



Extractive Industries  
Transparency Initiative



**Guyana**

**TERMS OF REFERENCE FOR INDEPENDENT ADMINISTRATOR  
GYEITI 5th REPORT COVERING FISCAL YEAR 2021**

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## SECTION 1: Background

On behalf of GYEITI and on its own behalf, the Government of the Cooperative Republic of Guyana through the Ministry of Natural Resources seeks a competent and credible firm, free from conflicts of interest, to provide Independent Administrator (IA) services in accordance with the EITI Standard to prepare Guyana's 5<sup>th</sup> EITI Report covering Fiscal year 2021.

### **EITI:**

The Extractive Industries Transparency Initiative (EITI) is a global standard to promote transparency and accountability in the oil, gas and mining sectors. EITI has a robust yet flexible methodology for disclosing and reconciling company payments and government revenues in implementing countries.

EITI implementation has two core components:

- **Transparency:** Oil, gas and mining companies disclose information about their operations, including payments to the government, and the government discloses its receipts and other relevant information on the industry. The figures are reconciled by an Independent Administrator, and published annually alongside other information about the extractive industries in accordance with the EITI Standard.
- **Accountability:** The Multi-Stakeholder Group (MSG) with representatives from Government, Companies and Civil Society is established to oversee the process and communicate the findings of the EITI reporting, and promote the integration of EITI into broader transparency efforts in that country.

The EITI Standard encourages the MSG to explore innovative approaches to extending EITI implementation to increase the comprehensiveness of EITI reporting and public understanding of revenues and encourage high standards of transparency and accountability in public life, government operations and in business. The requirements for implementing countries are set out in the EITI Standard 2019. Additional information is available via [www.eiti.org](http://www.eiti.org).

**It is a requirement that the MSG approves the Terms of Reference for the Independent Administrator (requirement 4.9 iii), drawing on the objectives and agreed scope of the EITI as set out in the MSG's work plan.** The MSG's deliberations on these matters should be in accordance with the MSG's internal governance rules and procedures (Requirement 1.4.b). The EITI requires an inclusive decision-making process throughout implementation, with each constituency being treated as a partner.

**It is a requirement that the Independent Administrator be perceived by the MSG to be credible, trustworthy and technically competent (requirement 4.9.b.ii).** The MSG and Independent Administrator should address any concerns regarding conflicts of interest. The EITI Report prepared by the Independent Administrator will be submitted to the MSG for approval and made publicly available in accordance with Requirement 7.1.

These Terms of Reference include “agreed upon procedures” for EITI reporting (see section 4) in accordance with EITI Requirement 4.9.b.iii. The International EITI Board had developed these procedures to promote greater reliability in EITI reporting. The EITI process should be used to complement, assess, and improve existing reporting and auditing systems. The Board recommends that the process relies as much as possible on existing procedures and institutions, so that the EITI process draws on, complements and critically evaluates existing data collection and auditing systems. In this way, the EITI process has the potential to generate important recommendations to strengthen other oversight systems.

### **GYEITI:**

The Government of Guyana on the 4<sup>th</sup> May 2010 expressed Guyana’s interest in the EITI. In 2012, a Memorandum of Understanding was signed with the EITI International Secretariat. In 2014, the Government of Guyana commissioned a feasibility study on the implementation of EITI in Guyana and a scoping study report was prepared.

By Cabinet decision on November 17, 2015, approval was given for the continuation of the EITI candidature application process and the establishment of an MSG. A ratio of 4:4:4 was agreed to provide for equal representation from each of the three (3) sectors; civil society, industry and government.

The Cabinet of Ministers of the Government of Guyana identified the Ministry of Natural Resources as the “Lead Agency responsible for implementing the Guyana-EITI”. The Minister of Natural Resources was identified as GYEITI Champion to lead the implementation of EITI in Guyana.

On 22<sup>nd</sup> December, 2015, the Minister of Natural Resources publicly announced government’s intention to continue Guyana’s commitment to EITI implementation and declared the commencement of a process to establish an MSG.

On 15<sup>th</sup> February 2017, the GYEITI MSG was officially launched, comprising of twelve (12) members with four (4) representatives each from civil society, industry and government. Each MSG member has a designated alternate.

In February 2017, the Government of Guyana established the GYEITI National Secretariat within the Ministry of Natural Resources and appointed a National Coordinator and a Deputy Coordinator. The Secretariat is a Government of Guyana initiative, tasked with executing the administrative and operational functions of GYEITI, and support the EITI implementation in Guyana.

In August 2017, Guyana officially submitted its candidature application to the EITI International Secretariat and on October 25, 2017, Guyana’s EITI candidature application was accepted, making the country the 53<sup>rd</sup> EITI implementing country. On April 25, 2019, Guyana published its first EITI IA FY 2017 Report, followed by the publication of its second EITI FY 2018 IA Report on March 31, 2021, and the third EITI IA FY 2019 Report on May 31, 2022. The 4<sup>th</sup> EITI IA FY 2020 Report is expected to be published by June 30, 2023.

The GYEITI work plans, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> EITI Reports, Annual Progress Reports and Beneficial Ownership Roadmap can be viewed at the following website link <http://www.gyeiti.org>

## SECTION 2: OBJECTIVES OF THE ASSIGNMENT

The following objectives for EITI implementation are connected to the EITI principles and reflective of Guyana's national priorities for the extractive sector:

1. More systematically recording governance vulnerabilities and suspicious practices, increasing reporting into high-risk areas and revealing the anticorruption practices of reporting agencies.
2. Collaborate with external stakeholders such as journalists, corruption-focused organizations and anticorruption agencies to achieve reliable and valid analyses of the information; and to use this data source to formulate an anti-corruption action plan.
3. Raise the bar on industry transparency and accountability, viz., request commitments for industry to publish their anti-corruption, gender, climate change and energy transition policies, with evidentiary data on their policy implementation; and to ensure that specialists analyze and present environmental/climate and gender data (7.4); release taxes and payments to governments by companies, projects, and revenue streams (4.7); and tap beneficial ownership information and due diligence for extractive companies when deciding on joint venture partners, contractors and suppliers; the bottom line is to achieve beneficial ownership transparency (EITI Requirement 2.5).
4. Outline Guyana's renewable energy sector as the country transitions to a low carbon economy, reviewing the share of renewable energies in total primary energy consumption, and related laws and policies on climate protection and carbon tax (6.4); and consider whether the carbon trading transactions should be classified as the GoG's revenue.
5. Deliver a more extensive disclosure of licensing and environmental data. This objective is critical, as increased demands are mounting to amplify the transparency of data about critical and unsustainable mining concepts. This objective commits to disclosure of the whole text of any contract, license, concession, production-sharing agreement or other agreement granted by, or entered into by, the GoG. Clearly, there is an increasing desire to make certain that raw materials are extracted sustainably and without negative effects, especially where there is a great economic dependence on raw material extraction and export (EITI Requirement 2.4).
6. Include both revenue and expenditure data as encouraged by the EITI 2019 Standard (EITI, 2019: Para 5.3), including revenue management and expenditures linked to the environmental impact of extractive activities.
7. Integrate transparency data on social and environmental impacts induced by the oil and gas explorations, and mining projects (EITI Requirement 6.4).
8. Assemble essential information linked to the management of the extractive sector consistent with the GYEITI's objectives and work plan, and the EITI's requirements (EITI Requirements 2, 3, 4, 5 and 6);
9. Offer pathways for consolidating the systematic disclosure of information to warrant accessibility, reliability and complementarity with the Government of Guyana and industry systems (EITI Requirement 7.2.c and the EITI Open data policy).
10. Any EITI Requirements and Deliverables not covered in the 4<sup>th</sup> GYEITI Report for Fiscal year 2020 or any recommendations concluded in the 4<sup>th</sup> EITI Report, shall be addressed in the 5<sup>th</sup> IA GYEITI Report for Fiscal year 2021, and the following provided:

