

Terms of reference (ToRs) for the procurement of services above the EU threshold

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of the Mining Sector (DISM) Project

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Subject of the tender procedure:
Strategic Environmental and Social Assessment (SESA) of the oil
and gas sector to be carried out in the DRC

Transaction number:
10007377

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0. List of abbreviations

ACE	Congolese Environment Agency
ACEFA	Programme to improve the competitiveness of family farms Agropastoral
AES	Significant environmental aspects
BGF	Biodiversity and Sustainable Forest Management Project (GIZ)
BGR	Federal Institute for Geosciences and Natural Resources
BMZ	Federal Ministry for Economic Cooperation and Development
CAFI	Central African Forest Initiative
CEEAC	Economic Community of Central African States
CEMAC	Central African Economic and Monetary Community
COMIFAC	Central African Forests Commission
COPIL	Steering Committee
DISM	Integrated Economic Development of the Mining Sector Project (GIZ)
DRC	Democratic Republic of Congo
EAC	East African Community
ECOFAC	Support programme for the preservation of biodiversity and fragile ecosystems in Central Africa
EITI	Extractive Industries Transparency Initiative
ESA	Environmental and Social Audit
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
EU	European Union
FAO	Food and Agriculture Organisation
FEC	Federation of Congo Companies
FNPS	National Fund for Social Promotion and Service

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FONAREDD	REDD+ National Fund
FSC	Forest Stewardship Council
GIZ	Gesellschaft für Internationale Zusammenarbeit
HSC	High Carbon Stock
HVC	High Conservation Value
ICCN	Congolese Institute for Nature Conservation
ICMM	International Council on Mining and Metals
IFC	International Finance Corporation
KFW	German credit institution for reconstruction
MEDD	Ministry for Environment and Sustainable Development
NDC	Nationally Determined Contribution
SESA	Strategic Environmental and Social Assessment
SWOT	Strengths, weaknesses, opportunities and threats
UNFCCC	United Nations Framework Convention on Climate Change
WB	World Bank

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1. Context

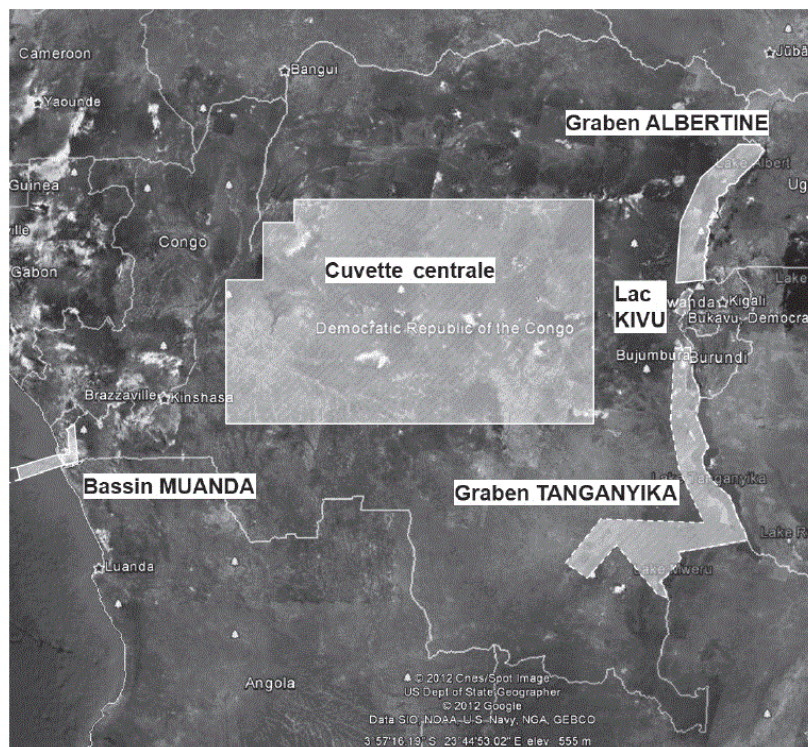
The Democratic Republic of Congo (DRC) contains most of the world's second largest tropical rainforest, covering more than 126 million hectares and storing vast quantities of carbon. Preserving these forests is therefore crucial in the global fight against climate change and biodiversity loss. Despite historically low levels of carbon emissions by the population of this country, deforestation has increased in recent years, and the forests are facing major challenges exacerbated by poverty, population growth and security instability.

Compared with its neighbours, such as Congo-Brazzaville, Uganda and Angola, which regard oil as a pillar of their respective economies, the Democratic Republic of Congo is perceived as a small producer despite its considerable potential.

In the DRC, oil and gas extraction still accounts for less than 1% of GDP, but the recent grant of oil and gas exploration licences, particularly in ecologically fragile areas along the Congo River and in the Great Lakes region (sometimes even in protected areas), demonstrates the government's determination to exploit the potential oil and gas reserves that could be found there.

The potential for hydrocarbons and gas in the Democratic Republic of Congo lies mainly in five major basins: the Albertine graben, the Tanganyika graben, the Central Cuvette, the Upemba graben and Lake Kivu. Ecosystems in these regions are fragile, with coastal basins in the west, wetlands, forests and protected areas in the central basin and Lake Tanganyika and Lake Kivu in the east. Especially the Central Cuvette wetlands but also rainforest areas are carbon sinks of global relevance.

Fig 1. Location of hydrocarbon resources in the DRC: Muanda basin, cuvette centrale, graben Albertine, graben Tanganyika, Kivu lake)



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Indeed, the DRC has significant potential hydrocarbon resources, estimated at 22 billion barrels in all its sedimentary basins. The country's current production is low, at around 23,000 barrels a day, but could increase considerably with the exploration and exploitation of new oil and gas blocks.

Table 1 : Main economic indicators / GDP¹ DRC (World Bank, 2021).

	GDP KUSD	PIB/Hbt USD	Annual GDP growth	Net income / % GDP	% Agricultural GDP	% Oil GDP	% GDP Forêts	%GDP Mines	Annual inflation
DRC	53 958 573	518	5,17	27,7	19,43	0,5	9,3	17,85	12,6
year	2021	2021	2021	2020	2020	2020	2020	2020	2021

Table 2: Volumes exported by the extractive sector 2018 to 2022 (source: EITI 2024 report)

	2018	2019	2020	2021	2022
Cuivre					
Tonnes	1 225 227	1 420 386	1 601 208	1 797 836	2 394 630
Zinc					
Tonnes	1 129	1 607	15 305	18 079	13 578
Cobalt					
Tonnes	109 402	77 964	86 591	93 011	115 371
Diamant					
Carats (millier)	15 635	14 021	12 214	12 406	11 683
Or					
Kilogramme	36 190	33 643	30 554	31 839	28 306
Pétrole					
Baril (Bbl)	6 797 000	6 414 000	8 737 000	8 003 000	7 527 090

The DRC government has demonstrated its determination to make oil a strategic sector for economic diversification and to strengthen its energy sovereignty. With the award of oil and gas licences by the DRC, and provided that the feasibility of exploitation projects will be demonstrated, between now and 2030 new oil and gas concessions could be developed. Technologies for exploring and exploiting oil and gas reserves (generally at great depths) have evolved considerably, and it is now possible to do so while taking care to minimise the impact on forest cover and peatlands.

Nevertheless, the exploitation of hydrocarbons in the DRC remains controversial.

Following the failure and cancellation of the previous call for tenders for hydrocarbon exploration, the reasons for which included an unattractive petroleum code, the absence of accurate seismic data and the presence of protected areas in the proposed blocks.

¹ OIB: Gross Domestic Product

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On 2 May 2025, the Congolese authorities decided to reopen the exploration file for 52 new oil blocks in the central basin, in addition to the 3 blocks already awarded (Mbandaka, Lokoro and Busira) to CoMiCo.

However, many observers are pointing to the environmental risks and climatic impact of this decision. They also believe that it runs counter to the DRC's strategy, which 'seeks to position itself as a key player in the global fight against climate change, and thus derive maximum sustainable benefit from this carbon credit' (source Aimé Sakombi Molendo: 'En RDC, sur le pétrole, le gouvernement ne reculera plus'; <https://youtu.be/TJCvNKNx72A>).

Carrying out this 1st strategic environmental and social assessment of the hydrocarbons sector in the DRC would enable the Government to better diagnose the current situation, but also to formulate recommendations and facilitate the revision of the hydrocarbons code in line with environmental and social standards.

