



CONFIDENTIAL  
INTERNAL USE  
PUBLIC UPON APPROVAL

DOCUMENT OF THE INDEPENDENT CONSULTATION  
AND INVESTIGATION MECHANISM

**ARGENTINA**

**MICI-BID-AR-2022-0188**

**CONSULTATION PHASE REPORT  
RECONQUISTA RIVER BASIN ENVIRONMENTAL SANITATION PROGRAM—  
REQUEST V**

**(AR-L1121)  
(3256/OC-AR)**

This document was prepared by María Camila Barriga, Consultation Phase Specialist, and Gastón Aín, Consultation Phase Coordinator, under the supervision of Andrea Repetto Vargas, MICI Director.

This document contains confidential information relating to one or more of the ten exceptions of the Access to Information Policy and will be initially treated as confidential and made available only to Bank employees. The document will be disclosed and made available to the public upon approval.

## CONTENTS

### EXECUTIVE SUMMARY

I.	BACKGROUND .....	1
A.	Program geographical and social context .....	1
B.	The Program .....	2
C.	The Request.....	3
II.	CONSULTATION PHASE .....	4
A.	Governing framework .....	4
B.	Consultation Phase process timetable.....	5
C.	Methodology used and actions taken during the Consultation Phase process .....	6
D.	Consultation Phase results .....	7
III.	NEXT STEPS .....	7
A.	Monitoring.....	7
B.	Anticipated monitoring schedule .....	8
C.	Anticipated resources for the monitoring measures .....	8

ANNEXES
A. Final Agreement
B. Proposed Monitoring Plan and Preliminary Timeline

LINKS
1. Policy of the Independent Consultation and Investigation Mechanism (MICI-IDB Policy / MI-47-8) <a href="https://www.iadb.org/document.cfm?id=EZSHARE-525549286-365">https://www.iadb.org/document.cfm?id=EZSHARE-525549286-365</a>
2. Guidelines for the Consultation Phase <a href="https://www.iadb.org/document.cfm?id=EZSHARE-525549286-333">https://www.iadb.org/document.cfm?id=EZSHARE-525549286-333</a>
3. Case file of Request MICI-BID-AR-2022-0188 in the MICI-IDB Public Registry <a href="https://mici.iadb.org/en/cases/MICI-BID-AR-2022-0188">https://mici.iadb.org/en/cases/MICI-BID-AR-2022-0188</a>
4. Consultation Phase Assessment Report for Request MICI-BID-AR-2022-0188 <a href="https://www.iadb.org/document.cfm?id=EZSHARE-614558978-485">https://www.iadb.org/document.cfm?id=EZSHARE-614558978-485</a>
5. First Consultation Phase Extension Announcement for Request MICI-BID-AR-2022-0188 <a href="https://www.iadb.org/document.cfm?id=EZIDB0000559-614558978-514">https://www.iadb.org/document.cfm?id=EZIDB0000559-614558978-514</a>
6. Second Consultation Phase Extension Announcement for Request MICI-BID-AR-2022-0188 <a href="https://www.iadb.org/document.cfm?id=EZIDB0000559-614558978-564">https://www.iadb.org/document.cfm?id=EZIDB0000559-614558978-564</a>
7. Original Request MICI-BID-AR-2022-0188 and annexes <a href="https://www.iadb.org/document.cfm?id=EZSHARE-614558978-47">https://www.iadb.org/document.cfm?id=EZSHARE-614558978-47</a> <a href="https://www.iadb.org/document.cfm?id=EZSHARE-614558978-46">https://www.iadb.org/document.cfm?id=EZSHARE-614558978-46</a> (only available in Spanish)
8. Profile for the Reconquista River Basin Environmental Sanitation Program (AR-L1121) <a href="https://www.iadb.org/document.cfm?id=EZSHARE-1557453903-2">https://www.iadb.org/document.cfm?id=EZSHARE-1557453903-2</a> (only available in Spanish)
9. Loan proposal for the Reconquista River Basin Environmental Sanitation Program (AR-L1121) <a href="https://www.iadb.org/document.cfm?id=EZSHARE-899088300-21">https://www.iadb.org/document.cfm?id=EZSHARE-899088300-21</a>
10. Environmental and social management report for the Reconquista River Basin Environmental Sanitation Program (AR-L1121) <a href="https://www.iadb.org/document.cfm?id=38151058">https://www.iadb.org/document.cfm?id=38151058</a> (only available in Spanish)
11. Environmental and social safeguards compliance procedures manual for the Reconquista River Basin Environmental Sanitation Program (AR-L1121) <a href="https://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=EZSHARE-735565658-933">https://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=EZSHARE-735565658-933</a> (only available in Spanish)

