

“FINAL”



REPUBLIC OF KENYA

Ministry of Industrialization Trade and Enterprise Development (MoITED)
- State Department for Industrialization (SDI)

Terms of Reference for the position of an Environmental and Social
Safeguards Expert

Project: **KENYA INDUSTRY AND ENTREPRENEURSHIP PROJECT (KIEP)**

Project Location: **Ministry of Industrialization Trade and Enterprise Development (MoITED) –
[State Department for Industrialization (SDI) - Project Implementation Unit (PIU)]**

Contract type: **Individual Consultant**

Start date: **November, 2020**

Duration: **2 years’ contract renewable based on performance (Project period – 4 years)**

Location: **Nairobi, Kenya**

1. PURPOSE OF ASSIGNMENT

The Ministry of Industrialization, Trade and Enterprise Developments, Government of Kenya is leveraging financing from the World Bank to spearhead and manage the Kenya Industry and Entrepreneurship Project (KIEP). The KIEP endeavors to increase innovation and productivity in select private sector firms in Kenya and will be implemented over the remaining four (4) years beginning in 2020.

The State Department for Industrialization is hiring an individual consultant as an Environment and Social Expert to ensure proper Environmental and Social Safeguards Management is in place in line with the Project's Environmental and Social Management Framework (ESMF). The ESMF ensures that the project activities are compliant with the relevant requirements of national policies, regulations and legislations as well as the World Bank Safeguards Policies and Procedures. It sets out the principles, rules, guidelines and procedure to assess the environmental and social impacts and monitoring to ensure that environment, social, health and safety aspects are duly considered. The ESMF prepared only applies to those activities that will be financed, either directly or indirectly, by the KIEP, and not to any other activities that a supported beneficiary may be otherwise involved in. The consultant will oversee the implementation of the ESMF and ensure compliance with World Bank safeguard policies, World Bank General Environment Health and Safety (EHS) guidelines and the applicable national legislation and regulations.

2. PROJECT BACKGROUND

A. Project Description

1. The Project Development Objective is to increase productivity and innovation in select private sector firms. The higher-level objectives of the project are to accelerate the growth and competitiveness of Kenya's private sector by improving productivity and innovation. Key instruments include firm-level support, strengthening the innovation and entrepreneurship ecosystem, increasing their managerial and technical skills, building linkages between traditional industries and startups, and upgrading their equipment and technology.
2. The Project has three components that focus on the following areas:

Component 1: Ecosystem Support

a. Under Component 1A, Administration of Incubator/Accelerator Performance Contracts

The objective is to strengthen the intermediaries that underpin and support early-stage companies and the broader innovation and entrepreneurship ecosystem. The approach includes the use of performance contracts to build capacity of ecosystem intermediaries including incubators, accelerators, and technology boot camp providers. This would allow them to offer better quality services and more soundly pursue their own individual business plans and operational objectives.

b. Under Component 1B1, International Acceleration Process

The objective would be to connect the Kenyan ecosystem to international networks of talent and support infrastructure (for example, mentors and early-stage investors) by conducting active outreach, attracting international and regional talent to establish their startups in Kenya, and pairing established firms with technology-enabled startups.

c. Under Component 1B2, Industry-Startup Linkage Program

The objective would be to develop a productive connection of startups and ecosystems stakeholders with traditional industries. The platform aims to bridge medium to large companies from key priority industries with technology-enabled startups and create new startup products and services. It would provide practical capacity building on innovation and technology adoption to staff of participating large companies, facilitate and manage relationships between startups and select corporates, and provide support to startups for product and service creation.

d. Under Component 1B3, Industry-Academia Platform

The objective would be to create a Kenya-wide Industry-academia platform to support open innovation between Kenyan firms and academia, through collaboration, while also generating new opportunities for students. The IAP would boost the entrepreneurial talent supply for Kenyan firms and support innovation and growth in startups and existing firms.

