

Specifications – Invitation to tender No VT/2008/107

Ex post evaluation of the EQUAL Community Initiative (2000-2006)

1 TITLE OF THE CONTRACT

Ex post evaluation of the EQUAL Community Initiative (2000-2006)

Contract reference VC/2008/1137

2 CONTEXT OF THE CONTRACT

2.1 Policy context

At the Lisbon European Council (March 2000), the European Union set a strategic goal for the next decade: *to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion*. The strategy was designed to enable the Union to regain the conditions for full employment and to strengthen cohesion by 2010. The Council also considered that the overall aim of these measures should be to raise the overall EU employment rate to 70% and to increase the number of women in employment to more than 60% by 2010 in the European Union. In 2005, the strategy was simplified and re-launched as the ***Lisbon Strategy for Growth and Jobs***.

The ***European Employment Strategy***¹ (EES) is a key component of the Lisbon Strategy even though it was initiated earlier, at the Luxembourg European Council of November 1997, on the basis of the new provisions of the Amsterdam Treaty. The EES is designed as the main tool to give direction to and ensure co-ordination of the employment policy priorities to which Member States subscribe at EU level. It introduced a new method of working at EU level which has become known as the "open method of coordination".

The ***European Social Fund (ESF)***² is the main instrument through which the European Union channels financial support to Member States, in order to translate the European Employment Strategy into action. Established by the Treaty of Rome, the ESF is the longest existing Structural Fund. For over 50 years it has been promoting economic and social cohesion by investing in national and regional programmes to develop people's skills and their potential for work. The aim is to reduce differences in prosperity and living standards amongst EU Member States and regions.

During the period 2000-2006, the ESF also financed the ***EQUAL Community Initiative***, to promote *new means of combating all forms of discrimination and inequalities in*

¹ For more information on the EES please see:

http://ec.europa.eu/employment_social/employment_strategy/index_en.htm

² More information on the ESF can be found at http://ec.europa.eu/employment_social/esf/index_en.htm

connection with the labour market, through transnational cooperation. The main difference between the ESF mainstream programmes and EQUAL was the emphasis on innovation (EQUAL was intended to function as a laboratory for innovation) and the emphasis on active co-operation between Member States. EQUAL was implemented by the Member States on the basis of a program negotiated with the European Commission. Member States selected and monitored the projects – known as Development Partnerships (DPs) – according to budgets allocated through the European Social Fund.

EQUAL has been an integral part of the Community integrated strategy to combat discrimination (in particular based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation) and social exclusion. It has been complementary to other policies, instruments and actions developed in this respect, such as the ***Social Inclusion Process*** and other specific legislation and action programmes under Articles 13 and 137 of the Treaty.

2.2 The regulatory framework

The legal basis for the Community Initiative EQUAL is the General Structural Funds Regulation (1260/1999) and the European Social Fund Regulation (1262/1999)

2.2.1. The Structural Funds Regulation 2000-2006

Council Regulation (EC) No 1260/1999 of 21 June 1999 sets the scope for European Commission initiatives to support operations supplementary to the operations implemented under the priority objectives of the Structural Funds. Amongst other initiatives, this Regulation establishes EQUAL, to be financed by the ESF and to concentrate on the development of human resources in the context of equal opportunities.

Article 20 of this Council Regulation ((EC) No 1260/1999) defines the content of EQUAL Community Initiative as "transnational cooperation for promoting new means of combating all forms of discrimination and inequalities in connection with the labour market." It also specifies that "due account shall be taken of the social and vocational integration of asylum seekers in the framework of EQUAL."

Article 40 of Regulation (EC) No 1260/1999 states that "in order to gauge its effectiveness, Community structural assistance shall be the subject, *inter alia*, of an *ex post* evaluation". *Ex post* evaluation shall be the responsibility of the European Commission, in collaboration with the Member States and the managing authorities and be carried out by independent assessors. It shall be completed not later than three years after the end of the programming period.

2.2.2. The European Social Fund Regulation 2000-2006

Regulation (EC) No 1784/1999 establishes that within the framework of the tasks entrusted to the Structural Funds, the European Social Fund (ESF) supports measures to prevent and combat unemployment and to develop human resources and social integration into the labour market in order to promote a high level of employment, equality between men and women, sustainable development, and economic and social cohesion. These measures were to be promoted under five specific policy fields that are clearly defined (see Article 2 of Regulation).

Article 5(1) of this Regulation stipulates that on the basis of the Structural Funds regulation, the ESF shall also contribute to the implementation of the EQUAL Community Initiative.

Article 5(2) continues to specify that "In accordance with Article 21(2) of Regulation (EC) No 1260/1999, the Decisions on the contribution of the Fund to the Community Initiative may extend the scope of eligible activities referred to in Article 3 of this Regulation to cover measures which can be funded through Regulations (EC) No 1783/1999³, (EC) No 1257/1999⁴ and (EC) No 1263/1999⁵ so as to permit the implementation of all measures provided for in the Initiative."

2.2.3. Communications from the European Commission to Member States establishing the guidelines for implementation of the Community Initiative EQUAL

Two Communications from the European Commission set out the guidelines for implementation of EQUAL:

- The first one (COM/2000/853) was published on 5 May 2000 in the Official Journal of the European Communities - 2000/C 127/02)⁶
- The second one (COM/2003/840) was published on 30 December 2003⁷

The first Communication established the guidelines for implementation of the Community Initiative and more specifically of the first round of calls for proposals. These are more commonly referred to as "Guidelines for the first round".

This Communication stipulated that Community funding, from the European Social Fund (ESF) grants, would be made available for activities which respected the guidelines laid down in the Communication, and which were included in proposals presented by each Member State and approved by the European Commission in the form of Community Initiative programmes (CIPs)⁸.

³ REGULATION (EC) No 1783/1999 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 July 1999, on the European Regional Development Fund,
http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/content/en/02_pdf/00_2_erdf_en.pdf

⁴ COUNCIL REGULATION (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations,

http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/content/en/02_pdf/00_4_eaggf_en.pdf

⁵ COUNCIL REGULATION (EC) No 1263/1999 of 21 June 1999 on the Financial Instrument for Fisheries Guidance

http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/content/en/02_pdf/00_5_fifg_en.pdf

⁶ COMMUNICATION FROM THE COMMISSION TO THE MEMBER STATES establishing the guidelines for the Community Initiative EQUAL concerning transnational co-operation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market C(2000) 853, http://ec.europa.eu/employment_social/equal/data/document/GLen.pdf

⁷ Communication from the Commission establishing the guidelines for the second round of the Community Initiative EQUAL concerning transnational co-operation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market - Free movement of good ideas (COM/2003/840), http://europa.eu/eur-lex/en/com/cnc/2003/com2003_0840en01.pdf

⁸ More information on Community Initiative Programmes (CIPs) in the Member States can be found at: http://ec.europa.eu/employment_social/equal/about/prog-doc-ms_en.cfm

The Communication specified 9 thematic fields of activity under which grants would be made available, defined on the basis of the pillars of the former European Employment Strategy and complemented by actions targeted to Asylum Seekers:

1.A. *Facilitating access and return to the labour market* for those who have difficulty in being integrated or re-integrated into a labour market which must be open to all (EES Employability Pillar)

1.B. *Combating racism and xenophobia* in relation to the labour market (EES Employability Pillar)

