

BDT 300.00 Non-Judicial Stamp

Format for O&M Agreement between BWDB and WMA (translated)

Signed Agreement between the Bangladesh Water Development Board and Amkhola-Mushurikathi Sluice Water Management Association, Bauria Sluice Water Management Association and Masuakhali-Badura-Noshaishil Sluice Water Management Association in Polder No. 43/2B concerning operation, repair and maintenance of water management infrastructures.

On behalf of the Bangladesh Water Development Board (BWDB)
Permanent Address: WAPDA Bhaban, Motijheel C/A, Dhaka-1000
Executive Engineer
Patuakhali O & M Division, BWDB

The First Party

And

On behalf of
Amkhola-Mushurikathi Sluice Water Management Association, Bauria Sluice Water Management Association and Masuakhali-Badura-Noshaishil Sluice Water Management Association of Polder No. 43/2B formed under Blue Gold Program Representatives of Water Management Association/s

The Second Party

Whereas in proper conservation, routine operation and maintenance of the water management infrastructures by local stakeholders is considered as essential, the Water Management Organisation, which was formed by local stakeholders, from now on will have the responsibility for routine operation and maintenance. Considering this, taking into account Government rules, knowing the responsibilities of both parties mentioned in this agreement, both parties signed the agreement with its particular conditions today, on...../...../2018 AD

Conditions:

1. The ownership of the water management infrastructures will remain with Bangladesh Water Development Board.
2. After signing this agreement, the above mentioned Water Management Association/s will take up the responsibilities for management, operation and routine maintenance of the water management infrastructures.
3. The responsibilities of Bangladesh Water Development Board (First party) and Water Management Association/Water Management Associations (Second party) will be assigned according to the following guidelines:

Sl. No.	Water Management Infrastructure	Description of Works	Types of work	Responsibility
01.	Embankment	a) Routine maintenance	Protect from cutting of toe and Verm of embankment, refrain from cultivation on the slop, refrain from building houses and shops on the embankment. Ghog repair, rain cut repair & turfing on those places/ repair, cleaning of weeds/jungles etc. Refrain from not planting harmful varieties of trees on the embankment	Water Management Association (WMA)
		b) Periodic maintenance	Resectioning of embankment as per design every 4-5 years.	BWDB
		c) Emergency maintenance	Repair of cracks, retirement of embankment	BWDB
02.	Hydraulic Infrastructure a) Large/Major Infrastructure (Drainage/flushing sluices)	a) Operation	On behalf of Water Management Association/s respective Sluice/ Catchment Operation and Maintenance Sub-Committee (in brief-Catchment Committee) will conduct daily operation of the gates of the water management infrastructure (water drainage, flashing/drainage sluice/regulator) located in its area following the catchment O&M plans to ensure proper use of water. Routine operation of the structure: Prevent catching fish/prevent/remove fixing of fishing net.	Water Management Association (WMA)
		b) Routine maintenance	Prevent catching fish/ remove fishing net/X bandh/patta (bamboo mash fsncing). Greasing, minor repair of gate and hoist, tightening and changing of nuts and bolts when necessary, cleaning of garbage in the khal adjacent to the gate, remove silt from floor of the sluice gate, resetting concrete block if it is displaced, repair rain cut around the structure, cleaning surrounding the sluice, prevent building of infrastructure near the larg WM infratructure, prevent storing and passing wooden log through the sluice gate etc.	Water Management Association (WMA)
		c) Periodic Maintenance	Maintenance/ re-construction of main structues including protective apron. Prevent sipage of water through bottom / side wall. Yearly overhauling of the hoist equipment, painting of the gate, resetting of the gate etc.	BWDB
		d) Emergency maintenance	Any emergency work, such as measures to prevent scouring inside or outside the sluice	BWDB
	Hydraulic Infrastructure b) Small/Minor infrastructure (Irrigation Inlet and Drainage Outlet etc.)	a) Operation	Operation of the gates Respective Sluice/ Catchment Operation and Maintenance Sub-Committee (in brief-Catchment Committee) will conduct daily operation of the gates of the small water management infrastructure (irrigation inlets and water drainage outlets) located in its area to ensure proper use of water.	Water Management Association (WMA)
		b) Routine maintenance	Greasing, minor repair of gate and hoist, tightening and changing of nuts and bolts when necessary, cleaning of garbage in the khal adjacent to the sluice, remove silt from	Water Management Association (WMA)