## ABBREVIATIONS

Bank or IDB	Inter-American Development Bank
COMIREC	Comité de la Cuenca del Río Reconquista (Reconquista River Basin Committee)
DIPAC	Provincial Department of Water and Sewers of the Ministry of Infrastructure and Public Services of the Province of Buenos Aires
DIPPRPSE	Provincial Department of Sector and Special Programs and Projects of the Ministry of Infrastructure and Public Services of the Province of Buenos Aires (formerly the Works Project Coordination and Execution Unit (UCEPO))
MICI or Mechanism	Independent Consultation and Investigation Mechanism of the IDB Group
MICI Policy	The policy approved by the IDB Board of Executive Directors in December 2014 and revised in December 2015, governing the MICI processing of Requests associated with operations financed by the IDB or the MIF (MI-47-6)
MISP	Ministry of Infrastructure and Public Services of the Province of Buenos Aires.
Parties or Stakeholders	The Requesters, Management, the borrower, the client and/or the executing agency, if applicable
PGICRR or Comprehensive Management Plan	Plan de Gestión Integral de la Cuenca del Río Reconquista (Reconquista River Basin Comprehensive Management Plan)
Program	Reconquista River Basin Environmental Sanitation Program (AR-L1121)
Project or Works	Branch Sewer Systems in Moreno: Catonas IV South, Section 2

## EXECUTIVE SUMMARY

The Reconquista River Basin Environmental Sanitation Program (AR-L1121) (“the Program”) is financed by the Inter-American Development Bank (IDB or “the Bank”) through a sovereign guaranteed loan operation under the multiple-works modality for a total amount of US\$230 million with US\$57.5 million in local counterpart funding. The borrower is the Province of Buenos Aires. The executing agency is the Subsecretaría de Coordinación con Estados y Organismos de Crédito Internacionales (States and International Credit Agencies Coordination Branch) of the Provincial Ministry of Economy. The subexecuting agency is the Technical, Legal, and Administrative Branch of the Ministry of Infrastructure and Public Services of the Province of Buenos Aires (hereinafter “MISP”), through the Provincial Department of Sector and Special Programs and Projects (hereinafter “DIPPRPSE” formerly “UCEPO”). The subexecuting agency executes the operation with the assistance of the Reconquista River Basin Committee (hereinafter “COMIREC”) and the Provincial Department of Water and Sewers (hereinafter “DIPAC”), both under the MISP’s Water Resources Branch. The operation was approved by the Bank’s Board of Executive Directors on 23 July 2014 and is now in implementation.

The program aims to restore the environmental quality of the basin by implementing a Reconquista River Basin Comprehensive Management Plan (PGICRR) that prioritizes investments aimed at those living in health risk areas. The works financed by the Program include the “Branch Sewer Systems in Moreno: Catonas IV North and South” (hereinafter the “Project,” “Work,” or “Works”), to be built in the Moreno District in the river’s middle basin, which are the subject of the Request.

The Project involves building a system of sewers and collectors up to a discharge point at an existing collector for final conveyance to an effluent treatment plant and is divided into two zones: “Catonas IV North” or “Section 1” provides sewer services to approximately 12,000 residents and was completed in November 2020; “Catonas IV South” or “Section 2” will provide sewer services to approximately 13,000 residents. At the time the Request was received, the Bank reported that work on Section 2, where the MICI Group of Requesters reside, had been halted since June 2020, with overall physical progress of 39%.

On 8 July 2022, the Independent Consultation and Investigation Mechanism (MICI) received a Request from a group of 60 residents of Villa Anita, Moreno District, Buenos Aires Province. The Moreno District Attorney supported the Group of Requesters in filing their claim with the MICI, after they initially contacted his office to make inquiries about the Works.

The Request alleged harm to the Group of Requesters’ quality of life and access to public services, as well as degradation of public spaces, as a result of the halt in construction work on Section 2 of the Project. Specifically, it alleged that the abrupt halt of the works left sidewalks and garages broken, and construction materials abandoned. The core concern of the Request referred to the lack of specific public information on the current status of the works, as well as the absence of a timeline for the resumption of work and future completion of the Project. In addition, the Group of Requesters claimed that it suffered economic harm because, as a result of the work stoppage, some of them directly bore the costs of contracting for sidewalk repairs and cleanup of building materials abandoned by the firm that was in charge of the works. The Group of Requesters also asked the MICI to process their Request through the Consultation Phase and the Compliance Review Phase.

The Request was declared eligible on 12 September 2022, launching the Assessment Stage of the Consultation Phase. The assessment identified conditions to initiate a Consultation Phase with the participation of the Group of Requesters, DIPPRPSE, DIPAC, COMIREC, and IDB Management. During the Consultation Phase process, which began on 24 October 2022, the MICI organized and facilitated four (4) plenary dialogue sessions (one in-person and three virtual). In the first, the Parties validated the process's agenda, and in the three additional sessions, the executing agency and IDB Management shared progress on the contracting process for the Works. The MICI also maintained ongoing contact with each of the Parties in order to share updates on this process.