This strategic environmental and social study of the hydrocarbons sector is fully in line with the national REDD+ investment plan, in which the DRC is committed to developing the mining and hydrocarbons sectors in a competitive and – as far as possible in these sectors – sustainable way, causing as little environmental damage as possible, with a participatory approach that minimises negative impacts on forests, water resources, protected areas and other environmental assets.

The Central African Forest Initiative (CAFI) was founded by a few donor countries that are members of the CBFP to support the main forest countries of COMIFAC in their forest conservation policies, and to support the implementation of the REDD+ framework. This collaborative partnership between six partner countries in Central Africa aims to preserve the value of the forests in the Congo Basin region to mitigate climate change, reduce poverty and ensure sustainable development.

CAFI's partnership with the DRC began in 2015, when the government adopted its National REDD+ Investment Plan, based on which a letter of intent was signed for the period 2016-2020, involving the National REDD+ Fund (FONAREDD), followed by a second letter of intent for the period 2021-2031.

This letter of intent outlines ([Letter-of-Intent-with-the-DRC-2021-2031-with-annexes.pdf](#)) :

Vision: To develop competitive and sustainable mining and hydrocarbons sectors, the foundation of an emerging country and the well-being of the Congolese population, while being a model country in terms of exploitation with low impact on the environment in general and especially on forests and biodiversity.

Objectives 2026: Revise the regulatory framework for environmental and social impact assessments using a participatory approach involving all stakeholders, with a strong emphasis on the principles of separation of roles and feedback, and on the direct and indirect impacts of mining and hydrocarbon investments on forests, water resources and protected areas.

Objectives 2031: Adopt and implement REDD+ standards for mining and hydrocarbon investments in forest areas in a participatory and transparent manner, with a strengthened regime in high-value forests and peatlands, so as to prevent, mitigate, reduce and if necessary compensate for their direct and indirect impacts on forests and biodiversity, taking into account the Congolese legal framework and national and international best practice in this area; ensure independent review of the implementation of REDD+ standards.

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Political milestones at the end of 2023 for the DRC:

- a. Demonstrate the implementation of the legal obligations to carry out environmental and social assessments by operators operating in the forestry, mining, hydrocarbons, agriculture, infrastructure and energy sectors, etc.*
- b. Respect the ban on any mining and hydrocarbon activity incompatible with conservation objectives in protected areas, in accordance with the legal framework in force².*
- c. Carry out, with a view to supporting land use planning processes, an analysis to determine the extent to which mining and hydrocarbon claims overlap with and/or impact protected areas, high-value forests and peatlands, in order to adopt appropriate prevention or mitigation measures, and to publish and implement the resulting results by the end of 2023.*
- d. Make any mining and hydrocarbon investments in the buffer zone of protected areas conditional on the fact that they do not have a negative impact on the protected area and make such investments subject to a prior environmental and social impact assessment, accompanied by its duly approved management plan, in accordance with the legal framework in force³.*
- e. The REDD+ Standards⁴ are developed in a participatory manner, adopted and integrated into the Manual of Operations and Procedures for Environmental and Social Assessments, taking into account national and international best practices in relation to the prevention, mitigation and compensation (in order of priority) of the direct and indirect negative impacts of mining and hydrocarbon investments, by the end of 2023. REDD+ standards are accompanied by an independent audit mechanism.*
- f. All mining and hydrocarbon concession contracts are published, in accordance with agreements between the Government of the DRC and the Extractive Industries Transparency Initiative (EITI) by the end of 2022.*

It is within this framework that the project, Co-financed by FONAREDD from CAFI resources, will be carried out for the DRC's Ministry of the Environment and Sustainable Development by GIZ.

The project is being carried out by the Integrated Economic Development of the Mining Sector Project (DISM II), in partnership with the Congolese Environment Agency (ACE), which is responsible for environmental and social assessments and for monitoring and controlling the implementation of ESMPs at national level.

² Article 25 of Law No. 14/003 of 11 February 2014 on Nature Conservation.

³ Article 19 of Law No. 14/003 of 11 February 2014 on Nature Conservation.

⁴ Social and environmental standards that are limited to the impacts on forest ecosystems.

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The project involves several tasks, including a Strategic Environmental and Social Assessment (SESA). For this reason, GIZ intends to call on a firm of consultants (hereafter: the contractor) to help GIZ and the partners to carry out the SESA in DRC's oil and gas sector.

The SESA will be carried out for the key sector of oil and gas, to analyse the risks and expected negative impacts on the environment and social, health & safety and work aspects as well as the expected positive and possible negative impacts for the national economic development of the DRC. This work will help to identify good and bad practices in the oil and gas sector in the provinces concerned; and in partnership with all players, including those responsible for planning, territorial and regional administrations, the ministries concerned and other public entities, public and private sector decision-makers and civil society players, including those representing Indigenous Peoples and local communities, to propose operating standards incorporating REDD+ standards in the oil and gas sector. Good practice guides will be developed based on the constructive dialogue between public and private parties and civil society, drawing on the experience gained with dialogue platforms in the extractive sector over the last twelve years, such as EITI. This guide should take into account all environmental aspects (air, water, soil, climate impacts, biodiversity, ecosystem services, etc.) and social aspects (population displacement, social funds, education, health and safety, working conditions, conflict dynamics, etc.).

2. Tasks to be performed by the contractor

2.1 Term

The expected term of the contract for services must be specified in the 'Special terms and conditions of contract'. The definitive term and service delivery period are set out in the contract award notification

As an indication, the entire service is planned to take place for 12 months, with first, the realisation of the strategic environmental and social assessment itself in the DRC, and at the same time, the preparation of the products resulting from the recommendations and SESA Action Plan for the Government, detailing key tasks, timelines and responsible parties, where possible, for the DRC.

2.2 Objectives, indicators, work packages, milestones

In view of the specific nature of the hydrocarbon sector in the DRC, it was decided to outsource the service and entrust the strategic environmental and social study of the hydrocarbon sector and the various deliverables expected to an international consultancy firm made up of international and national (DRC) experts in order to usefully combine local and international/regional knowledge and know-how. The selected team should have a wide range of skills, including environmental management, conducting a strategic study at national level, social and environmental responsibility, the mining sector, mining legislation and database development and management.

The Contractor is responsible for delivering the following work packages and the accompanying milestones:

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Carry out the SESA in the oil and gas sector in the DRC accompanied by appropriate tools for the Government (MEDD, Ministry of Hydrocarbons, Forestry etc.) including a detailed action plan with key tasks, timelines and responsible parties, and ACE to manage and to strengthen sectoral environmental and social governance.

SESA will also identify the measures necessary and methods how to implement them effectively on the ground to secure the environmentally least harmful and socially equitable development of the oil and gas sector through:

1. Identifying and increasing attention to potential environmental and social risks, direct and indirect impacts and concerns around the development of the oil and gas sector;
2. Identifying and strengthening environmental and social management approaches and practical tools for the Government to manage sectoral environmental and social governance
3. Identifying and strengthening instruments and approaches that can improve environmental and social accountability, including by increasing the transparency of processes in the oil and gas sector and establishing simple, safe and accessible feedback and/or complaint mechanisms.
4. Support strengthening actors' capacity relevant for the sector to manage environmental and social risks related to the development of the oil and gas sector according to the mitigation hierarchy (avoid, minimise, mitigate and offset).

The contractor will contribute to the following specific indicators for the DRC:

1. The SESA for the oil and gas sector in the Democratic Republic of Congo completed by the second half of 2027;
2. Contribution to the preparation and consensus on proposed standards and guidelines in line with international standards (esp. IFC Performance Standards) and DRC's climate, biodiversity and human rights commitments;
3. Various environmental and social governance texts (laws, regulatory frameworks, etc.) and tools proposed by the SESA for the oil and gas sector are developed and made available to the ACE by 2027, such as socio-environmental management standards and good practice guides according to international standards (esp. IFC Performance Standards) and in line with DRC's climate, biodiversity, and human rights commitments.

To this end, the SESA will consist of:

(i) Scoping:

- Defining all planning issues which need to be addressed in the assessment.
- Establishing a clear scope, focusing the work on what is actually needed.

(ii) Analysis:

- Analysing the law on the fundamental principles of environmental protection / the forestry code / the law on the general regime for hydrocarbons, as well as the EITI recommendations and national REDD+ standards in the DRC for its potential environmental and social risks and impacts, including cumulative, secondary and synergistic effects.

