



Request for Proposal (RFP) to Conduct a Feasibility Study to Establish a Systematic Disclosure System in Myanmar

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NOTICE DATE: October 06, 2020

QUESTIONS DUE DATE: October 13, 2020

OFFER DUE DATE: October 20, 2020

Nathan Associates Inc. (Nathan), through the USAID-funded Transparency and Inclusive Growth Activity, Task Order Contract No. 720-OAA-18D-00014, invites eligible firms to submit proposals to conduct a feasibility study to establish a systematic disclosure system in Myanmar's extractives sector. Working through the Myanmar Extractives Industries and Transparency Initiative's National Coordination Secretariat (MEITI-NCS), Nathan seeks proposal from qualified firms to produce a feasibility study and develop a roadmap for embedding Extractive Industries Transparency Initiative (EITI) disclosures in Myanmar's government and corporate systems.

This Request for Proposal provides the details on what is required to submit a concise and comprehensive Proposal in accordance with the requirements outlined herein for how the respective organizations will evaluate the proposed solution, and any specifications and qualifications for the provision of the services.

This is a competitive process open to qualified and eligible companies. Eligibility requirements are found in detail in the RFP. Potential bidders are requested to read these requirements carefully.

The proposals must be received by Nathan no later than 17:00 Myanmar local time on the due date stated above. Proposals received after the deadline or found to be incomplete will not be accepted or considered.

Nathan intends to award a fixed price contract for this activity with an ***estimated start date of October 30, 2020***. The cost proposals must be submitted in USD.

Proposals must be submitted via e-mail to: tigaops@nathanin.com.

This solicitation in no way obligates Nathan to award a contract, nor does it commit the Nathan to pay any cost incurred in the preparation and submission of a proposal in response hereto. Furthermore, Nathan reserves the right to reject any and all offers, if such action is considered to be in the best interest of the U.S. Government.

It is the responsibility of the recipient of this solicitation document to ensure that it has been received in its entirety, including subsequent solicitation amendments, if any, and Nathan bears no responsibility for data errors resulting from transmission or conversion processes.

Any questions related to the RFP should be directed to tigaops@nathaninc.com" tigaops@nathaninc.com, communication@myanmareiti.org ***no later than October 13, 2020 at 17:00 Myanmar*** local time.

The oral instructions, answers or guidance prior to the award of the contract shall not be binding.

BACKGROUND

The Extractive Industries Transparency Initiative (EITI) is a global standard that promotes transparency and accountability in the extractive sector. It has a robust yet flexible methodology for disclosing company payments and government revenues from oil, gas and mining as well as other information about the extractive sector such as information about the legal framework and fiscal regime, licensing practices, state-owned companies, production, exports, etc. The requirements for implementing countries are set out in the EITI Standard¹. For further information, please see www.eiti.org.

Each implementing country creates its own EITI process adapted to the specific needs of the country. This involves defining the scope of information to be published and exploring how disclosure of information about the extractive sector can be integrated into government and company portals to complement and strengthen wider efforts to improve extractive sector governance.

To date, much of the information required to be disclosed by the EITI Standard has been collected and made public through EITI Reports. At the EITI Board meeting in February 2018, the EITI Board agreed to a set of recommendations regarding encouraging systematic disclosure. The 2019 EITI Standard enables implementing countries to disclose the information required by the EITI Standard through routine government and corporate reporting systems such as websites, annual reports etc. The EITI Board agreed that “systematic disclosure should be firmly established as a default expectation, with EITI Reports used to address any gaps and concerns about data quality. Implementing countries could still continue to publish the annual EITI reports collating and analyzing information from primary sources in order to make this information more accessible and comprehensible, especially for stakeholders that do not have access to online information.”

Systematic disclosure means that EITI’s disclosure requirements are met through routine and publicly available company and government reporting. This could include enabling public access to EITI data through public financial reporting, annual company or government agency reports, information portals, and other open data and freedom of information initiatives. A key concern will be ensuring that the published data is timely, disaggregated, comprehensive, reliable and accessible. This should include an explanation of the underlying audit and assurance procedures that the data has been subject to, with public access to the supporting documentation. Mainstreaming refers to the process for realizing this goal, which may include interim measures, pilots, and other capacity building activities.

The EITI continues to emphasize the importance of the multi-stakeholder dialogue in exploring options for systematic disclosure. A feasibility study provides an opportunity to examine opportunities for strengthening multi-stakeholder consultation and dialogue, and to make this participation more effective. This could include considering options for integrating Multi-Stakeholder Group (MSG) oversight into existing representative bodies.

