



REPUBLIC OF GHANA

**GHANA EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (GHEITI)
DISCUSSION OF THE TERMS OF REFERENCE & CONTRACT NEGOTIATION
FOR
CONSULTANCY SERVICES TO PRODUCE GHANA EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE (GHEITI) 2017/18 RECONCILIATION REPORTS**

BETWEEN

GHANA EITI

AND

MESSRS. BOAS AND ASSOCIATES

MINUTES (KEY DECISION POINTS) OF TERMS OF REFERENCE DISCUSSIONS AND CONTRACT NEGOTIATION BETWEEN GHEITI MSG AND BOAS AND ASSOCIATES ON CONSULTANCY SERVICES TO DEVELOP GHANA EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (GHEITI) 2017/18 RECONCILIATION REPORTS HELD ON 8TH AUGUST, 2019 AT THE MINISTRY OF FINANCE

Representatives from GHEITI MSG/Secretariat

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| 1. Dr. Steve Manteaw | ISODEC/CSPOG (Chairman) |
| 2. Mr. Amponsah Tawiah | Minerals Commission |
| 3. Mr. Francis Samanhyia | ENI |
| 4. Mr. Dickson Agbogah | OASL |
| 5. Ms. Victoria Benson | GHEITI Secretariat |
| 6. Mr. George Addy-Morton | Petroleum Commission |
| 7. Dr. Frank Boateng | Tarkwa Nsuaem Mun. Assembly |
| 8. Mr. Ben Aryee | Min. of Lands & Natural Resources |
| 9. Mr. J.B. Okai | Min. of Energy |
| 10. Mr. Chris O. Nyarko | Ghana Chamber of Mines |
| 11. Mrs. Adwoa Ampeah-Asante | GHEITI Secretariat |

In attendance

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| 12. Mr. Paul Agbo | MoF/ Finance Officer |
| 13. Mr. Daniel Foli | MoF/ Head, Procurement |
| 14. Mr. Peter Donkor Wujakpa | MoF/Procurement |

Representative from Messrs. Boas & Associates

15. Mr. Kwaku Boa-Amponsem

1.0 Introduction

The Chairman, Dr. Steve Manteaw welcomed members of the MSG, the Independent Administrator (IA) and members of the negotiation teams, and requested members to introduce themselves before the commencement of the discussions. The Chairman explained that the purpose of the meeting was in two-fold:

- (i) discuss the terms of reference of the assignment with the IA; and
- (ii) negotiate the contract with the IA in respect of the Consultancy Services to develop Ghana Extractive Industries Transparency Initiative (GHEITI) 2017/18 reconciliation reports for the mining and oil/gas sectors.

According to the Chair, the MSG decided to combine the discussions of the two issues (ToR and contract negotiation) together with the IA because they are related in one way or the other in the sense that the scope of the ToR will essentially define the cost and the deliverables. It is also the view of MSG that due to limited time available and cost considerations, this approach will ensure efficient use of time and cost. The Consultant submitted the Power of Attorney authorising him to negotiate on behalf of the firm.

2.0 Discussion of the ToR and the Contract Negotiations

2.1 Issues Raised on the TOR

(i) Project Level Reporting: It was agreed that all the issues captured in the ToR by the MSG with respect to project level reporting should be reported by the IA. Regarding a clarification from the IA on how to deal with the definition of a 'project' since there are many versions of project definitions be it mining or oil and gas. The response was that even though there many definitions of a 'project', per the EITI Standards, implementing countries can either adopt one of the well-established definitions or use the country's own definition based on their laws, policies and practices. Therefore, the MSG will come up with a definition of a 'project' for both mining and oil/gas sectors.

(ii) Beneficial Ownership(BO) Information: The IA sought clarification from the MSG on whether detailed BO information is required for the 2017/18 GHEITI reports for the mining and oil/gas sectors. According to the IA, this BO requirement should not affect the current reports to be published by 31st December, 2019 because the EITI Standard sets January, 2020 as the deadline for the establishment of BO register and/or reporting BO information in the EITI reports.

The MSG confirmed that, it is indeed the position of the Standard but the IA is encouraged as provided for, in the ToR to report on BO in the reports and where possible use the appropriate links of companies especially those listed on the various Stock Exchanges.

(iii) Mainstreaming: The IA indicated as part of the ToR, they (IA and his team) are required to provide appropriate links of the various reporting institutions and companies. However, these links are supposed to be provided by the reporting Ministries, Departments and Agencies (MDAs) and companies but this has not been indicated in the TOR. are aware and will be providing them (IA) with the requisite links.


The MSG responded that the institutions were aware and that a mainstreaming action plan was developed and shared with all the institutions. The mainstreaming is still work-in-progress and the GHEITI MSG/Secretariat will continue to engage and follow-up with the institutions to step up their routine disclosures or systematic disclosure process. The IA may obtain some links before the conclusion of the report.

It was therefore agreed that the IA should as much as possible provide the links where available in the reports so that the MSG can also continue to push government and companies towards full mainstreaming.

2.2 Contract Negotiation

Based on the discussion of the ToR, the financial proposal, payment schedule, duration, draft contract as well as commencement date of the assignment among others were negotiated and agreed upon by the two negotiation teams (GHEITI and Boas & Associates).

DR. STEVE MANTEAW


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ISODEC/CSPOG (CO-CHAIR, GHEITI)

DATE: 14/08/2019

MR. KWAKU BOA-AMPONSEM


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MESSRS. BOAS & ASSOCIATES

DATE: 12/08/2019