



صندوق تطوير وإقراض البلديات
Municipal Development & Lending Fund



Municipal Development and Lending Fund(MDLF)

Municipal Development Program(MDP) Phase III

Environmental and Social Management Plan (ESMP) For Roads Rehabilitation Sub-projects

Municipality: Tulkarm Municipality

Sub-Project Title: Rehabilitation of internal roads in Tulkarm- Stage 2- Tulkarm

This ESMP is part 4 of bidding document, contractors obliged to respect and implement mitigation measures mentioned or unforeseen under municipality supervision and MDLF monitoring.

Attention: where EHSE applicable to bidding document and where Environmental Warranty is required, then financial provision under section 6 is not applicable and EHSE regulations governs.

List of Abbreviations

EA	Environmental Assessment
EIA	Environmental Impact Assessment
EQA	Environment Quality Authority
ESHS	Environment Social Health and Safety
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESMF	Environmental and Social Management Framework
ES	Environmental Screening
IEE	Initial Environmental Examination
LALAP	Land acquisition and Livelihood Action Plan
LALPF	Land acquisition and Livelihood Framework
LGU	Local Government Unit
LTC	Local Technical Consultant
MDLF	Municipal Development and Lending Fund
MDP	Municipal Development Program
MoH	Ministry of Health
MoLG	Ministry of Local Government
MoTA	Ministry of Tourism and Antiquities
PCBS	Palestinian Central Bureau of Statistics
PEAP	Palestinian Environmental Assessment Policy
PEL	Palestinian Environmental Law
PNA	Palestinian National Authority
PRDP	Palestinian Reform and Development Plan
RoW	Right of Way
WB	World Bank

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1. General

Municipal Development Program Phase III

MDPIII is continuation and built on MDPII challenges, success and lessons learned, where under MDPII during cycle I and cycle II the MDLF has supported the municipalities to implement several sectoral sub-projects. Environmental and social management was integrated into construction management of the sub-projects. Annex 10 summarizes the MDPII project.

MDP Phase III Objective

MDPIII aims to enhance the institutional capacity of municipalities in West Bank and Gaza for more accountable and sustainable service delivery.

The Program host four components:

Component 1: Municipal Performance and Service Delivery. MDPIII is the third municipal development project to support and incentivize improvements in the development of municipal management capacity. Previous MDPs financed municipal infrastructure and service delivery through the provision of basic block and performance-based grants, and provided demand-driven capacity development support for municipalities. This approach was very innovative at design and has shown to be highly effective. The proposed MDPIII would continue this overall approach while focusing more on improving financial sustainability and accountability in municipal service provision. Like MDPI and MDPII, municipal performance will be measured through Key Performance Indicators (KPIs), yet these have been substantially revised to reflect a greater focus on the sustainability of municipal services. Performance measurements will encompass three main areas for reform: i) Financial Performance and Sustainability, ii) Institutional Performance, and iii) Transparency, Accountability and Participation.

Component 2: Capacity development

Component 3. Joint Municipal Projects

Component 4: Project Implementation Support and Management

MDP Phase III component 1 and component 3 will finance investments or activities that are within the legal mandate of municipalities as per the Local Authorities Law of 1997 or revision thereof.

Sub-projects under MDPIII aims to enhance the municipal services when environmental and social impacts are properly mitigated during design, construction and operational stages. Considering that sub-projects falls within but not limited to the following sectors:

1. Water and wastewater services:
2. Solid Waste Management
3. Road Rehabilitation and Maintenance Services
4. Public Facilities
5. Electricity and energy project

For Road Rehabilitation and Maintenance Services; the project finance: Goods and works for construction, maintenance, rehabilitation and reconstruction of new/existing internal roads, including traffic signs, road line demarcations, safety rails, traffic signals, street lighting, sidewalks, road maintenance tools and equipment; vehicle insurance (the latter only in Gaza).

2. Sub-Project Description

all the proposed locations in this stage with a total length (2790m) are located within the border of the city master plan and inhabited by Tulkarm citizens, roads are still unpaved and in need for reconstruction from zero point to be able to achieve the service that citizens and municipality aspire to.

works will be implemented will include but not limited to (Excavation works, preparing the road foundation, base course works, asphaltting,...etc) as per the road specs and need but it is important to mention that all the proposed location have the various services including water and sewage, electricity and communication networks...

rehabilitation of the proposed roads will improves living and service conditions of citizens and facilitate their movement to their places of residence and work or a number of major sites in the city..

Also, a number of concrete shoulders will be implemented for some sites that are characterized by their inclination and in which soil erosions due to rain may damage the asphalt.

3. Environmental and Social Legal Framework

This Project is considered one of the projects that are to be implemented in full compliance with the national and local legislation, including laws, regulations, and standards governing environmental management, social protection, and preservation of cultural heritage applied by the Palestinian National Authority, and in full compliance with the Palestinian Environmental Law (PEL) No. (7), year 1999. In addition to the revised Palestinian Basic Law of 2003, the Jordanian Law No. 79 of 1966 The Cities, the Villages and Buildings Regulating Law, and the Buildings and Regulation Bylaw for Local Authorities No. 5 for 20.