OBJECTIVES

The objective of the assignment is to assess the feasibility of embedding EITI disclosures in government systems and corporate reporting. The consultant will produce a feasibility study that:

1. Assesses to what extent information that is required in the EITI Standard, or is otherwise relevant for achieving the objectives outlined in the MSG’s workplan, is already made publicly available in governmental and corporate systems;

2. Outlines any barriers or gaps in timely, comprehensive and reliable disclosures, as well as technical or financial support needs;
3. Documents stakeholders' views and willingness to embed EITI disclosures in governmental and corporate systems;
4. Proposes a roadmap for embedding EITI disclosures and the process for future EITI implementation. This should include actions, responsible parties, timelines, resource and technical assistance needs. The roadmap shall have two phases.
5. Examines and recommends how the MSG can monitor progress and contribute to a gradual but successful implementation of the systematic disclosure over time through meaningful consultations and dialogue.

ELIGIBILITY

Organizations registered or authorized to conduct business in Myanmar are eligible to apply subject to the following requirements:

- **Individuals are not eligible to apply;**
- Organizations must meet the following:
 - **Be registered to do work in the United States, Myanmar, and developing countries** other than advanced developing countries, but excluding any country that is a prohibited source. The following countries are considered advanced developing countries and organizations from these countries are not eligible to apply:

Albania	Libya
Algeria	Lithuania
American Samoa Antigua and Barbuda	Macedonia, FYR
Argentina	Malaysia
Azerbaijan	Maldives
Belarus	Mauritius
Bosnia and Herzegovina Botswana	Mayotte
Brazil	Mexico Montenegro
Bulgaria	Namibia
Chile	Palau
China	Panama
Colombia	Peru
Costa Rica	Romania
Cuba	Russian Federation Serbia
Dominica	Seychelles
Dominican Republic	South Africa
Ecuador	St. Kitts and Nevis
Gabon	St. Lucia
Grenada	St. Vincent and the Grenadines Suriname
Iran, Islamic Rep.	Thailand
Jamaica	Tunisia
Jordan Kazakhstan Latvia	Turkey
Lebanon	Uruguay
	Venezuela, RB

- Registration documents are required as part of the proposal submission.
- Organizations must be able to pass a due diligence vetting which includes, but is not limited to, verification that the organization and its board and employees are not on the

U.S. Government's and international sanctions list, not on the U.S. Government's debarment list, etc.

PERSONNEL

It is anticipated that the personnel needed to complete this work will have specialized experience in setting up systematic disclosure systems. Proposed staff should have the following qualifications:

- A bachelor's degree or preferably a master's degree in law, economics, natural resource, public policy or other relevant fields.
- Relevant experience and technical knowledge in transparency and governance, public finance and financial accountability, and multi-stakeholder dialogue. Preferably, proven experience related to the EITI.
- Knowledge of the oil, gas and mining sectors or other natural resources sectors, preferably in Myanmar
- A demonstrable track record in similar work.
- Knowledge of policy, rules and regulations, legislation and revenue management oil & gas, gems jade, other minerals and pearl sector
- Knowledge of transparency of data and statistics with electronic system in governmental agencies
- Preferably having experience working with a wide range of stakeholders, government departments, private sectors and civil society
- Excellent communication and writing skills in Myanmar and English
- Ability to work effectively in a virtual setting during the Covid-19 crisis and capacity to overcome challenges with risk analysis plan

SCOPE OF WORK

The feasibility study should carry out the following, but not limited to, activities with recommendations that can be implemented in two phases; immediate term and long-term.

- (1) Examine the MSG's workplan in order to gain a clear understanding of the process, objectives and scope of Myanmar's EITI implementation, and the extent to which the EITI implementation draws on and seeks to strengthen systematic disclosures. The consultant should also review the MSG's annual reports to learn the activities undertaken by the MSG and examine whether any progress has been made in terms of strengthening systematic disclosures in addressing recommendations from the previous EITI reports.
- (2) Identify and make a list of all the relevant government agencies and companies that are responsible for producing, collecting and/or maintaining the information required by the EITI Standard (EITI Requirements 2 to 6, summarized in annex A);
- (3) Review the existing platforms of the MEITI website and all other concerned governments' websites and companies' websites and assess what information required by the EITI Standard is already made publicly available by government agencies and in what format such as online cadasters and registers, government webpages on legal, fiscal and administrative arrangements for the sector, etc. Existing information and communication program of government such as E-government program should be reviewed since the concerned government of MEITI process are also included in that program. The study should also review what data is made publicly available by companies in their reports and on their websites and explore options for extending this disclosure.
- (4) Assesses whether the information is timely (up to date), comprehensive (includes all information required by the EITI Standard), disaggregated (per the level of disaggregation required by the EITI Standard) and reliable (applies standard audit and assurance procedures). If there are several public sources for the data, the consultant should assess whether they are consistent.