- a. A matrix outlining each deliverable, the corresponding phase or phases, support needed, responsible party, responsible staff, and the respective deadlines should be provided for FY 2021 Report.
  - b. A similar matrix should be provided for the previous report and include a status update on whether the Deliverable was provided in part or entirety while outlining reasons for failure.
11. Conduct a comprehensive Gap Analysis and Prepare a Gap Analysis Report for the continued implementation of the EITI in Guyana. It must take into consideration Energy Transition, Gender and Women's Empowerment, anti-corruption activities, beneficial ownership, the previous scoping studies, most recent and any on-going reforms, existing systems, procedures and practices in data and information collection and processing in all the relevant Government Ministries, agencies and departments, especially those which are recipients of revenues from extractive entities or transfers from other related government agencies. In addition, a synopsis should be done with respect to the Scoping Study done in 2012.
12. Review all legislations pertaining to the extractive sector with a view to identify all gaps between existing and required legislations, necessary to ensure compliance with the EITI Standard and make specific recommendations for closing these gaps.
13. Provide and deliver a detailed PowerPoint Presentation to the GYEITI National Secretariat on the Methodology to be used by the IA for the completion of FY 2021 Report which should include the following:
  - a. Outline of all phases involved in completing FY 2021 Report.
  - b. A comprehensive checklist for each phase listed in (a) above outlining all necessary activities and the responsible party.
  - c. Comprehensive templates where necessary for each checklist item listed in (b) above, for e.g., data collection step should have a template clearly outlining the name of each stakeholder involved, the type of data needed and the respective deadlines for requests and submissions.
  - d. A clear Communication Procedure should be outlined and agreed upon for each step of the reporting process.
  - e. A well-defined list for each step of the Reporting process should be agreed upon with regards to support the GYEITI NS will provide to the IA.
14. Provide training and guidance to all reporting entities on how to complete the summary data templates, so that accurate data can be submitted and this must include the following:
  - a. A mechanism to collect feedback on the Reporting Templates and the Training provided through evaluation forms.
  - b. The passing grade for the Reporting Template and the relevant Training shall be 80% based on feedback obtained via the evaluation forms.
  - c. A mechanism to incorporate the feedback from the evaluation forms into the next years Reporting template and the corresponding Training.
15. Provide a detailed status update, and identify additional actions required, to implement the recommendations from the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> GYEITI IA Reports.
16. Complete the 5th EITI Report for Guyana, encompassing Fiscal Year January 1, 2021 to December 31, 2021, in compliance with the EITI Standard 2019.
17. Present a summary of the Reconciliation Report consistent with the Standard EITI Summary Report Template.
18. Data-reporting templates should be adjusted to include disaggregated data, third-party payments, direct and indirect employment within the oil and gas sector, and data in the Forestry and Fisheries sectors.

19. Complete in an open format (excel), the EITI summary data templates for submission to the EITI Secretariat.
20. Complete in an open format (excel), the files containing all the tables, charts and data covered in the EITI Report for submission of a copy to the GYEITI Secretariat.
21. Assess whether Guyana’s mining fiscal and legal regime is adequate to manage any potential boom in demand of critical minerals necessary for the growth of the renewable energy industry and within the energy transition process.

Some additional foci on objectives include these, viz.:

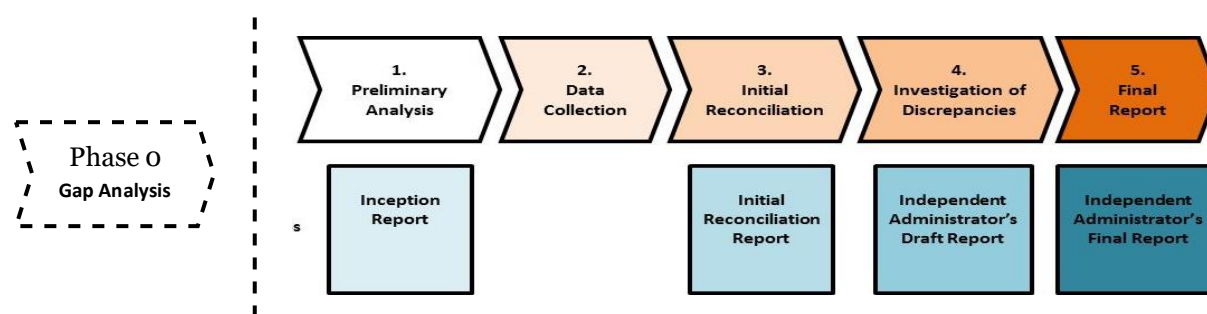
- **Anti-corruption activities**
  - For GYEITI to strengthen its relevance for anticorruption endeavors, it will have to ensure its reporting details corruption-related information to identify corruption gaps and that anticorruption personnel utilize those exposés to progress accountability in the extractive sector.
- **Beneficial Ownership**
  - Review the status of beneficial ownership implementation in Guyana to detect gaps in the legislative framework. And Guyana should prioritize its activities and resources on instituting a robust regulatory framework to attend to the identified gaps in the legal context.
- **Gender Equality and Women’s Empowerment**

EITI Requirement 6.3 (d) - the data reporting template should capture data on employment in the extractive industries in absolute terms and as a percentage of the total employment, as well as utilizing the data-reporting templates to identify pay disparities. The information should be disaggregated by gender and, when available, further disaggregated by company and occupational level.
- **Energy Transition – Social and Environmental Expenditures**
  - EITI Requirement 6.1 - Social and environmental expenditures by extractive companies. Where material payments by companies to the Government of Guyana (GoG) are related to the environment and mandated by law, regulation or contract governing the extractive investment, such payments must be disclosed.
- **Energy Transition – Carbon Credits**
  - The IA should capture any payments for environmental service such as the proposed US\$750 million from the sale of carbon credits to Hess Corporation. In addition, a synopsis should be done to capture Guyana’s Energy Transition plans and the relationship with the Low Carbon Development Strategy.

### SECTION 3: Scope of Services and Expected Deliverables

The work of the Independent Administrator has five (5) Conceptual Phases. The Independent Administrator’s responsibilities in each phase are elaborated with iterations between the phases, as shown in Figure 1.

**Figure 1- Overview of the EITI Reporting process and deliverables**



### SECTION 3: PHASE 0- GAP ANALYSIS

- The Independent Administrator will review the Scoping Studies conducted for GYEITI 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Reports and conduct a gap analysis to investigate and identify the likely gaps, shortfalls and issues of the scoping studies and identify options, solutions and recommendations for an appropriate reporting methodology for consideration by the MSG, in order to meet the requirements of the EITI Standard. The Gap Analysis sets the basis for producing a timely and comprehensive EITI Report. It is also an opportunity for the MSG to consider the feasibility of extending the scope of EITI reporting beyond the minimum requirements, in order to address the objectives outlined in the GYEITI work plan.

The Gap Analysis involves addressing issues as:

- The fiscal period to be reported (2021).
- The comprehensiveness of the payments and revenues to be covered for oil, gas, fisheries, forestry, quarrying, bauxite and mining.
- Legal restrictions preventing disclosure.
- The comprehensiveness of the companies and government entities that are required to report as defined by the MSG and in accordance with the EITI Requirement 4.1.
- Supporting the MSG with examining the audit and assurance procedures in companies and government entities participating in the EITI reporting process.
- Examine the MSG’s work plan in order to gain a clear understanding of the objectives and scope of Guyana’s EITI implementation. The IA should also review any annual progress reports that have been produced by the MSG to see the progress made in achieving the objectives, so that an evaluation of Guyana’s progress in EITI implementation can be done.
- Assess to what extent information that is required in the EITI Standard, outlined below under headings: **EITI disclosure, Attention Needed, EITI reconciliation and Data quality**, or information that is otherwise relevant for achieving the objectives outlined in the MSG’s work plan, **is already publicly available**. Assess the timeliness, comprehensiveness and reliability of this information and provide recommendations on how publicly available data can be improved or complemented to address the EITI requirements and the MSG’s objectives.



