



REPUBLIC OF KENYA

MINISTRY OF LANDS, PUBLIC WORKS, HOUSING & URBAN DEVELOPMENT

State Department for Housing and Urban Development

Second Kenya Informal Settlements Improvement Project (KISIP2)

Credit No: 6759-KE

Project ID: P167814

Terms of Reference

For

**CONSULTING SERVICES TO UNDERTAKE PHYSICAL PLANNING, CADASTRAL
SURVEY AND DETAILED TOPOGRAPHICAL SURVEY OF 9 SELECTED
INFORMAL SETTLEMENTS IN TAITA TAVETA, KWALE AND MACHAKOS COUNTIES**

Phase IIB – CLUSTER 4

Contract No: KE-MOTI-382542-CS-QCBS

October, 2023

Client:

Principal Secretary
State Department for Housing and Urban Development
6th Floor, Ardhi House
1st Ngong Avenue
Nairobi, Kenya
Telephone: +254-02-2729200
E-mail: kisip2.procurement@housingandurban.go.ke

1) Introduction

The Government of Kenya has received a credit from the International Development Agency (IDA) towards financing of the Second Kenya Informal Settlements Improvement Project (KISIP2) and intends to apply part of the proceeds of the credit to procure **Consultancy Services to Undertake Physical Planning, Cadastral Survey and Detailed Topographical Survey of Nine (9) Selected Informal Settlements in Taita Taveta, Kwale and Machakos County Phase IIB – Cluster 4.**

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 components:

Component 1: Integrated Settlement Upgrading. This component supports settlement upgrading through two main interventions classified under two sub-components:

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

Sub-component 1.2: Infrastructure Upgrading

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

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 labor, 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) Objective of the Consultancy

The main objective of this consultancy is to facilitate the conferment/formalization of secure land tenure for selected informal settlements within the KISIP2 participating counties through Planning and Surveying.

3) Scope of Services

3.1 General

The scope of services covers 3 Counties, namely: Taita Taveta, Kwale and Machakos County: - as per **Annex 1**.

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 KISIP digital land information systems for informal settlements. It is also required that the outputs are generated through a consultative process that guarantees authenticity and ownership.

3.2 General Specific Tasks

For each settlement, the consultant will undertake the following activities;

a) Desk Study

Undertake a desk review of all the relevant planning policies and legal documents and prepare a report on the application of the content to the assignment and the specific settlement context

b) Community mobilization and sensitization for stakeholder engagement

In close collaboration with the Ministry of Lands, Public Works, Housing and Urban Development, respective County Governments, KISIP, and other Key stakeholders, including elected community representatives, the consultant shall:

- Sensitize the beneficiary communities on the slum improvement program and in particular, the land tenure regularization. The consultant will ensure that the communities understand and articulate an envisioned future growth of their settlement. All outputs of the planning and surveying process including the list of beneficiaries and planning proposals should be presented and approved by the communities.
- Sensitize the community on the available channels for Grievance redress.
- Discuss and agree on a cut-off date with the participating communities to discourage future encroachments. Clearly elaborate the objective of the cut-off date.
- Inform the communities on the criteria and eligibility of land tenure regularization.
- Inform the communities about the different tenure regularization options and discuss the various categories of stakeholders, be they tenants, structure owners of absentee structure owners
- Ensure that women are duly informed of their rights to benefit from land tenure regularization and encourage their participation by adopting strategies that will ensure their rights are considered.

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- Work closely with the community representatives, commonly referred to as Settlement Executive Committees [SECs], to ensure the tenure regularization process interprets the community's expressed needs.
 - Prepare a report on the deliberations made in the discussion forums, including meetings with communities of the benefiting settlements and other stakeholders' engagement. The report should include the stakeholders' analysis, list of participants, and minutes.
- c) **Identification, verification and confirmation of perimeter boundaries and preparation of base maps of each informal settlement**
- Verify and confirm the perimeter boundaries and acreage [as provided by the client] with the respective beneficiary communities.
 - Prepare digital base maps using compatible KISIP GIS system and incorporate in the base maps all the ground survey information including key physical attributes necessary for informing the preparation of a well-planned settlement.
 - Prepare in conjunction with the community representatives [SEC] an environmental status map to be incorporated into the digital base map.
 - Incorporate into the digital base map, information from the geo-referenced satellite imagery, ground survey, desk reports, and environmental status report.
- d) **Undertaking socio-economic surveys and physical mapping of the settlements**
- Undertake a social economic survey of the entire population, using agreed tools for data collection, in close collaboration with all stake holders.

