



REPUBLIC OF UGANDA
MINISTRY OF EDUCATION AND SPORTS

TERMS OF REFERENCE

FOR

**CONSULTANCY SERVICES FOR ENVIRONMENTAL AND SOCIAL
AUDIT OF 4 CENTRES OF EXCELLENCE (CoE) AND 12
VOCATIONAL TECHNICAL INSTITUTIONS CONSTRUCTED UNDER
UGANDA SKILLS DEVELOPMENT PROJECT (USDP)**

APRIL 2021

1.0 BACKGROUND

The Government of Uganda (GOU) received a loan from the World Bank to support the implementation of the Uganda Skills Development Project (USDP) to improve market and skills development and to enhance the capacity of institutions (CoE and VTIs) to deliver high quality, demand-driven training programs in target sectors.

The project targets investment programs to meet skills needs in the few priority sectors of the economy i.e. Agriculture, Construction and Manufacturing. Under this project, four (4) existing Colleges (*i.e. Bukalasa Agricultural College, Uganda Technical College Lira, Uganda Technical College Elgon and Uganda Technical College Bushenyi*), in these priority sectors, will be transformed into Centers of Excellence (CoE).

Part of the proceeds of these funds will be used to establish and upgrade physical infrastructure through financing necessary civil works-renovations and refurbishment of existing infrastructure and build new infrastructure, as necessary; for workshops, classrooms, libraries, administrative blocks, common facilities for students, faculty staff, provision of water and sanitation in the institutions, augmented provision of electricity with power back-up system, as necessary; improvement of campus environment, sports facilities and low cost boundary walls. All civil works will be disabled friendly, earthquake resistant and complying with international and national standards.

In addition, the project will finance procurement of equipment and machinery for training programs and undertake their maintenance, and tools, and training materials for students.

The construction and upgrade of physical infrastructure was screened and found likely to have environmental and social impacts. In order to proceed with implementation of this project without adverse environmental and social impacts, Ministry of Education and Sports (MoES) with guidance from the World Bank has prepared Project Briefs (PBs) to ensure that the construction of facilities at the CoE and VTIs were is implemented in line with Environmental and Social Safeguards as well as other requirements.

As a result, environmental and social management plans have been prepared as an integral part of the Project Briefs. The Environmental and Social Management Plans (ESMPs), provide for monitoring and reporting formats. In addition, a project Grievance handling mechanism was incorporated in the ESMPs. All the structures to be constructed and/or rehabilitated shall follow standard construction norms, including gender and disability requirements.

Construction of these CoE and VTIs is expected to be completed in April 2021 or anywhere 2 months after April and at this time all the CoE and VTIs will be due for mandatory environmental and social auditing. Therefore, the MoES intends to carry out environmental and social audits of colleges/facilities constructed in line with environmental legislation of Uganda. In addition, one of the conditions of the EIA certificates issued by NEMA is to carry out a comprehensive audit after one year of certificate issuance and submit audit reports to the Authority. The National Environment Act, No. 5 of 2019, the National Environment(Audit) Regulations, 20020 The National Environment (Impact Assessment) Regulations SI 153-1, require all the facilities/activities/projects whose activities may pose negative

environmental and social impacts to carry out periodic audits in a bid to evaluate their performance and propose mitigation/collective remediation measures where applicable.

2.0 PROJECT DESCRIPTIONS

The facilities to be constructed at the 4 CoE and the 12 VTIs in the Districts of Bushenyi, Mbale, Lira, Luwero, for the CoE, and in the districts of Mbarara, Kasese, Sheema, Kalangala, Kaliro Butaleja, Kaberamaido, Paliisa, Kitgum, Agago, and Zombo for the VTIs, will include, among others, the infrastructure outlined in table 1 on page 8:

3.0 OBJECTIVES OF THE ASSIGNMENT

The primary objective of the audit is to evaluate the environmental and social performance of the CoE and VTIs facilities and/or operations, by determining their compliance status against:

- (i) National Environmental Policy, Laws, Regulations and Standards, as well as World Bank Safeguard Policies.
- (ii) Conditions of approval in the EIA certificate of approval.
- (iii) Conditions of certificates from Central/Local Government Agencies and any other approvals.
- (iv) Identify significant environmental and social impacts that arose as a result of construction of CoE and VTIs facilities, including short term, medium and long term impacts.
- (v) Identify mitigation measures and means to achieve sound environmental and social management.
- (vi) Performance indicators in the Environmental and Social Management Plans (ESMPs).
- (vii) Other tools used to ensure environmental and social risk management.

