

# **AFRICAN UNION COMMISSION**

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## **GRANTS MANAGEMENT MANUAL**



**African Union Commission**

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**AFRICAN UNION COMMISSION  
GRANTS MANAGEMENT  
MANUAL**

**(Version 1.0)**

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## SECTION 1: INTRODUCTION

### CHAPTER 1: INTRODUCTION

#### 1.1 INTRODUCTION AND PURPOSE OF THE GRANTS MANUAL

##### 1.1.1 Introduction

Calls for proposals management is at a very early stage at the AUC. At the time of writing the first version of this document, the only call for proposals in the pipeline is the *ACP research for sustainable development* under the Africa-EU Partnership 8. Considering the pilot dimension of this first call, there are a series of aspects that will be conceived and designed on an ad-hoc basis. Lessons learnt under this exercise will be further used for the fine tuning of this manual.

##### 1.1.2 Purpose of the Manual

The Manual details the standards, policies and procedures to be followed in the organisation of calls for proposals within the AUC. These standards, policies and procedures are designed to:

- (a) provide detailed guidance on the grants management processes;
- (b) provide uniform procedures for the grants management of goods, works and services;
- (c) ensure transparency and accountability in all operations, and consistency with the guidelines of partners where necessary;
- (d) improve the efficiency and effectiveness of operations;
- (e) promote the consistent application of best grants management practices and international standards

##### 1.1.3 Scope, Application and Limitations of Manual

- (a) In view of the current stage of the grants management activities at the AUC (see point 1.1.1 above), the scope of this manual is to provide the basic set of principles, processes and applicable rules in line with commonly accepted international standards. Subsequent modifications of these main elements will be carried out in order to adapt to the specific requirements of each call for proposals.
- (b) This manual has been integrated with the procurement manual of the AUC, and it follows its structure for harmonisation and clarity purposes.
- (c) Even though this first effort has been carried out by the HRST Department, no specific mention is done to research grants. It was decided to work on providing the organisation the procedural umbrella under which calls for proposals for any policy area could find the necessary procedures. This set of documents and rules (evaluation grids, definition for criteria to create consortia, etc) will be further updated by the operational responsible department and then submitted to the central Administration for approval.
- (d) This decentralised initiative (the managing of these rules) should normally be re-centralised as soon as cost-effectiveness so proves. This will largely depend on the number of call for proposals that the AUC will carry out.
- (e) The Manual covers a standard call for proposals cycle from preparation of a call to contract implementation and evaluation.

##### 1.1.4 Structure of the Manual

- (a) For ease of use, the Manual is separated into six Sections:

**1. Introduction:** - this Section.

**2. Principles of Grants management and Ethics** which includes:

- The principles of grants management;
- A code of ethics for individual Officers of the AUC;

**3. Grants management Responsibility (ongoing)**, detailing:

- The structures and responsibilities for grants management activity;

**4. Methods of Grants management**, which gives guidance on:

- The methods of grants management to be applied;

**5. Step-by-Step Grants management Guidelines**

This Section contains all the essential steps required for grants management planning and day to day grants management activities, from preparation to completion of the contract.

**6. General Issues:**

Additional guidelines are provided for reference:

- i. characteristics of the standard grant contract;
- ii. procurement by grant beneficiaries
  
- iii. use of assessors and experts
- iv. securities and retentions;

## **1.2 DEFINITION**

### **1.2.1 Definition of grant**

A grant is a direct financial contribution, by way of donation, in order to finance an action intended to support achievement of a specific objective forming part of the African Union policy; A grant is made for an operation which is proposed to the Contracting Authority by a potential beneficiary (an “applicant”) and falls within the normal framework of the beneficiary's activities.

### **1.2.2 Basic financial aspects**

- (a) A grant can only be made for an operation whose immediate objective is non-commercial. Under no circumstances may the grant give rise to profits (i.e., it must be restricted to the amount required to balance income and expenditure for the action, see point 2.1.6), Grant beneficiaries are generally non-profit-making. A beneficiary is responsible for implementing the operation and retains ownership of its results. A grant beneficiary generally contributes to the financing of the action except in cases where full AUC financing is essential for the action to be carried out or full financing is required (see point 2.1.5)
- (b) The grant is expressed by ways of a percentage and a maximum amount of the eligible costs of the action actually incurred by the beneficiary. If lump sums (with a unit value not exceeding €/(USD) Twenty-Five thousand (25,000) per category(ies) of eligible cost) or flat-rate financing are envisaged, its use and the maximum amounts must be authorised by grant or type of grant by the Commission in a decision, e.g. in the financing decision. The use of lump sums, flat-rate financing or a combination of the different forms of expressing a grant requires an amendment of the standard grant contract, which is subject to derogation.

### **1.2.3 Basic legal aspects**

A grant contract cannot be signed unless the action concerned meets the definition of a grant according to the abovementioned criteria. A Standard Grant Contract is a legally binding Contract signed between the AUC and the Grant Beneficiary. An action eligible to receive grant funding must be clearly identified. No action may be split for the purpose of evading compliance with the rules laid down in this Manual.

## 1.3 REVISIONS TO THE GRANTS MANUAL

### 1.3.1 Endorsement by the AUC

The endorsement of the manual itself is still under discussion at the AUC. However, considering the nature of the different responsibilities involved in the process (legal, financial, budgetary, etc) and the impact in the AUC's reputation, it is envisaged that request for advice and/or approval is to be given by the AUC departments responsible for budgeting, finances and legal issues.

### 1.3.2 Already-known reasons for revision

- (a) Due to the fact that the department in charge of this first version of the AUC grants Manual is made up by Science and Technology (S&T) and ICT professionals, it would be reckless to take decisions about financial and legal issues of high complexity. Every time doubts aroused, the element of doubt has been included in the list found hereafter and for which advice is to be sought from the concerned departments. These prior checks are independent from the endorsement procedure defined in the previous point *1.3.1*.
1. **Responsibilities.** The structures and responsibilities for grants management are to be discussed with the Legal Counsel and the Directorate of Administration. Following the outcome of these discussions, section 3 of this manual will be updated.
  2. **Legal review.** A general review of the whole set of documents must be carried out by the responsible department. The contract special conditions (CNT0) and especially the contract general conditions (CNT2) should be completely adapted to the African continent reality and to the AUC internal organisation. Some elements of the utmost importance worth to mention are: AUC and partner's visibility; amendment of the contract; extension, suspension and force majeure; termination of the contract; applicable law; eligibility of costs, interests on Pre-financing, recovery and payment procedures.
  3. **Intellectual property.** This issue, including access rights to information and knowledge acquired before and during the action, which is also part also of the CNT2 annex, shall be tackled especially in the case of research grants.
  4. **Nationality rule.** Apart from ad-hoc discussions for specific situations created in particular by special conditions resulting with partners, agreements, etc. exceptions to this rule should be discussed with the Legal Council before endorsing this guide.
  5. **Exclusion criteria:** it should be aligned with the AUC exclusion criteria laid down for procurement procedures
  6. **Use of experts and assessors:** a clear distinction among these two types of external members of the evaluation committee, their role, appointment methods, voting rights, etc, should be clarified as long as the rules and code of conduct, including confidentiality Rules for the presence of observers should be clarified as well.
  7. **Procurement of services, supplies or works for a grant-funded action:** if the implementation of an action involves the procurement of services, supplies or works by the grant beneficiary, the contract award procedures to be annexed to the contract should be aligned with AUC's procurement procedures. At the moment this set of documents refers to the European Commission procurement rules. This has been done for reasons of completeness.
  8. **Consortia modalities:** In principle, it is desirable the use of all-partners-sign consortium modality, with payments done on a by-partner basis. The use of a coordinator is subject to discussion with the Legal Council.
  9. **Publication:** layouts for work programme, call for proposals, awarding notice, etc should be harmonised with those of the AUC.
  10. **Contract implementation.** Internal administrative arrangements should be agreed between the different AUC departments in order to complete this set of documents with the internal procedures for administrative and financial issues like:
    - i. request for payment;

- ii. request for commitment;
- iii. budget availability;
- iv. audit plan, including the revision of annex CNT7 (expenditure verification) and the specific arrangements with partners about whether the AUC or the partner's audit services (or both) will carry out external audit.
- v. procedure to recover funds from the beneficiaries;
- vi. procedure to amend a contract;
- vii. procedure to follow when a beneficiary breaches the contract and,
- viii. In general all the internal controls necessary to carry out a full grant management procedure in line with the AUC and partner's standards and specific requirements.

(b) In addition, certain thresholds and time limits are to be put in their right context. They are the following ones (the list does not intend to be complete):

- 1. Reduction on the number of days to receive proposals after call publication depending on the grant amount.
- 2. Derogation for the beneficiary from the obligation to request supporting documents required by the guide for applicants depending on the grant amount.
- 3. In the case of actions where the cost to be financed exceeds a certain value, threshold for the applicant to provide an external audit report produced by an approved auditor.
- 4. Threshold above which an external audit on the beneficiary is compulsory.
- 5. Lump-sum maximum value for a certain category of cost.
- 6. Flat-rates maximum amounts.
- 7. Re-granting maximum amount by grant and by re-granted beneficiary.
- 8. Maximum pre-financing amount per year and per grant.
- 9. Obligation to provide the contracting authority with a financial guarantee depending on pre-financing amounts.
- 10. Contingency costs, if any.

