Terms of Reference (ToR)

# Implementation Support Consultant for the Climate and Disaster Resilient Cities Project: Consultancy Services to Provide Technical and Legal Support to Property Owners for Resilient Housing Reconstruction/Retrofitting and Verification/Inspections of Retrofitting/Reconstruction Activities in Project Provinces (Kocaeli, Manisa, Tekirdağ)

# (TCDRCP-C1-CS-TECHLEGAL-03)

1. Background

The Urban Transformation Presidency (UTP), affiliated to the Ministry of Environment, Urbanization and Climate Change (MoEUCC), has mobilized financing from the World Bank to finance the Climate and Disaster Resilient Cities Project (hereinafter interchangeably called as the CDRCP or the Project) and intends to apply part of the proceeds for the consulting services under this Terms of Reference (ToR). The project 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 for the MoEUCC part.

The project development objective 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 project will be implemented through five components, namely as (1) Institutional strengthening to enable conditions for urban resilience, (2) Expanding access to resilient housing, (3) Investments in climate and disaster resilient municipal infrastructure, (4) Project management, monitoring and evaluation and (5) Contingent emergency response component. More information on the Project Components can be found in the Project Appraisal Document[[1]](#footnote-2). The implementation of the project will follow World Bank’s (WB) fiduciary, environmental, and social policies and national requirements.

Tekirdag, Kahramanmaras, Izmir, Manisa, Istanbul and Kocaeli will be the locations for Component 2 of the Project. These provinces are geographically dispersed across Türkiye and represent a large segment of the population, including two of the largest cities in the country (Istanbul and Izmir).

1. Institutional Roles

The responsibility for general project management and coordination belongs to the Urban Transformation Presidency (UTP) under the MoEUCC. The General Directorate for Infrastructure and Urban Transformation Services (GDIUTS), preceding the UTP, was established in 2011 to manage the transformation of areas under disaster risk and of areas/lands where risky buildings present outside of the areas under disaster risk. In 2023, the GDIUTS was converted into the UTP. It carries out its activities in close cooperation with the Housing Development Administration (TOKİ) of the Ministry, ILBANK and other subsidiaries of the MoEUCC, including local authorities. The UTP is also defined as the main institution responsible for the implementation of the Law on Transformation of Areas under Disaster Risk (Law No. 6306).

The UTP established a project management unit (PMU) which is responsible for overall management and coordination of Components 1, 2, 4a and 5 of the Project, including : (i) communication with stakeholders and citizen engagement for the Project, (ii) ensuring that Project funds are used to finance eligible expenditures in accordance with the applicable policies and procedures stipulated in the Loan Agreement and with targeting criteria, terms and conditions for resilient housing sub-loans including overseeing of all procurement under Component 2, (iii) procurement for the institutional strengthening and technical assistance activities under Component 1; (iv) procurement for the project management activities under Component 4a; and (v) compliance with the Environmental and Social Framework (ESF); and (v) Project monitoring and reporting.

Consequently, within the framework of the Project, UTP will hire consultancy firms to support Owners of units in risky buildings in the various pilot locations in six project provinces to develop good construction contracts with the contractors on legal and technical terms and support procedures related with contracts between contractors and owners.

The Consultancy Services will cover technical (defined as Task 2 under the scope of services under this ToR) and legal support (defined as Task 1 under the scope of services under this ToR) to property owners in the Project provinces who are interested in the resilient housing sub-loan program. In other words, the consulting services under the scope of this ToR will include technical and legal support to property owners interested in applying for the sub-loans during all stages of the contracting and contract implementation process. In addition, the Consultancy Services will also cover carrying out of regular quality assurance reviews on housing/building retrofitting/reconstruction activities in this regard (defined as Task 3 and 4 under the scope of services under this ToR) and support the handling of complaints (defined as Task 5 under the scope of services under this ToR). The UTP will mobilize a consultancy firm to deliver these services.

1. Objectives of Assignment:

The Consultant to be mobilized under this assignment will focus on Kocaeli, Manisa and Tekirdağ provinces to achieve the overall objective and will:

* Provide technical and legal support to the owners of risky residential and/or workplace units regarding the contracts to be signed between the owners and their contractor for the strengthening/reconstruction of these residential and/or workplace units within the scope of Component 2 of the Project.
* Conduct technical verification, inspection, monitoring and reporting of the buildings selected by the UTP PMU by sampling method during the construction and post-construction phase of the works to be carried out by the contractors in close cooperation with the MoEUCC and building inspection companies, especially in terms of quality, resilience, applicability, time and cost in the contracts/subcontracts in question.
* Carry out all inspections and tasks requested by the UTP PMU during the implementation of the Project.
* Support the UTP PMU in handling of complaints.

1. Scope of Services:

This assignment covers three main tasks; as Part A, to provide legal (Task 1) and technical (Task 2) support to property owners interested in applying for the resilient housing sub-loans provided under Component 2 of the Project during all stages of the loan application and subsequent housing/building retrofitting or reconstruction process; as Part B, to carry out technical verification and inspections during construction (Task 3) and post-construction stage (Task 4), and as Part C, support the handling of complaints and management of environmental and social (E&S) and occupational health and safety (OHS) (Task 5).

The technical and legal support will be provided to all interested property owners who seek it on a demand-driven basis. The Consultant should be sensitive to ensure that support is provided in an accessible way for lower-income and female-headed households[[2]](#footnote-3). The Consultant should also ensure that legal and technical support are provided in harmony and complementary way.