2.C. *Opening up the business creation process to all* by providing the tools required for setting up in business and for the identification and exploitation of new possibilities for creating employment in urban and rural areas (EES Entrepreneurship pillar)

2.D. *Strengthening the social economy* (the third sector), in particular the services of interest to the community, with a focus to improving the quality of jobs (EES Entrepreneurship pillar)

3.E. *Promoting lifelong learning and inclusive work practices* which encourage the recruitment and retention of those suffering discrimination and inequality in connection with the labour market (EES Adaptability pillar)

3.F. *Supporting the adaptability of firms and employees* to structural economic change and the use of information technology and other new technologies (EES Adaptability pillar)

4.G. *Reconciling family and professional life*, as well as the reintegration of men and women who have left the labour market, by developing more flexible and effective forms of work organisation and support services (EES pillar Equal Opportunities for women and men)

4.H. *Reducing gender gaps and supporting job desegregation* (EES pillar Equal Opportunities for women and men)

5.I. *Asylum Seekers* (Member States were called to plan at least a minimum level of action aimed at asylum seekers, in line with the dimensions of the problem in the Member State.)

The other key messages of this Communication were:

- Implementation should take place through geographical or sector-based Development Partnerships (DPs)

- Implementation should be guided by 5 key principles: partnership, empowerment, transnational cooperation, innovation, and mainstreaming.

- Funding would be organised under four actions:

 - Action 1: Consolidation of partnerships, i.e. development of common strategies and joint work programmes at DP level and organisation of transnational co-operation

Action 2: Implementation of DP and Transnational Partnership work programmes

Action 3: Dissemination and Mainstreaming of Good Practice

Action 4: Technical assistance to support actions 1, 2 and 3.

The second Communication established the guidelines for the 'second round' of EQUAL, which would be launched through a second call for proposals in 2004 and would therefore also be open to the 10 new Member States (two of which had already taken part in the first round, funded under PHARE).

The principles and architecture of EQUAL remained the same, with some simplification of the administrative aspects of implementation to enhance effectiveness. Although a revision of the European Employment Strategy had taken place in 2003, following consultation, Member States agreed to retain the same thematic approach established in the 1st round of EQUAL as the 9 themes continued to support the overarching objectives of the revised Employment Strategy and also the objectives of the Social Inclusion Process.

2.3 Additional Information on EQUAL implementation and evaluation

2.3.1. Calls for proposals and funding

The first call for proposals for grants under the EQUAL Community Initiative was organised in the 15 Member States through 17 Community Initiative Programmes (CIPs) – as Belgium and the United Kingdom had two EQUAL programmes each - , as well as in the Czech Republic and Hungary. This led to the funding of 1,371 Development Partnerships (DPs) in the Member States and the selection of another 21 DPs, to be funded under PHARE, in the Czech Republic and Hungary.

The second call for proposals led to the selection of 1999 DPs across 27 CIPs.

The EU contribution to EQUAL stands at approximately 3.2 billion EUR for the period 2000-2006 and is complemented by public national co-funding of over 2.2. billion EUR.

2.3.2. Evaluation of EQUAL activities by Member States

Following the requirements for evaluating Community Initiative programmes (articles 40-43 of Regulation (EC) 1260/1999) and in line with the guidelines for the implementation of the EQUAL Community Initiative, the designated EQUAL managing authorities made a commitment through each Community Initiative Programme to carry out evaluation activities for the period 2000-2006 (EQUAL was funded by the EU under the 2000-2006 programming period but its implementation in Member States continues until 2008).

In defining their national evaluations, Member States were requested⁹ to synchronise delivery dates, to follow a common methodological approach, and to focus on common issues in order to exploit synergies between national evaluations and facilitate the task of the European Commission in carrying out an EU-wide evaluation.

Upon adoption of the 'Programme Decisions', managing authorities in the EU15 launched national mid-term evaluation exercises. The mid-term evaluation reports were submitted to the European Commission in December 2003. Interim Reports were submitted in December 2004 and by December 2005 Update Mid-Term Reports were submitted.

The new Member States (EU10) submitted their first evaluation reports, formally called 'interim evaluation reports', also by December 2005.¹⁰

A note from DG EMPL in April 2004 on "Key issues for evaluating the 2nd round of the Human Resources Initiative EQUAL 2004 – 2006" encouraged Member States to continue their evaluation activities beyond the formal requirements of the Regulation, with a focus on identifying factors contributing to the success (or failure) of innovation, the mainstreaming of results, and sustainability. The note affirmed that, especially in the case of the EU10 Member States, ongoing evaluation would facilitate learning processes among all stakeholders involved and would contribute to capacity building within the public sector, in preparation for the following programming period.

All New Member States (EU10) made a commitment in their CIPs for on-going evaluation and annual evaluation reports, as they were only at the beginning of programme implementation. Amongst the EU15, seven Community Initiative Programmes (in five Member States) are voluntarily continuing evaluation activities until the end of 2008. In the cases of ongoing evaluation, national evaluation reports have been produced in 2007 and in 2008.

National evaluation reports constituted a key source of information for the previous EU-wide evaluations carried out on behalf of the European Commission.

2.3.3. Support to EQUAL managing authorities by the European Commission

The European Commission provided continuous support on evaluation throughout the programming period (2000-2006) and beyond, until the end of programme implementation in the Member States (2008).

Support took the form of:

- EQUAL evaluation partnership meetings
- Official guidance documents
- Written communications to managing authorities updating guidance documents and providing further details clarifications
- Coordination of a working group of managing authorities, discussing ongoing evaluation during 2007-2008

All relevant documents will be provided to the successful tenderer.

⁹ "Guidelines for systems of monitoring and evaluation for the Human Resources Initiative EQUAL in the period 2000 – 2006". DG Employment and Social affairs, July 2000; UPDATED VERSION OF KEY ISSUES FOR THE MID-TERM EVALUATION OF EQUAL CIP IN THE MEMBER STATES (SEPTEMBER 2001) EMPL G LPW/AS/CV D(1) 75095.

¹⁰ These reports can be accessed through http://ec.europa.eu/employment_social/equal/about/evaluation_en.cfm

2.3.4. EU-wide evaluation of the EQUAL Community Initiative 2000-2006

At the beginning of the EQUAL Community Initiative, the European Commission launched an EU-wide evaluation. An independent consultant was contracted to carry out an evaluation covering the period 2000-2006. The contract was signed in September 2002 and was completed in August 2006.

Four EU-wide evaluation reports were produced:

- 1st interim report, dated 26/09/2003
- Mid-term report, dated 02/03/2004
- 2nd interim report, dated 29/03/2005
- Final report, dated 02/08/2006

The 1st interim report provided a synthesis of the appropriateness of CIP (Community Initiative Programme) strategies, an overview of the management and implementation systems – with a focus on the selection procedure under the first call for proposals - and an analysis of the understanding of the key principles at the level of Community Initiative Programmes (CIPs) and at the level of Development Partnerships. These analyses were based on documentary analysis and on the synthesis of 9 national evaluation reports.

The mid-term report provided an update on the appropriateness of strategies and on management systems, a first analysis of the implementation of the key principles, as well as an analysis of European networking and mainstreaming mechanisms, including the mechanisms to identify and validate good practice. These analyses were based on a documentary analysis, on the synthesis of all 17 national mid-term evaluations, and on interviews at the European level (mainly European Commission services).

