

TERMS OF REFERENCE - EXTERNAL SAFEGUARDS MONITORING ENTITY

Introduction

The proposed project aims to improve the income, nutrition, and resilience of smallholder farmers, and with a dedicated focus on women's empowerment, building on lessons learned from past ADB projects. The project impact of rural economy expansion and improved resilience aligns well with the objectives of the National Strategic Development Plan 2024 - 2028 (NSDP) and supports other government strategies to develop the rural economy including the Agricultural Sector Strategic Development Plan 2024 - 2028 (ASDP) and the National Agriculture Development Policy (2020 - 2030). It is also aligned with the operational priorities 1 (addressing remaining poverty and reducing inequalities), 3 - tackling climate change, building climate and disaster resilience, and enhancing environmental sustainability), and 5 (accelerating progress in gender equality) of the ADB Strategy 2030 and Sustainable Development Goals (SDGs) Nos. 1 (no poverty), 2 (zero hunger), 5 (gender equality), 9 (industry, innovation and infrastructure) and 13 (climate action).

The Project will be implemented in seven provinces: Pursat, Battambang; Banteay Meanchey; Siem Reap; Kampong Thom; Kampong Cham and Prey Veng.

The project will be implemented in 186 target communes across seven provinces, covering approximately 540,135 households and 2.10 million people. Detailed commune and beneficiary information is provided in the Project Administration Manual.

Policy background

The ADB safeguard policy statement (SPS, 2009) describes the common objectives of ADB safeguards, lays out the policy principles and outlines the delivery process for ADB safeguards policy. It includes a set of safeguards requirements that borrowers/clients are expected to meet when addressing social and environmental impacts and risks. Through their due diligence, review and supervision ADB is required to ensure that borrowers/clients comply with these requirements during project preparation, construction and operation. The ADB safeguards framework consists of three operational policies on the environment, involuntary resett

subproject is classified as Category B, if IPs are the sole or the overwhelming majority of direct project beneficiaries, and if only positive impacts are identified, the elements of the indigenous peoples development plan (IPDP) can be included in the overall subproject design rather than a separate plan. If any adverse impacts are expected, an IPDP must be prepared.

Scope of services

To achieve compliance with the ADB SPS, the Project is required to closely monitor all safeguards requirements and to fulfil this requirement the NCDDDS will recruit an external safeguards monitoring entity (ESME) for a period of four years throughout Project implementation. The ESME that is recruited may be a qualified local NGO, including local university or private institution, or a local consulting firm. The recruitment will follow consultant qualification selection (CQS) procedures with biodata and a technical proposal. The interested entities must provide detailed expressions of interest (Eols) demonstrating their ability to perform the assignment and showing that they are qualified to perform the services by describing similar assignments that have been completed, their knowledge of the geographical area and local conditions and their understanding of ADB safeguards policies and procedures.

Because of the large number of subprojects, it will be necessary for the ESME to work closely with the staff of the project Provincial Working Groups (PWGs) and District Support Teams (DSTs) and rely on them to conduct most of the site visits. In addition, it will be necessary to liaise closely with the CCs when conducting field visits to the respective target communes. This will be an important opportunity for capacity building of the district and commune staff and will strengthen their understanding of the safeguards reporting procedures and requirements. Funding to support the site visits conducted by the DST members will be included in the contract for the ESME as provisional sums.

To avoid overlap of responsibilities during safeguards monitoring and verification activities, the Provincial Working Groups (PWGs) will facilitate provincial-level coordination, participate in periodic review meetings, support access to safeguards documentation, and assist in resolving implementation issues identified during monitoring. The District Support Teams (DSTs) will support field-level monitoring, participate in site inspections, facilitate consultations with affected persons and local authorities, assist in collection of safeguards data, and support verification of voluntary land donation, grievance records, and implementation of mitigation measures. The ESME shall maintain overall responsibility for independent verification, assessment, and reporting of safeguards compliance.

In respect of the voluntary land donation, no objections, and DDR preparation, the ESME will document the process with the aim of ensuring that the affected households have been meaningfully consulted, had a bargaining power/“power of choice” and were not coerced. All DDRs will be submitted to ADB for concurrence and once cleared, disclosed on ADB’s website as well as on Commune and Sangkat offices and to the affected households during consultations. The detailed tasks, but not limited to, for the ESME in this respect are defined below:

