

TERMS OF REFERENCE FOR THE ROLE OF FUND OPERATOR: QUESTIONS AND ANSWERS

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Purpose of this document

This document lists the questions sent to the FMO regarding the role of Fund Operator of the EEA Grants Active Citizens Fund 2014-2021, and the responses provided by the FMO.

After the tender for Fund Operator of the Active Citizens Fund is launched in a beneficiary country, questions can be sent to the FMO regarding the role. All questions must be emailed to the address below, indicating in the subject line the country and organisation name: acfund@efta.int. In the interest of transparency and fairness, these questions do not receive individual replies – responses are provided in this document and made publicly available on the EEA and Norway Grants website.

For ease of reference the questions and answers are grouped in the following way:

1. Administrative criteria
2. Eligibility criteria
3. Evaluation criteria and selection
4. Regional civil society initiatives and bilateral cooperation
5. After selection of the Fund Operator/programme implementation

1. Administrative criteria

Question 1.1: To which level is it necessary to submit the supporting documents in English, e.g. the Statutes of the organisations or description of previous work?

Answer: The proposal shall be submitted in English. According to section 6.2 of the Terms of Reference, an English translation of each bidder's statute is required. For other supporting documents not in English, a translation into English for the relevant parts of these documents should be provided.

Question 1.2: Do all bidders have to submit information on their financial capacity?

Answer: Yes, each member of the consortium shall fill in the tables provided in Section 4 ('financial resources') of the bid form.

Question 1.3: An English translation of bidder's statute is required. Does the translation need to be certified?

Answer: According to the last paragraph of section 6.2 in the Terms of Reference 'where supporting documents are not in English, a translation in to English of the relevant parts of the documents should be provided'. Certification is not a requirement.

Question 1.4: What is meant by 'turnover or equivalent' and 'net earnings or equivalent' in section 4.1 of the bid form?

Answer: In section 4.1 of the bid form, bidders are requested to provide a clear indication of historical and available financial resources on the basis of the profit and loss/balance sheet of each member of the consortium (amounts in thousands of euros). This includes:

Turnover: managed budget/funds or equivalent

Net earnings: net income/net profit or equivalent

This information will be used to assess the consortium's sources of finance and track record in managing funds.

Question 1.5: An external audit report and a copy of latest accounts for the last financial year for which the accounts have been closed should be submitted. As the deadline is 13 March, 2017, not all members of consortium will have the accounts for 2016 closed as it is legal duty for 31 March. Does it mean that they can submit the accounts for year 2015?

Answer: Yes, that is fine. The latest available report shall be submitted.

Question 1.6: Does the English translation of the external audit report need to be certified?

Answer: According to the last paragraph of section 6.2 in the Terms of Reference 'where supporting documents are not in English, a translation in to English of the relevant parts of the documents should be provided'. Certification is not a requirement.

Question 1.7: Regarding the bid form section on 'management structure, executive board and key partnerships: under the national law, the Board of Trustees of each foundation is the body that makes the final decision about awarding a grant. What is the role of the Executive Board of the Consortium?

Answer: Please provide information on how decisions will be taken in the consortium. If the decisions are foreseen to stay with the relevant Board of Trustees, please provide this information.

Question 1.8: Regarding the bid form section 5.2, 'please provide an organigram/chart of the proposed management structure, illustrating clearly the respective roles in decision-making': what is the difference between the organigram in this part of the bid form and the one that is required in the supporting documents?

Answer: There is no difference. It is the same document. Please ensure that the organigram/chart includes all the information required under part 5.2.

Question 1.9: Are other supporting documents than the ones listed in the bid form checklist allowed (section 10, part B)? For example maps, graphs and statistics?

Answer: As stated in part A of the administrative checklist (Section 10 of the Bid Form), the bid shall not exceed 25 pages excluding the cover page and Section 9-10 of the Bid Form. Only the required supporting documents listed in part B of the administrative checklist shall be attached to the bid. Any other attachments to the bid will not be evaluated.

Question 1.10: Regarding the references that have to be provided in tables in sections 2.1, 2.2 and 3 of the bid form: should the references be provided repeatedly? Some of our programmes have the character of ‘working with the sector’, ‘capacity building’ as well as ‘management of public and private grants’.

Answer: If the references are relevant for different experiences, please provide them repeatedly.

Question 1.11: Including tables within the limit of 25 pages for the bid form document is not possible for us. Will this be a criteria critical for the administrative check-list?

Answer: The bid shall not exceed 25 pages excluding annexes. Any document that is considered to be an annex should be labelled and attached to the bid as such.

Question 1.12: For Annex B: Programme Budget, what should be filled in the first table – only the management fees for achieving the respective outcomes, including management (launching call for proposals, selecting, awarding/contracting, monitoring etc) of the projects funded under the ‘Regional Civil Society Initiatives’ and under the ‘Fund for Bilateral Relations’ so that the total eventually is approximately (less than) EUR 1 385 000 or should there here be included budget lines for the respective funds (‘Roma empowerment and inclusion’, ‘Scholarships for Roma students in medical/health studies’, ‘Fund for Bilateral Relations’, etc. so that the total eventually is approximately EUR 15 500 000?

