Terms of Reference

Short-Term Consultancy for Simplified Strategic Environmental and Social Impact Assessment

Wajibu Wetu Programme III Kenya

I Introduction

I.1 About ForumCiv

Since 1995, ForumCiv has defended democracy and human rights. As Sweden's largest platform for civil society with 183 member organizations and offices in Sweden, Colombia, Liberia, Kenya, Cambodia, and Lithuania. Our offices in Colombia, Kenya, and Lithuania have regional coverage. In Kenya, we are registered with the NGO Coordination Board and have been in operation since 2008. Our work centres on enabling people to organize to claim their rights and take control of their lives and promote responsiveness by duty bearers and other decision-makers. Together with our members and partners, we work with human rights to strengthen civil society, enable democratic civic spaces, and facilitate the democratic participation of rights-holders. ForumCiv’s vision is a just and sustainable world where all people have the power to effect change. Our purpose is to strengthen marginalized people around the world who organize to claim their rights and to advocate for changes that contribute to a just and sustainable world.

ForumCiv engages in four different roles: advocate, capacity developer, grant administrator, and development actor. ForumCiv applies a rights-based approach and enables active popular participation by supporting civil society in its own right. In our role as advocates, we aim at amplifying the voice of those we work for and with. As a capacity developer, we seek to strengthen the capacity of our members and partners around the world. As a grant administrator, we have developed a robust framework to provide grants to civil society organisations within the frame of principles for aid and development effectiveness. Our methods for grant administration focus on relevance, impact, and sustainability while also guaranteeing compliance with good international administration and accounting principles and anti-corruption efforts. Finally, as a development actor, we are innovative in our partnerships, programme development, and communicating our contribution to a more sustainable world.

ForumCiv’s Theory of Change is reflected in the partnerships and innovative approaches and sustainable strategies adopted for this proposal to defend and promote human rights in Kenya. This is with the knowledge that human rights are fundamental rights that embody key values in any society, such as fairness, dignity, equality, and respect. ForumCiv believes that partnerships based on cooperation between different actors can lead to individual and structural change through networks, coalitions, and alliances. As a result, we work to
legitimize diverse civil society organisations to advocate for society-wide change, monitor those in power, and promote dialogue for change. All people are holders of human rights and can describe their problems and propose solutions. Evidence shows that change is only sustainable when determined, implemented, and owned by the affected communities.

The Theory of Change is complemented by ForumCiv’s policies on Environment & climate justice and gender equality and equity and by ForumCiv’s Development Perspectives that recognize the connection between environmental and climate injustices, gender inequalities and conflict.

ForumCiv office in Kenya serves as the regional office for Eastern and Southern Africa (ESA), coordinating sub-granting in the region and developing new partnerships, innovative programmes, and local engagement with donors. Most of the region’s interventions focus on civil society strengthening and deepening democracy, human rights, and gender equality. The office works with a broad range of partners and stakeholders at grassroots, national, regional, and global levels.

1.2 Context and background to the assignment

Adaptation and resilience remain Kenya’s and Africa’s priority responses to climate change. It is clear from our previous experiences of implementation that the nexus between climate change and development requires a collective integrated response.

The Environmental and Social Impact Assessment (ESIA) study is expected to identify and evaluate the potential impacts on the environment before starting the implementation of the Wajibu Wetu Programme Phase III. The assessment will identify the environmental risks of implementing the programme at all levels, including the areas in which the programme's downstream partners (re-grantees) operate, and include recommendations on how to mitigate these risks, as well as identify opportunities to positively impact the environment detailed in a plan of action.

Climate change impacts affect communities’ health, well-being, and sustainability. People in Kenya and other developing counties are especially vulnerable and suffer the worst effects of climate change. In Kenya, most of the land mass is considered arid and semi-arid and the populations have lesser ability to cope with damage from severe weather patterns. Up to 70% of Kenya’s economy depends on natural resources. But recurring droughts, erratic rainfall patterns, and floods have continued to impact livelihoods and community assets negatively and risked eroding gains and the realisation of our Vision 2030 goals of creating a competitive and prosperous nation with a high quality of life. Kenya was among the first African countries to establish climate change-dedicated legislation. The Climate Change Act of 2016 requires the Government to develop action plans to guide the mainstreaming of climate change into sector functions. Kenya has developed a five-year National Climate Change Action Plan (NCCAP) that helps Kenya adapt to climate change and reduce greenhouse gas emissions, with the current one running from 2018 to 2022. Policies and actions toward climate adaptation and resilience have yet to trickle down to county governments with little progression has been
recorded with devolution\textsuperscript{1}. Wajibu Wetu Programme III (WWP III) aims to create an enabling environment for counties to lead the implementation of climate resilience initiatives.

