



Kenya National Highways Authority

Quality Highways, Better Connections

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

**CONSULTANCY SERVICES FOR PREPARATION OF THE ENVIRONMENTAL
AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION
PLAN (RAP) FOR THE PROPOSED UPGRADING TO BITUMEN STANDARD OF
MADOGO JUNCTION (A3/B89) –GARISSA-MODIKA –DADAAB - LIBOI-
HARHAR (A3) ROAD SECTION (211 KM)**

TERMS OF REFERENCE

1. PROJECT BACKGROUND

1.1 The Client and Name of the Assignment

The Government of the Republic of Kenya (GoK) has received a credit from the International Development Association (IDA) towards the cost of the Horn of Africa Gateway Development Project (HoAGDP). It intends to use a portion of the proceeds of the credit for the Consulting Services **for the preparation of the Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) for the proposed upgrading to bitumen standards of the Madogo trading center- Garissa - Modika – Dadaab - Liboi – Harhar to bitumen standard of the 211km road section, (Consultancy firm).**

The Government of Kenya (GOK), through its agency, the Kenya National Highways Authority (KeNHA), now presents these Terms of Reference (TOR) for the consultancy services mentioned above.

The Kenya National Highways Authority (KeNHA) will require the Consultant to render all technical support services which may be deemed relevant, including all activities, whether explicitly named or not, for the successful completion of the above services. The detailed description of the required consulting services is described further in this Terms of Reference (ToR).

1.2 Project Location

The proposed road starts in Tana River County at Madogo Junction (A3/B89); it takes a North- Easterly direction through Garissa, Modika Junction, and Dadaab towns and terminates at Liboi Border Post town/Harhar, as shown below.

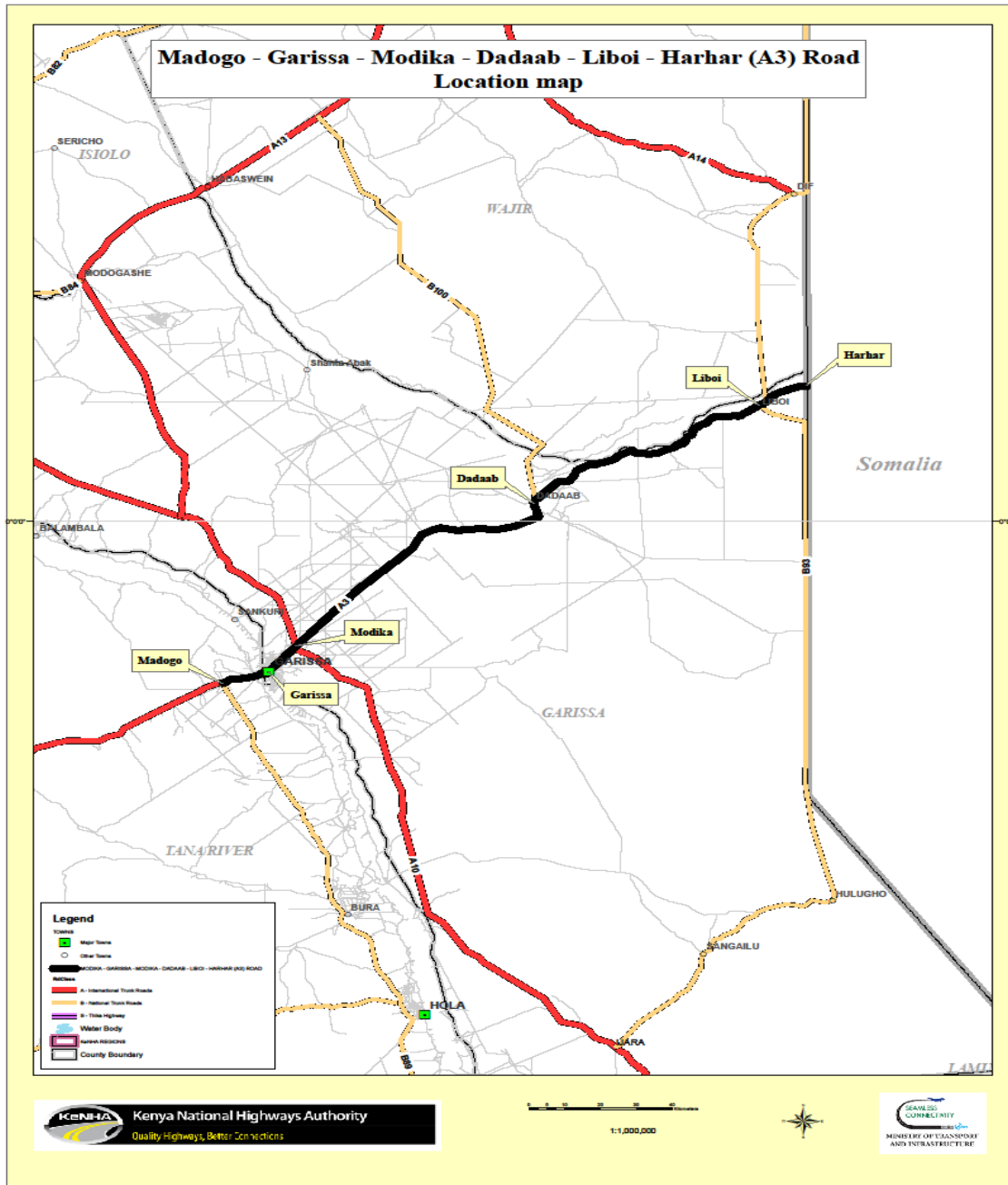


Figure 1: Showing map of the road corridor (Madogo-Garissa-Dadaab-Liboi-Harhar) marked in black

1.3 The Rationale for the Project

The Madogo-Garissa-Modika-Dadaab-Liboi-Harhar A3 road serves as a historical link between Nairobi and Somalia. Further, Dadaab Refugee Complex is strategically located along A3 Road, although not as established as Garissa town, which is a key trading hub in the area. Poor road access to the North-Eastern part of Kenya constrains the area's social and economic development prospects.

To address these constraints, the Government of Kenya intends to improve Madogo-Garissa-Modika-Dadaab-Liboi-Harhar A3 Road from its current unpaved state to bitumen standards, thereby increasing transport efficiency, facilitating trade and development along the road corridor. The road connection is an important catalyst for integrating the northern frontier into the Kenyan economy and an important link in the international road connection

between Kenya and Somalia. With the opening up of the area, Dadaab could in the future serve as a major trading center between Somalia, inland Kenya and the Southern areas of Wajir County.

