



LOCAL CONTENT SECRETARIAT

LOCAL CONTENT PERFORMANCE **REPORT SUBMISSION GUIDELINE**

Version 1.0
January 30, 2023



Local Content Performance Report Submission Guideline

Version 1.0

About

The Local Content Secretariat, a unit within the Ministry of Natural Resources, was created pursuant to the Local Content Act No. 18 of 2021 ('the Act'). In accordance with the Act, the Secretariat is mandated to ensure that the provisions of the Act are implemented. The Secretariat functions as the focal point for the monitoring, evaluation, coordination, and reporting of local content in the petroleum operations of Guyana.

Note

This Guideline is one of several guidelines issued by the Local Content Secretariat aimed at providing guidance with respect to the provisions stipulated in the Act. This Guideline may be amended from time to time as the Secretariat deems necessary for the purpose of carrying out the provisions of the Act.

For further information, the Secretariat can be contacted at the offices stated below.

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1. Introduction

1.1. Background

The Government of Guyana has solidified its commitment to ensuring that the benefits derived from the foreign direct investments into Guyana’s petroleum sector are captured and retained in-country, through the enactment of the Local Content Legislation. The [Local Content Act No. 18 of 2021](#) (‘the Act’) provides for the implementation of local content obligations on companies and persons engaged in petroleum operations or related activities in the petroleum sector and prioritizes Guyanese nationals and Guyanese companies in the procurement of goods and services for the enhancement of the value chain of the sector. The Act also serves to enable local capacity development and provide for the investigation, supervision, coordination, monitoring, and evaluation of, and participation in, local content in Guyana.

The Local Content Secretariat (‘the Secretariat’) is mandated to ensure that the provisions of the Act are implemented and functions as the focal point for the monitoring, evaluation, coordination, and reporting of local content in the petroleum operations of Guyana.

In so far as the Act mandates every Contractor, Sub-Contractor, or Licensee to implement local content as an essential component of their petroleum operations, the Secretariat, through the issuance of industry guidelines, aims to provide detailed and specific guidance to Contractors, Sub-Contractors, or Licensees with regards to their reporting obligations.

The Act obligates Contractors, Sub-Contractors, or Licensees to submit to the Secretariat a Performance Report of local content activities (Local Content Performance Report) undertaken during the previous Calendar Year. As such, this guideline serves to standardize reporting requirements, procedures, and the form with regards to the submission of the Performance Report to the Secretariat.

The Performance Report, subject to section 17(3) of the Act, will be reviewed and assessed by the Secretariat to:

- (a) ensure the Contractor’s, Sub-Contractor’s or Licensees’ compliance with the provisions of the Act, including the minimum local content levels set forth in the First Schedule;
- (b) determine the extent of the Contractor’s, Sub-Contractor’s, or Licensees’ implementation of the Local Content Annual Plan approved by the Minister for the respective Calendar Year; and
- (c) ascertain compliance with the Act for the issuance of a Certificate of Compliance or Certificate of Non-Compliance.



1.2. Purpose and Objectives of Guidelines

The Local Content Performance Report Submission Guideline:

- (a) Provides guidance to Contractors, Sub-Contractors, or Licensees on their obligation, under the Act to submit the Local Content Performance Report to the Secretariat for review and assessment;
- (b) Outlines the relevant information to be included in the Local Content Performance Report to be submitted to the Secretariat;
- (c) Promotes effective and efficient procedures for the standardization of the submissions to the Secretariat; and
- (d) Outlines the certification process after submission of the Local Content Performance Report.

1.3. Legal Basis and Authority

This guideline is issued in accordance with the Act.

Section 5(e) of the Act provides for the Secretariat to develop formats for local content plans and reporting.

Section 5(f) of the Act provides for the Secretariat to develop guidelines for inter alia, local content reporting.

Section 17(1) of the Act mandates Contractors, Sub-Contractors or Licensees to submit a Performance Report of local content activities undertaken to the Secretariat.

Section 17(2) of the Act stipulates that the Secretariat shall prescribe the manner and form of the Performance Report in accordance with reporting guidelines developed by the Secretariat.

Section 17(4) of the Act stipulates that the Secretariat shall issue a certificate of compliance or non-compliance.

