**TERMS OF REFERENCE**

**Purpose of the Assignment:** To develop the Memorandum of Understanding and related documents for Joint Fund of the National Rural WASH Programme (PRONASAR).

**Section Submitting:** Water, Sanitation & Hygiene (WASH)

**PURPOSE AND OBJECTIVE.**

The Government of Mozambique through the National Directorate of Water Supply and Sanitation (DNAAS)/Ministry of Public Works, Housing and Water Resources (MOPHRH) and its sector partners is developing the National Rural Water Supply & Sanitation Programme (PRONASAR) for period 2018-2030 aiming at achieving country SDG targets for rural WASH.

UNICEF has been actively engaged in development of (1st phase and new) PRONASAR and supports the implementation of PRONASAR both through Common Fund funding modality and bilateral decentralised funding.

As part of development of PRONASAR, four PRONASAR partners namely SDC, DFID, UNICEF and Austria engaged, upon agreed TOR and through 1st quarter 2018, a consultant to assist in developing funding options and future coordination mechanisms for PRONASAR that could appeal/encourage more partners funding PRONASAR.

One of the outcomes from the consultancy is for establishing a “Joint Fund” for PRONASAR, comprised by (i) a Common Fund with funds being channel through Government Single Treasure Account (CUT) and managed directly by the Government; and (ii) funding through a Fund Manager (FM); apart from other project/programme provincial/district direct funding allocations. In all these funding options, the coordination & guidance role from DNAAS is fundamental for ensuring proper accounting of PRONASAR resources.

For the finalization of PRONASAR document, DNAAS and the 4 PRONASAR partners agreed to engage a multidisciplinary team of consultant to support:

1. Integration, into PRONASAR document, of the funding modalities and future coordination mechanisms agreed ensuring quality and consistency throughout the PRONASAR document;
2. Development of key documents for operationalization of PRONASAR Joint Fund, namely:
   1. Memorandum of Understanding (MoU) for the PRONASAR Joint Fund.
   2. Terms of Reference (TOR) for the PRONASAR Fund Manager including setting up criteria for selection /procurement of the FM.
   3. **Operating Manual for management and implementation of PRONASAR, including**:
      * TOR for Technical and Management teams of PRONASAR
      * TOR for Technical Assistance to PRONASAR
      * TOR for the Independent Monitoring Agent
      * Setting up criteria for resource allocation to provinces (and districts); for prioritization among the PRONASAR components (Capacity building, sanitation); and developing integrated PRONASAR planning process.

To fulfil the above, it’s anticipated that the multidisciplinary team of consultants should consist of 3 experts:

* 1 team Leader/Coordinator
* 1 Rural WASH Specialist
* **1 Legal/Public Financial Management expert (and MoU development) with strong knowledge & understanding rural WASH.**

An umbrella TOR for this multidisciplinary team was developed highlighting the specific Roles & responsibilities for each team member as well as work relationship among them. These Umbrella TOR are attached and are part of this consultancy.

The main purpose of the current TOR is for engaging a **Legal expert/consultant on Public Financial Management (PFM) that will be responsible for developing the Memorandum of Understanding (MoU) and related documents for the Joint Fund of PRONASAR**.

**METHODOLOGY AND TECHNICAL APPROACH.**

The Legal expert/ consultant on PFM will work as part of the multidisciplinary team and contribute towards the overall objectives highlighted above and will coordinate closely with the other members of the Team (Team Leader / Coordinator and WASH Specialist).

To perform the individual tasks for his/ her assignment the Consultant will collect information, technical documentation and tools related to development and implementation of MoU for Programme Joint funds. Specifically the consultant will review:

* the latest draft document of PRONASAR being developed.
* the report from the consultancy regarding funding options and future coordination mechanisms for PRONASAR.
* Country and international experiences in establishing/implementing multi-donor Programme Joint Funds.
* the MoU of PRONASAR/Common Fund (2010-2015), assess weakness & gaps and identify mitigation measures/safeguards required (in light of the current macroeconomic and financial country situation) that could appeal/attract partners to fund PRONASAR through Joint Fund.

