

ANNEX A.1
TECHNICAL SPECIFICATIONS

D/SE/11/T03
**External evaluation of the European Union Agency for
Fundamental Rights**

1) Motivation for this evaluation

According to the founding Regulation (168/2007) of the Fundamental Rights Agency (hereinafter referred to as "the Agency") an independent external evaluation shall be commissioned no later than 31 December 2011, to undertake a review of progress and achievements during the first five years of operations of the Agency on the basis of terms of reference issued by the Management Board in agreement with the Commission. The Management Board, in agreement with the Commission, shall determine the timing and scope of subsequent external evaluations, which shall be carried out periodically.

In line with the Founding Regulation the external evaluator shall:

- take into account the tasks of the Agency, the working practices and impact of the Agency on the protection and promotion of fundamental rights;
- assess the possible need to modify the Agency's tasks, scope, areas of activity or structure;
- include an analysis of the synergy effects and the financial implications of any modification of the tasks; and
- take into account the views of the stakeholders at both Union and national levels.

The Director shall notify the Management Board of the main findings and conclusions of external evaluations. The Agency shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.

2) Title of the contract

The title of the contract is "External Evaluation of the European Union Agency for Fundamental Rights".

3) Contracting Authority

The contracting authority is the European Union Agency for Fundamental Rights (hereinafter referred to as the FRA or the Agency). The Agency was established by Council Regulation No 168/2007 on 15 February 2007 (hereinafter the Founding Regulation).

4) Background

The objective of the FRA is to provide the relevant institutions, bodies, offices and agencies of the Union and its Member States when implementing Union law with assistance and expertise relating to fundamental rights in courses of action within their respective spheres of competence to fully respect fundamental rights.

To meet its objective the Agency shall:

- collect, record, analyse and disseminate relevant, objective, reliable and comparable information and data, including results from research and monitoring;

- develop methods and standards to improve the comparability, objectivity and reliability of data at European level, in cooperation with the Commission and the Member States;
- carry out, cooperate with or encourage scientific research and surveys, preparatory studies and feasibility studies, including, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission;
- formulate and publish conclusions and opinions on specific thematic topics, for the Union institutions and the Member States when implementing Union law, either on its own initiative or at the request of the European Parliament, the Council or the Commission;
- publish an annual report on fundamental-rights issues covered by the areas of the Agency's activity, also highlighting examples of good practice;
- publish thematic reports based on its analysis, research and surveys;
- publish an annual report on its activities; and
- develop a communication strategy and promote dialogue with civil society, in order to raise public awareness of fundamental rights and actively disseminate information about its work.

In order to ensure the provision of objective, reliable and comparable information, the Agency shall, drawing on the expertise of a variety of organisations and bodies in each Member State and taking account of the need to involve national authorities in the collection of data:

- set up and coordinate information networks and use existing networks;
- organise meetings of external experts; and
- whenever necessary, set up ad hoc working parties.

The Agency shall carry out its tasks within the thematic areas determined by the Multiannual Framework (Council Decision 2008/203/EC implementing Regulation No 168/2007) as well as in the light of its Annual Work Programme and with due regard to the available financial and human resources.

To achieve coherence and guarantee the best possible use of resources, the Agency shall take account, where appropriate, information collected activities undertaken, in particular by:

- Union institutions and bodies, offices and agencies of the Union, and bodies, offices and agencies of the Member States;
- the Council of Europe, by referring to the findings and activities of the Council of Europe's monitoring and control mechanisms and of the Council of Europe Commissioner for Human Rights; and
- the Organisation for Security and Cooperation in Europe (OSCE), the United Nations and other international organisations.

The FRA comprises the following bodies and networks:

- The Management Board: composed of one independent human rights expert from each of the 27 Member States. One independent person appointed by the Council of Europe also is part of the Management Board and two representatives of the European Commission. The Management Board appoints the Director and the Scientific Committee;

- Scientific Committee: composed of 11 independent human rights experts. It guarantees the scientific quality of the FRA's work. It is selected through an open call for applications;
- The Executive Board: it prepares the decision of the Management Board, further assists and advises the Director. It is composed of the Chairperson and the Vice Chairperson of the MB, two other members of the MB and one of the representatives of the EC;
- The Director is responsible for implementing the tasks of the FRA and for its staffing.

