

TERMS OF REFERENCE

Consultancy Services

Review of Existing Water Sector Policies, Regulations and Guidelines – Identification of Gaps and Alignment with Climate Resilience and Adaptive Service Delivery, through Multi-Stakeholder Policy Review and Workshops.

Programme	Water for Resilience Programme (W4R) in Somalia.
Assignment Title	Consultancy to Review Existing Water Sector Policies, Regulations and Guidelines, and Facilitate Policy Review Workshops
Outcome / Output / Activity	Outcome 1,2 and 3 / Output 5 / Activity 3.5.1
Location	Corridor 1 – Afmadow, Jubaland State, Somalia
Duration	Approximately 5 weeks (October- November 2026).
Reporting To	DRC W4R Market Systems Manager, through WASH/Water Coordinator, Corridor Manager and Policy & PPP Specialist.
Contracting Agency	Danish Refugee Council (DRC), Somalia

1. Background and Context.

The Water for Resilience Programme (W4R) is a four-year initiative (2026-2030) that aims to increase the resilience of pastoral and agro-pastoral communities in Somalia by expanding sustainable access to safe, reliable and affordable water for multiple uses in rural and peri-urban areas. W4R is led by the Danish Refugee Council (DRC) in partnership with Braintec Consulting Ltd (Braintec), which serves as the lead markets system service provider, and Arkaan, which contributes seed funding and private-sector networks through its corporate social responsibility (CSR) programme. The Programme applies a Market Systems Development (MSD) approach, recognizing that sustainable water service delivery depends not only on infrastructure and institutional capacity, but also on the functioning of market actors, supporting services, incentives, rules and relationships across the water ecosystem.

The Programme is financed through a multi-donor partnership led by the Swiss Agency for Development and Cooperation (SDC), together with the Danish Ministry of Foreign Affairs (Diaspora Project Support) and other donors.

W4R is implemented primarily in two priority corridors: Corridor 1 – Afmadow (Jubaland, Somalia), and Corridor 2 – Togwajaale (Somaliland), covering different districts within each of the corridor. The Programme is expected to directly and indirectly benefit approximately 352,200 people across the two corridors.

The Programme's results framework is structured around three interconnected outcomes:

- Outcome 1: Water ecosystem actors are professionalized and operate with improved technical, managerial and financial systems to deliver safe, reliable and sustainable water services.
- Outcome 2: Increased and sustained investment flows into rural and peri-urban water systems, through capacitated financial providers and investors.
- Outcome 3: Water governance and authority oversight are strengthened in target corridors, enabling improved water services and stronger community resilience to water-related climate shocks.

Under Outcome 3, Output 5 (“Strengthened and facilitated partnerships between financial institutions, water service providers, and public actors”) seeks to unlock investment in Somalia's water sector by strengthening linkages between water ecosystem actors, financial institutions, and public institutions. Accordingly, the enabling policy and regulatory environment will be assessed not only in terms of the existence and adequacy of formal instruments, but also in terms of how these instruments influence private-sector participation, investment incentives, commercial viability and sustainable service delivery. This requires a clear and current understanding of the policy, regulatory, and institutional environment, that shapes how the sector operates. The first and foundational intervention under Output 5 is, therefore, a structured review of existing water sector policies, regulations and guidelines across the two target corridors, the subject of this consultancy.

2. Rationale for the Assignment.

Jubaland's water sector is governed within the framework of the Federal Ministry of Energy and Water Resources (MoEWR) and the Jubaland state-level MoEWR, operating alongside the Somalia National Transformation Plan (NTP), which guides the protection and sustainable development of water resources at national level. However, the W4R Programme identifies persistent constraints that continue to limit the sector's performance in Corridor 1, in particular:

- Fragmented governance, across federal, state and local levels, with weak coordination and inconsistent enforcement of water sector regulations and tariff frameworks.
- Policy and regulatory gaps in critical areas, including service standards, tariff guidelines, accountability mechanisms, coordination arrangements and oversight/enforcement procedures, even where broad policy frameworks exist.
- Limited alignment of existing instruments, with climate resilience and adaptive, multi-use service delivery models suited to the realities of rural and peri-urban agro-pastoral communities along the Afmadow-Dhobley-Kismayo-Belet Hawo corridor.