Upgrading the road corridor is one of the Government of Kenya's top priorities (GoK) priorities. It is consistent with the transport policy of bituminizing all Class A roads in the country. Improving the road will undoubtedly stimulate development and integration, enhance security, and share the country's prosperity with this region.

1.4 Project History

The existing road section between Madogo Junction (A3/B89) and Modika Junction, 10Km from Garissa Town, is a 7m wide single carriageway to bitumen standards, including a narrow bridge at the Tana River crossing. The road between Modika, 10Km from Garissa Town to Dadaab is currently to gravel standard, while the section between Dadaab to Liboi – Harhar is an earth road. The existing road has a rough riding surface with corrugations on the raised sections and a thick layer of silty sand on low areas making it only passable by vehicles with raised chassis and four-wheel drives. There are several detours of varying lengths and widths along the road. Further, the road is poorly drained with inadequate drainage structures.

1.5 Packaging of the Road Sections

The road project is packaged into four sections as follows:

Table 1: Packaging of Road Sections

PCKG	SECTION	APPROXIMATE LENGTH KM
Lot 1	Madogo Junction (A3/B89), - Modika	17
Lot 2	Modika- Dadaab	90
Lot 3	Dadaab-Kulan	45
Lot 4	Kulan-Liboi - Harhar	59
	Total	211

This Terms of Reference concerns the preparation of Environmental and Social Impact Assessment and Resettlement Action Plan (RAP) that will meet the World Bank GoK Standards for the A3 Road from Madogo Junction (A3/B89)-Garissa-Modika- Dadaab-Liboi-Harhar (Chainage 0+000-Liboi (Chainage 211+000)).

1.6 Consultant Services Supervision arrangements

The assignment will be conducted with KeNHA as the Client and the Director of Highway Design and Safety as the Client's Representative.

Representing the Director of Highway Design and Safety; the Deputy Director, Environment and Social Safeguards under which this assignment will be housed will ensure overall quality control and coordinate various aspects of the project. Thus, the consultant will report directly to the Deputy Director of Environment and Social Safeguards under the Highway Design and Planning Directorate.

2.0 THE ESIA STUDY PREPARATION

The consultant shall undertake the preparation of an ESIA Report in terms of (i) Consistency and Compliance with World Bank Environment and Social Safeguards Policies for Category A Project requirements and the GoK Laws and Regulations; (ii) Consistency to the detailed Geometric Pavement and Structures Designs, Traffic surveys, Hydrological survey data, Materials Investigation report, Road Safety Audits, the Resettlement Action Plan expected to be prepared in parallel, Gender Assessment and/or other relevant Project documents.

This Terms of Reference (ToR) covers the independent preparation of Environmental and Social Impact Assessments (ESIA) for the proposed upgrading to bitumen standard of Madogo Junction A3/B89 - Garissa-Modika- Dadaab-Liboi-Harhar Road. This ESIA shall be prepared in conformity to the Government of Kenya legal, regulatory and framework on environmental, social, health and safety management , provisions of the World Bank Environmental and Social safeguard policies (Operational Policy 4.01 (Environmental Assessment), 4.04(Natural habitats) 4.09 (Pest Management), 4.36 (forestry) 4.10 (indigenous peoples), 4.11 (Physical cultural properties) , 4.12 (involuntary resettlement) , Legal policies like 7.60 (Disputed areas) among other policies of the World bank, and applicable Good International Industry Best Practices (GIIBP).

2.1 Objectives of the consultancy

The objective of conducting the ESIA is to help ensure that the project is environmentally, socially sound, and sustainable. It will ensure that all positive and adverse environmental and social risks and impacts associated with the construction and operation of the proposed road Project, including associated /ancillary works and linked activities, if any, are assessed, evaluated, and addressed as part of the mitigation measures incorporated into the Road's Final Design, as applicable.

2.2 Specific Objectives

The specific objectives for this assignment are to: -

- a) Carry out screening and scoping of environmental and social risks and impacts to assess the project's environmental and social risks and impacts throughout the project life cycle, including preconstruction, construction, operation, decommissioning closure, and restoration.
- b) To obtain and collate baseline population, socio-economic, social, and biophysical information on the project's area of influence and legal and regulatory issues associated with the proposed project;
- c) Carry out an environmental and social risks and impacts assessment proportionate to the potential risks and impacts of the project and assess direct, indirect, and cumulative environmental and social risks and impacts throughout the project life cycle in line with the World Bank Environmental and Social safeguard Procedures/Operational policies (BP/OP) and applicable Good International Industry Best Practices (GIIBP).

- d) To analyze all the feasible project alternatives and make suggestions for possible alterations to the proposed Project design based on the assessment findings;
- e) To propose mitigation measures for the potential significant adverse environmental and social impacts and safety risks associated with the proposed Project site and activities;
- f) Conduct public consultations and meaningful stakeholder engagement with project-affected persons, project potential beneficiaries and Non-Governmental Organizations (NGOs) about the project's environmental and social risks and impacts, as well as offer the opportunity to receive their opinions and feedback to take their views into account and reflect on the issues raised into the final design for the project. The project area is a marginalized region; ensure that the stakeholder analysis and consultation are conducted as part of the ESIA preparation and identify who among the affected population is particularly vulnerable to potentially adverse impacts. The project should adopt differentiated measures so that potential adverse impacts do not fall disproportionately on the disadvantaged or vulnerable group;
- g) Incorporate the findings from the social assessment and resettlement action plan into the social risk identification process of the ESIA.
- h) To prepare and develop an Environmental and Social Management Plan (ESMP) and come up with an appropriate budget estimate for environmental, social, health, and safety mitigation measures for the project;
- i) Document all the mitigation and development interventions in an acceptable format to be further discussed and agreed with KeNHA in compliance with the World Bank Environmental and Social Safeguards Policies , World Bank Group EHS guidelines and applicable Good International Industry Best Practices (GIIBP).

2.3 Scope of Consulting Services

2.3.1 General Requirements

The consultant shall perform all work herein described and provide staff and all resources as required to attain the objectives of the assignment. The consultant shall perform his duties in accordance with accepted professional standards. In this work, the consultant shall cooperate fully with government officials who will provide the data, logistical support, and other ‘enabling’ services as may be required. However, the consultant shall be solely responsible for analyzing and interpreting all data received and for the conclusions and recommendations in its reports.

