Marshall Islands Maritime Investment Project

Standard General Environmental Contract Clauses

Generic contract clauses are provided in this annex to assist with environmental and social management works expected to have minor impacts. These mitigation measures are the core of a generic, standardized EMP (Environmental Management Plan) and the associated minor impacts typical of small works which can be routinely addressed with best industry practice. These clauses are general and may be modified to conform to applicable national laws, contract procedures and actual scope and nature of the works anticipated. These clauses are intended to be included as requirements in the works contract and shall remain in force throughout the contract period. These clauses represent the minimum standard of execution for environmental protection and include:

* Permits and Approvals
* Site Security
* Discovery of Antiquities
* Worker Occupational Health and Safety
* Noise Control
* Use and Management of Hazardous Materials, fuels, solvents and petroleum products
* Use and Management of Pesticides
* Use of Preservatives and Paint Substances
* Use of Explosives
* Site Stabilization and Erosion Control
* Traffic Management
* Management of Standing Water
* Management of Solid Wastes -trash and construction debris
* Management of Liquid Wastes

Contractor’s Environmental and Social Management Plan (CESMP)

The Contractor is required to prepare and implement a CESMP. The Contractor is responsible for the implementation of construction and rehabilitation activities for the sites and for implementing the impact mitigation measures in the construction phase. The Contractors approach shall be detailed in the Construction Environmental Management Plan.

The Contractor shall include a suitably qualified and experienced Environmental, Occupational Health and Safety Officer (and other staff or consultants as necessary) staff to be specifically responsible for preparation and regular update and supervision of the CESMP The Environmental, Occupational Health and Safety Officer is responsible for the daily supervision and monitoring of the Contractors implementation of the Plan and compliance with the Project ESMP and ESMF for the duration of the contract.

The CESMP shall be approved by the Employer prior to the Contractor’s mobilization to the site.

The Contractor will be required to report on the implementation status of the CESMP to the Employer. The damages due to the violation of the stipulations by the Contractor shall be compensated and/or restored by the Contractor at his or her own expense. Performance will be monitored by the Employer and will be enforced by withholding of payments (refer to relevant clause in the bid documents)

Principles

* • The CESMP is informed and based upon the RMI law, the MIMIP Project ESMP, EMSF and World Bank Group EHS Guidelines (including those for Ports and Harbours)
* • All commitments must be specific and auditable with measurable outcomes and clear timeframes.
* Include occupational and community health and safety
* • To ensure readability, write clearly and avoid long sentences with complex clauses.
* • Always use the terms ‘will’ and ‘must’, rather than ‘should’ or ‘may’ when committing to carry out management actions.
* • Avoid use of ambiguous terminology such as ‘where possible’, ‘as required’, ‘to the greatest extent possible’. If it is necessary to include ambiguous terminology, it should be explained and examples given.
* • Clearly explain any technical terms or acronyms used, and/or define them in a glossary.
* • Commitments or statements within the management plan must be consistent with other relevant management plans or conditions of approval.

CESMP Content

1. Declaration and Document Version Control

• person accepting responsibility for the CESMP – signed declaration

• The document version control should be a simple system that ensures that details of all key changes to the document over time are properly recorded.

2. Table of Contents

3. Description of Works

The CESMP should provide a summary of the works, description of construction methodologies and identification of offsite areas such as source of materials, fumigation, laydown areas, workers accommodation, offshore waste disposal sites etc.

A schedule of intended commencement and completion dates should be provided. Projects undertaken in stages should identify each stage in the schedule.

Particular attention should be paid to the development of the construction methodology and how it will be staged to ensure continued operation of the dock during the construction phase.

4. Policies and Objectives

The company policies and environmental outcomes of the plan should be defined.

5. Environmental Management Roles and Responsibilities

The plan should define the roles and responsibilities of personnel in charge of the environmental management of the works. The roles and responsibilities of each relevant position should be documented, including the responsibilities of any subcontractors. The names of the responsible personnel do not need to be included. Identification of the position titles, roles and responsibilities is sufficient. If the roles and responsibilities are expected to change over time the long term variations should also be documented.

6. Reporting

The description of reporting requirements should include:

* • a list of required reports including where appropriate monitoring, environmental incidents, non-compliance, corrective action and auditing
* • a description of the standard report content
* • the schedule or triggers for preparing a report
* • who the report is provided to
* • document control procedures
* 7. Training

All people involved with the works should receive relevant environmental training to ensure they understand their responsibilities when implementing the CESMP. People to be trained include those at the site/s of all project activities and operations, including contractors, subcontractors and visitors. The training should be tailored to the role of the individual in the project.

