TERMS OF REFERENCE

MID-TERM LEARNING REVIEW OF TI INTEGRITY PACTS – CIVIL CONTROL MECHANISM FOR SAFEGUARDING EU FUNDS PROJECT

Tentative Schedule

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<th>Date Range</th>
<th>Activity Description</th>
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<tr>
<td>7 – 30 June</td>
<td>Call for consultancies</td>
</tr>
<tr>
<td>20 July</td>
<td>Consultant identified</td>
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<tr>
<td>30 July</td>
<td>Consultant contract signed</td>
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<tr>
<td>15 August – 15 October</td>
<td>Mid Term Learning Review</td>
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<tr>
<td>15- 25 August</td>
<td>Document review, Finalisation of the learning review approach</td>
</tr>
<tr>
<td>25 August – 15 September</td>
<td>Stakeholder Interviews, Project visits</td>
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<td>First draft MTLR submitted to TI S</td>
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<td>25 September</td>
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<tr>
<td>1 October</td>
<td>Second draft submitted to TI-S</td>
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<tr>
<td>10 October</td>
<td>TI-S comments</td>
</tr>
<tr>
<td>15 October</td>
<td>Final MTLR submitted to TI-S</td>
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1. BACKGROUND

Transparency International (TI) is the global civil society organisation leading the fight against corruption. In collaboration with nearly 100 chapters worldwide and an international secretariat in Berlin, Germany, TI raises awareness of the damaging effects of corruption and works with partners in government, business and civil society to develop and implement effective measures to tackle it.

It is estimated that €120 billion are lost each year due to corruption in European countries. Corruption in public procurement harms the public interest, undermines public trust and has a negative impact on people’s lives. To address this problem, TI has developed an independent, multi-stakeholder mechanism, called the Integrity Pact (IP), that fosters transparency and accountability in public contracting and, in so doing, reduces risks of corruption. The European Commission has embarked on a partnership with TI to pilot this approach in projects co-funded by Structural and Cohesion Funds. The project is funded by the European Commission, Directorate-General for Regional and Urban Policy (DG Regio) with a total project budget over 7.2 million Euro.

The TI Integrity Pacts (IP) - Civil Control Mechanism For Safeguarding EU Funds, Phase 2 Project is a four year project running from 2016 – 2019. According to the original project documentation, i.e. “the description of the action”, the project’s general objective is to “explore and promote the use of Integrity Pacts for safeguarding EU funds against fraud and corruption, and as a tool to increase

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1 National Chapters are independent civil society organisations registered in their own countries and internationally affiliated with TI.
transparency and accountability, enhance trust in authorities and government contracting, contribute to a good reputation of contracting authorities, bring cost savings and improve competition through better procurement”. The specific objectives are to: 1) Ensure integrity and accountability in 17 projects co-financed by EU Structural and Cohesion Funds, 2) Ensure transparency and access to information in 17 projects co-financed by EU Structural and Cohesion Funds, 3) Draw lessons from this pilot for future replication and mainstreaming of Integrity Pacts. A specific Theory of Change (ToC) has been designed to further specify the underlying logic of the project (see Annex 1).

As part of the four-year project, the TI-Secretariat committed to an independent mid-term learning review, which will take place in 2018 and cover the first two and a half years of the project (January 2016 – June 2018). This assignment covers this review.

2. ASSIGNMENT

Objectives of the mid-term learning review:

The overall objectives of the mid-term learning review are the following:

(1) Provide an objective assessment of the achievements and results of the project to date and the extent to which they are contributing to enabling the general and specific objectives.

(2) Conduct an in-depth analysis of the challenges associated with this project and how they can be addressed going forward.

(3) Provide clear and forward-looking recommendations that can guide TI Secretariat and Partners in maximizing the relevance and effectiveness of this project and its performance on the ground as well as recommendations regarding replicability of Integrity Pacts beyond the project.

Key issues to be addressed:

The following questions could be addressed during the mid-term learning review, but are subject to discussion and agreement with TI-S during the period of designing the learning review approach.

RELEVANCE:

General Questions:

To what extent is the project’s design consistent with and enabling of the overall project’s ambition (as stated in the general and specific objectives)?

Is the (later developed) Theory of Change realistic and sound? How realistic and useful is the project’s theory of change, including when it comes to accounting for the roles of the diverse stakeholders (from public to private sector, from CSOs to the media)?

EFFECTIVENESS:

General Questions:

Overall, how effective has the project been, in the respective national contexts, in enabling the general and specific objectives (above), and in overcoming contextual and policy factors?
To what extent has the project contributed (or not) to the envisaged short-term and intermediate outcomes as identified in the project’s ToC?

What are the most promising results that have been achieved so far and why? And what are the results that are less promising and why?