The specific scope of the consultancy services includes:

**PART A – CONSULTANCY SERVICES TO PROVIDE TECHNICAL AND LEGAL SUPPORT TO PROPERTY OWNERS**

**Task-1: Legal Support Services**

* Providing the necessary legal information to interested property owners regarding the Law No. 6306 on the Transformation of Areas Under the Disaster Risk, its relevant legislation and the relevant project procedures in line with the Loan Agreement and Project Operations Manual.
* Checking and advising on the draft contract/s to be made between the eligible property owners of residential and/or commercial units and the contractor from a legal perspective before signing of the contract/s by the property owners, providing legal opinions and suggestions regarding the contractual terms to the property owners and ensuring that possible legal disputes are minimized.
* Providing legal support to the eligible property owners regarding their contractual rights in the contracts made between the project beneficiary owners and the contractor, in case of legal problems/disputes that may arise after the contract is signed,
* Supporting the examination, interpretation and guidance related to the standard letter of commitment, which was prepared by the PMU and is to be signed by the Contractor as part of the contract between the project beneficiary property owner and the contractor.
* Providing legal support to the project beneficiary property owners in cases where the construction contract between the project beneficiary property owners and the contractor needs to be updated/amended.
* Providing legal support to the project beneficiary property owners regarding all kinds of legal problems that may arise during the construction process and affect the construction process within the scope of the project.
* Providing support to the project beneficiary property owners to help them understand the laws/regulations related to non-payment of loans and the consequences per the relevant legislation/legal framework.
* Providing legal assistance to the project beneficiary property owners in processes such as relocation, grievance/rental assistance, proving information about the project standards as well as their rights and responsibilities laid out in project documents such as the Resettlement Framework (RF).[[3]](#footnote-4)
* Providing legal consultancy in terms of floor easement deeds,
* During the loan repayment process, providing legal information to the project beneficiary project owners who are subject to follow-up or legal action is initiated as a result of non-payment.
* Fulfillment of other duties that may arise within the framework of this job description and is related to legal support to project beneficiary property owners.

**Task-2: Technical Support Services**

* To make suggestions and provide guidance regarding the technical questions and problems of the project beneficiary property owners during each stage of the process/implementation after the risky structure identification, including but not limited to provide technical guidance and support during selection of the Contractor, the Design Criteria, the Technical Specifications and Selection of the Materials, the Designs etc.
* To provide technical support to project beneficiary property owners which will include but is not limited to the following: quality checks/technical review of all sorts of designs (architectural, mechanical, structural, electrical designs); technical specifications/requirements, application for construction permits etc. required before the commencement of the construction works; technical interpretation of the designs, technical specifications/requirements documents to the property owners during both in the contracting and the contract implementation stages of relevant construction works. Deficiencies/wrongdoings in these documents if any will be reported to the UTP PMU without waiting the submission of the relevant work progress report.
* To review contracts to be signed between project beneficiary property owners and contractors and provide technical support and guidance in terms of technical specifications and requirements and ensure inclusion of all necessary technical details and specifications in the proposed/potential contract, which will limit disagreements during implementation.
* Fulfillment of other duties that may arise within the framework of this job description and is related to technical support to project beneficiary property owners.
* As any delay in reviewing and completing the designs and related documents will directly affect the planned start date and construction period for the construction works, the Consultants shall complete and review all designs and documents with due diligence and care during the stipulated periods by the Ministry which is 15 business days from the submission of the same to the Consultants. The Consultant must have a solid relationship with the Ministry and provide economical, efficient solutions.

**PART B – CONSULTANCY SERVICES ON QUALITY ASSURANCE INSPECTION**

**Task-3: Quality Assurance Reviews Inspection at Construction Stage**

* To inspect buildings as determined by the UTP PMU by sampling method[[4]](#footnote-5) to verify whether the building is built in accordance with the legislation regarding the license and its annexes (including in particular the latest available Turkish Building Earthquake Code[[5]](#footnote-6)), and to notify the PMU accordingly on the relevant findings of such examination/verification/quality assurance reviews with recommendations for improvement and/or preventive and corrective actions. In this context, due to the demand-oriented nature of the Project and the sampling method to be applied and the site conditions cannot be predicted, the total number of buildings to be visited cannot be planned exactly. On the other hand, within the scope of the Project, 12000 field visits are planned to be made in project provinces (Kocaeli, Manisa and Tekirdağ) during the 2-year contract period, with an approach of +/- 15%. Accordingly, the number of personnel planned to be employed for project provinces during the two-year contract period is planned to be approximately 588 man/month,
* To check whether the Contractor/s has/have the necessary machinery and equipment to carry out its work in a timely and healthy manner and the adequacy of their capacities, and to report it to the PMU and the respective project beneficiary property owners.
* To check the compliance of the materials used in construction works and the production with the project/designs, technical specifications and standards, and to document the results. However, checking the experiments and their results regarding materials and manufacturing are not required from the Consultant. The Consultant is expected to check whether the required documentation and tests/experiments defined in the regulation are done and properly documented by the construction inspection company.
* The Consultant will compare and check the progress rates in the progress payments made by the Contractor with those made in the field. Following the approval of the progress payment by the consultant firm, it will be submitted to the UTP for approval.
* On the sampled buildings/construction sites, the Consultant will provide a report to the PMU including all kinds of manufacturing photographs, manufacturing percentage, etc. information regarding the projects during and after the construction phase. The template of the report will be agreed with the PMU at inception stage. On the other hand, this report and information will be uploaded by the Consultant into the web-based system to be announced by the PMU. Access to the necessary projects, authorization, username and password will be given to the Consultant by the PMU.
* At the progress payment stages, construction photographs, photographs of the productions to be covered, documents to be requested from the contractor (no tax debt, no social security debt, no workers' debt documents etc.) will be included as progress payment attachments. The control of these progress payment documents and their attachments will be carried out by the Consultant.
* In case the construction work is not completed in construction sites controlled by the Consultant, the approximate cost of the remaining work, including survey, quantity surveying, specifications and contract, will be prepared by the Consultant in accordance with the standard and format requested by the Presidency.
* Performing other duties that may arise within the framework of this job description.

**Task-4: Quality Assurance Reviews Inspection at Post-Construction Stage**

* Following the completion of the construction of the building/s, ensuring that the Building Occupancy Permit (Occupancy) is obtained by the respective Contractor/s within 3 months.
* The Condominium transactions will be completed within 3 months following the receipt of building occupancy permits. All transactions required to obtain the reconciliation report and related expenses (such as SSI irrelevant certificate, channel participation certificate, road participation certificate, type correction process, Flat Ownership transactions) and all expenses related to the Construction License and Building Occupancy License belong to the contractor companies. It is the responsibility of the Consultant firm to (i) follow that these transactions are finalized within the legal periods and/or report to the Client on the status of each building on a monthly basis, (ii) provide technical and legal support for the acquisition of the condominium in question, if requested by the rightful owners and (iii) obtain condominium deeds (individual deeds).
* The framework of the legal support to be given to the beneficiaries in the process starting from the pre-contract until the purchase of the condominium includes; the form of legal information about problems that may arise in the future as a result of inconsistencies between the construction contract and the projects and contradictions with the license and additional projects and during the settlement phase.

