

TERMS OF REFERENCE FOR ESTABLISHMENT OF NATIONAL SANITATION AUTHORITY AND FUND

Ref No:

1.0 INTRODUCTION

Environmental Sanitation Challenge in Ghana

Solid and liquid Waste Management remains a critical challenge for the country. Total access to household toilet facility is estimated at 59.3% with the proportion being higher among urban than rural households as depicted in figure one below. Open defecation is prevalent in all sixteen regions (PHC, 2021).

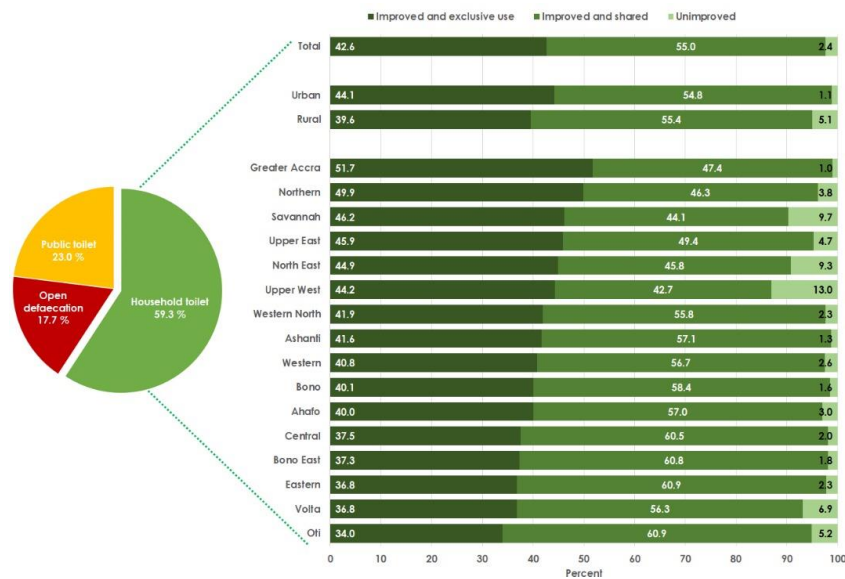


Figure 1: Status of Basic Sanitation (GSS PHC, 2021)

- The most prevalent method of disposing wastewater is throwing onto the ground/street/outside (70.6%), and this occurs in rural (88.9%) as well as urban (58.7%) areas.
- Only 14.1 percent of households use standard waste containers, with the proportion for urban (19.2%) being three times as high as for rural (6.3%) areas
- Only a third (33.4%) of households have their solid waste collected and the proportion is strikingly higher in urban (51.4%) than in rural (5.8%) areas.

Achieving sustainable universal sanitation coverage would require a paradigm shift in current efforts.

Over the years, environmental sanitation¹ services delivery has been implemented amongst various sector Ministries and Agencies with no structured coordination mechanisms and reporting arrangements to manage the sanitation situation in our cities, towns and communities. Ministry of Local Government and Rural Development, Ministry of Health, the hitherto Ministry of Water

¹ In line with the definition of the components of environmental sanitation(ES) in the ESP and NESSAP, ES covers; (a) Solid Waste Management; (b) Excreta (Liquid Waste) Management (c) Sullage Conveyance; (d) Environmental Sanitation Education and Enforcement Management (e) Health-care and Special Industrial Wastes;

Resources, Works and Housing, Ministry of Education and to some extent, Environmental Protection Agency (EPA), Food and Drugs Authority; and International and local non-governmental organisations (NGOs) have one way or the other implemented programmes and projects on some specific aspects of addressing the sanitation situation in the country. The results have been mixed and the environmental sanitation situation is improving rather slowly.