1.4. Scope and Applicability

This guideline applies to the Performance Report required to be submitted to the Secretariat in accordance with the Act, by Contractors, Sub-Contractors, or Licensees undertaking petroleum operations in the Corporative Republic of Guyana.



2. Definitions

For the purposes of these guidelines:

“Act” refers to the Local Content Act No. 18 of 2021 and its subsidiary Regulations;

“Annual Plan” refers to the Local Content Annual Plan submitted pursuant to section 10(1) and the Second Schedule of the Act;

“Business Day” means a day on which the banks in Georgetown, Guyana are customarily open for business;

“Calendar Year” means a period of twelve (12) consecutive months commencing on January 1 and ending on the succeeding December 31;

“Contractor” includes any person who enters into a Petroleum Agreement with the Minister in accordance with section 10 of the Petroleum (Exploration and Production) Act of 1986;

“Declaration Statement” refers to a statement submitted by a duly authorised representative subject to section 4.2(c) of this Guideline;

“Guyanese Company” means –

(a) any company incorporated under the Companies Act –

(i) which is beneficially owned by Guyanese nationals who ultimately exercise, individually or jointly, voting rights representing at least fifty-one per cent of the total issued shares of the company; and

(ii) that has Guyanese nationals holding at least seventy-five percent of executive and senior management positions and at least ninety percent of non-managerial and other positions; or

(b) any partnership between Guyanese nationals and a company constituted under subclause (a) in accordance with the Partnership Act.

“Guyanese national” means a citizen of Guyana;

“Director” means the Director of the Local Content Secretariat;

“Licensee” means the holder of a licence granted under the Petroleum (Exploration and Production) Act;

“Local content” means the monetary value of inputs from the supply of goods, or the provision of services, by Guyanese nationals or Guyanese companies and includes local capacity development;



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“Local Content Activities” refers to all activities or initiatives that lead to the fulfilment of local content obligations including the employment and training of Guyanese nationals, procurement of goods and services from qualified Guyanese nationals and Guyanese companies, compliance with the minimum local content levels set out in the First Schedule of the Act, development of the capacity of Guyanese nationals and Guyanese business to engage with procurement opportunities, and compliance with the reporting and all other provisions of the Act.

“Local Content Compliance Assessment” or “Compliance Assessment” refers to Part II of the Performance Report containing the information outlined in section 3.2 of this Guideline;

“Local Content Implementation Assessment” or “Implementation Assessment” refers to Part I of the Performance Report containing the information outlined in section 3.1 of this Guideline;

“Local Content Master Plan” refers to the plan approved by the Minister, submitted pursuant to section 8(1) and the Second Schedule of the Act;

“Local Content Performance Report” or “Performance Report” refers to the report submitted to the Secretariat pursuant to section 17(1) of the Act;

“Master Services Agreement” means a contract that facilitates an ongoing relationship between a service provider and a Contractor, Sub-Contractor or Licensee by detailing each party's ongoing duties and obligations in relation to their petroleum operations and further elaborated in section 3 of the Master Services Agreement Submission Guideline;

“Minister” means the Minister with responsibility for petroleum;

“Petroleum operations” include operations carried out for, or in connection with, the prospecting for, or production of, petroleum;

“Related Sector” refers to the sectors and sub-sectors listed in the First Schedule of the Local Content Act;

“Reporting Year” means the previous Calendar year;

“Secretariat” means the Local Content Secretariat established pursuant to section 6 of the Local Content Act;

“Sub-Contractor” includes any person with whom a Contractor or Licensee has entered into an agreement for the provision of goods and services within the Contractor’s or Licensee’s supply chain management, and -



- (a) operates in Guyana either:
 - (i) registered as an external company; or
 - (ii) as a company incorporated,

under the Companies Act Cap 89:01;
- (b) has a physical presence in Guyana;
- (c) procures goods and services for petroleum operations; and
- (d) provides the following services:
 - (i) marine vessel support;
 - (ii) FPSO vessel;
 - (iii) Shore Base;
 - (iv) Drilling Support;
 - (v) Drilling;
 - (vi) SURF;
 - (vii) Manpower and Crewing Services; or
 - (viii) any other service(s) identified by the Minister by Notice.

All capitalized terms not otherwise defined in this guideline shall have the meanings ascribed to them in the Laws of Guyana.

In this guideline, unless the context otherwise requires, words in the singular shall include the plural and, words in the plural shall include the singular.