The proposed activities include:

- Enumerate and plot all existing structures within a given informal settlement. Each structure should be geo-referenced and have attribute data that include the use and nature of structure. This should be reflected on the digital base map with their spatial position corresponding to the structures, structure owners and tenants against their national ID number.
- Together with the SEC identify, enumerate and verify both the structure owners and the tenants. Clearly identify multiple structure owners residing in the settlement and absentee owners. Generate separate lists for plot owners and the tenants and develop an e- system of presentation of data as layers within the GIS generated base map.
- Generate social economic attributes of both structure owners, tenants and their dependents and develop an e-system of presentation of data as layers within the GIS generated base map.
- Prepare a list of structure owners and issue each one of them with project identification documents/cards (includes photographs and personal details). The prepared list of beneficiaries should be presented to the County Government for verification and adoption before forwarding to the KISIP National Office. Where spouses own a structure, the project encourages that details of both should appear in the identification document/card.
- Prepare a detailed report on the social economic survey indicating enumeration of existing structures, structure owners and their identification cards, tenants and all household members and absentee structure owners. The report should also include the social and economic analysis of the settlement and the beneficiaries.

e) **Undertake Environmental and Social Impact Assessment (screening)**

- Prepare a screening report to determine the type and level of environmental and social assessments required. The screening should review the nature of the project, objectives, scope, proposed activities and outcomes, spatial extent of intervention, socio-economic and environmental baseline information, policy, legal and institutional framework, and potential social and environmental impacts. The consultant should make reference to the Project Appraisal Document (PAD), and follow the screening guidelines provided in the ESMF and RPF.

f) **Preparation of Local Physical and Land Use Development Plans for the respective informal settlements**

In close collaboration with the County Government, Ministry of Lands, Public Works, Housing and Urban Development, KISIP, and other stakeholders, the consultant will;

- Analyze data obtained from desk study, the baseline survey, base maps, environmental status maps, socio-economic and physical mapping survey and prepare analysis reports that will support the formulation of plan proposals and/or layout plans.
- Using analyzed data, prepare Draft Local Physical and Land Use Development Plans for the respective settlements according to the Physical and Land Use Planning Act (2019) and other enabling legislation. The proposals made must have been discussed and agreed upon in an inclusive stakeholders' meeting. Every settlement's draft development plan [which may include different development scenarios for upgrading the settlement] has to be presented to the Community and County Government for necessary comments and concurrence. The prepared Local Physical and Land use Development Plans will be presented as a layer/s in the prepared GIS base map and should be linked to the social economic data and list of beneficiaries.
- Prepare the final Local Physical and Land Use Development plan for each settlement based on comments from all stakeholders and present the plans to the respective County Government for adoption and approval. The following information should form part of the final planning report:
 - I. Structures and the owners affected by the planning proposals. This information should be presented in a clear format that links planning proposals to the Resettlement Action Plans and SMP.
 - II. Confirmed Minutes of the County Government on adoption/approval of the final plan and report

g) **Prepare a Social Management Plan and or a Resettlement Action Plan**

- If it is determined that an Environmental Impact Assessment (EIA) or a Strategic Environmental Impact Assessment (SEA) is required the consultant (who must be registered and licensed by NEMA) will undertake the EIAs and SEAs as the case may be for each County in accordance with the procedures and requirements under the Environmental Management and Coordination Act, 1999 and subsidiary legislation; National Guidelines for Strategic Environmental Assessments, and the project's Environmental and Social Management Framework (ESMF). The consultant will submit the EIAs or SEAs to NEMA for approval.
- Prepare Social Management Plan for each plan prepared to mitigate both physical and economic displacement impacts of planning in accordance with the World Bank's policy on involuntary resettlement (OP 4.12) and the project's Resettlement Policy Framework (RPF).