The CESMP should describe the training to be implemented and could include:

* • site inductions
* • identification of key points of environmental value and any relevant matters of national environmental significance
* • understanding the requirements of the CESMP and the individual’s role
* • environmental incident emergency response procedures
* • site environmental controls
* Cultural inductions, GBV, HIV Aids and communicable diseases
* • an outline of the potential consequences of not meeting their environmental responsibilities.

Records of all training conducted should be maintained and include:

* • the person receiving the training
* • the date the training was received
* • the name of the person conducting the training
* • a summary of the training.

8. Emergency Contacts and Procedures

The CESMP should identify the key emergency contacts responsible for managing environmental emergencies associated with the project and their contact details. These personnel should have the power to stop and direct works so that they can manage emergencies effectively. In addition, the plan should establish procedures for managing environmental emergencies and ensure that those procedures are implemented and maintained.

The C-ESMP should also detail the Contractors contingency plan for extreme weather events, medical emergencies and other rapid response situations.

8. Works Methodologies

The CESMP should clearly state the tools, strategies, mechanisms, construction methodologies etc. to meet the stipulations in the ESMP and ESMF and this information usually forms the bulk of the content of the plan. For each potential activity or impact the plan should address specific measures that will be taken including:

1. • Detailed methodologies as required, including diagrams where necessary, levels of compentency required, PPE and other details as related to the works and the stipulations of the ESMP

2. • Additional mitigation measures to be implemented specifically in relation to identified offsite locations

3. • supervision and monitoring procedures with trigger values for corrective actions

9 Sub-plans: The CESMP should also include all required sub-plans (SWMP, TMP, etc) as an annex to the CESMP.

10. Audit and updates

Environmental auditing

The CESMP should include the schedule or triggers for auditing the implementation and effectiveness of the plan. It should address both internal and external audit requirements including who is responsible for undertaking the audits and reporting the results.

CESMP update

The CESMP should specify the schedule or triggers for updates of the plan. An update is required whenever there is a change to the scope of the works or construction methodology that changes the projects area of impact or brings about a change that would be of public interest to know. The plan should also identify who will be responsible for undertaking the update.

**Standard Contract Clauses**

***1. Permits and Approvals***

The contractor shall be responsible for ensuring that he or she has all relevant legal approvals and permits required to commence works.

***2. Site Security***

The contractor shall be responsible for maintaining security over the construction site including the protection of stored materials and equipment. In the event of severe weather, the contractor shall secure the construction site and associated equipment in such a manner as to protect the site and adjacent areas from consequential damages. This includes the management of onsite, construction materials, construction and sanitary wastes, additional strengthening of erosion control and soil stabilization systems and other conditions resulting from contractor activities which may increase the potential for damages.

***3. Discovery of Antiquities***

If, during the execution of the activities contained in this contract, any material is discovered onsite which may be considered of historical or cultural interest, such as evidence of prior settlements, native or historical activities, evidence of any existence on a site which may be of cultural significance, all work shall stop and the supervising contracting officer shall be notified immediately. The area in which the material was discovered shall be secured, cordoned off, marked, and the evidence preserved for examination by the local archaeological or cultural authority. No item believed to be an artifact must be removed or disturbed by any of the workers. Work may resume, without penalty of prejudice to the contractor upon permission from the contracting officer with any restrictions offered to protect the site.

***4. Worker Occupational Health and Safety***

The contractor shall ensure that all workers operate within a safe environment. Sanitation facilities shall be provided for all site workers. All sanitary wastes generated as a result of MIMIP activities shall be managed in a manner approved by the contracting officer and the local authority responsible for public health. The contractor shall ensure that there are basic medical facilities on site and that there are staff trained in basic first aid. Workers must be provided with the necessary protective gear as per their specific tasks such as hard hats, overalls, gloves, goggles, boots, etc. The contractor shall provide the contracting officer with an occupational health and safety plan for approval prior to the commencement of site activities.

The contractor must ensure that all workers operate within a safe environment. All relevant Labor and Occupational Health and Safety regulations must be adhered to ensure worker safety. Sanitary facilities must be provided for all workers on site. Appropriate posting of information within the site must be done to inform workers of key rules and regulations to follow.

***5. Noise Control***

The contractor shall control noise emissions generated as a result of contracting activities to the extent possible. In the case of site locations where noise disturbance will be a concern, the contractor shall ensure that the equipment is in good working order with manufacturer supplied noise suppression (mufflers etc.) systems functioning and in good repair.

Where noise management is a concern, the contractor shall make reasonable efforts to schedule activities during normal working hours (between 8 am and 5 pm). Where noise is likely to pose a risk to the surrounding community either by normal works or working outside of normal working hours or on weekends, the contractor shall inform the contracting officer and shall develop a public notification and noise management plan for approval by the contracting officer.

