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MICI-BID- AR-2019-0144
ASSESSMENT AND CONSULTATION PHASE REPORT

**PRODUCTIVE AND TOURISM INFRASTRUCTURE PROGRAM FOR THE PROVINCE
OF RÍO NEGRO**

(AR-L1106)
(2491/OC-AR)

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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.

NOTE TO THE BOARD OF EXECUTIVE DIRECTORS

Under the MICI Policy (document MI-47-6), the Consultation Phase has three consecutive stages: Assessment, Consultation Phase, and Monitoring.

The MICI conducted an eligibility mission from 22 to 26 April 2019 and declared the Request eligible on 6 May 2019. Considering the extensive exchange by the Parties prior to and during the eligibility process, and the stated willingness of all stakeholders to find a solution expeditiously through dialogue, on this occasion the MICI proposed an intensive, time-bound methodology by which it would perform the Assessment stage and Consultation Phase process together.

Based on that procedural decision, this report covers issues related to the assessment of prior conditions that would normally be presented for information in the Assessment Report and focuses primarily on describing the Consultation Phase, the agreements reached, and the next steps in the process, as prescribed for the Consultation Phase Report submitted to the Board of Executive Directors via the short procedure.

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ABBREVIATIONS

| | |
|-----------------|---|
| ESMR | Environmental and social management report |
| Harm | Any direct, material damage or loss. The harm may be actual or reasonably likely to occur in the future. |
| IDB Group | The IDB Group comprises the Inter-American Development Bank, the Inter-American Investment Corporation, and the Multilateral Investment Fund. |
| Management | The IDB Group manager or managers in charge of the relevant Bank-financed operation or any delegate thereof |
| MICI | Independent Consultation and Investigation Mechanism |
| Parties | The Requesters, Management, the Borrower, the Client, and/or Executing Agency, if applicable |
| MICI-IDB Policy | Policy approved by the Board of Executive Directors of the Inter-American Development Bank in December 2014 and revised in December 2015. It governs the work of the MICI regarding Requests related to operations financed by the Inter-American Development Bank or the Multilateral Investment Fund (document MI-47-6) |
| Program | Productive and Tourism Infrastructure Program for the Province of Río Negro |
| Request | A communication submitted by the Requesters or their representative that alleges that they have suffered or may suffer harm due to the failure of the Group to comply with one or more of its Relevant Operational Policies within the context of the Operation |
| ToR | Terms of reference |
| UPCEFE | Unidad Provincial de Coordinación y Ejecución del Financiamiento Externo [Provincial Unit for External Financing Coordination and Execution] Río Negro Province |

EXECUTIVE SUMMARY

The Productive and Tourism Infrastructure Program for the Province of Río Negro (loan AR-L1106) is being financed by the Inter-American Development Bank (IDB) **under a specific investment loan operation** for a total amount of US\$30 million, with a local counterpart contribution of US\$7.5 million, and the Argentine Republic acting as guarantor. The borrower is the Province of Río Negro, Argentina, and the executing agency is its Provincial Unit for External Financing Coordination and Execution (UPCEFE). The operation was approved by the Board of Executive Directors on 14 December 2010 and is now in execution. The program's objective is to support the Province of Río Negro in strengthening and consolidating its fruit and vegetable production and tourism clusters, enabling them to maintain and enhance their competitiveness in the domestic and international markets. The activities under Subcomponent 3, in relation to which the complaint submitted to the Independent Consultation and Investigation Mechanism (MICI) has arisen, are intended to improve the quality of urban infrastructure in the downtown areas of the cities of San Carlos de Bariloche and Viedma, for both tourists and local residents. Specifically, this subcomponent is financing the redevelopment and pedestrianization of Mitre Street in the city of San Carlos de Bariloche.

On 28 February 2019, the MICI received a Request from 287 street-fronting businesses and retailers,¹ including both owners and tenants of premises on Mitre Street. The Requesters alleged that they have suffered or may suffer harm due to the Bank's failure to comply with its Operational Policies, primarily Operational Policies OP-703 and OP-102. Specifically, the Requesters stated that they have suffered significant economic impacts because the construction work, initially scheduled to last approximately eight months, has still not been completed more than three years later. During this period the sidewalk has been fenced off and the ongoing work has resulted in prolonged restrictions on pedestrian and vehicle access, affecting the area's tourism and commercial activities, on which the Requesters depend for their livelihoods. The Requesters also alleged that the current design differs from the original, and if implemented, it could cause a further drop in sales in the future, and even business closures. The Requesters also complained of a lack of access to information regarding the work, the execution timeline, and changes in vehicle and pedestrian traffic during construction.

The Request was registered on 7 March and declared eligible on 6 May. Starting in 2018, the Requesters and the Municipal Government of San Carlos de Bariloche held a number of meetings, both before the arrival of the MICI and during the Eligibility Stage, at which they discussed topics relating to the design of the works and the some of the issues mentioned in the Request filed with the MICI. Based on the above, together with the information gathered during the Eligibility Stage, in view of the scheduled timeline for the works, the MICI proposed implementing an intensive, time-bound methodology to conduct the dispute resolution process envisioned in the Consultation Phase. Accordingly, the Assessment Stage and the Consultation Phase Process stage were conducted together.

The MICI convened and facilitated two consecutive dialogue sessions, held on 23 and 24 May, in San Carlos de Bariloche, in which representatives of the Requesters, the IDB, the Provincial Unit for External Financing Coordination and Execution (UPCEFE), the Municipal Government of San Carlos de Bariloche, and the construction firm took part. These sessions were facilitated by Mr. Pablo Lumerman, member of the MICI's Roster of Experts in Facilitation, and were attended by

¹ The original Request was signed by 149 people. During the Eligibility Stage and at the start of the Consultation Phase process, the Requesters continued to collect signatures from the street-fronting businesses and retailers on Mitre Street for consideration in the MICI process.

the Consultation Phase Coordinator and a Case Officer. Consensus was reached with the Parties on the design of the process, including the agenda and order of business and the rules and participation arrangements to ensure effective use of time. The MICI maintained fluid contact with the Parties throughout the process, both by telephone and via bilateral face-to-face meetings.

On 24 May 2019, as the outcome of this intensive process, the Parties reached an Agreement establishing a series of measures aimed at addressing the issues described in the Request. These included specification of the width of the active roadway on Mitre Street at 5.70 to 6 meters, the location and length of passenger bays, financing of a study to design a mobility plan for downtown Bariloche, the planting of native trees along Mitre Street, and the performance of hydraulic tests to ensure the proper functioning of the storm drains and grates installed along the street. The Parties also agreed to the public dissemination of the technical information regarding the connections and discharges of the sewer system to the storm drains; the installation of storm drains; and the choice of lighting system, power, and color selected for Mitre Street.

On the basis of the Agreement reached, the Consultation Phase process stage is deemed complete. In accordance with paragraph 35 of the MICI-IDB Policy and at the request of the Parties, the MICI proposes to monitor the commitments made in the Agreement based on the plan and timeline submitted to the Board of Executive Directors of the IDB for consideration under the no objection procedure.

I. BACKGROUND

A. Geographic and social context

- 1.1 San Carlos de Bariloche (“Bariloche”) is a city on the south shore of Nahuel Huapi Lake, in the Province of Río Negro, southwestern Argentina. Covering an area of 22.03 square kilometers, the city stands in the foothills of the Andes. With a population of more than 112,000, it is the province’s most populous city and a major source of development and revenue.
- 1.2 Visited by about 600,000 people per year, Bariloche is considered the nation’s tourism capital. Accordingly, the city has developed economic activities specifically geared toward tourists, ranging from production of food products, such as chocolates, to apparel, decorative items, and sports equipment.

Figure 1.
Map of San Carlos de Bariloche



Source: Municipal government of San Carlos de Bariloche.

- 1.3 Mitre Street, located in the city center, is regarded as the main historical and tourist thoroughfare because it connects to the civic center and is also the most important road in terms of shops and services. Consequently, it sees heavy pedestrian and vehicle traffic.
- 1.4 Mitre Street is home to 416 retail businesses, which are important sources of direct employment for employees, as well as vendors of merchandise (producers of goods aimed exclusively at tourists) and service providers (security, cleaning, transportation, etc.). The redevelopment of Mitre Street thus seeks to consolidate the development of the economically active population associated with these commercial services.