**EITI disclosure:**

1. The EITI Standard requires the disclosure of information about the management of the extractive industries in line with the extractive industry value chain (Requirements 2, 3, 4, 5 and 6). The Independent Administrator is expected to identify sources and disclosure options for the following information:
  - a) the legal and institutional framework including ongoing reforms, including disclosures related to the allocation of contracts and licenses (EITI Requirements 2.1-2.3);
  - b) an overview of relevant legal provisions and administrative rules as well as actual practice related to environmental management and monitoring of extractive investments in the country;
  - c) information on the legal framework could refer to any legal provisions or government policies related to gender equality with specific reference to enhancing the participation of women in and the benefits accruing to them from the extractive sector; this should include information on any impacts of the extractive sector on women and local communities and how such impacts are managed (EITI Requirement 6.4);
  - d) the contribution of the extractive sector to the economy. It is required that this information includes employment in the extractive industries in absolute terms and as a percentage of total employment. The information should be disaggregated by gender and when available, further disaggregated by company and occupation level (EITI Requirement 6.3);
  - e) the MSG is encouraged to document how it has taken gender considerations and inclusiveness into account (EITI Requirement 7.4);
  - f) Guyana’s policy and practices on disclosure of contracts and licenses governing the exploration and exploitation of oil, gas and minerals and any reforms that are underway (EITI Requirement 2.4);
  - g) the identity of the beneficial owners of companies that bid for, operate or invest in extractive assets in Guyana. The information on beneficial owners of companies that have been awarded licences could be disaggregated by gender. This could apply to all extractive industries covered by GYEITI reporting, inclusive of oil & gas, forestry, fisheries and both large-scale mining and artisanal and small-scale mining (EITI Requirement 2.5);
  - h) exploration, export and production data (EITI Requirement 3);
  - i) where applicable, information about the role of state-owned companies (SOE) in the extractive sector and the financial relationships between the government and the SOE, quasi-fiscal expenditures, and any government ownership in oil, gas, forestry, fisheries and mining companies operating in Guyana (EITI Requirements 2.6, 4.6 and 6.2);
  - j) information about revenue allocations and distribution of revenues in accordance with EITI Requirement 5; This could include information on whether a gender-responsive budgeting process was followed and/or how the participation of different groups of women was sought in the decision-making process as well as the level of

social, economic and environmental benefits accruing to women - especially women in the districts and regions where extractive industries are operating and impacting;

- k) information about the social and economic spending, and the contribution of the extractive industries to the economy (EITI Requirement 6); the data on beneficiaries of social expenditure by extractive companies could also be disaggregated by gender where named individuals are listed as beneficiaries;
  - l) Based on available data from the relevant agencies (including the EPA), provide a summary of the environmental impact from each extractive industry, for e.g. deforestation, CO<sup>2</sup> emissions and oil spills;
  - m) Information about systematic disclosure;
  - n) Information about the over-exploitation and/or extinction of species of fish, trees used for timber, non-timber forest plants, as well as ecological imbalances and loss of species of wildlife caused by deforestation from mining and the related loss of landscape values;
2. Based on the examination of the Scoping Study conducted for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Reports, and the gap analysis to be conducted for the 4<sup>th</sup> Report, the Independent Administrator should utilise a framework for EITI reporting suitable to the country's situation and consistent with the EITI Standard.

To inform the options and recommendations to be presented to the MSG, the Independent Administrator is expected to:

- a) assess to what extent the information set out above is available in government systems and/or corporate reports and whether it is available online and accessible and comprehensible to a significant proportion of Guyana's citizens;
- b) assess the timeliness and reliability of the available data. If there are several public sources for the data, assess whether they are consistent;
- c) assess whether there are barriers to disclosure and recommend how gaps in publicly available information can best be addressed. The IA should assess if there is information available in government systems that is not publicly available but could easily be published online. For example, if an online license cadastre exists but does not contain all the data required by the EITI Standard, the IA should assess to what extent any missing information can be added to the existing cadastre, including a proposal for making this information publicly available;
- d) assess whether it is feasible to include in the EITI Report disclosure of other information about the sector that is more recent than the revenue data featured in the report;
- e) assess the capacity of existing systems to allow for systematic disclosure by government entities, including Guyana Forestry Commission and Fisheries Department of the Ministry of Agriculture and companies engaged in forestry/timber extraction and extraction of fish from both marine resources and in land waters;
- f) assess the environmental impact of the extractive sector and various types of extractive activities (Forestry, Mining, Fisheries and offshore Petroleum Production). Provide data and quote relevant laws of Guyana on Environmental

Protection. The information must also include Guyana Geology and Mines Land Reclamation Policy, land restoration campaign, the impact of the livelihood of citizens residing in or near the extractive operations where rivers provisioning freshwater and fish are essential for their existence and subsistence;

- g) briefly describe measures (catch and release policy) which help to prevent extinction of species of fish (arapaima) and which allow local citizens to benefit from sustainable and monitored sport- fishing tourism;
  - h) based on the above, present a recommendation on how the information should be captured in the EITI report: whether it is sufficient to include a link to existing information in the EITI Report or whether the EITI Report should include a partial or full description of the information, what information the Independent Administrator should collect and what can be directly drawn from the source and what weaknesses and challenges should be addressed in the EITI Report;
  - i) document carefully in the Gap Analysis all information collected, the sources, and the basis for the assessments made.
3. Based on an assessment of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> GYEITI Reports, the IA is expected to provide the MSG with options and recommendations on how to strengthen disclosure practices on each of the points above primarily through integrating information into government and company portals and secondarily by publishing information in the EITI Report. The IA is expected to take into account the local premises (e.g., level of access to Internet) and international best practices.

#### **EITI reconciliation:**

- 4. The EITI Standard requires full disclosure of government revenues from the extractive sector and disclosure of material payments made by oil, gas and mining companies (Requirement 4.1.c). The IA is expected to assess the availability and reliability of revenue and payment data and explore ways how this information can best be made available. To this end, the IA is expected to undertake a comprehensive analysis of the payments and government revenue streams related to the extractive sector, noting in particular the revenue streams that must be covered in accordance with EITI Requirement 4.1(b). The analysis should also cover revenues related to the sale of the state's share of production or other revenues collected in-kind (EITI Requirement 4.2), infrastructure provisions and other barter arrangements (4.3), transportation revenues (4.4), transactions related to state-owned enterprises (4.5), subnational payments (4.6), subnational transfers (5.2), social expenditures by extractive companies (6.1), and quasi-fiscal expenditures (6.2).
- 5. The Independent Administrator is expected to describe what revenue and payment data listed in point 4 is publicly available either online or through other government or company sources. The IA should assess the timeliness, comprehensiveness and reliability of the data (EITI Requirements 4.8 and 4.9). Where disclosures are complete, the IA should make recommendations for how payment and revenue data can be made public through channels

other than the EITI Report in accordance with EITI Requirement 7.2(c)<sup>1</sup>. For example, by embedding data into online license cadastres or including a database and/or reporting templates on government, company and/or national EITI websites. Where there are gaps in the information, the IA should make recommendations on how to address these with a view to embed EITI reporting in the future.

6. Subsequent to the analysis of revenue streams and payments, the IA is expected to:
  - a) Review cadastre and revenue data from 2021 and make recommendations as to which of these tax payments and government revenues streams should be considered material, including suggesting materiality thresholds for company disclosure if appropriate (with reference to the guidance note 13 and EITI requirement 4).
  - b) Based on the definition of materiality in the Annex, develop a preliminary list of the companies that make material payments and should be included in the EITI Report (EITI requirement 4.1.a). Where materiality thresholds are proposed, these should include an estimate of coverage of company payments that will be disclosed relative to total government revenues from the sector. These materiality thresholds should also identify the total contribution of companies not required to report (i.e., those that fall below the materiality threshold), with a clear indication of the relative size of each company. (This information will inform the assessment of the comprehensiveness of the EITI Report as per Requirement 4.1). The IA must briefly describe how materiality was determined and how reporting entities were identified by the MSG.
  - c) For each company, identify where available:
    - i. Company's Tax Payer Identification Number (TIN)
    - ii. Sector and phase of operation, i.e., exploration, production, oil, gas, mining, etc.
    - iii. Type of license(s) held and the license number(s).
    - iv. Investigate any other information as mandated by the MSG.
  - d) Based on the materiality definition, identify the government entities that should be required to report. It should be noted that the Government is required to disclose all revenues, regardless of the materiality (EITI Requirement 4.1.c). Thus, where materiality thresholds for company disclosures are established, a reconciliation of the company payments and government revenues in accordance with the materiality threshold would be appropriate. Any additional government revenues (i.e., from companies below the materiality threshold) would also need to be disclosed in the EITI Report as per Requirement 4.1(c).
  - e) In considering which government entities should participate in the reconciliation process, the IA should identify whether sub-national government entities receive direct or indirect revenues from the extractive sector in accordance with Requirements 4.6 and 5.2.
  - f) Identify any legal, regulatory, administrative or practical barriers to comprehensive disclosure, and if necessary, set out options and make recommendations for addressing these barriers (see examples on guidance note 11).