The 2nd interim report mainly focused on the implementation of the EQUAL principles and on their contribution to innovation. European level networking and mainstreaming were also addressed, with an update assessment of the identification and validation of good practice. These analyses were based on an extensive documentary review, the syntheses of 13 national evaluation reports, 34 case studies of transnational partnerships, interviews at the national and European levels, a questionnaire to Managing Authorities and participant observation.

The final report¹¹ aimed at deriving the main lessons of the implementation and results of EQUAL on the completed first round of projects (resulting from the first call for proposals) and on the launch and preparation of the second round of projects. The time span covered is 2005 and the beginning of 2006, although the report also integrates previous results. The specific objectives of the report were to integrate and update the EU-wide evaluation findings, as well as to draw conclusions and recommendations concerning:

- The appropriateness of strategies in EQUAL
- Management and implementation systems
- The effectiveness and added value of the key principles and of the horizontal approach to equal opportunities (during the first round)
- The effectiveness of dissemination, networking and mainstreaming arrangements at the national and EU level (during the first round)

¹¹ The final report can be accessed through: http://ec.europa.eu/employment_social/evaluation/esf_en.html

- The intermediate impacts and added value of EQUAL in relation to round one (policy, institutional and organisational impacts) and their relevance for the European Employment Strategy, the Social Inclusion Process and other Community Strategy and programmes

This extensive work has produced a wealth of findings, conclusions and recommendations. **These should constitute the basis for this *ex post* evaluation** (together with the national evaluation reports and the reports for the period 2006-2008 mentioned under section 2.3.5).

The evaluators concluded *inter alia* that it was still too early to make any definitive judgement on the impact of the EQUAL Community Initiative. Although a number of innovative practices were identified, the long-term impact of EQUAL is highly dependent on the effectiveness of mainstreaming mechanisms, an area that still needs significant improvement. Evidence exists on initial impacts, as well as on strong impact potential, in terms of:

- improving the effectiveness of existing policy implementation
- enlarging the scope of existing policies and making them more inclusive by providing access for new target groups to existing programmes
- strengthening recent policy initiatives or policy fields that previously received little attention

2.3.5. On-going evaluation activities at EU level during 2007-2008

In 2006, the European Commission decided to launch supplementary evaluation activities so that:

- a more comprehensive evaluation of the second round of EQUAL would be possible (especially as most of the EU10 only participated in the second round)
- a further examination of initial/potential impacts could be attempted
- results on a longer period would be available in order to facilitate *ex post* evaluation

Three contracts were launched to provide:

- a Synthesis of EQUAL national evaluation results in EU15 Member States
- a Synthesis of EQUAL national evaluation results in EU10 Member States
- an Evaluation of 10 selected EQUAL 'communication and learning platforms' run in 2007

The main objective of the first contract was to provide an analytical synthesis of national evaluation reports produced by EU-15 Member States during 2006-2008. Telephone interviews would also be carried out as a complementary source of information (interviews with managing authorities and national evaluators). However, as the majority of the EU15 did not eventually continue evaluation activities during this period, telephone interviews became the main source of information in those cases or in cases that the reports were not submitted on time. One synthesis report was produced on the

basis of 2007 reporting and one will produced on the basis of final reporting during 2008. These documents will be made available on request.

The main objective of the second contract was to produce a synthesis of national evaluation reports produced by EU-10 Member States during 2006-2008. Telephone or face to face interviews were carried out as a complementary source of information. One synthesis report was produced on the basis of 2007 reporting and one will be produced on the basis of final reporting during 2008. These documents will be made available on request.

The aim of the third contract was to produce a synthesis of a series of 10 evaluation reports on 10 EQUAL communication and learning platforms run in 2007, out of 21 selected by the European Commission following a restricted call for proposals.

The synthesis report was prepared on the basis of prior single platform reports but was also based on a telephone exchange with the European Commission official chairing the Selection Committee for the call and on a survey of ESF Managing Authorities (March-April 2008). This report is also available on request.

2.4 The *ex post* evaluation of the European Social Fund 2000-2006

The table below shows the list of work packages (WP) foreseen in the framework of the ex- post evaluation of the European Social Fund for the programming period 2000-2006.

The EQUAL *ex post* evaluation (mentioned as work package 4 in the table below) will be carried out as an independent exercise, but in the framework of the ESF 2000-2006 *ex post* evaluation.

STUDIES/EVALUATIONS RELATED TO THE *EX POST* EVALUATION OF THE ESF 2000-2006 PROGRAMMING PERIOD

WP	Studies/evaluations	Timing Duration	State of play at end of December 2008
1	Analysis of the relevance and reliability of available information for the <i>ex post</i> evaluation of the ESF (2000-2006) (Preliminary study)	Dec. 07 – June 08 (6 months)	Finalised
2	<i>Ex post</i> evaluation of the 2000-2006 ESF support to the Open Method of Coordination in Social Protection and Social Inclusion (Thematic evaluation)	2008-2009 (9 months)	Awarded
3	<i>Ex post</i> evaluation of the 2000-2006 ESF: Impact on the functioning of the labour market and on the investment in human capital infrastructure through support to systems and structures (Thematic evaluation)	2008-2009 (8 months)	Awarded
4	EQUAL <i>ex post</i> evaluation	Jun. – Dec. 2009 (6 months)	These specifications
5	<i>Ex post</i> evaluation of the European Social Fund (2000-2006)	2009 (12 months)	Awarded

The EQUAL *ex post* evaluation report will also be used in Work Package 5, as the objective of that contract is to assemble and synthesise all the evaluations/studies carried out in the framework of the ESF 2000-2006 *ex post* evaluation. For this reason, the successful tenderer for the EQUAL *ex post* evaluation shall cooperate with the evaluators working on WP5, to avoid any duplication of work, to ensure good coordination of the overall *ex post* exercise and to guarantee a correct usage of results.

3 OBJECTIVE OF THE CONTRACT

The key objective of this contract is to provide an ***ex post* assessment of the effectiveness of the EQUAL Community Initiative in terms of achieving its key objective** "promoting new means of combating all forms of discrimination and inequalities in connection with the labour market through transnational co-operation".

More specifically, the main purpose of this evaluation is to assess the ***effectiveness of EQUAL in terms of producing and mainstreaming innovation that is relevant for combating discrimination and promoting equal opportunities in relation to the labour market***. On the basis of these results, the evaluation should draw conclusions on the ***intermediary and on the potential long-term impact of the EQUAL Community Initiative on the employment, social inclusion and the equal opportunities and anti-discrimination policy areas***. This evaluation should also draw conclusions on the ***Community Added Value of EQUAL***.

Although the issues mentioned above have already been addressed in previous evaluations, only the *ex post* evaluation can provide a comprehensive and in-depth assessment of such questions, with far more evidence available at post-implementation stage than was at the time of the preceding evaluation exercises. This evaluation will also meet the requirement of the Structural Funds Regulation for the programming period 2000-2006: to carry out an *ex post* evaluation of Community structural assistance before the completion of three years after the end of the programming period in question.

