**TERMS OF REFERENCE**

***Consulting services for Contracts administration and supervision of the works execution for***

***“Manure Management Platforms and Composting Station in 51 local communities”.***

1. ***Background***

Romania has received a loan from the International Bank for Reconstruction and Development (IBRD) and a Grant from the Global Environment Facility (GEF) to support the implementation by the Ministry of Environment, Waters and Forests (MEWF) of the Integrated Nutrient Pollution Control Project (INPCP) (the Project) in selected localities vulnerable or potentially vulnerable to the pollution with nutrients (Nutrient Vulnerable Zones - NVZs). The overall development objective of the project is to support the Government of Romania to meet the EU Nitrates Directive requirements by (a) reducing nutrients discharges to water bodies, (b) promoting behavioral changes at the communal level, and (c) strengthening institutional and regulatory capacity. The ultimate goal is to reduce over the long-term the discharge of nutrients and other agricultural pollutants into the Danube River and Black Sea through integrated land and water management. The original loan for Project became effective in 2008 and its closing date was 31st of May, 2017.

Following this initial Project, Romania received an Additional Financing (AF) for the Project to finance the costs associated with the scale-up nationwide of the initial Project activities, considering continued challenges Romania is facing with nutrient pollution countrywide, and based on the successful experiences gained by the initial Project. The Additional Financing for the Project became effective on 13th of April 2017 and it was ratified by Romania through law 46/03 April 2017. Its closing date is March 31, 2022.

Through the Additional Financing, the overall development objective of the Project is to support the Government of Romania towards meeting the EU Nitrate Directive requirements at a national scale.

In support of this objective, the Project implements a wide range of interventions, grouped under the following components:

**(i) Component 1: Investments in Local Communities to Reduce Nutrient Pollution.** This component provides support for effective investments and management practices to reduce nutrient pollution from agricultural, livestock and human sources. This component builds upon the experiences and lessons learned from the initial INPCP and includes support for a menu of investments which could include e.g. manure collection and composting facilities, manure management, biogas production from animal waste, and/or sewage and wastewater treatment, in about 100 communes highly exposed to nitrate pollution in all eleven river basins in Romania.

**(ii) Component 2: Support for Institutional Strengthening and Capacity Building.** This component supports activities that aim to strengthen institutional capacity and coordination within relevant national and local governments, institutions, agencies and stakeholders for regulating, implementing, monitoring and reporting the EU Nitrate Directive and Water Framework Directive requirements. The project contributes to building capacity by providing equipment, software and other required facilities and specialized training for Ministry of Environment, Waters and Forests (MEWF), National Administration for Romanian Waters (ANAR), Ministry of Agriculture and Rural Development (MARD), Agriculture Payments and Intervention Agencies, National Environment Protection Agencies, Environmental Guard and Public Health Directorates, and selected Research Stations and County Offices for Soils and Agro-Chemistry.

**(iii) Component 3: Public Awareness and Information Support**. This component promotes improved rural sanitation in all the agro-climatic regions in the country, implementation of good agricultural practices and provides for the organization of national and regional workshops, field trips, and study tours where knowledge and skills on effective low-cost environmental friendly technologies are shared.

# *Objectives of the assignment*

## General Objectives

Under the present assignment there are carried out the activities of Supervision of civil works execution and management of those works contracts, in accordance with the provisions of the related contractual documents, World Bank requirements and safeguards policies, relevant Romanian legislation in force and best practices, to ensure that the works are executed and completed in a timely manner, the requested quality and standards are met and the requested related records are properly elaborated and kept.

## Specific Objectives

The specific objectives of the requested Services under the assignment are:

1. to undertake administration of the works execution contracts and their management for the investments which are the subject of the requested services under the present assignment (as provided in the list of investments in chapter 3. Scope of Services, below), within the authorities and responsibilities delegated to the Consultant by the Client (Ministry of Environment, Waters and Forests, referred to as “the Employer” within the investment works execution contracts), in order to ensure observance by the Contractors of the related contractual terms and conditions, World Bank requirements, Romanian legislation and regulatory framework as well as sound engineering practices. In this context, the Consultant will act as the so referred “**Project Manager**” under the works contracts, in accordance also with the authorities /responsibilities delegated to him through the present assignment.
2. to supervise the execution of the works and of all the other related activities (supply of equipment and installation of the facilities, technological tests, etc.) approving the materials, equipment and workmanship for the investments that are the subject of the requested services, to ensure that high quality construction is achieved within the established timeframe and allocated budget and that all the works are carried out in full compliance with the approved engineering designs, technical specifications, performance specifications, site-specific ESMP (Environmental and Social Management Plan) and agreed work schedule. In this context, the Consultant will act as a **Site Supervision Engineer**.
3. to ensure proper accounting and recording of the progress of the Works and also appropriate reporting as specified in these ToRs and as required by the Client (Ministry of Waters and Forests).

# *Scope of Services*

## General

The scope of services under the present Terms of Reference encompasses supervision of civil works execution and management of works contracts for the investments that are subject of the requested services, in the role and responsibilities of the Project Manager and within the limits delegated to the Consultant by the Ministry of Environment, Waters and Forests.

The investments are as listed in the table below.