One of the worrying trends is the emergence of the authoritarian political culture of governments since 2013. According to KHRC, there have been policies and actions especially put in place to frustrate the operations and work of governance and human rights organizations, citizen bloggers, professional journalists, activists, human rights defenders, politicians within the opposition, the independent state institutions, and ordinary citizens among others. Some tactics used by the State to shrink civic spaces include but are not limited to: burdensome registration requirements for civic actors and other registration restrictions; restricting financing from foreign sources; harassment of staff and partners, arrests and intimidation during outreach activities; censorship, clampdowns and de-registration; specific targeting of individuals for extortion, arrests and brutalization; restrictions on online access and spaces; banning or criminalization of protests and other forms of picketing, limiting the ability of citizens to organize and demonstrate, among others. Restricted civic space undermines any efforts to address climate change, especially when actors and rights defenders are targets and the room is limited for meaningful public participation, and engagement between rights holders for greater accountability on the environment and climate change issues by duty bearers.

For the marginalized rural communities where the majority of ForumCiv’s partners rely on agriculture and natural resources to survive, the consequences of inaction in protecting and conserving the environment become a magnifier and multiplier of the risks they experience such as limited water, food, and fuel sources and increased competition. Inequality and unemployment have deepened in many households due to the coronavirus pandemic. Young people in Kenya encompass 75% of the population and are the most affected by job losses brought about by the Covid-19 pandemic. Apart from the job losses, the cost of food went up to 20% in 2022 compared to 2021 and the price of cooking gas alone has more than doubled. The recent sharp rise in the cost of commodities is attributed to rising fuel prices due to the war between Ukraine and Russia. However, increased government taxes to fund its broke treasury still reeling from the effects of the pandemic, as well as high government debt and revenue losses through corruption are also a reason for the high cost of living. Unfortunately, these desperate conditions harm the environment as the poor seek cheaper and harmful alternatives to energy such as firewood and Kerosine that harm the environment and becomes distracted by the pressure of life and easy to manipulate away for a climate-changed reform agenda. Climate change further places compounded stress on economic, social, and political systems leading to heavy investment of resources to cope, address and reclaim the effect when considerably lower investment for prevention and conservation would have been more appropriate. Reducing disaster risk and planning for future climate change is essential for genuinely sustainable development.

Just over a decade after Kenya acquired a new constitution in 2010, there is still much to be done to accomplish respect for the rule of law and the vision of devolution including the inclusion of minorities in the decision-making process and accountable leadership and

\textsuperscript{1}Devolution in Kenya is the pillar of the Constitution and seeks to bring government closer to the people, with county governments at the center of dispersing political power and economic resources to Kenyans at the grassroots. The promulgation of the Constitution of Kenya 2010 marked a major milestone in the way the country is governed.
institutions. Civil society is recognized as a key stakeholder that catalyses citizen agencies to be more engaged in setting and influencing development priorities and in conducting oversight to increase accountability among leaders, institutions, and organizations. Kenya will hold its general elections in August 2022. The significance of this election is that it will be the first transition under the 2010 constitution that puts a limit of two 5-year terms for significant national and county government political positions, including the President’s office. As newly elected leaders take office, we must acknowledge that there will be knowledge gaps in running government offices and this is expected to affect adequate service delivery as well as the responsiveness of duty bearers to the needs of citizens including climate action.

Sweden’s international development cooperation emphasises greater attention to the environment, climate, and sustainable use of the natural resources. ForumCiv aims to mainstream the Rights-Based Approach (RBA) and environment and climate justice that is part of its three Development Perspectives into the Programme Cycle and the Grant Management Cycle. Through an action plan already under implementation, a focus is on contextualized implementation of the tools focused on dialogue and learning for the integration and mainstreaming of the environment and climate justice approach. Additionally, the strategy for Sweden’s global development cooperation in the areas of environmental sustainability, sustainable climate and oceans, and sustainable use of natural resources 2018–2022 prioritises programming that reduces the vulnerability of people living in poverty and increased resilience to handle climate change and natural disasters among other goals. Operations supported by the Swedish development must examine the potential impacts the project may have on the environment, as well as options for mitigating and/or optimising these impacts. The Environmental Impact Assessment will provide ForumCiv in Kenya with sufficient information on the identification, mitigation and adaptation measures required during the implementation of the Wajibu Wetu Programme III with its partners.

