



**COUNTRY: KENYA**

**PROJECT: KENYA DIGITAL ECONOMY ACCELERATION PROJECT (KDEAP)**  
**IMPLEMENTING AGENCY: Information and Communications Technology Authority (ICTA)**

**PROJECT ID: P170941; Credit Numbers 7289-KE and 7290-KE**

**TERMS OF REFERENCE FOR:**

**REQUEST FOR EXPRESSION OF INTEREST FOR**

**CONSULTANCY SERVICES TO CONDUCT ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) FOR SUB-PROJECTS UNDER THE KDEAP – FRAMEWORK AGREEMENT**

**Contract No: KE-ICTA-411016-CS-QCBS**

**Issue Date: 11<sup>th</sup> February 2025**

**Closing Date: 26<sup>th</sup> February 2025 at 1000Hrs East African Time**

**Client:**

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## **Environmental and Social Impact Assessment Study**

### **1. Background**

The Government of the Republic of Kenya (GoK) has received credit financing in the amount equivalent to US\$390 Million from the World Bank towards the cost of the first phase of the Kenya Digital Economy Acceleration Project (KDEAP) (thereafter “Project”) It intends to apply part of the proceeds to pay for goods, works, non-consulting services and consulting services to be procured under the Project.

The project includes the following components.

**Component 1: Digital Infrastructure and Access.** This component aims to increase access to high-speed internet for individuals, industry, and government—the ‘foundation of the foundations’ of a digital economy—and strengthen Kenya’s role as regional digital leader, while leveraging investments from the private sector.

**Component 2. Digital Government and Services.** This component will invest in the foundational digital services, platforms, architectures, and policies needed to transform the way the Government communicates and conducts its internal operations.

**Component 3. Digital Skills and Markets.** This component aims to equip young Kenyans with digital skills and strengthen their abilities to access and compete in domestic and regional markets, to study mechanisms to improve access to affordable devices and through enhancing the enabling environment for e-commerce to support Kenya’s role as a regional digital hub.

**Component 4. Project Management.** This component will support project implementation, coordination, and capacity building for the Project Implementation Unit (PIU) within the Information and Communications Technology Authority (ICTA).

**Component 5: Contingent Emergency Response Component.** This component will be activated in the event of an emergency.

The ICT Authority, the implementing agency, intends to apply a portion of the proceeds of this credit for the provision of consultancy services by engaging a firm of experts to conduct an **Environmental and Social Impact Assessment (ESIA) for the proposed** sub-project(s) under sub-components 1.1, 1.2, 1.3, and 1.5.

The KDEAP project has developed an environmental and social management framework (ESMF) which guides the implementation and use of the subsequent site-specific instruments.

The activities for sub-components 1.1, 1.2 and 1.3 involve site preparation entailing clearing and grading the land to prepare for construction activities, and construction of temporal access roads for the transportation of equipment and construction materials while minimizing environmental disruption. The construction phase includes trenching and excavation to lay underground fiber optic cables or installing them on poles. After cable installation, trenches are back-filled, and the land is restored to ensure soil stability and vegetation regrowth. Supporting infrastructure, such as poles and splice enclosures, is also installed. These activities are conducted with careful consideration of environmental and social impacts, and

adhering to regulations and best practices.

Component 1.5 which is the refurbishment of Huduma Centers will include activities such as but not limited to structural repairs, interior renovations, mechanical and electrical upgrades, and energy efficiency improvements. Exterior renovations will enhance the building's facade and landscaping, while compliance and safety upgrades will ensure adherence to current codes and regulations. Aesthetic enhancements will modernize the building's appearance, and functional modernization will integrate smart technologies and improve telecommunications. Information technology equipment will be installed, and the centres will be rebranded to align with the Huduma Kenya brand.

The purpose of terms of reference (ToR) is to enable the project proponent to ensure systematic integration of environmental and social considerations in the planning, approval, and implementation of KDEAP's sub-projects. It includes all the actions to be undertaken to limit, reduce or eliminate the identified potential negative environmental and social risks and impacts.

The firm of experts shall ensure that the environmental and social assessment, planning, and design outputs of this assignment will comply with and meet the legal and technical requirements of the Government of Kenya and the World Bank's Environmental and Social Framework.