5) Previous assessments of the FRA

The evaluation should take into consideration the reports on the FRA by the European Court of Auditors as well as the Internal Audit Service.

The evaluation should also take into consideration the overall evaluation of European Agencies conducted by the European Commission during 2009. The evaluation was carried out by Rambøll Management Consulting, Eurevall and applied to 26 EU decentralised agencies, including the FRA.

This evaluation was designed to contribute to the discussions on the future of the agencies system of the European Union by taking a horizontal look at analysing all agencies and examining the implications of the creation and operation of agencies in the EU.

The report included an overall synthesis and options for the years to come; it also provided detailed conclusions at the level of the agency system as well as detailed findings at the level of individual agencies.

The main issues addressed by the evaluation were : rationale and relevance; input into the work of the European Institutions; good governance; coherence; effectiveness; efficiency in the conduct of their activities and the achievement of their objectives; and oversight activities.

6) Overall objective of the evaluation/ terms of reference

The overarching objective of the study will be to evaluate the effectiveness, efficiency, added value, utility, coordination & coherence of the contribution made by the Agency.

7) Specific objectives

The specific objectives of the contract resulting from the present procurement procedure are as follows:

- identify, test and apply methodologies for evaluating the effectiveness, the efficiency and the added value of the FRA in fulfilling its objective;
- assess the usefulness of the FRA in addressing needs for the full respect of fundamental rights in the framework of Union law;
- assess the overall ability of FRA to sustain its activities and meet future challenges;
- define the barriers and obstacles to optimal performance;
- identify actions relevant to improve overall performance and added value;
- identify actions needed to eliminate or reduce possible inefficiencies;

- identify challenges as regards the Agency's governance (including managerial issues, planning and priority setting and working practices);
- benchmark the overall efficiency, balance of resources, budget distribution and resource allocation with other organisations carrying out similar tasks.

8) Proposed Criteria and Main Outcomes

Effectiveness	- the extent to which the FRA objectives are achieved, including the quality and timeline of its achievements
Efficiency	- the extent to which the FRA has conducted its activities and achieved its objectives at a reasonable cost in terms of financial and human resources and administrative arrangements; the scope for simplification.
Utility	- the extent to which the FRA has been successful in addressing needs for the full respect of fundamental rights in the framework of Union law
Added value	- the extent to which the FRA has been more effective and efficient in achieving its results and impacts compared to other existing or possible national level and EU level arrangements.
Coordination & Coherence	- the extent to which the FRA coordinates with relevant bodies, offices and agencies active in the field of fundamental rights and carrying out similar tasks - the extent to which the objectives and activities of the FRA support or contradict those of other public interventions.

The evaluation of FRA should allow the evaluators to answer the questions set out below on the basis of the proposed indicative suggested criteria. In the tender documents and during the inception phase of the evaluation, the evaluators will be asked to validate and further develop them.

9) Evaluation questions

EFFECTIVENESS

To what extent has the FRA been successful in achieving its objectives and carried out the tasks established by the Founding Regulation?

- To what extent is FRA issuing timely and adequate assistance and expertise relating to fundamental rights to the relevant institutions, bodies, offices and agencies of the Union and its Member States?
- To what extent has FRA successfully fulfilled its mandate to collect, record, analyse relevant, objective, reliable and comparable information and data relating to fundamental rights issues in the European Union and its Member States when implementing Union law? To what extent has this data been collected across all Member States? .
- To what extent has FRA developed adequate methods and standards to improve the comparability, objectivity and reliability of data among the 27 Member States?
- To what extent has FRA fulfilled its mandate to develop a communication strategy and promote dialogue with civil society, in order to raise public awareness of fundamental rights, and actively disseminate information about its work

- e) To what extent has FRA contributed to the development of effective information and cooperation networks among EU-level and national stakeholders active in the field of fundamental rights?
- f) To what extent is FRA effectively providing its services to emerging issues and *ad hoc* requests from the European Parliament, the Council or the Commission?
To what extent are the quality control mechanisms in place effective in ensuring high scientific quality of the work done and outputs produced by FRA)

EFFICIENCY

To what extent has the FRA conducted its activities and achieved its objectives at a reasonable cost in terms of financial and human resources and administrative arrangements?