The consultant will carry out and document comprehensive public and stakeholder consultations.

h) Surveying of plots and preparation of survey plans

- Undertake cadastral surveys as per the final Local Physical and Land Use Development Plans. The cadastral surveys in UTM projection and 1960 Arc Datum or Cassini–Soldner (as advised by the Director of Survey) should be submitted to the Director of Survey for approval.
- Beacon certificates signed by all beneficiaries should be attached to survey records and submitted to the Director of Survey

Submit to KISIP national office the following;

- I. Soft copies of final unapproved survey plans in both DXF and GIS file format
- II. Approved survey plans
- III. Sealed and signed Registry Index Maps (RIM) for all settlements complete with their Area List.

i) Preparation of detailed topographical survey for engineering designs

This activity shall be based on the final survey plan

- Establish accurate vertical and horizontal controls
- Carry out a digital topographical survey of existing/proposed infrastructure, including roads, streets, manholes, walkways, utility poles, surface and sub-surface infrastructure.
- Generate a contour map with contours at an agreed vertical interval
- Establish benchmarks and provide spot heights.
- Provide accurate position of existing trunk infrastructures close to the settlement, including trunk sewer, roads, main water lines etc.
- Produce georeferenced digital maps of the engineering survey data and present in both CAD and Arc GIS format for the various thematic layers.
- Prepare a digital overlay of the engineering survey maps, the final LP&LUDP and the final survey plan

j) Land Information System (LIS)

- Present datasets that will be compatible with KISIP Land Information for each informal settlement. The database should include all spatial and attribute data and should be able to accommodate various geo-data sets.

4) Coverage

The scope of services is in Nine (9) Informal settlements across Three (3) counties as per the tables in Annex 1 indicating specific settlements, location, estimated acreage, approximate population and recommendations.

5) Duration of the Assignment

The assignment shall be for a period of 12 months from contract commencement date.

6) Reporting requirements and timelines for deliverables/outputs

The consultant shall submit the following reports. The specified copies of each of the listed reports shall be sent to the client at the following address:

Principal Secretary

State Department for Housing and Urban Development

Attn: KISIP2 National Coordinator

P.O Box 30119-00100

6th Floor, Ardhi House

1st Ngong Avenue

Nairobi, Kenya

Telephone: +254-020-2729200

Email: kisip2.procurement@housingandurban.go.ke.

Attn: KISIP National Coordinator

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Table 1: Reporting requirements and timelines for deliverables/outputs

S. No	Outputs	Timeline for submission of output/deliverable after contract commencement date	Format of presentation
1.	Inception report summarizing how the consultant intends to execute the assignment to achieve the expected results, including an analysis of policy and legal context and a Stakeholder Mapping and Engagement Plan.	2 weeks	4 hard copies and a digital copy
2.	A base map and basemap preparation report, and a Social and Environmental Screening report for each settlement.	2 nd month	4 hard copies and a digital copy of the two reports for each and base maps.
3.	Social economic survey report and preliminary list of beneficiaries for each settlement.	5 th month	4 hard copies, a digital copy of the report, the raw socio-economic survey data and List of beneficiaries.
4.	Draft Local Physical and Land use Development Plan and Planning report for each settlement and a Social Management Plan (SMP) or Resettlement Action Plan (RAP) for each settlement.	7 th month	4 hard copies and a soft copy of the draft local physical and land use development plan and SMP/RAP for each settlement.
5.	Final Local Physical and Land Use and Development Plan (LP&LUDP) and planning report for each settlement together with verified list of beneficiaries.	9 th month	4 hard copies and a soft copy of the final local physical and land use development plan together with the GIS format of the LP&LUDP.
6.	Draft Survey report and plans with beacon certificates signed by all beneficiaries' and detailed topographical survey for engineering designs for each settlement.	10 th month	4 hard copies and soft copy of the draft survey plans and topographical engineering surveys in compatible digital format.
7.	Approved survey plans, signed and sealed RIM complete with the area list, approved LP&LUDP, adopted list of beneficiaries and GIS data base incorporating both spatial and attribute data on social economic survey, list of beneficiaries, LP&LUDP and Survey data.	11 th month	4 hard and soft copies of the approved plans, LIS data compatible with KISIP GIS system (KesMIS).
8.	Final completion report and a comprehensive stakeholder engagement report.	12 th month	4 hard copies and a digital copy