## Table 1 - List of investments - Subject of the requested services

| **No. crt.** | **Beneficiary** | **County** | **Investment** | **Execution period (months)** |
| --- | --- | --- | --- | --- |
| **1** | Hoceni | Vaslui | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Hoceni, județul Vaslui | 4.00 |
| **2** | Ciceu | Harghita | Construirea unei platforme comunale de depozitare si gospodarire a gunoiului de grajd in comuna Ciceu, jud. Harghita. | 3.00 |
| **3** | Pestisani | Gorj | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd | 3.00 |
| **4** | Jibert | Brasov | Construirea unei platforme comunale de depozitare şi gospodărire a gunoiului de grajd in comuna Jibert, jud. Brasov | 3.00 |
| **5** | Jegalia \*) | Calarasi | Construirea unui sistem de compostare, ambalare/peletizare in comuna Jegălia, județul Călărași | 10.00 |
| **6** | Ruginoasa | Iasi | Platformă de depozitare și gospodărire a gunoiului de grajd în comuna Ruginoasa, județul Iași | 6.00 |
| **7** | Taureni | Mures | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd | 3.00 |
| **8** | Sita Buzaului | Covasna | Platforma comunala de depozitare și gospodărirea gunoiului de grajd in comuna Sita Buzaului, Judetul Covasna | 4.00 |
| **9** | Nicolae Balcescu | Constanta | Construirea unor platforme comunale de depozitare și gospodărire a gunoiului de grajd, sat Nicolae Bălcescu și sat Dorobanțu, comuna Nicolae Bălcescu, județul Constanța | 4.00 |
| **10** | Vadu Pasii | Buzau | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Vadu Pașii, județuul Buzău | 4.00 |
| **11** | Smeeni | Buzau | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd în comuna Smeeni, județul Buzău | 4.00 |
| **12** | Deveselu | Olt | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Deveselu, județul Olt | 4.00 |
| **13** | Vetrisoaia | Vaslui | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Vetrișoaia, județul Vaslui | 4.00 |
| **14** | Brastavatu | Olt | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd în comuna Brastavățu, județul Olt | 4.00 |
| **15** | Valea Marului | Galati | Construirea unei platforme comunale de depozitare si gospodarire a gunoiului de grajd, comuna Valea Mărului, județul Galați | 4.00 |
| **16** | Iernut | Mureș | Construirea unei platforme de depozitare și gospodărire a guniului de grajd în orașul Iernut, județul Mureș | 3.00 |
| **17** | Colibași | Giurgiu | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd în comuna Colibași, județul Giurgiu | 4.00 |
| **18** | Unguraș | Cluj | Platformă de depozitare a gunoiului de grajd în comuna Unguraș, județul Cluj | 4.00 |
| **19** | Șotânga | Dâmbovița | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd in comuna Șotânga, județul Dâmbovița | 4.00 |
| **20** | Parva | Bistrița-Năsăud | Platformă de depozitare a gunoiului de grajd in comuna Parva, județul Bistrița Năsăud | 5.00 |
| **21** | Semlac | Arad | Construirea unei platforme de depozitare și gospodărire a gunoiului de grajd in comuna Semlac, judetul Arad | 3.00 |
| **22** | Saraiu | Constanta | Construirea unei platforme comunale de depozitare si gospodarire a gunoiului de grajd, comuna Saraiu, județul Constanța | 4.00 |
| **23** | Mica | Cluj | Platformă de depozitare a gunoiului de grajd în comuna Mica, județul Cluj | 6.00 |
| **24** | Puiesti | Buzau | Construirea unor platforme comunale de depozitare și gospodărire a gunoiului de grajd in comuna Puiești - T19 Mazariste, T62 Lacul Popii, județul Buzău | 4.00 |
| **25** | Dabica | Cluj | Platformă de depozitare a gunoiului de grajd în comuna Dăbîca, județul Cluj | 6.00 |
| **26** | Cornesti | Cluj | Platformă de depozitare a gunoiului de grajd în comuna Cornești, județul Cluj | 4.00 |
| **27** | Recea-Cristur | Cluj | Platformă de depozitare a gunoiului de grajd în comuna Recea-Cristur, județul Cluj | 6.00 |
| **28** | Dobrosloveni | Olt | Construirea unei platforme comunale de depozitare și gospodărire a gunoilui de grajd, comuna Dobrosloveni, județul Olt | 4.00 |
| **29** | Gogosari | Giurgiu | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Gogoșari, județul Giurgiu | 4.00 |
| **30** | Zorleni | Vaslui | Platformă gunoi de grajd în localitatea Popeni, comuna Zorleni, județul Vaslui | 4.00 |
| **31** | Alexandru Vlahuta | Vaslui | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Alexandru Vlahuță, județul Vaslui | 4.00 |
| **32** | Tirgusor | Constanta | Construirea unei platforme comunale de depozitare si gospodarire a gunoiului de grajd, comuna Tîrgușor, județul Constanța | 4.00 |
| **33** | Luna | Cluj | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd in comuna Luna, judetul Cluj | 3.00 |
| **34** | Schitu | Giurgiu | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Schitu, județul Giurgiu | 4.00 |
| **35** | Horlesti | Iasi | Construire platforme comunale de depozitare a gunoiului de grajd în comuna Horlești, Județul Iași | 4.00 |
| **36** | Mihai Viteazu | Constanta | Platformă comunală de depozitare a gunoiului de grajd în comuna Mihai Viteazu, județul Constanța | 3.00 |
| **37** | Boiu Mare | Maramures | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd in comuna Boiu Mare, judetul Maramures. | 3.00 |
| **38** | Helesteni | Iasi | Construire platformă de depozitare a gunoiului de grajd în comuna Heleșteni, județul Iași. | 4.00 |
| **39** | Valea Nucarilor | Tulcea | Construirea unor platforme de depozitare și gospodărire a gunoiului de grajd, sat Iazurile, comuna Valea Nucarilor, judetul Tulcea | 4.00 |
| **40** | Mizil | Prahova | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd in orasul Mizil, judetul Prahova | 4.00 |
| **41** | Stanesti | Giurgiu | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Stănești, județul Giurgiu | 4.00 |
| **42** | Scheia | Iasi | Construire platforme de depozitare a gunoiului de grajd în comuna Scheia, județul Iași | 4.00 |
| **43** | Draguseni | Iasi | Construire platforma de depozitare și gestionare a gunoiului de grajd în comuna Drăgușeni, județul Iași | 4.00 |
| **44** | Vidra | Ilfov | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Vidra, județul Ilfov | 4.00 |
| **45** | Draganesti | Prahova | Construire platforma de depozitare și gospodărire a gunoiului de grajd in comuna Draganesti, judetul Prahova | 4.00 |
| **46** | Miroslovesti | Iasi | Construire platformă de depozitare a gunoiului de grajd în comuna Miroslovești, județul Iași | 4.00 |
| **47** | Timisesti | Neamt | Platformă comunală de depozitare a gunoiului de grajd în comuna Timișești, județul Neamț | 4.00 |
| **48** | Giera | Timis | Construirea unor platforme comunale de depozitareși gospodărire a gunoiului de grajd, sat Giera și satToager, comuna Giera, judetul Timiș | 4.00 |
| **49** | Independenta | Constanta | Platformă comunală de depozitare a guniului de grajd în comuna Independența, județul Constanța | 3.00 |
| **50** | Galbinasi | Buzau | Construirea unei platforme comunale de depozitare și gospodărire a gunoiului de grajd, comuna Gălbinași, județuul Buzău | 4.00 |
| **51** | Flamanzi \*) | Botosani | Crearea unor sisteme de gestionare eficientă a gunoiului de grajd în orașul Flămânzi, județul Botoșani | 6.00 |

