



TERMS OF REFERENCE

CONSULTING SERVICES

**RECRUITMENT OF A FIRM TO PREPARE THE COASTAL ZONE PLAN
AND ADJACENT SEA AREA OF THE ISLAND OF SAL**

(P176981 | POOC-M of SAL)

CABO VERDE



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1 CONTEXT

1.1 Legal Framework

The Cabo Verdean legislation, through Legislative Decree No. 1/2006 of February 13, 2006, created the Basic Law of Land and Urban Planning (LBOTPU). It was amended by Legislative Decree no. 6/2010 of June 21st, and later by Legislative Decree no. 4/2018 of July 6, 2018, which in its Base VII defines the Territorial Management System, in which land and urban planning are based on a territorial management system that attends to the territory in the whole, preserves its unity, respects diversity and territorial discontinuity, preserves biodiversity, and strengthens resilience to disaster risks.

Territorial Management Instruments (IGT), according to Base VIII of the LBOTPU and Article 14 of the National Regulation for Land and Urban Planning (RNOTPU) defined in Decree-Law no. 43/2010 of December 10th, as amended by Decree-Law no. 61/2018 of December 10th, are typified according to the differentiated functions they perform:

- **Strategic**

The National Land Planning Directive (DNOT)

The Regional Land Planning Scheme (EROT))

- **Regulatory**

Special Zoning Plans (PEOT)

Urban Plans (PU):

The Coastal Zone and Adjacent Sea Area Plan (POOC-M) constitutes, within the scope of the LBOTPU and the RNOTPU, a type of plan known as the Special Land Zoning Plan (PEOT), which is a special planning instrument that establishes the spatial framework for a coherent set of actions impacting the organization of land, with a view of pursuing objectives of national or regional interest with repercussions on the territory, establishing regimen for safeguarding natural resources and values and ensuring the permanence of the systems essential to the sustainable use of land.



2 SCOPE: GENERAL OBJECTIVE, SPECIFIC OBJECTIVES AND EXPECTED RESULTS

2.1 General Objective

The overall objective of the Technical Assistance in question is to contract a consulting firm operating in the area of zone planning for the preparation of the Coastal Zone and Adjacent Sea Area Plan (POOC-M).

The main objective of the POOC-M of Sal is the integrated management of the land and the coastal zone, establishing standards for the occupation, use, and transformation of the land within its scope and the protection of natural resources and values.

The scope of intervention of the POOC-M of Sal shall include a land area, which corresponds to a strip of 1500m wide (one thousand and five hundred meters), starting from the high tide line, measured horizontally towards the land side, and a maritime area called the adjacent maritime area, which corresponds to a strip of 3 (three) nautical miles wide, starting from the topographic zero, measured horizontally towards the sea.

This POOC-M of Sal is requested to be delivered the Joint Ordinance no. 38/2020, and for its elaboration, it is necessary to consult, among others, the following key documents:

- Legislative Decree no. 6/2010, of June 21st, amended by Legislative Decree no. 4/2018, of July 6th, 2018 (Basic Law of Land and Urban Planning);
- Decree-Law no. 43/2010, of September 27th, which approves the National Regulation for Zone and Urban Planning, amended by Decree-Law no. 61/2018, of December 10th;
- Strategic Plan for Sustainable Development (PEDS);
- National Land Planning Directive (DNOT);
- Regional Land Planning Scheme (EROT) of the island of Sal;
- Municipal Master Plan (PDM) of the island of Sal;
- Sectoral Strategic Plans (environment, energy, water resources, tourism, agriculture, fisheries, transport, etc);