This evaluation should provide the following key outputs:

- An account of the ***number*** of projects, number of direct beneficiaries and number of target group individuals assisted, under each thematic field of activity. Also, an account of the ***allocation of resources*** for each thematic field of activity, with a break-down for national activities, transnational activities and activities at EU-level financed by the European Commission's Technical Assistance for EQUAL. (This is a mini-output in itself, presented as an Excel file, which will also be included in the reports.)
- An ***inventory of all validated innovations*** produced within each thematic field of activity defined under EQUAL. If meaningful, a typology of innovations can be developed, grouping the innovations on this inventory. For each innovation, indications should be provided on horizontal and vertical, national and cross-border mainstreaming activities. The Contractor should also provide a judgement on and indicate the sustainability potential of each innovation. (This is a mini-

output in itself, presented in a Word file containing a word table and an explanatory text, which will also be included in the reports.)

- ***An inventory of all cases of confirmed successful mainstreaming of innovation***, in terms of take-up at a higher institutional/policy level or transfer into another context, especially the ESF, the ERDF, and the Social Protection and Social Inclusion Strategies (without omitting other key European and national frameworks of intervention). A typology of successful mainstreaming cases could be developed on the basis of their intermediary impact (e.g. on organisations, institutions, policy) and on potential long-term type of impact (e.g. on specific target groups, on specific systems or structures). (This is a mini-output in itself, presented in a Word file containing a word table and an explanatory text, which will also be included in the reports.)
- ***An interim report*** which will at least contain the elements mentioned in the three previous bullet points
- ***A final report*** of no more than 100 pages (excluding annexes), which will include executive summaries in English, French and German of no more than 10 pages each.

4 SCOPE OF THE EVALUATION

The evaluation will cover the whole period of implementation of the EQUAL Community Initiative Programmes. Although EU funding for EQUAL was available only under the 2000-2006 programming period, implementation in the Member States continued until 2008.

All 27 Community Initiative Programmes shall be covered by this evaluation.

The evaluation should provide specific results and conclusions for each of the nine thematic fields of activity defined under the EQUAL Community Initiative.

With regard to the evaluation of the implementation of Community Initiative Programmes at national level, a differentiated level of analysis between the EU15 and the EU10 Member States is acceptable, taking into account that most of the EU10 only participated in the second round of EQUAL which started in 2004.

On the basis of thematic results and conclusions, the Contractor should also make a general judgement on the effectiveness of the EQUAL Community Initiative as a whole, in terms of reaching its objective, and on its Community Added Value.

5 EVALUATION QUESTIONS

The evaluation questions should address the following key issues:

- Utilisation of Resources
- Effectiveness of implementation in terms of producing innovation
- Effectiveness of implementation of mainstreaming activities and intermediate impacts
- Potential long-term impact
- Community Added Value

The same evaluations questions should be asked under each thematic field of activity. Each of these themes should be included as chapters in the interim and final reports:

1.A. *Facilitating access and return to the labour market* for those who have difficulty in being integrated or re-integrated into a labour market which must be open to all

1.B. *Combating racism and xenophobia* in relation to the labour market

2.C. *Opening up the business creation process to all* by providing the tools required for setting up in business and for the identification and exploitation of new possibilities for creating employment in urban and rural areas

2.D. *Strengthening the social economy*, in particular the services of interest to the community, with a focus to improving the quality of jobs

3.E.. *Promoting lifelong learning and inclusive work practices* which encourage the recruitment and retention of those suffering discrimination and inequality in connection with the labour market

3.F. *Supporting the adaptability of firms and employees* to structural economic change and the use of information technology and other new technologies

4.G. *Reconciling family and professional life*, as well as the reintegration of men and women who have left the labour market, by developing more flexible and effective forms of work organisation and support services

4.H. *Reducing gender gaps and supporting job desegregation*

5.I. *Asylum Seekers*

The main questions that this *ex post* evaluation should answer are presented below. Tenderers are asked to propose a set of more specific sub-questions. Following award of the contract, the Contractor will be asked to work with the European Commission to finalise the set of questions.

Question 1: To what extent has the actual expenditure of the EQUAL Community Initiative been targeted at achieving the main objectives set in the European Employment Strategy and the Social Inclusion process?

Question 1 relates to the issue of utilisation of resources. To answer this question, it will be necessary to ask a number of sub-questions, including on the allocation of resources per thematic field of activity, on target groups, direct and indirect beneficiaries, and on mainstreaming activities.

Question 2: To what extent has the EQUAL Community Initiative supported activities that produced relevant and useful innovation for preventing and combating discrimination and inequality in the labour market?

Question 2 concerns effectiveness of implementation in terms of producing innovation. Sub-questions should address factors that facilitated or inhibited innovation. The analysis can also cover the question of efficiency of implementation of activities in relation to their set objective, i.e. proposing a new way to deal with a specific challenge. The role of the partnership and the empowerment principles, which were followed during implementation, should be explored in relation to innovation. Trans-national cooperation should also be examined as a potential driver of innovation (but not in relation to the transfer of innovation already produced within a Development Partnership).

Question 3: To what extent has the EQUAL Community Initiative supported activities that resulted in the take up of innovation at high policy/institutional level or/and the transfer of innovation in different contexts?

Question 3 is about effectiveness of implementation of mainstreaming activities and intermediary impacts. Intermediary impacts, in the context of EQUAL, may sometimes be the direct outcome of mainstreaming activities, as successful mainstreaming activities may inform changes in a policy area, in an institution or in the way organisations work. Intermediate impact should be assessed on the basis of previous evaluation recommendations. In order to answer this question, all mainstreaming activities (whether confirmed as successful or not) should be traced and examined. Different sub-questions should explore horizontal mainstreaming at national level (aiming at the transfer of innovations to other projects and similar contexts outside EQUAL), vertical mainstreaming at national level (promoting innovation to higher policy/institutional level and aiming at the take-up of innovation at these levels) and cross-border mainstreaming (horizontal and vertical) resulting from transnational activities and activities at EU level. Factors facilitating or inhibiting the transfer of innovation should be explored.

Question 4: What long-term impact is the EQUAL Community Initiative expected to have?

Question 4 is about potential long-term impact. The word 'potential' should be emphasised as, in addition to the fact that it is still too early to make any specific and reliable estimation of long-term effects, it would be almost impossible to make a definite attribution of any type of future development to the EQUAL Community Initiative alone. However, intermediary impacts (especially in terms of the influence of EQUAL onto the new ESF and ERDF programmes, the Social Protection and Social Inclusion Process, and on other European or national policy processes and programmes) should provide a solid basis for making valid assumptions regarding long-term impact. Moreover, on the basis of results of EQUAL activities, extrapolations could be made to contribute to an assessment of the potential long-term impact of EQUAL in terms of increased employment for vulnerable groups and reduction of discrimination cases.

Question 5: What is the Community Added Value of EQUAL?

Question 5 should be answered on the basis of specific methodological guidance which will be provided by the European Commission services. Possible sub-questions could explore whether the innovations produced under EQUAL and the identified intermediary impact, could not have taken place without this support. Transnational cooperation should also be addressed along the same lines. An additional issue to explore could be whether the EQUAL support attracted additional resources towards the equal opportunities and anti-discrimination area.

6 TASKS TO BE PERFORMED BY THE CONTRACTOR

6.1 Task 1 - Finalisation of the methodology

The key elements of the preparation task are:

- Attending a kick-off meeting (between the contractor and the European Commission) in order to decide on the precise table of contents of the inception report and have a first discussion on evaluation questions, information needs, additional field work and methodology.
- Reviewing all available information (e.g. Community Initiative Programmes; Annual Implementation Reports; EU-wide and national evaluation reports) and identifying all additional sources of information (e.g. information generated by monitoring systems or leavers' surveys). In order to gain access to information, communication with the European Commission services and with Managing Authorities in Member States will be necessary.