Other related laws

For public health and identified as reference for pest control, first is Palestinian Public Health Law No 20, second the Palestinian Environmental Law considers pesticides (pest control products) as a hazardous waste that shall be disposed safely. Where Article (14) Pesticides and Fertilizer states that “The Ministry, in coordination with the specialized agencies shall designate the environmental conditions for the import, distribution, manufacturing, use, and store of pesticides, substances, and agri-chemical fertilizers, which may pose hazards to the environment.” The MDLF at stage of receiving the project application are to ensure including material accredited by Ministry of Health and World Health Organization.

Jordanian Heritage law No. 51 for the year 1966, that manage case of accidental findings of any antiquities or PCRs.

The Program is complying to the World Bank:

- Environmental Assessment Policy OP 4.01,
- OP/BP 4.11 Physical Cultural Resources.
- OP/BP 4.12 Involuntary Resettlement
- OP/BP 4.09 Pest management.
- OP7.50 International Waterways

The following depicts definition of CRP, Involuntary Resettlement, Voluntary Land Donations and Willing Selling Willing Buying:

Cultural Heritage and Physical Cultural Resources

The definition of PCRs include any movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. PCRs may be located in urban or rural settings, and may be above or below ground, or under water. Their cultural significance may be at the local, provincial or national level, or within the international community. MDLF will not finance any sub-project that might trigger OP 4.11.

In case of accidental findings of any antiquities or PCRs that might occur during the implementation of the sub-projects, the contractor must notify MDLF and the municipality immediately. According to the applicable Jordanian Heritage law No. 51 for the year 1966, Article 15 MDLF must stop the contractor and notify the related Authority (Ministry of Tourism and Antiquities, or MoTA) within 3 days to take the necessary actions.

In other words, the contractor is responsible for familiarizing themselves with the following “Chance Finds Procedures” in case culturally valuable materials are uncovered during excavation:

- Stop work immediately following the discovery of any materials with possible archeological, historical, paleontological, or other cultural value; announce findings to project manager; and notify relevant authorities;
- Protect artifacts as well as possible using plastic covers; implement measures to stabilize the area, if necessary, to properly protect artifacts;
- Prevent and penalize any unauthorized access to the artifacts; and
- Restart construction works only upon the authorization of the relevant authorities.
- Control access to site where finding occurred

Involuntary Resettlement

In principles any project that is outside the master plan that is considered public domain, is not eligible for financing. However, given that all municipalities are involved with different capacity and given the number and types of projects the OP 4.12 is triggered. Any subprojects that could trigger the involuntary resettlement policy (OP 4.12) will follow procedures depicted in the LALPF. At the same time, the respective negative list stated in OM defines the criteria for the exclusion of the sub-project maybe impact land or livelihoods.

Considering that Municipality when submitting a project proposal/appraisal to MDLF would have accomplished all legal requirements acquired by and respecting the revised Palestinian Basic Law of 2003, the Jordanian Law No. 79 of 1966 The Cities, the Villages and Buildings Regulating Law, and the Buildings and Regulation Bylaw for Local Authorities No. 5 for 20.

Voluntary Land Donation (VLD) ¹

In cases where there is voluntary land donation, defined as when people or communities agree to voluntarily provide land in exchange for benefits or services related to the project, the below requirements must be met:

1. The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities;
2. The potential donor is aware that refusal or to say no is an option without any consequences, and that right of refusal is specified in the donation document the donor will sign.
3. Land to be donated must be identified by the municipality in coordination with the community for the project that have been selected; the impacts of proposed activities on donated land must be fully explained to the donor;
4. The donor may negotiate compensation (in full or in part) or alternative forms of benefits as a condition for donation
5. Donation of land cannot occur if it requires any household relocation;
6. For community or collective land, donation can only occur with the consent of the individuals owners of the land.
7. Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses);
8. The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry;
9. Voluntary land donation will not be permitted in cases of site-specific infrastructure as community pressure could be too onerous for a person to refuse, thus removing the power of choice.²
10. In case that the donated land were not used for it is agreed purpose then the municipality needs to have a written agreement from the land donor that they agree to use the land for the new purpose , otherwise the municipality will return the land to the owner.
11. There should be no coercion, manipulation or pressure from the community or public or traditional authorities for individuals to voluntary donate land.
12. The proportion of land that may be donated cannot exceed the area required to maintain the donor's livelihood or that of his/her household. Documentation for VLD provided below should be sufficient to verify this.
13. The infrastructure must not be site-specific.
14. The person who donates the land should have access to project level grievance mechanism.
15. The donor should be provided with the information for such grievance mechanism.

