2022

Terms of Reference:

Strengthening timely, accurate and efficient reporting on extractive activities in Latin America and the Caribbean.

The Extractive Industries Transparency Initiative (EITI), with support from USAID, is seeking consultancy services to provide support to LAC countries in mainstreaming systematic disclosures of data on the extractive industries to improve the quality and timeliness of data. In particular, the Consultant is expected to provide services through three phases: 1) Baseline study 2) Peer learning and technical support on the adaptation of existing tools implemented in other EITI implementing countries for systematic disclosure, (e.g. . Colombia's EITI open-source e-reporting system) and design a roadmap for systematic disclosures in Argentina, Dominican Republic, Ecuador, Guatemala and Trinidad and Tobago with detailed instructions and recommendations 3) Regional or in-country capacity building activities.

1

The Consultant will work together with the LAC team at the International Secretariat and the national secretariat of the selected countries to undertake the tasks assigned in this Terms of Reference.

Background

The Extractive Industries Transparency Initiative (EITI) is an international standard for improving transparency and accountability in the extractive sector. EITI implementation has two basic

components: transparency and accountability. Transparency is based on the publication of timely information disclosed by the oil, gas and mining companies about their operations and the governance of their revenues from the sector. Accountability is based on the creation of the Multi-Stakeholder Group (MSG) with representatives of government, industry and civil society to oversee the process, which communicates reporting data to EITI and promotes the integration of EITI within broader efforts towards transparency in that country.

The EITI Standard recommends that MSGs explore innovative approaches to broaden EITI implementation, to increase the completeness of the disclosure of information to EITI and public understanding of revenues, legal and contractual terms of the different licenses and permits governing the extractive sector, and to encourage high standards of transparency and accountability in public life, the work of government, and business. The EITI Standard lays down the requirements that implementing countries have to meet.[1]

In Latin America and the Caribbean eleven countries are EITI implementing countries. The EITI Standard describes, in Requirement 4.8, that implementing countries are expected to publish regular and timely information (no older than the second to last complete accounting period). Information should be credible and subject to independent audit, applying international auditing standards, as described in Requirement 4.9 of the EITI Standard. All this information must be widely accessible and distributed and broken down into thematic reports and available online (Requirement 7.1) The data disclosed must be made available in open data format online and its availability must be publicised (Requirement 7.2).

Timeliness and accuracy of information is a centrepiece of EITI implementation. All stakeholders must accept the accuracy of the information disclosed by the EITI process, and citizens must trust the EITI data as a reliable source to understand the terms under which the natural resources are being exploited and the revenues that these activities generate are collected and allocated. Multi-stakeholder groups have a responsibility to push for better and more timely data so that the debate and analysis generated by the EITI can contribute to better governance of the extractive activities and increasingly to promote the use and access of data to policymakers.

With support from different donors, some EITI implementing countries in Latin America and the Caribbean have launched innovations in EITI reporting to improve the timeliness, access and relevance of data. Some include flexible reporting, the inclusion of other extractive activities beyond mining and hydrocarbons, and websites supported by a specific software that facilitates reporting, reconciliation and regular updating of EITI information. EITI Colombia has successfully utilised its website to produce timely information on EITI implementation for the last four years. This has facilitated the elaboration of four EITI Reports by facilitating the process of updating data, reconciling data reported by the government and extractive companies while reducing the cost of producing an EITI Report. EITI Colombia has ceded the rights of its software to the EITI International Secretariat so that it can be replicated across the region when appropriate and fit for purpose..

The EITI International Secretariat, with the support of USAID, seeks a competent and credible firm or a consortium of individiuals (the Consultant) to (i) conduct feasibility studies for systematic disclosures in Argentina, Dominican Republic, Ecuador, Guatemala, and Trinidad and Tobago, including a detailed analysis of existing disclosures and legal, regulatory and technical barriers to disclosure; (ii) identify alternatives and facilitate the exchange and transfer of existing tools for systematic disclosure in use in other EITI implementing countries, such as the EITI Colombia software, among others, to meet the specific reporting needs of these five Latin American and

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[1] See https://eiti.org/files/documents/eiti_standard2019_a4_es.pdf

Caribbean countries. The Consultant will analyse the quality of data, reporting and technological conditions for disclosing EITI information in the selected countries and produce a baseline for all selected countries. Subsequently, the Consultant will identify, among the different EITI implementing countries, existing tools for systematic disclosure, and will recommend steps and provide trainings to enable the transfer of the tools that best address specific needs of each of the five countries identified in this project for the systematic disclosure of EITI information maximising the sources of systematic disclosures available. Finally, the Consultant will issue recommendations for each selected country on the necessary measures for each country to progress to full mainstreaming of EITI disclosures.