Component 2: Firm-level Support

e. Under Component 2, SME Linkages and Upgrading

The objective is to help strengthen the productivity and internal capabilities for innovation of select Small Medium-sized Enterprises (SMEs), by improving their managerial and technical skills and their use and access to technology, in order to significantly increase their competitiveness, as well as to strengthen local supply chains and sales by Kenyan SMEs to large companies.

Component 3: Communication, M&E

f. Under Component 3, Communication, Monitoring and Evaluation

The objective is to coordinate the project's communications strategy, covering all components and stakeholders. Develop M&E strategy and analysis to ensure implementation and sustainability of the project's activities

3. SCOPE OF WORK

The overall scope of the assignment will be evaluation of applications against the Project's Environmental and Social Management Framework and provide guidance to project beneficiaries in the selection, preparation and implementation of activities in order to avoid or minimize environmental and social risks and negative impacts and enhance the environmental and social benefits and performance under the project

The core activities that the Environmental and Social Safeguard Expert will be required to do include but not limited to:

Task 1: Training

- Train and offer technical support to the Project Implementation Unit staff and the project beneficiaries to enhance Environmental and Social Safeguards capacity and improve on Environment and Social performance in the project. This should include training on the basic GBV issues in projects and strategies for GBV management.

Task 2: Project Preparation

- Participate in the review and appraisal of contract templates of potential beneficiary firms and ecosystem intermediaries and guide in environment and social safeguard requirements,
- Participate and guide the project beneficiaries in Environmental and Social screening process using the Environmental and Social Screening Form (ESSF) in the project ESMF (Annex 1), once the project beneficiaries submit the proposed project activities,
- Review the screening forms and advice on the requisite supplementary environmental safeguard instruments (Environment and Social Impact Assessment (ESIA) and/or Environment and social Management Plan (ESMP) to be prepared for the proposed investments,
- Undertake field visit to validate the information in performance contract application and provide guidance on environment and social safeguard requirements,
- Advise project beneficiaries on the content and scope of Environment and Social Management Plans (ESMPs), as needed,
- Review and provide comments on the draft ESIA/ESMPs prepared by the project beneficiaries to improve quality of the output consistent with the World Bank safeguard policies, WBG EHS guidelines and GBV Directives and requirements and applicable national laws, legislations and regulations. In this regard, ensure that the ESMPs preparation has been guided by the Banks Guidance Note on GBV in addition to the other applicable safeguard policies and that GBV related activities are included in the ESMP,
- Ensure the draft safeguard instruments (ESIA/ESMP) prepared are submitted to the Bank for review and clearance and to NEMA for review and licensing where applicable,
- Ensure the approved sub-project specific ESMP's are included in the beneficiary performance contract to ensure they assign sufficient resources for implementation.

Task 3: Project Implementation, Monitoring and Supervision

- Follow-up and ensure all the recommended licences and permits where applicable under the beneficiary firms are obtained during implementation of performance contract,
- Review of the monthly and quarterly monitoring reports submitted by the project beneficiaries to ensure compliance with the ESMP as it relates directly to the implementation of project activities,
- Performing on-site field visits, to assess and monitor ESMP implementation as prescribed in the approved ESMP,
- Follow-up with the respective project beneficiaries safeguard officers to ensure the agreed corrective actions are implemented,
- Follow-up and ensure the grievance redress mechanism is established for the project and functioning appropriately,
- Regularly update the PIU on relevant ESMP implementation, challenges and any additional support required,