3. Structure of the Local Content Performance Report

This section of the guideline provides an annotated version of the Performance Report detailing the content and format requested by the Secretariat in the submission of the report pursuant to Section 17(1) of the Act. Contractors, Sub-Contractors, and Licensees are hereby required to adopt the structure outlined herein to ensure consistency of reporting.

The Performance Report is divided into two (2) parts, that is the, Part I - Local Content Implementation Assessment (the 'Implementation Assessment') and Part II - Local Content Compliance Assessment (the 'Compliance Assessment'). The format with respect of each of these parts and how they merge to create the overall Performance Report is outlined below:



3.1. Performance Report – Local Content Implementation Assessment

Subject to section 3(2) of the Act, every Contractor, Sub-Contractor, or Licensee is required to implement local content as an essential component of their petroleum operations. Further, section 10(2) of the Act, stipulates that Contractors, Sub-Contractors, or Licensees are required to implement the approved Local Content Annual Plan. Implementation of the approved Local Content Annual Plan therefore forms part of the local content activities to be undertaken during a Calendar Year. In this regard, as part of the Performance Report submitted to the Secretariat, Contractors, Sub-Contractors, Licensees are required to provide detailed report outlining the Contractors, Sub-Contractors, or Licensees fulfilment of the implementation of the Annual Plan approved for the Reporting Period and Master Plan.

The Implementation Assessment is required to provide the Secretariat with detailed information regarding:

- a) All Local Content Activities or initiatives that were undertaken/executed during the Reporting Period and the corresponding specific aspects of the approved Local Content Annual Plan, that were implemented through the identified activities or initiatives. Contractors, Sub-Contractors, or Licensees are required to specify how local content was developed through each activity. In the interest of clarity and for the avoidance of doubt, 'Local Content Activities' refers to all activities or initiatives that lead to the fulfilment of local content obligations including the employment and training of Guyanese nationals, procurement of goods and services from qualified Guyanese nationals and Guyanese companies, compliance with the minimum local content levels set out in the First Schedule of the Act, development of the capacity of Guyanese nationals and Guyanese business to engage with procurement opportunities, and compliance with the reporting and all other provisions of the Act.
- b) All Local Content Activities or initiatives that were undertaken/executed during the Reporting Period and the corresponding specific aspects of the approved Local Content Master Plan, that were implemented through the identified activities or initiatives. Contractors, Sub-Contractors, or Licensees are required to specify how local content was developed through each activity.
- c) Activities planned but not implemented along with applicable justifications.



- d) Recommendations of best practices for greater efficiency and effectiveness in the attainment of the purposes of the Act.

Contractors, Sub-Contractors or Licensees are required to include supporting evidence of the implementation of the activities highlighted.

3.2. Performance Report – Local Content Compliance Assessment

Subject to section 17(3) of the Act, the Secretariat is required review and assess the Local Content Performance Report to ensure compliance with the Act. In this regard, as part of the Performance Report submitted to the Secretariat, Contractors, Sub-Contractors, or Licensees are required to report on their compliance with the provisions of the Act. Published in conjunction with this guideline, is the template for the Compliance Assessment, provided in Microsoft Excel format which is required to be utilized in the submission of the Performance Report.

The template is made up of seven (7) tabs (worksheets), as follows:

- Background
- General Information
- Activity Checklist
- Related Sector Performance
- Master Services Agreements Executed
- Summary of Annual Plan Implementation
- Summary of Master Plan Implementation

The following is a description of each tab (worksheet):

3.2.1. Background

This tab (worksheet) provides context and explanatory information about the Excel template and its applicability.

3.2.2. General Information

This tab (worksheet) captures information regarding the Contractor, Sub-Contractor, or Licensee submitting the Performance Report to the Secretariat, such as the:

- Name of Company Submitting the Performance Report;
- Company Type (that is Contractor, Sub-Contractor, or Licensee);



- Reporting Period;
- Date;
- Co-Venturers (applicable only to Contractors);
- Name Duly Authorized Representative; and
- Designation of Duly Authorized Representative.

3.2.3. Activity Checklist

This tab (worksheet) is intended to track compliance with key activities stipulated in the Act. Pre-entered are six (6) activities along with the relevant section of the Act where the activity is stipulated. These activities are as follows:

Activity 1 - Submission of a Local Content Annual Plan for the Reporting Period (previous Calendar Year) to the Minister for Approval.