- Maritime Public Domain Law;
- Decree-Law no. 14/2016, of March 1st, which regulates the process of elaboration and implementation of the coastal and sea zoning plans;
- Decree-Law no. 29/2015 of May 18th, which approves the Legal Framework of Maritime Bathing Areas;
- Legal Framework for the protection and conservation of sea turtles in Cabo Verde;
- Law no. 75/VII/2010, establishing the Legal Framework for the Declaration and Operation of Special Tourist Zones (ZTE), as amended by... of 2018;
- Law no. 85/VII/2011, of January 10, establishing the frameworks of public policies for tourism (BO no. 2, of January 10, 2011);
- Decree-Law no. 35/2014 of July 17, establishing the legal framework of tourism resorts;
- Law no. 86/IV/93, of July 26, that defines the Frameworks of Environmental Policy;
- Legislative Decree no. 14/97, of July 1, which develops the Frameworks of Environmental Policy;
- Decree-Law no. 27/2020, of March 19th, establishing the legal framework for environmental impact assessment (EIA) of public and private projects likely to have significant effects on the environment;
- Decree-Law no. 3/2003, of February 24, which establishes the legal framework of protected areas;
- Decree no. 31/ 2003, of September 1st, that establishes the essential requirements to be considered in the disposal of solid urban, industrial and other waste and respective inspection, with a view of protecting the environment and human health;
- Decree-Regulation no. 7/2002, of December 30th, which establishes the conservation and protection measures for endangered flora and fauna species;



- Decree no. 31/2003, of September 1st, which establishes the essential requirements to be considered in the disposal of solid urban, industrial and other waste and respective inspection, with a view of protecting the environment and human health;
- Decree-Law no. 7/2004, of February 23rd, which establishes the standards for wastewater discharges;
- Decree-Law no. 53/2005, of August 8th, that defines the general principles of the policy for the sustainable use of fishery resources;
- Decree-Law no. 54/2005, of August 22nd, which regulates leisure fishing in waters under national jurisdiction;
- Decree-Law no. 19/2003 of April 21st, establishing the legal framework for chartering foreign fishing vessels;
- Legislative Decree no. 2/2020 of March 19th, which defines the general regimen for the management and planning of fishing activities in national maritime waters and on off-shore;
- Resolution no. 93/2020 of July 9th, approving the Annual Executive Plan for the Management of Fishery Resources for year 2020;
- Resolution no. 95/2020 of July 9th, approving the Fishery Resources Management Plan 2020-2024;
- Other relevant studies carried out by public and private institutions, namely studies related to the coastal zone and the adjacent sea.

2.2 Specific Objectives (Needs)

The POOC-M of Sal aims at achieving the following specific objectives:

- a) To carry out the environmental and social characterization of the territorial units likely to be significantly affected and their likely evolution if the POOC-M of Sal is not implemented, highlighting those aspects that may initially constitute threats or offer opportunities in the face of the objectives sought with the POOC-M of Sal;



- b) Identify the environmental and social protection objectives established at international and national levels that are relevant to the POOC-M of Sal, highlighting how these objectives and all other environmental considerations were integrated during the development of the POOC-M of Sal;
- c) Identify and evaluate alternative scenarios that take into account the territorial scope and the most strategically relevant environmental and social issues in the objectives of the POOC-M of Sal, the framework provided by other policy and planning instruments, the description of how the comparative assessment of such scenarios, and the reasons justifying why the chosen alternatives were carried out;
- d) Identify, describe and assess the environmental and social effects resulting from the implementation of the POOC-M of Sal, paying particular attention to the effects that it may have on biophysical values of particular sensitivity or on communities or disadvantaged groups and also to the cumulative effects of the projects that are implemented through the POOC-M of Sal, amongst itself, and the cumulative effects that the POOC-M of Sal, as a whole, may have with other development initiatives already implemented, under implementation or planned.
- e) Planning of the different uses and activities specific to the coastal zone;
- f) Protect and enhance natural ecosystems in terrestrial and marine areas, with special consideration of areas identified as critical to environmental degradation, as well as threats to natural ecosystems related to climate change;
- g) Minimize, through the implementation of mitigation measures, situations of environmental impact on natural ecosystems of conservation interest, whether in the terrestrial or marine environment and, in particular, to protect marine life and associated biodiversity;
- h) Ensure implementation processes in the POOC-M to incorporate environmental mitigation measures considered in the proposed zoning;
- i) Establish zoning for the planning framework, according to the fundamental areas established in Decree-Law no. 14/2016, establishing for each guidelines and determinations for the sustainable development of activities on the coastal zone;
- j) Articulate and make compatible the different soil situations established in the land planning and management instruments under the POOC-M;
- k) Minimize risk situations for people and property in the areas identified as risk zones;



