

Sint Maarten Emergency Recovery Project I under the World Bank Sint Maarten Hurricane Irma Reconstruction, Recovery and Resilience Trust Fund

Environmental and Social Management Plan (ESMP)

1. Project Overview

The Sint Maarten Emergency Recovery Project I is designed to implement several interventions aimed to address urgent needs resulting from the devastating damages and losses to productive and social sectors, caused by the landfall of Hurricane Irma. The proposed interventions of the ERP I represent a diverse and urgent subset of recovery activities, that are reflected in the National Recovery and Resilience Plan (NRRP). Under the ERP I, Sint Maarten's government identified a series of emergency interventions that need to be immediately implemented to restore the country to normality as well as establish a basic level of preparedness to improve readiness for the next hurricane season. These interventions aim to (component 1) reestablish and improve first responders' operational capacity, preparedness, and improve supporting facilities; (component 2) restore full utility services after Hurricane Irma; (component 3) repair housing and repair and reconstruct public buildings; and (component 4) establish efficient project management and implementation capacity in the government to carry out the implementation of identified priority interventions according to agreed standards for fiduciary, environmental and social management.

As per the Project Document of the ERP I, the environmental and social risk is rated Substantial. Nevertheless, environmental and social management issues per se are not substantial. Risk is deemed substantial given that Government of Sint Maarten is a new client to the World Bank and is being introduced to the World Bank Environmental and Social Safeguards for the first time; the project has been prepared under condensed procedures in a post-hurricane environment; there is less capacity and much pressure to have the project activities get underway and therefore there is risk for noncompliance to occur.

The activities that entail social and environmental aspects focus on the rehabilitation of damaged infrastructure including utilities assets, private housing and public buildings. There are no identified activities requiring involuntary permanent relocation as defined under OP/BP 4.12.

The project's overall potential socio-environmental impacts are expected be positive for the affected communities. Rapid repairs to housing and public buildings will improve home security and restore the functionality of public buildings. Interventions will also stop the ongoing degradation of structures currently exposed to the effects of the elements.

Environmental impacts are limited to the life of a construction process and result directly from construction activities. Compliance with OP 4.01, *Environmental Assessment*, will be accomplished by the application of relevant clauses in construction contracts designed to mitigate the potential impacts identified.

Impacts to cultural/historical resources are expected to be limited under the project. With respect to OP 4.11, OP/BP 4.11 - Cultural Property, repairs to cultural heritage buildings, if any, will need to be cleared

and supervised with the assistance of the Ministry of Education, Culture, Youth and Sports (MECYS) which is the ministry charged with responsibility to protect national heritage properties (see annex B). In cases involving excavations, there is a remote possibility of chance finds of cultural artifacts. These are managed by contract requirements including chance find procedures clauses.

The key social issues that have been identified include: (i) worker safety in the construction activities and homeowner protections under the voluntary roofing assistance program; and (ii) involuntary relocation (OP 4.12), which has been identified as an issue associated with repairs to public housing managed by the Sint Maarten Housing Development Foundation (SMHDF).

Public Roof Repair Program

Roof repairs will be completed on occupied residences or dwellings that have already been evacuated and no qualifying land acquisitions have been identified. Repairs on occupied residences will be undertaken in a manner that minimize disruption to the living. Workers will be provided with Codes of Conduct through the civil works contractor specifying the companies' expectations of their professional conduct and interactions with the community and project beneficiaries. The supervision contractor will ensure that the Codes of Conduct are adequately understood and applied. A screening checklist will be prepared to verify and affirm that there are no unanticipated cases which could require involuntary resettlement.

Public Housing Repairs

The housing foundation (SMDHF) manages a low-income housing complex which suffered considerable damage from hurricane Irma. Damage includes roof, window, and door structures. Structures are multi – story and wood roofing will be replaced with concrete. As a result, some renters will be required to temporarily leave their units until repairs are completed as a matter of safety. Recognizing the potential need for involuntary relocation of affected residents, the SMDHF is preparing an Abbreviated Resettlement Action Plan (ARAP) in accordance with the requirements of Bank safeguard *OP 4.12, Involuntary resettlement*.