### 1.3.3 Already-known excluded elements

(a) There are a series of international common financial and operational modalities applicable to grants management (financial instruments, funding schemes, consortia modalities) that do not seem in principle to be of immediate application at this early stage of the grants management and capacity building at the AUC. They are listed hereafter. Needless to say that they may be added at a later stage should the need arise.

- 1. **Operational grants:** these are grants that, instead of financing an action to help achieve an objective forming part of an African Union policy, they finance the functioning of a body which pursues an aim of general African interest. Such type of grant is not foreseen by the AUC for the moment.
- 2. **Exception to profit:** grants, in principle, should not give rise to profits. The exception to this rule for actions having as objective the reinforcement of the financial capacity of the beneficiary is not considered yet in this manual.
- 3. **Non cummulation:** no beneficiary may receive more than one contribution from the AUC for the same action.

4. **Grants awarded by decision of the contracting authority only:** grants can only be awarded by the written agreement of both the contracting authority and the beneficiary.
5. **Restricted call for proposals:** Calls for proposals are restricted where all applicants may ask to take part but only the applicants who have been shortlisted (on the basis of a concept note) will be invited to submit a full proposal. Procedures for this type of two-step modality will be developed later.
6. **Grants awarded without call for proposals:** grants will always be awarded through the publication of a call for proposals included in the work programme. There are, therefore, no procedures in this guide for grants awarded directly for urgency situations. Direct award without call for proposals for low-value grants is also excluded.
7. **Exceptions to the non-retroactivity:** there are, in principle, no exceptions for the eligibility of costs incurred before the signature of the grant agreement.
8. **Framework partnerships agreements:** they are the equivalent in procurement to framework contracts and they should not be confused with the possibility on one applicant to carry out an action with partners. This possibility is excluded from this guide.
9. **Electronic submission system:** proposals should arrive in paper and, eventually, electronic copies will be provided by the applicant using physical support (CDs, USB keys, etc). The AUC is working on a electronic submission system. Once operational, this guide and, in particular, the terms of reference, will be updated accordingly.

#### 1.3.4 Routinary Reasons for Revision

(a) A number of other factors may imply a need for revision of this Manual including:

1. revision of the AUC procurement manual. In order to help this process, a table will be included showing the cross references between the two documents.
2. issue of new Financial Rules and Regulations;
3. adaptation of certain rules resulting from negotiations with the partner;
4. reviews of the exclusion and eligibility criteria;
5. policy changes by the AU or AUC;
6. introduction of new improved practices, policies or procedures;
7. removal of outdated practices, policies or procedures;
8. lessons gained from practical experience.

(b) Procedures for amendments of the Grants Manual are to be defined as long as the activity enlarges. These procedures will be included in this chapter. Responsibilities in managing requests for changes and corrections (RFC) will be defined in Section 3, Chapter 4 of this document (Grants management responsibilities)

## **SECTION 2: GRANTS MANAGEMENT PRINCIPLES AND ETHICS**

This Section covers the Grants Management Principles and Ethics. The Code of ethics in this section has been adapted from the equivalent chapter of the Procurement Management Manual of the AUC since these are the overall principles AUC staff will respect when managing calls for proposals.

### **CHAPTER 2: PRINCIPLES OF GRANTS MANAGEMENT**

#### **2.1 GRANTS MANAGEMENT PRINCIPLES**

- (a) The overall objective of grants under AUC management is to achieve the political objectives of the different programmes by ensuring that funds are spent in a transparent, efficient and fair manner.
- (b) There are strict rules governing the way in which grants are awarded. The award of grants is subject to the principles of, transparency and equal treatment. They may not be cumulative or awarded retrospectively and they must generally involve co-financing. The amount eligible for financing, as specified in a grant contract, may not be exceeded.
- (c) Grants shall be awarded by a written agreement concluded with the beneficiary.

##### **2.1.1 Transparency**

- (a) The availability of grants must be publicised widely and in an easily accessible way.
- (b) The work programme will be implemented through the publication of calls for proposals
- (c) All grants awarded in the course of a financial year will be published annually with due observance of the requirements of confidentiality and security

##### **2.1.2 Equal treatment**

The grant award process must be completely impartial. This means notably that the proposals must be evaluated by an Evaluation Committee; with the advice of assessors or experts where appropriate, using the published eligibility and evaluation (selection and award) criteria (see point 8.1)

##### **2.1.3 Non-cumulation**

- (a) No single beneficiary may receive more than one grant financed by the African Union Commission for a given action.
- (b) The applicant shall immediately inform the authorising officer of any multiple applications and multiple grants relating to the same action or to the same work programme.

##### **2.1.4 Non-retroactivity**

- (a) Grants may, as a rule, only cover costs incurred after the date on which the grant contract is signed. A grant may be awarded for an action which has already begun only where the applicant can demonstrate the need to start the action before the contract is signed.
- (b) In such cases, expenditure incurred prior to the deadline for submitting, the date of submission of the grant application, and if applicable the date of signature of the relevant financing agreement, will not be eligible for financing. No grant may be awarded retroactively for actions already completed .

### **2.1.5 Co-financing**

- (a) Grants may not, as a rule, finance the entire cost of the action or the entire operating expenditure of a beneficiary body. The financing of an operation in full may be authorised if the Contracting Authority is in a position to show that financing in full is essential in order to carry out the operation in question and substantiates its award decision accordingly.
- (b) The beneficiary supplies evidence of the amount of the co-financing brought either with its own resources or in the form of financial transfers from third parties.
- (c) The Contracting Authority may accept co-financing in kind, if considered necessary or appropriate. This possibility must be specifically mentioned in the Guidelines for Applicants. Non eligible contribution in kind must always be included in the budget so as to prove the operational capacity and feasibility of the action.
- (d) For grants with a total value of less than or equal to €25,000, the Contracting Authority may, depending on his risk assessment, waive the obligation to provide evidence for co-financing.

### **2.1.6 Non-profit**

- (a) Grants may not have the purpose or effect of producing a profit for the beneficiary.
- (b) Profit is defined as a surplus of receipts over the costs incurred by the beneficiary when the request is made for final payment.
- (c) Lump-sums and flat-rate financing should be established in such a way as to exclude a priori a profit.

## **2.2 OTHER ESSENTIAL POINTS**

### **2.2.1 Procurement of services, supplies or works for a grant-funded action**

- (a) If the implementation of an action involves the procurement of services, supplies or works by the grant beneficiary, the contract award procedures of the AUC, specified in Annex IV of the grant contract must be applied for each procurement contract.
- (b) Financial support to third parties (re-granting), as a rule, is not acceptable. Should the action require it, it may be given on the condition that the financial support is not the primary aim of the action and that the conditions for the giving of such support are strictly defined in the grant contract or decision with no margin for discretion. The grant contract must therefore specify:
  - 1. the minimum and maximum amounts of financial support that can be paid to a third party and criteria for determining the exact amount;
  - 2. the different types of activities that may receive such financial support on the basis of a fixed list.
- (c) The maximum amount of financial support that can be paid to third parties by a beneficiary is One Hundred Thousand Euro ( € 100,000 ) with a maximum of Ten Thousand Euro ( € 10,000 ) per each third party.

## **CHAPTER 3: ETHICS**

This Manual incorporates policy provisions and procedures to promote transparency, accountability and ethics in the operation, management and reporting of grants management. All Officers are required to consistently apply these policies and procedures, together with professional judgement and good management

### **3.1 TRANSPARENCY, ACCOUNTABILITY, AND ETHICS OF STAFF**

- (a) The AUC is entrusted with AU Member States and partner funds to provide services and support to the AU policies and programmes. The use of funds under call for proposals must be conducted

in a transparent and open manner, allowing both stakeholders, and the general public, access to information, as well as providing a means to control and audit all calls for proposals activity.

- (b) The AUC requires that:
1. all Officers involved in calls for proposals from initiation to completion shall be held accountable and responsible for their actions; all grants beneficiaries will be treated fairly and given equal opportunity to obtain grants from the AUC;
  2. grants management shall be done in the most efficient manner, upholding the principles of transparency and equal treatment;
  3. funds will be used solely for the purposes for which they have been entrusted;
  4. all transactions are properly authorised and fully supported by written records;
  5. the Code of Ethics detailed in the following Article is followed by all Officers involved in the grants management process.

## **3.2 CODE OF ETHICS**

### **3.2.1 Ethical Principles**

- (a) An Officer of the AUC shall not use his or her authority or office for personal gain. Personal gain includes accepting or requesting anything of material value from applicants for the Officer, his or her spouse, parents, children or other close relatives, or for other persons from whom the Officer might gain direct or indirect benefit of the gift.
- (b) An Officer shall seek to maintain and enhance the reputation of the AUC by:
1. maintaining the highest standards of honesty and integrity in all relationships both inside and outside the AUC;
  2. developing the highest possible standards of professional competence;
  3. using funds and other resources for which he or she is responsible to provide the maximum benefit to the AUC; and
  4. complying both with the letter and the spirit of:
    - i. the principles and policies of the African Union;
    - ii. accepted professional ethics; and
    - iii. contractual obligations.

