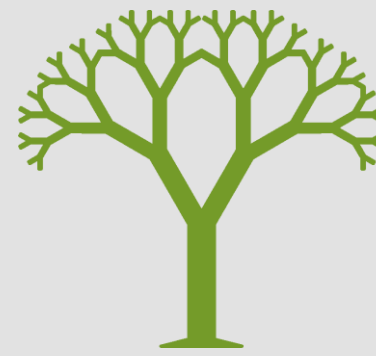




Check-list for ToR

Based on the discussions during the workshop on 1 March 2012, the following list of good practice recommendations, summarizes for each chapter of the Terms of Reference, the main points to be considered. The list contains several solutions (→in blue) on how to handle the fact that the legal provisions and guidance are not yet finalized. It should serve as an indicative check-list for Managing Authorities when drafting their Terms of Reference.



1. Overall purpose of the contract	<ul style="list-style-type: none"> State clearly the necessity to realise a complex package of different and not yet fully defined tasks: ex ante evaluation of the RDP 2014-2020, SEA, contribution and coordination with the partnership contract at national level according to Art. 14 of the Umbrella Regulation and with the thematic sub-programmes according to Art. 8 # 1 of the RDP Regulation, the financial instruments according to Art. 32 of the Umbrella Regulation. Allow for integration of tasks: e.g. place ex ante as LOT 1 and SEA as LOT 2. Allow contractors to bid for two lots.
2. Specific objectives of the ex ante evaluation	<ul style="list-style-type: none"> Describe the overall aim of the ex ante to improve the quality and design of the programme. Specify that the ex ante is supposed to accompany Programme development: SWOT analysis, development of intervention logic, definition of the aims. It should establish a basis for effective monitoring and evaluation during the programming period. Highlight that the ex-ante is carried out in close cooperation with MA and other contractors (e.g. for SWOT, PC etc.) State clearly the role of ex ante evaluator as independent judging on programme design (reflecting on draft content produced and not producing content) → ownership of programme should remain with Managing Authority.
3. Legal context and framework conditions	<ul style="list-style-type: none"> Mention that preparation of RDP and the ex ante evaluation is strongly influenced by concretisation of relevant framework conditions at EU and national level. List all Regulations, Guidelines, Directives, Working Papers to be taken into account during the ex ante evaluation (even if not yet available or in force). Mention that the list is non-exhaustive (possibility to add things later on). Indicate that evaluators should follow the future ex ante guidelines published by the EC.
4. Content of ex ante evaluation	<ul style="list-style-type: none"> Describe main contents of ex ante evaluation according to Art. 48 of the General Regulation and Art. 9 and 84 of EAFRD Regulation → do not stick to legal requirements and further explain tasks (indicate that they are not definite yet). Highlight ex ante requirements that need more attention (e.g. to appraise adequacy of human resources and administrative capacity (in depth analysis) or are new in comparison to 2007-2013 (e.g. to appraise the programmes' relation with other instruments, the rationale for the form of support proposed, suitability of the milestones selected for the performance framework, inclusion of SEA, new or modified set of indicators, appraisal of new priorities such as innovation). Consider to carry out thematic studies for new or in-depth issues (e.g. innovation) in the context of ex-ante. It is considered good practice to appraise lessons learned from previous period, although this is not specifically mentioned in the draft regulations. Develop own specific evaluation questions (and keep flexibility to answer EU evaluation questions). Include the assessment expected and unexpected impacts in the ex ante. Mention that adjustments on the issues can be covered after the adoption of the regulation and the publication of the guidelines.
5. Main methods	<ul style="list-style-type: none"> No specific legal requirements on methods, but good practice to be taken into account. Mix known and tested methods to reach robust conclusions. Stipulate that the proposal should describe and explain methods to be used and their implications for the quality and results. Explain that ex ante is supposed to make use of existing data. Accompany the process of the ex ante and be kept informed; ask the contractor to take part in events State the criteria used to quality check the ex ante evaluation.
6. Deliverables	<ul style="list-style-type: none"> State the phases of the reporting: e.g. First Interim Report (methods, tools, optionally needs assessment, SWOT, results from previous period); Second Interim Report (evaluation of draft programme including SEA); Final Report. State the number of deliverables and meetings (depending on duration of contract); number of copies, electronic versions, CD-ROM; no. of pages of report (max. 150), executive summary (max. 5) in English is useful, SEA as integral part (max.50).
7. Timetable and interactive procedures	<ul style="list-style-type: none"> Engage ex ante evaluator from an early stage in the development process of the RDP. Timetable: Define end points for completion of the four processes (partnership contracts, ex ante itself, SEA, programme preparation); insist on the iterative process to be managed and documented of the ex ante. Specify timeframe of the contract (at least 1 year recommended); nature, timing of communication, coordination with contractor and all other actors involved. For SEA: coordination with Environmental Authorities, public consultation (3 months), good quality of non-technical summary for public consultation; reintegration of the SEA findings in RDP and ex ante.
8. Indicative budget	<ul style="list-style-type: none"> Give a clear idea of the overall budget available; Not mentioned additional tasks in ToR must be paid extra by MA.
9. Required qualification of the team	<ul style="list-style-type: none"> Besides classical selection criteria (proven years of experience in EAFRD or SEA) put emphasis on: knowledge of other EU programmes funded through ERDF and ESF, of human resources and administrative capacity, of monitoring and evaluation standards and procedures and equal opportunities.
10. Selection (award) criteria	<ul style="list-style-type: none"> No specific legal requirements on selection criteria. Clearly indicate how the offer is going to be assessed; indicate weighing for quality/price; use a formula for the assessment (winner = higher/lower score) Distinguish between eligibility, selection and award criteria → Establish quality award criteria to judge the offer. Ask the tenderer to include a management plan → useful to assess how realistic proposals are.

