



Memorandum of Understanding (MoU)

BETWEEN

Ministry of Physical Infrastructure Development
(MoPID)

Bagamati Province


And

Local Roads Bridge Support Unit (LRBSU)

FOR

**The Execution of Technical Assistance in
Motorable Bridges on Provincial Road Network**

April 2021


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Abbreviations



BIMS	Bridge Information Management System
DAG	Disadvantaged Groups
GoN	Government of Nepal
LRBSU	Local Roads Bridge Support Unit
MLRBP / LRBP	Motorable Local Roads Bridge Programme / Local Roads Bridge Programme
MoFAGA	Ministry of Federal Affairs and General Administration of the Federal Government of Nepal
MoPID	Ministry of Physical Infrastructure Development, Bagmati Province
MoU	Memorandum of Understanding
PRBSU	Provincial Roads Bridge Support Unit
PYPO	Provincial Yearly Plan of Operation
IDO	Infrastructure Development Office
SDC	Swiss Agency for Development and Cooperation
TA	Technical Assistance
TID	Transport Infrastructure Directorate, Bagmati Province
UC	Users' Committee
ZoI	Zone of Influence


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PREAMBLE

The **Bilateral Agreement** between the **Government of Nepal (GoN)** and **Swiss Government** represented by **Swiss Agency for Development Cooperation (SDC)** respectively, was signed on Mar 23, 2011 for the execution of **Motorable Local Roads Bridge Programme (MLRBP)** of the GoN. The MLRBP Phase I was implemented from Feb 1, 2011 to May 31, 2016. The Phase – II was implemented from June 01, 2016 to Feb 28, 2017. The Phase - III was implemented from Mar 2017 to Dec 2020.

The bilateral agreement of this Phase IV of MLRBP took place on November 13, 2020. It started from January 2021 and will be continued until December, 2024.

As per the **Bilateral Agreement**, to provide the Technical Assistance for the execution of MLRBP Phase IV, a technical unit, Local Roads Bridge Support Unit (LRBSU) has been established at the Federal Level and seven Provincial Roads Bridge Support Units (PRBSUs) at the province level, directly funded by SDC as stated in the agreed Programme Document.

In accordance with the article 9.3 of the bilateral agreement between GoN & Government of Switzerland, this Memorandum of Understanding (MoU) has been established between LRBSU and Provincial Government's Ministry of Physical Infrastructure Development (MoPID) of Bagamati Province to elaborate on the roles and responsibilities of each of the concerned parties.

The Bilateral Agreement as well as Programme Document mentioned above are considered to be the integral parts of this MoU.


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ARTICLE 1: INTRODUCTION

- 1.1 The Technical Assistance (TA) team will be composed of LRBSU at the center level to support the GoN in the implementation of the MLRBP Phase IV and PRBSU as extended arms of LRBSU, one in each province. The LRBSU shall be responsible for supporting the Department of Local Infrastructure (DoLI) and the Provincial Governments (PGs), in this case Bagmati Province (hereinafter called 'the Province'), in the coordination and management of the respective motorable bridge programme activities. PRBSUs are embedded within the Transport Infrastructure Directorate (TID) of MoPID of 'the Province'.
- 1.2 Both LRBSU and PRBSU will be under direct funding of SDC. The LRBSU headed by a Team Leader, coordinates overall technical assistance for MLRBP at central and provincial levels. PRBSU will be led by a Provincial Bridge Coordinator (PBC).
- 1.3 The PRBSU in support with LRBSU will assist and facilitate the concerned entities of 'the Province' primarily in "*a) Identification and prioritization of the bridges on provincial road network, b) Bridge design works and c) Construction supervision and Contract management of the bridge construction works*".

ARTICLE 2: ROLES OF LRBSU/PRBSU TEAM

The responsibility of the LRBSU and its PRBSU will ONLY be assisting the concerned entities of 'the Province' in their tasks of a motorable bridge design, construction and contract management.

Hence, LRBSU and its PRBSU functions will NOT be taken as that of the authorized representative of 'the Province'.

So, all the tasks of LRBSU and its PRBSU will be aimed towards strengthening the capacities of the concerned entities of 'the Province' in executing the tasks of motorable bridge planning, design, construction and contract management, so that the entities of 'the Province' become capable to implement the activities of 'motorable bridges' independently at the end of the MLRBP IV.

In this regard, the LRBSU and its PRBSU will be acting as a supporting entity providing technical assistance required for the implementation of the motorable bridge programme of 'the Province'.

- 2.1 Acting as a supporting entity of the provincial government, the main functions to be performed by LRBSU/PRBSU team at the provincial level are, but not limited to the following:
 - Support in coordinating all provincial road bridge activities (planning, budgeting and technical, social, financial and managerial tasks)
 - Support in procurement of design consultant for survey, investigations, Bridge Design and preparations of DPRs


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- Support in verification of bridge designs prepared by the consultants engaged by 'the Province.
- Support in procurement of works, construction supervision and contract management.
- Support in capacity development of personnel of MoPID and its entity in the field of motorable bridge.
- Assist MoPID to provide Technical Assistance to Palikas in the field of motorable bridges by the Provincial Government.

The tasks of LRBSU/PRBSU staffs, rather than doing by themselves, will be to focus in enabling the entities like TID/ IDOs of 'the Province' by providing necessary procedures, guidelines and accompanying the personnel of the TID/IDOs and consultants and contractors procured by TID/ IDOs to perform in their functions.