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<sup>1</sup> For further guidance, please refer to the Standard Terms of Reference for feasibility studies for mainstreaming EITI disclosures.

**Data Quality:**

7. In accordance with EITI Requirement 4.9, the IA is expected to examine the audit and assurance procedures in companies and government entities that are likely to participate in the EITI reporting process, including the relevant laws and regulations, any reforms that are planned or underway, and whether these procedures are consistent with international standards. With a clear articulation of the methodology used, review the reliability of data that is already available from public sources and recommend how reliability can be improved.
  
8. In accordance with EITI Requirement 4.9, propose assurances to be provided by reporting entities to the Independent Administrator. **All data provided by the IA shall be in open format using excel.**

## SECTION 3: PHASE 1 – PRELIMINARY ANALYSIS AND INCEPTION REPORT

**Objective:** The purpose of the inception report phase is to confirm that the scope of the EITI reporting process has been clearly defined, including the reporting templates, data collection procedures, and the schedule for publishing the 4<sup>th</sup> EITI Report. It is imperative that the scope of EITI reporting is clearly defined consistent with the EITI Standard and with the MSG’s agreed objectives and expectations for the EITI process. The findings from this phase should be documented in an Inception Report. The IA shall undertake the following tasks during the inception phase:

- 1.1 Review the relevant background information, including the governance arrangements and tax policies in the extractive industries, the findings from any preliminary scoping work and the conclusions and recommendations from the inception Report and the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> EITI Reports (annexes 2, 3 and 4).
- 1.2 The Independent Administrator is expected to deliver a scoping study to inform the MSG’s decision on the scope of the GYEITI FY 2020 IA Report.
  - 1.2.1 Reviewing the comprehensiveness of the payments and revenues to be covered in the EITI Report in accordance with EITI Requirement 4.
  - 1.2.2 Reviewing the comprehensiveness of the companies and government entities that are required to report as defined in Annex 1 and in accordance with EITI Requirement 4.1.
  - 1.2.3 Supporting the MSG with examining the audit and assurance procedures in companies and government entities participating in the EITI reporting process. This includes examining the relevant laws and regulations, any reforms that are planned or underway, and whether these procedures are consistent with international standards. It is recommended that the IA Report includes an Executive Summary of the findings with a focus on audit and assurance practices, in order to further enhance public debate.
  - 1.2.4 Providing advice to the MSG on **the reporting templates based on the agreed benefit streams to be reported and the reporting entities (1.1.1– 1.1.2 above)**. Sample templates are available from the 1<sup>st</sup> EITI Report and the International Secretariat. It is recommended that the templates include a provision requiring companies to report “any other material payments to government entities” above an agreed threshold. The Independent Administrator shall review the template used in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> EITI Reports and draft the reporting templates for 4<sup>th</sup> Report for consideration and approval by the MSG.
- 1.3 On the basis of 1.1 and 1.2 as applicable, produce an inception report that:
  - 1.3.1 review the payments and revenues to be covered in the GYEITI 4<sup>th</sup> Report in accordance with EITI Requirement 4. The Inception Report should clearly indicate the GYEITI MSG’S decision and observations on:
    - The definition of materiality and thresholds, (annex 1) and the resulting revenue streams to be included in accordance with Requirement 4.1(b).
    - The sale of the state’s share of production or other revenues collected in-kind in accordance with Requirement 4.2.
    - The coverage of infrastructure provisions and barter arrangements in

accordance with Requirement 4.3.

- The coverage of social expenditures in accordance with Requirement 6.1.
- The coverage of transportation revenues in accordance with Requirement 4.4.
- Disclosure and reconciliation for payments to and from state-owned enterprises in accordance with Requirement 4.6.
- The materiality and inclusion of direct sub-national payments in accordance with Requirement 4.5.
- The materiality and inclusion of sub-national transfers in accordance with Requirement 5.2.
- The level and type of disaggregation of the EITI Report in accordance with Requirement 4.7.
- Any other aspects as agreed by the MSG.

1.3.2 Review the companies and government entities that are required to report in accordance with EITI Requirement 4.2. The Inception Report shall:

- Identify and list the companies that make material payments to the state and will be required to report in accordance with Requirement 4.2 (a).
- Identify and list the government entities that receive material payments and will be required to report in accordance with Requirement 4.2 (a).
- Identify any barriers to full government disclosure of total revenues received from each of the benefit streams agreed in the scope of the EITI Report, including revenues that fall below agreed materiality thresholds (Requirement 4.2 (b)).
- Confirm the GYEITI MSG's position on disclosure and reconciliation of payments to and from State-owned enterprises in accordance with Requirement 4.2 (c).
- Confirm the GYEITI MSG's position on materiality and inclusion of sub-national payments in accordance with Requirement 4.2 (d).
- Confirm the GYEITI MSG's position on the materiality and inclusion of sub-national transfers in accordance with Requirement 4.2 (e).

1.4 Provide advice to the GYEITI MSG in examining the audit and assurance procedures in companies and government entities participating in the EITI reporting process in accordance with Requirement 5.2 (b). This includes examining the relevant laws and regulations, any reforms that are planned or underway, and whether these procedures are consistent with international standards.

1.5 Provide advice to the GYEITI MSG on the Reporting Templates based on the agreed benefit streams to be reported and the reporting entities.

1.6 Provide advice to the GYEITI MSG on the information the Independent Administrator should elicit from the participating companies and government entities to assure credibility of the data in accordance with Requirement 5.2(c). The IA should then employ professional judgement to determine the extent to which reliance can be placed on the existing controls and audit frameworks of the companies and government entities. The IA should document

the options considered and the rationale for the assurances to be provided. Where deemed necessary by the IA and the GYEITI MSG, assurances may include:

- Requesting sign-off from a senior company or government official from each reporting entity attesting that the completed reporting form is a complete and accurate record.
- Requesting a confirmation letter from the companies' external auditor that confirms that the information they have submitted is comprehensive and consistent with their audited financial statements. The MSG may decide to phase in any such procedure, so that the confirmation letter may be integrated into the usual work programme of the company's auditor. Where some companies are not required by law to have an external auditor and therefore cannot provide such assurance, this should be clearly identified, and any reforms that are planned or underway should be noted.
- Where relevant and practicable, requesting that government reporting entities obtain a certification of the accuracy of the government's disclosures from their external auditor or equivalent.

1.7. The IA should exercise judgement and apply appropriate professional standards in developing a procedure that provides a sufficient basis for a comprehensive and reliable EITI Report.



