



TERMS OF REFERENCE

Impact evaluation

Request for submission of an offer in a “direct award procedure with prior announcement” (“Direktvergabe mit vorheriger Bekanntmachung”) according to the Austrian law for public procurement (§ 47 BVergG 2018) and the European Directive 2014/24/EU.

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Subject matter of the contract

Evaluation of the efficiency, effectiveness and impact of the programme Interreg V-A Austria-Hungary.



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1 Introduction

Within the framework of the European Regional Policy, the Interreg V-A Austria-Hungary programme (hereafter referred to as Interreg AT-HU) aims at reducing regional disparities by enhancing regional competitiveness and strengthening economic, social, cultural and ecological contacts in the border region. It is financed through the European Regional Development Fund (ERDF) and supports cross-border projects implemented by Austrian and Hungarian partners.

The programme intervention is based on the cooperation programme (CP), approved by the EC on 30th June 2015 in its latest version. The cooperation programme reflects the experience drawn from previous programming periods as well as the results of the ex-ante analysis completed on 16th October 2014. In line with Article 6 of EU regulation 1299/2013 of the European Parliament and the Council, competitiveness of SMEs, environmental and resource efficiency, sustainable transport and better institutional cooperation are the four axes at the core of Interreg AT-HU cooperation programme whose implementation is financed through technical assistance. In more detail, considering regional specificities and development patterns, investment priorities 3d, 6c, 6d, 6f, 7b, 7c and 11 CBC were selected to catalyse territorial impacts.

For the 2014-2020 programming period, the budget of the Interreg AT-HU programme amounts to 95m EUR, out of which 78m EUR ERDF. Since opening the programme for project applications and the first approvals in 2016, 39 projects have been approved and thus 85 % of total ERDF allocated to the four priority axes (technical assistance excluded).

The Interreg AT-HU programme covers the following geographical areas:

- Nord-, Mittel- and Südburgenland;
- Wien, Wiener Umland-Südteil;
- Niederösterreich Süd;
- Graz and Oststeiermark;
- Győr-Moson-Sopron, Vas and Zala.

Regionalmanagement Burgenland GmbH, as Managing Authority (hereafter MA) of the programme located in Eisenstadt, Austria, is primarily in charge of its implementation and is the contracting entity for the hereafter described service. Other programme bodies include the Monitoring Committee (hereafter MC) which is the main decision-making body supervising the implementation of the programme, the Joint Secretariat (hereafter JS) based in Sopron, Hungary, and the network of regional coordinators (hereafter RCs) which provide assistance to project holders before and during project implementation.

2 Context of the evaluation

In line with Article 56 (3) of the Common Provisions Regulation (CPR), an evaluation shall be conducted at least once during the programming period in order to assess how support from the European structural investment funds has contributed to the objectives for each of the programme priorities. The MA shall ensure that evaluations are carried out on the basis of an evaluation plan and the results of the evaluations shall be examined by the MC and sent to the European Commission (EC).





The Monitoring Committee of the Interreg AT-HU programme has therefore adopted an evaluation plan on 14th December 2016, which sets up the framework for the following evaluations:

- an evaluation of the efficiency of the programme's structures and processes;
- an evaluation of the programme communication strategy;
- an evaluation of the efficiency, effectiveness and impact of the programme (impact evaluation);

The efficiency of programme's structures and processes as well as the communication strategy were evaluated at once in 2018 and the results of experts' work presented to the MC in November 2018. Corrective measures are to be introduced in 2019 on the basis of evaluation outcomes and recommendations.

The impact evaluation is the subject of the current tendering process. Carried out at a later stage of programme implementation, it should deliver valuable input for an optimal programme implementation in the current period and most importantly serve as a starting point and cornerstone for the programming exercise of 2021-2027 period. Thus, it shall give concrete recommendations for improvement of quality and impact of the future programme.

An Evaluation Steering Group (referred as ESG) gathering representatives of main programme bodies has been created in order to steer and coordinate the evaluation work.

3 The evaluation process

3.1 Main objectives of the evaluation

The main objective of this evaluation is to assess the scope and underlying factors of programme impacts in each thematic priority in relation to the theory of change and determine opportunities for improvement (theory-based impact evaluation) for the current and, as aforesaid, the upcoming programming period. It should bring to light to what extent set objectives have been reached and/or are to be reached, expected results and impacts already available/or are to be delivered. Emphasis should be put on comprehending the functioning of causal links, the identification of necessary framework characteristics as well as decisive individual and intertwined environmental factors enabling the programme to exert a leverage effect and support positive and durable regional developments.