I.3 Programme description

The Wajibu Wetu Programme III (WWP III) aims to advance inclusive governance, empowerment, and resilience of communities towards the realisation of human rights in Kenya. ForumCiv will work with strategic partners including, but not limited to, national and grassroots civil society organisations, frontline change-makers, creative actors, duty bearers and communities from marginalised areas and sexual and gender minorities, through a re-granting model, to enhance their agency as rights holders and responsiveness as duty bearers in defending and upholding human rights.

The programme will focus on delivering five result areas: **Inclusive Governance & Democracy** – which aims to strengthen community voice and agency in building responsive and accountable governance structures and processes; **Community Empowerment, Resilience & Adaptation** – which aims to improve the resilience, and adaptative capacity of the community to environmental, and socioeconomic disruptions; **Gender Equality** – aims to strengthen gender agency in society; **Networking, Linkages, and Movement Building** – aims to empower partnerships, networks, coalitions, and movements for sustained aggregate

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2 [UD2018-03677-GA Global strategi miljö (docx) (government.se)](https://government.se)
voice and action; and **Capacity Development** – aims to strengthen the internal capacity of ForumCiv and its partners to deliver on their mandate.

Lessons learned from the implementation of Phases 1 and 2 of the Wajibu Wetu Programme have been integrated into WWP III resulting in the following strategies:

1.1. **Grant Administration:** For this programme, ForumCiv will work with a maximum of 30 partners/actors over the 4-year programme period, contributing to the various programme goals through the administration grants to support the development of new methods and/or partnerships, for example, seed grants, pre-study, and capacity development initiatives.

1.2. **Capacity Development:** ForumCiv co-designs and implements the organisational capacity development plan with the partner organisations in three ways

- **Innovative capacity development** through the Changers Hub, ForumCiv’s dynamic and virtual learning platform to enable civil society actors worldwide to interact for experience exchanges and learn to make lasting change happen. The platform, which will be accessible to WWP III partners and other relevant stakeholders, provide access to different relevant resource centres (Rights Way’s Forward, Gender Equality, Environment and Climate Change and Conflict Sensitivity and Do- No Harm), and a Learning Management System that hosts a variety of courses accessible at any time.

- Capacity towards the **Right(s) Way Forward methodology** will be central to ensuring that our implementing partners are well equipped to facilitate processes of analysing and formulating strategies with their target communities/groups to claim their rights. A needs assessment will be done to determine the partners who will need to use the Right(s) Way Forward in their projects/interventions. This will inform the planning of capacity development activities (training of trainers) on the methodology for the partners and support applying the methodology in planning and implementing their projects. This budget line will be managed and implemented by ForumCiv.

- **Artivism Academy** will seek to develop the capacities of artivists and grassroots activists and human rights defenders, and emerging changemakers. After undergoing the mentorship and coaching aspects, successful fellows and individual changemakers will be given a chance to pitch for small grant support to address challenges in their regions.

- **Leadership Academy** aims to mentor youth and young women to be engaged in political processes actively and as policy developers and informed oversight.

- **Tools and systems:** WWP III will facilitate relevant tools and platforms that will boost partner capacity in delivering their mandates and enhance their interventions’ efficacy and impact. These dynamic ranges from social media monitoring tools, streaming platforms, and deep analytics tools for digital platforms, will enable partners to be equipped for proactive partner-led initiatives independent of the Wajibu Wetu Programme III.

1.3. **Networking, Linkages, and Movement Building:** Wajibu Wetu Programme III will continue to adopt a progressive and adaptable approach to networking by strengthening cross & peer-to-peer learning, mentorship, and expanding spaces for dialogue to promote tolerance, and civic awareness, activism and democracy, and human rights strategic events like festivals. To achieve this, we have identified critical strategic interventions that will support the networking pillar:
- **Strategic dialogue platforms:** Interactive and engaging advocacy forums dubbed, Voices in Spaces will be held annually in the clustered regions of Lake Basin, Coastal, Greater Rift Valley, Northern Frontier, and Nairobi (focusing on the low-income areas). The gatherings involve host communities and their duty bearers’, practitioners and relevant stakeholders who exchange views, share knowledge and experiences, and examine best practices in pursuit of human rights, gender equality and democratic consolidation in Kenya.

