

**HORN OF AFRICA GATEWAY DEVELOPMENT PROJECT (HoAGDP)  
PROJECT ID NO. P161305**

**CONSULTANCY SERVICES TO SUPPORT  
THE IMPLEMENTATION MONITORING OF RESETTLEMENT ACTION PLAN  
ASSOCIATED WITH UPGRADING MODOGASHE-WAJIR ROAD SECTION AND  
PROVISION OF RELATED SOCIO-ECONOMIC INFRASTRUCTURE**

**TERMS OF REFERENCE**

**1.1. The Client and Name of the assignment**

The Government of the Republic of Kenya (hereinafter called “Borrower”) the Ministry of Transport, Infrastructure, Housing, Urban Development & Public Works (MoTIHUD& PW) has received financing from the International Development Association (IDA) (the “Bank”) in the form of a “credit” (hereinafter called “credit”) toward the cost of the Horn of Africa Gateway Development Project. The Kenya National Highways Authority (KeNHA), an implementing agency, intends to apply a portion of the proceeds of this credit to for provision of consultancy services through engaging a Resettlement Action Plan (RAP) implementation specialist to enhance its capacity in managing social safeguards in projects.

The Government of Kenya (GOK), through its agency, the Kenya National Highways Authority, now presents these Terms of Reference (TOR) for Resettlement Action Plan (RAP) implementation Specialist.

**1.2. Project Location**

The Isiolo – Mandera road traverses in a north-easterly direction from Isiolo Town (in Isiolo County) through Meru County, Wajir County and Mandera County which are situated in the north eastern part of Kenya.

The subject of this assignment is the Modogashe-Wajir section of the Isiolo Mandera road.

**1.3. Rationale for the Project**

The Project Development Objective (PDO) of the Horn of Africa Gateway Development Project (HoAGDP) is to enhance connectivity between Kenya, Somalia and Ethiopia and improve the movement of people and goods and digital connectivity and access to social services to communities at designated locations along the targeted sections of the Isiolo-Mandera Regional Road Corridor.

This shall be achieved through improvement to bitumen standards of the existing road thereby increasing transport efficiency, facilitating trade and development along the Isiolo-Wajir-Mandera part of the Mombasa-Garissa-Wajir-Mandera-Mogadishu road corridor, as well as connecting the area with information and communication technologies. The road connection is

seen as an important catalyst for integration of the northern frontier into Kenyan economy and an important link in the international road connection between Kenya, Ethiopia and Somalia.

For more information on project area characteristics, projects components and other related safeguards information refer the Project Appraisal Document (PAD) which can be accessed on the link below:

<http://documents1.worldbank.org/curated/en/607871599876158923/pdf/Kenya-Horn-of-Africa-Gateway-Development-Project.pdf>

Though the larger section of the road corridor which is 60 meters wide is already public land, there are encroachers within the settlements. The land to be acquired for civil works will result in negative impacts due to the physical loss of land and economic loss of livelihoods. A Resettlement Policy Framework (RPF) has been developed by KeNHA for the unknown areas where there will be displacement impacts. Similarly, the Resettlement Action Plan for the Modogashe – Wajir section has been prepared, reviewed and cleared by the Bank and disclosed in-country (Kenya) and at the World Bank website.

The implementation of the of the RAP associated with the respective road section will be synchronized with the scheduling of the commencement of the construction works to ensure that the compensation process is completed before the contractor is given possession of site.

#### **1.4. Need for the Consultancy**

KeNHA is gradually building its capacity in order to effectively discharge its mandate with respect to the management and implementation of the Resettlement Action Plan (RAP) i component in projects. At the moment the available staffing levels are inadequate to handle the increasing workload.

The road projects portfolio in the Authority has substantially increased as a result of more investments by the Government and from Development Partners including the PPP funding model. This has come with huge social risks to project especially those located in Arid and Semi-Arid areas where vulnerable and marginalized groups (who are found in culturally sensitivity and fragile ecosystems) . This requires close monitoring of project social risks during project preparation and implementation.

This has necessitated the procurement of Resettlement Action Plan (RAP) implementation consultant to assist the Authority in monitoring social risks and impacts related to the project. This TOR covers the scope of work for the Resettlement Action Plan (RAP) implementation monitoring consultant.

