



DECISION no. <sup>4</sup>...  
of <sup>24th</sup>... of April 2018

Regarding the complaints lodged against the Monitoring Committee Decision no. 72 of 22<sup>nd</sup> of March 2018, approving the List of approved and rejected projects submitted under the third call for proposals for the Interreg V-A Romania-Bulgaria Programme - deadline 23rd of October 2017  
Having regard to the following:

- Monitoring Committee Decision no. 51 of 2nd of August 2017 approving the Complaint Panel for the Eols and full applications submitted under the 3rd call for proposals, priority axes 1-3, Interreg V-A Romania-Bulgaria Programme, step 1 and 2,
- The Complaint Procedure of Interreg V-A Romania-Bulgaria,

the Complaint Panel of Interreg V-A Romania-Bulgaria Programme has adopted this:

**DECISION**

Article 1. The present document rejects the complaint lodged by Svishtov Municipality, lead beneficiary of the application code ROBG - 389 - "Increasing cross-border mobility, by improving tertiary nodes to TEN - T infrastructure and the development and coordination of cross-border transport systems" and registered by CBC ROC with the number 6268/02.04.2018, appealing the obtained score of 67.50 points.

Article 2. The reasons for rejection of the complaint are:

**2.1. Considering the technical and qualitative evaluation:**

The applicant appeals the score of 67.5 points received for the application code ROBG - 389 - "Increasing cross-border mobility, by improving tertiary nodes to TEN - T infrastructure and the development and coordination of cross-border transport systems". Also, the beneficiary signals in the complaint that there were mistakes in the notification letter no. 5728/26.03.2018 sent by CBC ROC, related to the communication of the Monitoring Committee after the assessment phase.

For the technical verification it was considered only the criteria which received less score during the evaluation than those considered by the Lead Beneficiary within the Assessment Grid on the Quality/Technical Assessment Criteria:

- Q4 - "To what extent is the project contributing to the accomplishment of at least one of the outputs (beside the financial OI) of the Programme priority axis/specific objective as listed in section I.5. of the AG" - (received 8 points out of 10 points) - rejected by the Complaint Panel.

According to the information provided within the application form, using 13.31% of the available funds, the project proposal should contribute to the following Programme output indicators:

I1 - Total length of reconstructed or upgraded roads (13.4 km), representing 33.45% of the Programme Target to be reached,

I2 - Number of joint mechanisms to facilitate the connection of secondary/tertiary nodes to TEN-T infrastructure (4 joint mechanisms), representing 18.18% of the Programme Target to be reached.

According to the applicant complaint, within the application form were detailed for both proposed outputs all relevant information, possible evidence and measurement on project preparing level, including the available technical documentation for the Programme output indicator I1 and the proposed 4 joint mechanisms that will be elaborated in frame of the project for I2.

Thus, for the Programme output indicator I2, compared to the phase 1 - Expression of Interest, when the target value for this indicator was defined as 1, during the second phase, the estimated value was increased to 4, and for this it was requested to the applicant during the assessment phase, to clarify. As a reply, the list of the envisaged 4 joint mechanisms to be achieved was provided, for which, indeed, there is no excellence evidence and measurement of the proposed measurement as the proposed 4 joint mechanisms could be considered as a single one since all of them contribute to the facilitation of the connection of secondary/tertiary nodes to TEN-T infrastructure and no detailed justification for their accomplishment was provided.

Although, the project is foreseen to contribute to two Programme output indicators, still, it is not a clear evidence for I2 - Number of joint mechanisms to facilitate the connection of secondary/tertiary nodes to TEN-T infrastructure (4 joint mechanisms).

In accordance with the provisions of the Assessor's Guide regarding scoring for this criterion, 10 points (the maximum) are to be granted if "10 points excellent evidence and measurement of the project contribution to the accomplishment of at least two of the outputs proposed (the description of the activities is detailed and presents enough information about the correlation between financial resources needed, expected outputs and how they will contribute to the accomplishment of the relevant axis/objectives all the outputs are referred to the budget and have proposed measurement unit)".

