

**ELIGIBILITY DETERMINATION MEMORANDUM
CONSULTATION PHASE**

TO: Requesters, Board of Executive Directors, Senior Management, Project Team, and Executing Agency
FROM: Consultation Phase Eligibility Committee
VIA: Victoria Márquez-Mees, Executive Secretary
CC: Independent Consultation and Investigation Mechanism
PROJECT: Blumenau Sustainable Mobility Program (BR-L1272)
DATE: 24 March 2014

I. Executive summary

- 1.1 On 6 August 2013, the Independent Consultation and Investigation Mechanism (“ICIM” or “Mechanism”) received a Request (see Annex 2) in relation to the Blumenau Sustainable Mobility Program (BR-L1272) (“program”). Since the Request was initially anonymous, it was not processed, in accordance with the ICIM Policy, until 17 January 2014, when the information required to record it was received.
- 1.2 The Requesters are three Blumenau residents whose identities will remain confidential for purposes of this process at their request. The Request is being submitted due to the decision by the local authorities to redesign and relocate a bridge to be built under the aforementioned operation financed by the Inter-American Development Bank (“IDB” or “Bank”). The Requesters argue that the new design and the new location will create, among other things, a series of negative impacts on the city’s scenic and historical heritage, as well as increased risk of floods. They point out that, to date, no environmental or traffic impact study has been performed, no proper public consultation process has been conducted, and activities are being carried out in violation of the city’s comprehensive urban plan.
- 1.3 The program is a sovereign guaranteed loan in the transportation sector for US\$59,000,000.00, with a counterpart contribution in the same amount. The program was approved by the Board of Executive Directors of the IDB (“Board of Executive Directors” or “Board”) on 25 June 2012. The executing agency is the Blumenau Municipal Government (“Municipal Government” or “executing agency”). The program was classified as a category “B” operation pursuant to the Environment and Safeguards Compliance Policy (OP-703) and is currently in its implementation stage.
- 1.4 The Operational Policies relevant to this Request (OP-703 and OP-704) require, among other things, that the Bank: (i) refrain from supporting operations and activities that damage critical cultural sites; (ii) prevent and mitigate disasters that occur as a result of natural hazards; and (iii) conduct at least one consultation with the affected parties.

- 1.5 The Consultation Phase Eligibility Committee (“Eligibility Committee” or “Committee”), which is responsible for determining the eligibility of this Phase, under the ICIM Policy (document GN-1830-49) and the transition plan approved by the Board of Executive Directors,¹ has concluded that this Request is not eligible for the Consultation Phase as it does not comply with the requirements of Section 40 (f) and (g) of the ICIM Policy.

II. Transition plan for the Consultation Phase and its implications for the determination of eligibility process

- 2.1 The process for determination of eligibility for the Consultation Phase is conducted pursuant to Sections 37 and 40 of the current ICIM Policy.
- 2.2 In January 2013, in view of the findings and recommendations stemming from the ICIM evaluation report prepared by the Office of Evaluation and Oversight (“OVE”), the Board of Executive Directors decided to launch a process to adjust the ICIM Policy and operating structure, in order to strengthen the Mechanism and ensure its more effective and efficient management.
- 2.3 In particular, changes in human resources led the Board to mandate the introduction of transitional operating arrangements starting on 1 September 2013 and remaining in force until the revised ICIM Policy is introduced. Under these arrangements, the eligibility of Requests for the Consultation Phase is determined by an Eligibility Committee comprised of the Executive Secretary and the two Case Officers from the Consultation Phase team. This determination of eligibility has been conducted as mandated under the transition plan and pursuant to the provisions of the current ICIM Policy relating to this stage.

