

REPUBLIC OF KENYA

MINISTRY OF WATER AND IRRIGATION (MWI)

WATER SECTOR TECHNICAL GROUP (WSTG)

STUDY FOR THE ESTABLISHMENT OF A SECTOR- WIDE APPROACH TO PLANNING (SWAP) IN THE WATER AND SANITATION SECTOR IN KENYA

CONSULTANCY SERVICES

TERMS OF REFERENCES

Terms of Reference

Study for the Establishment of a Sector-Wide Approach To Planning (Swap) in the Water and Sanitation Sector in Kenya

1. Background

The Government of Kenya (GoK) is implementing far reaching reforms in the water sector to restructure and improve sector performance and address the problems associated with the management of the resources and delivery of water and sewerage services. The Water Act 2002 provides the legal framework for the implementation of new institutional arrangements based on the following principles:

- The separation of the management of Water Resources from Water Supply and Sanitation Services
- The institutional separation of service provisions from regulation and policy making;
- Decentralization, participation, autonomy, accountability, financial and ecological sustainability and efficiency

To implement these principles a set of new institutions have been established. This includes seven regional Water Services Boards (WSB) that have been licensed as decentralized and autonomous asset holding institutions, charged with responsibility for asset ownership and management as well as efficient and economical provision of water services. However, WSBs shall not be involved in direct service delivery. Instead, the Water Act provides for the engagement Water Services Provider (WSP) to deliver water supply and sanitation services within its area of jurisdiction. WSPs may be rural communities, non-governmental organizations (NGOs), autonomous entities established by Local Authorities or private sector operators.

A transfer plan launched in July 2005 provides for a transition period of 2 years in order to fully shift new functions, duties and responsibilities from the former institutional set-up to the new structures and institutions.

The sector reform is widely supported by the Development Partners' community. However, investment needs in the sector to reach the Millennium Development Goals (MDGs) exceed by far the resources availed through the Government of Kenya and its Development Partners. This gap can only be overcome by increasing resource mobilization through improved sector performance by enhancing the planning and implementation efficiency of investments for infrastructure and service delivery. A prerequisite for this is the establishment of a Sector-Wide Approach to Planning (SWAP).

A Sector-Wide Approach (SWAP) can be defined as *“pooling of resources to support a single sector policy and expenditure programme, under Government leadership, adopting common approaches across the sector and progressing towards relying on Government procedures to disburse and account for funds”*.

The development of SWAP is an inherently complex and dynamic process, which requires strong Government leadership and ownership. This calls for broad-based participation and commitment in order to ensure wider ownership and sustainable reform.

2. Study objective

The objective of this study is to assist the Ministry of Water and Irrigation in the preparation of a Sector-Wide Approach to Planning (SWAP) in the Kenyan Water and Sanitation Sector (WSS). More specifically the objective of the study is to:

- (i) avail all information and documents necessary for the preparation and establishment of a SWAP;
- (ii) gather relevant experience from SWAP processes in other sectors in Kenya and in the Water and Sanitation sectors in the East African region and assess and validate these for the benefit of a Kenyan WSS SWAP;
- (iii) outline and design the necessary structural and procedural steps for the sector including all relevant stakeholders for the establishment of a SWAP;
- (iv) prepare a detailed road map for the preparation, establishment and consolidation of a Kenyan WSS SWAP.

3. Scope of Work

Task 1: Demand assessment

The consultant shall assess in detail the demand of the Kenyan WSS for a SWAP outlining in particular

- The present situation of the Kenyan WSS in terms of its harmonization, coordination and alignment structures and procedures;
- Advantages and potential for a SWAP in the Kenyan WSS in terms of improvements in planning and implementation efficiency of investments in infrastructure and service delivery;
- Essential structural, institutional and procedural prerequisites for a SWAP with the objective to contribute to the achievement of the MDGs in the Kenyan WSS.

The consultant shall, in assessing the SWAP demand, outline to what extent the establishment of a SWAP is necessary to reach the MDGs in the Kenyan WSS and thus qualify its potential contribution.

Task 2: Information collection, processing and presentation on SWAP requirements

The consultant shall collect and prepare all relevant information on the framework, the institutional structure, working methodology, the procedural and communication requirements, the modes of delivery and the expected outcomes of a SWAP in the Kenyan WSS.

The information shall include an analysis on the Kenyan Partner's and its Development Partners' expectations on the impact, the risks and the challenges as well as the potential of a SWAP in terms of:

- Preparation, discussion and approval of a code of conduct or partnership principles for all potential SWAP stakeholders;
- Harmonisation, alignment and coordination;
- Inter- and intra-sectoral requirements for enhanced cooperation and coordination;
- Institutional, structural, procedural and behavioural risks and challenges during SWAP preparation, establishment and implementation;
- Objectives and results of an integrated concise investment planning process;
- Willingness and preparedness of stakeholders to technically and financially contribute to the establishment and implementation of a SWAP;
- Willingness and feasibility of stakeholders to adjust and align technical and financial support implementation procedures based on joint rules and regulations of the SWAP.