- **Movement building:** The programme will seek to strengthen social movements through learning from cross-partners, networking, linkages, and strategic connections across regions, sectors, and issues. Significantly, the programme will offer platforms for co-learning and exchanges in strengthening networks and communities of practices.

- **Strategic Solidarity support:** The programme will support the messaging of organised social movements and groups and support high-level joint advocacy engagements, litigation, and other avenues to catalyse democracy and human rights policy actions.

- **Experiential learning:** By conducting strategic forums for partner leadership and technical teams on leadership, strategy, and sustainability; facilitating scenario building and foresight planning to enhance agility in the leadership of partner organisations and providing platforms for networking and showcasing evidence-based best practices, it is expected that the programme stakeholders will have strengthened leadership, foresight, and experiential learning of partner organisations. Through experiential learning, WWP also seeks to embed intergenerational learning.

- **Collaborative campaigns:** Collaborative campaigns with WWP partners around relevant issues to the strategic programme pillars will be conducted both offline and online, especially with the commemorations of key weeks and days of significance like the Word Press Freedom Day, World Creativity and Innovation Week, Democracy Week, Sixteen Days of Activism against Gender-Based Violence Against Women and Girls.

### 2 Assignment

#### 2.1 Assignment purpose, aim and objectives

The Environmental Impact Assessment will provide ForumCiv in Kenya with sufficient information on the identification, mitigation and adaptation measures required during the implementation of the Wajibu Wetu Programme III with its partners.

The consultancy will analyse, evaluate, and propose measures to prevent, control, mitigate, restore and/or compensate for the potential environmental and social impacts of the Programme so that the Programme complies with national environmental legislation.

The consultant will do a critical analysis of the following areas of the programmes both at ForumCiv and Implementing partners levels:

i. Identify opportunities the programme positively contributes to environmentally sustainable development directly or indirectly, providing specific examples where
these contributions are and can be made, and the most relevant one to peruse. The study should also answer how the Wajibu Wetu Programme III has been designed to enhance these opportunities.

ii. The assessment will equally identify possibilities of risks of negative impacts the programme may have on the environment or climate or add vulnerability to disasters directly or indirectly, what risks are most relevant to address and answer if the programme is designed to avoid or reduce and manage these impacts.

iii. The ESIA will also examine the capacity of ForumCiv and partner organisations for environmental management, in the form of staff capacity, policies, guidelines, and environmental management system and make recommendations on how to improve on capacities.

2.2 Scope, Focus and limitations

The assignment is to consider and analyse the following key areas:

i. Develop a consultation/stakeholder engagement plan, including an analysis of interested and affected parties contributing to environmentally sustainable development.

ii. To prepare an Environmental and Social Impact Assessment (ESIA) and its respective Environmental and Social Management Plan (ESMP) for the operation to ensure the socio-environmental sustainability of its different components and the programme in its entirety, by identifying and assessing the potential environmental and social impacts of the programme holistically, including potential conflicts.

iii. The ESIA must include management plans and other instruments detailing environmental and social requirements, to guide the final implementation of the programme and its components, including changes in the results framework and recommendations for specific actions to be taken by sub-grantee partners, including
   a. Recommendations, including an Environmental and Social Management Plan (ESMP), for the implementation of proposed measures to mitigate negative impacts and optimise positive ones.
   b. Recommendations on how to adapt programme design (if required) to embrace opportunities, manage risks and operate under the constraints imposed by the natural environment, including climate variability, climate change and the availability or scarcity of natural resources.
   c. Recommend specific measures to achieve the objective, including planned result(s), indicators, and activities,

Limitations of the study identified with this consultancy are related to thematic and geographical coverage. The study will be limited to an analysis of the five programmes areas of the Wajibu Wetu Programme III that include activities of ForumCiv, and its partners related to promoting human rights and inclusive governance, advancing gender equality, empowering reliance in communities and adapting to social-economic shock and climate change, strengthening networking, linkages, and movement building, and capacity development of CSO partners. The geographic scope limits the study to Kenya where the project will take place with an emphasis on counties that host the largest populations of the poor including Nairobi, Mombasa, Nakuru and Kisumu.
3 Methodology

3.1 Methodology

To conduct the Environmental and Social Impact Assessment (ESIA) through a participatory process, the consultant is expected to consider the following steps and activities:

(a) Data collection: Ensure the availability of data/information from different sources to rely on (Secondary data, scientific literature, government-provided information, etc.). Determine the extent of data gathering that will be required to ensure the qualitative depth of this study and which steps will be required (site visits, interviews, literature review etc.).