4.0 SCOPE OF THE ASSIGNMENT

The scope of work is to conduct environmental and social audit and prepare audit reports that meet the requirements of the National Environment Act. (No. 5 of 2019, and the National Environment (Audit) Regulations, 2020, for the following CoE and facilities indicated in **Table 1**.

The audit will also look at status of implementation of NEMA approval conditions in the certificate of approval for the proposed CoE and VTIs, status of implementation of mitigation measures proposed in the Project Briefs, as well as implementation of proposed environmental and social management and monitoring plans. The environmental and social audit will cover infrastructure at the CoE and VTIs named below as given in **Table 1**.

Table 1: Scope of works at 4 Centre's of Excellence (CoE) and 12 Vocational Technical Institutions (VTIs)

	College-CoE/VTI	LOTS	Facilities/Infrastructure to be constructed at the Colleges and VTIs
A.	USDP		
1.	UTC-Bushenyi	LOT 1	Metal Fabrication Workshop; Plant Maintenance Workshop; Manufacturing Workshop; Toilet & Changing Room (2 No.); Store; External Works.
		LOT 2	Classroom; Multi-Purpose Hall; 4-Storeyed Students Hostel; Toilet & Laundry Block (2 No.); Toilet for Classroom (2 No.); Generator House; External Works.
	Nyamtanga Technical Institute	LOT3	Plant Maintenance Workshop; Toilet & Changing Room Block; Store; External Works.
	Karera Technical Institute	LOT4	Metal Fabrication Workshop; Toilet & Changing Room Block; Store; External Works.
	Lake Katwe Technical Institute	LOT5	Manufacturing Workshop; Toilet & Changing Room Block; Store; External Works.
2	UTC-Elgon	LOT 1	Soil Lab; Roofing Shop; Concrete Shop; Brick Laying Shop; Plumbing & Electrical Demonstration Room; Plumbing Lab; Electrical Lab; Plumbing & Electrical Shop; Welding & Fabrication Lab; External Works.
		LOT 2	Administration Building; Girls Hostel; Toilet & Laundry Block (Female); Generator House; External Works.
	Kaliro Technical Institute	LOT3	Concrete & Brick Laying Shop; Roofing Shop; Toilet Block; External Works.
	Butaleja Technical Institute	LOT4	Electrical Shop; Electrical Lab; Toilet Block; External Works.
	Kasodo Technical Institute	LOT5	Plumbing Shop; Plumbing Lab; Toilet Block; External Works.
3.	UTC-Lira	LOT 1	NAIT Training Laboratory & Classroom; Classroom Block; Administration Block; External Works.
		LOT 2	Girls Hostel; Boys Hostel; Generator House; Staff Housing; Heavy Duty Machine Shade; External Works.
	Kalongo Technical Institute	LOT3	NAIT Training Laboratory & Classroom Block; Toilet & Laundry Block (Male); External Works.
	Ora Technical Institute	LOT4	NAIT Training Laboratory & Classroom Block; Heavy Duty Machine Shade; External Works.

	<i>Kitgum Technical Institute</i>	<i>LOT5</i>	<i>NAIT Training Laboratory & Classroom Block; External Works.</i>
4.	BUKALASA Agricultural College	<i>LOT 1</i>	<p><u>New Works:</u></p> <p><i>Construction of Feed Mill; Broiler Unit; Layer Unit; Pullet Barn; Piggery Unit; Milk Processing Plant; Zero Grazing Unit; Toilet & Laundry Units (5 No.); Toilet Blocks (2 No.); Incinerators (3 No.); Generator House; External Works</i></p> <p><u>Rehabilitation Works:</u></p> <p><i>Renovation of Agro-Processing Unit; Calf and Steer Pen; Demonstration Unit; Laboratories (2 No:- Code 30 & 31); Classrooms (5 No:- Code 22, 24, 25A, 25B & 43); Horticulture Toilet Block</i></p>
		<i>LOT 2</i>	<i>Library & ICT Laboratory Block; External Works.</i>
	<i>Kaberamaido Technical Institute</i>	<i>LOT3</i>	<i>Milking Parlour; Milk Processing House; Spray Race; Feed Mill; External Works.</i>
	<i>Rwentanga Farm Institute</i>	<i>LOT4</i>	<i>Library & ICT Laboratory Block; External Works.</i>
	<i>Ssesse Farm Institute</i>	<i>LOT5</i>	<i>Zero Grazing Unit; Milking Parlour; Milk Processing House; External Works.</i>