**PART C- CONSULTANCY SERVICES FOR E&S MANAGEMENT**

**Task-5 E&S Management**

* The Consultant shall ensure the effective implementation of Environmental and Social (E&S) governance in accordance with the Environmental and Social Commitment Plan (ESCP), Environmental and Social Management Framework (ESMF), province-level Environmental and Social Management Plans (ESMPs), Resettlement Framework (RF), Stakeholder Engagement Plan (SEP), Labor Management Procedures (LMP), and the Loan Agreement within the specified project provinces.
* Through its designated E&S Key Experts (including Environmental, Social, and Occupational Health and Safety [OHS] Specialists), the Consultant shall carry out E&S monitoring and evaluation, E&S Auditing activities, document any on-site non-compliances, ensure the contractor’s adherence to E&S standards, and regularly report these findings to the Urban Transformation Presidency (UTP) Project Management Unit (PMU).
* The Consultant shall give advice, support and enhanced hands-on support to contractors on the preparation of their site-specific Contractor Environmental and Social Management Plan (C-ESMP) Checklists. The Consultant shall also support the UTP PMU to prepare Resettlement Plans tailored to specific sub-projects. Additionally, the Consultant shall inform the contractors and relevant implementation personnel about the contents and significance of these documents.
* Upon approval of individual sub-projects, the Consultant shall deliver training sessions on E&S governance and OHS requirements to the contractors and their staff.
* The Consultant shall contribute to the preparation of both overall project Progress Reports and E&S-specific Progress Reports.
* When triggered by circumstances defined within the Project’s ESMF, the Consultant shall develop Environmental and Social Action Plans and/or neighborhood-level Environmental and Social Impact Assessments (ESIAs), and shall be responsible for tracking and verifying the occurrence of such conditions in the field.
* The Consultant shall actively engage with stakeholders, maintain accurate minutes and documentation of these engagements in accordance with reporting requirements, and submit all relevant records to the UTP PMU.
* Within the scope of activities in the specified provinces, the Consultant shall update the SEP and other project-related documents, as necessary and as directed by the UTP PMU.
* The Consultant shall contribute to the development of Frequently Asked Questions (FAQs) and lessons-learned documents pertaining to E&S matters.
* The Consultant shall be responsible for performing additional E&S tasks as assigned by the UTP PMU.
* The Consultant is expected to manage the Grievance Mechanism and support grievance resolution in line with the Project’s SEP.[[6]](#footnote-7) The Consultant will support the UTP PMU to determine whether complaints received from the owners and users of the buildings retrofitted/reconstructed under the Project are caused by the construction, and if so, the Consultant will propose possible solutions in close cooperation with the contractor and other relevant parties, and the complaints arising from the construction will be resolved by the Contractor/s within the framework of the current legal legislation. In this context, building inspection company is responsible for resolving complaints until the occupancy is obtained. The Consultant’s responsibility under this Task 5 shall include handling of any complaint received during and after the construction period (till the end of feedback period), which may relate to include but not limited to the Contractor/s’ progress payments and delivery to the rights holders the receipt of occupancy.
* Complaints received by the UTP PMU will be forwarded to the e-mail address of the Consultant for site-level follow up. Meaning that the Consultant will examine all complaints on site and inform the UTP if any errors or defects are detected. If there are errors or complaints arising from the Contractor/s, the Contractor/s will be informed by UTP PMU so that they can be resolved immediately by the UTP PMU through the Consultant. Subsequently, after the complaints are resolved, the Consultant will conduct a one-on-one on-site examination of the resolved complaints and then sign the report and send it to the Presidency. The Consultant will be responsible for preparing these reports.
* During the on-site investigations regarding the complaints, if the Contractor's fault is detected due to the fact that the building, which was designed and licensed in accordance with the 2018 Turkey Building Earthquake Regulation, was not built in accordance with the rules of science and art, the use of fraudulent materials and similar reasons, the Consultant will report these situations to the Presidency. The Consultant will follow up the work and procedures regarding the completion of these complaints.
* All written complaints sent by the UTP PMU to the Consultant will be evaluated on-site within 10 days at the latest, unless another period is specified by the UTP PMU.
* Complaints found to arise from construction will be resolved and recorded by the Contractor company. The Consultant will keep a report regarding this situation. The originals of the reports will be sent to the Presidency.

**General Obligations of the Consultant**

* The Consultant accepts and undertakes to submit to UTP PMU all kinds of information and documents requested from the Consultant company after the contract, beyond the contract period of the consultancy service, for the structures transferred to the judiciary that it has inspected.
* The Consultant firm is responsible for advising the UTP to make the necessary determinations regarding all kinds of lawsuits and legal proceedings to be filed against the UTP PMU with regards to the works carried out within the scope of this contract, obtaining all kinds of information and documents requested by the UTP PMU and notifying them to the UTP PMU.
* The Consultant Company is obliged to transfer the technical personnel working in these three Project provinces between the provinces as support staff upon request by UTP PMU.

1. Location and Logistics of Services

The project province covered by this consultancy will be Kocaeli, Manisa and Tekirdağ.

Within the scope of the CDRC project, the Consultant’s Project Manager will be located in Ankara and the key/non-key experts will be located in Manisa, Tekirdağ and Kocaeli to carry out technical, legal, E&S and OHS consultancy services, to make regular reports, and to ensure communication with the beneficiaries and the Presidency. The Consultant staff will be located in the Presidency’s information office in Manisa, Tekirdağ and Kocaeli . The Consultant shall establish/mobilize the necessary technical staff and equipment for the performance of the required services under its obligation in Manisa, Tekirdağ and Kocaeli.

The Consultant will establish offices in Manisa and Tekirdağ (no need in Kocaeli). Subject to preview and approval of the UTP PMU. All necessary equipment for the work of experts will be provided in these offices by the Consultant.