- l) Categorize and qualify the main marine bathing areas according to the typologies established in Ordinance no. 57/2015, as well as discipline their use, establishing zoning for management and guidance in the development of specific activities that are generated in them, seeking a sustainable socio-ecological balance;
- m) Characterize the marine resources existing in the area covered by the plan and identify the associated uses and activities, in order to protect the identified ecosystems and promote their sustainable use;
- n) Integrate the risks associated with climate change into the planning process, taking into account the fragility of our ecosystems and the vulnerability of the study area to extreme weather events and other aspects that may increase the vulnerability of communities as a result of plan developments, and include mitigation and adaptation measures in the process;
- o) Specifically, in the context of climate change, demonstrate the alignment of the POOC-M of Sal with the national strategy on mitigation and adaptation, as well as in the framework of post-disaster recovery. In more concrete terms, the contribution should be assessed that the implementation of the POOC-M of Sal may have in terms of increasing or reducing greenhouse gas emissions, the extent to which the successful implementation of the POOC-M of Sal, and the achievement of its objectives may be positively or negatively affected by climate change, directly or indirectly, and whether the implementation of the POOC-M of Sal is likely to exacerbate or reduce the vulnerability of communities, infrastructure or activities in the face of climate change. Subsequently, the identification of all alternatives and measures as necessary for mitigation and adaptation to climate change.
- p) Demonstrate the alignment of the POOC-M of Sal with the National Strategy for Disaster Risk Reduction, as well as with the Post-Disaster Recovery Framework.
- q) Demonstrate the alignment of the POOC-M of Sal with the Sustainable Development Goals and the nationally defined strategies of their pursuit.
- r) Define measures to prevent, reduce or compensate for the significant adverse environmental and social effects and the enhancement of positive effects resulting from the implementation of the POOC-M of Sal, including guidelines for, where applicable, the formulation and implementation of projects that implement the POOC-M of Sal, whether or not they are subject to the Environmental Impact Assessment, under the terms set out in specific legislation;
- s) Identify and define the guidelines and indicators to be used for environmental and social monitoring of the implementation of the object of the POOC-M of Sal, explaining the requirements (responsibilities, means, scheduling) for the operationalization of this.



Ensure effective public use in relation to the proposed activities and uses in the area affected by the maritime public domain, establishing security predictions in places with a greater flow of people.

2.3 Results to be achieved by the contractor

The following results are expected to be achieved:

- Technicians and decision-makers from all sectors involved in the intervention area of the POOC-M of Sal, will be equipped with a special instrument that allows them to implement programs and public and private projects, with strong positive impact on the quality of life of the population, the enhancement of the economy, through measures that mitigate impacts on the natural ecosystem and safeguard environmental resources;
- Increase in the quality of implementation of the instruments defined in Cabo Verdean legislation for territorial management and planning;
- Improvement of management and communication procedures assimilated by all actors involved in the process of occupation and exploitation of the coastal zone and adjacent sea;
- In view of the provisions of point 1 of Framework IV of the LBOTPU ("Citizen participation"), in order to guarantee compliance with the participation and consultation requirements laid down in the National Regulations for Land and Urban Planning for the different types of Territorial Management Instruments, the following good practices should be observed in the planning and implementation of participatory processes, with the necessary adaptations:
 - Ensure proper application of the principles of transparency, accountability, and participation, so that participatory strategies are adopted at the different stages of each process of preparation and approval of the POOC-M of Sal, to ensure active and constructive involvement by the different stakeholders and affected parties.



- A careful analysis of stakeholders and affected parties should be carried out at the start of the preparation of the POOC-M of Sal, in order to identify priority groups and the most appropriate methods of communication and participation.

- In this identification, the groups that may be most significantly affected by the POOC-M of Sal and the most vulnerable groups should be prioritized, for which particular attention should be given to how their inclusion in the participation process will be promoted, with a minimum of barriers, taking into account, among others, gender equity.

- Development of methodologies and procedures that consolidate project management in a sustainable way;
- Ensure that the different stakeholders of the State, private sector, and civil society are heard in the preparation and validation of the plan, through the public hearing process defined in the law and a planning process effectively participatory in all its phases.