B. The program and the Mitre Street redevelopment works²

- 1.5 The Productive and Tourism Infrastructure Program for the Province of Río Negro (loan AR-L1106) is financed by the IDB under a **specific investment loan**

² Information retrieved from the Bank’s website and from public documents on the operation. These documents are available in the links section.

operation for a total amount of US\$30 million, with a local counterpart contribution of US\$7.5 million, and the Argentine Republic acting as guarantor. The borrower is the Province of Río Negro, Argentina, and the executing agency is its Provincial Unit for External Financing Coordination and Execution (UPCEFE). The operation was approved by the Board of Executive Directors on 14 December 2010 and is now in execution.

- 1.6 The program's objective is to support the Province of Río Negro in strengthening and consolidating its fruit and vegetable production and tourism clusters, enabling them to maintain and enhance their competitiveness in the domestic and international markets. Specifically, the program has activities in several different parts of the province, including: (i) expanding port services; (ii) extending the supply of medical services; (iii) improving urban tourism offerings; and (iv) drawing up an investment plan for tourist center infrastructure and mobility.
- 1.7 Component 1, "Productive and tourism infrastructure," includes a subcomponent 3 seeking to improve the quality of urban infrastructure in the downtown areas of Bariloche and Viedma both for tourists and for the local population. In particular, in Bariloche, this subcomponent finances the redevelopment and pedestrianization of Mitre Street.
- 1.8 The disputes arising over the situation along this street relate to: the lack of comfortable, quality public spaces, especially for pedestrians; uneven paving and sidewalks with abrupt changes in grade; street furniture in disarray; conspicuous visual pollution; and spaces crowded by parked vehicles and traffic. The proposal in response to these problems was to create a friendlier and more inviting public space, emphasizing aesthetic attractiveness and combining pedestrian and vehicle use in a new, less antagonistic and more flexible relationship. The direct program beneficiaries would be the tourists visiting the city (visitors), as well as the local population (residents). The indirect beneficiaries would be the businesses along the street (street-front businesses and retailers).
- 1.9 The work originally included nine blocks along Mitre Street. It was expected to last eight months from the start of construction with possible extensions due to periods of municipal restrictions during the winter season. This project redefines the vehicle-pedestrian relationship under a pedestrian-prioritized "street for living" model to create better-quality spaces for public use by: (i) widening sidewalks; (ii) eliminating changes in grade; and (iii) redistributing parking and discouraging high-speed vehicle traffic.
- 1.10 Lastly, the special conditions precedent to disbursements for component 1 included: (a) evidence that a program participation agreement had been signed between the Province of Río Negro and the Municipio of San Carlos de Bariloche in compliance with program objectives; (b) evidence that the relevant agreements had been signed between the municipal government of San Carlos de Bariloche and the Consorcio de Comerciantes Frentistas [Consortium of Street-fronting Businesses]; (c) evidence that an agreement had been signed between the municipal government of San Carlos de Bariloche and the relevant utility companies; and (d) evidence that an administrative measure had been adopted in compliance with municipal urban impact regulations.

- 1.11 At the time of approval, the original program was classified as a category “B” operation, and the relevant operational policies were identified as the Environment and Safeguards Compliance Policy (Operational Policy OP-703) and the Access to Information Policy (Operational Policy OP-102).
- 1.12 According to the Bank’s systems, 71.47% of the program resources have been disbursed as of the date of this report.

C. The Request³

- 1.13 On 28 February 2019, the Independent Consultation and Investigation Mechanism (MICI) received a Request regarding the program from 287⁴ street-fronting⁵ businesses and retailers (both owners and renters) on Mitre Street. The Request is available for consultation in the MICI Public Registry under case file [MICI-IDB-AR-2019-0144](#).
- 1.14 The Request relates to the redevelopment of Mitre Street as part of the program, alleging that the Requesters have suffered or may suffer harm due to the Bank’s failure to comply with its Relevant Operational Policies, primarily Operational Policies OP-703 and OP-102. Specifically, the Requesters alleged that they have suffered significant economic impacts due to the fact that the construction work, initially scheduled to begin in 2016 and last approximately eight months, has not been completed more than three years later (six peak tourist seasons). In terms of potential future harm, the Requesters fear that sales will decline even more, and businesses will even close, since they allege that Mitre Street would become essentially a pedestrian zone in a significant departure from the originally envisaged shared-space model.
- 1.15 The Requesters stated that the delay was caused by two circumstances: abandonment of the construction work by the original contractor in July 2017 due to a financial problem, necessitating a new bidding process; and the poor technical quality of the work done by the original contractor prior to its exit, forcing the new contractor to rebuild several already completed works.
- 1.16 The fencing along the sidewalks has remained in place during construction, and the ongoing work has restricted pedestrian and vehicle access for long periods, affecting tourism and commercial activities in the area, which are the source of livelihood for the Requesters. The Requesters noted that, faced with a decline in sales, they have been forced to resort to various actions to stay in business, including dismissing employees, incurring private debt to cover costs, and in some cases partially or fully closing their locales.
- 1.17 With regard to potential harm, the Requesters stated that, in May 2015, the owners of street-fronting and other businesses were informed of the original design by the governor of the province and agreed to it.⁶ However, according to the Request, that

³ The Request and Annexes are available in the links section of this document.

⁴ The original Request was signed by 149 people. During the Eligibility Stage and at the start of the Consultation Phase Process, the Requesters continued to collect signatures from street-fronting businesses and other retailers on Mitre Street for consideration in the MICI process.

⁵ Street-fronting businesses are those directly abutting Mitre Street.

⁶ The video of the original proposal presented at the time is available in the links section of this document.

design was changed, without prior consultation, to address construction shortcomings.

- 1.18 On this point they stated that, if the new design is kept over the one originally envisaged, their businesses would be permanently affected, since the new design limits traffic to a single lane, reduces parking availability, prevents emergency vehicle access, envisions inadequate street furniture and lighting and insufficient storm drainage, and creates an uneven paved surface, increasing the risk of flooding, among other factors.
- 1.19 Throughout their Request, the Requesters alleged a constant lack of access to information regarding the work, the execution time frame, and changes in vehicle and pedestrian traffic during construction.
- 1.20 Lastly, the Requesters stated their interest in having the MICI process their Request through both the Consultation Phase and the Compliance Review Phase, if deemed eligible.

D. MICI process to date

- 1.21 Table 1 shows the main milestones in the MICI process from receipt of the Request to the date of issue of this report. Section II. B gives more details of the actions taken during the Consultation Phase.⁷

Table 1.
Timeline of the MICI process and main milestones to date

| Date | Actions |
|-------------|--|
| 2019 | |
| 28 February | Receipt of the Request. |
| 6 March | Phone call with the Requesters. |
| 7 March | Registration of the Request and notification of the Requesters and IDB Management. |
| 5 April | Receipt of Management's Response. |
| 22-26 April | Eligibility mission to the city of San Carlos de Bariloche to hold meetings with Requesters, the executing agency, and the municipal government, and to visit the project area. |
| 3 May | Meeting with project team. |
| 6 May | Eligibility Determination Memorandum issued, and Consultation Phase begun. |
| 23 May | First joint dialogue session with participation of Requesters, IDB, and UPCEFE, the municipal government of San Carlos de Bariloche, and the construction company, facilitated by the MICI. |
| 24 May | Second joint dialogue session with participation of Requesters, IDB, and UPCEFE, the municipal government of San Carlos de Bariloche, and the construction company, facilitated by the MICI. Signature of Agreement. |
| 21 June | Consultation Phase Report issued. |

Source: MICI

II. CONSULTATION PHASE

A. Policy Framework

- 2.1 The MICI Consultation Phase process is governed by the MICI Policy MI-47-6, approved on 16 December 2014. Section H of the Policy sets out the processes, stages, and time frames to be observed during processing of a case in the

⁷ For details on the eligibility phase, see the Eligibility Memorandum.

Consultation Phase. Also, the “Guidelines for the Consultation Phase” (document MI-74) describe the provisions of that section in detail.