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- Identifying and denominating inconsistencies and loopholes in laws and policies, as well as enforcement gaps which could lead to greenwashing and/or corruption
- Analysis and evaluation of economic policies responsible for managing the oil and gas sector
- Analysis and evaluation of independent audit and complaints mechanisms
- The identification of human, financial and material needs for the implementation of the recommendations emanating from the SESA. The consultant will assess the competencies and capacities of public institutions at the local, regional and national levels and recommend measures to strengthen or develop them so that the implementation, management and monitoring plan proposed by the SESA can be effective. These recommendations may include adjustments to the functions and prerogatives and responsibilities of the agencies, interinstitutional arrangements, management procedures, recruitment or new assignments, training actions, all accompanied by a budget and financial support.
- Elaboration of a stakeholder map and identification and analysis of stakeholders' concerns through a consultative process, including vulnerable and marginalised people and their organisations, as well as Indigenous Peoples (applying FPIC standards).
- Summary of inclusive public consultations (at least 5, 1 for each major exploration zone). For the selection of persons to be consulted, it needs to be ensured that women, youth and vulnerable groups are effectively considered and heard, see paragraph on "gender equality".

Based on the different analyses and stakeholder mapping, the consultant will **analyse the major environmental and social risks and impacts arising from the oil and gas sector**, including those related to:

- ✓ The development of transport, energy and water infrastructure networks;
- ✓ Deforestation, forest degradation, wetland loss, conversion of natural habitats and loss of biodiversity;
- ✓ General human health and safety (affected population in general), including the risk of limnic eruption,;
- ✓ Labour rights, health and safety and security of workers at the oil and gas sites;
- ✓ Soil and water contamination;
- ✓ Air pollution, including but not limited to gas flaring
- ✓ Compensating/ offsetting of deforestation, degradation, contamination
- ✓ Disregard for proper decontamination, restoration, re-/afforestation of exploited oil and gas sites;
- ✓ The changing (e.g. increasing or excessive) demand of local public and social services due to internal and cross-border migration induced by oil and gas activities and associated activities;
- ✓ Specific impacts on vulnerable populations (Indigenous Peoples, women and children, etc.) and their specific participation and self-determination rights

- ✓ Ongoing internal and international (armed) conflicts and potential for new or worsened conflict dynamics, as well as (organized) crime
 - ✓ The security risks and conflict dynamics associated with rapid changes in the environment and local communities;
 - ✓ Potential expropriations and relocations of local communities, in particular Indigenous Populations
 - ✓ Loss of sites of archaeological, cultural or religious/spiritual value.
 - ✓ Good environmental and social governance, respective implementation and accountability in the oil and gas sector, including risks related to corruption and clientelism
- Results are described in detail and used to
 - Develop measures and alternative planning options that minimize negative environmental and social impacts following the mitigation hierarchy (avoid, minimise, mitigate, restore, compensate, offset) and leverage positive impacts, including no-expansion scenarios and other diversification alternatives (e.g. growth of green economy).
 - Generate significant and urgent interest among political authorities in the implementation of environmental and social management standards in the hydrocarbon and gas sector
 - Generate political will to establish and enforce binding regulations for various stakeholders in the hydrocarbon and gas sector, including legal obligations to carry out environmental and social assessments accompanied by duly approved management plans, in accordance with the legal framework in force⁵.
 - Respect the ban on any mining and hydrocarbon activity incompatible with conservation objectives in protected areas, in accordance with the legal framework in force⁶.
 - Protect and preserve Ramsar sites, key biodiversity areas, and culturally sensitive sites that may be endangered by oil and gas exploitation, including through exclusion zones.
 - Encourage the end of dangerous practices that increase greenhouse gas emissions, particularly gas flaring, by proposing binding measures to the various stakeholders in the hydrocarbon and gas sector and green growth alternatives.
 - Strengthen transparency and accountability in the oil and gas sector, including through independent audit and complaint and redress mechanisms
 - Facilitate the collection of emissions data within the framework of NDCs, so that this data can effectively guide climate policy with regard to acceptable emission levels in line with the Congolese government's commitments.

⁵ Article 19 of Law No. 14/003 of 11 February 2014 on Nature Conservation

⁶ Article 25 of Law No. 14/003 of 11 February 2014 on Nature Conservation

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(iii) **Environmental report:**

- All findings of the above-mentioned analysis need to be documented and presented in an environmental report,
- The environmental report should clearly label uncertainties, unresolved trade-offs, and high-risk options, and state where oil and gas exploration and exploitation is incompatible with national and international commitments to prevent selective citation of only positive messages,
- This report will include recommendations (in order of priority) and will identify practical approaches and tools for good environmental and social governance in the oil and gas sector.

The Contractor is responsible for the performance of the services and the production of the outputs:

Output 1: Strategic environmental and social assessment (SESA) of the oil and gas sector in the DRC

Complementing the previous phases, the list of strategic recommendations will be drawn up with a view to adjusting the political, legal, regulatory and institutional framework for the proper management of the environmental and social aspects of the oil and gas sector which will have to be validated by the Government.

The SESA is required to be in line with the World Bank's Environmental and Social Standards (including pursuant guidance documents) and will include:

- Legal and regulatory framework: Proposals for changes to the legal and regulatory framework that would improve the management of the environment and social aspects related to the development of the hydrocarbon and gas sector, including independent audit and complaints mechanisms, civil society oversight mechanisms and effective sanctions for breaches of environmental and social obligations.
- Environmental and Social Impact Assessments (ESIA): Proposals concerning the methodologies, procedures and conditions for carrying out environmental and social impact assessments (ESIA) at the project/investment level: how to elaborate (for consultants) and how to evaluate (for government officials) ESIA and how to monitor/ensure their implementation at the project / investment level; as well as the capacity of the administrations to manage and analyse such assessments.
- Environmental compliance certificates: Procedures and conditions for granting environmental compliance certificates to investors in the oil and gas sector will be the subject of recommendations, as well as the mechanisms for assessing the "environmental costs" of oil and gas projects and the legal provisions for compensation in the event of overlaps with other activities. Proposal for arbitration tools (economic, social, environmental) in the event of overlapping activities in an oil and gas production area. Recommendations will be made regarding the definition of environmental compliance for oil and gas projects according to the specific conditions of each oil and gas area of interest, along with the measures to be prioritised in each area (the conditions for methane gas exploitation in Lake Kivu are specific to this area). This is to ensure that the prerequisites for environmental protection are understood and respected.

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- Capacity strengthening: Proposals for measures to strengthen national capacity to address social problems related to the oil and gas sector: proposal of modalities for strengthening existing capacity, identification of key institutions to carry out reforms, including the necessary budget for the conduct of activities and monitoring and evaluation of indicators (creation of a hydrocarbon chamber that will play the same role as the mining chamber).
- Action plan: Elaboration of a comprehensive action plan detailing key tasks, timelines, indicators (and responsible parties,) for the Ministry of Hydrocarbons and the Ministry of Environment, and support for the development of the necessary legal texts, guidelines and standards. Considering the need to set up a robust expertise and its likely role in the evaluation and/or validation of environmental and social impact assessments of the oil and gas sector, the Consultant will propose actions to strengthen the technical skills, jurisdictions and responsibilities of the institutions concerned.
- Training program at provincial and local levels: Elaborate a training programme for provincial and local institutions, so that they are able to meet their responsibilities at their respective levels, particularly in terms of monitoring, controlling and reporting on the effective implementation of the Environmental and Social Management Plans (ESMP) prescribed to promoters by the certificates of environmental compliance issued.
- Planning frameworks: To complement the proposed institutional and legal improvements, a set of "planning frameworks" shall be produced. This package will need to be discussed and determined in the early stages of the SESA and may include:
 - i) a policy framework for relocation;
 - (ii) a planning framework for Indigenous Peoples; and
 - (iii) an environmental and social management framework.
- Recommendations regarding fair revenue sharing and subnational revenues (including economic benefits, social infrastructure, etc. for the population). These recommendations should also include the development of anti-corruption measures e.g. conflict-of-interest management, transparent permitting workflows, whistleblower channels, etc.
- Compensatory measures: In 2021, the DRC submitted its revised Nationally Determined Contributions (NDC) to the UNFCCC secretariat. The country commits to an unconditional emissions reduction target of 2% and a conditional target of 21% by 2030. The revised NDC covers the agricultural, forestry, health, coastal areas, energy, and waste sectors.

