



MINISTRY OF EDUCATION

STATE DEPARTMENT FOR BASIC EDUCATION

Kenya Primary Education Equity in Learning (KPEEL) Program

Project -IDA Credit No-6138-KE

Terms of Reference (TOR)

For an Environmental and Social Safeguards Specialist Consultant

1. Background

The Government of Kenya, with support from the World Bank, the Global Partnership for Education (GPE), and the LEGO Foundation, is implementing the Kenya Primary Education Equity in Learning (KPEEL) Program. The Program's Development Objectives (PDOs) are to reduce regional disparities in learning outcomes, improve the retention of girls in upper primary education, and strengthen systems for delivering equitable education outcomes.

The PDO will be achieved through several interventions which are grouped into 3 Results Areas (RAs). RA1: Equalize learning opportunities: improve learning outcomes in target Counties; RA2: Improve the Participation of Girls in Schooling and RA3: Strengthen Capacity for Implementing Initiated Reforms. The program uses a Program for Results (PforR) financing model where the government uses its resources to achieve results based on specific Disbursement Linked Indicators (DLIs). Once the results are verified, the Government of Kenya gets reimbursed.

A key intervention under RA 3 will be the construction of new classrooms and Integrated Learning Resource Centres (ILRCs) in existing schools as per the needs-based School Infrastructure Investment Plan. The Report of the Presidential Working Party on Education Reform (PWPER, 2023) on, "Transforming Education, Training and Research for Sustainable Development" recommended the domiciling of Junior Schools in primary schools, and called for the provision of the requisite infrastructure facilities in these institutions. To this end, classrooms and Integrated Learning Resource Centres (ILRCs) will be constructed for selected Junior Schools under the KPEEL Program.

2. Implementation and Management of the Program

The KPEEL program is being implemented nationwide in 47 counties by the Ministry of Education in collaboration with the Teachers Service Commission (TSC) and multiple education agencies including the Kenya Institute of Curriculum Development (KICD), Kenya National Examination Council (KNEC), Jomo Kenyatta Foundation (JKF), Kenya Education Management Institute (KEMI), National Council for Nomadic Education in Kenya (NACONEK), Kenya Institute for the Blind (KIB) and Kenya Institute of Special Education (KISE). The Program Coordination Unit, which is within the Directorate of Projects Coordination and Delivery (DPCAD), provides overall coordination and support to the implementing entities.

During the Program's preparation phase, an Environmental and Social Management Systems (ESMS) manual was prepared and disclosed on the MoE Website. The ESMS set out the principles, rules, guidelines, and procedures to guide the management of environmental, social, health and safety risks during the implementation of the program. The construction activities including the construction of additional classrooms and Integrated Learning Resource Centres (ILRCs) in selected Junior Schools, will result in potential environmental, social, health, and safety impacts which will need to be effectively managed to ensure the success of the Program. Therefore, all the required safeguards instruments including the Environmental and Social Impact Assessments / Environmental and Social Management Plans (ESIAs/ ESMPs) will need to be prepared as per the requirements of the KPEEL ESMS manual and the Environmental Management and Coordination Act, (1999) amended in 2015.

To improve the technical capabilities of the Program Coordination Unit (PCU) in the management of Environmental, Social, Health, and Safety risks, a National Environmental and Social Consultant (referred to as "Consultant") will be recruited to support the Program.

3. Objectives of the Assignment

The main objective of hiring the Environmental and Social Safeguards Specialist will be to oversee and assist the KPEEL Program Implementation Team in planning, coordinating, and implementing safeguards activities including the environmental, social, health, and safety aspects of the Program at all the sub-project levels and to ensure environmental and social performance is in line with the ESMS manual of the Program and relevant national laws and regulations, and specifically the Environmental Management and Coordination Act (EMCA 1999; amended 2015 for the Program for Results (PforR) component, and the World Bank's Environmental and Social Framework (ESF) and the accompanying Environmental and Social Standards (ESSs) for the Investment Project Financing (IPF) component of the Program.

