**Romanian Ministry of Development, Public Works and** **Administration**

**Managing Authority**

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| **(INTERREG VI-B) NEXT Black Sea Basin Programme**  **GUIDELINES FOR GRANT APPLICANTS Reference: First Call for Proposals**  **REGULAR PROJECTS** |

**PART IV**

**ASSESSMENT, SELECTION AND CONTRACTING**

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1. **PROJECT ASSESSMENT AND SELECTION**

## 1.1 Assessment and selection procedure

Applications will be examined and evaluated according to the steps and criteria described below.

The recommendations for approval or rejection of an Application shall be submitted to the Monitoring Committee (MC) for a final decision.

In case during the assessment process clarifications are needed, these will only be requested through Jems, to the contact person of the lead partner, using the contact details provided in the Jems Application – Registration for the Lead Partner ***(see Part III - Offline Application Form Template).*** Answers to the clarifications must be sent by Jems e-mail, with the relevant documents, if required, scanned and attached to the email, by the deadline specified in the email.

Any clarification (during any of the assessment steps) required and answered shall not lead to the improvement of the content of the Applications.

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| **TAKE NOTE**  In order to ensure equal treatment for all applications, the extension of the deadline for submission of clarification answers is not allowed.  Close attention should be allocated to both the date and hour specified as the given deadline.  Clarifications sent after the deadline will not be taken into consideration and proposals will be assessed and scored based on existing information and documents. |

The date attesting the receipt of the request for clarifications is the date of the email sent. The date attesting the receipt of the answer to the clarifications is the date of the email sent by the Lead Partner.

**The Lead Partner bears full responsibility for ensuring the technical receipt of requests for clarifications.** Further information regarding clarifications is provided under each evaluation step.

The assessment and selection criteria and procedure applied by Interreg NEXT BSB Programme are non-discriminatory, transparent, ensure accessibility to persons with disabilities, ensure gender equality, and take account of the Charter of Fundamental Rights of the European Union, the principle of sustainable development and of the Union policy on the environment in accordance with Article 11 and Article 191(1) TFEU, in line with the provisions of Article 22 *Selection of Interreg operations* of Interreg Regulation (EU) 2021/1059.

**STEP 1: ADMINISTRATIVE AND ELIGIBILITY COMPLIANCE CHECK**

**ADMINISTRATIVE COMPLIANCE**

In order to be administrative compliant, project proposals have to fulfill the administrative requirements as per ***Annex 6 Administrative and Eligibility Compliance Grid***– *Part A* *Administrative compliance.*

The required annexes listed in ***Part II – Section 14 Mandatory documents to be provided with the project proposal*** have to be submitted with the application. In case of missing documents, they will be required during this assessment stage. **Applicants will have to provide the required documents within the given deadline (maximum 5 working days from the date of written request).**

**ELIGIBILITY COMPLIANCE**

The compliance with the criteria set out in **Section B** of the Administrative and Eligibility Compliance Grid – (***Annex 6*** of the Guidelines) will be checked, based on the information provided in the Application and on the annexes listed under ***Part II - Section 14 Mandatory documents to be provided with the project proposal***, which will be submitted together with the Applications.

In some cases, applicants considering themselves as public might be declared as private by the competent national authorities following their legal status check. Such applicants shall adjust the situation by submitting the additional compulsory documents as listed in ***Part II- Section 14 Mandatory documents to be provided with the project proposal***. Such documents are to be provided **within the given deadline** (5 working days calculated from the next working day following the day when the written request was sent by email to the lead partner).

**Only one set of clarifications and/or missing mandatory documents will be required.**

**Failure to provide clarifications or documents within the deadline leads to the rejection of the application.**

**STEP 2: QUALITY ASSESSMENT**

The overriding principle in the selection of projects is that all projects must comply and contribute to one programme specific objective. The assessment will thus look at the relevance and coherence of the project, its contribution to the programme’s objectives, outputs and results, the transnational character of the proposal, including the justification for a transnational intervention, the relevance of the partnership, quality of the work plan and budget effectiveness. Also the state aid compliance assessment shall be made at this stage, according to the criteria described in ***Annex 8 State Aid Compliance Assessment***.

This assessment is carried out according to the criteria described in ***Annex 7 Quality assessment grid***.