### **3.2.2 Conflict of interest**

An Officer shall immediately after the opening of proposals declare any personal interest that may affect or might reasonably be deemed by others to affect impartiality in any matter relevant to his duties.

### **3.2.3 Confidentiality and accuracy of information**

- (a) An Officer shall respect the confidentiality of information gained in the course of duty and shall not use such information for personal gain or for the unfair benefit of any applicant.
- (b) Information given by an Officer in the course of his or her duty shall be true, fair and not designed to mislead.

### **3.2.4 Equal treatment**

An Officer shall treat all applicants with fairness and impartiality, and avoid any arrangement that might prevent equal treatment among applicants.

### **3.2.5 Business gifts**

An Officer shall not accept business gifts from current or potential AUC grant beneficiaries unless such gifts are of very small intrinsic value such as a calendar or business diary.

### **3.2.6 Hospitality**

An Officer shall refrain from accepting any business hospitality that might be viewed by others as having an influence in making an AUC business decision as a result of accepting that hospitality.

### **3.2.7 Reporting**

An Officer has a duty to report any unethical conduct by a colleague or an applicant to his superiors or to the auditors.

## **3.3 EXAMPLES OF UNETHICAL CONDUCT**

- (a) The following are examples of the type of conduct prohibited by the Code of Ethics:
1. Revealing confidential or “inside information” either directly or indirectly to any applicant or potential applicant;
  2. Discussing a grants management with any applicant or prospective applicant outside the official rules and procedures for conducting grants managements;
  3. Favours or discriminating against any applicant or prospective applicant in the drafting of terms of reference, or in the evaluation of proposals;
  4. Destroying, damaging, hiding, removing, or improperly changing any official grants management document;
  5. Accepting or requesting money, travel, meals, entertainment, gifts, favours, discounts or anything of material value from applicants or prospective applicants;
  6. Discussing or accepting future employment with a applicant or prospective applicant;
  7. Instructing/influencing/requesting any other Officer or representative of AUC in a grants management process to violate the rules or procedures defined in the Grants management Manual;
  8. Ignoring evidence that the Code of Ethics has been violated by a Member of the Tender Board, any Officer, other employee or representative of the AUC;
  9. Ignoring illegal or unethical activity by applicants or prospective applicants, including any offer of personal inducements or rewards.

## **3.4 OBLIGATIONS OF OFFICERS**

- (a) The guiding principles of ethical behaviour are impartiality, independence and integrity. Ethical behaviour must be promoted and supported by appropriate systems and procedures, but systems and strict adherence to procedures alone cannot create an ethical and accountable grants management function.
- (b) It is essential that all grants management activities are carried out in a manner above reproach, with complete impartiality and with no preferential treatment. The grants management process must allow applicants to compete on a fair basis. Officers associated with the grants management function are responsible for protecting the integrity of the grants management process and maintaining fairness in the AUC’s treatment of all applicants.

### **3.4.1 Responsibilities of Officers**

- (a) Senior officers have responsibility to:
1. Provide instructions and guidance to staff, especially where they may be exposed to opportunities for accusations of fraud or corruption;
  2. Encourage staff to follow ethical principles and practices and create an environment where transparency and openness are the standard;

3. Ensure that all staff comply with instructions and guidelines, including the maintenance of documented records;
  4. Set appropriate levels of financial delegation, if appropriate, and ensure a proper separation and rotation of duties.
- (b) Junior officers involved in the grants management process have responsibility to:
1. Follow management instructions and procedural guidelines;
  2. Be alert to and report any indications of unethical behaviour;
  3. Seek guidance from a manager or auditor on any concerns that may arise.

### **3.4.2 Sanctions for Non-compliance with Ethical Standards**

- (a) Due to the special and additional trust placed on those involved in the grants management processes as custodians of AUC funds, adherence to the Code of Ethics by Officers is obligatory. Any unethical conduct will be considered an offence subject to disciplinary action under Part V Sections A and B, Article 124 of the Financial Rules and Regulations of the African Union.

## SECTION 3: GRANTS MANAGEMENT RESPONSIBILITY

### CHAPTER 4: GRANTS MANAGEMENT RESPONSIBILITY

#### 4.1 GRANTS MANAGEMENT RESPONSIBILITY

##### 4.1.1 Responsibilities

- (a) As explained in the introduction, and in particular in point 1.3.2 about known reasons for revision, this chapter will be further developed once experience and increase in this activity allow the AUC to be in a position to conceive a permanent structure in which responsibilities can be clearly defined.
- (b) The main reason for postponing this decision is because it would not be efficient to devote time to conceive and develop a complete system when the implementing activities of the AUC in managing grants are still in embryonic stage.
- (c) In the meantime, and parallel to the launching of the first call for proposals, an ad-hoc decision will be taken in which responsibilities will be entrusted to staff and departments. This decision should comprise, at least, the following essentials:
  1. Identification of AUC staff, organisational entity or roles who will be empowered to take the following decisions:
    - i. Publication and modification of the work programme.
    - ii. Publication of the call and its related documents, in particular, the Guidelines for Applicants and the four criteria.
    - iii. Cancel a call for proposals.
    - iv. Legal authorisation to sign grants agreements on behalf of the AUC.
    - v. Request or authorise in the financial system the budgetary commitment and related payments, including pre-financing.
    - vi. Roles of Opening Session Committee
    - vii. Composition the Evaluation Committee, vote in the Committee, including the clear definition of roles of experts and assessors.
    - viii. Interact with potential applicants, applicants and beneficiaries.
    - ix. Carry out ex-post publication.
    - x. Identification of the Awarding Board (Tender Board, African Ministerial Conference System... etc to be determined)

2. The division of operational and financial responsibilities. In particular, an arrangement should be made between the implementing department and the Directorate of Programming, Budgeting, Finance and Accounting (PBFA) and/or the legal Council in order to ensure the existence of the following procedures:
    - i. Budget availability check before the call publication.
    - ii. Participation of the PBFA in the formal eligibility check.
    - iii. Request for creation of a third party.
    - iv. Request for awarding and budgetary commitment.
    - v. Analysis of reports and request for payment.
    - vi. Request for recover funds in the cases of: unused pre-financing amounts, recovery of overstated amounts, fraud and implementation of ex-post audit results.
  3. The procedure to follow in case the grant award decision departs from the proposal made by the evaluation committee.
  4. The organisation, schedule and responsibilities necessary to carry out audits to beneficiaries.
  5. The nomination of a "Call responsible" and his/her responsibilities.
- (d) All the supporting documents, exchange of letters and emails, etc, resulting from the activities included in this chapter are subject to the application of chapter 14 of this document (Communications and record management).
- (e) For the African Union Research Grants the Programme Management Unit (PMU) that will be established within the Division of Science and Technology and ICT will be responsible for the research grant management with the support of other AUC Service Directorates such as PBFA, Legal Council until such a time when the Commission identifies a devoted Department or staff to independently carryout this function see (4.1.1 9 (c))

## **SECTION 4: METHODS OF GRANTS MANAGEMENT**

### **CHAPTER 5: METHODS OF GRANTS MANAGEMENT**

#### **5.1 GRANTS MANAGEMENT METHODS**

- (a) At the time of producing the first version of this document, the only grants management method envisaged is the open call for proposals.
- (b) The use of alternative methods is strictly prohibited unless a new version of this manual is produced and endorsed by the AUC.

#### **5.2 OPEN CALL FOR PROPOSALS**

##### **5.2.1 Open call for proposals**

- (a) Grants must be awarded following the publication of an Open Call for Proposals. Calls for proposals are open where all applicants are free to submit a grant application form including a full proposal in response to the published Guidelines for Applicants.
- (b) A call for proposals is always published on the African Union Commission Official website [www.africa-union.org](http://www.africa-union.org) .

## **SECTION 5: STEP BY STEP GRANTS MANAGEMENT GUIDELINES**

### **CHAPTER 6: PREPARATION AND PUBLICATION**

#### **6.1 PROGRAMMING**

- (a) When the call for proposal is part of a multiannual program, an annual work programme must be published on the Internet site of the African Union Commission, following the template in Annex PUB1 Work Programme..
- (b) Any substantial change in the work programme during the relevant year must also be adopted and published in the same conditions as the initial work programme.