Table 1 – Non-revenue information to be provided in the EITI Report

| Non-revenue information to be provided in the EITI Report                                                                             | Work to be undertaken by the Independent Administrator | Work to be undertaken by the MSG/others        |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------|
| Legal framework and fiscal regime in accordance with EITI Requirement 2.1.                                                            | Independent Administrator                              | To be submitted to MSG for review and approval |
| An overview of the extractive industries, including any significant exploration activities in accordance with EITI Requirement 3.1.   | Independent Administrator                              | Submit for MSG review and approval             |
| Information about the contribution of the extractive industries to the economy in accordance with EITI Requirement 6.3.               | Independent Administrator                              |                                                |
| Production and export data in accordance with EITI Requirements 3.2 and 3.3                                                           | Independent Administrator                              |                                                |
| Information regarding State participation in the extractive industries in accordance with EITI Requirements 2.6 and 6.2. <sup>2</sup> | Independent Administrator                              |                                                |
| Information about the distribution of revenues from the extractive industries in accordance with EITI Requirement 5.1.                | Independent Administrator                              |                                                |
| Any further information requested by the MSG on revenue management and expenditures in accordance with EITI Requirement 5.3.          | Independent Administrator                              |                                                |

<sup>2</sup> Guidance Note 18: SOE participation in EITI Reporting, [https://eiti.org/files/GN/Guidance\\_note\\_18\\_SOEs\\_EN.pdf](https://eiti.org/files/GN/Guidance_note_18_SOEs_EN.pdf)

| Non-revenue information to be provided in the EITI Report                                                                                                                     | Work to be undertaken by the Independent Administrator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Work to be undertaken by the MSG/others                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Information about license holders in accordance with EITI Requirement 2.3 <sup>3</sup> , and the allocation of licenses in accordance with EITI Requirement 2.2. <sup>4</sup> | Independent Administrator.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Any information requested by the MSG on beneficial ownership (BO) in accordance with EITI Requirement 2.5.                                                                    | <p>For the purpose of this report, the Independent Administrator should propose the details to be disclosed about the identity of the beneficial owners. This should include:</p> <ul style="list-style-type: none"> <li>• Whether the beneficial owners are politically exposed persons (PEPs), drawing on existing definitions of PEPs and asset declarations, if available.</li> <li>• Propose an approach for assuring the BO data assurance for adoption by the MSG<sup>5</sup>.</li> <li>• Reflect the MSG’s decisions on the definition of BO, the details to be disclosed about the identity of the beneficial owners, and the data assurance process in the EITI’s model BO template<sup>6</sup>.</li> <li>• Develop guidelines to reporting companies on how to identify their beneficial owners and complete the reporting template.</li> <li>• Distribute the BO template to the companies included in the scope of the EITI Report, collect data and follow up on any missing or incomplete submissions.</li> <li>• Compile the data in an open data format (excel)<sup>7</sup>.</li> </ul> | <p>For the purpose of this report, the MSG will:</p> <ul style="list-style-type: none"> <li>• Consider and agree the recommendations by the IA with regards to the definition of BO, the details to be disclosed about the identity of the BO, and the approach for BO data assurance.</li> <li>• Provide information on the Government’s policy and multi-stakeholder group’s discussion on disclosure of beneficial ownership.</li> </ul> |

<sup>3</sup> Guidance Note 3: Licence Registers, <https://eiti.org/guidance-notes-and-standard-terms-reference#GN3>

<sup>4</sup> Guidance Note 4: Licence Allocations, <https://eiti.org/guidance-notes-and-standard-terms-reference#GN4>

<sup>5</sup> <https://drive.google.com/open?id=0B7UljQS1EKz4ZVhjX0pKeWF3NVk>

<sup>6</sup> Template beneficial ownership declaration, <https://eiti.org/files/Template-beneficial-ownership-declaration-form.doc>

<sup>7</sup> An open data standard for beneficial ownership reporting is being developed. Please be in touch with the EITI International Secretariat for further information.

|                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• Present the findings in the EITI Report, noting for each of the companies in the scope of the report: the name of the BOs of each company, details about their identity, and information about how ownership is exerted. Where legal owners have been disclosed, this should be clearly distinguished from beneficial ownership.</li> <li>• Provide comments on the comprehensiveness and reliability of the BO information, and present recommendations for improving beneficial ownership reporting in the future.</li> </ul> |  |
| Any information requested by the MSG on contracts in accordance with EITI Requirement 2.4.                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| Any Information on Gender Requirement 1.4 and gender impacts on women from extractive industries; level of women's participation in policy formulation, decision making and the level of benefits/benefit-sharing accruing to women from extractive industries. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| Any Information on Environmental Impact Requirement 6.4.                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |

Provide advice to the GYEITI MSG on agreeing appropriate provisions relating to safeguarding confidential information. Inception Report should document the options considered and the rationale for the assurances to be provided.

**Training: The Independent Administrator should prepare guidelines and conduct a training workshop for all reporting entities, including demonstrating how to complete reporting templates.** The purpose of the training will be to:

- a. Ensure that all reporting entities have a clear understanding of the process and timeline for submitting their reporting templates.
- b. Ensure that they understand that only cash-based figures and not accrual-based figures will be used in the report.
- c. Based on the Scoping Study and the MSG's agreed approach, explain what assurances must be provided by the reporting entities, in order to ensure the credibility of the data.
- d. Train the Extractive Industries and Government Agencies on how to collect data on company payments and government revenues, and provide appropriate support to them to enhance their capability and knowledge of compiling such data.
- e. Work with relevant government agencies to identify any vulnerability that might exist in the transfer of payments to the relevant agencies and how these could be addressed.

## SECTION 3: PHASE 2- DATA COLLECTION

### **Objective:**

The Independent Administrator is expected to undertake the following tasks during the data collection phase:

- 2.1 Distribute the reporting templates and collect the completed forms and associated supporting documentation directly from the participating reporting entities, as well as any contextual or other information that the MSG has tasked the Independent Administrator to collect.
- 2.2 Prepare guidelines and conduct training workshops for all reporting entities, including demonstrating how to complete reporting templates.
- 2.3 Contact the reporting entities directly to clarify any information gaps or discrepancies and establish an open line for communication on same.

### **SECTION 3: PHASE 3 – INITIAL RECONCILIATION AND INITIAL RECONCILIATION REPORT**

**Objective:** The IA will complete an initial compilation and reconciliation of the contextual information and revenue data with a view to identify any gaps or discrepancies to be further investigated.

The MSG and the Independent Administrator may fix and agree on an acceptable margin of error in determining which discrepancies should be further identified and investigated. The decision on acceptable margin needs to be recorded in the minutes of the MSG meeting and/or Independent Administrator's communications with the MSG.

The Independent Administrator shall undertake the following tasks:

- 3.1 Compile a database with the data provided by the reporting entities (copy to be provided to GYEITI National Secretariat).
- 3.2 Comprehensively reconcile the information disclosed by the reporting entities, identifying any discrepancies (including offsetting discrepancies) in accordance with the agreed scope.
- 3.3 Prepare an initial reconciliation report based on the reported (unadjusted) data for consideration by the GYEITI MSG in accordance with the agreed scope.
- 3.4 Identify any discrepancies above the agreed margin of error established in agreement with the MSG.

### **SECTION 3: PHASE 4 – INVESTIGATION OF DISCREPANCIES AND DRAFT EITI REPORT**

**Objective:**

The Independent Administrator shall undertake the following tasks:

- 4.1 Contact the reporting entities to clarify the causes of any significant discrepancies or other gaps in the reported data.
- 4.2 Prepare a draft EITI Report to the MSG for comment that comprehensively reconciles the information disclosed by the reporting entities, identifying any discrepancies, and reports on contextual and other information requested by the MSG.

The draft EITI Report shall:

- Describe the methodology adopted for the reconciliation of company payments and government revenues, and demonstrate the application of international professional standards.
- Include a description of all revenue streams, related materiality definitions and thresholds (Requirement 4.1).

- Include an assessment from the Independent Administrator on the comprehensiveness and reliability of the (financial) data presented, including an informative summary of the work performed by the Independent Administrator and the limitations of the assessment provided.
- Indicate the coverage of the reconciliation exercise, based on the government's disclosure of total revenues as per Requirement 4.1(d).
- Include an assessment of whether all companies and government entities within the agreed scope of the EITI reporting process provided the requested information. Any gaps or weaknesses in reporting to the Independent Administrator must be disclosed in the EITI Report, including naming any entities that failed to comply with the agreed procedures, and an assessment of whether this is likely to have had material impact on the comprehensiveness of the report.
- Document whether the participating companies and government entities had their financial statements audited in the financial year(s) covered by the EITI Report. Any gaps or weaknesses must be disclosed. Where audited financial statements are publicly available, it is recommended that the EITI Report advises readers on how to access this information.
- Include non-revenue information as per Requirements 2,3,5 and 6 and other information requested by the MSG. The contextual information should be clearly sourced in accordance with the procedures agreed by the Independent Administrator and the MSG.