Conclusion: analyzing the provisions of the Assessor's Guide regarding scoring for this criterion, 8 points are to be granted if "7-8 points - very good evidence and measurement of the project contribution to the accomplishment of at least one of the outputs proposed (the description of the activities is detailed and presents enough information about the correlation between financial resources needed, expected outputs and how they will contribute to the accomplishment of the relevant axis/objectives but not all the outputs are referred to the budget or have proposed measurement unit), corroborated with information regarding scoring from the assessment grid (Annex C - Evaluation Grids of the Application Form of the Applicant's Guide) "Points between 0 and 10 can be granted, based on the opinion of the assessors on the extent to which the project is contributing to the indicators. Contribution is calculated based on the value of the financial allocation for the PA and the quantum of the output", was considered that the score granted by the assessors on this criterion is in line with provided information within the AF.

Therefore, the granted score of 8 points is justified.

- Q7 - "Is the project generating a strong cross-border impact?" - (received 0 point out of 2 points) - rejected by the Complaint Panel.

The applicant justifies that within the application form the cross-border impact of the project was described and should have been granted 2 points.

Thus, analyzing the information provided within the application form and the location of the two road sections envisaged to be rehabilitated within the project, it can be concluded that the project does not have a strong cross-border impact as the two roads are not directly connected. Moreover, the project should aim to resolve a wider joint problem (alternative way of Ruse - Giurgiu) which is not feasible, as the two roads are located in opposite sites and

probably does not offer an alternative to the way Ruse-Giurgiu, as it rather could be a longer one.

Analyzing the information provided within the AF, it was considered that a common challenge is addressed in the Programme area and some cross-border impact is generated, still, it cannot be considered that the added value of the project is showing a strong cross border character.

Conclusion: analyzing the provisions of the Assessor's Guide regarding scoring for this criterion "there will be granted score between 0 and 2 points, based on the opinion of the assessors on the extent to which the project is showing a strong cross border character", corroborated with information regarding scoring from the assessment grid (Annex C - Evaluation Grids of the Application Form of the Applicant's Guide) "The baseline (0 points) is when the minimum criteria foreseen by the regulations (2+1 joint criteria are fulfilled) and the target (maximum) is when the project shows that a wider joint problem is tackled by the project with a joint solution which brings benefits to the border area.", the conclusion is that the score granted by the assessors is justified.

- Q8 - "Is the project proposing specific measures to contribute to the promotion of equal opportunities and non-discrimination?"- (received 0 points out of 1 point) - rejected by the Complaint Panel.

The applicant states as justification for granting 1 point the description from the application form.

Analyzing the information provided within the AF, it is considered that the project is whether not proposing any relevant specific measure for sustainable development, just the minimum required by law are foreseen, or, if specific measures are proposed, no description is provided related to their accomplishment and project contribution in their achievement.

Conclusion: analyzing the provisions of the Assessor's Guide regarding scoring for this criterion "there will be granted between 1 point and 0 points, were 1 point represents at least one specific measure foreseen", corroborated with information regarding scoring from the assessment grid (Annex C - Evaluation Grids of the Application Form of the Applicant's Guide) "1 point if at least one specific measure is foreseen; 0 points if only neutral (minimum required by law) measures are foreseen", the score granted by the assessors is justified.

- Q9 - "Is the project proposing specific measures to contribute to the promotion of equality between men and women?"- (received 0 points out of 1 point) - rejected by the Complaint Panel.

The same observation as previous, no specific measures for promotion of equality between men and women were identified in the project, only the general principle of equality between men and women which should be observed in the project activities, therefore the score granted by assessors is justified.

- Q10 - "Is the project proposing specific measures to contribute to the promotion of sustainable development?" (received 0 points out of 1 point) - rejected by the Complaint Panel

The applicant states as justification for granting 1 point the description from the application form.

Analyzing the information provided within the AF, it is considered that the project is whether not proposing any relevant specific measure for sustainable development, just the minimum required by law are foreseen, or, if specific measures are proposed, no description is provided related to their accomplishment and project contribution in their achievement.

Conclusion: analyzing the provisions of the Assessor's Guide regarding scoring for this criterion "there will be granted between 1 point and 0 points, were 1 point represents at least one specific measure foreseen", corroborated with information regarding scoring from the assessment grid (Annex C - Evaluation Grids of the Application Form of the Applicant's Guide) "1 point if at least one specific measure is foreseen; 0 points if only neutral (minimum required by law) measures are foreseen", the score granted by the assessors is justified.