III. The Request

- 3.1 On 6 August 2013, the ICIM received an anonymous Request through the IDB Country Office in Brazil, raising a series of concerns in relation to the executing agency’s decision to change the location of a bridge to be built in the center of Blumenau, Santa Catarina, Brazil.
- 3.2 Since the ICIM Policy provides that anonymous Requests will not be accepted,² the presenters of the Request were contacted by email in October 2013 and given an explanation of the ICIM’s requirements for processing a Request. The Requesters formally disclosed their identities to the ICIM in January 2014, on condition that such identities be treated confidentially to avoid risks and legal consequences as well as potential “reprisals to be taken by the municipal government.”³ Therefore, as set forth in the ICIM Policy, the identities of the Requesters will not be disclosed by the ICIM.
- 3.3 On 17 January 2014, the Requesters completed their Request by providing the additional information requested and the ICIM proceeded to record the Request on 29 January 2014.

¹ Minutes of the 24 June 2013 meeting of the Organization, Human Resources, and Board Matters Committee, approved on 10 July 2013 at the meeting of the Board of Executive Directors.

² As set forth in Section 33 of the ICIM Policy, anonymous Requests will not be accepted. The Office will protect the confidentiality of a Requester if so indicated in the Request and will consult with the Requester about the process for handling a confidential Request.

³ Communication of 17 January 2014.

- 3.4 The Requesters are three residents of the city of Blumenau, Santa Catarina, who submitted their Request as sole Requesters⁴ in relation to a potential impact associated with the Blumenau Sustainable Mobility Program, financed by the Bank and to be executed by the Blumenau Municipal Government.
- 3.5 The Requesters contend that the Municipal Government under the current administration opted to change the location of the new bridge in the city center (the “bridge”), which was to have been built at another location under the program, without submitting any new plan, technical study, or landscape, environmental, or neighborhood impact assessment. This decision was allegedly announced in the context of the electoral campaign of the current mayor of Blumenau.
- 3.6 According to the Requesters, information disseminated by the Municipal Government and by various media outlets⁵ states that the IDB authorized the relocation of the bridge without taking into account the road system under the city’s master plan, the city’s heritage, environment, or geology, or neighborhood impact studies. The Requesters were surprised and concerned by this development since, in order to obtain IDB financing, “numerous plans, studies, and licenses were required of the [Municipal Government] between 2009 and 2012, all in accordance with IDB rules, in judicious observance of environmental, traffic, [and] neighborhood impacts, and taking Blumenau’s cultural heritage into account.”⁶ The Requesters contend that these IDB requirements are not being observed with the new design and relocation of the bridge.
- 3.7 The new site for the city center bridge—originally envisaged between Rodolfo Freygang and Chile streets and to be relocated to between Paraguay and Itajaí/Alwin Schrader streets—would, according to the Requesters, generate the following series of impacts:
 - (i) Impact on the historical and scenic heritage of the city of Blumenau. According to the Requesters, the bridge will be built on the “curve of the river,” an area of Blumenau of great scenic and historical value since that is where the city originated as a point of entry for European immigrants. In addition, the Requesters point to the findings of the technical study on the new bridge location

⁴ While the Request was initially submitted in the name of two organizations, in response to the Committee’s inquiry the Requesters stated that the Request was being submitted only in their name. In addition, during the process of communicating with the Requesters in order for the Committee to determine their identity and whether they would be represented, the Committee was given the name of a new Requester who would be representing a group of individuals in the impacted area. After several communications, the Committee found that this group was raising concerns and referring to impacts and objectives of a different nature from those described by the Requesters. Consequently, the representative of this group indicated that a separate Request would be submitted to the ICIM.

⁵ The sources provided to the Committee, which led the Requesters to conclude that the IDB had approved the new bridge location, include newspaper articles and published interviews that make references to fixed timetables for construction of the new bridge and mention the IDB loan (i.e. <http://wp.clicrbs.com.br/transitonovale/tag/ponte/?topo=52,2,18,,159,e159>, <http://www.radioclubeblumenau.com.br/noticias/default.aspx?s=15&codigo=18205>, and <http://www.radionereuramos.com.br/alexandre-gevaerd-fala-dos-projetos-executados-este-ano-em-blumenau/>)

In response to the Committee’s inquiry as to the Municipal Government’s intention to relocate the bridge, the project team stated that it had not approved the city center bridge and had not received any formal notice from the executing agency regarding a relocation of this project.

