

Terms of Reference (TOR) for Consultants for DOC Water Cell

1. Background

Based on the successful outcome of ADB supported sector projects SSW-1 and the SSW-2 and the Government request for further investment support, the Project Participatory Small Scale Water Resources Sector Project (PSSWRSP) has been included in the ADB Country Strategy and Program for Bangladesh. Both SSW-1 and SSW-2 have enhanced rural incomes by developing community based water management associations and community managed small scale infrastructure and this approach has proved effective in the drive to reduce rural poverty.

The Project will work with a well established institutional and policy framework, the integrated Water Resources Management Unit (IWRMU), a unit within the Project's Executive Agency, LGED was established in 2004 and is strategically placed to support the Project. Partner agencies including DOC at district and Upazila levels provided support their services in order to make the water management organizations sustainable as well as to increase agricultural production to reduce the poverty at micro level.

The Project will enhance the effectiveness and increase sustainability in agriculture and fisheries production along with poverty reduction through small scale water resources development. The Project will continue to institutionalize and internalize the beneficiary driven approach for sustainable small scale water resources management. At the same time, the Project will give particular attention to poorer sections of the community by targeting locations having more than 40% of the subproject benefit area owned by landless sharecroppers, marginal or small farmers.

Project activities will comprise:

- Institutional strengthening of the IWRMU in planning, design, operations and maintenance (O&M) and benefit monitoring and evaluation (BME) functions in order to internalize and institutionalize the SSWR development process, as well as supporting partner agencies involved in the SSWR development process;
- Develop the capacity of Department of Cooperatives (DOC) and establish links with other line departments;
- Beneficiary participation and WMCA strengthening through further refinement of critical aspects of the participatory project process and value addition to WMCAs through structural and non-structural interventions and
- Implementation of sub-projects involving the development of SSWR management systems with appropriate and coordinated agricultural extension and fisheries development activities.

2. Water Management Cooperative and the Demanding Role of DOC

With increasing investment in the water sector, there are over 1000 DOC registered water management organizations (WMOs) including WMCAs of Local Government Engineering Department (LGED) subprojects and water management cooperative societies (WMCSs) of the Bangladesh Water Development Board (BWDB) for subprojects in excess of 1000 ha. The regulatory, statutory and promotional roles of DOC becomes an increasingly vital requirement for continued strengthening and maximizing economic and social potential through a jointly owned and democratically controlled enterprise.

Key constraints in satisfactorily performing core areas of cooperation and strengthening WMCAs as multi faceted, self regulating entities capable of maximizing development potential include i) lack of specialist knowledge and orientation of DOC headquarter and field personnel on specific support and strengthening requirements for water management cooperatives as opposed to conventional cooperative societies ii) absence of dedicated personnel and institutional arrangements to plan, supervise and monitor implementation of WMCA-specific statutory, regulatory and promotional activities iii) WMCA- specific training materials have not been developed for capacity development of DOC staff and WMCAs iv) MIS database sharing v) link between DOC and LGED, knowledge sharing and mutual capacity building vi) lack of logistical support and limited field mobility. According to Institutional Studies for Legal Framework of Water Management Organizations (LGED, 2006), one of the main reasons hampering DOC officials in discharging their duties more efficiently and at regular intervals is lack of logistics. The report further comments that, ~~the~~ neither phase of SSWRDSP, the issue of project support to the DOC was considered by project authorities. This was a notable omission and may be rectified for the remaining period of SSWRDSP II by making suitable provisions for transport, TA/DA and training for the DOC officials through exchange of letters between the Local Government Division and the ADB+.

The activities for DOC strengthening will: (i) undertake organizational and capacity review (including establishment of water Cell) to ascertain appropriateness to perform core functions for WMOs; (ii) review content of training program for WMCAs and trainer skills and training materials; (iii) institutionalizing links with LGED for improved condition and to increase efficiency in provision of support services; (iv) training and capacity building of DOC (and appropriate level LGED) staff to meet field support requirements; and (v) operational support at the district level.

3. General Objectives of the Consultancy

The general objectives of this assignment are to institutional strengthening and capacity building of Department of Cooperatives (DOC), including establishment of a Water Cell, to improve statutory, developmental and promotional functions for water management cooperative organizations and to provide operational support for increasing field staff outreach and mobility.

4. Methodology to be Followed and Key Activities to be Performed

The CDTA will: (i) review and assess legislation pertaining to establishment and registration of WMOs; (ii) organizational and capacity review (including establishment of Water Cell) to ascertain appropriateness to perform core (regulatory and statutory) functions for WMCAs; (iii) review of relevance and content of training program adopted for WMCAs and assessment of trainer skills and training materials; (iv) opportunities for forging and institutionalizing links with LGED for improved coordination and to increase efficiency in provision of support services; (v) training and capacity building of DOC (and appropriate level Local Government Engineering Department, LGED) staff to meet field support requirements; and (vi) operational support at the district level to improve mobility, data sharing, reporting and communications.

Consultants will fully utilize existing WMCA related reports, management information systems (MIS) database, and analysis data collected by the Local Government Engineering Department (LGED) and other relevant agencies and work closely with the staff of these establishments. The consultants will also consult participating communities and other stakeholders. Close coordination will be maintained with implementation staff of the associated Participatory Small Scale Water Resources Sector Project (PSSWRSP) to ensure uniformity in approach, proactive development of capacity building plans and coordination in planning and implementation of activities. The assignments of the consultants will require substantial experience in their respective fields. Preference would be given to international consultants with experience in South Asia and fluency in English will be essential for all consultants.

The terms of reference and the person-month requirements of the consulting services are summarized below:

1. Legal (Cooperative Law) Expert - 3 person - months

Legal (Cooperative Law) Expert- (National- 3 Person-Months)

The consultant will be experienced in cooperatives laws and details task will include but not limited to the following:

- 1) Review all relevant legislation pertaining to Cooperatives Societies Laws particularly in the context of WMCA and recommend for any further amendments in rules and regulations as deemed appropriate;
- 2) Recommend appropriate legal framework for DOC Water Cell and provide time bound action plan for legal recognition that may be required, and
- 3) Facilitate implementation of key actions in the action plan in coordination with relevant agencies/ departments.