



**Opening
Extractives**

Unlocking the benefits
of ownership data

Terms of Reference for consultant supporting the implementation of the Opening Extractives programme in the Philippines

Introduction

Opening Extractives (OE) - a programme launched by the Extractives Industry Transparency Initiative (EITI) and Open Ownership (OO) to enhance beneficial ownership (BO) transparency - is seeking an individual consultant, based in Metro Manila, to support the OE team in implementing beneficial ownership transparency commitments under the OE Programme in the Philippines. This will entail supporting the OE team and the Philippines EITI (PH-EITI) Multi-Stakeholder Group (MSG)¹ with the implementation of the OE programme. The objective of the programme is to improve government and company disclosures, move towards systematic disclosure of data on beneficial ownership in the extractives sector and in other sectors where necessary, and build capacity among key stakeholders in collecting, disclosing, and analysing BO information.

Background

Requirement 2.5 of the 2019 EITI Standard² requires that implementing countries maintain a publicly available registry of 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 required to develop and publish a comprehensive BO Registry.

¹ The PH-EITI Multi-Stakeholder Group is composed of representatives from the government namely the Department of Finance, Department of Environment and Natural Resources, Department of Energy, Department of the Interior and Local Government, and Union of Local Authorities of the Philippines; extractive industry represented by the Chamber of Mines of the Philippines and the Petroleum Association of the Philippines; and civil society led by Bantay Kita - Publish What You Pay Philippines, a broad coalition of civil society organisations advocating transparency and accountability in the extractive sector.

² <https://eiti.org/eiti-requirements>

Jointly implemented by the EITI and Open Ownership

EITI

**Open
Ownership** 



Opening Extractives

Unlocking the benefits
of ownership data

As part of its efforts to pursue its commitment to improve beneficial ownership transparency, the Philippine government confirmed its interest to participate in the Opening Extractives programme on 29 June 2021 and held the National Launch of the OE programme in November of the same year. Shortly after the launch, the PH-EITI collaborated with its stakeholders in the development of the Opening Extractives engagement plan for the Philippines.

The Philippines' primary objectives under the programme are to: (i) enable the government and industry to disclose high quality open beneficial ownership data; (ii) build data-usage capacity of government and local stakeholders; and (iii) mobilise global support for BO transparency.

Towards this end, the Philippines, under the OE programme, has made initial gains in engaging relevant stakeholders from the government, industry and civil society in promoting beneficial ownership transparency through a BO session with EITI constituencies and concerned agencies, meeting with regulatory and law enforcement agencies, and BO data use workshop with CSOs and journalists. The Philippines has also produced a Scoping Assessment Report on beneficial ownership transparency and a Policy Brief on *Enhancing BO Transparency in the Philippines*. These documents could serve as guidance to the country in further advancing its work on BO transparency in the country.

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

Objectives of the assignment

The OE programme, together with PH-EITI, is seeking a consultant to support their work with the Senate and House of Representatives, Securities and Exchange Commission (SEC), extractive sector regulators (e.g., DENR-MGB and DOE) and other stakeholders on the implementation of Beneficial Ownership Transparency by facilitating efforts toward strengthening the legislative and policy framework for Beneficial Ownership in the extractive sector in line with EITI Requirement 2.5. The consultant is expected to conceptualise and coordinate activities that aim to promote awareness on BO transparency, improve BO data collection through EITI reporting and SEC registry, and increase data use among relevant law enforcement agencies, industry, and civil society. The consultant should be based in the Philippines for this assignment.

Scope of work

The consultant will be expected to undertake the following tasks:

Jointly implemented by the EITI and Open Ownership





Opening Extractives

Unlocking the benefits
of ownership data

- A. Coordinate and facilitate efforts toward strengthening the legislative and policy framework for Beneficial Ownership in the extractives sector in line with EITI Requirement 2.5.**
- a) In close coordination with the OE team and PH-EITI, organise and facilitate workshops and consultation sessions that aim to promote understanding of BO transparency among relevant legislative committee officials and staff, such as those from the Senate Economic Planning Office (SEPO) and the Congressional Policy and Budget Research Department (CPBRD), who are instrumental in identifying legislative champions, in determining appropriate strategies for BO support in both houses of Congress, and in pursuing an appropriate legislative measure on BO transparency.
 - b) In coordination with PH-EITI, including with the members of the PH-EITI Working Group on Beneficial Ownership and the SEC, organise and coordinate activities that aim to strengthen existing policy framework in the extractives sector.
 - c) In consultation with all stakeholders, generate and consolidate recommendations on the content of at least one legislative bill and/or executive issuance on BO transparency, including on the mechanisms for advancing the passage/approval of these draft legal instruments.
- B. Conceptualise and coordinate activities to promote awareness on BO transparency, improve BO data collection, and increase BO data-usage among extractive sector regulators, industry, and civil society.**
- a) Based on the experience of implementing the OE programme in 2021-2022, recommend and coordinate implementation of BO awareness activities, such as those that relate to the conduct of technical BO sessions with companies and BO capacity-enhancement workshops on data use and analysis with civil society as well as the production/dissemination of knowledge products on BO transparency.
 - b) In coordination with the OE team and PH-EITI, organise and coordinate in-depth discussion meetings with key extractive regulators, such as the DENR-MGB and DOE, on BO data use within their respective agencies, including discussions on the possibility of constituting an inter-agency working group on BO data use and

Jointly implemented by the EITI and Open Ownership





Opening Extractives

Unlocking the benefits
of ownership data

sharing.