\*) composting station

Correlated with the dates of completion and acceptance of the technical design projects, the works execution contracts for the above investments will be signed as a result of three-four bidding procedures. The tentative schedule of execution is presented in chapter 5. *Duration of the assignment*.

## Specific Overall Activities

The Consultant shall:

* exercise all reasonable care to protect the interests of the Client (“the Employer” in the works execution contracts), to ensure the timely supervision and control of the Works and to avoid any occurrences of construction disorders during Works execution;
* perform the Services in accordance with World Bank’s requirements and with the provisions of the Romanian Legislation, in the field of construction works, environmental and social safeguards, and health & safety on site;
* maintain a direct and permanent supervision of the Works and monitor their progress in order to ensure the timely implementation of the Works and the efficient use of the financial resources. Verify and approve contractors' materials, construction methods and programmes of works and advice the Client (Employer);
* verify and approve Contractors’ environmental and social protection and mitigation plans, and health & safety plans on site, and inform and advice the Client (Employer);
* submit monthly safeguards monitoring reports corresponding to the environmental and social management plan developed for each investment (using the monthly safeguards monitoring template provided by the Client);
* be fully and solely responsible for the supervision of the Works execution;
* ensure that the Works are executed and the works Contracts are implemented in accordance with their provisions and with the applicable laws. Prepare the mandatory related reporting.

The formats of the reports regarding the carrying out by the Consultant of their tasks under the assignment shall be prepared by the Consultant and submitted for Client’s approval at the beginning of the Contract. The approved formats will be used further on for reporting during contract implementation.

The Conditions of the Works Contracts as well as the letter that will be issued by the Client (Employer in the works contracts) for delegating to the Consultant the Project Manager’s powers and responsibilities, will specify the areas where the Consultant acting as the Project Manager will need to seek prior approval from the Client/Employer. For each investment, these areas will include, without being limited to:

1. subcontracting any part of the works or assigning the contract;
2. issuance of variation orders for the scope of works, with or without financial implications in the Works Contract Price;
3. approval of any changes in the works Contract Price beyond the contingency provisional sum, if it may be the case;
4. approval of any Extension of the Intended Completion Date,
5. adjustments of the works contract price for changes of taxes, duties and other levies.

## Tasks and Responsibilities of the Consultant

# The Services to be provided by the Consultant under the contract will cover the tasks and responsibilities of the Project Manager (who will also act as a Site Supervision Engineer), as defined and provided for in the General Conditions of Contract and Special Conditions of Contract in the works execution Contracts for the assigned investment(s) representing the subject of the requested services.