The consultant shall put an emphasis on possible concepts and implementation modalities for concise quality assurance and performance monitoring within the SWAP considering the formulation of a respective framework including qualitatively and quantitatively monitorable, assessable and verifiable objectives, indicators and results on sector performances within a defined periodical timeframe.

Task 3: Collection, assessment and validation of SWAP experiences

The consultant shall acquire and review all relevant SWAP experiences from other sectors and from the region in order to assess their usefulness for the Kenyan WSS SWAP in terms of lessons learnt and best practices. The consultant shall in particular

- Collect, review and assess relevant information on the status of SWAP building processes in other sectors in Kenya, in particular those with a close link to the water sector i.e. health, education, agriculture, environment and finance;
- Collect, review and assess relevant information on the status of SWAP building processes in the water sectors in neighbouring countries, in particular in Uganda, Zambia and Tanzania;
- Extract, formulate and present lessons learnt and best practices from gathered information for a Kenyan WSS SWAP under the objective of
 - Avoiding unnecessary implementation delays and obstacles;
 - Promoting cooperation, synergies and available driving forces;
 - Applying priority setting concepts for efficiency gains;
 - Promoting communication and participation;
 - Enhancing transparency and anti-corruption attitudes and behaviour.

Task 4: Outline and design structure and procedures for a Kenyan WSS SWAP

The consultant shall, taking into consideration results from task 1 to 3, outline and design the best suitable structure, procedures and modes of coordination, cooperation and communication for a Kenyan WSS SWAP.

In particular, the consultant shall

- Describe the prerequisites and preparatory works for the launch and establishment of a SWAP, in particular focus on
 - *A Statement of Intent between MWI and Development Partners;*
 - *A Memorandum of Understanding* outlining agreements between MWI and Development Partners participating in supporting and funding arrangements within a SWAP;
 - *Code of Practice or Partnership Principles* outlining issues related to behaviors, means of co-operating and information-sharing between partners;
- Define the structure of the SWAP in terms of
 - A proposal for the working structure of the sector in order to cover all sub-sectors adequately according to their requirements to reach the MDGs i.e. urban and rural WSS, irrigation and water for production, sanitation etc.;
 - Timeframe and ToR for regular meetings within the Sector Working Group;
 - Strategic and working links to Ministry of Finance in order to synchronize the SWAP with the MTEF budgeting process;
 - Strategic and working links to other line ministries having an impact on the water sector;
 - Timeframe and ToR for regular sector meetings i.e. sector reviews or conferences (annually or twice a year).
 - Design working procedures for all level of stakeholders within the Kenyan WSS sector and between the water sector and other linked sectors and partners.

Task 5: SWAP Road Map

The consultant shall prepare a detailed road map outlining objectives, results and activities for the preparation, establishment and consolidation of a Kenyan WSS SWAP within a proposed realistic time frame.

The consultant shall in particular

- Prepare a WSS SWAP implementation road map for short term measures for the preparation of a SWAP launch, medium term measures for the establishment of the SWAP structure and procedures and long term measures for the SWAP consolidation;
- Design the various tasks and activities required for the establishment of the SWAP in terms of time, personnel and resource inputs required and within a clearly defined time frame;
- Define, along the suggested time frame, the expected outputs to be produced by the stakeholders such as the sub-sector analyses, sector investment planning etc.

4. Approach

The consultant will ensure that the entire study is carried out applying the principles of enhanced stakeholder participation and improved consensus building in order to ensure a maximum of compliance with positions and opinions of all possible SWAP participants.

The consultant shall therefore work closely together with the recently established SWAP secretariat within the MWI and report, whenever necessary or required, to the Permanent Secretary of MWI and WSTG.

5. Deliverables and Deadlines

The duration of the consultancy shall not exceed 4 months.

No.	Deliverable	Specification	Deadline (after contract signature)
1.	Kick-off meeting	- establish common understanding on ToRs, deliverables and consultant's information requirements; - present project team (consultants and MWI SWAP secretariat) and work process.	Week 2
2.	Inception report	- presentation of findings from desk study and initial interviews with stakeholders; - final methodology for further implementation of study; - statement on risks, challenges and potential of study outcomes	Week 4
3.	Task 1 - Demand assessment	Quantitative and qualitative demand assessment on WSS SWAP in Kenya	Week 6
4.	Task 2 – SWAP requirements	Quantitative and qualitative information collection, processing and presentation on SWAP requirements	Week 7
5.	Task 3 – SWAP experiences	Collection, assessment and validation of SWAP experiences from other sectors and from the region	Week 9
6.	Task 4 – SWAP structure and procedures	Outline and design the best suitable structure, procedures and modes of coordination, cooperation and communication for a Kenyan WSS SWAP	Week 10
7.	Task 5 - SWAP Road Map	Prepare a detailed road map with objectives, results and activities for a Kenyan WSS SWAP within a proposed realistic time frame	Week 11
8.	Stakeholder workshop	Presentation and discussion of findings	Week 12
9.	Action plan	Action plan on SWAP establishment and implementation	Week 13
10.	Final report	Final report	Week 15

10.	Project documentation	Adequate documentation to be delivered to all stakeholders	1 week after presentation of final report
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