

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

**AFRICA ENVIRONMENTAL HEALTH AND POLLUTION MANAGEMENT
PROGRAMME**

**TERMS OF REFERENCE (TOR) FOR CONSULTING SERVICES TO CONDUCT
REGULATORY IMPACT ASSESSMENT (RIA) FOR THE IMPLEMENTATION OF
THE PROPOSED ELECTRONIC AND ELECTRICAL WASTE (E-WASTE)
REGULATIONS, 2024**

CREDIT NUMBER: TFOB3322

PROJECT NUMBER: P167788

PROCUREMENT/CONTRACT REF NO: KE-NEMA-461459-CS-CQS

NOVEMBER 2024

Client:

National Environment Management Authority

Attn; Director General

P.O. Box 67839-00200, Nairobi

Tel:+2542022101370

Email: info@nema.go.ke

1. Background

The Africa Environmental Health and Pollution Management Programme is a regional GEF funded project under Chemicals and waste focal area result framework of GEF 6 cycle. It is implemented by the World Bank in five African countries of Kenya, Tanzania Ghana, Zambia and Senegal under the International Development Association (IDA). The AEHPMP will address environmental health risks from pollution associated with artisanal mining (mercury) and e- waste management in the region and provide opportunities for knowledge and experience sharing at the regional level through institutional strengthening, knowledge and capacity building as well as policy and regulatory enhancements. Furthermore, the AEHPMP will support the participating countries in efforts to demonstrate the application of technological tools for reducing the environmental health risks due to mercury and e-waste through pilot studies. The AEHPMP is designed to focus on specific commitments under the Stockholm and Minamata Conventions in each country in line with country priorities. The Kenyan Component's main goal is to reduce environmental and human health risks by improving e-waste management. It focuses on tackling the problem of electronic waste, particularly the risks associated with Unintentional Persistent Organic Pollutants (UPOPs).

The projects main objective is to strengthen the institutional capacity to manage and regulate e-waste and related UPOPs in Kenya. The components of this project include:

- Component 1: will support institutional strengthening, knowledge and capacity building.
- Component 2: will entail support to policy dialogue and regulatory enhancements
- Component 3: will provide support towards demonstrating the application of technological tools and economic approaches.
- Component 4: will handle project coordination and management.

2.E-Waste Management in Kenya

It is estimated that Kenya produces about 88,000 tons of electronic waste annually (Global e-waste monitor 2024). This represents an increase of 30% from the estimates given in 2017 by the e-waste monitor. Kenya is also the 2nd highest generator of e-waste in east and central Africa. The increase in e-waste generation has been spurred by the growth of the ICT sector over time largely driven by government policies towards e-services and incentives including tax exemption on computers as well as increased market penetration of electronics use and mobile devices in the country. Kenya like other African countries has also seen increased importation of used or near obsolete electrical and electronic equipment under the guise of donations as well as cheaper options to the expensive priced new Electric and Electronic Equipment (EEE). Most of the used products imported into the country have a short life span that easily find their way to the E-waste streams rapidly. Rapid changes of technology in ICT also means more e-waste.

Only about 1% of Kenya's e-waste generated is properly managed, hence most electronic waste loaded with heavy metals ends up in dump sites, the risk of health and environmental effects due to dangerous components is high. This growing e-waste poses a threat to the environment, but at the same time, it provides a business opportunity to extract common, precious, and critical raw materials embedded in e-waste thereby creating revenue for some sector of the population.

Generation: E-waste in Kenya is produced mainly by manufacturers and importers of EEE. Local manufacturers and importers of new and used EEE products sell to households, business, industrial and government sectors among others, or export to other countries. These EEE become e-waste once they get to their end of life, malfunction or obsolete. EEE donations into the county are also a source of e-waste once they are disposed of.