- Q14 - "Is there a logical link (correlation) between problems, objectives, resources, activities, outputs and results?" (received 7.5 points out of 15 points) - rejected by the Complaint Panel.

Within its complaint, the applicant strengthens the assessor opinion that the "project structure is not appropriate enough the logical link between problems, objectives, resources, activities, outputs and result is considered satisfactory" and for this, according to the Assessors Guide the project cannot be granted more than 10 points, resulting that the applicant's self-assessment of 11 points is over the maximum foreseen within the Assessors Guide.

The activities are not sufficiently presented and the intentions of the applicants are just marked, so it can be concluded that the project structure is not appropriate enough, the logical link between problems, objectives, resources, activities, outputs and results is considered satisfactory.

Conclusion: analyzing the provisions of the Assessor's Guide regarding scoring for this criterion "The project is appropriately structured and shows strong and convincing logical link between problems, objectives, resources, activities, outputs and results - 15 points; Although the project structure is not appropriate enough the logical link between problems, objectives, resources, activities, outputs and results is considered satisfactory - 10 points; The project is not well structured and the logical link between problems, objectives, resources, activities, outputs and results is weak - 5 points; The project is not appropriately structured and there is no link between problems, objectives, resources, activities, outputs - 0 points.", corroborated with information regarding scoring from the assessment grid (Annex C - Evaluation Grids of the Application Form of the Applicant's Guide), it is considered that the score granted by the assessors on this criterion is in line with provided information within the AF.

In view of all above mentioned, the score granted by the assessors, in this case 7.5 points, is justified.

- Q15 "Are the project activities clearly described, realistic and achievable? The proposal is realistic and consistent from a technical point of view?" (received 5 points out of 15 points) - rejected by the Complaint Panel.

The applicant describes within the complain that "In detail all the 5 activities are described, project management capacity was declared in 1 Phase with the number of projects implemented by the both partners and the CBC experience, for sure applying flat rates it is obvious that both partners have quality staff to be engaged in the project. About project monitoring and control of the project they have proposed specific staff and external experts due to the size of the investment. As in the 1 Phase is declared INFRASYS project is strategic for whole cross border area and will aim to the overall program aim.ng clarification stage we have foreseen budget for them and the service will be implemented by external company, but in the same time own staff will work on the procedures and monitor the process. Obvious the idea was depth analyzed and developed before to be applied, taking in consideration that the beneficiaries want to modernize infrastructure through their technical documents and have common joint mechanisms to prevent problems in targeted area. Cross border impact is justified 100%, because project purpose is cross border citizens by both countries to have equal access to each other, daily more than 1000 Romanian and Bulgarian vehicles are crossing both ways Calarasi-Silistra and Zimnicea-Svhishtov and face similar problems with the poor infrastructure."

Analyzing the information described within the application form and also the justification from the complaint, it may be concluded that the granted score is justified due to the fact that the project activities could have been better structured. In this regard, the assessor correctly pointed out that the applicants have not demonstrated their capacity to manage the project as it is proposed to externalize the project management in parallel with the appointment of the internal project management teams, for which no management skills, envisaged tasks or methods for monitoring and control are described. In its complaint, the applicant is stating that the project is complex and strategic, but actually it is just a hard type project. Also, the

investment intensions are briefly marked, no real justifications for their selection or contribution to the overall program aim are provided, while the contribution to the Programme output indicator I2 - Number of joint mechanisms to facilitate the connection of secondary/tertiary nodes to TEN-T infrastructure (4 joint mechanism) are only listed without detailing the way of their achievement. To all the above mentioned, it can be added that the cross-border impact not justified in the project proposal. Also, it is clear that the technical documentation was not complete, as the Urban Permit from the National Railways Company and State Inspectorate in Construction was not provided and should be submitted in the pre-contracting phase.

