

COMPLAINT CLOSING REPORT

PROJECT NAME	Loan 3520/8328-GEO: Batumi Bypass Road Project (50064-001)
ADB DEPARTMENT/DIVISION	Central and West Asia Department/Transport and Communications Division and Portfolio, Results, Safeguards, and Gender Unit ¹
AM FUNCTION	Problem-Solving (SPF-2022-13-03-0133) ²
ELIGIBILITY RESULT	Ineligible
NON-ELIGIBILITY DETERMINATION DATE	16 September 2022
I. Complaint and issues	The complaint was received from Mr. Kamil Kakhriman, who requested compensation for mitigation measures for the damage to his house (cracks, mildew) caused by the construction activities in the vicinity of the Project (approximately 33m distance from RoW, located at Km1+480-Km1+536).
II. Actions taken to address the problems or issues	<p>Georgia Roads Department (RD), as the project's implementing agency, contracted Samkharauli Bureau (National Forensics Bureau) in March 2022 to provide assessment of the cause for mold/mildew in the complainant's house and whether it is acceptable for living (health considerations) which can be made a basis of subsequent decision making. The complainant was informed accordingly.</p> <p>Following ADB's guidance, the RD, on 11 August 2022, informed the complainant of its decision to provide alternative residence through covering rental lease expenses due to the delay in submission of the Expert Report by the Samkharauli Bureau. Complainant was informed that rent will be provided until the submission of the Samkharauli Expert Report, based on which further actions would be decided.</p> <p>On 25 August 2022, Samkharauli Bureau's Expert Conclusion was received by RD and shared with the complainant, as follows:</p> <p><i>"The assessment of whether the current conditions of mold/mildew in the house are suitable for living and do not pose health risks is outside their competency.</i></p> <p><i>Regarding the cause of the mold/mildew the expertise concluded that the cause is high levels of humidity, poor ventilation, incorrect construction methods and lack of insulation. The report concludes that the mildew on the interior walls could not have been caused by the exterior cracks on the walls."</i></p>
III. Decisions or agreements by parties concerned	<p>After discussions between ADB and RD, the following course of action was developed to ensure the resolution of the case:</p> <ul style="list-style-type: none"> • Given that the construction works are not yet completed at the project location, RD to assess the

¹ As per the New Operating Model: Office of Safeguards and Central and West Asia, East Asia, and the Pacific Team, Transport Sector Office, Sectors Group accordingly.

² CRO received a complaint on 6 August 2022. The complaint was forwarded to OSPF on 23 August 2022.

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	<p>damage caused to the house of the Complainant upon completion of construction works and sign the appropriate compensation agreement.</p> <ul style="list-style-type: none"> • Construction Supervision Consultant (CSC) to continue the vibration monitoring once the construction works are re-commenced (works are significantly slowed down since Q1 2022). • As an interim solution, RD expressed readiness to pay the complainant for repair of his house. At the end of construction works, once the final assessment of damages is available, and if the property is to be acquired, then the amount of cosmetic damages paid to Kamil Kakhriman, would be deducted from the assessed value. <p>The above approach was discussed with the complainant at the joint field visit by ADB and RD on 29 September 2022.³</p> <ul style="list-style-type: none"> • An agreement for compensating repairing of cosmetic damages of house was signed between Mr. Kakhriman and the RD on 9 November 2022, and on 18 November 2022 the compensation was transferred to his bank account.⁴ • Mr. Kakhriman has confirmed conducting repair works in April-May 2023 and finished around the beginning of June 2023. • RD, through CSC, conducted a new baseline on 19 June 2023 for further monitoring until completion of construction works. • Based on above outcomes, ADB sent out a letter to the complainant, Mr. Kakhriman, on 4 July 2023.
<p>IV. Results and lessons learned</p>	<p>Results:</p> <ul style="list-style-type: none"> ✓ The complainant's case has been resolved with joint efforts of various project stakeholders (RD, ADB, CSC, Samkharauli) and involvement of the complainant. ✓ The resolution of the complaint ensured restoration and even improvement of the condition of the Complainant's residence as compared to pre-project level. ✓ ADB's close follow-up and guidance were effective and appreciated by RD. <p>Lessons learnt:</p> <ul style="list-style-type: none"> ✓ The resolution process involved various stakeholders, including the complainant, to ensure acceptable and sustainable solution. ✓ Regular communication and follow-up meetings with the complainant helped to improve the trustful relationships and mutual understanding.

³ ADB has registered a separate complaint regarding the new claim raised during the joint visit to the Complainant's property on 29 September 2022 pertaining to the damage to the fence/wall of the water stream adjacent to land plot. This complaint has been investigated by the RD through provisioning expertise from Samkharauli National Forensics Bureau, who confirmed damages to the fence/wall were likely caused by the Project construction related activities. The RD is currently working on having a project design prepared and valued to be able to offer respective compensation. ADB is working closely with the RD to reach a solution.

⁴ RD shared with ADB the signed Agreement and payment receipt.

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	✓ In case of pending feedback from external experts/agencies involved in the case resolution, the RD shall be able to find flexible and interim solutions to timely address the concerns raised by population and ensure health and safety of residents directly or indirectly affected by the project works.
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DATE: 11 July 2023