***6. Use and Management of Hazardous Materials, fuels, solvents and petroleum products***

The use of any hazardous materials including pesticides, oils, fuels and petroleum products shall conform to the proper use recommendations of the product. Waste hazardous materials and their containers shall be disposed of in a manner approved by the contracting officer in accordance with national laws. A site management plan will be developed by the contractor if the operation involves the use of these materials to include estimated quantities to be consumed in the process, storage plans, spill control plans, and waste disposal practices to be followed. Any plans required shall be approved by the contracting officer.

Elements of the hazardous materials management shall include:

* Contractor must provide temporary storage on site of all hazardous or toxic substances in safe containers labeled with details of composition, properties and handling information;
* Hazardous substances shall be placed in a leak-proof container to prevent spillage and leaching
* Wastes shall be transported and disposed of in a manner approved by the contracting officer compliant with national laws and policies

***7. Use and Management of Pesticides***

Any use of pesticides shall be approved by the contracting officer and shall conform to the manufacturers’ recommendations for use and application. Any person using pesticides shall demonstrate that they have read and understood these requirements and are capable of complying with the usage recommendations to the satisfaction of the contracting officer. All pesticides to be used shall conform to the list of acceptable pesticides that are not banned by the relevant local authority.

If termite treatment is to be utilized, ensure appropriate chemical management measures are implemented to prevent contamination of surrounding areas, and use only licensed and registered pest control professionals with training and knowledge of proper application methods and techniques.

***8. Use of Preservatives and Paint Substances***

All paints and preservatives shall only be used with the approval of the contracting officer. Information shall be provided to the contracting officer who describes the essential components of the materials to be used so that an informed determination can be made as to the potential for environmental effects and suitability can be made.

Storage, use, and disposal of excess paints and preservatives shall be managed in conformance with the manufacturers’ recommendations and as approved by the contracting officer. The contractor shall provide the contracting officer with a list of materials and estimated quantities to be used, storage, spill control and waste disposal plans to be observed during the execution of the contract. This plan is subject to the approval of the contracting officer.

***9. Use of Explosives***

Use of explosives shall be at the approval of the relevant local authority and shall be supervised and undertaken by a qualified explosives technician. Blasting will be limited to between the hours of 9:00 am and 4:00 pm unless specifically approved by the local authority and the contracting officer. Any use of explosives shall be permitted only after an explosives management and blasting plan has been approved by the relevant local authority and the contracting officer.

This plan shall include:

1. Description of the explosive agent, charge description, intended use.
2. Site safety plan including:
   1. Storage of initiators, booster charges and principal blasting agents
   2. Handling precautions to be observed
   3. Transport to and from site
   4. Security of stored materials
   5. Disposal of excess or damaged explosive materials.
3. Analysis of risk to surrounding area and mitigation measures to be employed including:
   1. Over-pressure event
   2. Noise
   3. Flying debris
   4. Seismic transmission
   5. Accidental detonation
4. Name and qualifications for all persons responsible for handling explosive agents

***10. Site Stabilization and Erosion Control***

The Contractor shall implement measures at the site of operations to manage soil erosion through minimization of excavated area and time of exposure of excavated areas, preservation of existing ground cover to the extent possible, provision of approved ground cover and the use of traps and filtration systems. Where excavations are made, contractor shall implement appropriate stabilizing techniques to prevent cave-in or landslide. Measures shall be approved by the contracting officer.

The contractor must ensure that appropriate erosion control measures such as silt fences are installed. Proper site drainage must be implemented. Any drain clogged by construction material or sediment must be unclogged as soon as possible to prevent overflow and flooding. The use of retaining structures and planting with deep rooted grasses to retain soil during and after works must be considered. The use of bio-engineering methods must be considered as a measure to reduce erosion and land slippage. All slopes and excavated areas must be monitored for movement.

The contractor will establish appropriate erosion and sediment control measures such as hay bales, sedimentation basins, and / or silt fences and traps to prevent sediment from moving off site and causing excessive turbidity in nearby streams, rivers, wetlands, and coastal waters.

An erosion management plan will be required where the potential exists for significant sediment accumulation e in wetlands, lakes, rivers and marine systems. This plan shall include a description of the potential threat, mitigation measures to be applied, and consideration for the effects of severe weather and an emergency response plan.

If works are along coastal marine areas or near major steams and river, water quality monitoring must be done before construction, and at regular intervals to determine turbidity levels and other quality parameters.

Construction vehicles and machinery will be washed only in designated areas where runoff will not pollute natural surface water bodies.