#### **1.5. Objective of the assignment**

The objective of the assignment is to support KeNHA in the implementation and monitoring of the Resettlement Action Plans (RAPs) in line with OP 4.12 for the World Bank financed projects and ensuring the community participates in mitigating possible negative impacts from the projects and shares in its benefits. The assignment will focus on monitoring affected communities and Project affected households on relocation and their efforts to restore their livelihoods to pre-project levels. The Consultant will monitor and ensure all activities are

undertaken through meaningful consultation with the affected communities, host communities and affected peoples.

Specifically, the Consultant will monitor (i) the progress on payment of cash compensation, and (ii) implementation of tailored livelihood restoration packages for each household aimed at ensuring that losses experienced by the project-affected persons owing principally to the Project are mitigated and their standard of living improved or at least restored to the pre-project levels and affected persons share in the benefits of the Project as guided by the Resettlement Action Plan. The Consultant will ensure effective implementation of the Resettlement Action Plan to meet the requirements of OP 4.12 on Involuntary Resettlement and best industry practices.

The consultant will build capacity of the Project Implementation team in management of resettlement issues through trainings, orientation and sensitization programs.

The consultant shall also collect and analyse relevant Resettlement Action Plan (RAP) implementation data related to the project to help in decision-making. Through this assignment, the consultant will assist in putting in place proper social management systems and identification of good practices and develop dissemination strategies.

## **2.0 Scope of the Assignment**

The scope of this assignment will entail among others monitoring RAP implementation to meet World Bank OP. 4.12 on Involuntary Resettlement, Kenya National Legal framework and best industry practices. The task will include:

- i. Conducting training on land acquisition and resettlement for the project.
- ii. Day to day liaison with the PAPs on RAP issues.
- iii. Monitoring of Livelihoods Restoration Plan (LRP) for each Project affected persons and household to support the following activities among others as deemed appropriate. The Consultant will design livelihood restoration measures for each project affected households and project affected person, to achieve this the consultant will confirm the households and individual sources of livelihoods and will collect baseline data of PAPs and households skills set/livelihood skills.
- iv. Uploading and updating all Resettlement Data on the GEMs/RAP App platforms on day to day operations.
- v. Monitor the existing grievance redress mechanisms as per the approved Resettlement Action Plans.
- vi. Assist the PAPs in redressing their grievances through the grievance redress committee (GRC) set up for the project. The Consultant will ensure grievances logs are properly kept and updated
- vii. Monitoring of resettlement areas and assist PAPS in getting replacement land and training of all the grievance committees.
- viii. Undertake consultation and Stakeholder Engagement in coordination with the KeNHA and RAP implementation Specialist, and FCDC to agree on the remedial action plans in case of any noncompliance with safeguard contractual obligations.

- ix. Develop PAP databases with the WB RAP App and GPS coordinates Participate in all monthly site meetings in the field.
- x. Monitoring of seasonal use of land within the project zone by PAPs where need arises.
- xi. Assist the project implementation team (PIT) in maintaining the database of the PAPs in all compensation transactions with PAPs to enable to continually provide data and report to the stakeholders which areas have been cleared in terms of compensations and if allowance have been fully paid, and if the DPs have been physically resettled in the resettlement sites.
- xii. Monitoring and ensuring that the National Land Commission (NLC) duly pays all the affected persons of their entitlement as per the RAP before their physical relocation from their current homes and leaving their ancestral land.
- xiii. Monitor the required additional data and information collected by the RAP implementation consultant.
- xiv. Monitor and Ensure the Project affected persons and the PAP community is aware of the conditions and entitlements under the RAP since some stakeholders may not have had the opportunity to access them from the websites.
- xv. Monitoring on relevant agencies and Government bodies awareness of the conditions and entitlements under the RAP
- xvi. Monitoring and ensuring the vulnerable groups get assistance during the resettlement process.
- xvii. Carry out internal audits and impacts studies for the RAP implementation process on an annual basis.
- xviii. Monitor external RAP audits as per the RAP.
- xix. Participate in field visits with National Land Commission where required
- xx. Work closely with FCDC on the land acquisition process, PAPs stakeholder engagement process, grievance redress mechanism and in the resolution of grievances.
- xxi. Contributing to World Bank bi-annual Supervision support missions Aide Memoire.
- xxii. Prepare a separate RAP implementation monitoring report for the WB mission.
- xxiii. Other relevant duties as requested.

### **3. Capacity Building and Knowledge Transfer**

Capacity building and training is one of the objectives of this assignment. The Consultant is expected to build the capacity of attaches, interns, and junior staff both in KeNHA and those in Supervising Consultant's and Contractor's including engineers on social safeguards. The Consultant will identify good practices and develop dissemination strategies.

The consultant shall propose approach and methodology for capacity building and knowledge transfer.