The Environmental Sanitation Policy (ESP) developed in 1999 which was revised in 2010 has defined strategies for addressing waste management challenges. That is, the ESP outlines the long-term sanitation goals, details courses of action and associated allocation of resources required to achieve the goals. The courses of action raised in the ESP are adequate in making meaningful strides in the environmental sanitation challenges in the country. While the development of national strategies has been encouraging, implementation of these strategies has been challenging due to the misalignment between the waste management strategies and institutional structure required to implement the strategies.

Institutional Capacity for managing environmental sanitation

Major lessons learnt from projects and other capacity assessment processes are that the capacity of even the largest Metropolitan Assemblies to plan, execute and especially operate and maintain environmental sanitation infrastructure and services remains weak. The situation is direr in municipal assemblies because they have no waste management departments and environmental sanitation is managed by the Environmental Health and Sanitation Units. Currently there are some institutional gaps in planning, designing, implementation and operational level management of large scale infrastructural activities such as wastewater treatment plants, sewerage, solid waste treatment facilities etc.

Solid waste management capacity of the MMDAs in Ghana are complemented by the activities of private sector players. The performance of these players however needs to be well regulated to ensure maximum benefit from the services that are offered. A vibrant private sector can only work better with a strong public sector. Monitoring and Regulation of the private sector can be done by a strong National Sanitation Agency.

Creation of Ministry of Sanitation and Water Resources

The Ministry of Sanitation and Water Resources (MSWR) was created in 2017 to provide a renewed focus for achieving sustainable environmental sanitation and water service. The MSWR is a Ministry in the Infrastructure Sector under the Office of the Head of Civil Service with following mandate:

- Initiate and formulate water, environmental health and sanitation policies taking into account the needs and aspirations of the people;
- Undertake water and environmental sanitation sub sectors development planning in consultation with the National Development Planning Commission (NDPC); and
- Co-ordinate, monitor and evaluate the efficiency and effectiveness of the performance of the sanitation and water sub sectors.

Implementation of plans and programmes are undertaken by the Ministry's Agencies and MMDAs. The water sub-sector has Ghana Water Company Limited (GWCL) and Community Water and Sanitation Agency (CWSA) mandated to provide urban and rural water services respectively and Water Resources Commission (WRC). Environmental sanitation on the other hand has no agency/utility. It is against this backdrop that the MSWR intends to establish a national agency for sanitation.

The National Sanitation Agency (NSA) and National Sanitation Fund (NSF)

The purpose of setting up a National Sanitation Agency for Ghana is to create an inter-jurisdictional organization that is well placed to lead and implement programmes that focus on critical sanitation infrastructure and service delivery. The goal of having such an agency is to put sanitation provision and management, which has lagged behind over the years on track. The National Sanitation Agency shall provide guidelines and technical backstopping to the MMDAs for the implementation of sanitation in Ghana. The agency will provide a nationwide/citywide planning alignment, development of sanitation infrastructure, financial management, transparent data reporting, institutional capacity enhancement, monitoring and evaluation of sanitation infrastructure and service.

One of the functions of the National Sanitation Agency is to set up final treatment and disposal sites across the country. These sites because they will serve several MMDAs need to be managed by an inter-jurisdictional Agency.

Money, well utilized, has the ability to drive positive and lasting change. In pushing the agenda of a National Sanitation Agency ahead, there is the need to identify sources of funding that can support the delivery of sanitation infrastructure across the country. *The National Sanitation Fund (NSF) will be critical to dramatically scale up investments to reach everyone with sanitation services.*

The NSF is envisaged to be a financial instrument meant to provide resources for the construction of infrastructure, increase household connections, ensure sustainable level of service and support the budget of MMDAs in sanitation.

2.0 THE GARID PROJECT

The Government of Ghana has secured funding from the World Bank to finance the Greater Accra Resilient and Integrated Development (GARID) project. The project aims at supporting critical investments to deal with Climate Change impacts in the Odaw Catchment in the Greater Accra Region. The key interventions will focus on dealing with challenges with drainage and solid waste management in the Odaw Channel.