In this regard, the specificities of the cross-border area such as the strong north-south and west-east divides as thoroughly analysed during programming should be paid attention. Similarly, and considering such divides, to what extent the intervention benefits to specific target groups or geographic areas of the programme region should be investigated. Internal synergies were also pointed out as part of the ex-ante evaluation, e.g. between thematic objectives 6c and 6d, as well as 6d and 6f, so that their relevance and degree of realisation should be assessed to support further improvements of the programme internal coherence.

Besides, the impact evaluation should unveil to what extent the chosen intervention logic is cost-efficient and if needed identify more cost-efficient alternatives to be implemented shortly after completion of the impact evaluation or considered for the next cooperation programme (CP) 2021-2027. Potential unexpected impacts of the programme should be,





as far as relevant, identified and explained to avoid any counterproductive or unnecessary side effects and maximise public intervention. Similarly, defining the particular contribution of the programme vs. the one of other factors to observed or expected impacts is of major importance.

Evaluators should build on the indicator system inherent in programme monitoring and include it as part of the evaluation work to help capture on a continuous basis and in an optimal way the ins and outs of programme implementation. Interreg AT-HU decided to make use of programme-specific output and result indicators in addition to common indicators provided by the EC. This induces higher risks of e.g. insufficient data quality and availability which must be minimized. With this in mind, evaluators should determine shortcomings and room for improvement i.e. deliver clear recommendations so to support the development of a sound indicator system for 2021-2027 period.

How well the cooperation programme is embedded in, and shows synergetic effects with the larger political framework and overarching European strategies grounded on the support to a smart, sustainable and inclusive growth, should be evaluated. The contribution of the programme, i.e. of projects, to horizontal principles is also of major importance and should be part of the evaluation work.

Last but not least, the results of the evaluation of the efficiency, effectiveness and impact of the programme are expected to provide valuable pieces of information supporting programme communication. When elaborating evaluation approaches and techniques, evaluators should reflect on programme communication objectives and target groups so to incorporate them into the evaluation design – e.g. consider the usefulness of success stories.

The evolving state of implementation of the Interreg AT-HU programme as well as the new framework underlying the development of the up-coming programming period should finally be taken into account at every stage of the evaluation work so to ensure utmost relevance of results and recommendations for the upcoming 2021-2027 programming exercise.

3.2 Scope of the evaluation

Some major characteristics of the Interreg AT-HU programme must be attentively taken into account by the evaluators since they influence the scope of the evaluation and will be key to the methodological approach.

The Interreg AT-HU programme is marked by a start of project approvals in mid-2016. If many approved projects are now reaching advanced implementation stages, only a limited number of them are to be closed by mid-2019. SO31 (Improving cross-border connectivity of regional centres to the TEN-T network) is in this regard particularly affected by the lack of advanced projects. Because of this, and in order to better take into account long term and sustainable impacts of implemented projects, evaluators should make good use, as far as possible and relevant, of predecessor projects funded in the framework of the previous programming period - 2007-2013. The strong stability of the programme over the years reflected in the similarity of its objectives since 2007 is indeed to be pointed out, and stems from an overall persistence of identified regional challenges. As a matter of fact, continuity is to be observed in the type of projects supported, in which a limited number of projects with large budgets and experienced partners quite familiar with the programme are particular to the programme. That being said, there are still changes affecting the intervention context which require greatest attention.





As for the thematic scope of the evaluation, it should be noted that the 4 thematic priorities are to be evaluated (TA priority is not subject of the current evaluation), and that priorities 2 and 3 are the most significant ones in financial terms. All specific objectives (SO) are to be examined, SO 11, 21, 32, 41 and 42 however to a larger extent so to focus on interventions of particular relevance for the impact evaluation because subject to more complex and faster evolving contextual factors.

Given the diversity of the cross-border region, the whole programme region is subject to the evaluation.

3.3 Evaluation questions

The evaluator shall propose an approach, methodology and work plan to answer the following set of questions, i.e. indicative key evaluation questions. Additional questions may be proposed by the evaluator, as far as their relevance is demonstrated. To facilitate the definition of judgement criteria and evaluation indicators, sub-questions are provided for each indicative key evaluation question.

Given the specificity of specific objectives to which result indicators have been associated, it is up to the evaluators to define and justify the most pertinent combination of assessment techniques needed to address indicative evaluation questions separately or in a cross-cutting way at the level of priority axes. It will also be expected from the evaluator to mind foci considering the breakdown of financing among, and distinctive characteristics of specific objectives.