#### **6.2 DRAFTING AND CONTENTS OF THE GUIDELINES FOR APPLICANTS**

- (a) The Guidelines for Applicants (which include the Application Form and other annexes) explain the purpose of the Call for Proposals, the rules regarding the eligibility of applicants and partners, the types of action and costs which are eligible for financing, and the evaluation (selection and award) criteria (see annex GFP Guidelines for Participants. They also contain instructions on how to fill in the application form, what to annex to it and what procedures to follow for applying. They give information on the evaluation process that will follow (including an indicative timetable) and the contractual conditions which will apply to successful applicants.
- (b) The Guidelines should set out very clearly and in detail the objectives and priorities of the call for proposals, and give particular attention to the eligibility criteria. The guidelines must be published and any modification must be published as well. The information published will become binding on the Evaluation Committee once the date for submission has elapsed.
- (c) The call responsible shall adapt the evaluation grids for the selection and award of proposals to the nature, objectives and expected results of the call. This set of documents uses the general evaluation grid of the European Development Fund. This has been done for the sake of completeness. These criteria, and in particular awarding criteria, should be adapted. E.g., for research grants, it is envisaged to include the following awarding criteria:
  - 1. Scientific and technical quality (relevant to the topic of the call), including progress beyond state-of-art and work plan.
  - 2. Implementation (management, individual participants and consortium, allocation of resources)
  - 3. Impact (contribution to the expected impacts of the call, plans for dissemination, exploitation)
- (d) The Application Form to be completed by the applicants comprises the following parts:
  - 1.a concept note
  - 2.information about the action proposed, including its budget
  - 3.information about the applicant
  - 4.information about any partners.

#### **6.3 PUBLICITY**

- (a) In order to ensure the widest possible participation and the requisite transparency, Guidelines for Applicants must be published for every Call for Proposals.
- (b) The Guidelines are published on the Internet and in any other appropriate media (specialised press, local publications, etc.). They should also be available in hard copy from the Contracting Authority. They should be available in the languages appropriate to the context of the Call for Proposals.

- (c) The African Union Commission is responsible for publication on the [www.africa-union.org](http://www.africa-union.org) website.
- (d) Since the publication cost of the entire Guidelines in the local press may be prohibitive, the template in Annex PUB2 Local Publication prescribes the minimum information which is required for a local publication. The Guidelines have to be available at the address mentioned in the local publication.
- (e) It is also advisable, after the launch of the call for proposals, to organise one or more information sessions (info-days) which all the potential applicants can attend.

## **CHAPTER 7: SUBMISSION**

### **7.1 ADDITIONAL INFORMATION BEFORE THE DEADLINE FOR SUBMISSION OF PROPOSALS**

During the time between publication and the deadline for the submission of proposals, and in addition to the eventual information session mentioned in point 6.3 (e), applicants should be able to ask questions to help them fill in the form and put together their applications. The Contracting Authority should therefore provide a contact point to which questions may be addressed. Applicants may submit questions in writing up to 21 days before the deadline for the submission of proposals. The Contracting Authority must reply to all such questions at least 11 days before the deadline for submission of proposals.

### **7.2 QUESTIONS AND ANSWERS, TRANSPARENCY**

In the interests of transparency and equal opportunity, the answer provided to one applicant on points which may be of interest to the other applicants should be made available to all the others. The way to achieve this is to publish on the Internet a table of questions and answers provided. This must be updated regularly until 11 days before the deadline for submission of proposals.

### **7.3 DEADLINE FOR SUBMISSION OF PROPOSALS**

- (a) Proposals must be submitted to the Contracting Authority at the address and, at the very latest, by the date (and time in case of hand-delivery) indicated in the Call for Proposals, as evidenced by the date of dispatch, the postmark or the date of the deposit slip (in case of hand-deliveries, the deadline for receipt is on the date and hour fixed in the guidelines). However, for reasons of administrative efficiency where the acceptance of late arriving Concept Notes or applications that have been submitted on time would considerably delay the award procedure or put into question decisions already taken and communicated, the Contracting Authority may reject any application received after the effective date of approval of the first evaluation step. For an open procedure, this is the approval of the Concept Note evaluation. For a restricted procedure this is either the approval of the Concept Note evaluation (first stage) or the approval of the evaluation of the full application (second stage).
- (b) The deadline for submission must be long enough to allow for high-quality proposals. Too short a deadline may prevent would-be applicants from submitting proposals or cause them to submit incomplete or ill-prepared proposals.
- (c) The minimum period between the date of publication of the Guidelines and the deadline for submission of proposals is 90 days. In exceptional cases, a shorter deadline may be allowed as derogation.
- (d) A call for proposals may set more than one deadline for submissions, either to allow for staggered processing or in cases where the actions to be financed cannot by their nature be planned long in advance. In this case, proposals submitted after one deadline is automatically carried over to the next.

### **7.4 SUBMISSION OF PROPOSALS**

- (a) The proposals must be submitted in accordance with the instructions given in the Guidelines for Applicants (see annex E3).

- (b) The application form consists of a concept note, the application form itself, a checklist and a declaration.
- (c) The Department responsible for an individual call for proposals has the discretion to decide whether to request the supporting documents from all the applicants with the application form or only from the applicants which have been provisionally selected after the evaluation. Even if this does not change the basic principle that the supporting documents will be examined only for the provisionally selected applicants, the Guidelines for applicants and the Application form should be adapted accordingly. No supporting document will be requested for applications for a grant not exceeding Twenty-Five Thousand Euro ( € 25 000).
- (d) Originals or photocopies of the said originals of the requested supporting documents must be provided. If the supporting documents are not written in one of the official languages of the African Union or if applicable to the country of implementation of the Action, a translation into the language/one of the languages of the call for proposals of the relevant excerpts of these documents showing proof of the applicant's eligibility may be requested for the purposes of interpreting the proposal.
- (e) In the case of actions where the cost to be financed exceeds Five Hundred Thousand Euro (€ 500,000, ) the applicant must provide an external audit report produced by an approved auditor. The report must certify the accounts for the last financial year available (the last two years in the case of framework partnership agreements). The obligation does not extend to international organisations nor to public bodies. Depending on his risk assessment, the Contracting Authority may waive the obligation of audit for secondary and higher education establishments and beneficiaries who have accepted joint and several liabilities in the case of agreements with a number of beneficiaries.

## CHAPTER 8: EVALUATION

### 8.1 THE FOUR CRITERIA

- (a) There are four clearly identified criteria to be applied during the evaluation process. They serve different purposes and are self-exclusive. In particular, no awarding criteria must be a typical selection criteria (e.g. experience or financial capacity cannot have any weight in the awarding criteria)
- (b) Basically,
  1. The **exclusion** criteria are about the organisation itself, regardless of the nature of the call, in relation with its legal and social obligations.
  2. The **eligibility** criteria serve to check if the organisation fulfils the specific conditions of a particular call.
  3. The **selection** criteria aims to ensure that the applicant has the operational and financial capacity to implement the project proposed.
  4. Finally, the **awarding** criteria are about the project and the project only. Proposals will be awarded to best projects as compared to the objectives and priorities of the call.
- (c) All criteria specified in the Call for Proposals must be applied as they stand and cannot be changed in the course of the procedure. The criteria should be clear and non-discriminatory. See the templates of evaluation grids given in Annexes EVL1 Concept note evaluation grid & EVL2 Full application evaluation grid.

### 8.1.1 The eligibility criteria

- (a) The eligibility criteria shall determine the conditions for participating in a call for proposals. Those criteria shall be established with due regard for the objectives of the action and shall comply with the principles of transparency and non-discrimination. The eligibility criteria relate to two different aspects:
1. Eligibility of the applicant: this refers to the applicant's legal and administrative status. If a Call for Proposals relates to actions to be implemented in partnership, the minimum number of partners and the eligibility criteria applicable to each of the partners of the lead applicant must be specified. The eligibility criteria applicable to the lead applicant and to the partners may differ.
  2. Eligibility of the action: this refers to the types of activities, sectors or themes and geographical areas covered by the Call for Proposals.
- (b) Participation in the award of grants contracts is, as a general rule, open on equal terms to all natural and legal persons established in any member state of the African Union and, after prior approval from the relevant services of the Commission, to entities which do not have legal personality under the applicable national law, provided that their representatives have the capacity to undertake legal obligations on their behalf and assume financial liability and who are established in an eligible country in accordance with the basic act governing the programme in question.
- (c) Exceptions to the nationality rule must be specifically mentioned in the Guidelines for Applicants and is subject to the prior approval of the African Union Commission. The award of such derogations is decided on a case-by-case basis by the Commission before the procedure is launched and they will depend on the objective of the programme (e.g. enhancing cooperation with non member states).

### 8.1.2 The exclusion criteria<sup>1</sup>

- (a) Applicants will be excluded from participation in all AUC calls for proposals if:
1. they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
  2. they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*; (i.e. against which no appeal is possible);
  3. they have been guilty of grave professional misconduct proven by any means which the AUC can justify;
  4. they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the AUC's financial interests;

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<sup>1</sup> These criteria have been taken from point 8.1 of the AUC procurement manual (grounds for exclusion)

5. they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or those of the country where the contract is to be performed;
6. they have been previously removed from the AUC Supplier Register or debarred from previous procurement activities for any of the reasons given above or any other reasons which the AUC can justify.
7. they are citizens of AU Member States under sanctions by the day of the Call deadline

### **The selection criteria**

- (a) The selection criteria are used to assess the applicant's financial and operational capacity to complete the proposed action: the applicant must have stable and sufficient sources of funding to maintain its activity throughout the period during which the action is being carried out and to participate, where appropriate, in its funding. Applicants and their partners must also have the necessary professional competencies and qualifications to complete the proposed action.
- (b) The verification of financial capacity based in particular on an analysis of the supporting documents requested from the applicants does not apply to natural persons in receipt of scholarships, public bodies or international organisations.

