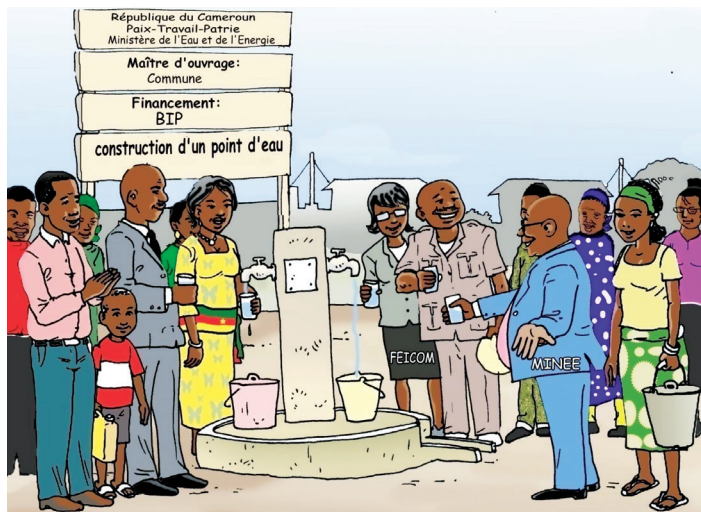


Guide for the exercise of the competences transferred by the state to councils

Water sector

June 2014





GUIDE

FOR THE EXERCISE OF COMPETENCES
TRANSFERRED BY THE STATE TO
COUNCILS IN RELATION TO DRINKING
WATER SUPPLY

Published by:

The Special Council Support Fund for Mutual Assistance (FEICOM)
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

Funding:

This guide was funded by GIZ within the framework of the German Federal Ministry of Economic Cooperation and Development (BMZ) and the Special Council Support Fund for Mutual Assistance (FEICOM).

Text:

- Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
- Special Council Support Fund for Mutual Assistance
- Ministry of Basic Education
- Ministry of Territorial Administration and Decentralization
- United Councils and Cities of Cameroon

Design:

Adrien Didier AMOUGOU ATANGANA assisted by:
Emmanuel TANG / Eugène Christophe MVONDO

Illustration and layout:

André Magloire AKONO ESSOLA (Mandresak)
Nathalie KOUAM TCHUINTSECHOU

Impression: Colorix

Editorial deadline:

June 2014, Yaounde- Cameroon



PREFACE BY THE MINATD

Since the constitutional revision of 18 January 1996, Cameroon has undertaken the decentralization process which aims at, in the long run, local development through the participation of the population in the running of their own affairs, improving their living environment and conditions as well as providing them with quality basic services. Amongst these services, water occupies a prominent place, given the significant segment of the population, in urban as well as in rural areas, not yet having access to drinking water.

In accordance with the provisions of decree N° 2010/0239/PM of 26 February 2010 laying down the terms and conditions for the exercise of some competences transferred by the State to Councils in relation to water supply in areas not covered by the public distribution network of water conceded by the State, on the one hand, and order N° 2010/000 00 298/A/MINEE of 1 September 2010 on the terms of reference specifying the technical conditions and terms for the exercise of the said competences, on the other hand, the Minister of Water and Energy (MINEE) has undertaken the transfer of project ownership and the management of water points (wells and boreholes) to Councils.

Therefore, special emphasis has been laid on water supply in villages by the transfer of competences intended for the construction of wells, boreholes and improved toilets as well as the rehabilitation of water points.

Concomitantly, significant financial resources were put at the disposal of Councils. However, numerous failures and the poor execution of works on the field were noted. Thus, besides the approximate quality of the infrastructures realized, the under-consumption of the credits transferred as well as the little collaboration between the Deconcentrated State Services and the Councils were noted.



PREFACE BY THE MINATD

These shortcomings explain the initiative taken by the Special Council Support Fund for Mutual Assistance (FEICOM) and the Support Programme for Decentralization and Local Development of the German Cooperation (PADDL-GIZ), to produce a methodological Guide for the exercise of the competences transferred by the State in relation to drinking water supply.

By jointly publishing this work, FEICOM and PADDL/GIZ are putting at the disposal of our municipal authorities, a didactical tool allowing them to exercise in a satisfactory and optimal manner the competences transferred in the water sector.

By commending this initiative, I address my compliments to all those who have contributed in producing this Guide which, will surely contribute in enhancing council performances and, by extension, in transforming the living environment and conditions of the population at the base./-

**MINISTER OF TERRITORIAL ADMINISTRATION
AND DECENTRALIZATION**

René Emmanuel SADI



INTRODUCTION

Since 2010 MINEE is engaged in the process of the transfer of some competences to councils following the laws on decentralization.

By virtue of decree N° 2010/0239/PM of 26 February 2010 laying down the conditions for the exercise of some competences transferred by the State to council in relation with the supply of drinking water to areas not covered by the public network for the distribution of water by the State, and of order N° 2010/00000298/A/MINEE of 1 September 2010 on the terms of reference specifying the technical conditions and terms for the exercise of competences transferred by the State to Councils in relation to the supply of drinking water, MINEE has effectively transferred to Councils project ownership and the management of water points (wells and improved boreholes).

Special emphasis is laid on hydraulic in villages through the transfer of competences and resources relating to the construction of equipped boreholes; the rehabilitation of water points and the construction of improved toilets. In all, the amounts of Francs CFA 1 560 000 000 and Francs CFA 2 904 000 000 were devoted to the 2013 and 2014 financial years respectively.

It must be noted that our ministerial department receives numerous complaints from the population relating to the execution of works on the field. In addition to the poor quality of infrastructures, a high rate of non-consumption of the credits transferred to the councils is noted and little collaboration of these councils with our Deconcentrated services.

