



TERMS OF REFERENCE INDIVIDUAL CONSULTANT FOR THE PREPARATION OF AN ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF) FOR THE NIGERIA SOLAR IPP SUPPORT PROGRAMME

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I. Introduction

The African Development Bank (AfDB) Bank hereby invites Individual Consultants (environmental and social safeguards specialists) to indicate their interest in the following assignment: Preparation of an Environmental and Social Management Framework (ESMF). The objective of the ESMF is to provide a unified process to address all environmental and social safeguard issues for subprojects within the **Nigeria Solar IPP Support Program**, from preparation, through appraisal and approval, to implementation. It thereby ensures compliance with the Bank's safeguards.

The ESMF shall describe the process for screening, assessing, addressing and managing safeguard issues for site-specific project activities and subprojects that will be identified during project preparation or have yet to be identified at the time of preparation. The ESMF shall cover all project components including any capacity building as well as any small-scale works related to the subproject investments.

The ESMF for the Nigeria Solar IPP Support program shall be developed under the supervision of Power, Energy, Climate Change and Green Growth Complex (PEVP) of the AfDB.

II. Background

With a population of over 180 million people, Nigeria faces major energy challenges with as much as 98 million people, ~55% of its citizens, lacking access to grid-connected electricity as at the end of 2015. Even with an installed capacity of ~11,165 MW as at December 2017, available daily generation capacity has been erratic ranging from 3,000 MW to 5,000 MW due to gas, transmission and distribution constraints. This is short of the required electricity to supply its huge and growing population. This shortfall in generation capacity has led to the proliferation of many individuals and businesses owning and using diesel generators, which are inefficient and polluting. This has the resultant effect of increasing GHG emissions in the country. Between the years 1990 through 2010, the GHG emissions increased from 164 million tonnes (MT) CO₂eq to 263MT CO₂eq. Population growth along with predicted economic growth is expected to drive the GHG to over 900 MT CO₂eq by 2030 The installed energy mix in Nigeria is 26% from hydro and 74% from oil, gas and other fossil fuels, highlighting the significant amount of room for growth of solar power within Nigeria's installed energy mix.

Facing serious electricity supply deficit over many years, Federal Government of Nigeria ("FGN") is actively seeking to improve conditions for private investment in the power and energy sector. Solar power is a critical component of the power policy of the FGN who has reaffirmed its commitment to increasing renewable energy capacity as a part of Nigeria's Vision 2020. Overall, the Vision 2020 programme presents

an ambitious goal of 35,000 MW by 2020, of which 10% is targeted to be provided from renewable energy (3,500 MW).

To show its commitment to increasing generation and diversifying away from thermal and hydro, the FGN through the Nigerian Bulk Electricity Trading Plc (“NBET”), the off-taker, signed several utility scale solar Power Purchase Agreements (PPAs) in July 2016 to supply ~1,125 MW of power to the Nigerian power grid. The Nigeria Solar IPP Projects will bring significant diversification from diesel generation sources.

In support of the development and implementation of the Nigeria Solar IPP Program, the AfDB and AFC are proposing to provide debt financing for the development and construction of several of the of the Nigeria Solar IPP Projects through an intervention and concessional co-financing programme with the Green Climate Fund (the “Programme”), translating to ~400 MW of solar power generation. As part of the environmental and social safeguards documentation required to support the AfDB and AFC application for GCF funding, an Environmental and Social Management Framework is required for the program.

III. Scope of Work

As part of the assignment, the Consultant is required to visit all the project sites and engage with the relevant stakeholders of the program (in-country consultations and field visits) where the data should cover the national to the lowest level where subprojects will be proposed, approved and implemented. The Consultant is also required to undertake a detailed analysis of the environmental and social risks posed by the proposed project interventions and comply their findings into an ESMF report that will be used towards managing environmental and social risks arising from projects within the Nigeria Solar IPP Program. The ESMF should be formulated in-line with the guidance provided in the AfDB Integrated Safeguards System, particularly Annex 9 of its Environmental and Social Assessment Procedures (ESAP). Annex 9 (format of an ESMF) of the AfDB’s ESAP is reproduced in Annex I of this TOR.

The Individual Consultant’s Scope of Work for the development of the ESMF for the Nigeria Solar IPP program, include the following:

1. Review relevant requirements of the Green Climate Fund for environmental and social risk management in programs financed through accredited agencies. This review should cover requirements specifically for an environmental and social management framework (ESMF).
2. Review the Integrated Safeguards System of the African Development Bank with emphasis on the requirements for an ESMF.
3. Review relevant and related documentation on E&S risk management especially ESAs and ESMFs for programs under implementation in the Nigerian energy sector.
4. Undertake a gap assessment of national policies and regulations and the GCF and/or accredited entity’s (AfDB) environmental and social safeguards policies and standards and the measures to fill any gaps.