Sl. No.	Water Management Infrastructure	Description of Works	Types of work	Responsibility
			the floor of sluice gate, reset C.C. blocks if displaced, repair rain cut around the structure, cleaning surrounding the structure etc.	
		c) Periodic maintenance	Any major changes or re-setting, painting of gates, etc.	BWDB
03.	Channels a) Large/major	a) Routine maintenance	Clearing of water-hyacinth and other water weeds; removal of obstructions which hamper water flow.	Water Management Association (WMA)
		b) Periodic maintenance	Re-excavation of main canals/branch canals. Excavation-re-excavation of branch canal/connecting canals.	BWDB (On the basis of demand from WMA)
		c) Emergency maintenance	Any types of emergency work	BWDB
	Channels b) Small/Minor	a) Routine maintenance	Clearing of water-hyacinth and other water weeds; removal of obstructions which hamper water flow.	Water Management Association (WMA)
		b) Periodic maintenance	Removal of silt	BWDB (in cooperation with WMA. This may be implemented by LCS at a low cost.)
04.	Internal Water Management	a) Internal Water Management	Field channel, small drainage pipe with gate/without gate, small culvert, foot bridge and construction compartmental embankment	Water Management Association (WMA)
05.	Pump shed and pump	Construction of Pump shed and installation of pump	Conservation of embankment, stalin basin, electricity connection, supply, installation, operation and maintenance of pump, electricity bills, maintainance of installations	Water Management Association (WMA)

4. In addition to the above mentioned responsibilities

(a) **The Bangladesh Water Development Board (1st party) has the following responsibilities:**

- i) Providing technical assistance and training to the concerned Water Management Association/s (WMA) in managing, operating and maintaining the structures mentioned in this agreement;
- ii) BWDB will provide support to WMA/s for preparation of gate operation plan according to the needs of the beneficiaries;
- iii) Major repairs of the structures mentioned in this agreement, including periodic and emergency maintenance;
- iv) During implementation of the project and afterwards proportion of earth work decided by the Government, (Now at least 25% of estimated earth work) should be implemented by LCSs;
- v) Water Development Board will take legal action if anybody hampers the water flow in any canal/ river of the polder.

(b) **Amkhola-Mushurikathi Sluice Water Management Association, Bauria Sluice Water Management Association and Machuakhali-Badura-Nonhaishil**

Sluice Water Management Association (2nd party) has the following responsibilities:

- i) Handing over of responsibilities of regular management, operation and regular maintenance of water management infrastructure to the respective Sluice/Catchment Operation and Maintenance Sub-Committee (In brief-Catchment Committee) regular monitor and support the activities of this committee.
 - ii) Tree plantation and cultivation of other crops by the Association through deeping methods on the embankment following the provisions of BWDB embankment afforestation policy and plantation manual and permission of the authority;
 - iii) Catchment Committee with support of the WMA small repair of sluice gate and other infrastructure mentioned in the agreement and perform regular maintenance;
 - iv) Ensuring that no one cuts the embankment and taking legal action with support of the WMA, in case anybody cuts it. Support shall be taken from the authority if needed; Catchment Committee- *there is porovision for formation of such committee in the Sub-Rule 5(6) of the PWM Rules 2014;*
 - v) Catchment Committee shall ensure that no one try to passes logs through the sluices or inlets;
 - vi) Paying due attention (by WMA/s) to proper operation of sluices, i.e. opening and closing of sluice gates by the Catchment Committee, before, during and after the rainy season, so that stakeholders get the water they require;
 - vii) Identifying resources (acquired borrow-pits, land along embankment, khals and other water bodies, etc.) that can generate funds for management, operation and maintenance of the water management structures mentioned in this agreement and arranging for the legal rights to use them through permission of the appropriate authorities.
5. 2nd party can catch fish/culture fish in the water bodies suitable for fish culture under the project, but only after obtaining legal permission from 1st party under the condition that it will not create any obstruction to the normal water flow in the water bodies.
6. Bangladesh Water Development Board (1st party) and **Amkhola-Mushurikathi Sluice Water Management Association, Bauria Sluice Water Management Association and Machuakhali-Badura-Noshaishil Sluice Water Management Association** (2nd party) will accomplish the following tasks jointly:
- a) Supervision of sluice gates: If there is a need of taking a corrective or disciplinary action, then appropriate action will be taken through the consensus of both parties;
 - b) Agreeing on whether WMA/s needs any technical training or any kind of support from the Bangladesh Water Development Board aimed at water

management, operation and maintenance and taking necessary steps by the Bangladesh Water Development Board to arrange those.

7. If there is a need to change or alter this agreement, it will be done through signing by both parties. A resolution by the **Amkhola-Mushurikathi Sluice Water Management Association, Bauria Sluice Water Management Association and Machuakhali-Badura-Noshaishil Sluice Water Management Association** shall be required.
8. If any conflict arises over this agreement or if one party thinks that the other party is breaking the condition(s) of this agreement, then, through discussion between the two parties, the conflict should be minimized. If there is a need for this, Superintending Engineer, BWDB or highrt official may be appointed mediator with the consent of both parties to minimize the conflict.
9. This agreement will be effective right after signing of the agreement by both parties and it will be renewed every 3 years.
10. Agreeing the above conditions, both the parties signed this argeement today on...../...../.....Bangla/...../.....AD at.....O&M Division, BWDB Office in presence of the following witnesses:

First party

In favour of

Bangladesh Water Development Board

(.....)

Executive Engineer
Patuakali O&M Division
Dagabkhal;

Witness- 1.

Witness- 2.

Second party

In favour of

1. Amkhola-Mushurikathi Sluice
Water Management Association

1. (.....)

General Secretary

1. (.....)