The adaptation of the old principles and practices to the requirements of the new decentralization context will require concerted decisions of the

The adaptation of previous principles and practices to the news context of decentralization.



Guide for the exercise of the competences transferred by the state to councils

Water sector

INTRODUCTION

The production of this guide and especially its implementation opens up new prospects for a better management of water points, the strengthening of council project ownership and the development of the drinking water supply sector.

The Ministry of Water and Energy undertakes to and counts as well on the adherence of the stakeholders of the sector, for the judicious exploitation of this guide in order that the entire cycle of realization, management and the follow-up of water supply structures in rural areas undergoes a net improvement for the well-being of the population.

MINISTER OF WATER AND ENERGY

Basile Atangana Kouna



FOREWORD

The constitutional reform of 18 January 1996, laid down the basis for decentralization by making of our country a decentralized unitary State. The intended objective of the constitutionalist was to put Regional and Local Authorities at the centre of the development process while asserting the primacy of the State.

Regulatory texts reaffirm this State commitment to make of local development a reality. Without claiming to be exhaustive, one could cite the decree laying down the conditions for the evaluation and redistribution of the Common Decentralization Fund (CDF), the decrees laying down the redistribution of the CDF in 2010 and 2011 fiscal years, the decrees laying down the conditions for the exercise of the competences transferred, the decrees laying down the terms of reference and specifying the technical conditions and terms for the exercise of the competences transferred by the State to Councils, etc.

These reforms which aim at speeding up the decentralization process and improving the living conditions and environment for the population have not excluded the main support establishment of local authorities which is FEICOM.

In order to get this 40 years old institution closer to the strategy put in place with the view of a better exercise of the competences transferred, its restructuring was instructed by government. The reforms ushered within it since November 2005 have allowed for a reorientation and refocusing of its missions and having as major innovations, its disengagement from local projects ownership, putting in place funding tools adapted to the needs of Councils and within the context of decentralization, certification to ISO 9001/2008 for its activities in the areas of studies, mobilization of resources and the funding of tangible and intangible projects.

However, in spite of this favourable legal and institutional framework for the realization of projects at the local level, there seems to be insufficient mastery by actors, of sector strategies of the competences transferred and the conditions for their exercise, conditions for collaboration with



FOREWORD

Deconcentrated State services, and the opportunities and assistance mechanisms of FEICOM. This has as consequences, lateness in the implementation of projects, council realizations not always compliant and thereby the persistence of conflicts of powers detrimental to development actions.

This methodological Guide for the exercise of the competences transferred in the Water sector is the fruit of technical and financial collaboration between the Special Council Support Fund for Mutual Assistance (FEICOM), and the Support Programme for Decentralization and Local Development of the German Cooperation (PADDL/GIZ). The Ministry of Water and Energy provided all its expertise.

It is a pedagogic tool, practical and didactic, the exploitation of which will allow the users to better master the institutional, legal and regulatory framework for the exercise of the competences transferred in this sector essential for the health of the population; to better encourage the appropriation of sector strategies, better implement development projects which will contribute to make of Cameroon an emergent country.

The initiative of FEICOM falls within the framework of the Growth and Employment Strategy Paper (GESP) and the Millennium Development Goals (MDGs), FEICOM was awarded at the international level, the Habitat Scroll of Honour which is the highest distinction of the United Nations Organization for Human Settlements (UN-HABITAT). It received this award in Naples on 7 September 2012, during the 6th World Urban Forum. This could be explained from the significant contribution of the establishment in the support to Cameroonian Councils to achieve the MDGs.



FOREWORD

The choice of the Water sector is not insignificant. Indeed, from 2007 to 2013, FEICOM funded 1467 projects amounting **Francs CFA 114.647.311.967**. The water sector was granted 204 projects amounting **Francs 17.543.354.129**. Hence, these fundings make of FEICOM an institution at the centre of local development.

In the process of drafting this document, the Ministry of Water and Energy and the Ministry of Territorial Administration and Decentralization, the Ministry of Economy, Planning and Regional Development, Councils and Civil Society Organizations, were involved. All these institutions should hereby receive the shared acknowledgement of FEICOM and PADDL/GIZ.

Philippe Camille AKOA

The General Manager FEICOM



GLOSSARY

In this guide, the key terms used correspond to the following explanations:

Artisan repairer:	A person having formalized and agreement with the Council for the maintenance of water points, this includes internal diagnostics, the replacement of old parts, repairs of faults, preventive follow-up, etc.
Awards of contracts:	Process through which the provision of services is awarded to a professional operator.
Borehole:	Engineering works for the mobilization of underground water of diameter inferior to 20 centimeters, of a minimal dept of 45 meters, equipped with a superstructure and manual or electricity operated pump.
« Carton »:	Common expression in popular parlance to talk of a document confirming credit (in official language). It is a document materializing the authorization of expenditure under the budget of the State. It clearly identifies the manager, the amount to engage and the purpose of the expenditure.
Catchment:	Any infrastructure put in place to mobilize or collect water (surface water, underground water, etc.) in order to use it.
Competence:	Powers of legal or corporate entity in a specific field.
Council assets:	All the movable and immovable assets of a Council.
Council Development Plan:	Planning document giving orientation or which is at the base of all the council investment expenditures and partner assistance to the councils.



