

EEA AND NORWAY GRANTS
FINANCIAL MECHANISMS 2014-2021
ACTIVE CITIZENS FUND – NATIONAL,
IN POLAND
TERMS OF REFERENCE
FOR THE ROLE OF FUND OPERATOR,
NATIONAL FUND

DEADLINE FOR SUBMISSION:

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1. THE ACTIVE CITIZENS FUND

1.1. BACKGROUND

Civil society plays an important role in strengthening democratic governance, defending human rights and engaging citizens in decision-making at local, national and European levels. Actors of civil society can for instance include non-governmental organisations (NGOs), social enterprises, community organisations, grass-roots initiatives, informal groups and civic activists. They are independent from the state, and are active in different fields, including active citizenship, gender equality, social inclusion, environment etc. Civil society organisations are formed on the basis of shared values, beliefs and objectives and are usually close to local communities. They come together on a voluntary basis to bring about and advocate for social change, empower, represent and defend vulnerable and socially excluded groups, and trigger social innovation.

Support to civil society is a key priority for the EEA and Norwegian Financial Mechanisms (FMs) 2014-2021, funded by Iceland, Liechtenstein and Norway ('the donors'). Through the EEA and Norwegian FMs 2014-2021, the donors work closely with partners in fifteen EU Member States in Central and Southern Europe and the Baltics, to contribute to the reduction of social and economic disparities in the EEA and the strengthening of bilateral cooperation with the donors.¹ Information on the EEA and Norwegian Financial Mechanisms and the EEA and Norway Grants ('the Grants') can be found at www.eeagrants.org.

The FM 2014-2021 will be the third period in which the EEA and Norway Grants provide support to civil society in Poland. During the FM 2009-2014, a total of EUR 37,000,000 was allocated to strengthen Polish civil society.² Over the course of the period, projects and activities were implemented across the country, focusing on democracy and human rights, civic participation, good governance, combating discrimination and countering exclusion.

[Protocol 38c to the EEA Agreement on the FM 2014-2021](#) sets aside ten percent of the total country allocations for a programme for civil society in each of the fifteen beneficiary states. The programme will be called the Active Citizens Fund. The Memorandum of Understanding (MoU) on the implementation of the FMs 2014-2021, signed by the donors and Poland on 20 December 2017, establishes an allocation of EUR 30,000,000 for the Active Citizens Fund - National in Poland.

In line with the MoU, there are two Funds operated by the FMO under the civil society programme in Poland, the Active Citizens Fund-National and the Active Citizens Fund-Regional. The two funds shall have

¹ The 15 beneficiary states of the EEA and Norwegian FMs 2014-2021 (the terms 'state' and 'country' are used interchangeably) are Bulgaria, Cyprus, Croatia, Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia and Slovenia.

² For more information, see <https://eeagrants.org/programme/view/PL05/PA10>

different Fund Operators, and the Financial Mechanism Office (FMO) is the Programme Operator for both. The present Terms of Reference is for the selection of the ACF-National Fund Operator.

The Financial Mechanism Office (FMO) is the Brussels-based secretariat for the Grants. The FMO is affiliated to the European Free Trade Association (EFTA), and reports to the Foreign Ministries of Iceland, Liechtenstein and Norway. The FMO also serves as the contact point for the Grants.

The FMO has been entrusted with the role of Programme Operator of the Active Citizens Fund – National in Poland. With the present invitation to bid, the FMO is seeking a **Fund Operator (FO)** to manage the Active Citizens Fund – National in Poland on its behalf.³

A list of relevant documents is provided in Annex F.

1.2. OBJECTIVES AND PRINCIPLES OF THE PROGRAMME

The Active Citizens Fund – National in Poland is established under the specific Programme Area for Civil Society. The **objective** of the Programme is: ‘Civil society and active citizenship strengthened and vulnerable groups empowered’.

The Active Citizens Fund – National 2014-2021 in Poland shall contribute to the overall objectives of the EEA and Norway Grants, to reduce economic and social disparities, and to strengthen bilateral relations between Poland and the donor states.

The Active Citizens Fund – National is established under the priority sector ‘[Culture, Civil Society, Good Governance and Fundamental Rights and Freedoms](#)’, one of five priority sectors agreed between the donors and the European Union.

The Programme shall be based on the common values of respect of human dignity, freedom, democracy, equality, the rule of law and the respect for human rights including the rights of persons belonging to minorities.

The Programme shall adhere to the following principles of implementation:

- Principles of good governance; the Programme shall be participatory and inclusive, accountable, transparent, responsive, effective and efficient. There shall be zero-tolerance towards corruption

³ **Bid**: the application for the role of Fund Operator submitted in response to these Terms of Reference. **Consortium**: the group of organisations formed for the purpose of implementing the Active Citizens Fund - National. **Bidder**: the consortium submitting the bid for the role of Fund Operator. **Lead bidder/consortium lead**: the main interlocutor for the FMO on behalf of the bidder. If the bidder is selected for the role of Fund Operator, the lead bidder/consortium lead has overall responsibility with regard to all aspects of implementation, as defined in the Programme Implementation Agreement. **Co-bidder**: an organisation in the consortium submitting the bid. Co-bidders participate in designing and implementing the programme (where not specified otherwise, the lead bidder and co-bidders are jointly referred to as the ‘bidder’). **Consortium members**: the lead and co-bidder organisations submitting the bid.