- Weak regulatory oversight of private sector participation, including unclear licensing, contracting and performance-oversight frameworks for water service providers (WSPs), water companies (WCs), operators and Public-Private Partnership (PPP) arrangements.
- Institutional fragility, including high turnover of government staff and periodic political instability, which affects continuity of policy engagement and implementation.
- Heightened conflict-sensitivity requirements specific to this corridor: competition over water resources in border areas of Afmadow is a source of tension linked to cross-border proximity, a risk that intensifies during drought and periods of heightened water scarcity.
- Given W4R's MSD orientation, the review will also consider how formal and informal rules shape the incentives and behavior of key market actors, including water service providers, O&M operators, suppliers, financial institutions and investors, and whether these conditions enable or constrain sustainable private-sector engagement.

A rigorous, participatory review of the existing policy and regulatory landscape, validated through multi-stakeholder workshops is therefore essential to

- (i) Establish a credible evidence base of what exists and where the gaps lie.
- (ii) Build shared ownership among government, private sector and community stakeholders around priority reforms.
- (iii) Sequence W4R's subsequent governance-strengthening support (including drafting/updating of policies, guidelines and Standard Operating Procedures – SOPs – under later Output 5 and Output 6 activities) in a way that is realistic, politically feasible and responsive to each corridor's distinct institutional context.

DRC is therefore seeking a qualified consultant/consulting firm (“the Consultant”) to conduct this review and facilitate the associated policy review workshops in Jubaland.

3. Objectives of the Assignment.

3.1 Overall Objective.

To conduct a comprehensive, participatory review of existing water sector policies, regulations and guidelines applicable to Corridor 1 (Afmadow, Jubaland), in order to identify governance and regulatory gaps, including alignment with climate resilience and adaptive service delivery, and to generate actionable, prioritized and politically feasible recommendations that strengthen the enabling environment for sustainable, climate-resilient water services, validated through multi-stakeholder policy review workshops. This includes consideration of how the policy and regulatory environment influences water market functioning, private sector incentives, investment and commercially sustainable service delivery.

3.2 Specific Objectives.

1. Map and compile the existing legal, policy, regulatory and institutional framework governing the water sector relevant to the Afmadow corridor, at federal, Jubaland state, and local/district levels.
2. Assess the adequacy, coherence and enforcement of these frameworks against seven thematic areas:
 - a) water governance and institutional mandates.
 - b) regulatory oversight, licensing and enforcement
 - c) tariff-setting and affordability
 - d) private sector participation, competition, commercial viability and PPP arrangements
 - e) climate resilience and adaptive/multi-use service delivery and
 - f) inclusion of women, youth and marginalized groups, and community accountability/grievance mechanisms and
 - g) Finance and investment enabling environment.

3. Identify critical gaps, overlaps, inconsistencies and enforcement bottlenecks, distinguishing between areas requiring revision of existing instruments and areas requiring development of new policies, guidelines or SOPs.
4. Identify policy overlaps with other line Ministries, possible coordination issues, and harmonization procedures.
5. Design and facilitate two (2) multi-stakeholder Policy Review Workshops in the corridor to validate findings, build consensus, and generate government, private sector and community ownership of recommendations.
6. Produce a prioritized and sequenced set of practical recommendations distinguishing “quick wins” from longer-term reforms that will inform subsequent W4R governance-strengthening support to authorities and regulators under Output 5 and Output 6. Recommendations should, where possible, identify the appropriate institutional or market actor responsible for sustaining the proposed function or reform beyond direct W4R support.

4. Scope of Work.

The assignment covers both W4R corridors and the relevant levels of government and regulatory authority in:

- Corridor 1 (Afmadow, Jubaland): Federal Ministry of Energy and Water Resources (MoEWR) and Jubaland MoEWR, the Jubaland Water Agency and district water offices, district/local authorities and target districts, utilities, water agencies, and private operators.

Within the project target geographic and institutional scope, the Consultant will undertake the following tasks:

Task 1: Inception

- Review W4R programme documents (Programme Document, Logframe, Risk Matrix, Stakeholder Analysis) and any existing DRC water system/market assessments.
- Refine the review methodology, thematic assessment framework, stakeholder list and data collection tools in consultation with DRC's Corridor Managers, Policy & PPP Specialist and WASH/Water Coordinator.
- Develop a detailed workplan of the assignment with clear timelines and meeting plan.
- Submit an Inception Report for DRC review and approval.

Task 2: Desk-Based Policy and Regulatory Mapping

- Compile a comprehensive inventory of existing laws, policies, strategies, regulations, tariff frameworks, licensing regimes, PPP guidelines and SOPs applicable to the water sector at National (Somalia) and State (Jubaland) , district/local levels, including the Somalia National Transformation Plan (NTP) and any Jubaland state-level instruments identified during the mapping
- Assess each instrument against the seven thematic areas set out in Specific Objective 2 and produce a draft gap-analysis matrix identifying what exists, what is missing, and where enforcement is weak. Recommendations should, where possible, identify the appropriate institutional or market actor responsible for sustaining the proposed function or reform beyond direct W4R support.