"Good Practice ex ante" webpage, click [here](#)

European Evaluation Network for Rural Development

Good Practice Workshop

Drafting Terms of Reference for ex ante evaluations



main focus >>>

Brussels, 1 March 2012

Purpose of the Workshop

- Reflect on the requirements described in the relevant regulations for the programming period 2014-2020 compared to 2007-2013;
- Find practical solutions to the challenges posed by the new requirements for the Member States;
- Draw key lessons learned for writing the terms of reference.

back to basics >>>

What are the challenges?

According to Article 48 of the Proposal for Regulation (EU) No COM(2011) 615 final laying down the common provisions for the ERDF, ESF, Cohesion Fund, EAFRD and EMFF, Member States shall, as in the current period, carry out ex ante evaluations to improve the quality of the design of each Rural Development Programme.

The main difference with the current period is formal and the quality of the environmental report varied considerably among Member States. Public consultation was often done without structured approach and rather poor detail in Article 48 and are more extensive. What is also new is that according to Article 84 of the Proposal COM(2011) 627 final/2 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), Member States shall ensure that the ex ante evaluator is engaged from an early stage in the process of development of the programme. The challenge for the Member States is thus not only to take the new aspects of the ex ante evaluations into account but also to include the findings in the partnership agreements.

Availability of ex ante guidance
Although the Rural Development Regulation makes provisions for implementing rules, the current view within DG agriculture is that guidance could be sufficient (and available more quickly). Nevertheless, implementing rules will govern many aspects of programme design and content and therefore need to be taken into account in the ex ante and this has also implications for the timing of ex ante contracts. The finalisation of the ex ante guidelines is however influenced by the fact that the basic acts are still under discussion in working parties of the Council. A draft guidance document will be presented to the Evaluation Expert Committee in June 2012 but needs to remain flexible in order to accommodate possible changes in legislation.

The Strategic Environmental Assessment

The integration of the Strategic Environmental Assessment (SEA) into the ex ante poses a further challenge for Managing Authorities. It must be carried out during the preparation of the programme and before its adoption. In the past, the SEA was carried out often (too) late and results were not always incorporated in the programme design. The exercise was very

STAGE OF PREPARATION OF ToR

(please use Member state code, e.g. AT, NL...)