- It shall be consistent with sustainable development, long-term economic growth, social cohesion and environmental protection
- It shall follow a results and risk management approach, in line with the Civil Society Results Manual (see Annex E)

The Programme shall seek to develop the long-term sustainability and capacity of the civil society sector, with the aim of strengthening its role in contributing to policy and systemic change, promoting democratic participation and active citizenship, and piloting innovative approaches that can be scaled up, in partnership with public and private stakeholders. Priority is also given to actions that improve the accountability of NGOs to the wider public, and strengthen their ability to empower and involve local communities, as well as advocate on their behalf. This should include actions to measure and communicate the impact and results of the Programme, and build a support base within broader society.

1.3. AREAS OF SUPPORT

The Areas of Support are the thematic areas that are eligible for support under the Programme. The Fund Operator may select from among the following Areas of Support in order to achieve the Programme objective:

- Democracy, active citizenship, good governance and transparency
- Human rights and equal treatment through combating any discrimination on the grounds of racial or ethnic origin, religion or belief, gender, disability, age, sexual orientation or gender identity
- Social justice and inclusion of vulnerable groups
- Gender equality and gender-based violence
- Environment and climate change

1.4. PROGRAMME AREA SPECIFICS

The following conditions are important for fulfilling the Programme objective and shall be adhered to within the Programme⁴:

- At least a third of the total re-granting amount shall be allocated to democracy- and human rights-relevant projects
- All Programmes shall include youth inclusion

⁴ See <http://eeagrants.org/bluebook>

- Protection of the environment and climate change shall only be supported as part of measures to promote civic participation, advocacy, social innovation and active citizenship
- Provision of welfare and basic services shall only be supported as part of actions addressing awareness-raising, advocacy, empowerment and reform initiatives
- At least fifteen percent of the total re-granting amount shall contribute to capacity development and sustainability of civil society, including NGOs

1.5. SUGGESTED MEASURES

The following list is non-exhaustive and elaborates on the areas of support by giving examples of the type of activities that are eligible for support:

- Advocacy, awareness-raising and outreach to citizens
- Watchdog and monitoring, including following up on recommendations of international monitoring bodies
- Citizen activism, volunteering and civic participation
- Participation in policy and decision-making processes, including promoting an enabling environment for civil society
- Support for freedom of expression, investigative journalism and media
- Countering hate speech, including support to networks working with hate crime victims
- Promoting LGBTI rights and anti-discrimination activities
- Capacity building of the civil society sector, including sustainability, networking and accountability of NGOs
- Partnerships between NGOs, public and private sector entities
- Civic education and training
- Research and analysis to inform policy-making
- Social innovation and social enterprise development
- Intercultural dialogue, including platforms for minority/majority interactions
- Inter-generational cooperation
- Awareness-raising and capacity building on environmental issues including climate change and adaptation

- Access to information, participation in decision-making and access to justice in environmental matters in accordance with the [Aarhus Convention](#)

1.6. COUNTRY-SPECIFIC AREAS AND CONCERNS

The Programme in Poland shall address the following country-specific areas and concerns:

- Strengthen the capacity and sustainability of the civil society sector. This can include the following actions: strengthening networks for joint policy and advocacy work; building skills in measuring and publicly communicating the contribution or added value of civil society; improving transparency, accountability, public understanding of and support for the sector; forging partnerships with public and private sectors; and diversifying funding sources to build long-term financial sustainability
- Improve outreach to under-served geographic areas and target groups. This can include supporting organisations, initiatives, activities and projects located outside the beneficiary country's urban and peri-urban centres; and ensuring the programme supports hard-to-reach and under-served target groups and smaller organizations, which may require specific procedures and support
- All five areas of support shall be addressed

1.7. BILATERAL RELATIONS

The Programme shall contribute to strengthening bilateral relations between civil society organisations and other entities in Poland and in the donor states, in line with the overall objectives of the Grants. Bilateral cooperation in the Programme shall be mutually beneficial, based on a strategic and long-term perspective, and shall leverage the respective strengths of entities in the donor states and in the beneficiary countries. Bilateral cooperation shall contribute to the objective of the Active Citizens Fund - National.

1.8. REGIONAL CIVIL SOCIETY INITIATIVES

Regional Civil Society Initiatives are activities that contribute to the objective of the Active Citizens Fund – National and aim to promote regional exchange and networking, with a view to strengthening civil society sector across the beneficiary countries, sharing knowledge, promoting mutual learning, adoption and use of knowledge and best practice across civil society, see 2.4.

2. MAIN RESPONSIBILITIES OF THE FUND OPERATOR

The Fund Operator is responsible for the development and implementation of the Active Citizens Fund-National Programme in Poland. The FO's tasks and responsibilities include the following.