- (5) Where information gaps are identified and/or where there are concerns about data reliability, recommends measures to address the gaps, including improving the timeliness, comprehensiveness, reliability, availability and accessibility of the information.
- (6) Assess if there is information available in government systems that is not publicly available but could easily be published online. The study should also identify any other obstacles to making the information required by the EITI Standard publicly available in government reporting systems.
- (7) Review previous EITI reports, including levels of discrepancies. The study should also assess the statutory rules for audits and actual auditing practices of government and corporate entities, as per EITI Requirement 4.9(a).
- (8) Consult with all the relevant stakeholders, particularly members of the MSG and other concerned government agencies involved in the extractive industries as well as companies, and gauge their views and concerns over the idea of integrating EITI processes and disclosures in government and corporate systems.

The findings should be summarized in a table that maps all the required disclosures under the 2019 EITI Standard. A template is available here: <https://eti.org/document/systematic-disclosure-toolkit>. Based on all the findings from the analyses and reviews above, the study should develop recommendations in **two phases** with consideration for the following. **Phase I** should identify short term solutions or “quick wins” such as creating shorter reconciliation reports to cover financial reporting and moving contextual information online. **Phase II** should find out longer term solutions with a focus on ensuring online and systematic disclosure of financial information across all the extractive sectors in Myanmar.

- (1) Outline a credible approach to disclosure of financial information required by the EITI Standard (please refer to Annex A). The feasibility study is expected to make recommendations on how to embed financial disclosures in company and government systems, for example by integrating data into online license cadaster or including a database and/or reporting templates on government, company and/or national EITI websites.
- (2) In the event that auditing and assurance procedures are insufficient for EITI reporting purposes, the study should provide options for addressing quality assurance of financial disclosures. This could include full reconciliation as per ‘conventional’ EITI reporting, spot-checks reconciling certain transactions or a certain percentage of total disclosures, no reconciliation, etc. The consultant is expected to explain the rationale for the recommended options.
- (3) Develop a roadmap that is needed to fully embed disclosures in government and company systems, responsible parties, timelines, resource and technical assistance needs. Where significant work is needed to make the data publicly accessible through government systems, the roadmap should suggest a step-by-step approach specifying the information can be sourced from existing sources, and the information that would need to be partially or fully collected or disclosed through the EITI reporting process.
- (4) The roadmap should also make recommendations on how the MSG can monitor progress and contribute to a gradual but successful implementation of the systematic disclosure over time through meaningful consultations and dialogue.

DELIVERABLES

The following deliverables must be submitted by the selected firm:

1. Draft Feasibility Study. The feasibility should include, at minimum, the required information outlined in the scope of work. The draft feasibility study will be circulated to relevant stakeholders who will provide feedback and comments.

2. Final feasibility study. The feasibility should include, at minimum, the required information outlined in the scope of work. The Final feasibility study shall fully address the feedback and comments from the relevant MEITI stakeholders.
3. Presentation of draft and final feasibility study reports, action plan and any recommendations on the future of the EITI process.

Administrative Arrangements

- The NCS/MOBD will serve as a coordination role to arrange the necessary meetings with the MSGs and other relevant stakeholders;
- The selected bidder should make a request to the NCS/MOBD at least one week in advance to arrange meetings with the MSGs and other relevant stakeholders;
- The selected bidder shall make a list of official documents such as laws, regulations, rules and guidelines that need to be reviewed. The NCS/MOBD will make formal requests to the relevant government departments for the official documents that are not publicly available.

