



MINISTRY OF ENERGY AND MINERAL DEVELOPMENT

TERMS OF REFERENCE

**CONSULTANCY SERVICES FOR ENVIRONMENTAL AND SOCIAL
AUDIT OF THE ENERGY FOR RURAL TRANSFORMATION – PHASE
THREE PROJECT**

REFERENCE NO. MEMD/SRVCS/20-21/00679/ERT

May 2021

1. BACKGROUND

The Government of Uganda with support from the World Bank's International Development Association (IDA) has been implementing the Energy for Rural Transformation - Phase Three (ERT III) project since March 2016 with a closure date of December 2021. The Project Development Objective (PDO) is to increase access to electricity in the rural areas of Uganda. The project is implementing both on-grid and off-grid infrastructure sub-projects. By project close, the on-grid infrastructure will comprise construction of nearly 2,500km of distribution lines and connection of over 150,000 households to the national grid; the off-grid infrastructure will comprise over 2,000 solar PV household connections and institutional solar investments in 89 schools, 27 water pumping schemes and over 400 health centres.

According to the ERT III Environment and Social Management Framework (ESMF), the infrastructure investments are likely to have negative environmental and social risks and impacts. Legislative requirements and awareness of environmental, social, health and safety issues are very pertinent in maintaining a sound environment as enshrined in both national laws and World Bank Environmental and Safeguard Guidelines. Articles 39 and 41 of the Constitution of the Republic of Uganda as well as the National Environment Act, 2019; the Environmental and Social Impact Assessment Regulation 2019 and the National Environment (Audit) Regulation, 2020 provide for environmental and social audit of infrastructure projects such as ERT III. Section 126(2) of the National Environment Act of 2019, requires the conduct of annual Environmental Compliance Audits for such projects. This is aimed at ascertaining how far the project conforms in operations and activities with the statements made in the environmental impact statement. In Section 126 (5) of the National Environment Act, the Environmental and Social Audit (ESA) must be based on the Environmental and Social Management Plans, conditions contained in the ESIA Certificate of approval, Permits and any other requirements of NEMA or any other applicable law including compliance with the World Bank Safeguard operational policies.

Regulation (12) (1) of National Environment (Audit) Regulations, 2020 requires developers of projects listed in Schedule 3 (including power distribution projects such as ERTIII) to undertake environmental compliance audits. In Regulation 12, sub regulation (4), the developer shall ensure that the Audit is undertaken by an environmental audit team of persons duly certified and registered in accordance with the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003. In addition, Regulation (12) (6) permits the audit team, in the event of knowledge gaps, to include relevant experts to provide specialist knowledge and to assist with understanding and interpreting technical aspects of the project or activity to be audited.

The Project Coordination Unit (PCU) at the Ministry of Energy and Mineral Development (MEMD) therefore, plans to procure an independent firm to undertake an Environmental and Social Audit (ESA) of ERT III. The ESA will form an important part of the project implementation completion report (ICR) due in December 2021. This ESA will provide (i) an in-depth

understanding of compliance and non-compliance level of ERT III to World Bank Safeguard policies and national laws and regulations; (ii) independent closure and EMPs of environment issues to those responsible for sustainability of ERT-3 investments; and (iii) provide recommendations, to concerned stakeholders, for mitigation of residual environment impacts.

2. PURPOSE OF THE ASSIGNMENT

The purpose of this Audit is to evaluate environmental and social compliance of a select group of ERT III infrastructure investments as well as assessing E&S risks and impacts that were not foreseen and propose mitigation measures for any non-compliant as identified in the original ESIA studies as well as recommendations for improving the operating and environmental conditions for long-term sustainability of the investments.

Section 126 (5) of the National Environment Act, No.5 of 2019 states that an environmental audit carried out under subsections (1) or (2) shall consider the need to prevent harm to human health or the environment and shall take into account:

- (a) environment management and monitoring plans;
- (b) conditions stipulated in the certificate of approval of the environmental and social impact assessment;
- (c) conditions contained in permits, licenses and other approval; and
- (d) any other requirements under this Act or any other applicable law.