- 2.2 The Consultation Phase comprises three sequential stages: Assessment,⁸ Consultation Phase Process, and Monitoring. The purpose of the Consultation Phase is to provide an opportunity, applying flexible, consensus-based approaches, for the Parties to address the concerns raised in the Request. It fosters an unbiased, equitable treatment of all Parties involved in the process. During the Consultation Phase, a variety of methods can be used depending on urgency, type of Harm alleged, corrective actions sought, and the likelihood that the process will have positive results. Among the methods for analysis and alternative dispute resolution to be used are 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 “Guidelines for the Consultation Phase,” paragraph 4.4).
 - 2.3 At the end of the Consultation Phase time frame, the MICI will prepare a Consultation Phase Report describing its outcome. If an agreement has been reached and is to be monitored, this report may include a monitoring plan.
 - 2.4 Among other things, the plan must determine whether monitoring of the agreements between the Parties will be direct or external, and what measures will be adopted to determine whether such agreements are being properly implemented. The duration of the monitoring plan will be in accordance with the agreements reached by the Parties but may not exceed five years from the date on which the agreement is signed. The plan will be considered by the Board of Executive Directors of the IDB.
- B. Timeline for the Consultation Phase process**
- 2.5 Paragraph 31 of the MICI-IDB Policy sets a maximum time limit of 12 calendar months for the Consultation Phase from the date of distribution of the assessment report to the Board of Executive Directors.
 - 2.6 The Consultation Phase process lasted one month, during which the following activities took place:

⁸ In this case, given the need to offer alternative solutions within a time frame compatible with the construction timeline, and before the winter season, the process skipped immediately to the Consultation Phase Process stage, thus combining the results of the Assessment and the Consultation Phase process in a single report.

Table 3.
Consultation Phase process – Main milestones and activities for Request MICI-BID-PE-2015-0094

| Date | Actions |
|-------------|---|
| 2018 | |
| 6 May | Start of Consultation Phase. |
| 7 May | Phone call with the Requesters. |
| 8 May | Phone call with the Requesters. |
| 8 May | Meeting with IDB project team. |
| 16 May | Phone call with municipal government of San Carlos de Bariloche. |
| 20 May | Preparatory bilateral meeting with the IDB project team. |
| 20 May | Preparatory bilateral meeting with the IDB project team and UPCEFE. |
| 21 May | Preparatory bilateral meeting with the Requesters. |
| 22 May | Preparatory bilateral meeting with the municipal government of San Carlos de Bariloche. |
| 23 May | First joint dialogue session attended by Requesters, IDB, and UPCEFE, the municipal government of San Carlos de Bariloche, and the construction company, facilitated by the MICI. |
| 24 May | Second joint dialogue session attended by Requesters, IDB, and UPCEFE, the municipal government of San Carlos de Bariloche, and the construction company, facilitated by the MICI. Signature of Agreement. |
| 21 June | Consultation Phase Report issued. |

Source: MICI

C. Methodology and actions taken during the Consultation Phase process

- 2.7 According to the MICI-IDB Policy and the Guidelines for the Consultation Phase, the Consultation Phase process is intended to be flexible, consensus-based, and tailored to the specific issues raised in the Request. The methodology used depends on the specific characteristics of each case and process.
- 2.8 **Context.** Implementation of the work planned for Mitre Street was scheduled to take approximately eight months, as initially stipulated in the bidding process when the contract was awarded to the company Planobra in 2015. However, this company abandoned the work in May 2017, resulting in a new bidding process. The company to which the contract was awarded declined to proceed with the project, such that the executing agency held another bidding process. On 22 August 2018, the contract was awarded to *InserSan SA*, which is currently performing the Mitre Street redevelopment work.
- 2.9 Together with other factors, the situation described above led to a delay with respect to the project execution timeline, which in turn impacted the Requesters, who were obliged to conduct their business during six peak tourism seasons with the road under construction. Against this backdrop, the municipal government of San Carlos de Bariloche extended the payment deadline for the health and safety inspection fee for March, April, and May 2019 for street-fronting businesses and retailers affected by the work, and a three-installment, interest-free payment plan or 15% discount for those paying the fee on time.
- 2.10 *InserSan SA* is currently performing the Mitre Street redevelopment work under enormous time pressure, as the objective is to complete the construction work as quickly as possible and within the time frame stipulated in the contract.

- 2.11 Since *Inersan SA* was awarded the contract for the work in 2018, the Requesters and the municipal government of San Carlos de Bariloche have had a number of exchanges and have held meetings both prior to the MICI's arrival and during the eligibility stage to discuss issues concerning the design of the work, including some of the issues presented in the Request to the MICI.
- 2.12 **Process design.** In view of the foregoing, in conjunction with the information gathered during the eligibility stage and the conversations with the Parties at the start of the Consultation Phase, the MICI proposed the implementation of an intensive, time-bound methodology to conduct the dispute resolution process. Accordingly, the Assessment Stage and the Consultation Phase Process stage were carried out together.
- 2.13 During the mission to Argentina in the week of 20 May, the MICI held bilateral, face-to-face meetings with the UPCEFE, the Requesters, and the municipal government of San Carlos de Bariloche. Prior to the mission, the MICI remained in constant contact with the Parties by telephone. The purpose of these efforts was to determine the Parties' viewpoints ahead of the dialogue sessions, decide on the agenda items and the order of business, and the working dynamics of the sessions.
- 2.14 In order to guarantee the effective participation of the Parties, arrangements were agreed for the representatives taking part in each of the dialogue sessions. The Requesters would therefore be represented by six people, the UPCEFE by three officials, and the IDB by four representatives, while the municipal government would participate with three officials. A representative of *Inersan SA* was also included.
- 2.15 It should be noted that the MICI Policy establishes that the Parties are the Requesters, Management, the borrower, the client and/or the executing agency, if applicable. The Consultation Phase Guidelines complement the foregoing by stating that "MICI officials may propose to bring in relevant third actors that, without having a primary interest in the dispute or conflict that generated the Request, may play a constructive role in resolving it" (paragraph 4.21). This allowed the municipal government of San Carlos de Bariloche to be included in the Consultation Phase process as a direct interlocutor of the Requesters, along with the current technical supervisors of the work, DITO, and the company *Inersan SA* as the party responsible for executing the work.
- 2.16 In terms of the physical location, the Parties agreed to hold the dialogue sessions in a neutral venue providing the facilities necessary for an effective results-based exchange. The MICI proposed a hotel away from the Project zone, which was accepted by the Parties.
- 2.17 The MICI was responsible for convening and leading the dialogue sessions. These sessions were facilitated by Pablo Lumerman, a member of the MICI's Roster of Experts, and attended by two MICI officials (Consultation Phase coordinator and Case Officer) during the dialogue sessions. The facilitator advised on methodology during the process and performed facilitation tasks during the dialogue sessions. The MICI staff designed the process, organized the bilateral meetings with the Parties, and represented MICI during the dialogue sessions.
- 2.18 **Dialogue sessions.** The MICI convened and facilitated two dialogue sessions, held on 23 and 24 May in the city of San Carlos de Bariloche. The issues relating to the main concerns raised by the Requesters regarding the current design of the work

were addressed at these sessions, including: the width of the street, the reduction in the available parking, the location and availability of loading/unloading bays, accessibility of Mitre Street for persons with disabilities, the availability of adequate storm drains to minimize the risk of flooding, the burying of cables, planned location of lighting on Mitre Street, works relating to sewers, the urban trees and other greenery to be planted on the street, and the disposal of waste from large operations.

- 2.19 During the first session, the Parties reached agreements concerning the width of Mitre Street, the distribution and size of the bays for passenger access, and matters relating to parking, and accessibility for persons with disabilities. The Parties also reached a consensus on matters concerning the installation, testing, and maintenance of storm drains and grates. At this session the Parties were informed about work to bury cables, and the process of selecting and installing lighting in Mitre Street.
- 2.20 The second session addressed issues concerning the urban trees and plants, the disposal of solid waste from large operations, and the situation with respect to the connections and sewer discharges on Mitre Street. The social situation of street-fronting businesses and retailers resulting from the work and its duration was also addressed, along with the economic losses suffered and the measures taken to tackle these problems. Finally, the Parties signed the Agreement and agreed that it should be made public.