### **4. Place of Work**

The Consultant is expected to make own arrangement for an office within the county (Wajir County) and all necessary facilities for the entire duration of the assignment.

## 5. Timeframe, Duration and Commencement of the Consultancy

The assignment will be for an initial 24 months as per schedule of deliverables below. Commencement will be guided after the contract is awarded. This is timeframe is subject to extension subject to project implementation timelines and other parameters but subject to satisfactory performance.

The Consultant will submit the following reports

### RAP Implementation Monitoring Timelines

Key Milestone	Time-Frame from Contract Signing	Payment Schedule	Copies	
			Soft (Word, PDF & Excel)	Hard
1. Commencement of assignment	1 week			
2. Report on Review of completed RAP	2 weeks		2	4
3. Inception Report	1 Month	15%	2	4
4. Stakeholder engagement plan and training reports	3 Month	15%	2	4
5. NLC activities evaluation report	5 months	15%	2	4
6. Monitoring of individual household Livelihoods Restoration Plans (LRP) for each affected household	6 months	5%	2	4
7. 1 <sup>st</sup> RAP & LRP Implementation monitoring Report	6 Months	15%	2	4
8. Monthly Progress Report	By 5 <sup>th</sup> of every month		2	4
9. Mid-Term Report (50% of RAP and LRP Implementation)	12 Months	10%	2	4

Key Milestone	Time-Frame from Contract Signing	Payment Schedule	Copies	
			Soft (Word, PDF & Excel)	Hard
10. 2 <sup>nd</sup> Draft Monitoring Report (75% of RAP and LRP Implementation) include the entire GPS Coordinates data base for all the structures as well as the land.	12-16 Months	10%	2	4
11. Final Monitoring Report (100% of RAP and LRP Implementation)	24 Months	10%	2	4
12. Final RAP implementation Audit Report	2 months after project completion	5%	2	4

## 6. Deliverables

The Resettlement Action Plan (RAP) implementation expert shall submit the following deliverables:

- i. Inception Report. The Consultant shall submit to KeNHA within two months after commencement of services a Draft Inception Report including but not limited to the following information for review and consideration. The inception report should indicate the Consultant's understanding of the assignment, methodology to be adopted and proposed work plan for the first One (1) year, any inconsistency in the TOR, deficiency in the employers assistance, any problem/challenge that might affect the progress of the assignment among other subjects;
- ii. Resettlement Action Plan(RAP) implementation monthly monitoring reports which includes monitoring on updates on the implementation of Resettlement Action Plan(RAP) implementation plans/ strategies. The Monthly report shall provide a progress status of the Resettlement Action Plan (RAP) implementation compliance activities on the project. This shall entail the activities carried out during the reporting period and action being taken for noncompliance. The Monthly Report shall be submitted within 5 days of end of reporting period
- iii. Resettlement Action Plan(RAP) implementation quarterly monitoring report detailing compliance, project RAP implementation achievements, successes, lessons learnt and challenges experienced during project implementation period and conclusion,

recommendations and action plan. The Quarterly Report shall be submitted within 5 days of end of reporting period

- iv. Annual Resettlement Action Plan (RAP) implementation Audit Reports for each HoAGDP Contract. The Annual Audit Report shall detail Resettlement Action Plan (RAP) implementation performance status key observations, lessons learned and recommendation on how to enhance performance. It shall further report on any changes in the overall setting relevant to the work packages against the baseline situation. The Annual Audit Report shall be submitted by the fifth day after the end of the year.
- v. A time bound awareness creation, sensitization and capacity building work plan within three months of commencement.
- vi. The consultant shall monitor the implementation of Resettlement Action Plan (RAP), monitor effectiveness and revise any programs accordingly based on lessons learnt every six months.
- vii. A clear monitoring and reporting framework on the implementation of Resettlement Action Plan(RAP) requirements on the project within two months of commencement and regularly updated as necessary
- viii. An inventory of the good practices in the management of Resettlement Action Plan (RAP) implementation requirements and their dissemination strategies shared every after 3 months.
- ix. Make Review comments on all other ad-hoc RAP related safeguards reports submitted by the Consultants and Contractors before submission is accepted by the PIT and follow-up on any necessary actions or issues arising from the reports for prompt closure;
- x. Review documents for any prepared project documents prepared by other consultants (RAP reports, Social needs for social infrastructure reports among others).
- xi. Prepare Ad Hoc monitoring reports when needed
- xii. Contributing to World Bank bi-annual Supervision support missions Aide Memoire and any other document as may be required by KeNHA and the World Bank.