4.3 Comment on the progress in implementing the corrective actions and reforms recommended in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> EITI Reports. The Independent Administrator should make recommendations for strengthening the reporting process in the future.

### SECTION 3: Phase 5 – FINAL EITI REPORT

**Objective:** The purpose of this phase is to ensure that any comments by the MSG on the draft report have been considered and incorporated in the final EITI Report.

The Independent Administrator shall undertake the following tasks:

- 5.1 Submit the Final EITI Report to the MSG for approval. The MSG will endorse the report prior to its publication and will oversee its publication.
- 5.2 Produce electronic data files in open format (excel) that can be published together with the final EITI Report.
- 5.3 Following approval by the MSG, the Independent Administrator is mandated to submit summary data from the EITI Report electronically to the International Secretariat according to the standardized reporting format available from the International Secretariat.
- 5.4 The Independent Administrator shall take appropriate measures to ensure that the report is comprehensible and available in an open data format (Microsoft Word Document) as per requirement 7.1 (c). This includes ensuring that the report has high levels of readability, legibility and usability.

- 5.5 The Independent Administrator shall complete in an open format (excel), the files containing all the tables, charts and data covered in the EITI Report, so a copy can be submitted to the GYEITI Secretariat.
- 5.6 The Independent Administrator shall submit in open format (excel), the files for all data collected for Fiscal Years 2017, 2018, and 2019, as per contracts awarded.
- 5.7 The Independent Administrator shall provide a list of recommendations resulting from the report.

### **Publication and dissemination:**

The Independent Administrator will publish/make public their final report only upon the advisement of the MSG.

The Independent Administrator will present the draft report to the MSG for review and feedback; the MSG will endorse the report once its comments are incorporated; this will take place prior to its publication; where stakeholders other than the Independent Administrator wish to include additional comments in, or opinions on the EITI report, the authorship should be clearly indicated in advance. Once the review is satisfactorily completed, the MSG shall approve the IA Report.

### **Dissemination Meetings:**

- a. Presentation of Materials: Following submission of the draft final report, the Independent Administrator shall prepare a presentation (Data visualization, PowerPoint and handouts outlining a summary of major findings) to explain the analysis and any concluding recommendations during which the proposed actions can be discussed and refined, if necessary. The Independent Administrator shall prepare the materials for presentation within 5 Days of submission of the draft final report.
- b. Dissemination Meeting: There shall be one dissemination meeting, the time and locations shall be mutually agreed, following submission of the draft final report.
- c. Submission of the Final Report: The MSG will submit comments on the draft final report within two weeks of the dissemination meeting. The final report shall take consideration of the MSG's comments and include a summary of the dissemination meeting and shall be delivered no later than two weeks.

### **Deliverables and Outputs:**

The Independent Administrator shall have the following deliverables for this project:

- a) A Gap Analysis report that includes the present reality, recommendations and challenges.
- b) The development of Reporting Templates and the preparation of reporting guidelines for data on payments made by the Companies and data on revenues received by Government.

c) The collection and reconciliation of payments and revenue data from the Companies and Government, respectively, for the Fiscal year 2021 in accordance with international professional accounting standards.

Companies and Government reporting entities will be required to have their Reporting Templates certified by their auditors or where auditors are absent, a senior manager before submission to the IA.

In cases where data have not been certified or audited to international standards to the satisfaction of the IA, the IA shall request supporting documentation (audited financial statements, etc.) to verify the accuracy of the data from the companies and the Government.

d) Reporting on the total mining and oil and gas for which payments were made and revenue collected for each fiscal period.

e) Reporting on the Environmental Impacts of the extractive entities and land restoration.

f) Reporting on the socio-economic impacts on Gender Equality and women's empowerment - including the equitable benefits from and participation of women in the extractive industries.

g) Preparation of a list of all licensed or registered companies involved in the extractive industries, noting which companies participated in the EITI reporting process and those that did not (with an indication of the relative size, whether by production or revenues/payments) and the reasons for their non-participation.

h) Reporting on companies and government agencies that failed to participate in the reporting process, if any with an assessment of whether that had a material impact on the stated figures and conclusions reported.

i) Investigation of and explanation for any discrepancies shown in the Report between the payment and revenue data received.

j) Opinions on the quality of data received and the process of collection with recommendations for improving the process.

k) Final report, presenting aggregated data of payments made by the companies and revenues received by Government in accordance with international professional standards.

l) Printed copies and electronic versions (open format excel) of the Report (both draft and final) for the MSG's approval.

m) Direct discussions with the respective stakeholders to develop consensus on the format of reporting templates.

n) Clear guidelines and documented procedures for the companies and Government for the completion of the reporting templates.

o) Workshops, organized by and in consultation with the MSG, to train companies and Government personnel in the completion of the reporting templates.

p) Following approval by the MSG, the Independent Administrator is mandated to submit summary data from the EITI Report electronically to the International Secretariat according to the standardized reporting format available from the International Secretariat.



q) The Independent Administrator shall complete in an open format (excel), the files containing all the tables, charts and data covered in the EITI Report so a copy can be submitted to the GYEITI Secretariat.

r) The Independent Administrator shall submit in open format (excel), the files for all data collected for Fiscal Years 2017, 2018, and 2019, as per awarded contracts.

s) The Independent Administrator shall provide a list of recommendations resulting from the report.

## SECTION 4: QUALIFICATION REQUIREMENTS FOR INDEPENDENT ADMINISTRATORS

The reconciliation of company payments and government revenues must be undertaken by an Independent Administrator applying international professional standards (requirement 4.9). It is a requirement that the Independent Administrator is perceived by the MSG to be credible, trustworthy and technically competent. Bidders must follow (and show how they will apply) the appropriate professional standards for the reconciliation/agreed-upon-procedures work in preparing their report.

The Independent Administrator shall demonstrate:

- Expertise and experience in the oil, gas, mining, forestry and fisheries sectors in Guyana.
- Expertise in accounting, auditing and financial analysis.
- A track record in similar work. Previous experience in EITI reporting is not required, but would be advantageous
- Solid familiarity with the Current EITI Standard.
- Must have knowledge in project evaluation, public and private sector audit and accounting, and knowledge of international accounting standards.
- Availability of staff with appropriate skills to complete the required tasks on schedule.

In order to ensure the quality and independence of the exercise, Independent Administrators are required, in their proposal, to disclose any actual or potential conflicts of interest, together with commentary on how any such conflict can be avoided.

## SECTION 5: REPORTING REQUIREMENTS AND TIME SCHEDULE FOR DELIVERABLES

The assignment is expected to commence in September 2023, culminating in the finalization of the EITI Report by March 2024. The proposed schedule is set out below:

|                                         |                    |
|-----------------------------------------|--------------------|
| Signing of contract                     | September 18, 2023 |
| Gap Analysis Report                     |                    |
| Phase 1: Preliminary analysis           |                    |
| Inception report                        |                    |
| Phase 2: Data collection                |                    |
| Phase 3: Initial reconciliation         |                    |
| Phase 4: Investigation of discrepancies |                    |
| Draft report                            |                    |
| Phase 5: Draft Final report             |                    |
| Final report                            |                    |

The schedule of payments shall be as follows:

- 10% Following contract signing and Inception Report.
- 30% Following delivery and acceptance of the Gap Analysis Report outputs.
- 30% Following delivery and acceptance of the draft EITI report.
- 30% Following MSG approval and publication of the EITI report.

### **Type of Consultancy**

International/National Consultancy Firm or Partnership

### **Duration**

The project will be executed over the period September 2023 to March 2024 during which time one EITI report will be produced for the Fiscal Year 2021.

## **Language**

The language of the consultancy and all related workshops and written correspondence must be English.

## **SECTION 6: CLIENT'S INPUT AND COUNTERPART PERSONNEL**

The IA will report to the GYEITI MSG through the GYEITI National Secretariat. The IA will be assisted by the GYEITI Secretariat in facilitating any logistical and administrative arrangements between the IA and the reporting companies and Government reporting entities.