Reference Materials

- Encouraging Systematic Disclosure, <https://eiti.org/document/encouraging-systematic-disclosure>;
- Examples of other Feasibility studies, [https://eiti.org/publications?search_api_views_fulltext=\"systematic+disclosure\"](https://eiti.org/publications?search_api_views_fulltext=\)
- Agreed upon procedure for mainstreamed disclosures; <https://eiti.org/document/agreed-upon-procedure-for-mainstreamed-disclosures>
- Systematic disclosure toolkit, <https://eiti.org/document/systematic-disclosure-toolkit>
- The EITI Standard, <http://eiti.org/document/standard>;
- The online Guide to implementing the EITI Standard, <https://eiti.org/guide>;
- EITI implementation guidance notes issued by the International Secretariat, <https://eiti.org/guidance-notes-standard-terms-of-reference> , in particular the guidance notes on scoping (#9), defining materiality (#13), establishing/governing MSGs (#14), and creating open data policies (#27). The consultant is advised to contact the EITI International Secretariat for any questions or clarifications related to the EITI Standard and the implementation of the EITI requirements;
- Standard Terms of Reference for Independent Administrator services, <https://eiti.org/document/standard-terms-of-reference-for-independent-administrator-services>, including standard EITI reporting templates, available from the International Secretariat;
- [Implementing EITI for Impact: A Handbook for Policymakers and Stakeholders](#), in particular chapters 4 and 5;
- Examples of Scoping Studies, available from <https://eiti.org/guidance-notes-standard-terms-of-reference#examples-of-scoping-studies> and the International Secretariat; and
- Relevant government ‘s website link, laws and regulations” website,
 - <https://www.moec.gov.mm/>,
 - <https://myanmarpearl.com/index.php/en/>,
 - <http://www.mge.gov.mm/>,
 - <http://www.mining.gov.mm/DM/Default.asp>, - <http://www.monrec.gov.mm/>,
 - <https://www.mopfi.gov.mm/en>,
 - <http://www.myanmareiti.org/en>
 - <https://bo.dica.gov.mm/>

LANGUAGE OF PROPOSAL/REPORTS/DELIVERABLES

All proposals, reports and/or deliverables must be submitted in English.

PERIOD OF PERFORMANCE

The duration of this assignment should cover from the start of the contract (expected to be in October 2020) for 6 months.

EVALUATION CRITERIA

The proposal should be delivered electronically and include at least three examples of actuarial projects supported by the proposer. **Bidders must submit separate technical and cost proposals.**

The proposal should include the following components:

1. Technical Proposal. The technical proposal should be no more than 10 pages, single spaced, 12-point Times New Roman type with 1-inch margins on A4 paper. It should include a description of the bidder's proposed solutions as well as the names and qualifications of the key staff who will be conducting the actuarial services. The technical proposal should include:
 - a. Details of the technical proposal (limited to 10 pages)
 - b. CVs of all staff expected to work on the proposal (submitted as annexes to the technical proposal which do not count against the 10 pages limit)
 - c. Examples of Past Performance (submitted as annexes to the technical proposal which do not count against the 10 pages limit)
2. Cost proposal. The resulting contract will be a fixed price purchase order. Bidders must include all costs required to submit the deliverables. The cost proposal shall also include a budget narrative that explains the basis for the estimate of every cost element or line item. Cost proposals shall be broken out into the following areas:
 - Labor costs related to completing the feasibility study. Bidders should break out the labor costs to provide details on the level of effort needed to complete the work and the proposed rates of staff;
 - Travel costs (if appropriate);
 - Other costs as required by the bidder's proposal.
3. Administrative documents. (These will be used to determine eligibility of the company).
 - a. Company registration
 - b. Three professional references
 - c. List of company owners/beneficiaries

Evaluation committee will review each proposal to determine compliance with the requirements described in the RFP. The committee retains the right to determine whether any deviation from the requirements of this RFP is substantial in nature and may reject in whole or in part and all proposals, waive minor irregularities and conduct discussions with all responsible bidders.

Proposals will be scored based on a 100-point scale. Each evaluation standard is assigned a maximum score. The Proposal with the highest score over 70 points will be awarded the contract.

Proposals will be evaluated based on the criteria presented below:

Evaluation Criteria for Insurance Actuarial Service for FRD	Maximum Score
Technical Evaluation Understanding of the overall requirements of the feasibility study. Evaluation of the responses to specific points identified in Scope of work. Methodology proposed, assets committed to	30 Points

complete tasks, personnel assigned to project, and ability to produce the required feasibility study.	
Contractor Capabilities and Experience To include: <ul style="list-style-type: none"> - qualifications of the bidding organization and proposed staff (resumes required); - time in business; - financial stability; - ability to pass a due diligence vetting; and, - experience in doing similar work, includes client references. 	40 Points
Cost Proposal: The cost proposal will be reviewed based on the reasonableness of costs.	30 Points

AWARDS AND PAYMENTS

Awards will be paid through a Fixed Price Purchase Order. Payments will be made upon submission and approval of agreed upon deliverables. The resulting purchase order will be denominated in USD. The resulting Purchase Order is subject to the rules and regulations set out by Nathan Associates Inc. and the U.S. Government as set out in the Federal Acquisitions Regulations (FAR), Code of Federal Regulations (CFR), and the USAID Acquisitions Regulations (AIDAR). Oral instructions, answers or guidance prior to the award of the contract shall not be binding.