- Undertake effective supervision and monitoring of the beneficiary firms and submit the monitoring reports on a quarterly basis
- To ensure that the components are gender sensitive and have clauses for the prevention and management of Sexual Exploitation and Abuse (SEA) with particular focus on:
 - **Governance and inclusion:** putting in place transparent and accessible selection criteria that will ensure that firms and ecosystem intermediaries owned by women, youth and people with disabilities, have equal chance for consideration for support under the project including affirmative action where necessary in line with the 30% procurement rule.
 - **Labour Influx:** Ensure that if any of the project components will involve works that require labour (skilled and unskilled), priority will be given to the local people to avoid instances of external labour influx that may have adverse socio-cultural impacts on the local community.
 - **Protection Against Sexual Exploitation and Abuse (PSEA) and Cultural appropriateness of project activities:** ensure that any contracts for project activities have inbuilt safeguards clauses and arrangements to protect local community members in terms of:
 - **GBV/SEA Management:** Ensure that measures are put in place for the management of sexual exploitation and abuse. Examples of such measures may include but not limited to ensuring there is a clear referral pathway for supporting the SEA survivors; awareness creation to the community in which that projects are located; preparation of GBV/SEA management plans; Sea related Codes of Conduct; measures for child protection against SEA and forced labor etc
 - **Socio-cultural and livelihood issues:** Respect for the socio-cultural values and livelihood strategies of the communities in which the project is located
- **Grievance redress Mechanism:** Ensure that proposals submitted to the project have clearly articulated and accessible Grievance Redress Mechanism (GRM) for addressing and resolving any grievances that might arise from project implementation activities, including GBV/SEA incidents.

4. DELIVERABLES

The consultant will support the PIU Safeguards Focal Point in the delivery of following deliverables among others on a quarterly basis:

- Review adequacy of proposed project budgets to cover for the management of the environmental and social risks and impacts during implementation.
- Ensure that the assigned management consultant firms have competent Environmental and Social experts to support project implementation.
- Review consultant firm reports on project ESMPs contained in the Regular Work Progress Reports submitted.
- Conduct site visits as agreed with the Consultant firms and advice on identified issues.

- Ensure that identified non-compliances are adequately communicated to the beneficiary, and relevant Corrective Action Plans developed.

5. REQUIRED EXPERIENCE & SKILLS

- Environment, and Social Risk Management degree or related field. (a Master's degree in Environmental studies in a related field would be an added advantage).
- Strong analytical, technical writing and public presentation skills.
- At least 8 years working experience in environment and social assessments, social risk management, occupational health and safety assessment and compliance monitoring for development projects
- Experience with similar assignments and familiarity with the Government of Kenya Environmental Regulations and World Bank's Safeguard policies and procedures or those of other multilateral agencies and donors. (Provide proof)
- Proven ability to operate effectively and independently with remote supervision.
- Must be registered with National Environment Management Authority (NEMA).

6. REPORTING

The environment and social safeguard expert will be working under the direction and supervision of the Project Coordinator and Project Manager - KIEP at the State Department for Industrialization.

7. FINAL OUTPUTS AND SCHEDULE OF COMPLETION OF TASKS

The consultant will in consultation with the PIU, be required to complete the following deliverables among others;

- Develop a tool for environmental and social review of beneficiary firms
- Reviewed ESIA/ESMPs reports for beneficiary firms
- Training plan and report
- Prepare the Annual safeguard monitoring reports and budget for all the components
- Prepare Quarterly sub-project progress reports including;
 - Main outputs produced during the previous quarter, update on budget and work plans
 - challenges, main issues and mitigation actions)
 - Progress briefs on monitoring implementation and flagging issues.
 - Analysis on key topics and memos for senior level counterparts regarding the sub-components of Component One
- Other deliverables as agreed with Project Coordinator and Project Management over the course of the consulting engagement.

The Quarterly Progress Reports would be submitted every quarter by the 10th day of the subsequent month. For any other deliverables, the timelines would be decided by the PIU Project Coordinator or Project Manager.

8. PAYMENT SCHEDULE

The total part time contract will be for an initial period of 2 years, renewable once at the end of the contract based on the consultant's performance and business needs.

DELIVERABLE	TIMEFRAME	% OF PAYMENT
Quarterly Progress (8) Reports	Within 10 th day of the subsequent quarter	Quarter Payments (Total Contract sum divided by 24 months) based on the submission of an acceptable quarterly report