



RURAL ELECTRIFICATION AGENCY

ENERGY ≠ EMPOWERMENT ≠ EFFICIENCY

NIGERIA ELECTRIFICATION PROJECT

**TERMS OF REFERENCE (TOR) FOR THE CONSULTANCY SERVICES FOR THE CONDUCT OF
ANNUAL ENVIRONMENTAL AND SOCIAL COMPLIANCE AUDIT FOR THE ENERGIZING
EDUCATION PROGRAMME PHASE III UNDER THE NIGERIA ELECTRIFICATION PROJECT
(NEP), BEING IMPLEMENTED BY THE RURAL ELECTRIFICATION AGENCY**

FEBRUARY 2025

TERMS OF REFERENCE (TOR)

1. INTRODUCTION/ BACKGROUND

The Federal Government of Nigeria (FGN) has received financing from the African Development Bank Group (AfDB) for the Nigeria Electrification Project (NEP) and intends to apply part of the proceeds for the Consultancy Services for the preparation of Annual Environmental & Social Compliance Audit for the Phase III of the Energizing Education Programme (EEP).

The annual environmental and social compliance audit for the Energizing Education Programme Phase III (EEP 3) under the Nigerian Electrification Project (NEP) aims to assess the environmental and social impacts of the project, ensuring compliance with both National and International standards. The audit will be conducted in accordance with the African Development Bank (AfDB) Environmental and Social Safeguards Standards and Federal Ministry of Environment (FMEnv) regulations. The audit will cover the eight (8) project locations in the EEP III beneficiary universities located in Owerri (Imo State), Uyo (Akwa-Ibom State), Port Harcourt (Rivers State), Yola (Adamawa State), Dutsin-Ma (Katsina State), Lafia (Nasarawa State), Lokoja (Kogi State), and Akure (Ondo State), in Nigeria.

2. DESCRIPTION OF THE PROJECT

The Nigeria Electrification Project (NEP) is focused on practical, medium-term opportunities to significantly upscale electricity access through off-grid with different components. i.e. **Component 1: Solar Hybrid Mini Grids for Rural Economic Development; Component 2: Productive Use Appliances and Equipment** and **Component 3: The Energizing Education Programme (EEP).**

Component 3: Energizing Education Programme (EEP)

This EEP initiative will provide off-grid captive power plants for the generation and provision of dedicated and uninterrupted power supply to thirty-seven (37) Federal Universities and seven (7) adjoining university teaching hospitals ("UTHs") across the six Geopolitical zones in Nigeria.

The socio-economic benefits attached to this clean and reliable energy access intervention are significant and largely impact not just the power, education and healthcare sectors but also serve as means of ensuring that Nigeria achieves its targets as contained in Nigeria's Nationally Determined Contributions (NDCs) towards reduction of greenhouse gas (GHG) emission under the Paris Agreement.

The EEP is a key programme developed towards achieving the objectives to the Power Sector Recovery Program. The Federal Executive Council has successfully approved the PSRP on the 22nd March 2017.

The project is being implemented in phases and this ToR is for the Phase III of the EEP, which consist of eight (8) beneficiary universities. The scope of the EEP Phase III projects also includes the provision of streetlights within the university campuses, as well as renewable energy training program for electrical students. The university solar power

plants will use solar off-grid system ranging from 1 MW to 10 MW and are being implemented in phases.

Towards ensuring best practice and compliance with the NEP Environmental and Social Management Framework (ESMF) and the Environmental Impact Assessment (EIA), this ToR specifically focuses on (i) the compliance in acquisition of the necessary Federal Ministry of Environment approvals, and following up with its requirements; and (ii) achieving compliance with African Development Bank's Integrated Safeguards System.

3. STATUTORY LEGAL AND ADMINISTRATIVE FRAMEWORK

The statutory (legal and administrative) frameworks within which the consultancy activities shall be executed are provided in the following regulations, guidelines and standards (Note: these regulations are not exhaustive):

- African Development Bank's Integrated Safeguards System (ISS).
- The regulations, guidelines and standards of the Federal Ministry of Environment concerning power generation and transmission activities in Nigeria.
- The regulations, guidelines and standards of the Federal Ministry of Power as it concerns high voltage power transmission in Nigeria.
- All International Conventions/Treaties on Environmental Protection/Social Welfare to which Nigeria is a party.
- The regulations, guidelines and standards of the various State Ministries of Environment and Social Welfare.