Task 3: Key Informant Consultations

- Undertake KIIs with relevant public, private, and community-level water-sector actors, including Somaliland government authorities and regulators, district and local authorities, private WSPs, utilities, O&M operators, PPP actors, CWWCs, and DRC and Braintec technical staff. The consultations will verify desk-based findings, address evidence gaps, and generate practical insights into the institutional and

political-economy factors that may enable or constrain reform. Particular attention will be given to the sensitivities associated with tariff-setting, regulatory oversight, and enforcement in the target corridor. Consistent with W4R's programme-wide approach, the KIIs will apply a conflict-sensitive lens and assess the formal and informal incentives affecting compliance, formalisation, investment, service expansion, and stakeholder acceptance and implementation of proposed reforms.

Task 4: Multi-Stakeholder Policy Review Workshops (2 workshops)

The Consultant will design and facilitate two workshops in the corridor, co-convened with DRC's Corridor Manager (Jubaland):

- Workshop 1: Policy & Regulatory Gap Identification Workshop: presents the draft mapping and gap analysis to a multi-stakeholder audience (government authorities and regulators, private WSPs/utilities/O&M operators, CWMC and community representatives, women's and youth representatives, and relevant financial or private-sector actors where appropriate) to test, correct and enrich the findings. The workshop should also test how identified policy and regulatory constraints affect different categories of market actors, including government, WSPs, SMEs, financial institutions and communities.
- Workshop 2: Validation and Recommendations Workshop: presents the revised gap analysis and a menu of prioritized recommendations for validation, sequencing and consensus-building, distinguishing near-term "quick wins" from recommendations requiring longer-term institutional engagement. Where feasible, recommendations should identify likely reform owners, supporting actors, key incentives or resistance factors, and areas where W4R can play a facilitative rather than substitutive role.

For each workshop, the Consultant is responsible for the agenda, facilitation materials, facilitation itself, and a workshop report (including attendance list disaggregated by sex/institution, key discussion points, areas of agreement/disagreement, and agreed next steps). DRC will support logistics, invitations, venue arrangements and security/access coordination in coordination with the Consultant.

Task 5: Analysis and Reporting

- Synthesize the desk review, KII findings, and workshop outcomes into a consolidated Policy and Regulatory Gap Analysis Report.
- Present a prioritized, sequenced set of recommendations for strengthening policies, regulatory tools, tariff frameworks, SOPs and oversight/enforcement mechanisms, distinguishing recommendations requiring revision of existing instruments from those requiring development of new ones, to inform subsequent W4R support to authorities and regulators.
- Present findings and recommendations to the DRC W4R programme team (and Programme Implementation Committee, if requested) for validation prior to finalization.

5. Deliverables and Indicative Timelines.

#	Deliverable	Validated By	Indicative Timing
D1	Inception Report and Workplan (methodology, thematic assessment framework, stakeholder list, data collection tools, workshop design)	DRC (approval)	Week 1
D2	Draft Policy and Regulatory Mapping & Gap Analysis Report (desk review + KII findings)	DRC (review)	Week 2

#	Deliverable	Validated By	Indicative Timing
D4	Delivery of 2 Policy Review Workshops in Corridor 1 (Afmadow/Jubbaland), incl. workshop reports and attendance records	Corridor 1 stakeholders	Weeks 2-3
D5	Final Water Sector Policy & Regulatory Gap Analysis Report, incorporating workshop validation and prioritized, sequenced recommendations per corridor	DRC (final approval)	Week 4
D6	Summary presentation of key findings and recommendations for DRC/donor debrief	DRC programme team / PIU	Week 5

6. Duration and Location.

The assignment is expected to take approximately Five (5) weeks, to be completed by the end of October, 2026. The Consultant will combine home-based/desk-based work with field travel to Corridor 1 (Afmadow, Dhobley, Kismayo and Belet Hawo) for key informant consultations and workshop facilitation.

7. Management and Reporting Arrangements.

The Consultant will report to the DRC W4R Market systems Manager, with day-to-day technical supervision and coordination provided by the WASH/Water Coordinator, Corridor Manager and Policy & PPP Specialist. The Consultant will coordinate with Braintec on matters relating to private sector participation, MSD considerations, investment constraints, supporting market functions and PPP frameworks. All deliverables will be submitted in draft to DRC for review and comment before finalization, and the final report will be cleared up by the Programme Director for onward sharing with SDC and the Programme Steering Committee, as relevant.