D. Results of the Consultation Phase

- 2.21 During the dispute resolution process, the MICI sought to create a safe space in which to air the concerns raised in the Request through dialogue. To do so, the MICI sought to establish threshold levels of trust between the Parties so that information could be shared, and different options weighed, to address the issues raised. Some of the matters of dispute mentioned in the Request had already been addressed in prior conversations between the municipal government of San Carlos de Bariloche and the Requesters, and some partial agreements had been reached.
- 2.22 The agreement reached contains a series of commitments, mainly associated with implementation of the work and disclosure of information.
- 2.23 **Implementation of the work.** The Parties agreed that the traffic lane on Mitre Street would be between 5.70 and 6 meters wide, depending on the specific characteristics of each block. It was agreed that there would be no on-street parking between numbers 0 and 699. However, disabled parking would remain available on side streets perpendicular to Mitre Street. The Parties also agreed on the length and location of passenger bays in blocks 500 and 600 of Mitre Street.
- 2.24 A study will be conducted for the design of a mobility plan for downtown Bariloche, exploring alternatives to increase available parking, promote walkability, and determine the number and siting of speed reduction measures, etc. The IDB committed to finance the study for the design of this plan using resources from the program currently in execution.
- 2.25 The Parties also agreed on the number and type of trees to be planted along Mitre Street. It was agreed that the 27 trees would be of a single species, either lenga beech (*Nothofagus pumilio*) or Antarctic beech (*Nothofagus antarctica*).

- 2.26 Regarding the proper functioning of the storm drains installed along Mitre Street, it was noted that their maintenance was a responsibility shared by street-fronting businesses and retailers, as well as municipal services personnel. It was also noted that a hydraulic test would be performed to evaluate the functioning of the storm drains.
- 2.27 **Information disclosure.** The Parties agreed to share a set of documents and reports prepared during the project. These documents include hydraulic studies on the location of grates and storm drains, the results of the hydraulic test to evaluate the functioning of the storm drains, and the studies used to select the lighting type, power, and color for Mitre Street.
- 2.28 Regarding the situation of the connections and discharges to the sewer system, the Parties agreed to share the original 2015 bidding process for the Mitre Street redevelopment and a report on the status of the connections and discharges from the sewer system to the storm drainage in Mitre Street.
- 2.29 The executing agency provided information on the tax benefits and other instruments available to Mitre Street retailers affected by the works. The UPCEFE also committed itself to transmitting to the Ministry of the Economy of the Río Negro Province a series of requests made by the Requesters to mitigate the social and economic situation of street-fronting businesses and retailers.

III. NEXT STEPS

A. Monitoring

- 3.1 The Parties have asked the MICI to monitor the agreements reached. Accordingly, the Parties agreed to set up a monitoring committee representing the IDB, the UPCEFE, the municipal government of San Carlos de Bariloche, the construction company, and the Requesters. At its face-to-face meetings, the monitoring committee will be facilitated by a member of the MICI's Roster of Experts.
- 3.2 The MICI's role in the monitoring phase is to maintain trust between the Parties, monitor compliance with the agreements, and support their execution. To this end, the MICI may perform a series of activities, including: convening and facilitating working meetings between the Parties to implement the agreements; ongoing monitoring through face-to-face meetings, by telephone, email, and videoconference; and at least one mission during the Monitoring stage.
- 3.3 Under paragraph 35 of the MICI-IDB Policy, progress will be reported directly to the Board of Executive Directors of the IDB through annual monitoring reports. The number of annual reports will depend on the implementation timeline for the commitments reached. Once implementation has concluded, the MICI will consider monitoring completed and proceed to close the case.
- 3.4 The MICI team will maintain fluid and open contact on matters relating to the processing of the case with the Parties, the Board of Executive Directors, and other project stakeholders.

B. Projected monitoring timeline

- 3.5 Annex II of this document contains a proposed plan and timeline for monitoring the commitments reached.

- 3.6 Under Paragraph 35 of the MICI policy, the Board of Executive Directors will consider the monitoring plan and timeline via the no objection procedure. The MICI will commence monitoring activities if there is no objection from the Board of Executive Directors to responsibility for such activities residing with the MICI.

C. Projected resources for the monitoring activities

- 3.7 The Consultation Phase team will need to conduct at least one monitoring mission to Argentina to assess progress on compliance with the agreements. This mission will involve joint sessions and the support of the facilitator who moderated the dialogue sessions during the Consultation Phase. A photographic record of progress will be produced.

**Consultation Phase – MICI-BID-AR-2019-0144 – Productive and Tourism
Infrastructure Program for the Province of Río Negro**

Agreement on the redevelopment of Mitre Street

Background

On 28 February 2019, the MICI received a Request concerning the Productive and Tourism Infrastructure Program for the Province of Río Negro from 287 street-fronting businesses and retailers,¹ including both owners and tenants of premises on Mitre Street. The Request alleged that noncompliance with the Bank's Operational Policies, primarily OP-703 and OP-702, is causing the Requesters actual and potential harm. Specifically, the Requesters stated that they have suffered significant economic impacts caused by delays in construction work, which was initially scheduled to last approximately eight months, but has still not been completed more than three years later. During the work the sidewalk has been fenced off and the ongoing work has resulted in prolonged restrictions on pedestrian and vehicle access, affecting the area's tourism and commercial activities, on which the Requesters depend for their livelihoods. The Requesters also alleged that the original project design has been changed, and that, going forward, these alterations could cause a further drop in sales and even business closures. The Requesters also complained of a lack of access to information regarding the work, the execution timeline, and changes in vehicle and pedestrian traffic patterns during construction.

During the Eligibility Stage, the MICI conducted a mission to get a better understanding of the allegations set out in the Request and the planned redevelopment work in Mitre Street. During the mission, the MICI held meetings with the Requesters and the municipal government of San Carlos de Bariloche, among others. There were also telephone conversations with IDB Management. On 6 May 2019, the MICI issued an Eligibility Memorandum declaring the Request eligible and initiating the Consultation Phase.

In view of the information gathered during the eligibility stage and the conversations with the Parties at the start of the Consultation Phase, the MICI proposed the implementation of an intensive, time-bound methodology to develop the dispute resolution process. Accordingly, the Assessment Stage and the Consultation Phase Process stage were conducted together.

As part of the Consultation Phase, the MICI conducted a mission to Argentina from 20 to 25 May 2019, during which bilateral meetings were held with the Parties in the city of Buenos Aires and in San Carlos de Bariloche. These meetings made it possible to determine the Parties' willingness to find a solution to the problems identified in the Request through consensus and to ascertain some of the methodological preferences for the Consultation Phase process.

On 23 and 24 May, two dialogue sessions were held in the city of San Carlos de Bariloche, attended by representatives of the Requesters, the Provincial Unit for External Financing Coordination and Execution (UPCEFE), IDB Management, the municipal government of San Carlos de Bariloche, and the construction company. These sessions were facilitated by a member of the MICI's Roster of Experts.

Topics associated with the main concerns raised by the Requesters regarding the current design of the work were addressed at these dialogue sessions, including the width of the

¹ The original Request was signed by 149 people. During the Eligibility Stage and at the start of the Consultation Phase process, the Requesters continued to collect signatures from the operators of street-fronting and other businesses on Mitre Street to represent them in the MICI process.

street, the reduction in the available parking, the location and availability of loading/unloading bays, accessibility of Mitre Street for persons with disabilities, the availability of adequate storm drains to minimize the risk of flooding, the burying of cables, planned location of lighting on Mitre Street, works relating to sewers, the urban trees, and other greenery to be planted on the street, and the disposal of waste from large establishments.

Agreement

Liliana Cabrera, Ingrid Marinozi, Sebastián Conesa, Norma Miranda, and Martín Odriozola, representing the Requesters who have signed this Agreement, Karina Angeletti, Executive Director of the Provincial Unit for External Financing Coordination and Execution (UPCEFE) and Sebastián Rocha, consultant at UPCEFE, Juan Manuel Leño and Serge Troch, staff members of the Inter-American Development Bank, and Marcos Barberis, Chief of Staff at the municipal government of San Carlos de Bariloche, hereby agree:

Mitre Street

1.A) *Width of the roadway.* The traffic lane on Mitre Street will be between 5.70 and 6 meters wide, depending on the specific characteristics of each block.