Willing-Seller, Willing-Buyer

For land purchase through willing-seller willing-buyer approach, land acquisition must occurs by mutual agreement in exchange for a notarized purchase contract based on the market price at the date of acquisition. In addition, these questions should be answered and documented:

- If the owner of the land refuses to sell, will the municipality search for another plot of land?
Yes/No

¹ VLD procedures are accepted by Ministry of Local Government

²In cases of site-specific infrastructure it is recommended to use land under ownership of municipalities in exceptional cases willing-buyer willing-seller if adequate measures are put in place to avoid coercion.

- Is the owner free of municipality or social pressure to refuse to sell? Yes/No
- Is the owner made aware of his/her refusal to sell? Yes/No
- Will the owner continue to live in current place of residence (will not relocate)? Yes/No
- Is the land free of any renters, users, squatters or encroachers? Yes/No
- Is the land free of any competing claims of ownership? Yes/No
- Can the owner negotiate for price? Yes/No
- Is the owner made aware that he/she can negotiate for price? Yes/No
- Does the owner have access to a project level grievance mechanism? Yes/No
- Is the owner made aware of such grievance mechanism? Yes/No
- Is there documentation reflecting the understandings above, signed by the owner? Yes/No

Finally, prior to land purchase process, the municipality council shall take an official decision in the municipality intention to purchase certain land, then municipality should obtain MoLG district office approval after checking: (1) allocation in the budget abundance , (2) The MoLG to create committee to evaluate the land market value, the committee shall represent MoLG, Ministry of Finance (MOF), LGU, and the Land Authority. (3) After that, the municipality will take decision, through the council official meeting, regarding the estimate and proceed with the purchase.

4. Environmental and social screening of the Roads Rehabilitation and Maintenance Sub-project

The ESMF and LALPF defined the environmental and Social Screening and Assessment for MDPIII project:

MDPIII was screened to fall under Category B of the EA, where the majority of the sub projects were of small-scale and of rehabilitative nature, The projects' impact relate mainly to enhance the sustainability of municipal services. These subprojects have minor environmental and social impact during construction stages with low to high risk potential, and are mostly mitigated utilizing basic environmental measures and health and safety procedures. The screening will exclude subprojects that falls under category "A" of the Palestinian environmental policy and the WB EA policy OP 4.01 or any sub-project that might trigger the WB OP 4.11 specific to PCR. MDPIII sub-projects are also expected to fall under the same category at which rigorous environmental and social screening was done for this sub-project and a LALAP or simplified LALAP has been prepared and implemented in case the sub-project triggered the Involuntary Resettlement Policy.

Provisional for Gaza Strip:

- ***The sub-project has been assessed as the municipality by the time of using the sectorial ESMP has already approached United Nations Mine Action Services (UNMAS) to survey of unexploded ordnances and obtained the assessment for the selected subproject sites, noting that assessment from UNMAS is to be obtained execution of works***
- ***The subproject has been screened against Internally Displaced Persons.***

Environmental and Social Assessment

The Road rehabilitation and maintenance subproject is mainly aiming to provide safe access to citizens, reduce or prevent dust, improve storm water drainage, minimize disturbances and obstacles, and ensure road safety, although construction and operating stages of the project life is expected to

cause temporary negative impacts to the citizens or the surrounding environment where this Sectorial Road Rehabilitation and Maintenance Sectors ESMP is prepared to mitigate and manage any potential environmental and social impact the sub-project activities could cause to the surrounding environment or the citizens during the sub-project construction and operation

The construction phase will cause negative impact mainly the dust emissions, nuisance, potential risk traffic accidents, temporary interruption of underground public services, potential risk of accidents where work and safety signs are not installed, potential closer of facilities or household entrances, dumping work residues into RoW or nearby lands, potential closure of street through different activities, potential disturbance of vehicles and pedestrian movement, and/or any other unforeseen environmental and social potential impact might rise due improper construction management.

5. Sectorial Environmental and Social Management Plan

The **objective** of the ESMP is to cater to the environmental and social needs of the MDP in a simple, responsive and cost effective manner that will not necessarily overload or impede the project cycle.

The ESMP outlines the measures needed to address the issues identified in the ESMF. Moreover, the ESMP demonstrates proposed monitoring activities that encompass all major impacts and identify how they will be integrated into project supervision.

Road Projects has positive environmental impact aiming to reduce or prevent dust, improve drainage, minimize disturbances and obstacles and ensure road safety, especially in roads close to schools and markets. Pavement and sidewalks add positively to the people's attitude towards preserving these assets and therefore keeping their localities clean and safe.