# These will include, without being limited to:

1. providing instructions to clarify the issues regarding the terms and conditions of each of the works execution Contracts;
2. supervision of the works execution and Contracts management, including monitoring of environmental and social safeguards;
3. approval of Contractors’ work programs, which includes the general methods, arrangements, order and planning of all the activities related to the Works execution;
4. direct supervision of the Works execution for each site and monitoring their progress;
5. permanent verification of the quality of the works executed, throughout the works, in order to ensure that the corresponding requirements of Law no. 10/1995, republished, and as further completed and modified are fully observed. The corresponding regulations in force will also be taken into consideration. The *Consultant ensures that the works are executed in full compliance with the provisions of all the documents and drawings constituting the technical design and with those of the site Orders or variation Orders that may appear and be issued during works execution;*
6. verifications of Contractors’ monthly statements and certifications of the corresponding amounts to be paid by the Employer (Ministry of Environment, Waters and Forests) to each Contractor;
7. reviews and approvals of the Quality Assurance Plan submitted by each Contractor and ensuring that it is implemented in accordance with the specifications; in particular, the Consultant shall verify that all tests described, in terms of type and frequency, are carried out by the contractors’ laboratories;
8. reviews and approvals of Contractors’ Environmental and Social Management Plans and Health & Safety procedures proposed to be applied during the Works execution and follow-ups and verifications regarding their implementation;
9. submitting the monthly safeguards reports corresponding to the environmental and social management plan developed for each investment;
10. receiving and dealing with complaints from residents and farmers, if any;
11. verifications and approvals of Contractors' proposals for traffic management and safety at works sites for Contractors’ equipment;
12. establishing the content and formats of a system of weekly reports to be provided by the Contractors to the Project Managers and to the Employer;
13. attending the inspections of works carried out by the State Inspectorate of Construction for each site, in accordance with the Romanian legislation;
14. verification of Contractors’ work and notifications issued to the Contractors regarding any Defects that are identified;
15. giving notices to the Contractors of any Defects before the end of the Defects Liability Period;
16. issuing a certificate of Completion of Works (Certificat de Receptie la Terminarea Lucrarilor) for each investment;
17. issuing the Defects Liability Certificate (Certificat de Receptie Finala) and certifying any final payment that is due to the Contractor;
18. preparing the mandatory and requested reports;
19. ensuring, through the site supervision engineer (*diriginte de șantier*), the elaboration of the specialty report requested by the Romanian legislation on how the works have been executed; organising, through the site supervision engineer (*diriginte de șantier*), the Reception upon Completion of whole of the works (according to the works execution Contracts), through which taking-over by the Employer of whole of the Works is recommended, rejected or suspended, and submitting all the supervision documents to the Reception Commission, according to the Applicable Law;
20. issuing, jointly with the Employer and the representatives of the Beneficiaries, the Works Completion Minutes (Proces-Verbal de Receptie la Terminarea lucrarilor);
21. ensuring that the “as built drawings” and maintenance manuals and procedures are prepared and submitted by the Contractors, as required;
22. drawing-up, on behalf of the investor (Client in the present contract and Employer in the works execution contracts), the documents for Reception upon Completion of whole of the Works and further the documents for Taking-Over, and ensuring that the construction technical book (Cartea Tehnica a constructiei) is elaborated and submitted in accordance with the provisions of the Works Contracts and the Romanian legislation in force;
23. ensuring that the Employer and the legal owner of the works are aware of their responsibilities after Taking-over and during the Defects Liability Period;
24. reviewing Contractors` documents, the technical Design and any other documentation as requested by the Employer.

**A. Pre-construction (preliminary) activities**

1. Elaboration of the Inception Report;
2. Elaboration of the Manual with Supervision Procedures. The Manual will include the rules and regulations regarding quality in construction, which are to be followed as per the related Romanian legislation.
3. The Consultant will elaborate the Manual for Quality Control;

The Consultant shall be responsible for carrying out the following tasks, without being limited to them:

1. verifying the existence of the Construction Permits for each location and the fulfilment of the legal conditions imposed by the respective Permit (Law 50/1991 with subsequent completions and amendments);
2. reviewing the project designs, technical specifications, technologies and procedures provided for the works execution, for each investment;
3. verifying the correspondent provisions in the Construction Permits with those of the corresponding Project Design, for each investment;
4. verifying the existence of all design documents (text and drawings) and the correlation between them, for each investment;
5. verifying the observance of the regulations regarding the verification of the projects by certified verifiers, as established through the Law 10/1995, Governmental Decision 925/1995, and their subsequent completions and amendments;
6. verifying the project designs with regard to the existence therein of the provisions regarding the key-stages phases as well as of the control program established by the designer;
7. verifying the existence of the execution technical projects and sheets, of the works execution procedures, verification plans, site organization plans as well as of the work programs and execution schedules, as updated through the Site Orders/Variation Orders issued during works executions;
8. giving to the Contractors the possession of all parts of the Site, unencumbered, for each construction site, and in accordance with the topographical landmarks indicated by the Designer;
9. participating, together with the Designer at the general drawing on the ground of each construction. Assisting to the marking of the main reference marking posts for the access roads as well as of the boundary of the construction site and of the level marks in the close vicinity of the site. Orders the marking and protection of the landmarks of the constructions;
10. verifying and informing the PMU on the conformity and authenticity of all certificates, insurance policies, securities, etc., for which the Contractors are responsible in accordance with the Conditions of the Works Contracts;
11. nominating the specialist(s) in environmental protection and health & safety coordination for the duration of works execution, in accordance with the legislation in force and World Bank’s related requirements;
12. ensuring that the Contractors’ Environmental Management Plans and Health & Safety procedures are prepared before the commencement of each investment construction works execution;
13. Ensuring that the mitigation measures, monitoring frequency and requirements for compliance status and corrective actions needed from the monthly safeguards monitoring template for the environmental and social management plan are observed.