The MSWR through the GARID Projects seeks to procure the services of a firm to undertake consultancy service towards the establishment of the National Sanitation Agency.

3.0 OBJECTIVE

The objective of this assignment is to prepare a consolidated Bill for establishment of the National Sanitation Authority and Fund.

4.0 SCOPE OF WORK

Activities under the scope cuts across all aspects of environmental sanitation namely Solid Waste Management; Excreta (Liquid Waste) Management, Sullage Conveyance, Environmental Sanitation Education and Enforcement Management and Health-care and Special Industrial Wastes.

In carrying out the below tasks, the Consultant will ensure that the defined procedures and processes adhere to currently approved Ministerial and Parliamentary protocols.

The scope of services to be provided includes but not limited to:

- a) To undertake a critical review of the various environmental sanitation sector studies and institutional review reports² including project documents commissioned by the Ministry of Sanitation and Water Resources and synthesise the recommendations into distinct sector governance and management model
- b) Carry out a desk study of the roles and mandates of selected facilitation and service-type institutions such as Ghana Health Service, GWCL etc.
- c) Analyse important constraints identified to the effective delivery of mandates, including personnel deployment, funding and roles of political oversight for such institutions and agencies (to be specified initially by the MSWR and any additions made during FGDs);
- d) Develop a Technical Analysis Paper on NSA for Cabinet approval
- e) Based on information gathered in activities a to c, propose an appropriate framework for instituting and operationalising NSA, in line with the mandates of the Ministry of Sanitation and Water Resources (MSWR) and the proposed mandates of the National Sanitation Authority;
- f) Conduct FGDs/KPIs to validate understanding of gaps and gauge interest in proposed model
- g) Conduct 3 zonal Stakeholder workshops for the southern, northern and middle belt. Workshops should be attended by stakeholders from the sector and allied agencies working in various Regions and Districts. The aim of stakeholder workshops will be to present proposed NSA model and solicit inputs and views from participants
- h) Organise stakeholder opinion sessions to solicit views from Ministry of Local Government and Rural Development (MLGRD), Ministry of Environment Science Technology and Innovation (MESTI), Ministry of Health (MoH), Ministry of Works and Housing (MWH), Ministry of Food and Agriculture (MoFA) and Ministry of Finance (MoF)
- i) Conduct one national stakeholder workshop to present and validate the model
- j) Provide related communication and dissemination strategies including preparation of briefs, and making presentations, as and when required and approved by the Client MSWR
- k) Conduct financial and economic analysis including key financing gaps in the sector
- l) Prepare Draft Bill on the establishment of NSA and NSF
- m) Prepare Consolidated Draft Bill on the establishment of the NSA (with relevant schedules covering the establishment of NSF)
- n) Draft associated technical schedules, standard operating procedures

² A list of documents is added as Annex to the ToR

5.0 OUTPUTS

The Consultant, during the assignment, shall consult with the MSWR/EHSD and agree on areas (and projects/reports/documents) to be reviewed and additional sources of information on existing/on-going reform efforts and institutions/agencies/entities to be appraised.

The consultant shall prepare and submit reports as scheduled below:

- Inception Report indicating how the consultants will carry out the tasks, including a revised consolidated activity schedule for the entire assignment; the areas (projects and reports/documents) selected for further detail analyses; presentation of any start-up activities carried out for achieving the outputs of this assignment and the staff to be deployed for key tasks. This will be submitted **6 weeks after commencement**.
- Stakeholder engagement Report shall be prepared to capture opinions and stakeholder engagement findings. 4No. Stakeholder engagements will be conducted. Proposed model of NSA should also be part of this report. This report will be submitted **4 months** after commencement.
- Draft NSA and NSF Bill to be submitted 7months after commencement
- Final Bill on NSA and NSF Bill (with schedules to cover NSF) and Analysis Paper to be submitted **9 months** after commencement.
- A Final Completion Report shall be prepared and submitted at the end of assignment to capture all the work products and outputs. The report will provide summary recommendations of all review workshops. The final completion report shall also include technical schedules for NSA operationalisation.