2.3.2 The Scope of Consultancy

The consultant will prepare the ESIA report in consistency and compliance with

- i. the Government of Kenya legal, regulatory and framework on environmental, social, health and safety management,
- ii. World Bank Operational Policies/Procedures, World Bank Group EHS guidelines and applicable Good International Industry Best Practices (GIIBP);

- iii. the project's feasibility study and /or detailed engineering designs, RAP, Social Assessment and /or other similar project documents. The preparation of the ESIA will be according to the provisions of EMCA , Cap 387.

The consultant shall prepare the ESIA to ensure it covers but is not limited to the following:

Task 1. Non-Technical Executive Summary:

The Non -Technical Summary should include:

- Description of the proposed road subproject,
- The Rationale for the proposed subproject,
- Social and environmental profile of the area the project will influence.
- The geographical area that the project will influence
- Screening and scoping of environmental risks and impacts
- Any significant potential environmental and social impacts, risks, and opportunities
- Mapping of stakeholders and providing a summary of stakeholders' engagement and feedback
- Summary of key recommendations on the environmental and social management plan,
- KeNHA's systematic approach to managing the environmental and social aspects of the subproject, including monitoring procedures

Task 2: Background:

This section should:

- Explain the purpose of the ESIA, details of approach and methodology used in the study, and the timeline of its preparation;
- Summarize available literature on the subproject and its potential impacts; KeNHA will provide available literature to the consultant, which will serve as a starting point.
- Also, refer to the Resettlement Action Plan (RAP) or Social Assessment prepared for this project.

Task 3: Detailed Description of the Proposed Project:

The consultant will concisely describe:

- The Proposed Project (its background and justification, key design features, construction, operations, and decommissioning activities), including the technology to be used and construction timeline. The construction inputs and by-products should be quantified as feasible;
- Offsite facilities that may be required (access roads, quarries, worker camps, asphalt plant, batching plant, and raw material or product storage facilities) as well as the project's primary suppliers; and
- Geographic location and areas of the traverse. Include a map of sufficient detail, showing the Project site and the area that may be affected by the project's direct, indirect, and cumulative impacts

Task 4: Policy, Legal, Regulatory and Institutional Framework

This section shall discuss the current policy, legal, and administrative frameworks within which the ESIA and ESMP will be carried out. Most particularly, the consultant will:

- Outline the Government of Kenya policies, laws, and regulations for the management of environmental and social issues, including labour, health, and safety requirements;
- Describe the reporting requirements as provided for under EMCA Cap 387;
- Analyse the requirements of the World Bank Environmental and Social Safeguards Policies, World Bank Group EHS guidelines, and applicable Good International Industry Best Practices (GIIBP);
- Review the environmental, social, and safety policies of KeNHA;
- State the different compliance requirements that the project must meet;
- Identify relevant international environmental agreements, conventions, and treaties to which Kenya is a party, and relevant to the project implementation.
- Identify the institutional framework relevant to the project's environmental, social, safety, and health management.

Task 5: Description of the Environmental and Socio-economic Baseline

The consultant will collect, collate and present baseline information on the existing environmental and socio-economic characteristics of, within, and around the subproject sites/area of influence. This will entail the current information on the project area, including an accurate description and delineation of the project and any associated aspects, and environmental and social baseline data at the appropriate level of detail sufficient to inform characterization and identification of risks and impacts and mitigation measures.

The baseline will:

- i. Present data directly relevant to decisions about subproject location, design, operation, or mitigation measures, including:
 - *Physical environment* such as topography, landforms, geology, soils, climate, air quality, ambient noise, surface, and ground hydrology). This will include appropriate baseline parameter measurements for noise, air, and water quality levels at sampled locations. As applicable, any climate change trends and related implications of these physical environmental parameters on the project will be identified;
 - *Biological environment*, including biodiversity, fauna, flora, animal migration corridors, endangered species, critical natural habitats, forests, protected and sensitive areas, as well as any associated ecosystem services within the project's zone of influence);
 - *Socio-economic and cultural environment* (such as demography, settlements patterns, community structures, vulnerable and marginal groups, sources and distribution of economic activities and income, employment and labour markets, land rights and land use, and cultural heritage, traditional systems of dispute resolution, water sources and uses, medical facilities and disease prevalence, education – literacy levels, education facilities and their location vis-à-vis the project, presence of civil society organizations and their roles and responsibility, county and national government administration along the road project);
 - Stakeholder mapping includes analysis of stakeholder influence and stakeholder dynamics;
 - Baseline assessment of the area's community conflict dynamics, youth, and gender dynamics
- ii. Identify any changes anticipated before the project commences;
- iii. Take into account current and proposed development activities within the subproject area but not directly connected to the project to inform assessment of potential cumulative project impacts;

- iv. Collate available data from existing sources; and, if necessary, collect original data;
- v. Include data directly provided and confirmed by relevant data sources, such as Kenya National Household Survey (KNHS), Kenya National Bureau of Statistics, County Integrated Development Plans (CIDP), National Environment and Management Authority (NEMA), Kenya Wildlife Service (KWS), National Museum of Kenya (NMK), Kenya Forestry Service (KFS) among others and
- vi. Identify and estimate the extent, quality, accuracy, and reliability of available data, key data gaps, and uncertainties associated with predictions, and specifies topics that do not require further attention.
- vii. Gender based violence (GBV), including sexual exploitation and abuse and workplace sexual harassment environment. As for GBV risks, the consultant needs to outline the country and district level violence context and the project related risks. As for district level risks, prevalence of different forms of violence should be defined (e.g. intimate partner violence, physical violence and any forms of sexual violence, levels of trafficking, proxies of gender norms such as acceptance of violence and prevalence of child marriage etc.). To assess the project related risks, the ESIA shall include information of poverty levels in the intervened area, potential risks of labor influx (in terms of absorption capacity of external workers to the communities and ratio of influx of worker's vis-à-vis community members), amount of works and difficulties to supervise. Consultations regarding GBV shall be conducted only with key stakeholders (NGOs, CBOs, governmental authorities). Stakeholder consultations should never directly ask about individual experiences of GBV.

