

Overview Existing Sanitation Service Level Agreements Blantyre City & SWOT



Bill and Melinda Gates Foundation Grant
Sanitation Service Level Agreements Blantyre City
(SSLABC) (OPP1103629)

Comments to:
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1 INTRODUCTION

On 2 February 2014, WASTE received Global Development Grant Number OPP1103629 on Sanitation Service Level Agreements Blantyre City (SSLABC) from the Bill and Melinda Gates Foundation. The executive summary of the SSLABC project is presented in the following text box.

Times are changing. In the past the Blantyre City was providing sanitation services to its population by its own departmental services. Since the passing of the Public Private Partnership Act in the Malawian Parliament, the private sector is involved in emptying pit latrines, servicing market toilets and schools. However, up to now these Service Level Agreements (SLAs) have not lived up to their promises: interest in sanitation is limited as it is not easy to make a profit out of sanitation. The government has the impression that the private sector is only interested in profitable services to the rich; the service providers do not want to take the risk of not getting paid by the poor. Three parties with a good and durable working relation have taken the initiative to change this. The parties are the *City of Blantyre*, the Malawian NGO *AYISE / Blantyre Waste Concern* and the Netherlands based Malawian present NGO *WASTE, advisers on urban environment and development*.

Vision. We envisage that we can learn from the present SLAs that citywide coverage can be achieved by a systematic approach. A mix of 'carrot and stick' measures, including revision of the SLAs, and assuring that sanitation services become a profitable business is expected to raise Motivation of the service providers. We are convinced that this works only if the population can be motivated to use the services offered. Again, a mix of 'carrots and sticks' will be required to make this happen. We have learned in other countries that motivation is not enough! Both: the service providers and the population need to be capacitated (technically, financially, knowledge-wise) to change sanitation behavior on the long run.

Specific objectives. As far as the SLAs are concerned our objective is to include the complete sanitation chain: toilet, collection, transfer, transport, treatment and disposal. As far as financing is concerned our objective is to diversify the financial landscape so that more finances become available. Technically the more options need to be made available to work efficiently and effectively.

The presented report is the first one in a series of four deliverables:

Nr.	Deliverable name	Target date
1	Overview existing SLA's including SWOT analysis	01 March 2014
2	Assessment motivation and capacity population and service providers	01 May 2014
3	Proposal how to increase motivation and capacity population and service providers	01 July 2014
4	Overview actions and investments required	01 August 2014

Reading guide. In section 2 we present the methodology used to obtain this overview and in section 3 the research results. Section 4 gives an overview of the existing SSLAs and section 5 the SWOT analysis. In section 6 we provide our conclusions and recommendations.

2 METHODOLOGY USED

We used the following methodology for our research:

- Visits and discussions with the City Council of Blantyre to obtain information on the existing service level agreements;
- Focused Group Discussions (FGD) for obtaining material for our SWOT;
- Analysis of the data.

A **focus group discussion (FGD)** is a form of qualitative research in which a peer group of people are asked about their perceptions, opinions, beliefs, and attitudes towards a product, service, concept, advertisement, idea, or packaging. Questions are asked in an interactive group setting where participants are free to talk with other group members.

Before the execution of the FGDs we identified the cohort of respondents who could contribute to the research as primary stakeholders; we then developed the questions and guiding questions.

Identification of stakeholders. Stakeholders were identified through internal consultation between the implementing team which already has good experience of sanitation issues in Blantyre: i.e. Blantyre City Council (BCC) – representing local government, WASTE – which has good overall knowledge of the sanitation policy environment, consumer market, technologies, etc., AYISE which has good experience in networking with urban slum dwellers, and WES Management which is a private sector company focusing on sanitation products and services.

BCC. As sanitation and especially sanitation service level agreements are crosscutting and local government departments are structured horizontally, representatives from the following departments were nominated by the Chief Executive Officer:

- Department of Health and Social Services responsible for service provision and health an hygiene promotion, and service standards;
- Department of Commerce (responsible for contracts, revenues, markets, etc.);
- Department of Engineering (responsible for infrastructure, waste water, management, operation of city vacuum tankers);
- Legal Department (responsible for drafting of contracts, etc.);
- Education Department (responsible for schools);
- Department of Community Services.

There were several discussion groups with key department members and a FGD with all the stakeholders together. The discussions focused on the priority sanitation services that the city would like to deliver to the citizens (i.e. on consultation with citizens), how decisions are made in the council, how annual budgets are allocated, current challenges on delivering the services, existing byelaws, enforcement methods, how the city would like to improve services in partnership with the private sector, etc.

In March, BCC held budget consultations with the public and amongst the issues that emerged were the need for many more public toilets and market toilets, and the need for better refuse collection. The public indicated that they are prepared to pay for the use of the public toilets.

A FGD was held with department heads on 3rd April 2014, and individual interviews were held at regular basis over February, March and April. The department heads also variously attended all meetings with communities and private sector.

Community. The following communities from the larger low-income areas were identified:

Community area:	Dates of FGD
Bangwe	28 th February; 5 th March
Ndirande	15 th March
Chirimba	9 th April
Zingwangwa	10 th April

All the meetings were facilitated by AYISE and BCC officials attended every meeting. WASTE and WES attended some of the meetings (3/5).

Development of the community questionnaire. Guiding questions were developed by AYISE / WASTE and BCC, and the focus was on the priorities and ranking of priorities; i.e. non sectoral, the current service gaps, proposals for improving services, motivation and barriers to access services, willingness and ability to pay for services, knowledge of current service providers and costs, etc. The initial guiding questions were field tested in Bangwe, on 28th February 2014. See Annex 1 for the guiding questions of the community.

Community leaders. The community FGDs included local leaders represented by the Market Committees (commercial and political leaders). The members of the market committees are generally influential people who represent the views of market vendors and market users to BCC.

Private sector. A scan was conducted of private sectors offering sanitation services. These are mainly involved in the following services:

- Construction of household toilets;
- Management of market and public toilets;
- Emptying of septic tanks using large (min 2000 litres) mechanical vacuum trucks (and transportation to the waste water treatment site);
- Emptying of septic tanks and pit latrines using manual direct action pumps such as the gulper (and transportation to the waste water treatment site).

Private sector	Date
Hygiene Village, Pit emptier, toilet constructor, water kiosk operator	27 th Feb , Mbayani 6 th March Chirimba
John Matthias, Pit Emptying Operator and Latrine Construction Contractor	4 th March, Sunnyside
Edwin Mkolongo – Pit Emptying Operator	5 th M arch , Kidney Crescent
Pit and septic tank emptiers (group)	11 th April, BCC premises
Market, Bus station and community toilet managers (group)	16 th April – at BCC premises

A list was compiled indicating the more active businesses involved in toilet construction and pit emptying and management of public toilets (see annex 2).

Figure 1: Field testing the questionnaire at Bangwe



Figure 2: Community members at FGD in Chirimba



Figure 3: Market committee members at FGD in Chirimba



3 RESEARCH RESULTS

In this chapter we present de research results per stakeholder:

- The private sector; see § 3.1;
- The community; see § 3.2;
- The government, BCC; see § 3.3.

We end this chapter with a conclusion on the FDGs.