Reporting innovations in Latin America and the Caribbean

2

EITI implementing countries in the LAC region, like Colombia and Peru, have developed e-reporting platforms to more efficiently capture data in order to produce more timely, accurate and affordable EITI Reports. With support from international donors, Colombia has set in place a thorough and user-friendly software to capture and analyse information on revenues, payments and other non-tax information such as production, human rights policies, gender and employment. The information captured by the e-reporting platform is fed into the wider EITI reporting process. The e-reporting platform ensures timely provision of information directly from the sources where it is generated (i.e companies and government agencies) and facilitates the reconciliation of that information by a third party. This third party could be an independent administrator (as typically known across EITI practices) or   another party selected by the multi-stakeholder group to fulfil this role.

One interesting example for the LAC region is the EITI Colombia e-reporting software. This software has helped produce six EITI Reports since 2014. The system allows disclosing parties to provide timely information to EITI Colombia. The information captured by the system is an integral part of the report and the online disclosures delivered through its website. EITI Colombia e-reporting software provides a platform for capturing data according to a pre-defined set of data points (i.e. revenue flows, payments by companies, production by company, employment figures, surveys on policies like human rights and others as selected by the MSG). Three distinct categories of users have access to the e-reporting system: 1) company or group of companies, 2) government agency (revenue collector or regulatory government agency) and 3) the user that could perform the services of a reconciler or any other function trusted by the multi-stakeholder group. When user under categories 1 and 2 access the system, they can only see the information t inputted by them. Category 3 users can see both sets of data but cannot modify any data entry. This way the system allows for an independent administrator or similar role to assess the information presented and identify gaps more rapidly and clearly. The software is designed as open software. It allows for parametrization for each reporting period that can be used to respond to the characteristics of the scope of different countries.

The EITI Colombia e-reporting system is a relevant innovation. It produces timely information (the data reported includes information of the previous fiscal year), it is controlled directly by users and facilitates reconciliation and makes reporting cheaper. The system is hosted by the Colombian government in the Ministry of Energy, which is also home to the EITI National Secretariat. EITI-Colombia also discloses information through a number of mainstreamed channels. For example, information on royalty distribution, the use of these resources and execution of projects funded with royalty resources can be traced via an information platform of the agency responsible for managing royalty (Planning ministry). Similarly, mining cadastre information and oil and gas licenses are disclosed via the respective systems in the mining and oil and gas independent

regulatory agencies (Agencia Nacional de Miner[ia – ANM - and Agencia Nacional de Hidrocarburos -ANH-). The original sources of information and reporting in these and other areas are easily referred to and linked through the EITI-Colombia portal (https://www.eiticolombia.gov.co/es/). The EITI-Colombia disclosure systems (i.e government agencies's systems, EITI portal and e-reporting platform) all together represent best practices in the LAC region. Colombia has been the only country in the region that has regularly published EITI data on a yearly basis with information corresponding to the fiscal year prior to the publication (i.e. less than the two-year lapse allowed in the EITI Standard).

Since 2017, several LAC countries and Colombia have discussed opportunities to learn from the Colombian experience including the transfer (free of charge) of the e-reporting software. There have been several regional briefings, training and peer exchange activities including showcasing the Colombian experience. For example, in 2018, a delegation of Peru's MSG completed a study field trip, with funding from GIZ, to learn from the Colombian experience. Colombia's software was replicated in Peru with funding from USAID. EITI Colombia has conducted capacity building activities with Peru, Dominican Republic, Ecuador, Guatemala, Argentina and Trinidad and Tobago where they have shared Colombia's disclosures systems and procedures for EITI implementation. More recently, the International Secretariat confirmed with the MSG's in each of these countries their willingness to further this collaboration with Colombia including the possibility of transferring the open code for e-reporting platform for their own use.

It is expected that the Consultant will consider Colombia's portal as well as other existing innovative platforms in other EITI countries such as Mauritania, Armenia, Ukraine and Germany to draw lessons from for potential replication in the five countries covered by this study.

3   Objective of the assignment

The objective of the assignment is to support LAC countries in mainstreaming data collection and improve systematic disclosures of data on the extractive industries in order to improve the quality and timeliness of data. In particular, the Consultant or Consultants will provide services in three different phases in the following selected countries: Argentina, Dominican Republic, Ecuador, Guatemala and Trinidad and Tobago. The three phases are:

1. Baseline study: the objective of this phase is to establish a baseline of how EITI disclosures in each of the five selected countries are currently delivered. The baseline study will inform the necessary actions needed to make further progress towards full systematic disclosure of EITI data.