## **ANNEX 1: STATEMENT OF MATERIALITY**

Guyana, as an implementing country, is expected to disclose information about the amounts extractive companies pay in taxes, royalties and other payments and the amounts Government entities receive. This data must be comprehensive, i.e., presenting a complete picture of total revenues received from the extractive sector. The EITI Standard addresses this comprehensive reporting through requirement 4.1. The MSG, consistent with the EITI requirement 4.1, may define materiality through having a distinct understanding of the revenue streams in the extractive sector; determining the material revenue streams, and whether payment thresholds are necessary; and identifying the data-reporting entities.

The Independent Administrator confirms the joint understanding of the scope of the services in the inception report. Annex 2 lists relevant attachments, including any scoping studies undertaken in the past.

## ANNEX 2: SUPPORTING DOCUMENTATION

**Table 1: Relevant Laws of Government Agencies:**

| NO. | AGENCIES                      | GOVERNING LAWS (HYPERLINK)                                                                                                                                                                                          |
|-----|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | NIS                           | <a href="http://cap3601.guyaneselawyer.com">cap3601 (guyaneselawyer.com)</a>                                                                                                                                        |
| 2   | EPA                           | <a href="http://mola.gov.gy">Chapter 020:05 Environmental Protection Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                                              |
| 3   | GGB                           | <a href="http://mola.gov.gy">Chapter 066:01 Guyana Gold Board Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                                                     |
| 4   | GFC                           | <a href="http://forestry.gov.gy">Microsoft Word - Forests Regulations 2018 - FINAL (forestry.gov.gy)</a>                                                                                                            |
| 5   | PTCCB                         | <a href="http://mola.gov.gy">Chapter 068:09 Pesticides and Toxic Chemicals Control Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                                |
| 6   | GM&CC                         | <a href="http://mola.gov.gy">Chapter 028:01 A Principal Act Municipal and District Councils Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                       |
| 7   | GGMC                          | <a href="http://mola.gov.gy">Chapter 065:01 Mining Act   Ministry of Legal Affairs (mola.gov.gy)</a><br><br><a href="http://mola.gov.gy">Chapter 092:01 Petroleum Act   Ministry of Legal Affairs (mola.gov.gy)</a> |
| 8   | GRA                           | <a href="http://gra.gov.gy">Tax Laws Archives - Guyana Revenue Authority (gra.gov.gy)</a>                                                                                                                           |
| 9   | MOF                           | <a href="http://mola.gov.gy">Chapter 010:11 Anti-Money Laundering and Countering the Financing of Terrorism Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                       |
| 10  | NICIL                         | <a href="http://mola.gov.gy">Chapter 089:01 Companies Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                                                             |
| 11  | DEPARTMENT OF FISHERIES (MOA) | <a href="http://mola.gov.gy">Chapter 071:08 Fisheries Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                                                             |
| 12  | MOAA                          | <a href="http://mola.gov.gy">Chapter 029:01 Amerindian Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                                                            |
| 13  | AUDIT OFFICE                  | <a href="http://mola.gov.gy">Chapter 073:01 Audit Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                                                                 |
| 14  | BUREAU OF STATISTICS          | <a href="http://mola.gov.gy">Chapter 019:09 Statistics Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                                                            |
| 15  | COMMERCIAL REGISTRY           | <a href="http://dcra.gov.gy">Acts of the Registry – Deeds and Commercial Registries Authority (dcra.gov.gy)</a>                                                                                                     |
| 16  | DEEDS REGISTRY                | <a href="http://mola.gov.gy">Chapter 005:01 Deeds Registry Act   Ministry of Legal Affairs (mola.gov.gy)</a>                                                                                                        |

**Table 2: Fiscal Reports for Guyana:**

| GUYANA'S FY REPORTS | HYPERLINK |
|---------------------|-----------|
|---------------------|-----------|

|                      |                                                                                                 |
|----------------------|-------------------------------------------------------------------------------------------------|
| <b><u>FY2017</u></b> | <a href="http://gyeiti.org">_Guyana's first EITI country report (gyeiti.org)</a>                |
| <b><u>FY2018</u></b> | <a href="http://gyeiti.org">Explore Guyana's second EITI country report (gyeiti.org)</a>        |
| <b><u>FY2019</u></b> | <a href="http://gyeiti.org">Explore Guyana's 3rd EITI Country Report - FY 2019 (gyeiti.org)</a> |

**Table 3: Validation Assessment Report for Guyana:**

| <b>Name of Report</b>                              | <b>HYPERLINK</b>                                                               |
|----------------------------------------------------|--------------------------------------------------------------------------------|
| <b><u>GUYANA'S VALIDATION ASSESMENT REPORT</u></b> | <a href="#">EITI Validation of Guyana (2021) - Final Validation Report.pdf</a> |

**Table 4: Corrective Measures to address deficiencies from Validation Assessment Report:**

| NO # | Objective                                                                                      | REQUIREMENT # | EITI Standard Requirement   | Activity                                                                                                                                                     | Output                                                                                        | Responsible Party    | Timescale              | Outcome/Impact                                                                                                                                                                                                                                                                    | Status     |
|------|------------------------------------------------------------------------------------------------|---------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1    | Increase GoG's technical and financial resources.                                              | 1.1           | Government engagement (1.1) | 1. Provide budget for GYEITI.<br>2. Consummate these appointments: Administrator; Data/Information Analyst; Legal Officer.                                   | 1. Approval of 2023 budget<br>2. Appointments effected                                        | MNR                  | August-December 2022   | 1. Systematic planning to be introduced<br>2. Technical expertise to enhance functioning                                                                                                                                                                                          | In process |
| 2    | Increase industry EITI data volume by at least 80%, and increase industry's outreach activity. | 1.2           | Industry engagement (1.2)   | Create an enabling environment for industry to deliver an increased volume of data, the collection of which maybe impacted by relevant laws and regulations. | A seamless environment facilitating an increased volume of data, and increased outreach work. | National Secretariat | August 2022-March 2023 | 1.Systematic planning to be introduced<br>2.Technical expertise to enhance functioning and evaluation of work plan, preparation for next validation due on April 1, 2024<br>A move toward establishing data reliability, and increasing public awareness of EITI data/information | In process |

|   |                                               |                    |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                              |                                         |                           |                                                                                                |            |
|---|-----------------------------------------------|--------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------------|------------------------------------------------------------------------------------------------|------------|
| 3 | Develop capacity-building action for the MSG. | 1.4.b.ii, 1.4.b.vi | MSG Governance (1.4.b.ii, 1.4.b.vi) | <p>1.Orientation workshop for New MSG Members.</p> <p>2.Constituent members to be trained on the rudiments of the 2019 EITI standard.</p> <p>3.Organization of Study Tours and In-House training on the Extractive Sector, Financial Management, Local and International Procurement Practices.</p> <p>4.Select and Train Ten (10) Civil Society resources vis-à-vis findings from GYEITI reports, GYEITI reporting process, and GYEITI report data analysis and interpretation.</p> | <p>1.Workshop report, including evaluation.</p> <p>2.Training reports, including evaluation.</p> <p>3.CSOs capacity building centers on the EITI reporting process, natural resources sector, concessionaires' agreement, and the EITI reporting process</p> | National Secretariat/MSG                | August 2022-August 2023   | Sufficient capacity to disseminate EITI data/ information and to engage in effective outreach. | In process |
| 4 | Maintain GYEITI membership status.            | 1.5b               | Work Plan (1.5.b)                   | <p>1.Development and approval of the corrective action work plan, addressing corrective measures arising</p>                                                                                                                                                                                                                                                                                                                                                                         | <p>1.Completed corrective action work plan</p> <p>2.Report on consultations with partners</p>                                                                                                                                                                | National Secretariat for all activities | August 2022-December 2023 | The corrective action work plan will be fully costed and consistent with the reporting and     | In process |