The potential environmental and social impacts can be summarized as follows:

- Dust and gas emissions;
- Noise;
- Water (wastewater, surface water discharge, storm water);
- Natural resource, forests and biodiversity areas;
- PCRs, such as archeological places;
- Construction waste;
- Accidental risks;
- Vulnerable aesthetic;
- Loss of vegetation; and
- Land use

The road projects include construction and/or rehabilitation of roads. It may also include improvement of roads by adding signs, lighting, etc. the following table presents the ESEM for road maintenance projects. Rehabilitation of the roads will increase the traffic volume and result noise and dust emission. The gases that will be emitted from the cars will affect the air quality. Accidental risks and workers health and safety will be impacted. The water courses and wadis will be also impacted if the drainage systems of the roads are changed

Main Environmental Impacts due to road maintenance and upgrading projects

No.	Environmental and Social Component	Impact		
		Positive	No Impact	Negative
1.	Air Quality and Gas emissions			X
2.	Groundwater Quality		X	
3.	Community Water Supply		X	
4.	Public Health and Services	X		
5.	Workers Health and Safety			X
6.	Noise Reduction			X
7.	Cultural and Heritage	X		
8.	Socio-economic (Employment and Poverty Alleviation)	X		
9.	Accidental risks			X
10.	Water Courses and Wadis			X
11.	Forests and Biodiversity Areas			X
12.	Aesthetic	X		
13.	Waste Reduction			X
14.	Land Use	X		

Activities associated with Construction and Operation

Both construction and operation phases involve activities that can be associated with impacts on the surrounding environment and society, which need to be closely monitored by project team and the assigned Technical Consultant.

The significant environmental and social impacts of activities on natural resources, air quality, cultural and heritage resources in addition to impact on socio-economic conditions during construction and operation of roads rehabilitation and maintenance project are detailed and related in the following tables, noting that during construction; excavation and earthwork and construction of infrastructure (i.e. base course, pavement) is the main task of any sub-project and would have negative impact. Although the roads project will enhance the socio-economic conditions post implementation, proper operation require proper traffic management and safety

Construction Activities and Potential Impacts

Project Construction Activities	Significant Environmental and Social Issues				
	Agricultural Resources	Water Resources	Air Quality	Cultural and Historical Resources	Socio-economic Conditions
Demolition			X	X	X
Removal of Existing Infrastructure				X	X
Heavy Machinery			X	X	X

Project Construction Activities	Significant Environmental and Social Issues				
	Agricultural Resources	Water Resources	Air Quality	Cultural and Historical Resources	Socio-economic Conditions
Operation					
Construction of Infrastructure		X	X	X	X
Excavations and Earthwork	X	X	X	X	X
Waste Disposal (solid, liquid, hazardous, etc.)	X	X	X		X
Wastewater Disposal	X	X	X		X
Transportation			X	X	X
Accidents and Unplanned Events	X	X	X	X	X

Operational Activities and Potential Impacts

Project Construction Activities	Significant Environmental and Social Issues				
	Agricultural Resources	Water Resources	Air Quality	Cultural and Historical Resources	Socio-economic Conditions
Transportation			X		X
Water Supply		X			
Solid Waste Collection and Disposal	X	X	X		X
Wastewater Collection and Disposal	X	X	X		X
Production and Investments	X				X
Accident and Unplanned Events	X	X	X	X	X

Project Construction Activities	Significant Environmental and Social Issues				
	Agricultural Resources	Water Resources	Air Quality	Cultural and Historical Resources	Socio-economic Conditions
Overall Project Development	X	X	X	X	

Therefore, **Annex 1- Environmental and Social Monitoring Matrix** is prepared for the Roads rehabilitation and maintenance at which the contractor is responsible of

- The Contractor shall be responsible for the safety of all activities and personnel on the site .
- The Contractor shall comply with the ESMP appended to Contract Documents
- The contractors shall follow up on its implementation in addition to the preservation of the archeological assets during implementation and the coordination with archeological department when required.
- In case of the contractor non-compliance, the Environmental Liabilities to Contractor and bidding documents conditions govern.
- **In case a LALAP or simplified LALAP has been prepared and implemented, the contractor shall be aware of the social responsibility.**
- **Where ESHS applies; the contractor shall abide to the requirements stated in the ESHS section and utilize this ESMP to prepare the required contractor ESMP.**

Safeguard Risks Associated with Subprojects

The expected safeguard risks by the MDP investments (Roads rehabilitation and maintenance Projects) is mainly Potential impacts are of short term, low to medium magnitude and of low risk, however should be mitigated through proper implementation of ESMP.

Potential risk of roads projects to trigger the involuntary resettlement policy has been mitigated through preparation of Land Acquisition and Livelihood Framework. (Please add if LALAP or simplified LALAP has been required for the road rehabilitation and maintenance subproject)

MDP investments	No risk	Low risk	High risk
Transportation, Communication and Energy			
Tertiary and secondary level roads		X	
Primary level culverts and bridges			X
Footpaths		X	
Retaining walls		X	

6. Environmental and Social Liabilities of MDLF Contractors

Sectoral ESMPs is included in the tender documentation, so that potential bidders are aware of environmental and social performance standards expected from them and are able to reflect that in their bids.

This section depicts environmental compliance where breakdown for the cost of each mitigation measure noncompliance.

ESMM and provisional environmental management guidelines for construction of roads (**Annex 1 and Annex 2**); to be abide to.