Table of Deliverables

s/n	Report	Time for Submission	Format
1	Inception Report including	6 weeks after commencement	5 hard copies and 1 soft copy
2	Stakeholder engagement Report	4 months after commencement	5 hard copies and 1 soft copy
3	Draft NSA and NSF Bill	7 months	5 hard copies and 1 soft copy
4	Final Consolidated Bill	9 months after commencement	5 hard copies and 1 soft copy
5	Final Completion Report	12 months after commencement	5 hard copies and 1 soft copy

6.0 CONSULTANT STAFFING

The assignment shall be carried out by a Consulting firm with the requisite mix of professional staff. It is envisaged that the Consultant's team shall be made up of five (5) core persons comprising (i) Lead Environmental Sanitation Policy Expert (Team Leader), (ii) Legal Expert (iii)Waste Management Expert (iv) Institutional and Development Planning Expert (v) Financial Expert.

The Team Leader shall be suitably qualified in delivering the relevant outputs, manage the whole assignment process and be responsible for:

- (i) Coordinating and managing the tasks listed above;
- (ii) Ensuring that the overall study results inform the MSWR and its directorates and units, and other MDAs, timely on the progress of work;
- (iii) Ensuring adequate information exchange links between this assignment and other sector reforms being proposed for improving management of the delivery of environmental sanitation policies, plans, programmes and services;
- (iv) Quality assurance of assignment processes and outputs;
- (v) Arranging for reviews/presentations of all outputs such as the inception, implementation plan, draft and final reports, especially to MSWR;
- (vi) Arranging for technical and other inputs as required from MSWR including documents, contact persons in specified MDAs, other relevant agencies and project units.

a. The **Team Leader** shall have

- not less than 15 years of working experience and be conversant with sanitation sector policies, plans and programmes and have international working experience, preferably in other African countries, and engaged in delivering similar assignments.
- The Team Leader shall have not less than 12 years of previous experience in developing and/or managing national and city-level plans, programmes and projects including those sponsored by development partners.
- A background post-graduate qualification in environmental/public health/sanitary engineering, and practical experience in institutional design and managing environmental sanitation services are pre-requisites.
- The Team Leader should have adequate environmental sanitation sector knowledge and conversant with other sector programmes with demonstrated capability for engaging widely with other professionals and senior management from other sectors, including members of Parliamentary Select Committees.
- International (regional) experience in water and sanitation sector planning and development of institutional options is required.

b. The **Lead Legal and Regulatory Expert** shall have

- not less than 12 years of relevant working experience with background experience in developing policies, by-laws and legislative instruments for water, environmental sanitation and/or health and other allied sectors.
- S/he shall have strong analytical skills in appraisal of regulations and their effects and impacts on plans, programmes and services.
- The Lead Legal and Regulatory expert shall have specific experience in drafting instruments for the establishment of service entities.
- National experience in leading the enactment of policies and legislation for governance of services including water, environmental sanitation and finance (revenue) is a pre-requisite.

c. The **Lead Institutional Expert** shall

- be suitably qualified in delivering the key tasks of this assignment and have not less than 12 years of experience with broad knowledge in decentralisation, centralization, development planning, sanitation governance, economics and institutional strengthening.
- Particular experience in development of plans and programmes for ministries, departments and agencies including facilitating MMDAs in the delivery of decentralised services (especially Medium-Term Development Plans) is required.
- The Expert shall have substantial experience in developing processes and tools for gathering and analysing views of sector actors.
- Previous engagement in preparation of national and decentralised level planning and institutional analyses is a pre-requisite.
- Experience in developing monitoring and evaluation (M&E) systems for delivery of decentralised services similar to environmental sanitation services with requirements for substantial public/community involvement shall be an added advantage.