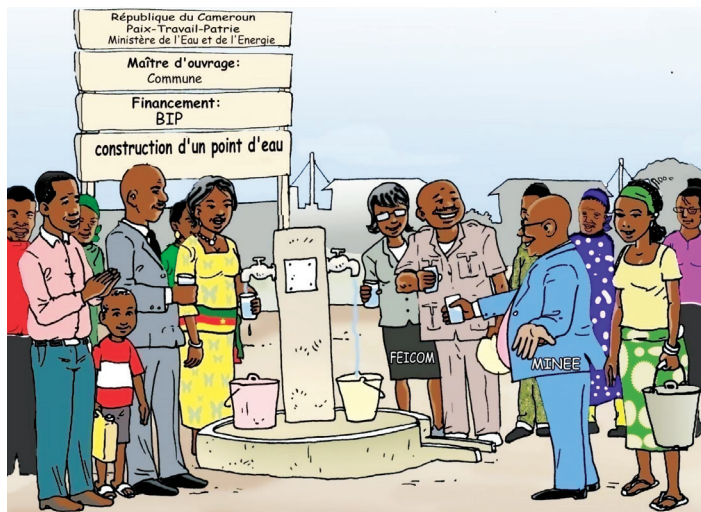
GLOSSARY

Drinking water supply:	Mobilizing raw water, making it pure through appropriate treatment systems and distributing it to the population.
Drinking water:	Water having microbial, chemical and physical characteristics which meet the directives of WHO.
Drinking Water Supply System:	A complete chain of the council water service (catchment, storage, treatment, distribution, maintenance).
Flow Chart:	Sketch clearly illustrating and from the first glance what is required to provide a basic service to the citizens.
Hydraulic in village:	All the infrastructures and strategies put in place to mobilize and supply drinking water to the population living villages of less than 2000 persons.
Master Plan of drinking water supply:	It is a tool for programming and management which enable to have a global view, at the level of a local authority, of the current and future needs and technical and financial solutions to envisage.
Mini drinking water supply:	Water distribution system comprising a catchment of raw water, a treatment station, a storage facility and a distribution network of public taps.



GLOSSARY

Project ownership:	<p>Exercise at the local level of the following activities:</p> <ul style="list-style-type: none">- execution of studies, construction and developing wells and boreholes;- conservation, protection, sustainable use of water;- upkeep and maintenance of the pool of wells and boreholes in the jurisdiction of the council;- taking all the necessary measures to ensure hygiene and sanitation around the wells and boreholes;- upkeep and maintenance of engineering works of the water supply;- Keeping a council list of water supply engineering works.
Technical and Financial Partners:	<p>Institutional or private stakeholders who support development activities.</p>
Wells:	<p>Engineering work for the mobilization of modern underground water of diameter of 1.20 meter, of a dept equal to or inferior to 15 meters, equipped with a superstructure and a manually or electricity operated pump.</p>



SECTION - I :

SOME QUESTIONS TO BETTER DEFINE
THE EXERCISE OF COMPETENCES
TRANSFERRED IN RELATION TO
DRINKING WATER SUPPLY



SECTION - I

SOME QUESTIONS TO BETTER DEFINE THE EXERCISE OF COMPETENCES TRANSFERRED IN RELATION TO DRINKING WATER SUPPLY

I.1. Which are the competences and resources transferred by the State to council in relation to drinking water supply?

- (1) Studies, construction and developing wells and boreholes.
- (2) Conservation, protection and sustainable use of water.
- (3) Upkeep and maintenance of all the wells and boreholes under the council's jurisdiction.
- (4) Taking all the necessary measures to ensure public hygiene and sanitation around the wells and engineering works.
- (5) Upkeep and maintenance of engineering works in drinking water supply.
- (6) Keeping a council list of drinking water supply engineering works.

I.2. Which are the follow-up bodies for the transfer of competences?

Law No 2004/17 of 22 July 2004 on the orientation of decentralization provides in article 78: «A National Decentralization Board in charge of the follow-up and evaluation for the implementation of decentralization is hereby set up.» A Local Services Inter-ministerial Committee following article 79 of the same law is equally set up.

These two laws ensure the follow-up process of the transfer of competences in all the sectors through control missions and inter-ministerial meetings. They produce minutes and reports.



SECTION - I

In addition, article 15 of the order on the terms of reference provides that:

- (1) «Under the authority of the Senior Divisional Officer, the DSS of the Ministry in charge of Water shall regularly ensure the follow-up, control and evaluation of competences transferred.
- (2) The Council and DSS shall write up a half-yearly report on the state of implementation of the competences transferred in relation to the project ownership and management of the wells and boreholes.
- (3) The said report shall be addressed by the Senior Divisional Officer to the Minister in charge of Decentralization»

I.3. What is the role of each of the following stakeholders: WPMC, Traditional Rulers, Councils, CND, media, MINEE, MINMAP, Deconcentrated State Services, Civil Society Organization, Supervisory Authority?

- **CGPE:** Has the responsibility to organize maintenance and sanitation activities around the water point. To this end, it shall coordinate the activities relating to the mobilization of users and funds.
- **Traditional Rulers:** In their capacity as moral authority, they shall assist CGPE in its mission of raising awareness and mobilizing users.
- **Councils:** Shall ensure project ownership and the management of water points (wells and boreholes).
- **National Decentralization Board:** Shall follow up and evaluate the implementation of decentralization.