2.1. ALIGN THE PROGRAMME WITH OBJECTIVES AND REQUIREMENTS

The Fund Operator shall:

- Ensure that the Programme design and implementation contributes to the objectives and principles of the FM 2014-2021 and to the Programme’s objective, as described in sections 1.1 and 1.2 of this Terms of Reference
- Ensure that the Programme complies with the Areas of Support and Programme Area Specifics, and addresses the country-specific areas and concerns, as described in Sections 1.3, 1.4 and 1.6
- Apply the principles of results and risk management in programme development, implementation and reporting, including the development of the programme intervention logic (see Annex E Civil Society Manual and Annex D Guidance on Outcomes and Outcome Indicators)
- Implement the Programme within the operational period of 2014-2024. The Fund Operator is expected to complete all activities by 31 December 2024 at the latest. The bidder should indicate the anticipated implementation period in the Bid Form (see Annex A).

2.2. BUILD THE CAPACITY AND SUSTAINABILITY OF CIVIL SOCIETY

The FO is responsible for ensuring that the Programme develops the capacity and sustainability of civil society organisations (including NGOs) and the civil society sector. This includes a range of actions that strengthen capacities and sustainability of civil society organisations and the sector, with the aim of helping civil society achieve and sustain effective social impact and reach the Programme objective. Capacity development is seen as a long-term learning process in which a broad range of stakeholders may have a role, including the FO, project promoters and their partners, civic initiatives, grassroots and community organisations, networks and coalitions, and partners in public, private and civil society sectors.⁵ Capacity development should be integrated across the Programme, and should target civil society stakeholders including project promoters.

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.

A minimum of fifteen percent of the re-granting amount shall be available to support capacity development and sustainability of civil society organisations and the sector, in line with the Programme Area Specifics (see section 1.4).

2.3. SUPPORT PROJECT PREPARATION AND IMPLEMENTATION

The FO is required to ensure adequate outreach, mentoring and coaching to civil society organisations, to support the formulation of project proposals and the quality of implementation of initiatives under the Programme.

⁵ A project promoter is the non-governmental organisation that receives the project grant and has the responsibility for initiating, preparing and implementing a project, together with any project partners.

The bidder should describe how they will provide adequate mentoring and coaching to civil society organisations in geographic areas that may need targeted support (e.g. rural and other under-served area), target groups (e.g. groups representing vulnerable persons), organisational types (e.g. small organisations and other weaker organisations needing targeted support) and thematic areas (i.e. areas that may generate fewer applications or need particular support, such as policy engagement, public scrutiny, sectoral capacity building etc.). (For more information, please see Chapter 5.7 in the Manual for Fund Operators of the Active Citizens Fund.)

This support should be targeted in such a way as to ensure the Programme contributes to the reduction of social and economic disparities and the empowerment of vulnerable groups in line with the Grants and Programme objectives, as well as to the country-specific areas and concerns described in section 1.6.

The proposed activities should be funded under the management fee.

In exceptional cases, the bidder may propose a higher ceiling for the management fee in order to provide support for project preparation and implementation beyond what is described above. This amount should be justified and should never exceed the indicated management fee by more than 30%. Such a level, if approved, shall be explicitly stipulated in the Programme Implementation Agreement (PIA).

2.4. SUPPORT REGIONAL EXCHANGE THROUGH REGIONAL CIVIL SOCIETY INITIATIVES

Regional Civil Society Initiatives aim to achieve the objectives described in section 1.8 above. The FO is required to set aside up to EUR 240,000 of the total programme allocation for a fund for Regional Civil Society Initiatives.

Regional Civil Society Initiatives are organised by at least two FOs (or by the FO together with another EEA and Norway Grants Programme Operator in the beneficiary country), and may also be initiated by the FMO or donors. Participants in Regional Civil Society initiatives can include FOs of the Active Citizens Fund, other EEA and Norway Grants Programme Operators, project promoters and their partners, and civil society stakeholders across the beneficiary countries, as well as international organisations.

A provisional plan on the use of the fund for Regional Civil Society Initiatives shall be submitted prior to the signing of the Programme Implementation Agreement. Within the first year of the signing of the PIA a revised plan shall be submitted to the FMO based on coordination with other Fund Operators.

Thereafter, the Fund Operator will be asked to submit annual updates to the plan on the use of the fund for Regional Civil Society Initiatives to the FMO based on coordination with other FOs and other relevant stakeholders, including the ACF – Regional Fund Operator. The FO shall inform the donor state embassies to Poland and the National Focal Point (NFP) on planned initiatives.

2.5. PROMOTE AND FACILITATE BILATERAL COOPERATION

The FO is required to promote and facilitate bilateral cooperation activities that strengthen bilateral relations between civil society organisations and other entities in Poland and in the donor states, and contribute to the objective of the Active Citizens Fund. Bilateral cooperation refers to networking, exchange, sharing and

transfer of knowledge, experience and best practice between civil society organisations and other entities in the beneficiary country and in the donor states. The FO is required to set aside a minimum of EUR 150,000 for a Fund for Bilateral Relations.