1.B) *Parking and bays.* To promote semi-pedestrianization, there will be no parking on Mitre Street between 0 and 699. To ensure parking is available for persons with disabilities, all the side streets perpendicular to Mitre Street up to number 699 will retain the space currently reserved for disabled parking.

To improve mobility in the downtown zone, the IDB will finance a study for the design of a downtown mobility plan, drawing on resources from the current program in execution. The study will weigh options to promote walkability, increase available parking, improve accessibility for persons with disabilities, assess wheeled traffic stoppage times, and determine the number and siting of speed reduction measures, etc. The terms of reference of the study will include public information and consultation activities, and the Requesters of this MICI case will be taken into account in these activities. As the study is due to be completed this year, the UPCEFE will send the terms of reference to the IDB for its no objection within 10 business days.

A 50-meter-long bay will be constructed along the south sidewalk of block 500 of Mitre Street, while there will be three different bays on 600 Mitre Street: two 12.5-meter bays—one on each side of the street—and a third 25-meter bay along the south sidewalk. These bays will be for picking up and dropping off passengers. The IDB has indicated that this additional expense is eligible for inclusion in the program. This would imply a modification of the work, which would result in increased cost and a longer execution time.

In the case of loading and unloading by suppliers, it was noted that Ordinance 2920 prohibits access by dual-axle vehicles exceeding 5,000 kilograms. The municipal government informed the construction companies due to carry out the work on Mitre Street of the existence of this regulation. They were also informed that trucks and buses were allowed on the streets perpendicular to Mitre Street, and that these roads had been strengthened for this purpose where they crossed Mitre Street.

1.C) *Accessibility for persons with disabilities.* The provisions of national laws and regulations on this subject will be observed.

1.D) *Direction of traffic.* Based primarily on the results of the study cited in 1.B, once the redevelopment of Mitre Street has been completed, traffic flows will be restored to their original direction on those streets where they were changed during the work.

1.E) *Emergency access during the work.* The contractor will be required to unblock accesses to premises or establishments that are obstructed by the work. The contractor will also be required to install boards outside each of the premises or establishments to ensure access for health-care and emergency services.

Storm drains

2.A) The hydraulic and other studies on the zone prepared for the installation of storm drains and grates will be shared with the Requesters, through the Management Committee, within not more than 20 business days after the signature of this Agreement. It was specified that the cited studies were included in the bidding documents.

2.B) Once the work has been finished, a hydraulic test will be performed to evaluate whether the storm drains installed are functioning correctly. The results of this test will be shared with the Requesters, through the Monitoring Committee, and with the local community.

2.C) Continuous maintenance will be performed on the grates and storm drains. The maintenance and cleaning of the storm drains and grates is a responsibility shared by street-fronting businesses and retailers, as well as municipal services personnel. It was noted that there is a clause in the contract with the IDB envisaging the maintenance of the works for at least five years.

Burial of cables

3.A) The bidding documents envisioned the installation of conduits for buried cables. Under the regulations in force, all cabling in the public thoroughfare must be buried. It was noted that the municipal government of San Carlos de Bariloche had sent a notification to all communications, telephony, and Internet services providers to inform them of the obligation for any cables on Mitre Street to be buried.

It was noted that the contractor was in the process of burying the electricity lines.

3.B) It was highlighted that neighborhood associations should submit claims and orders to communications providers for them to bury cabling as planned and on schedule so as to minimize the risk of service outages.

Street lighting

4.A) The streetlights are located in the public space. It was noted that the awnings with problems concerning the location of the lighting units were infringing the public space and, consequently, needed to be relocated.

4.B) The decisions concerning the type of lighting unit, lighting power, and color were informed by technical studies and tests performed in the Mitre Street area in February 2017, in which neighbors and businesses took part. The choice was based on technical, urban planning, and economic factors.

The studies cited in 4.B will be shared with the Parties through the Management Committee, within not more than 15 business days after the signature of this Agreement.

Urban trees and greenery

5.A) The Public Tree Committee, the municipal government of San Carlos de Bariloche, and the Requesters will work together to define the details of the planters and the species to plant.

5.B) Following a proposal from the municipal government of San Carlos de Bariloche and the UPCEFE, the Requesters agreed with the representative of the Public Tree Committee that of the 30 trees, three would be maytens (*Maytenus boaria*), which would be planted on the corners, and 27 would be a native species, to be chosen from either lenga beech (*Nothofagus pumilio*) or Antarctic beech (*Nothofagus antarctica*). This decision would be *ad referendum* the consensus obtained by the Committee in conjunction with the Requesters and the municipal government. This consensus will be recorded in minutes, and the Parks and Gardens Department will send it to the Works Department and the UPCEFE within five days after signature of this Agreement. In order to comply with the Bank's Safeguards Policies, the species planted must not be invasive.

Sewers

6.A) It was noted that the 2015 bidding process did not include work affecting the sewers. The bidding documents will be shared with the Requesters, through the Monitoring Committee, within not more than 20 business days after the signature of this Agreement.

6.B) It was stated that work is currently in progress to change the water mains, taking advantage of the work ongoing along the street. It was pointed out that this work is not associated with the project and is not the responsibility of the municipal government of San Carlos de Bariloche.

6.C) The MICI process Requesters will ask the Chief of Staff at the municipal government of San Carlos de Bariloche in writing for a report on the status of the connections and discharges of the sewer system to the storm drainage system on Mitre Street, who will ask Cooperativa Eléctrica de Bariloche-Saneamiento for this report. The Requesters made the application in the week of 27 May, and once received, the municipal government has one week to forward the request.

The UPCEFE will share all the documentation available from Planobra and the works supervision by the firm Grimaux on the status of work involving the sewer system with the municipal government of San Carlos de Bariloche. This report will be sent to the Requesters through the Monitoring Committee within not more than 20 business days after the signature of this Agreement.

Disposal of solid waste from large premises

7.A) It was stated that large waste producers pay different fees, and the days and times for collection are agreed with them in advance.

7.B) It was stated that in approximately 45 days the new municipal solid waste collection system would be functioning. This will involve large 3,200-liter containers on the side streets perpendicular to Mitre Street.

Social situation of street-fronting businesses and shops

8.A) It was noted that Case 168,539, which gave rise to Resolution 386 by the Tax Collection Authority, extended the payment deadline for the second of five gross advance payments for retailers between 0 to 700 Mitre Street, including Pasaje de los Antiguos

Pobladores. Payers have until 20 September 2019 to sign up to pay in 24 installments.

8.B) The existence of a credit line of Arg\$500,000 granted through CREAR at a fixed rate of 15.3%, with a 12-month grace period, and a submission deadline of 24 May 2019, was noted.

8.C) The UPCEFE has committed itself to informing the Ministry of the Economy of the Province of Río Negro of the need for the following: (a) to extend the deadline for the credit line granted through CREAR; (b) to consider changes to the payment deadlines, amounts, and eligibility criteria in particular for tax debts so as to facilitate access to this credit line by street-fronting businesses; (c) to review the conditions described in Resolution 386 on the tax benefits for parties affected on Mitre Street; (d) to extend the scope of Resolution 386 to number 900 Mitre Street, and consider including the perpendicular side streets one block north and one block south of Mitre Street under this benefit.

Public disclosure of the Agreement

9.A) This Agreement is public and will be available in MICI's Public Registry.

9.B) On Monday, 27 May, the municipal government of San Carlos de Bariloche will agree on a press release with the Requesters to inform the general public about the agreements reached. This press release will be issued on 28 May.

Monitoring of the Agreement

10.A) If there is no objection from the Board of Executive Directors of the IDB, the MICI will collaborate with the Parties to monitor this Agreement. To this end, the MICI Consultation Phase personnel may interview the Parties by telephone, convene them to attend specific meetings in the event of disagreements, disputes, or growing dissatisfaction with the degree of compliance with the agreements, conduct field missions, and/or collaborate to build communication platforms using new information technologies to facilitate monitoring of the commitments.

10.B) A monitoring committee will be formed, comprising two representatives of the Requesters, one representative of the municipal government, one representative of the UPCEFE, one representative of the IDB, one representative of the company, and a MICI case officer to monitor the commitments set forth in this Agreement. This committee may hold online meetings and/or face-to-face meetings facilitated by a member of the MICI's Roster of Experts. The Parties will inform the MICI of the names of their representatives within five business days.

