**REPUBLIC OF TURKEY**

**MINISTRY OF ENVIRONMENT URBANIZATION AND CLIMATE CHANGE**

 Urban Transformation Presidency (UTP)

**CLIMATE AND DISASTER RESILIENT CITIES PROJECT**

**(P173025)**

**TERMS OF REFERENCE**

**LEGAL CONSULTANCY**

(REF: TCDRCP-INDV-LAWYER-03)

**Background**

The Ministry of Environment, Urbanization and Climate Change (MoEUCC) has applied for financing from the World Bank to finance the Climate and Disaster Resilient Cities Project and intends to apply part of the proceeds for consulting services. The implementation period will end on October 31, 2028. Financed by the proceeds of the Loan Agreement signed between the Ministry of Treasury and Finance and World Bank, the Project holds a budget of EUR 330.500.000.

The overall objective of the Project is to increase access to seismic and climate resilient housing, municipal infrastructure and services in selected provinces in Türkiye and to respond promptly and effectively in the event of an Eligible Crisis or Emergency.

The proposed Climate and Disaster Resilient Cities Project aims to support the government in tackling challenges related to climate and disaster resilient housing and infrastructure interventions, focusing on urban areas in the provinces of Istanbul, Izmir, Kahramanmaras, Kocaeli, Manisa, and Tekirdag. These provinces were selected as all are highly vulnerable to the impacts of natural hazards and climate change such as flooding, drought, and heat waves, and most importantly, all they are in high seismic risk zones The Project will support the Government of Türkiye in developing and establishing an innovative approach for urban resilience with climate change and disaster risks and energy efficiency considerations that can be scaled up over time with various sources of financing. Such an approach is expected to yield the following benefits: (i) development of a new financing mechanism supporting households in retrofitting or reconstructing their risky housing to increase resilience to seismic and climate hazards, which helps address current bottlenecks related to affordability and expand access to finance for resilient reconstruction or retrofitting; (ii) a methodology to mainstream climate and disaster risk considerations into prioritization and design of urban infrastructure investments; (iii) approaches for enhanced citizen engagement in urban transformation The Project is expected to demonstrate in selected provinces how this approach can put the government’s urban transformation policies into practice comprehensively. (iv) climate adaptation through investments in resilient infrastructure and mainstreaming disaster and climate risk considerations into urban transformation ; (v) Expanding access to resilient housing

The Project includes five components: (i) Institutional Strengthening to Enable Conditions for Urban Resilience; (ii) Expanding Access to Resilient Housing; (iii) Investments in Climate and Disaster Resilient Municipal Infrastructure; (iv) Project Management, Monitoring, and Evaluation and (v) Contingent Emergency Response Component.

Component 1: Institutional strengthening to enable conditions for urban resilience: Component 1 will provide technical assistance to MoEUCC and metropolitan municipalities of the selected local pilot provinces as well as additional municipalities vulnerable to disaster risks, to strengthen their capacity to develop, implement, and monitor green and resilient urban transformation programs.

Component 2 – Expanding access to resilient housing. This Component will provide demand-side support for resilient housing in the Project provinces by financing sub-loans at below-market conditions for eligible owners to retrofit or reconstruct their housing or commercial units in risky residential or mixed-use buildings to meet resilient building code and energy efficiency standards. The objective of this new financial product is to address the issue of limited affordability and access to finance for a specific niche market segment that is not served through the existing mortgage market (i.e., owners of risky housing units who cannot afford seismic retrofitting or reconstruction of their property) with the aim to save lives.

Component 3 – Investments in climate and disaster resilient municipal infrastructure. This Component will support ILBANK to on-lend loans (in Euro) with longer maturities and lower interest rates than the comparable domestic market to eligible utilities of Project metropolitan municipalities to undertake infrastructure investments that increase resilience against the impacts of climate-related and/or other disaster hazards. ILBANK will be the Financial Intermediary (FI) for this Component, and the utilities of Project metropolitan municipalities will be sub-borrowers.

Component 4a and b – Project management, monitoring, and evaluation. This component will have two sub-components that finance consultant and non-consulting services, goods, training, and operating costs as required by ILBANK and MoEUCC to implement the project per Bank policies and guidelines, including but not limited to monitoring and evaluation, reporting, procurement, financial management, and disbursement, environmental and social management, grievance redress mechanisms, as well as communication and outreach activities especially for Component 2 to ensure potential beneficiaries, in particular women and lower-income households, are aware of the resilient housing program and its benefits. This Component will also support MoEUCC’s annual assessments of how the new mechanism to support resilient housing retrofitting or reconstruction under Component 2 is performing to identify adjustments and course-correction during implementation as needed.

Component 5 – Contingent emergency response component. This Component is included in accordance with OP/BP 10.00 (Investment Project Financing), paragraphs 12 and 13, for contingent emergency response through the provision of immediate response to an Eligible Crisis or Emergency, as needed. It will allow the GoT to respond promptly and effectively to an eligible emergency or crisis, that is a natural or human-made disaster or crisis that has caused or is likely to imminently cause a major adverse economic and/or social impact by requesting a rapid reallocation of project funds.