The involvement of a donor state entity is a pre-requisite for the activity to be considered a bilateral activity. International organisations may also be involved in bilateral activities.

A provisional plan on the use of the Fund for Bilateral Relations shall be submitted prior to the signing of the Programme Implementation Agreement. Within the first year of the signing of the Programme Implementation Agreement a revised plan shall be submitted to the FMO based on coordination with other Fund Operators including the ACF-Regional Fund Operator and the donor contact point.

Thereafter, the Fund Operator will be asked to submit annual updates to the plan on the use of the Fund for Bilateral Relations to the FMO, to share information with other Fund Operators, to coordinate with the FMO and with the ACF-Regional Fund Operator, and share information with other EEA and Norway Grants Programme Operators, donor state embassies to Poland and National Focal Points on planned bilateral activities.

2.6. COMMUNICATE AND PROVIDE INFORMATION ON THE PROGRAMME

The Fund Operator is responsible for implementing information and communication activities that provide information on the Programme to the general public of the beneficiary state, potential beneficiaries, the civil society sector and its partners, in line with the publicity requirements set out in the Manual for Fund Operators of the Active Citizens Fund (Annex E), with the aim of:

- Ensuring transparency about how the funding is used
- Increasing public awareness and informing the general public about the contribution and role played by the donors through the EEA and Norway Grants
- Informing potential and actual beneficiaries and partners about the opportunities offered under the Active Citizens Fund
- Strengthening public awareness of the activities of the Active Citizens Fund, the issues addressed by the Programme, the role and achievements of civil society, and the results and impact of the Programme
- Ensuring broad visibility and communication of results and achievements at Programme and project levels, and of the donor contribution to the beneficiary state

The Fund Operator is responsible for ensuring that all communication activities carried out in its beneficiary state reflect the common branding and visual profile shared by the Active Citizens Fund, in

line with the Communications and Design Manual provided by the FMO.⁶ This includes a common logo and name.

Other communications responsibilities are described in the Manual for Fund Operators of the Active Citizens Fund and include the following:

- Developing and implementing a communication plan, in line with the Communications and Design Manual provided by the FMO. The plan shall include at least: a description of the communication objectives and target groups; and, the strategy and content of the information measures (activities, tools, timeframe, budget). The communication plan shall be submitted to the FMO prior to the signature of the PIA
- Developing and regularly updating a stand-alone website dedicated to the Programme in both the language(s) used in the beneficiary state and in English
- Organising at least two major information activities on progress in the Programme and its projects
- Ensuring that project promoters fulfil their information and communication obligations, including measures for making information on the project available on the web, either through a dedicated website or through a dedicated webpage on the organisation's existing website with linking between the pages. This is in addition to the obligation of the project promoter to provide a project summary in English via the FMO information system, and to report on implementation of communications requirements to the FO
- Informing the NFP, the Financial Mechanism Committee (FMC), FMO, the ACF – Regional Fund Operator and the donor embassies in Poland of any major planned information activities or events.

2.7. ESTABLISH A MANAGEMENT AND CONTROL SYSTEMS OF THE PROGRAMME

The Fund Operator shall be responsible for setting up an appropriate management and control systems, which shall ensure the respect of the principles of economy, efficiency and effectiveness.

Within three months of the signing of the Programme Implementation Agreement, the Fund Operator shall submit to the FMO a detailed description of the management and control systems, covering in particular:

- Programme management and control set-up
- FO's procedures for the selection of projects and contracting
- FO's procedures for reporting from project promoters, verifications, payments to projects, audits and monitoring

⁶ The Communications and Design Manual will be provided by the FMO following the selection of the FO.

- FO's system for preventing, mitigating, detecting, reporting on and remedying suspected or actual cases of irregularities, with a special focus on avoiding double funding of activities between the ACF –Regional and ACF- National Funds
- FO's system to maintain full accurate and systematic records and accounts of the Programme

The description shall be accompanied by an assurance report including an opinion issued by an independent and certified auditor concluding that the implementation system of the Fund Operator complies with the Programme Implementation Agreement, the Manual for Fund Operators of the Active Citizens Fund and generally accepted accounting principles.

2.8. ESTABLISH AND IMPLEMENT A SYSTEM TO MANAGE FOR RESULTS

The FO is responsible for:

- At bid stage: developing the Programme's intervention logic, with the expected outcomes and outcome indicators for the target groups, and the key risks to outcomes. The bidder shall be guided by the Guidance on Outcomes and Outcome Indicators for the Active Citizens Fund (Annex D) and the Civil Society Results Manual (see Annex E), and shall use the template for the intervention logic provided in the Bid Form (Section 7.4)
- At Programme Implementation Agreement stage: finalising the results framework for the Programme based on the Guidance on Outcomes and Outcome Indicators for the Active Citizens Fund (Annex D) and the Civil Society Results Manual (see Annex E), and taking into account consultations with the sector and input from the donors and the FMO. Specifically, identify outcomes and suitable outcome indicators, with a unit of measurement, baseline value and year, target and source of verification. For the results framework, the FO shall use the template provided in Annex 1 of the PIA
- Ensuring the appropriate level of capacity and expertise in results-based management, and practical experience of results-based management approaches, in order to design and implement a results and risk management framework
- Identifying and assessing the risks to the effective implementation of the Programme and the achievement of its expected outcomes, and identifying and taking appropriate actions to mitigate those risks. For the risk management plan, the FO shall follow the template and guidance in the Civil Society Results Manual (see Annex E) 'Establishing a monitoring system', to be able to report periodically and as required by the Programme Implementation Agreement on the Programme's outputs and outcomes. This will mean regular project level monitoring to capture relevant data on project outputs and outcomes