New Construction

New constructions are limited and will occur on agency owned lands (or in the case of new water tanks on lands acquired by the agency on commercial and voluntary basis from owner). The client will ensure that the land is not occupied, even illegally, by encroachers. In the event there are encroachers the client will be responsible for developing an Action Plan as per World Bank Operational Policy 4.12. These activities relate to the installation of new water tanks under GEBE, the water and electricity company, underground installation of remaining vulnerable transmission lines, and the expansion of the Emergency Operation Center to its full design specification.

Specifically, civil works activities under the project are relatively simple and uncomplicated. Activities include:

- Repair and installation of water tanks
- Trenching and installation of underground utilities
- Repairs of public lighting
- Emergency repairs to designated public disaster shelters
- Repairs and rehabilitation to public buildings

- Repairs to damaged homes (roofing program)
- Construction of the addition to the fire/ambulance and EOC complex.

The environmental impacts associated with these activities are short term in nature and are limited to the management of impacts occurring during the construction phase. As repairs are being made to existing buildings, the primary environmental issue is the management of construction wastes during the rehabilitation process. Other issues relate to worker safety, sanitation, noise, dust and traffic control.

2. Detailed Description of Activities

2.1. Repair of Government Buildings and shelters

Construction and rehabilitation under the project will occur on public buildings including schools, as well as potentially sports complexes and office facilities. Building rehabilitation will involve the removal and replacement of damaged components. For each building, a detailed assessment will be conducted to develop construction requirements to define the works required. All repairs will be applied to the existing structure on the existing sites.

Shelter repairs are rapid interventions that seek to prepare the designated spaces for upcoming hurricane seasons. These repairs include the provision of hurricane shutters, window replacement, door replacement and other repairs to restore these buildings to a condition acceptable for shelter use. Shelters identified do not currently host temporary dwellers. As such no resettlement is expected during the repairs works.

In the case of public buildings not owned by the Government (e.g. owned by school boards, or foundations) works will commence after receiving permission and understanding from the owner(s) or any other relevant party (e.g. school board). Should an issue arise between the owner(s) and the contractor, a dispute/grievance procedure has been put in place to resolve disputes. Contractors will be required to obtain liability and damage insurance, in favor of the owner to cover any damages incurred as a result of construction. Additionally, the owner will agree on contractor working hours and waste handling procedures on the property. These requirements will be captured in a standard owner agreement signed by the owner, the contractor and the IRC/NRPB authorized representative. The agreement will refer to the complaints procedure put in place by the IRC/NRPB for the resolution of disputes. Additionally, the agreement shall clearly define the works to be completed, completion schedule and working hours. The document constitutes a legal agreement under the laws of Sint Maarten between the contractor, the IRC/NRPB, and the owner and will contain:

1. Description of works and owner responsibilities
2. Owner permission to commence works
3. Agreed working hours
4. Waste removal schedule
5. Contractor's plan for protecting property during construction
6. Contractor's plan for securing works after working hours
7. Contractors insurance disclosure
8. Dispute and claims Procedures:
 - Procedures under the IRC/NRPB
 - World Bank Grievance and Disputes disclosure

9. IRC/NRPB authorized point of contact and phone number

Signatures – Contractor, owner or owner’s designated representative, designated IRC/NRPB representative

2.2. Public Roofing Program

In the aftermath of Hurricane Irma, the Council of Ministers approved the policy authorizing a government sponsored roof repair program. This program is designed to assist low income households with repairs needed to protect interior spaces from the elements. The program will not cover heavy building reconstruction and will not include the new construction and/or relocation of homes to alternate areas.

The program is voluntary and required that those seeking assistance submit an application to government for consideration. The government, through VSA will select beneficiaries in accordance with selection criteria and processes acceptable to the World Bank. Such criteria and processes will be incorporated into the Project Operations Manual once their acceptability have been confirmed by the World Bank.

Once approved, an engineering assessment will be made, through VROMI or an engineering firm, to assess whether the building can support needed repairs, that the building is structurally sound, and develop construction requirements and bill of quantities to include in works contracts/work orders.

No involuntary resettlement is expected, as per the World Bank’s *Involuntary Resettlement* policy OP 4.12. However, in the case that any person, or household may be temporary displaced due to repairs works under this program, despite the uncertainty of legal ownership, an Abbreviated Resettlement Action Plan (ARAP) will be prepared with the details of the relocation plan and related costs.