7. Team Composition and Minimum Qualification and Experience Requirements for the Key Experts

The Consultants shall be well qualified and experienced professionals as required and appropriate for completion of the exercise. They should possess necessary resources to undertake services of such nature including equipment and software required (this will be inspected before signing of contract). The consulting firm must also have local experience of this type of assignments. The key professionals/expert shall personally carry out (with assistance of junior staff deemed appropriate) the services as described in this TOR. The key experts to be provided by the Consultants for this assignment are as follows: -

a) Team Leader/Principal Consultant:

General Qualifications

1. Must hold a Bachelors' degree in either Urban and regional Planning/Physical Planning or Land surveying and a Masters' degree in land related field. Those holding a Masters' degree in Physical planning will also be considered. The degrees must be from a university recognized in Kenya.
2. Must have worked as either a Physical Planner or a Land Surveyor for minimum 12 years
3. Must be a registered and practicing Physical Planner or Licensed Land Surveyor and be in possession of a valid and current practicing license from a professional body recognized in Kenya.

Adequacy for the Assignment

1. Must have experience in similar assignments i.e., Planning and/or Surveying of informal settlements in at least three (3) projects/assignments.
2. Possess a certificate in management or demonstrate to have successfully managed three (3) projects of similar nature i.e., Planning and/or Surveying of informal settlements.

Relevant experience in the region

1. Must have working experience in the region and working level fluency in local language(s)/knowledge of local culture or administrative system, government organizations

b) Land Surveyor

General Qualifications

1. Must have a Bachelor degree in Land Surveying from a university recognized in Kenya.
2. Must be registered and have a valid, current practicing license from a professional body recognized in Kenya
3. Must have worked as a Land surveyor for a minimum of ten (10) years, five (5) years of which as a licensed surveyor

Adequacy for the Assignment

1. Must have experience in carrying out title survey work in similar assignment i.e. at least two (2) projects/assignments in informal settlements.

Relevant experience in the region

1. Must have working experience in the region and working level fluency in local language(s)/knowledge of local culture or administrative system, government organization

c) Physical Planner

General Qualifications

1. Must have a Bachelor's degree in Urban and Regional Planning /Physical Planning or a masters' degree in Urban and Regional Planning /Physical Planning in from a university recognized in Kenya.
2. Must be registered and have a valid, current practicing license from a professional body recognized in Kenya
3. Must have worked as a physical planner for a minimum of ten (10), five (5) years of which as a registered planner

Adequacy for the Assignment

1. Must have experience in planning work in informal settlements in at least two (2) assignments/projects

Relevant experience in the region

1. Must have working experience in the region and working level fluency in local language(s)/knowledge of local culture or administrative system, government organization

d) Environmental Expert

General Qualifications

1. Must have a Bachelor's in Environmental Studies from a university recognized in Kenya. A Masters' Degree or higher will be an added advantage.
2. Must have at least ten (10) years' experience working as an environmentalist
3. Must possess a Valid current practicing certificate from National Environmental Management Authority (NEMA)

Adequacy for the Assignment

1. Must demonstrate at least ten (10) years' experience of conducting ESIA, SEA and environmental and social screening in projects, plans, policies and programs, five (5) of which as a registered environmentalist.
2. Must demonstrate experience in at least three (3) assignments working with donor funded projects in the areas environmental and social impact assessments, safeguard policies and the Government of Kenya legal, policy and institutional frameworks governing environmental and social impacts.

Relevant experience in the region

1. Must have working experience in the region and working level fluency in local language(s)/knowledge of local culture or administrative system, government organization

e) RAP Expert

General Qualifications

1. Have a Bachelor's degree in Social Sciences with a bias in the fields of law, sociology, community development, environmental studies, and Land Economics or related fields from a university recognized in Kenya
2. Must have a minimum of ten (10) years' relevant experience, five (5) of which with donor-funded projects and/or government agencies implementing similar projects in informal settlements.

Adequacy for the Assignment

1. Must have proven experience in engaging communities in informal settlements to ensure conflict resolution in least two (2) similar projects.