Conclusion: analyzing the provisions of the Assessor's Guide regarding scoring for this criterion "there will be granted score between 0 and 15 points, as follow: The project is realistic and consistent from a technical point of view, its activities are clearly described, realistic and achievable - 15 points; The project is realistic and consistent from a technical point of view, its activities are realistic and achievable but could be better structured and described - 10 points; The description of the activities is not satisfactory but they seem achievable and therefore the project could be considered as consistent from technical point of view - 5 points; The activities are not well described and the project seems unrealistic and not consistent from a technical point of view - 0 points" corroborated with information regarding scoring from the assessment grid (Annex C - Evaluation Grids of the Application Form of the Applicant's Guide), it is considered that the score granted by the assessors is justified.

- Q19 - "Are the project results realistic?" (received 7 points out of 10 points) - rejected by the Complaint Panel.

Based on the information provided within the application form, the project contributes to the result indicator "Cross border population served by modernized infrastructure leading to TEN-T" with 67,430.00 persons, which represents 10.80% of the target result indicator to be achieved, using 13.31% of the available funds. Thus, no description regarding how the result indicator will be achieved, mostly for the indirect population.

Should be mentioned also that within its complaint, the applicant does not provide any additional justification, just that the project results are realistic and can be achieved, following to be submitted clarifications (more description) during the pre-contracting phase, which is not in accordance with the Applicant and Assessor Guide.

Moreover, in accordance with the provisions of the Assessor's Guide regarding scoring for this criterion, 10 points (the maximum) are to be granted if "the project results can be achieved and measured with the proposed activities scope, schedule and budget and these are proven by detailed and coherent descriptions".

Conclusion: analyzing the provisions of the Assessor's Guide regarding scoring for this criterion "there will be granted score between 0 and 10 points, as follow: 0 points - the project results cannot be achieved and measured with the proposed activities scope, schedule and budget and there is no evidence mentioned; 1-3 points - the project results could be achieved and measured with the proposed activities scope, schedule and budget but the planning is risky and there is not enough evidence how the results will be achieved; 4-6 points - the project results can be achieved and measured with the proposed activities scope, schedule and budget and there but there is weak or only general description presented; 7-9 points - the project results can be achieved and measured with the proposed activities scope, schedule and budget but the descriptions are not enough detailed and coherent; 10 points - the project results can be achieved and measured with the proposed activities scope, schedule and budget and these are proven by detailed and coherent descriptions", corroborated with information regarding scoring from the assessment grid (Annex C - Evaluation Grids of the Application Form of the Applicant's Guide), it is considered that the score granted by the assessors is justified.

- Q23 - "Is the proposed project budget justified, directly connected and proportionally correlated with what is described in the project activities?" - (received 9 points out of 15 points) - rejected by the Complaint Panel.

Based on the information provided within the AF, AWG clarification letters and provided responses, was considered that the correlation between activities and budget exists and the budget is sufficiently justified, however request for clarifications prove to be necessary. The issues to be clarified were:

1. The necessity of the purchase of Equipment 1 - Portable computers, including OS (4 pcs) and Equipment 2 - Mobile telephones (4 pcs) for Lead Beneficiary
2. The necessity of the purchase of Equipment 1 - Portable computers, including OS (5 pcs) and Equipment 2 - Mobile telephones (5 pcs) for Beneficiary 2;
3. The necessity for rent hall services;
4. To be provided justification for the proposed costs of Service 2 - Construction Supervision from quantitative value account on behalf of Beneficiary 2.

In the response to the clarification letter the applicant provided sufficient justification for the necessity of Equipment 1 and Equipment 2 at both partners level, while the proposed costs for rent of hall were considered as non-eligible, as unnecessary from the point of view of sound financial management, since both project partners have offices and conferences halls.

Also, in the application form there are also described costs which are not correct, as for example within T2 - Partnership actions, Deliverable - Project Technical meetings organized by B2 - Accommodation costs, which cost is justified as 6 meetings x 480-euro accommodation (4 pers. X 120 euro); Annex D, while according to the ceiling list, the foreseen limit for accommodation is 100 euro to which will be added the VAT, representing 9%, this resulting in a total cost of 6 meetings X 436 euro (4 pers. X 109 euro).

Another issue is related to the incorrectly framing of the external services costs for both project partners related to construction and author supervision, which have to be transferred from the budget line "External expertize and services" to the budget line "Infrastructure and works".