1. Other Provisions

* The Consultant key experts who will perform the duties specified in Task 1 and Task 2 will be assigned to the technical office. On the other hand, key/non-key experts who will take part in inspection and monitoring will be on site. However, depending on the intensity of the work, the key/non-key staff assigned to Task 1, Task 2 and Task 3 will support each other from time to time.
* The Consultant shall assure the presence of the key/non-key experts full time at the field during the execution of the assignment.
* The Consultant will mobilize the key experts/non-key experts and equipment to carry out all technical-legal consultancy, reporting, monitoring, project and construction works that are under its responsibility.
* The Consultant will provide all kinds of tools, computers, equipment and all other materials required for technical-legal consultancy, reporting, monitoring and control services to be provided in Manisa, Tekirdağ and Kocaeli.
* The Consultant will provide all kinds of information, documents, reports and documents requested by the Presidency or World Bank officials within the scope of the project and will accompany the officials during field visits.
* The Consultant shall obtain the written approval of the Presidency for the use of all plans, drawings, specifications, designs, reports and other documents prepared by the Consultant outside the scope of this contract.
* Monthly reports will also be provided to the Presidency in digital format.
* The key/non-key experts of the Consultant to work at the construction sites will be notified separately in writing for which construction work they are assigned by the UTP PMU.
* During the construction phase and after construction, the Presidency provides all kinds of manufacturing photographs, manufacturing percentages, material approvals, progress payments, etc. regarding the projects for which the Consultant is responsible and may request information to be entered via the internet into the web-based software prepared by the Presidency. Access to the necessary projects, authorization, username and password will be given to the Consultant by the Presidency.
* The Consultant will keep all kinds of reports, documents, minutes, control forms, projects, material approvals, etc. documents and correspondence related to the works they control in electronic environment within a program (Business Follow-up Program) and will keep them updated so that they can be accessed at any time and submit them to the service of the Presidency. It will be delivered to the Presidency upon completion of the work.

1. Duration of the Assignment

The Consultant carries out the work in accordance with the contract and its annexes, starting from the date of the contract; it is obliged to provide consultancy services in 730 (seven hundred and thirty) days, approximately 24 months.

1. Qualification Requirements for the Consultant and Key/Non-Key Experts

The Consultant shall be a firm with previous experience in carrying out major similar assignments. Specifically, the following minimum qualifications are required for the firm:

* Experience in providing consultancy services that are similar to the required services in size, types of tasks, and complexity in the past ten years, preferably related to the building/housing sector.
* Experience in providing consultancy services for construction supervision of buildings in the past ten years. Experience of such services in Türkiye is an asset.
* Experience in projects financed by International Finance Institutions is an asset.
* Having a strong organized structure.
* The Consultant shall provide suitably qualified personnel who are competent to carry out all inspections and duties assigned by the UTP PMU during the implementation of the project.
* The Consultant personnel who have a crucial role in the implementation of the contract (Pls. see the definition of key experts in the General Conditions of Contract for reference[[7]](#footnote-8)) are called key experts.

The Consultant’s team will include key experts and non-key experts with at least the following qualifications.

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **No** | **Provinces** |  | | | | | | | | | |
| **Key Experts (Full time)** | | | | | | | | | |
| **Project Manager** | **Civil Engineer** | **Progress Payment and Planning Engineer / Civil Engineer** | **Mechanical Engineer** | **Electrical Engineer** | **Technician/Civil-Electics-Mechan.** | **Lawyer** | **Environment Specialist** | **Social Specialist** | **Occupational Health and Safety Specialist** |
|
|
| 1 | Kocaeli |  | 2 | 1 | 1 | 1 |  | 1 | 1 | 1 | 1 |
| 2 | Manisa |  | 1 | 1 | 1 | 1 |  | 1 | 1 | 1 | 1 |
| 3 | Tekirdağ |  | 1 | 1 | 1 | 1 |  | 1 | 1 | 1 | 1 |
| 4 | Ankara | 1 |  |  |  |  |  |  |  |  |  |
| **Total** | | **26** | | | | | | | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No** | **Provinces** |  | | |
| **Non-Key Experts (Full time)** | | |
| **Technician/Civil** | **Technician/Electrics** | **Technician/Mechanical** |
|
|
| 1 | Kocaeli | 1 | 1 | 1 |
| 2 | Manisa | 1 | 1 | 1 |
| 3 | Tekirdağ | 1 | 1 | 1 |
| **Total** | | **9** | | |

