



Project Overview

to the

Request for Proposal For Assessment of the ICANN Office of Ombudsman

Date of Issue: **TBD**

Commented [SB1]: Few choices
Ombuds vs Ombudsman
ICANN Ombuds(man) Office vs Office of the OCANN
Ombuds(man)
subgroup vs drafting team
Ombuds(man) role vs Office of the Ombuds(man)
?

Commented [LH2]: Office of the Ombudsman is what it is referred to in the Bylaws (Article 5)

Commented [FB3]: Wasn't ombuds person suggested once? I think we use that at GNSO

Commented [LH4]: See comment above.

1.0 Introduction

1.1 About this Document

The Internet Corporation for Assigned Names and Numbers (“ICANN”) is seeking a provider to conduct an independent assessment of the [Office of Ombudsman](#), as defined in [Article 5](#) of ICANN Bylaws. This assessment is part of the overall objective to enhance ICANN accountability alongside the IANA stewardship transition and it will be supported by the [Working Stream 2 Process](#) and more specifically by the ICANN Ombuds Office Drafting Team (IOO-DT) a multistakeholder group. The assessment is also in line with the recommendation issued by the Second Accountability and Transparency Review Team (ATR2) , see [Final Report Section 9.3](#).

In seeking a comprehensive proposal for these services, ICANN is placing maximum emphasis on several key components of value including expertise with similar processes, multistakeholder community and policymaking, demonstrated practices, and the ability to work within the guidelines established in this RFP. Additional ideas and suggestions are welcome.

Note: This ‘Project Overview’, even if it provides all the information relevant for the RFP such as the RFP background, scope, requirements, deliverables and timeline, does not constitute the complete RFP packet by itself. There are several other documents included as part of the RFP packet that require participants to provide information to ICANN in a structured format. For a full list of documents included in the RFP, along with detailed instructions for responding to the RFP and use of the ICANN Sourcing tool, refer to the Instructions document provided separately.

1.2 Overview of the Internet Corporation for Assigned Names and Numbers (ICANN)

The Internet Corporation for Assigned Names and Numbers’ (ICANN) mission is to help ensure a stable, secure and unified global Internet. To reach another person on the Internet, you have to type an address into your computer - a name or a number. That address has to be unique so computers know where to find each other. ICANN helps coordinate and support these unique identifiers across the world.

See www.icann.org for more information.

1.3 Background to the ICANN Office of Ombudsman

The ICANN Ombudsman is independent, impartial and neutral. The Ombudsman's function is to act as an informal dispute resolution office for the ICANN community, who may wish to lodge a complaint about ICANN staff, board or problems in supporting organizations. The purpose of the office is to ensure that the members of the ICANN community have been treated fairly. The

Office of Ombudsman is impartial and will attempt to resolve complaints about unfair treatment, using techniques like mediation, shuttle diplomacy and if needed, formal investigation. The Ombudsman cannot make, change or set aside a policy, administrative or Board decision, act, or omission, but may investigate these events, and to use ADR technique to resolve them and make recommendations as to changes.

More information

[ICANN Ombudsman Homepage](#)

[ICANN Ombudsman Framework](#)

[About ICANN's current Ombudsman](#)

[Ombudsman Annual Reports](#)

2.0 Ombudsman Assessment

2.1 Period of this Review

This is a one-time review. The final report as well as any attachments should be delivered no later than **15 April 2017**.

2.2 Scope of the Review

The Office of the Ombudsman is defined in the ICANN Bylaws, Article 5, Section 5.1 - Section 5.5. For more information, see:

<https://www.icann.org/en/system/files/files/adopted-bylaws-27may16-en.pdf>

<https://www.icann.org/ombudsman>

Within ICANN, its stakeholders came together to make recommendations on enhancements to ICANN's accountability, through the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability). The CCWG-Accountability determined in the first phase of its work that the role of the Ombudsman should be considered for further enhancements.

As defined in the CCWG-Accountability Work Stream 1 Report (Annex 12):

Through the enhanced Request for Reconsideration process (see Recommendation #8: Improving ICANN's Request for Reconsideration Process), the CCWG-Accountability has given increased responsibility to the Ombudsman.

The Ombudsman can perform a critical role in ensuring that ICANN is transparent and accountable, preventing and resolving disputes, supporting consensus-development, and protecting bottom-up, multistakeholder decision-making at ICANN. ICANN's Office of Ombudsman must have a clear charter that reflects, supports, and respects ICANN's Mission, Commitments and Core Values, and must have sufficient authority and independence to ensure that it can perform those important roles effectively. As part of Work Stream 2, the CCWG will evaluate the current Ombudsman charter and operations against industry best practices and recommend any changes necessary to ensure that the ICANN Ombudsman has the tools, independence, and authority needed to be an effective voice for ICANN stakeholders.