4. OBJECTIVES OF THE ASSIGNMENT

Following the completion of the Environmental and Social Impact Assessment for the EEP III sites, the REA has obtained necessary approvals from the Federal Ministry of Environment (FMEnv), and clearance from the African Development Bank (AfDB) to commence project site works and construction. As the Engineering, Procurement and Construction Contractors mobilized to site and commenced construction works, the requirements of the Environmental and Social Management Plan are being implemented, it is necessary to review the implementation of the ESMPs in accordance with the FMEnv and AfDB Environmental and Social requirements and standards.

The primary objectives of the Annual Environmental and Social Compliance Audit Consultancy are:

- **Compliance Assessment:** To evaluate the alignment of EEP III activities with the AfDB's Integrated Safeguards Standards (ISSs) and FMEnv regulations.
- **Environmental and Social Performance Review:** To assess the environmental and social performance of the project and identify any adverse impacts.
- **Risk Identification and Mitigation:** To identify environmental and social risks and propose effective mitigation measures.
- **Stakeholder Engagement:** To engage stakeholders and affected communities, ensuring their concerns are adequately addressed.

- **Reporting and Recommendations:** To provide a comprehensive report detailing the audit findings and corrective actions.

5. Audit requirements/criteria

- The E&S requirements of the loan/grant agreements;
- The applicable national E&S legislations, regulations, norms, standards, and procedures;
- The requirements of the Bank's ISS;
- Approved and/or published project environmental and social documents, including aide-memoires and project progress reports, etc.;
- The Good International Industrial Practices (GIIP) of the Project's sector, if any.

6. SCOPE OF THE ASSIGNMENT AND GENERAL APPROACH

The scope of work for the Annual Environmental and Social Compliance Audit includes the following key tasks:

6.1 Compliance Assessment

- Evaluate the overall project activities against AfDB and FMEnv environmental and social standards.
- Visit and assess the applicable environmental and social safeguards instrument adopted for implementation in the eight (8) beneficiary universities listed as follow:
 - Modibbo Adama University Yola,
 - Federal University Dutsin-Ma,
 - Federal University Lafia,
 - Federal University Lokoja,
 - Federal University of Technology Owerri,
 - University of Port Harcourt,
 - University of Uyo, and
 - Federal University of Technology Akure, to
- Identify compliance gaps and recommend corrective actions.

6.2 Environmental and Social Performance Review

- Assess biophysical/ environmental impacts such as soil, air, and water quality, waste management, and biodiversity.
- Evaluate social impacts including community health, land use, displacement, and socio-economic benefits.

- Social baseline information including gender and disability dynamics of the project area.
- Where and if applicable, conduct Laboratory analysis of soil, air and water samples in a FMEnv. accredited laboratory.

6.3 Stakeholder Engagement

- Conduct consultations with stakeholders, including local communities, project beneficiaries, and regulatory bodies.
- Assess the effectiveness of grievance redress mechanisms and propose improvements.
- Assess the effectiveness of gender based violence procedures adopted for the project and propose improvements.

6.4 Risk Identification and Mitigation

- Identify environmental and social risks associated with the project and propose mitigation measures based on best practices.

6.5 Identification of Institutional Legislation and Regulatory Requirement

- Identify Bank ISS requirements relevant to the project, including social risks (GBV/SEAH, Forced Labour, Child Labour, Modern Slavery, etc.), vulnerability/adaptation to climate change.
- Identify the applicable national legislations, regulations, norms, standards, and procedures, including national legal Authorizations, Permits and Certificates required prior to actions.
- Analyze available reports on the project including the project appraisal report, the Loan/grant agreements, the project periodic implementation reports, the aide-memoires, any relevant documentation, and records available and necessary for the assessment of the project E&S performance.
- Organize an opening meeting with the project team (borrower/client) and, if applicable, representatives of the project implementing agency, contractors, supervising engineers, third-party monitoring actors, etc.
- Organize an opening meeting with the Bank's project team.
- Determine and agree on the scope, methodology and specific set of criteria for the compliance audit with the Project Implementation Entity.
- Update/analyze the actual/effective capacity of the project team (borrower/client) in relation to the management and monitoring of the implementation of agreed mitigation measures and related E&S documents applicable to the project.
- Hold consultation(s) with the relevant regulatory agencies and stakeholders (including but not limited to the project implementation unit (PIU), local beneficiaries, project affected persons, civil society, government ministries, and contractors, etc.), on the status of the project with respect to identified E&S risks and impacts as well as planned

6.6 Monitoring and Reporting Framework

- Review and enhance existing environmental and social monitoring frameworks.
- Develop key performance indicators (KPIs) for ongoing monitoring and reporting.