Collection: Waste management is a devolved function thus Counties are expected to provide a waste collection system that's organized from the generators to the point of management/treatment. In practice however, e-waste collection is both formal and informal. Most times, e-waste tend to be collected in bins that have other waste streams. That is why most of the formal e-waste collectors employ the "scavengers" to segregate e-waste for them. In some organizations waste is segregated at source and handed over to the service providers for further treatment. Some households segregate at source but the waste is mixed during collection. Currently E-waste is not collected separately from other waste streams. Scavengers (informal) tend to collect some e-waste materials from areas where they are dumped. The formal e-waste collectors have collection centers which are established individually or jointly or as registered society. The collection centres are also owned by designated agencies, companies or associations to undertake e-waste collection. These formal established collection centers contract or sub contract the E-waste collectors normally known as 'scavengers' to supply them with the waste.

Transportation: In most cases, e-waste is mixed with other waste types. This therefore means, when the county governments' trucks collect garbage, e-waste is part of it. However, e-waste is supposed to be transported in clearly marked trucks which are licensed by NEMA. If the e-waste is not segregated and is part of the general waste it ends up being taken to the dumping sites. But if the e-waste is segregated and is collected and transported by the licensed e-waste transportation truck, it ends up being taken to a recycling or refurbishing or dismantling facility for processing. In most cases, such marked e-waste transportation trucks are owned or contracted by an e-waste recycler, refurbisher or dismantler.

Material recovery and recycling: This is done in the form of repairs, refurbishment, dismantling and re purposing amongst other elements. This is done at both formal and informal set ups. A Few companies have been licensed by NEMA as E-waste recyclers/dismantlers/refurbishes. There is a growing number of licensed entrepreneurs and organized groups which are refurbishing E-waste in the country with the intent of increasing product lifespan. Useful fractions like plastics, metal, copper, aluminum, amongst others are being extracted as fractions which are used for making other products. Some e-waste components and equipment are being repurposed to make other products.

Disposal: Some e-waste components and residues are currently taken to dumpsites for disposal. These are components that could be from dismantled e-waste components or those that do not find their way to recyclers or refurbishers or dismantlers from the source. If a County Government truck collects municipal waste and some of the e-waste is in the mixture, then it ends up in the dumpsite. And if in the dumpsite the scavengers don't collect them, then they end up being disposed in the environment. Some licensed e-waste handlers have provided for incinerators for burning certain components of final e-waste components safely.

The county governments are yet to create effective landfills where final waste products can safely be disposed.

3.Challenges of E-Waste Management in Kenya

According to the National E-Waste management strategy 2019-2024, Kenya faces diverse challenges in managing e-waste and these includes:-

- Lack of legislation
- Inadequate infrastructure for E-waste management.
- Absence of frameworks for end-of-life (EoL)
- Incomprehensive product take-back and implementation of extended producer responsibility (EPR) system in place
- lack of citizen awareness on the harmful effects of WEEE on the environment, their health and safety
- Poor methods of E-waste treatment and disposal that discharge harmful heavy metals such as mercury and lead into the environment, depletion of the ozone layer, blocking water drainage channels.
- Limited purchasing ability of consumers to purchase brand new EEE, leading to consumption of second-hand or refurbished products which are cheaper but have a shorter life-span.
- The government agencies dealing with waste management have generalized E-waste as part of solid waste. Hence, E-waste management has not been given the priority it deserves at the national level.
- The Government agencies have limited capacity, inadequate resources to effectively address the problems and challenges associated with E-waste.
- Inadequate regulatory framework to deal effectively with WEEE management.
- The national Government has not streamlined mechanisms for the county Governments to separate WEEE from other solid wastes, store, collect, transport and process E-waste in a structured manner

4.E-Waste Legislative Framework in Kenya

Globally, a number of international conventions, protocols and laws provide guidance and standards for E-waste management. The Constitution of Kenya, 2010 provides that any Convention that the Country has ratified becomes part of the national laws. Kenya is a party to some of these conventions including:

- Basel Convention on Trans boundary Movement of Hazardous Waste, and Disposal, (1992)
- The Ban Amendment (2004)
- The Vienna Convention for the Protection of the Ozone Layer.
- Montreal Protocol on Substances that Deplete the Ozone Layer (1987)
- The Stockholm Convention on Persistent Organic Pollutants (2004).
- Kyoto protocol.
- Bamako Convention on the Ban of the Import into Africa and the Control of Trans boundary Movement and Management of Hazardous Wastes within Africa (1991)
- Maputo protocol
- The Rotterdam Convention