***11. Air Quality***

When appropriate, the contractor shall provide an air quality management plan for contracting officer approval. This plan will include provisions for the management and control of dust and unnecessary emissions resulting from construction activities. The plan shall include control measures to be implemented including the management of dust generated from transportation and site construction activities as well as excess emissions from vehicles and equipment. Under no circumstances shall site or roadway dusts be managed using oil spray techniques.

***12. Traffic Management***

In the event that construction activities should result in the disruption of area transportation services, including temporary loss of roadways, blockages due to deliveries and site related activities, the contractor shall provide the contracting officer with a traffic management plan including a description of the anticipated service disruptions, community information plan, and traffic control strategy to be implemented so as to minimize the impact to the surrounding community. This plan shall consider time of day for planned disruptions, and shall include consideration for alternative access routes, access to essential services such as medical, disaster evacuation, and other critical services. The plan shall be approved by the contracting officer.

Elements of the traffic management plan to be developed and implemented by contractor shall include:

* Alternative routes will be identified in the instance of extended road works or road blockages;
* Public notification of all disturbance to their normal routes;
* Signage, barriers and traffic diversions must be clearly visible, and the public warned of all potential hazards;
* provision for safe passages and crossings for all pedestrians where construction traffic interferes with their normal route;
* Active traffic management by trained and visible staff at the site or along roadways as required to ensure safe and convenient passage for the vehicular and pedestrian public;
* Adjustment of working hours to local traffic patterns, e.g. avoiding major transport activities during rush hours or times of livestock movement.

***13. Management of Standing Water***

Under no circumstances shall the contractor permit the collection of standing water as a consequence of contractor activities without the approval of the contracting officer and consultation with the relevant local environmental health authority. Recommendations from that local authority on how to manage and treat the standing water must be implemented. The condition of the standing water must be monitored by the contractor to ensure that it does not present itself as a breeding ground for any pests such as mosquitoes.

***14. Management of Solid Wastes and Construction Debris***

The contractor shall provide a solid waste management plan that conforms to the national solid waste management policies and regulations for approval by the contracting officer. The site waste management plan shall include a description of waste handling procedures including collection, storage and disposal through the national waste management system. There will be no open burning of waste material and the contractor shall endeavor to recycle wastes as appropriate through the national waste management system.

Under no circumstances shall the contractor allow construction wastes to accumulate so as to cause a nuisance or health risk due to the propagation of pests and disease vectors.

***15. Management of Liquid Wastes***

The contractor shall provide the contracting officer with a liquid waste management plan as part of a site waste management plan that conforms to the waste management policies and regulations of the relevant Saint Vincent and the Grenadines authority. Under no circumstances shall the contractor allow construction related liquid wastes to accumulate on or off the site, or to flow over or from the site in an uncontrolled manner or to cause a nuisance or health risk due to its content. The site waste management plan shall include a description of how these wastes will be stored, collected and disposed of in accordance with current law. Additionally, the contractor shall provide for the regular removal and disposal of all site wastes and provide the contracting officer with a schedule for such removal.

Specific elements of the contractor’s liquid waste management plan shall include: contractor to abide by all pertinent waste management and public health laws; waste collection and disposal pathways and sites will be identified for all major waste types expected from demolition and construction activities; construction and demolition wastes will be stored in appropriate bins; liquid and chemical wastes will be stored in appropriate containers separated from the general refuse; all waste will be collected and disposed of properly in approved landfills by licensed collectors; the records of waste disposal will be maintained as proof for proper management as designed; whenever feasible the contractor will reuse and recycle appropriate and viable materials (except asbestos); construction related liquid wastes must not be allowed to accumulate on or off the site, or to flow over or from the site in an uncontrolled manner or to cause a nuisance or health risk due to its contents.

***16. Management of Workers***

• The Contractor will prepare a specific Code of Conduct to describe the expected behaviours of their project worker in relation to the local communities and their social sensitivities. This is to avoid creating demand for illegal sex work, avoid gender-based violence and violence against children, manage alcohol consumption and avoid the use of illegal substances, and abide by cultural and social norms of the host community.

• The Contractor is to ensure that all overseas project staff undergo a cultural familiarisation session as part of their induction training. The purpose of this induction will be to introduce the project staff to the cultural sensitivities of the local communities and the expected behaviours of the staff in their interactions with these communities. Gender based violence and HIV Aids and communicable disease awareness raising and resources shall be provided to all workers. The client shall provide to the Contractor a list of approved service providers which shall include recognized NGOs and others for conducting this training.

• The Contractor is to stipulate the conditions under which visitors may attend the workers accommodation, including curfews.

• The Contractor shall ensure that basic social/collective rest and recreation spaces and activities within the Workers Accommodation to help minimise the impact that the workers would have on the leisure and recreational facilities of the nearby communities.

17. Enforcement