(b) Desk review: Identify and describe in detail the environmental and social issues related to the programme, including all risks and health and safety aspects, by conducting a desk review of the program documents.

(c) Participation and do-no-harm: A brief description of the methodology adopted by the consultancy for community participation (to be expanded in a separate section), including procedures for consultation and participation of groups affected and beneficiaries by the Programme, and mechanisms for complaints from the population participating in this consultancy.

(d) Produce a Diagnosis of the Programme’s Area of Influence and Target Groups: Data collection, analysis, and interpretation of all data; the findings should describe the existing environmental and social conditions including the biophysical and socio-economic and cultural context.

(e) Produce a Diagnosis of the Institutional and legal framework: Description of the regulations, system, and requirements for authorizations necessary for the implementation of the programme components and objectives. This includes scoping both national and local environmental legislation, international obligations, and agreements (e.g., Multilateral Environmental Agreements), identifying any gaps and the needs for institutional strengthening in institutions responsible for the execution and environmental and social management of the programme.

(f) Produce a diagnosis of stakeholders concerning the environmental risks: The organizational/management scope of potential impacts will include ForumCiv and the implementing partner, role, and capacity of third-party organizations, e.g., governments, contractors (with whom the proposed programme or implementing partner has a substantial involvement), Primary suppliers (e.g., where the resource utilized by the proposed programme is ecologically sensitive).

(g) Propose a monitoring system: Develop a methodology/grading system for impacts to record severity in a matrix (long vs. short-term, reversible vs. irreversible etc.), for the analysis, and rating of the environmental and social impacts identified, whether positive and negative, direct, indirect, or cumulative impacts of the programme as well as for each potential subprogrammes during the different phases of the programme cycle (inception, implementation, closeout, and future).

(h) Propose a management plan: The consultant will prepare Environmental and Social Management Plans (ESMP) with the following
   a. Define desired social and environmental management outcomes and specify social and environmental indicators, and targets, to track ESMP implementation and effectiveness.
b. Recommended set of mitigation measures and how to monitor them to achieve the desired social and environmental sustainability outcomes at ForumCiv level and Implementing Partner organizations.

c. Recommended institutional measures, including policies, procedures, and practices that are critical for ForumCiv to adopt for the programme.

d. An estimation of the human and financial resources required for implementation and monitoring and identifying organizational structures and processes for implementation. Recognizing the dynamic nature of the programme development and implementation process, the implementation of an ESMP will be responsive to changes in programme circumstances, unforeseen events, and the results of monitoring (adaptive management).

e. Propose a capacity development plan: The ESMP will assess and detail a plan to develop the implementation capacity of ForumCiv staff, Implementing Partner staff, and contractors with direct responsibility for activities relevant to the social and environmental sustainability of the proposed programme so that they have the knowledge and skills necessary to perform their work, including current knowledge of the host country’s regulatory requirements and the applicable requirements of ForumCiv environmental and social policies and procedures.

f. Propose a capacity development plan: The ESMP will assess and detail a plan to develop the implementation capacity of ForumCiv staff, Implementing Partner staff with direct responsibility for activities relevant to the social and environmental sustainability of the proposed programme so that they have the knowledge and skills necessary to perform their work, including current knowledge of the host country’s regulatory requirements and the applicable requirements of ForumCiv environmental and social policies and procedures. Capacity development will also address the methods required to perform the specific actions and measures of the ESMP competently and efficiently.

3.2 Reference Group/ForumCiv Support

ForumCiv will provide the following

- Facilitating the assignment to completion
- Relevant literature for desktop review includes and is not limited to the Wajibu Wetu Programme III proposal, ForumCiv Strategic Plan 2020-2025, ForumCiv Development Perspectives on Gender equality, Do-No-Harm, Environment and Climate Change, ForumCiv’s environment and climate policy, policies of procurement of goods and services, and Strategy for Sweden’s development cooperation with Kenya 2021–2025.
- Provide key contact and access to partners and stakeholders relevant to the assignment and support their mobilisation. The consultant is however required to demonstrate access to key government, private sector, academia, and other policy organs on the subject matter.
4 Outputs and Reporting