5. Summarise the project descriptions, including a typology of the potential subprojects to be financed, based on potential size/scale of subprojects and the environmental and social impacts and risks, paying particular attention to how subprojects will be identified, prepared, approved and implemented, and how funds will flow to approved subprojects.
6. Prepare an overview of the environmental and social contexts relevant to the projects, including an analysis of the legislative, regulatory and administrative regime (i.e.: protection of natural habitats and cultural heritage, pollution control, resettlement, etc.) within which the project will operate, with a focus on requirements applicable to the planning/design, approval and implementation of subprojects.
7. Collect environmental and social baseline information at national and regional levels with stipulation of required information and studies to be conducted within a given framework.
8. Outline procedures for conducting an appropriate level of environmental and social assessment of subprojects, consistent with the bank's Oss, identifying the impacts to be managed or mitigated.
9. Prepare procedures for identifying and screening environmental and social issues of subprojects during project implementation (screening checklists and identification of cumulative, indirect and induced impacts, in line with relevant AfDB E&S safeguards standards, IFC performance standards, Equator Principles and other applicable standards). Screening has the following purposes:
 - a. screen subprojects for potential environment and social risks and impacts;
 - b. identify applicable E&S standards;
 - c. determine the E&S category of the subproject; and
 - d. determine the specific instrument(s) to be prepared for each subproject.

A checklist is often useful in screening E&S issues. In this section, the screening checklist should be described and the mechanics of its use on subprojects are to be presented. The actual screening checklist should be presented as an Annex of the ESMF.

10. Prepare a procedure for scoping of environmental and social issues and determining appropriate and required safeguards instruments for site-specific subprojects that will be identified during project implementation. This section outlines information on the type of management instrument (for example, full ESIA, resettlement action plan, Indigenous peoples plan, audits, etc.).
11. Prepare procedures for preparing and approving site-specific safeguard instruments. These procedures should include:
 - a. A framework of actions to guide the development of an Environmental and Social Management Plans of subprojects (including identification of mitigation measures;
 - b. the objective of each measure, its specific implementation requirements and responsibilities,
 - c. its' technical and operational requirements, including timing,



- d. the targets to be achieved and performance indicators for monitoring and supervising the adequacy of safeguard implementation.
 - e. Chance find procedures and management plans to identify and avoid impacts on physical cultural resources in line with AfDB OS 2 requirements.
 - f. Generic safety measures for infrastructure and construction activities.
12. Determination of institutional capacity for implementing the ESMF. This should include an analysis of the authority and capability of the relevant institutions at local, district, provincial/regional and national levels and their capacity to manage, monitor and supervise the implementation of the ESMF.
Also to include is a description of the institutional arrangements for project implementation with a focus on points of accountability (who will do what) for specific functions on environmental and social safeguards. This would include a clear definition of roles and responsibilities of project staff and associated agencies in subproject implementation and application of environmental and social review, preparation and implementation of safeguard instruments, monitoring, and evaluation but also training, staffing, budgeting and financial support.
 13. Outline the requirements for consultation with local communities and stakeholders, both during subproject preparation and ESMP development, and during subproject implementation.
 14. Outline the grievance redress mechanism to provide stakeholders and potentially affected communities and households avenues to provide feedback or grievances, and receive responses, with regard to the implementation of sub-projects throughout the life of the projects.
 15. Outline the requirements for monitoring and subproject supervision to ensure that the management measures are satisfactorily implemented and that the agreed targets for environmental and social protection are achieved. A supervision plan should be prepared with guidance on thresholds or triggers for initiating corrective action and safeguard performance indicators to enable the Bank to evaluate compliance with safeguards and determine the need for corrective actions. As well, include the scope, timing and responsibilities for reporting on the ESMF. This should include specific actions to be taken by the borrower or client to report in a timely manner on failure to implement measures successfully or to meet the desired targets and any remedial actions.
 16. Where needed, outline the requirements for capacity strengthening or training deemed appropriate for the borrower or client, or government agency, involved in the ESMF implementation or monitoring. This may include the establishment or expansion of an environmental and social management unit within the borrower or client organization. Other elements may include technical cooperation programs, equipment and supplies procurement and organizational changes.
 17. Where needed, outline the requirements for technical assistance to communities, service providers and public sector institutions to support the implementation of the ESMF. This may involve supporting studies examining, for example, changing access to natural resources, potential impacts upon a protected area, or potential impacts on Indigenous people.