- Verify compliance with the Community Participation Framework (CPF), including meaningful consultation, participation of women and vulnerable groups, information disclosure, grievance redress processes, and voluntary land donation procedures.
- In coordination with ADB’s safeguard specialist, develop and agree on monitoring and assessment plan, monitoring indicators, and report content/outline that responds to the scope of works outlined in this ToR, including a detailed field survey plan and strategy for assessing all rural and market-based infrastructure subprojects and safeguards compliance.
- Maximize the use of digital technology, including drone imagery, geotagged photographs, GIS-based mapping, and digital data collection tools, for safeguards monitoring, reporting, and documentation. The ESME shall establish data management and data-sharing protocols, including procedures for storage, quality assurance, backup, and confidentiality of monitoring data. The ESME shall also provide orientation and hands-on training to relevant PWG and DST staff on the use of digital monitoring tools. Monitoring reports shall include standardized reporting formats, georeferenced evidence, key safeguards risks identified during monitoring activities, status of corrective actions, and recommendations for risk mitigation. Verify whether the participatory processes outlined in the LARF and Community Participation Framework (CPF) have been followed including adequate preparation of the required documents.
- Verify and document that the provision of land/assets affected by the project activities are meeting the required process/criteria of either through donation or acquisition and the affected assets are free from any dispute on ownership or any other encumbrances.
- Verify that no individual household will be impoverished by the donation (i.e., no more than 5 percent of total land holding/ income generating value of affected assets acquired).
- Ensure that any affected households requiring livelihood rehabilitation measures and/or assistance (vulnerable affected households) are fully consulted and provided appropriate choices and options.
- Verify that land donation will not displace tenants or employees/laborers, if any, from the land.
- Ensure that individuals

- When impacts cannot be avoided the affected households who opted for donation are included in the livelihood improvement program under the project activity and monitored.
- Monitor and confirm that provisions/entitlements or other activities that are detailed in the prepared in the subproject's resettlement plan(s) (RP); due diligence report (DDR); indigenous people plan (IPP); and corrective action plan (CAP) are fully implemented.
- Monitor and ensure that secondary asset reinstatement has been carried out to the satisfaction of the AHH.
- Verify that meaningful consultation has been conducted in good faith with all potential land donors and indigenous people community in the project areas. For this, the ESME will observe a sample of the consultation processes and monitor and document the negotiations with affected households and ensure that documented verification is provided that land donors are well aware of their entitlements for compensation and assistance and are in agreement with the subproject and its benefits and ready to donate the land. Separate discussions to be held with women and vulnerable groups to facilitate meaningful participation. The ESME shall assess whether consultations are inclusive and culturally appropriate, including through separate consultation sessions where necessary for women, vulnerable households, Indigenous Peoples, and other marginalized groups. Consultation methods shall consider local languages, literacy levels, accessibility requirements, and culturally appropriate communication approaches. Monitoring shall collect and report gender-disaggregated and vulnerability-disaggregated participation data, including the extent to which concerns raised by these groups have been addressed during project implementation.
- Verify that a local accessible project grievance redress mechanism (GRM) is established and operational including grievance redress committee (GRC) members identified, and that the affected households are aware of the GRC and grievance redress procedures and local entry points to raise their concerns and grievances.
- Verify that a locally accessible project grievance redress mechanism (GRM) is established and operational, grievance redress committee (GRC) members have been designated and trained, and affected persons, including women, Indigenous Peoples, poor and vulnerable households, are aware of available grievance channels and procedures. The ESME shall periodically assess the effectiveness of the GRM, including awareness levels, accessibility, grievance resolution rates, resolution timeframes, stakeholder satisfaction, and implementation of corrective actions. Findings and recommendations shall be summarized in monitoring reports.
- Prepare quarterly workplan for the monitoring and evaluation activities and included in the quarterly project progress report and semi-annual monitoring report.
- Prepare annual external monitoring audit reports for submission to ADB to verify full compliance with the ADB/SPS procedures for (1) land/ assets donation as detailed

potential adverse environmental impacts. The detailed tasks for the ESME in this respect are defined below:

- Work closely with the project team, particularly environmental consultant under DSC, and ADB's safeguards specialist.
- Ensure compliance with ADB SPS 2009's requirements for all subprojects of the 7 target province provided in the EARF's guidance for subprojects screening and classification, and sample IEE & EMP. Ensure that all subprojects and outputs comply with relevant ADB and government policies and guidelines on environmental safeguards.
- Review project EARF, IEE/EMP, relevant section of project administration manual (PAM) and relevant section of project loan agreement (LA).
- Carry out inspection of key construction sites and environmental monitoring records and meet PMU/NCDDS (national safeguards officer) to discuss issues identified.
- Ensure the EMP provides a condition requiring the contractor to reinstate secondary assets moved back from the corridor of impact (COI) consistent with entitlement matrix of resettlement framework/plan (RF/RP) to ensure compliance with ADB SPS (2009)'s requirements.
- Review arrangements for grievance redress mechanism (GRM), review records of complaints received and whether they have been resolved to satisfaction of affected persons.
- Identify environmental safeguard compliance issues and agree actions for resolution.
- Develop a monitoring and assessment plan consistent with guidance provided in EARF and IEE/EMP that responds to the scope of works outlined in this ToR, including a detailed field survey plan where necessary, and safeguards compliance.
- Review the IEEs, including the EMPs of the relevant infrastructure subprojects to gain familiarization of the environmental monitoring requirements.
- Conduct the monitoring as specified in the EMPs under the IEEs and Environmental Code of Conduct (ECC) of the relevant subprojects.
- Prepare the semi-annual external monitoring reports for all infrastructure subprojects to verify compliance with the EMPs.