Activity 2 - Submission of a Local Content Master Plan or Modified Local Content Master Plan during the Reporting Period (previous Calendar Year) to the Minister for Approval.

Activity 3 - Submission of a Local Content Half-Yearly Report for the period January - June of the Reporting Period (previous Calendar Year) to the Secretariat.

Activity 4 - Submission of a Local Content Half-Yearly Report for the period July - December of the Reporting Period (previous Calendar Year) to the Secretariat.

Activity 5 - Conduct of half-yearly workshops to educate Guyanese nationals and Guyanese companies about the procurement process, qualification criteria, bid evaluation criteria, performance standards and lessons learnt from previous bidding processes.

Activity 6 - Submission of all Master Services Agreements in-force prior to the operationalization of the Local Content Act to the Secretariat.

For Activities 1 and 2, the following questions are required to be answered:

Was a Local Content Annual Plan, Master Plan or Modified Master Plan submitted for approval by the Minister? (Yes or No)	From the drop-down menu, select whether (yes or no) an Annual Plan, Master Plan or Modified Master Plan was submitted for Ministerial approval, during the Reporting Period (previous Calendar Year)
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If an Annual Plan, Master Plan or Modified Master Plan was submitted:

- What date was the initial submission made?
- Is there Outstanding Data for Resubmission? (Yes/No)
- What date was the latest/last submission made?
- Was approval granted by the Minister?
- What is the date of approval?

If an Annual Plan, Master Plan or Modified Master Plan was submitted for Ministerial approval, answer the questions that follow.

Input the date (during the Reporting Period) the Annual Plan, Master Plan or Modified Master Plan was initially submitted to the Minister for approval.

From the drop-down menu, kindly indicate (Yes or No) if there is still outstanding information required to be submitted in support of the respective submission.

If resubmission(s) were made, input the date the last resubmission was made to the Minister for approval.

From the drop-down menu, indicate whether (yes or no) Minister approval (issued via an approval letter) was granted for the Annual Plan, Master Plan or Modified Master Plan.

Input the date approval of the Annual Plan, Master Plan or Modified Master Plan was granted by the Minister, that is, the date of the approval letter.

If an Annual Plan, Master Plan or Modified Master Plan was not submitted, provide a justification for non-submission.

If the Annual Plan, Master Plan or Modified Master Plan was not submitted for Ministerial approval, provide a justification for the non-submission.

For Activities 3 and 4, the following questions are required to be answered:



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Was a Local Content Half-Yearly Report (January – June and July to December) submitted for approval by the Minister? (Yes or No)

From the drop-down menu, select whether (yes or no) a Local Content Half-Yearly Report (January – June and July to December) was submitted for Ministerial approval, during the Reporting Period (previous Calendar Year)

If a Local Content Half-Yearly Report (January – June and July to December) was submitted:

If a Local Content Half-Yearly Report (January – June and July to December) was submitted for Ministerial approval, answer the questions that follow.

- What date was the initial submission made?
Input the date (during the Reporting Period) the Local Content Half-Yearly Report (January – June and July to December) was initially submitted to the Minister for approval.
From the drop-down menu, kindly indicate (Yes or No) if there is still outstanding information required to be submitted in support of the respective submission.
- Is there Outstanding Data for Resubmission? (Yes/No)
If resubmission(s) were made, input the date the last resubmission was made to the Minister for approval.
- What date was the latest/last submission made?

If a Local Content Half-Yearly Report (January – June and July to December) was not submitted, provide a justification for non-submission.

If a Local Content Half-Yearly Report (January – June and July to December) was not submitted for Ministerial approval, provide a justification for the non-submission.

For Activity 5, the following questions are required to be answered:



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Were Half-Yearly workshops with regards to section 13(6) of the Act conducted? (Yes or No)

From the drop-down menu, select whether (yes or no) half-yearly workshops were conducted subject to section 13(6) of the Act.

If Half-Yearly workshops with regards to section 13(6) of the Act were conducted?:

If half-yearly workshops were conducted subject to section 13(6) of the Act, answer the questions that follow.

- What date(s) were the workshop held?

Input the date(s) the half-yearly workshops subject to section 13(6) of the Act, were conducted.