The Consultation Phase team implemented a flexible Consultation Phase process that was tailored to the deadlines of the Province of Buenos Aires's public procurement process in order to share the respective information on the bidding process and award of the Works. In view of these deadlines, the MICI granted an initial extension of the Consultation Phase process for a period of six (6) months ending on 24 April 2024. Now, during the discussions related to the clauses of a potential agreement, new technical information arose about the Works that had to be shared with the Group of Requesters. For this reason, the MICI granted a second extension for three (3) additional months, ending in July 2024. However, that term came to an early end on 7 May 2024 with the signing of the agreement.

During the year and a half of the Consultation Phase process, DIPPRPSE reported that, on 21 April 2023, the bidding process for the Works was published. On 6 June 2023, bids were opened, and on 30 November, the Works were awarded to the company Fontana Nicastró S.A. Construcciones (hereinafter, the "Contractor"). On 13 December 2023, the Works contract was signed and as communicated on 18 April 2024, the date scheduled for the start of the works contract was April 2024. With the signing of the Works contract, its start date, and the general plan for the project, the Parties reached an agreement. The agreement is focused on the commitment to execute the Works, ensuring that the streets and sidewalks worked on by the Contractor will be repaired. It also includes the commitment to install the household connections required in the design of the Works. The agreement also contains a clause related to the provision of information on the status and progress of implementation, and a commitment to monitor the signed agreements.

Based on the agreement reached, the Consultation Phase process stage is deemed completed. According to paragraph 35 of the MICI-IDB Policy, the MICI plans to monitor fulfillment of the clauses of the agreement based on the plan and time frame presented to the IDB Board of Executive Directors for consideration.

## I. BACKGROUND<sup>1</sup>

### A. Program geographical and social context

- 1.1 The Reconquista River Basin is located in the Province of Buenos Aires and is comprised of 134 watercourses within an area of approximately 1,670 square kilometers, spanning 18 municipios with a total population of more than 4.6 million. The basin is divided into three sections: (i) the **upper basin**, which extends from the confluence of the La Chozas and Durazno streams in the municipio of General Rodríguez to the Ingeniero Roggero dam and its artificial lake (Lake San Francisco); (ii) the **middle basin**, which starts at that dam to the Morón stream and Las Catonas, and (iii) the **lower basin**, which runs from the Morón stream to the mouth of the river at the Luján River in the municipio of Tigre. In terms of economic activity and land use, agriculture and livestock predominate in the upper basin, and the middle and lower reaches are characterized mainly by industrial and commercial activities.

Figure 1:  
Map of the Reconquista River Basin



Source: Program environmental and social management report.

- 1.2 The Reconquista River is considered one of Argentina's most severe cases of pollution, along with the Matanza River, because the watercourse has become a receiving body for industrial and household effluents (mainly due to a lack of sewer services) and urban solid waste produced in the inhabited and industrialized areas of the river basin. Also located in the basin are 30 open air dumps and the country's largest sanitary landfill, which serves 22 municipios in the Autonomous City of Buenos Aires and its metropolitan area.

<sup>1</sup> Information taken from the Bank's website and public documents on related operations.

## B. The Program

- 1.3 The Reconquista River Basin Environmental Sanitation Program (AR-L1121) is the third operation financed by the IDB in relation to the river basin.<sup>2</sup> The Bank is financing the Program through a **multiple-works investment loan** for a total amount of US\$230 million with US\$57.5 million in local counterpart funding. The Argentine Republic is the guarantor, and the borrower is the Province of Buenos Aires. The executing agency is the States and International Credit Agencies Coordination Branch of the Provincial Ministry of Economy. The subexecuting agency is the Technical, Legal, and Administrative Branch of the Ministry of Infrastructure and Public Services of the Province of Buenos Aires through the Provincial Department of Sector and Special Programs and Projects (formerly “UCEPO”). The subexecuting agency is executing the operation with the assistance of the Reconquista River Basin Committee and the Provincial Department of Water and Sewers, both under the MISP’s Water Resources Branch. The operation was approved by the Bank’s Board of Executive Directors on 23 July 2014 and is now in implementation.
- 1.4 The general objective of the Program is to restore the environmental quality of the river basin by implementing four components. **Component I. Water and sanitation (US\$58.3 million)** includes the construction and rehabilitation of water supply networks and sanitary sewer systems, including wastewater collection, transport, and treatment. **Component II. Solid waste (US\$7.2 million)** includes the development of comprehensive management plans for the basin’s municipios and the closing and remediation of three open air dumps. **Component III. Roadways, accessibility, and drainage (US\$93.3 million)** includes investments in road infrastructure and supplementary works (road construction, engineering works, lighting, signage, multipurpose path, paving, repaving of intra-urban streets, waterworks for storm drainage, and others). Lastly, **Component IV. Environmental and social management (US\$73 million)** will finance the program’s environmental and social management actions.
- 1.5 The specific works giving rise to the Request submitted to the MICI are the “Branch Sewer Systems in Moreno: Catonas IV North and South” (“the Project”) being built in the Moreno District in the river’s middle basin. The Project involves building a system of sewers and collectors up to a discharge point at an existing collector for final conveyance to the Catonas effluent treatment plant.
- 1.6 Regarding the potential impacts of the Project, the environmental and social impact assessment found that the negative impacts would be associated with the construction stage. According to the study, these impacts would be low or medium, local in scope, short-term, and either reversible or mitigable.
- 1.7 As its name indicates, the Project was divided into two zones: “**Catonas IV North**” or “**Section 1**” would provide sewer services to approximately 12,000 residents and was completed in November 2020; “**Catonas IV South**” or “**Section 2**” will provide sewer services to approximately 13,000 residents. The Group of Requesters who contacted the MICI reside in the service area of Section 2. In

