



REPUBLIC OF KENYA



## MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

### STATE DEPARTMENT FOR AGRICULTURE

### NATIONAL AGRICULTURAL AND RURAL INCLUSIVE GROWTH PROJECT

IDA CREDIT NO. 5900-KE

PROJECT ID NO: P 153349

TERMS OF REFERENCE (TOR) FOR CONSULTING SERVICES ON END-OF-PROJECT  
ENVIRONMENTAL AND SOCIAL AUDIT

**November, 2023**

**Client:**

Ministry of Agriculture and Livestock Development

State Department for Crop Development

P.O Box 30028-00100

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## I. Background information

The Government of Kenya received financial from World Bank towards the cost of National Agricultural and Rural Inclusive Growth Project (NARIGP) and intends to apply part of the proceeds for consulting services. The Consulting services (“ the services”) include consultancy to carry out End – of Project Environmental and Social audit. These terms of Reference are for the End-of-Project Environmental and Social Audit for the National Agricultural and Rural Inclusive Growth Project (NARIGP) being implemented in 21 Counties by the funding of the recipient Communities, Government of Kenya (GoK) and the World Bank. The Executing Agency is the Ministry of Agriculture and Livestock Development, State Department for Crop Development and Agricultural Research. The 21 participating counties are drawn from arid, semi-arid, and medium to high rainfall counties that include:

Arid Counties	Turkana, Samburu
Semi – Arid Counties	Kwale, Kilifi, Makueni, Kitui, Embu, Meru, and Narok
Medium to High Rainfall Counties	Kirinyaga, Kiambu, Murang’a, Nandi, Nakuru, Trans Nzoia, Bungoma, Migori, Nyamira, Homa Bay, Kisii, and Vihiga.

The objective of NARIGP is to increase agricultural productivity and profitability in the targeted smallholder farming communities in Kenya, and in the event of an eligible crisis or emergency, to provide immediate and effective response. The Project has four components namely:

- i. Supporting Community-Driven Development;
- ii. Strengthening Producer Organizations and Value Chain Development;
- iii. Supporting County Community-Led Development and
- iv. Project Coordination and Management.

NARIGP envisages mobilization of rural communities into Value Chain (VC) based Common Interest Groups (CIGs) and Vulnerable & Marginalized Groups (VMGs), to increase their agricultural productivity and federate into strong Producer Organizations (POs). Its activities are planned in line with the Government policy blue prints; the Kenya Vision 2030 and the Agricultural Sector Development Strategy (ASDS) (2010 – 2020). The project includes investments in rural infrastructure (e.g., irrigation, local markets, water conservation structures, etc.) and agriculture value chains (e.g., storage facilities, local level value addition, and limited use of agro-chemicals, among others).

Overall, NARIGP is assigned environmental category B – partial assessment; recognizing that the negative environmental and social impacts of the project interventions are largely small in scale, site-specific and reversible. Given that the nature of the proposed interventions, specific community micro-projects’ design and locations were not known *ex-ante*, the project adopted a framework-approach to managing adverse environmental and social

impacts of the project. Consequently, the following framework documents were prepared, publicly consulted, and disclosed both in country and in the External website of the World Bank: (i) Environmental and Social Management Framework (ESMF); (ii) Vulnerable and Marginalized Group Framework (VGMF); (iii) Resettlement Policy Framework (RPF); and (iv) a Project Grievance Redress Mechanism. These frameworks were expected to provide a mechanism for identifying and assessing potential adverse environmental and social impacts based on the types of activities envisioned; and to propose screening methods and processes of assessing and designing appropriate mitigation measures for the identified investments. Consequently, the following framework documents of the triggered World Bank Policies were prepared, reviewed, publicly consulted, and disclosed both in country and in the External website of the World Bank: (a) Environmental and Social Management Framework (ESMF) for environmental assessment (OP/BP 4.01), natural habitat (OP/BP 4.04), and pest management (OP 4.09); (b) Vulnerable and Marginalized Group Framework (VGMF) for indigenous peoples (OP/BP 4.10); and (c) Resettlement Policy Framework (RPF) for involuntary resettlement (OP/BP 4.12); and a Project Grievance Redress Mechanism.

