



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 DEVELOPMENT OF COUNTY SPECIFIC
SLUM UPGRADING AND PREVENTION STRATEGIES FOR 5NO. COUNTIES
OF NYANDARUA, WEST POKOT, THARAKA NITHI, NYAMIRA AND NANDI
(CLUSTER 6)**

Contract No. KE-MOTI-407022-CS-QCBS

May, 2024

Client:

The Principal Secretary
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1. Introduction

The Government of Kenya has received credit from the International Development Agency (IDA) and additional financing from the French Development Agency (AFD) 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 **Consultancy services for Development of county Specific Slum Upgrading and Prevention Strategies for 5No. Counties of Nyandarua, Nyamira, Tharaka Nithi, West Pokot And Nandi (Cluster 6).**

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.

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 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 and 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 undertakes a set of activities designed to strengthen the capacity of counties and national government institutions carry out slum upgrading and prevention such as: assisting national government institutions and counties review existing slum upgrading policies and strategies (e.g. the 2005-2020 National Slum Upgrading and

Prevention Strategy); supporting the development of county-specific slum upgrading and prevention policy and strategies; developing and carrying out activities to build capacities of national and county teams mandated to implement such policies and strategies including technical assistance, training, workshops and learning events, experience sharing and peer-learning activities among others; developing financing mechanisms for slum upgrading at County level and; developing strategies to plan for urban growth; enhancing fiduciary and contract management across counties.

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 and rationale of the Assignment

In recent years, rapid urbanization has brought about significant challenges related to slums and informal settlements in Kenya. The growth of these settlements has been accompanied by issues such as inadequate housing, poor infrastructure, lack of basic services, and a plethora of social and environmental concerns. Recognizing the urgent need to address these challenges, the Kenyan Government took a significant step by introducing the National Slum Upgrading and Prevention Policy through Sessional Paper No. 2 of 2016. This policy marked a milestone in the country's efforts to enhance living conditions for residents of slums and informal settlements.

The overarching objective of this assignment is to facilitate the development of County Specific Slum Upgrading and Prevention Strategies, aligning with the provisions set forth in the National Slum Upgrading and Prevention Policy (Sessional Paper No. 2 of 2016), the National Slum Upgrading and Prevention Strategy, and other pertinent guidelines. The aim is to create comprehensive, practical, and contextually relevant strategies that address the unique challenges faced by different Counties in Kenya regarding slum upgrading and prevention.

The need for these County Specific Slum Upgrading and Prevention Strategies arises from the recognition that the challenges posed by slums and informal settlements are multifaceted and often require localized interventions. While the National Slum Upgrading and Prevention Policy provides a broad framework, it is essential to tailor strategies to the specific circumstances of each county. This involves a comprehensive assessment of the existing policy landscape, institutional frameworks, resource availability, and local stakeholders' perspectives.

The Consultant's engagement encompasses a range of vital tasks that collectively contribute to the development and implementation of effective strategies. The analysis of the National Slum Upgrading and Prevention Strategy, the National Slum Upgrading and Prevention Policy, and other relevant national policies and instruments will serve as a foundation for the subsequent steps. By understanding the existing policy landscape, the Consultant will be better equipped to identify areas of alignment and discrepancies, thereby paving the way for coherent and practical county-specific strategies.

Furthermore, the assignment underscores the importance of stakeholder engagement. Collecting the views, aspirations, and concerns of relevant stakeholders is crucial for designing strategies that resonate with the needs of the local communities. The participatory approach seeks to ensure that the strategies are not only well-informed but also possess a higher likelihood of successful implementation due to the buy-in and ownership of key stakeholders.

The culmination of this effort will result in the formulation of County Slum Upgrading and Prevention Strategies. These strategies will outline actionable steps, institutional arrangements, and resource mobilization/financing mechanisms for slum upgrading and prevention within each county. The inclusion of guidelines for operationalizing these strategies further ensures that the proposed solutions are translated into tangible outcomes on the ground.

In essence, this assignment represents a significant opportunity to address the challenges of slums and informal settlements in Kenya at the County level. By bridging the gap between National policies and local realities, the development of County Specific Slum Upgrading and Prevention Strategies holds the potential to create lasting positive impacts on the lives of millions living in these settlements.

3. Objective of the Assignment

The main objective of this assignment is to Develop County Specific Slum Upgrading and Prevention Strategies in line with the provisions of the National Slum Upgrading and Prevention Policy (Sessional paper No.2 of March 2016), National Slum Upgrading and Prevention Strategy, and other relevant guidelines.