---

<sup>2</sup> In 1993, the Board of Executive Directors approved the “Reconquista River Sanitation” project (AR0038, 797/OC-AR), completed in 2006. The “Sustainable Environmental Management Program for the Reconquista River Basin” was approved in 2010 (technical-cooperation operation AR-T1083, ATN/OC-12571-AR).



September 2022, the Bank reported that work on Section 2 had been halted since June 2020 with overall physical progress of 39%.

**Figure 2:**  
**Map of the Project in the Moreno District**



Source: Project environmental and social impact assessment.

### **C. The Request**

- 1.8 On 8 July 2022, the MICI received a Request from a group of 60 residents of Villa Anita, Moreno District, Buenos Aires Province, Argentina. The Moreno District Attorney has supported the Group of Requesters in filing their claim with the MICI, after they initially directed their inquiries about the works to his office. This information is publicly available in the MICI Public Registry (case file for Request [MICI-BID-AR-2022-0188](#)).
- 1.9 The Request describes potential harm to the Group of Requesters' quality of life and access to public services as a result of the halt in construction work and laying of the sewer and collector pipes as part of Section 2 of the Project. In addition, the Group of Requesters alleges that there has been insufficient public information on how and when the work will resume and ultimately will be completed.
- 1.10 The Group of Requesters alleges that it has had to put up with the negative impacts of the construction phase of the work for much longer than originally planned. Specifically, they state that the halt of construction has impaired their day-to-day activities and degraded public spaces, since the residents have had to contend with broken sidewalks with exposed pipes, debris, and building materials, as well as flooded areas.
- 1.11 Regarding the allegations as to lack of information, the Request states that due to the construction stoppage, not enough public information was available. Specifically, the Request stated that the IDB's website only allows access to the

environmental impact assessment but has no definite, up-to-date information on the implementation status and completion timeline. Also according to the Request, the information released about the works was incomplete and inconsistent with gaps regarding their completion.

- 1.12 The Group of Requesters also reported having made requests for public information. However, they noted that the responses offered repetitive and occasionally inaccurate information that failed to substantively address their specific concerns. Additionally, they stated that there was no clear information on the work execution timetable or status, on the facts and events leading to the stoppage, or on repairing the harm caused by the uncompleted work. The Group of Requesters also expressed their concern that the resumption of work would take much longer without addressing the alleged harm or providing specific information on the status of the work and its future.
- 1.13 Lastly, with regard to the MICI process, the Requesters asked the MICI to process their Request through the Consultation Phase and the Compliance Review Phase.

## **II. CONSULTATION PHASE**

### **A. Governing framework**

- 2.1 The MICI's Consultation Phase process is governed by the MICI-IDB Policy (MI-47-6), which was approved by the IDB Board of Executive Directors on 16 December 2014 and updated in December 2015 and April 2021. Section H of the Policy contains the processes, stages, and deadlines that must be observed during the Consultation Phase. In addition, the "Guidelines for the Consultation Phase" (MI-74) explains the provisions set forth in that section in detail.
- 2.2 The purpose of the Consultation Phase is to provide a flexible, consensus-based process that offers the Parties an opportunity to address the issues raised in the Request. It also provides an approach that ensures unbiased, equitable treatment for all Parties involved in the process.
- 2.3 In the framework of the Consultation Phase, a variety of methods can be used depending on the following factors: urgency, type of harm alleged, corrective actions sought, and the likelihood that the process will have positive results. A number of different methods of analysis and alternative dispute resolution can also be used in this phase, including situational and conflict analysis, scenario building, structured dialogue, sustained dialogue, mediation, negotiation, and facilitation, under different formats. These methods can be used simultaneously or sequentially (see the "Guidelines for the Consultation Phase," paragraph 4.4).
- 2.4 Upon completion of the Consultation Phase process, the MICI prepares a Consultation Phase Report describing its outcome. If an agreement has been reached and needs to be monitored, this report may include a monitoring plan.
- 2.5 The monitoring plan will address whether the monitoring of the agreements reached by the Parties will be direct or external, as well as establish the measures to be adopted in order to determine if the agreements are being appropriately fulfilled. The monitoring plan, the total length of which will be in keeping with the commitments made by the Parties, may not exceed five years from the signing of the agreement and will be considered by the Board of Executive Directors of the IDB.