These frameworks are expected to have provided a mechanism for: (i) identifying and assessing potential adverse environmental and social impacts, based on the types of activities envisioned; and (ii) proposing screening methods and processes of assessing and designing appropriate mitigation measures for the identified investments. The Investment screening utilized the Environmental and Social Screening Form/check list in the Project Appraisal Document (PAD); Environmental and Social Management reports are expected to be done at two levels: (i) that outlines simple environmental and social mitigation measures (a simplified ESMP) for micro-projects not requiring an ESIA report/ (Summary Project Report), and (ii) for ALL investments (County-led or intercommunity-led investments) an ESIA/SPR is mandatory for each. Whenever applicable, particularly for the relatively larger county level infrastructure and landscape wide investments, the Environmental and Social Assessments/Environmental and social Management Plans (ESAs/ESMPs), Resettlement Action Plan (RAPs) and Vulnerable and Marginalized Group Plans (VMGPs) would be developed for individual micro-projects/investments as the case may be during project implementation. This is consultancy, therefore, would demonstrate the level of environmental and social compliance of NARIGP investments to both agreed national, and World Bank regulatory laws and environmental and social safeguards policies as triggered in the project respectively. To operationalize the environmental and social safeguard policies NARIGP and the line Departments created awareness on the project through launching it, mobilized both communities and other stakeholders, sensitized relevant stakeholders, established project structures right from national to grassroots to mainstream safeguards, and continuously trained relevant implementers.

## **1.1 Project Description**

The Government of Kenya (GoK), through funding from the World Bank is implementing the Kenya National Agricultural and Rural Inclusive Growth Project (ES) over a five years period (July 2018- June 2023). The objective of NARIGP is **to increase agricultural productivity and profitability in the targeted smallholder farming communities in Kenya, and in the event**

**of an eligible crisis or emergency, to provide immediate and effective response.** NARIGP design envisages mobilization of rural communities into Value Chain (VC) based Common Interest Groups (CIGs) and Vulnerable & Marginalized Groups (VMGs), to increase their agricultural productivity and federate into strong Producer Organizations (POs). Its activities are planned in line with the Government policy blue prints; the Kenya Vision 2030 and the Agricultural Sector Development Strategy (ASDS) (2010 – 2020). The Project has four components namely: Supporting Community-Driven Development; Strengthening Producer Organizations and Value Chain Development; Supporting County Community-Led Development and Project Coordination and Management.

Therefore, NARIGP has funding from the World Bank/GoK to undertake a final Project ESA to understand the level of compliance to both national regulatory framework - NEMA, and World Bank Environmental and Social Safeguards Policies triggered by the Project.

### **Component 1: Supporting Community-Driven Development.**

The overall objective of this component is to strengthen community level institutions' ability to identify and implement investments that improve their agricultural productivity, food security and nutritional status; and, linkages to selected value chains (VCs) and Producer organizations (PO) where so far 23,923 micro-projects were financed, 9,966 completed while 13,957 are ongoing; this is 72% complete as per the targets.

**Component 2: Strengthening Producer Organizations and Value Chain Development.** The objective of this component is to strengthen POs and improve market access for smallholder producers in targeted rural communities. Through a VC approach, CIGs and VMGs formed under Component 1 are to be supported to federate into strong business-oriented POs; so far 342 POs have been supported and over 1,200 CIGs linked to these FPOs. all yielding a 72% success.

