

Terms of Reference

External expert for EITI Validation of Requirement 1.3 in the Republic of Congo

The 2021 EITI [Validation procedure](#) provide for the appointment of external experts to support the assessment of certain requirements in the EITI Standard on selected Validations. This may include assessment of adherence to the civil society protocol as part of the overall assessment of requirement 1.3. The procedure for appointing external experts is described in [Annex B](#) of the Validation procedure. The role of the external expert is to provide input to inform the assessment prepared by the International Secretariat for consideration by the Validation Committee in the EITI Board's decision-making process. The scope of the expert's work may cover individual EITI Requirements or a module of several interlinked requirements. The duration of the assignment will vary depending on its complexity. The deliverable is a report that documents evidence of the country's progress in addressing the relevant EITI Requirement(s) and opportunities for strengthening implementation.

Background

The EITI holds all implementing countries to the same global standard. Through Validation, the EITI's quality assurance mechanism, implementing countries are assessed on their ability to meet the provisions of the [EITI Standard](#).

Validation promotes dialogue and learning at a country level. It provides countries with an opportunity to communicate progress and to identify and address challenges in EITI implementation. Validation captures stakeholder views and allows countries to highlight their perspectives on the effectiveness and sustainability of EITI implementation.

The EITI's Validation model was revised in December 2020. The new approach seeks to maintain a rigorous approach to Validation, while ensuring that EITI implementation can respond to national priorities. It acknowledges that countries have starting different points and face diverse challenges in implementing the EITI, and that they will use the EITI to address their most pressing priorities for improving extractives governance. More information on the Validation procedure, methodology and schedule is available on <https://eiti.org/validation>.

At its 8 March 2022 meeting, the EITI Board's Validation Committee agreed to appoint an external expert for the Validation of the Republic of Congo, focusing on Requirement 1.3. In accordance with [Annex B](#) the Validation procedure, the Validation Committee considered the six criteria for appointing an external expert presented by the International Secretariat in taking this decision. Complexities in the EITI process related to the environment for civil society engagement in the EITI process were highlighted. The previous two Validations in 2018 and 2020 had

identified gaps in achieving aspects of Requirement 1.3, with related corrective actions. These weaknesses were related to challenges in adherence to the EITI protocol: Civil society participation related to government constraints on freedom of expression that had caused gaps in stakeholder engagement. The International Secretariat highlighted its need for external support in undertaking the review of progress on Requirement 1.3. The budget implications of the procurement of the external expert were considered to be covered in the EITI International Secretariat's 2022 work plan and budget. The external expertise was considered to add value by providing additional context on the environment for civil society engagement in the Republic of Congo, supplementing the International Secretariat's existing capacity to undertake Validations of the EITI protocol: Civil society participation.

1. Objectives of the assignment

The objective of the assignment is to provide input on Requirement 1.3 of the EITI Standard on the Validation of the Republic of Congo.

The consultant is expected to work with the relevant Validation team at EITI International Secretariat, under the supervision of the EITI Technical Director. The indicative timeframe for this work would be 1 June – 30 September 2022.

2. Scope of assignment

The consultant will be expected to undertake the following tasks:

2.1 Review of documentation and targeted stakeholder consultations

(i) Desk review of documentation and preliminary analysis

- Review the draft Validation data collection template on 'Stakeholder engagement' and 'Outcomes and impact' as well as any other stakeholder submissions for Validation, investigating links to reference documents including EITI documents produced by the country and other public documents where relevant. The focus of the review should be on EITI Requirement 1.3 assigned for review.
- With reference to the [2019 EITI Standard](#) and the [EITI Validation Guide](#), prepare a preliminary analysis of progress on EITI Requirement 1.3 based on the documentation review.
- Draft questions for stakeholders identifying missing documentation and required views vis-à-vis EITI Requirement 1.3 assigned for review.
- The review of documentation and preparation of questions for stakeholders should be completed within two weeks of the start of the external expert's engagement.

(ii) Stakeholder consultations (remote)

- Support the development of a list of stakeholders to consult as part of the

Validation process, together with the Validation lead.

- Support stakeholder consultations (via remote) with a focus on EITI Requirement 1.3 assigned for review.
- Support follow-up on stakeholder consultations with any additional questions or requests for documentation.