Answer: Annex B table 1 should include all the programme budget headings i.e.:

- Management fee
- Re-granting amount presented separately for each outcome
- Regional Civil Society Initiatives
- Fund for Bilateral Relations

Annex B table 2 should present a suggested indicative breakdown of the management fee only. More detailed information and guidelines can be found in Chapter 5.8 and 5.9 of the Manual for Fund Operators of the Active Citizens Fund.

Question 1.13: What is the expected profile/composition of the Executive Board of the consortium that has to be set up?

Answer: In section 5.2 of the bid form please provide information on who will take final decisions within the consortium. If the decisions are foreseen to stay with the Board of Trustees of a consortium member organisation, please include the requested information as appropriate. Should a new Executive Board be set-up for the Fund Operator role, please provide the requested information accordingly.

Question 1.14: The bid is to be submitted only in electronic form and not in hard copy – is that right?

Answer: Yes, bids are to be submitted only in electronic form, as specified in bullet point 2 and the last bullet point accordingly, in the section 'Instructions for drafting the bid form' in the Bid Form.

Question 1.15: Regarding section 5.2 of the bid form (the table that needs to be filled in with information on the executive Board members of the consortium). In column 'On the board since' what information should be provided for each person? If the Executive Board will be set up for this Consortium only, this column will not apply? Or we simply mention 'starting the date of Consortium agreement signature'/'starting the date of PIA signature'/any other particular reference we would justify within the set-up proposed?

Answer: Section 5.2 of the Bid form serves the purpose of providing information regarding the people responsible for taking decisions during the implementation of the Programme as well as the decision making structures within the consortium. This section of the Bid also serves to assess the Board member's affiliations. Consequently it is encouraged to provide as much information as possible about the members of the Board. If the Board is created for this programme only, please indicated the date applicable based on/according to the agreement between the members of the consortium.

Question 1.16: In case of the Fund for Bilateral Relations, if we consider an amount above the allocated minimum amount in the Terms of Reference, this added amount shall be considered from the re-granting category or the management fee?

Answer: The amount of the bilateral fund for each programme is based on the total programme allocation as described in section 5.5 of the Manual for Fund Operators of the Active Citizens Fund. Thus if a higher allocation is considered this should also be calculated as a percentage of the total programme allocation.

Question 1.17: Related to Section 6 'Management Set-up of the Consortium of the Bid Form', the table to be filled in for each organization. 'At Role and involvement in preparing the Programme': the preparing of programme refers to the period between the selection of the bid and signing the Grant Agreement or it refers to drafting the bid period?

Answer: This refers to the period between the selection of the Fund Operator (FO) and the signing of the Programme Implementation Agreement (PIA)

Question 1.18: Taking into consideration the limit of 25 pages of the Bid Form, when filling the tables under item 2 'Bidder's experience' their number increases a lot. Do you mind if we put these tables in landscape orientation or if we make changes to the format?

Answer: In order for the table to take less space it can be set in landscape orientation, and the gridlines between the existing rows/columns can be moved (to expand cells with more text and minimize cells with less text). Except for this, the Bidder must follow the instructions provided in the Bid Form and shall not make any changes to the format/tables.

Question 1.19: The Bid form A is an annotated template (comprising of 13 pages). Would it be accepted if the bidder deleted the annotations to the sections in order to meet the 25 pages length requirement for the bid?

Answer: Yes, the annotations in the Bid Form A can be deleted.

Question 1.20: According to national accountancy legislation the deadline for audit and publication of financial reports is 30 June of the current year. In that respect the Lead bidder's audit report for the financial year 2016 is contracted to be finalized in April 2017. Having in mind that the deadline for submission of the bid is before this date, could you please confirm our understanding that the Lead bidder will comply with the requirements for the requested supporting documents by presenting external audit report and accounts (profit and loss account and balance sheet) for year 2015 which is the final closed and audited financial year by the date of submission? In addition we are capable to present financial statements for 2016 with a letter from the independent auditor regarding the expected date of finalization of audit report, if you consider necessary.

Answer: Yes, that is fine. The latest available report shall be submitted.

Question 1.21: The "Declaration of the Bidder", section 8 of the bid form, is one of the supporting documents identified on the checklist for the bid (#15), and therefore it is our understanding that this should not be considered for the 25-page limit. However, this declaration is not mentioned in #2 of the checklist for the bid. Is this declaration outside the page limit?

Answer: The Declaration of the Bidder (section 8 of the bid form) is not considered for the 25-page limit.

Question 1.22: The cover page does not count for the 25-page limit, according to #2 of the checklist for the bid. Could the basic information at the beginning of the bid form, which is repeated later in the document, be included on this page?

Answer: While the cover page is not counted in the 25-page limit, the basic information at the beginning of the form is included within the expected 25 pages.

Question 1.23: Regarding #13 of the checklist for the bid, will a comprehensive list of CVs be required, or is it necessary to include only the most relevant ones?

Answer: The bidder should provide the CVs of all the staff designated to the Programme and listed under section 5.1 in the bid form.

Question 1.24: Does the stakeholder consultation report need to be included in the application form?

