**MINISTRY OF WATER AND IRRIGATION**

**STATE DEPARTMENT OF NATIONAL WATER SERVICES**

**Kenya Water Security and Climate Resilience Program**

**Terms of Reference FOR**

**CHIEF OPERATIONS OFFICER (COO) POST**

***(KWSCRP-1 PP Ref. C302)***

1. **Introduction and Context**

Transforming Kenya’s water sector to achieve water security and climate resilience for economic growth and development requires a dedicated, long-term commitment, but at the same time a practical approach that addresses the needs in a realistic manner. Furthermore, the enormous challenges related to reversing the massive water sector investment gap and transitioning through a potentially complex reform process require a comprehensive, multi-pronged approach that addresses key infrastructure, institutional and information limitations in order to put Kenya on a solid development path. The design of Kenya Water Security and Climate Resilience Program (KWSCRP) reflects these needs by financing a critical investment and supporting the progressive enhancement of the water investment pipeline, while at the same time building an enabling legal and institutional foundation required to sustainably advance Kenya’s investment program.

A sound water investment pipeline will be progressively built by addressing issues at several points in the investment planning, identification, preparation, implementation and operations process where critical limitations have been identified. Project design also recognizes that sustainability ultimately rests on a solid institutional and legal framework for the water sector.

1. **Project Overview**
   1. **Kenya Water Security and Climate Resilience Project Phase 1 (KWSCRP-1)**

The Government of Kenya through the Ministry of Water and Irrigation (MoWI) has received financing from the World Bank (IDA) in the form of a credit of US$ 213 million toward the cost of Kenya Water Security and Climate Resilience Project (KWSCRP-1).

This is the first operation of Kenya Water Security and Climate Resilience Project Phase 1 (KWSCRP-1) which has three inter-related components supporting the project development objective: (i) water resources development; (ii) effective water sector institutions; and (iii) support for project implementation. KWSCRP-1 is arranged in the following components:

**Component 1: Water Resources Development**

This component will support climate resilience and water security for economic growth by financing water investments and by progressively building a longer-term investment pipeline. Component 1 includes two sub-components: (i) Water Sector Investments and (ii) Water Investment Pipeline. Each sub-component is described below.

***Sub-Component 1.1: Water Sector Investments***

*Sub-Component1.1.1: Program for Enhanced Water Security in the Nzoia River:*

**Sub-Component 1.1.1.1: Water Sector Investments – Lower Nzoia Irrigation:** The Lower Nzoia Irrigation Scheme Phase 1 is being financed under the first investment operation in the series, KWSCRP-1. It is a flagship project of the Kenya Agricultural Sector Development Strategy (ASDS) and of Kenya Vision 2030 and is expected to contribute to food security, economic growth and enhanced climate resilience for farmers

**Sub-Component 1.1.1.2: Lower Nzoia Flood Protection:** Proposed activities will include: (i) repair and improvement of existing dykes and construction of new dykes, culverts and drains to provide enhanced flood protection to the communities of the Lower Nzoia River; and (ii) strengthening of monitoring and community early warning mechanisms.

**Sub-Component 1.1.1.3: Nzoia Watershed Management:** Proposed activities include planning and implementation of watershed management activities throughout the Nzoia watershed, with a goal of improving livelihoods through the promotion of sustainable land management practices; and reduction of sediment loads in the lower Nzoia watershed. The highest erosion hotspots will be identified and watershed management activities will be implemented in these areas, potentially including soil conservation, improved grazing and cropping patterns, terracing, gully repair, construction of small physical structures on the river that reduce water velocity and subsequently reduce erosion, and other needed community entry-point and livelihood activities.

*Sub-Component 1.1.2: Program for the Improvement of Water Services in Mombasa County:*

Activities include the design and implementation of the first phase of a program for the reduction and management of non-revenue water, to be implemented by the Mombasa Water and Sanitation Company (MOWASCO), as well as other activities to increase the institutional capacity of MOWASCO and Mombasa County. Future phases beyond this financing will be sought from other sources, including a potential new World Bank financed project.

***Sub-Component 1.2: Water Investment Pipeline***

This sub-component will contribute to closing the large infrastructure gap in Kenya’s water sector, estimated at around US$ 5-7 billion in various existing and ongoing exercises. A pipeline of potential investments are being identified under this sub-component. This pipeline includes water resources development in the form of multi-purpose storage reservoirs, underground and surface water supply schemes and irrigation infrastructure.