2. Peer exchange, technical support and roadmaps: the objective is to share experiences from other EITI countries with relevant systematic disclosure practices, including the LAC region). The exchange includes a detailed roadmap and guideline to transfer these existing systems to the five selected countries according to the needs idenified by the baseline study, as well as training on using the available system.

3. Regional capacity building: the objective is to assist selected countries in making further progress toward mainstreaming of systematic disclosures. Based on the diagnoses resulting from phases one and two, selected countries should clearly identify the obstacles to achieving full systematically disclosed information, possible ways to address them and establish a roadmap for continuing to make progress toward improved timeliness and quality of disclosures.

Scope of work

The work is broken down in three phases that are completed sequentially. Phase two and three will build on the outcome of the previous phase.

4 | **Phase one**: Baseline study

(1) Assess and produce a report on the current status of systematic disclosure of EITI data in the five countries within the scope of this study (i.e. based on the last published EITI-Report and Summary Data Template and current disclosures done through government sites and EITI portals, when available and previous analyses of systematic disclosures done in each country[2]).This assessment shall draw on existing studies and must include:

    a. A stocktake of all information that is pertinent to EITI requirements, including information disclosed as part of EITI reporting and information systematically disclosed by government entities and companies.

        i. This should include an assessment of the level of disaggregation for each data point required by the EITI Standard, and a gap analysis on the level of disaggregation for each requirement, as well as detailed practical, legal and technical barriers to systematic disclosure of data;

    b. Date and length of the period of preparations of the last three reports (when available).

    c. Methods for data collection for each of applicable disclosure requirements and an indication of available sources of information in government systems.

    d. Quality assurance mechanisms (data collected by the EITI and by the government systems)

    e. Sources of information for each of the disclosures as required, expected or encouraged (when available) in the EITI Standard.

    f. An independent assessment on the comprehensiveness and reliability of data available within government and company systems including the timeliness of the information.

    g. The current institutional capacity (including the technological current solutions) at the host agency to assist the EITI in each country to deliver EITI implementation.

    h. Indication of cost of the current ways to deliver EITI disclosures (i.e. EITI Reports, portals, alternative ways) that are not systematically disclosed.

The Consultant will suggest any additional useful information to complete the baseline of how EITI disclosures in each of the five selected countries could be useful to ensure full mainstreaming of

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[2] In the case of Argentina, see p.42 in
https://eiti.org/files/documents/informe_de_alcance_materialidad_y_divulgacion_sistematica_0_compressed.pdf ;
In the case of Ecuador, see scoping study at https://eiti.org/files/documents/scoping_study_ecuador.pdf ;
In the case of Trinidad and Tobago, the MSG reviewed systematic disclosures in a unpublished document, available upon commencement

For example of feasibility study of systematic disclosures, see example of Kyrgyztan in
https://eiti.org/files/documents/english_feasibility_study_systematic_disclosures_of_eiti_data_in_kyrgyz_republic.pdf

the EITI disclosures.

(2) Review how different systems in EITI implementing countries are helping systematic disclosure, such as the EITI Colombia e-reporting platform and the EITI Colombia data portal.

(3) Review similar experiences in disclosure of information through automated platforms and their interlinks with EITI Reporting in other EITI countries (e.g. Mauritania, Armenia, Ukraine, Germany).

(4) Document MSG's current policy on systematic disclosure in each of the selected countries, with particular focus on the data quality assurance procedures followed in each country.

(5) Engage, with relevant companies and government agencies to assess their practices in disclosing information and their readiness to implement automated solutions for disclosure.

(6) Include in the study a a baseline report to clearly indicate the current status of disclosure practices in each country (per the scope set in point 1 of this section), to give an indication of readiness to make further progress in systematic disclosures in each of the requirements. This should include an assessment of each data requirement that is fully, partially or not systematically disclosed according to the EITI Standard.

(7) Present the study and concrete recommendations to each selected country to make further progress and overcome barriers on systematic disclosures in each of the requirements.