Specifically, the Consultant will:

- a. Undertake an analysis of the National Slum Upgrading and Prevention Strategy, the National Slum Upgrading and Prevention Policy (Sessional paper No. 2 of 2016), and other relevant national policies and instruments relevant to slums/informal settlements, human settlements and urban development, in as far as they relate to county-specific issues touching on slum upgrading and prevention;
- b. Prepare County Slum Upgrading and Prevention strategies, including resource mobilization/financing, Operations and maintenance and capacity-building strategies;
- c. Undertake stakeholders' engagement with both affected parties (including disadvantaged groups such as persons with disabilities, women, youth, minority clans, older persons etc.) their leadership, Settlement Executive Committees (SECs) and Grievance Redress Committees (GRCs) and other interested parties such as CBOs, NGOs, FBOs, county and national level agencies, and collect views meant to improve the content, format and implement ability of the strategies.
- d. Take Minutes, photos and coordinates of where public meetings are held and share in a google map demonstrating where it is located in relation to the settlement;
- e. Undertake stakeholder engagement with relevant lead agencies that are directly and indirectly affected by the proposals. Minutes of discussion should be recorded and will be attached with the final submissions
- f. Operationalize the county strategies by drafting relevant guidelines and toolkits; and

- g. Undertake sensitization of all stakeholders using feasible techniques to reach those with literacy, mobility and disability challenges, to ensure adaptability of the strategies and guidelines to local practical realities.
- h. Disclose to all relevant stakeholders, both positive and negative impacts of the proposed strategies/guidelines, the rights, entitlements and obligations of those affected.

4.0 Scope of Services and Specific Tasks of the Assignment

4.1 The scope of services covers 5No. Counties of **Nyandarua, West Pokot, Tharaka Nithi, Nyamira, and Nandi** (Cluster 6) in the Republic of Kenya (Cluster 6).

4.2 The specific tasks in this assignment will be to:

- i. Analyze the current countrywide institutional framework (policy, legal and relevant instruments) relating to slum upgrading (including the National Slum Upgrading and Prevention Policy and the National Slum Upgrading and Prevention Strategy) to establish the prescribed framework for slum upgrading and prevention in Kenya.
- ii. Undertake a situational analysis of slums and informal settlements within the county including, location, settlement sizes, densities, household sizes, levels of interventions in social, economic and physical infrastructures and opportunities and climate change aspects.
- iii. Review the *de facto* institutional framework for slum upgrading and prevention within each county, highlighting possible opportunities and bottlenecks relating to those particular arrangements. Where there is discrepancy with the *de jure* and *de facto* arrangements, identify the conditions that allow the prevailing situation.
- iv. Undertake stakeholder mapping (of affected parties and other interested parties) and intensive engagements with all relevant stakeholder (including disadvantaged groups, review relevant studies and collect stakeholder views, aspirations and concerns meant to inform the substance and format of the proposed strategies.
- v. By integrating findings from the review of national and county-level slum upgrading institutional framework (policy and legal framework, strategies, programs and projects), draft feasible county slum upgrading and prevention strategies with clear responsibilities between the different levels of government, elaborate upgrading pathways and clearly defined institutional arrangements for implementation. Pay particular attention to resource mobilization/financing and capacity building strategies for slum upgrading and prevention.
- vi. Conduct stakeholder meetings/workshops at various stages of the strategy development from inception to adoption of the strategies. Utilize accessible meeting venues and engage stakeholders in languages understandable by all.
- vii. Draft feasible guidelines, toolkits and any other relevant instruments to operationalize the strategies and present the same to the relevant stakeholders for consideration and validation. The strategies be cognizant of the different forms of informal settlements and provide targeted solutions both for the upgrading and prevention, taking in to account such differences including settlements located in areas unsuitable for permanent development and that may require relocations. Further, specify interventions targeting disadvantaged groups.

- viii. Provide a clear implementation framework for the strategies with concrete actions, required resources, timelines (short term and long term) and expected outputs. The strategies should be integrated with the county development framework e.g. the County Integrated Development Plans.
- ix. The Strategy formulation process should also be cognizant of and build on the other KISIP2 activities and other related processes.
- x. Organize dissemination workshops with relevant stakeholders to sensitize the public on the strategy in the relevant counties.

5.0 Duration of the Assignment

The exercise should be completed within 32 calendar weeks from the date of contract commencement.

