BEST PRACTICE ON PROJECT SELECTION PROCEDURES

EEA AND NORWEGIAN FINANCIAL MECHANISMS 2014-2021

I. INTRODUCTION

This document has been developed by the Financial Mechanism Office (FMO) and is intended as a guidance in organising selection procedures related to the EEA and Norwegian Financial Mechanisms 2014-2021 (FMs).

Under the Regulations for the Financial Mechanisms 2014-2021 (Regulations) more flexibility is provided to the national authorities in the implementation of the FMs, and together with this an increased accountability of the entities entrusted with the management of the funds is introduced. The selection of projects further to a call is a crucial factor for programme success. Under the 2009-2014 period a unique selection process was described in the Regulations which had to be followed by all Programme Operators in all Beneficiary States. However, in some cases a one size fits all approach is not always practical, taking into account the particularities of some Programmes; consequently, the Regulations do not provide for a unique selection procedure any more.

As a result, the Programme Operators (POs) may now propose a different selection procedure to be followed. This process should be based on national experience or experience, for example, with EU funding instruments. In all cases the selection process must comply with the principles set out in the Regulations. The Donors, National Focal Point (NFP), Donor Programme Partners (DPPs) and International Partner Organisations (IPOs) (as appropriate) shall always be invited to participate in the selection process.

In certain cases, the Programme Agreement may, if necessary, specify selection modalities.

A well-established selection procedure can contribute to good quality projects and thus help achieve results in line with the overall objectives of the EEA and Norway Grants, as well as ensure transparent and correct use of public funds.

This guidance is therefore **aimed to provide support in establishing and conducting selection procedures of project within programmes[1],** and is based on the provisions of the Regulations on the implementation of the FMs 2009-14, the related best practices and on the findings and recommendations from programme and national system audits carried out under the FMs 2009-14.

This guidance document is aimed at assisting NFPs, POs, DPPs, and IPOs, Certifying Authorities (CAs), Audit Authorities (AAs) and Project Promoters (PPs) and partners. **It is provided for information purposes only** and its content is not intended to replace consultation of the applicable legal framework or the necessary advice of a legal expert, where appropriate. Neither the Donors, the FMO nor any person acting on their behalf can be held responsible for the use made of this guidance document.

For legal purposes, reference is made to the Regulations on the implementation of the European Economic Area (EEA) Financial Mechanism and of the Norwegian Financial Mechanism 2014-2021 (the Regulations).

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[1] It is noted that the Guideline on Education Programmes and the Guideline on Research Programmes already establish specific selection procedures, which should be followed in case of these programme.

This document will be updated to reflect modifications to the legal framework. In case of any inconsistency, the provisions of the latter shall apply.

II. CALLS FOR PROPOSALS AND SELECTION OF PROJECTS

Article 7.3

Calls for proposals

The PO, including the entity operating a Small Grant Scheme shall be responsible for designing and launching calls for proposals.

Results Guideline p. 31

Calls for proposals

Calls for proposals are issued by the PO, and their content, form and publication shall comply with the requirements set in Article 7.3 of the Regulations and, where relevant, in the Programme Agreement.

The PO shall be guided by the principles of implementation of Article 1.3 and the principles and rules set in Article 7.4 of the Regulations.

The detailed minimum requirements on the content of the call for proposals are provided in Article 7.3 of the Regulation. These requirements shall be complied with in all cases.

The call shall be published on the website of the PO in the national language(s) and in English.

The English version of the call text shall be shared with the FMO no later than two weeks prior to the scheduled launch of the call. *The FMO however does not approve the call text, nor confirm that the call text meets the minimum requirements*. In line with Article 7.3.4 of the Regulation the National Focal Point shall warrant that the call for proposals fully complies with the legal framework of the FMs 2014-21.

In accordance with Article 4.4 of the Regulation the PO of a donor partnership programme or a programme implemented in partnership with an IPO shall establish a Cooperation Committee. The Cooperation Committee shall advise on the selection criteria and texts for call(s) for proposals.

The PO should take the following additional considerations into account when designing calls for proposals:

- During the programme development phase the number of calls for proposals should be planned appropriately, taking into account the level of interest and size of the Programme;

- The use of a two-stage application process, with an outline proposal and full proposal development for those outlines passing the initial assessment, may be considered where appropriate;

- The PO should include the programme's results framework and explicitly state which output(s) the projects are to deliver (see also Results Guideline p.31);

- The PO should define the source of the project funding in case a call(s) is financed by both FMs, to ensure that projects are only financed by one FM.