Each criterion and sub-criteria will be evaluated according to the scores specified in the Grid for strategic and operational assessment.

**STRATEGIC ASSESSMENT**

If the application fails to obtain at least 3 points for each criterion in the Relevance section (*1.1 The project proposal is relevant in relation to the targeted programme specific objective and the expected results,* and *1.2.* *The added value of transnational cooperation for the topic addressed is clearly demonstrated*)the application shall be rejected.

**OPERATIONAL ASSESSMENT**

The assessors may ask clarification during the quality assessment phase. This is not an opportunity to provide new information but to clarify information that was given in the original Application. A deadline will be set for receiving the answer. Clarifications sent after the deadline will not be taken into consideration and proposals will be assessed and scored based on existing information and documents.

Following clarifications, a list of the Applications ranked according to their score and within the available financial envelope will be established per each Specific Objective, as well as a reserve list following the same criteria, will be presented in the *Quality Assessment Report* which shall be submitted for MC consideration and final approval.

Where two or more applications receive an equal score, they shall be prioritized based on the score obtained for criterion 1 – *Relevance*, then criterion 2 – *Coherence*, then criterion 3.1. *The project outputs will have an impact beyond project life time*, in this order.

In case there are two applications of the same Lead Partner under the same Specific Objective, scored and ranked in positions for financing, the application with the highest score will be proposed for financing.

**In case total score is less than 36 points, the application will be rejected.**

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| **TAKE NOTE**  Any attempt to obtain confidential information or to influence the assessors or the managing structures within the evaluation process will lead to the disqualification of the project!  The clarifications provided in the evaluation phase cannot bring new elements that would alter the initial content of the Application.  Applicants will be excluded in case it is proven that they are misleading the assessors by providing false information that is being taken into consideration in the evaluation process or if they did not inform the assessors or MA on issues that would have led to a different decision during the evaluation process. |

## 1.2 Communication to lead partner of the Monitoring Committee’s decision

The lead partner will be notified in writing about the Monitoring Committee’s Decision(s) regarding the outcome of the assessment.

In case of non-eligible or not approved applications, information to lead partner will include information on the reason(s) for non-approval.

Those applications which obtained the minimum scores, but for which there are no available funds left under this call for proposals, following the ranking of the Applications shall be included on the Reserve List.

## 1.3 Complaints

Applicants considering that they have been harmed by an error or irregularity during one of the steps (administrative compliance and eligibility check or quality assessment) of the evaluation and selection process may file a complaint to the Joint Secretariat or the Managing Authority.

The complaints must be submitted after the final decision to the email address indicated in the Notification letter received after each step.

The Applicant should substantiate its complaints by arguing why the decision of the MC infringes the provisions of the present Guidelines for Grant Applicants or other applicable rules.

**In order to be considered, a complaint must:**

* be submitted only by the Lead Partner and not by Project Partners or third parties;
* be submitted within 10 calendar days starting from the following day when the Notification letter (sent via an email) announcing the result of an assessment step is sent by the Joint Secretariat following the decision of the Monitoring Committee;
* be written in English;
* be addressed to the JS or MA;
* be signed by the legal representative or by delegated person of the Lead Partner;
* clearly describe the nature of the infringement considered as being made during the assessment stage and make clear references to the corresponding provisions of theGuidelines for Grant Applicants with pertinent substantiation.

**The complaints that do not respect cumulatively these criteria will not be taken into consideration.**

The complaint meeting all the criteria above shall be examined on the basis of the information brought forward by the Lead Partner in the complaint.

The decision whether the complaint is accepted or rejected is taken by the Monitoring Committee based on the recommendation of the Complaint Committee.

The decision is final, binding to all parties and not subject to any further complaint proceedings within the Programme based on the same grounds and in the same phase of the procedure.

The Complaint Committee will operate according to their Rules of Procedure approved by the Monitoring Committee.