Answer: No, the stakeholder consultation will take place only after the fund operator has been selected. More information on the stakeholder consultations can be found in the Civil Society Results Manual, section III.1.

2. Eligibility criteria

Question 2.1: Since it is not explicitly written that the bidder (or co-bidders) should be an entity in the beneficiary state does it mean that the bidder could be any international NGO from the EEA?

Answer: Yes, according to the eligibility criteria, all organisations submitting the bid must be legal entities in the EEA and have experience working with civil society in the beneficiary country. This makes it possible that the bidder can be any international NGO from the EEA that meets these (and the other) eligibility criteria. The eligibility and evaluation criteria (including knowledge of the sector, expertise in capacity development in the country etc.) make it more likely that bids from organisations in the beneficiary country will score higher than bids from organisations outside the beneficiary country. For more information on eligibility and evaluation criteria, see section 4.2 and 4.3 of the Terms of Reference.

Question 2.2: Can a private company be member of a consortium, which bids for the tender?

Answer: A private company can be a co-bidder given that they fulfil the eligibility criteria as described in Section 4.2 of the Terms of Reference. However, as stated in the same section, the lead bidder must be non-profit making with a non-commercial purpose.

Question 2.3: Is it only the relevant Beneficiary State entities that need to be non-governmental organisations, or does this apply to all potential bidders?

Answer: According to the eligibility criteria in Section 4.2 of the Terms of Reference, all bidders/organisations in the consortium have to be non-governmental.

Question 2.4: What is the minimum/maximum number of organisations required to be considered as a consortium?

Answer: The minimum number of organisations required in a consortium is two. The Terms of Reference does not include any requirements relating to the maximum number of organisations within a consortium. Please note, that the management set-up of, including the composition and division of roles within the consortium is part of the evaluation criteria as described in section 4.3 of the Terms of Reference.

Question 2.5: What does sufficient re-granting experience mean?

Answer: There is no set answer to this, as the scope of experience may vary between organisations. E.g. an organisation may have re-granted to 20 projects worth 5,000 euro each, and another organisation two projects worth 100,000 euro. Both may be relevant experience. Section 3 of the bid form invites bidders to include relevant experience from the last ten years. This will provide us with a significant overview of the re-granting experience of the consortium.

Question 2.6: What is meant by 're-granting experience'?

Answer: 'Re-granting experience' refers to experience in receiving grants from a donor, and in turn providing sub-grants to a number of smaller organisations. At least one organisation in the consortium is required to have experience in and technical capacity for this financing mechanism.

Question 2.7: Do all bidders have to be non-governmental organisations and non-profit making?

Answer: As stated in the eligibility criteria in section 4.2 of the Terms of Reference, all bidders must be non-governmental organisations. The lead bidder must in addition be non-profit making with a non-commercial purpose.

Question 2.8: Is an NGO not registered as a foundation acceptable as a consortium member with a specific role in the grant making process based on their specific and unique expertise in the field work?

Answer: As stated in the eligibility criteria in section 4.2 of the Terms of Reference, all bidders must be non-governmental organisations. The lead bidder must in addition be non-profit making with a non-commercial purpose. Other members of the consortium only need to be non-governmental.

Question 2.9: What are the criteria for financial sustainability?

Answer: The eligibility criteria 'Have stable and sufficient sources of finance to maintain their activity throughout the programme' will be checked against the information provided in section 4 'Financial Resources' in the Bid Form, and the supporting document 'External audit report of the Lead Bidder'.

Question 2.10: The partners in the bid are non-profit, does that mean that companies could not be partners?

Answer: A private company can be a co-bidder given that they fulfil the eligibility criteria as described in Section 4.2 of the Terms of Reference. However, as stated in the same section, the lead bidder must be non-profit making with a non-commercial purpose. See also questions 2.2 and 2.3 in this Q&A document.

Question 2.11: You mention the importance of previous fund granting experience. Can you add to that? What sort of experience? Need it be management level of experience?

Answer: The eligibility criteria, including the required experience of the Bidder are included under section 4.2 of the ToR. All bidders must be non-governmental organisations and have experience working with the civil society sector in the beneficiary country. The lead bidder must in addition be non-profit making with a non-commercial purpose. Additionally at least one organisation should have sufficient re-granting experience and sufficient experience in strengthening civil society capacity and sustainability. Re-granting experience is further explained under questions 2.5 and 2.6 in this Q&A document.

Question 2.12: What value is given to bids from experiential learning realities like ours where professionally trained people are working side by side with young people from disadvantaged situations learning on the go?

Answer: The ToR sections 1.2.-1.6 define the focus and scope of the Active Citizens Fund. Further, you can see the eligibility and evaluation criterion in ToR sections 4.2 and 4.3 respectively.

Question 2.13: Would a non-profit making, non-governmental, autonomous organisation which receives government funding be eligible? All other eligibility criteria is satisfied.

Answer: The level and content of the government funding needs to be assessed on a case by case basis in order to determine without a doubt the independence of the organization from local, regional and central government as required by the eligibility criteria under section 4.2 of the ToR.

Question 2.14: What would you consider to be relevant re-granting experience? Would it encompass any type of public or private donor, and any type of national or international donor?