- c) In consultation with the PH-EITI, provide necessary support to the MSG and national secretariat in improving its reporting of BO data from extractive companies and in providing substantive content and recommendations to the BO aspects of the PH-EITI annual report and its implementation of Requirement 2.5.

C. Support in ad hoc coordination of other activities related to Tasks A and B.

With respect to the foregoing activities, the consultant will be required to draft a plan on how to execute the workshops, consultation sessions or discussion meetings. In particular, the consultant will be expected to, as a minimum:

- a) create a draft message or a tagline and concept notes for the activities
- b) organise the printing of banners, fliers, and any communications materials
- c) post and share these banners and information sheets in strategic areas and to strategic stakeholders
- d) engage with speakers for the sessions and lead on the invitation to participants
- e) engage with local media and media units of government, industry, and CSOs to set up interviews, talk shows or on-air sessions on BO transparency reforms
- f) handle the coordination and logistics of organising these activities and ensure that there is media coverage for events and progress of Opening Extractives in the country.

In undertaking this assignment, the consultant will be asked to support the PH-EITI in reviewing/ monitoring its implementation of Requirement 2.5, mapping out any gaps or challenges in implementation, recommending steps to address the gaps/overcome the challenges, and identifying opportunities for learning and further work in meeting the objectives of the programme. This may be done through regular check-ins and planning with the PH-EITI, which may include providing recommendations on how other BO-related initiatives in the country can be used to leverage own work in promoting BO transparency in the extractives sector.

Deliverables and timeline

The assignment is expected to commence in March 2023 and last until 31 December 2023, for a

Jointly implemented by the EITI and Open Ownership





Opening Extractives

Unlocking the benefits of ownership data

maximum of non-consecutive 80 days. The Consultant is expected to provide periodic reports of progress against tasks to the Opening Extractives team, including achievements, challenges, recommendations, and action points. The Consultant will report to EITI's Country Manager for the Philippines, and indirectly to the OE Programme Manager. The Consultant is expected to work closely with the PH-EITI national secretariat on the monitoring, evaluation and learning (MEL) aspects and with the Open Ownership Regional Manager for Asia, and other Open Ownership experts as required, on the technical aspects of the OE programme.

The proposed schedule is set out below and should be agreed in consultation with PH-EITI. This schedule may be revised at regular intervals based on the progress of the programme.

Task	Timeline
Signing of contract	March 2023
Initial Meeting with PH-EITI and the OE team	March 2023
Coordinate and facilitate efforts toward strengthening the legislative and policy framework for Beneficial Ownership in the mining, oil and gas sectors in line with EITI Requirement 2.5	March - June 2023
Conceptualise and coordinate activities to promote awareness on BO transparency, improve BO data collection, and increase BO data-usage among regulatory/law enforcement agencies, industry, and civil society.	April - October 2023
Monitoring, evaluation and learning (MEL) activities	March - December 2023
Support in ad hoc coordination of OE programme in the Philippines - activities depending on outcomes of activities under Tasks A and B	May - December 2023

Jointly implemented by the EITI and Open Ownership





Opening Extractives

Unlocking the benefits
of ownership data

Qualification requirements

The Consultant should be credible, trustworthy, and technically competent. Shortlisted persons will be assessed based on the following criteria/requirements:

- Understanding of the governance and transparency space in the Philippines, data transparency, and resource governance issues, preferably with knowledge of the extractive industries (Essential)
- Familiarity with the Philippine political dynamics and landscape. (Preferred)
- Experience in engaging and coordinating with individuals and groups in multi-stakeholder settings in the Philippines and/or other countries in Asia, and in facilitating high level technical engagements and capacity strengthening (Essential)
- Skills and experience in coordination, project management, and technical writing (Essential)
- Experience in and knowledge of beneficial ownership transparency concept, tools, use cases and approaches would be advantageous (Preferred)

To ensure quality and independence in the undertaking, the consultant must, in their technical and financial proposals, disclose any potential or actual conflicts of interest, together with a comment about how they may be avoided.

Procurement process

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

- A **Technical Proposal**, following the proposed template.
- A **Financial Proposal 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. 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 3 March 2023. The criteria for

Jointly implemented by the EITI and Open Ownership





Opening Extractives

Unlocking the benefits
of ownership data

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 consultant's 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 (S_t) and financial (S_f) 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: $S = S_t \times T\% + S_f \times P\%$.

Contract negotiations will be held with the highest ranked consultant. If contract negotiations are unsuccessful, negotiations will be held with the next highest ranked consultant.

Reference materials:

- [The EITI Standard](#)
- [Guide to implementing the EITI Standard | EITI](#)
- [Guidance on MSG Oversight of Beneficial Ownership Disclosures](#)

Jointly implemented by the EITI and Open Ownership