**JOB DESCRIPTIONS OF KEY/NON-KEY EXPERTS:**

|  |  |
| --- | --- |
| **Position** | **Job Description** |
| **Project Manager : Civil Engineer** | * The Project Manager will be located in Ankara province. However, he/she must be present in the Manisa, Tekirdağ and Kocaeli provinces and at the time requested by the UTP PMU within the scope of this TOR. * The project manager will manage, direct and coordinate all technical key and non-key personnel in the Project Provinces (Kocaeli, Manisa, Tekirdağ) and will ensure communication and reporting with the UTP PMU. * Ensuring fulfillment of the duties and directives given by the UTP PMU regarding construction works in the buildings to be inspected, and to inform the UTP PMU about the works, * Ensuring control that the construction works within the scope of the Contractor are carried out in accordance with the regulations, license, project and annexes. * Providing technical support or supervising provision of technical support to homeowners during the pre-construction and implementation/construction phases, * Ensuring technical verification and inspection of construction works in accordance with the approved work program given to the contractor by UTP PMU, the production in accordance with the projects, and the compliance of the production with the relevant Technical Specifications and regulations, * Checking the bill of quantities, summary and attachments prepared by Control Engineers (Electrical, Mechanical and Civil Engineering) and making corrections when necessary, * Evaluating the daily reports given by other Control Engineers (Civil, Electrical and Mechanical Engineers), and E&S/OHS staff * Coordinating the Consultant team to conduct checks of the material and quality control tests and their proper documentation and recording by the contractor * Supervising the work of the civil engineer and the control engineers ensuring that the civil engineer collaborates with and helps the control engineers as needed, * Coordinating the evaluation and resolution of complaints submitted by homeowners and reporting them to the UTP PMU, * Ensuring timely and high-quality preparation of inception, monthly, semi-annual and final reports and their timely submission to the UTP PMU * Carrying out other respective activities, under the responsibility of the consultant in the ToR. |
| **Civil Engineer** | * Carrying out civil engineering duties regarding the above tasks (including technical support, inspection, quality assurance, and grievance) in coordination with the Project Manager, fulfilling directives related to civil engineering given by the Project Manager regarding construction works in the buildings to be inspected, and informing the Project Manager about the works, * Controlling whether the construction works within the scope of the Contractor are carried out in accordance with the license, project and annexes. * Providing technical support to homeowners during the pre-construction and implementation/construction phases, * Carrying out technical verification and inspections of construction works in accordance with the approved work program given to the contractor by the PMU, the production in accordance with the projects, and the compliance of the production with the relevant Technical Specifications and regulations, * Checking the recording of field and laboratory quality control test results of all kinds of materials entering construction carried out by the contractor and building inspection companies. * Checking tests by the construction inspection company and contractor regarding the quality of the materials used in the project, * Ensuring that daily and monthly activity reports regarding Quality Control are prepared, distributed, filed and stored by the construction inspection company and contractor. * Collaborating with the control engineers and helping them solve quality control problems under their duties. * Evaluating the complaints submitted by the homeowners regarding the building, resolving them in the first place and reporting them to the Consultant Project Manager. * Preparing monthly and semi-annual reports on areas under his/her responsibility * Carrying out other respective activities, in coordination with the PMU and Consultant Project Manager, under the responsibility of the consultant in the ToR. |
| **Progress Payment and Planning Engineer / Civil Engineer** | * Carrying out civil engineering and progress payment related works reading the above tasks (including technical support, inspection, quality assurance, and grievance) in coordination with the Project Manager. * Checking the progress payment, bill of quantities, summary and attachment books of the contractors of the buildings benefiting from the loan, making corrections and approving them, when necessary, * Preparing monthly work progress reports/having their annexes prepared, following up the work program given to the contractor by the PMU at the beginning of the work, * Preparing the progress payments of the contractors in the buildings that the Consultant supervises within the scope of the contract, in the format determined by the Presidency, within the framework of the contract and relevant legislation, and to submit them to the Presidency on time and in full. In addition, to carry out other works and transactions regarding the progress payments given by the Presidency. * Controlling the manufacturing and construction works in the buildings that benefit from the loan in İstanbul, when deemed necessary by the PMU team. * Carrying out all the work done by the Site Engineer (Civil Engineer) when deemed necessary by the PMU team. * Carrying out other respective activities, in coordination with the Project Manager, under the responsibility of the consultant in the ToR. |
| **Mechanical Engineer** | * Carrying out mechanical engineering related works reading the above tasks (including technical support, inspection, quality assurance, and grievance) in coordination with the Project Manager. * Fulfilling the duties and directives given by the Consultant Project Manager regarding mechanical works in the structures to be inspected, and to inform the Consultant Project Manager about the works, * Checking whether the productions related to the mechanical works within the scope of the Contract are carried out in accordance with the license, project and annexes, * Providing technical support to homeowners during the pre-construction and implementation phases, * Checking that the manufacturing is carried out in accordance with the projects, and that the manufacturing complies with the relevant Technical Specifications and regulations, * Checking whether material and hardware quality tests are carried out in accordance with the specifications and relevant Technical Specifications, * Checking whether the required documentation and tests/experiments regarding to the mechanical works are done and properly documented by the contractor. * Keeping records of concealed productions * Preparing contractor progress payments related to his own work and submitting them to the Consultant Project Manager. * Carrying out other respective activities, in coordination with the Project Manager, under the responsibility of the consultant in the ToR. |
| **Electrical and Electronics Engineer** | * Carrying out electrical and electronics engineering related works reading the above tasks (including technical support, inspection, quality assurance, and grievance) in coordination with the Project Manager. * Fulfilling the duties and directives given by the Consultant Project Manager regarding electrical works in the structures to be inspected, and to inform the Consultant Project Manager about the works, * Checking whether the electrical works within the scope of the Contractor are carried out in accordance with the project and its annexes, * Checking that the manufacturing is carried out in accordance with the projects, and that the manufacturing complies with the relevant Technical Specifications and regulations, * Providing technical support to homeowners during the pre-construction and implementation phases, * Checking whether material and hardware quality tests are carried out in accordance with the specifications and relevant Technical Specifications, * Controlling supply, install and commission of the productions in the project. * Checking whether the required documentation and tests/experiments regarding to the electrical works are done and properly documented by the contractor. * Keeping records of concealed productions, * Preparing contractor progress payments related to his own work and submitting them to the Consultant Project Manager. * Carrying out other respective activities, in coordination with the Project Manager, under the responsibility of the consultant in the ToR. |
| **Technicians (Civil, Mechanical, Electrical)** | * Assisting the Site Engineer in his/her field of expertise * In cases where there is no Site Engineer, take on the responsibilities in accordance with the legislation. * Controlling the manufacturing and construction works of the selected buildings and structures determined by the Presidency, in accordance with the responsibilities and roles defined in the ToR. |
| **Lawyer** | * As a Contract and Legal Expert, providing technical and legal consultancy services to rights holders regarding the contracts made by the rights holders with the contractor. The legal expert will provide legal guidance to rights holders and will not be involved in litigation processes. * Acting as a key team member for all activities related to legal issues and support other team members. * Carrying out all legal related activities, in coordination with the Project Manager, under Tasks 1, 2, 3, 4, and 5. |
| **Social Specialist** | * Ensure effective implementation of stakeholder engagement activities and operation of the grievance mechanism, as outlined in the Stakeholder Engagement Plan (SEP). * Organize and facilitate public consultations and community meetings at the provincial level. * Monitor and report on social risks and impacts associated with sub-projects, including those related to land acquisition, resettlement, and impacts on vulnerable groups. * Oversee the establishment and effective operation of the grievance mechanism; ensure proper recording, tracking and follow up of complaints. * Conduct regular site visits to monitor contractor compliance with social safeguard requirements and report any instances of non-compliance. * Support the implementation and monitoring of site-specific Environmental and Social Management Plans (ESMPs) and Resettlement Plans (RPs). * Coordinate closely with Provincial Directorates and the PMU to ensure that all social aspects of the project are implemented in line with the project’s E&S instruments, which are prepared in compliance with national legislation and the ESF, and disclosed on the project webpage. * Prepare monthly progress reports covering stakeholder engagement activities, grievances, and social compliance monitoring. * Provide capacity building to contractors and local authorities on social safeguard requirements and grievance mechanism. * Ensure timely and accurate data entry and documentation within the project information system. * Promptly report to the PMU any accidents or incidents with potential social implications. * Work closely with the environmental and OHS specialists, as well as other relevant specialists within the team, to ensure coordinated implementation of project activities. |
| **Environmental Specialist** | * Conducts regular site visits to monitor the contractor's compliance with environmental protection requirements. * Supports the implementation and monitoring of site-specific Environmental and Social Management Plans (ESMPs). * Coordinates with Provincial Directorates and the PMU to ensure that the project's environmental aspects are implemented in accordance with the World Bank's Environmental and Social Framework (ESF). * Report all accidents and incidents with environmental impacts to the PMU without delay. * Monitor and supervise contractors, inform them of issues identified on-site, and recommend steps to address these issues. * Report all non-compliance issues related to the contractor's commitments to the PMU. * Ensure that all project activities are adequately addressed in accordance with the World Bank's Environmental and Social Framework. * Review training records and relevant training documents to ensure that contractors have provided the required training. |
| **OHS Specialist** | * The specialist shall support PMU specialists in defining project’ activities occupational, health and safety risk levels through the screening process and the project exclusion criteria; * The specialist shall be in constant communication with the OHS consultancy firm hired by GDIUT’s PMU about OHS and environmental issues, reports, implementation arrangements etc. * The specialist shall identify/anticipate OHS risks of the Sub-projects and define measures; * The specialist shall ensure that the assigned consultancy firm for OHS issues delivers the supervision reports timely, and that the reports include adequate information on the implementation of the OHS provisions per the ESMPs checklists for the construction activities implemented by the contractors. * The specialist shall review all the project related documentation such as contractors’ and supervision consultants’ ToRs, contracts for ensuring that sufficient OHS capacity and roles and responsibilities regarding implementation, monitoring, supervision and reporting are clearly described in the sub-project specific documentation; * The specialist shall review all OHS related documents/reports/plans (such as Environmental and Social Impact Assessment (ESIA) reports, Environmental and Social Management Plans (ESMPs), Labor Management Plans (LMP) Occupational Health and Safety Plans, Accident/Incident/Near Miss Reports etc.) and ensure that those are in line with the WB requirements. Prepare comments/recommendations to the PMU’s management, and follow up on the implementation; * The specialist shall provide technical support to contractors to ensure adequate implementation of the Occupational Health and Safety Management Plan; * The Specialist shall ensure that all project activities have been adequately addressed pursuant to the World Bank Environmental and Social Framework, and the World Bank Group’s General Environment, Health, and Safety Guidelines with regards to Occupational Health and Safety, and Community Health and Safety. * The specialist shall ensure that relevant training is provided by contractors to their workers through a review of training records and relevant training documentation; * The specialist shall supervise the contractor's compliance with Project requirements on-site and through contractor’s monitoring reports; * The specialist shall conduct field visits to subproject’s sites to monitor the activities to be implemented in the scope of (Environmental and Social Management Framework) ESMF and province based ESMPs to be prepared; * The specialist shall provide guidance and support during the preparation and implementation of the ESMP Checklists to be prepared by the sub-project contractors in terms of quality of the said documents, and ensuring the adequacy of the sub-project Environmental, Safety, Health, and Social (ESHS) personnel of the Contractors who shall continuously implement the ESMP Checklists at sub-project site; * Ensure that any incident or accident is promptly notified to the Bank, and a related report is prepared including proposed measures to address it and prevent its recurrence; * Examine the accident/incident/near miss and ensure they are correctly recorded by contractor and supervisors and investigation reports and Root Cause Analysis Reports, along with a corrective action plan that complies with the national requirement and WB standards, is prepared and implemented; * Produce periodic statistics on OHS incidents, analyze trends, and recommend focused strategies/measures to prevent worksite-related non-compliances and incidents from re-occurring. Develop accident procedures, forms, and guidelines; * The Specialist shall contribute to the ongoing activities of the PMU; * The Specialist shall be responsible for documentation of the reports related to OHS issues from the site and consultant firm hired by MoEUCC through the information system provided by MoEUCC; * The Specialist shall contribute to the preparation of the quarterly progress reports on the implementation of the Environment and Social Management Plans (ESMP) and regular reports on labor issues, etc. |

