



Republic of Malawi



Blantyre Water Board



Blantyre City Council

**MALAWI WATER AND SANITATION PROJECT-1
(MWSP)**

Terms of Reference:

**TERMS OF REFERENCE FOR CONSULTANCY SERVICES TO
DEVELOPMENT OF THE SANITATION BILL**

PROCUREMENT REFERENCE: MW-BWB-335962-CS-OCBS

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1. INTRODUCTION

1.1 Background

The Government of Malawi (GoM) is committed to providing adequate, reliable and sustainable water and sanitation services to the urban, peri-urban, towns and rural population of Malawi to meet the ever-increasing demand for safe water for domestic, institutional, industrial, commercial and agricultural use. One focus area is Blantyre City, which currently faces a number of challenges related to water supply and sanitation services delivery. Some of the challenges include; high population growth, dwindling water resources, climate change, lagging infrastructure development and aging water and sanitation systems with high levels of non-revenue water creating large gaps between supply and demand, leading to unreliable services. The current water and sanitation situation in the city is alarming, which calls for comprehensive measures that will bring about sustainable and reliable improved services.

GoM through Blantyre Water Board (BWB) and Blantyre City Council (BCC) with financial support from the International Development Agency (IDA) of the World Bank intends to implement the Malawi Water and Sanitation Project (MWSP). The MWSP seeks to address the immediate and medium-term water and sanitation needs and support a long-term solution to Blantyre City's growing demand for improved water services and safely managed sanitation services.

BWB and BCC which are the implementing entities for the MWSP commit themselves to successful implementation of the project which aligns with Malawi's development goals as well as strategic plans for the two institutions. The project is consistent with the Government's priorities, as it directly aligns with Malawi's commitment to improving urbanization as stipulated in the Malawi 2063.

1.2 Project Development Objective and Components for the Blantyre Water and Sanitation Project (BWSP)

The project development objective (PDO) is to increase access to improved water supply and sanitation services in Blantyre metropolitan area and to enhance the operational and financial efficiency of the Blantyre Water Board. The PDO will be achieved through development and rehabilitation of water and sanitation infrastructure for Blantyre City and surrounding areas so that the city has adequate and reliable potable water supply with adequate pressure and safely managed improved sanitation services. The project focuses on four components that contribute to the achievement of the PDO.

Component 1: Water supply improvements

Under this component, the project will finance investments to improve water production, stabilize and improve network operational efficiency, reduce water losses, increase energy efficiency, improve water supply service quality, and expand water access to unserved areas, increasing energy efficiency, and boosting water access.

Key interventions under this component include:

- i. Rehabilitation and upgrade of Mudi intake and water treatment plant to strengthen the resilience of the water supply system with an alternative source of water during water interruptions caused by frequent floods and siltation along the Shire River
- ii. Priority water supply transmission network upgrade – 20.54km of transmission pipeline from Chileka to Blantyre and four associated reservoirs with a combined capacity of 40,000m³ to increase the storage capacity and BWB drought resilience, and six solar-powered boosters to improve energy efficiency and enhancing infrastructural climate resilience.
- iii. Distribution network upgrade with around 266km pipe replacement and upgrade pressure management systems to recover water leaks, thus reducing water wastage and improving water availability to serve more people.
- iv. Distribution network expansion in selected zones, including 60 smart water kiosks. Under this component, the project will also finance the TA activities required to design and implement the water supply improvement, including consultancy services for engineering designs, procurement, supervision, and related safeguards implementation for water infrastructure planned under the Project.

Component 2: Priority sanitation investments

This component involves several interventions to increase access to safely managed sanitation and reduce environmental pollution that has public health impacts.

Key interventions under this component include:

- i. The rehabilitation and upgrade of 50km of sewer network and connections and treatment works in the Blantyre, and Soche sewerage catchments, including interceptors to collect leaking sewers into river streams and reduce environmental pollution and methane capture to reduce emissions from the WWTP.
- ii. Technical assistance, equipment and tools to improve solid waste sorting and collection at the source with business development support and integration of private sector and waste pickers, and the construction of a new solid waste recycling plant and landfill in Chigumula with the aim of maximizing waste re-use and minimize emissions from uncontrolled solid waste dumping.
- iii. Construction and upgrade of public sanitation facilities for ten schools, five health centers, and five markets to reduce the incidence of open defecation in public places. Public toilet facilities will be enhanced with accessibility features for persons with

disability and MHM facilities and training to increase girls' retention in schools and support female entrepreneurs in markets. Public toilets in markets will be managed through public-private-partnership contracts with local entrepreneurs to enhance the operations and maintenance (O&M) and support job creation. The project will also finance TA for engineering designs and supervision of sanitation investments, sanitation tariff assessment, and preparation and implementation support for safeguards instruments.