Task 6: Identify Potential Environmental and Social Impacts that could result from the project:

The consultant will evaluate the project's potential environmental and social risks and impacts, examine project alternatives, identify ways of improving project selection, siting, planning, design, and implementation to apply the mitigation hierarchy for adverse environmental and social impacts, and seek opportunities to enhance the positive impacts of the project.

The consultant shall analyze and describe all significant deviations from the environmental and socio-economic baseline that might be caused by the project, including environmental and social impacts, both positive and negative. The consultant will develop an acceptable methodology/grading system for impacts to record their potential severity.

During the analysis, the consultant shall consider both biophysical and socio-economic factors, such as (list is not exhaustive):

- Population changes and migration
- Forms of social organization (ethnicity, clan/tribal structures, minority groups, including the presence of indigenous peoples)
- Income sources and expenditure
- Household sources of income
- Gender-based violence
- Gender issues/SEA and SH
- Population influx
- Labour issues and working conditions
- Community health and safety
- Conflict and social tensions
- Physical and social infrastructure
- Changes in economic activities

- Relocation and resettlement (make sure that information in the ESIA is consistent with the RAP)
- Removal of structure/sites
- Development resources
- Improved access
- Water resources
- Accident rates
- Visual/aesthetic changes
- Vegetation clearance
- Mechanical disturbance
- Effects on habitats, flora and fauna as well as any associated ecosystem services
- Air quality, water quality, and quantity.
- Occupational health and safety
- Sensitive receptors along the road corridor,
- Climate change-related risks
- Project Waste management
- Ancillary facilities and potentially linked activities

More specifically, the consultant will:

- i. Predict and assess the subproject's potential positive and negative environmental and social impacts (clearly articulated in respective sub-sections for environmental and social impacts) that might change the baseline conditions, in quantitative terms to the extent possible, during the construction, operation, and decommissioning phases;
- ii. Differentiate between short, medium, and long-term impacts, estimate the magnitude of impacts and identify generic (both environmental and social) impacts and site-specific impacts;
- iii. Identify mitigation measures and any residual negative impacts that cannot be mitigated; and
- iv. Explore opportunities for environmental enhancement.

The identification of impacts for the project will be closely coordinated with the preparation of the Resettlement Action Plans (RAP) and Social Assessment (SA) to ensure coherence and comprehensiveness.

Task 7: Analysis of Alternatives to the Proposed Project

The consultant will:

- i. Systematically compare feasible alternatives to the proposed road alignment and associated ancillary facilities, such as alignment, technology, design, and operation - including the "without project" situation-in terms of their potential environmental and social impacts;
- ii. Assess the alternatives' feasibility of mitigating the environmental and social risks and impacts; their capital and recurrent costs; their suitability under local conditions; and their institutional, training, and monitoring requirements;
- iii. For each of the alternatives, quantify the environmental and social impacts to the extent possible, and attach economic values where feasible;
- iv. State the basis for selecting the preferred alternative.

Task 8: Public Consultation and Disclosures

The consultant will conduct two rounds of public consultations (in line with the World Bank category A project requirements) to collect the concerns, expectations, and opinions of affected, concerned and interested stakeholders for the project. The second round of public consultations will be after the preliminary design has been drafted and the issues, concerns, recommendations and findings of the first round of consultations have been resolved, the team gets back to the project area so the community can have a chance to provide feedback on the proposed road improvements. This second round of consultations is a continuation of the engagement process initiated with the active listening consultations and is open to all groups previously engaged. As such it should take into consideration all the comments provided by the community in the first round of consultation. The overall aim of this second round of consultations is to validate that the information provided during the first round and to identify any further changes that may be necessary while preparing the detailed design.

A robust stakeholder mapping and analysis will be undertaken that will guide the preparation of the Stakeholder Engagement Plan (SEP) for the ESIA. Stakeholders to be consulted must include, but not be limited to KWS, WRA, KFS, and NEMA, respective County Governments, NGOs/CSOs, and local/impacted/beneficiary communities. As mapped during stakeholders' analysis, consultations with the vulnerable members of the project-affected communities will be conducted by the consultant.

Disclosure of the ESIA report will be in a manner, form, and language that are understandable and accessible to enable full public participation.

The consultant will carry out public participation and consultations on the positive and negative impacts of the proposed subproject

The consultant shall:

- i. Undertake meaningful consultation that fulfils the provisions of World Bank Operational Policies on environment, Social and legal issues among all other bank policies relevant to the project site;
- ii. Prepare and submit for approval a Stakeholder Engagement Plan (SEP) for the ESIA process and the ESIA disclosure plan
- iii. The consultant will document the public consultations, including consultation dates, venues, list and signatures of attendees, photos of consultation sessions, a summary of both the positive and negative concerns of the stakeholders, and how these concerns, expectations, and opinions are incorporated into the final design of the subproject;
- iv. The consultant shall support KeNHA in public disclosure of the ESIA findings required by the provisions of ESS10: Stakeholder Engagement and Information Disclosure. KeNHA will, however, bear the cost of disclosure through the Kenya gazette, local daily newspapers and radio, as applicable.
- v. Ensure that consultations conducted for under the ESIA as well as documented in the plan for future consultations is accessible to Persons With Disabilities (PwDs) as well as inclusive of marginalized members of the community such as but not limited to women, elderly, ethnic minority etc.

In consideration of the Covid 19 pandemic, the consultant shall propose approaches that ensure that the consultations are conducted not only to meet the respective TOR requirements but also in compliance with the prevailing Ministry of Health and WHO guidelines aimed at preventing the spread of the virus and promoting the safety of both

consultant and targeted stakeholders. Further, as part of the project impacts analysis and formulation of mitigation measures, the potential impact on the spread of Covid 19 will also be considered.

The final ESIA report will be publicly disclosed at both national and at the project level.

Task 9: Development of the Environmental and Social Management Plan (ESMP)

The consultant will prepare a comprehensive Environmental and Social Management Plan (ESMP) for the Project.

The ESMP will provide time frames and implementation mechanisms, reporting responsibilities, description and technical details of monitoring measures, assessment of the institutional needs, staffing requirements, and cost outlay for implementation. The plan will show how management and mitigation methods are phased with project implementation. The plan will also include measures to prevent health hazards and to ensure safety in the working environment for the employees and the communities adjacent to the Project sites and project-affected people.

The ESMP will propose:

- Individual mitigation and monitoring measures during both construction, operation, and decommissioning, assign institutional responsibilities and estimate the resources required for its implementation;
- Measures for preventing, minimizing, mitigating, or compensating for the adverse environmental and social impacts and enhancing beneficial impacts, including costs of the measures and monitoring requirements.