|   |                                                                                   |               |                                                 |                                                                                                                                                                                                                                                                            |                                             |                                         |                              |                                                                                                                                                                                    |  |
|---|-----------------------------------------------------------------------------------|---------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|   |                                                                                   |               |                                                 | from the validation report.<br>2.Consultations with partners and donor Organizations.                                                                                                                                                                                      | and donor organizations                     |                                         |                              | validation deadlines.                                                                                                                                                              |  |
| 5 | Secure public disclosure of the extractive sector's license awards and transfers. | 2.2; 2.2.a.iv | Contract and license allocation (2.2; 2.2.a.iv) | 1.Several workshops on the process for awarding and transferring licenses.<br>2.Two seminars on the technical and financial criteria utilized for the transfer or award of licenses.<br>3.Provide information on the recipient of the license that awarded or transferred. | Information on license awards and transfers | National Secretariat for all activities | August 2022-December 2023    | License awards and transfers will be a matter of public record, including any material variances from the relevant legal and regulatory framework on license transfers and awards. |  |
| 6 | Establish a public register on all active licenses.                               | 2.3           | License registers (2.3)                         | Administer at least three meetings with stakeholders, focusing on their existing licensing procedures and determine the format for a publicly accessible register of all licenses for the                                                                                  | Public register of all active licenses      | National Secretariat                    | Q4 of 2022-end of Q1 of 2023 | Greater transparency and accountability of licenses                                                                                                                                |  |



|   |                                                                                                        |                                 |                                             |                                                                                                                                                                                                                                        |                                           |                                         |                              |                                         |  |
|---|--------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------|------------------------------|-----------------------------------------|--|
|   |                                                                                                        |                                 |                                             | exploration of oil, gas and minerals.                                                                                                                                                                                                  |                                           |                                         |                              |                                         |  |
| 7 | Issue a list of all active contracts and licenses, and specify those publicly available and those not. | 2.4.c.ii; 2.4.c.iii; 2.4; 2.4.b | Contracts (2.4.c.ii; 2.4.c.iii; 2.4; 2.4.b) | 1.Workshops to develop a plan for disclosing contracts with a specific timeline for implementation.<br>2.Seminar on GoG's policy on disclosure of contracts and licenses.<br>3.Identify the contracts and licenses publicly available. | List of all active contracts and licences | National Secretariat for all activities | Q4 of 2022-end of Q1 of 2023 | Greater transparency and accountability |  |

|   |                                                                                                           |                   |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                    |                                             |                                                                                                                                                                                                                                           |                                                                          |  |
|---|-----------------------------------------------------------------------------------------------------------|-------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--|
| 8 | Develop an online public beneficial register, offering accessibility to information on beneficial owners. | 2.5, 2.5.b, 2.5.c | Beneficial ownership (2.5, 2.5.b, 2.5.c) | <ol style="list-style-type: none"> <li>1. Organize at least three events to initialize the idea of an online public beneficial ownership register.</li> <li>2. Conduct legal scoping and identify potential obstacles to implementation of beneficial owners' Register in keeping with the IA's recommendations</li> <li>3. Propose approach to systemized and publish information on BO.</li> <li>4. Propose an approach to systemized and publish information on Beneficial ownership ( (d) to publish BO Registry on GYEITI official website.</li> <li>5. MSG and Secretariat to engage and</li> </ol> | At the conclusion of all activities, an online register of beneficial owners will become accessible to the public. | National Secretariat/MSG for all activities | <ol style="list-style-type: none"> <li>1. Q4 of 2022</li> <li>2. Q4 of 2022-Q3 of 2023</li> <li>3. Q4 of 2022-Q3 of 2023</li> <li>4. Q4 of 2022-Q3 of 2023</li> <li>5. Q4 of 2022-Q3 of 2023</li> <li>6. Q4 of 2022-Q3 of 2023</li> </ol> | Powerful insights into disclosure of legal owners and share of ownership |  |
|---|-----------------------------------------------------------------------------------------------------------|-------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--|

|   |                                                                                                                                                                     |     |                           |                                                                                                                                                                                                                         |                   |                      |                               |                                                         |  |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------|-------------------------------|---------------------------------------------------------|--|
|   |                                                                                                                                                                     |     |                           | participate in webinars, in partnerships and sharing experiences on beneficial ownership and related topics.<br>6. Request for companies to disclose beneficial ownership information for inclusion in the EITI Report. |                   |                      |                               |                                                         |  |
| 9 | Increase routine disclosures from the Government and SOEs of their ownership status within the extractive sector, inclusive of SOE subsidiaries and joint ventures. | 2.6 | State participation (2.6) | 1. At least three workshops on the rules and practices on the financial relationship between GoG and SOEs.<br>2. At least two seminars on the SOEs' audited financial statements.                                       | A report on SOEs. | National Secretariat | Q4 of 2022 through Q1 of 2023 | Impact of SOEs in relation to material revenue payments |  |

|    |                                                                                     |     |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                        |                      |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 10 | Sustain timely communication and public awareness for effective EITI Implementation | 7.1 | Public debate (7.1) | <ol style="list-style-type: none"> <li>1. Update the GYEITI communication strategy.</li> <li>2. Redesign GYEITI URL, showing the accessibility of all contracts.</li> <li>3. Display GYEITI billboards throughout Guyana.</li> <li>4. Organize Extractive Transparency Clubs (ETC) in secondary schools in the seven Regions.</li> <li>5. Administer workshops with the Legislative Committee on Natural Resources on the GYEITI outcomes and impact, and how to apply the GYEITI reports in concession ratification.</li> </ol> | <ol style="list-style-type: none"> <li>1. An updated communication strategy is generated, approved by the MSG, widely disseminated, and posted on the GYEITI URL.</li> <li>2. The GYEITI URL attracts many hits.</li> <li>3. Billboards are displayed in the seven Regions of Guyana.</li> <li>4. ETCs established.</li> <li>5. Workshop reports, inclusive of their evaluation documented.</li> </ol> | National Secretariat | <ol style="list-style-type: none"> <li>1. Q3-Q4 of 2022</li> <li>2. Q3 and 4 of 2022</li> <li>3. Q4, 2022-Q3, 2023</li> <li>4. Q4, 2022-Q4, 2023</li> <li>5. Q1, 2023</li> </ol> | <p>1.a GYEITI communication strategy is in sync with the national priorities of GoG and MSG stakeholders.</p> <p>1.b Challenges in the 2019 EITI Standard also are addressed.</p> <ol style="list-style-type: none"> <li>2. A state-of-the-art GYEITI URL, showcasing international best practices.</li> <li>3. Heightened public awareness of GYEITI.</li> <li>4. Public debate on GYEITI among young people.</li> <li>5. The Legislators' capacity is developed on how the GYEITI process can enhance decision making on concessions ratification and passage; and simultaneously, demonstrate how</li> </ol> |
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|    |                                                                                 |     |                                |                                                                                                                                                                  |                                                                                       |                      |                   | the National Assembly can appropriate budget for GYEITI functioning. |  |
| 11 | Confirm through public disclosure of which and included in the national budget. | 5.1 | Distribution of revenues (5.1) | 1.At least two seminars on distribution of revenues in the 2022 budget.<br>2.Review the 2022 budget to identify projects based on the extractive sector funding. | Public dissemination of the Extractive sector-funded projects within the 2022 budget. | National Secretariat | Q4, 2022-Q1, 2023 | Extractive sector-funded projects benefiting the people of Guyana    |  |

**Table 5: Corrective Measures to address deficiencies from Validation Assessment Report (Work in Progress):**

| NO. | EITI REQUIREMENT                                                    | ACTIVITY         |
|-----|---------------------------------------------------------------------|------------------|
| 1   | Review the outcomes and impact of EITI implementation (7.4)         | Work in progress |
| 2   | Quasi-fiscal expenditures (6.2)                                     | Work in progress |
| 3   | Social and environmental expenditures by extractive companies (6.1) | Work in progress |
| 4   | Comprehensive disclosure of taxes and revenues (4.1e)               | Work in progress |
| 5   | Transactions related to state-owned enterprises (4.5)               | Work in progress |
| 6   | Data quality and assurance (4.9)                                    | Work in progress |
| 7   | Data accessibility and open data (7.2)                              | Work in progress |
| 8   | Level of disaggregation (4.7)                                       | Work in progress |