



# MINISTRY OF ENERGY AND PETROLEUM

## State Department For Petroleum

### TENDER NOTICE

## OPEN NATIONAL TENDER

The Ministry of Energy and Petroleum - State Department for Petroleum invites Expression of Interest from eligible interested firms for the following:

TENDER NO.	TENDER NAME	BID BOND	CLOSING DATE	REMARKS
MOEP/SDP/ ONT/02/2024-2025	Request for Expressions of Interest (EOI) for Resettlement and Livelihood Restoration Framework	NONE	04TH March, 2025 at 11.00. am East African time.	Open National Tender

### **OBJECTIVE**

The objective of this project is to develop a Resettlement and Livelihood Restoration Framework for the oil and gas sector to be applied in upstream and midstream (crude oil pipeline) sectors. The Framework will set out the principles and procedures to be followed where any works in upstream and midstream (crude pipeline) are expected to result in physical or economic displacement due to land acquisition or restrictions to access of use of natural resources.

### **ELIGIBLE FIRMS**

Eligible and interested contractors/firms are requested to submit their expression of interest by providing information that includes and not limited to the following:

- Copy of Certificate of Incorporation/Registration of Company.
- Brief description of the Firm(s) profile(s) indicating suitability to carry out this specific assignment, technical capabilities and available resources.
- List of assignments of a similar nature successfully completed indicating client and year.

Interested candidates may obtain the **Terms of Reference (T.O.R) documents** from the State Department for Petroleum website, [www.petroleum.go.ke](http://www.petroleum.go.ke) or the Government tender portal, [www.tenders.go.ke](http://www.tenders.go.ke) free of charge or any other information from **Supply Chain Management Office, Room 7-04, Ministry of Energy and Petroleum - State Department for Petroleum on the 7th floor, KASNEB TOWERS II** during normal working hours (8.00 am to 5.00 pm, Monday-Friday, (excluding any public holiday or gazette holiday).

Complete Expression of Interest documents are to be enclosed in plain sealed envelopes clearly marked with tender Name, Reference Number and addressed to:

**Principal Secretary**  
**Ministry of Energy and Petroleum**  
**State Department for Petroleum**  
**P.O. Box 51614- 00100 NAIROBI**  
**TEL: +2543310112, Email: ps@petroleum.go.ke**

The Expression of Interest documents should be deposited in the Tender Box marked MOEP- SDP located at Ministry of Energy and Petroleum, State Department for Petroleum KASNEB TOWERS II, 7<sup>th</sup> floor so as to be received on or before **04<sup>th</sup> March 2025 at 10.30 am East African time.**

Expression of Interest will be opened immediately thereafter at Ministry of Energy and Petroleum, State Department for Petroleum, **KASNEB TOWERS II, 11<sup>th</sup> floor Boardroom** in the presence of candidates or their representatives who choose to attend.

Large documents that cannot fit in the Tender Box shall be received and registered at Supply Chain Management services office at **KASNEB TOWERS II, 7<sup>th</sup> floor Room 7-09.**

**DIRECTOR/ SUPPLY CHAIN MANAGEMENT SERVICES**  
**For: PRINCIPAL SECRETARY**



**Ministry of Energy and Petroleum**  
**State Department for Petroleum**

**TERMS OF REFERENCE (TOR)**  
**Resettlement and Livelihood**  
**Restoration Framework**

Date: 18<sup>th</sup> February 2025

## **1. Background Information**

The State Department for Petroleum was established by the Executive Order No. 1 of 2023 on Organization of the Government of the Republic of Kenya as one of the two State Departments under the Ministry of Energy and Petroleum. The State Department is mandated to develop and implement policies that create an enabling environment for efficient operation and growth of Kenya's petroleum sector. The Ministry sets strategic direction to facilitate the growth of the sector while providing long term vision for all sector players.

Specifically, the State Department for Petroleum, has the responsibility to initiate, develop, and review policies, strategies and programs in the oil and gas sector. It also provides guidance on legal and regulatory framework for spearheading upstream and mid/downstream petroleum operations.

Petroleum development has a long history in Kenya. The importation of petroleum products into the country began in the early 1900s while petroleum exploration dates to the 1950s. However, the first commercially viable oil discovery was made in 2012 in the Tertiary Rift, followed by significant gas discoveries in the offshore Lamu Basin and onshore Anza Basin. The Government together with the International Oil Companies (IOC's) are keen to commercialize the Tertiary Rift discoveries in Block 10BB and 13T and has initiated the process of field development review and approval. Upon approval, intense project implementation activities will commence which include construction of upstream and midstream facilities. The State Department therefore needs the necessary tools, policies and guidelines to enable it to prepare for the anticipated land acquisition and resettlement activities that will result from the project implementation. The Resettlement and Livelihood Restoration Framework is expected to reduce any adverse impacts associated with physical or economic displacement, and to ensure arrangements are in place to mitigate the adverse impacts that may occur. The consultant will take into consideration existing laws and regulations in the country while developing the Framework.