2.2 LRBSU / PRBSU will initiate and support Research & Development as well as Capacity Development activities as stated below;

- Do research, development, piloting and replication of appropriate type of bridges on the provincial road network.
- Strengthen capacities of academic sector, private sector consultants in bridge designing, construction management, construction supervisions works etc.
- Develop human resources suitable for motorable bridge design and construction industries so that 'the Province' and its MoPID, TID and IDOs can have adequate services providers available in the province.

2.3 All the activities of the LRBSU / PRBSU will be directed by the Provincial Yearly Plan of Operation (PYPO). 'The Province' represented by its MoPID in association with TID/IDOs will prepare an PYPO each year based on the provincial priorities with adequate budgets for execution. The PYPO will be approved by the Provincial Steering Committee (PSC).

ARTICLE 3: Institutional Structure at 'the Province' for MLRBP and their Roles

3.1 Ministry of Physical Infrastructure Development (MoPID):

- a. The MoPID will be a lead agency for planning, budgeting and coordinating MLRBP at provincial level. And, TID will coordinate and facilitate the overall actions of LRBSU through PRBSU. In the field, the employer is represented by Infrastructure Development Office (IDO) under Transportation Infrastructure Directorate (TID) of MoPID.
- b. MoPID shall coordinate with local government and any other concerned entities, for the execution of MLRBP with the support of PRBSU/LRBSU team in line with the constitutional mandate and under the guidance of PSC.
- c. MoPID shall coordinate with TID and IDOs and shall arrange for office space for PRBSU within the TID premises and in the respective IDOs for the staff of PRBSU.

3.2 The Bridge Section of TID will act as Provincial Bridge Coordination Unit (PBCU), with the mandates for


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- a. Overall coordination for all provincial road bridge related activities (planning, budgeting and technical, social, financial and managerial tasks)
- b. Overall facilitation of the construction of provincial road bridges
- c. Piloting and Replicating appropriate technologies for Provincial Road Bridge building in Nepal
- d. Prepare standards, norms, guidelines, manuals and other necessary documents and submit for approval.
- e. Implementing endorsed/approved standards norms as applicable guidelines and manuals of the GoN and/or of MoPID.

3.3 Programme Steering Committee(PSC), as per article 8 of the bilateral agreement between GoN & Government of Switzerland

There will be a PSC at 'the Province' headed by the MoPID, chaired by the Minister of MoPID. The PSC shall meet once a year and will have a mandate to review the overall annual achievements/results and approve the Annual Project Report (APR) and PYPO of the programme. The PSC will also advise the PBCU on resolving any implementation issues related to the programme.

ARTICLE 4: SPECIAL PROVISION OF SOCIAL INCLUSION

It has been explicitly stated in the Bilateral Agreement between the GoN and Government of Switzerland, as:

Output 2.2: People Specially Disadvantaged Groups (DAGs¹) including women are within a bridge's 'Zone of Influence (ZoI)' are encouraged for employment in bridge construction works.

The program document also mentions that at least 25% of unskilled laborers employed by the contractors are women to the extent possible.

- 4.1 To fulfil the above-mentioned outputs, TID / IDOs will incorporate appropriate clauses in the contract documents.
- 4.2 The works shall be such that it can be separated from the main bridge structural construction contract. The works will mainly be non-structural, for example, river training, bridge painting, slope stabilization on sides of approach roads including bio-engineering. A separate 'Bill of Quantities (BoQ)' can be prepared for these kinds of work packages suitable for involving unskilled or semi-skilled locals, particularly, female and DAGs.
- 4.3 PRBSU team will assist the concerned entities of 'the Province' in the formation of inclusive Users' Committees (UCs) with proportionate representation and participation of female and DAGs from the ZoI. The UCs will be formed in consultation of the concerned local governments.
- 4.4 LRBSU shall extend capacity development supports to the concerned officials of MOPID, TID and Palikas of the province in the aspects of Bridge Information Management System (BIMS), bridge design management, procurement management and construction contract management.


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¹ Disadvantaged Groups are those groups of people who are economically deprived and socially discriminated.

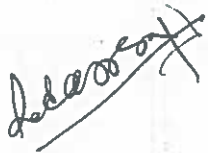
ARTICLE 5: ADDITIONAL PROVISION

- 5.1 This MoU will be automatically terminated without notice if the Bilateral Agreement is terminated.
- 5.2 The contracting parties share a common concern related to corruption, to ensure good governance, to optimize the use of resources made available for bridge development. Both parties will promote spirit of public procurement and contract management as per the prevailing laws. The parties signed below, therefore, commit to join hands in fighting corruption and declare that any offer, payment, consideration or benefit which could be construed as an illegal or corrupt practice made, either directly or indirectly, as an inducement or reward for the award of a contract entered into in the fame of this MoU will be grounds for cancelling the present MoU; additional actions may be taken in accordance with the Bilateral Agreement and applicable laws and regulations.
- 5.3 Any contracting party may terminate this MoU at any time by giving three month's advance notice in writing to the other contracting parties.
- 5.4 This MoU may be amended by exchange of letters between the contracting parties.

On behalf of MoPID, Bagamati Province

Sanjeeb Baral
Secretary

Witness:


Dr. Sahadev Bahadur Bhandari
Director, Transport Infrastructure
Directorate

On behalf of LRBSU


Shakil Manandhar
Team Leader

Witness:


Prati Giri
Provincial Bridge Coordinator