- a) To what extent have the FRA's internal organisation, operations and working practices, as created by the Regulation, been conducive to its efficiency?
- b) To what extent is the structure and organisation of the agency (size, organisation, staff composition, recruitment and training issues, etc.) adequate to the work entrusted to it and to the actual workload?
- c) To what extent do the Agency's management systems and processes contribute to the effectiveness and efficiency of its operations?
- d) To what extent are the mechanisms for monitoring, reporting and evaluating FRA adequate for ensuring accountability and for an appropriate assessment of performance in the context of the agency system?
- e) To what extent are the working methods and composition of the Executive and Management Board and its Scientific Committee appropriate and efficient?
- f) To what extent have the administrative procedures supported the operational activities of the FRA?
- g) Is there scope for simplifying existing administrative arrangements and working methods?
To what extent is the ratio administrative/operational staff adequate?

UTILITY

The extent to which the FRA has been successful in addressing needs for the full respect of fundamental rights in the framework of Union law by the European Union, Member states and other stakeholders?

- a) To what extent has FRA's work and actions contributed effectively to help institutions, bodies, offices and agencies of the Union and its Member States to ensure full respect of fundamental rights in the framework of Union law? To what extent has FRA contributed to a greater shared understanding of fundamental rights issues in the framework of Union law among policy/decision-makers and stakeholders in the EU and Member States?
- b) To what extent are FRA's stakeholders identified in the Founding regulation (articles 6 – 10) satisfied with the responsiveness and availability of the research activities undertaken?
- c) To what extent are FRA's outputs suitable to the needs of its stakeholders in particular of the relevant institutions, bodies, offices and agencies of the Union and its Member States?
- d) To what extent has FRA reinforced the value of its activities, services and products bringing relevant organizations working together at different levels of governance
- e) To what extent have publications on project results been taken into account by relevant EU, national and local actors on Fundamental Rights issues?

- f) To what extent has general awareness of fundamental rights issues in the European Union and its Member States when implementing Union law been raised among the general public and specific/vulnerable groups

ADDED VALUE

To what extent has FRA been more effective and efficient in achieving its results and impacts compared to other existing or possible national-level and EU-level arrangements

- a) To what extent has the FRA been more effective in achieving its results and impacts compared to other existing or possible national-level and EU-level arrangements (e.g. implementation by the Commission itself, an executive agency, other agencies and organisations, the Member States, as well as by other non-institutional stakeholders active in the field of fundamental rights) in the light of the Agency's specific mandate?
- b) To what extent have the effects been achieved at lower costs because of the Agency's intervention?

COORDINATION AND COHERENCE

To what extent has the FRA ensured appropriate coordination and or cooperation with the stakeholders identified in the Founding Regulation (articles 6 – 10)

To what extent is FRA coordinating with relevant Union institutions and bodies, offices and agencies of the EU active in the field of fundamental rights or carrying out similar tasks?

- a) To what extent is FRA acting in close cooperation with the Council of Europe to avoid duplication and in order to ensure complementarity?
- b) To what extent is FRA acting in close cooperation with the UN to avoid duplication and in order to ensure complementarity?
- c) To what extent is FRA acting in close cooperation with non-governmental organisations and with institutions of civil society? Is the resource allocation proportionate?
- d) To what extent are the procedures to ensure this coordination and cooperation effective to secure that FRA activities are coherent with the policies and activities of its stakeholders?

10) Methodology

This section gives some guidelines on the data collection and analysis methods to be followed by the external contractor. Nevertheless it is expected that the selected contractor will use its knowledge and experience to refine the suggested approach regarding the compilation and analytical methods and the respective timetable for the required tasks.

In particular the contractor must specify how the suggested methodology will deliver on purpose and scope of the external evaluation and should demonstrate the robustness of the methodology as well as to justify the choice of evaluation techniques and point out relative advantages and disadvantages.

The evaluation could make appropriate use of the following means:

a) Intervention logic

The reconstruction of the intervention logic of FRA should be used to help identify the data and information needed to carry out an analysis and assessment.

b) Data collection and information-gathering

Data and information should be gathered from published sources (see par. 11) and directly from the parties concerned.

c) Structured representative sample surveys

The evaluation should draw on information and views supplied directly by key FRA stakeholders.