Answer: See Q&A 2.6. Relevant re-granting experience could be from both public and private donors, however in case there are several examples that could be provided, please list those that could be considered the most relevant in view of the present Terms of Reference.

Question 2.15: At least one organisation in the consortium bidder must have “sufficient re-granting experience”, according to P.16 of the ToR. We ask that you kindly clarify what constitutes, in your understanding, sufficient experience. Taking the examples from Q&A Question 2.5 – would an organisation with the experience of granting €100,000 have enough experience to be fund operator in a €11 million programme, or would an applicant be required to have experience worth a larger percentage of that amount?

Answer: As also replied to Q&A Question 2.5, there is no set answer to this. Section 3 of the bid form invites bidders to include relevant experience from the last ten years, including descriptions of responsibilities and tasks carried out. This will provide us with a significant overview of the re-granting experience of the consortium.

Question 2.16: My central doubt is due to the entity status – if it's a legal entity or not. We are a local association (civil society organization), a non -profit but represented by 4 municipalities.

Answer: According to the eligibility criteria in Section 4.2 of the Terms of Reference, in order to be eligible for the Fund Operator role, all organisations submitting a bid must be legal entities in the EEA and be non-governmental, independent of local, regional and central government, political parties and religious institutions. Generally, associations of municipalities where the municipalities have representation and a decisive role in the board of the organisation are not considered independent of local government.

Question 2.17: We ask that you kindly clarify the meaning of the second bullet in section 4.2 of the ToR in the part concerning “religious institutions” – is your meaning that organisations must not be

religious institutions, or instead, that they must not be dependent on religious institutions? And if it is the latter, what would determine dependency on a religious institution?

Answer: In accordance with section 4.2 of the ToR, in order to be eligible for Fund Operator role, all organisations submitting a bid must be independent of religious institutions. This entails that the organisation must not in any way be dependent on or influenced by a religious institution and do not directly or indirectly promote religious doctrine, mission or proselytism related to the beliefs of a particular faith (beyond basic religious/cultural awareness raising).

Question 2.18: In accordance with section 4.2 of the ToR, in order to be eligible for FO role, all organisations submitting a bid must be non-governmental, independent of local, regional and central government. We would like to be sure that our and your understanding of “being non-governmental” is the same also in case of university, which is established as public, independent institution according to the Higher Education Act, and so is to be considered as the eligible bidder.

Answer: In accordance with section 4.2 of the ToR, in order to be eligible for the Fund Operator role, all organisations submitting a bid must be non-governmental, independent of local, regional and central government. Universities that in any way are dependent on or influenced by government, will normally not be considered as independent. With reference to section 6.4. of the ToR, please be aware that ‘to ensure equal treatment of bidders, the FMO cannot give a prior opinion on the eligibility of bidders, an action or specific activities’.

3. Evaluation criteria and selection

Question 3.1: When can we expect the final decision about selecting the FO?

Answer: The final decision will be taken by the Donors. The aim is to conclude the selection within two-three months after the deadline of the invitation to bid, depending on the number of bids received, and the time necessary for the Donors to conclude.

Question 3.2: How can we exchange contacts if we would like to apply as consortium, we are a NGO who has applied with Erasmus+ in the recent years?

Answer: We encourage each bidder to widely consult the NGO sector in their country to find best possible consortiums for the implementation of the Active Citizens Fund.

Question 3.3: Related to Section 4.3 of Terms of Reference, among evaluation criteria there is the management set-up of the consortium and at point 2.2 there are mentioned two sub-criteria: ‘The consortium includes at least one organization that was not a member of the operating consortium of the EEA and Norway Grants NGO programme in the previous programming period. The consortium is led by an organization that did not hold the lead/sole operator role during the preceding EEA and Norway Grants programming period’. A maximum of 10 points is given in this case. Our question: each of the two sub-criteria mentioned above values 5 points or their weight is different?

Answer: Yes, the sub-criteria weigh five points each. However, the full five points are not automatically granted; the quality of the new organisation/new lead is also evaluated and this will influence the scoring.

Question 3.4: In the bid documentation it is explained that the final programme design will be a result from the consultation process to take place after the selection of the Fund Operator. Does this allow for the bidder to propose two alternative modalities for the design of the Programme in the section 7.4 of the bid form (for instance two lists of selected outcomes that could be discussed with stakeholders during the consultation process), or there should be only one intervention logic proposed?

Answer: The bidder should propose only one intervention logic with the expected outcomes and outcome indicators for the target groups, and the key risks to outcomes in the bid in line with the Terms of Reference and guidelines in the bid form.

Question 3.5: Regarding capacity building on level 1 and level 2: we have to choose between the 5 pre-defined thematic areas and propose at least one outcome for each chosen thematic area. In previous answers you said that the capacity building outcomes shall be selected in addition to the thematic areas related outcomes. Our understanding is that the capacity building outcomes are separate budget lines equal to at least 15% of the funds for regranting. Thus there is an issue how they should be placed/budgeted/assessed within the thematic areas if there is a no separate thematic area 'Capacity building for SCOs/NGO sector'. We see two options:

1. All funding under the CB indicators should be provided to projects within the existing thematic areas, or
2. Funding under the CB indicators could be provided to projects that not necessarily fall under one of the thematic areas as per the ToR. Hence, they could be considered as projects exclusively focused on CB development (level 01 or 2) and no directly linked to any of the thematic areas chosen.