2.3. GEBE tank replacement and underground Utilities

Post hurricane Irma, GEBE potable water storage tanks suffered considerable damage. A contract was put in place to rehabilitate/replace damaged tanks and to construct new tanks to add capacity to the system and improve disaster resilience. Tank replacement and repairs are confined to the original tank footprints generally using the same foundation. Two new tanks are to be constructed on land being acquired by GEBE at the time this EMP was drafted. This will include simple site preparation, pouring the foundation and erecting the tanks. The project will also fund future tank repairs as well as provide funds retroactively for payments made prior to the signing of the Grant Agreement (July 11th, 2018), and after December 13th, 2017, as per the Grant Agreement for the ERP I project.

2.4. GEBE trenching program

Much of the hurricane damage to the electrical grid was the result of line losses in the remaining above ground distribution system. While there was a long-term plan to bury the remaining lines, the program will fund the underground installation of the remaining portions of the grid (about 10% of the entire grid). The trenching program follows the existing transportation right of way. In addition to electrical lines, the program may also install fiber optic and water lines.

The foreseen trenching works are not expected to require even temporary relocation. In the event that some small economic actors (such as food trucks in the street) are required to displace temporarily their assets, the relocation will be undertaken by GEBE in a way, that minimizes the economic disruption to the

running of the business and is in accordance with World Bank policy. Costs to be covered from GEBE or from the project allocation to component 2.1.

2.5. GEBE Equipment Installation and Replacement

Under the project, GEBE may institute a consumer meter replacement program. This includes the replacement of existing utility meters with those of a more resilient design. Street lights are to be installed at locations requested by the Government of Sint Maarten and select transformers along the electricity grid may be replaced.

Similarly, to the trenching works, in the event that some small economic actors (such as food trucks in the street) are required to displace temporarily their assets, the relocation will be done at the expenses of GEBE and in a way that minimize the economic disruption to the running of the business.

2.6. Sint Maarten Housing Development Foundation

The Sint Maarten Housing Foundation provides public housing opportunities and other community based infrastructure. The foundation owns property that it has been developing with a model of mixed public/private housing. Under the project, the foundation intends to design the build out of additional lots to increase the number of units in the public housing inventory. All repairs will occur on foundation lands, and will ensure there are no encroachers on the foundation land requiring resettlement and compensation as per OP 4.12.

2.7. Fire station expansion

The fire and ambulance station was also designed to house the national Emergency Operations Center. At the time of its construction, the building was partially completed to include only the fire and EOC spaces. The project will fund the expansion of the facility to complete the section designed to house ambulance services. In the current configuration, the EOC was not fully functional due to the need to collocate ambulance services in the EOC and fire spaces currently available. Additionally, two 500-gallon aboveground fuel tanks (LPG and Diesel) will be installed on the complex property. The storage tanks will be sited and, if possible, installed together within a hurricane resistant protective enclosure with a spill containment system following national regulations (PGS) and/or acceptable and comparable international (external) safety standards were appropriate (e.g. U.S. National Fire Protection Association (NFPA) or international equivalent) for the issuing of the required hindrance permit". Further, attention will be given to ensure that the installation of the fuel tanks does not have a negative impact on surrounding buildings (such as the current Medical Center).

The construction and installations will occur on the existing property which was originally purchased to accommodate the infrastructure as originally designed.

3. Application of Safeguard Procedures

Given the nature of the activities under the project, all safeguard requirements will be incorporated into the various construction and supervision contracts. These will be in the form of environmental contract clauses (presented in Annex A). Given the varying nature of the activities, each contract will include clauses relevant to the work undertaken. For each activity, the IRC/NRPB will develop a schedule for supervision and reporting to be implemented by the designated supervision entity, this will either be

government agencies or supervision contractors hired under the project. In addition to reporting on construction progress, inspections will include supervision of compliance with environmental contract requirements. At time intervals determined for each contracting activity, the supervising entity will provide compliance reports to the IRC/NRPB for review and/or action. Compliance will ultimately be supervised by the IRC/NRPB. A social safeguard specialist will be engaged by the National Recovery Program Bureau (NRPB) to manage grievances and complaints.¹

As waste management is the primary environmental management issue. Contractors will be required to prepare waste management plans to be reviewed and approved by IRC/NRPB, in coordination with VROMI's department of solid waste, who will provide disposal requirements for all wastes generated including approved locations for segregated waste disposal.