- Designing and implementing an evaluation/review to assess the results and outcomes of the Programme, and ensure that the funding and human resources necessary for carrying out the evaluation are available, and that the procedures are in place to collect the necessary data⁷
- Ensure that there is a monitoring and evaluation function within the FO
- Assisting project promoters in setting up monitoring systems for their projects

2.9. ESTABLISH TRANSPARENT PROCEDURES FOR PROJECT SELECTION AND CONTRACTING

The FO is responsible for the following tasks related to the selection of projects:

- The organisation of open call(s) for proposals, that address the needs of the sector in the beneficiary country
- The development of tools, procedures and support for the project application and selection process
- The setting up of a group of independent experts and a selection committee(s) to recommend to the FO which projects should be funded
- Ensuring clear and transparent selection procedures and taking appropriate measures to prevent conflicts of interest
- The notification of approval/rejection to applicants
- Development of project contract templates, and concluding project contracts with project promoters
- Establishing a clear and transparent mechanism and process for complaints and appeals
- Coordination and sharing information, amongst others on calls for proposals (including call texts) and selection of projects (including participation in Selection Committee meetings) with the ACF –Regional Fund Operator, with a view to ensuring synergies and complementarities, and preventing double funding of project activities

The Fund Operator and the FMO may agree on **pre-defined project(s)**. Pre-defined projects are strategic projects that may require a longer implementing period than projects selected through open calls, and that aim to contribute to the overall civil society sector, build capacity and sustainability and address systemic issues. Pre-defined projects shall be aligned with the programme intervention logic, i.e. they shall have a clear link to the programme objective and one or more of the programme outcomes. Pre-defined projects may be proposed by the FO in the bid, or agreed with the FMO after the selection of the FO. They are implemented

⁷ Except in exceptional cases, see PIA Article 11.1

by an organisation(s) selected on a competitive basis (which may be an NGO, private or public entity). In justified cases, a pre-defined project may be implemented by the FO.

2.10. REPORT ON PROGRAMME AND PROJECTS TO THE FMO

The FO is responsible for meeting the following reporting requirements:

- Ensuring provision of information on the achievement of outputs and outcomes of the Programme and projects to the FMO, in line with the agreed results framework
- Submitting standardised information related to each project, using the FMO's Reporting and Information System, and establishing a system for quality assuring the descriptions of projects
- The collection and review of project implementation and completion reports
- Responding to ad hoc requests for information from the FMO
- Submitting to the FMO the following reports, based on templates provided by the FMO:
 - a semi-annual Interim Financial Report (IFR)
 - a semi-annual progress report, to be submitted with the IFR
 - an Annual Programme Report
 - a Final Programme Report
 - irregularity reports

The Annual Programme Report and the Final Programme Report shall also be shared with the ACF-Regional Fund Operator, the National Focal Point and the donor state embassies to Poland.

2.11. COORDINATE WITH OTHER EEA AND NORWAY GRANTS STAKEHOLDERS

The Fund Operator is responsible for:

- Providing regular updates and information on the Programme (including Annual Programme Reports) to the National Focal Point (NFP), and inviting the NFP to participate as observer in the meetings of the selection committee and in Annual Programme Review Meetings
- Providing information to and coordinating with other sources of support for civil society in Poland, including EEA and Norway Grants Fund and Programme Operators, other donor-funded programmes and national initiatives, in order to maximise synergies and avoid overlaps. Particular emphasis is given to the need to ensure synergies and avoid duplication of funding with the Active Citizens Fund - Regional

3. BUDGET

3.1. PROGRAMME BUDGET

The programme budget (see Annex B) should be composed of following costs categories:

1	Management fee:	<p>A maximum of EUR 2,400,000 shall cover the costs of the Fund Operator related to preparation, implementation and management of the Programme.</p> <p>In exceptional cases, the bidder may propose a higher ceiling for the management fee in order to provide support for project preparation and implementation beyond what is described in section 2.3 This amount should be justified and should never exceed the indicated management fee by more than 30%. Such a level, if approved, shall be explicitly stipulated in the Programme Implementation Agreement (PIA).</p> <p>The FMO will retain up to 15% of the management fee. The retained amount shall not be paid until the Final Programme Report has been approved by the FMO.</p> <p>The lead organisation in the consortium shall be allocated a maximum of 70% of the management fee.</p>
2	Re-granting amount⁸	Split by outcome
3	Regional Civil Society Initiatives	A maximum of EUR 240,000 shall be allocated to Regional Civil Society Initiatives.
4	Fund for Bilateral Relations	A minimum of EUR 150,000, of the total programme allocation shall be put aside to support bilateral cooperation.

