



**Opening
Extractives**

Unlocking the benefits
of ownership data

Terms of Reference for consultant supporting the implementation of the Opening Extractive Programme in Indonesia

Introduction

Opening Extractives (OE) - a programme launched by the Extractives Industry Transparency Initiative (EITI) and Open Ownership to enhance beneficial ownership transparency - is seeking an individual consultant to support the OE team in implementing beneficial ownership transparency commitments under the OE Programme in Indonesia. This will entail supporting the OE team and the EITI Multi-stakeholder Working Group (MSG) with the implementation of the OE programme. The objective is to strengthen Indonesia's beneficial ownership (BO) transparency through technical assistance and capacity building to government ministries and other stakeholders with a focus on BO data verification, use of BO data in integrity check of oil, gas, coal and mineral companies applying for licenses.

Background

Requirement 2.5 of the 2019 EITI Standard² requires implementing countries to request BO information of reporting companies to be publicly disclosed and companies to publicly disclose the beneficial owners of corporate entities that apply for or hold a participating interest in an exploration or production oil, gas or mining license or contract, including the identity(es) of their beneficial owner(s), the level of ownership and details about how ownership or control is exerted. As of January 1, 2020, all implementing countries are recommended to develop and publish a comprehensive BO Registry.

As part of its efforts to pursue its commitment to improving beneficial ownership transparency, the Indonesian government represented by the Ministry of Energy and Mineral Resources (ESDM), confirmed its interest to participate in the Opening Extractives (OE) programme in June 2021 and has been part of Opening Extractive Programme activities such as learning and exchange between extractive companies in Indonesia and the Philippines and training of government officials in Indonesia on BO data verification.

The ESDM's primary objectives in 2023 are to (i) strengthen the collection and use of BO data within the extractive licenses ahead of Indonesia EITI Validation in October 2023; (ii) strengthen compliance and verification of BO data in the extractive sector; (iii) increased participation of extractive companies in disclosing BO data.

Drawing from the experience in 2022, the OE team has prepared a revised engagement plan that contains the activities to be implemented in 2023. The consultancy will focus on executing these activities, with the following details.

Objectives of the assignment

The Opening Extractives programme is seeking a consultant to support their work with Indonesia EITI focusing on strengthening the collection and use of BO data within extractive licenses,

strengthening compliance and verification of BO data in the extractive sector and strengthening the participation of extractive companies in disclosing BO data, and other support as required.

Scope of work

The consultant will be expected to perform the following tasks:

- I. **Coordinate the OE programme's technical support to strengthen the collection and use of BO data within extractive licenses ahead of Indonesia's EITI Validation in October 2023**
 - a. Organise and lead at least one (1) workshop or training with ESDM in coordination with OE team on the improvement of BO data collection in the oil, gas and mining sector.
 - b. Organise and lead at least two (2) workshops or trainings with ESDM in coordination with the OE team on BO data use to help in screening oil, gas contracting and mining license applications (integrity checks).
 - c. Provide coordination and logistical support to the OE team during preparation and implementation of these workshops or trainings.
- II. **Coordinate OE programme technical support to strengthen compliance and verification of BO data in the extractive sector**
 - a. In coordination with the OE team, organise and lead on at least 2 workshops to facilitate sharing of best practices and development of enhanced verification of BO data in extractive sector
 - b. Provide coordination and logistical support to the OE team in reviewing examples of sanctions for non-compliant companies
 - c. In coordination with the OE team, organise and lead at least one (1) workshop on data verification for the ESDM to align their data verification measures with the Ministry of Law and Human Rights
 - d. Provide coordination and logistical support to the OE team during preparation and implementation of these workshops or trainings.
- III. **Coordinate OE programme to support increased participation of extractive companies in disclosing BO data, specifically in partnership with Indonesia EITI Multi-Stakeholder Group (MSG)**
 - a. In coordination with the OE team, organise outreach to companies and engage them in at least two (2) BO-related events to raise their awareness about the value of BO data disclosure.
 - b. Provide coordination and logistical support to the OE team to organise at least one (1) training on BO data form for oil, gas, coal and mineral companies.

Qualification requirements

The consultant should be credible, trustworthy and technically competent. Short-listed persons shall be assessed based on the following criteria/requirements:

- Background in law, public policy, public finance, natural resource governance, investigative journalism, economics, or related fields, preferably with post-graduate degree or education;
- At least ten (10) years of relevant work experience in Indonesian context;
- Previous work experience in anti-corruption and natural resource governance in Indonesia is essential;
- Good understanding of the due diligence process in public procurement, especially in oil, gas and mining licensing awards;
- Advanced skills and experience in project management, coordination and stakeholder engagement especially with both junior and senior government officials;
- Advanced experience in developing and delivering training and workshops;

- Knowledge of the Extractive Industries Transparency Initiative (EITI);
- Proficiency in written English, especially in technical writing as well as Bahasa Indonesia

Deliverables and duration of the consultancy

The assignment is expected to take up to 80 non-consecutive consultancy days.

The Consultant will develop a detailed plan corresponding to the scope of work in this ToR. The Consultant is expected to provide periodic progress reports against tasks to the Opening Extractives team, including achievements, challenges, recommendations, and action points. The Consultant will report to EITI's Country Manager for Indonesia, and indirectly to the OE Programme Manager. The Consultant is expected to work hand in hand with the broader OE team, including technical experts from Open Ownership under the Opening Extractives programme. The Consultant will perform other tasks related to those outlined in this TOR that are necessary for the implementation of the OE programme in Indonesia.

Timetable

The assignment is expected to take place from March to December 2023. The proposed schedule is set out below :

Task	Timeframe
Signing of contract.	March 2023
Initial Meeting with Indonesia EITI and the OE team.	March 2023
Submit a detailed plan corresponding to the consultant's scope of work.	March 2023
Coordinating OE Programme technical support to strengthen the collection and use of BO data within extractive licenses.	March – June 2023
Coordinating OE programme technical support to strengthen compliance and verification of BO data in the extractive sector.	April – December 2023
Coordinating OE programme to support increased participation of extractive companies in disclosing BO data, specifically considering partnership with Indonesia EITI Multi-Stakeholder Group (MSG).	March – December 2023

Procurement process

A consultant will be selected following a quality and cost-based selection procedure. Consultants should submit:

- A **Technical Proposal**, following this template.
- A **Financial Proposal** must be presented in USD, clearly indicating a lump sum financial proposal of all costs associated, with applicable taxes. The daily rate for the consultant fees should be clearly indicated. The consultant does not need to include any costs related to specific activities indicated in this TOR (travel, event costs, etc.). These costs will be covered separately by the programme. The Financial Proposal should be sent as a password protected PDF file – financial proposals

submitted without the password will be considered non-responsive. The passwords should not be sent. The passwords will be requested following the assessment of the technical proposals.

Proposals must be delivered by email to skasimova@eiti.org by close of Monday 27 February 2023.

The criteria for assessing the technical proposals will be based on the following:

- Experience of the Consultant relevant to the Assignment
- Adequacy and quality of the proposed methodology, and work plan in responding to the Terms of Reference (TORs)
- Key qualifications and competence based on the Qualification requirements (see section on qualification requirements above)

The weights given to the Technical (T) and Financial (P) Proposals are:

T = 70%

P = 30%

Proposals will be ranked according to their combined technical (St) and financial (Sf) scores using the weights (T = the weight given to the Technical Proposal; P = the weight given to the Financial Proposal; T + P = 1) as following: $S = St \times T\% + Sf \times P\%$.

Reference materials:

- 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>