The exploration of and probable extraction activities in the oil and gas sectors will inherently entail negative environmental and climate impacts and contribute to a consolidation of the fossil sector. Thus, it will counteract the achievement of the NDCs' objectives. To still meet the NDCs' objectives, it is crucial to develop compensatory measures and to pursue the path towards "just transition" in the medium and long term.

Therefore, the consultant needs to elaborate a low-carbon development pathway for DRC's internal energy supply and national economy. The pathway should offer viable proposals for DRC political partners on ecologically sustainable, climate-friendly compensatory measures as a counterweight to the likely development of the oil and gas sectors. It should include i.a. proposals for measures around "development, investment and expansion of renewable energies" and other climate-friendly, low-carbon energy and/or economic alternatives for an NDC supportive and ecologically sustainable national development. It should subsequently carry out a climate vulnerability analysis to better assess the risks associated with climate

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change due to transport infrastructure and economic activities that will expand in different development areas (e.g. along the Lobito corridor).

Apart from analysing negative and positive impacts of national sectoral development policies in the oil and gas sector, the SESA shall:

- identify good and bad practices in relation to the prevention, mitigation and compensation (in order of priority) of the direct and indirect negative impacts of oil and gas investments, and evaluate the feasibility of implementing best practices according to the categories of actors, regions or sectors
- Propose environmental and social standards based on both the experience acquired at the national and international levels, particularly integrating REDD+ standards in the forestry sector management.
- Strengthen the role of forestry and protected area authorities in oil and gas exploitation by involving them in ESIA assessments, monitoring procedures and promoting institutional exchanges with oil sector authorities;
- Designate non-oil zones, i.e. sensitive areas incompatible with any oil exploiting activity, using protected areas, peatlands, tropical forests, agricultural and population centers as reference points.
- Help develop plans to ban or phase out gas flaring
- Identify other best practices and available technologies to minimize air pollution resulting from oil and gas production
- Require that methane gas production return deep water to stable depth zones to maintain the stable stratification of Lake Kivu.
- Identify viable gas exploitation methods which significantly reduce greenhouse gas emission into the atmosphere
- Propose a limnological early warning mechanism on and around the Congolese part of Lake Kivu to prevent any potential limnic eruption.
- Develop a methodology for how climate impacts of the oil and gas sector can be taken into account for Congolese NDCs

Based on the information collected from professionals, evaluations will be carried out of the direct and indirect costs related to the implementation or, on the contrary, the consequences of not including mandatory or voluntary measures aimed at minimizing negative impacts and optimizing positive impacts in the sector.

The SESA will aim to understand and explain why and how some practices are implemented, and others not. But most importantly, the SESA shall identify and develop practical means how existing laws, regulations and strategies regarding the oil and gas sector can be effectively implemented and enforced on the ground by the stakeholders involved to achieve the most environmentally and socially friendly methods and practices in the oil and gas sector possible.

The standards developed in the framework of the SESA and agreed on a consensus (see work package 2) will be proposed to the government to make them mandatory and binding in national regulations and laws.

Output 2: SWOT analysis and recommendations for the oil and gas sector

The SWOT analysis will make it possible to list the positive and negative, desirable and undesirable processes and to anticipate the opportunities and threats that could influence the development of activities in the sector. To finalize the SWOT analysis, the various stakeholders

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will be invited to workshops and consultations to ensure that the conclusions and recommendations accurately reflect the position of the local players concerned.

The analysis, informed by the true direct and indirect environmental and social impacts of the sector, should enable stakeholders to identify what really needs to be imposed by regulations and what shall be proposed in the best practice guides, so that **environmental and social governance** in this sector can be improved.

The purpose of the SWOT analysis is to feed into the process of preparing standards and best practice guides, facilitating choices between options and strategic decisions, while fully adhering to international standards as well as the agreements between CAFI and DRC as stipulated in the Letter of Intent for the period 2021-2031.

Output 3: Socio-environmental management standards for the DRC

Based on the proposals resulting from the SESA of the oil and gas sector and taking into account the various existing international codes, regulations and standards, the consultant will have to prepare a document of applicable standards to be complied with by oil and gas companies.

The "Socio-Environmental Standards" for sustainable development of the hydrocarbon and gas sectors will serve as a basis for updating and drafting regulatory texts, and to:

- Identify the direct and indirect impacts and their magnitude on local populations and the environment, including identification of high-risk measures;
- Identify the levels of precision of the ESIA to be carried out and the management plan to be developed according to the magnitude and nature of these impacts;
- Define requirements of the management plan to be developed, according to the magnitude and nature of the identified impacts and in line with the order of priority prevention, mitigation and compensation
- Define monitoring systems with indicators and reporting frequencies and assigned responsible institutions
- Propose binding technical emission standards and monitoring systems to limit CO₂ and CH₄ emissions during gas production in Lake Kivu, favoring the least polluting processes with the smallest carbon footprints.
- Strengthening forest-friendly oil and gas exploitation standards, which are those of the World Bank. The consultant will need to enable operators and authorities to familiarize themselves with these standards to apply them more effectively.
- Remove certain inconsistencies or shortcomings and propose improvements between the Code and the regulations to facilitate their application. Socio-environmental standards will only become binding after they have been made official by a regulatory text making their implementation mandatory

The consultant will accompany this process but is not responsible for the Government's final decision on the matter.

Output 4: Guide to good environmental and social practices for the DRC

To facilitate the application of the standards, a separate good practice guide (or integrated in one guide) on environmentally least harmful practices and exemplary social practices (incl. Health & Safety, Child labour, corruption prevention, transparency and accountability, etc.) in

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the gas and oil sectors should be developed at the same time. The good practice guide shall enable both professional actors and administrative oversight bodies to better understand how to put these standards into practice based on the best experiences in the field.

The "Guide of Good Practices" informs and capitalizes on the good practices that exist (in virtuous companies in the DRC and around the world) in response to the identified impacts that should be avoided, mitigated and compensated in accordance with established standards. This guide, which is non-binding, should inform and guide stakeholders on the implementation of these guidelines according to the category of project or company.

Recommendations for the implementation of good practices may include regulatory measures, and tax incentives (positive and negative), investment support measures for operators, performance-based payment solutions, etc.

Requirement for periodic independent audits should be included of how the mitigation hierarchy will be applied in projects (e.g., percentage of impacts truly avoided versus "compensated"), with auditor selection independent from project developers.

The format of the guide and sectoral standards is established by the consultants in collaboration with the MEDD and the ACE considering the recommendations of the multi-stakeholder consultations to standardize the documents produced.

Output 5: Draft implementing legislation for the DRC

Taking into account the various existing codes (hydrocarbons, environment, etc.), regulations and standards (REDD+,...) and their application, as well as SESA recommendations, the consultants, in collaboration with the legal services of the national administrations and the project team, will provide support for the drafting of proposals to amend or add to texts or regulations, together with the reasons for doing so.

Work packages, milestones and timelines

Deliverable	Milestones	Delivery date/period
Work package 1: Elaboration of a Strategic Environmental and Social Assessment (SESA)		
Scoping of the SESA and Inception report	Final inception report is submitted to GIZ	1 month after the start of the contract
	Workshop with implementing partners to present scoping study and work plan of the SESA (from the inception report)	1,5 months after the start of the contract
Documentary review	The documentary database is accessible to the public	2 months after the start of the contract

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Final report on analysis and evaluation of the major environmental and social risks and impacts arising from the oil and gas sector,	Analysis is presented to implementing partners during a workshop	3 months after the start of the contract
Final report on analysis and evaluation of plan/policy/programme/strategy/ forestry code, EITI, REDD+, etc for its potential environmental and social risks and impacts of the oil and gas sector, including inconsistencies, loopholes and enforcement gaps	Analysis is presented to implementing partners during a workshop	3 months after the start of the contract
Final report on analysis and evaluation of economic policies responsible for managing the oil and gas sector	Analysis is presented to implementing partners during a workshop	3 months after the start of the contract
Final report on analysis and evaluation of independent audit and complaints mechanisms	Analysis is presented to implementing partners during a workshop	3 months after the start of the contract
Stakeholder map and final stakeholder analysis	Stakeholder map and final stakeholder analysis are presented to implementing partners during a workshop	3 months after the start of the contract
Final analysis and assessment of institutional capacities of national organisations in charge of hydrocarbon	Analysis is presented to implementing partners during a workshop	3 months after the start of the contract
Awareness raising activities, sensibilisation and collect feedback	At least 5 inclusive public consultations within the Country are conducted	4 months after the start of the contract