3. OBJECTIVES OF THE ESA

The specific objectives of the proposed Environmental, Health, Safety and Social (EHSS) compliance Audit include:

- i) Identify environmental, health, safety and social impacts associated with the on-going project works and associated support activities,
- ii) Analyze how adequately the contractor(s) have been able to manage the social, health, safety and environmental impacts from the project components with reference to national laws and WB Operational Policies on Safeguards,
- iii) Suggest recommendations on how to correct/prevent non-compliances, address the challenges/constraints and enhance effectiveness of positive initiatives identified during the compliance Audit, and
- iv) Prepare an action plan to ensure implementation of the impact remediation and/or enhancement measures.

4. SCOPE OF THE CONSULTANCY SERVICE

4.1 Technical scope

The consultants shall carry out an ESA and prepare an environmental and social audit report in accordance with the scope of services that will include but not be limited to the following:

4.1.1 Environmental Management and Pollution Prevention

- a) Assess how planning for environmental issues was undertaken during project mobilization period;
- b) Review the relevant ESMP/ ESIA and the C-ESMP and identify the key mitigation measures and monitoring requirements during the construction phase;
- c) Examine the records and documentation relating to impacts, actions taken to manage them and aspects of performance i.e. more specifically review the reports prepared by the Contractor;
- d) Conduct site observations at locations where construction activities are underway and at the Contractor's facilities to check whether environmental measures and controls are operating as described and/or intended;
- e) Conduct interviews with the contractors' personnel managing environmental issues and the relevant personnel of the contractors to corroborate factual information and probe areas of concern;
- f) Evaluate whether the mitigation actions prescribed in the ESIA/ESMP and C-ESMP have had the desired effect;
- g) Identify pollution sources and assess how the pollution management measures to protect the surrounding environment such as water, land and air were being implemented. In addition, highlight the types of pollutants, toxicity levels, and their sources;
- h) Assess how resource efficiency is being achieved to minimize on the amount of waste generated and identify which resources can be reused or recycled. In addition, review and evaluate if the waste management plan of the project is adequate and is adequately being implemented;
- i) In general, assess the compliance of the Contractor with General Specifications on Environment Protection and Waste Management;
- j) Verify whether all the physical inputs committed in the project have been delivered and all services provided for as noted in the project ESIA/ESMP before project implementation;
- k) Assess the major environmental non-compliances and propose applicable corrective actions;
- l) Assess the efficacy of monitoring of implementation of C-ESMP and identify Shortcomings, if any and areas for improvement;
- m) Overall, establish the prevailing situation in terms of physical and biological environment and socio-economic conditions in the project area and compare it with the baseline information before the project commenced.

4.1.2 Occupational and Public Health and Safety

- a. Assess the planning and management of OSH issues of the project;
- b. Review implementation status of recommendations/mitigation measures regarding design aspects of the civil works against safety standards;
- c. Assess how occupational risks and exposure are managed on a day-to-day basis;
- d. Review documentation on incidences and how they have been managed;
- e. Assess the adequacy of the Contractor's resources and preparedness to manage emergencies;
- f. In general, assess the compliance of the Contractor with General Specifications on Occupational Health and Safety;
- g. Assess how the health, safety and security issues related to community well-being are being managed on the project

4.1.3 HIV/AIDS, Gender and Social Issues

- a) Assess the planning and management of social issues of the project including issues related to HIV/AIDS, gender, and labor;
- b) Assess the adequacy of the Contractor's facilities to address concerns of both men and women;
- c) Assess the compliance of the Contractor's activities with General Specifications in regard with gender and HIV/AIDS issues;
- d) Identify project stakeholders and hold consultations with them to receive feedback on the social impacts of the project and to assess the extent to which mitigation measures have been implemented. The stakeholders will include the primary stakeholder (those directly affected by the project) and secondary stakeholders (those indirectly affected and those who have an interest in the project). The Auditor will document the proceedings of the consultations along with the list of participants and photographs.
- e) Assess the functionality and accessibility of the Grievance Redress Mechanism in place catering for both for the Project Affected Persons and Project Workers;
- f) Assess the adequacy of stakeholder engagement so far carried out by REA and the Contractor
- g) Conduct an assessment of the measures by the project put in place to prevent and respond to Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) of children;
- h) Carry out an assessment of the adequacy of the compensation process for assets on the project;

4.1.4 Policy, Legal, Regulatory and Institutional Issues

- a) Identify, analyze and evaluate policies, laws, regulations, standards and guidelines and Institutional arrangements pertinent to the audited project activities
- b) Assess the compliance of operations and activities with the National environmental laws, policies, standards and guidelines and the World Bank

- c) Prepare a corrective action plan that addresses the correction of past non-compliance, the improvement of current compliance, any emerging ESHS risks/impacts and prevention of future non-compliance and end of project assessment.