## **7. Procedure for Review of Reports and Other Deliverables**

The procedure for submission and reviewing reports will be as follows:

- i. All reports shall be submitted in hard copy with an electronic copy in English in pdf and MSWord. The consultant shall submit 4 No. hardcopies and 4 No. soft copies for every report. The recipients of reports will be the World Bank, Project Management Office in the Ministry and KeNHA.
- ii. The standard review period for KeNHA and World Bank is 10 working days.
- iii. Draft reports, Final reports and documents should be submitted in editable MS Word and PDF versions. Final version of the reports should be submitted one week after receiving feedback on draft version.

## **8. Qualifications and Experience**

This assignment requires:-

- a. The Consultant team to have significant experience in the field of implementing resettlement action plans of similar investment including in Kenya.
- b. Familiarity with social assessment and management of involuntary resettlement, land acquisition law in Kenya and compensation of Project affected people is a plus.
- c. The Consultant team must be familiar with the relevant regulatory framework of the Government of Kenya and the relevant operational policies of the World Bank (specifically OP 4.12 and OP4.10), which will be applicable during project preparation and implementation, which govern, in particular involuntary resettlement of vulnerable and marginalized groups.
- d. The Consultant team will include experts with demonstrated expertise in the following areas:

**Table 1 – Key Personnel Qualifications and Experience**

<b>S/N</b>	<b>Key Expert</b>	<b>Qualification and Experience</b>	<b>Functions</b>	<b>Total Person months</b>
K-1	Team Leader(1)	A trained Resettlement Specialist, Socio-Economist, land valuer or Sociologist or Anthropologist with a minimum of Masters of Art Degree or related discipline from a recognized University. The candidate must have at least eight years' relevant experience in land acquisition/valuations, livelihood restoration, construction of habitats after displacement and resettlement, conveyancing and social protection through undertaking similar assignments.	A trained Resettlement Specialist, Socio-Economist, valuer or Sociologist or Anthropologist with a design, implementation, and/or monitoring and evaluation of resettlement activities.	24



S/N	Key Expert	Qualification and Experience	Functions	Total Person months
K-2	Sociologist/ Resettlement Expert/ Community Development Expert (1)	<p>A minimum of a Master’s degree in Gender studies, Development Studies, Social Sciences, or any other related discipline from a recognized Institution.</p> <p>At least 5 years’ hands-on experience in RAP preparation and implementation</p> <p>Experience in designing and delivering gender development activities as per the Resettlement Plans and VMGP is required</p> <p>Knowledge in field studies and community/ stakeholder engagement and facilitation, practical expertise in public consultation, conflict and dispute resolution and communications also required. Minimum five years’ relevant experience and successful delivery of two similar assignments is required for this expert.</p>	<p>Community/ stakeholder engagement and facilitation, public consultation, Conflict and dispute resolution and communications.</p> <p>Stakeholder Mapping and Analysis</p> <p>designing and delivering gender development activities as per the Resettlement Plans and VMGP is required</p>	24
K-3	Training and Livelihood Specialist (1)	<p>A minimum of Master’s Degree in Social Sciences (preferably Economics/development studies or other social sciences).</p> <p>A minimum of five years’ relevant experience and successful delivery of two similar assignments is required for this expert</p> <p>Experience in working in ASAL</p>	<p>Preparation and supervision of implementation of Livelihoods Restoration Plan (LRP) for each Project affected persons and household.</p> <p>Designing and ensuring successful delivery and monitoring of the livelihood restoration strategies during the implementation phase of the RAP.</p>	24

S/N	Key Expert	Qualification and Experience	Functions	Total Person months
		areas.		
K-4	Social Workers (Minimum 3)	A minimum of a Bachelor's degree in Social Sciences or Community Psychology with additional training in community based rehabilitation and approaches.  Experience in community mobilization and facilitation  Should have a Minimum of 3 years in handling a community liaison function in complex RAP implementation processes	Community mobilization and facilitation skills, lead in community and stakeholder consultations and engagements  Communication with the PAPS and Stakeholders during Resettlement  Assist in resolving RAP related grievances  Stakeholder Mapping and Analysis.	24
NK-1	Registered Land Surveyor/ GIS Specialist	A minimum degree in survey from a recognized university, valid annual practicing license, Membership in Institution of surveyors of Kenya and five years' experience in GIS / survey work related to RAP preparation and implementation, land acquisition and compensation.	Development of PAP data bases with GPS coordinates, develop or improve existing maps locating PAPS, affected properties and land.  Advise on land access/acquisition of material sites processes where necessary or called upon.	12
NK-2	Registered Civil Engineer (1)	Minimum Bachelor's degree in IN Civil Engineering. Experienced engineer with experience in infrastructural development and design.  He should have at least five years' experience undertaking similar assignments, and must be registered with the relevant professional body.	The engineer will be in charge of monitoring the proposed structural resettlement facilities at the resettlement sites and within the host communities as appropriate.	6
NK-3	Architect (1)	Minimum Bachelor's degree in Architecture. Experience in infrastructural development and design. He should have at least	The architect will work with the team members in the review and monitoring of design of the proposed resettlement facilities at	6

