

COMPLAINT CLOSING REPORT

PROJECT NAME	Sustainable Urban Development Investment Program - Tranche 1
ADB DEPARTMENT/DIVISION	CWRD/ARRM
AM FUNCTION	Problem-Solving Function / OSPF
ELIGIBILITY RESULT	Ineligible
ELIGIBILITY DETERMINATION DATE	12 March 2018
I. Complaint and issues	<p>The affected person (AP) applied to ADB's Office of Special Project Facilitator (OSPF) regarding the Sustainable Urban Development Investment Program Tranche 1 project. The AP was complaining about the structural damages on his residential property caused by the project construction works. He is demanding compensation for material and non-material damages. OSPF deemed the complaint ineligible since Complainants were willing to engage with ARRM to resolve the complaint.</p>
II. Actions taken to address the problems or issues	<p>ADB hired a seismic engineer to assess the project's influence on the building and provide required mitigation measures if needed. Also, an ADB funded international consultant implemented a noise and vibration survey to comprehensively investigate the project's noise and vibration impacts in the construction and operation stages.</p> <p>The seismic engineer's assessment, completed at the end of September 2018, concluded that the complainant's property, especially the property's walls and roof, had to be reconstructed to mitigate construction stage impact.</p> <p>According to the noise and vibration surveys, no mitigations were required. All results were communicated to the AP by ARRM. Also, to mitigate the complainant's concerns regarding the safety issues, additional safety mitigation measures near the complainant's house were considered, especially the construction of the double barriers above the embankment, new sidewalks and stairs to the roundabout in the place agreed with the complainant.</p>
III. Decisions or agreements by parties concerned	<p>The CAP was prepared by the PIU and approved by ADB in December 2018. Based on the CAP, the Contract between AP and PIU was signed in January 2019.</p> <p>The seismic Engineer monitored the construction works and submitted a final report in December 2019 stating that AP implemented all required construction works following the design.</p> <p>In January 2020, Yerevan Municipality completed asphaltting of the sidewalks, construction of barriers and stairs.</p> <p>A response letter was sent to the AP on 13 July 2020 to close the complaint. The AP came up with follow-up questions and concerns, which were clarified through the consultations with PIU and by a final response letter from ADB to the AP. The complaint was closed on 17 September 2020.</p>
IV. Results and lessons learned	<p>The Contractor and Engineer were aware of the AP's complaints since construction works implementation. However, due to lack of proper communication between the complainant, PIU, Contractor and Engineer's team, the complaints were ignored leading to escalation. With the Engineer's support, PIU should instruct the Contractor on proper communication with the complainants to avoid similar cases. Targeted capacity building and establishment of appropriate communication processes should be implemented before and during the project implementation to raise and keep attention on the environmental safeguards requirements.</p>