#### **8.1.3 The awarding criteria**

- (a) The award criteria are used to assess the quality of proposals against the set objectives and priorities, so that grants are awarded to the actions which maximise the overall effectiveness of the call for proposals. They should enable the Contracting Authority to select proposals which it can be confident will comply with its objectives and priorities.
- (b) The award criteria relate, in particular, to the relevance of the action and its compatibility with the objectives of the grant programme under which the Call for Proposals is being financed, to the quality, expected impact and sustainability of the action, and to its cost-effectiveness.

## **8.2 THE EVALUATION COMMITTEE**

### **8.2.1 The role and composition of the evaluation committee**

- (a) Proposals are evaluated by an Evaluation Committee appointed by the Contracting Authority comprising a non-voting Chairperson<sup>2</sup>, a non-voting Secretary and an odd number of voting members (minimum of three). The voting members must possess the technical and administrative capacities necessary to give an informed opinion on the proposals. They must have a reasonable command of the language in which the proposals are submitted. They must represent at least two organisational entities of the Contracting Authority with no hierarchical link between them. Substitutes to the members can be nominated on the same conditions as the titulars where justified by the size and/or the technical nature of the call for proposals. The participation of other observers must be authorised in advance by the Contracting Authority.
- (b) The Evaluation Committee members should attend all meetings, except the opening meeting. Any absence must be recorded and explained in the evaluation report. A member who withdraws from the Evaluation Committee for whatever reason must be replaced by his substitute or following the standard procedure for appointing members of the Evaluation Committee. The Chairperson of the Evaluation Committee determines to what extent the evaluation process must be restarted. Such

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<sup>2</sup> The Chairperson of the African Research Grants is the Representative of the Current Chair of the African Ministerial Conference on Science and Technology

decision as well as any decision relating to the replacement of a Committee member must be recorded and justified in the evaluation report.

- (c) All voting members of the Evaluation Committee have equal voting rights.
- (d) The Evaluation Committee should be formed early enough to ensure the availability of the designated members (and any observer nominated by the African Commission, in the case of decentralised ex-ante control) during the period necessary to prepare and conduct the evaluation process.

### **8.2.2 Impartiality and confidentiality**

- (a) All members of the Evaluation Committee and any observers must sign a Declaration of Impartiality and Confidentiality (see Annex A4). Any Evaluation Committee member or observer who has a potential conflict of interest with any applicant must declare it and immediately withdraw from the Evaluation Committee. He/she will be excluded from participating further in any capacity in the evaluation meetings.
- (b) The Chairperson of the Evaluation Committee determines to what extent the evaluation process must be restarted. Such decision must be recorded and justified in the Evaluation Report.
- (c) While the call for proposals procedure is under way, all contacts between the contracting authority and candidates must satisfy conditions ensuring transparency and equal treatment; they may not lead to amendment of the conditions of the grant contract or the terms of the original call. No information about the examination, clarification, evaluation or decisions about the contract award can be disclosed before the signature of the contract(s). Any attempt by an applicant to influence the process in any way (whether by initiating contact with members of the Evaluation Committee or otherwise) may result in the immediate exclusion of its proposal from further consideration.
- (d) For service tenders and call for proposals, the proceedings of the Evaluation Committee, from the opening of tenders/proposals to the conclusion of the work of the Evaluation Committee, are conducted in camera and are confidential.
- (e) In order to maintain the confidentiality of the proceedings, participation in the Evaluation Committee meetings is strictly limited to the members of the Evaluation Committee designated by the AUC and any authorised observers (including designated assessors in the case of call for proposals).
- (f) Apart from the copies given to any assessors(s) or experts in call for proposals, the proposals should not leave the room/building in which the committee meetings take place before the conclusion of the work of the Evaluation Committee. They should be kept in a safe place when not in use.

### **8.2.3 Responsibilities of the evaluation committee**

- (a) The Chairperson is responsible for co-ordinating the evaluation process in accordance with the procedures of this Guide and for ensuring its impartiality and transparency. The voting members of the Evaluation Committee have collective responsibility for decisions taken by the Committee.
- (b) The Secretary to the Committee is responsible for carrying out all administrative tasks connected with the evaluation procedure. These will include:
  - 1. circulating and collecting the Declarations of Impartiality and Confidentiality;
  - 2. keeping the minutes of all meetings of the Evaluation Committee and the relevant records and documents;
  - 3. registering attendance at meetings and compiling the Evaluation Report and its supporting annexes.

- (c) Any request for clarification requiring communication with the applicants during the evaluation process must be conducted in writing. Copies of any such communication must be annexed to the Evaluation Report.
- (d) If a proposal infringes the formal requirements, the Evaluation Committee may use its discretion to decide whether or not it should still be considered during the rest of the evaluation process, while ensuring the equal treatment of tenders and applicants and in accordance with the principle of proportionality. Whatever the Evaluation Committee decides, this must be fully recorded and justified in the Evaluation Report.
- (e) Tenders or proposals falling e.g. in the following situations should not be rejected:
  1. submitted in fewer number of copies than required;
  2. submitted with the wrong presentation (but the correct templates used);
  3. proposals which have not been signed or contains a scanned signature (the signature can be requested subsequently - if not obtained, the tender must be rejected).

### **8.3 STAGES IN THE EVALUATION PROCESS**

The evaluation process starts with the receipt of the concept notes/proposals by the Contracting Authority, and ends with the decision to award grants to the selected applicants. The procedure is set out below.

#### **8.3.1 Receipt and registration of proposals**

On receiving proposals, the Contracting Authority must register them and provide a receipt for those delivered by hand (see Annex EVL14 Receipt for hand delivered proposals. The envelopes must remain sealed and be kept in a safe place until they are opened.

#### **8.3.2 Opening session and administrative check**

- (a) All proposals received should be opened in an opening session at which the registration details will be checked and completed and the proposals numbered the Opening Session Committee according to the AUC Procurement Manual.
- (b) The secretary to the Opening Session Committee supervises the opening session and requests the assistance of other staff of the Contracting Authority as need be.
- (c) The registration of concept notes/proposals should contain the following information:
  1. - registration number of concept note/proposal
  2. - date of submission
  3. - the applicant's name and address.
- (d) For each proposal,
  1. - the original is kept safely in the archives of the Contracting Authority;
  2. - the copies are distributed to the evaluators and, where appropriate, to the assessors.
- (e) The proposals having met the deadline are then subject to an administrative check, which will assess whether they satisfy all the criteria mentioned in the checklist (Part 1 of section V of the

grant application form). Under no circumstances may assessors or members of the Evaluation Committee change this checklist.

- (f) Incomplete dossiers will be disqualified from the evaluation process. However, if some of the criteria are not satisfied, according to the option chosen in the call for proposals, the applicant is rejected or invited to submit a clarification within the deadline fixed by the Evaluation Committee. In the latter, the Evaluation Committee may use its discretion to decide whether or not it should still be considered during the rest of the evaluation process, while ensuring the equal treatment of proposals and in accordance with the principle of proportionality. Whatever the Evaluation Committee decides, this must be fully recorded and justified in the Evaluation Report.
- (g) The Contracting Authority must keep proposals not considered for further evaluation.
- (h) The administrative check may be carried out by members of the Evaluation Committee or by assessors.
- (i) If the members of the Evaluation Committee do not carry out the check themselves, the Evaluation Committee must review the conclusions of the assessors on the basis of their completed grids. In order to facilitate the Evaluation Committee's review of the assessments, the Secretary to the Evaluation Committee must ensure that one list is drawn up containing proposals which did not satisfy the administrative criteria mentioned in the checklist. For each entry on the list, the criteria not satisfied must be identified.
- (j) Following the opening session and the administrative check, the Evaluation Committee meets to decide on any contentious case and sign the Proposal Opening session and administrative check Report, (see Annex EVL3 Opening session and administrative check).
- (k) Once the required approvals received, the Contracting Authority must send a standard letter to the applicants (see Annex EVL7 Letter to applicants after opening session) that includes a statement indicating the applicants whether or not their application was submitted within the deadline, informing them of the reference number they have been allocated, whether their application has satisfied all the criteria mentioned in part 1 of the checklist and whether their concept note has been recommended for further evaluation.