The Framework will ensure that there is a systematic process for the different stages of the implementation that assures participation of affected persons, involvement of relevant institutions and stakeholders, adherence to Government procedures and requirements, and outline compensation for affected persons. The Framework is expected to address acquisition of land, relocation or loss of shelter, loss of assets or access to assets, possible displacement and associated impacts within the core zones and wider catchment area, as future private or public investments are made in the extractive industry and especially oil and gas sector in Kenya.

The Framework will define roles, responsibilities, procedures, and compensation eligibility of the affected persons and determination of compensation entitlements to guide the preparation of the site-specific Resettlement Action Plans (RAPs) during implementation

of site-specific projects that may cause involuntary displacement due to compulsory acquisition of land owned by communities and individuals.

## **2. Objectives of the Assignment**

The objective of this project is to develop a Resettlement and Livelihood Restoration Framework for the oil and gas sector to be applied in upstream and midstream (crude oil pipeline) sectors. The Framework will set out the principles and procedures to be followed where any works in upstream and midstream (crude pipeline) are expected to result in physical or economic displacement due to land acquisition or restrictions to access of use of natural resources.

## **3. Scope of the Assignment**

The consultant is expected to develop a Resettlement and Livelihood Restoration Framework for the State Department for Petroleum.

The specific scope of the assignment includes:

- i. Review of existing and relevant legal, regulatory and policy frameworks guiding the petroleum sector. This will include Kenyan laws on land acquisition, resettlement and compensation.
- ii. Review of existing petroleum related information on project design and social linkages including the land requirement for the affected areas.
- iii. Undertake stakeholder identification, analysis and mapping in the oil and gas sector as well as provide various incentives for the stakeholders.
- iv. Undertake field survey in selected areas where oil and gas development may occur and document relevant socio-economic data. This data will include population, land coverage, economic activities in oil & gas extractive activities.
- v. Undertake a socio-economic survey in the areas with high potential for resettlement, including both the core zones and the adjacent areas. This is to assist in defining the content of the Framework. This should include a preliminary identification of existing land tenure conflicts and/or patterns of conflict in the project areas and how such conflicts are being resolved, as well as any changes in land use or livelihoods which have occurred in recent years, including any population influx.
- vi. Provide a template for the minimum requirements for a resettlement action plan (RAP) to the client.
- vii. Provide guidance on institutional arrangement and responsibilities in the development of RAP in upstream and midstream (crude oil pipeline) levels of the projects.

- viii. Develop monitoring and evaluation criteria for RAP in upstream and midstream sector, specifically if a RAP is to be implemented, including completion of a baseline socio-economic survey and follow up surveys of Project Affected Persons (PAPs) and host communities.
- ix. Provide an in-depth analysis of available compensation alternatives and propose methods of valuing affected assets.
- x. Develop guidelines for commissioning, monitoring and decommissioning of RAP.
- xi. Develop grievance redress mechanism in accordance with International Best Practices. The consultant should describe the process of resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.
- xii. Develop eligibility criteria for defining various categories of displaced persons.
- xiii. Arrangements for monitoring of resettlement initiatives by the implementing agency and, if required, by independent monitors.

#### 4. Reporting Obligations

The consultant will develop all the reports in English and will provide soft and final hard copies (3) bound to the State Department for Petroleum.

The reports will be reviewed and approved by the State Department for Petroleum.

#### 5. Duration of Task

The consultancy project shall be for a period of twenty-four (24) weeks [six (6) months] from effective date.

#### Deliverables

The following deliverables are expected to be submitted to the client:

	<b>Deliverable</b>	<b>Duration</b>	<b>% Milestone payment</b>
1	<b>Inception Report:</b> Containing the project implementation plan, updating any TOR improvements, timelines	End of Week 3	25%

	<b>Deliverable</b>	<b>Duration</b>	<b>% Milestone payment</b>
	and stakeholder mapping and engagement plan.		
2	<b>Interim Report:</b> Containing legal and literature review, stakeholder engagement plans, field visit, stakeholder engagement reports, etc.	End of week 16	60%
3	<b>Validation Workshop (All comments)</b>	End of Week 22	-
4	<b>Final resettlement and livelihood restoration framework Document</b>	End of Week 24	15%

## 6. Client Responsibility

The client will provide all the necessary documents required for implementation of the project. These include technical reports and data on the project specific areas and other relevant data.