4. ADMINISTRATIVE, ELIGIBILITY AND EVALUATION CRITERIA

4.1. ADMINISTRATIVE CRITERIA

Administrative compliance is checked against the following criteria:

⁸ The re-granting amount is the portion of the total programme allocation that is earmarked for projects.

- Compliance with the submission deadline given in section 6.3 of these Terms of Reference. Hand-written bids, and bids received after the deadline, will not be accepted
- The bid satisfies the administrative checklist in the Bid Form (see Annex A). If any of the requested information is missing or is incorrect, the bid may be rejected on that sole basis and the bid will not be evaluated further
- One organisation may not be part of more than one bid

4.2. ELIGIBILITY CRITERIA

In order to be eligible for the Fund Operator role, **all organisations submitting a bid (Lead and Co-Bidders) must:**

- Be legal entities in the EEA **and**
- Be non-governmental, independent of local, regional and central government, political parties and religious institutions **and**
- Form a consortium **and**
- Have stable and sufficient sources of finance to maintain their activity throughout the Programme **and**
- Have experience working with the civil society sector in the beneficiary country

The **lead bidder and co-bidders** must satisfy all the eligibility criteria above⁹

In addition:

The **lead bidder** must:

- Be non-profit making with a non-commercial purpose

At least one organisation in the consortium bidder must:

- Have sufficient re-granting experience
- Have sufficient experience in strengthening civil society capacity and sustainability

The bid is submitted by a consortium of organisations. The lead bidder is the main interlocutor for the FMO on behalf of the consortium, and has the overall responsibility as Fund Operator with regard to all aspects of implementation, as defined in the Programme Implementation Agreement. The lead bidder shall sign the **Declaration of the Bidder** on behalf of the consortium (see section 8 of the Bid Form).

⁹ The term 'bidder' is used to refer to the consortium of organisations submitting the bid for the role of Fund Operator

Co-bidders are members of the consortium submitting the bid. Co-bidders participate in designing and implementing the programme, and are subject to the same rules as lead bidders. Each member of the bidding consortium shall sign the **Consortium Member Statement** and submit it with the bid (see section 9 of the Bid Form).

At the time of signing the Programme Implementation Agreement, the selected FO shall sign a **Partnership Agreement(s)** among members of the consortium (where relevant) and shall ensure that the relevant obligations and responsibilities described in this Agreement are applicable to the Partners.

TABLE 1: LIST OF ELIGIBILITY CRITERIA FOR POSITION OF FUND OPERATOR

	Eligibility criteria	Applies to
1	Be legal entities in the EEA	All Lead and Co-Bidders
2	Be non-governmental, independent of local, regional and central government, political parties and religious institutions	All Lead and Co-Bidders
3	Form a consortium	All Lead and Co-Bidders
4	Have stable and sufficient sources of finance to maintain their activity throughout the programme	All Lead and Co-Bidders
5	Have experience working with the civil society sector in the beneficiary country	All Lead and Co-Bidders
6	Be non-profit making with a non-commercial purpose	Lead Bidders
7	Have sufficient re-granting experience	At least one organisation in the consortium
8	Have sufficient experience strengthening civil society capacity and sustainability	At least one organisation in the consortium

4.3. EVALUATION CRITERIA

Bids that pass the administrative and eligibility check against the criteria outlined in sections 4.1 and 4.2 of these Terms of Reference will be evaluated on three aspects of the bid:

- The bidder’s **competence, expertise and experience** (section 1 in the grid below) to ensure that they have the capabilities, professional competencies and qualifications required to successfully design, implement and complete the Programme
- The **management capacity and division of roles within the consortium** (section 2 in the grid below).
- The **description and justification of the Programme** (section 3 in the grid below). This covers the bidder’s understanding of the sector’s needs and the assignment, the justification for and relevance of proposed interventions, logical consistency, clarity and coherence, bilateral ambitions, sustainability and cost-effectiveness

TABLE 2: EVALUATION GRID FOR POSITION OF FUND OPERATOR

The bid will be given an overall score of 100 points, in accordance with the scores in the evaluation grid below. The Evaluation Criteria are divided into headings and subheadings. Each subheading is given a score.

	Evaluation Criterion	Max. score
1	Competence, expertise and experience	30
1.1	Experience and technical expertise (knowledge of the issues to be addressed) of bidder’s designated staff; adequate capacity of staff designated to the programme	10 ¹⁰
1.2	Experience, technical expertise, goals, history and key partnerships of the bidder	20
2	Management set-up of the consortium	20
2.1	The composition and division of roles within the consortium are clearly explained, strategically designed and leverage respective skills and capacities of consortium members. The contribution of each member of the consortium to achieving Programme and Grants objectives, including outreach to under-served geographic	10 ¹¹