6.7 Capacity Building

- Assess the capacity of project staff and stakeholders (EPC contractors and Project Owners Engineer Safeguard Officers) to manage environmental and social risks.
- Propose training and capacity-building initiatives where applicable.

6.8 Final Reporting

Develop a detailed site-specific Environmental and Social Compliance Audit Report, including an executive summary, findings, and recommendations. The report shall be prepared and delivered in this order:

- Submission of Draft Audit Reports to the E&S unit of REA-PMU and AfDB (e-copy and 2 hard copies per Lot)
- Submission of final audit report after revision of REA-PMU's and AfDB's comments (e-copy and 2 hard copies per Lot).

7. REPORTING AND DELIVERABLES

The Consultant is expected to work closely with and report to the E&S unit of the PMU and, other members of the AfDB-NEP Team towards successfully executing the assignment.

The main deliverable from this exercise will be annual E&S performance audit report, including a Corrective Action Plan (CAP). The audit report should provide information that will enable the Rural Electrification Agency, Bank and AfDB-NEP team to identify and prevent environmental and social risks that are not sufficiently considered, with a view to their correction and the prevention of reputational risk. Clear recommendations (executable, measurable, cost, timelines, responsibilities) should be formulated to prioritize and develop the corrective action plan (CAP) for its efficient implementation.

S/N	DELIVERABLES	TIMELINE (After contract signing in weeks)	PAYMENTS (%)
1	a. Inception Report: Work plan, methodology, timeline, and stakeholder engagement plan.	2 Weeks	10

	b. Compliance Matrix: Matrix comparing project activities with AfDB and FMEnv standards.		
2	A. Draft Report: The Consultant shall prepare a draft Compliance Audit report in line with indicative outline of an annual environmental and social compliance audit report contained in annex 1.	8 Weeks	60
3	A. Final Environmental and Social Compliance Audit report: A comprehensive final report incorporating feedback from stakeholders.	12 Weeks	30

8. FIRM'S QUALIFICATION / COMPETENCY AND EXPERTISE REQUIREMENT

The Consultant must have at least 10 years post incorporation experience and shall be duly registered with the Federal Ministry of Environment. The firm must have:

- In-depth understanding of, and experience with, the existing regulatory regime and personnel associated with review and approval of environmental projects in Nigeria;
- Experience in undertaking environmental and social assessment in compliance with Multilateral Development Institutions such as African Development Bank, world Bank etc.
- Extensive experience in supporting and undertaking the production of reports and related documents that are comprehensive, understandable and address the needs of the regulatory and review processes;
- In-depth understanding of key issues that are of importance to all stakeholders, including resettlement and livelihood restoration issues in the Nigerian context, and regulators and a proven track record in effectively engaging these groups in the project processes through consultation; and
- A proven record and experience of several successfully completed environmental and social projects in Nigeria

The Consultant shall provide experienced personnel to carry out the assignment with the following minimum qualifications:

SN	Personnel – E&S Audit	Qualifications	Experience in year
1	Team leader/ Environmental	MSc. in Environmental Management, Natural	<ul style="list-style-type: none"> – At least 10 years' post-graduation experience. – 7 years' specific experience