For more information, please see:

<https://www.icann.org/en/system/files/files/ccwg-accountability-supp-proposal-work-stream-1-recs-23feb16-en.pdf>

As the CCWG-Accountability was deliberating and developing its recommendations, ICANN was working on the implementation of a recommendation from the Second Accountability and Transparency Review Team that called for a review of the role of the ICANN Ombudsman.¹

As ICANN was conducting a search for a reviewer to implement the ATRT2 recommendation, the CCWG-Accountability work clearly indicated that the role of the Ombudsman would be reviewed during Work Stream 2. Moreover, the CCWG-Accountability was making recommendations for modifications to the Ombudsman's responsibilities. To avoid duplication of effort, ICANN noted that the ATRT2 recommendation appeared to be overtaken by the CCWG-Accountability work, and further work on the ATRT2 recommendation was removed from ICANN's ATRT2 implementation workplan.

The CCWG-Accountability's next phase (or Work Stream 2) includes consideration of what further enhancements can be made to the Ombudsman role and function.

The CCWG-Accountability's Work Stream 2 efforts on the Ombudsman kicked off in mid-2016, and can be followed at:

<https://community.icann.org/display/WEIA/Ombudsman>. As part of their work, the Ombudsman subgroup has agreed to consider the findings of an independent assessment of the **Ombudsman role** (similar to the assessment anticipated as part of the ATRT2 implementation). To that end, an independent assessment of the Office of the ICANN Ombudsman will be coordinated with the Ombudsman subgroup. The independent assessment of the **Office of the Ombudsman** is expected to take approximately two months.

ICANN is seeking qualified reviewers to conduct the assessment in an efficient and effective manner. The information outlined below illustrates the scope of work and the criteria for selection.

The assessment is planned to start in **[DATE]** and conclude in **[DATE]** 2017.

2.3 Scope of Work

¹ The ATRT2 Final Report Recommendation 9.3 (Review of Ombudsman Role) states:

The Board should review the Ombudsman role as defined in the bylaws to determine whether it is still appropriate as defined, or whether it needs to be expanded or otherwise revised to help deal with the issues such as:

- a. *A role in the continued process of review and reporting on Board and staff transparency.*
- b. *A role in helping employees deal with issues related to the public policy functions of ICANN, including policy, implementation and administration related to policy and operational matters.*
- c. *A role in fair treatment of ICANN Anonymous Hotline users and other whistleblowers, and the protection of employees who decide there is a need to raise an issue that might be problematic for their continued employment.*

The objective of this RFP is to identify an independent reviewer **to conduct a comprehensive assessment of the current Office of the Ombudsman charter and operations, including its unique role in the ICANN community, against relevant best practices and provide recommendations necessary to ensure that the Office of the Ombudsman has the tools, independence, and authority needed to be an effective voice for ICANN stakeholders.**

The Independent Reviewer will be responsible for delivering a Report, incorporating inputs as received through the community input processes.

2.4 Review Work Method and Criteria

The work methods are expected to include the following:

- Examination of documentation, records and reports
- One-on-one interviews
- Observation of the current Ombudsman Office structure and operations
- Online surveys comprised of quantitative and qualitative elements focused on evaluation criteria. These surveys will aim to collect feedback from all of ICANN's Supporting Organizations (SOs) and Advisory Committees (ACs); the ICANN Board of Directors; interested members from ICANN community; ICANN employees.
- Consultation with the ICANN Community, notably the IOO-DT to assure the review is conducted according to remit and is based on relevant facts and figures.

ICANN will supply the criteria to be used in conducting the Assessment of the office of Ombudsman, which were developed in collaboration with the WS2 subgroup. These criteria include but are not limited to the following areas:

- 1) Evaluation of the current Office of the Ombudsman existing charter and operation against relevant best practices; determination of whether it is fulfilling its purpose within the ICANN structure;
- 2) To determine whether any factor affects the independence, impartiality and fairness of the ombuds office considering its current structure.
- 3) Assertion of whether there are any additional roles to be assumed by the Office of the Ombudsman within ICANN; and
- 4) Determination of how the enhanced role of the Ombudsman would interact with the other ICANN accountability mechanisms, to avoid duplication and optimize its effectiveness; and
- 5) Based on the findings from the comprehensive and in-depth analysis conducted, the review report shall provide suggestions and recommendations for any change in

Commented [FB5]: I don't think the criteria for the reviewer should include this. This is the expansion of ombuds mandate. And within the remit of the ombuds group to decide. I don't think the reviewer has anything to do with it.