10.C) If completion of the work is delayed by climatic events or administrative or logistic barriers beyond the control of the Parties, the monitoring committee may hold meetings to agree on measures to mitigate the impact on commercial activities during the tourism season, such as temporarily suspending some or all of the work in progress.

In witness of the above, five (5) identical counterparts are hereby signed on the twenty-fourth day of May of two thousand and nineteen, in the city of San Carlos de Bariloche, Province of Río Negro:

[Multiple handwritten initials and signatures]

CONSORCIO CALLE MITRE 1° DE MARZO DE 2019

| ACLARACION | MAIL | TELEFONO | FIRMA |
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| Rosendo Lopez Alaniz | | | |
| Bomez Marco Antonio | | | |
| Orinul Roser | | | |
| Bomez J Carlos | | | |
| LLANOS Oscar A. | | | |
| Luis M SARMIENTO | | | |
| Romando LASAGA | | | |
| DISCOFONO CARLOS | | | |
| SPUNTON Ayelen | | | |
| FRET Oscar A. | | | |
| Hallblab Sofia | | | |
| CARO MANUELA | | | |
| MARINOZZI INGRID | | | |
| Falconi Carlos | | | |
| Comar Rodrigo | | | |
| Vilanova Genaro | | | |
| E. Peralta Bertha | | | |
| OSERA Paulomi | | | |
| Sebastian Comar | | | |
| Petrol Graciela | | | |
| DAEZ JORDA | | | |
| EDUARDO PARISE | | | |
| Mariamo de Miguel | | | |