3 HYPOTHESIS OF RISKS

3.1 Hypothesis of risks underlying the POOC-M intervention

Underlying the process of elaboration of the POOC-M of Sal the following risks may exist:

- The dispersion of elements for the characterization of the baseline situation;
- Delays by the diverse sectors in identifying and providing data/information;
- The long duration of the POOC-M implementation, as a legal instrument for territorial planning and safeguarding environmental resources;
- Challenges in tracking and managing multi-annual projects; and
- The commitment of the various actors in the appropriate monitoring, during the preparation of the POOC-M of Sal and later in the process of its respective implementation in accordance with legal requirements.



4 PROJECT SCOPE

4.1 General considerations

Decree-Law no. 14/2016, of March 1st, which regulates the process of preparation and implementation of coastal zone and adjacent sea plans refers in its Article 9 that the territorial delimitation to which corresponds a Zoning Plan of the Coastal Area and Sea (POOC-M) is delimited by the territory of the island to which it relates.

According to Article 10 of the same legislation, the POOC-M intervention area includes a terrestrial zone and an adjacent maritime zone.

The terrestrial zone corresponds to a strip with a width of 1500 (one thousand and five hundred) meters, starting from the high tide line, measured horizontally towards the land side. For the plan on the island in question, due to local specificities, the terrestrial zone may be reduced, and may not be less than 500 meters in length.

The adjacent maritime zone corresponds to a strip with a width of 3 (three) nautical miles starting from the topographic zero, measured horizontally towards the sea.

In the legally delimited ZDTIs and port areas that are not fully included in the land areas of POOC-M, the intervention area of POOC-M is adjusted so that it can fully include the ZDTI and port areas.

4.1.1 Description of tasks to be performed and products/contents to be delivered

The POOC-M should consist of material pieces (material content) and documental pieces (documental content), prepared taking into account Decree-Law no. 14/2016 of March 1st, which Regulates the Process for the Preparation and Implementation of Management Plans for the Coastal Zone and the Adjacent Sea Area.

In the presentation of the technical proposal for the POOC-M of Sal, the following points must be addressed, without prejudice to its development:

- a) Material Content



- Determination of areas of vulnerabilities, risks and conflicts;
- Organizing the different uses and activities specific to the seashore and the coastline;
- Planning the different uses and specific activities of the adjacent sea;
- Providing guidelines for the use of the territorial sea;
- Guiding the exploitation of marine resources;
- Quantifying the beaches considered to be of strategic importance, for environmental or tourism reasons, integrating protection/safeguarding measures, but also sustainable businesses;
- Classifying beaches and the regulation of bathing use;
- Imposing enforceable rules, from an institutional and operational point of view, for occupation along the coast, safeguarding territorial, environmental and heritage resources and values, giving guidelines to preserve the coastline from urban occupation and from the implantation of infrastructures that are not strictly necessary or related to the sea;
- Identifying degraded areas in the waterfront whose recovery is necessary, through the establishment of operative planning and management units;
- Establishing guidelines so that the urban management instruments that establish the detailed planning of urbanizations around the coastline can ensure respect for the public domain of the coast and free access to beaches, avoiding overly aggressive 'implementations' that impede or hinder the passage or prevent public use of the coastline;
- Mapping of stakeholders affected by the plan, and defining a methodology to involve them throughout the planning process, ensuring that everyone participates in the planning and decision-making processes and that the plan and proposed activities promote opportunities equally for men, women, youth and the elderly, as well as vulnerable groups or those at risk of exclusion;
- Identifying and analyzing the strengths, weaknesses, potentials and threats under the POOC-M do Sal;
- Identifying the current challenges and main needs of the coastal area of Sal;
- Assessing opportunities, environmental and social risks, especially in the context of climate change, and assessing as well the sustainability of development options proposed in the planning process to ensure sustainable development;

- Establishing measures to guide the materialization and monitoring of the POOC-M in order to mitigate potential negative impacts and enhance positive impacts and opportunities identified.
- Identification of any legal gaps that need to be developed.

b) Documental Content

The POOC-M has as basic and mandatory documental content the following points without prejudice to others:

Written pieces:

- **Report**, including:

Analysis and Diagnosis (urban occupation, physical, biophysical, economic and social aspects, coastal processes, marine resources, infrastructures, economic activities, environmental characteristics of the affected area, state of the environment, main environmental and social problems for the plan, consideration of protection objectives in the planning process, etc.);

Intervention proposals for the island's coastal strips, including interventions, by beach or groups of beaches.

