



SMAS

Renforcer la gestion durable du système aquifère sénégal-mauritanien
pour assurer l'accès à l'eau des populations confrontées
au changement climatique

Strengthening the sustainable management of the Senegal-Mauritania Aquifer System to ensure access to water for the populations facing climate change

TERMS OF REFERENCE

Recruitment of a national legal consultant contributing to the
Transboundary Diagnostic Analysis (TDA) for groundwater in
the national portion of the Senegal-Mauritania Aquifer System
(SMAS)

(Gambia, Guinea Bissau, Mauritania and Senegal)

[AC/OSS/SMAS_Juriste/160725-29]

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1. CONTEXT AND RATIONALE

The Sahara and Sahel Observatory (OSS) is an international Organization with an African vocation, created in 1992 and based in Tunis since 2000. Its members include 35 countries (28 African¹ and 7 non-African), 13 regional Organizations, UN Organizations, and three non-governmental Organizations. The OSS mission is to support its African member countries in the sustainable management of their natural resources in a particularly adverse climate change context. Its activities are primarily located in the arid, semi-arid, and dry sub-humid regions of Africa.

As part of its efforts to promote sustainable water resources management, the OSS focuses on the collaborative management of transboundary aquifers in Africa, including the Senegal-Mauritania Aquifer System (SMAS)², shared between Gambia, Guinea-Bissau, Mauritania and Senegal. This aquifer system is crucial for the livelihoods of local populations, particularly in arid regions where water resources are limited. However, overexploitation of the aquifers and the risk of groundwater pollution are major challenges to contend with.

In May 2020, a Regional Working Group (RWG) for transboundary cooperation on the Senegal-Mauritania Aquifer Basin (**SMAB**) was established. Its members are the four states sharing the basin (Gambia, Guinea-Bissau, Mauritania and Senegal), the Gambia River Basin Development Organization (OMVG)³, the Senegal River Basin Development Organization (OMVS)⁴ and the OSS, which are involved in this regional dialogue. **THE PURPOSE** is to strengthen transboundary cooperation between the **SMAB** countries and to encourage them and the Transboundary Basin Organizations (TBOs) to establish a sustainable mechanism for collaborative transboundary management of the **SMAB**. The regional dialogue on the SMAS is currently facilitated and supported by several international **ORGANIZATIONS**, including the Geneva Water Hub, the Secretariat of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE), and the International Groundwater Resources Assessment Centre (IGRAC), the World Bank and the Global Environment Facility (GEF).

Since its establishment, the RWG has engaged in the design of a joint program and action plan to fulfill its mission. This program was validated by the ministers of the four countries in September 2021.

The "Strengthening the Sustainable Management of the Senegal-Mauritania Aquifer System to Ensure Access to Water for the Populations Facing Climate Change - SMAS project" is part of the RWG program and will be implemented in close synergy with it. The Project Identification Form (PIF) was developed with UNEP and approved by the GEF in November 2021 following a consultation, development, and review process, followed by the development of the SMAS project document, which was approved by the GEF in June 2022. The financing agreement was signed in January 2024, marking the official launch of the project, which is funded by the GEF (Global Environment Facility) through the United Nations Environment Program (UNEP). The project was officially launched in July 2024 in Senegal.

This regional project aims to promote cooperation between the four (04) countries and to strengthen institutional capacity for the protection and sustainable management of the Senegal-Mauritania transboundary aquifer in order to improve water and food security as well as resilience to climate change. THE OSS is the lead executing agency for the project and will work closely with the national agencies of the participating countries, and transboundary basin ORGANIZATIONS such as OMVG and OMVS.

As part of the SMAS project, a Transboundary Diagnostic Analysis (TDA) will be conducted to identify the main challenges and opportunities related to the sustainable management of the Senegal-Mauritania Aquifer System (SMAS). This TDA will provide an essential technical basis for developing the SMAS Strategic Action Program (SAP).