		sciences or related sciences	<p>in conducting environmental and social audit, ESIA and compliance assessment.</p> <ul style="list-style-type: none"> - Participation in similar role in at least two multi-lateral funded projects in the last 5 years.
2	Social impact consultant	MSc. in Social sciences, Sociology or Development Studies	<ul style="list-style-type: none"> - At least 7 years' post-graduation experience. - 5 years' specific experience in social impact assessment, community/ stakeholder engagement. - Participation in similar role in at least one multi-lateral funded projects in the last 5 years.
3	Institutional development expert	MSc. in Development studies, Social sciences, Public Administration, or Business administration	<ul style="list-style-type: none"> - At least 7 years' post-graduation experience. - 5 years' specific experience in institutional development, governance reforms, capacity building, or public sector management, and stakeholder engagement. - Participation in similar role in at least one multi-lateral funded projects in the last 5 years.
4	Environmental officer (assistance)	BSc or HND in Environmental Management, Natural sciences, or related sciences	<ul style="list-style-type: none"> - At least 5 years' post-graduation experience. - 3 years' specific experience in environmental monitoring and field work. - Participation in similar role in at least one multi-lateral funded projects or its equivalent in the last 3 years.
5	Social officer (assistance)	BSc (or equivalent) in Social sciences, Sociology, Community development or related field	<ul style="list-style-type: none"> - At least 5 years' post-graduation experience. - 3 years' specific experience in social impact monitoring, socio-economic survey, community/ stakeholder

			<p>engagement and other related field work.</p> <ul style="list-style-type: none"> - Participation in similar role in at least one multi-lateral funded projects or its equivalent in the last 3 years.
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9. ONBOARDING OF CONSULTANT

In addition to the project supervisory and other responsibilities contained in this assignment, the client shall provide the Consultant with the following project documents:

- Relevant project documents - ESIA reports of all beneficiary universities, design drawings, maps, route surveys.
- Support in interacting with relevant stakeholders

10. DURATION OF THE ASSIGNMENT

The Consultant shall prepare time schedules/ work plan to be submitted to the E&S unit of the PMU in accordance with this TOR. The time frame for the entire consultancy services is within twelve (12) weeks (3 months) of contract signing. The contract is renewable for next year audit upon satisfactory performance.

11. TRANSFER OF KNOWLEDGE

The Consultant shall closely work with E&S unit of the PMU and other members of the PMU to transfer all relevant knowledge required.

12. SELECTION METHOD

Consultant will be selected in accordance with the Least Cost Selection (LCS) set out in the AFDB procurement framework for group funded operations, October 2015. www.afdb.org

13. COPYRIGHT AND OWNERSHIP

All materials, finished and unfinished, including the audit reports, will be owned by the Rural Electrification Agency. The Consultant shall maintain confidentiality of all information received from the Rural Electrification Agency concerning all data and insights obtained during the course of the project.

Annex 1

INDICATIVE OUTLINE OF AN ENVIRONMENTAL AND SOCIAL PERFORMANCE AUDIT REPORT (ESPA)

- A. **Name of Client:** Signatures of the audit team members and the representative of the auditee
- B. **Audit Team:** xxxxx
- C. **Executive Summary:** Summary of all significant environmental and social non-conformance and issues of concern and the conclusions and recommendations.
- D. **Contents:** The contents of the report should include the following sections:

1. Introduction

Client and auditee

2. Project Description

Concise description of the project, the project institutional arrangement, the area / location and past and current operations. The description should focus on project components, activities and processes that are sources of environmental and social aspects/risks.

3. Audit Objective, Scope, and Criteria

4. Audit Process and Methodologies

Audit Plan: The date of the audit and brief description of the process e.g., pre-audit activities, on site audit activities including site inspection, interviews and document reviews and post audit activities. Exceptions and deviations from the audit plan.

5. Findings

List of Findings: This chapter contains the individual findings of the audit subdivided in:

- *Non-compliance*
- *Issues of concern*

The above sections (non-compliance, issues of concern) may be subdivided with headings based on the type of issues (environmental and social) or the type of criteria applied.

6. **Corrective Action Plan (CAP):** A comprehensive matrix, including the cost and deadline of each action.

7. **Conclusions:** Contains conclusions based on aggregated level, criticality, or significance of the individual findings in relation to the audit objectives, scope or criteria.

8. **Recommendations:** Contains (a set of) recommendations supplemental to the Corrective Action Plan.

9. Annexes

- a) Project organization chart (auditee)
- b) Area, location chart
- c) *Criteria (detailed list of the criteria)*

- d) *Register of documents*
- e) *Register of interviews*
- f) *Register of observations*
- g) Any other key documents, photo's, notes e.g. that support the findings (evidence)
- h) References (papers, standards, etc.)
- i) List of interviewees.