(a) Mitigation Plan

The consultant will identify feasible and cost-effective measures to avoid the potentially significant adverse environmental and social impacts identified in the project ESIA or otherwise reduce them to acceptable levels. The consultant will propose compensatory measures for residual impacts; if mitigation measures are not technically feasible, cost-effective, or sufficient and will explore opportunities for environmental enhancement. The plan distinguishes between the construction and operations phases.

The mitigation plan will:

- i. Identify and summarize all anticipated significant adverse environmental and social impacts (including those involving indigenous people or involuntary resettlement) and define both generic and site-specific environmental and social mitigation measures during construction and operation;
- ii. Provide technical details for each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate;
- iii. Include emergency/disaster preparedness and response plans;
- iv. Describe in detail other plans that will be required during the construction and operation phases (e.g., Contractor ESMP, Occupational Health, and Safety plans, Waste management plan, labour influx plan, etc.);
- v. Estimate any potential environmental and social impacts of these measures;
- vi. Provide linkage with any other mitigation plans (e.g., for involuntary resettlement, indigenous peoples, or cultural property) required for the subproject;
- vii. Include any additional data collection that may be required to fill identified data

gaps;

(b) Contractor clauses

The section will cover worksite health and safety, the environmental and social management of construction sites; labour camps/area workers, HIV/AIDS and other Sexually Transmitted Diseases (STDs), stakeholder engagement plans, grievance redress mechanism, child protection, gender equity and sexual harassment, labour rights and the employment of community members.

The consultant will:

Define standardized environmental and social clauses that KeNHA will include in the works' bidding documents and contracts for the construction and supervision consultants to ensure contractors' satisfactory environmental, social, health, and safety performance. The clauses will cover possibly six issues:

- i. Environment, Health, and Safety (EHS)
- ii. Environmental and social monitoring by the contractor
- iii. Environmental and social liabilities
- iv. Grievance mechanism for workers
- v. Stakeholder engagement plans
- vi. Child protection strategy
- vii. GBV Action Plan

(c) Monitoring Plan

- i. Defines monitoring objectives and indicators and specifies the type of monitoring, with linkages to the impacts assessed in the ESIA report and the mitigation measures described in the ESMP.
- ii. Provides (a) a specific description and technical details of monitoring measures, including responsibilities (KeNHA, Supervision Engineer/Consultant, contractor), the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and a definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to ensure early detection of conditions that necessitate particular mitigation measures, and to furnish information on the progress and results of mitigation.
- iii. Include the internal and external audits requirements and
- iv. Includes compliance monitoring of the socio-economic impact related to the concerns raised by individuals and communities affected by the subproject

(d) Institutional Arrangements

- i. Describe institutional arrangements, responsibilities, and procedures within KeNHA, Supervision Engineer/Consultant, and its contractor to carry out each of the mitigatory and monitoring measures (e.g., for operation, supervision, enforcement, implementation monitoring, remedial action, financing, reporting, and staff training).
- ii. Describes the role of NEMA in monitoring the implementation of the ESMP and in certifying compliance.
- iii. Includes training of contractors and Supervision Engineer/Consultant regarding the environmental and social clauses that apply to them.
- iv. Estimates the resources required by KeNHA to implement and monitor the ESMP, such as level of effort (LOE) and equipment.
- v. As necessary, proposes capacity building, additional technical support, or

organizational changes to ensure the timely and effective implementation of the ESMP.

(e) Grievance Redress Mechanism

- i. Describe the proposed GRM procedures for receiving, handling, and resolving complaints from affected individuals and communities (*this should be discussed and consulted during the public consultation process and aligned to HoAGDP's GRM*).

(f) Implementation Schedule and Cost Estimates

- i. Implementation schedule for mitigation measures must be carried out as part of the project, showing phasing and coordination with overall subproject implementation plans.
- ii. The capital and recurrent cost estimates and sources of funds for implementing the ESMP

(g) Chance Find Procedures

Describe the 'Chance Find' procedures briefly to ensure preventive, and mitigation measures are formulated and implemented in the event physical and cultural resources are encountered during project implementation. However, the full 'Chance Find' procedures shall be included as an annex to the ESIA report.

Appendices

- List of ESIA report preparers-individuals and organizations.
- References-written materials, both published and unpublished, used in study preparation.
- Record interagency and consultation meetings, including consultations for obtaining the informed views of the affected people and local non-governmental organizations (NGOs). The record specifies any means other than consultations (e.g., surveys) that were used to obtain the views of affected groups and local NGOs.
- List of associated reports (e.g., Resettlement Action Plan, Design Reports, Social Assessment, etc.)

3.0 PREPARATION OF RESETTLEMENT ACTION PLAN

3.1 Introduction

As part of this important program, the Resettlement Action Plan (RAP) as guided by the World Bank Operational Policy OP 4.12 and GOK guidelines needs to be prepared to meet the GOK requirements and the Bank's social safeguards conditions for project approval.

The RAP will assess the project impact on involuntary relocation, identify potential project affected persons and design an appropriate Resettlement Action Plan that will offer social safeguard measures to minimize the impacts of involuntary resettlement on the livelihoods of the PAPs.

3.2 RAP-Specific Objectives

The specific objectives of the RAP review will be as follows: -

- i. To prepare RAP of the project in line with the Bank's OP4.12 and the projects RPF.
- ii. To undertake census survey and ensure that all potential PAPs and the impacts of the proposed projects on their livelihoods are identified and appropriate measures to minimize resettlement effects and safeguard livelihoods are recommended.
- iii. To undertake socio-economic survey of the RAP and ensure that baseline data for monitoring and evaluation during project implementation period is generated.
- iv. To undertake asset inventory survey and ensure that all potential assets that will be affected by the proposed project are enumerated.
- v. To verify compliance with the Bank's Involuntary Resettlement Policy and any other national relocation and resettlement regulations that govern the infrastructural development sector.
- vi. To provide guidelines to stakeholders participating in the minimizing resettlement impacts of the project during RAP preparation and implementation.
- vii. To recommend cost effective measures to be implemented to safeguard the livelihoods.
- viii. To prepare a Resettlement Action Plan (RAP) report compliant to the World Bank and Government of Kenya (GoK) regulations.