- **Implementation and financing program**, containing:

Provisions on the implementation of the plan and indications on the scheduling of the main actions and the estimated cost of the planned outputs and the entities responsible for their materialization.

- **Regulation**, stating:

The general management principles, institutional responsibilities, and rules to be respected in general terms, taking into account the specificities of the island, zoning of coastal and marine natural resources and frameworks in use, definition of land use restrictions taking into account the constraints, mitigation measures for environmental impacts in the different interventions.

Graphic pieces:

- **Map of constraints**, identifying easements and restrictions of public utility in risk areas.



- **Summary of proposals maps**, for the coastal strip of the island, according to the dominant use, and establishing operative planning and management units; at a scale between 1:10.000 and 1:25.000.

Other graphic pieces:

- Framework map, covering the intervention area duly marked, as well as the main communication, transport, water, energy and sanitation infrastructures.
- Existing situation map regarding land use and occupation;
- Map of interventions by bathing area or group of bathing areas developed at a scale of 1/5000.

The above documents must be delivered in paper or physical format (2 copies) and digital format, the final delivery being in an open format (DWG and SHP).

Products	Activities	Qty	Output	Deadlines
Inception Report of the Coastal Zone and Adjacent Sea Area Plan of the Island of Sal (POOC-M of Sal)	Should contain all the tasks to be performed, the material and human resources and the description of the methodology to be used for each of the activities, and a detailed schedule for the execution of tasks;	1	Workplan.	10 days after signing the contract
Written Parts	Shall contain the reports according to the material content of the plan.	4	- Characterization and diagnosis report;	3 months after signing the contract
			- Report on the Coastal Zone and Sea Area Plan of the Island of Sal;	7 months after signing the contract
			- Regulation on the Coastal Zone and Sea Area Plan of the Island of Sal;	
			- Implementation and Financing	



			Program for the Coastal Zone and Sea Area Plan of the Island of Sal;	
Graphic Pieces			<ul style="list-style-type: none"> - Framework map; - Existing situation map regarding land use and occupation; - Constraints Map; - Proposal Summary Map; - Interventions per bathing zone or group of bathing zones developed; - Risk Map; - Other parts required by law and developed upon identification of need. 	

4.1.2 Management structure

The project is technically managed by MIOTH, through the National Institute for Territory Planning (INGT) and the General Directorate of Planning/Ministry of Finance (DGPMF).

The administrative and financial aspects of the contract are managed by the Special Projects Management Unit (UGPE), an entity mandated by the Ministry of Finance and Business Development, in agreement with the World Bank, to ensure fiduciary role for the Project Resilient Tourism and Blue Economy Development.



4.1.3 Means for the contracting authority and/or other parties

A team will be provided to monitor the work to be carried out by each Project Office. Whenever necessary, MIOTH will provide a meeting room with an internet connection.

5 LOGISTICS AND SCHEDULING

5.1 Location

The operational base of the project management/monitoring team will be in the city of Praia, at the MIOTH facilities.

The operational base for the project execution team will be at the premises of the Project Office (meaning contracted firm).

5.2 Contract and task implementation period

The duration of the contract is 10 and a half months (9 months + 1 month for the public exhibition and + 15 days for the administrative processing of the public hearing period) from the date of signature of the contract

The contractor reserves the right not to sign the contract with entities that, at the date of the tender, are in default with the project implementation entity (MIOTH/INGT).

6 TECHNICAL TEAM COMPOSITION AND LEAD SPECIALIST REQUIREMENTS

6.1 Firm or Consortium Profile

The POOC-M of Sal must be prepared by a consulting company, with a minimum of 10 (ten) years of experience in territorial planning, with a multidisciplinary technical team coordinated by one of its elements and must ensure, at least, the participation of specialists in the areas of architecture, urbanism/geography, landscape architecture, civil engineering, economics, law, spatial planning, and urban design, individually with proven professional experience, in addition to other specialties that prove to be indispensable or advisable for the execution of the work. It must be in consortium with a duly registered Cape Verdean legal entity. The firm must have a technical team of recognized good



standing and professional experience, particularly in the area of Territorial Planning Management Instruments, namely Zonning Plans.

