



# **REPUBLIC OF KENYA**

## **MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT**

**State Department for Housing and Urban Development**

**Second Kenya Informal Settlements Improvement Project (KISIP2)**

**Credit No: 6759-KE**

## **Terms of Reference**

**For**

**Consultancy Services for Individual Social Safeguards Consultant**

**Contract No KE-MOTI-216657-CS-INDV**

**MAy,2023**

## **1. Introduction**

The Government of Kenya received credit from International Development Association (IDA) towards the cost of the second Kenya Informal Settlements Improvement Project (KISIP2) and intends to apply part of the proceeds of the credit to procure **Individual Social Safeguards Consultant** to offer technical assistance to the project.

The overall project development objective is to improve access to basic services and tenure security of residents in participating urban informal settlements and strengthen institutional capacity for slum upgrading in Kenya.

This project, while concentrating on informal settlements, complements existing and past Urban operations in Kenya which address the Urban infrastructure deficit and Urban institutional challenges. It supports the Governments affordable housing agenda as it seeks to complement the demand-side and supply-side operations to improve housing affordability.

The project has the following four (4) components:

**Component 1: Integrated settlement upgrading.** This component supports settlement upgrading through two main interventions classified under two subcomponents:

***Subcomponent 1.1: Tenure regularization-*** coordinates regularization of tenure for people living on uncontested public lands whose process includes: Development of a local physical plan for the settlement which lays out land parcels and infrastructure like roads, drainage, walkways; Surveying with physical placement of beacons to demarcate the parcels as per the plan; Preparation and issuance of letters of allotment based on the survey plan; and Issuance of titles.

***Subcomponent 1.2: Infrastructure Upgrading***

Coordinates infrastructure investment portfolio whose menu includes: roads, bicycle paths, pedestrian walkways, street and security lighting, vending platforms, solid waste collection and settlement sorting, storm water drainage, water and sanitation systems, public parks, and green spaces. It further includes investments related to prevention of crime and violence, including but not limited to community centres.

**Component 2: Socio-economic inclusion planning.**

This component supports community development plans to enhance social and economic inclusion, identifies beneficiaries who fit the eligibility criteria of government programs but are excluded and connects them appropriately, supports participatory crime and violence mapping, monitors the employment of local labour, carries out community capacity building and awareness raising for various project interventions including community-based solid waste management.

**Component 3: Institutional capacity development for slum upgrading**

This component supports institutional and policy development at national and county levels; develops a capacity building plan for national and county levels to implement the Strategy and to develop understanding of slum upgrading processes; also supports technical assistance, training,

workshops and learning events, experience sharing and peer-learning activities with other counties, and other capacity building activities.

#### **Component 4: Program management and coordination.**

This component supports activities of the NPCT and the CPCTs related to national and county-level project management and coordination, including planning, surveying, engineering, fiduciary (financial management and procurement), safeguards compliance and monitoring, monitoring and evaluation (M&E), communication and community development.

### **2. Background to the Consultancy**

The Project endeavors to ensure that environmental and social issues are adequately identified and addressed in all its components especially infrastructure investments and tenure regularization (planning and survey). To achieve this, the project has an Environment and Social Management Framework (ESMF), Resettlement Policy Framework (RPF), Vulnerable and Marginalized Groups Framework (VMGF), Stakeholder Engagement Framework (SEF), and Social Management Plan (SMP), whose key objective is to provide a framework for systematic and effective identification and management of environmental and social issues. The ESMF provides guidance on integrating of environmental issues into project design and implementation; while the RPF provides guidance on mitigating the likely impacts associated with land acquisition and displacement. The VMGF provides guidance on identifying and mitigating impacts on vulnerable and marginalized groups (indigenous people), while the SEF provides a framework for engaging with project stakeholders particularly the beneficiaries and Project Affected persons (PAPs). The primary purpose of the SMP is to identify, plan for and mitigate/reduce potential social impacts from tenure regularization activities and to ensure that all identified social risks and impacts expected to occur are minimized and compensated so as to avoid harm and destitution for project beneficiaries. The ESMF, RPF, VMGF, SEF, and SMP form part of the financing agreement between the World Bank and the Government of Kenya.