Attention: where EHSE applicable to bidding document and where Environmental Warranty is required, then financial provision under this section doesn't apply where EHSE regulations governs.

To enforce the compliance of environmental and social management, contractors are responsible on:

- Complying to **health and safety requirements** where they are to provide insurance for construction labors, staff attending to the construction site, citizens for each sub-project, the insurance requirements and clauses are stated in the procurement manual and reflected in the bidding documents complying to the Palestinian labor law.

The Municipality, as an owner of construction works, will be responsible for enforcing compliance of contractor with the terms of the contract, including adherence to the ESMF and the sub-project sectorial ESMP.

The following procedures prevail, in addition to the supervisor engineer judgment:

- **Deduction of environmental noncompliance is added as a clause in the Bill of Quantities (BOQ) section, referring to annex in the bidding document detailing the deduction procedures;**
- Environmental penalties shall be calculated and deduction are to be included in each submitted invoice;
- Mitigation measures in Environmental and Social Monitoring Matrices (ESMM) annexed to sectorial ESMP is the reference for environmental notes and penalties;
- Each impact depicted in the ESMM if not properly mitigated to be counted an environmental/social note;
- For minor infringements and social complaints, an incident which causes temporary but reversible damage, the contractor will be given environmental and social note/ stop and alert to remedy the problem and to restore the environment. If reviewing the action by the Municipality Engineer showed that restoration is done satisfactorily no further actions will be taken;
- For social notes: the municipality engineer will stop and alert the contractor to remedy the social impact, the municipality engineer will follow the issue until solved. If contractor didn't comply to remediation request, stop will be considered under no excused delay;
- If the contractor hasn't remedied the environmental impact during this given time, the Municipality Engineer/supervisor engineer in cooperation with Local Technical Consultant will:
 - stop the work and give the contractor an environmental and social note correlated to financial penalty according to the non-complied mitigation measure depicted in the biding document and the following procedures for National Competitive Bids and Shopping Bidding Documents;
 - The Municipality engineer after the given time frame are to review the action, if engineer sees that restoration is done satisfactorily no further actions will be taken,

otherwise and if Contractor hasn't remedied the situation within 1 day any additional days of stopping work will be considered no excused delay;

- When municipality engineer issue an environmental/social note, it might depict one or more environmental penalty;
- If repeating the noncompliance and penalties approached (3-5) % of the contract value, the Municipality Engineer will raise the formal recorded environmental and social notes and the deduction history to MDLF in order to tack a legal action.

The form of the environmental/ social note:

Environmental and Social Note No ()	
Municipality of	Date
Project Name	
Site Location	
Contractor	
The Environmental Note <i>(include one or more notes referring to ESMM)</i>	
Municipality Supervisor /Engineer	
Local Technical Consultant	
Contractor Representative on time of note	
Submitted to Contractor Representative	
Copy Submitted to MDLF on	
Hour	
Date	

Procedures for National Competitive Bids and Shopping Bidding Documents:

As mentioned above, environmental and social notes might contain one or more environmental penalty applicable for deduction.

- For social notes: stop and alert the contractor to remedy the action;
- For environmental notes: refer to the ESMP for the note to verify how many notes illustrated in the note;
- Deduction rate starts with 0.1% of contract value; and
- Deduction rate increase by 0.05% of the contract amount after each fifth note.

For National Competitive Bids:

ESMP Compliance Penalty for National Complete Bids

ESMF Compliance Penalty

No.	Environmental and Social Note	Penalty
1	1	Stop and alert
2	2+3+4+5+6	Stop and deduct 0.1% of the contract amount for each mitigation measure in the environmental note. Minimum amount of deduction is 150 Euro
3	7+8+10+11+12	Stop and deduct 0.15% of the contract amount for each mitigation measure in the environmental note Minimum amount of deduction is 225 Euro
3+1	Next five notes	Each 5 notes + deduction would be: N= percentage of deduction of (N-1) + (0.5* percentage of deduction of (N-1)) For example: Stop /Deduct 0.1%+0.05(0.1%) of the contract amount for each mitigation measure in the environmental note. Minimum amount of deduction is 300 Euro
5	Note +1	If penalty rate approach 5% of contract cost it is recommended to stop work and send official request to MDLF of the proposed action according to bidding documents and procurement manual

Deduction is to be calculated by the Municipality Engineer and to be reviewed by the LTC Engineer where he is to consider the environmental Note (N), and the deduction for N.

Deduction for N= [percentage of deduction of (N-1) + (0.5* percentage of deduction of (N-1))* contract Amount.

If Penalties Rate approach 5% of Contract cost its recommended to stop work, and send official request to MDLF of the proposed action according to bidding documents and procurement manual.

Municipality can decide if a mitigation measure has a significant impact and might municipality require setting its noncompliance penalty rate based on its significance.

7. Environmental and Social Monitoring and Complaints Mechanism

7.1 Environmental and Social Monitoring

Environmental and social monitoring will be an integral part of MDLF's managing work in the course of the project implementation. The MDLF (Environmental and Social Officers and or LTCs) and Municipality Supervision Engineers will be responsible to ensure that contractors works are familiar with ESMF and instruct workers/personnel on the compliance with the ESMF and the project sector ESMP.