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Summary of inclusive public consultations"	At least 5 inclusive public consultations within the Country	8 months after the start of the contract
Developing a comprehensive action Plan detailing key task, timelines (and responsible parties, where possible)	Action plan is presented to implementing partners during a workshop	5 months after the start of the contract
Finalising the SESA	Draft version of the SESA is submitted to GIZ for review Comments by GIZ and implementing partners to be included in the SESA Final version of the SESA is submitted to GIZ SESA is presented to implementing partners for adoption	10 months after the start of the contract
Work package 2: Building a consensus on the proposed standards and guidelines		
Final report on SWOT analysis and recommendations for the oil and gas sector in line with international standards e.g. IPC	SWOT Analysis and recommendations for the oil sector are presented to implementing partners	10 months after the start of the contract
Final guide on environmental and social good practices for professional actors and administrative oversight bodies	Guide on environmental and social good practices are presented to implementing partners	11 months after the start of the contract
Work package 3 : Developing various environmental and social governance texts (laws, regulatory frameworks, etc.) and make them available to the Government		

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Final draft of proposals for texts with explanatory memorandums	Draft implementing legislation for the DRC are presented to implementing partners	11 months after the start of the contract
Final Socio-environmental management standards for the DRC	Standards for the DRC are presented to implementing partners	12 months after the start of the contract

2.3 Project and knowledge management requirements

Requirements on the assignment of experts:

- The contractor assumes responsibility for the selection, preparation, further training and management of the experts assigned to the consulting tasks.

Requirements for expenditure and cost management:

- The contractor controls the expenses and costs, keeps the accounts and carries out the invoicing in accordance with GIZ requirements.

Monitoring and reporting requirements:

The contractor actively contributes to the results-oriented monitoring of the project. Regular monitoring should include at least the following sub-areas:

- Degree of completion of activities;
- The extent to which the objectives, indicators and outputs identified in Chapter 2.2 of these ToR have been achieved;
- Results obtained in the area of responsibility of the contractor;
- Results achieved outside the contractor's direct area of responsibility: collaboration between the DRC and Rwanda and their respective administrations regarding governance of gas production in Lake Kivu,
- Risks, including the risk that the SESA, proposed standards and good practices will be used to create an appearance of due diligence without constraining harmful decisions (greenwashing)

The consultant is part of the monitoring and evaluation system of the GIZ/DISM project in the DRC and at the same time informs the monitoring and evaluation system of the GIZ project to strengthen Congo's environmental governance.

- The Contractor shall inform GIZ on a regular basis in accordance with the General Terms and Conditions for the Provision of Services and Works (General Terms and Conditions) for the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in the version applicable to this contract.
- If significant risks, including in relation to greenwashing, become apparent or manifest, GIZ should be informed immediately.
- In addition to the reports provided for in the GIZ Terms and Conditions, the Contractor provides the following reports:

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- Inception report;
- Contributions to reports to GIZ's client/client;
- Quarterly and semi-annual summary reports on the progress of the project (5 to 7 pages).

Communication requirements

The Contractor shall agree upon and adhere to the communication strategy of the commissioning project and all related communication messages. The Contractor shall refrain from issuing any public statements, announcements, or disclosures regarding the project without prior notification to and approval from GIZ or the commissioning project.

The outputs developed by the contractor, including the SESA and other documents, are not allowed to be shared or published before having been finalised and approved by the Steering Committee and without prior consent from GIZ or the commissioning project.

Requirements for the contractor's contribution to learning, knowledge and innovation at enterprise level:

- Contributions to technical conferences: EITI and relevant dialogue platforms by providing expertise and animating discussions when relevant
- The contractor's experts actively participate in GIZ's sectoral network Resource Governance
- The contractor shall support the conduct of an independent evaluation of the project with a focus on how to ensure adequate knowledge management.
- (Virtual) debriefing with the GIZ project in DRC and with the relevant competence centre (KC 4) of the GIZ centre of expertise at the end of the contract and joint sending of the developed materials as well as interim and final reports to the competence centre.
- The contractor declares that it is ready to supervise project assistants or interns who, as part of the separately funded GIZ Young Professionals Promotion Programme, work within the project for training and carry out special tasks for the project.

Backstopping requirements:

The contractor ensures appropriate backstopping. The standard technical support package includes the following services, which must be included in the rates of the proposed staff fees as ancillary personnel expenses in accordance with the General Terms and Conditions for the Provision of Services and Works (General Terms and Conditions) for Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in the version applicable to this contract:

- The contractor's responsibility for its own staff
- Ensuring the flow of information between GIZ and the contractor's field staff
- Technical and conceptual management of the contribution to the study and consulting activities according to a process-oriented approach
- Steering adaptations to changing framework conditions
- Performance monitoring
- Ensuring the administrative management of the project

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- Ensuring compliance with reporting requirements
- Technical support by the contractor's staff for its personnel on the ground
- Making local use of and sharing the lessons learned by the contractor with the GIZ team.

2.4 Data protection and information security

The provisions on data protection and information security of the current version of GIZ's General Terms and Conditions of Contract (sections 1.6. Confidentiality and 1.10 Data protection) apply.

The performance of the contract may be associated with the processing of personal data by the contractor, such as (but not limited to) names and contact information and who would alone define the nature of such data and how such processing would be carried out. In such cases, the contractor shall act as an independent DATA CONTROLLER and must alone comply with ALL applicable data protection obligations, including those stemming from regional and local laws. The contractor shall process personal data only when a given goal cannot be reasonably attained without such data. The data protection principles such as lawfulness, data minimization, accuracy, purpose limitation, storage limitation, transparency, integrity and confidentiality, and accountability, as well as the numerous rights of the data subject must be paid due attention. The GIZ is NOT in any way responsible for such processing.

Whenever the contractor executes the instructions of a partner to the GIZ with regard to such processing, the partner shall be the data controller, and the data processing shall be carried out in accordance with the partner's instructions as well as laws and standards to which it is subject.

If the contractor is not subject to the GDPR and the applicable laws do not contain any explanation on the data protection principles and rights mentioned here, the definitions and meanings provided by the GDPR (Regulation (EU) 2016/679) should be considered.

2.5 Other requirements

Safeguard measures and gender with a concrete link to the benefit:

To promote gender equality and/or to avoid or mitigate possible unintended negative outcomes in its field of action, the Contractor shall implement the following key measures:

- Gender equality:
Ensure that women, youth and vulnerable populations are effectively considered in studies, consultations and work; and that adequate measures to promote their participation are taken.
- Environment and climate protection (mitigation) / adaptation to climate change:
Consider the effects of climate change in analyses related to the impacts of the mining sector on the environment.

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- **Conflict and Sensitivity to Context:**
Consider in the context of data collection work that certain regions concerned by mining development are risk areas with elevated crime and violence levels and/or active armed conflict.
- **Human rights:**
Take human rights into account in the context of strategic environmental studies, the preparation of standards and the preparation of good practice guides, in particular the rights of workers within companies and unsalaried artisanal miners in mining areas, and the rights of women, young people and Indigenous Peoples.
- **Security measures:**
For data collection and stakeholder consultation activities in areas deemed to be at risk (particularly in North Kivu), the consultant will consult and comply with the recommendations of the GIZ Security Officer.

The contractor's staffing profile should be balanced in terms of gender and age.

Security and health precautions

The security and health situation in the Democratic Republic of the Congo varies depending on the province and the area of operation. Certain regions may be affected by armed conflict, community tensions, population movements, logistical constraints or health risks that could impact the delivery of field activities.

In this context, all field missions will be planned with constant consideration of developments in the security and health situation. Travel, surveys and stakeholder consultations must be prepared in close coordination with GIZ, which will ensure compliance with applicable security procedures.

Given the expected duration of the contract (12 months), the security and health context is likely to evolve during the implementation of the study. The Consultants and GIZ may exercise flexibility in planning activities and, where necessary, propose alternative methods for data collection and stakeholder consultation when security or public health conditions do not permit the planned missions to take place. The safety of staff, partners and the communities concerned must be considered a priority throughout the execution of the contract.

3. Technical-methodological concept

In this section, the tenderer is required to reflect on the objectives and terms of reference of the tender at hand, describe the partner system and its processes in the area of responsibility and present the technical-methodological concept for completing the tasks listed in section 2 and achieving the set objectives. In addition, the tenderer must describe the design of the project management process.