- The selection process should be designed in such a way as to minimise duplication and avoid potential double funding and ensure synergies with other EEA and Norwegian FMs Programmes;

- Pre-announcement of upcoming calls is encouraged to facilitate preparation by potential applicants;

- Appropriate application forms and guides on how to complete them should be prepared. The application forms should guide a less experienced applicant through the requirements of a project proposal, with guidelines that clearly indicate the requirements of each section of an application form;

- The principle of proportionality should be applied and PO should consider simplified procedures for smaller grants;

- Workshops or other kinds of support at the pre-application stage could be organised as ongoing mentoring and support, to provide detailed guidance on what will be looked for in the project applications;

- Outreach to Donor State organisations should be encouraged and facilitated, including information on funds available for bilateral partnership building.

2.1 SELECTION CRITERIA

- Clearly distinguish between administrative criteria, eligibility criteria and evaluation criteria (selection criteria)

- The selection criteria shall be specified in the call for proposals.

Once published, selection criteria should preferably not be changed. However, should the modification of one or several criteria be justified, such modification must be made sufficiently ahead of the deadline of the call, and the same channels should be used for communicating the modifications as for publicising the call. In case selection criteria are modified, an extension of the submission deadline should be considered, as appropriate.

The criteria published in the call for proposals shall be the only criteria used during the selection process.

There are three types of selection criteria, which should be clearly distinguished:

> **1) Administrative criteria** are conditions for accepting the project application. Without compliance with the administrative criteria, the application shall not be further assessed. The administrative criteria should be easy to assess, meaning that their verification should not require any review of the content of the application. The criteria should also be reasonable, i.e. the application should not be overly restrictive as to technical details.

Administrative criteria include (but are not limited to) the following:

- The project application has been submitted within the deadline, i.e. the date and time published in the call text;

- The project application has been submitted in accordance with the permissible method(s) of delivery (number of copies, electronic/and or hard copies, signatures, etc.);

- All requested documents have been submitted (e.g. declarations, annual reports, partnership statements, etc.).

The call text should clearly indicate:

- Whether the PO may request additional information/documents from the applicant to determine the compliance with these criteria and, if so:
  - The time available and the method for the submission of such information/documents;

  - The criteria that could lead to automatic rejection of the project application, in case of non-compliance with them.

> **2) Eligibility criteria** are conditions to assess whether the applicant/partner and the application are qualified for funding. It should be clear whether the criteria relate to the eligibility of the applicant or the eligibility of the application. Ideally the eligibility criteria should be assessed only once it has been determined that the application has fulfilled the administrative criteria.

Eligibility criteria include (but are not limited to) the following conditions:

- Eligibility of applicant
  - The call text clearly defines what type of entities are eligible as applicants, in accordance with the provisions of Article 7.2.1 or 7.2.3 of the Regulation and any limitation thereto set in the Programme Agreement.

- Eligibility of partner

- The call text clearly defines what type of entities are eligible as project partners, in line with the provisions provided in Article 7.2.2. or 7.2.3 of the Regulation and any limitations thereto set in the Programme Agreement.

- Eligibility of application
  - The requested grant amount is within the permissible limits provided in the call.

  - The proposed implementation period is within the permissible limits provided in the call.

  - No more applications have been submitted by one project promoter or project partner than explicitly authorized in the call text.

Normally, compliance with eligibility criteria is unconditional and therefore not subject to further clarifications requested by the PO. However, should the PO decide that some of the eligibility criteria need to be clarified by additional information, this should be clearly stated in the call for proposals, together with the deadline and method to comply with such a request. The call text should also clearly list the criteria that would lead to automatic rejection, in case of non-compliance with them.

The use of administrative and eligibility criteria shall be transparent, and easily determinable, based on yes/no questions, and defined in line with the principles and provisions of the Regulations. These criteria should be limited to the essentials. Ambiguous or superfluous criteria can lead to complaints and appeals, and thus prolong or hinder the selection process, and result in additional administrative burden for the PO.

It is recommended that the PO provides a checklist in the call text and/or guide for applicants, which enables the applicants to self-assess whether they have complied with all administrative and eligibility criteria. This checklist could also serve as guidance for the applicants to indicate whether the requested information can be subject to later submission (request for clarifications/additional information) or if the lack of compliance with the requested submission of information results in automatic rejection.

