

Kenya Water and Sanitation Civil Society Network

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TERMS OF REFERENCE TO SUPPORT IN STRENGTHENING INSTITUTIONAL GOVERNANCE AND ACCOUNTABILITY IN THE WATER AND SANITATION SECTOR

1.0 SUMMARY

Organization	Kenya Water and Sanitation Civil Society Network (KEWASNET)
TOR Purpose	KEWASNET is looking for a consultant to support in strengthening institutional governance and accountability in the Water and Sanitation Sector
Consultations	KEWASNET Programme Department
Application deadline	23 rd September 2024
Contact/Address	Applications to be sent to: procurement@kewasnet.co.ke Only short-listed applicants will be contacted.

2.0 ORGANIZATIONAL BACKGROUND

The Kenya Water and Sanitation Civil Society Network (KEWASNET) is a legal non-governmental and nonprofit membership organization incorporated in August 2007 under the Non-Governmental Organizations (NGO) Act. The network is an organization set within the overall national strategy of encouraging networking, collaboration and cooperation of Civil Society Organizations (CSOs), Private Sector

Organizations, individuals and others who elect to join the network. It envisions: 'A Kenya where Universal, Sustainable and Equitable Access to Safe Water, Sanitation and Hygiene is realized by all'. Its mission is 'To Enhance Political Will and Collective Development Capacity, and Mobilize Resources for Transformational Change in WASH Governance & WRM'.

The membership is drawn from CSOs working towards improvement of water governance, WASH service delivery, water resource management (WRM), and efficiency in the water sector. The overall purpose of the network is to influence the policy environment so as to ensure Kenyans have access to affordable and safe water and sanitation services in a sustainable context.

3.0 BACKGROUND OF THE ASSIGNMENT

Globally, the water and sanitation industry is essential to environmental sustainability, economic growth, and public health. The UN recognizes access to clean water and proper sanitation as a fundamental human right since it is critical to human well-being. Even with the tremendous advancements of the last several decades, there are still issues in many areas, especially in developing nations where inadequate infrastructure, poor governance structures and limited resources make it difficult to provide services effectively.

The water and sanitation sector in Kenya faces many challenges. The Joint Monitoring Programme (JMP) for Water Supply, Sanitation, and Hygiene, run by the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF), reports that over 32% of Kenyans do not have access to basic drinking water services, and 70% do not have access to basic sanitation facilities. Rapid urbanization, population expansion, and the effects of climate change aggravate these problems by adding to the already burdened water resources.

In order to tackle these issues, the Kenyan government has enacted a number of reforms, such as the creation of Water Works Development Agencies (WWDAs) and the transfer of water services to County Governments. By encouraging accountability and openness and bringing decision-making closer to the local level, these reforms hope to improve service delivery. But there have been some challenges with the move. There are still problems with poorly defined roles and duties among stakeholders, insufficient performance frameworks, and insufficient accountability and monitoring systems.

Increasing the cooperation between WWDAs, County Governments, and Water Service Providers (WSPs) is essential to raising the sector's performance. To prevent duplication of effort and guarantee effective resource use, roles and duties must be clearly defined. Strong frameworks and rules are also required to enable the long-term transfer of loans and assets, guaranteeing that investments are properly used and managed.

The Kenya Water and Sanitation Civil Society Network (KEWASNET) being a leading advocacy network committed to improving water and sanitation services in Kenya and with a mission to enhance the accountability, transparency, and performance of the water and sanitation sector through capacity building, advocacy, and policy engagement, in line with this mission, seeks to address the current challenges faced by Water Works Development Agencies (WWDAs), Water Service Providers (WSPs), and County Governments in their collaboration and operational efficiency.

KEWASNET aims to address these challenges by enhancing the linkages between WWDAs and WSPs by developing frameworks that clarify roles, improve performance, and ensure sustainable transfer of loans and assets. Additionally, KEWASNET recognizes the critical role of civil society in promoting accountability and transparency in the sector. It acknowledges that strengthening the capacity of civil

society organizations (CSOs) to monitor budgets, expenditures, and infrastructure development is crucial for holding duty bearers accountable.