Given the limited number and heterogeneity of Interreg projects as well as the fact that many projects are still running, the approach followed should be theory-based, combining if needed with qualitative and quantitative methods. The pertinence of the selected method(s) as well as the set of techniques to be used shall be detailed and justified in the bid, considering in particular:

- the necessary and already available data,
- the state of progress of the programme,
- the necessity to minimize biases and combine complementary assessment techniques,
- the liability and accuracy of results,
- the further use of evaluation results.

As mentioned before, the priority axes 5 Technical Assistance is not to be evaluated in the course of the current evaluation.





Table 1: Indicative evaluation questions

IP	Specific objective	Result indicator	Indicative key evaluation questions and sub-questions
3d	Strengthening regional entrepreneurship, the performance of start-ups and the innovation capacities of SMEs with a focus on the development of (internationally) competitive products (SO11)	Survival rate of enterprises after 3 years	In how far have the projects under this priority axis contributed to the survival rate of enterprises after three years? <u>Sub-questions:</u> Have Hungarian counties gained best practices and know-how from cooperating with Austria? Have clusters, innovation centres and regional innovation networks been linked to SMEs? Has the individual capacity of SMEs to cooperate been enhanced? Have joint measures of intermediate organizations been implemented? Have universities and research institutions been embedded in the innovation system?
6c	Improving the protection, promotion and development of natural and cultural heritage through common approaches to sustainable tourism (SO21)	Overnight stays	In how far have the projects under this investment priority contributed to an increased number of overnight stays in the AT-HU border region? <u>Sub-questions:</u> Has cross-border cooperation and capacity building lead to common understanding and integrated, coordinated approach to green tourism and the development of cross-border destinations? Have common strategies and standards for cross-border model regions been developed? Have coordinated approaches to valorising natural and cultural heritage for green tourism been developed?
6d	Improving the ecological stability and resilience of landscape and ecosystems (SO22)	Conservation degree A (of all habitat types in the Natura 2000 sites of the programme region)	In how far have the projects under this investment priority contributed to raising the conservation degree in the Natura 2000 sites in the programme region? <u>Sub-questions:</u> Has cross-border cooperation resulted in common approaches and the implementation of joint protection measures which lead to a better resilience of the ecosystems on both sides of the border?
6f	Improving the management and protection of water bodies (SO23)	Chemical and ecological condition of border water bodies classified as “good” and “very good”	In how far have the projects under this investment priority contributed to an improved water quality of surface water and groundwater bodies? <u>Sub-questions:</u> Has the cross-border cooperation reduced natural risks in the field of water management, maintained and further improved the high quality of protection and sustainable use of the natural resources and prepared for potential climate change impacts? Has environmental protection and flood risk management been better coordinated especially along the rivers Raab/Rába and Leitha/Lajta?





7b	Improving cross-border connectivity of regional centres to the TEN-T network (SO31)	Average travel time (individual transport) to a node with TEN-T network connection	<p>In how far have the projects under this investment priority contributed to decrease the average travel time (individual transport) to a node with TEN-T network connection?</p> <p><i>Sub-questions:</i></p> <p>Has permeability of the border increased and lead to shorter and faster connections between the municipalities directly affected by the investments?</p> <p>Have accessibility levels in the southern part of the region improved?</p> <p>Has the capacity of cross-border transport systems in the northern part of the region increased?</p> <p>Have the actions under this priority lead to a better quality of life for the inhabitants of the region as they can reach the regional centres easier and quicker?</p>
7c	Enhancing sustainable mobility on the local and regional level (SO32)	Intermodal public transport nodes	<p>Have the planned infrastructure investments been accompanied by a set of additional measures in order to increase the share of people using sustainable means of transport?</p> <p><i>Sub-questions:</i></p> <p>Have negative environmental impacts of the overall transport system been prevented or reduced?</p> <p>Has the construction of new or extension of existing park and ride facilities</p> <p>a) Relieved roads which are reaching their capacity limits?</p> <p>b) Improved the interoperability between the road and the public transport system and encouraged car drivers to change to train or bus?</p> <p>Has the provision of bike and ride facilities at railway stations and bus stops</p> <p>a) Further increased the catchment area of the public transport system and</p> <p>b) Facilitated the access to the stations by environmentally friendly means of transport?</p> <p>Have similar results been achieved from the development of flexible public transport services on the local level?</p>
11	<p>Improving institutional cross-border co-operation in order to strengthen the integration (SO41)</p> <p>Strengthening intercultural capacities and labour mobility of the border population by supporting cross-border education initiatives and vocational training (SO42)</p>	<p>Level of cooperation quality in the border region</p> <p>Institutions involved in cross-border education schemes</p>	<p>In how far have the projects under this investment priority contributed to intensifying the cooperation intensity/quality in the border region?</p> <p><i>Sub-questions:</i></p> <p>Has support of the cross-border cooperation of public administration balanced governance capacities at regional level in the AT-HU border region and eventually lead to more harmonized cross-border strategies and processes?</p> <p>Has implementing and strengthening of people-to-people activities and of new and existing networks and cooperation platforms on local and regional level resulted in joint regional strategies, processes, services and activities?</p> <p>In how far have the projects under this investment priority contributed to an increased intercultural understanding and knowledge as well as to an enhanced labour mobility of the border population?</p> <p>Has vocational training positively influenced the region's challenges with regard to the labour market like brain drain and lack of qualified personnel?</p>