4. Safeguards Summary

The ERP I was prepared, and is being implemented, according to Paragraph 12 of the World Bank's Operational Policy 10.00, which allows for certain exceptions to the investment project financing policy requirements, including deferral of safeguards requirements, if the Bank deems the recipient to be in urgent need of assistance because of a disaster or conflict. The Safeguards Action Plan included in the PAD of the ERP I is guided by the dual objective of ensuring that there is a roadmap for safeguards compliance during project implementation and providing clear guidance to the client on the types of actions and instruments required to facilitate speedy implementation of emergency services.

4.1. OP/BP 4.01 – Environmental Assessment

In accordance with Bank environmental safeguards requirements, this program has been classified as Category B. Works proposed under the program are largely rehabilitation and retrofitting of selected infrastructure and public buildings, and impacts are generally associated with the actual construction phase of the works activities. Limited new constructions will be included such as water supply improvements, as well new building expansions on sites located within already designated compounds (e.g. existing fire and rescue property), buried utilities, and small works to field locations such as pump houses and transformer stations. Transformer stations to be replaced are mineral oil transformers as all PCB transformers were cycled out of service some time ago.

Draft construction contract clauses are included in Annex A. These clauses may be modified as needed and will be included in the works and supervision contracts stipulating contractor/supervision compliance requirements.

4.2. OP/BP 4.11 - Cultural Property

With respect to cultural property, if the Government of Sint Maarten decides to repair any national historical site, the project will repair the structure in close coordination with and under the supervision of the Ministry of Education, Culture and Youth (MECYS) who is charged with cultural protection in St. Maarten. For works involving excavations, chance find procedures will be added to construction contracts with MECY serving as the national point of contact.

¹ Until the National Ordinance on the National Recovery Program Bureau is in effect, complaints will be handled by the Interim Recovery Committee under the responsibility of the Minister of General Affairs.

4.3. **OP 4.12 Involuntary Resettlement**

Involuntary resettlement has been triggered as a safeguard requirement. On screening of the activities planned under the project, there is the potential need to involuntarily relocate families renting housing units from the housing foundation (SMDHF). These relocations would be temporary in nature for the duration of the building repair process. As such, SMDHF will prepare an Abbreviated Resettlement Action Plan (ARAP) as required under OP 4.12. Costs of relocation will be borne by the project.

For new construction, no involuntary resettlement activities have been yet identified as defined under OP/BP 4.12 – Involuntary Resettlement. All land acquisitions will be reviewed for compliance with OP 4.12. If the safeguard is triggered, an Abbreviated Resettlement/Compensation Action Plan (ARAP) will be prepared to compensate for the land purchased at market rates from sellers, encroachers and illegal occupants (if any) as per OP 4.12.

It is anticipated that the repair works to homes will be done with the owners in residence. However, screening will be undertaken to avoid economic displacement and/or disruption of economic/livelihoods activities and general disturbance to the families during the rehabilitation activities. While participation is voluntary, care will be taken to identify vulnerable cases (sick, elderly, very poor) to ensure they have the necessary support to vacate their homes while repairs are taken place². Mitigation for all potential temporary disturbances will be included in the ARAP, which will be prepared in accordance with Bank requirements (OP 4.12 Annex A) and submitted to the World Bank for no objection prior to the commencement of any related project activities.

5. Hazard Risk Analysis

Hazards and environmental risks associated with this project are those common to general construction activities. This is primarily a construction waste management issue and is handled by the application of standard contracting clauses. Special issues examined include use of paint and solvents, worker sanitation as well as erosion and sediment discharge also handled by additional contract requirements.

In the case of the electric utility, GEBE, aside from the underground utilities program and water tank repair/replacement, the project will also support the installation of consumer meters, street lights and replacement of a few transformers. These are simple activities with streetlight installation involving the construction of a mounting base.

Transformers in St. Maarten are PCB free and cooled with mineral oil. Replacement transformers will be of similar composition. No high-tension switches are included in the project nor needed by GEBE. These switches use an insulating gas to prevent arcing, typically sulfur hexafluoride however, but they are not relevant to the project.