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3.1 Interpretation of objectives (section 1.1 of the assessment grid)

The tenderer is required to interpret the objectives for which they are responsible. Simple repetition of the objectives formulated in section 2 of the ToRs is not deemed sufficient. Rather, the contractor is to describe and interpret the changes in the partner system that are to be directly achieved by the object of the tender procedure. The resulting positive impact on the partner system (section 1.1.1 of the assessment grid) should also be presented.

The contractor must undertake a critical examination of the ToRs (section 1.1.2 of the assessment grid), by:

- undertaking an assessment of the appropriateness of the personnel concept for implementing the scheduled tasks;
- providing an assessment of the results hypotheses for achieving the objectives and possible risks in implementation (e.g. that the SESA could be used for greenwashing the oil and gas sector where political actors selectively interpret SESA findings);
- making an assessment of the technical concept

3.2 Processes and actors in the partner system (section 1.2 of the assessment grid)

Processes describe actions or sets of tasks that are necessary to render specific services in a sector or in the cooperation/partner system. Specific actors are given responsibility for determining and implementing these actions and sets of tasks in line with the regulations. Actors are usually institutions such as ministries, local governments, associations and chambers, non-governmental organisations, companies in a sector or individual businesses, universities or banks, but may also be individuals (e.g. a person with higher decision-making authority).

The tenderer is required to describe the processes in the sector or partner system that are relevant to the services put out to tender (section 1.2.1 of the assessment grid).

The tenderer is required to present the actors (partners and others) who are relevant for the tender in the form of a map of actors (stakeholder map). As far as possible, the actors should be listed by name. Their mandates as well as strengths, weaknesses and interests with respect to the services put out to tender are also to be briefly presented (stakeholder analysis) (section 1.2.2 of the assessment grid).

In addition, the tenderer is required to describe the interaction between the actors mentioned above. This can consist of a description of the specific collaboration between individual actors in the processes listed above, of the dependencies or conflicts between the actors and their consequences or of existing dialogue and communication formats (section 1.2.3 of the assessment grid).

3.3 Strategy (section 1.3 of the assessment grid)

The strategy for delivering the services in the tender is the core element of the technical-methodological concept. It is composed of the following elements:

- Procedure for achieving the objectives stated in section 2.2 of these ToRs

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- Development of partnerships with the relevant actors
- Approaches for leverage effects and measures for scaling-up
- Consideration of environmental and social compatibility requirements (including gender equality)
- Appropriate consideration of further requirements

3.3.1 Strategic approach to achieving the objectives mentioned in the ToRs

(section 1.3.1 of the assessment grid)

The tenderer is required to describe and justify the approach they plan to adopt in order to achieve the milestones, objectives and results (see section 2) for which they are responsible.

3.3.2 Building partnerships with the relevant actors

(section 1.3.2 of the assessment grid)

The tenderer is required to develop and describe a strategy for developing the cooperation with the actors in the partner system who are relevant for the implementation of the services in the tender. The project partnerships already mentioned in section 1 must also be considered.

3.3.3 Approaches for leverage effects and measures for scaling-up

(section 1.3.3 of the assessment grid)

The tenderer is required to state whether there are promising approaches for leverage effects beyond the measures mentioned in section 2 (for example through targeted measures in the field of 'knowledge management') and to describe them. In doing so, the tenderer is required to present and explain measures that promote both horizontal and vertical scaling-up. In particular, the tenderer must submit proposals on how innovations that have been developed in the context of implementation can be disseminated beyond the sphere of influence of the project.

3.3.4 Consideration of environmental and social compatibility requirements

(section 1.3.4 of the assessment grid)

Gender equality

The tenderer is required to outline in the tender how it can prevent negative impacts on gender equality in its area of responsibility and how it can contribute to improving gender equality through corresponding measures (see also relevant requirements in section 2.5).

Environmental protection and climate action (climate change mitigation/adaptation)

The tenderer is required to outline in the tender how it can prevent negative impacts on the environment and the climate in its area of responsibility and, in addition, how it can contribute to improving the environmental and climate situation through corresponding measures (see also relevant requirements in section 2.5).

Conflict and context sensitivity

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The tenderer is required to outline in the tender how it is planning its activities in the context of conflicts or violence and what specific measures it has adopted for conflict- and context-sensitive implementation (see also relevant requirements in section 2.5).

Human rights

The tenderer is required to outline in the tender how it can prevent negative impacts on the human rights situation in its area of responsibility and how it can contribute to improving the human rights situation through corresponding measures (see also relevant requirements in section 2.5).

Requirement: 'Gender equality':	2 points out of 10 (maximum)
Requirement: 'Environmental protection and climate action (climate change mitigation/adaptation)':	2 points out of 10 (maximum)
Requirement: 'Conflict and context sensitivity':	3 points out of 10 (maximum)
Requirement: 'Human rights':	3 points out of 10 (maximum)

3.4 Project management

(section 1.4 of the assessment grid)

In this section, the tenderer presents the operational plan for implementing the services in the tender, describes the procedure for coordination with GIZ or the project and the project partners, and explains its monitoring procedure.

3.4.1 Operational plan

(section 1.4.1 of the assessment grid)

The tenderer is required to draw up and explain an operational plan for implementing the strategy described in section 3.3, including a plan for the assignment of all the experts included in the tender. The operational plan must include the assignment times (periods and expert days) and assignment locations of the individual experts, the milestones as presented in section 2 and, in particular, describe all the necessary work stages in detail and in chronological order. The tenderer can define further milestones beyond those prescribed in section 2 and map them out in the plan of operations.

3.4.2 Coordination with GIZ or the commissioning project

(section 1.4.2 of the assessment grid)

In the tender, the tenderer is required to describe the procedure for coordinating with GIZ or with the commissioning project. This should include coordination of communication measures and messages.

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3.4.3 Steering or coordination of measures with the relevant implementing partner (section 1.4.3 of the assessment grid)

In the tender, the tenderer is required to name the implementing partners relevant for implementing the services and to describe and explain the procedure for steering or coordinating the measures with them.

3.4.4 Monitoring (section 1.4.4 of the assessment grid)

In the tender, the tenderer is required to describe how it will regularly capture and document the status of completion of the tasks, the achievement of objectives, the results achieved and the risks in the area for which it is responsible in accordance with the specifications set out in section 2.

3.5 Further requirements (section 1.5 of the assessment grid)

- Not applicable -

4. Personnel

The tenderer is required to provide “experts” for the positions referred to and described (scope of tasks and qualifications) in this section based on corresponding CVs. **The requirements for the format and content of CVs are described in Chapter 6.**

The proposed team will consist of:

- 2 experts with international experience who will act as head of mission (KE 1) and deputy head of mission (KE 2) respectively (see profile of experts 1 and 2).
- 3 experts with national experience (DRC) will complete the team in specific fields (see profiles 3 to 5).

The qualifications mentioned below correspond to the requirements for achieving the maximum number of points in the technical evaluation.

“One year of professional experience” is defined as a cumulative total of 12 months of experts to at least 18 days of experts per month, unless a different definition is given for certain qualifications.

Key Expert 1 with regional/international experience: Team leader/Head of Mission (section 2.1 of the assessment grid)

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Tasks of Key Expert 1:

- Head of Mission SESA for the oil and gas sector in the DRC
- Overall responsibility for the packages of consulting services provided by the contractor
- Management of all other experts / team members, including identification of short-term assignment needs within the available budget, planning and steering of interventions, and supervision of experts with national, regional and international experience
- Ensuring the coherence and complementarity of the contractor's services with other project services at local and national level;
- Responsible for the design, implementation, monitoring and evaluation of capacity building actions of local partners in the following sectors: Strategic environmental and social assessment of the oil and gas sector at the national level
- Responsible for addressing cross-cutting issues (e.g. gender equality);
- Ensuring that results are monitored;
- Regular and timely reporting to GIZ project;
- Responsible for monitoring the use of funds and financial planning B in consultation with the GIZ Market Officer;
- Support to the Commissioning Officer for updating and/or adapting the project design, evaluations and preparation of a consecutive phase;
- Management of contacts with other donors and with the German embassy.

Qualifications of Key Expert 1:

Education/training (section 2.1.1 of the assessment grid):	University degree (Master's degree or German postgraduate degree) in Environmental Management, Forestry, Natural Resource Management
Language (section 2.1.2 of the assessment grid):	Knowledge of French, C2-level according to the Common European Framework of Reference for Languages
General professional experience (section 2.1.3 of the assessment grid):	• 12 years of professional experience in the environmental and natural resource management sector (4 points out of 10 max. points), • 5 years on environmental issues in the hydrocarbon sector, energy or forestry sectors (6 points out of 10 max. points).
Specific professional experience (section 2.1.4 of the assessment grid):	• 10 years of professional experience in writing or co-writing environmental and social impact assessments (ESIA) or strategic environmental and social assessments (SESA) (5 points out of 10 max. points) • 1 experience in managing a SESA related to natural resource management in the last 10 years (5 points out of 10 max. points).