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2. Must demonstrate experience in at least two (2) assignments working with donor funded projects in the areas of preparation and implementation of Resettlement Action Plan (RAP) and or Social Management Plans (SMP) and experience in safeguard policies and the Government of Kenya legal, policy and institutional frameworks governing resettlement.
 3. Experience in preparing and implementing Resettlement Action Plans (RAPs) and or Social Management Plan (SMP) preferably in a donor funded project working in at least one (1) project of similar nature in the urban informal settlements.

Relevant experience in the region

1. Must have working experience in the region and working level fluency in local language(s)/knowledge of local culture or administrative system, government organization

f) Sociologist/Community development Expert

General Qualifications

1. Should have a Bachelor's Degree in sociology or related social sciences from a university recognized in Kenya.
2. Must have at least ten (10) years relevant experience five (5) working with communities in donor-funded projects and/or government agencies implementing similar projects in informal settlements.

Adequacy for the Assignment

1. Must demonstrate experience in community mobilization and sensitization in at least two (2) similar assignments in informal settlements.

Relevant experience in the region

1. Must have working experience in the region and working level fluency in local language(s)/knowledge of local culture or administrative system, government organization

g) GIS Expert

General Qualifications

1. Should have a Bachelor Degree in Geospatial Information Systems (GIS) or an equivalent from a university recognized in Kenya. A masters degree or higher will be an added advantage.
2. Must be a member of the Institution of Surveyors of Kenya (ISK) or equivalent body recognized in Kenya.
3. Must have at least ten (5) years' experience working as a GIS specialist

Adequacy for the Assignment

1. Must have worked as a GIS specialist for at least five (5) years in a planning and surveying environment and has experience in database creation in at least two (2) projects
2. Must demonstrate experience in working with spatial data and database creation in at least two (2) similar assignments in informal settlements.

Relevant experience in the region

1. Must have working experience in the region and working level fluency in local language(s)/knowledge of local culture or administrative system, government organization

8. Estimated Time Inputs for Key Experts

The number of key experts and the estimated time input for each key expert for the assignment are presented in Table 2.

Table 1: Estimated Time Inputs for Key Experts

S/No	Key and Support Staff	No.	Input (staff- months)
1	Team Leader/Principal Consultant	1	12
2	Land Surveyor	1	5
3	Physical Planner	1	8
4	Environmental Expert	1	4
5	RAP Expert	1	5
6	Sociologist/Community Development Expert	1	8
7	GIS Expert	1	6
TOTAL			48

9. Responsibilities of the Client

The Client will provide to and collaborate with the Consultant in making available the following documents relevant to the project subject to the extent of availability of such information:

- KISIP Project Appraisal Document (PAD)
- KISIP Operations Manual (OM)
- Land Tenure Regularization Guidelines for Informal Settlements
- Environmental and Social Management Framework (ESMF)
- Social Management Framework (SMF)
- Resettlement Policy Framework (RPF)
- Kenya Environmental Management and Coordination Act (1999)
- Kenya Environmental Impact Assessment and Audit Regulations (2003)

The Client will also facilitate the Consultant's access to Government Departments.

10. Responsibilities of the Consultant

The Consultant shall be responsible for the provision of all the necessary resources to carry out the services such as international travel, project transportation for visits in counties, subsistence allowances, accommodation, information technology, and means for communications, reporting materials, insurance and any other required resources.

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.

ANNEX 1

12. List of Settlements- Phase IIB - Cluster 4

COUNTY	S/NO.	Name of Settlement	Estimated Size (HA)	Estimated Population
Machakos	1.	Mumandu	5.07	750
	2.	Mtituni	7.4	800
	3.	Makutano	10.8	1,100
	4.	Masinga	5.0	900
Kwale	5.	Jeza A	30	2,800
	6.	Taru	29	3,056
Taita Taveta	7.	Mwakingali B (Aseko)	10.5	800
	8.	Sofia Kati	5	300
	9.	Bura Ndogo phase 2	31	1,500
Total			133.77	12,006

Note: Settlements that exceed by 5 acres of the contract acreage should be raised with the client immediately for further direction.