



THE DIGITAL MALAWI PROJECT

PROJECT NUMBER: P160533
PPA NUMBER: V0470

PROPOSED TERMS OF REFERENCE FOR THE SAFEGUARDS SPECIALIST

1. BACKGROUND

Information and Communication Technology (ICT) is now globally recognized as an essential tool in promoting competitiveness, job creation, sustainable development, and overall poverty reduction. A combination of widespread access to broadband and a robust ICT services ecosystem can offer a powerful platform for reducing poverty, improving human development and increasing government transparency and efficiency. ICTs have the potential to transform business and government - driving entrepreneurship, innovation and economic growth and breaking down barriers of distance and cost in the delivery of services. In recognition of this fact, the Government of Malawi is preparing a new project in the realm of ICT – the Digital Malawi Project.

2. DIGITAL MALAWI PROJECT

The overall aim of the proposed Digital Malawi project is to extend and improve access to critical ICT infrastructure for the public and private sectors; improve ICT governance; improve access to government services; and facilitate provision of e-services thereby enhancing public service delivery.

The proposed project has been divided into four components, namely; enabling environment, connectivity (infrastructure), e-Government and project management. The enabling environment component will address capacity gaps in the ministries, departments and agencies (MDAs) involved in ICT policy management, regulation and operations in Government. It is envisaged that the interventions will result in reduced prices, higher quality and wider availability of various ICT services for the people of Malawi.

The connectivity component will provide affordable, high quality services and ubiquitous national telecom backbone services for both the public and the private sectors. The services which will be based on open access principles will greatly promote general services competition in the sector. In addition to the virtual backbone, the component will also provide a national data center, and access networks connecting government offices and other points to the backbone.

The e-Government component encompasses a shared framework (Government Interoperability Framework and Government Data Enterprise Architecture) and some possible applications in the areas of geographic information systems, education services delivery, electronic document management systems, et cetera. It is envisaged that the use of public private partnerships would leverage participation of the private sector in the provision of government digital services in effort to promote efficiency and sustainability.

The fourth component, project management, covers operational essentials of implementing the project such as office rentals, transport, staff wages and other requirements.

3. ENVIRONMENTAL MANAGEMENT AND SOCIAL SAFEGUARDS

Some of project activities may require tree cutting for aerial installation or trenching for underground installation of cable. In some cases small pieces of land may be required to install towers, plant repeater stations and other telecom network equipment.

Taking into account potential impacts of the project and with due regard to World Bank environmental management and social safeguards policies, the proposed project will likely be assigned a Category B. The safeguards policies triggered are OP/BP 4.01 (Environmental Assessment) and OP/BP4.12 (Involuntary Settlements). Safeguards instruments, namely: an Environment and Social Management Framework (ESMF) and a Resettlement Policy Framework (RPF) will be prepared

before commencement of the Project. It is anticipated that World Bank safeguards will only be triggered in circumstances in which the IDA directly funds infrastructure as opposed to purchases services from infrastructure owners.

In cases of direct infrastructure investment, the environmental and social impacts in the selected areas will be assessed during project preparation, and will be taken on board during the preparation of the Environmental and Social Management Plan(s) and Resettlement Action Plan(s) or Environmental and Social Impact Assessment(s).

As part of the preparatory phase of Digital Malawi project, the Government intends to use part of the loan proceeds to engage a **Safeguards Specialist** to assist the Public Private Partnership Commission manage the environmental and social management function in the Digital Malawi Project.

4. OBJECTIVES

The objective of the services is to provide outsourced environmental and social management support to the Public Private Partnership Commission throughout the project cycle of the Digital Malawi Project. The support will cover public and stakeholder consultations throughout the project cycle; preparation of a PPPC Digital Malawi Project Brief; providing input to the draft environmental and social management plans (ESMP) or alternatively the environmental and social impact assessments (ESIA) which will be prepared by the project implementers; providing input to the preparation of the Construction Environmental Management Plans (CEMP); providing input to the Resettlement Action Plans proposed by project implementers; monitoring compliance of the implementers to the mitigation measures and management procedures set out in the ESIA or ESMP, CEMP, RAP; preparing close out reports for environmental and social management activities, et cetera.

5. SCOPE OF WORK

The consultant will ensure that any construction works under the Project are in compliance to the ESMF, RPF, ESMP or ESIA, CEMP and RAP throughout the project implementation cycle while further ensuring compliance to the relevant local environmental and social management laws.

The Safeguards Specialist shall carry out tasks under the safeguards framework as follows:

1. Prepare the project brief(s) for Digital Malawi Project for submission to Environmental Affairs Department.
2. Provide assistance to the Digital Malawi Project in screening project activities and assigning them appropriate environmental categories;
3. Visit project sites to assess baseline conditions and potential site-specific impacts;
4. Identify potential environmental and social risks and quantify the potential magnitude of impact.
5. Advise on anticipated environmental and social impacts and possible mitigation measures, and on the relevant type of environmental and social review to be undertaken and documentation to be prepared (e.g. sub-project specific Environmental and Social Impact Assessment, Environmental and Social Management Plan and/or Resettlement Action Plan);
6. Review specific project environmental and resettlement documentation proposed by service providers/implementers such as RAP, ESIA, ESMP and CEMP and provide recommendations as needed;
7. Participate in evaluation of project proposals and advise on environmental eligibility and acceptability of proposals;
8. During implementation of the project, undertake regular environmental monitoring and supervision in order to verify whether and how provisions of the project ESMP, CEMP, ESIA and RAP are followed by all relevant stakeholders (designers, contractors, beneficiaries);
9. Report regularly, at least quarterly, to the Digital Malawi Project Manager in writing on the results of monitoring visits, promptly identify any environmental issues or cases of non-compliance, and make recommendations for dealing with those issues. In conjunction with the Project Manager, discuss compliance status and measures to re-establish compliance with contractors and/or beneficiaries as appropriate, including agreeing on specific steps and timing for any remediation/corrective actions;
10. Along with other project staff, certify completion of each sub-project and report on overall environmental and social compliance (contribution to sub-project completion reports);