The concerned municipality will conduct regular on-site supervision of civil works to verify contractors' adherence to the requirements set out in ESMPs following Environmental and Social Liabilities of MDLF Contractors. MDLF consultants or teams conduct supervisory and environmental and social monitoring visits.

Reporting of the status of environmental and social performance under the MDP cycle to include overview of deviations/violations of ESMPs encountered over the report period, instructions given to the

contractors for addressing noncompliance and identified issues, and follow-up actions on the revealed outstanding matters.

For monitoring and evaluation, MDLF experts utilize Checklist attached in **Annex 3** to facilitate comparing environmental and social mitigation measures recorded in the appraisal stage and what is implemented on ground.

Further details regarding social safeguards monitoring is depicted in the Land Acquisition and Livelihood Action Plan, which the municipality are to implement, MDLF are to monitor.

Provisional: For environmental self-managing municipalities, municipalities will be responsible on supervising and monitoring the environmental and social management and reporting it. Where MDLF will post review the supervision and monitoring.

7.2 Complaints Mechanism

The Palestinian Council Resolution No. 60 in 2009 and the amendment of 2015 mandating the development of a complaints mechanism is forcing for municipality / MoLG applies for Municipal Development Program Phase III.

The municipality are to ensure availability of documentation of complaints and responses, timely responses, a log of all complaints received-date received, date responded to, type of response, etc.

The proposed procedure that municipality will follow through the implementation of MDPIII project:

Complaints procedures depend on the nature of complaint submitted by citizens. Some complaints are submitted to the municipality, and then submitted to the concerned department or person in charge to resolve the matter. In cases where the municipality are unable to resolve the complaint, it will then be transferred to the regional directorate or to the Ministry of Local Government (MoLG) either through the project coordinator, or the citizens themselves. The process reads as follows:

- 1- Citizen submits their complaint to the municipality.
- 2- The entity which receive the complaint shall reply to it either solving the problem of the complaint or informing the person making the complaint that they are studying the complaint and they will reply to the complaint on a specific date (the reply shall be in time less than 28 days). In the event the concerned Directorate provided a negative response or was unable to provide feedback, the citizen may then make a complaint to the Complaints Department at the MoLG, as follows:
 - a. Submit a written complaint annexed to it all required documents concerning the complaint if found. Citizen must receive a copy of the receipt.
 - b. The Complaints unit pursues with the complaint following the procedures.
 - c. Citizen must receive a written response regarding their complaint within one (1) week at minimum.

Accepting or Rejecting the Complaint

1. Employee in charge of handling the complaint must inform the complainant about the accepting or rejecting of the complaint within three (3) days at most, since the submission of the complaint.
2. In the event the employee in charge of handling the complaint submitted the complaint to a specialized complaint unit, the unit must also submit an accepting or rejecting of the complaint within three (3) days at most.

3. In the event the complaint was accepted, the complainant will receive an officially-stamped Review Card with the following data:
 - a. Complainant's Name or Their Legal Representative
 - b. Complainant Address
 - c. Complaint Title
 - d. Review Date
 - e. List Annexes Submitted with the Complaint

Means of Communicating to the Complaints Department:

1. Directly contacting the MoLG
2. Contacting Hotline
3. Contacting the website of the MoLG
4. Provide a written complaint as stated in the system

The municipality should report to the MDLF of all the complaints through continuous recording in the weekly reports and/ or through site visits, so that the MDLF and/ or the LTC will intervene to solve the issue if the municipality was not able to solve or mitigate it.

The LTC are to monitor that complaints has been solved, and to report it to MDLF

Annexes to ESMP

1. Annex 1: Environmental and Social Management and Monitoring Plan Matrix for Roads Rehabilitation and Maintenance Subproject
2. Annex 2: Environmental Management Guidelines for Contractors (provisional to Construction in Roads)
3. Annex3: Environmental and Social Management Checklist for Small Construction and Rehabilitation Activities (*used by LTC and MDLF*)

Annex 1: Environmental and Social Management and Monitoring Plan Matrix for Roads Rehabilitation and Maintenance Sub-Project