#### ***Sub-Component 1:1- Enhancing tenure security.***

As part of enhancing tenure security in informal settlements, the planning and survey work under sub-component 1.1, will affect households that are on newly planned access roads, or in areas demarcated through the planning process for other public uses. Therefore, the planning and survey work triggers Operational Policy (OP) 4.12 of the World Bank on involuntary resettlement. Consequently, Resettlement Action Plans (RAPs) have to be prepared even if no infrastructure investments following the planning and survey are confirmed, to address any displacement and relocation impacts. Temporal relocation impacts that will not lead to total relocation/displacement will be mitigated through Social Management Plans (SMPs). The project will have commissioned consultants to undertake the preparations of RAPs and SMPs alongside planning and survey.

#### ***Sub-Component 1:2-Investing in infrastructure and service delivery.***

Under Component three (3), the project will finance infrastructure projects in the following areas: Roads (including foot and bike paths), storm water drainage, vending platforms, solid waste management, water supply and sanitation, high mast lighting, and open spaces and public parks. The implementation of these project interventions result in displacement of people, assets,

and livelihoods and hence trigger the World Bank's Operational Policy 4.12 on Involuntary Resettlement. This necessitates the preparation and implementation of RAPs.

The Ministry of Transport, Infrastructure, Housing & Urban Development would therefore wish to acquire the services of an Individual Social Safeguards Consultant to provide technical support to the Project Coordinating Team to supervise the preparation and implementation of the RAPs and SMPs, strengthen the Project's grievance redress mechanism, and stakeholder engagement.

### **3. Objective of the Consultancy**

The primary objective of the assignment for the Individual Social Safeguards Expert is to offer technical support to the National Project Coordinating Team (NPCT) in the development and implementation of Resettlement Action Plans (RAPs), Social Management Plans (SMPs), and Vulnerable and Marginalized Groups Plans (VMGPs) where applicable. Additionally, the Consultant shall provide technical support to all social aspects of the project that include stakeholders' engagement and grievance redress mechanism.

### **4. Scope of Services**

The scope of work is spread in the various participating counties with tenure regularization and infrastructure interventions.

### **5. Specific Tasks**

The main assignment includes and not limited to the following tasks:

#### **a) General Technical Support to Project PCTs**

- Providing expert advice to NPCT team, the County Government and project teams with regard to the preparation of resettlement action plans (RAPs), Environmental and Social Management Plans (ESMPs), vulnerable and marginalized groups plans (VMGPs), stakeholder engagement plans (SEPs), public consultations, community participations, based on the thorough analysis of social, economic and legal frameworks, the nature of projects and their impacts, so as to ensure compliance with the World Bank's operational policies.
- Provide overall technical assistance to the project on safeguard issues regarding Planning and Survey, and infrastructure projects and advice on ways to manage social risks.
- Participate in World Bank missions, including preparation of progress reports and supervising the implementation of agreed actions during such missions.
- Participate, as a team member in analytical, strategic, and policy issues regarding social impacts and safeguards.
- Working closely with consultants undertaking socio-economic surveys, planning and survey, engineering designs, and works contractors.
- Offer advice on the new land laws in respect of public land and their relationship with World Bank safeguard policy in regards to tenure regularization in informal settlements.
- Advise the project on the proposed resettlement options for Project Affected Persons (PAPs) tailored to suit individual settlements.
- Support the NPCT to monitor the implementation of the resettlement action plans and social management plans by Counties.