S/N	Key Expert	Qualification and Experience	Functions	Total Person months
		six years' experience undertaking similar assignments and must be registered with the relevant professional body.	the resettlement sites within the host communities as appropriate.	

K- Key, NK –Non Key.

### **9. Data, Services and Facilities to be provided**

The KeNHA will provide all relevant non-confidential data, reports and other support as may reasonably be needed to the Consultant for the expeditious performance of the assignment where such data is available. KeNHA will provide Project Appraisal Document; KeNHA enhanced ESHS Action Plan, Social Assessment Report; RAP Report, ESIA, access to Civil Works and supervision Contracts where necessary etc.

### **10. Institutional and Organization Arrangements**

The Director, Development is the employee representative during the project execution. The Director will be supported by a Project Implementation Team whose composition comprises personnel from different directorates and departments. The HoAGDP PIT Manager will provide overall coordination in all aspects of the project.

Director, Highway Design and Planning (HPD) has an overall mandate to oversee and coordinate various aspects related to environment, health and social management in the project. The Director HPD will be represented by the Deputy Director, Environmental and Social Safeguards (ESS) under which this assignment will be housed. The Deputy Director, ESS will ensure overall safeguards supervision, quality control and coordinate various aspects related to management of social related aspects in projects. Thus, the Social safeguards specialist will report directly to the Deputy Director Environment and Social Safeguards under Directorate of Highway Design and Planning. The Assistant Director, Social Safeguards will be the counterpart staff to the Consultant.

The Resettlement Action Plan (RAP) implementation consultant will closely coordinate his/her activities with the road projects Supervising Consultant team particularly Environment and Social Safeguards Specialists.

KeNHA will share with the World Bank and Project Management Office in the Ministry updates on the consultancy progress and activities.

### **11.0 Institutional and Organization Arrangements**

The Resettlement Implementation Consultant will report to the Deputy Director Environmental and Social Safeguards at KeNHA. The Consultant will communicate with the Supervising Engineer and Contractors through the KeNHA project management. The Consultant Team Leader will attend and make presentation on the progress of RAP Implementation at the monthly site meetings where all the teams working on the Project will be in attendance. The Project Manager, KeNHA will remain the overall authority under which the Consultant will work and supervised.

Team/organization	Role/responsibility	Timing	Reporting to:
RAP Implementation Consultant	Resettlement Implementation	Pre-commencement, during land acquisition and Post compensation	Deputy Director Environmental and Social Safeguards at KeNHA/PIU
KeNHA PIU	Resettlement budget, oversight, Construction, monitoring	Continuous	CS MoTIHUD, Development Partners
NLC	Land Acquisition(LA), grievance resolution on LA process	Pre-project	KeNHA PIU
FCDC	Stakeholder engagement , grievance resolution	Continuous	KeNHA PIU & Development Partners
NGO/CSO's	Stakeholder engagement, grievance resolution	Continuous	KeNHA PIU & Development Partners
Ministry of Interior and coordination of National Government	Stakeholder engagement, grievance resolution	Continuous	KeNHA PIU, Presidency (through National Development Implementation and Coordination Committee)
County Governments	Identification and Management of alternative trading sites for roadside traders who will be relocated off the reserve, management of communal resources vested in the county, dissemination of information to the public,	Continuous	KeNHA PIU & Development Partners

### **12.0 Confidentiality and data ownership**

The Consultant will protect the confidentiality of those participating in the exercise at all stages. All data is confidential and is the property of the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works (MOTIHUD)

No data or other information from this assignment will be released to third parties without the written approval of the Ministry. The Consultant will provide all reports and deliverables in English, in both hard and soft copies (in editable version Word/Excel) to KeNHA or the Ministry of Roads and Infrastructure where necessary.

All databases with all GPS information of all the affected structures and land will be submitted to KeNHA.