- How many Guyanese nationals or Guyanese companies were represented at the workshops?

Indicate how many Guyanese nationals (businesses) or Guyanese companies were represented at the workshop(s) that were conducted.

If Half-Yearly workshops with regards to section 13(6) of the Act were not conducted, provide a justification for not conducting the workshops.

If half-yearly workshops were not conducted subject to section 13(6) of the Act, provide justification(s) for not conducting the workshops.

For Activity 6, the following questions are required to be answered:

Were all Master Services Agreements in-force prior to the coming into operation of the Local

From the drop-down menu, select whether (yes or no) all Master Services Agreements in-force prior to the coming into operation of the Local Content Act, were submitted to the Secretariat.



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Content Act, submitted to
the Secretariat? (Yes or No)

If yes, what date was the
submission made?

If all Master Services Agreements in-force prior to the coming
into operation of the Local Content Act, were submitted to the
Secretariat, input the date the submission was made.

If no, provide a justification
for non-submission.

If all Master Services Agreements in-force prior to the coming
into operation of the Local Content Act, were not submitted to
the Secretariat, provide a justification for the non-submission.

3.2.4. Related Sector Performance

In accordance with section 7(1) of the Act, Contractors, Sub-Contractors or Licensees are required to comply with the minimum local content levels set out in the First Schedule of the Act to be implemented in the carrying out of any petroleum operation. To track compliance with this provision, Contractors, Sub-Contractors or Licensees are required report on information related to the procurement of goods and services for petroleum operations with respect to each sector and sub-sector listed on the First Schedule of the Act. Note that all goods and services not related to any of the sectors/sub-sectors listed in the First Schedule of the Act are required to be consolidated as 'Other' (line item #34). The following information relating to each 'Related Sector' is required:

Total Spend (US\$)

State the total spend with respect to the related sector
in United States Dollars.

Guyanese Spend (US\$)

State the total spend to Guyanese nationals and
Guyanese companies with respect to the related sector,
in United States Dollars.

% Guyanese Spend

State the percent spend to Guyanese nationals and
Guyanese companies with respect to the related sector.

Remarks

Input any remarks on the procurement of goods and
services for the related sector.



3.2.5. Master Services Agreements Executed

Subject to section 14 of the Act, Contractors, Sub-Contractors or Licensees are required to submit to the Secretariat all Master Services Agreements executed by the Contractor, Sub-Contractor or Licensee, within thirty days of the execution of the Master Services Agreement. The Act defines 'Master Services Agreement' as, 'a contract that facilitates an ongoing relationship between a service provider and a Contractor, Sub-Contractor or Licensee by detailing each party's ongoing duties and obligations in relation to their petroleum operations'. Further, section 3 of the Master Services Agreement Submission Guideline published by the Secretariat, the submission of Master Services Agreements shall include:

1. All multi-jurisdiction and or multi-year agreement or contract (inclusive of all related exhibits, schedules, annexures, addenda, and amendments) between a Contractor, Sub-Contractor or Licensee, and a Service Provider –
 - (a) That specifies all the legal terms and conditions of engagement that may allow for the supply of goods or the provision of services for petroleum operations in Guyana;
 - (b) That may include scope of works or compensation terms; and
 - (c) That commits the parties to a particular scope of work or deliverable on the issuance of (i) a purchase order or, (ii) a contract or agreement for the particular scope of work provided that, the issuance of the purchase order or, contract or agreement for the particular scope of work may be pursuant a sub-agreement.

2. All multi-jurisdiction and or multi-year agreements or contracts (and their related exhibits, schedules, annexures, addenda, and amendments) made by an international affiliate of a Contractor, Sub-Contractor or Licensee, and a Service Provider that -
 - (a) mutatis mutandis, have characteristics as provided for in 1 (a), (b), (c) of section 3 of this Guideline;
 - (b) may allow the Contractor, Sub-Contractor, or Licensee to issue a purchase order, or contract or agreement for a particular scope of work for petroleum operations in Guyana provided that, the issuance of the purchase order or, contract or agreement for the particular scope of work may be on the basis of a sub-agreement between the international affiliate of a Contractor, Sub-Contractor or Licensee, and the Service Provider. "



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3. "All sub-agreements (and their related exhibits, schedules, annexures, addenda and amendments) made between a Contractor, Sub-Contractor or Licensee, or an international affiliate of a Contractor, Sub-Contractor or Licensee, and a Service Provider -
- (a) that is specific to Guyana; and
 - (b) that is subject to, and is executed pursuant to, an existing agreement or contract made pursuant 1 or 2 of section 3 of this guideline."