- Review all the resettlement action plans and social management plans produced by the consultants in consultation with the Counties, before submission to the World Bank for review and approval.
  - Any other relevant assignment as may be required from time to time.
- b) Review of related reports from related consultancies**
- Assist the NPCT to review the submissions from consultants engaged on Resettlement Action Plans and Social Management Plans; and ensure effective quality control systems are in place and the submitted work is in compliance with technical specifications and World Bank and Government of Kenya (GOK) quality standards.
  - Assist NPCT to offer technical support to the consultants involved in the preparation of safeguard instruments (e.g. RAPs, SMPs, VMGPs, SEPs) when required to ensure the assignments are completed within time and required standards.
- c) Review of Reports**
- Review the socio-economic survey reports, and stakeholder/community participation reports.
  - Review and advice on the adequacy of Resettlement Action Plans (RAPs), ESMPs, VMGPs, SEPs submitted by consultants for approval.
  - Assist the project to undertake liaison with the World Bank to ensure the prepared safeguard instruments are cleared and disclosed.
  - Assist the project in ensuring the necessary revisions proposed by the Bank reviews of submitted RAPs and SMPs are incorporated in a timely manner.
  - Review implementation reports submitted by consultants and contractors.
- d) Support RAP/SMP Implementation**
- Assess safeguards problems/challenges and provide appropriate technical advice to the NPCT, Counties, consultants and contractors.
  - Responsible to ensure that effective implementation, monitoring and supervision tools are developed and implemented for RAPs/SMPs/VMGPs/SEPs.
  - Ensure all technical inputs and cost estimates related to the implementation of the RAPs are incorporated and addressed as appropriate.
  - Support the operationalization of the grievance redress mechanisms in all the settlements and Counties where RAPs and SMPs have been conducted including providing technical capacity.
  - Assist the project in undertaking continuous capacity enhancement of community Grievance Redress Committees (GRCs) and Settlement Executive Committees (SECs)
  - Assist the project in ensuring that all the projects are compliant with the World Bank Social Safeguards Policies O P 4.12 on involuntary resettlement.
  - Assist in the designing and implementing an effective system for verification of Project Affected Persons (PAPs), Affected Assets, and Livelihoods
  - Ensure the disclosure of RAPs for implementation meet the World Bank Standards for disclosure, and put in place a system for documenting and responding to feedback from disclosure.
  - Assist the project to maintain a proper documentation system for all the RAPs and SMPs including PAP and Asset Registers, and RAP & SMP implementation reports.

- Ensure that there is a working stakeholder engagement plan throughout the life of the projects.
- Ensure that all other social risks are properly managed.

**e) Monitoring and Reporting**

- Assist in the preparation of quarterly work plan, quarterly and annual performance reports for safeguards.
- Assist in preparation of all reports and presentations as may be required from time to time, by the project.
- Assist in the preparation of monthly logs on complaints and grievances
- Support the preparation of severe incidence reports including Root Cause Analysis (RCA) and Safeguards Corrective Action Plan (SCAP) as required.
- Identify and manage risks and initiate corrective action where necessary, so that maximum benefit to client and stakeholders is achieved.
- Monitor the grievance redress mechanism to ensure it is effective and propose corrective actions to remedy any short-comings.
- Undertake Social Safeguards Completion reports for all the settlements where RAPs/SMPs have been implemented.
- Carry out safeguard completion audits for completed projects as part of internal process and impact evaluation.

**6. Outputs**

- Approved and disclosed RAPs, SMPs, VMGPs, SEPs as applicable by the Bank and the project
- Monthly Progress reports
- RAP/SMP/SEP/VMGP Implementation Reports
- GRM reports and monthly logs
- Community consultation reports
- Severe Incidences Root Cause Analysis reports
- Safeguards Corrective Action Plans
- Safeguard completion audit reports

**7. Duration and Location**

The assignment will be an overall period of Twenty-Four (24) Months. It is intended that this Consultancy will be contracted for an initial period of Twelve (12) Months from the date of commencement with a probation period of three (3) months. This period is subject to continuity for a further Twelve (12) Months based on satisfactory performance.

The position is based in Nairobi, Kenya, at the Ministry of Lands, Public Works, Housing and Urban Development. It may involve travels to the participating counties.