⁶ Communication of 4 November 2013.

by the Instituto do Patrimônio Histórico e Artístico Nacional [National Historical and Artistic Heritage Institute] (IPHAN), which concludes with specific recommendations that include protecting the “visual cone” of the proposed location in order to avoid blocking the view of the “curve of the river.” Furthermore, the Requesters assert that important urban spaces in Blumenau will be affected, including the “*prainha*” [little beach] and the old port. Moreover, one end of the bridge will lead to the historic city center, an area that encompasses more than 30 protected landmarks. According to the Requesters, several multilateral documents providing for the preservation of historical and scenic sites are applicable to this case, including the 1962 Paris and 1976 Nairobi recommendations as well as the 1981 Florence and 1977 Macchu Picchu letters.

- (ii) Increase in the frequency and impact of floods. The Requesters state that both the bridge’s new location and its design and infrastructure will lead to increased floods in the area. In particular, they argue that Blumenau experiences constant floods, that this phenomenon caused many deaths in 2008, and that the “curve of the river” is especially vulnerable to this type of event. By way of support documentation, they point to the technical report issued by the Geology, Analysis, and Natural Resources Office of the Município of Blumenau. The Requesters indicate that the design planned by the new municipal administration, as reflected in the neighborhood impact study published on 6 March 2014, will impact the river’s hydrology and increase the frequency of floods in the city. This is due to the construction of pillars on the riverbanks and in the river and the lowering of the Itajaí street level, where the plan calls for one of the bridgeheads to be located.
- (iii) Inconsistency of the bridge’s new location with the city’s comprehensive urban plan. According to the Requesters, the new plan for the city center bridge disregards the road system envisaged in the master plan and the urban plan designed for the city under the Blumenau 2050 Urban Development Program.⁷ They argue that the bridge should be the result of, rather than a point of departure for, urban planning. In addition, they assert that there are no realistic estimates guaranteeing that the traffic flow will improve as a consequence of this alternative proposal.
- (iv) Failure to consult on the bridge location and design. The Requesters indicated that both the location and the design of the bridge specified in the IDB program were subjected to extensive consultation processes in which several alternatives were presented to the interested community for discussion prior to approval. In addition, there was a nationwide architecture contest to design a bridge without pillars and in harmony with the local buildings and landscape, precisely in order to reduce the risk of floods and ensure the bridge’s integration into the city’s historical and scenic context. With regard to the current location, the Requesters stated that, while the Municipal Government did publish an invitation to a public

⁷ “Blumenau 2050” is a program aimed at developing and establishing a set of land-use planning guidelines and projects, determining investment horizons and priorities, and acquainting the general population and interested investors with the potential offered by the city of Blumenau in the short, medium, and long terms (Loan Proposal, Blumenau Sustainable Mobility Program, BR-L1272, pages 1 and 2).

hearing on the new bridge,⁸ this was to be an informative, rather than a consultative, event. Furthermore, the Municipal Government had already announced a meeting of the Urban Planning Council to be held two days after the hearing, where the Requesters believe that a final decision will be made on the project without regard to any opposing opinions from the interested public.