**Component 2: Effective Water Sector Institutions**

This sub-component is supporting the current water sector institutions, as well as the preparation, implementation and full functioning of the new and proposed legal and institutional framework resulting from alignments with the Constitution of Kenya 2010. The objective of this support is to enhance the capacity of water sector institutions to effectively perform their mandates and functions, thereby contributing both to meeting project objectives and to improving the broader reform process.

Support is provided during the three stages of reforms in order to ensure an effective response to evolving challenges: (i) the pre reform stage, during which legal enactments will be designed and supporting legal and institutional instruments will be finalized, including administrative tools to guide the water sector transition; (ii) the reform stage, during which legislative changes will take place and transition plans will be implemented; and (iii) the post reform stage, during which the institutional and legal changes introduced by the reforms will be consolidated and strengthened and further institutional capacity built.

***Sub-Component 2.2: Strengthening Water Management and Planning***

A. Activity 2.2.1 – Water Resources Knowledge Base. This activity aims to upgrade the water resources monitoring network, extend forecasting and early warning capacity, and improve the knowledge base in order to provide timely information to support real-time decisions in Kenya’s six main basins. The activity requires collaborative working and data sharing arrangements between various institutions, including KMD, WRMA/WRRA, Basin Boards and other relevant agencies. The specific activities include the following:

Hydro-met Modernization: improving the monitoring network, including hydrological, meteorological, water quality, and groundwater monitoring.

Real-time Forecasting and Disaster Risk Management Decision Support: strengthening forecasting and early warning systems through improved information to national and county level administrations and equipped operation rooms. In specific pilot areas, support would be provided for last mile connectivity and preparedness, working through existing organizations.

Water Resources and Climate Risk Information Systems (WCIS): improving the existing system to enhance the water resources knowledge base across the relevant GoK agencies.

B. Activity 2.2.2 – Water Resources Planning and Allocation. This activity aims to develop the analytical and stakeholder consultation framework to support basin planning and water resource allocation in Kenya’s six main basins. The specific activities include the following:

Basin Planning, including the development of a Basin Planning Decision Support System (DSS), drawing from the improved knowledge base developed under 2.2.1, and using structured stakeholder consultations (national and trans-boundary).

Specialized Analytical Products to inform the process of assessment and planning with relevant stakeholders at the sub-basin level and including strategic scoping assessments and investment identification, detailed surveys, and basin strategic environmental and social assessments. This activity would also include work to develop existing climate models within Kenya for use in consultations and for raising stakeholder awareness.

C. Activity 2.2.3 – Institutional Capacity Strengthening and Partnerships. This activity aims to develop adequate capacity and institutional relationships with specialized organizations for effective water management and planning (refer Annex 7 for institutional mapping). The first stage of this activity will include detailed needs assessments, including the institutions, procedures, knowledge, human resources, equipment, infrastructure, etc. The development of systems and capacity will be supported to ensure that systems put in place under Activities 2.2.1 and 2.2.2 are sustainable.

**Component 3: Support for Project Implementation**

The Ministry of Water and Irrigation (MoWI) serves as the implementing agency of the project through the Project Management Unit (PMU), which it has established and reports to the Principal Secretary (PS), Water. The PMU has been granted a high degree of autonomy to ensure efficient and timely implementation of the project, including through the application of rules, criteria, procedures agreed with the World Bank. The PS, as the Accounting Officer of the Ministry, has delegated procurement and financial management responsibilities to the PMU, within the Legal Framework stipulated in the procurement law of Kenya.Notwithstanding these provisions, the PMU will be accountable to MoWI.

The PMU is a transitional entity, extending until the end of 7-year Phase 1 of the project (KWSCRP-1). One of its important roles is to support Executing Agencies (EAs) – which would typically implement most project activities – in developing the required capacities for procurement, financial management, monitoring and evaluation, environmental and social safeguards implementation, and investment and activity implementation so that a number of EAs will become qualified implementing agencies.

The core functions of the PMU is coordination and facilitation, fiduciary (procurement and financial management), environmental and social safeguards supervision, monitoring and evaluation (M&E) and impact evaluation (IE), annual work programming and budgeting, and reporting.