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3) Evaluation criteria are criteria used to assess the project applications that comply with the administrative and eligibility criteria. The evaluation criteria shall form the basis of the project scoring.

The evaluation criteria shall be specified in the calls text. They shall clearly relate to the content assessment of the application, and may include, but not be limited to, the following elements:

- Relevance of the project to the needs of direct and indirect target groups and beneficiaries;

- Coherence between the project and the Programme objective, outcomes and outputs (the results framework should be published as part of the call text);

- Experience of the applicant and its capacity to implement the project;

- Feasibility of the suggested activities and measures;

- Sustainability of the intervention;

- Reasonable and justifiable budget, and coherence with the proposed activities.

The call text should clearly indicate the maximum score for each criterion (e.g. relevance, budget, feasibility). A minimum score could also be set for some of the criteria as an *eliminating criterion*. In this case, if a prescribed minimum score is not obtained for the eliminating criterion, the project is automatically rejected.

The call text shall indicate the achievable maximum total score, and it is recommended that the PO includes in the call text the minimum total score a project application needs to obtain to be commendable for funding.

The PO may consider to give preference to applications that respond to certain concerns deemed important to achieve the outcome and outputs of the call. This could, in line with any relevant provision in the Programme Agreement, for example take the form of additional points for applications from rural areas, specific target groups, minorities, thematic areas that are underrepresented, as well as having a partner from a Donor State etc.

III. PROJECT EVALUATION AND AWARD OF GRANTS

In line with Article 7.4.1 of the Regulation the PO shall be responsible for project evaluation and the award of grants.

Article 7.4.1.

Project evaluation and award of grants
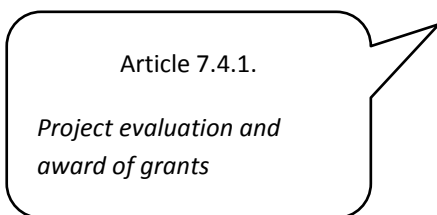
! The principles of good governance, transparency, equality, efficiency and zero tolerance toward corruption shall be applied.

Notwithstanding the specific selection procedures established in the Beneficiary States which are based either on national experience or other previously followed procedures, the following best practice guidance is providing advice on how to organise and conduct the selection of projects.

3.1 REVIEW OF ADMINISTRATIVE AND ELIGIBILITY CRITERIA

After the deadline for submission of applications, the PO should first review the applications for compliance with administrative and eligibility criteria. The PO should assess these criteria against the published requirements.

The PO should document its review for all applications, and clearly indicate whether the applicant has fulfilled or not fulfilled the criteria in question. It is expected that the PO establishes a clear and transparent system to record the decisions on administrative and eligibility checks performed. The PO should use tamper-proof[2] and yes/no checklists. In case any of the criteria is subject to clarification (request for additional information) in line with the published requirements, the checklist should clearly indicate whether a clarification request has been issued, and the result of such clarification should be recorded.

> **!** Always document the administrative and eligibility assessment of all applications.

Following the completion of the administrative and eligibility review, applicants whose applications are rejected at this stage should be informed of the reasons for the rejection and given a reasonable time to appeal that decision. Such a deadline should be set in the call text.

3.2 EVALUATION OF PROJECT APPLICATIONS BY INDEPENDENT EXPERTS

Each project application that meets the administrative and eligibility criteria should be scored by (at least) two impartial[3] experts appointed by the PO. To ensure transparency in the selection procedure, it is recommended that at least one expert is independent of the PO (and its partner(s)).

The PO should ensure that the experts involved in the evaluation have the necessary knowledge and expertise to evaluate the applications. The PO can decide to select the experts either through an open call for tender, or select them on the basis of previous experience, relevant work with regranting agencies, ministries or other funding institutions etc. Regardless of how the experts are selected, it is strongly advised that the PO organises training(s) for the experts to familiarise them with the call for proposals, the Programme objective, and to provide them with guidance on the evaluation criteria published in the call for proposals. The PO should take all reasonable and proportionate measures in order to ensure a transparent, objective, consistent and coherent evaluation of the applications.

The experts should have no direct or indirect interests, or appear to be incompatible with the impartial exercise of their function. All experts should sign a declaration of no conflict of interest.

The experts should independently and separately score the project application according to the evaluation criteria published in the call for proposals. The experts cannot be influenced by anyone, and should decide on the scores independently and to their best judgement. The experts should justify in writing the scores for each criterion they evaluate.