Nationally, environmental management is anchored in the constitution of Kenya 2010, National Environmental Policy (2013), the Environmental Management and Coordination Act (EMCA), 1999 and the Environmental Management and Coordination (Waste Management) Regulations, 2006, E-waste guidelines (2010) and the National Solid Waste Management Strategy (2015). E-waste is currently categorized as hazardous waste under EMCA, 1999. EMCA, 1999 prohibits the handling, transportation and disposal of waste without valid licenses issued by the National Environment Management Authority (NEMA).

The Constitution of Kenya 2010 gives the right to every citizen to a clean and healthy environment under Article 42.

The main source of entry of electronics in Kenya is through import of (brand new and secondhand) equipment and local assembly. However, a significant portion of this is still in the hands of consumers who do not know how to dispose it off in an environmentally sound way without losing the residual value they attach to it.

The current total E-waste levels collected is not documented. With the lack of a specific government policy on E-waste, best practices are hard to achieve. In addition, when the EEE comes to end of life, individuals and corporates hoard the products in stores and homes for lack of awareness on E-waste management facilities.

Vision 2030 recognized that Kenya cannot attain high economic and social development without prioritizing environmental management especially the reduction of pollution. In this regard, waste management including E-waste was prioritized as a flagship project. The Medium-Term Plan 3 (MTP) 2018-2022 document prioritized E-waste as an emerging waste category with an emphasis on support to SMEs to manage waste. The National ICT Policy, 2006 requires that EEE dealers demonstrate their readiness to minimize the effects of their infrastructure on the environment before they can have their licenses renewed by the Communications Authority of Kenya. This is geared towards ensuring that institutions generating E-waste take full responsibility to conserve and protect the environment from the harmful effects of WEEE.

Kenya is in the final stages of enacting E-waste regulations under the EMCA 1999. These regulations provide a framework for regulating handling of E-waste by diverse players in Kenya.

The Public Procurement and Disposal Act, No.33 2015, Part XIV governs disposal of public assets and requires that obsolete and boarded items be disposed of only to persons licensed to handle them in an environmentally sound manner.

5.Regulatory Impact Assessment

Good-quality regulation is fundamental to the functioning of society and the economy of a country. To achieve better regulation, the government is required to work systematically to ensure that the regulations being adopted and implemented are of high quality. Therefore, the Regulatory Impact Analysis/Assessment (RIA) has been introduced to improve regulatory structures.

RIA is both a document and process for supporting decision-makers on whether and how to regulate to achieve public policy goals. RIA helps to improve the design of regulations by assisting policy makers in identifying the best solution to address a policy problem. RIA examines the costs and benefits of regulation and non-regulatory alternatives of achieving policy goals, in order to identify the approach that is likely to deliver the greatest net benefit

to society. RIA assists in promoting policy coherence by pointing to the tradeoffs inherent in regulatory proposals, and identifying who is likely to benefit from a regulation and who will bear the costs. RIA can also improve the use of evidence in policy making and help avoid regulatory failure arising from unnecessary regulation, or failing to regulate when regulation is needed. RIA documents the evidence and increases accountability of policy decisions.

The key elements of RIA are:

- Problem or issue statement,
- Objectives,
- Options,
- Impact analysis,
- Consultation,
- Conclusion and recommendation,
- Strategy for implementation.

The level of analysis in the RIA depends on the likely impact of the proposal.

6. The Aim of the Assignment

The aim of this assignment is to undertake a Regulatory Impact Assessment (RIA) of the proposed Electronic and Electrical Waste, 2024 on behalf of the MoECCF and NEMA. The main objective of is to assess and analyze the likely benefits, costs and effects of the proposed E-Waste Regulations, 2024, its prospective impacts on the society (social, economic and environmental) and to offer the most appropriate solutions based on the assessment and analyses.