**Component 3: Supporting County Community-Led Development.** The objective of this component is to strengthen the capacity of county governments to support community-led development initiatives identified under Components 1 and 2. This includes the provision of technical advisory services (e.g. public extension services); enabling environment for the private sector and public-private partnership (PPP) to operate; and inter-community (e.g. catchment or landscape-wide and larger rural infrastructure) investments based on priorities identified under Components 1 and 2. Overall, 21,378 CIGs/VMGs working on 45,438 ha. were identified to work on SLM related investments. About 19% of unskilled labour from vulnerable groups was actively used in these investments. The multi-community investments under NARIGP are 92 both county and national identified and approved across the 21 counties.

**Component 4: Project Coordination and Management.** This component finances activities related to the national and county-level project coordination, including planning, fiduciary, human resource management, safeguards compliance and monitoring, Management Information System (MIS) and Information Communication Technology (ICT) development, M&E, impact evaluation, communication and citizen engagement. In addition, in the event of a national disaster affecting the agricultural sector, the project through this component would finance emergency responses.

## **2. Objectives of the Assignment**

### **2.1 Broad Objective**

The objective of the assignment is to: assess the overall Project performance in complying with the triggered World Bank safeguards policies and the established environmental and social requirements; identify the successes and gaps in implementation of environmental and social management measures and to propose appropriate mitigation measures and to document learning lessons for the sustainability of the project investments, and other future initiatives.

### **2.2 Specific Objectives**

- i. To evaluate the predicted impacts in the environmental and social assessments undertaken against the actual impacts realized during project implementation and determine whether the impacts were adequately mitigated by the ESMPs developed, and whether the residual impacts are acceptable, or should be mitigated further.
- ii. To assess the preparedness of beneficiary communities, counties and national government towards mainstreaming environmental and social safeguards in all project investments
- iii. To identify related environmental and social challenges at community project level and how the project is mitigating against them.
- iv. To identify and document the environmental and social performance of the investment projects including better and safe use of agro-chemicals and the contribution of the stakeholder engagement activities amongst others beyond NARIGP.
- v. To identify any National or Communal land related issues as per Kenya's' land legislations and policies and gaps thereof that would hinder the implementation and sustainability of supported investments.
- vi. To document success stories and identify lessons learnt while striving to comply with the World Bank environmental and social safeguard policies.
- vii. To identify any follow up actions and arrangements (technical, environmental and institutional provisions) necessary to ensure sustainable operations of infrastructural investments beyond Project closure

The outcomes of the audit shall include:

1. An identification of adverse environmental and social impacts that occurred during project implementation and which were not anticipated in the environmental and social assessments undertaken,
2. Key areas of improvement and lessons that can be carried forward to future operations;

3. Follow up actions and arrangements (technical, environmental, social and institutional provisions) necessary to ensure sustainable operations of infrastructural investments beyond Project closure;
4. Performance indicators by which the project infrastructural investments can be monitored and evaluated in the future

In carrying out the assignment the Consultant shall refer to:

- i. Relevant NEMA environmental and social laws, regulations, and policies of Kenya with respect to implemented NARIGP investments and activities;
- ii. The World Bank environmental and social safeguard policies and procedures as triggered by NARIGP
- iii. The Project-level E&S instruments prepared including the ESMF, IPMF, RPF, VMGF, and instruments prepared and implemented in various community, county and inter-county investments including ESIA, PMPs, ESMPs and support guidelines
- iv. M&E and Study Reports generated by the ESS NPCU teams
- v. Relevant international conventions, treaties, and agreements to which Kenya is a signatory and are applicable to the Project.
- vi. Relevant Good International Industry Practices (GIIP) in Agriculture.

### **3. Scope of the Consulting Services**

The Scope of the environmental and social audit will include:

- i. Review of all available information on environmental and social risks and impacts related to the implemented project activities within project common interest farmer groups (CIGs) or vulnerable and marginalized groups (VMGs), microprojects (MPs), producer organizations (POs), multi-community investments (MCIs), and project environmental and social implementation structures.
- ii. Review of relevant national environmental and social policies and legal frameworks,
- iii. Conducting site visits to micro-projects, FPOs, and MCIs in all sampled project counties to gather information related to the task.
- iv. Engagement with various stakeholders including the Implementing partners, CIGs, CDDCs, CPCUs, CTACs, and project service providers (SPs)
- v. Analysis of all gathered data
- vi. Report writing
- vii. Presentation of the draft and final Report to the NPCU

#### **4. Duration of the Assignment**

The assignment shall be for Two and half months (75 days) in line with the key deliverables above and is expected to commence in January 2024.