There is one new construction under the project. This is the expansion of the fire station complex. Apart from the environmental management of standard construction issues, sanitary waste will be managed by connecting to the existing septic system. The fire station is already connected to the municipal wastewater treatment plant. The building expansion will connect to the existing system.

² E.g. Elderly may need transport and place to spend the day while works proceed.

6. Summary of Environmental and Social Requirements

For most of construction activities, the application of waste management, dust and noise mitigation, site worker sanitation and controls for managing standing water should be sufficient to manage anticipated short-term environmental impacts. The laws and regulations of Sint Maarten pertaining occupational health, particularly with respect to construction safety will apply to all construction contracts.

For GEBE trenching activities, worker safety, traffic control and site security measures will be required along with the requirement for site restoration after works have been completed.

Requirements for the roof repair program will require permissions and coordination with the owner clients. In addition to the application of construction protocols, additional measures will be required. These include obtaining an approved and signed works schedule form the property owner, the requirement to cover exposed works at the end of each work day and the requirement to provide dust covers for interior areas during construction. Finally, while the program is providing contractors and materials for roof repairs, the owner must agree to all works activities prior to their initiation. Additionally, home owners must have the authority to manage contractor activities on their properties.

6.1. Protection of Home Owners

While the roof repair program is entirely voluntary, the protection of property owners and tenant rights is a key element of the process. No property will receive works without the express permission and understanding of the property owner and tenant(s) involved. Should an issue arise between the homeowner/tenant and contractor, a dispute/grievance procedure has been put in place and will form a part of the homeowner/tenant agreement as well as the construction contract. Contractors will be required to obtain liability beyond the standard construction insurances, in favor of the homeowner/tenant to cover any damages incurred as a result of construction. Additionally, the home owner/tenant will agree on contractor working hours and waste handling procedures on the property. These requirements will be captured in a standard home owner/tenant agreement signed by the homeowner, the contractor and the IRC/NRPB authorized representative. The agreement will refer to the complaints procedure put in place by the IRC/NRPB for the resolution of disputes. Additionally, the agreement shall clearly define the works to be completed, completion schedule and working hours. The document constitutes a legal agreement under the laws of Sint Maarten between the contractor, the IRC/NRPB, and the homeowner/tenant and will contain:

1. Description of works and homeowners' responsibilities
2. Homeowner's permission to commence works
3. Agreed working hours
4. Waste removal schedule
5. Contractor's plan for protecting property during construction
6. Contractor's plan for securing works after working hours
7. Contractors insurance disclosure
8. Dispute and claims Procedures:
 - Procedures under the IRC/NRPB
 - World Bank Grievance and Disputes disclosure
9. IRC/NRPB authorized point of contact and phone number

10. Signatures – Contractor, homeowner, designated IRC/NRPB representative.

Regardless of whether a homeowner raises an issue during construction, the designated supervising entity (contracted or government inspector), upon noting any performance discrepancies shall promptly notify the IRC/NRPB program representative for immediate action. The IRC/NRPB representative shall promptly notify the homeowner and the contractor of the discrepancy, require the contractor to take action and inform the homeowner in writing of the issue and resolution.

6.2. Change orders

In the event change orders are required, which is not uncommon with damage repair, the contractor shall discuss with the contract supervising entity and document in writing the changes required. Changes will then be provided to the IRC/NRPB representative who will then notify the homeowner of the requirement. On agreement with the homeowner, an amendment will be prepared for homeowner, contractor and IRC/NRPB signature which then form a part of the original homeowner agreement. The change order will contain any schedule adjustments.

7. Management Organization, Roles and Responsibilities

7.1. IRC/NRPB

Under the project, the IRC will have primary responsibility at the beginning of the project implementation. This committee will serve as the national counterpart for project management until its successor, the NRPB is constituted, at which time project management activities will be transferred from the IRC.

The IRC/NRPB will coordinate and manage all contracting and safeguards management activities, as well as other activities such as procurement, financial management etc.

As the supervising authority, the IRC/NRPB will ensure that all safeguard requirements associated with the project are included in project construction and construction support contracts. The IRC/NRPB will also coordinate among the supporting agencies to ensure proper contract supervision and reporting including safeguards compliance. The IRC/NRPB will serve as the government counterpart agency for all bank required safeguard activities.