7. Specific objectives of the assignment

The specific objectives of the assignment are to:

- Define the problem(s) with respect to the management of E-waste in Kenya and to determine the cause(s) of the defined problems.
- Analyze the baseline situation with respect to E-Waste management in Kenya.
- Identify the costs (including hidden costs) and benefits associated with the proposed E-Waste Regulations, 2024 to all relevant stakeholders.
- Conduct cost benefit analysis and select optimal alternative(s) to achieve the desired objectives while ensuring the minimum possible cost to society as a whole.
- Develop regulatory alternatives aimed at addressing the post-consumer product waste management problems identified above.
- Conduct formal public consultations with the identified key stakeholders to validate the regulatory options to be adopted as proposed in the RIA report.

8. Scope of the assignment

This RIA on the proposed E-Waste Regulations, 2024 will include in its scope the following key elements:

- Problem or issue statement
- Objectives of the revised regulation
- Options (regulatory and non-regulatory etc.)
- Impact analysis (of the regulation)
- Consultation with key stakeholders
- Conclusion and recommendations

- Strategy for implementation of the revised regulation.

9. Duties and Responsibilities of the client

- Facilitate requisite advance introductory letters for the consultants (as may be required for various purposes such as immigration, meetings, data access etc.).
- Provide working space for consultants to hold meetings with project/NEMA team.
- Facilitate stakeholder logistical arrangements for meetings and workshops.
- Respond to request for information (by the consultant and the bank) within reasonable time frames.
- Review consultant's reports, work plans etc. and provide comments in good time.
- Attend scheduled meetings and calls and keep time.
- Use intellectual property within the agreed scope of the project only.
- Settle consultant invoices in time (upon approval of deliverables).

10. Duties and Responsibilities of the consultant

The RIA will be conducted by a firm of consultants, who will closely work in consultation with and under the guidance and supervision of the AEHPMP Coordinator. The Consultant will be responsible for the following tasks:

Task 1: Review the existing policies, legislation, regulations, relevant MEAs, International Good Industry Practices and guidelines related to the generation, segregation, collection, storage, transportation, recovery and disposal of E-waste; and other related documents to develop a work-plan including the RIA methodology. These shall include among others:

- The Environment Policy of Kenya.
- Kenya Vision 2030
- EMCA No. 8 of 1999
- The Environmental Management (Waste Management) Regulations, 2006.
- The Sustainable Waste Management Act, 2022
- The Draft Toxic and Hazardous Chemicals and Materials Management Regulations, 2019
- The Controlled Substances regulations, 2009.
- The Draft E-waste Management Regulations, 2023.
- The Draft Extended Producer Responsibility Regulations, 2024.
- The Rotterdam Convention
- The Basel Convention on Transboundary Movement of Waste and their Safe Disposal
- The Stockholm convention
- The Minamata Convention
- The Montreal Protocol
- The Kigali Amendment
- The Bamako Convention

11. In undertaking this task the Consultant is expected to:

- a) Conduct desk reviews of the existing legislation and documents on environmentally sound management of E-waste. Study all relevant and available documents including but not limited to documents on E-Waste management systems, description and methodology of applying management principles for sound E-waste management, case studies of thriving E-waste management systems in the world, previous analyses documents available on implemented E-waste management regimes etc.