## B. Consultation Phase process timetable

- 2.6 In accordance with paragraph 31 of the MICI-IDB Policy, the maximum period for the Consultation Phase process is 12 months from the date on which the Consultation Phase Assessment Report is distributed to the Board of Executive Directors.
- 2.7 In this case, the MICI notified the Board of Executive Directors of two extensions of six (6) and three (3) additional months for the Consultation Phase process. However, the signing of the agreement took place before the end of the second extension. Consequently, the process lasted 18 months and one week, during which the following activities took place:

**Table 1.**  
**MICI actions during the Assessment stage and Consultation Phase process**

Date	Actions
<b>2022</b>	
12 September	Eligibility Memorandum issued
13 September to 3 October	Review of program documents and their context
29 September	Video call with IDB Project Team and COMIREC, DIPPRPSE, and DIPAC staff
30 September	Video call with Requesters
21 October	Consultation Phase Assessment Report issued
7 December	First in-person dialogue session with participation by the Group of Requesters, the IDB project team, and DIPPRPSE, COMIREC, and DIPAC staff. The Moreno District Attorney's Office also participated as an advisor to the Group of Requesters.
<b>2023</b>	
18 April	Second virtual dialogue session with participation by the Group of Requesters, the IDB project team, and DIPPRPSE, COMIREC, and DIPAC staff. The Moreno District Attorney's Office also participated as an advisor to the Group of Requesters.
21 April	Publication of the call for bids for the "Catonas IV South Sewer Expansion" works in Moreno District.
6 June	Opening of the bids for the Works.
12 October	Notice of the first extension of the Consultation Phase process. New deadline: 24 April 2024.
30 November	Award of the Works to the company Fontana Nicastro S.A. Construcciones (Contractor)
4 December	Third dialogue session with participation by the Group of Requesters, the IDB project team, and DIPPRPSE, COMIREC, and DIPAC staff. The Moreno District Attorney's Office also participated as an advisor to the Group of Requesters.
13 December	Signing of the Works contract with the Contractor
<b>2024</b>	
18 April	Meeting between DIPPRPSE, COMIREC, DIPAC, IDB Management, and the MICI
19 April	Meeting between Group of Requesters and the MICI
24 April	Meeting between DIPPRPSE, IDB Management, and the MICI

Date	Actions
25 April	Meeting between DIPPRPSE, DIPAC, IDB Management, and the MICI
25 April	Call between the District Attorney's Office, as advisor to the Group of Requesters and the MICI
26 April	Notice of the Second extension of the Consultation Phase process. New deadline: Friday, 26 July 2024.
2 May	Fourth virtual dialogue session with participation by the Group of Requesters, the IDB project team, and DIPPRPSE, COMIREC, and DIPAC staff. The Moreno District Attorney's Office also participated as an advisor to the Group of Requesters
7 May	Electronic signing of the Consultation Phase agreement

### C. Methodology used and actions taken during the Consultation Phase process

- 2.8 As set forth in the MICI-IDB Policy and the Guidelines for the Consultation Phase, the Consultation Phase process must be flexible, consensus-based, and tailored to the issues raised in the Request. There is no single process format that is suitable for all circumstances and contexts. Rather, there are a variety of tools and approaches to choose from depending on the cultural, social, and political context of each case. The inputs collected during the assessment stage are essential for proposing a design that will be perceived as legitimate and will create a sense of belonging between the Parties.
- 2.9 **Process design.** Based on the bidding and award processes, the signing of the contract, the start of the works, the respective deadlines, and those of the provincial government, the MICI proposed a flexible process tailored to the aforementioned deadlines. Consequently, the MICI facilitated a continuous exchange of information between DIPAC, DIPPRPSE, COMIREC, IDB Management, and the Group of Requesters so that the latter would have detailed information on the Works and knowledge of any event that could impact the deadlines. The dialogue sessions with the Parties and the talks with the Group of Requesters included the participation of the Moreno Federal District Attorney's Office in its capacity as advisor to the Group of Requesters.
- 2.10 During the first dialogue session, the Parties agreed that the agenda for the Consultation Phase process would focus on "Access to information and updates on the status, timeline, and deadline for completion of the 'Branch Sewer Systems in Moreno: Catonas IV South, Section 2' works."
- 2.11 To facilitate the Consultation Phase process, the MICI assembled a team consisting of Eliana Spadoni, member of the MICI Roster of Facilitation Experts; Maria Camila Barriga, Consultation Phase Specialist; and Gastón Aín, Consultation Phase Coordinator.
- 2.12 **Dialogue sessions.** The MICI hosted and facilitated four structured dialogue sessions between the Parties. In the first session, the agenda was validated, and it was agreed to provide information on the bidding and award processes and the signing of the contract for the Works. In the additional sessions, DIPAC, DIPPRPSE, and COMIREC provided updates to the Group of Requesters and responded to their questions. In addition, the MICI maintained continuous contact with the Parties through telephone calls, exchanges via WhatsApp, and bilateral meetings to facilitate the exchange of information.