SECTION - I

- **Media:** Shall help the Mayor in informing the population on the state and management of council assets.
- **MINEE:** Shall draw up and implement plans or sustainable development projects in relation to water and sanitation; define the orientations, policies, and national strategies in relation to water management; exploit spring water and mineral water; determine the conditions for protecting and exploiting surface and underground waters; see into State assets and shall each year draw the list of engineering works allocated for management to councils; put in its budget each year, a provision for the maintenance operations of engineering works to transfer to councils; organize information to councils to ensure their understanding of the national policy in water supply; organize their technical training; operate the transfer of financial resources previously mobilized at the central level; supervise and follow up contracts between the council and SP or operators; equip its staff of DSS with transportation to support councils on the field (Articles 9 to 13 of the order of 2010 on the terms of reference).
- **MINMAP:** Shall launch invitations to tender and award contracts on the proposal of the competent tenders board, the service providers whose amounts shall be more than CFA F one hundred million (100 000 000) for general supplies.
- **Deconcentrated State Services (of MINEE):** Shall provide advisory support to the council for the exercise of the competences transferred. As concerns water supply, the DD/MINEE shall represent this administration in the accomplishment of its numerous missions mentioned earlier on.
- **Civil Society:** Shall raise awareness, support and build the capacities of local stakeholders. Indeed, the civil society shall take part in creating wealth and employment and more generally in



SECTION - I

improving the living conditions of the citizens. It is in this light that it shall contributing in the implementation and follow up in water supply projects as well as making the engineering works realized to be perennial.

- **Supervisory authority:** Shall follow up, and evaluate the decentralization process, under the authority of the S.D.O. (Article 15 of the order cited earlier.

I.4. Which are the conditions for partnership between the Council and the Deconcentrated State Services as specified by the terms of reference of TCR?

Collaboration between the council and the DSS is provided by the institutionalization of the contract-plan between the State and the council. Law N° 2011/008 of 6 May 2011 on the orientation for the sustainable planning and development of the territory in Cameroon makes of the contract-plan the best tool for the realization of development objectives in relation to project. Provided for a period of three years renewable, the contract-plan defines the conditions of the assistance of the State in the council for the realization and funding of priority structuring and productive investments. It can equally exist through concerted plans of action, platforms, etc.

Most generally, the council shall collaborate with the DSS within the framework of drawing up the CDP and the implementation of TCR.

Furthermore, the council and DSS shall take part in setting up tenders boards.



SECTION - I

I.5. Which is the approach to follow to use a budgetary allocation?

Any budget allocation is materialized by a document defining with precision the different stakeholders involved in the realization of the project, the amount allocated, the place of payment of the service provider and the nature of the project. This document is commonly called “carton”. It is the availability of this document which makes it possible to use a budget allocation. The designated manager or contracting authority is supposed to have had it to trigger the contract award process as described in phase 4.

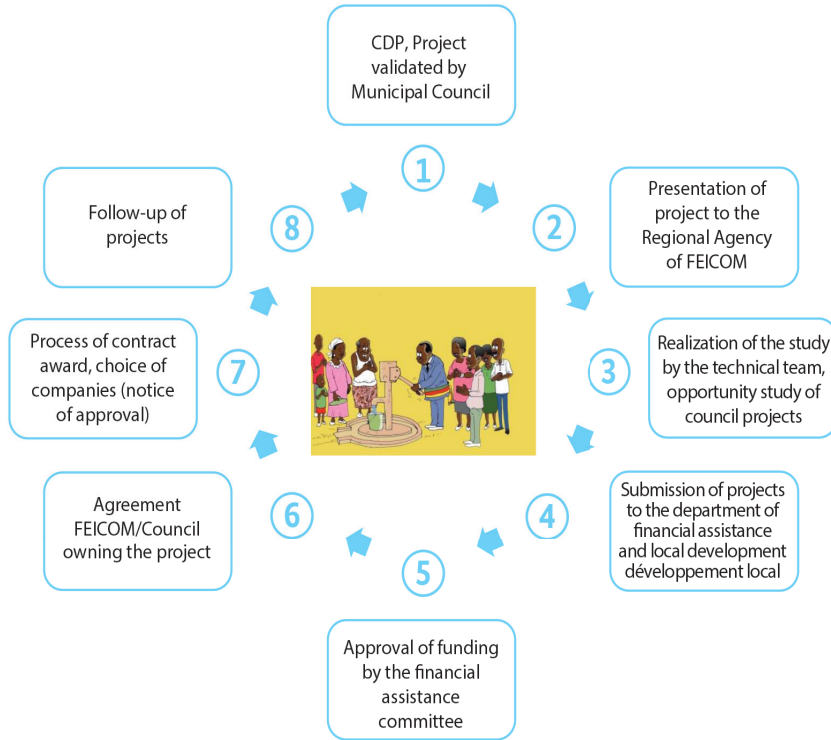
I.6. Which are the opportunities offered by FEICOM in relation to drinking water supply?

FEICOM grants funding to councils for the construction of water points (wells and boreholes). To this end, Mayors should get in touch with the Regional Agencies of FEICOM and competent regional agencies for information pertaining thereto and the procedures to follow.

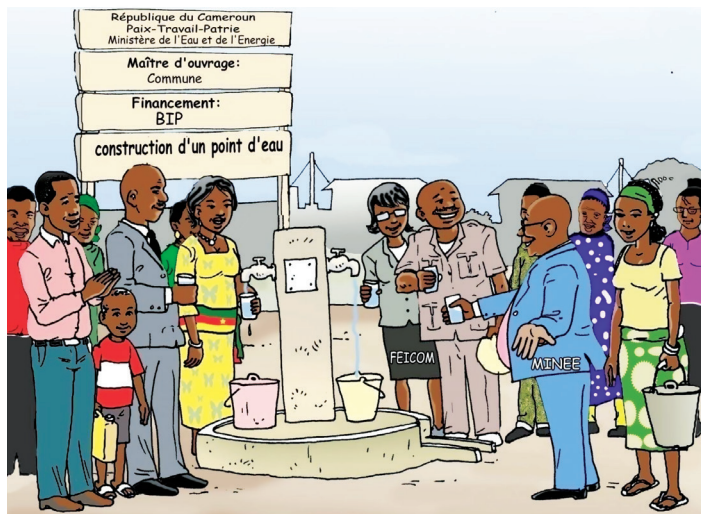


SECTION - I

I.7. Which is the cycle of a project funded by FEICOM?