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[2] I.e. non-editable, to ensure that the risk of editing after entry is minimal.
[3] Impartial shall not be mistaken for independent. Impartiality means that the expert involved has no direct or indirect interest regarding the project application in question.

Each application should be scored by two experts, and for the purpose of ranking the project applications, the average of the scores awarded by the experts should be used.

If the difference between the scores given by the two experts is more than *30% of the higher score*, the project application should be scored by a third expert. This third expert should be commissioned by and be independent of the PO. In such cases the average score of the two closest scores should be used for the ranking of the project applications.

If the score given by a third expert would not in any way result in the support of the project, there is no need to use a third expert. This situation can arise when a minimum score for supporting projects has been set in the call for proposals.

If there is no minimum score provided in the call text, and the 30% difference exists between the two experts scores, a third expert should always be commissioned.

! The Programme Operator should maintain a tamper-proof written record of the scoring by the experts

The independent and separate scoring does not exclude the possibility of the PO to organise discussion meetings with the experts to ensure that they carry out the evaluation according to the previous guidance provided by the PO, and that the scores provided are consistent and in line with the criteria published in the call for proposals. The discussion meetings can only be organised after the separate scoring of the experts have taken place, and the ranking list based on the experts' scores has been established. However, if such meetings of the experts are organised, the PO should document the main steps and results of these meetings by preparing minutes and paying special attention to the following areas:

Example of need for a third expert:

A project application receives 40/110 points from Expert A and 60/110 from Expert B. The difference is 20 points, which is 33.3% (20/60) of the highest score. This is more than the 30% stipulated, and a third expert will have to be called in to provide another assessment of the project proposal. If the third experts gives 42 points, the average of (40+42)/2=41 shall be the final score of the application. If the third expert gives 55 points, the average of (55+60)/2=57.5 shall be the final score of the application.

Following the provided example, if the minimum score would be set at 85, the application could only obtain an average of 80 points even if the third expert gives 110 points out of 110 (60+110/2). The score given by a third expert would not in any way result in the support of the project, and it is thus justified that no third expert is used in this case.

However, if the minimum score would be set at 70, the decision is not clear, as it could be possible that the third expert would give 80 points. The average of 80+60 would be 70 points and a third expert would be needed to evaluate the application.

- Listing the names of attendees (in each separate discussion group, if relevant);
- Detailing the key discussion points (in each discussion group, if relevant);
- Detailing changes made in scores/rankings disclosing the reasons for changes made;
- Highlighting any measures that were in place for preventing conflicts of interest e.g. by indicating whether experts left the room when they were in a conflict of interest situation;
- Demonstrating that the experts agreed with the final ranking lists by having them sign the minutes of the discussion meetings.

The PO should provide all members of the selection committee with the ranking list of the project applications. The PO should make no changes to this ranking or scoring awarded by the experts.

The PO shall also provide the ranking list in English to FMO upon request (Article 7.4.6 of the Regulation).

3.3. Selection committee

Members:

The PO should, based on needs, establish one or several selection committees. The selection committee consists of ***voting members and observers***. There should be at least three voting members possessing the relevant sector expertise. At least one of them should be external to the PO (and its Partner(s)). If a selection committee has more than three members, the number of external members should preferably be proportionate to the size of the committee.

The FMO as well as the National Focal Point shall be invited to participate in the meetings of the selection committee as observers.

The DPP and/or IPO shall be invited to take an active part in selection processes under the programme. As a minimum they shall be invited as an observer in the project selection. If desired by both parties, the DPP may participate as a voting member in the selection process.

The meeting of the selection committee

The selection committee(s) should operate in an open, transparent and accountable manner, and its composition should ensure that due attention is paid to possible areas of conflict of interest. All members of the selection committee (both voting members and observers) should sign a declaration of 'no conflict of interest'. In order for the selection committee members to be well-prepared, and be able to sign a 'no conflict of interest' declaration with full confidence, it is recommended that the ranking list of project applications, including the name of the applicants, the title of the project and their average score, are circulated to all those attending the selection committee meetings at least 5 working days before the meeting. The list should also include the scores provided by the two or three experts as relevant, with a short description of the project and a summary of comments provided by the experts.

The selection committee should review the ranked list of project applications. It may **modify the ranking** of the project applications in justified cases based on transparent criteria. The justification for the modifications should be detailed in the minutes of the meeting of the selection committee.