To what extent is the project likely to contribute to public procurement processes that deliver value for money?

What are the major and most common bottlenecks and enabling factors affecting the implementation of the project and how can they be addressed; including those related to the existing national legislation/policies. What mistakes have been made to date in handling these?

Specific Questions:

**Negotiating and designing an Integrity Pact**
What are good (context-specific) practices in terms of negotiating and designing an Integrity pact? What practices have worked less well? What are the key factors (e.g. buy-in of the Contracting Authority, the national legal context, extent to which bidders were involved/included in the IP etc.) that have influenced the extent to which strong IPs, which include ambitious clauses for the IP participants, have been agreed upon? What key lessons can be learned about how strong IPs can be negotiated in different contexts?

**Value IP relationship before the launch of a tender process**
What are the experiences of engaging in an Integrity Pact relationship before the tender process is itself launched? Have any clear benefits been realised from engaging in an Integrity Pact relationship before the tender process is itself launched? What key lessons can be learned about how to best engage in an Integrity Pact relationship before the tender process is itself launched? (including how to maximize potential benefits from this relation in a case where the envisaged timeline of the underlying project procurement process is thrown off/delayed)

**Monitoring the Integrity Pact**
What are good (context-specific) practices for setting up the monitoring component of the Integrity Pact? What practices have worked less well? What are the key factors (internal and external) that have influenced the extent to which effective IP monitoring processes have been implemented? What key lessons can be learned about how appropriate IP monitoring processes can be implemented in different contexts?

**Engaging the private sector**
What are the best practices for engaging with the private sector to get their 'buy in' to support Integrity Pacts? What are the practices to avoid when engaging with the private sector?

**Demonstrating value for money**
To what extent has evidence been collected on the potential cost-effectiveness (positive, negative and neutral) of the IPs? What are good practices for demonstrating cost-effectiveness of the IPs? What key lessons can be learned about how the project can demonstrate its contribution to realizing public procurement processes that deliver value for money?

**Political will and ownership**
To what extent has the level of government’s (CA&MA) IP ownership and political will proven to be an important factor that influences the effectiveness of the IP process? What have been the main challenges in terms of maintaining ownership and political will throughout the process (e.g.
elections, corruption scandals, capacity constraints Contracting Authority)? How can these challenges most effectively be addressed?

Citizen engagement
What are good (context-specific) practices for engaging with affected citizens? What practices have worked less well? What are the key factors (internal and external) that have influenced the extent to which citizen engagement has been effective? What key lessons can be learned about how to effectively engage with citizens?

Public communication
What are good practices of communicating the work of the monitor to the general public? What content, formats and avenues seem to be gaining the most traction? What practices have worked less well? What key lessons can be learned about how to effectively communicate the work of the monitor to the general public?

EFFICIENCY:
General Questions:

Is the project being implemented in an economically justifiable way under the given circumstances? Is the actual timeline of development and implementation realistic? To what extent are effective management and administration systems in place? How suitable is the current organisational structure for, and conducive of, positive progress? Is TI-S providing suitable support to the partners?

Is the MEL project approach designed to support the lessons learnt aspect of the project? Is it adjusting/developing where appropriate?

SUSTAINABILITY
General Question:

To what extent are the benefits of the project likely to continue once donor funding has ceased? What concrete steps were/are being taken to enhance the sustainability of the use of the IPs, e.g. those related to: National procurement legislation or lack of and resources that support the IPs’ continued implementation outside the project’s framework.

3. METHODOLOGY

The mid-term learning review will be planned and conducted in close consultation with the IP project team who will engage the TI-S Monitoring Evaluation and Learning (MEL) Unit as needed. The learning review approach and methods must be agreed with the TI-S MEL Unit and the IP project team. The IP project team will provide the necessary substantive support, including the submission of all documents for desk review.

The evaluator is ultimately responsible for the overall methodological approach and design of the mid-term learning review, which should be adapted to the requirements to the TOR. The mid-term learning review should use a participatory and gender sensitive approach, engaging relevant staff at TI-S and partners levels, stakeholders, and beneficiaries through structured methods. Both quantitative and qualitative data should be utilised in assessing the project. The exact methodology should be defined, discussed, and agreed with TI-S during the first days of the learning review.
The mid-term learning review can include but not necessarily be limited to the following methods:

- Desk review of relevant documents and monitoring data.
- Individual and/or group interviews with internal and external stakeholders.
- Meetings with external stakeholders.
- Visits to TI-S and 2-3 Partners.
- Case-study research (approx. 2 cases) on most promising results achieved (pre-identified by TI-S and partners)
- Survey questionnaires to internal and external stakeholders.