SECTION - II :

FLOW CHART



SECTION - II

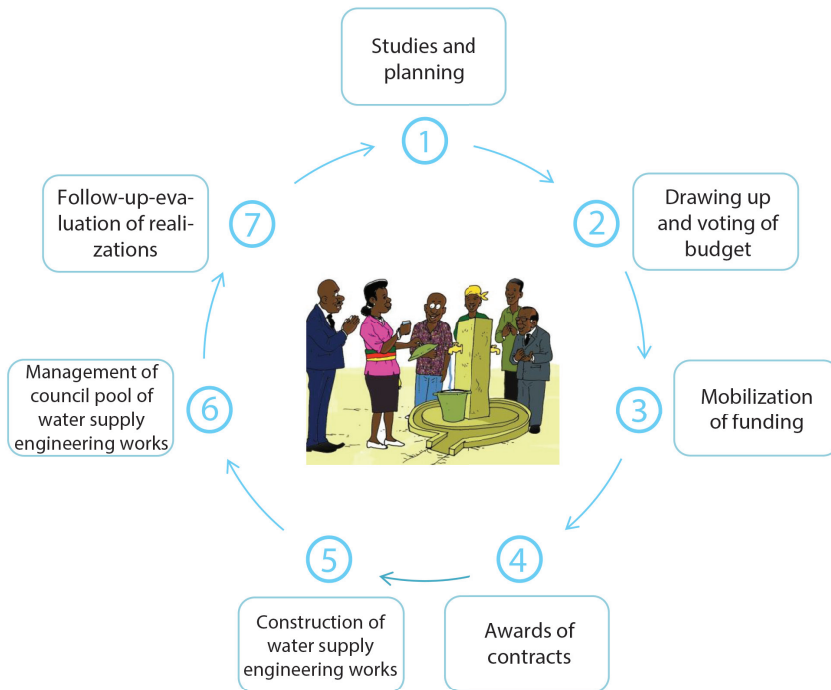
II.1. Major stakeholders involved in the phases of the process for the exercise of transferred competences in relation to water supply

Phases	Major stakeholders	Period
1. Studies and planning	Mayor, DD/MINEE, Supervisory authority, CSO, Municipal Council, traditional and religious authorities.	January-June 6 months
2. Drawing up and voting of budget	Mayor, Municipal Council, Supervisory authority, SG Council, Municipal Treasurer, DD/MINEE.	October- November 2 months
3. Mobilization of fundings	Mayor, CODEFIL, WPMC, CSO, local elite, private sector, DFC, TFP (FEICOM and others), etc.	January-March 3 months
4. Awards of contracts	Mayor, MINMAP, FEICOM, DD/MINEE, companies, Supervisory authority, OSC, Municipal Council, traditional and religious authorities	March-June 4 months
5. Construction of water supply engineering works	Mayor, DD/MINEE, DD/MINMAP, DD/MINTP, companies, TFP, Supervisory authority, CSO	December- March and June- September 8 months
6. Management of pool of council engineering works	Mayor, DSS, WPMC, artisan repairers, Supervisory authority, Municipal Council, traditional and religious authorities, media, CSO.	January- December 12 months
7. Follow-up-evaluation of realizations	Mayor, DD/MINEE, WPMC, CSO, Municipal Council, populations, traditional authorities, media.	January- December 12 months

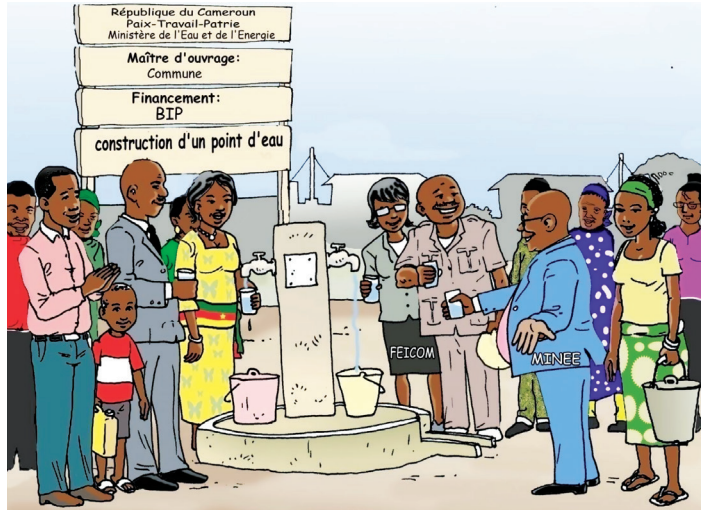


SECTION - II

II.2. Sketch of the process of the exercise of the competences transferred in relation to water supply







SECTION - III :

CONTENT OF PHASES OF THE FLOW
CHART



SECTION - III

CONTENT OF PHASES OF THE FLOW CHART

III.1. Studies and council planning

This phase is funded by the running budget of the council and/or partners' support.

■ What should the Mayor do?



Following article 5 of the order on terms of reference, the Mayor should:

- Cause the realization of the studies (map of water points, hydrological maps, quality analysis of water, and feasibility of projects..);
- Know national policy on water;
- Prepare multiannual assistance programmes to meet the needs of the population in relation to drinking water;
- Inform and raise awareness of the population on the planning and drawing up a water supply Master Plan at the level of the council territory;
- Design projects on construction of drinking water supply engineering works.