8. Consultant Profile and Required Qualifications.

8.1 Qualifications and Experience.

- An advanced degree (Master's or above) in water resources management, public policy, law, governance, engineering or a related field.
- A minimum of seven (7) to ten (10) years of relevant professional experience in water sector policy and regulatory analysis, governance, or WASH sector reform, including in fragile or conflict-affected contexts, preferably in Somalia or the wider Horn of Africa.
- Demonstrated experience conducting legal, policy or regulatory reviews and facilitating multi-stakeholder workshops involving government, private sector and community actors.
- Strong working knowledge of Somalia's water governance architecture, including the Federal Ministry of Energy and Water Resources (MoEWR), Jubaland state-level MoEWR, and relevant water regulatory agencies, as well as national frameworks such as the National Transformation Plan (NTP).
- Demonstrated experience operating safely and effectively in access-constrained, fragile or NSAG-affected environments, following established humanitarian access and security protocols, is a strong asset given the corridor's risk profile.
- Experience with climate resilience and adaptive water service delivery, and/or Public-Private Partnership (PPP) frameworks, is an asset.

- Excellent facilitation, analytical and report-writing skills, with fluency in English required; working proficiency in Somali is strongly preferred (for the Consultant or team).
- Demonstrated application of conflict-sensitive, gender-responsive, and socially inclusive approaches.
- Prior experience working with DRC, other INGOs, or donor-funded governance/WASH programmes in similarly fragile or insecure operating environments is an advantage.

8.2 Team Composition.

Given the scope of the assignment, applications may be submitted by an individual consultant or by a team/firm comprising a Lead Consultant supported by one associate consultant, preferably based in or with established access networks in the Kismayo/Afmadow/Jubaland area, with data management and workshop facilitation background to ensure adequate local access, language capacity and institutional relationships. Applicants should clearly set out proposed team composition and role allocation, including any local access or security arrangements, in their technical proposal.

9. Budget.

Interested Consultants should submit a detailed financial proposal, itemizing professional fees, any travel/accommodation costs. DRC will cover workshop-related costs (venue, catering, participant transport/per diem where applicable, and materials). The consultant shall clearly indicate which costs DRC will cover directly (e.g., through its own logistics arrangements) versus those to be covered by the Consultant. DRC reserves the right to clarify and adjust the cost-sharing arrangement for workshop logistics with the selected Consultant at the contracting stage.

9.1 Indicative Payment Schedule.

% Payment	Milestone	Indicative Timing
20%	Upon contract signature and DRC approval of the Inception Report.	Week 1
30%	Upon completion of the two Corridor 1 (Afmadow/Jubaland) workshops	Week 3
30%	Upon completion of final draft report	Week 4
20%	Upon DRC's approval of the Final Report and summary presentation	Week 5

10. Ethical Considerations and Safeguarding.

- The Consultant will adhere to DRC's Code of Conduct, including policies on the Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) and safeguarding of children and vulnerable groups.
- All data collected (from KIIs, workshops or desk review) will be handled confidentially and in line with DRC's data protection standards; no personally identifiable information will be shared without consent.
- The Consultant will apply a conflict-sensitive, "do no harm" approach throughout, recognizing the political and clan-related sensitivities associated with water governance, tariff-setting and regulatory enforcement in the target corridors.
- The Consultant will ensure meaningful and safe participation of women, youth, persons with disabilities and members of minority/marginalized groups in all consultations and workshops.

11. Evaluation Criteria.

Proposals will be evaluated based on the following indicative weighting, in line with DRC's procurement policy:

Criteria	Weight	Category
Relevant experience and qualifications of the Consultant/team	40%	Technical (100%)
Understanding of the assignment and quality of proposed methodology	35%	
Workplan realism and quality of proposed workshop design/facilitation approach	25%	

12. Application Requirements.

Interested and qualified Consultants/firms are invited to submit the following:

1. A technical proposal (maximum 10 pages) outlining understanding of the assignment, proposed methodology, workplan, and team composition/CVs.
2. A detailed financial proposal, in USD, within details set out in Section 9.
3. Curriculum Vitae(s) of the proposed Lead Consultant and any associate consultants, highlighting relevant experience.
4. At least two (2) samples of similar previous work (e.g., policy/regulatory review reports).

Please Refer to Cover Letter for Administrative, Technical Criteria and Complete Application Requirements.