Phase two: Peer exchange, technical support and roadmaps

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(1) Based on the presentation of baseline studies under phase one, and on the specific needs of each country, propose which of the existing softwares and systems in use in other EITI implementing countries can be used to address each country's roadmap to systematic disclosure. Where feasible, and where MSGs had agreed on adopting such reporting tools, take the initial steps to enable transfer of the appropriate e-reporting system, in order to address the needs for systematic disclosure in each country. This includes:

   a. Liaising with the relevant counterparts of each country to lay the foundation for the eventual transfer of the relevant software for systematic disclosure based on the particular needs of each country;

   b. providing training to use the relevant software, including s reviewing and adapting manuals and instructions of the suitable reporting tool to each of the hosting countries and how to use the features already coded in the system to adapt it to the scope of reporting of each country (i.e. use the possibility to set the parameters for each reporting item).

   c. Be available for particular questions from the technical teams for a limited time (testing and launching period). It is expected that this period won't exceed a month.

   d. In the event that a country is ready to adopt the recommended system during the period of the study, provide support in facilitating the transfer.

(2) Propose to each country a roadmap with the necessary actions to make further progress toward systematic disclosures with indications of the time horizon to complete those actions.

Phase three: Regional capacity building

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(1) Based on the baseline study, the peer exchanges and the roadmaps developed in previous phases to prepare the content for remote capacity building (i.e. delivered online) for all countries in the region (Spanish and English speaking countries).

(2) Deliver up to five workshops (in Spanish and English) on best practices to mainstream disclosures. This includes liaising with the national secretariats of the countries in the region to identify target audiences, format and delivering platforms.

Deliverables

The assignment is expected to involve up to 180 consultancy days (estimated) in total (i.e. the three phases). The consultancy is expected to commence on February 2022 and culminate in August 2022. The proposed schedule is set out below. The exact dates of delivery for each task will be agreed with the country and the national secretariat, recognising that this might vary for each country :

Phase	Time
Signing of contract	TBC (expected in Feb 2022)
Phase one *For each country the Consultants are expected to deliver the following:* Desk review Consultation and engagement with stakeholders in each of the five selected countries Draft baseline report for each country, including updated summary data templates and recommendations Present baseline study to the International Secretariat and to the MSG	Expected to be completed by six weeks after the commencement of this phase With an estimate of: Up to 20 days (4 x 5 countries*) Up to 50 days (10 x 5 countries*) Up to 250 days (5 x 5 countries*) Up to 10 days (2 x 5 countries) *Note. These days have been calculated based on an average of 5 days in each country x work in 5 countries, for a total of 25 days. In practice, some countries might take longer than the average but some other countries less than average*
Phase two *(it is expected to represent about 40% of the total number of days)* Liaise with each relevant host government unit (i.e. host the EITI national secretariat)	TBC (expected 3 weeks after completion of phase 1) 3 days

5

/capacity building in the relevant government unit including the instruction manual to support the eventual transfer of the recommended system	Up to 25 days

5 x 5 countries

Up to 15 days

3 X 5 countries |
Prepare and present roadmaps for implementation to each country	
Phase three *(it is expected to represent about 20% of the total number of days)*	TBC (expected 3 weeks after completion of phase 2)
Prepare capacity building and content	Up to 10 days
Provide training to relevant stakeholders	Up to 15 days

Any written materials produced in relation to this project should be in line with the EITI branding and templates, which will be provided to the Consultant. Materials should comply with the EITI Style Guide and the EITI communications design principles, set out below.

6 Written materials should also, where appropriate, acknowledge USAID as the donor supporting this work. Acknowledgements of USAID's contribution will be undertaken in conjunction with the EITI Communications team in line with USAID's guidelines.

Consultant requirements

The Consultant will need to demonstrate:

- Excellent technical knowledge on data collection, data quality assurance, EITI reporting and information systems technology (data solutions and capacity building on data platforms).

- Proven knowledge and use of multi-stakeholder platforms and engagement.

- A track record of successful capacity building in data initiatives.

- Deep knowledge of the EITI Standard.

- A demonstrable track record of similar work.

- Documentation that proves the Consultant has no conflict of interest for developing this task.
- Fluency in English and Spanish is a prerequisite.

Administrative arrangements

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

- A **Technical Proposal**, outlining: (a) the experience of the firm / Consultants, (b) the proposed methodology and work plan in response to the Terms of Reference (TORs) and (c) the key experts' qualifications and competence. The Technical Proposal should not include any financial information. Technical proposals containing material financial information shall be declared non-responsive.
- A **Financial Proposal**, 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 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 close of 21 February 2022.

The Consultant will be assessed based on their experience relevant to the assignment, adequacy and quality of the proposed methodology, and work plan in responding to this TOR as well as the key experts' qualifications and competemce based on section 6 of this TOR.

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 x T% + Sf x P%.

8

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

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. 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;

- 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

- UPON REQUEST: Colombia e-reporting platform /to be organised with Colombia