3.1 Research results private sector

Private sector. The private sector will be the service provider in an SSLA set-up. Accordingly, the FDGs focused on understanding the existing service provision by the private sector and its current relationship with the city. Many actors of the private sector that have been contacted were resisting in participating in the research. Possible reasons for this are fear of exposure, fear to being regulated and a general mistrust against the municipality. It is therefore important to be aware that the following insights may provide a skewed picture of the private sector due to the self-selection of participants who are willing to work openly with BCC.

Toilet emptying. Businesses engaged in toilet emptying and sludge disposal were at several levels:

- **Operators emptying septic tanks and pits using a manual direct action pumps** (e.g. gulper). The number of clients serviced per business is typically around 5 per month. Investment is around \$200 for the purchase of the pump. Some operators have their own vehicle to transport sludge in 200 litre drums, while others hire the vehicle. Some operators are content with the revenue generated by this level of business, while others expect a larger volume of business. Apart from the underdeveloped market, the main issues are that most clients are only prepared to partially empty a full latrine (200 – 800 litres), and only when the latrine is virtually overflowing, that transport expenses of these small volumes of sludge to the only treatment plant are high adding to operational costs, and the manual pump is slow also adding to operational costs;
- **Operators of vacuum trucks.** These trucks are of larger capacity 2000 – 3000 litres, and cost between \$20,000 – 30,000 each (second hand form Japan). Some of the operators have more than one truck (total investments of about \$50,000). These trucks are mainly targeted as servicing septic tanks in low density (and therefore high income) areas as pit latrines have sludge that is too thick to be emptied without effective fluidising, and the pits are often inaccessible due to the size of the trucks and the short length of suction pipe (often about 6m). The operators say business is good, even though their trucks are not fully utilised. There is lack of awareness of the business opportunities available through pit emptying (which represent 80% of household toilets).

Businesses for emptying pits and septic tanks are currently fairly unregulated and there are no written contracts or agreements of any sorts between the companies and the city. The companies operate independently and maintain a direct relationship to their clients, defining prices and service levels themselves. There are certain minimum requirements regarding safety and to deliver the sludge to

the city's treatment plant against a disposal fee. There is however limited monitoring and enforcement so that illegal dumping often occurs. Businesses mainly target emptying septic tank of wealthier households. Pit emptying is seen as cumbersome and not profitable business and the participants are unaware of market opportunities and new technologies that allow more efficient and profitable pit emptying with a higher production rate. Currently WASTE is working with the private sector to develop reliable and effective pit emptying technologies with a high productivity that can yield a good profitability for a medium size business (able to invest \$20,000 in equipment).

Public toilets. Public toilet operators focus on high traffic and profitable public toilets in large markets and bus stations. A discussion among public toilet operators revealed that the only agreements that currently exist are rental contracts for public toilets owned by the city. These do not give any further specifics beyond the amount of rent. Operation and determining the price for services is left to the responsibility of the service provider. Maintenance and investments to these toilets are supposed to be approved and paid by BCC (as the landlord), but this is often neglected and it is a bureaucratic process that takes a long time. A major constraint for the private sector to invest in the improvement of the infrastructure is the lack of security of tenure. Neither the city, nor the toilet operators, has substantial insight into cost and revenue structures of the toilets. Service levels vary depending on location and available infrastructure. However, all operators stress that people are willing to pay if good service and clean toilets are provided.

3.2 Research results community

The community leaders and the community represent the demand of sanitation-related services. Accordingly, the FGDs focused on getting insight about the current (lack of) service provision and to identifying the need and opportunities for service provision in future.

The FGDs revealed that the service provision in all communities is low and insufficient at the moment. An open discussion about issues in public service provision in general revealed that the core problems in all communities were consistently communicated as water, solid waste and sanitation (in that order).

After that, the discussions have been focused on sanitation. Among others, the following key issues have been identified:

- Lack of public toilets, especially at market areas; as well as community toilets to service household with no access to toilets;
- Bad maintenance and operation of existing public toilets run by the city; making them unattractive to use;
- Full household pits due to lack of available and affordable pit emptying services. This means that pits are sometimes emptied manually.

Although a few participants showed initial reluctance, further discussion amongst the group showed that all members expressed a willingness to pay for good services that help to resolve the above-identified issues. For some services, such as the usage of semi-public toilets in restaurants etc., communities are in fact already used to pay. Pit emptying is a service that is largely unknown in the communities. People were unaware about available services and technologies and expected its price as too expensive, although there was no knowledge about the actual prices

for pit emptying. (Other sanitation marketing research has also indicated that people perceive prices to be higher than they actually are.)

3.3 Research results Blantyre City Council

BCC sees itself as playing the key role in developing, initiating and enforcing SSLAs. Focus of the discussions with city representatives was therefore learning about existing experiences with SLAs and related set-ups, getting insight into relevant procedures and decision making processes and getting insight into the key motivators, goals and expectations connected to the introduction of SSLAs.

There is a general agreement among the different departments that increased PPP (Public Private Partnership) activities are a good way to achieving improved service delivery with reduced expenditure by BCC and that SLAs can be a useful means in order to enable and optimise these partnerships. In fact a key objective of the city is that it would like to facilitate service provision with minimum expenditure to itself, by engaging the private sector. The city is willing to forego some of the potential revenue such services may generate as it realises that it is not efficient in conducting business. The City has already made first steps in starting an internal discussion on SLAs in the area of street lighting and cleaning and advertising. The City is planning to offer concessions to the private sector to advertise in a whole street under the condition that the advertiser looks after cleaning and street lighting. This is because under the current arrangement the revenues from street advertising are low, while the expenditure to clean the streets and maintain the street lighting is high. BCC is well aware of the lack of service delivery in the sanitation sector and hopes that these can be improved with the help of SSLAs. A first version of an SSLA for servicing public toilets has already been drafted, but the city requires further help in order to improve the existing draft especially to outline the expected service levels and come up with other SSLA opportunities and develop a strategy on how to introduce and enforce SSLAs. Another difficulty with the current SLA arrangement is that the procedure is for the private sector to propose its services to the City Council rather than for the City to articulate its request for bids targeting specific services.

3.4 Conclusion of FGDs

There is a consensus amongst the stakeholders that the priority areas are more, and better managed public toilets at markets, streets and neighbourhoods. People say they are prepared to pay to use clean toilets and that they expect added services such as showers, etc.

The other priority is effective and affordable pit emptying services and transportation of sludge.

The private sector has shown that in some operational areas both these services are profitable, but they perceive the risk is too high of investing in areas where there are no proven business models: pit emptying and managing toilets in the poorer areas.

Discussions on how to encourage investments by the private sector to service the needs of people in low-income areas include:

- Develop SSLAs combined with concession contracts. The SSLAs would determine an objective and verifiable levels of service, while the concession contract would combine services to high income and low income clients (may include cross

subsidies). For example, contract will be given to companies or operators willing and able to empty septic tanks as well as pit latrines, and those who manage smaller toilets as well as larger public toilets;

- Need to construct many, many more public toilets in markets, streets and neighbourhoods. It is essential that these toilets are well managed and attractive to use;

Emptying of pits and septic tanks must be made more efficient, affordable and safe. This means that the equipment must be more productive in order to work for the business. This can be done through improved emptying technologies, and especially through the provision of decentralised disposal sites / treatment plants which will cut transport times and costs and reduce risks of environmental accidents linked with spillages of sludge during transportation. Decentralised treatment sites are especially important as most poor clients can only afford to pay for the removal of small quantities of sludge. Currently only 1 out of the 5 Waste Water Treatment Plants in Blantyre are operational, and this is estimated to add 10% to the cost of pit emptying due to the increased transport charges,

4 OVERVIEW EXISTING SSLAS AND PREVAILING ACTS AND REGULATIONS

At the moment the City of Blantyre has the following agreements that come close to Sanitation Service Level Agreements:

- Management of Public Toilets. This is governed in the Bid Document for Provision of Cleansing Services; see section 4.1;
- Toilet emptying; see section 4.2.