4.1. DESCRIPTION OF THE SCOPE OF THE SERVICES REQUIRED FOR ENVIRONMENTAL AND SOCIAL AUDIT/AUDIT ACTIVITIES

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

1. Sites reconnaissance visit to the CoE and VTIs and preparation of terms of reference for the Environmental and Social Audits.
2. Assess the compliance of operations and activities of the CoE and VTIs /facilities with the laws, policies, standards and guidelines.
3. Review literature and secondary baseline data of the areas bio-physical and social environment, including any sensitive receptor systems and ecology affected or likely to be affected by construction of CoE and VTIs facilities etc. The ESMPs and baseline information and mitigation measures in the Project Briefs (PBs) will be critically reviewed.
4. Check compliance with the predictions of Environmental Impact Statements/Project Briefs, ESMPs, HSE plans, conditions of approval contained in the NEMA certificate and mitigation measures in the PBs including the evaluation of the site decommission and restoration activities at the respective COE and VTIs.
5. Field studies, that will include: capture of compliance data including HSE practices, waste management, sanitary facilities, water availability and use.
6. Identify significant environmental and social impacts as a result of construction of CoE and VTIs facilities in terms of long and short term impacts. Identify residual impacts and propose mitigation measures.
7. Identify and assess other environmental and social issues and/or mitigation measures and means necessary for enhancing environmental and social performance of the CoE and VTIs facilities (identify areas of weakness and opportunities for improvement).
8. Determine the time frame and resource requirements for implementation of proposed practical corrective actions through preparation of an Implementation Plan/Environmental Management Plan (EMP).
9. Public consultations with key stakeholders such as Government Ministries, NGOs, and community leaders and members to document their input and concerns with regard to the project. Among others, the following should be consulted: NEMA, MoLHUD, MoGLSD, CMU-MoES/PCU-USDP, GCs/BoGs, District Local Governments (both technical and political cadre), Church/Faith Based Foundation Bodies and the Community. Evidence of consultations undertaken at the central government, district and community levels must be attached to the report. Community consultation shall be carried out at the beneficiary CoE and VTIs. All consultations will be carried out in

compliance with the MoH Covid-19 SOPs and the World Bank technical note on Public Consultations and Stakeholder Engagement.

10. Document community feedback and assess the impact of the project on the community through review of the project Grievance Redress Mechanism processes and analysis of the nature of grievances received.
11. Preparation of the final environmental and social audit reports and presentation to MoES/PCU and submission to NEMA for review and approval.

5.0 ENVIRONMENTAL AND SOCIAL AUDIT METHODOLOGY

The Environmental and Social Audit studies will be carried out in accordance with the National Environment Act, No. 5 of 2019, and the National Environment (Audit) Regulations, 2020. The techniques and methods to be used include, but not limited to literature review, stakeholder consultations, review of Grievance logs and onsite observation and assessment. Some of these methods are further described below.

Document Review: Present Environmental Legislation including Policies, Laws, Standards and Regulations which relate to construction and operation of school facilities will be reviewed to determine status of compliance and advice will be given accordingly. Also MoES/PCU documents related to environmental issues, including the ESMF, Social Impacts, Environmental Impact Statements/Projects Briefs/ESMPs, NEMA approval conditions, and any other communication from NEMA/Lead Agencies regarding the CoE and VTIs. Additionally, the following will be reviewed: USDP Project Operational Manual, contracts for civil works, World Bank implementation support mission reports, Safeguards progress reports, contractors' ESMP, occupational health and safety and HIV reports, grievance logs, Environment and Social Compliance Certificates issued to contractors, and any other document deemed relevant to this assignment.

Consultations with stakeholders - Consultative meetings will be held with relevant stakeholders and regulatory institutions to facilitate public participation in assessing compliance of CoE and VTIs construction activities with environmental and social requirements in line with the National Environment Act, No. 5 of 2019, and the National Environment (Audit) Regulations, 2020.

At National level, key stakeholders to be consulted include NEMA, MoLHUD, MoGLSD, CMU-MoES/PCU-USDP. At district level consultations will be held with political leaders and various district technical officials (CAOs, DEs, DEOs, DISs, D/Environment officers, CDOs, Sub-County Chiefs), Church/Faith Based Foundation Bodies and the Community near the CoE and VTIs, including NGOs. At CoE and VTIs level consultation will be held with the Principals, Safeguards Focal Persons, BoGs/MCs and members of the Grievance Redress Committees. Stakeholders consulted will be selected based on their direct roles, technical expertise and responsibility in ensuring that the activities related to construction of CoE and VTIs facilities comply with environmental, social, physical planning and other requirements of the district, Sub-counties; and meet the regulatory requirements and procedures of the Country at large.