- 2.13 Once the contract for executing the Works was signed, the start date of the works was communicated, and their general plan was shared, the MICI used its good offices for the signing of the agreement included as an annex. It is important to note that, between the signing of the Works contract and the agreement, there was an accommodation period resulting from the national and provincial election process, which took place in Argentina in December 2023.

#### **D. Consultation Phase results**

- 2.14 During the dispute resolution process, the MICI sought to create a safe space in which the concerns raised in the Request could be aired through dialogue. Given that the main concerns of the Group of Requesters were focused on having clear information regarding the Works contracting process, which is an independent process that occurred in parallel with the Consultation Phase process, the MICI process maintained an open channel of communication between the Parties for the exchange of information.
- 2.15 The agreement reached, included in Annex A of this report, contains five actions related to the execution of the Works and access to information. First, the document includes the commitment of DIPAC, DIPPRPSE, COMIREC, and the IDB to execute the Works. Second, the agreement highlights the commitment of DIPAC to ensure that the Contractor repairs the roads and sidewalks impacted during execution of the Works. Third, the agreement considers the commitment of DIPAC to ensure that the Contractor makes the household connections included in the Works contract and those that are necessary and included in the plans for the Works. Fourth, the agreement considers quarterly updates on the status and progress of the Works. Lastly, the MICI would monitor the commitments throughout the Works execution period or, in any case, for a term not to exceed five years as established in the MICI-IDB Policy.

### **III. NEXT STEPS**

#### **A. Monitoring**

- 3.1 The agreement includes the MICI's monitoring of the agreements reached. The MICI's role in the monitoring stage is to maintain a spirit of collaboration in the implementation of the agreement, continue to promote a threshold level of trust between the Parties, monitor compliance with the agreements, and support the Parties in execution of the agreement.
- 3.2 In this context, the MICI may take different actions such as: calling and facilitating work meetings between the Parties for implementation of the agreements; continuous monitoring by the MICI team through virtual or in-person meetings; conducting monitoring missions agreed upon with the Parties in advance; and producing monitoring reports.
- 3.3 Under paragraph 35 of the MICI-IDB Policy, progress will be reported to the Board of Executive Directors through annual monitoring reports. Moreover, the MICI team will remain in continuous and open contact with the Parties, the Board of Executive Directors, and other relevant actors associated with the Project with regard to the management of the case.

**B. Anticipated monitoring schedule**

- 3.4 Annex B hereto contains a proposed plan for monitoring the agreed-upon commitments. In accordance with paragraph 35 of the MICI Policy, the IDB Board of Executive Directors will consider the monitoring plan and schedule via short procedure. In the event that there is no objection from the Board to the MICI performing the monitoring, the MICI will commence its monitoring activities.

**C. Anticipated resources for the monitoring measures**

- 3.5 The Consultation Phase team will need to conduct at least one monitoring mission to assess progress in fulfilling the agreements. Monitoring missions may include the facilitation of joint sessions and bilateral meetings with each of the Parties and visits to the area of influence of the Works in order to document the status and progress in fulfillment of the agreement.

**Consultation Phase—MICI-BID-AR-2022-0188 “Reconquista River Basin  
Environmental Sanitation Program - Request V (AR-L1121. Loan 3256/OC-AR)”**

**Background**

On 8 July 2022, the Independent Consultation and Investigation Mechanism (hereinafter, the “**MICI**” or “**Mechanism**”) received a Request from 60 residents of Villa Anita, Moreno District, Province of Buenos Aires, Argentina (hereinafter, “**Group of Requesters**”). The Group of Requesters had the support of the Moreno District Attorney, Leonardo Filipinni, during the filing of their claim with the MICI.

The Request is related to the multiple works operation, “Reconquista River Environmental Sanitation Program,” in particular the project “Branch Sewer Systems in Moreno: Catonas IV North and South” in the Moreno District (hereinafter the “**Project**” or “**Works**”). The Program was approved by the Board of Executive Directors of the Inter-American Development Bank (“**IDB**”) on 23 July 2014. The objective of the program is to restore the environmental quality of the Reconquista River basin through four components related to water and sanitation; solid waste; connectivity, access, and drainage; and environmental and social management.