4. Scope of Consulting Services and specific tasks for the Environmental and Social Safeguards Specialist

The Environmental Safeguards Specialist will provide support and technical assistance to the Directorate of Projects Coordination and Delivery (DPCAD) in the implementation of the safeguards, to ensure environmental, social, health, and safety management issues are efficiently and effectively handled in line with the applicable national legislation and regulations and compliance with the World Bank's Environmental and Social Standards (ESSs) for the PforR and IPF component respectively.

Therefore, the Environmental and Social Safeguards Specialist will be required to carry out the following tasks:

Task 1; Preparation of Environmental and Social Instruments

The Specialist will carry out the following tasks:

- Mainstream the Environmental Management and Coordination Act (EMCA 1999; amended 2015) and other relevant national laws and regulations requirements into the Program.
- Environmental and social screening which includes the identification of environmental and social issues that need to be taken into account in the planning, design, construction, and operation phase of the sub-projects.
 - a. Prepare the program Environment and Social Impact Assessment reports/ Environmental and Social Management Plan (ESIA/ESMP) (Summary Project report and/or comprehensive Project Report (CPR) based on the screening outcome. Respond to review comments and submit the ESIA reports to NEMA for review and licensing.
 - b. Update the Environment and Social Management Plans prepared under the Program as necessary;

Task 2: Project Implementation, Monitoring, and Supervision:

The Specialist will carry out the following:

- Review and provide comments to the Contractor's Environmental and Social Management Plan and associated plans such as Waste Management Plans and Occupational, Health, and Safety Plans among other plans and procedures, and determine their adequacy and level of implementation;
- Conduct regular field visits to assess and monitor Environmental, Social, Health and Safety (ESHS) compliance where construction activities are ongoing and at contractor's facilities to monitor ESHS measures and ensure controls are in operation as described and intended in the approved safeguard instruments and Contractor's ESMP's' with contractor's personnel dealing with the implementation of the Contractor- Environment and Social Management Plan (C-ESMP).
- Evaluate the risks and impacts of the project activities related to the environment, social, health, safety, and security of the surrounding communities and establish preventive and control measures consistent with the ESMP and good international industry practice;
- Review documentation pertaining to environmental and social compliance including quarterly project progress reports, environmental and social reports, grievance logs, incidents, and accidents logs during project implementation;
- Assess if the grievance redress mechanisms established for the Program are functioning appropriately and that the individual projects are implemented in an environmentally

sound manner;

- Assess the major environmental, social, health, and safety non-compliances, and incidents and propose corrective actions with strict timelines;
- Ensure adherence to the infection prevention and control measures by the contractors as guided by the Ministry of Health/ World Bank ESHS guidelines.
- Follow up with the head teachers and contractors to ensure the Environment, Social Health, and Safety actions agreed upon by the Joint Implementation Missions of the World Bank and MoE are implemented;
- Contribute to the Program progress reports of the overall implementation of environmental and social requirements of the project;
- Attend to any other duty as may be assigned by the Head of the Directorate of Projects Coordination and Delivery;

Task 3: Reporting

The Environment and Social Specialist will carry out the following:

- Prepare monthly and quarterly Environmental, Social, Health, and Safety monitoring reports for the implementation of the infrastructure sub-projects and submit them to the MoE and the World Bank.
- Analyze safeguards issues within the program results areas, prepare progress reports, and submit them to the MoE and World Bank.
- Undertake Environment and Social Audit for selected sub-projects as advised by the head of the Directorate of Projects Coordination and Delivery (DPCAD).

Task 4: Training:

- **Provide technical guidance and capacity building;** prepare training materials and conduct general and targeted capacity building and training on environment, social health, and safety risk management to various participants including the PIU, head teachers, and contractors when required.