- b) Design a solid methodology to estimate the costs and benefits of addressing exposure to e-waste and the chemicals associated with e-waste burning, including unintended persistent organic pollutants, particulate matter, nitrogen dioxide, mercury, cadmium, lead, arsenic, and other harmful chemicals. By providing information such as the health, social, and economic effects of exposure to these pollutants, the consultancy will strengthen the case for focusing on these issues as a development issue and help decision-makers prioritize the allocation of resources to tackle them.
- c) Undertake stakeholder mapping, stakeholder analysis and formulate strategies for stakeholder consultation.
- d) The consultancy shall include a stakeholder analysis to obtain a comprehensive understanding of which social groups are likely to be affected (positively or negatively) by policy measures to prevent exposure to e-waste and the harmful pollutants associated with them. The ex-ante analysis of groups, parties, organizations, and people that are likely to benefit and lose from these interventions should provide insights that the Government of Kenya can use to (i) protect the vulnerable groups that face the highest risks from exposure; (ii) identify potential supporters of proposed interventions; and (iii) understand the political economy dimensions of potential policy measures (e.g. what can be offered to influential losers so that they do not oppose proposed reforms etc.).
- e) The Stakeholder Analysis should be undertaken based on the following steps:
1. **Identify and Categorize Stakeholders.** The consultants will identify stakeholder groups based on literature review (including previous political economy analysis in the academic and journalistic media) and will validate this information by conducting key informant interviews with relevant agencies in government, the private sector, civil society, donor agencies, the media and research organizations. The consultant will characterize identified stakeholders according to their social and political status, degree of organization, location (if applicable), and any other relevant criteria identified by the consultants. Intermediary organizations that work with and for the poor and other vulnerable groups are an essential source of information in identifying who the poor and vulnerable are, how they might be affected by exposure to e-waste and the harmful pollutants associated with them, and what their interests are. The consultant will pay particular attention to identifying and describing this stakeholder category and making suggestions on how they can be involved in relevant consultations and decision-making processes. The table below presents an example of how the information could be presented. While suggestions for broad stakeholder categories are listed, they should be expanded by the consultants as fit. The specific stakeholders need to be identified by the consultants.

Stakeholder categories	Specific relevant stakeholder	Characteristics (e.g. social, geographical, organizational etc.)	Interest in reducing exposure to e-wastes and the harmful pollutants associated with them (from commitment to status quo to openness to change)
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Government policymakers at the national and state levels			
Government agencies involved in designing, implementing and enforcing relevant regulations			
Government agencies that might work with communities or organizations that use lead in their activities			
Civil Society Organizations involved in implementation			
CSO with advocacy function			
Private Sector Organizations			
Workers in relevant sectors			
Media			
Donor agencies			

This step has a certain investigative character. The consultants will start out by identifying broad categories of groups which will be further specified over time and through several iterations.

- Identify and assess the influence of stakeholders.** The consultant shall assess identified stakeholders against the categories listed below. All information sources (literature review, key information interviews, country knowledge) should be used to inform a preliminary assessment.

Influence: the power a stakeholder has to facilitate or impede interventions to reduce lead exposure.

Importance: the priority given to satisfying the needs and interests of each stakeholder.

Interest: the perceived level of interest that each stakeholder has in the control of pollution from U-POPS, e-waste and harmful chemicals and associated risks, along a continuum from commitment to status quo to openness to change.

Impact: the degree to which exposure to e-wastes and the harmful pollutants associated with them currently impacts each stakeholder, as well as the potential impacts of new interventions.

Power: the level of coercive power that the stakeholder has to command compliance in the policy process.

Resources: the level of resources that stakeholders possess and are able to bring to bear in the policy process.

Legitimacy: the degree of legitimacy of each stakeholder’s interest, meaning the extent to which the stakeholder’s claims are seen as appropriate by other stakeholders.

Urgency: the urgency that should be attached to the competing claims of each stakeholder.

The information can be presented in a table format by adding additional columns to the table above.

- 3. Map stakeholders in different sets of matrices.** After the stakeholder table has been developed, the consultants shall map the stakeholders’ relationship onto matrices. As an example, the following matrix compares the degree of (high or low) interest in regulations aiming to control contamination from U-POPS, e-waste, and harmful chemicals to the stakeholder’s degree of (high or low) influence over their implementation. Each stakeholder is assessed along the dimensions of interest and influence and mapped into one of four possible cells

Sample Table of an Importance/Influence Matrix

High interest/ Low influence		High interest/ High influence	
A	B		
C		D	
Low interest/ Low influence		Low interest/ High influence	

Box A shows stakeholders with high interest in further reducing exposure to U-POPS, e-waste and harmful chemicals but with low influence: they require particular attention in the program design and implementation to guarantee that their participation is ensured and interests protected.

Box B shows stakeholders with high interest in reducing exposure to U-POPS, e-waste and harmful chemicals who can also significantly influence its impact. Particularly important would be to distinguish in this group the stakeholders who could stymie reforms because they could be negatively affected or feel threatened by the prospects of improved regulations.