## **2. ESIA Objectives**

The overarching goal of the ESIA is to improve decision-making and to ensure that the activities under the proposed project are environmentally and socially sound and sustainable.

The specific ESIA objectives are:

- To undertake an Environmental and Social Impact Assessment (ESIA) for proposed sub-projects to meet the requirements of the World Bank Group (WBG) Environmental and Social Standards (ESSs), World Bank Environmental, Health and Safety Guidelines (EHSGs), and the Kenya legal requirements;
- To generate environmental and social baseline data for monitoring and evaluation of how well the mitigation measures will be implemented during the project cycle;
- To identify all potential significant adverse environmental and social impacts of the proposed site-specific sub-projects and recommend appropriate mitigation measures;
- Undertake project alternative analysis taking into consideration the site selection;
- To recommend cost-effective mitigation measures to be implemented to mitigate against the expected impacts;
- Identify and engage stakeholders on the proposed project and incorporate their feedback in the assessment of risks and impacts as well as formulation of mitigation measures
- Develop site-specific environmental and social management and monitoring plans and prepare an appropriate budget for Environmental, Social, Health, and Safety mitigation measures for the project.

### 3. Scope of Services

#### 3.1 Scope of the ESIA

The ESIA will be carried out in compliance with the Government of Kenya's Environmental Management & Co-ordination Act, 1999, (amended in 2015) and the Environmental (Impact Assessment & Audit) Regulations, 2003, (amended in 2019), World Bank Environmental and Social Standards, KDEAP Environmental and Social Management Framework (ESMF) among other relevant laws, regulations, guidelines, and standards.

The scope of the assignment covers the specific project site areas as provided by the implementing agencies within the 47 counties of the Republic of Kenya.

[https://drive.google.com/drive/folders/12mYAnMSv7lkxy6Llv7Pljcvw3uHcPbVL?usp=drive\\_link](https://drive.google.com/drive/folders/12mYAnMSv7lkxy6Llv7Pljcvw3uHcPbVL?usp=drive_link)

The firm of experts to be selected under the contract framework agreement to be developed is expected to undertake activities that will ensure outputs are consistent with professional and legal requirements. In addition, it is expected that outputs will be generated through a consultative process that guarantees authenticity and ownership.

The firm of experts is expected to undertake site-specific ESIA's that will be developed and carried out in a participatory manner by engaging the public and stakeholders to identify and assess any environmental and social risks and impacts that the projects may trigger in their areas of influence; evaluate alternatives; and consider appropriate avoidance, mitigation, management, and monitoring measures.

The ESIA's will be for site-specific projects and or cluster ESIA's where applicable under sub-components 1.1, 1.2, 1.3 and 1.5 and will be undertaken by different firms under the contract framework agreement to be developed as indicated below;

**3.1.1 Extending the Reach of the Backbone Networks** - The aim is to increase the length of fiber networks from the current 8,900 km to a national target of 100,000 km. The firms will be expected to conduct ESIA in a phased approach manner for the 45,000KM with an initial pilot phase of 5,000km for the backbone networks.

***A comprehensive list of proposed pilot fiber routes and their geographical locations is attached in the link.***

[https://docs.google.com/spreadsheets/d/1Y500YYABAA019PctPGMGp1ox9qiMKS7F/e/dit?usp=drive\\_link&oid=115550547015319596582&rtpof=true&sd=true](https://docs.google.com/spreadsheets/d/1Y500YYABAA019PctPGMGp1ox9qiMKS7F/e/dit?usp=drive_link&oid=115550547015319596582&rtpof=true&sd=true)

**3.1.2 Increasing Last Mile Connectivity for Education** - The aim is to ensure that students, at all levels and across the country, have access to good quality internet resources to help them build digital skills. The firm will be expected to conduct ESIA for the piloted 250 schools for connectivity.