Stakeholders to be surveyed should anyway include the followings:

- European Commission officials
- Members of the European Parliament and staff
- Members of the Council working group on fundamental rights
- National Liaison Officers of the FRA (NLO)
- Civil society: identified members of the Fundamental Rights Platform and other organisations working with the FRA.
- Officials from public bodies competent for human rights at the national level, including National Human Rights Institutions and Equality Bodies
- Officials from the Council of Europe
- Officials from the United Nations and OSCE
- Officials from the European Community Agencies: EUROFOUND, FRONTEX, CEPOL and the gender institute EIGE. In addition, the FRA will select a number of projects or cross-cutting themes or horizontal clusters for which to survey:
- Selected representatives from project/cluster related target audiences, such as local authorities, Roma organisations, educational staff, social workers etc.

The abovementioned list is not meant to be exhaustive.

The key tool for gathering such views should be several structured questionnaire scripts or structured interviews. The contractor is expected to propose the most relevant target groups to be addressed in order to provide an answer to the different evaluation questions. The contractor should make clear the entire sample addressed for each target group as well as should invite questionnaire respondents to provide objectively verifiable evidence in support of their views. Particular emphasis should be placed on the effectiveness of FRA and on gathering counterfactual views. When proposing sample surveys, the contractor should make clear the entire sample addressed for each target group.

d) In-depth interviews

A sample of beneficiaries should be interviewed through in depth face-to-face and telephone interviews with the FRA stakeholders and ensuring geographical balance and representation of all agreed stakeholder categories.

e) Focus groups

Focus groups should be envisaged. Using focus groups is particularly suited for obtaining several perspectives about the same topic. The contractor is expected to make proposals for a range of focus groups and describe the rationale behind the proposals. The final set of focus groups will be defined at the inception meeting of the project with the Steering Group.

f) Case-studies

A number of in-depth case-studies should be undertaken of activities which exemplify FRA's performance in a forward looking perspective. The selection of case studies should take account of the need to ensure balance between the different types of activities FRA carries out and of representation of activities across the various thematic areas in FRA.

The contractor is expected to make proposals for a range of case studies and describe the rationale behind the proposals and set out a clear methodology for carrying out such case studies. The final set of case studies will be defined at the inception meeting of the project with the Steering Group.

f) Analysis and assessment.

Considerable emphasis should be placed on this stage of the evaluation. The detailed evaluation of FRA's activities should be guided by the data and information gathered from published sources, internal information, the results of surveys, and information and opinion gathered by interviews. The contractor must support findings and recommendations by an explanation of the degree to which these are based on opinion, analysis and objectively verifiable evidence. Where opinion is the main source, the degree of consensus and the steps taken to test the opinion should be given. Where overall judgements in terms of standard evaluation criteria are made the criteria used should be explained.

The contractor must enter completed survey returns into specialist data analysis software. The rationale for the processing and extraction of data from results tables must be comprehensively documented

11) Materials to be provided to the contractor

- The FRA Regulation,
- FRA Management Board Decisions;
- FRA Director's decisions;
- FRA publications (Annual Work programmes, Annual Reports, Annual Activity Reports);
- External publications concerning FRA etc.;
- Court of Auditors' reports.
- FRA IAS reports;
- Results on the previous evaluations
- Other relevant legislation;
- FRA stakeholders' review;

12) Activities, deliverables, timeframe

The section describes the activities the contractor is expected to carry out as well as the envisaged deliverables and related timeframe.

Activity 1: finalisation of the proposed methodology

The finalisation of the proposed methodology is part of the preparatory work. The Agency is giving a provisional guideline on the data collection and methods of analysis which has been inspired by its own experience and by other similar activities carried out in the past within other EU organisations and institutions.