In this regard, Contractors, Sub-Contractors or Licensees are required to report all Master Services Agreements executed by the Contractor, Sub-Contractor, or Licensee during the Reporting Period. The following information is required pertaining to each Master Services Agreement executed during the Reporting Year.

Agreement Number/Code	Input the number or code of all agreements (MSA) executed during the Reporting Period.
Official Title of Agreement, Sub-Agreement, Order or Schedule	Input the official title of the agreement, sub-agreement, order or schedule executed during the Reporting Period.
First Party	Input the name of the First Party to the Agreement.
Other Party	Input the name of the Other Party to the Agreement.
Effective Date of Agreement (dd/mm/yyyy)	Input the effective date of the Agreement.
Was the Agreement submitted to the Secretariat? (Yes or No)	From the drop-down menu, kindly indicate if the Agreement was submitted to the Secretariat.
Date of Submission of Agreement to the Secretariat	Input the date the Agreement was submitted to the Secretariat.



3.2.6. Summary of Annual Plan Implementation

Subject to section 3(2) of the Act, every Contractor, Sub-Contractor, or Licensee is required to implement local content as an essential component of their petroleum operations. Further, section 10(2) of the Act, stipulates that Contractors, Sub-Contractors, or Licensees are required to implement the approved Local Content Annual Plan.

In this regard, Contractors, Sub-Contractors, or Licensees are required to provide a summary of the progress with respect to the implementation of the Local Content Annual Plan approved by the Minister for the reporting period. The summary of implementation is required to be provided based on the activities planned in the approved annual plan to be conducted during the reporting period. With regards to each activity earmarked for implementation during the reporting period, Contractors, Sub-Contractors, or Licensees are required to provide an indication of the status of implementation (to commence, ongoing, completed or stalled), the percent completion and any remarks on the status of the activity. Kindly hover over the column headings to reveal its description.

Contractors, Sub-Contractors, or Licensees are required to provide greater detail and elaboration on each activity identified below, in the Performance Report - Local Content Implementation Assessment that forms part of the overall Local Content Performance Report submission.

Annual Plan Activities	List all the activities earmarked in the approved Local Content Annual Plan for implementation during the reporting period (previous Calendar Year).
Status	From the drop-down menu, select the applicable status of the activity at the time of completing the Assessment.
% Completion	Input the percent completion of the activity listed.
Remarks	Provide any remarks, justifications etc. related to the completion of the activity proposed for implementation.



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3.2.7. Summary of Master Plan Implementation

Subject to section 3(2) of the Act, every Contractor, Sub-Contractor, or Licensee is required to implement local content as an essential component of their petroleum operations. In this regard, Contractors, Sub-Contractors, or Licensees are required to provide a summary of the progress with respect to the implementation of the Local Content Master Plan approved by the Minister. The summary of implementation is required to be provided based on the activities planned in the approved Master Plan to be conducted during the reporting period. With regards to each activity earmarked for implementation, Contractors, Sub-Contractors, or Licensees are required to provide an indication of the status of implementation (to commence, ongoing, completed or stalled), the percent completion and any remarks on the status of the activity. Kindly hover over the column headings to reveal its description.

Contractors, Sub-Contractors, or Licensees are required to provide greater detail and elaboration on each activity identified below, in the Performance Report - Local Content Implementation Assessment that forms part of the overall Local Content Performance Report submission.

Annual Plan Activities	List all the activities earmarked in the approved Local Content Master Plan for implementation during the reporting period (previous Calendar Year).
Status	From the drop-down menu, select the applicable status of the activity at the time of completing the Assessment.
% Completion	Input the percent completion of the activity listed.
Remarks	Provide any remarks, justifications etc. related to the completion of the activity proposed for implementation.



4. Submission of the Performance Report

4.1. Timeframe for Submission

- (a) Section 17(1) of the Act obligates Contractors, Sub-Contractors or Licensees to submit a Performance Report of local content activities undertaken to the Secretariat within **forty-five days of the commencement of a calendar year**, that is to say, **on or before the 15th day of February annually**.
- (b) Where a postmark/submission date falls on a weekend or bank holiday, the submission deadline will be automatically extended to the next Business Day.

