violence (GBV):** is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.
- **Violence Against Children (VAC):** is defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18) including using for profit, labor, sexual gratification, or some other personal or financial advantage.
- **Accountability Measures:** are the measures put in place to ensure the confidentiality of survivors and to hold contractors, consultants and the client responsible for instituting a fair system of addressing cases of GBV and VAC.
- **Child:** is used interchangeably with the term 'minor' and refers to a person under the age of 18. This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.
- **Child Protection (CP):** is an activity or initiative designed to protect children from any form of harm, particularly arising from VAC.
- **Consent:** is the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18 , even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.
- **Consultant:** is as any firm, company, organization or other institution that has been awarded a contract to provide consulting services in the context of the RAMP-II, to the project, and has hired managers and/or employees to conduct this work.
- **Contractor:** is any firm, company, organization or other institution that has been awarded a contract to conduct infrastructure development works in the context of the RAMP-II project and has hired managers and/or employees to conduct this work. This also includes sub-contractors hired to undertake activities on behalf of the contractor.
- **Employee:** is as any individual offering labor to the contractor or consultant within country on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.
- **Employer:** Ministry of Public Works and Transport
- **GBV and VAC Allegation Procedure:** is the prescribed procedure to be followed when reporting incidents of GBV or VAC.
- **GBV and VAC Codes of Conduct:** The Codes of Conduct adopted for the project covering the commitment of the company, and the responsibilities of managers and individuals with regards to GBV and VAC.

- **GBV and VAC Compliance Team (GCCT):** a team established by the project to address GBV and VAC issues.
- **Grievance Redress Mechanism (GRM):** is the process established by the RAMP-II project to receive and address complaints.
- **Grooming:** are behaviors that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualize that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
- **Manager:** is any individual offering labor to the contractor or consultant, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor's or consultant's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.
- **Online Grooming:** is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.
- **Perpetrator:** is the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV or VAC.
- **Response Protocol:** is the mechanisms set in place to respond to cases of GBV and VAC.
- **Survivor/Survivors:** is the person(s) adversely affected by GBV or VAC. Women, men and children can be survivors of GBV; children can be survivors of VAC.
- **Work Site:** is the area in which infrastructure development works are being conducted, as part of the project.
- **Work Site Surroundings:** is the 'Project Area of Influence' which are any area, urban or rural, directly affected by the project, including all human settlements found on it.

4. Sample Codes of Conduct

This section presents three sample Codes of Conduct as the minimum standard for use under civil works contracts for RAMP-II. These codes will be confirmed and agreed upon prior commencement of works and cleared by the Supervision Consultant.

- **Company Code of Conduct:** Commits the company to addressing GBV and VAC issues;
- **Manager's Code of Conduct:** Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
- **Individual Code of Conduct:** Code of Conduct for everyone working on the project, including managers.

Individual Code of Conduct

Preventing Gender Based Violence and Violence against Children

I, _____, acknowledge that preventing gender based violence (GBV) and violence against children (VAC) is important. The company considers that GBV or VAC activities constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. All forms of GBV or VAC are unacceptable be it on the work site, the work site surroundings, or at worker's camps. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will.

- Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual contact or activity with children—including grooming, or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
- Unless there is the full consent[1] by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered "non-consensual" within the scope of this Code.
- Attend and actively partake in training courses related to HIV/AIDS, GBV and VAC as requested by my employer.
- Consider reporting through the grievance redress mechanism or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also "Use of children's images for work related purposes" below).
- Refrain from physical punishment or discipline of children.
- Refrain from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

Use of children's images for work related purposes

- When photographing or filming a child for work related purposes, I must:
- Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.

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[1] **Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Report to the police if warranted.

I understand that it is my responsibility to avoid actions or behaviors that could be regarded as GBV or VAC or breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Action Plan for GBV and VAC

5.1 The GBV and VAC Compliance Team

The project shall establish a 'GBV and VAC Compliance Team' (GCCT). The GCCT will include, as appropriate to the project, at least four representatives ('Focal Points') as follows:

a. A safeguards specialist from the client;
b. The occupational health and safety manager from the contractor, or someone else tasked with the responsibility for addressing GBV and VAC with the time and seniority to devote to the position;
c. The supervision consultant; and,
d. A representative from a local service provider with experience in GBV and VAC (the 'Service Provider').

It will be the duty of the GCCT with support from the management to inform workers about the activities and responsibilities of the GCCT. To effectively serve on the GCCT, members

must undergo training by the local service provider prior to the commencement of their assignment to ensure that they are sensitized on GBV and Child Protection.