NOT YET STARTED	JUST STARTED
FR PL SK 12	AT CZ 2
MT GR PT IT (24) BE (16) LT NL RO UK HU	
ADVANCED	COMPLETED ToR
FI 7	EE 7

set the scene >>>

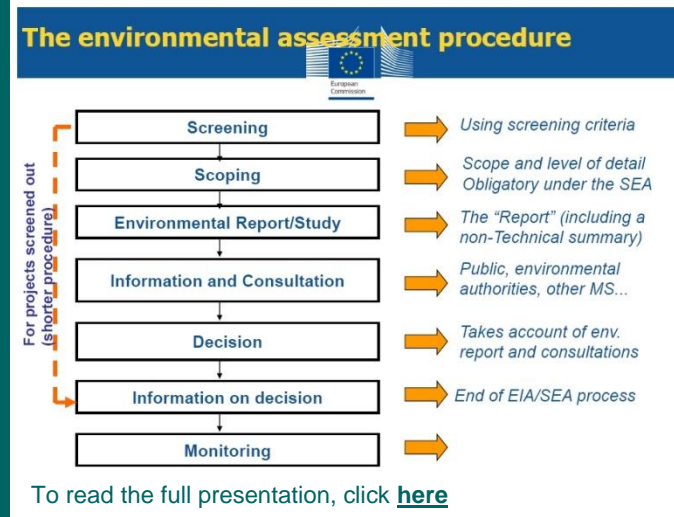
Legal proposals and requirements for ex ante evaluation and SEA

Zélie Peppiette from DG for Agriculture and Rural Development presented the legal proposals and requirements for ex ante evaluation:

- Ex ante evaluation should improve the quality of the programme (Art 48 CSF);
- Ex ante is the responsibility of the Managing Authority (Art 48 CSF);
- To be carried out by experts functionally independent from programme implementation authorities (A47 CSF);
- Incorporates SEA requirements (A48(4)CSF);
- Submitted to Commission with the RDP (A48 CSF);
- Evaluation report shall be made public (on the internet) (A47 CSF + A83 RD)
- Ex ante evaluator shall be engaged "from an early stage" in the preparation of the RDP, including the development of SWOT analysis, Programme intervention logic and the establishment of targets (Art 84 R)

To read the full presentation, click [here](#)

Yvette Izabel from DG for Environment made a presentation on Strategic Environmental Assessment (SEA) and Rural Development Programmes:



Interviews >>>

During the workshop, selected participants were invited to share their views on a number of questions:

- Bozhura Fidanska and Tatyana Petrova, Ministry of Agriculture and Food, Rural Development Directorate – Bulgaria (BG)**
- Marc Longhi, Ministry of Agriculture – France (FR)**
- Magdalena Nowicka, Ministry of Agriculture and Rural Development – Poland (PL)**
- Sam Cunnington, Department for Environment, Food and Rural Affairs DEFRA – United Kingdom (UK)**

BG: The ToR should be ready by mid-2012 and we hope to award the contract by the end of the year. (...) first we need to go through some national administrative steps.

FR: In the second half of 2012, we will start to write the ToR and the tender should be launched by the end of September/beginning of October. The recommendations of the evaluator will have to be taken into account as they will feed the reflection on the architecture and contents of the RDP. As regards the SEA, we will have the same approach as in the last programming period, with more emphasis on the public consultation.

What stage are you at with the ex ante and the SEA?

PL: No timetable officially agreed within the Ministry (...) we are attributing tasks. As for SEA, it is still too early and there is no clear idea yet about the approach that will be taken.

UK: In England, we have different deliverables that are sketched out and are in discussions with procurement team. We hope to launch the ex ante together with SEA in the spring 2012 (...) with a tender award by summer.

FR: "Anticipate", "simplify" are the buzz words and they are important. We do not want complex procedures or reporting. Try to put yourself in the MS's shoes to be able to anticipate the needs.

What can the Evaluation Helpdesk do to support you in your activities?

BG: When our ToR is drafted we would like to receive some feedback from you to see if we are on the right track.