## 1.4 Indicative timetable for the evaluation and selection process

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| **Action** | **Indicative Deadline** |
| Applications submission period | 30th of March – 4th of July, 2023 – 16:00 hrs Romania time |
| Administrative and eligibility check | July-September, 2023 |
| Complaints | October, 2023 |
| Quality assessment | September-December, 2023 |
| Decision on selected projects | January, 2024 |
| Complaints | February, 2024 |

**This indicative timetable may be updated during the procedure. In such case, the updated timetable shall be published on the programme website** [**www.blacksea-cbc.net**](http://www.blacksea-cbc.net)**.**

1. **CONTRACTING**

## 2.1 Grant contract

After approval of a project by the Monitoring Committee and following completion within the given deadlines of the contracting phase the Lead Partner will sign a grant contract (see indicative template in Annex to these Guidelines) with the Managing Authority (Ministry of Development, Public Works and Administration, Romania). The grant contract with the Managing Authority shall be signed by the partner having legal personality.

The project shall start its implementation the day following that on which the last of the two Parties signs or at a later date specified in the Grant contract.

The contract signature by the Managing Authority is always subject to the condition that the recommendations made during the quality assessment by the assessors and agreed by the Monitoring Committee as well as during the contracting checks, are taken into account by the Applicants.

During the contracting phase, it will be verified that:

- projects’ activities do not overlap with other activities financed in other projects or initiatives;

- partners do not have any unpaid debt to the Managing Authority for any project financed under ENI-CBC Black Sea Basin Programme 2014-2020.

Therefore, it is recommended that in case a partner is aware of any debt under the aforementioned programme, to start the procedures for paying the debts as soon as possible, thus avoiding any delays in the grant signature.

In case any doubt about the existence or not of debts, any partner should check this with the MA since early stages of project preparation.

**In case following the verification any of the above-mentioned situations is confirmed, the contract for the application in which the respective organisation is a project partner shall not be signed.**

Before signing the contracts, other documents may be requested by the MA/JS.

On-site visits may also take place for projects involving investments and be performed by the MA, NA and JS. All partners have the obligation to provide all necessary documents and to be available for the on-site visits on the dates agreed in order for the grant contracts to be signed.

Extension of the deadline for submitting the required documents shall be accepted only if the reason for delay is duly justified.

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| **Applicants will be excluded in case it is proven that they are misleading the Managing Authority by providing false information that is being taken into consideration in the contracting process.** |

## 2.2 Partnership Agreement

The Partnership Agreement defines the legal arrangements between the Lead Partner and each project partner and includes provisions that, inter alia, guarantee the sound financial management of the funds allocated to the project, including the arrangements for a recovery of amounts unduly paid.

The Agreement has to be signed by the Lead Partner with all project partners, either jointly (one common Partnership Agreement) or separately (separate Partnership Agreements), as agreed at partnership level, prior to the signature of the Grant contract as it shall be annex to it.

The document will be signed either by handwriting or electronically by all parties. Mixt signature (digital and handwrite) is not permitted.

A template with the minimum compulsory requirements of a partnership agreement is available in Annex 9 of the Application Pack. Additional provisions included in the document must, in any case, be in line with the programme objectives and the legal framework mentioned in the grant contract and the partnership agreement.

## 2.3 Rules for changing the partnership

Changes in partnership are not allowed during the evaluation and selection process.

Base on grounded reasons changes in partnership may be possible before or after grant contract signature.

The change of lead partner is not allowed at any moment.

In case the lead partner is no longer committed to implement the project the application will no longer be assessed or contracted, as the case.

In case of partnership changes fulfilment of *Administrative and* *Eligibility criteria* will be assessed for the respective partner(s).

## 2.4 Annexes to be submitted in the contracting phase

1. **Declaration by the Lead Partner *(Annex to these Guidelines[[1]](#footnote-2))*** on accepting to continue the contracting process. The Declaration must be signed by the legal representative of the Lead Partner and sent within 15 working days from the sending date of the pre-contracting letter. Thus, it will be considered that the Lead partner accepts the grant contract *(Annex 9 to these Guidelines)* in compliance with the recommendations approved by the Monitoring Committee and the contracting process may continue. The Declaration of the Lead Partner attached to the contracting Letter **must be submitted, as 1 original document and 1 copy “according to the original document”** confirmed through signature and stamp[[2]](#footnote-3) by the legal representative or the mandated person, having in this respect a legal mandate.
2. **Partnership Agreement between the Lead Partner and project partners** must be conform to the indicative template presented in *Annex to these Guidelines*[[3]](#footnote-4), must be duly completed, signed, stamped[[4]](#footnote-5) and dated by the lead partner and partners. **This document must be submitted as 1 original document and 1 copy “according to the original document.**