General evaluation questions and input to post2020





General evaluation questions:

Would there have been a more cost-effective way to reach the specific objective? (to be answered for all SOs separately)

In how far has the chosen strategic approach (Theory of change respectively intervention logic) been appropriate? (Looking also at e.g. the degree of thematic concentration, selected topics, used and unused synergies between topics, new needs in the border region not tackled by the programme...)

Have the integrated approach and horizontal principles been considered as planned?

In how far has the programme contributed to EU2020 and macro-regional strategies?

Are there links identifiable between the programme's topics and/or achievements and the new overarching EU frame-works for a period post2020 (e.g. EU2030)?

General evaluation questions with special regard to post2020:

Which conclusions can be drawn from the evaluation results concerning impact and the current implementation status of the programme for future funding interventions?

Which interventions can be considered as particularly successful?

Which objectives have been unerringly achieved?





3.4 Timeframe

Most important milestones as well as the corresponding indicative time frame and deadlines are listed hereafter. The time frame is indicative, will be discussed with the evaluator during the kick-off meeting and may be subject to adaptations upon common agreement with the MA. Note however, that the deadlines for deliverables are binding to the evaluator.

Table 2: Indicative timeframe

Phase	Key milestones and deliverables	Indicative timeframe and deadlines
Contracting	- Signature of the contract	- Mid of June 2019 (expected)
	- Kick-off meeting with the ESG	- Mid of June 2019 (expected)
Inception phase	Submission of the inception report	Kick-off meeting + 1 month
Evaluation phase	- Submission of the final report	Validation of the inception report + 5 months
Final phase	- Presentation of the final report in front of the MC	- At the next possible MC meeting
	- Submission of the final report to the EC	- May 2020 at the latest

Meetings will be organized during the evaluation process, in particular for the ESG to discuss deliverables with the evaluator, and should be taken into account by the contractor accordingly.

3.5 Steering and coordination of the process

The working language will be English, although German and Hungarian may be used in some cases (e.g. interviews).

The evaluation is to be seen as an interactive and iterative process between the evaluator and the bodies involved in the monitoring of the process (MA, JS, ESG). The proper implementation of the evaluation work will be ensured primarily by the MA while the JS will be in charge of the day-to-day contact with the evaluator. One contact person will therefore be designated within the JS in order to support the work of the evaluator. The ESG will monitor and coordinate the planning and implementation of the evaluation process, control the pertinence and quality of the evaluation work carried out, review and validate the deliverables listed in the section above. The ESG will invite the evaluator to discuss the evaluation work and submitted deliverables. If corrections of the deliverables are requested by the ESG, the evaluator will be expected to integrate them in the deliverables within three weeks after the meeting.

Once presented by the evaluator to and validated by the ESG, the final report will be presented to the Monitoring Committee at its earliest possible meeting for final validation findings as well as discussion and adoption of the recommendations. The evaluator may





therefore be invited by the Monitoring Committee to take part in discussions. If modifications of the final report are required, they are expected to be integrated by the evaluator in the definitive version of the final report within three weeks after the meeting.

It should be noted that the final report of the evaluation shall be transmitted to the EC as soon as possible after the presentation of the final report at the MC, at the latest by May 2020. In case the EC would require additional corrections, the evaluator would be asked to adapt the final report accordingly within three weeks.

Day-to-day contact with the evaluator will be managed by the JS through e.g. e-mails, phone calls and meetings. As a general rule, all modifications of the task plan will require prior written information and agreement of the JS/MA.

In order to ensure a smooth finalization of planned deliverables, the evaluator shall transmit a draft version of the documents to the JS/MA as early as possible and at least 3 weeks before the deadline in order to guarantee sufficient time for reviewing and, if needed, corrections (see section 3.4.). As for the inception report, the draft should be sent to the JS/MA one week before the deadline.