**B. Activities during the works execution**

The Consultant shall be responsible for carrying out the following tasks, without being limited to them:

1. Following-up the execution of each investment’s construction works in accordance with the provisions of the respective contract, of the project design, the technical specifications and the technical regulations in force;
2. verifying the compliance of the execution technologies in order to ensure that the quality level requested in the technical documentation, in the related works contract and in the technical norms in force is attained;
3. ensuring that the works for which the technical regulations require to be carried out by authorised workers are carried out by such authorized workers;
4. participating in all phases of works execution verification, including the inspection in key-stages phases of the works as foreseen in the Works Quality Control Plan; approving the site-daily register of activities in the site journal;
5. suspending the execution of the works if there are nonconformities that may adversely affect the quality of the works;
6. suspending the execution of the works and notifying the State Inspectorate of Construction or, as the case may be, the control institutions specified under the Law 10/1995, republished, as further completed and amended, in case technical accidents occur or deviations from the technical designs are found;
7. in case of suspension of the execution of the works under the conditions mentioned at points e and f above, the Consultant shall request the Designer to issue technical solutions accordingly or order, if the case, technical expertizes in order to solve the issues;
8. recording and updating daily the works execution register to which he attended;
9. monitoring and reporting on the impact mitigation measures foreseen in the summary table for the duration of the works execution (as part of the Environmental and Social Management Plan) using the monthly safeguards monitoring template provided by the Client;
10. carrying out the verifications provided in the technical norms and signing the documents related to these verifications. The consultant will verify:

* the Minutes of qualitative reception of the materials;
* the quality certificates of the materials;
* declarations of conformity of materials quality;
* non-conformity reports.

1. participating to qualitative reception of works by works categories and signing the Minutes (*Proces-verbal*) of qualitative reception together with the Contractor;
2. participating to the verification in the inspection in key-stages phases and elaborating the Minutes for hidden works;
3. verifying the compliance of the materials used with the provisions of the law (existence of the documents attesting the quality, the correspondence of their quality with the provisions from the quality certificates, contracts, projects designs);
4. bans the use of non-compliant materials, semi-fabricates or prefabricates or of materials, semi-fabricates or prefabricates without quality certificates, technical agreement, or declaration of quality conformity;
5. bans the use of new technologies without technical agreement;
6. ensuring continued follow up of the works execution and approving the payments only for the works complying with the quality norms;
7. if the case may be, requesting the Contractor to suspend the works execution, demolish the non-compliant executed works and redo such works only based on the solutions elaborated by certified specialist;
8. submitting to the Designer, for being solved, his own intimations and those of other participants to the Works execution, regarding non-conformities found during the works execution;
9. verifying the compliance with the provisions of Law 10/1995 regarding the quality in constructions in case of changes in the documentation or adoption of new solutions that alter the initial technical conditions;
10. endorsing the orders issued by the Designer. Verifying the full observance by the Contractors of the measures ordered by the Designers or by other authorised institutions;
11. carrying out, in the name of the investor (Client in the present contract and Employer in the works contracts) the activity of financial verification of the Interim Payment Certificates for the payments that are to be made by the Employer to the Contractor for the executed works;
12. following up the observance by the Contractors of the quality assurance program;
13. taking over the documents from the Contractors and Designers and ensuring that the construction technical book contains all the documents requested by the Romanian legislation;
14. following up the scrapping of the site organization and returning of the sites to the owners of the land;
15. preparing, for the situations foreseen by law, the coordination Register including all the documents prepared by the health and safety coordinator, with information regarding the events that occurred on the construction site, the inspection reports and the decisions taken;
16. preparing and submitting the preliminary ITM (Local Labour Inspectorate) declaration for the construction sites supervised by the Consultant;
17. fulfilling all the other obligations of the investor (Client in the present contract and Employer in the works contracts)/ beneficiary in the field of safety and occupational health.

**C. Reception upon Completion of the Works**

The Consultant shall be responsible for carrying out the following tasks, without being limited to them:

1. participating to the Reception upon Completion of the works and further to the taking over procedures, acting as the secretary of the Reception commission and preparing the Reception upon Completion documents; providing to the members of the Reception commission the documents proving that the quality assurance during the execution of the works was pursued and ensured, the technical documentations elaborated by the Designers and handed over to Contractors, other documents and documentations elaborated in accordance with the legal provisions in force;
2. carrying out the activities of the secretary of the Reception Commission upon the Completion of the works and elaborating, in the name of the investor/owner, the Completion related documents and putting together the documents of the construction technical book;
3. preparing the specialty report requested by the Romanian legislation on how the works were executed;
4. ensuring that the documents requested by the Reception commissions are provided and the problems identified or recommended by the Reception commission are properly solved; following up the preparation of the documents on taking the measures requested by the Reception commission;
5. handing-over to the investor (Client in the present contract and Employer in the works contracts) of the taking over documents, the technical and economic documentation of the construction, together with the construction technical book;
6. if the case will be, following up the resolution of the problems included into the *Minutes of suspension of reception at the end of the execution of works* for each location, without exceeding 90 days from the date of the aforementioned minutes.
7. Providing documentations for obtaining water and environmental operation permits for each investment in accordance with the requirements of OM 891/2019 for issuing of the water permit and respectively of OM 1798/2007 for issuing of the environmental permit;

**D. Activities during the period between the taking over upon the completion of the works and the end of the defects liability period and final reception**

The Consultant shall be responsible for carrying out the following tasks, without being limited to them:

1. notifying each Contractor with regards to the deficiencies or any defects that are found and which occurred during the defects liability periods; ensuring that any defects are corrected by the Contractor in accordance with the provisions of the works execution contract and within the time limits specified in the Project Manager’s related notice, on Contractors’ expenses if these were due to the breach by Contractor of the contract clauses;
2. updating, on behalf of the investor (Client in the present contract and Employer in the works contracts) the construction Technical book in accordance with the Romanian legislation in force;
3. handing-over the construction Technical book to the legal owner, after the final taking over.