***A comprehensive list of the pilot sites and their geographical locations is attached in the link.***

[https://docs.google.com/spreadsheets/d/1wBsDfGV2mfFoMQwCsh\\_ij5pQQUEJatX6/edit?usp=drive\\_link&oid=115550547015319596582&rtpof=true&sd=true](https://docs.google.com/spreadsheets/d/1wBsDfGV2mfFoMQwCsh_ij5pQQUEJatX6/edit?usp=drive_link&oid=115550547015319596582&rtpof=true&sd=true)

**3.1.3 Enhancing Government Connectivity** - This subcomponent will support the provision of internet capacity to around 470 of the 25,000 public Wi-Fi hotspots. The firm will conduct ESIA for the 470-pilot public Wi-Fi hotspots across the 47 Counties in 10 Sites within each county.

***A comprehensive list and geographical locations for the proposed project sites is attached in the link.***

[https://docs.google.com/spreadsheets/d/1w1lzGdiAwVJOt7y\\_060cbpDQ4ymucm2v/edit?usp=drive\\_link&oid=115550547015319596582&rtpof=true&sd=true](https://docs.google.com/spreadsheets/d/1w1lzGdiAwVJOt7y_060cbpDQ4ymucm2v/edit?usp=drive_link&oid=115550547015319596582&rtpof=true&sd=true)

**3.1.5 Enhancing Regional Digital Integration** - In line with the Eastern Africa Regional Digital Integration Project (EARDIP) connectivity, regional-level investments will also seek to fortify **connectivity for borderland areas** as well as refugee camps and their host communities. This may also include operationalization of Huduma Centers in borderland areas to ensure inclusivity. The firm will conduct ESIA for the refurbishment of five Huduma centers at the borderline.

***The geographical locations for the proposed project sites in TURKANA, MANDERA, TAITA TAVETA, MIGORI AND BUSIA COUNTIES will be provided by Huduma Kenya Secretariat after the identification of the specific sites by the consultant undertaking the design and supervision of the refurbishment of the five (5) Huduma centers in Borderland areas***

**The link for the comprehensive list of Huduma centres is as follows**

[https://docs.google.com/spreadsheets/d/1zSFULFNFPHjwolM\\_2RtTAFqB1UrQimQ9/edit?usp=drive\\_link&oid=115550547015319596582&rtpof=true&sd=true](https://docs.google.com/spreadsheets/d/1zSFULFNFPHjwolM_2RtTAFqB1UrQimQ9/edit?usp=drive_link&oid=115550547015319596582&rtpof=true&sd=true)

### **3.2 Specific scope of works**

The scope of works to be undertaken by the firm of experts to be selected under the contract framework agreement to be developed for each of the ESIA's shall include the following tasks;

#### **Task a: Detailed Literature Review**

The firm of experts (*to be selected once the contract framework agreement has been developed*) will be required to review all existing documentation pertaining to the proposed projects under sub-components 1.1, 1.2, 1.3, and 1.5.

**Task b: Description of the Project Activities and identification of associated facilities if any.** The consultant shall give the proposed project an introduction covering a short

description of the project area, and project activities (where possible during construction, operations, and maintenance) – including the project execution methodology and technology to be used for the project;

### **Task c: Description of the Environmental and Social baseline**

The firm of experts is required to collect, collate and present baseline information on the environmental and social characteristics of the existing situation within the proposed project sites/areas of influence.

This description should involve but not limited to:

- a. Physical environment (geology, physiography, climate, hydrology, soil, topography, air quality etc.)
- b. Biological environment (flora and fauna types and diversity, endangered species, sensitive habitats etc.)
- c. Social and cultural environment, including present and projected. Where appropriate (i.e., population, land use, planned development activities, community social structure, GBV risks including sexual harassment, exploitation and abuse, workplace sexual harassment labor influx risks, security risks, education, health, employment and labor market, sources and distribution of income, cultural/religious sites and properties, vulnerable groups and indigenous populations etc.).
- d. Economic activities, agriculture, livestock, small scale industries etc.

### **Task d: Legislative and Regulatory Framework**

The firm of experts shall identify and describe the applicable laws, regulations guidelines and standards both national and international including the World Bank Environmental and Social standards (ESSs) relevant to the project, governing the environmental quality, occupational health and safety, protection of sensitive areas, land use planning at the national and local levels and ecological and socio-economic issues. Thereafter, the firm of experts shall identify the project activities that should comply with the identified laws and regulations.