3.6 Data availability

The following documentation builds the basis for the evaluation work and is to be considered by the evaluators. It is publicly available or will be provided by the contracting party after contracting.

- A) Regarding the programme 2014-2020:
- Cooperation Programme (CP)
 - Results of the ex-ante evaluation and the Strategic Environmental Assessment (SEA)
 - Evaluation Plan
 - Annual Implementation Reports
 - ➔ These 4 documents are available on the programme website in its download section : <http://www.interreg-athu.eu/en/downloads/programme-documents/>
 - Project sheets (including project reports, if available) of all projects approved and, if necessary, other project-related data stored in the electronic monitoring system (eMS)
 - All internally available statistical and raw data collected mainly by the JS with regard to the indicators set in the cooperation programme
 - Programme data (if necessary) and project data of relevant predecessor projects in the period 2007-2013 (e.g. project sheets, final reports)
 - Final report of the evaluation of the efficiency of the programme's structures and processes as well as of the communication strategy
- B) Regarding the input to the programming exercise of the period 2021-2027:
- Proposals (including annexes) for the legislative package 2021-2027 (especially CPR, ERDF and Interreg Regulation): available for download under https://ec.europa.eu/commission/publications/regional-development-and-cohesion_en
 - Regional analysis of the programme area from 2013





- Orientation paper of the EC to cross-border obstacles in the programme area (not yet available)

Upon request and as far as possible and relevant for the evaluation work, the contracting entity may grant an access to additional programme documentation, raw data and statistics to the evaluator.

As regards confidentiality and data protection of the data provided to the evaluator, please refer to chapter 8 of the present document.

4 Expected deliverables

4.1 Types of deliverables

Once selected, the evaluator will be invited by the MA to a kick-off meeting to discuss and clarify the terms and conditions of the service as well as the main aspects of its implementation. The kick-off meeting will be organized in the premises of the MA in Eisenstadt. Evaluation methods to be used as well as planned tasks will be paid particular attention, alongside with the distribution of tasks and resources. This meeting should enable the evaluator to successfully implement the service and deliver to the MA the obligatory deliverables listed hereunder within an estimated timespan of five to six months after contracting. Candidates can suggest additional deliverables as far as their pertinence is demonstrated.

Obligatory deliverables are:

- An **inception report**: The inception report aims at detailing and adapting if necessary the service described in the bid. As such, it must present the core elements of the evaluation work. It shall include a concise presentation of the objectives pursued and tasks to be fulfilled, means used, as well as practical elements related to the implementation of the analytical work e.g. an up-to-date time plan, cost and task distribution table. The inception report should not exceed 15 pages.
- A **final report**: The final report shall present in detail the evaluation work carried out, i.e. put an emphasis on methodologies applied, outcomes, conclusions and corresponding recommendations. If good practices or outstanding performances are achieved by the programme, they should be highlighted briefly in the conclusions of the report. The experience/good practices of other European programmes and especially Interreg CBC programmes of interest for the AT-HU Interreg programme should be used as far as relevant and reported on in the final report. The final report should not exceed 60 pages (annexes excluded).





4.2 Structure of the final report

The final report will be expected to focus on the analytical work (excluding e.g. theoretical considerations) and follow to a large extent this general structure:

Table 3: General structure of the final report

No.	Chapter	Explanation
1.	Executive summary	
2.	Context of the report	
3.	Approach and methodology	This section will include a description of methods used and tasks fulfilled, as well as of available and collected data. The evaluator shall highlight the overall consistence and complementarity of the set of methods and techniques used to answer the evaluation questions. It shall also provide with concise justifications of the decisions taken (rationale).
4.	Results of the evaluation	The evaluator will be expected to analyse and expose the findings but also provide a critical analysis of the availability and reliability of data.
5.	Conclusions	Conclusions should be drawn for each set of evaluation questions.
6.	Recommendations	Recommendations should be classified depending on their importance (scope, impact and efficiency), their short term vs. long-term dimension and the optimal timespan for implementation. The evaluator will be expected to take into account the limited internal resources for the implementation of corrective measures as well the limited room for manoeuvre linked to the framework given by the EC.
7.	Annexes	Annexes shall, among others, include case studies, a bibliography, data sources, the results of data collection and treatment as well as a list of contacted actors, e.g. interviewees.