- Analysing each evaluation question on the basis of at least the following elements: evaluation criterion, specific criteria, success threshold, indicators, target groups, analysis to be carried out, availability of data, and information gaps.¹²
- On the basis of the above, reviewing the methodology and work plan to be followed in relation to additional field and research work
- Drafting an inception report to present the revised methodology and work plan, following the improvements made in relation to the initial proposal.
- Submitting the draft inception report to the European Commission six weeks after contract signature.
- Attending at least 2 meetings with the European Commission services in order to finalise the methodology and work plan and formally validate the Inception Report

6.2 Task 2 - Data collection and analysis of information

This task consists of following the methodology described in the formally approved inception report with a view to providing answers to the evaluation questions. During this stage, the contractor should continue to work intensively to ensure timely completion data collection and analysis. In general terms, this task will involve:

- Reviewing any additional information received from the European Commission services and Member States.
- Conducting further field work to fill in information gaps (Visits to Member States will be necessary).
- Analysing the information for each thematic field of activity

The analysis to be carried out should at least consist of:

- Examining the utilisation of resources under each thematic field.
- Assessing the effectiveness of EQUAL in terms of generating relevant and useful innovation for combating discrimination and promoting equal opportunities in relation to the labour market; identifying the factors that contributed to the success or failure of producing relevant and useful innovation (This requires establishing a clear definition of 'innovation' to be used consistently in the framework of this *ex post* evaluation. The definition to be used will be presented in the inception report).
- Assessing the effectiveness of EQUAL in terms of mainstreaming innovation (looking separately at horizontal and vertical, national and cross-border mainstreaming), especially in the new programmes supported by Structural Funds in 2007-2013 but also within other EU or national/regional/local contexts; identifying the factors that contributed to, or inhibited, the mainstreaming of EQUAL innovations;

¹² A similar analysis has been carried out on the basis of the preparatory study on relevance and reliability of information for the ESF *ex post* evaluation - see:

http://ec.europa.eu/employment_social/evaluation/docs/final_report_24072008_en.pdf

- Gauging the intermediate impacts of the EQUAL Community Initiative;
- Exploring the potential long-term types of impact of the EQUAL Community Initiative
- Examining the Community added value of the EQUAL Community Initiative.

6.3 Task 3 - Reporting on findings

Reporting will take place in two stages, providing an *interim report* and a *final report*.

The interim report is not a standard progress report in this case. Its aim will be to feed information into the main ESF *ex post* exercise as early as possible and it should already contain all the evidence collected together with a comprehensive analysis. This means that all field work should be completed before drafting the interim report. Due to the strict time schedule, it is important that the contractor carries out intensive work in order to submit the draft interim report within the expected time frame.

The interim report should have the following parts:

- Description of the tasks carried out to date
- Findings
- Table of contents of the final report.

The interim report must be validated by the Evaluation Steering Group. The Contractor may be asked to carry out further work and revise the draft interim report according to the feedback from the Evaluation Steering Group.

The finalisation of the interim report will involve at least one and maximum two meetings with the European Commission.

The Contractor should use the time between validation of the interim report and submission of the draft final report, to verify and refine their analysis of findings, draw conclusions and recommendations, and draft executive summaries (in English, French and German).

After submission of the draft final report, the Contractor may be asked by the European Commission to carry out further work if necessary. The finalisation of this report may require one to two meetings with the European Commission. One of these meetings will involve presenting the draft final report to the Evaluation Steering Group.

The *final report* should contain all elements requested by the European Commission through these specifications and should reflect the methodology and tasks agreed in the formally approved inception report. It will contain conclusions and recommendations, which will also aim at providing lessons for the future in terms of the appropriateness of this type of instrument for stimulating and spreading useful innovation in the context of economic and social cohesion policy.

7 EVALUATION METHODS

The *ex post* evaluation should be carried out on the basis of evaluation results that are already available, including project self-evaluations related to the 2000-2006 programming period and to the 2007-2008 implementation period, as well as on the basis of information contained in Member States reports and in the monitoring systems of the Managing Authorities.

Tenderers are expected to propose additional evaluation methods and tasks (i.e. requiring further fieldwork), which would enable them to reply to all questions and to provide concrete evidence by thematic field.

8 ORGANISATION OF THE EVALUATION

The contract will be managed by DG Employment, Social Affairs and Equal Opportunities' Evaluation and Impact assessment Unit.

A kick-off meeting with the contractor shall take place immediately after contract signature. During the inception phase a first 'steering committee meeting' shall take place to discuss the draft inception report. The steering committee oversees the work carried out during the contract and is made up of representatives of DG EMPL and other relevant European Commission services. The inception report and the final report have to be approved by the steering committee.

Each bid should describe the evaluation team, their skills and qualifications, the distribution of tasks and the number of days allocated to each member of the evaluation team for each task. The tenderer should demonstrate that the team has the capacity to work in the different fields and languages needed.

The evaluator will provide the documentation required and attend between three to six meetings with the steering committee or the evaluation partners with the aim of presenting and discussing reports.

The European Commission will provide access to documentation on the EQUAL Community Initiative, when this is not already available on the EQUAL website.

The evaluator must anticipate cooperating with the consultants in charge of the contract for the main ESF (2000-2006) *ex post* evaluation.

9 TIME SCHEDULE

The evaluation must be completely finalised in December 2009. This includes delivery of the final and synthesis reports. The contract duration will be of a maximum of six (6) months.

The indicative timetable for the work to be undertaken is the following:

Beginning of the contract	June 2009
Kick-off meeting	1 week after signature of contract
Draft inception report	4 weeks after signature of contract
Inception meeting	5 weeks after signature of contract
Final inception report	7 weeks after signature of contract
Draft Interim report	14 weeks after signature of contract
Interim meeting	15 weeks after signature of contract
Final interim report	17 weeks after signature of contract
Draft final report	22 weeks after signature of contract
Final meeting	23 weeks after signature of contract
Final report	26 weeks after signature of contract

This *ex post* evaluation must be completed in time to be used in the main ESF (2000-2006) *ex post* evaluation, which should be completed by the end of 2009. If selection and award procedures take longer than expected, the above timetable may need to be adjusted.

10 REPORTING

It must be emphasised here that the nature of these reports is not descriptive. The contractor should produce analytical work and examine the evaluation questions based on the methodological and practical work carried out. All reports should be produced in English. Executive summaries must be produced in English, French and German. All papers and reports must be delivered electronically in Word.

The contractor must provide the following deliverables:

- Inception report in English
- Interim report in English
- Final report in English with executive summaries in English, French and German

10.1 Inception report

The inception report aims at describing the organisation of the work and eventually adapting the methodology and the work plan outlined in the proposal. This inception report will include at minimum:

- An analysis of the evaluation questions with the aim to refine them and a proposal of methodology to answer them
- A proposal of work plan, including a detailed description of tasks foreseen

- Result of the analysis already carried out in order to identify information gaps and propose a methodology (especially in terms of additional field work) for filling them.
- Information on staff members responsible for each task foreseen in the work plan, indicating their contact details
- The draft table of contents of the interim report and of the final report

The contractor will provide a detailed literature review on the effects of EQUAL, ESF and other national policy measures in the fields covered by this evaluation.