4. REPORT STRUCTURE

The learning review report shall document the learning review activities and results, and serve as a reference for follow-on activities. It must therefore have a clear structure.

The report will contain the findings, conclusions and recommendations of the mid-term learning review as well as a recording of the lessons learned. The draft report will be discussed with the IP project team and the MEL Unit at the TI Secretariat. While considering the comments provided on the draft, the learning review expert(s) shall use their independent and impartial judgment in preparing the Final Report.

The Final Report should not be longer than 30 pages, excluding the annexes and the executive summary. Annexes to the Final Report should be kept to a minimum. Only those annexes that serve to demonstrate or clarify an issue related to a major finding should be included. Existing documents should be referenced but not necessarily annexed.

The proposed structure of the report is as follows:

- **Introduction.** The first part should describe the project and the project context as a basis for the analytical and evaluative sections that follow. Aspects to be considered (in very summarized form):
  - Project context and framework conditions.
  - Project goals and objective.
  - Project strategy/ approach.
  - Description of project activities.
  - Description of target groups.
  - Organisational structure. How does project administration work?

- **Main findings and lessons.** This section focuses on the findings related to the questions listed above under 'Key issues to be addressed'. This is the main section for data presentation and analysis.

- **Conclusions.** The conclusions follow logically from the main findings, but are clearly distinguishable from these. The conclusions should provide concise answers to the main learning review questions.

- **Recommendations.** The recommendations follow logically from the conclusions and lessons learned. They should be actionable, actor oriented (i.e. Who should do what?) and prioritised (i.e. What is most important? What could be improved?).
• Annexes (including the case studies)

5. LOGISTICS AND SPECIFICATIONS

The mid-term learning review is due to start mid-August, finish by the mid-October, and last no more than 25 working days.

The evaluator will carry out the following tasks:

<table>
<thead>
<tr>
<th>Preparation</th>
<th>Document review</th>
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<tbody>
<tr>
<td></td>
<td>Design of the evaluation approach (inclusive discussion and agreement with TI-S)</td>
</tr>
<tr>
<td>Implementation</td>
<td>Interviews with relevant staff at TI (TI-S, TI-EU and Partners) and stakeholders, analysis monitoring data, 2-3 visits to TI-S, Partners</td>
</tr>
<tr>
<td>Documentation</td>
<td>Final report, with lessons learned and actionable recommendations to TI-S, Partners and the donor</td>
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The expected deliverables and timeline are the following:

<table>
<thead>
<tr>
<th>Design of the evaluation approach</th>
<th>25 August 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft Evaluation Report</td>
<td>20 September 2018</td>
</tr>
<tr>
<td>Final Evaluation Report</td>
<td>15 October 2018</td>
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</table>

A detailed timeline needs to be agreed at the beginning of the assignment.

SELECTION CRITERIA

TI-S is inviting expressions of interest from individual consultants or a team of consultants to carry out the mid-term learning review of the IP Project. The consultant(s) should have:

Core competencies

People’s skills: be able to mediate the different expectations of the different internal stakeholders in order to produce a strong evaluation report that will genuinely serve the learning purposes set out in this Terms of Reference.

Work style: is well planned and organised even within a fluid working environment and has a capacity for initiative with competent analytical and problem solving skills. Maintains a strong level and flow of communication with reporting stakeholders.

Language: excellent command of English to a native speaker’s level.

Technical competencies

Applicants should have the following skills and experience:
- University degree in law, social sciences, engineering or a related field from a reputed institution and postgraduate education in procurement, social sciences methods, project/strategic management or equivalent experience.
- Substantial experience of conducting evaluations and learning reviews, ideally also in similar projects/initiatives.
- Knowledge and experience of working in good-governance and public accountability related projects.
- Experience with complex multinational projects, including those involving CSOs and focusing on social accountability initiatives.
- Knowledge and/or experience of working in clean contracting related projects/initiatives a clear advantage.
- Experience in EU countries involved in the project an advantage. Demonstrable experience of working with value for money/cost-benefit approaches.
- A working knowledge of one or more languages, in which the procurement related documentation is produced an advantage.
- Experience in working across cultures.

The evaluators will communicate with the Integrity Pact Project Team in regular skype calls and keep the Integrity Pact Project Team in CC of all communications.