6.2 Technical team/lead specialists profile

The lead specialists are defined and must submit their curriculum vitae and declarations of exclusivity and immediate availability.

With regard to the present contract, the main specialists must have the following profile:

- Lead Specialist 1: Team Leader - Urban Architect or Geographer specializing in Urban and Regional Planning
 - Qualifications and skills
 - ✓ Minimum of 10 years of professional experience in similar projects;
 - ✓ University degree of at least a Bachelor's level.

6.3 Other specialists, staff, and support services

- Specialist 1: Architect
 - Qualifications and skills
 - ✓ Minimum of 5 years of professional experience in urban planning and design projects;
 - ✓ University degree of at least a Bachelor's level.
- Specialist 2: Geographer specialized in Urban and Regional Planning
 - Qualifications and skills
 - ✓ Minimum of 5 years of professional experience in planning projects, ecological structure and landscape values, and urban design;
 - ✓ University degree of at least a Bachelor's level.
- Specialist 3: Marine Biologist with qualifications in environmental engineering;
 - Qualifications and skills



- ✓ Minimum of 5 years of professional experience in urban infrastructure projects;
- ✓ University degree of at least a Bachelor's level.
- Specialist 4: Civil Engineer
 - Qualifications and skills
 - ✓ Minimum of 5 years of professional experience in urban infrastructure projects;
 - ✓ University degree of at least a Bachelor's level.
- Specialist 5: Environmental Engineer
 - Qualifications and skills
 - ✓ Minimum of 5 years of professional experience in urban infrastructure projects, Environmental Impact Assessment (EIA), and Strategic Environmental Assessment (SEA);
 - ✓ University degree of at least a Bachelor's level.
- Specialist 6: Meteorology Specialist
 - Qualifications and skills
 - ✓ Minimum of 5 years of professional experience in urban infrastructure projects;
 - ✓ University degree of at least a Bachelor's level.
- Specialist 7: GIS Specialist
 - Qualifications and skills
 - ✓ Minimum of 5 years of professional experience in urban infrastructure projects;
 - ✓ University degree of at least a Bachelor's level.
- Specialist 8: Sociologist/Anthropologist
 - Qualifications and skills



- ✓ Minimum of 5 years of professional experience in urban infrastructure projects;
- ✓ University degree of at least a Bachelor's level.
- Specialist 9: Lawyer
- Qualifications and skills
 - ✓ Minimum of 5 years of professional experience in the regulation of the specific framework for the building and parceling of urban property;
 - ✓ University degree of at least a Bachelor's level.
- Specialist 10: other relevant specialists who, are at the discretion of the Consultant, may be incorporated provided they meet the requirements below:
- Qualifications and skills
 - ✓ Minimum of 5 years of professional experience in urban infrastructure projects;
 - ✓ University degree of at least Bachelor's level in related areas of maritime affairs, spatial planning, and maritime spatial planning and tourism.

7 MONITORING AND EVALUATION

7.1 Definition of indicators

The progress of the elaboration of the POOC-M of Sal will be evaluated, among others, through the presentation of:

- Precautionary measures and preliminary document (study phase);
- Preparation of the Plan proposal;
- Prior approval of the draft Plan;
- Public exposure;
- Final approval of the Plan
- Reports and other documentary records of coordination meetings, whether face-to-face or remote;



- Field Missions.

8 PROVISION OF ESSENTIAL DOCUMENTS AND OTHER INFORMATION

INGT will provide, in the framework of this technical assistance, the documents available in the database of the Institute:

- a) Base cartography;
- b) Information area boundary;
- c) All other relevant information available at IDECV (Infrastructure for Spatial Data of Cabo Verde)
- d) Other sectorial information that may be necessary is of the exclusive responsibility of the contracted firm/consortium, including the topographical survey with planimetric cadastral georeferenced information necessary for the preparation of projects that allow the demarcation on site, for example, the vertices of the land, altimetric survey of the land with contour lines at every 50 cm of unevenness, which contemplates all the necessary elements, such as, walls, vegetation, buildings, drainage, accesses, alignment, interferences in underground networks, etc. whose cost is supported by the contract.