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| **REQUIRED QUALIFICATIONS FOR KEY/NON-KEY EXPERTS:** | | |
| *Position* | ***Required qualifications and skills for key/non-key experts*** | ***Min. Exp. Years*** |
| Project Manager: Civil Engineer | * Must possess a bachelor’s degree in civil engineering, Master’s degree is an asset. * Must have at least 15 years of professional experience, at least 5 years of which must have worked as a Project Manager, * At least 3 years experienced as a civil engineer in housing projects.   Must have excellent level of spoken and written English. | 15 |
| Civil Eng. (Site Engineer) | * Must possess a bachelor’s degree in civil engineering. Masters Degree is preferred. * Must have at least 7 years of professional experience, at least 3 years of which must have worked as a civil engineer in housing projects. | **7** |
| Progress Payment and Planning Engineer (Civil Engineer) | * Must possess a bachelor’s degree in civil engineering. A Masters Degree is preferred. * Must have at least 5 years of professional experience, at least 3 years of which must have worked as a progress payments and reporting engineer. | **5** |
| Mechanical Engineer (Site Engineer) | * Must possess a bachelor’s degree in mechanical engineering. Masters Degree is preferred. * Must have at least 5 years of professional experience and at least 3 years in housing projects as a mechanical engineer. | **5** |
| Electrical and Electronics Engineer (Site Engineer) | * Must possess a bachelor’s degree in electrics engineering, electric and electronics engineering. Masters Degree is preferred. * Must have at least 5 years of professional experience and at least 3 year in housing projects as an electrical engineer. | **5** |
| Technician/Civil | * Must possess an associate degree in Construction Technology. * Must have at least 5 years of professional experience and at least 3 years in housing projects as a civil technician. | **5** |
| Technician/  Mechanical | * Must possess an associate degree in the programs related to the mechanical installation works. * Must have at least 5 years of professional experience and at least 3 years in housing projects as a mechanical technician. | **5** |
| Technician/  Electrical | * Must possess an associate degree in the programs related to the electrical installation works. * Must have at least 5 years of professional experience and at least 3 year in housing projects as a electrical technician. | **5** |
| Lawyer | * Must possess a bachelor’s degree in Law. Masters Degree is preferred. * Must have at least 3 years of general experience in general law, civil law, law of obligations, commercial law and law of contracts. (as of the date of the diploma) | **3** |
| Social Specialist | * Bachelor’s degree in a relevant field of social sciences (e.g., sociology, anthropology, social policy, or related disciplines); a master’s degree is considered an asset., * Minimum of 5 years of general experience as a social specialist, in alignment with relevant Turkish legislation and international standards (experience in urban transformation projects in Turkiye is preferable), * Minimum of 3 years of experience in social assessment and management in projects financed by international organizations or other international donors, preferably the World Bank, * Knowledge of World Bank best practices, guidelines, and procedures related to social safeguards, social assessment and analysis, effective stakeholder engagement, grievance mechanisms, and the legal and regulatory framework for environmental and social management; * Strong interpersonal and communication skills, with ability to work effectively in a team environment, * Willingness and ability to travel without restriction, * Proficiency in key computer applications (e.g., Word, Excel, PowerPoint) and a strong client-oriented approach, * Fluency in both written and spoken English and Turkish. | **5** |
| Environmental Specialist | * Bachelor's degree in Environmental Engineering, preferably a master's degree, * Minimum 5 years of work experience in environmental assessment and management (experience in urban transformation projects in Turkey is preferred) * Minimum 3 years work experience in the environmental assessment and management in projects financed by the international organizations or other international donors, preferably the World Bank, * Knowledge and experience of national environmental legislation * Experience in preparing/implementing Environmental Impact Assessments/Environmental Management Plans would be an advantage * Excellent communication and interpersonal skills * Fluency in written and spoken English and Turkish * Proficiency in basic computer applications (Word, Excel, PowerPoint) * Strong communication and interpersonal skills and the ability to work effectively in a team environment | **5** |
| OHS Specialist | * At least a bachelor's degree in Engineering, Architecture or other technical fields * Minimum 5 years of work experience as an Occupational Health and Safety (OHS) specialist in construction projects * Experience in OHS assessment and management in projects financed by International organizations such as the World Bank or other international donors is preferable, * Have a certification in OHS related field (A or B Class OHS Certificate of the Ministry of Labour and Social Security of Turkey) * Having an International Certificate (NEBOSH, OSHA, etc.) will be an asset * Have a complete understanding of Occupational Health and Safety Law No. 6331, Labour Law No.4857, Social Security and General Health Insurance Law No. 5510 and all relevant applicable regulations of Turkey, ILO Code of Practice, World Bank Operational Policies, Environmental and Social Framework and respective World Bank Group Environmental, Health, and Safety Guidelines or any other internationally acceptable standards * Excellent interpersonal and communications skills * Fluency in written and oral Turkish. Good command of English is a plus * Proficiency in key computer applications (Word, Excel, PowerPoint) * Strong interpersonal and communication skills and ability to work in a team environment * Ability to travel without restriction | **5** |