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| ROBERTO LEO | | | |
| JORGÉ A. SIMONDI | | | |
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| MARTA de MIGUEL | | | |
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| Johny Telles | | | BT |
| Escudero Sandra | | | |
| Herrero Erika | | | |
| ALEXANDRO MARTIN CERMA | | | |
| CLAUDIA OLIVERA | | | |
| LIVIANA WEISS | | | |
| DAVID DARIO | | | |
| Paula Jeco | | | |
| Gonzalez Vilda Maria | | | |
| ALDO PENOCUO | | | |
| FRANCISCO CORDENAS | | | |
| C. SOLEDAD OLIVERA | | | |
| MARTIN V. ENRIQUETA | | | |
| WILSON FELICIANO | | | |
| RODRIGO MARIA VICTORIA | | | |
| COURTNEY JUAN M. | | | |
| WALTER ARNEJO | | | |
| MARCOS RUBEN | | | |
| Jorge filippini | | | |
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| NE EUGENIA KOSZTAKI | | | |
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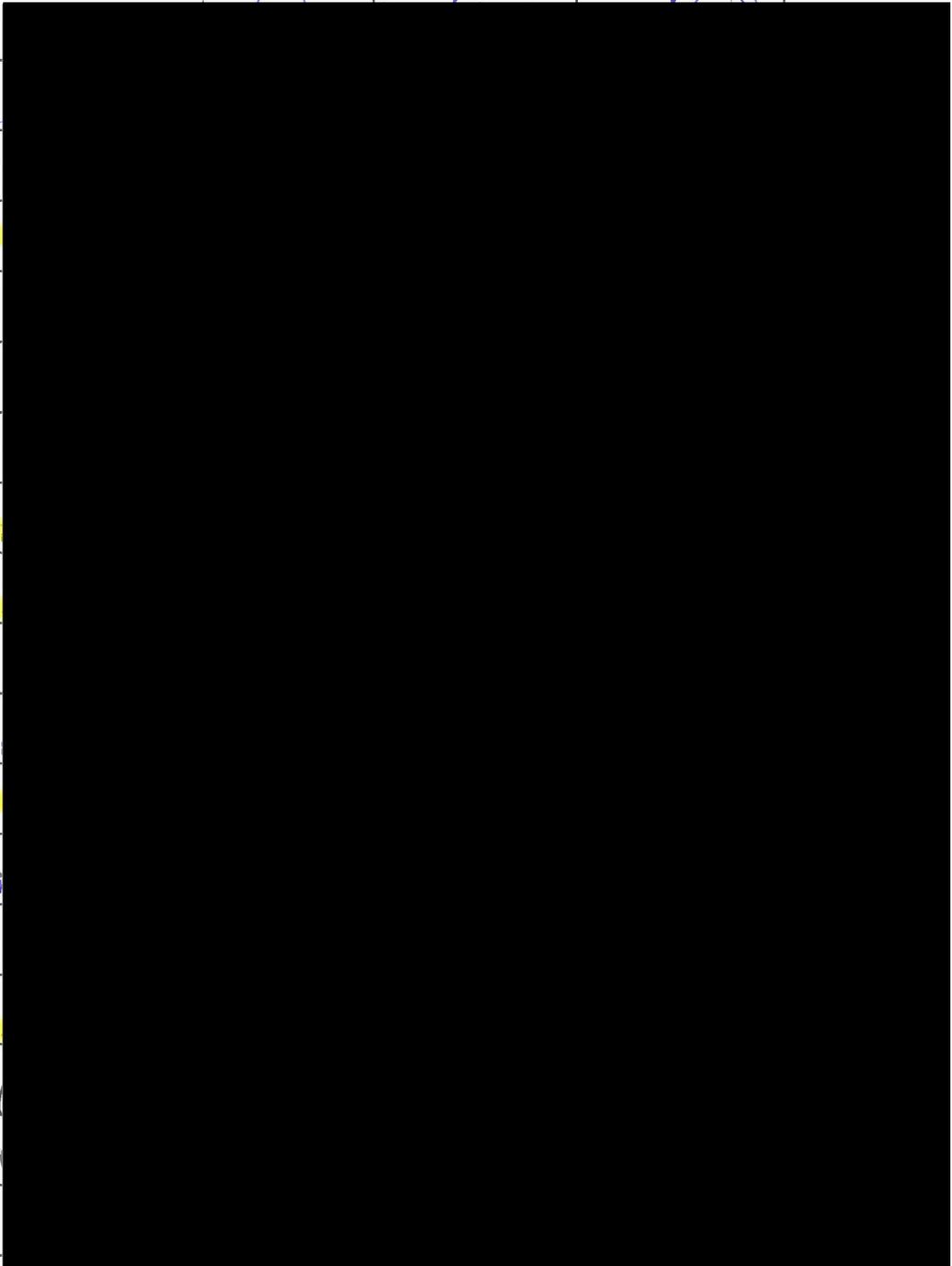
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| Verónica Poggioreale | | | |
| Flor de Ripull | | | |
| ANN TAVINNO | | | |
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| DE RONDE CHAIS | | | |
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| Ana Uersano | | | |
| Sofía TERA | | | |
| Francisco Echegaray | | | |
| Alexia Chamba | | | |
| RAFAEL QUAR | | | |
| TERAN FERNANDO | | | |
| Mireidas Giacchi | | | |
| ESTOFAN SERGIO | | | |
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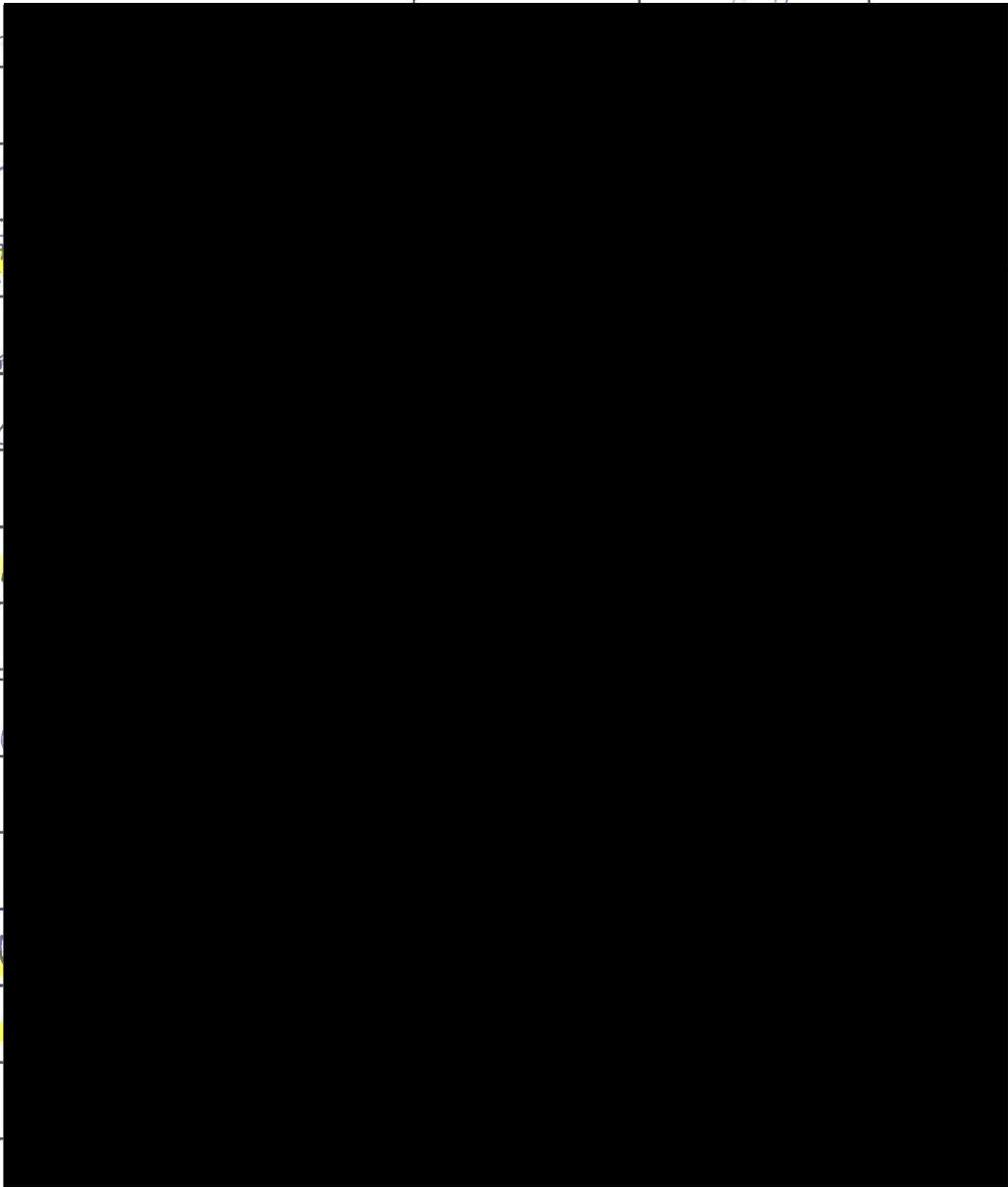
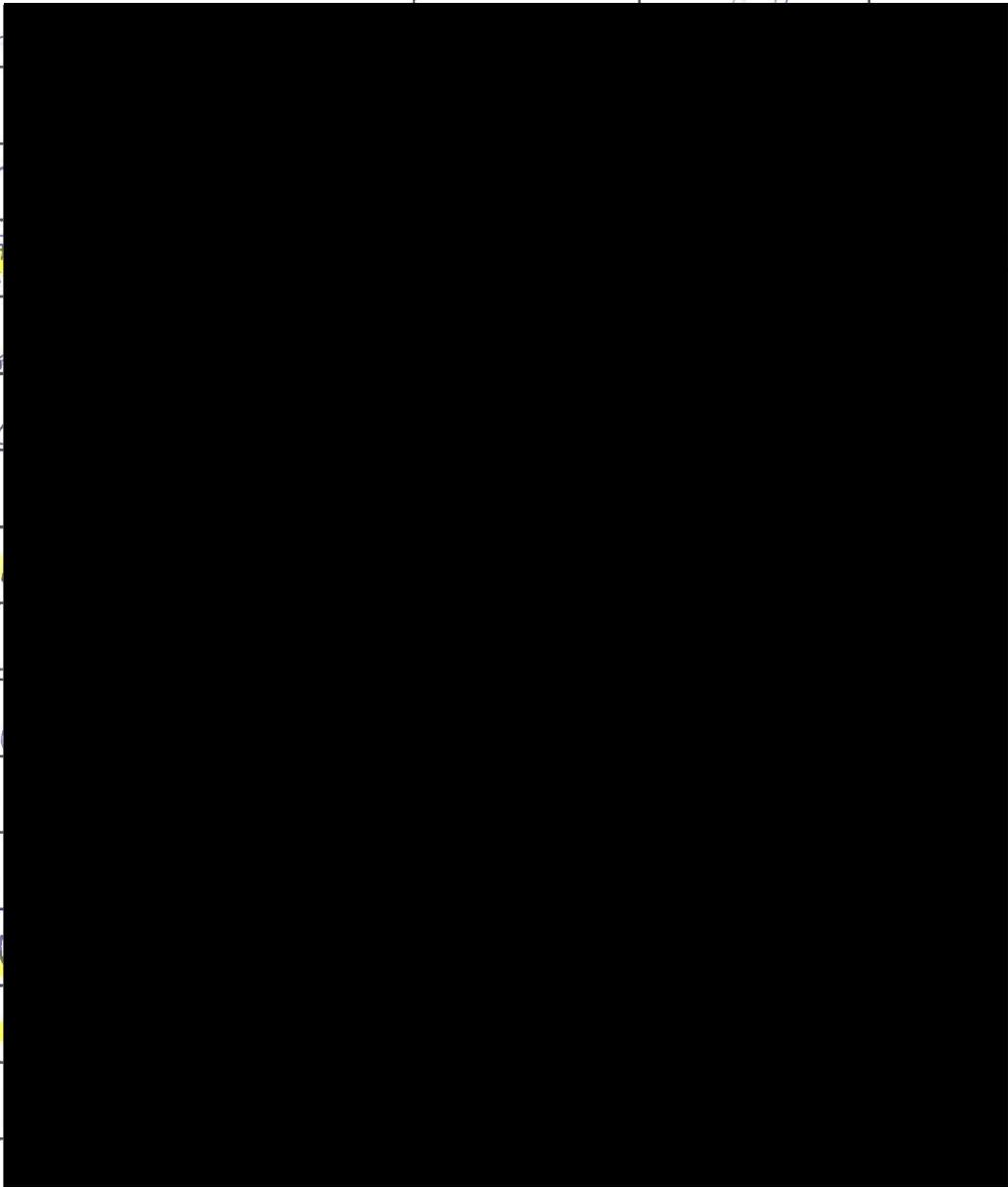
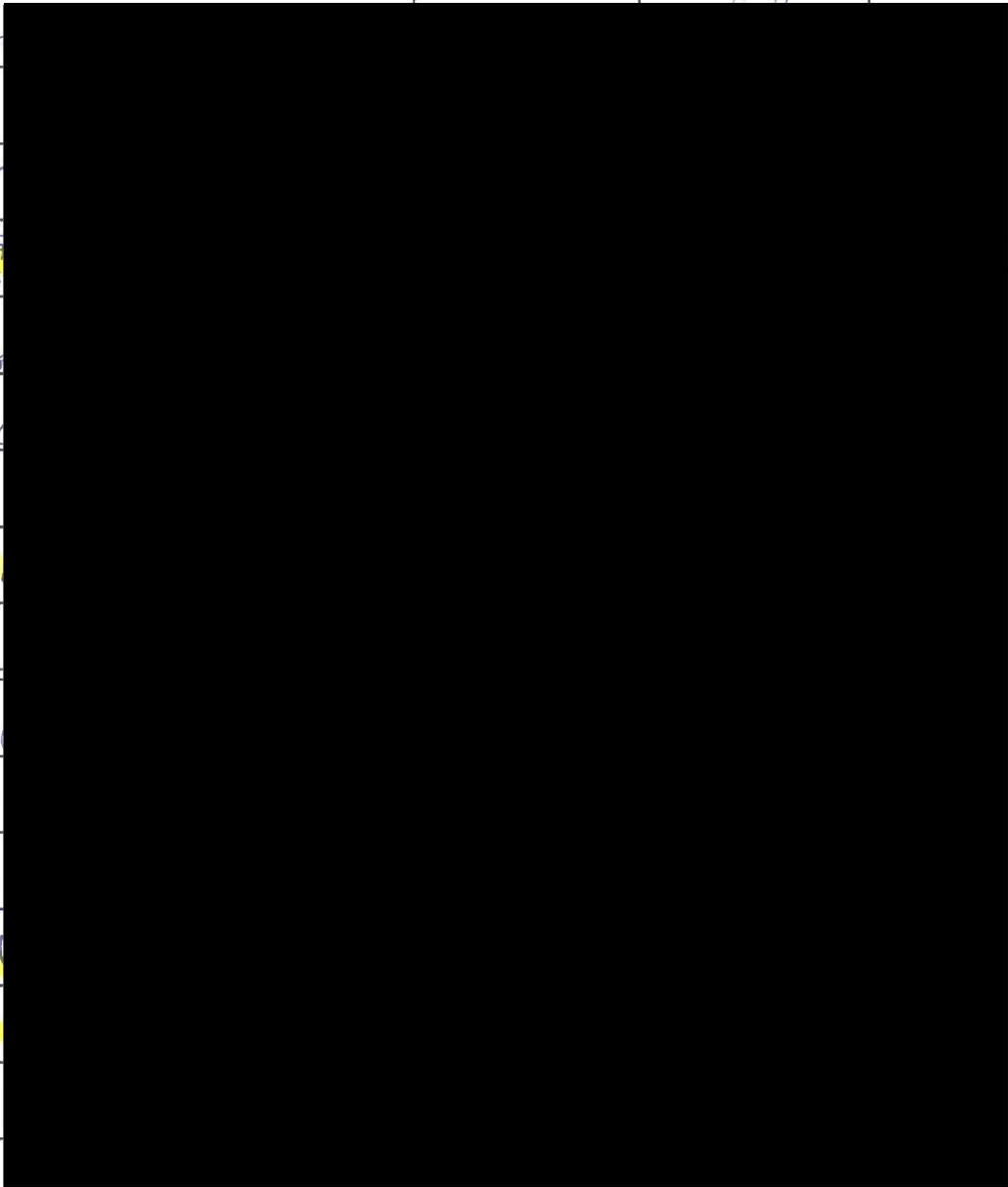
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| <input checked="" type="checkbox"/> PABLO DYER | | | |
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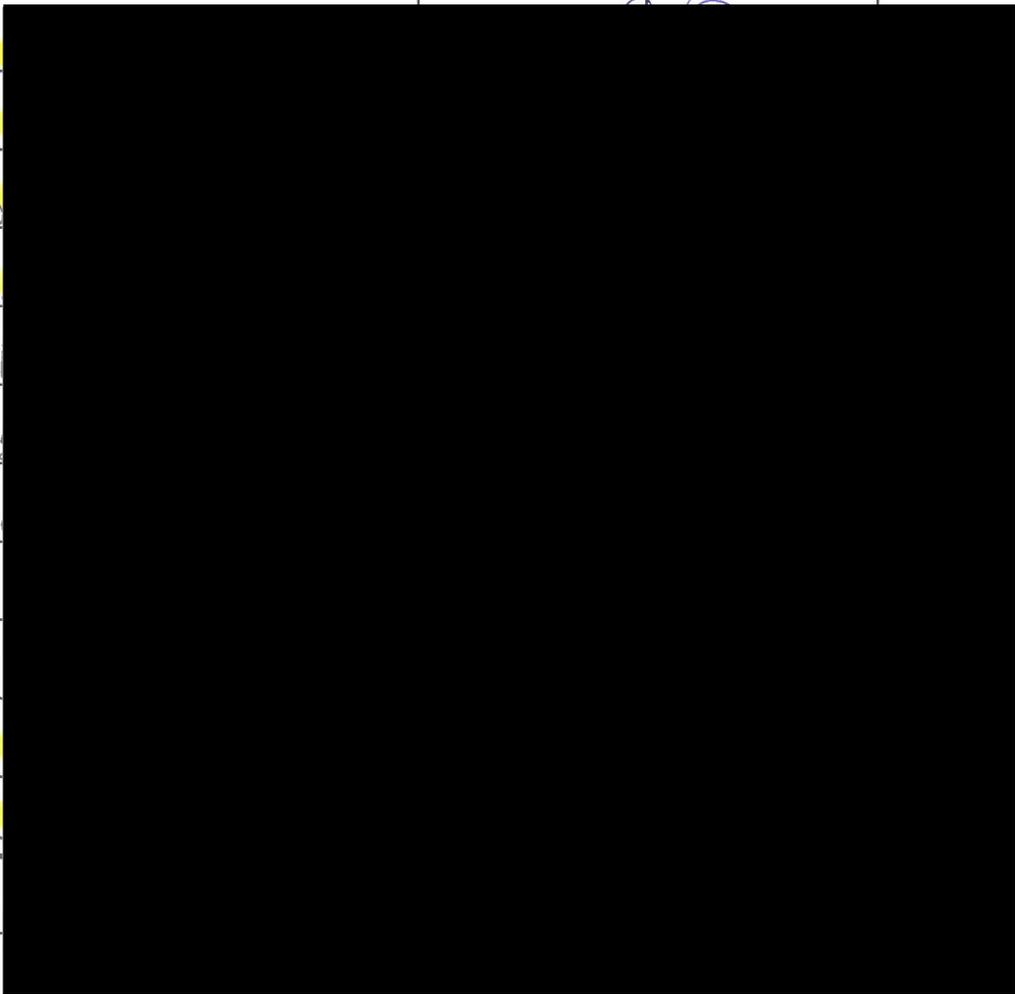
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| GLORIA HERNANDEZ | | | |
| MARIA SOFIA PEREZ E | | | |
| ANA FALCONI | | | |
| LEONARDO OYER | | | |
| LEONARDO O. RIOS | | | |
| ❌ Walter Schwonick | | | |
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| ✗ MARIELA CARO | | | |
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| ALEJANDRO | | | |
| Miguel Rojas | | | |
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| CAROLINA PRINCIPES | | | |
| PAOLA WINDT | | | |
| VALERIA SILVA | | | |
| NATAVIA SILIN | | | |
| Carolina Lopez | | | |