The GCCT will be required to:

a. Approve any changes to the **GBV and VAC Codes of Conduct** contained in this document, with clearances from the Supervision Consultant for any such changes.
b. Prepare the **Action Plan** reflecting the Codes of Conduct which includes:
    i. **GBV and VAC Allegation Procedures** (See 5.3)
    ii. **Accountability Measures** (See 5.4)
    iii. **An Awareness raising Strategy** (See 5.6)
    iv. **A Response Protocol** (See 5.7)
c. Obtain approval of the Action Plan by company management;
d. Obtain client clearances for the Action Plan prior to full mobilization;
e. Receive and monitor resolutions and sanctions with regard to complaints received related to GBV and VAC associated with the project; and,
f. Ensure that GBV and VAC statistics in the GRM are up to date and included in the regular project reports.

The GCCT shall hold quarterly update meetings to discuss ways to strengthen resources and GBV and VAC support for employees and community members.

The Action Plan and Code of Conduct shall be submitted for review to the ISWS Consultant within 90 days from the contract signature date. Works will not commence unless the Engineer is satisfied with measures in place, including plan and codes. Failure to comply with such obligation should provide ground for contract suspension cancellation – this shall be determined at the sole discretion of the contracting entity, whilst intention to cancel the contract shall be notified to the World Bank team within 60 days from the proposed cancellation date.

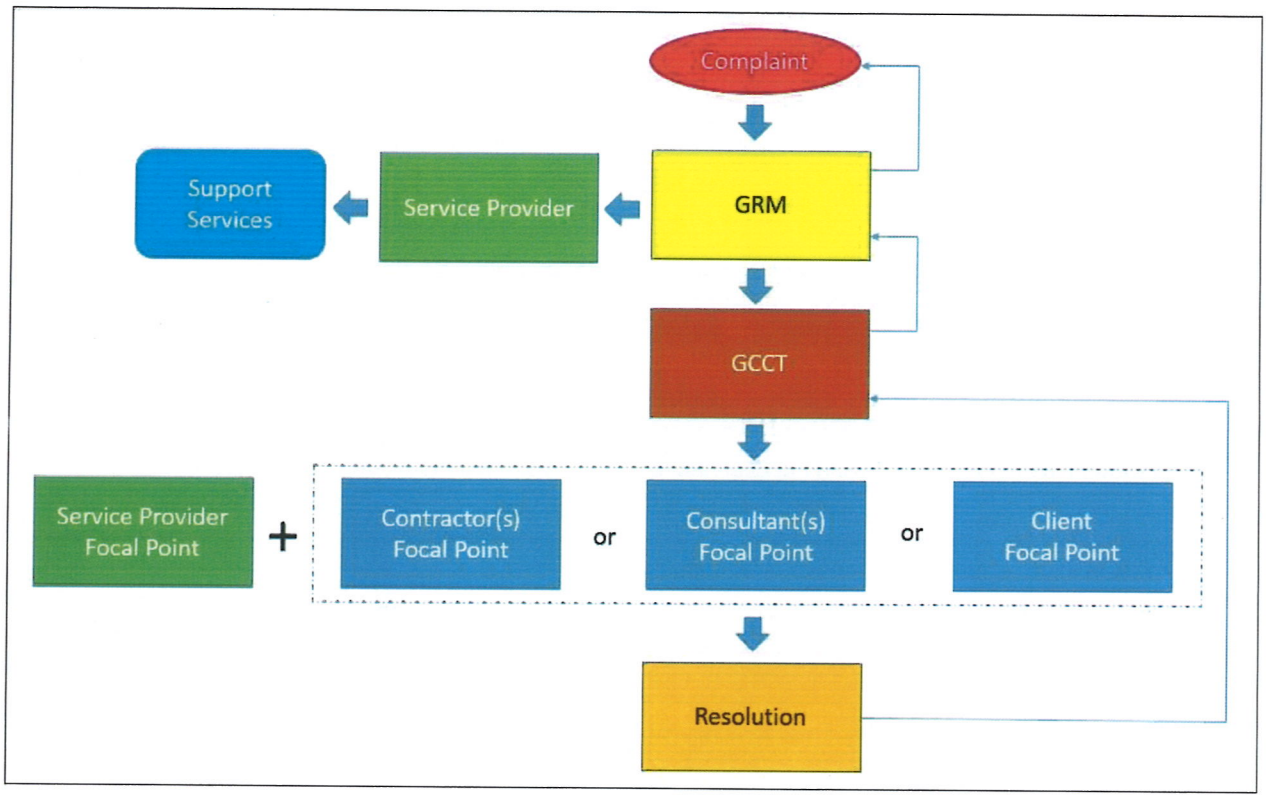
5.2 Making Complaints: GBV and VAC Allegation Procedures

All staff, volunteers, consultants and sub-contractors are encouraged to report suspected or actual GBV or VAC cases. Managers are required to report suspected or actual GBV and/or VAC cases as they have responsibilities to uphold company commitments and they hold their direct reports accountable for complying with the Individual Code of Conduct.