It is recommended that the selection committee establishes statutes/rules of procedure, to define, as a minimum, the methods followed to modify the ranking list.

<u>**Example of justified modification of ranking**</u>:

The application has been submitted under a call for social justice and inclusion of vulnerable groups. The application ranks high on the list. Both experts scored the project high, however one of them commented under the relevance section that there is a belief within the sector (though not supported by any legal investigation or evidence) that the employment possibilities provided to the target group by the applicant are not in line with the applicable rules for employment. Furthermore, it is suspected that the organisation takes advantage of the vulnerability of the target group, retains their identity cards, and restricts their free movement during employment.

Though the application is drafted perfectly and fits well within the objective of the call and the Programme, the comment of this expert could raise serious doubt as to whether the project can be supported. The selection committee could in this (and in similar) case rely for example on the basic principles and objectives of the programme and conclude that there is serious doubt as to whether the project is based on the common values as provided in Article 1.3 of the Regulation.

The selection committee may decide to **approve a project application with conditions**.

These conditions could relate to reducing the budget, obtaining clarification on some elements of the application etc. The selection committee minutes should clearly reflect the justification for applying a condition, and the opinion of the members in this regard.

The selection committee may also decide to establish a **reserve list**, including project applications that are recommended for support, but due to lack of funding cannot be supported at the time of the decision. The selection committee meeting minutes should clearly state whether a reserve list has been established, including the list of applications on the reserve list.

The experts performing the evaluation can be invited to the meeting of the selection committee, to provide explanations of their scoring, their overall assessment of the project, and to answer any questions that the members of the selection committee might have. If the experts are invited to the meeting, this should be clearly reflected in the minutes of the meeting. The experts should limit themselves to information already provided during their evaluation and to clarifications requested by the selection committee.

Minutes:

The selection committee should keep minutes of its meetings. The minutes of the meetings should contain enough detail to demonstrate that the requirements of the Regulations and the Programme Agreement have been met and the committee has operated in an open, transparent and accountable manner.

The minutes should include information on at least the following:

- The name of the selection committee members, and the organisations they represent;

- The name of the observers, and the list of experts present at the meeting as relevant;

- The name of the chairman;

- Votes of the members on each project application; the minutes should clearly indicate cases where the members have conflicting opinions on approving or rejecting an application;

- Demonstrating that any conflicts of interest were dealt with appropriately, and specifying the measures taken;

- Where the selection committee decides to modify the ranking list, clear information should be provided on the justification and the transparent criteria applied in this respect;

- Information on the reserve list.

The minutes should be circulated and formally approved by the selection committee members. The formal approval shall be documented (e.g. by the members signing the minutes). The PO shall provide the FMO with a copy of the minutes in English upon request. (Article 7.4.6 of the Regulation)

3.4 DECISION BY THE PROGRAMME OPERATOR

Article 7.4.2

Programme Operator's verification of the selection procedure
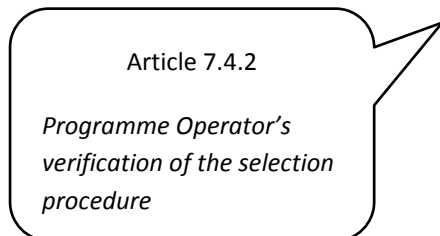
In accordance with Article 7.4.2 the PO shall verify, i.e. confirm and validate that the selection process has been conducted in accordance with the Regulations and the Programme Agreement (as appropriate) and that the grant award decisions comply with the rules and objectives of the Programme. This verification shall be documented.

Following such verification the PO shall, based on the recommendation of the selection committee, make a decision on which projects shall be supported. The PO may modify the decision of the selection committee in justified cases. If such a modification results in a rejection of a project that would otherwise have been approved, the applicant in question shall be informed in writing about the justification for the modification.

Example of verification of selection process by the PO:

When reviewing the recommendation of the selection committee, the PO notices that the ranking list established based on the experts' scoring was modified without justification. The PO therefore decides to instruct the selection committee to review their assessment of the projects in question.

The final decision of the PO on the selection of projects for funding shall be taken by the person responsible for supervising the operations of the PO. The decision shall be documented, in particular if the decision does not fully reflect the recommendations of the

selection committee. The PO shall notify the applicants about the results of the selection process within a reasonable time.