SUBMISSION OF APPLICATIONS

Applications (in English) must be sent by email to integritypacts@transparency.org by close of business 30 June 2018 with “Mid-term Learning Review” in the subject line. Applications should contain:

- A detailed technical proposal of how the assignment will be approached, including budget. The Consultant should provide a detailed breakdown, before any VAT or other charges, of all their estimated costs, including but not limited to; total fee as a lump sum or standard daily or hourly rates. Travel costs (international travel, local transport and accommodation. Per diems will not be provided) will be agreed once locations are confirmed. Transparency International e.V. (Secretariat), (TI-S) is registered as a Business Entity in Germany with VAT identification number DE273612486. In order to determine the Value Added Tax (VAT) implications of this tender, we kindly request that the Consultants fill out the VAT Form for Tenders/Vendor Form (instructions inside the form) and submit the completed and duly signed form along with their email application. The link to the VAT Form for Tenders/Vendor Form is available below the pdf file on the tender announcement page.
- A letter of motivation, specifically focusing on concrete examples relating to what is requested in this Terms of Reference regarding the necessary skills and experience.
- Curriculum Vitae with full description of the applicant’s profile and experience.
- Contact details for at least two independent referees with in-depth and proven knowledge of the applicant’s expertise and relevant work experience for this Terms of Reference.
- A sample evaluation, as 1st author, in English published in the last 2 years.

Due to the high volume of applications, we will only notify short-listed candidates. If you do not hear from us two weeks after the deadline; it is because you have not been shortlisted.

TI retains the right to reject any or all of the applications and/or to enter into additional negotiations with one or more of the tendering parties.

The selected candidate will also be considered for the final evaluation of the Integrity Pact Project.
Annex 1 – Theory of Change

**Goal**

Integrity Pacts contribute to clean public procurement processes that deliver value for money and are trusted by the general public, in the targeted countries.

**Key Assumptions:**
- Strengthened public oversight, accountability, transparency, and public participation in public procurement processes will lead to cleaner procurement processes.
- Cleaner procurement processes will increase public spending’s value for money.

** policymaking and institutional change**

- **Intermediate Outcomes:**
  - Improved enforcement of policies:
    - 7. Improved enforcement of public procurement standards/policy by governments in the targeted countries
    - 8. Improved application of (corporate governance) standards in public procurement practice by bidders in the targeted countries
  - Policy adoption and amendment:
    - 9. Improved public procurement standards/policies adopted by governments in the targeted countries
    - 10. Improved (corporate governance) standards in public procurement adopted by bidders in the targeted countries
  - Better institutional processes:
    - 11. More transparent, participatory and accountable public procurement processes implemented by governments in the targeted countries
    - 12. Improved integrity performance by bidders in procurement processes in the targeted countries

**Behaviour change**

- 13. Strengthened engagement and oversight of public procurement processes by the public, and especially by intended beneficiaries and/or those that are most affected in the targeted countries
- 14. Strengthened oversight of public procurement processes by the media in the targeted countries

**Key Assumptions:**
- Strengthened integrity capacity of, and trust and goodwill among, key stakeholders combined with the promotion of best practices and recommendations to improve procurement policies, standards, and processes, will lead to better policies and standards, their strengthened enforcement, and better institutional processes.
- Increased capacity and willingness of the public to engage in procurement processes will lead to stronger public engagement and influence; scope for engagement exists and stakeholders are receptive and responsive to public’s engagement.

**Short-term outcomes**

1. Strengthened integrity capacity of targeted contracting authorities and successful bidders.
2. Strengthened prevention, detection and resolution of irregularities in targeted public procurement processes.
3. Increased trust among targeted contracting authorities, successful bidders, and the public.
4. Increased good-will of targeted government authorities and successful bidders for implementing (systems) reforms to improve public procurement processes.
5. Increased capacity and willingness of the targeted public, especially intended beneficiaries, to engage in monitoring public procurement processes and reporting perceived risks.
6. Increased capacity and willingness of the targeted media to oversee public procurement processes.

**Key Assumptions:**
- The IP documents are of sufficient quality (comprehensive, clear, relevant to specific context).
- The trainings provided are relevant and of sufficient quality and quantity to build the necessary capacity of IP stakeholders.
- Bidders and governments are committed to the IP process.
- The monitoring process is independent, sufficiently resourced to be effective, and the findings and recommendations are well-grounded and actionable.
- The IP process is constructive and facilitates the building of trust among stakeholders.
- The public and media can be motivated to participate in the IP process.

**Outputs**

- Integrity Pacts in place and agreed upon by Government and Bidders.
- Trainings provided to IP stakeholders (public officials, bidders, media, civil society) to facilitate their engagement in the IP process.
- Regular IP monitoring reports published.
- Irregularities in targeted public procurement processes identified and recommendations provided.
- Systemic problems in public procurement processes identified and recommendations provided.
- Improvements to procurement policies, standards, and processes promoted to governments and successful bidders.
- IP findings and best practices shared with the public, media and CSOs.
- Channels for affected citizens consultation / citizens’ participation in Integrity Pacts in place and promoted.
- Citizens’ complaint and feedback mechanism for Integrity Pacts in place and promoted.