Quantitative and qualitative methods - methods such as direct observation and photography, focus group discussions, measurements, the efficacy of current environmental practices and systems in place, and the

level of compliance of the CoE and VTIs with the environmental and social legal tenure, laws, regulations and standards.

Through site/ CoE and VTIs inspections/discussion and meetings, data will be gathered and recorded. In addition, interviews and consultations will be held with contractors, and Health and Safety Officers/workers of the contractors.

6.0 EXPECTED OUTPUTS FOR ENVIRONMENTAL AND SOCIAL AUDIT

Sixteen (16) environmental and social audit reports will be produced by the consultants taking into account the number of CoE and VTIs that is: UTC-Bushenyi and 3 VTIs (Nyamitanga, Lake Katwe and Kareera)-4; UTC-Elgon and 3 VTIs (Butaleja, Kaliro and Kasodo)-4; UTC-Lira and 3 VTIs (Kalongo, Kitgum and Ora)-4; and Bukalasa Agricultural College (BAC) and 3 VTIs (Kaberamaido, Rwentanga and Ssesa)-4; in accordance with the National Environment Act, No. 5 of 2019, the National Environment (Impact Assessment) Regulations of 1998, the National Environment (Audit) Regulations, 2020 and other legislations.

6.1 DELIVERABLES, DURATION AND TIMING OF ENVIRONMENTAL AND SOCIAL AUDIT

The Environmental and Social Audit assignment shall be carried out and completed within Twenty (20) - weeks, from the date of Contract effectiveness.

Detailed and acceptable Inception Report incorporating audit criteria/methodology/ checklist/modalities for carrying out the consultancy and the expected outputs shall be prepared and submitted within the first two (02) weeks of signing the Contract. In addition, the report should include the recommended timelines and a compliant work plan attached to it. The Client shall review the Inception Report and give feedback to the Consultant within one (01) week. After preparation of final Terms of Reference (ToR) by the Consultant, they will be submitted to NEMA by the Client for approval. After approval of ToRs from NEMA within two (02) weeks, the Consultant shall then proceed to conduct the Environmental and Social Audits and compile the draft audit reports within six (6) weeks.

The draft audit reports shall be submitted to MoES/PCU for review and quality assurance check of the Environmental and Social Audit processes within Ten (10) weeks of signing the Contract. The Client and World Bank shall review and comment on the submitted reports within Four (04) weeks from the date of reports receipt and thereafter, the Consultant shall prepare the final environmental and social audit reports and submit within last three (3) weeks. The final environmental and social audit reports shall incorporate comments from the Client. In addition, the audit reports should meet the requirements of the National Environment Act, No. 5 2019, and the National Environment (Impact Assessment) Regulations 1998, and the National Environment (Audit) Regulations 2020.

The consultant(s) shall submit to the Client Sixteen (16) hard copies (word format) as well as Four (4) CDs for each of the CoE and VTIs containing soft/ electronic copies (in word document and 'pdf' format) of the Final Project Audit Reports.

The timeframe of the whole assignment is summarised in the table below:

No.	Item	Outputs	Duration
1.	Preparation for Environmental and Social Audit	Inception Report	Two (02) weeks
2.	Review of the Inception Report by the Client	Review comments on the Inception Report	One (01) week
3.	Preparation and Submission of Terms of Reference (ToR)	ToR/Approval from NEMA	Four (04) Weeks
4.	Environmental and Social Auditing & preparation of the draft Environmental and Social Audit reports	Draft Environmental and Social Audit reports	Six (06) weeks
5.	Review and Quality Assurance by the Client (MoES and World Bank)	Review comments on draft Environmental and Social Audit reports	Four (04) weeks
6.	Incorporation of review comments & finalisation of the Environmental and Social Audit reports	Final Environmental and Social Audit reports	Three (03) weeks

NOTE:

Payments for the Consultancy services shall be phased (percentage-wise) and made after receipt of acceptable outputs indicated in the table above (20% after submission of Inception Report and Approval of ToRs, and 50% after submission of acceptable draft Audit reports,). The last 30% payment for the Final Environmental and Social Audit reports shall be paid after submission of acceptable Environmental and Social Audit reports and hard and electronic copies to the client.