7.2. Supporting Agencies

The IRC/NRPB will receive technical support from other government agencies including VROMI, (public Works), VSA (Department of Health and Social Services), GEBE (national utility company), Sint Maarten Housing Foundation. Government agencies serve as the technical counterparts for all project development and inspection activities. They will provide technical specifications and TORs for IRC use in the Bidding process and will provide supervision services within their respective domains. These agencies, depending on the activity and their internal capacity may either directly provide supervision and inspection services or engage supervision contractors to provide those services. MECYS will serve as the technical counterpart for cultural/historical issues and will coordinate with VROMI where buildings relate to national monuments and schools. Table 1 presents a summary of principal support agencies.

Table 1 - Principal Agencies Providing Support under the ESMP

Agency	Agency Role
IRC/NRPB	Primary contracting unit, Responsible for all aspects of project implementation and environmental/Social Management
VROMI	National public works agency. Responsible for preparation of technical specifications for construction related contracts. Provides inspection and supervision services for all works. Includes the national solid waste management department.
GEBE	National company for the provision of water and electricity for St. Maarten. Responsible for preparation of technical specifications for construction related water and power infrastructure. Also provides supervision services for construction activities in the utility sectors
VSA- Department of Health	Statutory authority in charge of occupational and public health. Also in charge of the screening of social eligibility criteria of the roof repairs program.
Sint Maarten Housing Foundation	A national development support agency providing public housing and community development support
MECYS - Cultural, Historical, Schools and Youth	Counterpart agency for historic preservation and archeological concerns

8. Monitoring and Evaluation of Environmental and Social Safeguards

Supervision for environmental and social compliance will be managed through the IRC/NRPB with support from the Bank. In addition to Bank requirements, the *IRC/NRPB* will be responsible for ensuring the proper application of any national environmental requirements. The *IRC/NRPB* will provide a social specialist as well as an environmental specialist as the need arises.

9. Grievance Procedures

9.1. National Process

Complaints are a valuable source of feedback and a valuable tool for organizational development. Diligent and prompt attention to complaints can help identify the needs of persons that encounter the National Recovery Program Bureau, understand the shortcomings, increase satisfaction and improve overall performance of the staff of the Bureau.³

The objective of the complaint procedure for this project is to ensure that the National Recovery Program Bureau handles complaints fairly, efficiently and effectively. The Bureau aims to provide quick and effective resolution to concerns and complaints.

Our complaint procedure intends to:

- 1) enable us to respond to complaints in a timely and cost-effective way
- 2) boost public confidence in our work and administrative processes, and
- 3) provide information on complaints to enhance and give a quality impulse to our products and services.

³ Until the National Ordinance on the Bureau is in effect, complaints will be handled by the Interim Recovery Committee under the responsibility of the Minister of General Affairs.

A detailed Complaint Procedure can be found in the Project Operations Manual.

9.2. World Bank Grievance Redress System

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms. The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit www.worldbank.org/grs. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

10. Consultation and Disclosure

The deferral of safeguards granted is for the postponement of the disclosure of safeguards instruments to after appraisal. Safeguards must be prepared by the Government, cleared by the Bank and disclosed as early as possible and before the start of civil works. The draft EMP will be prepared by the client by effectiveness. Site specific safeguards instruments (ARAPs) are required for all investments financed under the project, including those financed under retroactive financing.

ANNEX A

Standardized Generic Environmental Management Contract Clauses (to be revised as activities require)

To facilitate environmental management, the following standardized generic clauses have been developed for inclusion in construction contracts for minor works with limited potential environmental effects, such as rehabilitation or reconstruction works. These clauses may be modified to comply with the laws of Sint Maarten and shall remain in force throughout the contract period. It is recommended that these clauses be included in an Environmental Appendix to construction contracts. In most cases, it is the responsibility of the contractor to present environmental plans to the construction project manager prior to commencement of the works. Plans developed need only be as detailed as the works require. Plans and contract clauses may be modified or added as needed to fit conditions of specific subproject activities. (In the case where a specific subproject would involve environmentally complex conditions or potentially significant impacts (if unmitigated), a separate stand-alone Environmental Impact Assessment (EIA) would be prepared and the mitigation measures and contract clauses would be taken from the EIA done specifically for that subproject, and the standardized generic contract clauses below would not be used.)