Box C shows stakeholders who are of low priority and have low interest. Although they might need some limited involvement and monitoring, they are unlikely to be the focus of engagements to develop new interventions to reduce exposure to U-POPS, e-waste and harmful chemicals.

Box D shows stakeholders with high influence, who can affect the outcome of the policy reform process, but whose interests are not the target of the intervention. These stakeholders might be able to block, undermine, or skew the design or implementation of new

interventions to control exposure to U-POPS, e-waste and harmful chemicals and therefore could constitute a “killer risk.”

The report produced by the consultant should provide insights into the incentives, strategic behavior, interests, goals, and potential winners and losers from the adoption of interventions to reduce exposure to U-POPS, e-waste and harmful chemicals in Kenya.

- 4. Political Economy Analysis.** The consultants shall elaborate on the stakeholder analysis described above by looking at key stakeholder groups’ behaviors, interests, and incentives. The political economy analysis would therefore provide key insights about how to mobilize project supporters, how to address opposition from powerful groups with vested interests, and how to build coalitions to ensure that factors contributing to exposure to U-POPS, e-waste and harmful chemicals are tackled. An expanded political economy analysis could provide additional insights into why formal rules are not always followed or enforced, which will be key in achieving project objectives.
- 5. Economic Efficiency of Interventions.** The consultant shall conduct benefit cost analysis of the proposed policy measures. This ex-ante Cost Benefit Analysis should inform the government’s decision to adopt policy measures that are expected to generate benefits that outweigh the costs of implementing them. The consultants should also assess the distributional impact of the proposed interventions, including an assessment of how the policy measures could affect vulnerable groups. The Consultant shall submit as a deliverable; a spreadsheet with all the calculations used for the Cost Benefit Analysis. Worksheets must be unlocked, well-organized, include all formulas and clearly label data and results. The worksheet must be easy to read and understand by someone who did not participate in its elaboration. To that end, the worksheet must include a “Read me” tab describing the content of the rest of the tabs in the worksheet. A summary of the key parameters and their sources and assumptions should also be included as a specific tab in the worksheet.
- 6. Institutional Analysis.** The analysis of the relevant international, regional, national and county level policies, guidelines, standards and the institutional framework related to U-POPs, e-waste and harmful chemicals should be expanded to consider the formal mandates, organizational set-up, available resources, and constraints faced by relevant Kenyan organizations at the national and sub-national levels, as well as the formal and informal rules in place that have hindered responses to relevant policy measures in the past. The consultants should assess the institutional capacity for planning, implementing, and enforcing environmental policies, considering budget allocation and expenditures for the relevant ministries or agencies; number of staff and their qualifications; clear guidelines and rules of procedure; infrastructure (e.g. offices; vehicles; sampling and analytical equipment; monitoring stations; laboratories; information systems; etc.); and regular training for staff, among other aspects. The consultants should provide recommendations to address any shortcomings they find in relation to the existing organizational structure and allocation of resources to ensure that the proposed policy measures can be adequately implemented, monitored and evaluated, and enforced.
- 7. Identification of Best Practices.** The development of policy measures should be done in consultation with relevant stakeholders and based on international best practices tailored to the local context. However, the identification of such best practices should be based on

solid evidence, including existing evaluations of implemented policies, preferably published in peer reviewed journals, followed by evidence collected from other sources, such as gray literature and government reports.

- 8. Workshops and Dissemination of Results.** The consultancy shall conduct comprehensive analysis and propose recommendations before organizing workshops and disseminating the results. Workshops and dissemination of results shall be conducted after knowing and analyzing whether the proposed policy measures are efficient (e.g., based on the cost-benefit analysis), politically feasible (e.g., based on the political economy analysis) and technically feasible (e.g. based on the institutional analysis).
- f) Hold introductory meetings with the MoECCF, NEMA, KRA, KEBS, KNBS, KAM, KEPISA, Communications Authority of Kenya, Waste Handlers and any other relevant stakeholders to understand their mandate, significant concerns and their views with respect to the formulation and implementation of the E-Waste Regulations .
- g) Design a work-plan and a brief methodology to conduct the RIA showing how each stage of the process will be carried out. This will form part of the inception report that will be submitted to NEMA for approval.