| CAROLINA REFEYRA | | | |
| Barbara Schaffner | | | |
| Aleceena Szok | | | |
| MERCEDES JIVEKIAN | | | |
| Laura Rocio Giorgi | | | |
| BRUNNUS CLAUDIA | | | |
| Laila Ensalimsky | | | |
| Agustina Schuster | | | |
| SILVIA AJB | | | |
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| Commitments to be monitored | State of fulfillment | |
|---|----------------------|---------|
| | Fulfilled | Pending |
| Application by the Requesters for the report on the status of the connections and discharges from the sewer system to the storm drains along Mitre Street (6.C) | | |
| Publication of the joint press release reporting the Agreement reached (9.B) | | |
| Submittal of memorandum from the Public Tree Committee on the species of tree to be planted on Mitre Street (5.B) | | |
| Submittal of application mentioned in point 1 to Cooperativa Eléctrica de Bariloche-Saneamiento (6.C) | | |
| Downtown mobility plan. Submittal of terms of reference to the IDB. (1.B) | | |
| Public disclosure of studies used in the selection of the street lighting type, power, and color (4.B) | | |
| Public disclosure of the hydraulic studies (2.A) | | |
| Public disclosure of the 2015 bidding documents (6.A) | | |
| Public disclosure of the available documentation from Planobra and the works supervision on the status and work done on the sewer system (6.C) | | |
| Extension and location of bays in blocks 500 and 600 of Mitre Street (1.B) | | |
| Retention of parking spaces for persons with disabilities (1.B) | | |
| Width of the traffic lane on Mitre Street (1.A) | | |
| Implementation of measures for emergency access during the work (1.E) | | |
| Performance of hydraulic test and reporting of results (2.B) | | |
| End of work | | |
| Downtown mobility plan. Completion of study (1.B) | | |

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|----|---|--|--|--|--|--|--|--|--|
| 11 | Retention of parking spaces for persons with disabilities (1.B) | | | | | | | | |
| 12 | Width of the traffic lane on Mitre Street (1.A) | | | | | | | | |
| 13 | Implementation of measures for emergency access during the work (1.E) | | | | | | | | |
| 14 | Performance of hydraulic test and reporting of results (2.B) | | | | | | | | |
| 15 | End of works | | | | | | | | |
| 16 | Downtown mobility plan. Completion of study (1.B) | | | | | | | | |