5. Qualification and Experience

- Master's Degree in Environmental Studies, Environmental Management, or its equivalent from a recognized university with a minimum experience of 8 years working on similar assignments supported by multilateral agencies like the World Bank;
- Technical training in Occupational Health and Safety from a recognized institution. Any additional training e.g. in Fire Safety, first aid, Tap Root, HACCAP, ICert, NEBOSH, etc. shall be an added advantage;
- Documented evidence and experience in Environment, Social, Health, and Safety (ESHS)

management in the construction industry with similar successful assignments collaborated by recommendations of the clients;

- Excellent communication/interpersonal skills and ability to work harmoniously in teams;
- Registered with NEMA as a practicing Lead expert with a valid license. Accreditation with other bodies IAIA, IIRSM, IOSH, DOSH will be an added advantage.
- Demonstration of a good understanding of the relevant national laws related to environmental safeguards, including the EMCA, 1999 (amended 2015) and the World Bank's Environment and Social Framework , and the Environment and Social Standards (ESS).

6. Deliverables

- a) Relevant ESIA/ESMP reports for the infrastructure sub-project and NEMA license,
- b) Reviewed ESIA/ESMPs for contractors' associated facilities (construction materials site-quarry/borrow areas), Contractors - Environment and Social Management Plans (C-ESMPs) including associated plans such as; Waste Management Plans, Occupational Health and Safety Plans, and Environment, Social, Health, and Safety monitoring reports,
- c) Environment, Social Health, and Safety tools/templates for monitoring the Program activities,
- d) Safeguards (Environment, Social, Health and safety (ESHS) compliance monitoring reports; improvement orders and notices, incident, and dangerous occurrence investigation reports;
- e) A tool for Quarterly Environmental and Social Audits and reviews.

7. Payment schedule/ Remuneration

This is an on-going process in the operation and shall be effective upon signing of the contract for a period of **one year** renewable based on performance.

The Consultant is expected to perform the above-mentioned tasks on a call basis to the satisfaction of the Client or the client representative. The Estimated duration is **150** days per year with the possibility to extend based on workload. The Consultant will be remunerated based on a daily rate, which will be negotiated with the successful candidate during the contract negotiations. Remuneration will be based on national competitive rates, commensurate with the selected candidate's area of expertise and work experience provided has satisfactorily fulfilled all requirements. Payment to the consultant will be monthly upon submission and approval of the deliverables (ESIA, ESMPs, ESHS Screening Tools and Report, Monthly ESHS reports), accompanied with the respective timesheets, and invoice(s). Any eligible and approved reimbursable expenses shall be paid upon submission and approval of relevant verifiable supporting documentation and receipts.

8. Obligations of the Client

The Client will provide the following support to the Consultant:

- a) Office space, office equipment (shared printer, copier, scanner), stationery, internet access, and transport services for official use in the delivery of the services.
- b) All available relevant documentation to the consultant, such as the Project Appraisal Document, Periodic Reports, Program Manual, etc.
- c) Introductory letters to key stakeholders to facilitate communication.
- d) Facilitate review and dissemination meetings with key stakeholders; and
- e) Facilitate liaison with other program-implementing partners

9. Confidentiality, and propriety rights of Client in reports and records.

All the reports, data, and information developed, collected, or obtained from the implementing agencies, Client and other Institutions during this exercise shall belong to the Client. No use shall be made of them without prior written authorization from the Client.

At the end of the Services, the Consultant shall relinquish all data, manuals, reports, and information (including the database, codes, and related documentation) to the Client and shall make no use of them in any other assignment without prior written authority from the Client.

10. Reporting Requirements

- The Environmental and social safeguards Specialist will be working under the supervision of the Head of the Directorate of Projects Coordination and Delivery and will be required to work closely with the Program Coordination Unit to ensure the smooth flow of work, coordination, and sharing of relevant documents/ information/data/ guidance.
- All the progress reports shall be submitted to the Head of the Directorate of Projects Coordination and Delivery (DPCAD) and the Program Coordination Unit (PCU)_.

Applications accompanied with detailed CVs and copies of relevant documents and testimonials should be submitted in a plain sealed envelope, clearly marked with the contract reference number and title of the consultancy in two sets sent to the address below:

The Principal Secretary,
State Department for Basic Education,
Ministry of Education.

Attn: Director, Human Resource Management and
Development,
Postal Address: P.O. Box 30040, Nairobi, Kenya
Code: 00100
City: Nairobi
Email: pcupeelp@gmail.com