4.3 Form of expected deliverables

The programme Interreg AT-HU strives to improve internal and external communication, including communication about evaluation processes and their outcomes. All deliverables should therefore be produced in English and in line with the corporate visual identity of the programme. The MA/JS will provide the evaluator with necessary information and material for that purpose. With regard to communication objectives and identified target groups presented in the programme communication strategy, a carefully-elaborated presentation favouring concise reporting on evaluation results is expected. Bidders are encouraged to propose in their offers additional communication elements and materials complementary to the following requirements which must be observed:

- The final report should include an executive summary presenting most striking findings and figures with an emphasis on noticeable achievements, shortcomings as well as recommendations (5 pages maximum);
- Should best practices and outstanding projects be subject to in-depth analysis (e.g. case study), a concise overview of findings should be provided;
- Recommendations shall be presented in detail in a separate section of the report and sorted (see section 4.2.);





- Case studies are to be reported on in details in the annexes;
- Presentations exposing the main points of the evaluation as reported in the executive summary shall be delivered with the final report;
- As far as possible and relevant, diagrams, summary tables and infographics shall be used to present evaluation subject matters and results.

The totality of deliverables, info graphics, raw and treated data should be handed over on data carriers to the JS/MA in an electronic and editable form compatible with the software programmes used internally by the MA/JS (as far as possible).

5 Expected structure and content of the bid

Bids should include at least the following sections and content:

- **Methodology and approach:** methods and techniques, reference documentation to be used, data needed and to be collected, expected results etc.;
- **Deliverables:** special attention will be paid to the form of the deliverables;
- **Work organisation:** Tasks planned, time plan, composition of the team and distribution of tasks, quality management procedures etc. Note that an illustrative outline of the timing and work steps is expected. Major difficulties inherent to the implementation of the service should be briefly explained as well as the measures implemented to overcome them;
- **Bidder:** presentation of the company (contact details, webpage, legal status, registration code, VAT registration number, short description of profile (up to one page per company) and list of relevant references;
- **Team:** CVs of all the members of the evaluation team;
- **Budget:** fee rate per day per function, work days assigned to each task, total working days offered, travel costs, costs of subcontracted activities (if applicable), total budget (net, gross) including all related costs. The budget should be in EUR, and not subject to indexation.

6 Admissibility of the bidders, proof of professional capacity and reliability, independence

6.1 Admissibility of bidders and subcontracting

The bidder has to prove its legal authorisation and provide an extract from the business, professional and/or trade register (proof can be submitted in original language) depending on the relevant regulations of the legal system being effective at the registered seat. This requirement also applies in case the offer is submitted by a consortium. In this case, the document described above must be submitted by all the members of the consortium.

It is not permitted to use subcontractors for the provisions of a major part of the service, and the subcontracting of the entire contract is not permissible. Parts of the service may only be subcontracted if the subcontractor disposes of the necessary authorization to execute its part, and if the subcontractor disposes of evidence of its technical capacity.





Any subcontracting during the period for provisions of the services requires the express prior consent of the MA.

6.2 Professional capacity

6.2.1 Credentials

In order to cope with the required tasks, the bidder is expected to fulfil the following general criteria:

- Registration for the particular activities with the authorized body of the state where its seat is located;
- Confirmation that no enforced settlement bankruptcy proceedings have been initiated and it has not suspended business activities by virtue of a court decision or some other enforceable decision;
- Confirmation that there are no debts in the field of social security;
- Average number of permanent staff (or equivalent) for the past three years of:
 - at least 3 persons for single companies;
 - at least 6 persons for consortia.

Additionally, the bidder should demonstrate its capacity to conduct the tendered service with:

- Experience in the field of evaluation and regional development with special regard to EU funded programmes: at least 2 contracts in the last 7 years, one of them with a minimum total gross budget of 30.000 EUR or a total net budget of 25.000 EUR (for contracts signed in another currency, the budget will be expected to be of equivalent value considering the exchange rate of the EC applying at the time of contract signature).

The following credentials are expected within the evaluation team:

- Fluency in English (additional command of German and/or Hungarian will be considered as an advantage);
- Experience in the planning, monitoring and/or evaluation of EU funded or other regional development programmes;
- Expert knowledge of the programme area as well as regional, national and EU overarching policies;
- Expert knowledge of sectors addressed by the four priority axes of the programme will be considered as an advantage.

In particular, for the team leader, the following credentials are expected:

- Specialized background (Master degree) and 5 years of professional experience in fields relevant for the delivery of the expected service;
- 3 years of experience in EU funded development programmes with special regard to CBC/transnational/interregional programmes;
- Administrative and managerial skills;
- Knowledge of programming methodology.

As for team experts, the following is expected:





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- Specialized background (Master degree) and at least 3 years of experience in fields relevant for the delivery of the expected service.

The bidders are required to detail in their offers the composition of the team and its structure as well as the distribution of tasks. The CVs of the members of the evaluation team shall be included in the bid.

