**Terms of Reference**

**Developing the Sanitation Code for the City of Manila**

**Sanitation Legal Expert (National)**

**Background**

1. Currently the Philippines only has a National Sanitation Code which is a National Decree passed in 1975, during Marcos’ Administration (Annex A). Manila now needs a City Sanitation Code that builds on the National Sanitation Code and that will help implement:

(i) Mandatory septic tanks pumping

(ii) Guaranteed proper waste disposal

(iii) Mandatory hook-up to the Central Network, if available

2. The Project will be managed by the City of Manila. Funding for the project is from the ADB’s Water Financing Partnership Facility (WFPF) and a grant from the Bill and Melinda Gates Foundation (BMGF).

**Objective of the Assignment**

3. The objective of the assignment is to prepare sustainable sanitation code specifically for the City of Manila.

**Scope of Work**

4. The Legal Consultant is responsible for working the City of Manila, the Sanitation Expert and other stakeholders with preparing the necessary background material, documents and legal documents for the drafting of the Manila Sanitation Code. The expert will closely coordinate all work with project stakeholders including City Officials, the Concessionaires, local businesses and communities, and the ADB project officer.

5. The Consultant’s detailed legal tasks to the develop the City Sanitation Code will include:

(i) Mandatory desludging requirement. Work with the City of Manila staff and other stakeholders with determining the legal basis for requiring desludging. Advise the City on the requirements of the National Sanitation Code and how to adapt in to a City-specific code. Develop the legal framework for requiring mandatory desludging.

(ii) Design standards for new septic tanks. Review the sanitation expert’s work on the design standards; comment on the legal basis for requiring the standard; and assist with developing the legal framework for requiring standard septic designs.

(iii) Mandatory requirement to hook-up to the central collection network if available. Estimate the number of hook-ups to be affected. Assist the City of Manila with discussions with MWSS, the Concessionaires and Community Leaders with determining the legal basis for mandatory hook-up requirements. Review the recommendations of the Sanitation Consultant regarding funding for the hook-ups. Comment on the legal basis and any foreseen difficulties with the recommended options. Assist the City, MWSS and the Concessionaires on developing a phased, legal plan for the hook-up implementation.

(iv) Guaranteed disposal of septage sludge in an approved facility. Assist the City to develop the legal framework in the Sanitation Code that can help guarantee the Work with the Legal Expert to advise the City on language needed in the Code to guarantee safe disposal.

(v) Provide information to the City, with the Sanitation Consultant, on legal incentives and penalties for the pumping septic tanks, proper sludge disposal and hook-ups to the central collection network. Incentives may include a revolving fund similar to Estero de Paco that could be used for sludge pumping, maintenance or connection. Penalties might include fines or tying mandatory clauses to deeds or property taxes.

(vi) Develop, with the Sanitation Consultant, the template for the Barangay’s to implement the Sanitation Ordinance. Provide some guidance for the Barangays to look at PPP, Revolving Funds and other methods that can help with implementation

6. Attend and assist with organizing workshops are needed to work through the proposed drafts with the stakeholders. The City expects 2,700 people to attend three (3) different workshops. The City will provide logistics for the workshops and the National Consultants will act as facilitators. After the final workshops the consultants will assist the City to draft the final Manila Sanitation Code.

7. Attend public hearings that are needed to obtain agreement from the stakeholders and public of the City Sanitation Code. There will be two (2) public hearings and 2,700 people estimated at each. Assist the City to address the concerns raised at the public hearings.

**Output/Reporting Requirements:**

The national expert is accountable for the preliminary and final documents submitted to the City of Manila and ADB. The outputs are as follows:

* Bi-weekly progress reports
* Draft Manila Sanitation Code

**Inputs**

66 days (3 person-months) (intermittent)

**Maximum Working Days per Week:**

Home Office: 5 / Field: 6

**Services Period:**

1 November 2014 – 1 April 2015 (intermittent)

**Minimum Requirements:**

Law degree; familiarity with the Philippine Sanitation Sector; experience drafting legislation, codes and/or administrative orders; experience with the City of Manila; and excellent communication, writing and speaking skills.

**Cost Estimate**

(a) National Consultant

 Total

 Technical 3 months 7k/month $21,000

 Incidentals $ 2,000

 Total $19,000