### **8.3.3 Evaluation of the concept note**

- (a) The concept notes submitted within the deadline and having satisfied the administrative criteria mentioned in the checklist will undergo an evaluation of the relevance of the action, its effectiveness as well as of the feasibility and sustainability of the action on the basis of a concept note evaluation grid (see Annex EVL1 Concept note evaluation grid). The overall assessment is based on the scores obtained under each subheading, added up by heading. In the case the Evaluation Committee does not evaluate itself the concept notes, the final score is the arithmetical average of the scores given by the assessors.
- (b) The Contracting Authority reserves the right not to undertake the evaluation of the Concept Notes whenever considered justified (for example when a less than expected number of proposals are received) and to go straight to the evaluation of the corresponding full proposals.
- (c) The Secretary will then prepare a list of all the concept notes, ranked by score. At a first step, only the concept notes which have been given a score of *X* points in the category "Relevance" as well as a minimum total score of *Y* points will be considered for pre-selection (*X and Y are threshold points decided at the moment of submitting the call for approval to the Administration*). The completed evaluation grids for each concept note must be sent to the Evaluation Committee.
- (d) Following the evaluation of the concept notes, the Contracting Authority will send a letter to the applicants, whose concept note has been evaluated, indicating whether their full application will be evaluated or not (see Annex EVL8 Accept letter to applicants after concept note evaluation).

### **8.3.4 Evaluation of the application form**

- (a) The quality of the applications forms must be assessed on the basis of the evaluation grid (see Annex EVL2 Full application evaluation grid) containing the selection and award criteria. Comments are made for each heading on the basis of the questions and criteria used for that heading. In particular cases, comments may need to be made for specific subheadings. The overall assessment is based on the scores obtained under each subheading, added up by heading. In the

case the Evaluation Committee does not evaluate itself the application forms, the final score is the arithmetical average of the scores given by the assessors.

- (b) The Secretary will then prepare a list of all the proposals, ranked by score. The completed evaluation grids for each proposal and must be sent to the Evaluation Committee.
- (c) Once the required approvals received, the Contracting Authority must send a standard letter (see Annex EVL7 Letter to applicants after opening session) to the applicants, stating whether their proposal has been provisionally selected according to their score, and inviting those whose proposals have been provisionally selected to supply the required supporting documents.

### **8.3.5 Verification of eligibility**

- (a) This assessment must be carried out using the Declaration by the applicant (part 2 of section VI of the grant application form) and the criteria set out in the Guidelines for Applicants. Under no circumstances may assessors or members of the Evaluation Committee change this Declaration.
  - 1. Is the Declaration by the applicant in conformity with the supporting documents requested?  
Any missing supporting document or any incoherence between the Declaration and the supporting documents will lead to the rejection of the proposal on that sole basis
  - 2. Eligibility: are the applicant, the partners and action eligible?  
This is assessed according to the criteria set out in the Guidelines for Applicants.
- (b) The verification of eligibility may be carried out by members of the Evaluation Committee or by assessors. Each proposal may be examined by one person.
- (c) Even though the verification of eligibility is foreseen to be carried out only for the provisionally selected applicants at the end of the procedure, the Committee may decide to verify this point at any previous step of the procedure.
- (d) Taking into account the Good Administrative Practices, the Evaluation Committee can exclude an applicant at any stage of the Call for proposals evaluation process whenever it is obvious that the latter does not meet the eligibility criteria.
- (e) If the members of the Evaluation Committee do not carry out the assessment themselves, the Evaluation Committee must review the conclusions of the assessors on the basis of their completed grids. In order to facilitate the Evaluation Committee's review of the assessments, the Secretary to the Evaluation Committee must ensure that one list containing the proposals which are ineligible is drawn up. For each entry on a list, the grounds for ineligibility must be identified.
- (f) Conclusions of the Evaluation Committee
- (g) The Evaluation Committee will draw up its recommendations after the assessors have examined all the proposals. The Evaluation Committee must not change the assessors' scores or recommendations and must not alter the evaluation grids completed by the assessors.
- (h) The Evaluation Committee may decide to approve the ranking drawn up by the secretary on the basis of the assessors' report. If the Committee does not accept the scores awarded by the assessors to a proposal, for example where there is a significant difference between the scores awarded by the assessors, it must justify this decision in the evaluation report. Subject to the points below, the Committee then has to prepare a new evaluation grid for the proposal concerned. The list will be amended on the basis of the scores from the new evaluation, which replace those completed by the assessors.
- (i) All such decisions must be recorded and fully substantiated in the Evaluation Report. The evaluation grids completed by the members of the Evaluation Committee must be kept with those completed by the assessors.
- (j) The Evaluation Committee's decisions are taken independently and in an advisory capacity. The Evaluation Committee must ultimately draw up a list of the proposals selected for financing, indicating the score obtained by each proposal, the amount of the proposed grant and the

proportion of the eligible costs it is proposed to finance. Subject to the following considerations, this list is made up of the proposals obtaining the best scores, ranked by order, within the limits of the funds available under the call for proposals.

1. The Committee may not allocate all the available funds if it finds that there are too few proposals of the quality required to receive a grant.
  2. The Committee may draw up a list by subject or geographical area specified in the Guidelines for Applicants.
  3. The Committee may reject a proposal if it has selected another which is of a similar nature but has been awarded a higher score.
  4. Where several proposals submitted by the same applicant are selected for financing, but the applicant does not have the financial and operational capacity required to implement the actions all together, the Committee may reject the proposal(s) which has (have) been awarded a lower score, and select the proposal(s) that the applicant has the capacity to implement.
- (k) The Committee may furthermore draw up, in the same conditions, a reserve list comprising a limited number of proposals having obtained the best scores after those selected for financing. This reserve list is valid during the period mentioned in the evaluation report. The proposals included in that list are likely to receive a grant insofar as funds become available under the call for proposals (decrease of the eligible costs of the selected proposals, impossibility to sign a contract with a selected applicant, etc).
- (l) The final Evaluation Report (see Annex EVL6 Final evaluation report), covering the eligibility verification, is drawn up following the final meeting of the Evaluation Committee. It comprises the minutes of the evaluation sessions and must be signed by all members of the Evaluation Committee.
- (m) Once the approvals have been given, the Contracting Authority will commence awarding the grants (see Chapter 9).
- (n) The award decision contains the subject and overall amount of the decision, the approved evaluation report and, where appropriate, the grounds for the decision by the Contracting Authority to depart from the recommendations made by the Committee in the report in respect of a particular proposal.
- (o) Subject to the Contracting Authority's policy on access to documents, the entire procedure, from the drawing-up of the Call for Proposals to the selection of successful applicants, is confidential. The Evaluation Committee's decisions are collective and its deliberations must remain secret. The committee members are bound to secrecy.

#### **8.4 CANCELLING THE CALL FOR PROPOSALS PROCEDURE**

- (a) The Contracting Authority may decide to cancel the call for proposals procedure at any stage, but particularly in the light of the Evaluation Report, if:
- (b) the call for proposals has been unsuccessful, i.e., no worthwhile proposal has been received or there were no replies;
  1. the economic or technical data of the programme have been fundamentally altered;
  2. exceptional circumstances or force majeure render the normal conduct of the planned actions impossible;
  3. there have been irregularities in the procedure, in particular where these have prevented equal treatment

- (c) In the event of cancellation of a call for proposals, applicants must be notified of the cancellation by the Contracting Authority but will not be entitled to compensation.

## **CHAPTER 9: AWARDING AND CONTRACTING**

### **9.1 NOTIFICATION OF APPLICANTS**

- (a) After the Contracting Authority has given its official approval to the final list of grants to be awarded, it notifies the successful applicants in writing that their applications have been selected (see Annex EVL12 Award Letter).
- (b) It must also send the unsuccessful applicants a standard letter (see Annex EVL10 Reject letter to applicants after full proposal evaluation) informing them that they have not been selected and specifying the reasons.
- (c) The letters to the successful applicants must be sent within 15 days of the award decision and letters to the unsuccessful applicants within a further 15 days of that.

### **9.2 CONTRACT PREPARATION AND SIGNATURE**

- (a) the Contracting Authority notifies the successful tenderer in writing that its tender has been accepted (see format of letter in Annex EVL12 Award Letter) and draws attention to any arithmetical errors or ineligible costs which were corrected during the evaluation process. The Description of the action is corrected accordingly if need be.
- (b) Other clarifications or minor corrections may be brought to the Description of the action or to the budget in so far as they would not call into question the grant award decision or be contrary to the equal treatment of applicants and:
  1. Relate to aspects clearly identified by the Evaluation Committee; or
  2. Aim at taking into consideration the changes which have occurred since the date of receipt of the proposal
- (c) Those modifications may in any case not lead to an increase of the amount of the grant nor of the percentage of the co-financing fixed by the Evaluation Committee.
- (d) Any other alteration to the successful applicant's proposal or negotiation with it is, in principle, not permitted. The responsible department may divert from this rule in duly justified cases. This possibility should be clearly communicated in the Guideline for applications, providing the applicants with all the changes in the procedure in order to respect the principle of transparency and equal treatment .

### **9.3 PUBLICISING THE AWARD OF GRANTS**

- (a) Once the contracts have been signed, the Contracting Authority prepares a notice of award for each call for proposals (see Annex PUB3 Award Publication) and publishes it in the AUC website within three months.
- (b) In addition, the Contracting Authority must record all statistical information concerning the procedure (including the number of applicants in the past year; the number and percentage of successful applications per call for proposals; the mean duration of the procedure from date of closure of the call for proposals to the award of a grant, grant amounts, the names of the applicants, and details of the beneficiaries).