Sources of information, contact persons in the Member States, and the way in which the contractor will interact with Member States representatives will be fully explained at that stage.

The contractor and the European Commission will agree on the table of contents of the inception report during a kick-off meeting.

The draft inception report will be submitted to the European Commission within four weeks after signature of the contract. During the first four weeks of the contract, the contractor is expected to carry out intensive work, reviewing all available information and preparing to launch additional field work as soon as the inception report will be validated. During this stage, the contractor should also maintain close communication with the European Commission, in order to obtain clarifications on the available sources of information and on the way the contractor will interact with Member States representatives.

The final inception report will be submitted to the European Commission seven weeks after signature of the contract. It will take account of the discussions and decisions taken at the inception meeting.

10.2 Interim report

This document shall describe the contractor's work to date. It shall describe in detail the progress made with the collection and analyses of data and information. It shall also illustrate the sources used, the preliminary results obtained and an updated work plan.

The interim report will also present all the information collected and analysed to date, including the first three outputs specified under Section 4 of this document "Purpose of Evaluation". These outputs have to be accompanied by a comprehensive analysis which should allow a clear understanding of all information presented on tables/grids, without any ambiguities as to the type of activities mentioned, the circumstances or on any other numerical or factual information presented.

The interim report will also include the proposal of table of contents for the final report and will provide clear indications on the additional contents of the final report.

The draft interim report will be submitted to the European Commission fourteen weeks after signature of the contract. Following feedback from the European Commission and potentially further work, the final interim report will be submitted to the European Commission seventeen weeks after signature of the contract.

10.3 Final report

The final report should cover all chapters agreed in the inception and interim phases. It should address all evaluation questions, provide conclusions and recommendations. Conclusions and recommendations should be drawn up taking account of the different expectations of the European Commission, the European Parliament, the Member States and other relevant stakeholders.

In addition, a separate document consisting of the full empirical and bibliographic data shall be provided in useable electronic format.

The draft final report will be submitted to the European Commission twenty two weeks after the signature of the contract.

The Steering Committee will discuss the draft final report in a meeting, in which the Contractor will participate, one week after submission of the draft final report. If further work is requested, revisions should be made as soon as possible.

The final report must be submitted no later than 26 weeks after signature of the contract. It shall contain the revised version of the previous deliverable taking account of the observations and comments of the steering committee on the draft final report, insofar as they do not impinge the independent judgement of the contractor.

The final report shall be prefaced by an executive summary (main findings and recommendations) of no more than 10 pages. Executive summaries in French and in German should also be included. The summary must be written in a clear, unambiguous and comprehensive style, and must not use specialist terminology.

The final report will be provided both in electronic format (Word and PDF) and in 5 hard copies, and shall be of maximum 100 pages (not including the technical annexes).

The rights relating to the evaluation and those pertaining to its duplication and publication will remain the property of the European Commission. Any document based, in full or in part, on the work completed under this contract, may only be transmitted or published with European Commission permission.

11 QUALITY OF THE EVALUATION REPORTS

The quality of the evaluation reports will be assessed by the European Commission on the basis of the criteria given in Annex 1 of these Terms of Reference.

12 PAYMENTS AND STANDARD CONTRACT

Payments under the contract shall be made in accordance with Article II.4 of the contract. Payments shall be executed only if the contractor has fulfilled all his contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for previous periods have not been executed as a result of default of negligence on the part of the contractor.

The payment will be made in three instalments:

- A first intermediate payment of 30 % of the total amount referred to in Article I.3.1 of the contract shall be made within 30 days of the receipt of a formal request for payment corresponding to the relevant invoices which may be submitted after the European Commission's approval of the inception report.
- A second intermediate payment of 40 % of the total amount referred to in Article I.3.1 of the contract shall be made within 30 days of the receipt of a formal request for payment corresponding to the relevant invoices which may be submitted after the European Commission's approval of the interim report.
- The balance payment shall be made within 30 days of the receipt of a formal request for payment corresponding to the relevant invoices which may be submitted after the European Commission's approval of the final report.

In drawing up the bid, the tenderer should take into account the provisions of the standard contract comprising the general term and conditions applicable to service contracts.

13 PRICE

Under the terms of article 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, the latter are exempt from all charges, taxes and duties, including value added tax; such charges may not therefore be included in the calculation of the price quoted. The amount of VAT is to be indicated separately.

The price must be stated in EUR (€), net of VAT (using, where appropriate, the conversion rates published in the C series of the Official Journal of the European Union on the day when the invitation to tender was issued) and broken down according to the model in annex III included in the attached standard contract.

The maximum amount available for this call for tender is € 480.000. Tenderers should note that any bid exceeding this amount will not be considered.

For each task described under point 6, the tenderer must specify:

Part A: Professional fees and direct costs:

- fees, expressed as the number of person-days multiplied by the unit price per working day for each expert proposed

Tenderers must provide the fees for each professional profile, as defined in the explanatory note in Annex III of the attached standard contract. These fees must be fixed and should include all costs (project management, quality control, training of contractor's staff, support sources such as printing of reports...) and all expenditure (management of the firm, secretariat, social security, salaries etc...) incurred directly or indirectly by the contractor in performance of the tasks which may be entrusted to him. In particular, the fees must also include the travel and subsistence costs for services provided in the

contractor's premises, in the European Commission's offices in Brussels and Luxembourg, and in the Member States.

- translation costs, if applicable

- cost of tools (surveys, case studies,...), methods, etc.

Part B: Reimbursable expenses

Not applicable.

All references to prices for additional costs of co-ordination, general administration, etc will be ignored. Such costs must be included as part of the price offer in the table of unit prices under fees.

14 PARTICIPATION IN THE TENDERING PROCEDURE

Please note that:

- the competition is open to any physical person or legal entity coming within the scope of the Treaties and other physical person or legal entity from a third country which has concluded with the Communities a specific agreement in the area of public contracts, under the conditions provided for in that agreement.

- where the Multilateral Agreement on Public Contracts concluded within the framework of WTO applies, the contracts are also open to national of States that have ratified this Agreement, under the conditions provided therein. It should be noted that research and development services, which come under category 8 of Annex IIA of directive 2004/18/CE, are not covered by this Agreement.

15 GROUPINGS OF ECONOMIC OPERATORS OR CONSORTIA

With regard to consortia or groups of service providers, please note the following:

- Tenderers may organise joint tenders or tenders from consortia at their discretion. In such case, one of the members must be designated as the lead contractor and agent responsible.
- Tenderers submitting joint tenders must describe how their cooperation will be organised in order to achieve the expected results. This organisation must cover both technical aspects and administrative/financial issues. It must also provide the European Commission with a single access point to all the participants.
- The consortium selected may be required to assume a given legal form when it has been awarded the contract if this change is necessary for proper performance of the contract. However, a grouping of economic operators must nominate one party to be responsible for the receipt and processing of payment for members of the grouping, for managing the service administration, and for coordination.

- The documents required and listed in chapter 16 of the specifications must be supplied by every member of the grouping. Each member of the grouping assumes a joint and several liability towards the European Commission.

16 EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS

1) Tenderers must provide a declaration on their honour, duly signed and dated, that they are not in one of the situations referred to in articles 93 and 94a) of the Financial Regulation.