- (v) Lack of studies. The Requesters argue that there is no official public information on the environmental, traffic, landscape, or other impacts of the new bridge location, or on the respective mitigating measures. While a neighborhood impact study (to which the Requesters had not had prior access) was published during the ICIM Determination of Eligibility process, the Requesters point out that they still have not seen any environmental impact assessment or traffic study for the project.
- 3.8 The Requesters assert that they are concerned not only due to the impact they will experience as residents of Blumenau but in their capacity as professionals devoted to preserving the city's architecture, scenery, and heritage.
- 3.9 In support of their Request, the Requesters report a Public Civil Action brought by the Public Ministry of the State of Santa Catarina on 26 August 2013. This action is aimed at investigating irregularities in bidding process No. 02-005/13 to procure the final road engineering design for connecting Alwin Schrader and Paraguay/Puerto Rico streets, which conflicts with previously approved urban projects.
- 3.10 In addition, the Requesters sent documents related to a petition for *tombamento*⁹ filed with the Fundação Catarinense de Cultura [Santa Catarina Cultural Foundation] and IPHAN by two of the Requesters on 10 June 2013 with a view to initiating an administrative process aimed at classifying the curve of the Itajaí River, spanning the old port and surrounding area, as a scenic heritage area.
- 3.11 All the information was sent by the Requesters both to the ICIM and to the IDB Country Office in Brasilia, to the attention of the Representative. In addition, the Requesters claim to have contacted the IDB Country Office in Brazil by telephone on at least four occasions in November 2013.
- 3.12 Lastly, the Requesters indicated that their primary objective is for the IDB not to approve any modification to the bridge before the Bank's environmental and heritage requirements, among others, are satisfied, just as was previously done with regard to the bridge project at its original location. In addition, the Requesters are interested in the IDB making a formal pronouncement on this matter and conducting a Compliance Review investigation.

⁸ This public hearing was originally planned for 17 March 2014 but was postponed until further notice.

⁹ This is a request for historic heritage status. Such status is granted pursuant to an administrative act by government at the federal, state, or municipal level. At the federal level, IPHAN is responsible for granting this status. IPHAN, <http://portal.iphan.gov.br/portal/montarPaginaSecao.do?id=17738&sigla=Institucional&retorno=paginaInstitucional>, last accessed 11 March 2014).

IV. The project

- 4.1 The program is a sovereign guaranteed operation in the transportation sector for a total amount of US\$118,000,000.00, of which the IDB would be financing US\$59,000,000.00, with a counterpart contribution in the same amount. The program was approved by the Board of Executive Directors on 25 June 2012 and the executing agency is the Municipal Government. The program was classified as a category “B” operation¹⁰ and is currently in its implementation stage.¹¹
- 4.2 The Municipal Government seeks to contribute to sustainable urban development planning by implementing the program, the specific objectives of which are to: (i) improve mobility, urban accessibility, and road safety; (ii) support the sustainable development of the city northward by improving the integrated urban transit and nonmotorized transportation systems; (iii) expand and build urban roads and bridges in the structural and basic road systems, seeking to make infrastructure less vulnerable to weather phenomena; and (iv) institutionally strengthen the Municipal Government.¹²
- 4.3 The program includes three components: engineering and administration; civil works and works supervision; and institutional strengthening.
- 4.4 According to the program’s Environmental and Social Management Report (ESMR), the civil works and works supervision component provides for intervention in nine major works, and “the final scope will depend on the availability of funds and the final budgets for the works.”¹³
- 4.5 One of the nine works is construction of the new city center bridge and a road connection between Chile and Argentina avenues, in the Punta Aguda neighborhood.
- 4.6 The reason for building the bridge, which would link the city center area with the Punta Aguda neighborhood, is to offer an alternative river crossing, improve mobility in the central area, and provide a new access road into the city. The original location for the bridge was selected following an analysis of six location alternatives and was based on vehicle volume, urbanization, aesthetics, urban development, and cost considerations, among others.
- 4.7 While this work is described in the ESMR, according to information received by the project team, it has not been approved by the Bank, since it does not form a part of the “representative sample of specific works,” as required by the IDB Multiple Works Programs Processing Procedures (PR-202).¹⁴

¹⁰ In accordance with the Environment and Safeguards Compliance Policy, B.3. Screening and Classification: “Operations that are likely to cause mostly local and short-term negative environmental and associated social impacts and for which effective mitigation measures are readily available will be classified as Category “B”.”

¹¹ Project Profile, Blumenau Sustainable Mobility Program, page 1.