18. Where needed, prepare a Resettlement Policy Framework (RPF) to address potential land acquisition or related issues in line with AfDB's OS 2 requirements and those of the national laws and regulations of the country. The RPF should also include screening criteria, eligibility criteria, implementation procedures, institutional arrangements, valuation methods, generic entitlement matrix, grievance and monitoring mechanisms, expected budget and capacity development plan (where necessary). The RPF should also include procedures to develop a Resettlement Action Plan which includes a Livelihood Restoration Plan (if applicable). (approximately 50 pages)
19. Where needed, prepare an Indigenous Peoples Planning Framework (IPPF) which includes the following: institutional framework, an implementation guide to conduct a Social Assessment, free, prior and informed consent (FPIC) process with affected IP communities, the preparation of site-specific Indigenous Peoples Plans (IP plans) or similar instruments (i.e.: Community Participation Plans), grievance and monitoring framework, budget, capacity development plan and other design features in-line with AfDB requirements. (approximately 50 pages)
20. Summarize the in country disclosure and approval requirements as well as those of the AfDB and other institutions as applicable to the projects under the program.
21. Based on the assessments above, outline an estimated budget for the implementation of the ESMF for subprojects.

IV. Expected Deliverables of the Consultancy

The expected deliverables of the assignment are as follows:

- An inception report inclusive of a detailed work plan and schedule
- A draft ESMF including
 - a summary of all findings from the stakeholder analysis, and the impact assessment of the subprojects in accordance with AfDB safeguard standards;
 - recommendations of mitigation measures for adverse impacts;
 - summary of consultations undertaken;
 - screening procedures to be followed for sub projects;
 - ESMF monitoring plans/programs
 - See Annex 2 in this ToR for additional guidance
- Final ESMF report
- An Executive Summary of the ESMF that includes information summarized from the ESMF and the results of the public consultations carried out. (approximately 10 pages)
- If a Resettlement Action Framework (RAF) or Indigenous Peoples Planning Framework (IPPF) are required, a separate budget will be presented to the client for approval prior to the commencement of the work
- Annexes, as applicable, and may include the following:
 - Exclusion list (list of activities that the programme will not finance)
 - Eligibility list
 - Screening checklist: The purpose of screening is to determine the subproject's eligibility for AfDB funding and to identify whether the subproject would have the potential to

cause significant adverse impacts on the environment and society, consequently the appropriate safeguard instruments and mitigation measures to manage those impacts. A matrix or table will be developed which outlines the severity of the potential impact, whether it triggers a policy (OS), and how it should then be considered.

The project timeline will be discussed with the client, as well as key delivery dates.

All of the procedures used will need to be consistent with applicable national and local environmental assessment and planning/permitting procedures.

V. Consultant Qualifications

The Individual Consultant should have the following requirements:

1. At least a Master's degree in Environmental Studies, Natural Resource Management, Environmental Policy or a related discipline;
2. A minimum of six (6) years of relevant professional experience in areas related to environmental and natural resource management, environmental assessment, environmental monitoring and environmental stewardship;
3. A good knowledge and experience in developing and managing the implementation of Environmental and Social Impact Assessments (ESIAs), Environmental and Social Management Plans (ESMP), Environmental Management Frameworks, the social aspects of development projects (health and safety aspects, involuntary resettlement and gender issues, etc.), monitoring, evaluation and conformity assessment;
4. A proven knowledge and practice of ISS, including the safeguards policies, procedures and practices of development agencies of key bilateral and multilateral partners in regional member countries.
5. A good knowledge and experience of multi-criteria assessments, stakeholder engagement and consultation, community participation; analytical skills to assess institutional capacity and to design/ review practical arrangements for implementing complex projects, particularly in Africa;
6. Be results-oriented, able to work in a team, a meticulous analyst with a sense of detail, a persuasive communicator and an excellent copywriter;
7. Listening to clients - providing effective services and solutions to staff beyond presenting past challenges and able to gain respect through the depth of demonstrated expertise, effectively managing various clients and country situations;
8. Innovation and Change - Constantly seek more efficient and practical methods for the delivery of services and products as well as departmental process management and propose new ways to improve the quality and relevance of products and services;

9. Demonstrated ability to work effectively in a multicultural environment and to develop effective working relationships with clients and colleagues;
10. Have excellent technical and analytical skills, with a proven track record in operational and political work on environmental and social issues;
11. Have a good knowledge of the assessment, preparation and/or management of the implementation of the Bank's environmental and social safeguards for the development of major infrastructures in Africa;
12. Have a good knowledge of the environmental and social issues facing Regional Member Countries (RMCs);
13. Have solid practical experience in the evaluation, integration and monitoring of social development concerns at the level of Bank operations;
14. Be able to communicate effectively (written and oral) in French or English, preferably with a good working knowledge of the other language;
15. Master the use of MS Office software and have a good knowledge of SAP.

**Annex 1:****FORMAT OF REPORT: ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK****1-Summary:**

Overview of the ESMF.

2-Introduction:

This section shall determine the scope of the assessment (E&S issues to consider), level of effort, and the tasks required to carry out the ESMF. It also shall outline the appropriateness of preparing an ESMF as an instrument for the management of the environmental and social safeguards issues.