Notifying applicants:

Both successful and unsuccessful project applicants shall be informed of the outcome of their application in writing with a confirmation of delivery (by letter or e-mail). Unsuccessful applicants should be provided with feedback, in particular the reasons why their project was not approved for funding, or alternatively be given the possibility to request more information on the reasons for the rejection upon request.

Complaint mechanism:

According to Article 12.7 of the Regulation the Beneficiary State shall establish a complaint mechanism that shall be capable of effectively processing and deciding on complaints about suspected non-compliance with the principles of good governance in relation to the implementation of the FMs in the respective Beneficiary State. All applicants should be duly informed on how to submit a complaint.
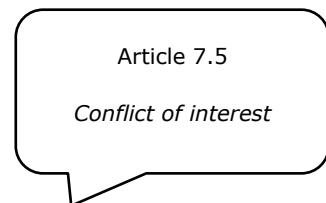
3.5 CONFLICT OF INTEREST

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Ensure the objectivity and integrity of the selection procedure

Prevent and remedy conflict of interest situations

It is of utmost importance that the PO ensures that the selection procedures are carried out in a way that guarantees the integrity and the objectivity of the selection process. Thus, the PO shall take every reasonable measure to prevent a conflict of interest situation from occurring in the selection process. If such a situation arises, the PO shall take all necessary measures to avoid that such a situation affects the integrity of the selection process.

Article 7.5

Conflict of interest

Examples of conflict of interest:

1. A staff member of the PO involved in the selection process previously worked for one of the applicants. The staff member signals this in the declaration on conflicts of interest. The head of the PO thus decides that the staff member cannot participate in the selection process, as it could put the integrity of the process at risk.

2. An expert is close friends with the staff of several applicants. The expert discloses this information, but does not consider it to be a conflict of interest, as s/he beliefs that the evaluation could be performed in an objective manner. The PO correctly removes the expert from the selection process, as this situation clearly constitutes familiar, emotional and even professional ties that could hinder the integrity of the evaluation process.

A situation of conflict of interest is deemed to be present when a person involved in the selection process has a direct or indirect interest that appears to be incompatible with the impartial and/or objective exercise of the functions related to the selection process. 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.

Any person who is involved in the selection process could eventually find himself in a conflict of interest situation, including experts, members of selection committees, staff involved in review of compliance with administrative and eligibility criteria, members of the board of the PO, etc.

One of the most important tools for the PO is ensuring that all people involved in the selection process sign a 'no conflict of interest' declaration.

The template of the conflict of interest declaration should include the definition of "conflict of interest" in order for the person to sign it in full understanding of the requirements.

Conflict of interest situations can be present with one or several applicants or applications. The PO should thus ensure that the people participating in the selection process have an overview of the applications and applicants prior to evaluating them.

The conflict of interest should be assessed in relation to all calls conducted by the PO, and declarations should be signed by all people involved for each selection process separately, including staff members of the PO, and selection committee members.

There are several measures that could be put in place to remedy a conflict of interest situation. These measures may include re-evaluating projects, replacing experts and/or selection committee members.

Examples of measures to remedy a conflict of interest situation:

1. **Experts**: The experts should receive the list of applicants prior to receiving the project applications for evaluation. The expert should sign a no conflict of interest declaration, and together with the declaration the expert should disclose all applicants on the list that they are associated with (direct or indirect interest). The PO should distribute the applications in such a manner that experts who have known conflicts of interest are not invited to evaluate projects which they are associated with.

2. **Selection Committee:** In case a selection committee member is in a situation of conflict of interest related to one or several project applications, the selection committee member should preferably not be involved in the assessment of any project application under the call in question. Should this not be feasible, the selection committee member should, as a minimum, leave the room while the project causing the conflict of interest is discussed. It is also recommended that the PO keeps a record of all conflict of interest situations.

3.6 REALLOCATION OF FUNDS, AWARD ADDITIONAL FUNDS TO ALREADY APPROVED PROJECTS

In accordance with Article 7.4.8 of the Regulations the process to award additional funds to already approved projects shall follow the general principles mentioned in Article 7.4.1. The exact process to be followed should be proposed and defined by the PO.

Any decision to reallocate project grants to **additional activities of already approved projects** should be based on recommendations by the selection committee (i.e. follow the same procedure as for the selection of projects). The selection committee should base its recommendations on transparent and objective criteria which should be communicated in writing to the project promoters, and at the same time made available on the website of the FO, no later than one month prior to any decision to reallocate funds.

The selection committee in these cases is preferred to be the same as the initial committee.