4.1 Outputs

The following outputs must be submitted by the contractual party and received to the satisfaction of ForumCiv:

- **Inception Plan**: Detailed Work plan to be submitted 5 (five) days after signing the contract. The plan must include the stakeholder analysis and consultation plan.
- **Draft report**: Environmental and Social Impact Assessment with its respective Environmental and Social Management Plans for operation. The ESIA and ESMP should be based on the criteria determined by national legislation (NEMA) and must contain follow, at a minimum, the outline indicated below. The report is expected on September 23, 2022.
- **Environmental and Social Management Plans (ESMP)**. Deadline October 10, 2022.

**Approval of outputs**: Deliverables will be approved by the Regional Manager; the period for approval of reports will be 10 days, if after this time the Manager does not issue any observations, the report will be considered approved.

4.2 Reporting

4.2.1 **Narrative reporting**

The report shall be written in English. The Consultant shall submit one written copy as well as one electronic version.
The report shall not exceed 30 pages, excluding appendices.

<table>
<thead>
<tr>
<th>STRUCTURE OF THE ESIA REPORT</th>
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<tbody>
<tr>
<td>1. Executive summary</td>
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<tr>
<td>2. Background</td>
</tr>
<tr>
<td>a. Programme justification and purpose</td>
</tr>
<tr>
<td>b. Programme location(s)</td>
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<tr>
<td>c. Programme description and associated activities</td>
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<td>d. Alternatives</td>
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<tr>
<td>e. Environmental policy, legislative and institutional framework</td>
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<tr>
<td>3. Approach and methodology (Set out the approach and methodology used in the ESIA and how the data and information collected have been incorporated into the findings and recommendations).</td>
</tr>
<tr>
<td>a. General approach</td>
</tr>
<tr>
<td>b. Geographical or mapping units</td>
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<tr>
<td>c. Environmental quality indicators</td>
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<tr>
<td>d. Assumptions, uncertainties, and constraints</td>
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<tr>
<td>4. Environmental baseline study Findings: Results of the public consultation and disclosure process including findings how the programme positively contributes to environmentally sustainable development directly or indirectly, the negative impacts the programme may have on the environment or climate or add vulnerability to disasters, the capacity of ForumCiv and partner organisations for environmental management, and recommendations on opportunities to enhance environment sustainable development in the programme.</td>
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<tr>
<td>5. Analysis and evaluation based on the criteria from national legislation</td>
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<tr>
<td>6. Impact identification and evaluation</td>
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<tr>
<td>7. Mitigation/optimisation measures and residual impacts</td>
</tr>
<tr>
<td>8. Conclusions and recommendations on impact mitigation and optimisation</td>
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<tr>
<td>a. Identification and evaluation of environmental and climate-related risks, constraints, and opportunities</td>
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<tr>
<td>b. Proposed adaptation and risk management measures</td>
</tr>
<tr>
<td>c. Conclusions and recommendations on environmental and climate-related risks, constraints, and opportunities</td>
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<tr>
<td>9. Technical appendices</td>
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<tr>
<td>a. Input into the logical framework planning matrix of the proposed programme design: intervention logic, indicators, assumptions, and preconditions.</td>
</tr>
<tr>
<td>b. Maps of the programme area and other illustrative information are not incorporated into the main report.</td>
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<tr>
<td>c. Records of stakeholder engagement.</td>
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5 Time scope

ForumCiv has estimated that the volume of the assignment amounts to a total of 30 working days. The total scope of work will be aligned in consultancy with the winning tenderer accordingly.
The assignment shall be undertaken between 2022-09-01 and 2022-10-31.

6 Budget

The budget should not exceed Kenya Shillings 1.5 million, including fees and reimbursable and excluding VAT.

The following payments will be made according to the schedule below:

⇒ 40% after the contract is signed and the work plan approved.
⇒ 30% after the delivery and approval of the draft report.
⇒ 30% after the delivery and approval of the final report

Final payment will be made by bank transfer within 30 days after delivery by the tenderer and approval by ForumCiv.

6.1 Fees

The tenderer shall specify the fee per working day including all taxes and social costs but excluding VAT.

6.2 Reimbursable

The tenderer is to specify anticipated reimbursable costs. If per-diem costs are included, they shall be specified separately and follow the thresholds from the Swedish Tax Agency (or equivalent). The details of the budget for reimbursable costs shall be indicative only. Revisions and reallocations will be decided in a dialogue with ForumCiv, along the course of work.