¹² Loan Proposal, Blumenau Sustainable Mobility Program, BR-L1272.

¹³ ESMR, Blumenau Sustainable Mobility Program, page 1.

¹⁴ In accordance with PR-202, only a representative sample of specific works (amounting to approximately 30%, by value, of the total cost of the program) must be fully designed before loan approval by the Board. The other works comprising the program should be similar to those in the sample. Each individual work should be defined, and approved in the Country Office, prior to authorization of its execution and commitment of funds.

- 4.8 The following works comprise the projects reviewed and approved by the Bank as part of the representative sample: (i) integrated urban transit system (subcomponent 1), including rehabilitation of the Aterro – Fonte bus corridor and construction of the urban transit integration terminals (North and West terminals); and (ii) structural road system (subcomponent 2), including the Badenfurt bridge road connection.¹⁵

V. Consultation Phase Eligibility Assessment

- 5.1 During the eligibility phase conducted from 29 January to 24 March 2014,¹⁶ the Committee held a number of telephone conversations with the Requesters and the project team, and various written communications were exchanged with the Requesters and the project team with a view to an in-depth understanding of the content of the Request and its links to the program (see Annex 3).
- 5.2 The Operational Policies associated with the present Request are the Environment and Safeguards Compliance Policy (OP-703) and the Disaster Risk Management Policy (OP-704). These policies provide that the Bank: (i) will not support operations and activities that damage critical cultural sites;¹⁷ (ii) will prevent and mitigate disasters that occur as a result of natural hazards,¹⁸ through programming and proactive work in the projects at the regional, national, and local levels; (iii) will include the necessary measures to reduce disaster risk to acceptable levels as determined by the Bank on the basis of generally accepted standards and practices; (iv) will consider the risk of exposure to natural hazards by taking into account the projected frequency, duration, and intensity of hazard events in the geographic area of the project; and (v) for category “B” operations, will consult at least once with the affected parties, at the very least providing information to the affected parties and facilitating a dialogue on the scope of the operation and the proposed mitigation measures.
- 5.3 Eligibility for the Consultation Phase is assessed on the basis of the exclusion and eligibility criteria set forth in Sections 37 and 40, respectively, of the ICIM Policy. This involves a *prima facie* examination of the facts alleged in the Request in terms of their eligibility to be addressed by the ICIM in accordance with the Mechanism’s mandate from the Board of Executive Directors. On no account does this analysis or the final decision represent a judgment as to the validity of the issues raised.
- 5.4 In view of the above, as can be confirmed in Annex 1 of the present Memorandum, the Request complies with the requirements set forth in Section 40 (a), (c), (d), (e), and (h) of the ICIM Policy. Section 40 (b) does not apply to the present Request, since the Requesters acted on their own behalf without any representative. However, the Committee considers that the present Request does not satisfy the criteria set forth in Section 40 (f) and (g) of the ICIM Policy. For purposes of clarification for the interested

¹⁵ Loan Proposal, Blumenau Sustainable Mobility Program, BR-L1272.

¹⁶ The Eligibility Committee required an extension of 20 business days from the original date set for determination to request additional information from the Requesters and the project team and to allow time for the final document to be translated into Portuguese.

¹⁷ According to OP-703, “critical cultural sites” include but are not restricted to those protected (or officially proposed by governments for protection), such as World Heritage Sites and National Monuments.

¹⁸ According to OP-704, “natural hazards” refer to natural processes or phenomena affecting the biosphere that may constitute a damaging event, such as earthquakes, floods, frosts, forest fires, or drought.

parties, the reasons why the Committee considers that the Request does not comply with the aforementioned points of Section 40 are given below.