Answer: As stated in Section 2.2 of the Terms of Reference, capacity development should be integrated across the Programme, while a minimum of 15 percent of the re-granting amount shall be available to support capacity development and sustainability of the civil society organisations and the sector. Under Section 7.4 Programme modalities and design (in the bid form) bidders may solve this by integrating indicators for capacity development for each programme area outcome and/or include a separate outcome for capacity development

Question 3.6: Given the information required on the bid form regarding section 5.2, which level of detail should be provided on the management structure organigram: only the roles and relationships involved in decision-making? Could some of the information already outlined in section 5.2 be incorporated as well?

Answer: The organigram should provide comprehensive overview of the proposed management structure, clearly describing how the programme will be managed. The organigram should be aligned with the information provided section 5.1 of the bid form.

Question 3.7: Regarding the indicators to be proposed in the bid, and at this stage, is it required that only the most important ones from Annex D to the ToR are presented, or should bidders present a comprehensive set of indicators?

Answer: The bid should certainly identify as a minimum all relevant indicators from Annex D to the ToR. If the bidder is able to suggest additional relevant indicators, for the proposed outcomes, this would very useful to demonstrate the overall logic of the programme, its focus on results, and also the level of ambition.

Question 3.8: We have checked conditions of the bid for Slovakia, and we are bit confused by this particular condition: "The consortium includes at least one organisation that was not a member of the operating consortium of the EEA and Norway Grants NGO programme in the previous programming period. The consortium is led by an organisation that did not hold the lead/sole operator role during the preceding EEA and Norway Grants programming period."

Could you be so kind and helpful to clarify this condition? Does it apply just for the previous NGO Funds' POs?

Answer: Please note that the eligibility criteria for the selection of Fund Operator in Slovakia are included in section 4.2 of the Terms of Reference (ToR). The criterion referred to in your e-mail is an evaluation criterion listed in section 4.3 of the ToR, and the two sentences should be read in conjunction. Therefore the second sentence refers to consortiums operating the EEA and Norway Grants NGO programme.

4. Regional civil society initiatives and bilateral cooperation

Question 4.1: Who can be partners under regional civil society initiatives? Can we only partner with one other FO for all the regional civil society initiatives, or can it be different from event to event?

Answer: Regional civil society initiatives are organised by at least two Fund Operators of the Active Citizen Funds in different beneficiary countries, or by the Fund Operator together with another EEA/Norwegian Financial Mechanisms Programme Operator in the same beneficiary country, and may also be initiated by the FMO or Donors. Participants in Regional Civil Society Initiatives can include the FOs, other EEA and Norway Grants Programme Operators, project promoters and their partners, and civil society stakeholders, as well as international organisations. More information can be found in section 5.4 of the Manual for Fund Operators of the Active Citizens Fund.

Question 4.2: What are good examples of Regional Civil Society Initiatives? Who will coordinate and implement them? Is this up to the Fund Operator to organise activities with regional cooperation dimension or is it meant to providing grants for regional cooperation or both?

Answer: Regional Civil Society Initiatives are organised by at least two Fund Operators of the Active Citizen Funds in different beneficiary countries, or by the Fund Operator together with another EEA/Norwegian Financial Mechanisms Programme Operator in the same beneficiary country, and may

also be initiated by the FMO or Donors. Participants in Regional Civil Society Initiatives can include the FOs, other EEA and Norway Grants Programme Operators, project promoters and their partners, and civil society stakeholders, as well as international organisations. Thus Regional Civil Society Initiatives are coordinated by the Fund Operator. More information can be found in section 5.4 of the Manual for Fund Operators of the Active Citizens Fund, including examples. More information on eligible expenditures can be found in section 9.2 of the same Manual.

5. After selection of the Fund Operator/programme implementation

Question 5.1: The timeframe for contracting the Fund Operator is a concern, and might cause a funding gap between the current and future funding period. What is the flexibility in terms of timing when it comes to the contracting phase?

Answer: The FMO will work together with the selected Fund Operator to ensure efficient progress towards concluding a Programme Implementation Agreement. To this end, section 7 of the Terms of Reference states that the FMO reserves the right to select the next highest-scoring bidder, if an agreement with the selected bidder cannot be reached within six months of selection of the FO.

Question 5.2: What is the timeline for concluding a Programme Implementation Agreement with the selected Fund Operator?

Answer: The estimated timeline from selection of the Fund Operator to signature of the Programme Implementation Agreement is six months.

Question 5.3: The Manual for Fund Operators of the Active Citizens Fund sets out strict requirements, especially with regards to financial requirements, e.g. payments, proof of expenditure. How much flexibility will the Programme Implementation Agreement allow for?

Answer: All financial requirements defined in the Programme Implementation Agreement are legally binding. Chapter 9 'Financial Management' of the Manual for Fund Operators of the Active Citizens Fund explains these requirements in more detail in order to avoid misinterpretation and common errors. In addition, it provides Fund Operators with examples (see blue textboxes) and guidance on best practices (see textboxes marked 'good practice').