Phase	Impact	Mitigation Measure	Operation / Responsibility	Supervision	Monitoring
Construction	Dust generated by construction activities.	Monitor the excavations. Applying (spraying) water where possible. Avoid work during windy days. Covering the transportation trucks	Consultant and Contractor	Municipality and Supervision Engineer	MDLF
	Noise	Proper activity scheduling and working hours and days.	Consultant and Contractor	Municipality and Supervision Engineer	MDLF
	Increasing the concentration of pollutants and noise.	Proper scheduling and working hours and of any risky activities.	Consultant and Contractor	Municipality	MDLF
	Increase the risk of accidents during construction.	Traffic regulation signs and Traffic calming measures.	Contractor and Consultant	Municipality and Supervision Engineer	MDLF
		Use signs to control speed limit.	Contractor	Municipality and Supervision Engineer	MDLF
		Provision of adequate notification procedures for any road closures	Contractor and Consultant	Municipality and Supervision Engineer	MDLF
		Ensure proper traffic plan implementation when requested	Contractor and Consultant	Municipality and Supervision Engineer	MDLF
	Closure of households, facilities entrances	Provide safe access for all households, and facility along the work area road to ensure no socioeconomic impact	Contractor and Consultant	Municipality and Supervision Engineer	MDLF
	Traffic congestion at certain sections due roads detours	Ensure placing proper road and safety signs, and proper coordination with local authorities and police where needed Ensure proper traffic plan implementation when requested	Contractor and Consultant	Municipality and Supervision Engineer	MDLF
	Land Use (Property Rights)	Avoid any use of private land during construction as any impact on land required LALAP, except of presence of legal document between contractor and citizen to use the land for short time	Consultant and Contractor	Municipality and Supervision Engineer	MDLF

Phase	Impact	Mitigation Measure	Operation / Responsibility	Supervision	Monitoring
	Loss of aesthetic features due to illegal dumps.	Cleaning and removal of wastes or deposits to landfills or designated areas.	Consultant and Contractor	Municipality and Supervision Engineer	MDLF
		Dump at proper and approved sites.	Consultant and Contractor	Municipality and Supervision Engineer	MDLF
Construction	Potential accidental break of water, wastewater, telecommunication, electricity or other utilities service	Survey of existing facilities during the design. The contractor consults relevant utilities, agencies or companies to survey lines locations and to speed up repair of any broken line during construct	Consultant and Contractor	Municipality and Supervision Engineer	MDLF
	Construction waste generated.	Proper plans for disposing of construction waste including waste into municipality approved landfill. For other generated as generated from used machinery (used oil) and in case of spill ensure to contain the spill, cover with sand or sawdust, in addition to cleanup of the affected surfaces should commence directly noting that it's to be included in the contract documents. Further recommendations include: Use of new vehicles and machinery, Ensure that oil changing process occurs in garage or proper an safe usage of oil if used in site	Consultant and Contractor	Municipality	MDLF
	Any other potential of accidental environmental and social impact	Mitigation measure requested by municipality engineer pursuing to ESMP and guidelines to contractors for road projects	Contractor	Municipality	MDLF

Phase	Impact	Mitigation Measure	Operation / Responsibility	Supervision	Monitoring
Construction	Due to obstruction, traffic concentration will be transferred to other streets causing traffic congestions.	Monitor the use of traffic signs, safety measures and tools. Provision of adequate notification procedures for any detours and road closures in coordination with municipality Comply to traffic plan when required by the contract	Consultant and Contractor	Municipality and Supervision Engineer	MDLF
	Noise generation during construction activities.	<ul style="list-style-type: none"> ▪ Construction management of working hours ▪ Proper maintained and serviced vehicles. 	Consultant and Contractor	Municipality and Supervision Engineer	MDLF
	Potential uncover and damage of archaeological remains.	Additional survey for potential sites Monitoring of site excavation.	Consultant and Contractor	Municipality and Supervision Engineer	MDLF/ MoAT
	Side soil and erosion.	Check the slope and compaction of the shoulder, proper curbstone to prevent erosion, construct retaining wall in certain places.	Consultant and Contractor	Municipality and Supervision Engineer	MDLF
	Uprooting of trees.	A void cutting trees if it does not make a real obstacle. Some trees may be trimmed. Once required during construction, LALAPF shall be followed Planting new trees.	Consultant and Contractor	Municipality and Supervision Engineer	MDLF
Post-construction	Long-term traffic increase.	Traffic signs to reduce the traffic (one-way sign) and traffic calming signs.	Municipality	Municipality and Supervision Engineer	- Municipality
	Increase the risk of accidents.	Traffic regulation signs and traffic calming measures.	Municipality	Municipality	- Municipality
	Cumulative increase in dust and gas emissions because of more traffic movement.	Control the traffic speed. Maintain vegetation cover. Regular checks of vehicle.	Municipality		Municipality -

Phase	Impact	Mitigation Measure	Operation / Responsibility	Supervision	Monitoring
	Maintenance of new assets (roads and associated wastewater and storm drainage networks)	Prepare an annual maintenance plan as well as setting an allocation for the necessary financial resources in the annual budget.	Municipality	MoLG	- Municipality
	Loss of aesthetic due to the increase in the built up area around the new road	Proper design of landscaping for the area and around the road which may include some plantation activities.	Municipality	Municipality	Municipality

Annex 2: Environmental Management Guidelines for Contractors (provisional to Construction in Roads)

Purpose

The purpose of these environmental management guidelines for contractors is to define minimum standards of construction practice acceptable to the MDLF.