In addition, the Consultant will interview key PRONASAR partners and Government senior officials particularly at the Ministry of Economy and Finance and MOPHRH to gather views and challenges around planning/budgeting and funding for rural WASH within existing funding mechanisms.

The consultant will then analyse and systematize results from desk review and interviews for discussions with the Consultancy Team Leader, and with DNAAS & PRONASAR partners. The outcomes from the discussions will form the basis for the development of MoU for the PRONASAR Joint Fund.

**ACTIVITIES AND TASKS.**

The main activities for the assignment are:

1. To develop the Memorandum of Understanding (MoU) for the PRONASAR Joint Fund that considers also disbursement based performance/ disbursement linked indicator.
2. To develop Terms of Reference for the Fund Manager.
3. Ensure that all deliverables for the Operationalization of the PRONASAR Joint Fund, including the Operating Manual for management and implementation, are legally well aligned with country laws/approved procedures (financial/accounting & planning/budgeting procedures) and the PRONASAR document (2018-2030).

As noted above, the consultant will first conduct desk review of the PRONASAR document (2018-2030) being developed and the funding options & future coordination mechanism for better understanding of sector visions/policies, priorities and Programme implementation modalities being proposed.

The consultant will search and review country (in any) and international experiences in developing and implementing Programme Joint Funds (comprised by funds channelled through Common Fund + funds channelled through and managed by a Fund Manager), highlight challenges for PRONASAR/Joint Fund and propose measures to overcome these.

The consultant will review existing TORs from specific donors for Management of Funds within PRONASAR Fund Manager, analyse and highlight the required adjustments within the PRONASAR Joint Fund framework including the context of multiple donors/partners funding through Fund Manager. While reviewing and conceptualizing the TOR for the Fund Manager, the consultant should also assess/identify:

* Criteria/procurement process for the recruitment of the Fund Manager
* Who/Agency should be responsible for conducting the procurement process?
* For multiple partners/donors, to whom the Fund Manager will sign contract with?
* How payments for Fund Manager will be channelled?

The consultant will review the MoU for PRONASAR/Common Fund (2010-2015) and identify potential contents/areas for consideration into new MoU for the Joint Fund of PRONASAR.

The Consultant will interview key PRONASAR partners and Government senior officials to gather views and challenges around planning/budgeting and funding for rural WASH within existing funding mechanisms. Reference to the:

* Ministry of Economy and Finance (MEF)
  + National Directorate of Treasure - DNT;
  + National Directorate of Planning and Budget – DNPO
  + National Directorate of Public Accounting – DNCP

* Ministry of Public Works, Housing and Water Resources (MOPHRH)
  + National Directorate for Planning and Cooperation (DNPC);
  + National Directorate of Water Supply and Sanitation (DNAAS)

Nevertheless, UNICEF in consultation with DNAAS and PRONASAR partners will share with the Consultant, list of partners and Government institutions for interviews; however the consultant is open to add as appropriate though ensuring representativeness.

Prior to interviews and based on the results from desk review, the consultant will identify issues related to Joint Fund and Fund Manager of which the interviews will focus on. The consultant should get clearance and validation from the Team Leader and UNICEF, of these issues including the proposal of methodologies for interviews. It’s highly recommended that the interviews are done through face-to-face meetings (or at least video conferences).

Throughout the assignment, the consultant must ensure close liaison with the Team Leader and, through UNICEF, the PRONASAR partners and DNAAS. All final draft of deliverables must be first cleared by the Team Leader before submitting to UNICEF for comments by PRONASAR partners (including UNICEF) and DNAAS.

Moreover, joint meetings (PRONASAR partners and DNAAS) will be organized by UNICEF for which the multidisciplinary team will present the expected deliverables under their assignments and for each deliverable stage. As part of these meetings, the Legal Expert/Consultant will present the deliverables under his/her assignment for validation.

**DELIVERABLES AND PAYMENTS.**

Payments will be processed upon acceptance of the corresponding deliverable and validated at joint meetings and against an invoice that will reference the contract and deliverable numbers. Payments will be approved by the respective section chief.