The Consultant will not be held responsible if the works for any of the sites are not progressing satisfactorily for reasons that are beyond his control, provided that when such event is recorded discussions are quickly convened with the Contractor and the Employer to find a remedy to the delay and an order is given to the Contractor to take the necessary steps to meet the completion date set forth in the Contract.

## Performance requirements for the Consultant

Progress of the execution works will be recorded by the Consultant monthly, for each investment, and notified to the Client through monthly progress reports. In the event that in a given month the progress has slipped below the rate shown in the original programme of the related works contract, the Consultant shall prepare a special report showing the reasons for the slippage and shall advise on the ways to remedy.

The Performance of the Consultant under the present assignment will be proportionally measured by the Performance of the Contractors under the works execution contracts and the progress, quantity and quality of the contractors’ related works execution. More specifically, the payments under the present assignment will be proportionally linked to the value of the executed works during the reporting period, and accepted by the Employer under each investment within the related works contract.

# *Reporting requirements*

The Consultant will report to the Client’s Authorized Representative through their nominated Contract Coordinator(s). Client’s Contract Coordinators, who, besides their roles and responsibilities detailed at the end of this paragraph below, also have the responsibility to receive the reports elaborated by the Consultant and to submit them to the Reception Commission for further comments and approval.

The Consultant will submit the following Reports:

1. **Inception Report**, which will be submitted within 2 weeks as from the date of commencement of works specified in the Commencement Orders. This will include, without being limited to, a clear, systematic and detailed schedule of activities to be completed by the Consultant in relation with the Work Programme of the Works execution contract, as submitted by the Contractors. This report will define in practical terms the services to be rendered in accordance with the methodology adopted and will include the Manual for Supervision Procedures, developed in accordance with the provisions of the Romanian legislation for ensuring quality in construction, as well as the Manual for Quality Control; the report will include the description of Consultant’s performance of the Pre-construction (preliminary) activities from paragraph A. above; Also, the report will include the individualized Code of Conduct for the respective investment.
2. ***Monthly Progress Reports***, which will be prepared monthly during the entire period of works execution and will contain data ***for each investment*** under construction. They will cover one entire month starting with the date of the commencement of works, and will be submitted within two weeks as from the end of the corresponding month. Monthly Progress reports will include, without being limited to, the following:
   1. a description of the physical and financial progress of the works, for each investment, during the previous month as well as cumulatively from the beginning of the works contracts, accumulated delays, major problems incurred during the respective month, actions to be taken;
   2. list of all of the ongoing works, a description of their current status, both physical and financial, including payments made, payments due, and payments forecast until the completion of the Works Contracts;
   3. payment certificates (if the case will be) issued by the Contractors;
   4. comments on Contractors’ reports (if the case will be);
   5. identification of any additional interventions that will be required for the successful completion of the Works Contracts, together with recommendations for their implementation (if the case will be);
   6. description of any major issue occurred within the works contracts implementation (change in the scope of works, design modifications and/or completion, variation orders, claims, extension of time, delays, etc.);
   7. environment protection and health & safety aspects – a separate chapter within the Monthly Progress Reports describing the implementation of the approved site-specific ESMP and Health & Safety conditions on sites;
3. ***Works Completion Report for each investment,*** which will be submitted at the end of the works execution supervision period, within two weeks as from the Reception upon Completion of the Works (namely as from the date of the Minutes of the Reception upon Completion of the Works- process-verbal de receptive la terminarea lucrarilor). It will summarize the main activities, works executed, problems encountered and their solutions, as well as any outstanding issues, solved or not solved, related to the works contract implementation. This report will also include the Works Completion Certificate for the investment. This report will include the minutes of taking over protocol for the *“****Construction Technical Book****”,* including the "as built drawings” and the Operation and Maintenance Manual. The report will also include the documentation for obtaining water and environmental operation permits, in accordance with the requirements of OM 891/2019 for issuing of the water permit and respectively of OM 1798/2007 for issuing of the environmental permit;
4. ***Defects Liability Reports*** which will be submitted every three months during the Defects Liability Period and will contain data ***for each investment*** which are during the defects liability period. Only the Final Defects Liability Report for each investment, which will be submitted at the end of the investment’s defects liability period and will certify that all defects have been remediated, will be subject to payment.
5. ***Final Report for each investment*** will be submitted within two weeks as from the Final Reception and will include, without being limited to, the following:
   1. the final out-turn cost (Final Contract Price) of the investment under the related works contract;
   2. description of the works as finalised versus the expected conditions and completeness of the Works executed until the end of the assignment and any deviations from the original proposals;
   3. the assessment of all complaints submitted to date, and related reports on any anticipated issue that could give rise to future complaints. These reports shall carry clear recommendations and financial assessments.

All reports shall be prepared in Romanian language, printed and electronic (both editable and scanned version). Spreadsheets and schedules shall be produced in a maximum A3 size for reporting purposes.

The reports should have a title page which should include the project name, project code and reference number of the consultancy contract, report title, issuance date and period covered, and the name and address of the Consultant.

The Client (Ministry of Environment, Waters and Forests) designates as the Client’s Contract Coordinators three-four Technical Specialists within the INPCP Project Management Unit - Technical Department, as also correspondingly nominated as Coordinators of the investment works execution contracts. These nominations will be communicated to the Consultant at the beginning of the assignment.

The Contract Coordinators will be responsible for receiving all the reports and deliverables under this contract, for carrying out a review and analysis of the reports, requesting the Consultant to make appropriate revisions, if necessary, and for submitting the final form of such revised reports, for their acceptance and approval, to the Client’s nominated Commission. Client’s Contract Coordinators will subsequently receive and approve corresponding invoices for payment.