SECTION - III

- **How and with whom should they proceed?**
 - Realize a documentary study relating to water and concert with local stakeholders (DD/MINEE, PNDP, FEICOM, CSO, etc.);
 - Collect and analyze population needs in relation to water supply (CSO, Municipal Council, traditional and religious authorities, DD/MINEE, supervisory authority);
 - Determine sites for water supply engineering works to construct (DD/MINEE, CSO, traditional authorities);
 - Estimate costs for realization of water supply projects (DD/MINEE, CSO);
 - Inform the public by community radio, public information meetings under the tree and by dissemination of brochures presenting the essential elements of the Council Plan (Municipal Council, CSO, and DD/MINEE, traditional and religious authorities).



SECTION - III

■ Likely difficulties and solutions envisaged?

Difficulties	Solutions/opportunities
Realization of feasibility studies of water supply projects.	The Mayor should have appropriate competences around them and encourage mutualization through inter-council cooperation.
Lack of technical staff in the council.	The Mayor should: <ul style="list-style-type: none">- Ensure capacity building of council agents in relation to designing projects relating to drinking water supply, by soliciting for training and information from DD/MINEE, in mutualizing competences through inter-council cooperation;- Recruiting qualified staff.
Lack of consensus on determining a site.	Mayor should facilitate concertation between all the stakeholders and collaborate with CSO.



SECTION - III

III.2. Drawing up and voting the budget

This phase is funded by the budget of the council.

■ What should the Mayor do?



Law No2004/18 of 22/07/2004 in article 77(1) gives the Mayor the power to:

- Prepare the draft budget;
- Ensure the inclusion in the council budget priorities in relation to water supply;
- See into it that financial resources transferred by the State be put in the council budget in two columns: «New investments» and «Upkeep and maintenance of water supply engineering works»;
- Convene the budget session of the Municipal Council;
- Cause the budget to be voted;
- Cause the approval of the budget and the deliberations that accompany it by the supervisory authority;
- Present the budget to the population through meetings on the field or by dissemination by the media.





SECTION - III

■ How and with whom should they proceed?

- See into the effective participation of the population in the process of drawing up of the budget involving the Supervisory authority, DSS, and the CSOs, as well as national or international partners by virtue of the provisions of Law No2004/018 of 22 July 2004 Art 3 (1), (2) and (3); Art 37.
- Forward to the DD/MINEE the list of priority projects of the council in relation to project ownership and the management of water points (SG).
- See into taking into effective consideration of priorities defined by the Municipal Council during budget conferences.
- Prepare documents of the budget session by ensuring that the financial resources transferred by MINEE are exclusively reserved for project ownership and the management of water points (MT, SG).

■ Likely difficulties and solutions envisaged?

Difficulties	Solutions/opportunities
Divergences between council estimates and the budget of the State.	The Mayor should as soon as possible convene an extrao-ordinary session of the Municipal Council to include in the council budget allocations provided by the budget of the State.



SECTION - III

III.3. Mobilization of funding

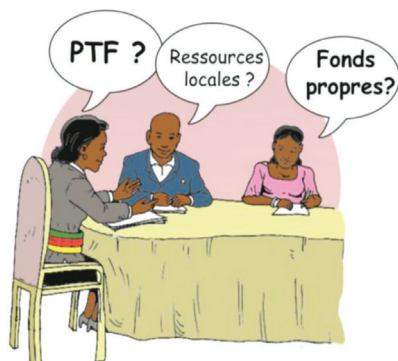
This phase is funded by the running budget of the Council.

■ What should the Mayor do?



By virtue of the provisions of article 3 of the law of 2004 cited earlier, and of article 6(2) of the order on the terms of reference, the Mayor should:

- Consult the journal of projects published by MINEPAT and pick out relating to the water supply of the council;
- Withdraw the funding documents of the projects (cartons) from the DFC;
- Involve all the stakeholders in sourcing for funding, namely the population, CSOs, local elite, the private sector, TFP (national or international bodies), decentralized cooperation;
- Strengthen the collection of local taxes and other funding sources.



**Now that our budget is approved,
how do we mobilize resources?**



SECTION - III

- **How and with whom should they proceed?**
 - Organize a meeting with DFC.
 - Develop joint projects with CGPE, CSO, local elite and the private sector and submit them to national or international partners involved in the water sector.
 - Organize a meeting with the competent services of the Regional Agency of FEICOM concerned, if necessary.
 - Organize a meeting with the other TFP, eventually.
- **Likely difficulties and solutions envisaged?**

Difficulties	Solutions/opportunities
Lack of communication on the existence of cartons.	The Mayor should show proof of pro-activity towards DFC and by going regularly to meet stakeholders involved in the chain on the mobilization of funds.
Sluggishness in the process of disbursing funds.	The Mayor into compiling funding documents in due form and as soon as possible, in the case where the disbursement of funds is conditioned to compiling a document.
Error on authorizations on expenses in the credits allocated.	The Mayor should show proof of speed in the correction moves at the level of forwarding and at the central level.



SECTION - III

III.4. Award of contracts

This phase is funded by the running budget of the Council.

■ What should the Mayor do?



Following articles 5 and 6 of the order on the terms of reference, the Mayor should:

- Award public contracts for the realization of works by putting in competition service provider approved by MINEE;
- Drafting Tender Documents and having them validated by DSS (DD MINEE, DD/MINMAP and DD/MINTP);
- Publish Tender Document and launch invitations to tender;
- Designate SP winner of the contract (publication of results of invitation to tender);
- Solicit for required notices of approval (FEICOM);
- Raise awareness of population through councilors to mobilize their counterpart funds of projects included in the budget;
- Sign the purchase or jobbing order .