The project will provide information to employees and the community on how to report cases of GBV and VAC Code of Conduct breaches through the Grievance Redress Mechanism (GRM). The GCCT will follow up on cases of GBV, VAC and Code of Conduct breaches reported through the GRM.

5.3 GBV and VAC Allegation Procedures

The figure below shows the process for addressing complaints.



GRM

The project operates a grievance redress mechanism (GRM). Reports of GBV or VAC, other complaints, or other concerns may be submitted online, via telephone or mail, or in person.

The GRM operator will refer complaints related to GBV or VAC to the GCCT to resolve them. In accordance with the Action Plan, the GCCT through the Service Provider and Focal Point(s) will investigate the complaint and ultimately provide the GRM operator with a resolution to the complaint, or the police if necessary. The GRM operator will, upon resolution, advise the complainant of the outcome, unless it was made anonymously. Complaints made to managers or the Service Provider will be referred by them to the GRM for processing.

If the complaint to the GRM is made by a survivor or on behalf of a survivor, the complainant will be directly referred to the service provider to receive support services while the GCCT investigates the complaint in parallel.

Service Provider

The Service Provider is a local organization (possibly an NGO) which has the technical experience and ability to provide training to staff and to support survivors of GBV or VAC. The contractor(s) will contract the services of a Service Provider, so that GBV and VAC cases can safely be referred to them. The Service Provider will also provide support and guidance to the GBV and VAC Focal Points as necessary. The Service Provider will have a representative on the GCCT and be involved in resolving complaints related to GBV or VAC. The service provider will develop and conduct the mandatory training to employees on GBV and VAC.

GBV and VAC Focal Point

The GCCT will refer the complaint to the appropriate Focal Points for resolution (i.e. issues with contractor's staff will be for the contractor to resolve; consultant's staff the consultant; and client staff the client) and will advise the GCCT on potential resolutions, including referral to the police if necessary. They will be assisted by the Service Provider as appropriate.

All the Focal Points on the GCCT must be trained and empowered to resolve GBV and VAC issues. It is essential that all staff of the GRM and GCCT understand the guiding principles and ethical requirement of dealing with survivors of GBV and VAC. All reports should be kept confidential and referred immediately to the Service Provider represented on the GCCT . In GBV and VAC cases warranting police action, the Focal Points must appropriately refer the complaint to: (i) the authorities; (ii) the Service Provider; and, (iii) management for further action. The Employer and the World Bank are to be immediately notified.

5.4 Accountability Measures

All reports of GBV or VAC shall be handled in a confidential manner in order to protect the rights of all involved. To ensure that survivors feel confident to disclose their experience of GBV or VAC, the client, contractor and consultant must maintain the confidentiality of employees who notify any acts or threats of violence, and of any employees accused of engaging in any acts **or** threats of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law). The contractor and consultant must prohibit discrimination or adverse action against an employee on the basis of survivor's disclosure, experience or perceived experience of GBV or VAC (see Annex 1 for examples of actions to maintain accountability).

5.5 Monitoring and Evaluation

The GCCT must monitor the follow up of cases that have been reported and maintain all reported cases in a confidential and secure location. Monitoring must collect the number of cases that have been reported and the share of them that are being managed by police, NGOs etc.

These statistics shall be reported to the GRM and the Supervision Engineer for inclusion in their reporting.

In GBV and VAC cases warranting police action, the client and the World Bank are to be immediately notified.

5.6 Awareness-raising Strategy

It is important to create an Awareness-raising Strategy with activities aimed to sensitize employees on GBV and VAC on the work site and its related risks, provisions of the GBV and VAC Codes of Conduct, GBV and VAC Allegation Procedures, Accountability Measures and Response Protocol. The strategy will be accompanied by a timeline, indicating the various sensitization activities through which the strategy will be implemented and also the related (expected) delivery dates. Awareness-raising activities may be linked with trainings provided by Service Provider.

5.7 Response Protocol

The GCCT will be responsible for developing a written response protocol to meet the project requirements, in accordance to national laws and protocols. The response protocol must

include mechanisms to notify and respond to perpetrators in the workplace (See 4.8 for Perpetrator Policy and Response). The response protocol will include the GRM process to ensure competent and confidential response to disclosures of GBV and VAC. An employee who discloses a case of GBV or VAC in the workplace shall be referred to the GRM for further action.

