

Lecture 6. What happens after submission

Between the submission of a proposal and the actual start of a project (for proposals selected for funding) there are two main steps implying actions on the side of the Commission and of the proposers: 1. evaluation and selection of proposals, and 2. contract negotiation.

This lecture describes these steps:

- ⇒ Before the evaluation
- ⇒ Evaluation by independent experts
- ⇒ Finalization of the evaluation
- ⇒ Contract negotiation
- ⇒ Consortium agreement
- ⇒ Structure of the Model Contract
- ⇒ Signature, entry into force and start of the project
- ⇒ References

Before the evaluation

Acknowledgement of receipt

Upon receipt of the proposal, the Commission records the date and time of receipt. Subsequently, an acknowledgement of receipt is sent to the proposal coordinator by e-mail, fax or post containing:

- ⇒ Proposal title, acronym and unique proposal identifier (proposal number)
- ⇒ Name and programme and/or activity/research area and call identifier to which the proposal was addressed

The proposal number is the number to refer for any communication to the Commission

Eligibility Check

The Commission verifies that proposals meet the eligibility criteria established in the call. Only proposals that fulfil the eligibility criteria are retained for evaluation. The basic eligibility criteria are the following:

- ⇒ Receipt of proposal by the Commission on or before the deadline date and time established in the call
- ⇒ Minimum number of participants, as referred to in the call for proposal
- ⇒ Completeness of the proposal, *i.e.* presence of all requested administrative forms and the proposal description

In the work programmes, additional specific eligibility criteria can be defined.

Evaluation by independent experts

Basic principles for evaluation of FP6 proposals

The processes for evaluating proposals rest on a number of well-established principles common to all proposals:

- ⇒ **Quality**: projects selected for funding must demonstrate a high scientific, technical and managerial quality in the context of the objectives of the RTD programme in question
- ⇒ **Transparency**: the process of reaching decisions on the proposals must be clearly described and available to any interested party

- ⇒ **Equality of treatment:** all proposals will be treated alike, irrespective of where they originate or the identity of the proposers
- ⇒ **Impartiality:** all proposals are treated impartially on their merits
- ⇒ **Efficiency and speed:** the procedures have been designed to be as rapid as possible
- ⇒ **Ethical consideration:** any proposal which contravenes fundamental ethical principles may be excluded from being evaluated or selected at any time

Evaluation criteria

Proposals are evaluated against a set of criteria. This set varies between instruments and can also be further specified for each thematic priority or activity. The place to look for the actual set of criteria for a given Call for Proposals is the Work Programme (in annex B).

Evaluators

Eligible proposals are evaluated by the Commission, assisted by independent experts (peer review). For choosing experts, the Commission has three sources:

- ⇒ A call for candidatures, whereby individual experts can register in a database of potential evaluators
- ⇒ A call for research organisations, where these organisations may recommend lists of experts as potential evaluators
- ⇒ Direct selection of any individual with the appropriate skills from outside the lists obtained through the above-mentioned calls

The lists of individuals for a given evaluation session take into account an appropriate balance between academic and industrial expertise and users, a reasonable gender balance and a reasonable distribution of geographical origins of independent experts.

Proposal evaluation

Each proposal is evaluated against the applicable criteria independently by at least three experts (five minimum for Integrated Project and Network of Excellence) who fill in individual evaluation forms giving marks and providing comments. For each proposal a consensus report is prepared.

A panel discussion may be convened, if necessary, to examine and compare the consensus reports and marks in a given area, to review the proposal with respect to each other and, in specific cases to make recommendations on a priority order and/or on possible clustering or combination of proposals. The panel discussion may include hearing with the proposers on specific issues.

The coordinator of each proposal receives the Evaluation Summary Report. It reflects the consensus reached between the independent experts as well as the panel results on each block of criteria as well as providing overall comments and final score for the proposal.

Two-stage submission and evaluation procedure

For certain instruments in certain calls, the Commission uses a two-stage procedure, where in a first stage only a short outline proposal has to be submitted. This outline proposal will be evaluated against a restricted set of core evaluation criteria (defined in the work programme). Only proposals passing all thresholds in the first-stage evaluation are invited to submit a full proposal that is then evaluated against the full set of criteria.