Those articles are as follows:

Article 93:

Applicants shall be excluded if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning professional conduct by a judgement which has the force of *res judicata*;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of income tax and VAT in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) they are currently subject to an administrative penalty referred to in Article 96(1)¹³.

Article 94:

Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:

- a) are subject to a conflict of interests;

¹³ "Article 96(1): The contracting authority may impose administrative or financial penalties on the following:

- (a) candidates or tenderers in the cases referred to in point (b) of Article 94;
- (b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget. (...)"

b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;(...)"

2) The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in article 134 of the implementing rules, confirming the declaration referred to in point 1 above.

Article 134 of the Implementing Rules:

1. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer to whom the contract is to be awarded is not in one of the situations described in point (a), (b) or (e) of Article 93(1) of the Financial Regulation, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.

2. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (d) of Article 93(1) of the Financial Regulation, a recent certificate issued by the competent authority of the State concerned. Where the document or certificate referred to in paragraph 1 is not issued in the country concerned and for the other cases of exclusion referred to in Article 93 of the Financial Regulation, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

3. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraphs 1 and 3 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

3) The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in article 134 of the implementing rules if such evidence has already been submitted to it for the purposes of another procurement procedure launched by DG EMPL and provided that the issuing date of the documents does not exceed one year and that they are still valid.

In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

17 SELECTION CRITERIA

The candidates will be selected on the basis of their financial and economic capacity and their professional and technical capacity. Tendering parties' capacity will be assessed in the light of the criteria below, on the basis of the documents provided by the tenderers.

17.1. Economic and financial capacity

(SC.1) Tendering parties must demonstrate their economic and financial capacity to carry out the tasks set out in the tender specifications.

In order that their position in relation to the selection criteria can be verified, tendering parties should enclose documents with their application enabling an assessment to be made. This information requirement applies to all members of a consortium.

1) the tenderer (or all partners of the consortium together) must provide proof of at least one annual turnover in the last two financial years for which accounts have been closed at least equivalent to 480.000 €;

2) balance sheets from the last two financial years that have been closed, where publication of the balance sheets is required under company law in the country in which the service provider is established; in the case of tenders from consortia, this balance sheet must be provided by each member of the consortium;

3) a statement of the undertaking's overall turnover and its turnover in respect of the services to which the contract relates for the previous two financial years; in the case of tenders from consortia, this statement must be provided by each member of the consortium;

4) a bank declaration providing evidence of good financial standing; in the case of tenders from consortia, this declaration must be provided by each member of the consortium.

17.2. Professional and Technical capacity

(SC.2) Tenderers must possess the necessary skills in order to fulfil the requirements of this contract, and at least three years' experience of direct relevance to the tasks and field concerned.

(SC.3) Tenderers must demonstrate that they have the human resources needed to provide the products and services required, including the ability to develop and implement the evaluation and evaluation related tools envisaged.

The team as a whole must have proven experience in evaluation related to the *ESF* and in the field of *equal opportunities and anti-discrimination in relation to the labour market*.

At least, two valid CVs per category of expert should be presented:

- Category I: At least 2 experts should have proven a minimum of 15 years professional experience in evaluation, within Member States or/and at transnational / European Union level. At least one expert should have a proven minimum of 7 years professional experience in ESF related evaluations. At least one expert should have a proven minimum of 7 years professional experience in evaluations in the field of equal opportunities and anti-discrimination in relation to the labour market. Experts should have proven management/supervision capacities and thought and creativity skills as regards professional practice.
- Category II: At least 2 experts should have proven a minimum of 10 years of professional experience in evaluation, within Member States or/and at transnational / European Union level. At least 1 expert should have proven a minimum of 4 years of professional experience in ESF related evaluations. At least one expert should have proven a minimum of 4 years of professional experience in evaluations in the field of equal opportunities and anti-discrimination in relation to the labour market. He/she should have proven management/supervision capacities and thought and creative skills.
- Category III: At least 2 experts should have proven a minimum of 5 years of professional experience in evaluation, within Member States or/and at transnational / European Union level. At least one expert should have proven a minimum of 2 years of professional experience in ESF related evaluations. At least one expert should have proven a minimum of 2 years of professional experience in evaluation in the field of equal opportunities and anti-discrimination in relation to the labour market.
- Category IV: A sufficient number of junior experts holding a university degree or equivalent training related to the professional sectors mentioned above, or more generally in economic or social affairs, should be foreseen to carry out the task of collecting and analysing data.

The project leader/project manager/core team will consist of at least 2 experts of Category I and 2 experts of Category II, with the above mentioned years of experience in ESF evaluation and evaluation in the field of equal opportunities and anti-discrimination.

(SC.4) Tenderers must designate a project leader. The project leader will be the European Commission's contact point, the sole interlocutor to whom it will address any requests and who must attend meetings with the European Commission. In case of a consortium, the project leader/manager will belong to the consortium leader.

(SC.5) Tenderers must demonstrate their capacity to work in at least 15 EU official languages. In addition, tenderers should explain how they will ensure their capacity to work with all 21 EU official languages (now 23 but only 21 are relevant to the EQUAL Community Initiative since Romania and Bulgaria were not part of it).

The technical and professional capacity of the tenderer, according to the selection criteria mentioned above, shall be evaluated and verified on the basis of the following:

- 1) A brief description of the professional activities of the tenderer (and its members in case of consortia) in respect of services similar to those to which the contract relates over the past three years. Where the work was undertaken for the European Commission, the applicant must also indicate the European Commission reference number of the contract and the department for which the contract was performed;
- 2) A list of members (staff or expert) of the team to be used for the performance of services requested, including the project leader, together with their CVs and qualifications (See Annex IV of draft contract, CVs of experts), and a clear description of the specific tasks each person will carry out during this project;
- 3) A declaration by the applicant (in the case of a consortium a declaration is needed by all consortium members) certifying his technical capacity and the competence of the team to carry out the services. This declaration should also include an explicit reference to the capacity to cover all EU languages;
- 4) Firm commitments of involvement in the project signed and dated from external persons to the firm.
- 5) Firm commitments of involvement in all stages of the project, signed and dated by all Category I and II experts that are presented as members of the core team.

Bids considered by the European Commission not to meet the above-mentioned requirements on financial and operational capacity will be eliminated without further assessment.

18 AWARD CRITERIA

The contract will be awarded to the bid representing the best price/quality ratio, taking into account the following criteria:

Award criteria 1 **Understanding of the services and general approach to the work to be performed**
(25 points)

Demonstration of understanding of the nature of the evaluation, contexts (EQUAL, ESF, EES, social inclusion, equal opportunities and anti-discrimination policy areas), evaluation questions and the results to be achieved.

Award criteria 2 **Proposed methodology and tools**
(50 points)

- Theories and methods for responding to evaluation questions
- Field work and activities proposed to supplement the sources of information available (sampling, surveys, interview, case studies, etc.)
- Theories and methods for processing information and interpretation of quantitative data and qualitative information including:
 - a) Methods of comparison of information and validation of analysis;
 - b) Participative methods and feedback of evaluation results and recommendations.

Award criteria 3 **Approach proposed for the management of the work**
(25 points)

This should be reflected in a detailed description of how the evaluation will be managed. The work plan should describe the resources allocated (persons assigned to tasks, workdays, deadlines and critical path analysis).