11. Closely collaborate with the project technical team to ensure that environmental and social compliance measures are incorporated at all stages of sub-project preparation and implementation, including site selection and sub-project design;
12. Draft and submit regular progress reports to the Project Manager;
13. Carryout public and stakeholder consultations on various activities;

6. IMPLEMENTATION OF THE STUDY

The study will be implemented under a task order arrangement. The arrangement will take prior agreement between the parties – consultant and client - on each task with regards to duration of the task, cost – both professional fees and reimbursables, and the scope of the task. After completion and acceptance of each task the consultant may bill the PPC based on the agreed task order.

7. DELIVERABLES

The consultant will deliver outputs determined on requests from the Client. The deliverables shall include the following:

- 1. Digital Malawi Project Brief - 6 months after signing the contract /To be Decided.** The brief will include an Introduction, Project Components, Nature of the Project, Project Alternatives, Project Benefits, Possible Impacts, Proposed Mitigation Measures, etc. The Environmental Affairs Department may prescribe additional content of the Brief.
- 2. ESMP/ESIA - 18 months after contract signing/To be Decided.** The consultant will provide input and guidance to the implementers, on behalf of the PPC, on the preparation of the various ESMP or ESIA. The ESMP/ESIA will include: Introduction to the Proposed Project, Background Information, Methodology of the Study, Technical Description, Planning and Design Activities, Construction Activities, Operation and Maintenance Phase, Project Time Frame, Environmental Planning and Design Considerations, Environmental Setting of the Project Area, Land Uses, Policy, Legal and Administrative Framework for Public

Sector Projects in Malawi, Description of Relevant Policies and Legislation, et cetera.

- 3. RAP/CEMP – 24 months after contract signing/To be decided.** The consultant will provide input and guidance to the implementers, on behalf of the PPPC, on the preparation of additional – to the ESMP/EESIA – environmental and social management documentation such as RAP and CEMP.
- 4. Supervision and Monitoring Activities – Continuous.** The monitoring activities will cover all environmental and social management carried out by the project implementers. A report will be issued after each monitoring mission.
- 5. Public and Stakeholder Consultation – Continuous.** The consultant shall carryout consultations with the various safeguards stakeholders such as Environmental Affairs Department, Ministry of Lands, District Commissioners, Traditional Leaders, Project implementers, et cetera
- 6. Quarterly Reports.** The consultant shall submit quarterly reports to the client detailing actual progress in the reporting period and risks, and proposed activities for the next reporting period. The client may request to review any work in progress at any time during the course of the consultant’s activities.

The reports shall be submitted in both Ms Word and PDF format.

8. CONSULTANY SKILL, EXPERIENCE, REMUNERATION AND MANAGEMENT BY PPPC

This assignment will be carried out by an individual consultant. The consultant will have both the skill and experience necessary to undertake the range of tasks set out in these terms of reference. He/she must be personally available to do the work as and when required for a period of three years.

The consultant should have the following qualifications and experience:

- a) University degree in a relevant field (e.g. environment; civil engineering; natural science; etc., with demonstrated interest and experience in environmental management and environmental sustainability). Those with a Masters degree in an Environmental Management related field will have an added advantage;

- b) Demonstrable project management capability and experience at various levels of environmental management activities;
- c) Demonstrable experience in providing environmental and social management support to large scale development partner funded infrastructure projects;
- d) Demonstrable experience in preparation and management of Environmental and Social Impact Assessments, Environmental Management Plans, Environmental Monitoring Plans, Resettlement Action Plans, Construction Environmental Management Plans and other environmental and social management documentation;
- e) Excellent interpersonal and communications skills;
- f) Demonstrated ability to work productively in a team setting;
- g) Willingness to travel frequently nationwide to support document preparation, consultant stakeholders and carry out ongoing monitoring/supervision of projects;
- h) Possessing sound computer literacy skills, in particular experience with the MS Office suite;
- i) The consultant shall be knowledgeable about the local legal environment especially environmental law, land law, commercial law, public private partnerships, telecommunications law and procurement law.

The consultant will have at least 10 years of relevant experience and of working with World Bank projects covering the above areas. .

9. MANAGEMENT OF CONSULTANT BY THE PPPC

The consultant will be appointed by the Public-Private Partnership Commission and will be accountable to the Chief Executive Officer (CEO) of the PPPC on all deliverables on this project.

10. LEVEL OF EFFORT AND DURATION OF CONSULTANCY

It is estimated that the study will take 120 effort days over a three year period - 20 effort days (for first year), 40 effort days (for second year) and 60 effort days (for third year).

11. OBLIGATIONS OF CONSULTANT

The Consultant is expected to be fully self-sufficient in terms of office space, supplies, communications, computers and transport during the assignment.

12. OBLIGATIONS OF CLIENT

The PPC will provide access to reference material and existing reports at its premises, and will facilitate access to other Government offices and public sector officials and their management. The PPC staff will also be available for interview and discussions to enable the consultant to carry out the assignment efficiently.