¹⁰ If zero, the bid is rejected

¹¹ If zero, the bid is rejected

	areas, target groups and thematic areas, is clearly explained. The level of proposed involvement and participation of the members in the development and implementation of the Programme is satisfactory.	
2.2	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.	10
3	Programme Description and Justification	50
3.1	Programme relevance and justification. Bid provides a clear and well-founded description of the main challenges and needs of civil society in the country that the Programme will address, and identifies synergies and complementarities with other EU, national and/or donor policies and programmes that are relevant to the justification of the Programme's strategy. The bid clearly explains how the Programme is intended to build on existing initiatives, and/or lessons from similar programmes (where relevant). The problem analysis and justification are supported by recent reliable research and consultation, indicating sources of information.	7
3.2	Programme focus. The description of the Programme is clear, well justified and relevant to the needs and challenges that are identified. The bid explains how the Programme will achieve the Programme objective and address the Programme Area Specifics and country-specific areas and concerns outlined in sections 1.4 and 1.6. The proposed target groups (end beneficiaries, as well as direct target groups) are clearly identified, and the benefits of the Programme to the target groups are explained. The selection of proposed areas of support and target groups is grounded in recent reliable research and consultation, indicating sources of information.	8
3.3	Bilateral ambitions. The bid describes how the Programme will strengthen bilateral relations between civil society organisations and other entities in the beneficiary country and in the donor states. Where relevant, previous bilateral cooperation with the donor states is described. The bid assesses the key topics/areas in which bilateral cooperation can address some of the needs and challenges facing civil society, and provides a justification to support this assessment.	5

3.4	<p>Programme modalities and design. The proposed programme design (including use of open calls and pre-defined projects, types of financial instruments, methods for reaching specific target groups and achieving the Programme’s outcomes and objective) are clearly described, well justified, coherent and demonstrates an innovative approach. Sufficient information on proposed pre-defined projects (where relevant) is provided.</p> <p>The bid describes the Programme’s intervention logic, including proposed activities, expected outcomes for the target groups and relevant outcome indicators for each outcome, based on the Guidance on Outcomes and Outcome Indicators for the Active Citizens Fund (Annex D). The bid identifies key risks that may affect the achievement of expected outcomes, using the template provided for the intervention logic. The bid provides a narrative description of the intervention logic, stating how the proposed activities will contribute to the selected outcomes, and describes the proposed capacity and method for carrying out results monitoring and risk management.</p>	10 ¹²
3.5	<p>Capacity building and sustainability of civil society. Proposed approaches to developing the capacity and sustainability of civil society organisations and the sector at large are clearly described and strategically chosen. The bid provides a well justified description of proposed support for project preparation and implementation, in terms of the need to reach out to particular geographic areas, target groups, organisational types and thematic areas. The benefits that the proposed capacity development will have for civil society and for the target groups are clearly described. The bid describes how the Programme will contribute to the sustainability of civil society organisations and the sector, in terms of financial, institutional and policy-level sustainability. The bid describes the proposed approach to capacity development through regional exchange, transfer of learning, good practice and knowledge, networking and dissemination of successful approaches across civil society.</p>	10
3.6	<p>Budget and cost-effectiveness. The bid states clearly the proposed expenditures per budget heading and provides a rationale for why they are necessary to achieve the Programme objective and results. The proposed budget is realistic and cost-effective, and provides the maximum level of transparency and clarity. The bid includes detailed assumptions, justifications and specifications of how the amounts for each budget heading will be spent.</p>	10 ¹³

¹² If zero, the bid is rejected

¹³ If zero, the bid is rejected

Total score	100
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5. PROCESS FOR EVALUATION AND SELECTION

All bids will be assessed according to the following steps and criteria.

5.1. FIRST STEP: ADMINISTRATIVE CHECK AND VERIFICATION OF BIDDER ELIGIBILITY

5.1.1 ADMINISTRATIVE CHECK

Bids will be checked for administrative compliance against the criteria described in section 4.1 of these Terms of Reference and in the administrative checklist in the Bid Form. If the bid does not meet these criteria, the bid may be rejected on that sole basis and the bid will not be assessed further.

5.1.2 ELIGIBILITY VERIFICATION

The eligibility of bidders will be verified according to the criteria set out in section 4.2 of these Terms of Reference.

The Declaration of the Bidder (section 8 of the Bid Form) will be cross-checked with the supporting documents provided by the bidder (see supporting documents in section 6.2 of these ToR). Any missing supporting document, and any incoherence between the Declaration of the Bidder and the supporting documents, may lead to the rejection of the bid on that sole basis.

5.2. SECOND STEP: EVALUATION OF THE BID

Bids that pass the administrative and eligibility check will be evaluated by the FMO Evaluation Committee, based on the information provided in the Bid Form and the supporting documents, using the criteria and scoring provided in the evaluation grid in section 4.3 of these Terms of Reference.

5.3. THIRD STEP: SELECTION AND AWARD

After the evaluation the FMO will submit a summary of the bids, including a ranking of their scores to a Committee consisting of representatives from the donors and the beneficiary state. The Committee will meet and discuss the bids. If the Committee does not reach consensus on a winning bid, the deadline for bids will be extended by four weeks from the date of the meeting of the Committee. Consortia that have submitted bids and have been assessed in the first round are entitled to receive feedback on their bid from the FMO and to resubmit their bid with changes. The FMO then assesses the bids again and submits a summary to the Committee, ranking the bids. The Committee will meet again and discuss the bids. If no agreement is reached, the donor states will choose the Fund Operator.