* 1. **Coastal Region Water Security and Climate Resilience Project (KWSCRP-2)**

A second operation under the program is the Coastal Region Water Security and Climate Resilience Project (KWSCRP-2) in the form of a credit of US$ 200 million focusing on significantly increasing access to water and sanitation in the coastal region. KWSCRP-2 has 2 main components supporting the project development objective: (i) Component 1 - Mwache Dam and Related Investments; and (ii) Component 2 - Kwale County Development Support. In addition, Component 3 - Project Management will support project implementation.

The Government intends to apply part of the proceeds to payments for consulting services to be procured under this credit.

1. **Overall Project Institutional and Implementation Arrangements** 
   1. **Role of the MoWI:**

he Ministry of Water and Irrigation (MoWI) is the implementing agency of the project through the Project Management Unit (PMU) whose core functions are coordination and facilitation, fiduciary (procurement and financial management), environmental and social safeguards supervision, monitoring and evaluation (M&E) and impact evaluation (IE), annual work programming and budgeting, and reporting.

* 1. **Role of the PMU**:

As the implementing agency of the project, the Ministry of Water and Irrigation (MoWI) has established a Project Management Unit (PMU) which, in addition to other responsibilities, has delegated procurement and financial management responsibilities; The PMU remains accountable to MoWI. The PMU as a transitional entity has as one of its important roles to support EAs –implementing most project activities – in developing the required capacities for procurement, financial management, monitoring and evaluation, environmental and social safeguards implementation, and investment and activity implementation. It is expected that during the course of the project, a number of EAs will become qualified implementing agencies.

* 1. **Role of the PIUs:**

PIUs are responsible for the execution of sub-component activities under the coordination of the PMU PM. Sub-component PMU Leads assist the PM in this coordination.

1. **Objectives of the Consultancy**

**The Post: Chief Operations Officer**

The objective of this consultancy assignment is to help the Project Manager (PM) to put in place effective project implementation management and quality assurance systems, and advise and assist the PM and the implementing agency on effective implementation of the management system.

Assist in Planning, Monitoring, Tracking and Reporting to and being auxiliary to the PM, the **Chief Operations Officer (CTO)** will coordinate and provide technical support in the implementation of all components of KWSCRP.

**4.1 Key responsibilities and Scope of Services:**

This consultancy assignment covers assistance and advisory services to the PM, ranging from project planning/programming, management control (including cost control), organizing technical reviews and quality control/oversight (including contributing towards preparation of technical specifications of bidding documents), resolving challenging technical design & construction issues such as the Mwache Dam, Lower Nzoia Irrigation and Flood Protection Infrastructure, Water Resources planning, and water supplies and sanitation, tracking critical project activity progress (time control) and reporting, as well as in supporting decisions to resolve contractual and technical issues. The focus of the assignment is on KWSCRP-1 & 2. It consists of the following main tasks.

***Task 1. Project Implementation Management System***

The consultant working with PM and other staff of the PM, other PMU team members and EAs will help design/set up a project implementation management system for the project in line with the project Financing Agreements and pertinent government regulations, and advise the PM on its implementation in an integrating and enabling agent. The system covers the following sub-systems:

(a)    Project Administration Sub-System

(b)   Technical/Quality Management Sub-System

(c)    Planning, Programing, Monitoring and Reporting Sub-System

(d)   Procurement and Contract Management Sub-system

(e)    Social and Environmental Safeguards Mgmt. Sub-system

(f)    Financial Management Sub-system

***Task 2. Project Planning/Programming, Monitoring, Tracking and Reporting***

This task involves project activity implementation planning and scheduling, establishing agreed business delivery standards and accountability systems thereto, annual work programing, procurement planning, budgeting, etc.  It also includes necessary updating of the Project Implementation Manual (PIM) and review and endorsement of construction/implementation schedules and work plans, and training/capacity building programs prepared by the construction and/or construction supervision teams, as well as EAs of different components/sub-components. The consultant is expected to work closely with different specialists of PMU/PIUs/etc and serve as an INTEGRATOR to enable effective and efficient project implementation (without the intension to replace the specialists’ roles). The key role of the incumbent is to establish good system and practice of activity tracking and progress monitoring system to achieve the project objectives in good quality and time. The consultant is to assist the PM so that the management system will provide each actor a defined responsibilities and accountabilities and standard business delivery discipline, in which failure of not meeting deadlines and qualities will hold one accountable.

Project monitoring, tracking and reporting covers progress monitoring and reporting (physical and financial), project results monitoring based on the agreed results framework indicators and targets, and special purpose monitoring and reporting (e.g. environmental monitoring and monitoring/reporting of RAP and ESMP implementation).