## 7. Expected Consultant Experience

- The consulting firm must have at least ten (10) years' experience in doing environmental and social impact studies including resettlement action plans.
- The Firm and/or its experts in the proposed team must have developed at least three (3) Resettlement Policy frameworks in the last ten years.
- The Firm should have experience in oil and gas operations and must have undertaken at least 3 projects in the last 5 years within the oil & gas sector.
- The consulting firm is required to provide a team of key and non-key experts that will ensure the successful implementation of the project.
- The consultancy may provide the best combination of expertise including joint venture and or sub consultancy to maximize quality of expertise for the work.

As a minimum the following key experts are required for the project:

No	Expert	Qualification
1.	Project Team Lead	<ul style="list-style-type: none"> <li>• At least 15 years' experience in Oil &amp; Gas/Energy projects and operations, 5 years of which should have been in leadership position in projects and operations role.</li> <li>• At least master's degree in project management, business or any other relevant field.</li> <li>• At least BSc in engineering, project management or any other related field.</li> <li>• Be an Environmental and Social Lead Expert with the National Environmental Management Authority (NEMA).</li> <li>• Must have undertaken at least three (3) projects in the Oil &amp; Gas or Energy Sector including environmental, Health, safety and social safeguards projects.</li> </ul>
2.	Environmental and Social Safeguards Expert	<ul style="list-style-type: none"> <li>• At least 15 years' experience in the field of environmental science.</li> <li>• At least MSc in Environmental studies, policy, environmental planning or management.</li> <li>• Bachelor's degree in the relevant field</li> <li>• Provide at least three (3) assessments undertaken for the resettlement action plans and or policies in the last 10 years.</li> <li>• Experience in development of Environmental and Social Impact assessment plans with at least two (2) projects completed in the last 5 years</li> <li>• Be an Environmental and Social Lead Expert with the National Environmental Management Authority (NEMA).</li> </ul>
3.	Sociologist/RAP Expert	<ul style="list-style-type: none"> <li>• At least 10 years' experience in consulting on socio-economic development</li> <li>• At least an MSc/MA in sociology</li> <li>• Bachelor's degree in Sociology</li> <li>• Experience in preparation of Resettlement policy frameworks and/or Resettlement Action Plans provide at least 2 projects completed in the last 10 years.</li> <li>• Experience in Environmental and social impact Assessment studies for the extractive and energy sector provide 2 projects undertaken in the last 10 years</li> <li>• Experience in land acquisition, conflict and grievance redress mechanisms.</li> </ul>
4.	Petroleum Expert	<ul style="list-style-type: none"> <li>• Experience in upstream and midstream oil and gas project with at least 2 projects in the last 10 years</li> <li>• At least MSc in Petroleum Engineering or Geology</li> </ul>

No	Expert	Qualification
		<ul style="list-style-type: none"> <li>• BSc in Geology or Petroleum Engineering</li> <li>• Certified in project management</li> <li>• Experience in oil and gas exploration activities to provide at least 2 projects undertaken in the last 10 years</li> </ul>
5.	Land Economist	<ul style="list-style-type: none"> <li>• At least 10 years' Experience in land economics</li> <li>• Master of Arts/Science in Land economics</li> <li>• Bachelors land Economics or relevant studies</li> <li>• Experienced in land use planning, land and ecosystem valuation provide at least 3 projects completed in the last 5 years</li> <li>• Experience in preparation of resettlement policy framework and or RAP and provide at least 2 projects undertaken in the last 10 years.</li> </ul>
6.	Legal Expert	<ul style="list-style-type: none"> <li>• At least 10 years' experience dealing with matters of law relating to issues of land and environment, social and human rights, and gender in the extractive and energy sectors.</li> <li>• At least MA/MSc in law or any other relevant field</li> <li>• Bachelor of Laws (LLB)</li> <li>• Experience in providing regulatory and policy guidance in Energy and petroleum sector with at least 2 projects in the last 10 years.</li> <li>• Experience in local, regional and international legislation in the energy sector.</li> </ul>

## 8. Conflict of Interest

The Consultant is required to disclose any potential conflicts of interest arising out of other assignments. Where the Consultant currently represents any party, that would create a conflict of interests or to the extent any conflict of interest would arise in the future, the Consultant shall provide a copy of its policy and/or procedures with respect to conflicts management. In addition to the Consultant's conflict of interest and confidentiality policy, the Consultant shall detail any measure that may be required to avoid conflict of interests and ensure the confidentiality of information received in connection with the implementation of this assignment.