Question 5.4: How should the programme area specific 'the programme shall include youth inclusion' be addressed?

Answer: The programme area specific on youth inclusion (see Terms of Reference section 1.4) requires that the programme addresses youth inclusion, but it is for the Fund Operator to decide how to do this. Youth inclusion can be addressed using any of the programme components (see Chapter 5 of the Manual for Fund Operators of the Active Citizens Fund). It is up to the bidder to propose how this is best covered considering the country context.

Question 5.5: Can we find previous reports on results of the current programming period in the relevant Beneficiary State?

Answer: Information on the overall results of the NGO Funds under the 2009-2014 mechanism is included in the [EEA and Norway Grants Annual Reports for 2015](#). The 2014 Mid-Term Evaluation of the NGO Funds 2009-2014 is available [here](#), and an end-of-programme evaluation is foreseen in 2018.

Question 5.6: Who can implement a pre-defined project?

Answer: As described in section 7.8 of the Manual for Fund Operators of the Active Citizens Fund, pre-defined projects may be implemented by one or more organisations (an NGO, private or public entity) selected on a competitive basis, but may also be implemented by the Fund Operator in justified cases. Pre-defined projects may be proposed in the bid, or agreed with the FMO after the selection of the Fund Operator. Proposed pre-defined projects should be included in the 'programme modalities and design' (see section 7.4 of the bid form).

Question 5.7: If experts from the NGO sector will take part in preparation of the bid and the content of the programme, will the NGOs they work for be eligible to apply for grants under the programme? What about if they members of an expert group advising during the implementation of the programme?

Answer: Detailed rules on conflict of interest are provided in section 7.4 of the Manual for Fund Operators of Civil Society Programmes. It is explained that the Fund Operator shall take every reasonable measure to guarantee the integrity and the objectivity of the selection process of applicants. The first situation is related to the preparation of the programme, thus not directly related to the implementation. The second situation described would be considered a conflict of interest

Question 5.8: A question about reporting on the management fee: how will it be reported from the side of the FO? In case of reporting with invoices, will they be VAT exempted? No relevant text is to be found in the text of the PIA template included in the bid documentation.

Answer: The management fee shall cover the costs of the Fund Operator related to preparation, implementation and management of the programme. Details related to the management fee payments and reporting are described in Chapter 9 of the Manual for Fund Operators of the Active Citizens Fund - section 9.3.1(a) and 9.3.2 respectively. The management fee amount is without VAT. A VAT exemption certificate can be provided by the FMO for each payment of the fee following a submission of the invoice by the Fund Operator.

Question 5.9: Shall state aid regulations (de minimis rules) be applicable to the regranting amounts under the programme?

Answer: According to Article 107(1) of the Treaty on the Functioning of the European Union (TFEU) 'Save as otherwise provided in the Treaties, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market'. Accordingly four criteria need to cumulatively apply in order to consider an aid to be 'incompatible' state-aid:

- aid derives from public funds or through state resources to undertakings
- aid confers an advantage
- aid is selective
- aid affects trade between member states and distorts competition

Due to the non-commercial nature of the projects, it seems highly unlikely that grants provided within the ACF to project promoters would affect trade between the member states and distort competition. Consequently one of the four criteria is doubtful to apply.

Question 5.10: In the case of pre-defined project, justified for implementation by the FO itself, would a partnership with an external organization to the consortium be considered eligible for its implementation?

Answer: Yes, partnership with an external organization to the consortium could be considered eligible when the FO is implementing the pre-defined project. The rules on project partnership detailed in section 7.1 of the Manual for Fund Operators of the Active Citizens Fund apply accordingly, meaning that project partnership shall not be mistaken for sub-contracting. Project partners shall share a common economic or social goal through the implementation of the project, and partners shall cooperate throughout the entirety of the project realisation.

Question 5.11: The Civil Society Results Manual states that ‘each project belongs to a programme and may contribute to one or more programme outcomes’. In the case of a project that contributes to more than one outcome, how shall we count its budget? Since each outcome is a separate budget line, our understanding is that each project (project budget) has a clear reference to one outcome only (budget line). Our alternative interpretation is that at the evaluation stage, data for indicators (achievement), could be cross-counted in outcomes, if projects funded under different budget lines contribute to a given target. Is this correct?

Answer: If a project contributes to more than one programme outcome, the project budget will need to be split/estimated by outcome. To facilitate the calculation, the project will need to know which of the programme output(s) it is contributing to, under each of the outcomes.

Question 5.12: In the Civil Society Results Manual it is written that ‘a single programme should normally not have more than four outcomes’. If this is the case, shall we count capacity building/sustainability outcomes separately (in addition to the 4 outcomes chosen for the thematic areas), or outcomes are recommended to be up to 4 altogether (excluding the bilateral outcomes and the outcomes for regional initiatives)?

Answer: The capacity building/sustainability outcome relates to building the capacity of civil society, and shall be a separate outcome with appropriate indicators. This outcome is in addition to any other programme outcomes chosen. Please note that the number of outcomes depends on the size/focus of the programme.