#### **5. Reporting Requirements**

The Consultant shall be required to follow the format provided below in developing the assignment reports

##### **5.1 Format and Contents of the report**

The Audit Report will be aligned with the key objectives of the assignment and should include, inter alia:

- 1) Executive Summary
- 2) Scope of the Audit
- 3) Regulatory Setting
- 4) Audit and Site Investigation Procedure
- 5) Findings and Areas of Concern
  - a) Environment, Health, and Safety
  - b) Land acquisition and related issues
  - c) Gender and social inclusion
  - d) Stakeholder consultation and complaints management
  - e) Operational procedures of safeguards policies
- 6) Corrective Action Plan, Costs and Schedule (CAP)
- 7) Conclusion and Recommendations
- 8) Annexes

The draft NARIGP ESA report will be presented to the stakeholders for validation in a workshop before submitting to the NPCU for comments and inputs. Upon approval from the NPCU, the Draft will be submitted to the WB Task team for final review, comments, and clearance. In case of comments by the WB Task Team, the comments will later be addressed by both the NPCU and the consultant. Then the consultant will finalize report and submit it to the NPCU.

##### **5.2 Timelines of Submissions, Key Deliverables and Payment Schedules**

All deliverables shall be produced in English. The Consultant should anticipate several iterations of the report, responding to and incorporating comments from the project entire teams, as required. The deliverables and timeline for this assignment are as follows:

<b>No.</b>	<b>Deliverable</b>	<b>Timeline</b>	<b>Payments</b>
1	1 <sup>st</sup> Inception Report	7 days after signing contract	20% after submission of Inception Report
2	Draft Progress Report	21 days after signing contract	Nil
3	2 <sup>nd</sup> Draft Project ESA	45 days after signing contract	30% after submission of 1 <sup>st</sup> Draft
4	3 <sup>rd</sup> Draft Project ESA	60 days after signing contract	30% after submission of 2 <sup>nd</sup> Draft
5	4 <sup>th</sup> Final Project ESA	75 days after signing contract	20% after submitting Final Project ESA

All reports shall be submitted to the address below:

National Project Co-ordinator  
National Agricultural and Rural Inclusive growth Project  
P.O. Box 8073-00200  
NAIROBI

## **6.0 Consultancy remuneration / payment schedule**

### **6.1: Remuneration**

The proposed payment amount shall be established on the understanding that it includes all the Consultant's costs and profits as well as any tax obligations that may be imposed on the Consultant.

### **6.2: Payment Conditions**

Payments shall be made to the consultant by bank transfer or cheque only on presentation of invoice.

### **6.3: Proposed payment schedule**

<b>No.</b>	<b>Deliverable/Reports</b>	<b>Percentage of the contract amount</b>
1	1 <sup>st</sup> Inception Report	20%
2	Draft Progress Report	Nil
3	1 <sup>st</sup> Draft Project ESA	30%
4	2 <sup>nd</sup> Draft Project ESA	30%
5	Final Project ESA	20%



Upon submission of every report, the consultant is expected to make a presentation of the submitted report to the client in a scheduled meeting. The acceptance of the report shall be recorded in the minutes of the meeting.