In this context, KEWASNET seeks to engage a consultant to support in enhancing the link between WWDAs and WSPs. The consultant will play a pivotal role in developing and implementing frameworks, guidelines, and advocacy materials that will address the current challenges and pave the way for a more efficient and accountable water and sanitation sector in Kenya.

4.0 OBJECTIVES OF THE ASSIGNMENT

The main objectives of the assignment are;

1. Facilitate the improved performance of WSPs
2. Clarify roles and responsibilities of County Governments, WWDAs, and WSPs
3. Develop advocacy materials and policy briefs targeting County Governments, WWDAs, and WSPs
4. Create guidelines/checklists for the sustainable transfer of loans and assets from WWDAs to WSPs, municipalities, and counties
5. Improve sustainability, protection of assets, and tracking of funds in the WASH sector

5.0 SCOPE OF THE ASSIGNMENT

The Scope of this assignment will include:

5.1 Enhancing the Link between WWDA and WSP:

1. Development of a comprehensive framework to enhance the performance of WSPs.
2. Conduct of training sessions and workshops for WSPs to improve their operational efficiency.

5.2 Clarification of Roles and Responsibilities:

1. Outlining the roles and responsibilities of County Governments, WWDAs, and WSPs.
2. Sensitizing County Governments on the importance of not unduly intervening in WSPs' operational work, including influencing recruitment, procurement, investment decisions, and dismissals without due process.

5.3 Development of Advocacy Materials and Policy Briefs:

1. Development of advocacy materials and policy briefs targeting County Governments, WWDAs, and WSPs.
2. Engagement of stakeholders to ensure the materials and briefs are relevant and effective.

5.4 Development of Guidelines/Checklists for Sustainable Transfer of Loans and Assets:

1. Development of guidelines and checklists for the sustainable transfer of loans and assets from WWDAs to WSPs, municipalities, and counties.
2. Supporting a consultation process with National Treasury, MWS, WASREB, County Governments, and WSPs to ensure:
 - Affordability of tariffs and viability of projects
 - Infrastructure rollout accountability
 - WSPs' commitment to work on Non-Revenue Water (NRW) including commercial losses
 - Proper relationship management between WWDAs and WSPs regarding loans
 - WASREB project audits to ensure value for money

6.0 DELIVERABLES

The key deliverables for the consultancy are as follows:

1. A detailed framework designed to improve the operational efficiency and service delivery of Water Service Providers (WSPs)
2. Clear and comprehensive documentation outlining the roles and responsibilities of County Governments, Water Works

Development Agencies (WWDAs), and WSPs in the water and sanitation sector

3. Advocacy materials and policy briefs targeting County Governments, WWDAs, and WSPs. These materials should effectively communicate key messages and recommendations for enhancing governance and accountability in the sector.
4. Guidelines and checklists developed to facilitate the sustainable transfer of loans and assets from WWDAs to WSPs, municipalities, and counties. These tools should promote effective and transparent management of financial resources.

7.0 EXPECTED PROFILE OF THE CONSULTANT(S)

The suitable consultant should have an overall understanding of the Water, Sanitation and Hygiene (WASH) sector with at least 10 yrs experience in the sector. He/She should have a strong understanding of both levels of government (National and County), WWDAs, and WSP roles. The consultant should have a proven track record in developing advocacy materials and policy briefs. Familiarity with the TAP-A model and integrity management tools is also necessary. The consultant should possess excellent communication and stakeholder engagement skills and a proficiency in analytical reporting.

8.0 RESPONSE PROPOSAL SPECIFICATIONS

Interested consultants must include in their application a detailed;

- (a) Technical proposal outlining their approach to the assignment
- (b) A financial proposal detailing consultancy costs in Kenya Shillings

9.0 SUBMISSION OF PROPOSAL

The proposal should be emailed to the following email address by COB 23rd September 2024. Subject line to read: **Strengthening Governance And Accountability In The Water And Sanitation Sector**

Email: procurement@kewasnet.co.ke

10.0 EVALUATION AND AWARD OF CONSULTANCY

KEWASNET will evaluate the proposals and award the assignment based on technical and financial feasibility. KEWASNET reserves the right to accept or reject any proposal received without giving reasons and is not bound to accept the lowest or the highest bidder.