Tenders which do not obtain at least 60 % of the maximum score for each award criterion and at least 70 % of the overall score for all criteria, will not be admitted to the next stage of the evaluation procedure. The total points will then be divided by the price, with the highest-scoring bid being chosen.

19 CONTENT AND PRESENTATION OF THE BIDS

19.1. Content of bids

Tenders must include:

- All information and documents necessary to enable the European Commission to appraise the bid on the basis of the selection and award criteria (see points 17 and 18 above).
- A bank ID form duly completed and signed by the bank.
- A "legal entity" form duly completed.
- The price.
- Information on the composition of the team: names, categories of expertise, CVs, number of working days, responsibilities within the team. The information should be presented using the templates provided in annex 2 and 3.
- The name and function of the contractor's legal representative (i.e. the person authorised to act on behalf of the contractor in any legal dealings with third parties).
- Proof of eligibility: tenderers must indicate the State in which they have their registered office or are established, providing the necessary supporting documents in accordance with their national law.

19.2 Presentation of the bids

Bids must be submitted in quintuplicate (1 original and 4 copies);

They must include all the information required above (points 13, 14, 15, 16, 17,18);

They must be clear and concise;

They must be signed by the legal representative;

They must be submitted in accordance with the specific requirements set out in the invitation, within the deadlines laid down.

Additional provisions

1) Fulfilment of adjudication or invitation to tender procedure shall not involve the European Commission in any obligation to award the contract.

2) The European Commission shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be liable in the event of its decision not to award the contract.

3) Expenses incurred in respect of the preparation and presentation of tenders cannot be refunded.

4) No information of any kind will be given on the state of progress with regard to the evaluation of tenders.

5) All documents submitted by tenderers will become the property of the European Commission.

ANNEXES TO THE PRESENT TERMS OF REFERENCE

ANNEX 1 QUALITY ASSESSMENT CHECKLIST

ANNEX 2 MODEL CV FOR THE PRESENTATION OF EXPERTS

ANNEX 3 MODEL SUMMARY TABLE FOR THE PRESENTATION OF EXPERTS

ANNEX 4 EXCLUSION CRITERIA - Article 93 of Financial Regulation

ANNEX 5 EXCLUSION CRITERIA – Article 94 of Financial Regulation

ANNEX 1 - QUALITY ASSESSMENT OF THE EVALUATION REPORT

For the evaluation to be successful it is important that the contractor demonstrates ability to fulfil the requirements in the offer. The quality of the evaluation reports will be assessed using the following criteria:

	Poor	Satisfactory	Good	Very good	Excellent
1) Relevance Does the evaluation respond to information needs, in particular as expressed in the terms of reference?					
2) Appropriate design Is the design of the evaluation adequate for obtaining the results needed to answer the evaluation questions?					
3) Reliable data Are data collected adequate for their intended use and have their reliability been ascertained?					
4) Sound analysis Are data systematically analysed to answer evaluation questions and cover other information needs in a valid manner?					
5) Credible findings Do findings follow logically from and are justified by, the data/information analysis and interpretations based on pre-established criteria and rational?					
6) Valid conclusions Are conclusions non-biased and fully based on findings?					
7) Helpful recommendations Are areas needing improvements identified in coherence with the conclusions? Are the suggested options realistic and impartial?					
8) Clarity Is the report well structured, balanced and written in an understandable manner?					

ANNEX 2 - MODEL CV FOR THE PRESENTATION OF EXPERTS

Personal information	
Surname(s) / First name(s)	Surname(s) First name(s)
Nationality	(remove if not relevant)
Date of birth	(remove if not relevant)
Gender	(remove if not relevant)
Relevant professional experience	Add separate entries for each relevant professional experience (specify dates, number of months spent in the project of professional activity, description of tasks and employer/commissioner, starting by the most recent)
Education and training	
Dates	Add separate entries for each relevant training you have completed, starting from the most recent. (remove if not relevant)
Title of qualification awarded	
Principal subjects/occupational skills covered	
Name and type of organisation providing education and training	
Personal skills and competences	
Mother tongue	Specify mother tongue (if relevant add other mother tongue(s))
Other language(s)	
Self-assessment	
Language	
Language	
Other relevant skills and competences	Replace this text by a description of these competences and indicate where they were acquired. (Remove if not relevant)
Additional information	Include here any other information that may be relevant. (Remove heading if not relevant)

ANNEX 3 - MODEL SUMMARY TABLE FOR THE PRESENTATION OF EXPERTS

Name of expert	Categ. of expert	Organisation	Years of evaluation experience	Years of experience in ESF evaluation	Years of evaluation experience in equal opps – antidiscrim.	Work Task	No. days	Languages
X	II	Y				(indicate exactly which tasks expert will be involved in and <u>how exactly</u>)	(on each task)	SI, SK,CZ

ANNEX 4 EXCLUSION CRITERIA - Article 93 of Financial Regulation

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or tenderers to who the contract will be awarded		
	Procurement (Article 93(2) FR; Article 134 IR)		
1. Exclusion from a procurement procedure, Article 93(1) FR : <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i>			
1.1. (subparagraph a) <i>they are bankrupt or being wound up,</i> <i>are having their affairs administered by the courts,</i> <i>have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,</i> <i>or are in an analogous situation arising from a similar procedure provided for in national legislation or regulations¹⁴;</i>	Recent extract from the judicial record or recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance or Where no such certificate is issued in the country concerned: sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance		
1.2. (subparagraph b) <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata¹⁵;</i>	Cf. supporting documents for Article 93(1)(a) FR above		
1.3. (subparagraph c) <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i>	Declaration by the candidate or tenderer that he is not in the situation described		
1.4. (subparagraph d) <i>they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed¹⁶;</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described or Where no such certificate is issued in the country concerned: sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance		
1.5. (subparagraph e) <i>they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests¹⁷;</i>	Cf. supporting documents for Article 93(1)(a) FR above		
1.6. (subparagraph f) <i>they are currently subject to an administrative penalty referred to in Article 96(1)¹⁸. »</i>	Declaration by the candidate or tenderer that he is not in the situation described		

¹⁴ See also Article 134(4) IR : Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraphs 1 and 3 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer .

¹⁵ Cf. footnote n° 1.

¹⁶ Cf. footnote n° 1.

¹⁷ Cf. footnote n° 1.

¹⁸ Article 96(1) FR: The contracting authority may impose administrative or financial penalties on the following:

(a) candidates or tenderers in the cases referred to in point (b) of Article 94;

(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

ANNEX 5 EXCLUSION CRITERIA – Article 94 of Financial Regulation

Exclusion criteria (Article 94 FR)	Supporting documents to be provided by applicants, tenderers or tenderers to who the contract will be awarded		
	Procurement	Grants	
2. Exclusion from a procurement or grant award procedure Article 94 FR: « <i>Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>			
2.1. (subparagraph a) <i>are subject to a conflict of interest;</i>	Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal		
2.2. (subparagraph b) <i>are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information»¹⁹.</i>	No specific supporting documents to be supplied by the applicant, tenderer or bidder It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete ²⁰ and to identify any misrepresentation		

¹⁹ Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee or the contracting authority may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within the time limit it specifies. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee or, where appropriate, the authorising officer responsible may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of obvious clerical errors »

²⁰ Cf. footnote n°1