

AIDE MEMOIRE

Kenya Development Response to Displacement Impacts Project (KDRDIP) (P161067) First Implementation Support Mission: October 2-6, 2017

A. Introduction

1. A World Bank Implementation Support Mission¹ (ISM) to Kenya as part of the Regional Operation on Development Response to Displacement Impacts Project (DRDIP) was conducted from October 2-6, 2017.

2. DRDIP Kenya which seeks to mitigate the social, economic and environmental impacts of protracted refugee presence in five sub-counties of Garissa, Turkana and Wajir Counties in Kenya was approved by the Board on April 26, 2017 and declared effective on June 28, 2017. This was the first ISM in which the mission conducted a review of: (i) the preparatory activities undertaken so far to agree on specific actions to accelerate implementation, (ii) the staffing of project coordination units at all levels with suitably qualified technical experts, (iii) the adequacy of fiduciary arrangements in place for project implementation, (iv) the status of implementation of the first 18-month procurement plan, and (v) monitoring and evaluation arrangements to be established under the project.

3. During the mission, the Bank team held discussions with the National Project Implementation Unit (NPIU) led by Dr. Anne Kinyua (National Project Coordinator) and Marianne Jordan (National Project Manager). Ruth Mbuli (Assistant Commissioner) and David Mwanzia (Conservator of Forests) from Garissa County also participated in the discussions. UNHCR was represented by a team led by Ivana Unluova, Assistant Representative (Programme) UNHCR Kenya. A debriefing meeting was held with Joseph Kinyua, Chief of Staff, Executive Office of the President and Head of Civil Service on October 6, 2017. This Aide-Memoire summarizes the key issues discussed and agreements reached with the Government of Kenya (GoK) team and is subject to Bank Management endorsement. See Annex 1 for agreed actions, Annex 3 for mission participants and Annex 4 for the final mission agenda.

B. Key Issues and Agreed Actions

4. The mission identified three major areas that need concerted and expedited action:

a) Slow take off and no disbursements for three months of project effectiveness:

- *Establishment of project accounts at national and county levels.* The mission was informed that the Designated Account (DA) and Project Accounts (PAs) are yet to be established which has prevented funds flow and disbursements.

Agreed Action: DA and PAs to be established immediately.

¹ The Bank team comprised of Messrs/Mmes: Varalakshmi Vemuru (Senior Social Development Specialist and Task Team Leader), Gandham N.V Ramana, (co-Task Team Leader); Lisa Schmidt (Social Development Specialist); Josephine Kamau (Senior Financial Management Specialist); Joel Munyori (Senior Procurement Specialist); Vanessa Tilstone (Social Safeguard Specialist); Ben Okindo (Environment Specialist); Ashutosh Raina (Livelihoods Consultant); Pallavi Sengupta (Monitoring and Evaluation Consultant); Emma Mistiaen (Senior Social Protection Specialist); Nadia Salim (Social Protection Specialist); Hope Nanshemeza (Team Assistant); and Dorothy Morrow Akikoli (Program Assistant).

- *Acceleration of Procurement.* The mission observed that key procurement activities agreed as part of the 18-month Procurement Plan are delayed, impacting project implementation.

Agreed Action: A full-time Procurement Specialist will be assigned, necessary additional handholding organized, and adequate arrangements put in place to expedite procurement under the project including prompt approvals immediately.

- *Achievement of dated covenants.* The mission highlighted that dated covenants related to the establishment of County Steering Committees, County Integrated Project Implementation Units (CIPIUs) and recruitment of auditors for each of the targeted counties need to be achieved by December 28, 2017 – six months of project effectiveness.

Agreed Action: Necessary steps to expedite achievement by December 28, 2017

b) The Community Driven approach adopted by the project requires strong county ownership:

- *Constitution of the National Project Steering Committee (NPSC) and holding its first meeting.* The mission emphasized the importance of convening the National Project Steering Committee under the chairmanship of the Head of Civil Service at the earliest to ensure county ownership and their active participation in project implementation including the identification of a county focal point for the project.

Agreed Action: NPSC will be established and first meeting convened by October 30, 2017. A project launch is planned for November 2017.