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 wastes, construction and sanitary, additional strengthening of erosion control and soil stabilization systems and other conditions resulting from contractor activities that may increase the potential for damages.

Traffic Control and Protection of Works

When works activities affect the flow of vehicular traffic, the contractor shall prepare a traffic management plan for approval by the contracting officer. The contractor shall be responsible for providing signage, signals and warning devices as well as flagmen of signal systems where works result in lane closures. Where works involve open excavations, excavations will be clearly marked with daytime markers and nighttime lighted markers. Excavations in public roads shall be either protected to permit through traffic on cessation of active work or, in the event of lane closure, clearly marked for oncoming traffic and provided with signal controls or, signage indicating detour requirements. Where excavations are expected to modify traffic patterns, the contractor shall notify the contract representative, police, and ambulance services prior to commencing works. Where works and excavations may affect pedestrian traffic, the contractor shall clearly mark or provide barriers to prohibit pedestrian access and provide pedestrian crossings as needed based on local foot traffic patterns.

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 marked and the evidence preserved for examination.

Work may resume, without penalty of prejudice to the contractor, only upon permission from the contracting officer with any restrictions offered to protect the site. Prior to granting permission, the contracting officer will need to consult with MECYS, on national laws and regulations pertaining to discovery of antiquities.

Asbestos

While asbestos materials have not been identified in structures targeted for repair or reconstruction under this project, asbestos management procedures, defined in this section, shall be implemented should they be discovered during the construction process.

If in the event a construction project requires the stabilization or removal of asbestos construction materials, the contractor shall contact the Public Health Department of the Department of Health and the Solid Waste Management Division of the VROMI, and develop an asbestos management plan. Site management shall consist of stabilizing friable asbestos and the provision of worker protection to prevent contamination with asbestos fibers. Respiratory protection together with measures to prevent the contamination of clothing and inadvertent transport of asbestos fiber off-site shall be provided to exposed workers.

The asbestos management plan shall include as a minimum:

- Description of the issue and extent of contamination
- Site safety measures
- Stabilization techniques to be employed
- Storage and transport plan
- Approved disposal procedure
- Worker awareness and training

Worker Sanitation

Sanitation facilities shall be provided to site workers either on site or by another approved contractor arrangement. Contractors will be required to stipulate how it will manage sanitary wastes generated as a result of project activities. The sanitation management plan will be reviewed and approved by the IRC/NRPB safeguard officer prior to the commencement of site activities.

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 approved working hours. Where noise is likely to pose a risk to the surrounding community, the contractor shall inform the IRC/NRPB and shall develop a public notification and noise management plan for approval by the IRC/NRPB.

Use and management of hazardous materials, fuels, solvents and petroleum products

Any use hazardous materials excluding 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. 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. This plan is subject to the approval of the contracting officer. The minor use of pesticides such as for treatment of building foundations shall be done through registered and/or licensed pest control specialists.

Use of preservatives and paint substances

All paints and preservatives shall be used only with the approval of the contracting officer. Information shall be provided to the IRC/NRPB that 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 manufacturer's recommendations. 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 by the supervisor of works during the execution of the contract. This plan is subject to the approval of the contracting officer.

Site stabilization and erosion control

Contractor shall implement measures at the site of operations to manage soil erosion through minimization of excavated area, preservation of existing ground cover to the extent possible, provision of approved ground cover.

Where excavations are made, contractor shall implement appropriate stabilizing techniques to prevent cave-in or landslide. Erosion control measures shall be approved by the contracting officer.

An erosion management plan will be required where the potential exists for significant sediment quantities to accumulate in wetlands, lakes, rivers and near-shore 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.

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 works supervisor, after consultation with the relevant government authority in Sint Maarten.

Management of trash and debris

The contractor shall provide the contracting officer with a trash and debris management plan that conforms to the solid waste management policies and regulations of the Government of Sint Maarten. Under no circumstances shall the contractor allow construction wastes to accumulate in a manner that causes a nuisance or health risk due to the propagation of pests and disease vectors. The site waste

management plan shall include a description of how wastes will be stored, collected and disposed of in accordance with current law and with the procedures set forth by VROMI on waste management. 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.