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Leadership/management experience (section 2.1.5 of the assessment grid):	10 years of management experience in international projects, companies or other organisations as a senior executive performing disciplinary duties for at least 10 individuals
International professional experience outside the country/region of assignment (section 2.1.6 of the assessment grid):	10 years of professional experience in countries outside the DRC
Experience in the field of development cooperation (section 2.1.8 of the assessment grid):	5 years of professional experience in Sub-Saharan Africa (according to the United Nations Department of Economic and Social Affairs).
Other (section 2.1.9 of the assessment grid):	5 years of experience in international development cooperation projects
Miscellaneous (point 2.1.9 of the evaluation scheme):	Not applicable

Key Expert 2 with regional and international experience: Hydrocarbon Specialist
(section 2.2 of the assessment grid)

Tasks of Key Expert 2:

- Act as deputy head of mission and supports KE 1 in all tasks related to the management function of the process in the DRC (cf. tasks of the KE 1).
- With his international experience in the field of oil and gas, this expert brings outside expertise in the field of environmental and social governance on oil and gas, which are new sectors in the DRC.

Qualifications of Key Expert 2:

Education/training (section 2.2.1 of the assessment grid):	University degree (Master's degree or German postgraduate degree) in Natural Resource Management, or in Oil and Gas Energy Resources Engineering or equivalent
Language (section 2.2.2 of the assessment grid):	Knowledge of French, C2-level according to the Common European Framework of Reference for Languages

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General professional experience (section 2.2.3 of the assessment grid):	8 years of professional experience in the oil or gas sector (5 points out of 10 max. points) 2 years of experience on environmental issues in the oil and gas sector (5 points out of 10 max. points)
Specific professional experience (section 2.2.4 of the assessment grid):	8 years of professional experience in writing or co-writing environmental and social impact assessments (ESIA) (5 points out of 10 max. points) 1 experience in writing or co-writing a strategic environmental assessment (SESA) related to natural resource management in the last 10 years (5 points out of 10 max. points)
Leadership/management experience (section 2.2.5 of the assessment grid):	Not applicable
International professional experience outside the country/region of assignment (section 2.2.6 of the assessment grid):	8 years of professional experience in countries outside the DRC
Professional experience in the country/ region of assignment (2.2.7 of the assessment grid):	2 years of professional experience in Sub-Saharan Africa (according to the United Nations Department of Economic and Social Affairs)
Experience in the field of development cooperation (section 2.2.8 of the assessment grid):	Not applicable
Other (section 2.2.9 of the assessment grid):	Not applicable

Expert 3 with national experience: Environmental Specialist in the Oil and Gas Sector (section 2.3 of the assessment grid)

Tasks of Expert 3:

- Responsible for the environmental aspects in the SESA and the environmental issues related to the other tasks and deliverables of the contractor.

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Qualifications of Expert 3:

Education/training (section 2.3.1 of the assessment grid):	University Master's degree in Social Management, Corporate Social Responsibility (CSR) Social Protection, Social Development, Social Justice, Gender Equality, Labour and Employment Policies, Occupational Health and Safety, Sustainability Management
Language (section 2.3.2 of the assessment grid):	• Knowledge of French, C1-level according to the Common European Framework of Reference for Languages (5 points out of 10 max. points), • Knowledge of Lingala, comparable to C1-level according to the Common European Framework of Reference for Languages (5 points out of 10 max. points)
General professional experience (section 2.3.3 of the assessment grid):	• 15 years of professional experience in the environment and natural resource management sector (5 points out of 10 max points) • 5 years on environmental issues within the oil or gas sector (5 points out of 10 max points)
Specific professional experience (section 2.3.4 of the assessment grid):	• 8 years of professional experience in writing or co-writing environmental and social impact assessments (ESIA) (5 points out of 10 points max) • 1 year experience in writing or co-writing a strategic environmental assessment (SESA) related to natural resource management in the last 10 years. (5 points out of 10 points max)
Executive/management experience (point 2.3.5 of the evaluation scheme):	8 years of managing experience in natural resource-related projects as a senior expert
International work experience outside the country/region of intervention (point 2.3.6 of the evaluation scheme):	Not applicable
Professional experience in the country and/or region of intervention (point 2.3.7 of the evaluation scheme):	8 years of professional experience in DRC or Republic of Congo
Experience of development cooperation (section 2.3.8 of the evaluation framework):	Not applicable

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Miscellaneous (point 2.3.9 of the evaluation scheme):	Not applicable
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Expert 4 with national experience: Social Responsibility in the Oil and gas Sector
(section 2.4 of the assessment grid)

Tasks of Expert 4:

- Responsible for the social aspects in the SESA and the social issues related to the other tasks and deliverables of the contractor.

Qualifications of Expert 4:

Education/training (section 2.4.1 of the assessment grid):	University Master's degree in Social Management, Corporate Social Responsibility (CSR), Social Protection, Social Development, Social Justice, Gender Equality, Labour and Employment Policies, Occupational Health and Safety, Sustainability Management
Language (section 2.4.2 of the assessment grid):	• Knowledge of French, C1-level according to the Common European Framework of Reference for Languages (5 points out of 10 max. points), • Knowledge of Lingala, comparable to C1-level according to the Common European Framework of Reference for Languages (5 points out of 10 max. points)
General professional experience (section 2.4.3 of the assessment grid):	• 15 years of professional experience in the social management of social interactions related to natural resources (e.g. CSR, H&S, gender equality) (5 points out of 10 max. points), • 3 years on social management issues within the oil and gas sector (5 points out of 10 max. points).
Specific professional experience (section 2.4.4 of the assessment grid):	• 8 years of professional experience in writing or co-writing the parts covering social aspects of environmental and social impact assessments (ESIA) (5 points out of 10 max. points) • 1 experience writing or co-writing the parts covering social aspects in strategic environmental and social assessments (SESA) in the last 10 years (5 points out of 10 max. points).
Leadership/management experience (section 2.4.5 of the assessment grid):	Not applicable

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International professional experience outside the country/region of intervention (point 2.4.6 of the evaluation scheme):	Not applicable
Professional experience in the country/ region of assignment (2.4.7 of the assessment grid):	5 years of professional experience in the DRC or Rep of Congo
Experience in the field of development cooperation (section 2.4.8 of the assessment grid):	Not applicable
Other (section 2.4.9 of the assessment grid):	2 years of professional experience working on anti-corruption, avoidance of child labour or health & safety.

Expert 5 with national experience: Specialist in Oil and Gas Law and Public Policy
(section 2.5 of the assessment grid)

Tasks of Expert 5:

- Responsible for scrutinising / analysing existing laws and regulations, identifying gaps related to good environmental and social governance and deriving recommendations for improving laws and regulations related to and / or affected by the oil sector.

Qualifications of Expert 5:

Education/training (section 2.5.1 of the assessment grid):	University Master's degree in Environmental Law, Business Law, International Law, Public Policy
Language (section 2.5.2 of the assessment grid):	Knowledge of French, C1-level according to the Common European Framework of Reference for Languages
General professional experience (section 2.5.3 of the assessment grid):	10 years of professional experience in legal and policy advice related to environmental law, business law, international law or public policy

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Specific professional experience (section 2.5.4 of the assessment grid):	2 years of experience in advising projects or cases in the oil or gas sector
Leadership/management experience (section 2.5.5 of the assessment grid):	Not applicable
International professional experience outside the country/region of assignment (section 2.5.6 of the assessment grid):	5 years of professional experience in African countries with already established hydrocarbon sectors
Professional experience in the country/ region of assignment (2.5.7 of the assessment grid):	5 years of professional experience in the DRC
Experience in the field of development cooperation (section 2.5.8 of the assessment grid):	Not applicable
Other (section 2.5.9 of the assessment grid):	Not applicable

The tenderer must assign all the proposed experts to the required qualifications and clearly present them in a separate table preceding the CVs. The summary presentation must mention only qualifications that are indicated in the CVs. Professional experience must be evidenced by meaningful references in the CVs. It is advisable to make explicit reference to each example of professional experience.