The Works in particular aim to incorporate sewer service for approximately 13,000 inhabitants in the area where the Group of Requesters to the MICI reside. At the time the Request was received, IDB Management reported that execution of the works had been halted since June 2020, with overall physical progress of 39%. The company responsible for the Works was MAKO S.A.C.I.F.I.A y C., and its contract was rescinded on 17 October 2022. The subexecuting agency is the Technical, Legal, and Administrative Branch of the Ministry of Infrastructure and Public Services of the Province of Buenos Aires (hereinafter “**MISP**”), through the Provincial Department of Sector and Special Programs and Projects (hereinafter “**DIPPRPSE**”), with the assistance of the Reconquista River Basin Committee (hereinafter “**COMIREC**”) and the Provincial Department of Water and Sewers (hereinafter “**DIPAC**”), both under the MISP’s Water Resources Branch.

The Request describes allegations of harm to the Group of Requesters’ quality of life and access to public services as a result of the halt in construction work and laying of the sewer and collector pipes as part of the Project. In addition, the Group of Requesters alleges that there has been insufficient public information on how and when the work will resume and ultimately will be completed.

The Mechanism declared the Request eligible on 12 September 2022, and moved it to the Consultation Phase. During the assessment stage, the Consultation Phase team held talks with the Group of Requesters, IDB Management, the subexecuting agency, DIPAC, and COMIREC, as the authority responsible for management of the basin (hereinafter, the “**Parties**”). At the end of the assessment stage, the Parties expressed their will to resolve the concerns highlighted in the Request through a Consultation Phase process facilitated by the MICI.

Between August 2022 and May 2024, the Consultation Phase team facilitated four dialogue sessions aimed at providing information and updating the Group of Requesters on the status, timeline, and deadline for completion of the Works. Moreover, the team maintained continuous contact with the Parties throughout the entire process. The subexecuting agency and IDB Management communicated each milestone for the resumption of the Works from the call for bids to the signing of the contract and the start date for the works. The call for national competitive bidding process N/23 (IDB) for the Works (file EX2022-38192501-GDEPBA-DPTLMIYSPGP) was published on 21 April 2023. On 6 June 2023, the bids were opened and, as set forth in a public document, four bids were submitted. On 30 November 2023, the Works were awarded to Fontana Nicastro S.A. Construcciones (hereinafter, the “**Contractor**”), and the Works contract was signed on 13 December 2023 (record SEPA PSARR-490-LPN-O-). The start date of the contract is April 2024, and it will have an execution period of 400 calendar days.

As a result of the exchanges and considering the milestones mentioned, on 7 May 2024, the Parties reached the following agreement:

### **Agreement**

1. Execution of the Works: DIPAC agrees to perform the “Catonas IV South Sewer Expansion” works (reference EX2022-38192501-GDEBA-DPTLMIYSPGP and record SEPA PSARR-490-LPN-O-) in Moreno District, in the framework of IDB loan 3256/OC-AR “Reconquista River Environmental Sanitation Program.” Annex I contains the work plan agreed to by DIPAC and the Contractor, representing the planned starting point for implementation of the Works. The work plan may be adjusted, depending on the progress of the Works.
2. Broken sidewalks and pavement: DIPAC, in compliance with the provisions of the specific technical specifications in the bid documents, agrees to ensure that the Contractor repairs the sidewalks and pavement impacted by the execution of the Works, in accordance with the contract signed with the Contractor. The contract does not include the repair of sidewalks and pavement impacted previously by MAKO S.A.C.I.F.I.A y C., or by other persons or agencies, that were not impacted within the framework of the Works contracted with Fontana Nicastro S.A. Construcciones. The Works contract includes the repair of sidewalks and pavement that the Contractor breaks as part of the Works.
3. Household connections: DIPAC agrees to ensure that the Contractor performs the installation of the household connections included in the Works contract and those that are necessary and located in the area of the Project plan included in Annex II of this Agreement.
4. Access to information: The subexecuting agency, DIPAC, COMIREC, and IDB Management agree to send the MICI quarterly updates on the status and progress of the Works. The MICI will share the information received with the Group of Requesters. In the event that the subexecuting agency and/or IDB Management determine that any type of delay could arise in the execution of the Works, they will inform the MICI





thereof and indicate the new deadline. The MICI will share the information with the Group of Requesters in a timely manner.

5. Monitoring of agreements: If there is no objection by the IDB Board of Executive Directors, the MICI will monitor compliance with this agreement during the period of execution of the Works. In no case will the period of monitoring by the MICI exceed five years as of the date this Agreement is signed. In line with the provisions of the MICI-IDB Policy and the Guidelines for the Consultation Phase, in order to perform the monitoring, the MICI will communicate periodically with the Parties in order to determine the status and progress of the Works, and will call monitoring meetings with the Parties when it deems such action necessary.