Rehabilitation of Government Buildings

The project includes rehabilitative works to public buildings. In some cases, construction may occur while the facility is in use. If this is the case, the contractor shall seek to minimize as much as possible, the inconveniences, working with facility managers to control the storage and flow of materials. In addition, the implementing agency, contractor and facility managers may agree on measures to ensure that disruption is minimal; such as e.g. a shift system and alternate work hours.

Health and Safety (H&S) in the workplace

Contractors will be required to follow national regulations pertaining to H&S in the workplace as well as World Bank Environment Health and Safety Guidelines (EHS).⁴ This would include the provision – and the requirement for workers to use – appropriate personal protective equipment. It would also include induction and follow-up training on H&S, regular monitoring (by H&S specialists on larger contracts) and procedures for incident/accident reporting. This is particularly important since the project involves some potentially hazardous activities. They include demolition of structures that have suffered hurricane damage, management of hurricane debris and measures to properly dispose the debris

⁴ <http://documents.worldbank.org/curated/en/157871484635724258/pdf/112110-WP-Final-General-EHS-Guidelines.pdf>

ANNEX B

Laws and Conventions currently applicable to Culture Department and the Monuments

Legislation/Landsbesluit/Policy	Link/URL
National Ordinance laying down new rules regarding the foundations for the preservation of monuments (AB 2013, GT no. 336)	Dutch link: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/319628/319628_1.html English translation: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/319628/319628_1.html
National Ordinance laying down rules on the management of maritime areas in Sint Maarten AB 2013, GT no. 336 ⁵	Dutch Link: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/142339/142339_1.html English Translation https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/142339/142339_1.html
National Decree and General Measures, pursuant to the implementation of the National Monument ordinance (AB 2013, GT no. 50)	Dutch Link: http://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/209295/209295_1.html English Translation: http://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/209295/209295_1.html
National decree pertaining to the criteria for the designation and protection of monuments (AB 2003, no. 24)	Dutch Link: https://decentrale.regelgeving.overheid.nl/cvdr/XHTMLoutput/Actueel/Sint%20Maarten/209315.html English Translation: https://decentrale.regelgeving.overheid.nl/cvdr/XHTMLoutput/Actueel/Sint%20Maarten/209315.html

⁵ The Minister of Education, Culture, Youth and Sport is also responsible for part of the Maritime Legislation that relates to underwater Archeology. The articles are 21, 29, 32, 33, 34, 80, and 81 as it pertains to the obtaining of permits, destruction, or stealing thereof.

National Decree monuments register (AB 2013, GT no. 49)	<p>Dutch Link https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/209308/209308_1.html</p> <p>English Translation https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/209308/209308_1.html</p>
National Decree on the design and working methods of the Monument Council (21-02-2013 AB 2013, GT no. 47)	<p>Dutch Link: http://decentrale.regelgeving.overheid.nl/cvdr/XHTMLoutput/Actueel/Sint%20Maarten/209326.html</p> <p>English Translation http://decentrale.regelgeving.overheid.nl/cvdr/XHTMLoutput/Actueel/Sint%20Maarten/209326.html</p>

Convention UN Nr.	Name	Ratified By the Netherlands	Link
20 April 2006	Convention for the Safeguarding of the Intangible Cultural Heritage 2003	Ratified Netherlands 21st May, 2014 with extension to SXM	http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html The Intangible list is currently being finalized.
2009	Convention on the Protection of the Underwater Cultural Heritage 2001	has not yet been signed by the Kingdom of the Netherlands. She is however committed to the annex to this convention, which dictates the rules for how to deal with underwater heritage. Is expected to be ratified by 2021. The Department Currently has this convention within the Maritime Ordinance.	http://portal.unesco.org/en/ev.php-URL_ID=13520&URL_DO=DO_TOPIC&URL_SECTION=201.html
17 December 197	Convention concerning the Protection of the World Cultural and Natural Heritage 1972 (Valetta Treaty)	Ratified by the Netherlands on the 26th, August 1992 with extension SXM (Former Netherlands Antilles)	http://portal.unesco.org/en/ev.php-URL_ID=13055&URL_DO=DO_TOPIC&URL_SECTION=201.html
	Europees Verdrag inzake de bescherming van het archeologisch erfgoed (herzien), Valletta, 16-01-1992	Dutch Version	English and Dutch Version: http://wetten.overheid.nl/BWBV0002031/geldigheidsdatum_04-02-2016