6.2.2 Structure of the team

The evaluation team shall be structured so to ensure the best quality of service. The evaluator shall in particular identify an evaluation expert as project manager and coordinator as well as contact person for the MA/JS.

Close monitoring and systematic reviewing of deliverables is, among others, expected from the project manager. Negotiations, decisions and presentations of the deliverables with/in front of the JS/MA/ESG/MC shall also strictly belong to the responsibilities of the project manager.

The team structure and distribution of tasks must be presented by the bidders in their offer.

The evaluator shall ensure the availability of the proposed working team already for the phase of the inception report.

7 Award procedure and provisions for the bids

7.1 Legal basis and procedure

The contract shall be awarded – in due accordance with the provisions of the Austrian Law on Public Procurement – as a “direct award procedure with prior announcement” according to §47 Bundesvergabegesetz 2018 (BGBL. I Nr. 65/2018 and its amendments).

Interested candidates are invited to submit a binding offer based on the description as laid down in this document.

7.2 Assessment of the submitted bids

The contract will be awarded to the technically and economically most favourable bid. Valid offers will be evaluated using a value analysis on the basis of the following award criteria:

Table 4: Award criteria

Criterion	Weighting
Total price	30 %
The criterion will be evaluated according to the following formula: Points = TP min / TP bid x 10 TP min: total price of the best bid in monetary terms TP bid: total price of the bid under consideration	





Technical quality, of which	70%, of which
Quality of the evaluation concept: <ul style="list-style-type: none"> - Consistency of the methodological approach; - Quality management and internal coordination; - Relevance of planned deliverables; - Feasibility of the time plan (in correspondence with the proposed methodology and expected deliverables) 	70%
References <ul style="list-style-type: none"> - Level of experience in planning, monitoring and/or evaluation of EU funded or other regional development programmes - Level of expert knowledge of the programme area as well as regional, national and EU overarching policies; - Level of expert knowledge of sectors addressed by the four priority axes of the programme; - Level of command of English, German and Hungarian (written and spoken). 	30%

The total points possible are 10 points. Points awarded for each of the criteria will be weighted and added up according to the percentage values stated in the table above. The offer with the highest number of points will be considered to be the technically and economically most favourable.

7.3 Submission deadline of the bids and binding period

Signed bids must be submitted to the contracting entity until:

22 May 2019, 12:00 (CET)

Bids received beyond this deadline will not be taken into account. Punctual delivery of the bid is in the responsibility of the bidder. The bid must be delivered in electronic version via e-mail. The language of the bid must be English.

The bidders are bound by their respective bids until the contract is awarded.

7.4 Award decision

A decision about the award is considered about 2 weeks after the submission of the bids.

The result of the bidding process will be communicated to the bidders in written form. The contract will ideally be signed with the evaluator mid of June 2019.

7.5 Expenses for the preparation of the offers

Costs incurred for the preparation and submission of the offers, related documentation and concepts will not be refunded.





8 General terms and conditions of the contract

8.1 Subject of the contract

The subject of the contract is to carry out the evaluation of the efficiency, effectiveness and impact of the programme (impact evaluation). The service is described in chapters 1 to 4 of this document.

8.2 Written form of the contract, contract validity and amendments

The contractual relationship will be placed solely in writing. The contract will be binding from the date of notification of the award of the contract until full completion of the service.

Amendments and additions to the contract as well as agreements to depart from the required form must also be made in writing.

8.3 Language of the contract

The contract will be conducted in German. English or Hungarian working translations can be provided.

8.4 Duty to supply information

The parties to the contract shall exchange important information concerning the subject matter of the contract on a continuous basis.

As soon as any circumstances become apparent to the contractor which might jeopardize the contractual completion of the order, it must notify the contracting entity immediately and in writing of these circumstances and of any measures to be considered.

8.5 Settlement of accounts

Payments for carrying out the order shall be made in instalments in accordance with the progress of the service, as follow:

- 30% of the fee after the award of the contract;
- 70% after validation of the final report by the ESG.

The period allowed for payment is four weeks and starts with receipt of a correct and complete invoice by the contracting entity. If the invoice is incomplete, i.e. the correctness cannot be checked, the payment deadline will be interrupted.

If the service is delivered by a consortium, invoicing must be carried out solely by the lead member of the consortium.

8.6 Completeness of information, additional services

All contractual services are paid for and settled with the remuneration. Additional services may only be invoiced if they were ordered in writing.





8.7 Expenses

Expenses of the contractors' employees and any subcontractors not explicitly listed, such as mileage, accommodation expenses, daily allowances, travel allowances, travel times and the like shall be borne by the contractor.