- *MoU with participating counties.* The mission was informed that the NPIU is working on finalizing the draft of the MoU to be signed with the participating counties following which county project accounts will be established.

Agreed Action: To be completed by October 30, 2017

c) Stronger coordination role of the NPIU to support project implementation at county and sub-county levels and community participation:

- *Role of the NPIU.* The mission clarified that the NPIU will provide strategic guidance, coordinate project implementation by the CIPIUs, and provide the necessary oversight on fiduciary, safeguards and monitoring and evaluation aspects through respective staff. Additional sectoral/technical support will be channeled through the Technical Committees at the national and county levels. In order to guide implementation at the sub-county and community levels, the mission emphasized the finalization the Project Implementation Manual (PIM) and Community Operations Manual (COM) in consultation with county teams.

Agreed Action: Final drafts of the PIM and COM will be submitted for World Bank review by November 30, 2017 and finalized by December 15, 2017.

- *Establishment of county and sub-county implementation structures.* The mission discussed the urgency of recruiting County Project Coordinators to work with the County Focal Points and establishing CIPIUs in the three project counties to expedite project implementation at the community level. The mission was supportive of the NPIU's proposal to locate the County Project Coordinators and CIPIUs at sub-county level in Turkana West, Wajir South and Dadaab sub-counties to ensure greater interaction with target communities and better coordination with the sub county administration.

Agreed Action: The NPIU will share the final TORs for CIPIU members for formal clearance by the World Bank.

- *Contracting of Facilitating Partners.* It was agreed that qualified and competent NGOs familiar with the local communities will be contracted expeditiously in close consultation and collaboration with counties to ensure socially and culturally informed and appropriate facilitation and support of the community-level processes.

Agreed Action: FP recruitment by December 30, 2017

C. **Fiduciary and Safeguards**

5. **Procurement:** The mission discussed the implementation of procurement activities financed under the project and agreed upon the following (details in Annex 2):

- *Application of Procurement Regulations:* To ensure that there is clarity on the applicable procurement regulations to be used, the mission reiterated that procurement for the project will be carried out in accordance with the World Bank Procurement Regulations for IPF Borrowers dated July, 2016.
 - *Implementation of the Procurement Plan:* The mission noted with concern that implementation of the procurement plan and by extension, the project, has been delayed and in some cases reflecting activity delays of more than 100 days in STEP. This is unacceptable and appropriate actions to improve procurement performance must be taken, including but not limited to hiring of additional qualified staff to avoid further project implementation delays. A General Procurement Notice (GPN) for the project will also be prepared and published upon approval by the Bank.
 - *Hands-On Expanded Implementation Support:* The government delegation sought to know if the matter of additional technical and procurement hands-on support discussed during project preparation can be revisited. The mission advised that a formal request from the government would be required to restart the process.
 - *Compliance with the National Public Procurement and Asset Disposal Act 2015 (PPADA):* The mission noted that Article 6(1) of the PPADA 2015 exempts Bank financed operations from following the PPADA, and as such all Bank funded projects shall follow the Bank's Procurement Regulations for IPF Borrowers. In this regard, the requirement to have signed professional opinion by the Head of Procurement as per Article 84(1) of the PPADA does not apply to Bank financed operations but instead, such opinion should be provided by the Project Procurement Specialist through the Project Coordinator in accordance with the agreed implementation arrangements stipulated in the Financing Agreement.
 - *Project Implementation Support Personnel:* Project implementation staff contracted and/or seconded to support project implementation shall be selected according to the government's personnel hiring procedures acceptable to the Bank. However, hiring of individual consultants required to support the NPIU or CIPIU and identified in the Financing Agreement shall follow the Bank's Procurement Regulations.
6. **Financial Management & Disbursement:** The project is yet to open the US\$ Designated Account and the Kshs Project Accounts. In addition, the Client Connection registration form has not been submitted back to the Bank to enable creation of the organization in the system. These two are very important for disbursement of funds and without them, the project cannot request for the initial advance despite the project being effective for three months. Once the Organization is registered in Client Connection, the selected users (accountant mandatory) for the project should register in Client Connection for access to the portal. It was agreed that once the Client Connection setup of the organization and users was completed, the World Bank

would provide the project with a session on the use of Client Connection. During the mission, the NPIU financial management team queries and considerations were addressed, ensuring that the project kicks off with the required knowledge of what is expected after the initial advance is completed. The NPIU should fast track the recruitment of the county auditors to fulfill the dated covenant 6 months after effectiveness.