**8. Qualification Requirements**

The specialist shall possess the following qualification:

- a) A Degree in one of the Social Sciences with a bias in the fields of law, sociology, community development, Environmental studies, and Land Economics or related fields from a recognized university;

- b) A Minimum of ten (10) years of full-time relevant operational experience in social development with a focus on advise and / or the management of resettlement, community participation and social safeguard requirements; Five (5) of which working with donor funded projects and/or government agencies implementing similar projects and other stakeholders in social safeguards programs (Sound understanding of Devolution is desirable).
- c) Proven capacity to engage in high level dialogue on complex social issues, and to engage both at the policy and the community level to ensure conflict resolution.
- d) Strong knowledge and experience with World Bank social safeguards (involuntary resettlement and indigenous peoples) and Bank operations, (or with the operations and social safeguards of another development finance institution); including the Government of Kenya legal, policy and institutional frameworks governing land and resettlement issues.
- e) Familiarity with the World Bank safeguard policies and the Government of Kenya legal, policy and institutional frameworks governing land and resettlement issues is required mandatory.
- f) Experience in preparing and implementing Resettlement Action Plans (RAPs) and preferably for World Bank-financed projects. Experience working in at least one (1) project in urban informal settlements is highly desirable.

**In addition, possession of the following shall be an added advantage:**

1. Postgraduate degree in any social science course mentioned in 5(a) above will be an added advantage;
2. Proven ability to effectively coordinate activities involving multiple disciplines and organizational units, including experience with public sector;
3. Excellent leadership skills especially teamwork and effective verbal and written communication skills.

**9. Administration of the Consultant’s services**

The client will designate the National Coordinator as the Consultant’s supervisor who shall be responsible for coordination of activities of the consultant. On a day-to-day work basis, the consultant shall work and report to the Head of Component 4 (Program Management and Coordination).

**10. Responsibility of the Client**

The client will provide working space adequately equipped and furnished, provide free of charge all available existing information including the communication strategy, data, reports and clips and will assist the Consultant in obtaining other relevant information and materials from governmental institutions and state authorities where necessary. However, it is the duty of the Consultant to check availability, quality and suitability of this information. The information, data, reports as mentioned above will be available for the consultant’s unlimited use during execution of the proposed services within the project.

Where travelling individually on project duties, subsistence allowance shall be paid in the equivalence of the Public Service Job Group P rates. All individual travel shall be approved prior to the task by the National Project Coordinator.

#### **11. Responsibilities of the Consultant**

The Consultant shall be responsible for their own transport, accommodation, insurance, Airtime and other associated costs.

The consultant is expected to undertake activities that will ensure that outputs are consistent with the professional and legal requirements. All outputs will be presented using modern techniques/technology and will form part of the digital land information systems for informal settlements being generated by the Project. It is also required that the data is generated through a consultative process that guarantees authenticity and ownership.

#### **12. Reporting Requirements**

The Consultant will prepare a monthly report highlighting the tasks performed, challenges, and specific recommendations on key action that should be taken to steer the project to success. The Consultant shall also, where required, prepare summary of status report(s) of works execution. All reports prepared by the Consultant shall be reviewed and submitted to the National Project Coordinator through the Head of Component.

The consultant will submit to the National Project Coordinator, a monthly timesheet, with a supporting invoice, as the basis for payment for the consultancy services.

#### **13. Remuneration**

The Social Safeguards Consultant shall be remunerated based on a monthly rate, which will be negotiated with the successful candidate during Negotiations. Remuneration will be based on national competitive rates, Commensurate with the selected candidate's area of expertise and work experience, provided he or she has satisfactorily fulfilled all requirements stipulated hereinabove.

Payment shall be monthly upon submission and approval of the monthly reports, timesheets and invoice. Costs incurred by the Consultant outside the head office will be reimbursed upon submission of a statement of expense and verifiable supporting documentation.