7 Tenderer's qualifications

Diversity: ForumCiv is committed to diversity and inclusion and equal opportunity for all candidates.

The tenderer is to meet the following expectations;

- **Offer services described in §2 above.**
- **Degree/Academic Level & Years of Professional Experience:** Professional with a master's degree in Social/Environmental sciences with at least 10 years’ experience in socio-environmental impact management/social environmental impact assessment.
- **Areas of Expertise:** Evaluation of socio-environmental impact in the social development sector. Knowledge of the Social and Environmental Standards (SES), Rights-based approaches, and Gender mainstreaming. Knowledge of country context. Experience in working with grassroots organisations, international organizations in the development sector and national and county governments.
- **Skills:** Ability to work with little supervision, Demonstrated use of infographics and other visualisation tools. Astute political judgement and strong relationship management skills. Excellent writing, editing, attention to detail and organisational skills.
• **Languages**: Fluency in English, Kiswahili (Desired).
• Environmentally sustainable development shall be taken into consideration and goods/services shall be produced and supplied in the most environmentally friendly way possible.
• Basic human rights as expressed in the ILO’s core conventions\(^3\) shall be given due consideration.
• Not be bankrupt, be convicted of a crime in the profession, not have been guilty of serious professional misconduct nor have tax liabilities. Swedish suppliers shall have a class F tax certificate for contractors.
• The tenderer follows ForumCiv’s Code of Conduct (provided at contract signing).
• The tenderer must make sure that subcontractors if any, follow the same expectations.

Note: The qualifications stated hereinafter reflect the requirements for an individual consultant. For a highly complex operation with multiple programme sites, components and increased risk, a team of consultants may need to be hired.

## 8 Procurement technicalities

### 8.1 Tender Procedure

The assignment is subject to an **open** tender procedure, handled directly by a ForumCiv assessment group. The tenders will be assessed considering the following aspects;

- The contents of the tender (that all the required information is enclosed)
- The qualifications and experience of the tenderer
- Experience from working with environmental stakeholders in Kenya.
- The methodology and approach proposed
- The cost for the tender

Questions concerning the tender can be posed to the contact persons indicated below until **2022-07-30**. ForumCiv reserves the right not to accept any of the tenders submitted. In addition, ForumCiv reserves the right to take references for the proposed candidate.

ForumCiv is not covered by the Swedish or Kenyan Public Procurement Act. This means that it is not possible to appeal against the decision of choosing a supplier and that ForumCiv is not obliged to disclose the procurement documentation after completion of procurement.

### 8.2 Documentation and information required

Tenders shall

- State the methods they intend to use to implement the assignment and guarantee the quality of their work.
- State the qualifications of each of the persons/sub-consultants they make available for the assignment and attach a CV for each of them.
- Confirm that they will be able to meet all expectations in §7.

\(^3\) Freedom of Association and Protection of the Right to Organize Convention, (No. 87 and 98), Forced Labour Convention, (No. 29 and 105), Minimum Age Convention, (No. 138 and 182), Equal Remuneration Convention, (No. 100 and 111)
• State the total cost of the assignment, specified in the form of the daily fee for each personnel category, reimbursable costs, and any other costs and possible discounts. All costs shall be given in Kenya Shillings, excluding VAT.
• Propose a schedule for the assignment.
• At least three relevant references for the work are indicated.

Based on the above, interested parties will be evaluated in the following criteria

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Maximum Points</th>
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<tbody>
<tr>
<td>Detailed Technical proposal with the consultants’ profile and capability statement and interpretation of the Terms of Reference</td>
<td>40</td>
</tr>
<tr>
<td>Experience in undertaking similar work in the last five years</td>
<td>20</td>
</tr>
<tr>
<td>The proposed methodology, detailed implementation plan, and time frame</td>
<td>20</td>
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<tr>
<td>Detailed financial proposal</td>
<td>10</td>
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8.3 Final date of Submission

Application documents should be sent to procurement.kenya@forumciv.org with the subject heading: Short Term Consultancy for Environmental Impact Assessment-Wajibu Wetu Programme III Kenya. The deadline for submission is 15th August 2022

8.4 Validity of the Tender

Tenders shall remain valid for 60 days.

9 Contact data

For further information, kindly contact; procurement.kenya@forumciv.org