



PROJECT NAME : **SECOND KENYA DEVOLUTION SUPPORT PROGRAM (KDSP II)**
Credit No : **IDA-7447-KE**
Project ID No : **P180935**

TERMS OF REFERENCE (TOR)

FOR

**INDIVIDUAL CONSULTANT SECOND KENYA DEVOLUTION SUPPORT PROGRAM
(KDSP II) – PROGRAM ENVIRONMENTAL SAFEGUARDS SPECIALIST**

REFERENCE NUMBER : KE-SDD-480443-CS-INDV

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A. Background

The Government of Kenya has received an International Development Association (IDA) Credit in the amount of EUR140.7 million (US\$150 million equivalent) from the World Bank for implementing the Second Kenya Devolution Support Program (KDSP II) (Credit Number IDA-7447-KE) over a four-year period, starting December 7th, 2023. KDSP II is supporting a sub-set of reforms envisaged under the Government's Devolution Sector Plan.

The Program, whose development objective (DO) is to “strengthen county performance in the financing, management, coordination, and accountability for resources”, supports a series of key interventions (at the input and output levels) that contribute to intermediate outcomes and, in turn, contribute to outcomes. To achieve the DO, the Program is expected to significantly improve outcomes in the participating counties under three key result areas (KRAs) outlined below:

KRA 1: Sustainable Financing and Expenditure Management. This KRA supports efforts towards enhancing financing to, and expenditure management by counties. In this KRA, the national-level activities, supported through investment project financing (IPF) entail the development of frameworks and guidelines for county revenue mobilization, policy to support financing for service delivery units, and structures and tools to support counties' institutionalization of shared project management functions. The expected outcomes will include an improved revenue mobilization agenda (for example, increased revenue collection, enhanced accuracy of fiscal forecasting, and expansion of revenue base), timely communication on releases of conditional grants, automation of the county exchequer requests, and implementation of pending bills action plans. The relevant disbursement linked indicators (DLIs) under this KRA are on (i) the average number of days it takes for the National Treasury, Office of the Controller of Budget, and the Central Bank of Kenya to process a county exchequer requisition once submitted; (ii) participating counties that have increased their own source revenue by at least 5 percent annually, over and above the rate of inflation; and (iii) participating counties that have prepared and are implementing action plans to reduce their stock of pending bills and maintain it at minimal levels.

KRA 2: Intergovernmental Coordination, Institutional Performance, and Human Resource Management. This KRA supports national and county government initiatives towards strengthening intergovernmental coordination, institutional performance, and Human Resource Management (HRM). The national-level activities, financed through the IPF, will support the development of policy and administrative procedures for the operationalization of intergovernmental, intercity, and inter-municipality forums. The IPF will also support the development of guidelines, including county HR and skills audits, model organization structures for customization by counties, and performance management. DLIs under this KRA will target counties implementing recommendations of HR, skills, and payroll audits, aligning county staffing with departmental functions in select sectors, and improving the credibility of the payroll. The relevant DLIs under this KRA are on (i) participating counties that have integrated their HR records, authorized staff establishment and payroll, and uploaded cleaned payrolls in the human resource management information system; and (ii) participating counties that are enhancing accountability for results through an integrated performance management framework.

KRA 3: Oversight, Participation, and Accountability. KRA 3 will support improvements in oversight, participation, and accountability. The IPF component will support the development of guidelines on project stocktaking, community-led project management committees, and climate change risk screening and preparedness (including assessment of the climate resilience of existing infrastructure assets). It will also support the rollout of the county (public Investment Management

(PIM) framework. The expected outcomes include the establishment of project management committees, county compliance with the PIM framework, and developing and operationalizing a county investment dashboard with a citizen feedback interface (which is used to improve public investments). Additionally, it is expected that county assemblies will establish a fiscal bureau to strengthen the role of the legislatures in budget scrutiny and oversight. The relevant DLI under this KRA is on Participating counties that have established public investment management dashboards with citizen feedback mechanisms.

The implementation arrangements for KDSP II will reflect lessons learned under KDSP and will be consistent with the existing intergovernmental architecture to ensure more efficiency, better coordination, and ownership. At the national level, arrangements will include the following organs:

- The National Project Steering Committee (NPSC) which shall be responsible for providing policy guidance and oversight for the Program.
- Program Technical Committee (PTC) which shall be responsible for handling technical and operational issues, deliberating and preparing items for decision-making by the PSC, reviewing Operation implementation progress, reviewing and verifying APA reports, identifying and addressing technical issues during implementation, and advising the NPSC on strategic matters.
- National Project Coordinating Unit (NPCU), which shall be responsible for day-to-day operations, including procurement, financial management, monitoring, evaluation, social safeguards, Environmental safeguards and Occupational safety and health.