Chairman

In favour of

2. Bouria Sluice Water Management Association

(.....)

General Secretary

;

(.....)

Chairman

In favour of

3. Machuakathi-Badura-Noshaishil Sluice Water
Management Association

(.....)

General Secretary

(.....)

Chairman

Witness- 1.

Witness- 2.

Witness- 1.

Witness- 2.

Core issues of the O&M Agreement

Core issues of the signed Agreement between BWDB and Amkhola-Mushurikathi Sluice Water Management Association, Bauria Sluice Water Management Association and Machuakhali-Badura-Noshaishil Sluice on operation and maintenance of water management infrastructure

Responsibilities of Water Management Association/s:

1	Repair of embankment: Repair of gog, raincut and tarfing on these sites/cleaning of un-wanted vegetation/weeds
2	Maintenance of Sluice/Inlet: Greaseing, small repair of gate and hoist, changing nuts and bolts, cleaning of wastes near the gate, painting of gates, silt cleaning from the floor of the sluice gate, placement of cc blocks if these are displaced, repair of raincut, cleaning around the infrastructure, routine maintenance etc.
3	Cleaning of Canal: Cleaning of water hayacinch and aquatic weeds, removal of X bandhs/any other obstructions those affect normal water flow.
4	Handing over of responsibilities regarding regular management, operation and maintenance of water management infrastructure to the respective water management group and regular monitoring and support.
5	Plantation or growing vegetables through deeping method on the berm of embankment can be done following the provisions of BWDB embankment afforestation policy and plantation manual.
6	Ensuring that no one cuts the embankment and taking legal action, in case anybody cuts it. Take support from BWDB if needed
7	Ensuring that no one passes logs through the sluices or inlets.
8	Paying due attention to proper operation of sluices, i.e. opening and closing of sluice gates, before, during and after the rainy season, so that stakeholders get the water they require.
9	Identifying resources (acquired borrow-pits, land along embankment, khals and other water bodies, etc.) that can generate funds for management, operation and maintenance of the water management structures mentioned in this agreement and arranging for the legal rights to use them through permission of the appropriate authorities.
10	Association can catch/culture fish in the suitable water bodies under the project, but only after obtaining legal permission from authority under the condition that it will not create any obstruction to the normal water flow in the water body.

Responsibilities of Bangladesh Water Development Board

1	Embankment: Re-construction, finetuning, repair of cracks, construction of re-tire embankment as per design after 4-5 years
2	Sluice/Inlet maintenance: Yearly overholing of hoisting equipments, re-installation of gate.
3	Re-excavation of canal: Re-excavation of canals through discussion and decision with Water Management Organizations. Remove silt in cooperation of Water management Organization. Take legal actions if anybody obstruct normal water flow in canals or support organizations to take legal actions.
4	Large scale repair of the infrastructure mentioned in this agreement and periodical and emergency maintenance.
5	Provide support the WMOs interested for plantation through deeping method on the berm of embankment following the provisions of BWDB embankment afforestation policy and plantation manual.
6	Take necessary initiatives regarding repair/renovation of water management infrastructure in consultation with WMOs if necessary even after completion of the project.

First party
In favour of Bangladesh Water
Development Board In favour of

(.....)
Executive Engineer
Patuakali O&M Division
Patuakhali

Second party
Amkhola-Mushurikathi Sluice Water
Management Association

2. (.....) 2. (.....)
General Secretary Chairman

Witness- 1.

In favour of
2. Bouria Sluice Water Management Association

Witness- 2.

(.....) (.....)
General Secretary Chairman
;

In favour of
3. Machuakathi-Badura-Noshaishil Sluice Water
Management Association

(.....) (.....)
General Secretary Chairman

Witness- 1.

Witness- 1.

Witness- 2.

Witness- 2.

Appendix-1

Appendix to the O&M Agreement – Detailed list of catchment/sluiice based infrastructure under WMA/s

1. Sluice/Catchment area: Amkhola Sluice

Polder: 43/2B

Description of infrastructure

SL.	Name of infrastructure	Description	Present status	Location (Name of the WMG where located)	Name of the WMGs under this Catchment
1.	Embankment	8 km	Good	Daribaheer Char, Chinguria Dhakkin, Balaikathi, Uttar Amkhola	Daribaheer Char, Chinguria Dhakkin, Balaikathi, Uttar Amkhola
2.	Amkhola Sluice	2 Vents	Good	Daribaheer Char, Chinguria Dhakkin, Balaikathi, Uttar Amkhola	

2. Sluice/Catchment area: Mushurikhathi Sluice

Description of infrastructure

SL.	Name of infrastructure	Description	Present status	Location (Name of the WMG where located)	Name of the WMGs under this Catchment
1.					
2.					

First party

In favour of

Bangladesh Water Development Board

(.....)

Executive Engineer
Patuakali O&M Division
Patuakhali

Second party

In favour of

Amkhola-Mushurikhathi Sluice
Water Management Association

3. (.....)

General Secretary

3. (.....)

Chairman

Witness- 1.

Witness- 1.

Witness- 1.

Witness- 2.

Witness- 2.

Witness- 2.