3-Description of program operation:

This section shall identify the key components of the program, policy or plan. It shall lay out the main objectives of the program, policy or plan by identifying the anticipated economic, social or cultural changes as well as direct and indirect expected outcomes. The location and intended beneficiaries of the sub-projects shall also be described in this section.

4-Environmental and social baseline information at the national and regional level:

This section shall present a description of the existing environment, comprising the bio-physical and socio-economic conditions associated with the program, policy or plan at the national and regional level using available information resources including SESA, technical studies and other ESA studies available as reference. Key stakeholders in relation to the identified issues shall be also presented in this section.

5-Procedures to assess potential environmental and social impacts and risks of subprojects:

The ESMF shall present the procedures that were used to assess the potential environmental and social impacts of the program, policy or plan by comparing the intended activities with the surrounding environmental and socio-cultural resources. Procedures that can be used may include information regarding the social, cultural, natural and coastal resources, etc., sourced from related literature and existing baseline conditions, visits to the sub-project site and environmental and social impacts likely to arise as analysed by the procedures mentioned above. The level of significance of the impacts should also be given.

6-Measures to develop appropriate ESMPs for sub-projects:

Measures that will be used to develop appropriate ESMPs to ensure implementation of the ESMF at the sub-project level shall be presented in this section. These measures shall be relevant as well as take consideration the level of significance of the potential impacts outlined in the previous section. The following is to be included:

- Identification of mitigation measures
- Objectives of each mitigation measure
- Each mitigation measure's implementation requirements and associated responsibilities
- Each mitigation measure's technical and operational requirements, and
- Each mitigation measure's timing

7-Arrangements for monitoring and subproject supervision:

This part of the ESMF shall present the monitoring programs that will be introduced to evaluate the effectiveness of mitigation measures administered at the sub-project level for the program, policy or plan. The monitoring programmes should address the following:

- An evaluation of the validity of the impact predictions and strategic assessment conclusions;
- Whether the proposed measures to mitigate adverse effects and optimize benefits were actually carried out;
- An evaluation of the effectiveness of the mitigation/ optimization measures;



- To what extent the PPP purpose has been achieved and to what extent the achievement is as a result of the program, policy or plan;
- Whether the achievement is sustainable;
- Whether the achievements extend to the poorest and most marginalized levels of society;
- Identification of any further changes needed to improve environmental/ social benefits of the program, policy or plan;
- Identification of any additional strategic or project ESAs that may be needed as a result of the program, policy or plan; and
- Lessons learned from the SESA and ESMF.

The monitoring program shall clearly define roles and responsibilities for the coordination of the monitoring system, monitoring methods and indicators, procedures for regular adjustments of policy and external communication and capacity building.

8-Arrangements for reporting:

The arrangements for reporting on the progress of the ESMF implementation shall be clearly outlined in this section including the responsibility, methods of communication, reasons for reporting, frequency of reporting results (timing) as well as the protocol to be followed when reporting.

9-Outline of proposed mitigation and enhancement measures:

This section of the ESMF shall outline the specific measures that will be considered to mitigate/ minimize moderate and major adverse impacts. With regards to negligible and minor impacts where the project activity is not expected to cause any significant impact in such cases, best practice measures and mitigation should also be recommended. Where appropriate, measures to enhance and complement the environmental and social performance of the sub-projects can be presented. Mitigation options that shall be considered may include project modification, provision of alternatives, project timing, pollution control, compensations and relocation assistance.

10-Requirements for training and capacity building to enable ESMF implementation:

The successful implementation of the ESMF depends on the commitment of project implementing unit and related institutions, the capacity within the institutions and the appropriate and functional institutional arrangements among others. Requirements for training and capacity building shall ensure appropriate environmental/social management upon implementation of the program, policy or plan. The institutional strengthening plan should be based on the gaps in environmental and social management skills identified at the national, regional or local level during scoping, and the future needs for improved environmental and social management.

11-Conclusion:

The conclusion shall summarize the main expected environmental and social impacts and mitigation and enhancement measures that will ensure that the program/policy/plan meets the Bank's safeguards requirements. It shall also specify the environmental and/or social loan conditions or covenants that are part of the loan agreements.

12-Cost estimate and Sources of Funds, Schedule

13-Annexes:

- List of consulted documents, including program-related reports
- Contact List



Annex 2:

Project Activity	Anticipated E & S impacts	Proposed Management Measure(s) and Objective of Management Measure(s)	Technical and Operational Requirements of Management Measure(s)	Monitoring and Reporting (including performance indicators)	Implementation Plan and Institutional Responsibilities	Timing	Cost Estimates	Consultation	Comments
Pre-Construction (Planning/ Design) Phase									
Construction Phase									
Operation and Maintenance Phase									
Decommissioning Phase									