Commented [LH6]: The result of the Review will not become 'law' – it will be passed to you, the Subgroup, to take on board what you deem relevant, as well as the Board. It does not affect your remit but could provide you with additional insights. It is also a standard requirement for comparable reviews within ICANN.

Commented [LBG7R6]: This offers an opportunity for the subgroup to formulate questions to the independent expert, in order to benefit from their knowledge and experience working with a wide range of broadly similar organizations.

structure or operations which is desirable to enhance and improve the Office of the Ombudsman's independence and effectiveness within ICANN;

2.5 Structure of the Assessment Report

The review report should include the following sections:

1. **Executive Summary:** This section should provide a clear and easy to understand summary of findings and recommendations.
2. **Facts:** This section should provide data on all aspects as described in the Scope of Work section above.
3. **Analysis:** This section must provide an in-depth analysis of the data collected, and show correlations amongst the various data sets.
4. **Conclusions:**
 - a. Based on the findings from analyzing the data collected, the report must identify elements that are working well and those that need improvement.
 - b. The report should provide suggestions and recommendations on ways to improve independence and effectiveness of the office of the Ombudsman

2.6 Other

The final report and any attached documents will be submitted in the English Language. The report will be submitted to CCWG-Accountability Work Stream 2 as an electronic document.

Commented [SB8]: Confidentiality

Commented [LH9]: Confidentially issues are part of the contracting process. Standard ICANN confidentiality requirements will be applied. We can provide you with more information.

3.0 High Level Selection Criteria

The decision to select a final provider as an outcome of this RFP will be based on, but not limited to, the following selection criteria:

- 1) Understanding of the assignment
 - Understanding of the assignment, timeline and expected deliverables
- 2) Knowledge and expertise
 - Strong knowledge and understanding on the roles and functions of the Ombudsman office
 - Demonstrated experience in conducting broadly similar examinations of the Ombudsman office
 - Demonstrated experience in conducting such a review for a global organization that consist of employees and/or volunteers:
 - coming from different part of the World
 - living and working in different cultural environment
 - using multiple languages
 - looking for gender equality
 - having diverse policies and privacy concerns
 - Demonstrated understanding of not-for-profit or non-governmental organizations
 - Commitment to working with ICANN’s multistakeholder setup, including a demonstrated understanding of and commitment to ICANN’s requirements for transparency and accountability
 - Basic knowledge of the multistakeholder model policymaking and an understanding of ICANN’s organization as well as ICANN community
 - Suitability of proposed CVs
- 3) Proposed methodology
 - Work organization, project management approach, timelines
 - Suitability of tools and methods of work
 - Clarity of deliverables
 - Suitability for engaging volunteers within volunteer-based organizations
- 4) Flexibility, including but not limited to:
 - Geographic, gender and cultural diversity
 - Meeting the timeline
 - Ability to adjust to circumstances that could extend the assessment
 - General adaptability
- 5) Reference checks (see template)
- 6) Financial value
- 7) Independence including no conflict of interest

Commented [SB10]: Is it link with flexibility?

Commented [LH11]: Yes. Sometimes timelines are moved one way or another. Ideally, we want someone who can adapt to short-notice changes.

Commented [LBG12R11]: This is particularly relevant to this RFP, given the tight time-frame that we are asking the examiner to work within.

4.0 High Level Business Requirements

In order to be considered, the providers must be able to demonstrate ability to meet the following business requirements:

- i. Ability to provide a complete response based on ICANN specifications by the designated due date (see below).
- ii. Availability to participate in finalist presentations via conference call/remote participation (see below).
- iii. Ability to execute a professional services agreement substantially in accordance with the terms and conditions of ICANN's Contractor Consulting Agreement (contact ICANN staff for a copy).
- iv. Ability to begin work on or around 20 February 2017 and complete on or around 15 April 2017.
- v. Conduct of periodic update calls, frequency to be determined.
- vi. Demonstrated ability to develop work methods, data gathering mechanisms and evaluation/assessment approaches based on the specific objective and quantifiable criteria supplied by ICANN.
- vii. Ability to conduct examination work using remote tools.
- viii. Ability to provide the following deliverables (note that deliverables and dates may change due to community work schedules)
- ix. Ability to travel to ICANN58, should it be deemed relevant and fit within the work plan.