4.2. Submission Method

- (a) Contractors, Sub-Contractors, or Licensees are required to submit a Performance Report containing the information outlined in sub-section 3 of this guideline and the Performance Report – Local Content Compliance Assessment Template published in conjunction with this Guideline, in the format stipulated, to the Local Content Secretariat.
- (b) Contractors, Sub-Contractors, or Licensees are required to submit a **“Notice of Submission of Local Content Performance Report”** (‘the Notice of Submission’) along with the Performance Report. The format for this notice is provided in [Appendix 1](#) of this Guideline.
- (c) Contractors, Sub-Contractors, or Licensees are required to submit a **“Declaration Statement”** from a duly authorized representative, along with the Performance Report. The format of the Declaration Statement is provided in [Appendix 2](#) of this Guideline.
- (d) The Notice of Submission must be signed, scanned, and submitted along with the Performance Report, electronically (softcopy) to the Local Content Secretariat via the email address: localcontent@nre.gov.gy with the following title (subject) format:
Local Content Performance Report – [Reporting Year] – [Name of Contractor, Sub-Contractor or Licensee]



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- (e) The Performance Report – Local Content Implementation Assessment shall be submitted in searchable Portable Document Format (PDF) with the notice being the first page of the document.
- (f) The Performance Report – Local Content Compliance Assessment shall be submitted in Microsoft Excel (.xlsx) format and may be password protected at the discretion of the Contractor, Sub-Contractor, or Licensee. If the Contractor, Sub-Contractor, or Licensee chooses to password protect the Annexes, the password shall be included in the email at the time of submission of the Performance Report.
- (g) The cover page of the Performance Report – Local Content Implementation Assessment, submitted in PDF, shall be dated and shall specify the Reporting Year.
- (h) The Performance Report is required to be titled as follows:
Implementation Assessment: Performance Report – Local Content Implementation Assessment [*Reporting Period*] [*Name of Contractor/Sub-Contractor/Licensee*]

Compliance Assessment: Performance Report – Local Content Compliance Assessment [*Reporting Year*] [*Name of Contractor/Sub-Contractor/Licensee*]

4.3. Steps After Submission of the Performance Report

- (a) Upon receipt of the Local Content Performance Report, the Notice of Submission and the Declaration Statement, the Secretariat will confirm receipt of the report, indicating the date the submission was received.
- (b) If the Secretariat, after reviewing the contents of the documents submitted, finds that necessary information is missing from the submission, the Contractor, Sub-Contractor or Licensee will be informed, and the outstanding information will be requested.
- (c) The Secretariat reserves the right to request a Contractor, Sub-Contractor or Licensee to make a presentation regarding the information submitted in the Local Content Performance Report.



- (d) Subject to section 17(4) of the Act, the Secretariat shall, within forty-five days of receipt of the Performance Report, issue to the Contractor, Sub-Contractor, Licensee, a Certificate of Compliance or Non-Compliance.

5. Publication of Information and Confidential Information

- (a) Further, subject to section 22(1) of the Act, any information submitted to the Minister or the Secretariat which is not required to be published in accordance with the Act, shall be regarded and dealt with as secret and confidential.

6. Offences and Penalties

- (a) A Contractor, Sub-Contractor, or Licensee who - pursuant to section 23(1) of the Local Content Act - submits, or causes to be submitted, a Local Content Plan knowing or ought reasonably to have known, that the submission is false or misleading, commits an offence and is in the case of an individual, liable on summary conviction to a fine of one million dollars or in the case of a body corporate, liable on summary conviction to a fine of ten million dollars.
- (b) A Guyanese national or Guyanese company who aids or abets anyone to contravene any provision of the Act in order to defeat the local content obligations under the Act commits an offence and is liable on summary conviction –
- (i) in the case of an individual, to a fine of five million dollars;
 - (ii) in the case of a body corporate, to a fine of ten million dollars.
- (c) A Contractor, Sub-Contractor, or Licensee who – pursuant to section 23(3)(a) of the Act - submits or causes to be submitted, any information for the issuance of a certificate of qualification knowing, or ought reasonably to have known, that the information is false or misleading, commits an offence and is liable on summary conviction to a fine of ten million dollars.