## **CHAPTER 10: MODIFYING GRANT CONTRACTS**

### **10.1 GENERAL PRINCIPLES**

- (a) The modifications must not have the purpose or the effect of making such changes to the contract as would call into question the grant award decision or be contrary to the equal treatment of applicants. No modification to the contract may alter the award conditions prevailing at the time the contract was awarded.
- (b) The maximum amount of the grant may not be increased.
- (c) Following this logic, major changes, such as a fundamental alteration of the Guide for Applicants, cannot be made by means of an addendum or an administrative order.
- (d) A request for grant contract modifications should not automatically be accepted by the Contracting Authority. There must be justified reasons for modifying a contract. The Contracting Authority must examine the reasons given and reject requests which have little or no substantiation.
- (e) Grants contracts can only be modified within the execution period of the contract. The purpose of the addendum or administrative order must be closely connected with the nature of the project covered by the initial contract.
- (f) Requests for contract modifications must be made (by one contracting party to the other) well in advance to allow for the addendum to be signed by both parties before the expiry of the execution period of the contract.
- (g) Especial care must be taken for calls for proposals partially or totally funded under Financing Agreements by other international organisations, partners or donors: any modification extending the period of implementation must be such that implementation and final payments can be completed before the expiry of the Financing agreement under which the initial contract was financed.

### **10.2 PREPARING AN ADDENDUM**

- (a) In preparing an addendum, the Contracting Authority must proceed as follows:
- (b) Use the template for an addendum (Annex CNT10 Contract Addendum):
  - 1. All references in the proposed addendum to article numbers and/or annexes to be modified must correspond to those in the initial contract.
  - 2. Any addendum modifying the budget must include a replacement budget showing how the full budget breakdown of the initial contract has been modified by this addendum (and any previous addenda) (see Annex APF1 Budget).
  - 3. If the budget is modified by the proposed addendum, the payment schedule must also be modified accordingly, taking into account any payments already made in the course of the contract.
  - 4. The payment schedule must not be modified unless either the budget is being modified or the contract is being extended.
- (c) Prepare a dossier comprising the following items:
  - 1. Explanatory note providing a technical and financial justification for making the modifications in the proposed addendum;
  - 2. Copy of the request for (or agreement to) the proposed modifications;

3. Three originals of the proposed addendum, which is based on the standard addendum template and includes any revised annexes.

## **4. SECTION 6: GENERAL ISSUES**

### **CHAPTER 11: CHARACTERISTICS OF THE STANDARD GRANT CONTRACT**

#### **11.1 LEGAL ASPECTS**

The standard grant contract recognises the beneficiary's independence of action and lays down simplified management rules accordingly. In particular, it allows the recipient to adapt or modify the action without the prior consent of the Contracting Authority provided that the modifications are not substantial and do not result in a change of more than 15% to any budget heading.

#### **11.2 FINANCIAL ASPECTS**

- (a) The first pre-financing payment, which covers either Eighty percent (80%) of the amount of the contract or Eighty percent (80%) of the first annual budget, is paid after both parties have signed the contract. Subsequently, in the case of contracts for large amounts, an interim report (technical and financial) and payment request must be sent once a year as soon as Seventy percent (70%) of the previous payment (and One Hundred percent (100%) of earlier ones) has been used up. A new payment of pre-financing is made on that basis. Where the consumption of the previous pre-financing is less than Seventy percent (70%), the amount of the new pre-financing payment shall be reduced by the unused amounts of the previous pre-financing payment. The balance is paid on approval of the final report. The beneficiary must not send documents in support of its request to the Contracting Authority but must keep them in case of inspection or audit for a period of seven years after payment of the balance and up to the date of the prescription of any dispute in regard to the law which governed the contract. During and after this period, the Contracting Authority will treat the personal data in conformity with its privacy policy.
- (b) The AU Commission finances a specific percentage of the total eligible costs rather than a particular part of the action. If at the end of the action, the actual eligible cost is lower than anticipated, the grant will be reduced proportionately.
- (c) An expenditure verification report is attached to the final report where the grant is of more than One hundred thousand Euro (€ 100,000,) to a request for further pre-financing in the case of grants of Seven hundred and fifty thousand Euro (€ 750,000) or more.
- (d) A financial guarantee for up to the same amount as the pre-financing is required where pre-financing represents over Eighty percent (80%) of the total amount of the grant and provided it exceeds Sixty thousand Euro (€ 60,000) or, where the beneficiary is a non-governmental organisation, when it exceeds One million Euro (€ 1,000,000) or Ninety percent (90%) of the total amount of the grant. Instead of asking such a financial guarantee, the Contracting Authority can also decide to split the payments into several instalments.
- (e) In awarding any procurement contracts required for the purposes of the action, the beneficiary must comply with the rules set out in Annex IV to the contract.

### **CHAPTER 12: PROCUREMENT BY GRANT BENEFICIARIES**

#### **12.1 GENERAL PRINCIPLES**

- (a) If the implementation of an action which is supported by a grant from the AUC requires procurement by the grant beneficiary, the contract must be awarded to the best value for money tender (i.e., the tender offering the best price-quality ratio), in accordance with the principles of transparency and fair competition for potential contractors and taking care to avoid any conflicts of interest.

- (b) To this end, the beneficiary respects the rules prescribed in Annex IV to the grant contract.
- (c) The AUC will carry out ex-post checks on the compliance of grant beneficiaries with these rules. Grant contracts must provide expressly for the AUC to exercise their powers of control, on documents and on the spot, over all contractors and subcontractors which have received AUC funds.

## **CHAPTER 13: SECURITIES AND RETENTIONS**

- (a) This chapter has been adapted from the AUC procurement manual and should be updated accordingly.

### **13.1 BID SECURITIES**

- (a) Bid securities are used to protect the AUC against a applicant withdrawing from the grants management process prior to the award of contract and are normally in the form of a bank guarantee specifying the detailed conditionality for defaults under which the AUC may call for payment. Due to the costs incurred by a applicant in obtaining a bank guarantee, bid securities are normally only used in higher value open tendering procedures. Alternative acceptable formats of bid security such as Bankers Cheques, or bonds issued by insurance companies may be specified as acceptable within the bidding documents.
- (b) Any requirement for a bid security shall be indicated in the bid document as a fixed sum only, based on a varying percentage of between one percent ( 1% ) and five percent (5%) .

### **13.2 PERFORMANCE SECURITIES**

- (a) Performance securities from a supplier or contractor are used to protect the AUC by guaranteeing performance under the terms of the contract. Such securities are normally required in the form of a bank guarantee specifying the specific conditionality for defaults under which the AUC may call for payment. Alternative acceptable formats of performance security such as Bankers Cheques, or bonds issued by insurance companies may be specified as acceptable in the bidding documents.
- (b) Any requirement for a performance security shall be indicated in the bidding documents as a set percentage of the contract sum. The value shall normally be set at between ten percent (10%) and twenty-five percent (25%) of the contract sum, based on consideration of the risks and costs that AUC may suffer in the event of any default by the supplier or contractor.

### **13.3 ADVANCE PAYMENT SECURITIES**

- (a) Where advance payments of Ten Thousand United States Dollars (USD 10,000) or above are made, an advance payment security shall be required from the supplier or contractor to cover the full amount of the advance payment. Advance payment securities shall normally be in the form of a bank guarantee specifying the specific conditionality under which the AUC may call for payment.

## **13.4 PROCEDURE FOR RECEIPT, STORAGE AND RETURN OF SECURITIES**

### **13.4.1 Safe Storage**

Securities, whether for the purpose of Bid Security, Advance Payment Guarantee or Performance Security must not be annotated in any way and must, after the details have been recorded, be immediately stored in a safe, secure place by the Directorate of PBFA.

### **13.4.2 Record of Security details**

- (a) The Secretary of Tender Board shall record the following details of the Security in a Register:
  - 1. Call for proposals Reference number;
  - 2. Proposal Title (as applicable);

3. Applicant Name;
4. Amount of Security;
5. Form of Guarantee (e.g. Certified Cheque or Bank Guarantee)
6. Name of Bank; and
7. Expiry date of Security.

### **13.4.3 Return of Securities**

All securities must be returned to the applicant, supplier or contractor as soon as they are no longer required. Bid securities in particular must be returned immediately to all applicants once the relevant contract is signed and all conditions for contract effectiveness have been met. Performance and advance payment securities must be returned once the supplier has discharged his obligations.

### **13.4.4 Expiry reminder**

- (a) The Secretary of Tender Board shall issue reminders not less than two weeks before any security is due to expire for the following reasons up on notification by the Grants management and Travel Division;
- (b) If the reason for the security is no longer applicable then the security must be immediately returned to the applicant or supplier - i.e. when:
  - 1. the contract has been awarded to another applicant;**
  - 2. work which is covered by a performance security has been performed or the warranty period has expired; or**
  - 3. the value of the advance payment has been deducted from other payments to the supplier or contractor;**
- (c) If the award of a tender is delayed, invite applicants in writing to extend their Bid Securities for an appropriate period;
- (d) If a Supplier or Contractor is not expected to complete/perform the task to which the security relates within the remaining period, request the Supplier or Contractor to extend the guarantee by an appropriate period;
- (e) If the Supplier or Contractor has defaulted on his contractual obligations, or refuses to extend an advance payment or performance security, seek advice of the Tender Board to consider calling bank guarantees immediately by demand in writing to the issuing bank, not less than one week before the expiry date.