Project locations: Tekirdag, Kocaeli, Izmir, Manisa, Kahramanmaras and Istanbul will be the pilot locations for the Project. These provinces are geographically dispersed across Turkey and represent a large segment of the population, including two of the largest cities in the country (Istanbul and Izmir).

The implementation of the project will follow World Bank’s (WB) fiduciary, environmental, and social policies and national requirements.

The General Directorate of Infrastructure and Urban Transformation Services (GDIUTS) established a Project Management Unit. Pursuant to Presidential Decree No. 153, dated October 16, 2023, the Urban Transformation Presidency (UTP) was established as an affiliated institution of the MoEUCC reporting to the Minister and took over the resposbilities of the GDIUTS. The UTP, through the PMU, is responsible for managing the overall implementation of Components 1, 2, 4a, and 5 of the Project. The PMU is also mobilizing an implementation support consultancy firm to provide technical support to homeowners interested in applying for the resilient housing sub-loans provided under Component 2 during all stages of the loan application and subsequent housing retrofitting/reconstruction process, especially on technical and legal matters with particular attention paid to lower-income and female-headed households, and to carry out technical verification and inspections during housing retrofitting/reconstruction.

The UTP’s PMU is looking to hire a lawyer to support the review of project-related documents and provide guidance to the PMU regarding legal aspects, help oversee and manage the implementation support consultancy firm providing legal advice to interested homeowners, report progress to managers, and alert them to legal issues and offer solutions if needed.

**OBJECTIVES**

The main objective is to hire an experienced “Lawyer” for the UTP’s PMU to assist in the project implementation activities as follows:

1. **SCOPE OF THE SERVICES**
	1. Review all project related documents in terms of legal aspects when requested and provide guidance to the PMU.
	2. Examining the current situation within the scope of the legal and internal legislation during the project and identifying the missing areas or areas that need improvement in Ministry implementations.
	3. Giving opinions by attending meetings with the authorities to examine the legal problems.
	4. Supporting the examination, interpretation and development of the Bank Clauses which is prepared based on the beneficiary and contractor agreement and must be signed by the contractor or by homeowner with the Commercial Bank.
	5. Supervising the consultancy company that the PMU/UTP is hiring to provide technical and legal support to homeowners interested in applying for the resilient housing sub-loans financed under the Project and providing advice to the PMU/Ministry on the legal aspects and activities of this consultancy.
	6. Detecting and analyzing of the problems experienced in practice by meeting with the UTP CDRCP project team of our Ministry, key personnel of the Provincial Directorates CDRCP, and citizens upon request.
	7. Analyzing the outputs of the grievance mechanism as adequate in coordination with the social specialists of the PMU and proposing improvements to solve the problems arising from the legislation.
	8. The lawyer will prepare a monthly report on the services provided and submit it to the UTP Project Coordinator within the first 10 days of the following month.
	9. Fulfillment of other duties that may arise within the framework of this job description.
	10. Providing legal support to the UTP’s social team to follow up with beneficiary who miss payments to avoid that they even get in a situation where legal proceedings are started.

A detailed list of services will be provided to the Lawyer upon a contract of employment.

1. **DELIVERABLES**

The consultant will provide verbal and written assessments, comments, and guidance to the PMU, report progress to managers and alert them to legal issues and offer solutions if needed, including for instance proposed revised legal text for project documentation.

1. **DURATION OF THE SERVICES**

The services will be required on a full-time basis based in Ankara for the entire duration of the project. The Specialist is expected to commence work with two months’ probation period a contract up to end of the year, and with possible renewable contract, if performance is satisfactory.

1. **QUALIFICATION REQUIREMENTS**
* To have at least a bachelor's degree in the Faculty of Law (preferably a master's degree in related fields)
* To have a lawyer's license for at least 2 years
* To have knowledge in the fields of Civil Law, Law of Obligations, Commercial Law, Administrative Law.
* To have knowledge about Construction Contracts in return for Flats (providing a document as proof is required)
* To have knowledge in the field of Rental Law (providing a document as proof is required)
* To have software knowledge such as Microsoft Office and UYAP for legal software development and follow-up
* Having knowledge about Law of Transformation of Areas under Natural Disaster Risk (Law 6306, Urban Transformation Law) and practice also having knowledge Law 5543 (Settlement Law) and Law 5393 (Municipality Law)
* Fluency in written and spoken Turkish, good command of English is a plus
* Strong interpersonal and communication skills and ability to work in a team environment
* For male candidates, having completed their military service
* To have knowledge in international construction contracts is a plus (providing document is required)
* To have work experience in International Finance Organizations, or International Finance Organization coordinated projects is a plus
* To have knowledge of World Bank Policies, Procedures and Requirements is a plus
* To have been involved in projects with community-based projects, development projects, rebuilding or urban transformation-based projects is a plus
1. **METHODOLOGY**

The consultant will be hired following the guidance of World Bank’s “Procurement Regulations for IPF Borrowers” – November 2020 (“Procurement Regulations”). The contracted position will be the Lawyer of UTP's PMU in Ankara. The contract will be signed between the Urban Transformation Presidency of MoEUCC or his designee and the specialist.

Ministry of Environment, Urbanization and Climate Change

Urban Transformation Presidency

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