SECTION - III

- **How and with whom should they proceed?**
 - Fill in MINMAP outline.
 - Comply with tenders boards in the case where they exist.
 - Comply with the public contracts code (Divisional Delegate for Public Contracts, companies).
 - Consult model plans of engineering works designed by MINEE.
 - Publish by posting bills and radio announcements; contract awards operations (companies, Supervisory authorities, CSO, Municipal council, traditional and religious authorities).



SECTION - III

■ Likely difficulties and envisaged solutions?

Difficulties	Solutions/opportunities
<p>Little transparency in the award of contracts.</p>	<p>The Mayor should scrupulously comply with the regulations in force in the matter and denounce the failure observed.</p>
<p>Poor Council expertise.</p>	<p>The Mayor should build the capacities of council agents in contract awards.</p>
<p>Little transparency in the award of contracts.</p>	<p>The Mayor should denounce the failure observed.</p>
<p>Immature projects.</p>	<p>The Mayor should:</p> <ul style="list-style-type: none"> - Cause the capacity building of council agents in the designing of projects and involving DD/ MINEE and CSO in the designing of projects; - See into it that studies relating to the designing of projects be finalized by involving DSS and the CSOs concerned in all the phases of project designing before putting them in the budget underway.



SECTION - III

III.5. Construction and development of water supply engineering works

This phase is funded by the investment budget of the Council.

■ What should the Mayor do?



In application of articles 2, 3, 5 and 7 of the order on the terms of reference, the Mayor should:

- See into compliance with the standards for the construction of water supply engineering works;
- Ensure follow up of the construction and development of wells and boreholes by the SP chosen after opening of bids;
- Be assured that water is drinkable;
- Proceed to the acceptance of works;
- Proceed to the training of WPMC;
- Proceed to the provision of wells and boreholes to the beneficiary population;
- Post the list of contracts accepted periodically at the Council;
- Set up maintenance Committee.





SECTION - III

■ How and with whom should they proceed?

- Collaborate with DSS (MINEE, MINMAP, MINTP), eventual TFP for compliance with standards.
- Organize the follow up of construction sites and the development of water points in collaboration with DSS (MINEE, MINMAP, MINTP), and eventual TFP.
- Jointly sign (DD/MINEE, MINMAP, and MINTP) acceptance reports of water points.
- Denounce and sanction shortcomings if necessary (Supervisory authorities, DSS, CSO).

■ Likely difficulties and solutions envisaged?

Difficulties	Solutions/opportunities
Sluggishness in the execution of the contract.	The Mayor should apply with rigour and without leniency the sanctions provided (penalties for lateness, termination) if it appears that the causes for lateness depend on the Service Provider.
Incompetence of some SP.	The Mayor should require and verify at recruitment that the SP has an authorization issued by MINEE and financial guarantees to cover his eventual shortcomings.
Service Providers who abandon work sites.	The Mayor should seize the SDO and collaborate DD/MINMAP have the regulation in force complied with.
The quality of water.	The Mayor should take all the necessary provisions such that the water distributed is drinkable.



SECTION - III

III.6. Management of council pool of water supply engineering works

This phase is funded by the running budget of the Council.

■ What should the Mayor do?



Following articles 3 and 5 of the order on the terms of reference, the Mayor should:

- Institute the concerted management of the resources on water with the other councils, the State and users contributing to various assistance; inform and raise the awareness of the population in order for them to appropriate council assets;
- Organize the operation of each water point around a committee of users or, when appropriate, by delegation to a private operator;
- Regulate the use and maintenance of assets in collaboration with CGPE;
- See into the sustainability of council assets (collect the royalties from the use of water supply engineering works);
- Create and inform Management Committees.





SECTION - III

- **How and with whom should they proceed?**
 - Carry out unannounced inspections (DSS, CSO, Supervisory authority, Municipal Council).
 - Write out a register of updated assets in collaboration with the SDO and DSS (MINDCAF, MINEE etc.).
 - Publish the results of the register of assets (Supervisory authority, CSO,
 - Carry out unannounced inspections (DSS, CSO, Supervisory authority, Municipal Council, traditional and religious authorities, media).
 - Make orders or deliberations on the management of the assets (Municipal Council, Supervisory authority).
 - Identify the users (DD/MINEE, CSO, traditional authorities, WPMC).
 - Repair water supply engineering works (artisan repairers).
 - Trigger administrative or legal procedures where appropriate against offenders to the regulation in force (WPMC, CSO, Supervisory authority, DD/MINEE).



SECTION - III

■ Likely difficulties and solutions envisaged?

Difficulties	Solutions/opportunities
Unavailability of some information (Example: technical documents of some water points not found).	The Mayor should put in place an archive system.
Interruption of public service of water because of lack of organization of beneficiaries.	The Mayor should: <ul style="list-style-type: none">- Systematize the designation of water focal points within the councils;- Systematically put in place water point management committees.



SECTION - III

III.7. Follow-up-evaluation of realizations

This phase is funded by the running budget of the Council.

■ What should the Mayor do?



In accordance with the provisions of article 5(2) of the order on the terms of reference, the Mayor should:

- Put in place a platform for the follow-up-evaluation of the realizations in relation to water;
- Hand in annually to MINEE the updated list of villages equipped or likely to be in water supply;
- Post this list in the council office;
- Collect and analyze the requests of the population in relation to water supply;
- Follow the satisfaction of service and the planning of its extension following demographic evolution.