5.8 Survivor Support Measures

Appropriately respond to the survivor's complaint by respecting the survivor's choices to minimize the potential for re-traumatization and further violence against the survivor. Refer the survivor to the Service Provider to obtain appropriate support services in the community—including medical and psychosocial support, emergency accommodation, security including police protection and livelihood support—by facilitating contact and coordination with these services. The contractor may, where feasible, provide financial and other supports to survivors of GBV or VAC for these services (see Annex 1 for examples of financial support).

If the survivor is an employee, in order to ensure the safety of the survivor and the workplace in general, the contractor, in consultation with the survivor, will assess the risk of ongoing abuse, to the survivor and to the workplace, and make reasonable adjustments to the work schedule and work environment as deemed necessary (see Annex 1 for examples of safety measures). The contractor will provide adequate leave to survivors seeking services after experiencing violence (see Annex 1 for details).

5.9 Perpetrator Policy and Response

Encourage and accept notification through the GRM from employees and community members about perpetrators in the workplace. Through the GCCT and/or the Service Provider, oversee the investigation of these grievances, ensuring procedural fairness for the accused, and within the local laws. If an employee has breached the Code of Conduct, the contractor will take action which could include:

Undertake disciplinary action up in accordance with sanctions in the GBV and VAC Codes of Conduct;

Report the perpetrator to the Police as per local legal paradigms; and/or

If feasible, provide or facilitate counselling for the perpetrator.

5.10 Administrative Sanctions

In accordance with the Code of Conduct, any employee identified as a potential GBV or VAC perpetrator shall be considered for disciplinary measures in line with sanctions and practices as agreed in the Individual Code of Conduct (see Annex 1 for examples of sanctions). It is important to note that, for each case, disciplinary sanctions are intended to be part of a process that is entirely internal to the employer, is placed under the full control and responsibility of its managers, and is conducted in accordance with the applicable national labor legislation.

Such process is expected to be fully independent from any official investigation that competent authorities (e.g. Police) may decide to conduct in relationship to the same case, and in accordance with the applicable national law. Similarly, internal disciplinary measures that the employer's managers may decide to enact are meant to be separate from any charges or sanctions that the official investigation may result into (e.g. monetary fines, detention etc.).

Annex 1 - Potential Procedures for Addressing GBV and VAC

Accountability Measures to maintain confidentiality can be achieved through the following actions:

1. Inform all employees that confidentiality of GBV/VAC survivors' personal information is of utmost importance.
2. Provide the GCCT with training on empathetic and non-judgmental listening.
3. Take disciplinary action, including and up to dismissal, against those who breach survivor's confidentiality (this is unless a breach of confidentiality is necessary to protect the survivor or another person from serious harm, or where required by law).

GBV and VAC Allegation Procedures should specify:

1. Who survivors can seek information and assistance from.
2. The process for community members and employees to lodge a complaint through the GRM should there be alleged GBV or VAC.
3. The mechanism for how community members and employees can escalate a request for support or notification of violence if the process for reporting is ineffective due to unavailability or non-responsiveness, or if the employee's concern in not resolved.

Financial and Other Supports to survivors can include:

1. No/low interest loans.
2. Salary advances.
3. Direct payment of medical costs.
4. Upfront payments for medical costs to be recouped from the employee's health insurance.
5. Providing or facilitating access to childcare.
6. Providing security upgrades to the employee's home.
7. Providing safe transportation to access support services or to and from accommodation.

Survivor Support measures to ensure the safety of the survivor can include:

1. Changing the employee's span of hours or pattern of hours and/or shift patterns.
2. Redesigning or changing the employee's duties.
3. Changing the employee's telephone number or email address to avoid harassing contact.
4. Relocating the employee to another work site/ alternative premises.
5. Providing safe transportation to and from work for a specified period.
6. Supporting the employee to apply for an Interim Protection Order or referring them to appropriate support.
7. Taking any other appropriate measures including those available under existing provisions for family friendly and flexible work arrangements.

Leave options for survivors that are employees can include:

1. An employee experiencing GBV should be able to request paid special leave to attend medical or psychosocial appointments, legal proceedings, relocation to safe accommodation and other activities related to GBV.
2. An employee who supports a person experiencing GBV or VAC may take carer's leave, including but not limited to accompanying them to court or hospital, or to take care of children.
3. Employees who are employed in a casual capacity may request unpaid special leave or unpaid carer's leave to undertake the activities described above.
4. The amount of leave provided will be determine by the individual's situation through consultations with the employee, the management and the GCCT where appropriate.

Potential Sanctions to employees who are perpetrators of GBV and VAC include:

- Informal warning
- Formal warning

- Additional Training
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.

Referral to the Police or other authorities as warranted.