¹ Algeria, Benin, Burkina Faso, Cameroon, Cape Verde, Ivory Coast, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea-Bissau, Guinea Conakry, Kenya, Liberia, Libya, Mali, Morocco, Mauritania, Niger, Nigeria, Uganda, Central African Republic, Senegal, Somalia, Sudan, Chad & Tunisia

² Senegal-Mauritania Aquifer System: Acronym reserved for the project financed by the GEF

³ Gambia River Basin Development Organization (OMVG)

⁴ Senegal River Basin Development Organization (OMVS)

To inform the regional TDA, national TDAs will be developed in each participating country (Gambia, Guinea-Bissau, Mauritania and Senegal). These national analyses will be based on several thematic studies covering, hydrogeological aspects, the impacts of climate change, the environment, socioeconomics and the legal framework. The thematic reports produced in each country will be consolidated to develop regional thematic reports, which will form the basis for preparing the regional TDA.

National consultants will be recruited in each country to conduct these specific studies, with the support of the National Inter-ministerial Committees, to ensure the quality and relevance of the analyses at the local level. This document is the ToRs for the recruitment of a national legal consultant to contribute to the TDA for groundwater in the SMAS.

2. PURPOSE OF THE CONSULTATION

The main objective of this consultation is to produce a comprehensive analysis of the legal and institutional frameworks relating to groundwater resources management in the national portion of the SMAS. This analysis will identify gaps and propose recommendations for aligned, sustainable and resilient transboundary resources management. This will involve:

- Strengthening the understanding of national legal frameworks and their compliance with transboundary and regional commitments;
- Identifying inconsistencies, overlaps and gaps in national policies and regulations regarding groundwater management;
- Proposing strategic recommendations to align and strengthen national legal and institutional frameworks.

3. RESPONSIBILITY AND DUTIES OF THE CONSULTANT

Under the supervision of the project coordinator based at the OSS, the national legal consultant will work closely with national stakeholders and other project experts and will be responsible for:

- Interviewing representatives from relevant ministries (including those responsible for water, environment and agriculture), public agencies and regional Organizations to gather information on current practices, challenges, and opportunities in groundwater management and joint surface and groundwater management;
- Identifying and analyzing, where appropriate, recent national, regional and international initiatives impacting sustainable water resources management;
- Coordinating with other national consultants involved in the project to ensure a consistent and aligned approach;
- Submitting to the OSS a first draft of the documents produced, including the updated legal and institutional analysis, particularly related to groundwater resources management;
- Participating in a national workshop to present the results, gather stakeholder feedback and incorporate their observations into the final version of the document;
- Producing a final report that considers the suggestions and observations made during the workshop;
- Submitting the final report to the OSS for approval.

4. EXPECTED RESULTS

At the end of the consultation, the following product must be delivered:

- An updated report of the national legal and institutional analysis, focusing first on groundwater management and then on the joint management of surface and groundwater.

5. METHODOLOGY

The consultant will have to follow a precise and structured methodology, focused on two main stages:

5.1. Document review and collection of existing data

The first step will be to collect, analyze and summarize previous studies and reports produced as part of the Regional Working Group (RWG) works on the SMAS. This step will also involve collecting additional data and information, particularly from the ministries of the environment and agriculture, available on the national legal and institutional framework of the SMAS countries. The consultant will examine documents relating to transboundary commitments, national policies and regulations, as well as relevant regional initiatives.

5.2. Targeted interviews with national stakeholders

A series of interviews will be conducted with key stakeholders involved in groundwater management. These discussions will deepen understanding of legal frameworks, identify inconsistencies or gaps, and gather recommendations for aligned practices. The following institutions may be consulted:

- Ministries of water, the environment, and agriculture;
- National Organizations involved in transboundary resources management;
- Local legal experts and members of the National Inter-ministerial Committees.