**Task e: Public/Stakeholder Consultations:** Public consultation is an integral part of development process as reflected in the constitution of Kenya 2010, requirements of the World Bank ESS10, KDEAP Stakeholder Engagement Plan (SEP) and other relevant national legislation. The public consultations entail community meetings, interviews, questionnaires, or a combination of these depending on the stakeholders; Stakeholder mapping will be required including analysis of stakeholder influence and stakeholder dynamics and details of civil society organizations (CSOs) working in the project area.

**Task f: Analysis of Alternatives of the proposed projects:** Including a description of the analysis of alternative processes following the project site, design, choice of technology, materials, and equipment. This is aimed at combining technical-financial aspects with socio-environmental considerations for the preferred options and avoiding significant impacts.

**Task g: Determination of environmental and social impacts of proposed projects**

The firm of experts shall analyze and describe all significant changes brought about by the various proposed projects. This will encompass both the negative and positive environmental, ecological, and socio-economic impacts discussed in Task c.

The firm of experts shall prioritize all concerns identified and categorize them into short, medium, long-term and cumulative impacts during construction, operation and decommissioning. The experts shall also identify temporary and permanent impacts. A detailed outline and discussion of specific environmental and social conditions that might be affected during design and planning, construction, and operation should be provided.

**Task h: Occupational health and safety concerns**

The firm of experts shall analyze and describe all occupational health and safety concerns brought about by project activities during all the phases of the project. The expert shall make recommendations on corrective and remedial measures to be implemented under the environmental and social management plan (ESMP).

**Task i: Impact Mitigation Measures.** The consultant shall develop feasible and cost-effective mitigation measures, taking into consideration the activity, the project designs and equipment to be used for a comprehensive evaluation of the negative impacts that could result from site preparation, construction, operation, and decommissioning phases.

**Task j: Development of Environmental and Social Management Plan (ESMP)**

The firm of experts shall develop a comprehensive environmental and social management plan (ESMP). The ESMP should recommend a set of mitigation, monitoring, and institutional measures to mitigate, minimize, or reduce adverse environmental and social impacts and/or maximize benefits. Mitigation measures should be feasible, practical, easily observed and checked. Details of the ESMP should be fully incorporated into the contractor's and supervising engineer's contract document to ensure the integration of environmental and social aspects in the project design and implementation.

The ESMP should also factor in the environmental and social costs of the highlighted mitigation measures. This shall be provided for all the project phases and should be clearly factored in the Bills of Quantities for specific sub-projects.

**Task k: Development of Environmental and Social Management and Monitoring Plan**

The firm of experts shall prepare a clear management and monitoring plan. The firm shall provide specific description, technical details and monitoring indicators on the ESMP. This should include the parameters to be measured, methods to be used, sampling of locations, frequency of measurements, definition of thresholds (to signal the need for corrective actions) and a monitoring and reporting procedure. The firm of experts should provide a time frame and implementation mechanism, staffing requirements, training and budget estimates for the ESMP.

### **Task l: Institutional Arrangements for Monitoring and Mitigation Plan**

The firm of experts should describe how the overall environmental and social management plan will work during the project implementation (construction and operation phases) and the persons responsible for its implementation. The roles of a supervisor, data collection and analysis, report writing including those responsible for receiving reports and implementing recommendations should be assigned.

### **Task m: Environmental & Social Impact Assessment Report**

The main output shall be an acceptable Environmental & Social Impact Assessment Report. The report shall be in the English language, clear and concise with a detailed project description of each project and or for the cluster projects. The report will be in a format that is acceptable to ICTA and NEMA, the environmental and social regulator, and the World Bank.

The ESIA report outline will include:

1. **Executive Summary.** Concisely discuss significant findings and recommended actions
2. **Introduction.** This shall include a concise description of the proposed project background, project objectives, scope, objectives of ESIA, methodology and approach
3. **Description of the proposed Project activities and identification of associated facilities**
4. **Policy, Legal and Administrative/Institutional Framework**
5. **Environmental and Social Baseline Conditions**
6. **Public/Stakeholder Engagement and Consultations**
7. **Analysis of Alternatives**
8. **Environmental and Social Impacts identification and assessment**
9. **Environment and Social Impact Mitigation Measures**
10. **Environmental and Social Management Plan**
11. **Environment and Social Monitoring Plan**
12. **Institutional Arrangements, Capacity Development, and Training**
13. **Conclusions and Recommendations;**
14. **References**



15. **Appendices.** E.g., Design Concepts, the record of the public consultations, list of people consulted, Terms of reference for the ESIA, proof of land ownership etc.