In order to support the Second Kenya Devolution Support program (KDSP II) operations on policy guidance and strategic decision-making, a top organ is needed. The National Program Steering Committee (NPSC) is the top decision-making organ for the Program and is in charge of the policy setting and overall guidance on delivery of the Program; overall supervision of the program; and supporting the National Program Coordination unit (NPCU) and the National Program Technical Committee (NPTC) in terms of the overall program delivery.

The Environmental, health and safety safeguards specialist will work with the gender and social safeguards specialists to manage the environmental, health and safety risks for the KDSP II Program, and ensure compliance to the Environmental and Social Commitment Plan, and mainstreaming of the Environmental, Social, Health and Safety Risk Management (ESHSM) manual.

B. Objective

The overall objective of the environmental, health and safety safeguards specialist is to assist the Program Coordinator, through the National Program Coordination Unit (NPCU) in the exercise of his/her duties in relation to environmental, health and safety risk management of the program activities including but not limited to county infrastructure and services, capacity building of county safeguards personnel, review of environmental, health and safety reports, provision of technical advice to counties and the NPCU as well as liaison with the relevant regulatory agencies such as National Environment Management authority (NEMA) and Directory of Occupational Safety and Health Services (DOSHS) as may be necessary. The environmental, health and safety safeguards specialist will also ensure the Program is implemented as per the relevant national laws and regulations, and specifically the Environmental Management and Coordination Act (EMCA 1999; amended 2015) and Occupational, Safety and Health Act (OSHA) 2007.

C. Scope of Work

The environmental specialist is expected to undertake the following tasks:

- a) Mainstream the Environmental Management and Coordination Act (EMCA 1999; amended 2015), Occupational, Safety and Health Act (OSHA) 2007 and other relevant national laws and regulations requirements into the Program.
- b) Ensure that the POM and the ESHSRM manual is mainstreamed and operationalized to program activities.
- c) Prepare or review tools/guidelines and checklist for assessing and managing environmental safeguards compliance assessment
- d) Advice and ensure all environmental, health and safety risk management requirements as provided in the KDSP II ESHSM manual and the Environmental Management and Coordination Act, 1999 (amended in 2015) and the Occupational, Safety and Health Act (OSHA) 2007 are adhered to at; (i) the National government level/State Department of Devolution, and (ii) County governments' sub-projects level.
- e) Prepare and maintain a database of the environmental, health and safety safeguards compliance status of all applicable activities under the program.
- f) Participate in field visits to assess and monitor the environmental, health and safety safeguards compliance where construction activities are ongoing as described in the sub-project site-specific ESMP's and the contractors' ESMPs.
- g) Participate in review of the Annual Performance Appraisal (APA) reports and submit opinion on environmental compliance to the NPCU for consideration and action.
- h) Review county half-yearly environmental, health and safety safeguards reports, prepare a consolidated analysis and provide recommendations to improve environmental, health and safety safeguards performance for submission to the World Bank.
- i) Provide technical assistance to any county in need, subject to NPCU approval.
- j) Provide general and targeted capacity-building and trainings on environmental, health and safety risk management to both SDD and KDSP II participating counties.
- k) Be available for two significant phases of technical inputs concerning tasks 'f' and 'g' as well as an introductory contribution to task 'b'.
- l) Advice the NPCU Grievance Redress Committee on resolution of complaints registered at or escalated to the NPCU and related to environmental matters.
- m) Undertake trainings on environmental, health and safety risks management to the participating counties and, contractor(s) and collaborate with the lead agencies such as NEMA to deliver the trainings.
- n) As required, undertake environmental, health and safety safeguards audit for selected projects/sub-projects.
- o) As may be requested, conduct environmental, health and safety incident/accident investigations on the program sub-projects and ensure the corrective action plan is implemented.
- p) The specialist will work on a full-time basis for the entire contract period and will report to the Program Coordinator on a day-to-day basis.
- q) Perform any other duties as reasonably requested by the Program Coordinator.