Component 3: Institutional capacity strengthening

This component will finance a set of institutional development activities aimed at enhancing BWB's financial efficiency and governance systems, improving BCC's capacity to manage sanitation services and supporting the water sector investment planning and policy development to enhance the sustainability of urban water services.

For Blantyre Water Board, the activities will be financed through a performance-based mechanism to incentivize improvements in:

- i. Staff efficiency through performance management systems, cost reduction, strategy, and capacity-building activities for women's empowerment and participation in decision making roles and promotion of internship opportunities for female graduates.
- ii. Investment in innovative solutions for enhancing climate resilience, asset management and operations including water treatment works.
- iii. Customer services improvements.

For Blantyre City Council, the project will finance the development and update of policies, by-laws, and key guiding institutional documents/plans. It will also finance trainings, equipment; capacity development in sewerage and solid waste management and stakeholder engagement activities.

Component 4: Technical Assistance and Project Management Support

This component will finance TA activities designed to support the project implementing unit and the incremental operating costs for project management, including safeguards, communications, and project monitoring and evaluation. The project will also finance relevant training to enhance financial management, procurement, and safeguards capacity for the implementing entities.

2. OBJECTIVE OF THE CONSULTANCY SERVICES

The overall objective of this assignment is to facilitate the development of Draft Sanitation Bill and Regulations.

3. SITUATION ANALYSIS

The purpose of the development of the Sanitation Bill and Regulation is to ensure enforcement and the implementation of sanitation, hygiene services and related matters in Malawi. Currently, the Ministry faces challenges in implementing sanitation services. The most critical challenges include:

- Lack of clear sector leadership, governance and institutional framework.
- Ambiguity over the legislation and regulations, hence lack of harmonization.
- Low prioritization of Sanitation and Hygiene Promotion and Direct Investment into the subsector.
- A number of Key Stakeholders having a limited obligation to providing the required sanitation services throughout the country.
- There has been poor Management and Indiscriminate disposal of liquid and solid waste
- Lack of mechanism for tariff setting for sewerage and other sanitation services.
- Weak institutional arrangements- roles-responsibilities-mandates. Inadequate sector regulation and weak enforcement mechanisms.

4. SCOPE OF WORK

The consultant will be expected to study and analyze all relevant policies and legislations, and facilitate the development of a consolidated Draft Sanitation Bill which will enable the Government of Malawi to effectively deal with the management, re-use, recycling and disposal of all forms of waste, and promote the use of safe Hygiene practices for good health and social-economic development.

Specifically, the Consultant will be required to perform the following duties:

Task 1: – Drafting of Bill and Regulations

- Familiarize himself/herself with the background to this assignment by reviewing existing documents, previous works and the country's experience.
- Collect and analyze all relevant Legislation and Regulations from among others Ministries and/or Departments responsible for Water and Sanitation; Health; Education; and Environmental Affairs.
- In a bid to learn from other experiences in order to enrich the proposal, the Consultant shall also be encouraged to refer to similar documents from other Countries.
- Undertake focused consultations with the relevant Ministries/Departments, Local Government, Water Boards, City Councils, Municipal Councils, District Councils, WASH NGOs and all the other relevant stakeholders.

- Present the analyzed findings to the Stakeholders for Bill input.
- Develop a roadmap for the development, review, validation and submission of the final bill for processing by Parliament
- Develop a Draft Sanitation and Hygiene Bill and Regulations.

Task 2: - Consultation Meetings with Client and Stakeholders

The Consultant shall be required to conduct a series of meetings with Client and all the other Stakeholders to go through the Draft Bill and Regulations section by section explaining the objective of each section and the content thereof, as well as providing justifications in order to ensure that the Client and the Stakeholders fully understand the Bill and Regulations so that the stakeholders can comment on the drafts from a position of knowledge. Subsequently, the Consultant is expected to take comments from the Client and Stakeholders, including proposed amendments, and produce the draft Bill and Regulations.

Task 3: Consensus Building Workshops

The Consultant is expected to, jointly with the Client, conduct a series of consensus building workshops in all the three regions of Malawi with various stakeholders to brief them on the new Bill and Regulations and take comments and suggested amendments from the workshops for refinement of the Bill and Regulations.