- 5.5 Section 40 (f) provides that the Requesters have reasonably asserted that they have been or could be expected to be directly, materially adversely affected by an action or omission of the IDB in violation of a Relevant Operational Policy. The Eligibility Committee has had access to multiple documents provided by the Requesters, such as newspaper articles and interviews on the issue, discussions in social networks, and technical studies issued by institutions such as IPHAN and the Office of Geology, Analysis, and Natural Resources of the Municipal Ombudsman's Department.¹⁹
- 5.6 Having reviewed this information, the Committee considers that the Requesters have reasonably asserted the impact they could suffer from the change in bridge location and design, given that: (i) an increase in floods would mean a direct and material damage exceeding the historically recorded damage in the city of Blumenau, affecting the property, safety, and quality of life of the Requesters as citizens of Blumenau, particularly considering that the bridge was not designed with a view to preventing and adapting to this existing risk; (ii) with the construction of the bridge at that location and according to the planned design, the impacts on the scenic and historical heritage would affect a public good of historical value for the city of Blumenau; and (iii) the bridge's inconsistency with the city's and the region's comprehensive urban plan could affect the quality of life of the Requesters. These impacts could be related to Operational Policies OP-703 and OP-704.
- 5.7 As an additional criterion, Section 40 (f) of the ICIM Policy also requires that the impact be related to an action or omission on the part of the Bank. In this regard, while the Requesters were informed that the IDB had approved the aforementioned bridge relocation, IDB Management indicated that the bridge project, both at its original location and at the new one proposed by the executing agency, has to date not gone through the Bank's review and approval process. The reason for this is that it had not been included in the "representative sample" of works required for Board approval in June 2012.²⁰
- 5.8 In view of the above and based on the information available so far, the Committee has confirmed that, as of this date, the IDB has approved the program on the basis of its "representative sample," and that the official IDB documents reviewed by the Committee do not indicate approval for construction of a bridge in the city center or, therefore, its relocation. Consequently, the Committee considers that there is no identifiable action or omission on the part of the Bank in violation of its Operational Policies related to the potential impact alleged by the Requesters, and therefore concludes that the criterion set forth in Section 40 (f) is not met.

¹⁹ The documents provided by the Requesters include: (i) Neighborhood impact study, new bridge on the Itajaí-Açu River/ Blumenau, Final report, Novaponte Consortium, January 2014; (ii) technical report from the IPHAN, Analysis of the proposal to build a new bridge on the curve of the Itajaí Açu River in Blumenau/SC, Maria Regina Weissheimer, IPHAN, Technical Report 301/2013, 6 August 2013, Florianópolis/SC; (iii) technical report from the Office of Geology, Analysis, and Natural Resources of the Municipal Ombudsman's Department, Município of Blumenau, No. 11/2014, 20 January 2014; and (iv) terms of reference, national open call for architectural proposals for city center bridge and walkway - Blumenau/ SC.

²⁰ Required by the IDB Multiple Works Programs Processing Procedures (PR-202).

- 5.9 Under Section 40 (g) of the Policy, the parties must agree to participate in a Consultation Phase process. In the present case, the Requesters have stated their unwillingness to participate in a Consultation Phase process, given that “all attempts at dialogue [with the current Administration] have been thwarted”²¹ and especially due to the latest developments concerning the Municipal Government’s approval process for the city center bridge project. Under these circumstances, a Consultation Phase exercise would not be of interest to the Requesters; therefore, the requirement of Section 40 (g) of the Policy is not satisfied. However, the Requesters have underscored their interest in an investigation being carried out through the ICIM Compliance Review Phase.

VI. Conclusion

- 6.1 The Committee therefore concludes that, on the basis of the foregoing, and without making any judgment as to the merits of the case, Request MICI-BR-2013-068 is not eligible for the Consultation Phase as it does not comply with the requirements of Section 40 (f) and (g) of the Policy.
- 6.2 Since the Requesters have asked that their Request be considered for the Compliance Review Phase, the Executive Secretary will proceed to forward the Request to the Panel Chairperson, no later than five business days following notice of this Memorandum, for a determination of eligibility under such phase.

²¹ Communication of 5 March 2013.