d. **Waste Management Expert**

- Master's degree in Environmental Engineering, or other field related to this assignment
- At least 10 years' experience in designing solid and liquid waste infrastructure and implementation/provision of waste services.

e. **Financial Expert**

- Master's degree in finance or other fields related to this assignment and at least 10 years of experience in designing and developing financial management systems in general and for WaSH in particular. Adequate knowledge and familiarity with the GoG and Development partners financial management systems is important

7.0 TIMING AND BUDGET

The assignment is expected to be carried out within a duration of 12 months for the delivery of all the key outputs indicated under the scope of services. Total input for this assignment is estimated 30 man-months. Funding will be provided by the Ministry of Sanitation and Water resources (MSWR) as part of its institutional strengthening efforts with funding support from the IDA- (World Bank) sponsored Greater Accra Resilient Integrated Development Project (GARID).

8.0 STUDY MANAGEMENT

The MSWR is the primary Client for this assignment and will issue and manage the Consultant's Contract. The Chief Director of the MSWR will be responsible for approval of payments. The GARID PIU Lead shall be responsible for the day-to-day supervision of the consultants work and provide direction so that the consultants' delivery of the assignment meets the vision of the GoG and sector Minister, reporting, consultation, clearance procedures and agreed timelines.

9.0 SERVICES TO BE PROVIDED BY THE CLIENT

The MSWR will provide all relevant background documentation/information from other ministries, departments and agencies as detailed in table 2 below and furnish introductions to relevant project entities (MSWR-PCU, MESTI, MoH, NHIS, MoE/GES, GETFUND, MWH, CWSA, GWCL, NDPC, relevant Parliamentary Select Committees etc.) and provide technical assistance by assigning staff to facilitate implementation of these tasks. MSWR will co-opt other specialist agencies (if necessary) and professionals to provide technical assistance in reviews and participate in consultations.

TABLE 1: DOCUMENTS TO BE PROVIDED BY CLIENT

s/n	DOCUMENT NAME/TITLE	DESCRIPTION
1	A study of the Institutional, Policy, Financial and Legal aspects of the WASH sector in Ghana, 2021	The study identified structural bottlenecks and fragmentations, proposed a plan for more optimal institutional arrangements in the sector. It also provided an opportunity for GoG to mobilize various actors in the sector around a common vision to enhance cohesive partnership and ensure collective responsibility for results. The study was a first step in the maturation of sector reform decisions and processes.
2	National WASH Program Document, 2021	Update and consolidate the Water Sector Strategic Development Plan, the National Environmental Sanitation Strategy and Action Plan and other relevant WASH plans. the National WASH Program Document provides indicative cost break down and implementation framework for i) rural WASH; ii) urban WASH; iii) institutional development, iv) M&E and v) funding.
3	Financial and Economic Advisory for a Solid Waste Management Project in Accra, Ghana	The report evaluates the technical and commercial structure, assess potential Private Sector Participation (PSP) models for the proposed Ayidan landfill project, and opine on the enabling environment for PSP for the Project. This report explores the options surrounding the Project and how the Government's choices will impact the affordability of the Project and its ability to move the broader sector toward sustainability.
4	Sanitation Policy, 2010	Part 1 presents the current context and situation of environmental sanitation in Ghana. It also covers national development priorities, and broad principles guiding policy formulation. Part 2 which is the core of the new policy identifies the main challenges and constraints of the sector and draws objectives as well as actions and measures, to meet the challenges while adhering to basic principles. Part 3 presents issues of policy implementation including institutional roles and responsibilities and broad specifications
5	NESSAP, 2010	The NESSAP is a response to the need to refocus attention on environmental sanitation in Ghana and provide clear strategies and action plans that will guide implementation by Metropolitan, Municipal and District Assemblies (MMDAs). It is a logical follow up to the revision of