**4. a) Duration and Location of Assignment**

The timings for the various ESIA assignments within KDEAP will overlap depending on the readiness of the beneficiaries to undertake the specific ESIA as per their work plans. This means that under the contract framework agreement to be developed several firms of experts will be on boarded to undertake the ESIA's for each of the sub-project components stated above. The on boarded firms of experts are expected to undertake the assignments whenever called upon within the four (4) year period of KDEAP.

The assignment will be for **six (6) calendar months** from the contract (*when instructions are given for the assignment to begin*) commencement date in which the selected firm(s) from the on boarded ones is expected to execute the assignments within each project site (*refer to section 3.1 for the number of sites*). The scope of the assignment is in the 47 counties of Kenya within the specific project areas (*refer to section 3.1*) as will be provided by the project beneficiaries. The proposed timeline includes the time gap in between relevant meetings between the consultant and stakeholders; as well as time that may be required for the client (ICTA) and the beneficiaries to review the output for approval purposes.

**5. Reporting Requirements and timelines for deliverables**

The consultant will present the following reports:

**Table 1: Reporting Requirements and timelines for deliverables for the specific ESIA's to be undertaken by the selected firm of experts from the on boarded firms under the contract framework agreement**

Output/Deliverable	Description of outputs/deliverables	Timelines for submission of deliverable after commencement date ( <i>once the selected firm from the on boarded ones is given instructions to begin the ESIA assignment</i> )	Number and format of reports presentation
Inception Report	The Consultant will share the detailed approach, a work plan, milestones sources of information, staffing and working arrangements necessary to complete the assignment. The inception report should cover schedule for fieldwork so that ICTA and beneficiaries may join.	1 Month	4 Hard copies and 1 digital copy

		The work plan should anticipate risks and propose mitigation measures.		
Draft Report	ESIA	ESIA report as per EMCA, 1999 and World Bank Environmental and Social Standards requirements.	4 Months	4 Hard copies and 1 digital copy
Final Report	ESIA	ESIA report as per EMCA, 1999 and World Bank Environmental and Social Standards requirements.	6 Months	9 Hard copies and 2 digital copies

All draft and final reports shall be submitted in the prescribed format to:

The Chief Executive Officer,  
ICT Authority  
Telpost Towers 12<sup>th</sup> Floor, Kenyatta Ave  
PO Box 27150 – 00100  
Nairobi Kenya  
Tel: +254 20 2089061/ 2211960 Fax: +254 20 2211960  
Email: [procurement@ict.go.ke](mailto:procurement@ict.go.ke) , [info@icta.go.ke](mailto:info@icta.go.ke)  
Website: [www.icta.go.ke](http://www.icta.go.ke)

Attention:

The Project Coordinator  
KDEAP

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.

## 6. Payment Schedule

The proposed payment schedules based on satisfactory performance by the consultant will be as shown in the table below.

Table 2: **Proposed payment schedule for the execution of each ESIA projects XXX**

S/No.	Deliverables	<i>Timelines after contract commencement (once the selected firm from the on boarded ones is given instructions to begin the ESIA assignment)</i>	Percentage of the contract amount
1.	Submission and Acceptance of Inception report	1 month	20%

2.	Submission and Acceptance of Draft ESIA Report with the relevant annexes and appendices	4 Months	50%
3.	Submission and Acceptance of the final ESIA Report with the relevant annexes and appendices to the project beneficiary	6 Month	30%

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

### 7. Minimum Requirements for firm of experts' qualifications and experience

The shortlisting criteria for the Consulting Firm will involve the following:

- a) **Core business and years in business:** The firm shall be registered/incorporated as a consulting firm with core business in providing environmental and social consulting services for a period of at least Seven (7) years.
- b) **Relevant experience:** The firm shall demonstrate as having successfully executed and completed at least five (5) similar assignments in undertaking Environmental and Social Impact Assessments in the last Seven (7) years. Provide particulars of the assignments (name and address of the client, scope, value, and period).
- c) **Technical and managerial capability of the firm:** The firm shall demonstrate having the requisite technical and managerial capacity to undertake the assignment.