The RAP prepared is expected to ensure it covers the elements below and any other relevant aspects in line with KeNHA and the World Bank social safeguard policy on involuntary relocation.

3.4 RAP Scope of Work

The scope of work includes the following subcomponents and activities:

3.4.1 Description of the project

To provide the general description of the project and identify the potential impacts of the project including:

- a. Project component or activities that give rise to resettlement;
- b. Zone of impact of such component or activities;
- c. Alternatives considered to avoid or minimize resettlement; and
- d. Mechanisms established to minimize resettlement, to the extent possible, during project implementation,

3.4.2 Census and Socio-Economic Survey Studies

To undertake the socio-economic studies to ensure that relevant data pertaining to the following is presented:

- a. A verified PAPs census survey covering current occupants of the affected area to establish a baseline for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance. The above should ensure the following , and any other relevant data is collected:-
 - i. Census of PAPs disaggregated by gender, complete with photographs of affected Assets & PAP, along with GPS coordinates of each asset,
 - ii. Standard characteristics of displaced households, including a description of production systems, labor, and household organization;
 - iii. Baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population to make sure the livelihood restoration programmes are built on concrete data;
 - iv. Age, gender, level of education, religion of the affected population.
 - v. Baseline information on Land tenure and transfer systems;
 - vi. Baseline information on existing grievance redress mechanisms and how they would fit into the proposed project Mechanisms
- b. The results of the socio- economic survey to include: -
 - i. Social characteristics of the PAPs, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
 - ii. The magnitude of the expected loss (total or partial) of assets, and the extent of displacement, physical or economic;
 - iii. Social infrastructure and services;
 - iv. Information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and
 - v. Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement;
 - vi. Attitude to the project
 - vii. Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities

3.4.3 Analysis of the legislation and Regulatory Framework

To undertake analysis of the legislation and regulatory framework for involuntary relocation and ensure all appropriate regulations are articulated including the analysis of the following: -

- i. The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;

- ii. The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;
- iii. Relevant law (including customary and traditional law) governing land tenure, statutory mechanism for land acquisition, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation that are related to resettlement;
- iv. Laws and regulations relating to the agencies responsible for implementing resettlement activities; Indicate the provisions of the World Bank's OP.4.12 including a comparative analysis of the OP.4.10 and Kenya's regulations related to involuntary relocation; present the similarities, differences and gaps, and provide mechanisms to address the gaps; and
- v. Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land including claims that derive from customary law and traditional usage (see OP 4.12, para.15 b);
- vi. Commonalities between GoK, and the Bank guidelines, basis for effecting payment outside Kenyan legal system.

3.4.4 Public Participation and Community Consultation

This component should ensure provision of the following: -

- i. A description of the strategy for consultation with and participation of PAPs in the design, modalities for disclosure and strategy for implementation of the resettlement activities;
- ii. A plan for civil society organisation/stakeholder engagement in the resettlement planning and implementation process;
- iii. A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- iv. An analysis of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals, families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, graves and cemeteries); and
- v. Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
- vi. The consultations are gender sensitive and ensure that both genders in the households are consulted and their views included in the report.
- vii. That during the consultations PAPs will be presented with compensation alternatives and the consultant will document findings in the report

3.4.5 Impacts of Project

To undertake impact survey component of the RAP and ensure that the results describe the following: -

- i) Land tenure and transfer systems, scope of land acquisition, distribution of land acquisition in administrative units, nature of land to be acquired for the project, including an analysis of development status of land owned by individual PAP households, analysis of likely extent of damage to assets, crops and trees; analysis of potential displacement of livelihoods; inventory of common property natural resources from which people derive their livelihoods and sustenance; properties/sites of cultural importance (e.g. graves, grave yards, shrines); non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- ii) The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
- iii) Analysis of potential displacement of communal assets including public infrastructure and social services that will be affected; and
- iv) Include feasible impact mitigation measures to adequately address issues on loss of assets, livelihoods, community property and sites of cultural importance. This should entail any specific measures to be considered the design and implementation of the RAP and at project construction stage.

3.4.6 Valuation of and compensation for losses

Describe the methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve full replacement cost for lost assets. When describing the system for compensation, the following should be addressed:

- i. Identification and preparation of an inventory of impacted properties and livelihoods for each household whether land owner licensee, tenant, or illegal occupant (female headed, male headed, number of males and females per household);
- ii. Established compensation criteria and strategies;
- iii. Definition of the methodology to be used in valuing losses, to determine their full replacement cost; and a description of the proposed types and levels of compensation under GoK regulations and such supplementary measures as are necessary to achieve full replacement cost for lost assets;
- iv. Valuation of all land affected both within the ROW and assets including structures, properties, trees crops and livelihoods affected by the project (disaggregated data) in order to provide the basis for compensation/resettlements; to be acquired and livelihoods lost;
- v. Specify procedures for compensation payment-paying attention to gender aspects, power and control;
- vi. Ensure provision for assistance to vulnerable groups – specify who are vulnerable and the type of assistance to be provided.

3.4.7 Determine Eligibility

Provide the definition of displaced persons, criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off date and communication on the cut-off date.

3.4.8 Propose Resettlement measures and entitlement matrix

Provide a description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons including the vulnerable populations to achieve the objectives of the policy. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

3.4.9 Grievance Redress procedures

To propose an appropriate grievance redress mechanism to ensure affordable and accessible procedures for third-party settlement of disputes arising from resettlement. This should also include an analysis of the established PAPs committee to ensure representation of the women, men and youth as well clarification of their duties and management procedures.

The grievance redress mechanisms should take into account the provisions of the National Land Commission and availability of judicial recourse; and community and traditional dispute settlement mechanisms.

3.4.10 Institutional Arrangements

To provide analysis of the organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures/activities and provision of services; provide analysis of NGOs that may have a role in project implementation.

Explore the arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or PAPs themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, where appropriate.