PL: It would be good to have drafts of ToR and information about approaches in other MS. As an intermediary between all the MS and the EC, this is the place where the Helpdesk can intervene and it would be useful to get quick feedback from this workshop.

UK: It has a strong role in bringing people together, in communicating to the MS and in providing the basis for the networking especially in this period of uncertainty.

BG: ... Initially we thought we had more time but we have realised that it is not the case. We learned a lot from this workshop.

FR: The Estonian presentation was very interesting. I have asked their representative to send me their ToR to see the approach they have taken and decide if some ideas can be used for France.

In a few words, what is the key message you will take away from this workshop?

PL: This is a time of uncertainty and the process is ongoing. The only way is to participate in the discussions and transmit the MS observations, needs and recommendations to help speeding up the process.

UK: There is a lot of work to do.

To read presentations from the Managing Authorities and evaluators, click [here](#)



focus >>>

Estonia's ToR for ex-ante evaluation

Estonia is the first country to have published ToR for ex ante: Sirlu Kalbus explained the approach chosen by the Estonian Ministry of Agriculture Rural Development to address the challenges stemming from the legal proposals on ex ante and SEA.

Challenge 1: Timing

- The evaluator is to be selected in March 2012 to start with ex ante evaluation as early as possible for the benefit of the RDP.

Challenge 2: Tasks and evaluation questions

- The MA used previous experience to draft ToR;
- There are 22 evaluation questions and a clause stating that the evaluator must also answer all EU evaluation questions, when they are known, after the publication of the EC ex ante evaluation guidelines;
- Flexibility clause (20%) for supplementary works (if extra tasks come from legal acts).

Challenge 3: Methodology

- Evaluator shall choose the suitable methodology by him/herself but it has to be approved by the MA;
- Preliminary description of methodology has to be submitted with the tender. Detailed description of the evaluator tasks to be performed should also be provided.

For more information, click [here](#)

This Good Practice Workshop was organized in the context of the Evaluation Expert Network's Thematic Working Group on Ex ante.

The next steps include

- further development of Ex ante Guidance (Final Draft to be presented to Evaluation Expert Committee in June 2012) and
- finalization and dissemination of Ex ante Guidance after adoption of legal acts.

ToR Section Headings

Challenges identified by workshop participants >>>

The ex ante evaluation is a complex package with a number of new aspects.

What is the role of the evaluators if there is very little to evaluate at the beginning? Do they produce content? How to manage objectivity? What is the role of the recommendations for the RDP preparation? Evaluators are independent and do not know all issues of RD policy.

Regulations and Guidance documents will not be adopted before 2013. ToR and preparation of RDPs will be influenced by the concretisation of the relevant framework conditions at EU and national level.

3. SEA: What is meant by "where appropriate" in Art. 48(4).

A number of aspects are new compared to the current period. A number of aspects need more in depth analysis. Adjustments to the contents may be required after the adoption of the Regulation.

How can robust conclusions be reached on the basis of dependable sources and representative data in the absence of any specific legal requirement?

The definition of separate concrete packages/deliverables to be produced in a relatively long and changing period of time. How to secure the quality of the deliverables? How to ensure that the deliverables feed directly into the programming process?

6. SEA: Integration of SEA report into the ex ante report.

4 parallel interactive processes influencing the ex ante evaluation process (PC, ex ante evaluation, SEA, preparation of programmes). The duration of the contract is much longer than in the past.

7. SEA: Timing of the SEA in relation to other three processes. Timing and duration of public consultation, at least 3 months. SEA can only be done when the programme has been designed BUT the SEA should be taken into account in the drafting of the programme. Coordination between different evaluation teams contracted to do ex ante and SEA.

Longer, more interactive process will presumably be more costly.

Broader range of knowledge required from evaluators: CSF Funds, human resources and administrative capacity...

Greater transparency in the award criteria required.

1. Overall purpose of the contract

2. Specific objectives of the ex ante evaluation

3. Legal context and framework conditions

4. Content of ex ante evaluation

5. Main methods

6. Deliverables

7. Timetable and interactive procedures

8. Indicative Budget

9. Required Qualifications of the Team

10. Award criteria