Moreover, in accordance with the provisions of the Assessor's Guide regarding scoring for this criterion, between 6 and 10 points are to be granted if "sufficient correlation between activities and budget exists and the budget is sufficiently justified".

Conclusion: analyzing the provisions of the Assessor's Guide regarding scoring for this criterion "there will be granted score between 0 and 15 points, as follow: 15 points in case there is a full correlation between activities and budget and the budget is very well justified; 10 points in case sufficient correlation between activities and budget exists and the budget is sufficiently justified; 5 points in case there is a proposal to reduce the total budget of the application of minimum 30 % and maximum 50%; 0 points in case the activities and the budget are not correlated or the budget is proposed to be reduced more than 50% of the initial proposal.", corroborated with information regarding scoring from the assessment grid (Annex C - Evaluation Grids of the Application Form of the Applicant's Guide), was considered that the score granted by the assessors on this criterion is in line with provided information within the AF.

Concluding, the total score of the technical and qualitative evaluation (67.5 points) is justified and will remain unchanged.

Also, regarding the CBC ROC letter 5728/26.03.2018, there is indeed a mistake related to the total amount of budgetary reductions mentioned in the letter, which should be 6,947.09 euro instead of 310,164.89 and which comprises 2,880.00 euro on behalf of Lead Beneficiary, 2,856.00 euro on behalf of Beneficiary 2 and 1,211.09 automatically reduction due to applying the flat rate.

Analyzing the justification related to the budgetary reductions there is no mistake as the value of the budgetary reductions is composed by 2,880.00 euro on behalf of Lead Beneficiary and 2,856.00 on behalf of Beneficiary 2, both costs being proposed as necessary for the rent of hall and considered unnecessary from the point of view of sound financial management. In addition, an automatically reduction took place due to applying the flat rate.

Therefore, the adjustments applied by the assessors are justified.

As for the total financing support, it is detailed within CBC ROC notification letter no. 5728/26.03.2018 that it is amounted to 7,728,669.70 euro, comprising 6,703,506.40 euro ERDF and 1,025,163.30 euro national co-financing. To this value should be added the own contribution and in this case will result a total value of the project of 7,886,478.12 euro.

2.2. Considering the complaint appealing the *Monitoring Committee Decision No. 72 of 22nd of March 2018, approving the List of approved and rejected projects submitted under the third call for proposals for the Interreg V-A Romania-Bulgaria Programme - deadline 23rd of October 2017*, please be informed that:

- According to Article 49, Regulation 1303/2013, the Monitoring Committee shall review the implementation of the programme and progress made towards achieving its objectives. In doing so, it shall have regard to the financial data, common and programme-specific indicators. Also, the monitoring committee shall examine all issues that affect the performance of the programme, including the conclusions of the performance reviews. Thus, the MC is entitled to take any decision for the programme benefit.
- Selecting the projects above 60 points is extremely risky, since all the financial allocation would be consumed, but more than half of the Programme indicators would not be reached, thus creating premises for missing the Programme targets and possible financial corrections from the European Commission.
- Moreover, the European Commission calls for giving priority to projects which make a high contribution to achieving the programme's results and objectives and clearly illustrate the contribution of individual projects to these.
- The MC decision has not changed the evaluation rules nor the selection criteria set by the Applicant's Guide and approved by the Monitoring Committee, thus the quality of a project could not be affected by the fact that the MC decided to select higher quality projects and the score received was not alliterated by this decision. The quality of the project did not change as result of this decision and each project's aim should be of providing the best quality possible, as close as possible to the maximum (100 points).
- The decision of the Monitoring Committee was taken in line with the EU legislation and Programme provisions for ensuring a high quality implementation and the achievement of the objectives.

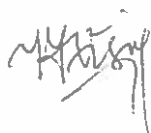
Article 3. The decision of the Complaint Panel is final, binding to all parties and not subject of any further complaint proceedings within the Programme.

Signed by

Members of the Complaint Panel

Member 1 - Managing Authority representative, Ministry of Regional Development and Public Administration, Romania

Signature



Member 2 - National Authority representative, Ministry of Regional Administration and Public Works, Bulgaria

Signature



Member 3 - External expert (from the Evaluation Unit), Ministry of Regional Development and Public Administration, Romania

Signature