Question 5.13: Supposing that the chosen outcomes are limited number (as suggested in the Civil Society Results Manual – up to 4) and the FO would like to offer opportunity for funding projects in all (almost all) thematic areas mentioned in the ToR, than: would it be possible that the chosen outcomes (for instance advocacy/watchdog role developed) correspond to more than one thematic area? For instance, advocacy can be done for human rights, but also for empowerment of vulnerable groups and good governance – in this example we have the same functional outcome, applicable to 3 thematic areas. Is such intervention logic eligible, or it is obligatory to choose different outcomes for the different thematic areas?

Answer: Yes, it is possible to have a single advocacy/watchdog outcome, and to distinguish between the different thematic areas by using a separate indicator for each thematic area (eg advocacy for vulnerable groups, advocacy for gender equality).

Question 5.14: The scholarships according to national law in the country is income and thus scholarships would be taxed?

Answer: National law must be observed.

Question 5.15: How can a ‘vulnerable group’ be defined? Which group is ‘vulnerable’?

Answer: It is expected that the bidder shows knowledge of the vulnerable groups in the country in question grounded in recent reliable research and consultation. Please see also guidance under the Civil Society Results Manual (Annex 2 ‘Guidance on outcomes and indicators for the Active Citizens Fund).

Question 5.16: Could you clarify a bit more on the possibility for institutional grants?

Answer: As stated in the ToR section 2.2, the Programme shall contribute to the sustainability of civil society organisations and the sector, in terms of their capacity to sustain their activities financially, institutionally and at policy level and continue to pursue their mission after the support of the Grants ends. There are many different measures to increase the sustainability and capacity of the sector and individual NGOs, including institutional/core grants. These type of project grants can be provided to the NGOs to develop their strategic work. Please see further information on the focus on capacity building and sustainability under the Active Citizens Fund in section 5.6 of the Manual for Fund Operators of the Active Citizens fund, in particular the second example of capacity building at sector level.

Question 5.17: Is it possible to award grant to an individual person, not just an organisation (a legal entity)? As Active Citizens Fund wants to support civil society building and support an outreach to regions, we have an experience, that in many local communities are active single citizens or groups of citizens/activists not belonging to any organisation, not affiliated to any legal entity. But these activists are important civil society members, very often the only one being active in a community and some of them later establish a formal organisation. We would like to support their efforts as we perceive them to be very important elements of civil society. We have experience of few grant schemes where these activists or so called non-formal groups of active citizens can receive grants and legally it is a

single person of legal age designated by the group to legally represent them. In some case in order to receive a grant they have to open a special bank account where only the finances for the project are registered, not others or private finances of account holder...

Answer: The possible need to involve informal groups in the implementation of the projects within the Active Citizens Fund is recognised by the Donors and FMO. Consequently the eligibility rules on project partners have been developed in such a way to enable the participation of informal, ad hoc, and self-help organisations (including grassroots organisations), that are not registered legal entities to be eligible as project partners. Please see further details on the rules to involve informal groups in projects in section 7.1 (under 'Eligible applicants and partners') of the Manual for Fund Operators of the Active Citizens Fund. The applicable provisions are also included in the relevant section of the Programme Implementation Agreement (paragraph 4 of Article 6.1).

Question 5.18: In PIA part 6.2 on open calls it is stated 'they shall include a clear and reasonable deadline, which shall be at least two months from the date of the publication of the announcement, and an address for submission'. Does this mean that a particular date needs to be set or can the call be opened continuously if the 'at least two months' condition is fulfilled?

Answer: According to point c) of Article 6.2 of the Programme Implementation Agreement, the call for proposals shall include a clear and reasonable deadline, which shall be at least two months from the date of the publication of the announcement. Thus all call for proposals should have a final submission deadline indicated in the call text. Should the deadline be set much later than after two months of the publication, please ensure that the organising of the call (and the selection procedure) respects the principles of implementation (Article 1.4 of the PIA).

Question 5.19: We are an organization that might have the designated role to take care of the capacity-building component within a consortium. This includes provision of training and mentoring support for the grantees, without taking part (or with strictly defined and very limited role) in the evaluation or selection of the grantees for funding under the ACF. As we carry out various on-going capacity-building programs and activities which go beyond what would be covered under the ACF programme, we would like to clarify the following questions:

1. Would it be a conflict of interest if grantees that receive capacity-building services from our side (as consortium member) under the EEA/Norway program, participate in another program of ours, separate from the capacity-building activities covered under the EEA/Norway contract. They pay us for these capacity-building services from other resources (not their EEA/Norway grant).
2. Would it be a conflict of interest if grantees receive legal assistance from our side, different from any legal assistance to be covered under the EEA/Norway contract, for issues affecting their organizations for which they pay a fee (that are not covered by their EEA/Norway grant).
3. Would it be a conflict of interest if grantees take part in publicly announced trainings organized by us but not included by the EEA/Norway contract. Grantees pay a fee (that may or may not be covered by their EEA/Norway grant).
4. We manage a coworking space rented out to NGOs. Grantees rent space from us for holding events or using office space at publicly announced prices (the expense for renting space may

or may not be covered by their EEA/Norway grant). Would this be considered conflict of interest?