4.2 Geographical Scope

The sub-projects for assessments will be evenly distributed across the country comprising commissioned and on-going projects in urban, peri-urban and rural areas of Uganda. The ESA will cover at least:

- 1) 100km of on-grid infrastructure along commissioned lines
- 2) 100km of on-grid infrastructure along non-commissioned lines
- 3) 50 on-grid and off-grid household connections in both urban and peri-urban dwellings
- 4) Institutional solar PV systems at 20 schools, 5 water schemes and 20 health centres in rural Uganda

5. REPORTING AND DELIVERABLES

a. Reporting structure

The consultant shall report to the Permanent Secretary, Ministry of Energy and Mineral Development. The designated Contract Manager shall support the Project Coordination Manager ERTIII and the Permanent Secretary to manage the day to day matters relating to the execution and performance of the contract. The consultant shall prepare and submit all the reports and deliverable in **Table 5.1** to MEMD. For quality assurance, the reports shall be signed by the key experts. The duration of this ESA is 16 calendar weeks (**Table 5.1**).

Table 5.1: Deliverables and Assignment Schedule

Item	Outputs	Description of the deliverable	Activity Duration (weeks)	Duration from commencement (weeks)
Preparation, submission and approval of audit ToRs	Approved ToRs	Draft ToRs for the ESA will be updated by the Consultant and submitted and approved by NEMA	3	3
Mobilization, consultative meetings with stakeholders and literature reviews	Inception Report	The IR summarizes the Consultant's understanding of the ToRs, methodology, level of effort and activity schedule	1	4

Item	Outputs	Description of the deliverable	Activity Duration (weeks)	Duration from commencement (weeks)
Field audits, compliance checks and presentation of audit findings	Audit findings	Top management briefs/ presentations and detailed field findings by the Consultant	6	10
Compilation of the draft environmental and social audit report	Draft ESA report	Key findings, EHS non-compliances and draft mitigation action plans for review by MEMD, implementing agencies and the World Bank	2	12
Submission and approval of ESA report by NEMA	Approved ESA report	NEMA approved report and compliance letter to ERT III implementing agencies	2	14
Incorporation of client's comments and compilation of the final environmental and social audit report	Final ESA report	ESA incorporating any residual comments by Government agencies and World Bank reviews	2	16

b. Chronology of Submissions

The Consultant shall submit to the Client;

- Inception Reports - (1) soft/electronic copy
- Draft Environment and Social Audit Reports - (1) soft/electronic copies
- Final Environment and Social Audit Reports - Six (6) hard copies and one (1) soft copy

6. QUALIFICATIONS AND EXPERIENCE OF THE CONSULTANCY FIRM

6.1 Requirements for Consulting Firm

At a minimum, the selected firm should demonstrate 10 years' experience in conducting environment and social assessments and audits in the energy sector and conducting at least three similar assignments in the last five years. A strategy for compliance with COVID-19 Standard Operating Procedures (SOPs) will be developed during procurement of the Consultant and incorporated into implementation of the assignment.

6.2 Key Personnel

Environmental Specialist (Team Leader)

Should have at least a Master's Degree in Environment, Natural Resources Management or related field and with at least seven (7) years of relevant experience in conducting Environmental Audits and Social Audits (ESAs) for infrastructure projects and experience in the World Bank Safeguard Operational Policies. Must be a valid registered Environmental and Social Auditor with NEMA. The Team Leader will coordinate other experts and liaise with the PCU in the execution of this assignment. S/he will be responsible for the timely and effective delivery of all outputs of the ESA.

Occupational Safety and Health Expert

Should have at-least a Master's Degree in Occupational Health and Safety, or any other relevant field and must have at-least five (5) years' related experience in implementing, supervising, monitoring or auditing Occupational, Health and Safety (OSH) aspects of infrastructure projects. The OSH Expert will be responsible for auditing the health and safety aspects of ERTIII in accordance with the OSH Act of 2006, the Employment Act, the Public Health Act and other relevant laws and World Bank safeguards operational policies.