3.4.11 Measures for Monitoring and Evaluation

To determine arrangements for internal monitoring of resettlement activities by the implementing agency, supplemented by independent external monitoring as considered appropriate by the World Bank; to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities and means of verification; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

3.4.12 Prepare an Implementation schedule

To prepare the RAP implementation schedule and ensure that all resettlement activities from the preparation and approval of the RAP through implementation including timelines for the achievement of expected benefits to potential PAPs and termination of the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

3.4.13 Resettlement Cost Estimates and Budget

Determine the costs of the resettlement process and total budget for the RAP in table format showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

3.4.14 Format and Outline of Resettlement Action Plan

The consultant should prepare the RAP including the outline. Consultant should adopt the following format prescribed by the WB OP. 4.12

1. Executive Summary
2. Introduction
3. Project Description
4. Minimizing Resettlement
5. Legal Frame work
6. Census and Socioeconomic Surveys
7. Participation and Consultation
8. Eligibility Criteria
9. Project Impacts and Entitlement Matrix
10. Vulnerable Groups
11. Valuation Criteria
12. Resettlement Sites
13. Income Restoration
14. Grievance Redress Mechanism
15. Institutional Arrangements
16. Monitoring and Evaluation
17. Implementation Schedule
18. Costs and Budgets
19. References
20. Annexes

4.0 Specific Consulting Team Qualifications and experience

The core Consultant's ESIA and RAP team is expected to comprise of the following professionals among others:

i. Lead Environmental Specialist/ESIA Team leader

He/ She Must possess Master's Degree in Environmental Sciences, Natural Resources Management, Other Biological Sciences Courses or Civil Engineering Training with Master's Degree in Environmental Sciences or equivalent from a recognized University and with at least twenty (20) years professional experience. He/She must be registered with the National Environment Management Authority (NEMA) as a Lead Expert or equivalent organization in other country.

He/ She must have a minimum of 10 years of practical post-qualification experience in environmental management with sound knowledge of environmental issues, initiatives and implementation of mitigation measures in at least five (5) similar infrastructure projects.

Experience on road projects in similar environment will be an advantage. Experience in application of the World Bank or other similar multilateral lenders' safeguard policies in infrastructure projects will also be considered.

ii. Senior Sociologist/RAP Team Leader

He/She must possess a relevant Master's Degree or equivalent in Social Sciences, development studies or related field and with at least fifteen (15) years professional experience (10) of which must be in the infrastructural development sector. Experience in application of the World Bank or other similar multilateral lenders' safeguard policies in preparation of RAP or related safeguard documents and/or implementation of social safeguards in infrastructure projects will also be considered. Knowledge on qualitative and quantitative statistical analysis is essential. Experience in stakeholder and community engagement is extremely essential. Previous experience on similar RAP projects in similar environment will be an added advantage. Knowledge of Kiswahili and/or local languages may be an added advantage.

iii. Registered Land Valuer Specialist

He/ She must possess BSc. Degree in Land Economics from a recognized University with at least ten (10) years post-qualification professional experience. He/She must be a Registered Land Valuer with the Institution of Surveyors of Kenya. He/ She must have served in similar capacity as a valuer preparing the Asset inventory/ Valuation reports in preparation of Resettlement Action Plan for at least three (3) roads projects. Familiarity with IFI standards and best practices in involuntary resettlement is desirable. Previous experience on road projects within Kenya will be an advantage. Experience in application of the World Bank or other similar multilateral lenders' safeguard policies in infrastructure projects will also be considered.

iv. Socio-Economist

He/She must possess a Bachelor's Degree in Economics or Statistics and with at least five (5) years post qualification professional experience. A Master's Degree will be an added advantage. Must be registered with a relevant professional body or society. Previous experience on road projects in similar environment will be an advantage

v. Occupational Health & Safety Expert

He / She must possess a Bachelor's Degree in Occupational Health and Safety/Environmental Science/NEBOSH IDIP/ Engineering, or post Graduate Diploma in Occupational Health and Safety with relevant OHS experience or equivalent and including the following: Technical training in Occupational Health and Safety from a recognized institution.

He/ she must have a minimum of 5 years of active occupational, health and safety (OHS) experience in construction industry involving multiple infrastructures projects and must demonstrate working knowledge of environmental, health and safety guidelines and industry best practice. Previous experience on road projects in similar environment will be an advantage

vi. Highway Engineer

He/She must possess BSc. Degree in Civil Engineering or equivalent and with at least ten (10)

years professional experience. He/She must be a Registered Engineer with Engineers Registration Board of Kenya or equivalent such as Member of the Institution of Civil Engineers (U.K.).

He/She must be competent in road design and construction of which 5 years should have been gained as a design engineer on a road design project of similar nature, preferably in Tropical Countries. He /she should have proven ability to manage and administer a project of this nature. Fluent in both written and spoken English and ability to communicate ideas freely and easily is essential

vii. Engineering Surveyor

The Engineering Surveyor shall have a university degree in land surveying and a minimum 12 years professional experience after graduation. The Engineering Surveyor should have served in a similar role on at least 2 previous successfully completed road design or road construction supervision assignments. Fluency in both written and spoken English is essential.

viii. Climate Change Expert

He/She must possess a University degree (Master or higher) in climate change, environmental sciences, natural sciences or other relevant fields with specialization in climate change. Must have a minimum of seven (7) years of practical working experience in areas related to climate change impacts, vulnerability and adaptation assessments and project implementation; good technical expertise in formulation of adaptation projects, programmes, plans, and strategies; an understanding of Multilateral Environmental Agreements and their implications; resources/financing mechanism for adaptation projects/climate resilient policies in developing countries; knowledge of best practices in vulnerability/adaptation/international developments (UNFCCC, IPCC etc); and knowledge of Horn of Africa respective countries climate change policy. Good knowledge of use of computer tools and methods required for climate impacts, vulnerability and adaptation assessments and relevant applications and experience in estimating GHG emission/ emission reduction for the transport sector as well as climate vulnerability assessment for infrastructure projects will be an added advantage

ix. Biodiversity Expert

Degree in Natural Resources Management, Biology, Water Resources management or related disciplines. At least ten (10) years' experience in environmental impact assessments; natural resources management, terrestrial ecology, wildlife management, experience in rangelands of tropical Africa, and at least 5 years' experience working on the environmental impacts of infrastructure projects

x. Other Support Staff

In addition to the expert personnel designated above, the Consultant shall determine the support and back-up staff deemed necessary to assist with the assignment. The Consultant can propose any additional staff, which, in the opinion of the Consultant, are necessary for the performance of the services within the stipulated timelines and indicate the same in the Technical and Financial Proposals.

Curricula Vitae (CVs) for the proposed professional key staff shall be submitted as an Appendix to the Technical Proposal. All CVs should be signed and currently dated by the nominees and authorized representative.

5.0 Time Frame

It is expected that the above assignment will be completed within Twenty Four (24) weeks from the date of commencement. The period of engagement of the experts will be on intermittent basis.