Soft skills of team members

In addition to their technical qualifications, all team members must also possess the following qualities:

- Team skills
- Initiative
- Communication skills
- Sociocultural and intercultural skills
- Partner- and customer-oriented approach and efficiency in action
- Interdisciplinary thinking

Soft skills are not evaluated.

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5. Costing requirements

5.1 Assignment of experts

In your tender, please do not deviate from the specification of quantities required in these ToRs (the number of experts and expert days, the budget specified in the price schedule). This is part of the competitive tender and is used to ensure that the tenders can be compared objectively. Please note: only services that were commissioned by GIZ and rendered by the contractor will be remunerated. We would also like to point out that it may not be necessary to make use of the total number of proposed expert days.

The number of expert days corresponds to full working days.

Expert	Expert days in the country of residence /remote	Availability of the expert in the country of assignment (in DRC)	Expert days in total	Consecutive stay > 3 months (see General Terms and Conditions, section 3.3.2)	Number of international flights	Number of domestic flights
Key Expert 1 with regional/international experience: Team leader/Head of Mission	45	60	105	No	9	2
Key Expert 2 with regional and international experience: Hydrocarbon Specialist	45	80	125	No	9	2
Expert 3 with national experience: Environmental Specialist in the Oil and Gas Sector	0	80	80	No	0	3
Expert 4 with national experience: Social Responsibility in the Oil and gas Sector	0	80	80	No	0	3
Expert 5 with national experience: Specialist in Oil and Gas Law and Public Policy	0	80	80	No	0	2

5.2 National administrative staff

The following national administrative staff are needed:

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1 Support staff for 12 months on a 50 % (part-time) basis.

The support staff will be responsible for:

- Supporting the contractor's backstopping strategy
- Providing administrative support to project teams,
- Addressing unforeseen challenges in terms of project implementation,
- Regular communication with the GIZ team on the ground

5.3 Travel expenses

5.3.1 Travel – sustainability considerations

GIZ would like to reduce greenhouse gas emissions (CO₂ emissions) caused by travel. When preparing your tender, please incorporate options for reducing emissions, for example by selecting the lowest-emission booking class (economy) or using means of transport, airlines and flight routes that are more CO₂-efficient. For short distances, travel by train (second class) or e-mobility are the preferred options.

CO₂ emissions caused by air travel must be offset. GIZ specifies a budget for this, through which the carbon offsets can be settled against evidence.

There are many different providers in the market for emissions certificates, and they have different climate impact ambitions. The [Development and Climate Alliance](#) has published a [list of standards](#) (only in German available). GIZ recommends using the standards specified there.

5.3.2 Travel expense requirements

The travel expenses must be costed as follows by the contractor:

Travel expenses item	Quantity/budget (EUR)
Total number of international flights	18
Total number of regional/national flights	12
CO ₂ offsets for flights	4,340 An unalterable budget for CO ₂ offsets for settlement against evidence is specified.

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Transport costs (rail travel, car travel, public transport)	3,000 An unalterable budget for transport costs for settlement against evidence is specified.
Per-diem allowances (day of travel)	72
Per-diem allowances (full day)	194
Accommodation allowances	240
Other travel expenses (visa, project-related travel expenses outside the place of business etc.)	5.000 EUR An unalterable budget for other travel expenses for settlement against evidence is specified.

Per-diem allowances are reimbursed as a lump sum up to the maximum amounts permissible under tax law for each country as set out in the country table in the circular from the German Federal Ministry of Finance on travel expense remuneration (download at <https://www.bundesfinanzministerium.de>).

In addition, for the following items, reasonable costs can be settled against evidence up to the proposed amount:

- Flight costs
- Transport costs
- Other travel expenses

Notes on the settlement of accommodation allowances outside Germany

For the DRC, tenderers may offer accommodation allowances up to EUR 337. This is the maximum amount permissible under tax law as per the BMF circular on travel expense reimbursement.

- If the contractor offers accommodation allowances at up to 75% (0 - 252,75 EUR) of the maximum amounts permissible under tax law as per the BMF circular on travel expense reimbursement, the expenses will be reimbursed on a lump-sum basis in the contractually agreed amount.
- If the contractor offers accommodation allowances at between 75% and 100% (252,76 – 337 EUR) of the maximum amounts permissible under tax law as per the

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BMF circular on travel expense reimbursement, the corresponding **evidenced expenses** will be reimbursed up to the contractually agreed amount.

5.4 Materials and equipment

– Not applicable –

5.5 Operating costs in the country of assignment

– Not applicable –

Car and driver in Kinshasa will be provided by the GIZ.

5.6 Workshops, education and training

The contractor carries out the workshops / study tours / initial and continuing training. These are covered by the corresponding number of experts days and travel expenses (see sections 5.1 and 5.3 above).

The contractor is not responsible for the logistical organisation of the workshops and therefore the costs do not need to be specified.

5.7 Local contributions

– Not applicable –

5.8 Other costs

– Not applicable –

5.9 Flexible remuneration item

Budget for flexible remuneration: **EUR 30,000**

The fixed, unalterable budget above is earmarked in the price schedule for flexible remuneration. Flexible remuneration is intended to facilitate the flexible management of the contract by the commission manager at GIZ. The contractor can make use of the funds in accordance with section 3.3.5.7 of the General Terms and Conditions.

6. Requirements on the format of the tender

The structure of the tender must correspond with the structure of the ToRs. It must be legible (for example Arial, font size 11 or larger) and clearly formulated. The technical tender must be written in **English**.

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The technical-methodological concept of the tender (section 3 of the ToRs) must not exceed 15 pages (not including the cover page, list of abbreviations, table of contents). Additional annexes not requested will not be assessed. External content (e.g. links to websites) will also be disregarded.

The CVs of the staff proposed in accordance with section of the ToRs must be in the EU format and not more than four pages in length. **The CVs must be submitted either in English or in French.**

The CVs must clearly and unequivocally show what position the proposed person held, which tasks they performed and how long they worked during which period in the specified references. **The references contained in the CVs must therefore include the following information:**

- Name of the company/organisation/reference project in which the expert worked
- Position held and task(s) performed by the expert in the company/organisation/reference project
- Work outcomes or products produced by the expert, or expert's contribution to the completion of these outcomes and projects (if relevant)
- Duration of the expert's assignment in the company/organisation/reference project per calendar year in full-time expert days, weeks or months (for example: 2019: 2 months, 2020: 10 months, 2021: 1 month)
- Leadership experience/management: clear information on the reference projects or fixed positions within the company/organisation in which the requirements specified in section 4 were fulfilled (for example, period, number of persons for whom the expert had disciplinary responsibility, project budget) (if relevant)
- International professional experience/professional experience in the country of assignment: clear information on the reference projects or fixed positions in the company/organisation in which the requirements specified in section 4 were fulfilled (for example, actual duration of assignment on the ground in full-time expert days, weeks or months) (if relevant)

In order to facilitate the assessment, we request that you number the references sequentially and provide only references that are clearly related to the object of this tender.

7. Options or follow-on contract

7.1 Option to expand the service content/extend the contract term pursuant to section 132 (2) no. 1 German Act against Restraints of Competition (GWB)

GIZ can exercise the following options if it wishes to expand the tendered services. This is described in detail below.

Nature and scope:

While retaining the overall character of the contract, there is a possibility of GIZ continuing to obtain the services specified in section 2 of these Terms of Reference and/or of expanding the contract to include further services of the same kind. The items shown in section 5 (Costing

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requirements) of these Terms of Reference can be increased by up to EUR 400,000.00 and extended by up to 24 months. Within this framework, the options can be exercised in up to two parts.

Precondition: GIZ's commissioning party extends and/or provides additional funding for the current project or commissions a follow-on project and/or an agreement is concluded to provide cofinancing for the measure (e.g., CAFI).

7.2 Follow-on contract pursuant to Section 14 (4) no. 9 German Ordinance on the Award of Public Contracts (VgV)

Pursuant to Section 14 (4) no. 9 VgV, GIZ reserves the right to award a follow-on contract to the contractor in order to procure similar services.

Scope of possible services:

GIZ may award a follow-on contract to provide the services up to a value of EUR 400,000.00 and for a term of up to 2 years.

Condition: The above option is subject to GIZ receiving a commission from the commissioning party or the conclusion of an agreement for cofinancing of the measure. Any follow-on contract must be awarded within three years of the award date of the original contract.

A follow-on contract under 7.3 can be considered only as an alternative to the option in 7.1.