<i>Deliverable</i>	Methodology (to be contained in the Inception Report)
<i>Deadline</i>	35 days after the entry into force of the contract

Activity 2: reconstruction of the logic of intervention

The contractor, as a preliminary step, shall analyse and describe the Agency's inputs, outputs, results, and impacts, as well as the conceptual relations between the mentioned elements (i.e. the Agency logic of intervention). The reconstruction of the intervention logic should be used to help identify the validity of the causal assumptions underpinning the Agency's intervention logic, relating in particular to how the Agency is supposed to produce its intended effects;

<i>Deliverable</i>	The Logic of intervention (to be contained in the Inception Report)
<i>Deadline</i>	35 days after the entry into force of the contract

Activity 3: validation of the suggested questions/criteria

The proposed questions and criteria, which have been proposed by the Agency will have to be analysed, discussed and then validated. During the inception phase, additional proposals for further criteria may also be proposed for completing the indicative suggested questions / criteria. The contractor should indicate and justify, for each main criterion and evaluation questions, their choice of: a) target groups addressed; b) collection tools proposed; c) analysis methods proposed; d) judgement criteria proposed, e) quantitative or qualitative indicators as well as for target levels and/or baselines.

<i>Deliverable</i>	Criteria, questions and indicators (qualitative and quantitative) for the evaluation (to be contained in the Inception Report)
<i>Deadline</i>	35 days after the entry into force of the contract

Activity 4: identification of the case studies, elaboration of a structured questionnaire, identification of the questionnaire respondents, selection of the beneficiaries to be interviewed, conduction of interviews and organisation of focus groups, fieldwork/data collection.

Following the suggested methodology and its possible development, the contractor will have to elaborate and then make use of the mentioned tools for collecting information and the necessary data. This activity, whose implementation will have to be steadily reported to the Agency, will be followed by the data collection through face-to-face interviews, telephone interviews, questionnaire and focus groups.

<i>Deliverable</i>	Draft Interim Report
<i>Deadline</i>	5 months after the entry into force of the contract

The draft interim report will be presented to the Agency during a meeting to be held at its headquarters.

Activity 5: continuation of activity 4 and data entry, data processing, data analysis and reporting.

After the presentation of the interim report, the data collection will have to be completed, also in accordance with possible suggestions and changes made during the meeting for the presentation of the interim report. The contractor will enter the collected data into a specific data analysis software Both the full set of data and the full sets of results tables must be made available, on request, to the Agency. This activity will represent the basis for the preparation of the draft final report. The contractor will be responsible for analysing the findings and for consolidating the evaluation report.

<i>Deliverable</i>	Draft Final Report
<i>Deadline</i>	10 months after the entry into force of the contract

The draft final report will be presented to the Agency during a meeting to be held at its headquarters. The presentation should last one full day with a series of bilateral meetings with senior managers (Director, relevant Heads of Departments) and a general meeting with relevant FRA staff, which must be designed in an interactive and engaging manner by the contractor.

Activity 6: finalization of the evaluation final report

In accordance with the specific objectives of the contract, the mentioned document will have to be conceived and structured in a way which allows to Agency to achieve all the specific objectives mentioned in the section 7 “specific objectives”.

The mentioned report, as well as all written deliverables, must be submitted in English and copy-edited by a native English speaker with editing experience. It must be written in a clear and unambiguous way, providing information and analysis that can be readily understood by a non-academic reader.

<i>Deliverable</i>	Final Report
<i>Deadline</i>	11 months after the entry into force of the contract

13) Timing

The overall responsibility for executing the contract, including the implementation of all measures necessary to provide the Agency with deliverables of the highest quality on time, lies with the contractor

The period of **execution of the contract** will be 11 months from the contract signature and it ends with the transmission and presentation to the Agency of the final report (with table of content).

The invoicing procedures for the services, once accepted by the Contracting Authority, are as follows:

- 30% pre financing, on the signature of the contract;
- 30% on the acceptance of the deliverable: Interim Evaluation report;
- 40% on the acceptance of the deliverable: Final Evaluation Report.

14) Meetings

The Agency not later than three (3) weeks after contract signature will convene an **inception meeting** with the contractor in Vienna at the Agency’s headquarters to discuss various aspects of the contract and the evaluation activity, including the analysis of all the documents mentioned in the section 10 “Methodology”. The aim of the inception meeting, which will have to be attended by the Project Team (Project Coordinator, Senior and Junior Experts), is to clarify outstanding issues as may be necessary for carrying out the contract and for the good implementation of the project.