Bidders will be informed in writing by the FMO of the decision concerning their bid, and, where applicable, the principal reason(s) for a negative decision.

The FMO is not bound to accept any of the submitted bids, irrespective of the number or quality of the bids received. Moreover, it reserves the right to reject all bids received and to make, if it deems fit, a new request for tenders, and the whole without the FMO being liable to the bidders.

The decision to conclude a contract with a bidder will be at the sole discretion of the Financial Mechanism Committee.

6. HOW TO APPLY AND THE PROCEDURES TO FOLLOW

6.1. BID FORM

The bidder for the role of Fund Operator is asked to present a bid based on the description in this ToR and as explained in the Bid Form. The proposal shall be submitted in English.

Please note that only the Bid Form and the supporting documents will be evaluated. It is therefore of utmost importance that these documents contain **all** the relevant information. No additional annexes should be sent.

Bidders must verify that their bid is complete using the Checklist for the Bid in section 10 of the Bid Form. Incomplete bids may be rejected.

6.2. SUPPORTING DOCUMENTS

The bid shall include at least the following information:

- Statutes or articles of association of the bidders. An English translation of each bidder's statute is required. Such documents must prove the organisations in question meet all the required eligibility criteria indicated in section 4.2 of the Terms of Reference
- An external audit report of the Lead Bidder, certifying the bidder's accounts for the last financial year available
- A copy of the lead bidder's latest accounts (the profit and loss account and the balance sheet for the last financial year for which the accounts have been closed)
- CVs of staff designated to the Programme
- Chart/organigram of management set-up
- Declaration of the Bidder (see Bid Form section 8)
- Consortium member statement (see Bid Form section 9)
- Budget (see Terms of Reference Annex B)

Where supporting documents are not in English, a translation into English of the relevant parts of these documents should be provided.

6.3. DEADLINE FOR SUBMISSION OF BIDS

The deadline is 1 September 2018 before 12:00 CET, as evidenced by the date of receipt by FMO. Late delivery will lead to the non-admissibility of the bid and its rejection from the award procedure for this contract.

6.4. FURTHER INFORMATION

Questions may be sent to the FMO no later than ten working days before the deadline for the submission of bids. The FMO has no obligation to provide clarifications to questions received after this date.

The questions must be sent by email to the address below, indicating in the subject line the country and organisation name:

E-mail address: acfund@efta.int

No individual replies will be given to questions. Questions and answers will be published on the EEA and Norway Grants website. It is therefore advisable to consult the website regularly.

To ensure equal treatment of bidders, the FMO cannot give a prior opinion on the eligibility of bidders, an action or specific activities.

7. CONDITIONS FOR IMPLEMENTATION AFTER THE SELECTION OF THE FUND OPERATOR

Following the selection of the FO, and prior to the signature of a Programme Implementation Agreement with the FMO, the selected bidder and FMO will work together on the Programme's content.

A stakeholder consultation will be organised in the beneficiary country, to seek input from a broad range of stakeholders on the Programme's focus and design. The selected Fund Operator, in close cooperation with the FMO, will develop a concept note defining the planned scope and results of the Programme. The concept note will build on the information provided in the bid and be informed by consultation with relevant stakeholders, including but not limited to civil society organisations, grassroots and community-based organisations, government representatives, public and private entities.

The FMO as Programme Operator, and the Financial Mechanism Committee (FMC), will assess the concept note and make comments on it. Comments made by the FMO and the FMC, will be taken into account in the Programme's preparation, which results in the finalisation of a Programme Implementation Agreement, in accordance with the template provided in Annex C. The FMO reserves the right to select the next highest-scoring bidder, if agreement with the selected bidder cannot be reached within six months of selection of the FO.

By signing the Bid Form and Declaration of Bidder, the bidders agree, if selected, to accept the contractual conditions of the standard Programme Implementation Agreement (see Annex C).

After selection, the FMO may request the selected FO to provide the following additional documents and other information necessary for contracting:

- Implementation plan and time-frame, including a communication plan, risk assessment and mitigation analysis, bilateral cooperation plan for first year, and plan on Regional Civil Society Initiatives for the first 12 months (prior to signature of the PIA)
- Final plan on Regional Civil Society Initiatives for the programme period (within 12 months of PIA signature)
- Final plan on bilateral cooperation for the programme period (within 12 months of PIA signature)

8. LIST OF ANNEXES TO THE TERMS OF REFERENCE

Annex A: Bid Form

Annex B: Budget

Annex C: Template Programme Implementation Agreement

Annex D: Guidance on Outcomes and Outcome Indicators for the Active Citizens Fund

Annex E: Manual for Fund Operators of the Active Citizens Fund

Annex F: Reference documents, provided for bidder's information

Link to [Mid-term evaluation](#)

Link to [Programme Area Description](#)

Link to [Protocol](#)