Answer: According to section 7.5 of the Manual 'a situation of conflict of interest arises when a person involved in the selection process has a direct or indirect interest with one or more of the applications or applicants. This can happen for example by way of economic, political, family, emotional, personal or professional ties, that in one way or another jeopardise that person's impartiality and/or objectivity.' The examples provided would most likely constitute a situation of either a direct or indirect economic or professional tie between a member of the consortium and the potential applicant for capacity building activities, should the said consortium member be involved in the selection procedure. More detailed assessment of these questions, and whether there is an actual conflict of interest could however be provided only once the details of the management set-up of the consortium, including the clear division of roles and tasks between the members, as well as detailed description of the planned capacity building activities have been presented.

Question 5.20: Related to Section 1.4 and 2.2 of Terms of Reference, at least 15% of the total regranting amount for capacity development and sustainability of civil society, including NGOs. The rough estimate for capacity building shall be considered reached: 1) only if the amount is directly connected to the outcomes enlisted in Section 2 of annex D? or 2) the amount can include also measures/actions/projects contributing relevantly to the indicative outcomes enlisted in Section 1 of the same annex, but (for these outcomes) we add additional indicators relevant to capacity building and sustainability as encouraged through footnote number 1 to Section 1?

Answer: The indicators of capacity building and sustainability in section 2 of annex D may be adapted and included in the indicators in section 1 of annex D where relevant. The Fund Operator has to be able to track and report about the funding for capacity building (minimum 15% of the regranting) to the FMO.

Question 5.21: The whole programme should be closed in 2024. Can you please specify concrete dates when all projects/grants should be closed (all fiscal documents will be eligible only before this concrete date)?

Answer: With reference to projects, the first and final date of eligibility should be specified by the FO in the project contract. Costs within projects may be eligible from the date on which the grant is awarded or at a later date set in the project contract. The project contract shall set the final date of eligibility of costs which shall be no later than 30 April 2024. Costs incurred after that date are not eligible. Exceptionally, costs in respect of which an invoice has been issued in the final month of eligibility are also deemed to be incurred within the dates of eligibility if the costs are paid within 30 days of the final date of eligibility. More information can be found in section 9.2.1 a) of the Manual for Fund Operators of the Active Citizens Fund, including examples.

Question 5.22: What is the maximum duration of a project that a project promoter can apply for?

Answer: As the required maximum duration of a project is not defined neither in the ToR or the Manual for Fund Operators of the Active Citizens Fund, it is up to the discretion of the Bidder/Fund

Operator. Defining the exact scope of projects (including duration, grant amount, etc.) to be funded within the programme is foreseen to be part of the programme development phase and later within the programme implementation. However the Bidder is invited to provide as much information as possible in the Bid regarding the programme modalities and design, as this is one area of the content assessment as described in the evaluation criteria (see section 4.3 of the ToR)

Question 5.23: Will there be ongoing assistance during the project? Should there be any queries throughout the project, will information assistance be available?

Answer: It is the primary responsibility of the selected Fund Operator to support the project promoters throughout the project. The selected Fund Operator will work closely with FMO in developing the programme and the FMO as the Programme Operator of the Active Citizens Fund will assist and support the FO in their role during the programme implementation.

Question 5.24: What is the duration of the programme?

Answer: The operational period of the programme is set until 31 December 2024. The final date of eligibility of project expenditure is 30 April 2024.

Question 5.25: Can the Fund Operator provide capacity building throughout the duration of the programme directly to selected projects or will it have a pure management role?

Answer: The Fund Operator is required to provide mentoring, coaching and guidance to project promoters, for the purpose of supporting project implementation, and strengthening the organisational capacity and sustainability of project promoters. Please see more details on this support role of the Fund Operator in section 5.7 of the Manual for the Fund Operators of the Active Citizens Fund.

Question 5.26: What type of individual technical support can be provided to applicants?

Answer: The Fund Operator is required to provide information, support and learning opportunities for potential applicants for the purpose of supporting project preparation (section 5.7 of the Manual for the Fund Operators of the Active Citizens Fund). This may include, as a minimum:

- Develop clear call texts and guidelines for applicants
- Organise information sessions for potential applicants regarding the call and application process
- Answer questions and queries regarding open calls
- Disseminate the questions and answers in a manner accessible to all applicants
- Ensure geographic outreach and inclusion of vulnerable groups in the activities supporting organisations preparing and implementing projects
- Identify potential applicants/target groups that would require extra support in order to be able to submit an application/implement a project.

Question 5.27: Can the fund operator contribute to the adjustment of the programme priorities throughout the duration of the programme?

Answer: The Programme shall be implemented within the framework of the Active Citizens Fund (ToR sections 1.2-1.8) and in line with the signed Programme Implementation Agreement and its Annexes. During the implementation period, there might be a need to amend the Annexes to the Programme Implementation Agreement e.g. in order to adapt to changed circumstances on the ground. Amendments to the Annexes of the Programme Implementation Agreement may be proposed by the Fund Operator, which shall describe and justify the modification, in line with Article 15.4 of the Programme Implementation Agreement template. Any modification is subject to formal approval by the FMO.