6.2 QUALIFICATIONS OF THE CONSULTANT

The Consultant will be a consulting firm or consortium of firms with diversified technical competences in the field of undertaking environmental and social audit of development/construction projects with demonstrable experience in preparing environmental and social audit reports, together with practical mitigation measures/action plans and monitoring indicators.

The Consultant shall have the following qualifications and experience:

- (i) Demonstrated knowledge and understanding of environmental and social aspects of the building construction industry and regulations in Uganda, specifically in the Education Sector.-
- (ii) Experience of undertaking/providing environmental and social audit services for at least 7 years.

- (iii) Specific experience of at least two similar environmental and social audit assignments for government agencies or large private sector firms within the last 5 years.

The Consultant shall present at least one reference to prove possession of each of the above qualifications and experience.

The proposal of the Consultant shall be set out in detail showing the list of experts required and the duration (person/days) for which their services are required. The Consultant shall present the staffing schedule in a manner that makes it clear as to which personnel will be involved in a specific activity. A staff organogram reflecting the envisioned activities should therefore be presented.

The Consultancy firm shall provide all personnel necessary for the completion of the Environmental and Social Audit. **The following key personnel shall be included as a minimum requirement for the consultancy for at least a duration of 5 months.**

a) Environmental Specialist (Team Leader)

Shall be a holder of a Graduate (Master's level) Degree in Environment, Natural Resources Management or related field and with at least Seven (07) years of relevant working experience in conducting Environmental Audits (EAs) for development projects/college/school projects. In addition, the consultant must have experience in World Bank's safeguard policies and or environmental and social management framework. **The person must be a Registered (Lead Auditor) Environmental Practitioner with NEMA.**

b) Sociologist

Must be a holder of at-least a Bachelor'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' related experience in Environmental/Social Audit or Social Impact Assessment/and social risk management. The sociologist should have experience working with the World Bank's safeguard policies and or Environmental and Social management framework.

c) Other staff/contributing specialists

As part of the contributing specialists on the consultant's team, the consultant shall have a Civil Engineer to look at the structural aspects of the completed construction at the respective CoEs and VTIs as well as a Health and Safety Expert looking at the Occupational Health and Safety related aspects, among other specialists.

7.0 ENVIRONMENTAL AND SOCIAL AUDIT REPORT

The consultants will prepare Environmental and Social Audit reports with consideration of/and or based on the Terms of Reference approved by NEMA, developed as a result of initial scoping exercise. The consultant will produce Environmental and Social Audit Reports, which will cover but not be limited to:

1. An Executive Summary, stating the major findings of the study.
2. Background information on the MoES/USDP Project and the beneficiary schools including the school facilities constructed and their coverage.
3. Methodology of audit and audit team.

4. Site baseline bio-physical and sociological information, relationship of activity with existing environment, outlining any current impacts.
5. Description of current operations of the CoE and VTIs facilities and Health, Safety and Environmental (HSE) management at the facilities/schools.
6. A review of policies, laws, regulations and standards, and the audited facilities conformity.
7. Public consultations and disclosure, mentioning stakeholder concerns and measures to address them.
8. Major areas of non-conformity and recommended best practices/mitigation measures and compliance schedule.
9. An environmental and social management and monitoring plan for negative impacts and assessing effectiveness of mitigation measures.
10. Make recommendations and conclusions regarding current/future use of the school facilities in an environmentally and economically sustainable manner.
11. Annexes:
 - TOR Audit Approval letter
 - ESIA Certificate conditions
 - Land titles for the respective CoEs and VTIs
 - List of stakeholders consulted and records of stakeholder engagements
 - Project ESMPS and safeguards progress reports
 - Any other relevant documentation.

8.0 ANY FACILITIES, SERVICES OR RESOURCES TO BE PROVIDED BY MoES

The client will provide the projects site location/layout plans, relevant ESIS/PBs, EIA certificates and any relevant documents on request. During the reconnaissance/Inception field visit, MoES will introduce the Consultants to the project areas/ CoE and VTIs and any other services required.

9.0 COMMUNICATION AND REPORTING REQUIREMENTS

All official communications regarding the consultancy work shall be addressed to the Permanent Secretary, Ministry of Education and Sports. However, the Project Coordinator(PC) in the Project Coordination Unit (PCU) shall coordinate the Consultancy and will be the contact person for day to day running of the project work. The PC will be assisted by the Deputy Project Coordinator (DPC) and the Environmental and Social Safeguard Specialist (ESSS).