8.8 Duties and taxes

With the exception of the value-added tax and any stamp duties, all taxes and duties arising from the contract or the related activity of the contractor shall be borne by the contractor. If claims are levelled against the contracting entity for such taxes and duties, the contractor shall hold the contracting entity safe and harmless. In particular, the contracting entity has the right to retain such amounts from the remuneration to be paid to the contractor.

8.9 Defaults in performance

8.9.1 Failures in fulfillment of obligations and delayed delivery

In case of failures of the contractor to fulfil its obligations, the contracting entity can temporarily reduce or suspend payments linked to invoices issued after the observed failure until the contractor resolves the problem in question.

If irrespective of any fault on the part of the contractor and for no fault of the contracting entity, the rendering of a service is repeatedly delayed, the contracting entity shall have the right to terminate the contract.

This shall not prejudice any claims for damages if fault can be attributed to the contractor.

8.9.2 Liability of damages

If damages are to be observed, the contractor shall be liable to the contracting entity in accordance with the provisions of the law. Liability for minor negligence is limited to the value of the order. Members of bidder consortia shall be jointly and severally liable.

8.9.3 Substitute performance

In each case of default in the performance attributable to the contractor, such as delayed delivery, fault clearance or elimination of defects, the contracting entity shall have the right to initiate substitute performance at the expense of the contractor.

8.10 Termination of the contract

The contracting entity may terminate the contract at any time and with immediate effect by unilateral declaration for good cause. Good cause is shown in particular,

- if liquidation proceedings or bankruptcy proceedings are opened against the assets of the contractor or a petition to open bankruptcy proceedings is dismissed due to lack of assets;





- it is subsequently established that the contractor provided incorrect information during the tender procedure upon which these general terms and conditions of contract are based and that this would have influenced the decision to award the contract;
- if circumstances arise that obviously render the timely performance of the order impossible unless these were caused by the contracting entity;
- if the contractor either directly or indirectly offers, promises or grants an organ of the contracting entity that is involved with the conclusion and implementation of the contract a pecuniary advantage for itself or a third party;
- if the contractor or an affiliated company illegally or immorally restricted competition or unfairly influenced the contract award procedure preceding the conclusion of the contract;
- if the contractor itself or any of its employees, in connection with the performance of the order, violates secrecy obligations;
- if the contractor dies without a legal successor or loses its legal capacity;
- if the contractor employs a subcontractor who has not been approved by the contracting entity.

If on the basis of this provision the contracting entity terminates the contract, the contractor shall lose all claims to the remuneration, except to the extent the contractor has already provided partial performance that can be utilized by the contracting entity. If the contractor is responsible for the cause of termination, it must reimburse the contracting entity for any additional costs incurred by placing the order with a third party.

8.11 Confidentiality and data protection

The contractor is obligated to maintain complete confidentiality towards third parties concerning all information that become known to it in the course of fulfilling the contract or contributed to the completion of the contract, in particularly concerning data of project applicants and beneficiaries, unless the contracting entity has released the contractor from such obligation in respect of a specific situation in writing.

The Joint Secretariat of the programme Interreg AT-HU is not considered as third party in the contract.

The obligation to maintain confidentiality shall persist indefinitely even after termination of the contract, with the exception of any duty to give evidence.

Furthermore, if a contractor employs others to supply the service, it shall be obligated to transfer the obligation to maintain confidentiality to such persons and shall be liable for any violation of confidentiality on their part in the same way as if the contractor had breached confidentiality.

The contractor shall be entitled to use any personal data entrusted to him for the purpose of the service to be delivered, in due consideration of the General Data Protection Regulation (GDPR) (EU) 2016/679 and the Austrian Data Protection Law in its valid version. This concerns particularly data of project applicants, beneficiaries about the implementation of their projects, and data about programme implementation.

8.12 Intellectual property rights

The contractor shall hold the contracting entity safe and harmless from all claims arising from or related to disputes concerning patent law, trademark law, design copyright and/or





copyright and shall warrant unrestricted use in accordance with the intended purpose of the goods delivered or services supplied. The contracting entity acquires the right unrestricted by time or place or in terms of content to the goods delivered or services supplied.

8.13 Retention and obligation to render service

In the event of a dispute the contractor has no right to withhold delivery of goods or to suspend services.

8.14 Legal venue and applicable law

The sole legal venue for disputes arising from or in connection with the contractual relationship based on these general terms and conditions shall be the District Court of Eisenstadt.

The contractual relationship shall be governed solely by Austrian law.

8.15 Official copies of the contract

The contract will be issued in duplicate, one for each contracting party.