The Consultant shall ensure sufficient support staff with logistics including but not limited to the following disciplines:

* Office Managers;
* Secretaries;
* Administrative staff;
* Other support staff.

The necessary non-key experts and support staff can be defined by the Consultant, as is deemed most appropriate to meet the tasks of the present assignment. Based on the required progress and quantity of services as well as the Consultant’s own experience, he shall propose the man-months for those necessary non-key experts and support staff.

1. Implementation and Reporting Arrangements

Implementation Arrangements

* Field visits to be carried out by the UTP and World Bank staff in Kocaeli, Tekirdağ and Manisa Provinces will be accompanied by the Consultant at pre-planned and scheduled times.
* The Consultant is responsible for all kinds of domestic travels, accommodation, overtime, all kind of expenses including but not limited to the transportation expenses, all kinds of vehicles, automobiles, transportation, maintenance of vehicles, fuel, taxes and related costs to be used by the key & non-key experts, reproduction of reports etc. in the performance of services under the scope of this ToR.

**Reporting**

Paper and digital copies of all reports, in the numbers as shown in the table in the next section, with CD-ROM or flash drive containing the electronic version of the reports must be submitted with every paper copy of all required reports.

Reports shall be prepared using commonly used software, notably Word, Excel, AutoCAD, GIS, as well as in pdf format. All reports shall be prepared in A4 size paper but separate volumes in A3 format or larger may be used to contain plans, drawings, photographs, etc. The title of the project and the identification of the specific volume shall be printed on the front cover and the spine of every volume of all Final Documents.

**12.1 Submission of reports**

The Consultant shall prepare at least, but not limited to, the following reports: below-mentioned reports (must be in English and Turkish) shall be submitted in the numbers and at the schedule mentioned below:

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| **Report** | **Copies of reports** | **Submission date** |
| Draft Inception Report | 2 | 1 month after contract signing |
| Final Inception Report | 2 | 1 week after receiving Client’s comments |
| Monthly Progress Reports | 2 | Within 10 days after the end of each month |
| Semi-annual Progress Reports | 2 | Within 15 days after the end of each (calendar) half year |
| Final Report | 2 | 45 days prior to the ending of this Contract. |

The Consultant shall prepare and submit the following reports to the UTP PMU within the indicated timeline:

***Inception Report***

* A Draft Inception Report shall be submitted within 1 month after the signing of the contract. The Inception Report shall present an updated and well-defined work plan and the schedule for completing all tasks of the assignment, planned staffing, and related logistical arrangements.
* It shall cover all tasks required. The Draft Inception Report shall also propose the outline/template to be used for the subsequent monthly progress reports. The Final Inception Report shall be completed, taking into account all of the UTP PMU’s comments, within 1 week after receiving those comments in writing.