Roads

In order to carry out the rehabilitation works, it may be necessary to close or divert certain specified roads, either permanently or temporarily during the construction period. The contractor should arrange diversions for providing alternative route for transport and/or pedestrians.

After breaking up, closing or otherwise interfering with any street or footpath to which the public has access, the Contractor shall make such arrangements as may be reasonably necessary so as to cause as little interference with the traffic in that street or footpath during construction of the rehabilitation works as shall be reasonably practicable.

Wherever the rehabilitation works interfere with existing public or private roads or other ways over which there is a public or private right of way for any traffic, the Contractor shall construct diversion ways wherever possible.

Movement of Trucks and Construction Machinery

The Contractor moving solid or liquid construction materials and waste shall take strict measures to minimize littering of roads by ensuring that vehicles are loaded in such a manner as to prevent falling off or spilling of construction materials and by sheeting the sides and tops of all vehicles carrying mud, sand, other materials and debris.

Traffic Safety Measures

The Contractor shall provide, erect and maintain such traffic signs, road markings, barriers and traffic control signals and such other measures as may be necessary for ensuring traffic safety around the rehabilitation site. The Contractor shall not commence any work that affects the public motor roads and highways until all traffic safety measures necessitated by the work are fully operational.

Access across the Construction Site and to Frontages

In carrying out the rehabilitation works, the Contractor shall take all reasonable precautions to prevent or reduce any disturbance or inconvenience to the owners, tenants or occupiers of the adjacent properties, and to the public generally. The Contractor shall maintain any existing right of way across the whole or part of the rehabilitation site and public and private access to adjoining frontages in a safe condition and to a standard not less than that pertaining at the commencement of the contract. If required, the Contractor shall provide acceptable alternative means of passage or access to the satisfaction of the persons affected.

Protection of the Existing Installations

The Contractor shall properly safeguard all buildings, structures, works, services or installations from harm, disturbance or deterioration during the concession period. The

Contractor shall take all necessary measures required for the support and protection of all buildings, structures, pipes, cables, sewers and other apparatus during the concession period, and to repair any damage occurs in coordination with Municipality and concerned authorities.

Noise and Dust Control

The Contractor shall take all practicable measures to minimize nuisance from dust and noise from the rehabilitation sites. This includes:

- Respecting normal working hours in or close to residential areas;
- Maintaining equipment in a good working order to minimize extraneous noise from mechanical vibration, creaking and squeaking, as well as emissions or fumes from the machinery;
- Shutting down equipment when it is not directly in use.

Regarding Dust control, contractor is asked to provide a water tanker, and apply water spraying when required to minimize the impact of dust.

Waste Disposal

The Contractor must agree with the municipality about arrangements for construction waste disposal. The municipality shall designate a dumping site or landfill for the disposal of solid waste. .

Protection of Trees And Other Vegetation

The Contractor shall avoid loss of trees and damage to other vegetation wherever possible. Adverse effects on green cover within or in the vicinity of the rehabilitation site shall be minimized.

Clearance of Rehabilitation Site On Completion

The Contractor shall clear up all working areas both within and outside the rehabilitation site and accesses as work proceeds and when no longer required for the carrying out of the Rehabilitation works. All surplus soil and materials, sheds, offices and temporary fencing shall be removed, post holes filled and the surface of the ground restored as near as practicable to its original condition.

Site Construction Safety and Insurance

Further to enforcing the compliance of environmental management, contractors are responsible on providing insurance for construction labors, staff attending to the construction site, citizens for each sub-project, the insurance requirements and clauses are stated in the bidding documents complying to the labor law.

Annex 3: Environmental and Social Management Checklist

Municipality: Municipality of Tulkarm					
Project Name: Rehabilitation of internal roads in Tulkarm- Stage 2- Tulkarm					
Date:.....					
#	Impact to check	Yes	No	Remarks	Safeguards / Mitigation measure/s carried on
1	Noise/alarm generation				
2	Dust spreading out				
3	Odor emission				
4	Traffic problems (hindering, detours, closure ...etc.)				
5	Solid Waste Services problems				
6	Sewerage Services problems				
7	Water Services problems				
8	Green cover negatively affected				
9	Pedestrians' safety endangered				
10	Electricity services problems				
11	Landscape / aesthetic element/s deteriorated				
12	Natural Resources negatively affected				
13	Biodiversity & Wildlife threatened				
14	Recreational sites negatively affected				
15	Heritage and archaeological sites negatively affected				
16	Agricultural activities negatively affected				
17	Industrial utilities negatively affected				
18	Workers safety and health considered				
19	Workers commitment to OHS (vests, gloves, HD wearing apparel etc)				
20	Working machines suitability				
21	Additional Impact (Add it)				

Municipality: Municipality of Tulkarm
 Project Name: Rehabilitation of internal roads in Tulkarm- Stage 2- Tulkarm
 Date:.....

#	Impact to check	Yes	No	Remarks	Safeguards / Mitigation measure/s carried on
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22. Comments:

23. Recommendations:

Environmental Specialist Signature

Date