Cooperation

The ESME will work in close cooperation with the Project Implementation Consultant (PIC) team and the provincial working groups (PWGs) and district support teams (DSTs). The ESME will also collaborate with the National Safeguards Officer appointed by NCDDS and liaise with the safeguards

The ESME team will comprise a total of eight individuals and the team will be engaged for a four year period with a total inputs of 252 person months (p-m). The composition and duration of inputs in person months (p/m) is summarized below:

Position (all national)	No of positions	Person-months
Safeguards Coordinator/Team Leader	1	24
Social Safeguards Specialist/Deputy Team Leader	1	24
Environmental Safeguards Specialist	1	24
Safeguards Field Monitoring Staff	5	180
Total		252

The team leader position will be part time for a total of 24 p/m over four years with his/her intermittent input being timed to coincide with the periods required for the production of the semi-annual safeguards monitoring reports. The social safeguard specialist will be designated as the deputy team leader and will work together with the environmental safeguards specialist for 24 months each. The five safeguards field monitoring staff will work for a total of 36 months each across the four year contract duration.

Duties and responsibilities

Team leader/Safeguards Coordinator (24 p-m) will be responsible for the overall planning, coordination and management of the safeguards monitoring of the rural infrastructure subprojects. S/he will be required to work intermittently over the duration of the contract for a period of 24 p-m. S/he will have at least 10 years of experiences in safeguards reporting and monitoring and be fully conversant with the ADB SPS 2009 procedures and requirements and must be able to demonstrate prior experiences in the production of safeguards monitoring reports consistent with the guidance/template provided in the project's safeguards frameworks (disclosed) for ADB funded projects. S/he must be

- Assess the effectiveness of GRM implementation across project provinces, including awareness, accessibility, responsiveness, grievance resolution trends, and stakeholder satisfaction, and recommend corrective measures where weaknesses are identified.
- Regularly monitor the activities of the safeguards monitoring team to ensure that the work program is on schedule and identify any potential constraints for timely resolution with the NCDDS.
- Maintain regular contact with the NCDDS team and in particular their National Safeguards Officer to report on progress and participate in all ADB review mission and provide updates on progress during the missions.
- Develop and maintain systematic digital information database for safeguards monitoring and reporting.

Deputy team leader/social safeguards specialist (24 p-m) will be responsible for the verification of the voluntary land donations and the quality of the DDR and for the monitoring of the application of all social safeguards identified during the design of all rural and market-based infrastructure subprojects. S/he will be required to travel regularly to the target provinces where s/he will be responsible for all verification site visits. S/he will work for a period of 18 p-m over the life of the project. S/he will have at least seven years of experience in safeguard reporting and monitoring and be fully conversant with the ADB SPS procedures and requirements and ideally have prior experience in the production of safeguard monitoring reports for ADB funded projects. S/he must be fluent in spoken and written English.

The specific responsibilities will be as follows:

- Develop the formats for use by the safeguards field monitoring staff in the assessment of the level of community consultations, the extent of voluntary land donations, the procedures for their negotiation and the production of all DDR.
- Review and verify the resettlement framework for the AF to be provided a basis for the assessment of the resettlement and DDR of the infrastructure subprojects.
- Participate in the consultative processes for selected infrastructure subprojects to verify that meaningful consultations are being conducted and potential beneficiaries are made aware of their rights and that those who engage in voluntary land donation do benefit in an appropriate manner following the project guidelines.
- Ensure that consultations with women, vulnerable groups, and Indigenous Peoples, where applicable, are conducted using culturally appropriate and accessible approaches.
- Ensure collection, analysis, and reporting of sex-disaggregated participation and consultation data, including participation of women,

- Act as the team leader of the ESME team during the periods of absence of the team leader and where necessary take the lead in the finalization of all periodical safeguard monitoring reports.