***Monthly Progress Reports***

* Regarding legal services, the consultant firm will prepare a monthly report and submit it to the PMU Project Coordinator within the first 10 days of the following month.
* Monthly progress reports shall be submitted within the first ten days of the following month, supported by all tables and color photographs, and prepared in a manner acceptable to the UTP.
* Monthly Progress Reports will provide details of performed services within the applicable month covering all tasks under this assignment.
  + For Tasks 1 and 2, the report will give an overview on the number of feedback/technical support requests and the advice provided to property owners and provide analysis on common problems experienced by the property owners during implementation.
  + For Tasks 3 and 4, the report will provide the following information for the sampled Project Sites: (i) compliance of the works with the work schedule, indicating the reasons for any delays; (ii) scope and content of the completed works; (iii) construction quality, including compliance with the approved designs and the applicable legislation (such as the Türkiye Building Earthquake Code); (iv) completeness of required documentation; (v) any problems arising from the works and, (vi) when necessary, documents confirming the information in this report will be added to the report.
  + For Task 5, the report will provide an overview on the E&S Management such as environmental, social and OHS compliance and monitoring as well as complaints received and their status, including key findings from on-site investigations and proposed actions to address them.
* The report should also include, if available, data obtained from the building inspection system; information on materials and equipment tested, along with the copies of the test records, should be submitted. In cases where test results are negative or insufficient, the corrective measures should be clearly stated.
* Monthly progress reports shall also provide feedback to the UTP on effective interventions, implementation challenges, lesson-learned and solutions developed. The report format may be updated during implementation based on evolving needs, subject to agreement by both parties.
* Each report shall include the percentage of work completed by the Consultant to date, compared to the total planned scope.
* The report shall present a detailed description of the services to be carried out in the upcoming month, along with a general overview of activities planned for the following three months.
* The Report for any month will be submitted to the Presidency in Turkish, in 2 copies, on DVD, by the seventh day of the following month. The Presidency's opinions about the report will be evaluated and these opinions will be taken into account in the next month's report. Payments will be made after the approval of the monthly report, the Presidency will have 10 calendar days to provide comments after the submission of the report and the Contractor will provide the revised report within 5 calendar days.
* UTP may occasionally request additional information such as feedback, number of technical support requests and number of complaints will be requested from the Consultant to be provided as part of the Monthly Progress Reports.
* As part of the monthly progress report, the Consultant shall demonstrate that the required guidance has been provided to property owners, in line with the assigned tasks. This will be subject to the approval.
* Summary of environmental and social monitoring activities (e.g., waste management, noise and dust measurements, community health and safety, etc.).
* Overview of social interactions and stakeholder engagement activities carried out in the field.
* Summary of grievances received and resolution processes undertaken under the grievance mechanism.
* Information on OHS audits and training activities conducted for field personnel.

***Semi-annual Reports***

* Semi-Annual Progress Reports (also called Term Reports) shall be submitted within 15 days after the semester covered. These reports shall include comprehensive information of all monthly reports and to show work progress related to construction.
* The Term Reports should include the minutes of all meetings held during the respective term.
* Apart from the transactions listed above, the Consultant should submit to the UTP the reports requested by the UTP in semi-annual periods, when necessary and on the requested subjects.
* Upon completion of the services, the Consultant should submit to the UTP as a photo and slide album (2 Copies) showing step by step development and finished state of the works carried out of the sampled Project Sites. These documents will be submitted in semi-annual periods.
* Reports, tests (insulation, installation, etc. tests) and all kinds of photographs of the productions under concrete or under plaster will be obtained from the Building Inspection companies/system, the contractor/s or through the Consultant’s own records, and all kinds of photographs will be reported and filed separately for each building and a copy will be submitted to the Presidency. These documents will be submitted in semi-annual periods.
* The Consultant should also send to the Presidency a copy of all correspondence with Contractors and all third parties regarding the work.
* Overall status of ESMPs (Environmental and Social Management Plan) implementation, including challenges encountered.
* Summary of interviews conducted with vulnerable groups and any supportive activities undertaken.
* Record of workplace accidents, near misses, and preventive measures implemented.
* Evaluation of the adequacy of OHS equipment and practices observed in the field.
* Assessment of identified social risks and the mitigation measures taken.

***Final Report***

* The Final Report shall describe the achievements of all the contracts supervised under this consultancy services in different sections separately, including completion dates of key milestones, problems encountered and overcome, and any problems outstanding. It shall also describe lessons learned from the project implementation. The final report will be prepared 45 days before the end of the contract and will be delivered to the PMU on the contract end date.
* Evaluation of the overall impact of environmental, social, and occupational health and safety measures implemented throughout the project.
* Summary of final grievance mechanism outcomes, including the total number of complaints received, resolution rate, and average processing time.
* Monitoring of post-project social impacts, such as changes in livelihoods and outcomes related to resettlement.
* Identification of any remaining environmental and social risks and the corresponding mitigation measures taken.
* Final OHS inspection and confirmation of a safe handover process prior to project closure.

1. <https://documents1.worldbank.org/curated/en/099955009082212553/pdf/BOSIB09755adcf0b60b1370d3698b9987d0.pdf> [↑](#footnote-ref-2)
2. The Consultant is expected to report on the status and number of such beneficiaries through its Term Reports. [↑](#footnote-ref-3)
3. To access the RF : https://webdosya.csb.gov.tr/db/kentseldirenclilik/icerikler/resettlement-framework-20241016103815.docx [↑](#footnote-ref-4)
4. 3 Refers to the buildings selected by the UTP on a regular basis from the buildings carried out in Kocaeli, Manisa and Tekirdağ and benefiting from loans under Component 2 of the Project. [↑](#footnote-ref-5)
5. Currently, this is the Turkish Building Earthquake Code published in the Official Gazette in March 2018 (known as TBEC-2018) or any subsequent update that may be adopted in the future. [↑](#footnote-ref-6)
6. To access SEP: https://webdosya.csb.gov.tr/db/kentseldirenclilik/icerikler/moeucc-sep-turkeyurbanres-l-ence-p173025----2023-04-17-eng-20230518143435.docx [↑](#footnote-ref-7)
7. **“Key Expert(s)”** means an individual professional whose skills, qualifications, knowledge and experience are critical to the performance of the Services under the Contract and whose CV is taken into account in the technical evaluation of the Consultant’s proposal. **“Non-Key Expert(s)”** means an individual professional provided by the Consultant or its Sub-consultant and who is assigned to perform the Services or any part thereof under the Contract and whose CVs are not evaluated individually. [↑](#footnote-ref-8)