Finally, the consultant will integrate these steps into a participatory approach. This involves close collaboration with national and local stakeholders, including the National Inter-ministerial Committees, the Regional Working Group (RWG), and other thematic consultants involved in the project. The methodology must be explicitly detailed in the offer, specifying the tools and techniques used, the stages of data collection and analysis, as well as the consultation and validation mechanisms to guarantee usable results that comply with the objectives of the SMAS project.

6. PROFILE AND QUALIFICATIONS OF THE CONSULTANT

6.1. Training and academic level

A Master's degree, a Law degree or a Ph.D. in law, with a specialization in water law, environmental law or natural resources management.

6.2. Experience and skills required

The consultant must possess the following skills and proven experience, particularly in the following areas:

- Expertise in the formulation of transboundary water management policies and strategies, and associated implementation processes;
- Legal and institutional analysis applied to groundwater and transboundary water management, including the drafting of regulatory texts
- Development of institutional frameworks for sustainable governance of water resources;
- Mastery of international legal instruments and ability to propose harmonised frameworks adapted to transboundary contexts;
- Ability to work in a multidisciplinary team, integrating legal, environmental and socio-economic aspects;
- Excellent command of French or English, with advanced skills in drafting technical and legal reports;
- Proficiency in standard office tools (MS Word, MS Excel, MS PowerPoint);;
- Experience in consultation and dialogue with national and international stakeholders.

7. DURATION, EXPECTED DELIVERABLES AND PAYMENT TERMS

7.1. Duration of the assignment

The duration of the assignment is estimated at 75 calendar days.

7.2. Deliverables

- **Deliverable 1:** Inception report including a detailed work plan, a precise timeline, and initial guidelines for the collection and analysis of legal and institutional data. This report is due **fifteen (15)** days after the scoping meeting with the OSS;
- **Deliverable 2:** Interim report presenting a summary of the data collected, a preliminary assessment of the legal and institutional frameworks relating to transboundary issues concerning the SMAS groundwater resources. This deliverable must be submitted **forty-five (45)** days after the signing of the contract. This report will be presented at a national workshop by the consultant.
- **Deliverable 3:** Final report of the national legal and institutional analysis with an emphasis on the joint management of surface and groundwater. This deliverable must be submitted **twenty (20)** days after the validation of Deliverable 2.

Table 1 - List of deliverables and deadlines

Deliverable	Delivery dates
D1: Inception report including a detailed work plan, a precise timetable, and initial guidelines for the collection and analysis of legal and institutional data.	Fifteen (15) days from the date of signature of the contract
D2: Interim report presenting a summary of the data collected, a preliminary assessment of the legal and institutional frameworks relating to transboundary issues on SMAS groundwater resources.	Forty-five (45) days from the date of signature of the contract
D3: Final report of the national legal and institutional analysis, including adjustments resulting from the national validation workshop.	Twenty (20) days after the validation of deliverable 2 and after the national workshop
Total	

7.3. Payment Terms

The consultant will receive a maximum lump sum of **USD 7,000** for the entire assignment. Payment of fees will be made in two installments, as follows:

Tableau 2 - Modalités de paiement de la consultation

Installments	Payment terms	Amount
Installment 1	Validation by the OSS of Deliverable 1 (Inception Report) and Deliverable 2 (interim report)	50 % of the total amount of the contract
Installment 2	Validation by the OSS of Deliverable 3 (final report) including adjustments resulting from the national validation workshop	50 % of the total amount of the contract

PN: the deadlines reserved for the validation of deliverables are not counted

8. PRESENTATION OF THE FILE

8.1. Technical proposal

- A technical proposal of no more than 5 pages containing the proposal of a succinct methodology explaining the approach, the way in which the consultancy will be carried out as well as a work plan including the various deliverables whose completion will be linked to the payment terms;
- A Curriculum Vitae setting out the level of training required and the expert's experience in consultancy or similar fields (in accordance with the standard OSS CV template which can be downloaded from the following link: [\[OSS CV template\]](#));

- A table detailing the references relevant to the proposed expert's mission;
- Other references considered useful;
- Duly completed model declaration on honour (**Annex 2**);
- Copies of diplomas;
- Other references deemed useful.