Within ten (10) working days after the inception meeting, the contractor will submit to the Agency an Inception Report. The report must list the decisions made in the inception meeting

concerning the work that has to be carried out, including a detailed timeline building on the general timeline presented in the Technical Specifications as well as the documents listed in the section 12 “Activities, deliverables, timeframe”.

During the course of the contract period **four (4)** meetings in total (including the inception meeting) are planned to be held between the Agency and the contractor. The meetings will take place in Vienna at the Agency’s headquarters. Meeting costs on the contractor’s side must be covered by the contractor and be included in the final price included in their financial offer. During the execution of the project there might be a need for further meetings between the Project Coordinator and the FRA at the contractor’s premises. In such cases the FRA will cover the costs related to the travel and meeting participation of its own staff. Where possible, the communication between the contractor and the FRA can also be through teleconferencing.

15) Project Team

The project core team must include a Project Coordinator and a minimum of 4 experts meeting the requirements below, among whom at least 2 must be Senior Experts.

Project Coordinator

Qualifications and professional experience

- University degree;
- A minimum of twelve (12) years of professional experience, out of which a minimum of eight (8) years of experience must be related to the coordination and conduct of evaluations of EU agencies, institutions, programmes and projects, impact assessments, users and stakeholders reviews);
- Excellent knowledge of English (Level C1 based on Common European Framework of Reference (CEF)).

Senior Expert

Qualifications and professional experience

- University degree;
- A minimum of eight (8) years of general professional experience out of which a minimum of four (4) years of experience must be related to the designing and/or reconstructing methodologies for evaluations of EU agencies, institutions, programmes and projects (analysis and reconstruction of the logic of intervention, the elaboration of the needed structured questionnaire, the organisation of focus groups, conduction of interviews, preparation of reports and documentation of the final results);
- Excellent knowledge of English (Level C1 based on Common European Framework of Reference (CEF)).

Junior Expert

Qualifications and professional experience

- University degree;
- A minimum of four (4) years of general professional experience out of which a minimum of one (1) year of experience must be related to the issues of the contract and to the type of tasks to be performed
- Language skills: Excellent knowledge of English (Level C1 based on Common European Framework of Reference (CEF)).

The mentioned project team composition is meant to be the minimum requirement and the contractor should anyway ensure the necessary support staff for the management of the project.

16) Project management and organisation

The Project Coordinator is responsible for coordination and administrative tasks, as well as for contacting and informing the Agency about all aspects relating to the execution of the contract and the quality of the deliverables, including the periodic progress updates as described in section 17 below (Project implementation monitoring).

The contractor is expected to organise its own project management and coordination team – the Project Team – lead by the Project Coordinator, to oversee all aspects of work relating to the evaluation. The Project Coordinator will be responsible for reporting to the FRA about developments, challenges and proposed courses of action concerning the evaluation, including the delivery of planned reports and periodical e-mail reporting. The team should consist of staff with the relevant qualifications and skills to manage and implement the evaluation.

The Contractor, after the signature of the contract and during its implementation, must ensure that the replacement persons have the same or more experience and qualifications as those initially chosen.

The FRA must approve any changes to the Project Coordinator which may occur during the implementation of the contract.

17) Project Implementation Monitoring

The Agency will set up a Steering Group for monitoring the project in technical and administrative terms. The contractor should report immediately to the Agency in writing any problems they encounter during the implementation of the contract.

The Steering Group will be composed by the Heads of Department and the Planning Team.

The Project Coordinator will provide the FRA with short monthly updates (in MS-Office compatible format) on the progress and other relevant aspects of the work.

Updated reports on the on- going activities and the state of affairs must be sent to the FRA on the first working day of each month, throughout the contract period, as e-mail attachments. Updates are to be used as an 'early warning' system for identifying and rectifying problems regarding preparation of the working tools, questionnaires, organisation of focus groups (for example).

Any written communication sent by the Agency shall be answered within five (5) working days.

Monthly updates will begin one week after the starting date of the contract, and will finish upon submission of the final reports. In addition, the Project Coordinator will deliver to the FRA weekly progress reports as brief e-mails documenting overall progresses. This should be supported by additional e-mail and telephone contacts, whenever necessary.