7. *Social Issues and Safeguards:*

- The project triggered World Bank policies OP 4.10 on Indigenous People and OP 4.12 on Involuntary Resettlement. Thus, an expanded Social Assessment, a Vulnerable and Marginalized Group Framework, and a Resettlement Policy Framework were developed which provide a basis for the project design and safeguards process and thus should be circulated among the team and recommendations integrated into the PIM and COM.
- Given the complex and diverse social context and social risks in the project areas, there is an urgent need to recruit a Social Development and Social Safeguards Expert experienced in the project areas to work with other members of the NPIU. This Social Specialist will spearhead the community development approach, and ensure that gender, conflict sensitivity and inclusion issues are mainstreamed, alongside the social safeguards process. The Social Specialist will also be responsible to train and mentor sub-county stakeholders including Facilitating Partners and help facilitate initial community needs assessments as well as quality assurance and oversee compliance with the approved social safeguards process.
- The safeguards process should adapt and learn from community mobilization and engagement strategy from ongoing World Bank supported CDD operations, particularly the RPLRP program. It should ensure community mapping and inclusive in depth participatory processes including community screening for environmental and social impacts, extensive agreement on investments on community land, equity in benefits particularly among marginalized groups and accessible and trusted grievance redress mechanisms.
- The community engagement plan should be complimented by a robust communication plan indicating appropriate messaging on the project to different stakeholders using appropriate mechanisms/tools at regular intervals in the project.

8. *Environmental Issues and Safeguards.*

- The mission clarified the commitments for environmental safeguards as specified in the Environmental and Social Management Framework (ESMF) instrument, that include: (i) screening of the identified subprojects, (ii) preparing of the supplementary environmental safeguards instruments i.e. ESAs/or ESMPs, (iii) supervision and monitoring of the subprojects to ensure compliance, and (iv) reinforcing the capacity of the NPIU and CIPIUs. The mission requested that all supplementary safeguards instruments to be prepared by the NPIU and the CIPIUs should be submitted to the World Bank for review, clearance and disclosure before civil works commence.
- *Environmental safeguards staff capacity:* The National Environmental Management Authority (NEMA) has seconded a full time Environmental Safeguards Specialist to provide environmental safeguards support to the NPIU and coordinate the implementation, monitoring and reporting of environmental safeguards with the CIPIU teams. The mission was also informed that the NPIU is in the process of recruiting Environmental Safeguards Officers to support the CIPIUs and they will be based at the sub-county level and will be onboard to by

the end of November 2017.

- *Training and capacity building for the safeguards staff:* The World Bank environmental safeguards team will organize short and targeted safeguards training sessions to capacity build both the NPIU and the CIPIU safeguards staff to ensure their ability to identify and manage environmental and social risks and impacts in the project is enhanced.

D. Others

9. ***Potential additional resources including the IDA 18 Refugee Window.*** The mission also informed the GoK on a potential \$10 million Grant that the Danish Government (DANIDA) is proposing to support the DRDIP in Kenya. The mission also highlighted that Kenya is eligible for funding under the IDA 18 Refugee Window owing to the large refugee population it is currently hosting. In order to access these funds, the mission informed that the following steps are required: (i) preparation of a GoK Action Plan towards long-term strategies that benefit both refugees and host communities, (ii) a formal request from the GoK for additional funding for the DRDIP in Kenya to the World Bank; (iii) a Board Consultation Note prepared by the World Bank, and (iv) a supporting note from UNHCR. A separate mission to support preparation of such a package will be scheduled in November 2017 in consultation with the GoK.