Sociologist

Should have at-least a Master's Degree in any of the following fields; sociology, social work and social administration, social sciences, anthropology or related fields. Must have at-least five (5) years' experience in environmental and social audits or social impact assessments. The Sociologist will lead the audit of social risk management in all components of the project and assess compliance with World Bank safeguards guidelines and requirements as well as national policy, legal, regulatory and institutional conditions. S/he will also audit the Resettlement Action Plan (RAP) and Livelihood Restoration Plan (LRP) implementation activities.

Biodiversity Expert

Should have at least a Master's Degree in Forestry, Botany, Zoology or similar field and, at-least five (5) years' experience in biodiversity management during environment assessments. S/he will lead the Ecosystem and Environmental restoration activities during ERTIII implementation.

Gender Expert

Should have at-least a Master’s Degree in Gender Studies, or any related field and must have at-least five (5) years’ related experience in gender assessment and audits for similar assignments. S/he will audit engendering of project interventions, social risk management, stakeholders’ engagement, Gender Based Violence, Child Protection, grievance management in ERT III project.

7. PAYMENT SCHEDULE

Deliverable	Percent Payment
Inception Report	20
Draft ESA report	60
Final ESA report	20
Total	100

8. FACILITIES, SERVICES OR RESOURCES TO BE PROVIDED BY THE CLIENT

Below is the Client’s input to this ESA assignment:

- a) The Client shall organize pre-bid meetings to allow prospective bidders appreciate the Terms of Reference as well as logistical requirements for this assignment.
- b) The Client has dedicated an Environmental Specialist, Contract Manager, and Project Coordinator Manager who will provide overall direct technical supervision to the consultant’s team and shall be empowered to take all day-to-day decisions required for the successful implementation of the assignment and preparation of credible reports.
- c) The Client will facilitate linkage between the Consultant and Implementing Partners (IAs) – Ministry of Energy and Mineral Development (MEMD) Ministry of Finance, Planning and Economic (MFPED), Ministry of Health (MoH), Ministry of Education and Sports (MoES), Ministry of Water and Environment (MoWE), Uganda Energy Credit Capitalization Company (UECCC), Private Sector Foundation Uganda (PSFU), Electricity Regulatory Authority (ERA), National Environment Management Authority (NEMA), District Local Governments, Project Affected Persons and other relevant stakeholders.
- d) The Client will synchronize work plans of the Implementing Agencies, Contractors, and engineering Consultants with those of ESA Consultant for mutual operations and support to deliver the projects. These will include joint meetings, planning, joint field work, report sharing and follow up amongst the IAs and ESA Consultants.
- e) The Client will provide to the Consultant documents, reports, any relevant studies, maps and documents pertinent to the assignment.

Duration: The duration of the assignment is expected to take 16 calendar weeks from the date of contract signing.

The detailed Terms of Reference (TOR) for the assignment can be found at the following website: www.energyandminerals.go.ug or can be obtained at the address given below.

The Ministry of Energy and Mineral Development now invites eligible consulting firms (“Consultants”) to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services.

The short-listing criteria is as follows:

Attention of interested Consultants is drawn to paragraph 1.9 of the World Bank’s *Guidelines: Selection and Employment of Consultants [under IBRD Loans and IDA Credits & Grants] by World Bank Borrowers [January 2011 Revised July 2014]* (“Consultant Guidelines”), setting forth the World Bank’s policy on conflict of interest.

Consultants may associate with other firms to enhance their qualifications, but should indicate clearly whether the association is in the form of a joint venture and/or a sub-consultancy. In the case of a joint venture, all the partners in the joint venture shall be jointly and severally liable for the entire contract, if selected.

Consultant will be selected in accordance with the Consultants Qualifications Selection method set out in the Consultants’ Guidelines.

Further information may be obtained at the address below during office hours 8:30am - 5:00pm local time.

Procurement Officer, ERT III

Ministry of Energy and Mineral Development
Street Address: Plot No 29/33 Kampala Road
Building: Amber House, 2nd Floor, Room E206
Email: naagulaasiya@gmail.com
Tel: +256414341040
City: Kampala
Country: Uganda

Expressions of interest must be delivered in a written form or by email to the address below by **July 07, 2021** at 10:00am local time.

Head Procurement and Disposal Unit

Ministry of Energy and Mineral Development

Street Address: Plot 29/33 Kampala Road

Building: Amber House, 1st Floor Room C109-Kampala, Uganda

Email: hpdu@energy.go.ug copied to naagulaasiya@gmail.com and kfaodongo@gmail.com

City: Kampala

Country: Uganda