Commented [SB13]: Adding an e-mail?

Commented [LH14]: Good point. We will add that once finalised

	Deliverable description	Estimated Due Date	Notes
a)	Work plan and timeline	1 March	
b)	Conducting interviews (skype/telephone)	1 March onwards	
c)	Design and launch online survey	5 March	ICANN58 starts 11 March
d)	Preliminary findings for discussion with Review Working Party	1 April	
h)	Final Report issued and posted	15 April	

5.0 Project Timeline

The following dates have been established as milestones for this RFP. ICANN reserves the right to modify or change this timeline at any time as necessary. All responses (including proposals, supporting documentation, questions, etc.) must be submitted via the ICANN Sourcing Tool. See the Instructions document for further instructions. Access to the ICANN Sourcing Tool may be obtained by sending a request to review_rfp@icann.org

Activity	Estimated Dates	Lead
RFP published	9 January 2017	Multistakeholder Strategy and Strategic Initiatives Staff (MSSI)
Participants submit any RFP-related questions to ICANN	20 January 2017 by 23:59 UTC	RFP Candidates
ICANN responds to participant questions	25 January 2017	ICANN Organization
RFP due date	31 January 2017 by 23:59 UTC	RFP Candidates
Preliminary evaluation of responses	1 February-8 February 2017	ICANN Organization, with input from the IOO-DT
Target for final evaluations, contracting and award	20 February 2017	ICANN Organization, with input from the IOO-DT
Start of Review	1 March 2017	Independent Examiner/MSSI Staff
Final Report for discussion with the Ombudsman Subgroup	1 April	Independent Examiner
Final Report issued and posted	15 April 2017	Independent Examiner/ICANN Organization

6.0 Terms and Conditions

General Terms and Conditions

1. Submission of a proposal shall constitute Respondent's acknowledgment and acceptance of all the specifications, requirements and terms and conditions in this RFP.
2. All costs of preparing and submitting its proposal, responding to or providing any other assistance to ICANN in connection with this RFP will be borne by the Respondent.
3. All submitted proposals including any supporting materials or documentation will become the property of ICANN. If Respondent's proposal contains any proprietary information that should not be disclosed or used by ICANN other than for the purposes of evaluating the proposal, that information should be marked with appropriate confidentiality markings.

Discrepancies, Omissions and Additional Information

1. Respondent is responsible for examining this RFP and all addenda. Failure to do so will be at the sole risk of Respondent. Should Respondent find discrepancies, omissions, unclear or ambiguous intent or meaning, or should any question arise concerning this RFP, Respondent must notify ICANN of such findings immediately in writing via e-mail no later than three (3) days prior to the deadline for bid submissions. Should such matters remain unresolved by ICANN, in writing, prior to Respondent's preparation of its proposal, such matters must be addressed in Respondent's proposal.
2. ICANN is not responsible for oral statements made by its employees, agents, or representatives concerning this RFP. If Respondent requires additional information, Respondent must request that the issuer of this RFP furnish such information in writing.
3. A Respondent's proposal is presumed to represent its best efforts to respond to the RFP. Any significant inconsistency, if unexplained, raises a fundamental issue of the Respondent's understanding of the nature and scope of the work required and of its ability to perform the contract as proposed and may be cause for rejection of the proposal. The burden of proof as to cost credibility rests with the Respondent.
4. If necessary, supplemental information to this RFP will be provided to all prospective Respondents receiving this RFP. All supplemental information issued by ICANN will form part of this RFP. ICANN is not responsible for any failure by prospective Respondents to receive supplemental information.

Assessment and Award

1. ICANN reserves the right, without penalty and at its discretion, to accept or reject any proposal, withdraw this RFP, make no award, to waive or permit the correction of any informality or irregularity and to disregard any non-conforming or conditional proposal.
2. ICANN may request a Respondent to provide further information or documentation to support Respondent's proposal and its ability to provide the products and/or services contemplated by this RFP.
3. ICANN is not obliged to accept the lowest priced proposal. Price is only one of the determining factors for the successful award.
4. ICANN will assess proposals based on compliant responses to the requirements set out in this RFP, any further issued clarifications (if any) and consideration of any other issues or evidence relevant to the Respondent's ability to successfully provide and implement the products and/or services contemplated by this RFP and in the best interests of ICANN.
5. ICANN reserves the right to enter into contractual negotiations and if necessary, modify any terms and conditions of a final contract with the Respondent whose proposal offers the best value to ICANN.