Environmental safeguard specialist (24 p-m) will be responsible for the verification of the environmental screening checklists that are used for all rural infrastructure subprojects to determine their category classification and prepared required environmental safeguards documents of subprojects and for monitoring of the application of the EMPs that are prepared for rural infrastructure subprojects classified as category B for environment. S/he will be required to travel regularly to all target provinces. S/he will work intermittently for the duration of the contract with a total input of 24 p/m. S/he will have at least seven years of experiences in safeguards reporting and monitoring and be fully conversant with the ADB SPS 2009's procedures and requirements and must be able to demonstrate prior experience in the production of safeguards monitoring reports for ADB funded projects. They must have proficiency in written English and able to prepare good quality reports. The specific responsibilities are as follows:

- Study/review the environmental assessment review framework (EARF) of the project to assess the level of compliance of the IEEs/EMPs that have been developed and the effectiveness of the proposed mitigation measures.
- Develop the formats for use by the safeguards field monitoring staff in the assessment of the level of awareness of the beneficiaries of the EMPs and environmental code of conduct (ECC) and the level of compliance with the EMPs for all rural and market-based infrastructure subprojects that are classified as Category B and the extent of application of the ECC by the civil works contractors for the category C subprojects.
- Participate in the consultative processes for selected rural infrastructure subprojects to verify that meaningful consultations are being conducted and potential beneficiaries are aware of the environmental impacts and the mitigation measures that will be adopted.
- Conduct field visits to the sites of rural and market-based infrastructure sites in the target provinces and work in cooperation with the DST teams to monitor the compliance with the EMPs for all subprojects classified as category B for environment and with the ECC for all subprojects classified as category C for environment.
- Develop the formats for use by the safeguards field monitoring staff in the assessment of the level of awareness of the beneficiaries of the EMPs and ECC for the rural and market-based infrastructure subprojects.
- In coordination with social safeguards specialist apply/conduct periodic digital monitoring technology for safeguards compliance during civil works activities until its completion

with the PWGs and DSTs and ensure that there are good cooperation and communication with the CCs for the conduct of all site visits. Candidates should demonstrate experience in field-based safeguards monitoring, stakeholder consultations, use of digital data collection and reporting tools, and preparation of safeguards monitoring reports. Familiarity with local socio-cultural conditions and knowledge of local languages spoken within the target provinces will be considered an advantage.

- Establish and maintain good working relationships with the DSTs in each target district and with the CCs for all target communes within the two provinces under their respective responsibility.
- Liaise closely with the PWGs in each target province as well as DST staff to monitor the award of civil works contracts for all infrastructure subjects and secure copies of all social and environmental safeguards documents that have been prepared for each subproject.
- Under the guidance of the ESME social safeguards and environmental safeguards specialist and working in cooperation with and providing mentoring to the DSTs, conduct regular field visits to the sites of the infrastructure subprojects and observe a selection of the community consultations; and determine the extent of voluntary land donations, no objections, and the documentation of this process.
- Conduct field visits to the sites of environmental category B subprojects to collect information on the levels of compliance with the EMPs and the extent of application of the mitigation measures.
- Assess the level of application of the ECCs for environmental category C subprojects and consolidate the information.
- Provide regular monitoring reports using agreed standardized formats to the ESME social and environmental safeguards specialists and team leader, consistent with guidance provided in the project safeguards framework disclosed.

Deliverables

The ESME will be responsible for the production and delivery of the following outputs in English and Khmer to the NCDDS team:

Deliverables	Timing	Payment (%)
• Inception Report describing the implementation approach, monitoring methodology, work plan, reporting formats, and any constraints and proposed mitigation measures	Week 6	15%
• Monthly progress reports and semi-annual safeguards monitoring		

imagery, GIS data, consultation records, and monitoring reports		
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Note: All reports shall be submitted in English with executive summaries in Khmer, in formats acceptable to NCDDDS and ADB. Payment shall be made upon submission and acceptance of the respective deliverables by NCDDDS.

Cost Estimate of Contract Value

Procurement package #		NCDDDS-SRED-CS-005					
Activity reference		EXTERNAL SAFEGUARDS MONITORING ENTITY					
Description		EXTERNAL SAFEGUARDS MONITORING ENTITY					
			Fees				
	Description	Notes	Home-based p.m.	Field-based p.m.	Total p.m.	monthly rate (USD)	Cost in USD
COMPETITIVE COMPONENTS-REMUNERATION COST							

	Meetings and consultations				1.00	5,000	5,000
	Study/Surveys/Reports				1.00	1,000	1,000
	Provisional sum				1.00	100,000	118,000
SUB TOTAL PROVISIONAL EXPENSES							124,000
Total Cost (Inclusive of VAT)							690,040