## 7.0 Team Composition and Minimum Qualifications

	Key Professionals	Qualifications and Working Experience
1.	Team Leader	Accredited NEMA lead Expert; a Bachelors and Post graduate Degree in Environmental Studies or other related discipline; at least 8 years' experience in Environmental and Social Impact Assessment, Environmental and Social Audit, and implementation of Environmental and Social Management Plans in development projects - particularly agriculture projects; experience in carrying out studies, preparation of E&S management plans and their implementation in line with World Bank Environmental and Social Safeguards Policies (the Operational Policies) and/or the Environmental and Social Framework (ESF)
2	Lead Social Development Specialist	A Bachelors and Post graduate Degree in social sciences including Sociology/Anthropology /Social Work/ community Development; at least 8 years' experience in managing social risks and impacts of large-scale donor-funded projects; familiarity and demonstrated experience in operationalizing WB safeguards policies in development projects; experience in stakeholder engagement in socioeconomic development projects
3	Environment alists	Degree in Environmental studies or related discipline; at least 4 years' experience in environmental management in development projects
4.	Sociologists	Degree in social studies or related discipline; at least 4 years' experience in social management in development projects
5.	Community Participation/ Gender/ Indigenous Peoples Specialist	A Bachelors and Post graduate Degree in Social work/Community Development, or a related field with more than 8 years of relevant work experience in community development projects; experience in social assessment and preparation/implementation of Vulnerable and Marginalized Groups Frameworks/Plans in development project context;

## 7.1 Shortlisting criteria

**Core business and years in business:** The firm shall be registered/incorporated as a consulting firm with core business in the field of social assessment and or gender analysis or equivalent for a period of a minimum of 8 years.

**Relevant experience:** The firm shall demonstrate as having successfully executed and completed at least 2 assignments of similar nature, complexity and in a similar operating environment in the last 5 years. Details of similar Assignments-Name and address of the

client, scope, value, and period should be provided and submitted Expression of Interest should include enumeration of these similar past assignments.

**Technical and managerial capability of the firm:** The firm shall demonstrate as having the requisite technical capacity and managerial capacity to undertake the assignment in the submitted company profile(s). **Key Experts will not be evaluated at the shortlisting stage.**

### **7.2 Estimated time inputs for key experts**

All the experts for this assignment are expected to be available for the assignment the entire period of 2 two and half (2.5) months.

### **7.3 Management and Accountability of the assignment**

Throughout the process of the consultancy, the consultant will provide regular updates of the assignment to the client. These updates will summarize the status of tasks, resources, schedules, coordination with key NPCU teams. It is essential to ensure that the client and consultant agree about the scope and progress of the preparation, and that there is an opportunity to review on regular basis any difficulties or assistance that is required to enable the consultant to complete its assignment

The Consultant will work closely with the NPCU Team under guidance of the NESSCO. Approval for travels outside the base location will be granted by National Project Coordinator. The Consultant will report to the NPCU - NESSCO.

### **8.0 Obligation of the Client**

The Client shall, Manage the contract on day-to-day basis including processing of funds for disbursement for consultancy Support the provision of secondary data source(s) to the consultant Support in facilitating activities as arrangement by the consultant through liaison with key stakeholders. Facilitation in provision of operational support in terms of technical inputs necessary and approval where required Quality assurance for the outputs of the consultancy through timely review of reports

### **9.0 Obligation of the Consultant**

The consultant is expected to undertake activities that will ensure that the outputs are consistent with the professional and legal requirements. It is also required that the data is generated through a consultative process that guarantee authenticity and ownership.

### **10 Property rights of Client in reports and records**

The Consultant shall submit the reports as per the schedule to the Principal Secretary State department for Crops. The State department will be the substantive owner of the study reports and will have copywrite ownerships. All data and information received during the assignment, from respondents, 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 the Client. 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 the Client or World Bank.

**Applications to:**

The National Project Co-ordinator  
National Agricultural and Rural Inclusive Growth Project  
5<sup>th</sup> Floor, Capitol Hill Centre  
P.O. Box 8073-00200  
NAIROBI  
Email: [info@narigp.go.ke](mailto:info@narigp.go.ke)  
Phone: +254 -020 2715466