6.0 Services, Facilities and Materials to be provided by the Client

The Client will provide the following facilities and materials to the Consultant, for example:

- The Project Appraisal Document (PAD) and World Banks' applicable Operational Policies;
- Latest project feasibility and engineering design documents.
- Relevant background documentation and studies available making all necessary arrangements for facilitating the work of the Consultant and to provide access to government authorities, other Project stakeholders, and Project sites.
- Access to other relevant information to the extent of its availability
- Access to the project site and other sites belonging to the Client as the consultant may request

The Consultant shall be assisted by the KeNHA in any needed consultation/coordination with the Project Engineering and Design teams and other Government Agencies

7.0 Enhanced Security/Safety during the assignment

The consultancy assignment will include a provisional amount of **KES 2,000,000** which is expendable on provision of such additional safety and security services during the assignment as may be appropriate, with the prior approval of the Client.

8.0 Schedule and Reporting

8.1 Schedule

The Consultant shall commence the Assignment within fourteen (14) calendar days after issuance of order to commence by the Client.

The expected schedule of the assignment is as follows:

- a) The Consultant shall commence the Assignment within fourteen (14) calendar days after issuance of order to commence by the Client.
- b) The Consultancy will take a total of Twenty Four (24) weeks
- c) The following tentative time schedule shall be observed in carrying out the studies:

Key Milestone/Deliverable	Timeframe from issuance of order to commence by the Client	Report Copies	
		Soft (Word & PDF)	Hard
1. Commencement of assignment	2 weeks		
2. Inception Report	3 weeks	2	3
3. Draft ESIA and RAP Reports	20 weeks	2 for each	2 for each
4. Final ESIA and RAP Reports	24 weeks	2 for each	13 for

Key Milestone/Deliverable	Timeframe from issuance of order to commence by the Client	Report Copies	
		Soft (Word & PDF)	Hard
			ESIA and 5 for RAP

The consultant is expected to clearly indicate assignment critical milestones, with timing for each activity; taking into account the duration of the entire project implementation period. In addition to the above, the Consultant would, however, outline the scheduling of activities for the assignment and will prepare monitoring progress reports after every month from the start of consultancy.

8.2 Reports

The consultant shall prepare and submit the following deliverables/reports to the Client. All reports shall be in English and prepared on A4 metric size.

- i. **Inception Reports:** This report shall summarize the initial findings and give defined proposals covering the methodologies to be employed for different tasks for the ESIA and a detailed work program of all major activities of the assignment (*3 No. Hard copy and 2No. Soft copy to Client for each report*).
- ii. **Monthly Progress Reports:** These shall be submitted monthly, within one week from the end of the reporting month, and shall detail all the ESIA and RAP work performed during the reporting period and utilization of the study personnel. This shall contain preliminary findings, based on the analyses substantially completed, and shall also identify any actual and anticipated difficulties and delays in the work, their causes and the remedies proposed to solve them – Two (2) hard copies and Three (3) softcopies
- iii. **Draft ESIA & RAP Reports:** These reports shall summarize the findings, analyses, results, and recommendations of the assignment and shall contain all supporting materials - (*3 No. Hard copies and 2 No. Soft copies for each in / USB Flash disk to Client for each report*).
- iv. **Final ESIA & RAP Reports:** This report shall incorporate all necessary revisions arising from comments received from the Client and the Financier following discussions and agreement from the Client and the consultant – (*13 No. Hard copies for ESIA and 5 copies for RAP and 3No. Soft copies to Client for each report*). This shall contain a final report detailing the approach, methodologies, and timelines for capacity building and knowledge transfer.
- v. Stand-alone non-technical Executive Summary of the Environment and Social Impact Assessment Report and Resettlement Action Plan Report

8.3 Format of the Reports

The reports shall be provided in *USB Flash disk* in Microsoft Word for text, Microsoft Excel for tables/graphs and spreadsheets, and AutoCAD for drawings.

- The standard review period for KeNHA and the World Bank is five (5) working days.

- Draft reports, Final reports, and documents should be submitted in editable MS Word and PDF versions. The final version of the reports should be submitted one week after receiving feedback on the draft version.

Submission of Reports

The above reports shall be submitted to:

Director (Highway Design and Safety)
Kenya National Highways Authority
Barabara Plaza, Block A, 3rd Floor
Jomo Kenyatta International Airport (JKIA), off airport South Road, along Mazao Road.
P.O Box 49712-00100
NAIROBI, KENYA

9.0 Consultant Services Supervision arrangements

The assignment will be conducted with KeNHA as the Client and the Director of Highway Design and Safety as the Client's Representative.

Representing the Director of Highway Design and Safety; the Deputy Director, Environment and Social Safeguards under which this assignment will be housed will ensure overall quality control and coordinate various aspects of the project. Thus, the consultant will report directly to the Deputy Director of Environment and Social Safeguards under the Highway Design and Planning Directorate.

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

10.0 Reporting and Ownership:

The consultant shall submit the reports as per the schedule to the Director (Highway Design and Safety).

KeNHA will be the substantive owner of the study reports and will have copyright ownership.

11.0 Confidentiality Statement

All data and information received during the assignment, from respondents, KeNHA and the World Bank are to be treated confidentially and are only to be used in connection with the execution of these Terms of Reference. All intellectual property rights arising from the execution of these Terms of Reference are assigned to KeNHA. The content of written materials obtained or prepared in this assignment will not be disclosed to any third parties without the expressed advance written authorization of KeNHA and/or the World Bank.

Further information may be obtained from the address below during weekdays (Mondays to Fridays from 0800 to 1700hours local time), excluding public holidays.

Attention: Deputy Director, Environment and Social Safeguards
Street Address: Kenya National Highways Authority

Barabara Plaza, Block A, 3rd Floor

Jomo Kenyatta International Airport (JKIA), off airport South Road, along Mazao Road

City: NAIROBI, KENYA

Telephone: +254 20 495-4116

12. 0 Code of Ethics

In performing this assignment, the consultant shall comply, at all times and in all circumstances, with the World Bank Code of Ethics which may be found at the following web address:

<http://documents1.worldbank.org/curated/en/147281468337279671/pdf/WBG-Code-of-Ethics.pdf>

The Client reserves the right to suspend or terminate the assignment where material breaches of the above Code of Ethics are found to have occurred.