6.0 Reporting Requirements and Timelines for Deliverables/outputs

The consultant shall submit all draft and final reports to the Project National Coordinator in accordance with the schedule indicated in Table 1 below.

Table 1: Reporting Requirements and Timelines for Deliverables/outputs

No.	Deliverable	Timeline for Submission after Contract Commencement (calendar weeks)	Format of Presentation of Reports
1.	An Inception Report detailing the tasks, methodology of execution and a realistic work plan and a stakeholder’s map and consultation strategy.	2	3 hard copies and 1 soft copy
2.	Situational analysis report of the reviewed information, views from stakeholders, and the strategy gaps to be addressed.	12	20 Hard copies and 5 soft copies (5 hard copies and 1 soft copy per county)
3.	Interim Draft Report of the strategy developed. Annex the minutes of stakeholder engagements, highlighting the aspects discussed, key concerns raised, and responses given, and signed lists of participants. Annex minutes of meetings with lead agencies within the counties	18	20 Hard copies and 5 soft copies (5 hard copies and 1 soft copy per county)
4.	Final draft Strategy and Guidelines developed. Annex the minutes of stakeholder engagements, highlighting the aspects discussed, key concerns raised, and responses given, and signed lists of participants. Annex minutes of meetings with lead agencies within the counties	24	25 Hard copies and 5 soft copies (5 hard copies and 1 soft copy per county)
5	Final Strategy and Guidelines.	28	25 Hard copies and 5 soft copies (5 hard copies and 1 soft copy per county)
6.	Completion Report detailing the tasks undertaken, Challenges and opportunities and the next steps. Annex the minutes of stakeholder engagements, highlighting the key aspects, concerns raised, and responses given, and signed lists of participants. Annex minutes of meetings with lead agencies within the counties	32	15 hard copies and 5 Soft copies, (3 Hard copies and 1 soft copy For each county.

All draft reports shall be submitted in the subscribed format to the KISIP National Coordinator.

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The Final Strategy and Guidelines shall be submitted in 25 Hard copies and 5 soft copies (5 hard copies and 1 soft copy per county).

7.0 Payment Schedule

The payment schedule will be based on satisfactory performance of the contract which will be negotiated with the successful consultant. This is presented in Table 2 below.

Table 2: Proposed Payment Schedule

S/No.	Deliverables*	Timelines after Contract Commencement (in Weeks)	% of the Contract Amount
1.	Submission and Acceptance of Inception report	2	25%
2.	Submission and Acceptance of Situational analysis report of the reviewed information, views from stakeholders, and the strategy gaps to be addressed.	12	15%
3.	Submission and Acceptance of Interim Draft Strategy Report	18	15%
4.	A Submission and Acceptance of Final Draft Strategy and guidelines.	24	15%
5.	Submission and acceptance of the final strategy and guidelines.	28	15%
6.	Submission and Acceptance of completion report	32	15%

Upon submission of every report, the consultant is expected to make a presentation of the submitted report to the Client and the respective county government in a scheduled meeting. The acceptance of the report shall be recorded in the minutes of the meeting.

8.0 Minimum Consultant's Qualifications and Experience Requirements

The shortlisting criteria are:

- a) **Core business and years in business:** The firm shall be registered/incorporated as a consulting firm in the field of urban built environment or related field for a period of at least fifteen (15) years.
- b) **Relevant experience:** The firm shall demonstrate as having successfully executed and completed at least two (2) assignments of similar nature both in scope and complexity in similar operating environment in the last ten (10) years. Details of the assignment- Name and address of the client, scope, value, and period shall be provided in the submitted expression of interest(EoI);
- c) **Technical and managerial capability of the firm:** The firm shall demonstrate as having the requisite technical capacity including relevant equipment, tools, software etc. and managerial capacity to undertake the assignment in the submitted company profile(s). **Key Experts will not be evaluated at the shortlisting stage.**

9.0 Team Composition and Minimum Qualification and Experience Requirements for the Key Experts

The Consultant shall have 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 to execute the assignment. The key professionals/expert shall personally carry out (with assistance of other non-key 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) Urban Development Specialist/Team Leader

1. Minimum of a Master's Degree in Urban Development, Urban and Regional Planning, Public Policy, Architecture or any other relevant built environment disciplines from a university recognised in Kenya.
2. Must have a minimum of Ten (10) years of professional experience, in urban development and urban policy related work.
3. A minimum of Five (5) years specific experience working with donor funded projects and/or government agencies implementing similar projects in a leadership position.
4. Must be validly registered and holding current annual practicing license from a relevant professional body recognized in Kenya.