TERMS AND CONDITIONS

In addition to rights described elsewhere in this document or by law or regulation the solicitation is subject to the following terms and conditions:

- It is understood and agreed that the prospective offer or claims no proprietary rights to the ideas and written materials contained in or attached to the proposal submitted;
- This solicitation in no way obligates Nathan to award a contract, nor does it commit Nathan to pay any cost incurred in the preparation and submission of a proposal in response hereto. Furthermore, Nathan reserves the right to reject any and all offers, if such action is considered to be in the best interest of the U.S. Government;
- Nathan reserves the right to make awards without discussions, or to conduct discussions and/or negotiations, whichever is determined to be in the U.S. Government’s best interest;
- Nathan reserves the right to request any additional, necessary documentation upon initial review. Such additional information may include, but is not limited to, a further detailed proposal, budget, and representations and certifications.
- Nathan reserves the right to remove applicants from award consideration should the parties fail to reach agreement on award terms, conditions, and cost/price within a reasonable time, the applicant fails to timely provide requested additional information, or if the Nathan determines it is in the U.S. Government’s best interest.

Attachment A – Disclosures Required by the EITI Standard

This annex summarizes the information disclosures that are required by the EITI Standard and that should be assessed in the feasibility study. In undertaking the assessment, the consultant must refer to the disclosure requirements outlined in the EITI Standard to ensure that all details are fully considered. A tool for performing this assessment is available at <https://eiti.org/document/systematic-disclosure-toolkit>;

- The legal framework and fiscal regime governing the extractive industries (EITI Requirement 2.1);
- The availability and comprehensiveness of a public license register as well as information about license allocation processes and procedures (EITI Requirements 2.2 and 2.3);
- The Myanmar policy and practices on disclosure of contracts and licenses that govern the exploration and exploitation of oil, gas and minerals and any reforms underway (Requirement 2.4);
- The availability of a public register of the beneficial owners of extractive companies (EITI Requirement 2.5);
- Where applicable, information about the role of state-owned enterprises (SOEs) in the extractive sector and the financial relationships between the government and the SOE, quasi-fiscal expenditures, and government ownership in oil, gas and mining companies operating in Myanmar (EITI Requirements 2.6, 4.5, 6.2);
- Key features of the extractive sector, including any significant exploration activities (EITI Requirement 3.1);
- Production and export data (EITI Requirement 3.2, 3.3);
- The revenue streams that must be disclosed in accordance with EITI Requirements 4, 5 and 6.

The analysis should cover:

- The taxes and other revenue streams listed in 4.1;
- Any revenues related to the sale of the state's share of production or other revenues collected in-kind (4.2),
- Any revenues related to infrastructure provisions and other barter arrangements (4.3);
- Any revenues related to transportation payments (4.4);
- Any transactions between SOEs and other government agencies (4.5);
- Any revenues collected by subnational government from oil, gas and mining companies (4.6);
- Any transfers of extractive industry revenue between central and subnational levels of government (5.2); and
- Any mandatory and voluntary social and environmental expenditures by extractive companies (6.1).
- Information about revenue allocations and distribution of revenues in accordance with EITI Requirements 5.1 and 5.3; and
- Information about the contribution of the extractive industries to the economy for [2018-2019 FY] in accordance with EITI Requirement 6.3.

Annex B – Illustrative List of Key Stakeholders for Consultation

Organization/Department	Stakeholders
Auditor General Office	
President's Office	
Union Attorney General's Office	
Ministry of Natural Resource and Environmental Conservation (MONREC)	Department of Mine, Department of Forestry, Myanmar Gemstone Enterprise, Mining Enterprise-1, Mining Enterprise-2, DGSE, ECD, MTE, MPE, minister office, FD, Central Committee of Gems & Jade
Myanmar Port Authority Ministry of Transport and Communications	Myanmar Port Authority
Ministry of Electricity and Energy (MOEE)	Oil and Gas Planning Department, Myanmar Oil and Gas Enterprise, Minister's office
Ministry of Planning, Finance and Industry (MOPFI)	Internal Revenue Department, Customs Department, Treasury Department, Budget Department, CSO, Minister's office
Ministry of Investment and Foreign Economic Relations (MIFER)	DICA, MIC, Minister's office
Private sector	MFMA, MGJEA, Myanmar Oil & Gas Service Association (MOGSA), Myanmar Forest Products Merchants Federation (MFPMF), Forest Products Joint Venture Company (FPJVC)
MEITI	Champion of MEITI, Chair and Vice-chair of MEITI MSG, MSG members, MEITI Sub-committees, NCS office
State and Regional Government	Government offices, Chief Ministers
Other stakeholders as identified by NCS	
Myanmar E-government Working Committee	Ministry of the Office of Union Government, Ministry of Transport and Communications
Ministry of commerce	Trade Department