Task 2: Conduct the RIA on the proposed E-Waste Regulations and produce a draft report in consultation with relevant stakeholders. The draft report shall be presented to the AEHPMP Coordinator in both hard and soft copies (in MS Word and PDF formats).

In conducting the assessment and preparing the draft RIA, the consultant will focus on the following key RIA elements among others:

These shall include among others:

- a) Defining the regulatory problem, causes and consequences. The problem to be solved by the proposed E-Waste Regulations should be precisely stated, giving evidence of its nature and magnitude, and explaining why it has arisen (scope, rationale and justification). These shall include among others:
- Compliance with the Statutory Instruments Act of Kenya.
 - Policies and legislation governing e-waste management and their adequacies.
 - Strategies for the e-waste reduction, reuse, recycling and mainstreaming circular economy principles.
 - Financing e-waste management
 - Institutional arrangement for e-waste management.
 - Technologies for managing e-waste.
 - Participatory approaches to e-waste management by all stakeholders.
 - Sharing information, education and awareness on e-waste management.
 - Compliance with MEAs governing waste management.
- b) Defining objectives and regulatory measures that address the identified problems; including ongoing interventions by the government, key features of the regulatory measures already in place and the current state within which action is proposed; related government decisions, legislation, or Regulatory Impact Statements in this area that are relevant to this problem.
- c) Identifying and analyzing the scope of the E-Waste Regulations, sources and destinations, ongoing government actions; direct and indirect economic, social and environmental impacts, administrative obstacles and benefits of implementing the E-Waste Regulations.

- d) Collecting data from relevant stakeholders as per the approved methodology.
- e) Conducting a cost-benefit analysis of implementing the E-Waste Regulations in Kenya as proposed.
- f) Analyzing financing mechanisms for implementing the E-Waste Regulations.
- g) Assessing implementing different scenarios including the option of “no Regulations in place”.
- h) Undertaking thorough consultations with all relevant stakeholders (in English and/or Kiswahili languages) including related Ministries, NGOs, manufacturers, cottage industry associations, recyclers, distributors, retailers, importers, waste handlers, to discuss E-Waste Regulations implementation and how it will impact them.
- i) Preparing a Draft RIA Report that includes how the new arrangements will be implemented, how the new arrangements will be monitored, and financing mechanisms for implementing the proposed new arrangements.
- j) Facilitate a two-day workshop to present the main findings of the assessment to NEMA and the AEHPMP project coordinating organs.
- k) Conduct a two-day national workshop to validate the main findings of the assessment to key identified national stakeholders.
- l) Incorporate feedback from the validation workshops above into a 2nd draft report.
- m) Conduct one final debriefing session of the 2nd Draft RIA Report to the AEHPMP Coordinating Unit and the National Steering Committee of the project for final approval.

Task 3: Submission of the Final RIA Report

- Compile the final RIA report and submit three hard copies to NEMA.
- Undertake an official handover of the final report to the client.

12. Duration and Location of the Assignment

The assignment will run for a period of four (calendar) months from the time the contract is signed. All reporting will be done to the Director General - NEMA through the project lead who shall be the AEHPMP Coordinator. The work is expected to be carried out according to an indicative work-plan drawn by the consultant and agreed with the client during the inception workshop. All payments to the consultant shall be done by NEMA. The assignment will be carried out in Kenya.

13. Expected Outputs & Deliverables Timeframe

Output	Deliverable	Timelines
Deliverable 1	Inception report	Two weeks after signing the contract
Deliverable 2	A draft report of the detailed RIA which covers desktop reviews, stakeholder engagement and analysis reports, cost benefit analysis, recommendations etc.	Two months after signing the contract
Deliverable 3	Three stakeholder validation meetings reports	Three months after signing the contract
Deliverable 4	A second draft RIA report that incorporates stakeholder validation inputs.	Three months and two weeks after signing the contract
Deliverable 5	A final RIA report	4 months after signing the contract

14. Payment schedule

All payments will be made upon approval of each deliverable by the Consultancy Contract Management Committee.