D. Deliverables

- a) Technical advice notes outlining the consultant's understanding of the assignment and a clear work plan to meet KDSP II safeguards requirements.
- b) Tools/guidelines and Checklists for Environmental compliance assessment and monitoring
- c) Quarterly environmental compliance assessment reports submitted to the NPCU.
- d) Bi-annual environmental compliance assessment reports for submission to the World Bank (WB)
- e) Provide technical guidance, prepare environmental safeguards training materials and conduct capacity building to the SDD, counties, and the contractors. The specialist will report to the Program Coordinator on a day-to-day basis.

E. Qualifications of Consultant

The Environmental, health and safety Safeguards Specialist will be engaged on a full-time basis, renewable each year subject to performance and availability of resources and should have the following minimum qualifications and experience:

Specific qualifications

Educational Requirements	Experience required
<ol style="list-style-type: none">i. At least a master's degree in Environmental sciences, Environmental Management, Environmental Engineering or other relevant related discipline from a recognized universityii. Proficient in English and Kiswahili both written and verbal skills.	<ol style="list-style-type: none">i. At least ten (10) years of working experience (including 2 similar assignments, with at least 1 assignment in the last 5 years) in various aspects of environmental risk management preferably in public sector infrastructure development projects with demonstrated working experience at the sub-national level.ii. Has experience on environmental issues including but not limited to environmental risk assessment, preparation of environmental management plans and instruments, climate change & resilience, and environmental audits for infrastructure of similar nature.iii. Must be a Registered EIA/EA Lead Expert with National Environmental Management Authority (NEMA) or accredited by a reputable and recognized agency and be in good standing.iv. Demonstrated experience in the management of Occupational Health and Safety (OHS) aspects, preferably on infrastructure projects, would be an added advantage.v. Registered with DOSHS as an advisor

Educational Requirements	Experience required
	<ul style="list-style-type: none"> vi. Demonstration of good understanding of the relevant national laws related to environmental safeguards, including the EMCA, 1999 (amended 2015) would be an added advantage. vii. Must demonstrate technical competence and professional skills to maintain high service standards under pressure with the ability to meet deadlines. viii. Must be computer literate in at least MS Word, Excel and PowerPoint, and demonstrate technical competence and professional skills to maintain high service standards under pressure with the ability to meet deadlines. ix. Knowledge and experience in Kenya and World Bank (or other major multilateral development partners) operations would be an added advantage.

F. Responsibilities of the SDD

SDD will avail the following documents to the specialist and will facilitate coordination with the counties. These documents will include:

- i. Program Appraisal Document (PAD)
- ii. Program Operation Manual (POM)
- iii. Any other material considered relevant during the procurement process.
- iv. To provide quality control during implementation

G. Code of Ethics for the environmental safeguards specialist

The Specialist must adhere to the KDSP II Environmental and Social Management Framework, including a Stakeholder Engagement Plan and Labor Management Procedures to promote E&S risk management mainstreaming and compliance with national laws and regulations, and specifically the Environmental Management and Coordination Act (EMCA 1999; amended 2015).

H. Confidentiality and Data Ownership

The specialist shall adhere to the World Bank Data Privacy and Protection regulations and all the relevant confidentiality and data ownership laws and regulations of Kenya throughout the project cycle and will protect the confidentiality of participating counties at all stages. All data is confidential and is the property of the State Department for Devolution. No data or other information from the specialist will be released to third parties without the written prior approval of SDD. The specialist will provide all reports and deliverables in English. All documents are proprietary to and shall be collected and stored at the SDD for future reference.

I. 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. It is also required that the data is generated through a consultative process that guarantees authenticity and ownership.

J. Consultant's Reporting Obligations

The Consultant will prepare a monthly report highlighting the tasks performed, challenges, and specific recommendations on key actions that should be taken to steer the project to success. The Consultant shall also, where required, prepare summary of status report(s) emanating from project activities. All reports prepared by the Consultant shall be reviewed and submitted to the National Program Coordinator.

The consultant will submit to the National Program Coordinator, a monthly timesheet, monthly progress report, and a supporting invoice, as the basis for payment for the consultancy services.

K. Remuneration

The Program Environmental Safeguards Specialist 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.

L. Selection Method

Selection of the Individual Consultant will be in accordance with World Bank's Procurement Regulations for IPF Borrowers July 2016 Revised November 2017 and August 2018 ("Consultant Guidelines") and GoK Public Procurement and Asset Disposal Act 2015 and Regulations 2020. The selection criteria will be solely based on individual experience and qualifications as per the details provided in the latest CV and supporting documents.