Finalization of the evaluation

Ranking versus budget

At this stage, the Commission services review the results of the evaluation by independent experts and prepare the final evaluation results. The ranked lists are presented to the programme management committees consisting of representatives of Member and Associated States.

The list of proposals to be retained for negotiation takes into account the budget available. If necessary, a number of proposals are kept in reserve to allow for the failure of negotiation on projects, withdrawal of proposals and/or saving to be made during contract negotiation

Proposals not retained

The Commission rejection decision(s) concern(s) those proposal found to be ineligible, out of scope, failing any of the individual thresholds for evaluation criteria or the overall threshold required to be passed by proposal to be taken in consideration.

Immediately after the rejection decision, coordinators of rejected proposals are informed in writing of the Commission's decision. The letter informing them also includes an explanation of the reason of rejection.

Contract negotiation

Immediately following the preparation of the ranked list by the Commission services, the coordinators of proposals not to be rejected and for which funding is available are invited to begin negotiations by an official letter giving the framework for negotiation, based on the recommendations in the Evaluation Summary Report. Proposers have to provide further administrative information necessary for the preparation of a project contract and may be requested to take into account in the revised work programme any technical and budget changes proposed during the evaluation.

If it proves impossible to reach agreement with any proposers within a reasonable deadline that the Commission may impose, negotiations on contract preparation may be terminated and the proposal rejected by Commission decision.

Negotiation of reserve list proposals may begin once it is clear that sufficient budget has become available to fund one or more of the projects on the reserve list. Subject to budget availability, negotiations should begin with the proposals at the top of the reserve list and in the order of the final ranking.

As for the proposal, the contract preparation documents consist of two parts: a set of administrative forms (the Contract Preparation Forms) and the description of the work.

Contract Preparation Forms (CPF)

A set of administrative forms, based on the proposal submission forms but more detailed, serves to collect administrative information on the proposal and the participants, *inter alia*:

- ⇒ Detailed information on participants' legal status and organisation size
- ⇒ Declaration by each participant that it is not subject to any condition making it impossible for the Commission to sign a contract (bankruptcy, fraud, grave professional misconduct, breach of other contractual obligations, *etc.*)
- ⇒ Banking information of the coordinator
- ⇒ Simplified balance sheet and profit and loss account only for some participants)
- ⇒ Costs and requested Community contribution broken down by type of activity and by partner

The information in the contract preparation forms will be used to verify the legal and financial status of participants. Certain details will be used to generate a Projects Fact Sheet for publication. The final version of the financial forms will be included as an annex to the contract. There is a separate set of contract preparation forms for each instrument.

Description of the Work

The description of the work to be submitted together with the contract preparation forms serves as the basis for annex I to the contract (the description of the work).

Negotiation may cover any scientific, legal or financial aspects of the proposal, based on the comments of the independent experts and on any other issue that was taken into consideration at the ranking stage. The scientific aspects would cover, in particular, revisions to the work programme and adjustments to it, resulting from the evaluation and/or other requirements of the Commission.

Collective responsibility versus ex-ante control

In FP6, the concept of collective financial and technical responsibility is applied to give more flexibility and autonomy to consortia and to reduce the need for ex-ante financial controls. However, the collective responsibility is not all-embracing. Hence, in cases where the financial collective responsibility is not applied or does not sufficiently cover the advance payment, the Commission has to carry out an ex-ante financial control. The participants concerned have to provide annual business reports for the last three years. The conditions for ex-ante controls are explained in the explanatory notes to the contract preparation forms and in the financial guidelines.

Public bodies (including international organisations) and private organisations whose participation is guaranteed by a member or associated state are not subject to ex-ante financial control.

Consortium agreement

The great flexibility and autonomy given to consortia in FP6 projects make the definition of internal rules and modalities of cooperation between the participants imperative. For this reason the conclusion of a Consortium Agreement is mandatory for most of the actions of FP6 (unless otherwise specified in the call for proposals). The European Commission will not be a party within this agreement and will not have to give its approval to it.