Signed on 7 May 2024 by:

[Signatures]

## ANNEX I – WORK PLAN FOR THE WORKS

		% Avance físico de cada ítem													
Item	Descripción	MESES													
		abr-24	may-24	jun-24	jul-24	ago-24	sep-24	oct-24	nov-24	dic-24	ene-25	feb-25	mar-25	abr-25	may-25
1	PROYECTO EJECUTIVO	10.00%	40.00%	40.00%	10.00%										
2	PLAN DE GESTIÓN AMBIENTAL Y SOCIAL	0.26%	1.03%	2.77%	2.38%	2.89%	5.03%	6.11%	7.56%	10.39%	8.84%	15.36%	17.56%	15.37%	4.15%
3	EXCAVACIÓN Y RELLENO PARA INSTALACION DE CANERÍAS														
3.1	Excavación para cañerías DN 200 mm			5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	13.00%	20.00%	20.00%	5.00%
3.2	Excavación para cañerías mayor o igual DN 250 mm					5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	25.00%	25.00%	15.00%	5.00%
4	PROVISIÓN Y COLOCACION DE CANERÍAS														
4.1	Cañería PVC Cloacal DN 200 mm Clase 6			4.00%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.00%	11.00%	20.00%	20.00%	5.00%
4.2	Cañería PVC Cloacal DN 315 mm Clase 6								15.00%	20.00%	15.00%	15.00%	20.00%	10.00%	5.00%
4.3	Cañería PVC Cloacal DN 315 mm Clase 10								10.00%	10.00%	10.00%	30.00%	25.00%	10.00%	5.00%
4.4	Cañería PVC Cloacal DN 355 mm Clase 6					6.00%	12.00%	12.00%	15.00%	15.00%	10.00%	15.00%	10.00%		5.00%
4.5	Cañería PVC Cloacal DN 355 mm Clase 10									15.00%	15.00%	25.00%	40.00%		5.00%
4.6	Cañería PEAD PN 10 DN 400 mm												100.00%		
4.7	Cañería Fundición Ductil diámetro interno 500 mm							5.00%	10.00%	12.50%	12.50%	12.50%	12.50%	30.00%	5.00%
5	CONEXIONES DOMICILIARIAS DE CLOACA														
5.1	Conexiones domiciliarias de cloaca cortas			5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	15.00%	20.00%	20.00%	5.00%
5.2	Conexiones domiciliarias de cloaca largas			5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	15.00%	20.00%	20.00%	5.00%
6	BOCAS DE REGISTRO														
6.1	Bocas de registro standard			3.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	12.00%	22.50%	22.50%	5.00%
7	BAV														
7.1	Bocas de acceso y ventilación			3.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	12.00%	22.50%	22.50%	5.00%
7.2	Bocas de acceso y ventilación a reemplazar			3.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	12.00%	22.50%	22.50%	5.00%
8	LEVANTAMIENTO Y REPARACION DE VEREDAS Y PAVIMENTOS														
8.1	Levantamiento y reparación de veredas			3.00%	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%	14.00%	20.00%	30.00%	5.00%
8.2	Levantamiento y reparación de pavimentos					3.00%	6.00%	6.00%	7.00%	8.00%	15.00%	20.00%	20.00%	10.00%	5.00%
9	CRUCE DE INTERFERENCIAS														
9.1	Cruce Autopista Acceso Oeste						10.00%	15.00%	15.00%	40.00%	20.00%				
9.2	Cruces Colectoras Acceso Oeste							5.00%	25.00%	25.00%	20.00%	25.00%			
9.3	Cruces Pluviales						15.00%	15.00%			10.00%	20.00%	20.00%	15.00%	5.00%
10	EMPALMES														
10.1	Empalmes a boca de registro sobre colector					5.00%	5.00%	5.00%	5.00%	5.00%	10.00%	15.00%	20.00%	25.00%	5.00%
11	PRUEBAS HIDRAULICAS DE CANERÍAS DE CLOACA											20.00%	40.00%	30.00%	10.00%
12	PRUEBAS DE ESCURRIMIENTO Y FUNCIONAMIENTO											20.00%	40.00%	30.00%	10.00%
13	HONORARIOS PROFESIONALES POR REPRESENTACION TECNICA	0.26%	1.03%	2.77%	2.38%	2.89%	5.03%	6.11%	7.56%	10.39%	8.84%	15.36%	17.56%	15.37%	4.15%

**ANNEX II – PLAN FOR THE PROJECT “BRANCH SEWER SYSTEMS IN MORENO: CATONAS IV SOUTH”**



## Monitoring Plan and Preliminary Timeline

Monitoring Plan			
Monitoring commitment	Responsible party	Fulfillment status	
		Fulfilled	Pending
1. Communication on the physical startup of the Works	DIPPRPSE and DIPAC		
2. Communication on the delivery of the completed Works	DIPPRPSE and DIPAC		
3. Performance of at least four (4) quarterly updates on the status and progress of the Works for the knowledge of the Group of Requesters	DIPPRPSE and IDB Management		
4. Publication of at least one monitoring report	MICI		

[illegible]