Payments shall be made in the following manner:

No	Deliverable	Payment
1	Submission and Acceptance of the Inception report	20%
2	A draft report of the detailed RIA	20%
3	Three stakeholder validation meetings reports	30%
4	A second draft RIA report that incorporates stakeholder validation inputs	10%
5	Final RIA report	20%

15. Required skills and experience of the Consultancy Firm

- **Core business and years in business:** The firm shall be registered/incorporated as a consulting firm with core business in the field of public policy, legislation & regulations formulation, review, implementation and assessment or equivalent for a minimum period of 10 years.
- **Relevant experience:** The firm shall demonstrate as having successfully executed and completed at least 2 assignments of similar nature, complexity and in a similar operating environment in the last 10 years. Details of similar assignments (name and address of the client, scope, value, and period should be provided and submitted). Expression of Interest should include enumeration of these similar past assignments.
- **Technical and managerial capability of the firm:** The firm shall demonstrate as having the requisite technical capacity and managerial capacity to undertake the assignment in the submitted company profile(s).

16. Key personnel requirements and qualifications

As a minimum, the firm shall have the following key experts amongst others.

No.	Key Expert	Minimum Qualifications	Minimum Experience
1.	Environmental Expert (Team Leader)	Masters in Environmental Science/ Environmental Studies/ Environmental Engineering/ Natural Sciences or equivalent from a recognized university	<ul style="list-style-type: none">• Minimum ten (10) years of experience in the field of Environmental Management/ Engineering and additional experience in conducting RIA on Waste Management, E-Waste and EPR Regulations will be considered a plus.• Experience in development and implementation of policy measures to reduce exposure to e-wastes and the harmful pollutants associated with them) in at least two countries.• Must be registered and licensed by the relevant professional body(ies) as a practicing Environmental Expert.• Experience in development projects, including waste management. E-waste

			<p>and EPR sectors and work experience in Africa, and Kenya will be a plus.</p> <ul style="list-style-type: none"> • Specific experience in conducting RIA on E-Waste Regulations in at least two countries. • Good project management skills and a good understanding of environmental assessment and public consultation. • Excellent writing and communication skills. • Strong interpersonal skills and ability to communicate and work well with diverse people. • Additional certification in Environmental Laws will be given preference. • Experience in International/ Regional level projects with a preference of local level projects. • The team leader will manage the entire assignment process and will be responsible for all deliverables, ensuring good quality standards
2.	Legal Expert (Deputy Team Leader)	Masters of Law/ Environmental Law	<ul style="list-style-type: none"> • 10 years post-graduate experience in formulation of policies, legislation and regulations, review of policies, legislation and regulations as well as in conducting Regulatory impact assessments • Must be registered and licensed to practice by the respective professional bodies to practice law.
3.	Economist / Financial Expert	Masters in Environmental Economics/ Commerce/ Finance	10 years post-graduate experience in public financing, analyzing financing mechanisms conducting cost-benefit analyses, and business economics and funding models.
4.	Social- Expert	Masters in Social Sciences (Sociology/ Anthropology/ Social Work/Community development).	5 years post-graduate experience in policy and legislative formulation, social impact assessment, stakeholder mapping, public participation and consultation.

17. Management and Accountability of the Assignment

The Client will be represented by the Director General. The Project Coordinating Unit will be the Consultants 'supervisor and shall be responsible for coordination of activities of the consultant. On a day-to-day work basis, the consultants shall work and report to the Project Coordinator.

18. Confidentiality, Propriety Rights of Client in Reports and Records.

All the reports, data, and information developed, collected, or obtained during the performance of the contract from the client or other Institutions shall belong to the Client. No use shall be made of them without prior written authorization from the Client.

At the end of the Services, the Consultant shall relinquish all data, manuals, reports and information (including the database, codes, and related documentation) to the Client and shall make no use of them in any other assignment without prior written authority from the Client