Annex 1. Eligibility analysis table

	Eligibility criteria	Analysis
a.	Names and contact information for the Requester.	The Requesters are three Blumenau residents who requested that their identities be kept confidential for purposes of processing their Request. ²² They provided the ICIM with their contact information.
b.	Names and contact information for the Representative.	Not applicable to the present Request.
c.	Project or operation duly identified.	Blumenau Sustainable Mobility Program (BR-L1272).
d.	The Requester resides in the country in which the operation is being implemented.	According to the documentation provided, the Requesters reside in Brazil.
e.	None of the exclusions for the Consultation Phase set forth in Section 37 apply.	Fulfilled.
	37. a. Actions that are the responsibility of parties other than the Bank, such as a borrower/recipient, technical cooperation beneficiary, or executing agency, and that do not involve any action or omission on the part of the Bank;	Not applicable – While the Request refers to the activities of the executing agency regarding the proposal to relocate and change the design of the city center bridge, it is the responsibility of the IDB to review and approve the plans submitted by the executing agency under the Blumenau Sustainable Mobility Program.
	37. b. Requests related exclusively to the laws, policies, or regulations of the host country(ies), borrower/recipient, or the executing agency;	Not applicable – The Request does not refer to these matters.
	37. c. Actions or activities that do not relate to a Bank-financed operation or that are not subject to the Bank's Relevant Operational Policies;	Not applicable – According to the Request, the city center bridge construction and its redesign and relocation are related to the Blumenau Sustainable Mobility Program and therefore subject to the Bank's Relevant Operational Policies.
	37. d. Procurement decisions or processes (in which case the Executive Secretary shall redirect the Request to the appropriate office within the Bank);	Not applicable – The Request does not refer to procurement procedures.

²² As provided in Section 33 of the ICIM Policy.

	Eligibility criteria	Analysis
	37. e. A particular matter or matters that have already been reviewed pursuant to the Mechanism, or its predecessor, unless justified by new evidence or circumstances not available at the time of the initial Request;	Not applicable – The Request does not refer to any matters that have already been verified by the ICIM or its predecessor.
	37. f. Requests dealing with a Bank-financed operation that are filed after 24 months of the last disbursement;	Not applicable – The Request was submitted on 6 August 2013 and formalized on 17 January 2014. To date, the Bank has disbursed 6.72% of the total amount to be financed over a period of five years. ²³
	37. g. Ethics or fraud questions, specific actions of Bank employees, non-operational matters such as internal finance or administration, allegations of corrupt practices, or other matters subject to review by other bodies established by the Bank (in which case the Executive Secretary shall redirect the Request to the appropriate office within the Bank);	Not applicable – The Request does not refer to matters subject to review by other bodies within the Bank. However, the Requesters have raised the possibility of filing a complaint with the Office of Institutional Integrity.
	37. h. Any Request that on its face (i) is without substance, or (ii) has been submitted to gain a competitive business advantage;	Not applicable – The Committee considers the Request to have substance and to contain no elements indicating that its purpose is to obtain a competitive business advantage.
	37. i. Requests that raise issues under arbitral or judicial review by national, supranational, or similar bodies.	<p>Not applicable – While there is a <u>Public Civil Action</u> related to the Request, this action does not apply to the present exclusion as it involves different parties and a different matter.</p> <p>In addition, the Requesters informed the ICIM that two of them had filed a <u>petition for tombamento</u> (historical heritage status). This petition has not been recorded by the relevant administrative bodies and is in any event an administrative rather than an arbitral or judicial process, and therefore does not apply to this exclusion.</p>

²³ Loan Proposal, Blumenau Sustainable Mobility Program, BR-L1272.