### 8. Team Composition and minimum qualification and experience requirements for the key experts

The consulting firm selected from the on boarded firms of experts shall provide well qualified and experienced professionals as required and appropriate for completion of the assignment. They should possess necessary resources to undertake services of such nature, including equipment and software required. The key professionals shall personally carry out (with any assistance of other staff deemed appropriate) the services as described in this TOR. The key experts to be provided for this assignment are as follows: -

- a) **Environmental Specialist/Team Leader –**
  - i. A minimum of Bachelors/Masters in degree in Environmental Science or studies or related field from a university recognized in Kenya.
  - ii. Minimum of 15 years' general experience
  - iii. Must have held similar positions in at least 5 assignments of similar nature. He/she will be well familiar with World Bank Environmental and Social safeguards policies.

iv. Must be a NEMA registered Lead expert with a valid practicing license.

**b) Sociologist:**

- i. A minimum of Bachelor's degree in social sciences or related field from a university recognized in Kenya.
- ii. At least 10 years' general experience after graduation in social analysis and social work.
- iii. He/she should have served in a similar capacity and with relevant experience in the preparation and implementation of similar infrastructure projects with working experience in the region and working level fluency in English and knowledge of local language(s)/culture.
- iv. Familiarity with World Bank Environment and Social Framework and NEMA regulations is essential.

**c) Occupational Health & Safety Expert:**

- v. A minimum of bachelor's degree in occupational health and safety, environmental science or in a related field from a university recognized in Kenya.
- vi. Approved safety and health auditor with DOSHS,
- vii. Minimum of 7 years' general experience
- viii. A minimum of five (5) years' experience with health and safety auditing on infrastructure and world bank related projects.

**9. Estimated time inputs for the key experts**

The number of key experts and the estimated time input for each key expert for the assignment are presented in the table below.

**Estimated Time Inputs for Key Experts from the selected firm of experts undertaking a specific ESIA assignment**

<b>S/No</b>	<b>Key and Support Staff</b>	<b>No</b>	<b>Estimated Time Input (staff-months)</b>
1.	Environmental Specialist/Team Leader	3	5
2.	Sociologist	2	5
3.	Occupational Health & Safety Expert	1	5
<b>Total</b>		6	15

## **10. Responsibilities of the client**

The ICTA and the beneficiary institutions will offer availability of staff and relevant documents including project documents, Sub-project designs specifications/layouts, Stakeholder Engagement Plan (SEP), Environment and Social Management Framework (ESMF) which includes the Labour management Procedure (LMP), Environmental Code of Practice for e-waste Management, Environment and social screening forms among others.

The Consultant is expected to have other relevant back-office support personnel and resources not limited to the above experts to ensure successful completion of the assignment. The Consultant will be supported where applicable with introductory letters to stakeholders to facilitate data collection, conducting interviews and access to the proposed project sites.

## **11. Responsibilities of the consultants**

The consultant shall report to the ICT Authority Chief Executive Officer administratively, the beneficiary institutions heads and to the Kenya Digital Economy Acceleration Project (KDEAP) Project coordinator operationally.

The Consultant shall share with the client personnel the following during the period:

- i. Detailed information (well in advance) of the planned timetable for field work;
- ii. Access to the survey data collection system

The Consultant will provide their own working space at their offices and make arrangements for their own workspace while out in the field to carry out project-related assignments

The Consultant will be expected to be fluent in English Language and be able to work closely with the beneficiaries' staff and other third parties relevant to the assignment. All documentation shall be in English. The Consultant shall undertake not to reveal to unauthorized parties nor to use in any way the technical information e.g. procedures, data, plans, drawings, equipment findings and recommendations, which will be placed at its disposal by the beneficiaries / other stakeholders, or which in any case comes to the Consultant's knowledge during the execution of this assignment.