Request for Proposals
Independent Expert for Internet Corporation for Assigned Names and Numbers
Accountability & Transparency Review Process
ATRT2

Tentative Schedule of Work:

2 July 2013 - RFP issued
15 July 2013 (23:59 UTC) - Deadline for submitting proposals
22-23 July 2013 - Proposal conference calls with candidates
26 July 2013 – Selection
23 August 2013 - Progress report due
20 September 2013 - Final report due

General information

Purpose: To assess the effectiveness of the Internet Corporation for Assigned Names and Numbers (ICANN) Generic Names Supporting Organization (GNSO) Policy Development Process (PDP) and whether the current GNSO PDP process satisfies the needs of the multi-stakeholder model and Internet users.

Background: The Affirmation of Commitments (AOC) signed by ICANN establishes ongoing reviews of ICANN's Accountability and Transparency - http://www.icann.org/en/about/agreements/aoc/affirmation-of-commitments-30sep09-en.htm. Review of ICANN's execution of core tasks is undertaken by "review teams." The second Accountability and Transparency Review Team (ATRT2) is examining ICANN's activities to ensure they are accountable, transparent, and undertaken consistent with the public interest.[1]

The ATRT2's activities are focused on paragraph 9.1 of the AoC where ICANN commits to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making will reflect the public interest and be accountable to all stakeholders. By 31 December 2013, the ATRT2 will make recommendations, as needed, to the ICANN Board for improvements.

ICANN Bylaws explicitly give the responsibility of developing generic Top Level Domain (gTLD) policy recommendations to the GNSO. Overseeing this activity is the responsibility of the GNSO Council. Policy recommendations are developed by the GNSO and supervised and approved by the GNSO Council. If ratified by the ICANN Board of Directors, ICANN staff is tasked with implementing such policy recommendations, often with the support of an implementation assistance group convened by the GNSO.

Although policy may be developed by the GNSO using a variety of mechanisms, the formal Bylaws-mandated Policy Development Process (PDP) must be used for developing policy, often referred to as 'Consensus Policy', which if ratified, are automatically incorporated by reference into the contracts of gTLD Registries (those

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[1] For information on the membership of ATRT and its activities including meeting schedules, agendas, minutes, etc. see https://community.icann.org/x/mQllAg.

entities that operate gTLDs under contract with ICANN) and Registrars (those entities accredited by ICANN to distribute domain name registrations within gTLDs). The PDP is also used in other cases when the rigor of its methodology is desired due to the complexity of the issue and/or the number of strongly held and conflicting views held on the issue.

Scope of work:
- Thoroughly understand and document the GNSO PDP process as practiced;
- By studying the records of a number of specific GNSO PDPs with various outcomes, analyze the process dynamics.
  - Records include documents, e-mail archives, transcripts and recordings.
  - Contractor may augment the record with requests for clarification from the participants in the PDP, as necessary.
- Provide a critical analysis of the GNSO PDP as defined and practiced, identifying:
  - the strengths and weaknesses;
  - differences between defined process and actual practice;
  - to what extent process incorporates the views, advice and needs of all stakeholders, both those active in ICANN and those not typically present for ICANN deliberations (See Annex);
  - to what extent the ICANN Bylaws process by which the GAC submits advice to the Board affects, positively or negatively, the participation of the GAC in the PDP and whether the PDP process could be strengthened by the submission of views and advice from the GAC and governments earlier in the process; and
  - how the ICANN PDP process compares to other relevant multi-stakeholder processes.
- Evaluate to what extent the GNSO PDP satisfies the mission of ICANN in developing sound policy in support of the public interest, as well as meeting the needs of all stakeholders (see Annex), and to the extent that it does not, identify areas that need further investigation and change.

In person meetings: Presentation of findings and final report may include an in-person meeting with ATRT2, if necessary. ATRT2 will meet in Buenos Aires, Argentina on 15-16 November 2013.

Proposals submission: Interested parties are invited to submit proposals in writing via e-mail to Alice E. Jansen, ICANN, Strategic Initiatives Manager - alice.jansen@icann.org. Proposals are due by 15 July 2013 – 23:59 UTC. Proposals should include the following elements:
- Qualifications, including resumes and references
- Proposed approach and methodology, including relevant examples
- Proposed timeline
- Detailed cost estimate

Proposal Conference Call: Based on review of the 15 July 2013 submissions, parties will be invited to present their proposals on 22-23 July 2013 via teleconference.

Method of developing the potential vendor or provider list: Potential vendor list has been developed based on research and recommendations from ATRT2 members and ICANN staff. Potential vendors have been identified based on expertise and knowledge of ICANN.

Selection criteria: Candidates will be evaluated based on the following criteria:
- Understanding of the assignment
- Qualifications – previous similar activities; geographic and cultural diversity, multilingualism, gender balance; suitability of proposed CVs
- Proposed methodology and tools - Work organization and methodological approach including timetable; suitability of proposed data gathering tools, data analysis and validation methods
- Pricing

Makeup of ATRT 2 membership: Please refer to https://community.icann.org/display/ATRT2/Team+Composition for the composition of Review Team members.

Required documents: Draft contract (Contractor Consulting Agreement Form) and nondisclosure agreement (Confidentiality Mutual NDA - REVISED) to be attached.

Pricing terms: expected total costs, including out-of-pocket expenses; basis for pricing – staffing levels, hours, etc.

RFP Terms and Conditions:

General Terms and Conditions

Submission of a proposal shall constitute Respondent's acknowledgment and acceptance of all the specifications, requirements and terms and conditions in this RFP.

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.

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

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.

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.

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.

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

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.

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.

ICANN is not obliged to accept the lowest priced proposal. Price is only one of the determining factors for the successful award.

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.

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.

Annex

Multi-stakeholder and the GNSO PDP

As the technical coordinator for the Domain Name System, ICANN develops policy in a multi-stakeholder, "bottom up" process. This process is intended to allow full participation of all stakeholders who are recognized as coming from or representing industry, civil society, the technical community, governments, academia, the private sector and including ICANN Advisory Committees[2] and Supporting Organizations[3] and their constituent groups.

Many of these stakeholders are regularly represented in ICANN policy processes.

Questions to explore include:

- whether the Policy Development Process affords all stakeholders adequate access to and participation in the process;
- whether the existing structures are sufficiently broad and sufficiently representative to reflect the interests and inputs of all stakeholders; and
- whether the processes and timelines of PDPs provide for meaningful consideration of stakeholders' inputs.

The GNSO PDP as an effective, accountable and transparent process

Some PDPs are charged with answering specific questions or making what amounts to binary or n-outcome decisions. Others are presented with one or more problems and charged with improving a specific situation. The intent of the PDP is to develop sound policy that can be seen as serving the public interest, factoring in the needs of all stakeholders and to do so with sufficient transparency as to not bring into question the legitimacy of the process.

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[2] Governmental Advisory Committee (GAC), At-large Advisory Committee (ALAC), Security and Stability Advisory Committee (SSAC), Root Server System Advisory Committee (RSSAC)
[3] Generic Names Supporting Organization (GNSO), Country Code Names Supporting Organization (ccNSO), Address Supporting Organization (ASO)