### **13.4.5 “Called” Security**

A “called” Security shall be paid to the AUC for the credit of the appropriate Account Code to compensate for costs or losses due to the Supplier's non-performance.

## **13.5 RETENTIONS**

- (a) Retentions are normally only applicable to works projects or occasionally to the supply of machinery and equipment.
- (b) The rates of retention to be withheld from all certificates or stage payments for works contracts shall be specified in the contract. Following interim takeover of the works, a further payment may be made to the contractor under the terms of the contract to reduce the retention to a lower percentage of the contract price.
- (c) The balance of any Retention monies are only released to the supplier or contractor on satisfactory completion of the guarantee or warranty period stated in the contract.

## **CHAPTER 14: COMMUNICATIONS AND RECORDS MANAGEMENT**

### **14.1 CORRESPONDENCE/COMMUNICATIONS**

Correspondence and communications are essential to the management of relationships with suppliers and other bodies, but communications issued by the AUC may commit or bind it to a course of action with legal, contractual or financial implications. Therefore, all grants management correspondence and other communications issued by the AUC shall emanate only from the Grants management and Travel Division except grants management by way of Tender whereby correspondences shall emanate from the Secretary of the Tender Board.

### **14.2 DOCUMENTATION/RECORDS MANAGEMENT**

#### **14.2.1 Documentary Records**

- (a) Documentary records, both in print or electronic format, are essential for efficient and effective management of activities, provide evidence in support of decisions and actions taken, and provide an audit trail for verification of transparency, accountability and effectiveness. Efficient records management is essential to ensure effective storage, retrieval and use with due regard to security, integrity and confidentiality.
- (b) All Officers shall ensure they obtain, retain and maintain appropriate documentation supporting the activities for which they are responsible.
- (c) Senior Officers involved in approval or authorisation shall ensure that any transactions they approve or authorise are backed by appropriate supporting documentation.

#### **14.2.2 Filing/Record Management System**

- (a) The Grants management and the relevant AUC Authority has a general responsibility for maintaining Grants management Dossiers and Contracts Registers, but local Grants management and other relevant services involved in the grants management chain must also ensure that complete documentation is maintained in respect of all grants management activities and for contracts and agreements entered into.
- (b) Responsibility for the official maintenance of record files, authority to access files, and co-ordination of management and follow-up actions must be clearly defined in each Grants management and Travel Division to provide an audit trail and to avoid:
  - 1. partial and incomplete records being held by several different sections and individuals;
  - 2. unauthorised access to records; or
  - 3. failure to take any necessary action at the right time.

## **CHAPTER 15: USE OF ASSESSORS AND EXPERTS**

### **15.1 USE OF ASSESSORS AND EXPERTS**

- (a) Where the proposals received are particularly numerous or highly technical, it may not always be possible for the Evaluation Committee to examine each one in detail. If necessary, all or part of this detailed examination may be carried out by assessors or experts so that the Evaluation Committee may conduct its deliberations on the basis of their assessments. Assessors may attend the meetings of the Evaluation Committee as observers to present the results of their assessments and answer any questions from Committee members. The Contracting Authority may grant, on

justified cases, voting rights to experts; they should have the same weight as the rest of the members of the Evaluation Committee, becoming, therefore, full-right members.

- (b) Assessors are normally selected and contracted by using the appropriate procedure for service contracts. Their areas of expertise are typically civil engineering, transport, energy, health, industry, etc. Experts are normally selected from a list resulting from a call for expression of interest; they are appointed and not hired and they do not enter into competence (they receive a flat amount per day of evaluation). Experts are normally necessary to evaluate research proposals.
- (c) Outside assessors who are not officials or other staff of the AUC must be selected using the appropriate AUC procedure for service contracts. Experts selection must respect the principle of transparency and they should sign a "absence of conflict of interest" form (see annex EVL13 Experts declaration of impartiality and confidentiality
- (d) Whenever possible, experts should be citizens of one of the African Union member states. Depending on especial arrangements resulting from international cooperation agreements, the Contracting Authority may invite to join as expert staff from such organisations, regardless of their nationality. They should enjoy equal voting rights as the rest of the members of the Evaluation Committee.
- (e) In the case assessors or experts are not used, it suffices that the Evaluation Committee completes one collective evaluation grid for each respective step of the procedure.
- (f) Assessors and experts work under the supervision of the Chairperson of the Evaluation Committee. Although the same persons may be used for the different stages, different types of expertise are required for the different assessments and it is recommended to use different persons wherever possible. Experts participating in evaluation committees of calls under the same work programme must rotate at a rate of 25%
- (g) With respect to the administrative check and the verification of eligibility, the task of assessors consists of carrying out a screening of each proposal on the basis of the Checklist (section V of the application form) and the Declaration by the applicant (see Annex APF2 Logical framework). Each proposal need only be screened by one assessor.
- (h) It would be preferable to delegate this work (verification of eligibility) to officials or other staff members of the Contracting Authority. Outside assessors may be recruited as required.
- (i) With respect to the evaluation of the concept notes and of the proposals, the task of assessors or experts consists of carrying out a written assessment on the basis of the published evaluation grids (see Annexes EVL1 Concept note evaluation grid and EVL2 Full application evaluation grid). At least two assessors or experts must assess each concept note and each proposal, working independently of each other. They should preferably be chosen internally within the Commission services. Where there are insufficient internal resources, external assessors or experts can however also be chosen. They must have an in-depth knowledge of the issues covered by the grant programme concerned. Their expertise should be verified on the basis of their CVs. A minimum of five years' experience of a particular issue should be expected.

## List of Annexes

|     | <b>Annex Description</b>                                   | <b>Reference Document</b>  |
|-----|--|--|
| 1.  | Special conditions   | CNT0 Special conditions.doc  |
| 2.  | General Conditions   | CNT2 General Conditions .doc   |
| 3.  | Glossary of terms annex to General Conditions              | CNT2a Glossary of terms annex to General Conditions.doc              |
| 4.  | Procurement procedures                                     | CNT4 Procurement procedures .doc                                     |
| 5.  | Request for Payment  | CNT5 Request for Payment .doc  |
| 6.  | Interim narrative report                                   | CNT6a Interim narrative report .doc                                  |
| 7.  | Final narrative report                                     | CNT6b Final narrative report .doc                                    |
| 8.  | Financial Report   | CNT6c Financial Report .doc  |
| 9.  | Expenditure verification                                   | CNT7 Expenditure verification .doc                                   |
| 10. | Financial Guarantee  | CNT8 Financial Guarantee .doc  |
| 11. | Contract Addendum  | CNT10 Contract Addendum .doc   |
| 12. | Guidelines for Participants                                | GFP Guidelines for participants.doc                                  |
| 13. | Application form   | APF Application form.doc   |
| 14. | Budget   | APF1 Budget.exl  |
| 15. | Logical framework  | APF2 Logical framework.exl   |
| 16. | Concept note evaluation grid                               | EVL1 Concept note evaluation grid.doc                                |
| 17. | Full application evaluation grid                           | EVL2 Full application evaluation grid.doc                            |
| 18. | Opening session and administrative check                   | EVL3 Opening session and administrative check.doc                    |
| 19. | Concept note evaluation report                             | EVL4 Concept note evaluation report.doc                              |
| 20. | Full application evaluation report                         | EVL5 Full application evaluation report.doc                          |
| 21. | Final evaluation report                                    | EVL6 Final evaluation report.doc                                     |
| 22. | Letter to applicants after opening session                 | EVL7 Letter to applicants after opening session.doc                  |
| 23. | Accept letter to applicants after concept note evaluation  | EVL8 Accept letter to applicants after concept note evaluation.doc   |
| 24. | Reject letter to applicants after evaluation               | EVL9 Reject letter to applicants after evaluation.doc                |
| 25. | Reject letter to applicants after full proposal evaluation | EVL10 Reject letter to applicants after full proposal evaluation.doc |
| 26. | Accept or reject letter after eligibility check            | EVL11 Accept or reject letter after eligibility check.doc            |

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|-----|---|---|
| 27. | Award Letter  | EVL12 Award Letter.doc  |
| 28. | Experts declaration of impartiality and confidentiality | EVL13 Experts declaration of impartiality and confidentiality.doc |
| 29. | Receipt for hand delivered proposals                    | EVL14 Receipt for hand delivered proposals.doc                    |
| 30. | Work Programme  | PUB1 Work Programme.doc   |
| 31. | Local Publication                                       | PUB2 Local Publication.doc  |
| 32. | Award Publication                                       | PUB3 Award Publication.doc  |



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