Acceptance and approval of the reports will constitute the basis for issuing by the Consultant of the corresponding invoices and also for the contractual payments that are to be made by the Client.

# *Duration of the assignment*

Tentatively, it is expected that the Consultant will commence the services under the assignment immediately after contract signing and will carry out the services during the entire period of construction of the investments and their completion and taking-over and further until the end of the defects liability period and final reception of the works.

The duration of the services under this assignment will be correlated with the durations and terms of the Works execution contracts that are to be administered and supervised by the Consultant. These time periods durations may need to be adjusted to include any suspensions or extensions of the works contracts as well as any possible postponements of the reception at works completion and of the final reception after the defects liability period, in accordance with the time-periods foreseen in the Government Decision no. 273/1994 for approving the Regulations on the reception of constructions, with subsequent completions and amendments.

For each investment,the Consultant will carry out the services for a period estimated at ***19 to 26 months*** per investment (according to the specific execution period as specified in Table no. 1***),*** counted as from the commencement of works execution, in accordance with the schedules of the related works contract, as follows**: *1 month*** prior to the start of the construction works contract**, 3 to *10 months*** during the execution of the works and ***1 one month*** for the reception upon completion and taking over, ***12 months*** during the defects liability period, and ***2 months*** for the final reception of the works. These periods may need to be adjusted in accordance with any suspensions and/or extensions of the related works contract.

It is planned that, subject to budget availability, as allocated, and the results of the works bidding process, signing of the works contracts and commencement of the works execution for these investments will be in accordance with the following schedule:

- 21 investments (tentatively no.crt. 1-21 in the list of investments) – earliest commencement period: March-April 2021, or any other subsequent period as resulted from the actual implementation calendar;

- 14 investments (tentatively no.crt.22-35 in the list of investments) – commencement in June 2021, or any other period as resulted from the actual implementation calendar;

- 16 investments (tentatively no.crt.36-51 in the list of investments) – commencement in August 2021, or any other period as resulted from the actual implementation calendar;

*This schedule is indicative being only an estimation and there will be no need for modifications of the contract through amendments, in order to adapt its calendar data due to the non-observance of this planning. The Consultant will ensure the provision of services even if this planning cannot be respected.*

The Consultant shall ensure that full management of works contracts and supervision services for each investment is provided, over the entire construction execution period and defects liability period by an appropriate team of supervision staff. Notwithstanding, for the rest of the services under the assignment, the Consultant shall provide the adequate personnel, periodically stationed on sites as an absolute minimum and in accordance with the provisions of the Romanian legislation.

# *Consultant’s Profile and estimated level of effort*

The assignment shall be carried out by a qualified Consultant with in-depth experience in works supervision in the field of civil engineering and related infrastructure for regional scattered investments.

The Consultant shall provide adequate teams of qualified staff, key and non-key experts, with the appropriate expertise in the field as required and will be responsible for their time allocations and responsibilities. Also the Consultant shall provide the needed equipment to his staff in order to enable them to complete efficiently all the activities required under the scope of services and to finally achieve the general and specific objectives of the Contract.

Consultant’s supervision team shall be computer literate and familiar with project management software as Primavera or Microsoft Project or similar software and shall review all contractors’ submitted documents and shall verify all logical and resource related links within the constructors’ programmes.

The Consultant must take into account the provisions of the Romanian Law 10/1995 with subsequent completions and amendments, regarding the obligation of verification of the correctness execution of construction works, by staff certified for site supervision of construction works, throughout the works execution period.

The Supervision Consultant shall assign at least the following **Key Experts:**

**Team Leader/Project Manager**

*Qualifications and skills:*

* university degree in civil/construction engineering;
* at least 5 years of professional experience in the field of construction works;
* previous experience as Project Manager as well as in works supervision in at least two similar contracts;
* sound knowledge of project management is a must, proved by a training/qualification certificate;
* at least 3 years of proven relevant experience in the field of project management for public investments;
* proven experience in working with public organizations;
* advanced PC skills and knowledge of Project Management Software and MS Office package: MS Word, Excel, Outlook;
* good knowledge of Romanian legislation in relation with Law no. 10/1995 regarding the quality in construction with subsequent completions and amendments is a must;
* good reporting skills.

***Site supervision engineers (diriginți de șantier) – The Consultant will ensure that each investment is supervised by a site supervision engineer (dirigințe de șantier). In case execution of works at certain investments is carried out during different time periods or the investments are in close vicinity, the same supervision engineer may be assigned for more than one investment.***

*Qualifications and skills*

* university degree in civil engineering;
* 3 years of experience in site supervision under a Site Supervision Certification for the categories D of works implemented under the works contract (Civil, Industrial and Agricultural constructions – Domain 2.1 or higher, as required by the Law 10/1995 with subsequent completions and amendments and its complementary regulations namely Order Nr. 1496/2011 of the Ministry of Regional Development and Tourism);
* previous experience as site supervision engineer in at least two similar contracts;
* certified by the State Inspectorate of Construction in accordance with Law 10/1995 and Order No. 1496, 2011 of the Ministry of Regional Development and Tourism, for Industrial and Agricultural constructions – Domain 2.1 or higher;
* good written and oral communication skills.