As they are defined in a rather general way, we also discuss the prevailing acts and regulations; see section 4.3.

4.1 Management Public Toilets: Bid Document for Provision of Cleansing Services

The Bid Document for Provision of Cleansing Services consists of the following parts and sections:

Part 1 Bidding Procedures

- Section 1 Instructions to Bidders (ITB)
- Section 2 Bid Data Sheet (BDS)
- Section 3 Evaluation Methodology and Criteria
- Section 4 Bidding Forms
- Section 5 Eligible Countries

Part 2 Statements of Requirements

- Section 6 Statement of Requirements

Part 3 Contracts

- Section 7 General Conditions of Contract (GCC)
- Section 8 Special Conditions of Contract (SCC)
- Section 9 Contract Forms

For the purpose of this document, section 6 and the Bid Submission Sheet is most important. Section 6 is primarily input oriented. It states e.g. that the manager needs to have a Malawi School Certificate and 2 years of WASH experience and that the supervisor needs to have 3 years' experience as supervisor. It also lists the tools such as gumboots, PVC gloves, brooms, dustpans, pails etc. The scope of the services required is not adequately outlined.

The Bid Submission Sheet is copied in Annex 1. The description of the services and the price are presented as follows:

We offer to provide the services in conformity with the Bidding Document for the *[insert a brief description of the Services]*;

The total price of our Bid is: *[insert the total bid price in words and figures, indicating the amounts and currency]*;

The contract between the organization 'Blantyre Waste Concern (BWC)' and its Market toilet Operator is presented in Annex 4 and mentions opening times and performance standards on cleanliness.

4.2 Toilet emptying

As explained in section 3, at the moment there are no SSLAs on domestic toilet emptying: toilet emptying can be done by anyone as long as it is in line with the prevailing Acts and Regulations (section 4.3). The emptying of the toilet is the result of the agreement between the emptier and the one responsible for the toilet (owner or tenant). The only obligation is to dump the domestic wastewater at the only functioning treatment site in Blantyre (Soche). This can be done on payment of a fee to BCC of MKW 1500 (< 2,000 litres) to MKW 5000 (5,000 litres). Proof of payment must be shown at the treatment plant. The treatment plant keeps accurate daily records of all sludge delivered to the plant.

4.3 Prevailing acts and regulations

In absence of local service level agreements we have made a summary of acts and regulations on sanitation. These are:

- a. National Sanitation Policy 2008;
- b. Environmental Management Act (Cap 60:02) Environmental Management (Waste Management and Sanitation Regulations (2008);
- c. Sanitation Marketing and Hygiene Promotion Strategy for the Peri Urban Areas of Blantyre and Lilongwe Water Boards, 2009;
- d. SANITATION AND HYGIENE PROMOTION ACT (draft - subject to regional consultations and approval by Parliament);
- e. THE SANITATION AND PUBLIC HYGIENE REGULATIONS (draft - subject to regional consultations and approval by Parliament);
- f. LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (SANITARY ARRANGEMENTS) BY-LAWS;
- g. GOVERNMENT NOTICE No.42, LOCAL GOVERNMENT ACT CAP 22-01, LOCAL GOVERNMENT 1998, (GENERAL CLEANLINESS) (REFUSE AND RUBBLE DISPOSAL) (AMENDMENT) BYLAWS 2009).

Ad a. National Sanitation Policy 2008

The National Sanitation Policy was a milestone that provided guidelines outlining stakeholder roles and inter-linkages, as well as advocating for responsibility of individual households (as opposed to full subsidy approach), as well as incentivising private sector investment and recycling and reuse of liquid and solid waste,

The guiding principles (2,3) of the Act are:

1. Focus on individual responsibilities;
 - Every person has the right to information about improved sanitation and has a responsibility to own and maintain sanitation facilities;
 - Citizens are to participate in policy, programme and project design and implementation to enhance their role in sanitation management activities;

- Any subsidies may target economically disadvantaged and vulnerable groups;
- 2. Focus on environmental sustainability:
 - The promotion of the recycling and reuse of solid and liquid wastes;
 - No mixing of public and health care waste and separate disposal;
- 3. Participation of the private sector:
 - Private sector participation shall be promoted through social and economic incentives for individuals, institutions and industries to invest in sanitation;
 - Regulations will be complemented by these social and economic incentives.
- 4. Enforcement:
 - Enhancement of responsible disposal of human waste and litter in public places.

Policy Themes: Specific issues on sanitation in urban (3.3) areas include:

Capacity development (3.3.2):

- The establishment of a cadre of experts at city level to plan, manage, coordinate and monitor sanitation and hygiene related activities;
- One of the strategies includes the encouragement of the private sector in the establishment and management of improved sanitation facilities in public places at affordable rates.

Improved service delivery (3.3.4):

- To undertake an audit of services and facilities to prioritise needs;
- Promote technological options for improved sanitation;
- Provide adequate waste water disposal and treatment facilities including the construction of sludge ponds;
- Encourage provision of septic tank and latrine emptying equipment.

To enhance environmental protection and management (3.3.6):

- Enforce polluter pays principles in accordance with the Environmental Management Act (2008);
- Promote establishment of slurry pits and biogas generation at recycling centres.

Institutional roles and linkages (4.0), apart from the role of the different Government Ministries and Departments (at policy and legal levels) the main actors in a decentralised system are:

Local Authorities (4.7):

- Planning, coordination and implementation of programmes;
- Monitoring and evaluation;
- To build capacity of the private sector;
- Promotion of recycling of solid and liquid waste and the establishment of recycling centres for composting and biogas generation;
- To provide adequate sanitation facilities in public places;
- To create stakeholder committees in markets to manage solid waste disposal and recycling and public toilets.

Private Sector (4.16):

- To provide capital and to invest in improved sanitation services, including septic tank and pit latrine emptying services and sludge disposal;
- To provide capacity for consulting and contracting services;
- Conduct research and develop and promote local manufacturing capacity.

Ad b. Environmental Management Act (Cap 60:02) Environmental Management (Waste Management and Sanitation Regulations (2008).

Specific issues in the Act and Regulations relating to SSLAs include the following:

- Local authorities are to prepare waste management plans, promote integrated waste management systems and keep records of waste from the point of generation to point of disposal;
- Outlines the regulations within which a business involved in waste disposal, treatment or recycling may operate (licensing and standards of operation);
- The establishment of a waste disposal or waste treatment site requires an environmental impact assessment (article 49) private sector wishing to operate a disposal site must obtain permission for a licence from the Director;
- The establishment of the “polluter pays principle” (article 69). Operators who contravene disposal regulations may have their licences revoked (article 67);
- Defines the technical features for the construction and operation of a pit latrine; i.e. should be properly ventilated, built with a slab, be at least 2.5 m in depth from the ground level to the bottom of the pit (Article 70);
- Local authorities are to provide for public toilets (Article 74).