10. ***Monitoring & Evaluation (M&E) and Management Information System (MIS).*** The mission discussed the key M&E arrangements to be established at this stage of project implementation, namely the establishment of the MIS, the preparation of the M&E Manual and the implementation of the baseline survey. The procurement of the baseline survey has started and is currently at Expression of Interest (EOI) stage. The mission agreed that TORs for the MIS and the M&E manual will be drafted by October 16, 2017 and shared with the World Bank for review and clearance. The NPIU includes an M&E Expert. At the level of the CIPIUs, it was agreed that the County Project Coordinators will also undertake the M&E function. The mission agreed that the M&E manual will further detail M&E roles and responsibilities, including of other actors at the county level in support of the County Project Coordinator.

11. ***Labor-Intensive Public Works.*** Preparation for the Labor Intensive Public Work (LIPW) activities under Component 2 on Sustainable Environmental and Natural Resource Management is progressing well. Technical assistance has been brought on board to support the NPIU to develop Operational Guidelines for the LIPW. The guidelines provide the broad principles of procedures, requirements, standards, and code of practice for the planning, implementation, monitoring and evaluation of the LIPW activities. It is a tool to support the NPIU and the CIPIUs, as well as relevant county government officials, line ministry officials at the national and local level, community members, and other stakeholders involved in implementation of the Project. The guidelines have been validated and finalized through a stakeholders' workshop comprising of the NPIU, relevant national and county level line ministries, representatives of the three county governments, and development partners. Efforts are now needed to ensure that these guidelines and the overall PIM for the project (currently being finalized) are aligned.

12. The guidelines highlight that while there are opportunities for leveraging on existing LIPW type activities in the target locations, no national level implementation structures, mechanisms or

coordination arrangements for LIPW exist in Kenya.² There is therefore need for additional efforts to initiate the LIPW activities and it will be particularly important for the Government to determine key parameters of LIPW, including targeting criteria, work norms and cycles for different types of LIPW activities, transfer levels and delivery options, mechanisms for payroll generation and payment frequency, among others. Moreover, given the diverse nature of the LIPW activities (i.e. road maintenance, nursery planting, drainage clearance), careful consideration is needed for LIPW specific monitoring and supervision structures to ensure that beneficiaries undertake and complete the work according to agreed standards, and are commensurately provided the accurate transfer amount on time. Therefore, the roles and responsibilities of the Facilitating Partners vis-a-vis the CIPIU and relevant county level line ministries need to be clearly defined. Similarly, the breadth and scope of the baseline survey and the MIS would need to ensure that LIPW specific indicators and modules are included. In particular, the LIPW module in the MIS should be linked with the Single Registry at the Ministry of East African Community, Labor and Social Protection, to enable information about beneficiaries to form part of this important central registry of beneficiaries for social protection. Given these various issues still to be clarified, there is need for a technical mission to support the Government in reaching agreement on key parameters and develop the technical guidelines and work norms for LIPW for each relevant sector (i.e. Agriculture, Livestock, Water etc.).

13. **Communication.** The mission acknowledged that there is need for carefully planning the messages, tools and modes for disseminating information on the project and its intended objectives and activities. The mission agreed that interpersonal communication and radio-based communication is more effective than printed materials, especially at the community level. The mission further highlighted that target audiences and the specific purpose of communication activities (e.g. the change of certain behaviors) need to be clearly defined. In addition, communication and feedback on handling of potential complaints and community feedback will also be incorporated into the project through a Grievance Redress Mechanism. The mission agreed that the NPIU will share a draft Project Communication Plan by October 20, 2017. The World Bank Communications Officer will provide support to the KDRDIP Communication Officer as needed.

14. **Partnerships.** The mission highlighted the strong need for coordination among stakeholders supporting activities in host communities in the three KDRDIP counties. A UNHCR team, including team members based in Kakuma and Dadaab, joined the mission to ensure close coordination between KDRDIP and the mission to update each other on progress on the implementation of KDRDIP and UNHCR operations. As per institutional arrangements agreed for the project, a UNHCR representative will also participate in the National and County Steering Committees. Similarly, the KDRDIP County Project Coordinators will participate in the upcoming planning meetings for the new UNHCR Kenya Comprehensive Refugee Programme. The mission further agreed to share national and county-level contacts for relevant World Bank projects in the KDRDIP project area with the NPIU to ensure greater coordination for implementation but also sharing of experiences and lessons learned.