**These documents may also be signed digitally with a qualified electronic signature.**

**In this case, a copy “according to the original document” is not required.**

1. **Financial Identification Forms** ***(see Annex 9 indicative template of the Grant Contract and its annexes)*** must be conform to the model, must be duly completed and signed, stamped[[5]](#footnote-6) and dated by the Lead Partner and each partner and by the banks to which the payments will be made. The Lead Partner /partners must open dedicated bank accounts for the implementation of the Project, one in Euro and one in the national currency. The banks must be located in the countries where the Lead Partner and the partners are registered and located. **This document must be submitted as original**.
2. **Certifications** issued by the competent state authorities in each participating country proving that the Lead Partner and the partners **have fulfilled their obligations relating to the payment of debts** to the consolidated state budgetin accordance with the legal provisions of the country in which they are registered and located, in **national language** as original and also as **full unofficial translation(s)** in English (certified through signature and stamp[[6]](#footnote-7) by the legal representative of the organisation).
3. **Decisions of the empowered bodies** of the Lead Partner and each partner - if the case, according to the national legislations - that they will **ensure co-financing during the implementation period of the Project, as well as any ineligible costs or other costs related to the project**,in **national language** as original and also as **full unofficial translation(s)** in English (certified through signature and stamp[[7]](#footnote-8) by the legal representative of the organisation).
4. **For projects which contribute to the achievement of the result indicator Organizations cooperating across borders after project completion (RCR84) - The cooperation agreement proving evidence on the commitment of the partner organizations to cooperate after the project ends its implementation period.**

**For projects including infrastructure, the following additional documents will be required:**

* **documents proving the right/ownership over the land and the infrastructure to be realized/rehabilitated/improved, as applicable:**
* **a copy of the legal act** (e.g. government decision, law, government ordinance, decision of local/regional authorities, property act/ownership document, or concession act, long term contract/ administration contract, rental/bailment contract, etc.) **stating the property or stating its rights for at least 5 years from the completion of the project, in national language and also as full unofficial translation(s) in English both certified through signature and stamp[[8]](#footnote-9) by the legal representative of the organisation or by the delegated person)**,

AND

* **a copy of the statement that the infrastructure/ land is free of any encumbrances, is not the object of a pending litigation, is not the object of a claim according to the relevant national legislation and, in case of concession/ rent /administration, the agreement of the landowner stating that the investment may be performed**, in national language and also as full unofficial translation(s) in English both certified through signature by the legal representative of the organisation or by the delegated person),

AND

* **copies of documents related to the registration of the infrastructure/ land in the relevant public registers,** in national language and also as full unofficial translation(s) in English both certified through signature and stamp by the legal representative of the organisation or by the delegated person).

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| **TAKE NOTE**  Other documents (the building permit and any other execution details, technical documentation, approved architectural and engineering drawings, consents, approvals, authorizations and agreements, following the issue of the building permit, etc as requested by the national laws of the respective country) shall be available and uploaded in Jems as supporting documents, at the date of submission of the financial report, with investment related expenditure(s), for verification to the controller.  **In case of digitally signed documents, project partners are not required to provide copies certified „according to the original document”.** |

If all conditions and requirements are fulfilled, a grant contract between the Managing Authority and the lead partner will be concluded.

The grant contract shall determine the rights and responsibilities of the lead partner, the reference to the project implementation, terms of funding, requirements for reporting and financial controls, etc. An indicative template of the grant contract is part of the Application Pack (see Annex 9).

1. The Declaration (required during contracting) is Annex to the indicative template of the Grant Contract (Annex 9 of these Guidelines); [↑](#footnote-ref-2)
2. Only if required by the national legislation of the respective partner [↑](#footnote-ref-3)
3. Partnership Agreement between Lead Partner and project partners is Annex to the Grant Contract (Annex 9 of these Guidelines) [↑](#footnote-ref-4)
4. See footnote no.1 [↑](#footnote-ref-5)
5. See footnote no.1 [↑](#footnote-ref-6)
6. See footnote no.1 [↑](#footnote-ref-7)
7. See footnote no.1 [↑](#footnote-ref-8)
8. See footnote no.1 [↑](#footnote-ref-9)