2.2 Draft review of progress

(i) Draft preliminary review of progress

- With reference to the [2019 EITI Standard](#) and the [EITI Validation Guide](#), prepare a short (4-6 page) review of the country's progress in fulfilling both the technical aspects and the overall objective(s) of EITI Requirement 1.3 assigned for review.
- The draft review should be based both on documentation review and stakeholder consultations.
- The draft review should be submitted to the EITI Technical Director within six weeks of the start of the external expert's engagement.

2.3 Final submission

(i) Finalise analysis of progress

- Address comments and questions from the International Secretariat on the draft review of progress on the EITI Requirement 1.3 assigned for review.
- Based on comments on the draft review, finalise the short (4-6 page) review of the country's progress in fulfilling both the technical aspects and the overall objective(s) of EITI Requirement 1.3 assigned for review.
- Submit final review of progress in fulfilling the EITI Requirement 1.3 assigned for review to the EITI Technical Director.

(ii) Support for the Validation Committee's review

- Provide input to the Validation Committee's review of the EITI Requirement 1.3 assigned for review, including response to questions and requests for additional information.

3. Deliverables

The assignment is expected to take up to **10 days over a period of three months (June-September 2022)**. Deliverables may be adjusted during the assignment in consultation with the Technical Director to take into account unforeseen events, opportunities and obstacles. Changes in deliverables will be reported to the EITI International Secretariat through regular progress reports. Payment will be made monthly based on review of progress on meeting assignment deliverables.

Deliverable	Output	Deliverable Schedule
Signing of contract		June 2022
Preliminary review of documentation		+ 2 week
Draft review of progress on EITI Requirement(s)		+ 4 weeks
Final review of progress on EITI Requirement(s)		+ 2 weeks
Support for Validation Committee's review of EITI Requirement(s)		Ad hoc
Payment		+ 5 weeks

4. Consultant's qualifications

The consultant must demonstrate:

- Relevant university degree or equivalent.
- Demonstrated relevant thematic and regional expertise.
- Demonstrated knowledge of the EITI Standard.
- A reputation for credibility and trustworthiness.
- Demonstrated experience and/or academic qualifications related to civic space and human rights issues in the extractive industries.
- A lack of conflict of interest with regards to the specific EITI Requirement(s) and country under review.
- A track record in similar work. Previous experience with the EITI is not required but would be advantageous.
- English and French fluency is required.
- Ability to complete the assignment in the agreed timeframe.

5. Conduct

The short-term consultant will report to the Technical Director, who will provide quality assurance and feedback on the consultant's work.

The consultant is required to abide by the [EITI Code of Conduct](#) in its undertakings for the EITI.

All intellectual property and content produced in the context of this work will remain the property of the International Secretariat.

6. Contractual procedure and proposal deadline

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

- A brief **Technical Proposal**, outlining: (a) the experience of the consultant/s, (b) the proposed methodology in response to the Terms of Reference (TORs) and (c) the key experts' qualifications and competence. The Technical Proposal should not include any financial information. Technical proposals containing material financial information shall be declared non-responsive.
- A **Financial Proposal**, clearly indicating a lump sum financial proposal of all costs associated, with applicable taxes. The daily rate for the consultant fees should be clearly indicated. The Financial Proposal should be sent as a password protected PDF file. The passwords should not be sent. The passwords will be requested following the assessment of the technical proposals.

Proposals must be delivered by email to skasimova@eiti.org by Friday, 20 May 2022.

All questions related to the project, its timeline and deliverables should be submitted to skasimova@eiti.org by no later than Friday, 29 April 2022.

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

- Experience of the Consultant relevant to the Assignment,
- Adequacy and quality of the proposed methodology, and work plan in responding to the Terms of Reference (TORs), and
- Key Experts' qualifications and competence based on the Qualification requirements (see section 5 above).

The weighting assigned to the technical proposal (T) and the financial proposal (P) is as follows:

T = 70 %

P = 30 %

Proposals will be ranked according to their combined technical (St) and financial (Sf) scores, using the weights [T = weight given to the technical proposal; P = weight given to the financial proposal; T + P = 1] as follows: $S = St \times T\% + Sf \times P\%$.

Contract negotiations will be initiated with the firm or team of consultants with the highest score. If these negotiations fail, a new contract negotiation will be initiated with the firm with the second highest score.

**When preparing your proposal, please be sure to include a section on potential conflicts of interest in the technical proposal. This section should identify any areas of work, including past, present, or future consultancies related to the EITI, which might pose a conflict of interest. Please also describe strategies that you intend to use to minimize those risks.*