*Deliverable 1:*

Delivery timeframe: 1st week

Deliverable/product(s):

* Outlined draft of new MoU for the PRONASAR Joint Fund highlights of requiring further discussions
* Outlined draft of TOR for the Fund Manager including draft of selection criteria and recruitment processes.
* PPT delivered at the joint meeting.

Payment: 20%

*Deliverable 2:*

Delivery timeframe: 4th week

Deliverable/product(s):

* MOU drafted for the PRONASAR Joint Fund;
* ToR drafted for the Fund Manager including criteria for selection and contractual processes.
* PPT delivered at joint meeting.

Payment: 40%

*Deliverable 3:*

Delivery timeframe: 7th week

Deliverable/product(s):

* Final version of MoU for the PRONASAR Joint Fund
* Final version of TOR for the Fund Manager including criteria for selection and contractual processes.
* PPT delivered at joint meeting .

Payment: 40%

**MANAGEMENT AND SUPERVISION.**

The consultant will be hired by UNICEF and will report to UNICEF/WASH Section Chief (or OIC), and daily contacts with UNICEF/WASH Specialist.

Being this assignment is part of an Umbrella TOR for engaging 3 experts for development and integration/harmonization, within PRONASAR document, of funding options & coordination mechanisms for PRONASAR as well as the operating procedures/manual. Consequently, the consultant under the current assignment, will work closely with the WASH Specialist and under technical supervision of the Team Leader.

The assignment will be undertaken in 20 working days throughout 8 weeks starting from the date of signing of contract.

The communication language under this assignment is both Portuguese and English. However all deliverables will be submitted in Portuguese language.

**CONDITIONS OF WORK.**

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| **Items** | **Provided by UNICEF** | | **Remarks** |
| **Yes** | **No** |
| Service incurred death, injury or illness | X |  | Per the provisions of CF/IC/2013-001 on insurance coverage “in cases of service-incurred injury, illness or death under a third-party provider”. |
| Health Insurance |  | X | Consultants are to provide their own health insurance when the assignment requires traveling beyond commuting distance. |
| Office Space |  | X |  |
| Computer in office premises |  | X |  |
| Access to printer in the office premises |  | X |  |
| Airtime |  | X | Data up to: [Insert as applicable]  Voice up to: [Insert as applicable] |

**IN-COUNTRY TRAVEL.**

None (in-country travel) is expected under this assignment.

**EVALUATION CRITERIA.**

The selection of the consultant will be based on a “best value for money” principle. Interested candidates should, in addition to submitting their CV and cover letter, indicate their all-inclusive fees (including travel, subsistence costs, etc.) for the services to be provided. The office shall select the individual who quoted the lowest fee from the list of individuals who are deemed technically suitable for achieving all tasks in time. The technical evaluation criteria are stipulated below.

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| **Item** | **Technical Criteria/Qualifications** | **Max. Points** |
| **1** | **Education** | **10** |
| **1.1** | University degree in Public Financial Management /legal related field | 10 |
| **2** | **Work Experience** | **40** |
| **2.1** | Solid experience (at least 7 years) in legal Public Financial Management system in Mozambique | 15 |
| **2.2** | Solid experience (at least 7 years) in developing MoU for Programme Funds (Joint Funds, Common Funds) | 10 |
| **2.3** | Strong understanding of Mozambique rural WASH subsector | 10 |
| **2.4** | Experience working with International organization | 5 |
| **3** | **Technical Skills and Knowledge** | **30** |
| **3.1** | Strong analytical skills and strategic development | 10 |
| **3.2** | Strong networking particularly with Government partners | 10 |
| **3.3** | Language skills: Fluent in Portuguese and English | 10 |
|  | ecblank**Total Technical Score** | **80** |
|  | **Minimum Technical for pass to financial assessment** | **60** |
|  | *Only those candidates meeting the minimum technical score will be eligible for further review.* | |

**REMARKS.**

Only shortlisted candidates will be contacted and advance to the next stage of the selection process