		<p>the Environmental Sanitation Policy (1999) within the new framework of national planning that requires comprehensive sector policies and strategic plans and investment costs.</p> <p>The NESSAP therefore provides the basis for MMDAs to commence incremental improvements for all aspects of environmental sanitation that can be measured and tracked towards Government of Ghana’s vision of achieving middle-income status by 2020.</p> <p>The NESSAP in addition serves as a useful reference as it presents background information from different sources and detailed analysis for incremental service improvement options for the various components of environmental sanitation.</p>
5	Water Sector Strategic Development Plan, 2012-2025	sets out Ghana’s commitment to and provides the framework for achieving the vision in respect of water, which is “sustainable water and basic sanitation for all by 2025.” The WSSDP identifies and addresses existing and emerging challenges in delivering water and basic sanitation services in the country and proposes strategies towards ensuring that all people in Ghana have access to basic levels of water and sanitation services by 2025. It illustrates the Government of Ghana’s commitment to operationalising the policy objectives and implementation strategies in the National Water Policy and the Ghana Shared Growth and Development Agenda (GSGDA) (2010-2013).
6	<p>Situation analysis of the urban sanitation sector in Ghana.</p> <p>Goufrane Mansour & Harold Esseku</p> <p>July 2017</p>	The aim of this situation analysis is to inform WSUP’s future research on key issues facing the urban sanitation sector in Ghana as well as opportunities to influence change. The report presents the country’s wider socio-economic and political context and provides an overview of institutional and financing arrangements for the sector. It also highlights the challenges of developing pro-poor urban sanitation services and identifies possible drivers of change.
7	Comparing models for Ghana’s proposed National Sanitation Authority and supporting its design, WSUP 2018	<ul style="list-style-type: none"> - Report: May 2018 – International study of institutional models to support the development of Ghana’s proposed National Sanitation Authority - Policy Brief: Jan 2019 – Ghana’s National Sanitation Authority: recommended roles and responsibilities - Journal article (Waterlines): October 2019 – Designing stakeholder consultations for institutional change: a case study from Ghana’s sanitation sector
8	MSWR Strategic Plan 2019-2023	<p>The purpose of this Strategic Plan is to provide a framework for coordinated implementation of the vision, mission, policy objectives, goals and targets of the WASH sector. It aims to guide the sector as a whole and other sector actors in the planning, development and management of the nation’s water and sanitation services within the framework of Government’s priorities. It is a five-year plan for the Ministry of Sanitation and Water Resources, providing the framework for Government’s leadership and coordination of policy and strategic priorities, together with its associated budget for the period 2019-2023.</p>

9	Waste Management in Ghana	Reports on Setting Up And Strengthening Of Waste Management Departments (WMDs) In Metropolitan And Municipal Assemblies
10	GAMA Master Plan	Non-Structural Measures and Institutional Assessment Reports of GAMA Master Plan
11	National Water Policy	The National Water Policy is intended to provide a framework for the sustainable development of Ghana's water resources. The policy is organized in three sections: Section 1 presents the Overview of Ghana's water sector comprising the state of water resources and management institutions, development priorities, international obligations, broad principles leading to policy formulation. Section 2 details the key policy issues related to the basic principles and challenges confronting water resources management development and use in the three sub-sectors – water resources management, urban water supply, and community water and sanitation. Section 3 outlines proposals and guidelines for implementing the policy including institutional roles and responsibilities, standards, regulations, definitions and references.
12	Relevant Laws and Acts of Parliament	<ul style="list-style-type: none"> - the Water Resources Commission (WRC) Act of Parliament (Act 522 of 1996) - Act 461 of 1993 as amended by LI 1648. - Community Water and Sanitation Agency (CWSA) Act 564, 1998 - Consolidated Local Government ancement Act <u>936 2016</u> - Local Government Service Act - the Local Government (Departments of District Assemblies) (Commencement) Instrument of 2009 (LI 1961), - the Decentralisation Policy Framework and National Decentralisation Action Plan