8.2. Financial offer

The financial offer must include the following documents:

- A financial bid submission form in accordance with the form in **Annex 1**.

9. SELECTION PROCESS

The selection of bids will comprise two stages: A first stage relating to the evaluation of the technical offers followed by a second stage relating to the evaluation of the financial offer.

9.1. Technical proposal

CVs will be evaluated and compared separately and independently of any financial considerations. **It will be scored out of 100 points on the basis of the criteria set out in the table below.**

To be eligible, the candidate's technical offer must obtain a **minimum score of 70 out of 100**.

Section	Points
General qualifications / Master's degree, Jurist or Ph.D. in law, with a specialisation in water law, environmental law or natural resource management	15
Working methodology: clarity, structuring of stages, adequacy with deadlines and specific project objectives	15
Experience in water policy formulation and implementation processes related to water resources, particularly transboundary waters; Legal and institutional analysis applied to groundwater and transboundary water management, including the drafting of regulatory texts	30
Development of institutional frameworks for sustainable governance of water resources; Mastery of international legal instruments and ability to propose harmonised frameworks adapted to cross-border contexts	30
Proficiency in office automation tools (MS Word, MS Excel, MS PowerPoint) and ability to use specialised data management software	5
Language skills (French + English)	5
Total	100

9.2. Financial offer

The financial evaluation will concern only the bids of tenderers pre-qualified after the technical evaluation.

The financial offer scores (Nf) will be calculated as follows: $Nf = 100 \times Fm/F$, where:

- Nf: Bidder's financial score
- Fm: Lowest financial proposal of the technically successful bids
- F: Tenderer's financial proposal

9.3. Final evaluation

Tenders will be ranked according to their overall score (NG) in accordance with the following formula: $NG = [Nt \times (70\%)] + [Nf \times (30\%)]$

- - NG: Overall score
- - Nt : Technical score
- - Nf: Financial score

The tender with the highest overall score (NG) will be selected.

10. SUBMISSION PROCEDURES AND DEADLINE

Tenders must be sent by e-mail to the following address: procurement@oss.org.tn mentioning the reference: **“Legal National Consultant contributing to TDA [AC/OSS/SMAS_Juriste/160725-29]”** in the subject line.

The deadline for receipt of tenders is August 6th, at 23:59 (Tunis time) and 22:59 (GMT).

Annex 1 - Financial proposal submission form

Tender addressed to (procurement and disposal entity) :	
Date of financial offer :	
Procurement reference number:	
Subject of the procurement:	

The total price of our offer is : _

We confirm that the prices indicated in our financial offer are fixed and firm for the period of validity and will not be subject to any revision or variation.

Financial offer authorised by:

Signature : _____ **Name** _____

Position : _____ **Date :** _____

Authorised for and on behalf of:

The consultant : _____

Signature and stamp of the consultant's legal representative

Annex 2 - Model declaration of honour

Subject of the call for tenders:

I, the undersigned (full name) :

Nationality:

Acting in the capacity of:

Company name:

Address :

Registered in the Commercial Register under n°theat.....

Fiscal number:

- **I declare on my honour:**

1. I have never been in receivership and have never been the subject of any legal proceedings on any grounds whatsoever,
2. I undertake not to resort, either personally or through an intermediary, to practices that could be described as embezzlement, fraud or corruption in the various procedures for the award, management and performance of this contract,
3. in the event that my tender is selected, to respect the procedures in force at the OSS and the obligation of reserve and professional secrecy for all facts and/or information that I may come to know,

- **Certify** the accuracy of the information contained in this declaration on my honour and in the documents provided in my tender.
- **Certify** that I am not related to any person receiving any remuneration whatsoever from the OSS
- **Acknowledge** that I am aware that any inaccuracies or errors and any shortcomings that may be found in the content of my offer, as well as any failure to comply with the conditions of participation, will result in my application being rejected.

Done at.....the.....

Signature and stamp of the consultant's legal representative