Ad c. Sanitation Marketing and Hygiene Promotion Strategy for the Peri Urban Areas of Blantyre and Lilongwe Water Boards, 2009

This document outlines some sanitation marketing principles especially in the construction and maintenance of latrines, including emptying and disposal services. Namely:

- To establish what services people are willing and able to pay for, use and maintain;
- To detail sanitation technologies that are locally available, appropriate and sustainable;
- Understanding demand and how it can be increased.

The business model that is encouraged by the document is the “franchised, self-sufficient, commercially-run standardised Sani centres”.

There are no indications of how the public sector can provide incentives for investments by the private sector.

One area of contention is the roles of the City Council and Water Boards, as the document envisaged that the “projects”¹ on sanitation and hygiene were to be implemented by the water boards. Currently offsite sludge and sewage treatment is managed by the City Council, as are almost all hygiene and sanitation promotion activities, but the strategy foresees these activities taken over by the water boards. In the national Sanitation Policy (2008) the role of the Water boards (4.4) is a collaborative one, supporting the local authorities in planning, designing and construction of wastewater treatment plans, with a focus on water borne sanitation facilities.

Ad d. Sanitation and hygiene promotion act

In this national act, in Part I, number 11 is important, stating: “*No indiscriminate disposal of waste*”, which means:

¹ The projects, as is the strategy document forms part of the peri urban WASH project funded by the European Investment Bank, as well as by WSP.

1. *No person shall dispose of any waste on a public highway, street, road, recreational area or in any public place except in a designated waste receptacle;*
2. *No person shall defecate or urinate in the open except in a basic or improved excreta sanitation facility or sanitary convenience as the case may be;*
3. *Any person who breaches subsections (1) and (2) above commits an offence and shall upon being found guilty be liable to a fine as may be prescribed in regulations under this Act or in lead agency law.*

In part IV, “DUTIES AND RESPONSIBILITIES OF TRANSPORTERS AND STORERS OF WASTE”, numbers 22 and 23 are relevant. Number 22 is on transport:

1. *No person shall be given a license to transport waste unless such person operates a transportation vehicle approved by the Director upon recommendation from the relevant lead agency;*
2. *The collection and transportation of waste must be conducted in such a manner that will not cause smell, scattering, escaping and/or flowing out of the waste from the vehicle;*
3. *Transportation of waste shall follow the designated route and must not pollute the air with noxious smell;*
4. *Any vehicle used for transportation of waste or any other means of conveyance shall be labelled in such a manner as may be directed by the Authority.*
5. *The Authority in consultation with the relevant lead agency may designate particular geographical areas as areas or routes for operation for licensed waste transporters;*
6. *Any person licensed to transport waste shall collect waste from the designated area of operations or storage areas and shall deliver such waste to the designated storage site, disposal site or plant.*

Number 23 is on waste treatment and disposal:

1. *No person shall operate a waste treatment site or disposal site without a license issued by the Authority;*
2. *Every person who operates a waste treatment plant or disposal site shall take all necessary measures to prevent pollution from the site or plant, including the erection of necessary works and instituting of mitigation measures;*
3. *Any person who operates a waste treatment site or disposal site must ensure that unauthorized people and animals do not have access to the disposal site and that waste does not escape from such site before treatment;*
4. *A person who operates a waste treatment plant must ensure that the treatment operations, process or procedure comply with the relevant standard for such work as prescribed under this Act or lead agency Act;*
5. *The lead agency must at the cost of the owner of the waste disposal site or treatment site cause to be carried out an environment audit annually and any environment correction or mitigation measures recommended by the said audit shall be implemented by the owner of the waste disposal site or waste treatment site.*

Ad e. The sanitation and public hygiene regulations

Number 20 regulates loading and unloading of liquid waste:

1. *Any transporter of liquid waste shall ensure that the loading and unloading of the same is done using acceptable techniques and equipment which prevent spillages and escape of noxious smells or dangerous gases which are harmful to*

humans, other animals or the environment and without any derogation to the generality of the foregoing, he shall ensure that the loading, unloading or transfer of any such waste is done as follows:

- a. Any piping used for pumping in or out the waste is equipped with quick-connect fittings to minimise spillage;
 - b. Any vehicles or machinery used have appropriate vapour balance controls, connected to suitable emission control equipment;
 - c. Any vehicles or machinery used are electrically grounded to prevent a build-up of static electricity;
 - d. Only trained and experienced staff is used for this purpose.
2. Unless otherwise expressly authorised by the Authority, unloading of liquid waste shall take place under cover and on an impervious surface with self-contained drainage to ensure that any spillages are contained within the unloading area;
 3. Every person in-charge of any drainage system of a storage area shall ensure that the same is capable of containing any spillage and run-off and preventing cross-contamination of waste types or risk of fire spreading through the drainage system;
 4. For purposes of this rule, the Authority shall conduct regular inspections of liquid waste storage areas and be satisfied that the same are free from leakages, spillages or any escape of noxious or flammable fumes which may pose danger to members of staff working there or other humans, animals or the environment.

Number 29 regulates Cleanliness in public toilets:

1. Unless the context otherwise requires, public toilets shall be designed and built so that they can easily be cleaned and maintained in a hygienic state so that they do not become centres for disease transmission by ensuring that surfaces that may be soiled are made of smooth, waterproof and hardwearing material that can be cleaned with water and is resistant to cleaning products;
2. Public toilets and other public sanitation facilities shall be kept clean and unless the context otherwise requires they shall be cleaned whenever they are dirty, and at least once every day using such acceptable means of cleaning commonly used in the surrounding areas;
3. Public toilets shall be managed and operated in a manner, which shall minimize odours and control the breeding of flies, mosquitoes or other vectors.

Ad f. LOCAL GOVERNMENT (BLANTYRE CITY COUNCIL) (SANITARY ARRANGEMENTS) BY-LAWS

In the Blantyre City Council by-law on sanitary arrangements, the following is mentioned on standards of sanitary accommodations:

1. The sanitary accommodation shall be provided in respect of the types of premises accommodation;
2. Separate sanitary accommodation for males and females and two-thirds of the latrines provided for males shall be urinals;
3. In buildings where the numbers of persons of each sex cannot easily be determined, 40 per cent of the latrines provided shall be for females and 60 per cent for males of which two-thirds shall be urinals;
4. Every recreation ground shall be provided with properly maintained urinals, pit or water-closets reasonably accessible from any part of the ground, clearly marked for separate use by males and female with a minimum of one for each sex, calculated on the average attendance at such ground as follows:

- a. *One water-closet for every 200 persons or part thereof for each sex and one urinal for every 100 or part thereof for males; or*
- b. *Two pit closets for every 100 persons or part thereof for each sex and two urinals for every 100 males or part thereof;*

Provided that the Council may, in its absolute discretion, permit the provision, at any recreation ground, or sanitary accommodation less than the above requirements in consideration of a written undertaking by the owner of the recreation ground to provide an adequate amount of sanitary accommodation of a temporary nature for special functions, or on occasions when a number of persons larger than the said average attendance is expected.