	Eligibility criteria	Analysis
f.	The Requester has reasonably asserted that it has been or could be expected to be directly, materially, adversely affected by an action or omission on the part of the IDB in violation of one or more of its Relevant Operational Policies.	<p>Not fulfilled- Following an analysis of the Request, written communications, numerous links to newspaper articles and interviews, as well as technical documents, the Eligibility Committee finds that the Requesters have reasonably stated the impact they could suffer as a result of the changes in location and design of the city center bridge, which, as they understand it, have already been approved by the IDB under the program.</p> <p>However, the Committee has been unable to identify any connection between this impact and an action or omission on the part of the Bank in violation of a Relevant Operational Policy.</p> <p>In view of the foregoing, without going into a detailed analysis of the matter, the Committee considers that the criterion set forth in Section 37.f has not been satisfied.</p>
g.	The parties are amenable to a consultation or mediation exercise.	<p>Not fulfilled –The Requesters stated that they have no wish to participate in a Consultation Phase process. Nevertheless, they emphasized their interest in an investigation being carried out.</p> <p>Given that the Requesters are unwilling to participate in a Consultation Phase process, the Committee saw fit not to consult the Municipality as to its willingness to take part in such process.</p>
h.	The Requester has taken steps to bring the issue to the attention of Management.	<p>Fulfilled – The Requesters contacted Management by means of written communications and telephone calls to draw attention to the issue in question. Following an inquiry from the Committee as to its interest in addressing the concerns raised by the Requesters, Management informed the Committee in writing of its decision not to do so.</p>

Annex 2. Original Request

<http://www.iadb.org/es/mici/detalle-de-reclamo,1804.html?id=MICI%20DBR%202013%20068>

Annex 3. Chronology of major communications between the parties

Date	Activity
6 August 2013	First anonymous contact by the Requesters with IDB Management, also addressed to the ICIM.
8 August 2013	Anonymous email addressed to IDB Management, re-sent to the ICIM on 9 August 2013.
3 October 2013	First contact of the Executive Secretary of the ICIM with the Requesters.
9 October 2013	Eligibility Committee teleconference with the IDB project team.
13 October 2013	Reply by the Requesters, providing their identities and their representative's contact information.
17 October 2013	First Eligibility Committee communication with the Requesters' representative.
18 October 2013	<ul style="list-style-type: none"> First Eligibility Committee teleconference with the representative, transmittal of information on the ICIM process, and request for additional information. Communication from the project team to the ICIM.
4 November 2013	Transmittal of additional documentation by one of the Requesters.
7 November 2013	Email from the Requesters, with copy to IDB Management, providing additional information on the Request.
17 January 2014	Transmittal by the Requester of information requested on 18 October 2013, and formalization of identities.
22 January 2014	Communications of the Executive Secretary with the project team.
8 and 11 January 2014	Communications of the Requester with the Eligibility Committee.
29 January 2014	Meeting of the Executive Secretary with the IDB Transport Division Chief.
12 February 2014	Transmittal of additional information by the Requester.
18 February 2014	Teleconference with one of the Requesters.
19 February 2014	Transmittal of teleconference summary to the Requester for review and approval.
20 February 2014	Teleconference with one of the Requesters and transmittal of teleconference summary for review and approval.
28 February 2014	Teleconference with two of the Requesters.
4 March 2014	Transmittal of 28 February 2014 teleconference summary for review and approval by the Requesters.
5 March 2014	<ul style="list-style-type: none"> Approval of 18 February 2014 teleconference summary. Transmittal of additional information by the Requester.
7 March 2014	<ul style="list-style-type: none"> Teleconference with the Requesters. Transmittal of teleconference summary for review and approval by the Requesters.

10 and 11 March 2014	Approval by the Requesters of 7 March 2014 teleconference summary.
11 March 2014	<ul style="list-style-type: none"> • Email from the Eligibility Committee to the project team requesting additional information on the program. • Transmittal of additional information by the Requesters.
12 March 2014	<ul style="list-style-type: none"> • Approval of 28 February 2014 teleconference summary. • Transmittal of additional information by one of the Requesters.
13 March 2014	Transmittal by the project team of requested information and documents.
14 and 15 March 2014	Transmittal of additional information by one of the Requesters.
17 March 2014	Transmittal of additional information by one of the Requesters.