² Plans are however underway, as part of broader efforts in the social protection sector, to develop National Guidelines for LIPW over the next two years to establish coherent and consistent approaches for relevant partners and line ministries to design and implementation of LIPW in Kenya.

E. Next Mission

15. It was suggested that the next mission take place in March 2018. In the interim, brief technical support missions may be agreed as and when required prior to the next implementation support mission.

Annex 1
First KDRDIP Implementation Support Mission
Agreed Actions

Actions	Completion Date	Responsibility
Overall Project Management		
Establish National Project Steering Committee	October 30, 2017	NPIU-Project Coordinator
Convene first meeting	As per the Chief of Staff schedule	
Share the final TOR for CIPIU members for formal clearance by the World Bank	Immediately	NPIU- Livelihood
Hiring of County Project Coordinators	October 31, 2017	NPIU-Project Coordinator
Establishment of CIPIUs	December 20, 2017	NPIU-Project Coordinator
Recruitment of Facilitating Partners	February 28, 2018	NPIU- Livelihood
Submission of Project Implementation Manual (PIM) and Community Operations Manual (COM)	November 30, 2017	NPIU – Project Manager
Meet dated covenants	February 28, 2018	NPIU-Project Coordinator
Finalize the MoU with project counties	December 31, 2017	NPIU-Project Coordinator
Procurement		
Publication of General Procurement Notice (GPN)	Immediately	NPIU-Procurement
Assignment of full-time Procurement Specialist	Immediately	NPIU – Project Coordinator
Financial Management		
Open the Designated Account and Project Accounts	Immediately	NPIU – Project Accountant
Submit filled up/signed client connection registration form	Immediately	
Safeguards		
Safeguards specialists at county level recruited	December 30, 2017	NPIU-Project Coordinator
Training the NPIU safeguards staff on the Safeguards Policies, Procedures and compliance	December 31, 2017	World Bank
TOR for social development and social safeguards officer for NPIU TOR finalized	October 13, 2017	NPIU – Muchori and Ruto
Recruitment of a fulltime Social development and social safeguards specialist at the NPIU	November 30, 2017	NPIU-Project Coordinator
Develop safeguards process for all components in line with PIM and Community Operations Manual	November 30, 2017	NPIU and WB social and environmental safeguards staff
Training for all FP staff for 3 counties in one place in community mobilization process including safeguards	February 15, 2018	NPIU – Livelihood
M&E		
Draft TOR for MIS and M&E manual to be sent to the World Bank for review and clearance	October 16, 2017	NPIU – M&E Specialist

Continue Baseline Survey procurement	Immediately	NPIU – Procurement
Communications		
Submission of Project Communication Strategy	December 30, 2017	NPIU – Communication Specialist

Annex 2 Detailed Procurement Review

During the mission the following issues on the implementation of procurement activities financed under the project were discussed and agreed upon:

- ***Application of Procurement Regulations:*** To ensure that there is clarity on the applicable procurement regulations to be used, the mission reiterated that procurement for the project will be carried out in accordance with the World Bank Procurement Regulations for IPF Borrowers dated July, 2016. Bank's Standard Procurement Documents (SPD) will be used for International market approach while the National Standard Bidding Documents will be used for procurement following national market approach with appropriate modifications and/or additional annexes to address universal eligibility, World Bank Anticorruption Guidelines, and the Bank's right for inspection and audit.
- ***Implementation of the Procurement Plan:*** The mission noted with concern that implementation of the procurement plan and by extension, the project, has been delayed and in some cases reflecting activity delays of more than 100 days in STEP. This is unacceptable and appropriate actions to improve procurement performance must be taken, including but not limited to hiring of additional qualified staff to avoid further project implementation delays. The mission discussed and provided clarity on activity packaging, appropriate bidding documents, application of preferences and reservations to local contractors, suppliers and service providers, and other necessary activity modifications and updating of the procurement plan. A General Procurement Notice (GPN) for the project will also be prepared and published upon approval by the Bank. All activities contained in the approved Procurement Plan and pending implementation will be fast-tracked.
- ***Hands-On Expanded Implementation Support:*** The mission noted that during project preparation additional technical and procurement hands-on support had been proposed in view of the social-economic and human capital development constraints in the project counties and the fact that the NPIU has no experience in the implementation of Bank financed operations and Bank management approval had been obtained. However, the proposal was dropped at the request of the government. During the mission, however, the government delegation sought to know if the matter can be revisited to provide implementation support and further assist in building staff capacity at both national and county levels in view of the slow implementation of procurement decisions. The mission advised that a formal request from the government would be required to restart the process.
- ***Compliance with the National Public Procurement and Asset Disposal Act 2015 (PPADA):*** The mission noted that there have been implementation challenges in other Bank financed operations in the Kenya Portfolio attributed to compliance with some provisions of the Act. Given the implications of these provisions in shaping the workplan in the short term, and the achievement of the Project's Development Objectives in the long term, the mission felt that there was need to bring these to the attention of the government for further consideration. The mission noted that Article 6(1) of the PPADA 2015 exempts Bank financed operations from following the PPADA, and as such all Bank funded projects shall follow the Bank's Procurement Regulations for IPF Borrowers. In this regard, the requirement to have signed professional opinion by the Head of Procurement as per Article 84(1) of the PPADA does not

apply to Bank financed operations but instead, such opinion should be provided by the Project Procurement Specialist through the Project Coordinator in accordance with the agreed implementation arrangements stipulated in the Financing Agreement. Similarly, administration and handling of procurement-related complaints arising from contracts where Bank's SPDs have been used or those contracts that are subject to Bank's prior review shall follow the Procurement Regulations.

- ***Project Implementation Support Personnel:*** Project implementation staff contracted and/or seconded to support project implementation shall be selected per the government's personnel hiring procedures acceptable to the Bank. However, hiring of individual consultants required to support the NPIU or CIPIU and identified in the Financing Agreement shall follow the Bank's Procurement Regulations. In this regard, the mission advised that procurement activities for the proposed hiring of County Project Coordinators and any other individual consultants who may be required thereafter be created and submitted through STEP for Bank's review and approval.

Annex 3
First KDRDIP Implementation Support Mission
List of Participants

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Annex 4
First KDRDIP Implementation Support Mission
Final mission agenda

Date	Activities	Who's responsible	Place
October 2, 2017 (Monday)			
8:30-9:30 am	Bank Mission Team meeting	Bank Internal	1795
10:00-1:00 pm	Briefing sessions with the PIU on; i. Review of the status of preparatory activities undertaken so far and next steps; ii. Review and finalization of the first Annual Work Plan and Budget	PCU to make presentation	Kenya School of Government
1:00 – 2:00pm	LUNCH	ALL	
2:00 – 4:30PM	FM and Disbursement Session	FM & Disbursement teams	Kenya School of Government
October 3,2017 (Tuesday)			
9:15 – 12:30Pm	Review of Project Operations Manual	PCU to make the presentation and all mission team to participate	World Bank office
1:00 – 2:30pm	LUNCH	All	
2:30 -5:00pm	Review of Project Operations Manual	PCU to make the presentation and all mission team to participate	
October 4, 2017 (Wednesday)			
9:30am -1:30pm	Safeguard Training – Environment and Social	Vanessa and Ben, World Bank to lead the discussion	World Bank office
12:30 1:30 pm	Lunch	All	

Date	Activities	Who's responsible	Place
2:00 -4:00PM	M&E	Pallavi, World Bank to lead the discussion	World Bank office
October 5,2017 (Thursday)			
10.00 – 12 noon	Discussion on key procurements, including CIPIU staffing, NGOs for community mobilization and the baseline.	All mission team and PCU	World Bank office
2:00 -4:30pm	Drafting of Aide Memoire	Bank mission team	
October 6,2017 (Friday)			
9.00-12pm	Debrief with Joseph Kinyua, Head of Civil Service	Ramana, Peter, Vara and Lisa	Harambee House
End of the Mission			