- 5. *All urinals, latrines and water-closets prescribed in terms of these By-laws shall be properly, adequately and effectively lit and ventilated and pit latrines shall be effectively screened against the entry of flies;*
- 6. *The situation of sanitary accommodation prescribed in terms of these By-laws shall be approved by the Council as being convenient for the persons for whose use it is intended;*
- 7. *The owner of and every person who occupies, who lets or allows any other person to occupy premises, which are not provided with sanitary accommodation as prescribed in terms of these By-laws, commits an offence;*
- 8. *Where any existing premises do not have reasonable and convenient access for the employees of the Council rendering sanitary services, the Council may, by written notice, to the owner or occupier require him to provide same within a time to be specified in the said notice.*

Ad g. GOVERNMENT NOTICE No.42, LOCAL GOVERNMENT ACT CAP 22-01, LOCAL GOVERNMENT 1998, (GENERAL CLEANLINESS) (REFUSE AND RUBBLE DISPOSAL) (AMENDMENT) BYLAWS 2009)

In this local bylaw, number 5 and 11 are important:

Number 5 on general cleanliness: *“Every resident/visitor of the City of Blantyre will use receptacles toilets or public conveniences for sanitary purposes. No person shall be allowed to defecate, urinate, spit, blow nose or litter the streets anywhere in the City other than in the Sanitary Private or Public Conveniences above mentioned”.*

Number 11 on refuse deposition in streams: No person or organisation shall deposit or cause to be deposited in a stream, river, or in any water course or any public place:

- a. Any refuse or rubble;
- b. Anything liquid or solid which is or likely to be injurious to health.

5 SWOT ANALYSIS

5.1 SWOT Existing SSLAs Public Toilets

SWOT Table Existing SSLAs Public Toilets

Strengths	Weaknesses
<ul style="list-style-type: none"> • Access to sanitation for people without toilet at home • Political will to implement SSLAs, examples in other sectors like street advertising • National policy environment on sanitation and PPP 	<ul style="list-style-type: none"> • No formal contract (only rental agreement) • Lack of maintenance & investment • Bureaucracy <ul style="list-style-type: none"> ○ City is not proactive ○ Wait and see mentality City ○ Long procedures for private sector to get rental agreement • Unclear bidding process • Lack of objective data on existing gaps of toilets (location) among the City officials • Lack of objective data on generated revenue and potential revenue among service providers • Lack of knowledge of proven business models • No city councillors to enact City Bylaws until May 2014
Opportunities	Threats
<ul style="list-style-type: none"> • People/Clients are prepared to pay for good service • Tiered services: i.e. from affordable basic services using pit latrines, to more elaborate services such as WC with tissue paper, showers, etc. • Private sector is interested to take up the service • Good business model has been operating for a year (SSLA Bangwe market) • Private sector is interested in regulation • SSLAs can be used for cross-subsidy • Potential political goodwill for City officials if this would be well-organized (no 'shit-strikes' anymore) • Potential for increased market 	<ul style="list-style-type: none"> • Lack of tenure • SSLAs can potentially be misused to overcharge customers

<p>revenue for the City if this would be well-organized</p> <ul style="list-style-type: none"> • New councillors will be installed in May 2014 and enact bylaws • Sanitation and Hygiene act is under draft 	
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Explanation of the table

Strengths. Most people in Blantyre have access to toilet facilities, even though quality is often poor – mud slabs, full pits etc., and many households share facilities. The scope for constructing more, and better toilets is limited due to lack of land and around 50% of residents live in rented accommodation. Therefore, for a household with poor quality sanitation, the prospect of community toilets is an attractive one. In fact in some areas, neighbouring households use market toilets.

The City council has been having internal discussions on the possibility of having service level agreements and concession contracts in areas such as street advertising / lighting and cleansing and public toilet management. The main motivation of the city is to provide better services at low costs.

Weaknesses. The current set up for those private sector operators managing public toilets does not provide a conducive environment for further investments as the contracts are based only on a rental agreement. On the one hand the city is unable to invest in capital in improvements in infrastructure and maintenance, on the other hand - due to insecure tenure - the operators, though able to invest, are unwilling to do so.

Opportunities. With such a low level of service provision and a high demand, there are many opportunities for the private sector to provide both basic and higher level services. SSLAs can be used to stimulate the interest of the private sector in investing by providing more security for investments and ensure better service provision for the citizens and clients through regulation of the level of services. The setup of SSLAs can also include provisions to ensure that the needs of all cross sections of society are addressed.

So far, only a few lucrative public toilets are under private sector management – and most business people are reluctant to invest in areas perceived to give low returns. In 2012 WASTE supported the rehabilitation of a market toilet in Bangwe (small market, medium traffic, very low income area) as well as supporting the development of a business model. Bangwe was specifically chosen to investigate the profitability of a public toilet in a difficult area if there is a good business model. For the past 12 months WASTE has been monitoring the operations of this toilet and it has realised a modest profit every month (average \$30 / month).

Potentially, the City can also benefit because better services generate political goodwill and less resistance in paying market fees, city rates, etc.

After May 2014, there is the possibility that the newly elected local councillors will enact bylaws that will promote better services.

Threats. Currently, the lack of contracts between operators and the city council result in businesses feeling insecure and at risk – so are unwilling to make substantial improvements.

On the other hand, operators might monopolise the business and therefore overcharge and underperform leading to misuse of SSLAs and concessions.

5.2 SWOT Existing SSLAs Toilet emptying and disposal

SWOT Table Existing SSLAs Toilet emptying and disposal

Strengths	Weaknesses
<ul style="list-style-type: none"> • Political will to implement SSLAs, examples in other sectors like street advertising • National policy environment on sanitation and PPP • Viable business model for emptying septic tanks 	<ul style="list-style-type: none"> • Service is not known, people tend to construct a new toilet or empty it manually • Public perception that emptying is very expensive • No formal contract (only tipping charges) • Lack of investment in pit emptying equipment • Bureaucracy: high dumping fees and long process • No law enforcement regarding illegal dumping • Lack of knowledge of proven business models • No city councillors to enact City Bylaws until May 2014 • Many pits are not suitable for emptying or are full of rubbish
Opportunities	Threats
<ul style="list-style-type: none"> • Business people operating Gulpers • Existing business people who have invested in vacuum trucks (for septic tanks only) • WASTE has developed a business-friendly technology for pit emptying • WASTE has developed knowledge on a range of decentralized sludge treatment technologies • City Council has five Wastewater Treatment site available geographically spread over town that may be used for pit sludge treatment • Linking pit emptying with decentralized sludge treatment/disposal makes it more cost-effective due to high transport costs and environmentally safer due to reduced accidents and illegal dumping 	<ul style="list-style-type: none"> • Uneven playing field: companies who dump illegally make more profit • SSLAs can potentially be misused to overcharge customers • As long as solid waste management is not organized properly, pit emptying is unnecessarily expensive • Potential resistance by unregulated operators

<ul style="list-style-type: none"> • Potential big demand for pit emptying • Records are kept at treatment plant for every vehicle so illegal operating companies can be found easily • Use annual granting of business licences to reward and punish companies • Some private sector is interested in regulation • SSLAs can be used for cross-subsidy • Potential political goodwill for City officials if this would be well-organized (no spillage of overflowing pits) • New councillors will be installed in May 2014 and enact bylaws • Sanitation and Hygiene act is under draft • More hygienic emptying practices for operators and environment 	
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Explanation SWOT Existing SSLA Toilet emptying and disposal

Explanation Strengths. Due to widespread demand expressed by the public of better emptying services and the need to cut expenditure from its operations, the City is very willing to implement SLAs in sanitation as well as in other sectors. This will make SLAs more a mainstream way of thinking for the City rather than exclusively for sanitation.