***At least two site supervision engineers (diriginte de șantier) – for supervision services on county and national roads, who will be assigned to all investments.***

*Qualifications and skills*

* university degree in civil engineering;
* 3 years of experience in site supervision under a Site Supervision Certification for ***Domain 3.2.*** or higher ***(Roads, bridges, tunnels, aviation tracks, cable transport)***, as required by the Law 10/1995 with subsequent completions and amendments, and its complementary regulations namely Order No. 1496/2011 of Ministry of Regional Development and Tourism);
* previous experience as site supervision engineer in at least two similar contracts;
* certified by the State Inspectorate of Construction in accordance with Law 10/1995 and Order No. 1496/May 13, 2011 of the Ministry of Regional Development and Tourism on Domain ***3.2.*** or higher (Roads, bridges, tunnels, aviation tracks, cable transport);
* good written and oral communication skills.

***At least one site supervision engineer (diriginte de șantier) – for complementary supervision services, for all investments, specifically for the supervision of electrical and sanitary installations works.***

*Qualifications and skills*

* university degree in civil engineering;
* 3 years of experience in site supervision under a Site Supervision Certification for Domains 8.1&8.2, sub-domain ***electrical and sanitary installations***, as required by the Law 10/1995 with subsequent completions and amendments and its complementary regulations namely Order No. 1496/2011 of the Ministry of Regional Development and Tourism);
* previous experience as site supervision engineer in at least two similar contracts;
* certified by the State Inspectorate of Construction in accordance with Law 10/1995 and Order No. 1496/May 13, 2011 of Ministry of Development and Tourism on Domain 8, sub-domain ***electrical and sanitary installations***;
* good written and oral communication skills.

***One Environmental Specialist - Coordinator***

*Qualifications and skills:*

* university degree in a relevant technical domain;
* at least 3 years of relevant experience in the environment domain related with construction works;
* experience or knowledge of the Romanian environmental legislation and procedures in force as well as of the World Bank’s environmental policies;
* good written and oral communication skill.

***One Health and Safety Specialist - Coordinator***

*Qualifications and skills:*

* university degree in a relevant technical domain;
* at least 3 years of relevant experience in construction activities and project site safety management;
* experience or good knowledge of the specific legislation. (Government Decision no 300/2006) proven by diplomas and certificates, as well as experience or good knowledge of relevant international Operational Health & Safety practices;
* good written and oral communication skill.

***In case the on-site specific conditions require*, the Consultant shall be able to mobilize other specialized experts from a “pool of other experts” (“non –key” experts).**

***The “pool of other experts”*** will comprise *maximum 8 specialized experts* to be proposed by the Consultant in accordance with its expertise and professional experience and in line with the technical proposal, to best fit the project needs.

The pool of other experts will have to cover *at least the following 4 (four) specialized fields*:

* topography engineering;
* bills of quantities specialist;
* claim specialist;
* structural engineering.

*Other maximum 4 experts* in the field may be part of the “pool of other experts” on an “as required” basis.

All the proposed experts and site supervision engineers must be authorized under the Romanian law to carry out their respective tasks and activities. The Consultant shall ensure that its proposed team is duly qualified and able to supervise and inspect all aspects of the construction works.

# *Consultant’s obligations*

The *Consultant* shall be responsible for:

* + arranging accommodation for its staff;
  + arranging transportation to and inside the project site for its staff;
  + provision of secretarial services, as needed;
  + covering any costs incurred for the accommodation of its staff;
  + printing and copying the reports and of other documents and communications related to the implementation of the assignment.

The Consultant will propose, as much as possible, experts based locally or in close vicinity to the assigned investments in order to ensure a minimum level of reimbursable type related costs under the Contract.

### Presence of Key Experts

To guarantee a timely implementation and appropriate standards of quality of the Works and also an efficient use of the financial resources under the works contracts, the Consultant shall ensure an appropriate presence of its site supervision engineers (diriginți de santier) on the sites during the entire period of works execution and in accordance with the works contracts’ provisions and requirement of the legislation in force.

**Working hours for the rest of the supervising team**:

During the works execution, the Consultant shall have to ensure the presence of appropriate experts (personnel) on the sites, as needed, during the time when the civil works contractors are working, as required by the specific activities carried out or as requested by the client.

During the supervision of the works period, the Consultant must be aware that the Contractors may consider to carry out construction works activities outside the statutory working hours. Accordingly, the Consultant shall have appropriate experts (personnel) present on the sites, plan for this likelihood and include within the contractual rates any overtime fees and costs.

# *Facilities provided by the Client:*

The Client (MEWF) will provide access to existing data and information, related to the scope of the services as reasonably required by the Consultant in order to perform the tasks under this assignment.

# *Institutional arrangements*

The Consultant will act under the supervision of the INPC-PMU and will permanently co-operate with the technical specialists of the Technical Department and with the safeguards specialist within the INPC-PMU.

Throughout the performance of the supervision and management of the works contracts, the Consultant shall maintain close and regular contact with the Client. Such contact shall not only be limited to the Consultant’s obligations, in his role as the Project Manager in the works execution contracts, but the liaison shall be adequate to keep the parties involved, generally informed on all key matters relating to costs, quality and progress of both the works execution contracts and the present assignment.

*Client’s Coordinator*: The Ministry of Environment, Waters and Forests designates three to four Technical Specialists within the Technical Department of the PMU as Client’s Coordinators, whose roles and responsibilities are detailed in the Reporting Requirements paragraph above. Broadly, the Coordinators will be responsible for the coordination of the activities under this assignment and for receiving and approving invoices for payment after the acceptance and approval of the corresponding reports by the Client’s representatives nominated for this purpose.