**Follow-up-
evaluation
Analysis of
statistical data**



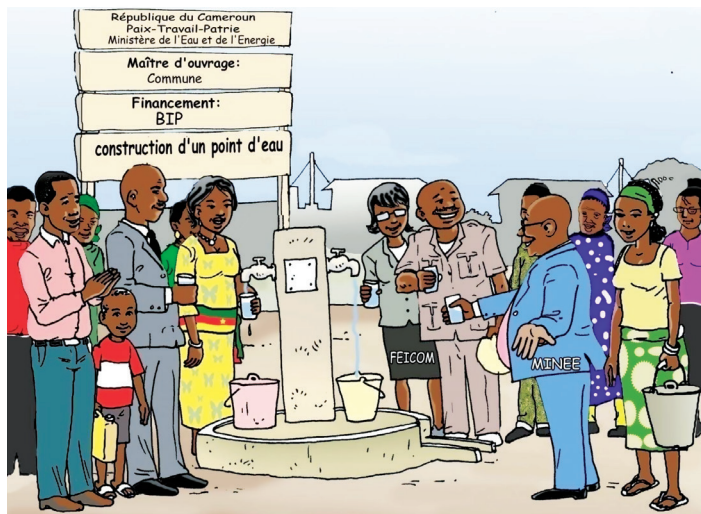
SECTION - III

■ How and with whom should they proceed?

- Realize a map of water points of the council (DD/MINEE, CSO, WPMC, and Municipal Council).
- Follow the functioning of WPMC by council services.
- Raise the awareness of councilors to involve themselves in the meetings of WPMC.
- Sample with the purpose of verifying the satisfaction of the users of water points (CSO, WPMC, and population).
- Publish through bills and radio announcements the results of this survey (media, Secretary General Council, traditional and religious authorities, CSO, DD/MINEE).
- Submit joint half-yearly reports with DD/MINEE to the supervisory authorities (SDO) on the state of the implementation of the competences transferred in relation to water supply.
- Reflect on a project to set up a real WSS at the level of the council (Municipal Council, DD/MINEE, CSO, traditional rulers).
- Reflect on the preservation of the water resource by giving priority to small-scale water supplies, avoiding the porousness of the water table and the degradation of the soils
- Put in place the follow-up-evaluation platform.

■ Likely difficulties and solutions envisaged?

Difficulties	Solutions/opportunities
Low council capacity in relation to evaluation.	The Mayor should see into: <ul style="list-style-type: none">- Building the capacities of council agents in community development, evaluation and planning;- The recruitment of skills



ANNEXES



MAJOR REFERENCE TEXTS

Law N° 2004/018 of 22 July 2004 laying down rules applicable to councils.

Law N° 2009 /011 of 10 July 2009 on the financial regime of regional and local councils.

Decree N° 2010/0239/PM of 26 February 2010 laying down the conditions for the exercise of some competences transferred by the State to councils in relation to water supply in areas not covered by the public distribution network conceded by the State.

Order N° 2010/00000298/A/MINEE of 1 September 2010 on the terms of reference specifying the technical conditions and terms for the exercise of the competences transferred by the State to Councils in relation water supply in areas not covered by the public distribution network conceded by the State. Budget nomenclature

Accounting nomenclatures 1734 and 1735.



LIST OF ABBREVIATIONS

CDP:	Council Development Plan
CODEFIL:	Divisional Committee for Local Finance
CSO:	Civil Society Organization
DCF:	Divisional Finance Control
DD:	Divisional Delegation
DSS:	Deconcentrated State Services
DWS:	Drinking Water Supply
DWSS:	Drinking Water Supply system
FEICOM:	Special Council Support Fund for Mutual Assistance
GIZ:	Deutsche Gesellschaft für Internationale Zusammenarbeit
MINATD:	Ministry of Territorial Administration and Decentralization
MINDCAF:	Ministry of State Property, Survey and Land Tenure
MINEDUB:	Ministry of Basic Education
MINMAP:	Ministry of Public Contracts
MINTP:	Ministry of Public Works



LIST OF ABBREVIATIONS

MM:	Meeting Minutes
MT:	Municipal Treasurer
PADDL:	Support Programme for Decentralization and Local Development
SG:	Secretary General (of the Council)
SP:	Service Provider
TCR:	Transfer of Competences and Resources
TD:	Tender Document
TFP:	Technical and Financial Partner
WPMC:	Water Point Management Committee



TABLE OF CONTENTS

Preface by MINATD	5
Introduction	7
Foreword	9
Glossary	12
SECTION I: SOME QUESTIONS TO BETTER DEFINE THE TRANSFER OF COMPETENCES IN TERMS OF DRINKING WATER SUPPLY	15
I.1. Which are the competences transferred by the State to Councils in relation to water supply?	16
I.2. Which are the follow-up bodies for the transfer of competences?	16
I.3. What is the role each of the following stakeholders: WPMC, Traditional Rulers, Councils, CND, media, MINEE, MINMAP, Deconcentrated State Services, Civil Society Organization, Supervisory authority?	17
I.4. Which are the conditions for partnership between the Council and the Deconcentrated State Services as specified by the terms of reference of TCR?	19
I.5. Which is the approach to follow to use a budgetary allocation?	20
I.6. Which are the opportunities offered by FEICOM in relation to drinking water supply?	20
I.7. Which is the cycle of a project funded by FEICOM?	21



TABLE OF CONTENTS

SECTION II: FLOW CHART	23
II.1. Major stakeholders involved in the phases of the process for the exercise of transferred competences in relation to water supply	24
II.2. Sketch of the process of the exercise of the competences transferred in relation to water supply	25
SECTION III: CONTENT OF THE PHASES OF THE FLOW CHART	27
III.1. Studies and council planning	28
III.2. Drawing up and voting of budget	31
III.3. Mobilization of funding	33
III.4. Award of contracts	35
III.5. Construction and development of water supply engineering works	38
III.6. Management of council pool of water supply engineering works	40
III.7. Follow-up-evaluation of realizations	43
ANNEXES	45
Major reference texts	46
List of abbreviations	47
Table of contents	49