There is also a good policy environment for engagement of the private sector, decentralised treatment of sludge and monitoring by the city to ensure compliance with regulations.

WASTE has also been working on technologies (pit emptying and decentralised disposal and treatment) that will result in a more attractive business model for some operators.

Explanations Weaknesses. Sanitation services are poorly marketed in the low income areas with potential clients unaware of the basic 3 P's: product, place and price. In most community members were unaware of pit emptying services were available; if they knew of the service then they were unaware of where to go for the service, and were unaware of the pricing. Although there is underinvestment, most businesses run under capacity with manpower and equipment staying idle. The industry is also poorly regulated due to outdated or inadequate bylaws that cannot be updated until the local elections in May 2014.

Explanations Opportunities. A significant opportunity lies in the fact that there are currently significant investments in septic tank and pit sludge emptying and disposal by small investors (e.g. the gulper) and medium investors (vacuum tankers and ROM2). Another strength is that the city, apart from the treatment plant in Soche has four other sites around the city that can be rehabilitated to work as

decentralised sludge disposal and treatment plants, making the industry more efficient and less costly. See map in Figure 4.

SSLAs can be used to attract more investment to cater for both high-income and low-income areas, as well as to regulate services (worker health and safety, environmental safety, etc.).

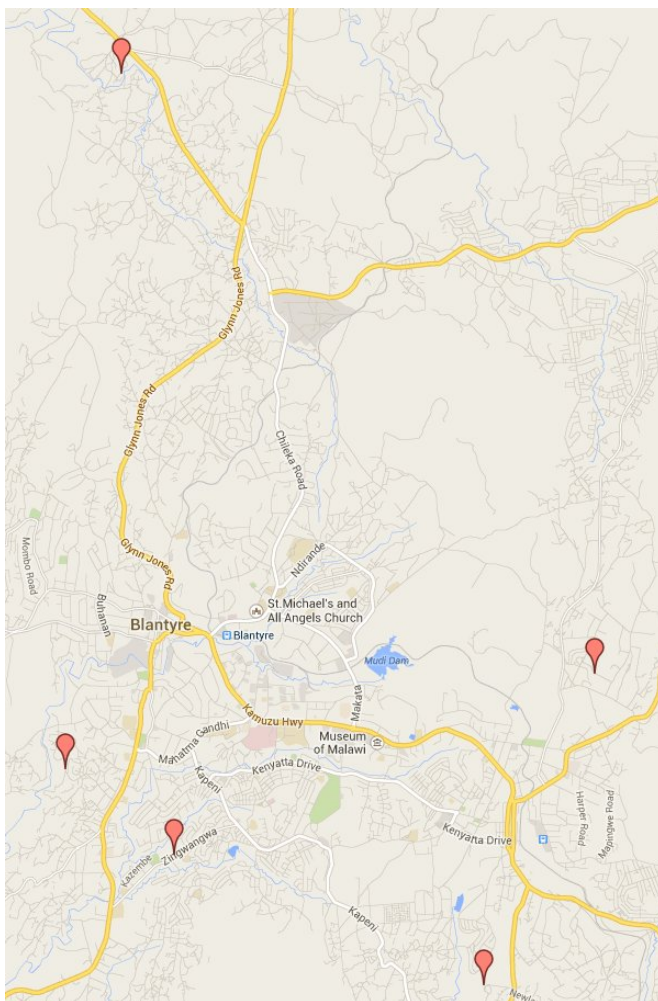
Explanation Threats. While SSLAs can positively influence good business practices by levelling the playing field to discourage operators from illegal dumping to reduce costs, there may be resistance from operators benefiting from illegal practices.

SSLAs and concessions may also be misused if they allow companies to form cartels or monopolies to overcharge clients.

One of the challenges of emptying pit latrines is the large amount of rubbish thrown in by the users, or the hardness of the sludge due to the sludge settling over a period of many years. While modern technologies may address these challenges, they do add significantly to the cost of emptying.

As long as solid waste remains poorly managed, homeowners will have little choice but to throw rubbish into pit latrines, thereby increasing costs to empty.

Figure 4: Map with location of wastewater treatment plants: defunct and functioning.



6 CONCLUSIONS AND RECOMMENDATIONS

Conclusion	Recommendation
<p>Number formal SSLAs is limited. As far as Sanitation Services are concerned In Blantyre City the private sector is mainly involved in the management of public toilets and toilet emptying. The number of formal arrangements in the form of Sanitation Service Level Agreements is limited. Many actors of the private sector that were contacted to participate in Focus Group Discussions were reluctant to participate and our insights might therefore be biased.</p>	<ol style="list-style-type: none"> 1. Focus on restricted number of SSLAs and focus on improving those rather than expanding the number. In our project we better concentrate on SSLAs for the existing services (public toilet management and toilet emptying) rather than extending the number of SSLAs. It is understood that toilet emptying includes treatment/disposal and preferably treatment/reuse (nutrient, energy, valorisation of the product); 2. Increase motivation private sector to participate. Investigate how Motivation of the private sector can be improved to participate actively in improving SSLAs, as they are indispensable in the process. Create an atmosphere of mutual trust between private sector and Blantyre City Council.
<p>Operation of public toilets is hardly regulated and poorly done. The only formal agreements that currently exist are rental contracts for public toilets owned by Blantyre City. These do not give any further specifics beyond the amount of rent, education level of operator and tools (see section 4.2). Service levels vary depending on location and available infrastructure. However, all operators stressed that people are willing to pay if good service and clean toilets are provided.</p>	<ol style="list-style-type: none"> 1. Improve service level operating public toilets. Focus on improving the service and cleanliness of existing public toilets. This will increase the motivation of the community to pay for services; 2. Make operation public toilets transparent. Within the framework of the project a clear business model for the operation of a public toilet should be developed. Only if it is transparent what services cost and what profits can be made, clear and reasonable tariffs can be set; 3. Explore the possibility of cross-subsidy and/or revolving funds. With the transparent model we will find that, some public toilets are well visited and generate an income exceeding the costs, other public are situated in areas with fewer customers and generate an income that is lower than the costs. SSLAs could be organized in such way that 'rich' subsidize the 'poor' or that revenues of the 'rich' are used to