A checklist is provided to assist contractors to identify issues that may arise during the implementation of a research project and which may be facilitated or governed by means of the Consortium Agreement, such as:

- ⇒ The internal organisation and management of the consortium
- ⇒ Intellectual property arrangements either generated during the project or existing prior to or acquired in parallel with the project
- ⇒ Settlement of internal disputes, change in consortium membership, potential solution to problems relating to technical implementation and solution to potential financial problems

The consortium agreement should be signed by all participants preferably before the signature of the contract with the Commission, but at the latest within a period specified in the contract with the Commission after signature of the latter.

Structure of the Model Contract

For consortia having successfully finalised the negotiation and being selected for funding, the European Commission will conclude a contract establishing rights and obligations of all participants. All contracts are based on a **standard model contract** that has the following structure:

- ⇒ The core model contract, fixing the composition and evolution of the consortium, entry into of the contract and duration of the project, Community financial contribution, reporting, payment modalities and special clauses
- ⇒ Annex I (Technical Annex): the description of the work
- ⇒ Annex II (General conditions): implementation of the project, financial provisions, intellectual property rights
- ⇒ Annex III (Special provisions): only for certain instruments
- ⇒ Annex IV - Form A: consent of contractors to accede to the contract; each partner of a consortium shall sign this form
- ⇒ Annex V - Form B: accession of new legal entity to the contract, only for Integrated Projects or Networks of Excellence
- ⇒ Annex VI - Form C: financial statement per instrument; to be filled periodically by each contractor

In case of changes in the consortium occurring during the life of the project the contract shall be amended.

Signature, entry into force and start of the project

All participants in an FP6 project are contractors and have to sign the contract. However, the contract enters already into force upon signature by the co-ordinator and the Commission only. All other contractors have to sign within a delay specified in the contract (usually 60 or 90 days), using form A (annex IV of the model contract).

The contract start date (i.e. the date from which work can begin and related costs can be charged to the project) is specified in the contract. A start date before the date of entry into force can be agreed, but usually it is after that.

References

- Guidelines on Proposal Evaluation and Selection Procedures: http://dbs.cordis.lu/fep-cgi/srchidadb?ACTION=D&SESSION=&DOC=1&TBL=EN_DOCS&RCN
- Call for experts: http://www.cordis.lu/experts/fp6_candidature.htm
- Call for individual experts: ftp://ftp.cordis.lu/pub/experts/docs/fp6_expert_candidature_individual_ct_en_2002.pdf
- Call addressed to organizations for recommending experts: ftp://ftp.cordis.lu/pub/experts/docs/fp6_expert_candidature_institutions_ct_en_2002.pdf
- Expert Management Module: <https://emmfp6.cordis.lu/index.cfm?fuseaction=wel.welcome>
- Contract Preparation Forms (CPF): <http://www.cordis.lu/fp6/find-doc.htm#cpf>
- Contract Preparation Forms (CPF) editor and guidelines: <http://www.cordis.lu/fp6/contract-prep.htm>
- Negotiation guidelines for FP6 contracts: <http://www.cordis.lu/fp6/find-doc.htm>
- FP6 financial guidelines for indirect actions: http://dbs.cordis.lu/fep-cgi/srchidadb?ACTION=D&SESSION=&DOC=1&TBL=EN_DOCS&RCN
- FP6 model contracts and annexes: http://europa.eu.int/comm/research/fp6/working-groups/model-contract/index_en.html
- Electronic Proposal Submission System (EPSS): <http://fp6.cordis.lu/fp6/subprop.cfm>

- Consortium agreement checklist: http://europa.eu.int/comm/research/fp6/working-groups/model-contract/pdf/checklist_en.pdf
- IPR-Helpdesk web service: <http://www.cordis.lu/ipr-helpdesk/en/home.html>
- FP6 model contract: <http://www.cordis.lu/fp6/find-doc.htm#modelcontracts>
- Helpdesk on legal and contractual issues: <mailto:rtd-a03-questions-juridiques@cec.eu.int>
- FP6 financial guidelines: http://dbs.cordis.lu/fep-cgi/srchidadb?ACTION=D&SESSION=&DOC=1&TBL=EN_DOCS&RCN=EN_RCN:2034005&CALLER=FP6_LIB