Local Content Performance Report Submission Guideline

Version 1.0

- (d) A Contractor, Sub-Contractor, or Licensee who – pursuant to section 23(3)(b) of the Act – carries out petroleum operations without the minimum local content requirements commits an offence and is liable on summary conviction to a fine of fifty million dollars.

- (e) A Contractor, Sub-Contractor, or Licensee who fails to submit a Local Content Performance Report as required by the law – subject to section 23(3)(c) of the Act - commits an offence and is liable on summary conviction to a fine of five million dollars.

- (f) A Contractor, Sub-Contractor, or Licensee who – subject to section 23(3)(d) of the Act - submits beyond the prescribed time as stated in the Act and referenced in these Guidelines, a Local Content Performance Report, commits an offense and is liable on summary conviction to a fine of one million dollars.

- (g) A Contractor, Sub-Contractor, or Licensee who - pursuant to section 23 (3)(g) - fails to comply with a request by the Minister or Secretariat to review or provide information on, any return, report, record, or any other document pursuant to the provisions of the Act commits an offence and is liable to a fine of one million dollars.

- (h) Subject to section 24 of the Act, where an offence has been committed by a body corporate and is proved to have been committed with the consent or the connivance of, or to have been attributable to any neglect on the part of a director, manager, secretary, or any other officer or agent of the body corporate, or any person who was purporting to act in such capacity, that person, as well as the body corporate, shall be guilty of that offence and liable to the same penalty.

- (i) Pursuant to section 22(3), a person who causes information to be published which is not required to be published in accordance with the Act commits an offence and is liable on summary conviction to a fine of one million dollars.



Appendix 1: Format for Notice of Submission of Local Content Performance Report

Printed on the company's official letterhead

[Date]

Format: January 30, 2023

The Director of the Local Content Secretariat

Ministry of Natural Resources
116-117 Cowan Street, Kingston, Georgetown, Guyana
Attn: Dr. Martin Pertab
Director
Local Content Secretariat
Ministry of Natural Resources
116-117 Cowan Street, Kingston, Georgetown, Guyana

Dear Director,

Subject/Re: Notice of Submission of Local Content Performance Report for the year – [Reporting Year]

Pursuant to Section 17(1) of the Local Content Act No. 18 of 2021 ('the Act'), and in keeping with the Guidelines issued by the Local Content Secretariat for this purpose, [Insert Name of Contractor, Sub-Contractor, or Licensee] hereby submits the Local Content Performance Report for the year [Reporting Year], attached to this Notice.

Kindly remove the parentheses and insert the Reporting Year.

Kindly acknowledge receipt of this Notice.

Kindly remove the parentheses and insert the name of the Contractor, Sub-Contractor, or Licensee seeking approval.

Sincerely,

Kindly remove the parentheses and insert the year.

.....

[Name of Duly Authorized Representative]

[Designation of Duly Authorized Representative]

The Notice must be completed and signed by a duly authorized representative of the company.

The company stamp or seal must be affixed.



Appendix 2: Format for the Declaration Statement

Printed on the company's official letterhead

[Date]

Format: January 30, 2023

The Director of the Local Content Secretariat

Ministry of Natural Resources
116-117 Cowan Street, Kingston, Georgetown, Guyana
Attn: Dr. Martin Pertab
Director
Local Content Secretariat
Ministry of Natural Resources
116-117 Cowan Street, Kingston, Georgetown, Guyana

Dear Director,

Subject/Re: Local Content Performance Report - Declaration Statement

I [Insert name of Company Head or Duly Authorized Representative] on behalf of [Insert Name of Contractor, Sub-Contractor or Licensee] hereby solemnly and sincerely declare that all information that forms part of the Local Content Performance Report, that is, the Annual Plan Implementation and the Compliance Tracker, is true and correct to the best of my knowledge and belief.

Kindly remove the parentheses and insert the Name of the Company Head or Duly Authorised Representative submitting the Report. Also, kindly remove the parentheses and insert the name of the Contractor, Sub-Contractor, or Licensee seeking approval.

Sincerely,

.....

[Name of Duly Authorized Representative]

[Designation of Duly Authorized Representative]

The Notice must be completed and signed by a duly authorized representative of the company.

The company stamp or seal must be affixed.