Conclusion	Recommendation
	construct new public toilets.
<p>Toilet emptying in not regulated. The companies operate independently and maintain a direct relationship with their clients defining prices and service levels. There are certain minimum requirements regarding safety and to deliver the sludge to the city's treatment plant against a disposal fee (see section 4.2). There is however limited monitoring and enforcement so that illegal dumping often occurs. Businesses mainly target emptying septic tank of wealthier households. Pit emptying is seen as cumbersome and not profitable business and the participants are unaware of market opportunities and new technologies that allow easy and profitable pit emptying.</p>	<ol style="list-style-type: none"> 1. Marketing campaign toilet emptying. 'Unknown makes unwanted'. Increase the motivation of the private sector to engage in toilet emptying by a good marketing campaign. Increase the motivation of the community to use the services by explaining that emptying is much cheaper than constructing new toilets; 2. Reduce costs by appropriate emptying equipment and optimization of emptying. Continue the present research on emptying including treatment/reuse and investigate the possibilities of scheduled emptying by using the location of the present – mostly defunct sewage treatment plants for faecal sludge treatment and reuse/valorisation; 3. Assure monitoring and law enforcement. Increase the motivation of the private sector to adhere to current laws and regulations by enforcing the laws by the Blantyre City Council.
<p>Service provision to the community is low. The FGDs revealed that the service provision in all communities is low and insufficient at the moment. It is important to note that apart from sanitation, water supply and solid waste management are also important. As far as sanitation is concerned the following key issues have been identified</p> <ul style="list-style-type: none"> • Lack of public toilets, especially at market areas; • Bad maintenance and operation of existing public toilets run by the city; • Unusable private and public toilets due to full pits. <p>Although some participants showed initial reluctance, after further discussion all communities expressed a willingness to pay for good services that help to resolve the above-identified issues.</p>	<ol style="list-style-type: none"> 1. Develop a communication strategy to (1) increase the awareness regarding the importance of sanitation in relation to drinking water supply and solid waste management (2) disseminate the knowledge on the toilet emptying services; 2. Increase the number of public toilets.

Conclusion	Recommendation
<p>Blantyre City is motivated to use SSLAs but does not have the capacity to operationalize them. The city plays a key role in developing, initiating and enforcing SSLAs. The present arrangements are informal.</p>	<ol style="list-style-type: none"> 1. Assist BCC in developing SSLAs for public toilets and toilet emptying; 2. Train BCC in operationalization, monitoring and law enforcement.

ANNEX 1: QUESTIONNAIRE

SANITATION SERVICE LEVEL AGREEMENT STUDY TO ASCERTAIN COMMUNITY PREPAREDNESS TO USE SSLAs AND COMMUNITY MOTIVATIONS

FOCUS GROUP DISCUSSIONS

Annexes

1 **Individual Identity :Surname:** _____ First name: _____
 Telephone: _____ F
 M

2. **Community Identity:** Name Of Township/Community
 for FGD.....

3. **Assessing Understanding of Sanitation Problems**

(a) Do We have Sanitation Problems in this _____
 Area/community?
 If Yes Please list them _____

(b) Who do you think is responsible for this condition and why?

© Mention three Sanitation issues and who you think should address them

Sanitation Issue	Who has the duty to address the condition
i. _____	_____
ii. _____	_____
iii. _____	_____

(d) Have you personally been affected by a sanitation problem at household level? YES NO

(e) Please explain _____

4 Understanding Sanitation Service Level Agreements

(a) Who should be responsible for the provision of the following sanitation services

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Public Solid Waste Collection | <input type="checkbox"/> Pit Latrine Construction | <input type="checkbox"/> Renovation of domestic toilets | <input type="checkbox"/> Management of Market toilets |
| <input type="checkbox"/> Septic Sludge Collection | <input type="checkbox"/> Domestic Solid Waste Collection | <input type="checkbox"/> Renovation of Public Toilets | <input type="checkbox"/> Pit Emptying |

(b) Should Waste Management be Privatised Yes No Not Sure

© Do you anticipate any benefits to be derived from making sanitation services be offered by business persons

- Improved Service Delivery
- Quality Service Provision
- Affordability of sanitation services
- Accessibility of Service Providers
- Other- Specify.....

(d) Do You anticipate any challenges with Private sector involvement in the sanitation issues

5 Motivation to Utilise Sanitation Services

(a) Are You personally Willing to pay for Sanitation services? And Why ? YES NO

(b) Of the following Sanitation Services Which ones can you gladly pay for and why?

SANITATION SERVICE AND PAY MOTIVATION MATRIX

SANITATION SERVICE	REASON FOR MOTIVATION TO PAY	PERCENTATAGE OF MOTIVATION
q Public Solid		
q Pit Latrine		
q Renovation of domestic toilets		
q Management of Market toilets		
q Septic Sludge		
q Domestic Solid Waste Collection		
q Renovation of Public Toilets		
q Pit Emptying		
q Pit Construction		
q Pit Renovation		

ANNEX 2: SANITATION ENTREPRENEURS IN BLANTYRE

Medium scale pit emptying (using manual gulper)

Company name	Contact details
Runnock	088-8-897 769
Kabula	088-8-873 388
Clean It	088-8-216 837
Venture	088-8-865 660
Gold Invest	099-9-370 160
Ablution Care	
Group Afrique	099-6-698 219

Management of public toilets

Owner	Company name	Contact details
Elson B. Njazi	Blantyre Market Toilets	Ebmarketing7@yahoo.com 0994376000
Grace Mtika	Bus station Toilets	0999846346

Vacuum truck operators

Owner	Company name	Contact details
Wezi Mkandawire	Bingiza	Wezi.mkandawire@yahoo.com 0999324136
Stephen Kuyeli	Zitheka	zitheka@gmail.com 0999856592

ACTIVE Small Scale Sanitation Entrepreneur's (SSSEs) LIST - Source Water for People (March 2014)

Name	Low Income Area	Type of Business	Contacts
Charles Magola	Misesa	Latrine Construction	0999141791
McDonald Kayange	Makheta	Latrine Construction	0881147931
Patrick. Jimu	Bangwe Mthandizi	Latrine Construction	0884004151
John Matias	Ndirande	Latrine Construction and Pit Emptying	0999004520
Bonnex Nakhale	Manyowe	Latrine Construction	0884382107
Arab WiseMan	Chilomoni	Latrine Construction	0993523377
Flyton Byson	Manyowe	Latrine Construction	09938590

Name	Low Income Area	Type of Business	Contacts
			48
Billy Kamwendo	Chirimba	Latrine Construction	0999916231
Henderson Komiha	Manase	Latrine Construction	0997228004
Chabwera Makanjira	Chirimba	Latrine Construction	0881007425
Marko Mkandawire	Bangwe	Latrine Construction	0882908801
Thimu Kenneth	Mbayani	Latrine Construction and Pit Emptying	0993405860
Saizi Banda	Chilobwe/Chat ha	Latrine Construction	0881829463
Simeon Tito	BCA	Latrine Construction	

ANNEX 3: BID SUBMISSION SHEET BID PUBLIC TOILET

4.1.1 Bid Submission Sheet

Date: *[insert date (as day, month and year) of bid submission]*

Procurement Reference No.: *[insert Procurement Reference number]*

To: *[insert complete name of Procuring Entity]*

We, the undersigned, declare that:

- (a) We have examined and have no reservations to the Bidding Document, including Addenda No.: *[insert the number and issuing date of each Addenda]*;
- (b) We offer to provide the services in conformity with the Bidding Document for the *[insert a brief description of the Services]*;
- (c) The total price of our Bid is: *[insert the total bid price in words and figures, indicating the amounts and currency]*;
- (d) Our bid shall be valid for a period of *[specify the number of calendar days]* days from the date fixed for the bid submission deadline in accordance with the Bidding Document, and it shall remain binding upon us and may be accepted at any time before the expiry of that period;
- (e) If our bid is accepted, we commit to obtain a Performance Security in accordance with the Bidding Document where required in the amount of *[insert amount and currency in words and figures of the performance security]* for the due performance of the Contract;
- (f) We, including any associates or Joint Venture partners for any part of the contract, have nationals from the following eligible countries; *[Insert details]*
- (g) We undertake to abide by the provisions of the Public Procurement Act, 2003 and its subsidiary legislation on the conduct of bidders during the procurement process and the execution of any resulting contract;
- (h) The following commissions, gratuities, or fees have been paid or are to be paid with respect to the bidding process or execution of the Contract: *[insert complete name of each Recipient, its full address, the reason for which each commission or gratuity was paid and the amount and currency of each such commission or gratuity]*;

Name and address of Recipient	Purpose/Reason	Currency and Amount

[If none has been paid or is to be paid, indicate "none"]

- (i) We are not participating, as Bidders, in more than one bid in this bidding process;
- (j) We, including any subcontractors, do not have any conflict of interest as

detailed in ITB Clause 4.3;

- (k) We, our affiliates or subsidiaries, including any subcontractors or Providers for any part of the contract have not been debarred by the Director of Public Procurement from participating in public procurement;
- (l) We, including any subcontractors or providers for any part of the contract or contracts resulting from this pre-qualification process, are eligible to participate in public procurement in accordance with ITB Clause 4.1;
- (m) Our Bid is binding upon us, subject to modifications agreed during any contract negotiations;
- (n) We understand that this Bid, together with your written Notification of Award shall constitute a binding contract between us, until a formal contract is prepared and executed;
- (o) We understand that you are not bound to accept the lowest evaluated bid or any other bid that you may receive;

Name: *[insert complete name of person signing the Bid]*

In the capacity of *[insert legal capacity of person signing the bid]*

Signed: *[signature of person whose name and capacity are shown above]*

Duly authorised to sign the bid for and on behalf of: *[insert complete name of Bidder]*

Dated on _____ day of _____, _____ *[insert date of signing]*

ANNEX 4: EXAMPLE OF CONTRACTS

Example of contract Blantyre City Council (BCC) and Blantyre Waste Concern (BWC) for the management of public pay toilets 05-06-13

This contract was developed by WASTE Advisers for development and the Blantyre City Council. Although it has not been signed and approved as an official contract it is in use for the operation and maintenance of the Bangwe Market toilet since June 2013.

General conditions

1. The general provisions of this contract is that BCC should provide adequate sanitation facilities in selected market areas in partnership with BWC.
2. The role of BWC is to recruit suitably qualified operators and ensure minimum standards of service are delivered and that the facilities are well maintained, in accordance with contract provisions between BWC and the operator.
3. The role of BCC is to monitor the levels of service delivered to the public at these selected market toilets, and that they meet the minimum standard levels outlined in the operators contract (also detailed below)
4. In exchange for BWC running this service on behalf of BCC, BCC will not charge any rentals from BWC
5. Any rentals accrued by BWC should be minimal, sufficient to ensure financial sustainability of its administration and monitoring activities.
6. This contract is valid for the following market toilet:
.....
7. The contract is valid for 2 years from the date of signing, and is renewable upon mutual consent.
8. Termination of the contract requires 3 months notice from either side.
9. Failure to meet any of the minimum standards set out in this contract after written notice by either Blantyre City Council shall result in immediate termination of the contract.
10. BCC may give a concession to BWC to operate more than one toilet simultaneously.

For reference these are the minimum levels of standards as proposed in the contract between BWC and the operator

Minimum standards provision

1. The facilities should be open for a minimum of 12 hours – between the official market opening hours (6 am – to 6 pm).
2. In the case of market users or communities requiring facilities outside these hours, the operator in consultation with BWC and the market committee may reasonably extend these hours.
3. The operator shall provide the toilet cleaning staff with adequate protective clothing and cleaning materials.
4. The charges should be kept at a reasonable level in order not to discourage users.

5. Reasonable standards of cleanliness are to be maintained at all times in order to meet the client expectations and health standards of the City Council:
 - No visible faeces or standing urine around the toilet facilities
 - No visible faeces, smears or standing urine on the toilet slabs, squat pans or urinals
 - No unpleasant odours
6. The operator will do a disinfection of the facilities at least once a day using 0.2% chlorine solution.
7. The operator is to provide materials for anal cleansing (such as water and newspaper) as part of the service.
8. The operator is to provide water and soap for hand washing as part of the service
9. The operator will also provide security for the facilities in order to prevent vandalism.
10. The operator is responsible for maintenance of the structure, including the emptying of the septic tank, pit, unblocking of sewage to main line, as applicable. Also responsible for the maintenance of doors, locks, and other fittings. Etc.
11. On termination of the contract, the operator is responsible for handing over the facilities in good working order and appearance.

Example of contract Blantyre Waste Concern (BWC) and Market toilet Operator

This contract was developed by WASTE Advisers for development and the Blantyre City Council. Although it has not been signed and approved as an official contract it is in use for the operation and maintenance of the Bangwe Market toilet since June 2013.

General conditions

1. The operator should pay a monthly rent of MKW xxx to BWC. This rental contributes to the monitoring of the facilities and administration costs by BWC in order to be financially sustainable.
2. The rental should be paid 3 month in advance
3. A deposit equivalent to MK xxx should be paid upon signing of the contract. The deposit covers eventualities such as default of payment of water bills, damage, etc.
4. Ownership of the Blantyre water board meter shall be transferred to the operator who is responsible for payment of all the water bills incurred during the period of operation.
5. This agreement is valid for 2 years from the date of commencement of this contract. The contract is renewable upon satisfactory performance of the operator.
6. Termination of the contract requires 3 months notice from either side.

7. Failure to meet any of the minimum standards set out in this contract after written notice by either BWC or Blantyre City Council shall result in immediate termination of the contract.

Minimum standards provision

1. The facilities should be open for a minimum of 12 hours – between the official market opening hours (6 am – to 6 pm).
2. In the case of market users or communities requiring facilities outside these hours, the operator in consultation with BWC and the market committee may reasonably extend these hours.
3. The operator shall provide the toilet cleaning staff with adequate protective clothing and cleaning materials.
4. The charges should be kept at a reasonable level in order not to discourage users.
5. Reasonable standards of cleanliness are to be maintained at all times in order to meet the client expectations and health standards of the City Council:
6. No visible faeces or standing urine around the toilet facilities
7. No visible faeces, smears or standing urine on the toilet slabs, squat pans or urinals
8. No unpleasant odours
9. The operator will do a disinfection of the facilities at least once a day using 0.2% chlorine solution.
10. The operator is to provide materials for anal cleansing (such as water and newspaper) as part of the service.
11. The operator is to provide water and soap for hand washing as part of the service
12. The operator will also provide security for the facilities in order to prevent vandalism.
13. The operator is responsible for maintenance of the structure, including the emptying of the septic tank, pit, unblocking of sewage to main line, as applicable. Also responsible for the maintenance of doors, locks, and other fittings. Etc.
14. On termination of the contract, the operator is responsible for handing over the facilities in good working order and appearance.