Task 4: - Approval Processes

The Consultant shall assist the Client present the same to Government’s Principal Secretaries committee responsible for Environment and Natural Resources and stay at its disposal to address any questions from the Committee of verification of regulatory text till the adoption of the act.

Upon Government adopting the Draft Bill and Regulations, the Ministry of Water and Sanitation shall, take all the necessary measures to ensure the timely and smooth enactment of the Draft Bill and Regulations.

5. EXPECTED OUTPUTS OF THE ASSIGNMENT

The Consultant shall prepare and submit to the Client twenty (20) hard copies and five electronic copies on USB Flash Drive of the following reports:

Deliverable No	Deliverable	Due date (No. of months from commencement date)	Payment Plan
1	Inception Report	1.0	20% of total contract amount
2	Situation Analysis report	4.0	

Deliverable No	Deliverable	Due date (No. of months from commencement date)	Payment Plan
	Stakeholder mapping and engagement strategy		30% of total contract amount
3	Draft National Sanitation and Hygiene Bill and Regulations.	6.0	20% of total contract amount
4	Final Draft National Sanitation and Hygiene Bill and Regulations to be submitted to Ministry responsible Justice and Constitutional Affairs	8.0	30% of total contract amount

6. QUALIFICATION AND EXPERIENCE

An institution with at least 5 years track record of successful analysis and/or development of Bills and Regulations. The shortlisting criteria are:

- Experience in analysis and/or development of Bills and Regulations.
- Experience in Organizational and Policy Analysis.
- Experience in packaging and delivering information to different stakeholder categories
- Experience in managing health care waste and hygiene promotion.
- A thorough working experience of the management and administration of externally assisted projects in Sub-Saharan Africa

The core team for this assignment shall meet the requirements detailed below.

- Team Leader who shall be a Legal Expert with at least a Master's Degree in Law and a minimum of ten (10) years relevant experience in drafting of Bills and Regulations.
- Organization and Policy Expert with at least a Master's Degree in Public policy and a minimum of 7 years relevant experience in Organizational and Policy Analysis.
- Sanitation Expert with at least a Master's Degree in Sanitation, Water and Wastewater Engineering, Civil Engineering, and a minimum of 7 years relevant experience in managing liquid and solid waste.
- Environmental Health Specialist with at least a Master's Degree and a minimum of 7 years relevant experience in managing health care waste and hygiene promotion.

- Strategic Communications Expert with at least a Master’s degree in journalism/communication 7 years’ experience in packaging and delivering information to different stakeholder categories.

7. ESTIMATED TIME INPUT FOR KEY PROFESSIONAL STAFF

The assignment will be carried out over an 8 (eight) months period with an estimated time input of 34 Man-months (see Table below). The estimated Man-months are indicative only. The Consultant may propose an alternative level of effort, if it is supported by sufficient documentation in their proposal to show that it can successfully meet the assignment objectives.

No	Key Professional Staff/Expert	Estimated Man-months
1	Team Leader	8
2	Organization and Policy Expert	6
3	Sanitation Expert	6
4	Environmental Health	8
5	Strategic Communication Expert	6

7.1. REPORTING REQUIREMENTS AND OTHER OBLIGATIONS

The Consultant will report to the Principal Secretary of the Ministry of Water and Sanitation through the PIU Manager of the Blantyre Water Supply and Sanitation Project.

8. OBLIGATIONS OF THE CONSULTANT

- 8.1. The consultant shall provide own office space and all equipment required for the assignment
- 8.2. It shall be the responsibility of the Consultant to source relevant documents and any information required from various authorities.
- 8.3. The Consultant will be responsible for the payment of local taxes and duties for all goods and services including levies during execution of the project. The Consultant is therefore expected to liaise with Tax Authorities such as Malawi Revenue Authority, in this aspect.

9. OBLIGATION OF THE CLIENT

- 9.1. The Client shall ensure that all relevant information in its custody is timely available to the consultant in order to facilitate the timely, efficient and effective delivery of results. The Client, Councils and all other relevant Ministries shall make available all reports in their custody.
- 9.2. The Client shall in addition facilitate the timely collection of documentation from other stakeholders by issuing supporting letter(s) to the Consultant to facilitate the process of collecting all the relevant documents and/or information.

- 9.3. Where need be the Client will facilitate the organizing of meetings between the Consultant and all the relevant stakeholders.

10. COMMENCEMENT OF THE ASSIGNMENT

The assignment shall commence immediately after signing the contract.