b) Urban Planner

1. A minimum of Master's degree in Urban and Regional Planning/Spatial planning or its equivalent from a university recognized in Kenya
2. Must have a minimum of Eight (8) years of practical experience in Urban Development and Land use planning in Kenya.
3. A minimum of Five (5) years specific experience with at least two (2no.) similar assignments in a donor funded projects and/or government agencies in a similar environment.
4. Must be validly registered and holding current annual practicing license from a relevant professional body recognized in Kenya.

c) Social or Community Development Expert

1. A minimum of a Master's degree in Sociology/Community Development/Gender studies, or its equivalent from a university recognized in Kenya.
2. Must have a minimum Eight (8) years of practical experience in community development, especially in urban informal settlements and slums.
3. A minimum of Five (5) years of specific experience in socio-economic studies, community mobilization, Organizing and facilitating public participation, gender analysis and mainstreaming studies, social assessments, and social management plans in similar operating environment with at least two (2no.) similar assignments.

d) Legal/ Policy Expert

1. A University degree in Law or its equivalent from a university recognized in Kenya.

2. Must have a minimum of (8) years' practical experience in policy formulation and drafting of strategies/guidelines and legislations
3. Specific experience in at least two (2No.) similar completed assignments .
4. Must be registered and have a valid, current practising license as an advocate in Kenya.

e) Environmental Expert

1. A minimum of a Master's degree in Environmental Studies/Sciences from a university recognized in Kenya
2. A minimum of eight (8) years' general experience in the environmental related field.
3. A minimum of five (5) years specific experience in conducting ESIA's, in projects, plans, policies and programs and familiarity with the World Bank safeguard policies and the Government of Kenya legal, policy and institutional frameworks governing land and resettlement.
4. Should be in possession of Valid, current practicing certificate from NEMA or equivalent body.

f) Land Surveyor

1. A minimum of a Bachelor degree in Land Surveying from a university recognized in Kenya.
2. Must have a minimum of ten (10) years general experience as a licensed Land Surveyor.
3. A minimum of five (5) years of specific experience carrying out title survey work in informal settlements.
4. Be registered and have a valid, current practicing license in Kenya
5. Must be a member of the Institution of Surveyors of Kenya (ISK) or equivalent body.

g) Land Economist

1. A minimum of a Bachelor Degree in Land Economics, Land Administration or equivalent from a university recognized in Kenya.
2. Must have a minimum of ten (10) years' general experience as a Land Economist or equivalent.
3. A minimum of five (5) years specific experience in Public Policy and related assignments.
4. Must be validly registered and holding current annual practicing license from a relevant professional body recognized in Kenya

h) Engineer

1. A minimum of a Bachelor degree in Civil engineering from a university recognized in Kenya.
2. Must have a minimum of eight (8) years general experience as a licensed engineer
3. A minimum of four (4) years of specific experience carrying out engineering work in informal settlements.
4. Be registered and have a valid, current practicing license in Kenya

Team Leader will be in charge of reporting and coordination of all activities, and will be the main contact person in the team vis-à-vis the Client.

10. 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 3.

Table 3: Estimated Time Inputs for Key Experts

S/No	Key and Support Staff	No.	Input staff- months
1	Urban Development Specialist /Team Leader	1	8
2	Urban Planner	1	6
3	Social expert	1	6
4	Legal/ Policy Expert	1	6
5	Environmental expert	1	6
6	Land Economist	1	4
7	Land Surveyor	1	3
8	Engineer	1	3
	TOTAL	8	42

11.0 Responsibilities of the Client

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

- Access to KISIP' existing database on informal settlements
- The National Slum Upgrading and Prevention Policy
- The National Slum Upgrading and Prevention Strategy 2023-2033
- The slum upgrading and prevention bill.
- KISIP II Project Appraisal Document (PAD)
- KISIP II Operations Manual (POM)
- KISIP II Instruments (SEF, RPF, VMGF, ESMF, SMP)
- Other relevant policy documents.
- The Client will also facilitate the Consultant's access to Government departments both at the National and County level.

12.0 Responsibilities of the Consultant

The Consultant shall be responsible for the provision of all the necessary resources to carry out the Services such as, project transportation for visits in counties, subsistence allowances, accommodation, information technology, and means for communications, organization of the workshops, 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.