***Task 3.  Technical and Quality Management***

This task involves advice on establishing the quality control system and process for the entire projects and each component, and assistance in organizing and carrying out required technical reviews concerning the following:

(a)    Quality assurance mechanisms at project, component and contract levels

(b)   Project-cycle quality assurance arrangements:  proposal/ToRs ---feasibility/design study --- bidding document --- construction/ implementation --- completion acceptance --- O&M arrangements

(c)    Multi-layer quality control system for construction works:  Contractor, Supervision Engineer, Owner/Government

(d)   For main consultancies: Arrangements for reviewing Consultants’ outputs (e.g. design reports, Engineer’s recommendations, basin plans, master plans, study reports, O&M plans and capacity-building/training plans) and performance

(e)    Project records and files management

***Task 4. Technical Support to Procurement and Contract Management***

The consultant will work closely with the procurement/contract management consultants and technical staff to support and advise PM on procurement and contract management. He will focus on the technical aspect of those activities such as preparation/review of ToRs, technical specifications, technical proposals, technical parts of the bids, contracts, major contract variations and claims.

***Task 5.  Contributions to Government Project Staff Capacity building***

This involves coaching and providing or organizing essential project implementation management related training, as well as helping make sure that the on-the-job training as part of consultancy contracts under the project is effectively implemented.

**4.2 Deliverables**

The deliverable includes: (a) design and operationalization of a project implementation system (including arrangements, staffing, responsibility division, agreed business delivery standards, coordination, monitoring and reporting mechanism) for time, quality and cost control; (b) work plans/implementation programs; (c) progress reports and review reports; and (d) other project management and technical documents which the client may reasonably requests the consultant to prepare.

1. **Qualifications and Experience**

The Chief Operations Officer (COO) is required to have the following qualifications and work experience:

The candidate should be an effective integrator, good planner and convincing communicator, with at least 7 years’ experiences (including the past 3 years) in managing as team leader and/or advising as chief technical and Operational or equivalent on implementation of major water projects, integrated water resources management and planning, and aspects of policy and institutional development funded by the World Bank. S/he should be a solid technical professional and have over 15 years’ work experiences in implementation (feasibility study, design or supervision), technical assistance to implementation or implementation supervision of large scale integrated water resources development projects (involving water storage, irrigation and flood management). The candidate should be very familiar with World Bank project cycle, related policies and requirements. S/he should have an advanced degree in civil engineering, water engineering, projects management or related discipline with a focus on water resources development from a reputable university. The candidate should be an effective integrator, good planner and convincing communicator.

1. **Place of Work**

The COO will be working in offices provided by MoWI for PMU. He/she will need to be in frequent direct contact with the various consultants, including the team of specialists hired by the Government of Kenya to support the specific Project activities.

1. **Time-frame, Duration and Commencement of the Consultancy**

The duration of the assignment is up to 36 months, with an initial duration of 12 months subject to a 3-month probationary period with a performance review, followed by annual reviews before extension for subsequent 12-month durations up to its maximum duration. The consultancy is expected to commence in December 2016.

1. **Reporting Scheme**

The COO will be a full time member of the Project Management Team and will report directly to the Project Manager. The consultant will work in close collaboration with the PM/Ministry and the EAs, consultants, contractors and other stakeholders engaged in project implementations, and will be expected to travel often.

1. **Remuneration and Payment Schedule**

Remuneration will be based on international competitive rates for this specific specialized field of knowledge and will reflect the selected candidate’s area of expertise and relevant work experience, provided he or she has satisfactorily fulfilled all requirements to become a candidate for this Consultancy.

The COO will be paid on a monthly basis, based on schedules agreed at the negotiation stage. The actual calendar of payments and specific amounts to be paid per month will be disclosed by the Project Manager. Costs incurred by the COO in the realization of duty will be agreed upon in advance with the Project Manager and should abide to the regulations established by GoK and/or WB for this type of disbursements. Costs will be reimbursed upon submission of a statement of expense and supporting documentation that thoroughly complies and satisfies the aforementioned regulations.

1. **Selection Method**

Selection of an Individual Consultant in accordance with World Bank’s *Guidelines for Procurement under IBRD Loans and IDA Credits* dated January 2011, and the *Guidelines for Selection and Employment of Consultants by World Bank Borrowers* dated January 2011.