RECORDED VOICE: This meeting is now being recorded.

SEBASTIEN BACHOLLET: Okay. Welcome, to the ones who just joined us. The meeting is now recorded. Sebastien Bachollet speaking. Welcome to everybody to the call. I would like first if I can have the end of the presentation the Adobe connection, it will be great. And we will take a roll call the people on the Adobe right now. If you have any – if you are not on Adobe, just on the call – please can you let us know now who you are.

Okay. If nobody answered, we have all the participants on Adobe. That's great. It's a long time we didn't have this discussion, this meeting of this group. We will try to get back to our work, but as you know, one of the reasons we didn't have so much meeting was because we wanted to have all the staff involved in this, to help us for the review, and one of the first points was to have feedback from Legal, to be sure that we don't have any trouble with the participants of the background and ex-Ombuds, and we will discuss that just after.

Once again, Staff, can I have the end on the presentation? Can I be a presenter, for example? Can you move me from a participant to a presenter? It will be great. Thank you very much. Any comments on the proposed agenda? Any additions or any other business you already know you will wish to raise before the end of the "any other business" part of the meeting?

Okay. Hearing none, I consider that you agree with the agenda, and for the moment there are no "any other business," but we will come back to that. Okay, thank you.

The first slide is to remind us of what meeting we have [inaudible] Hyderabad. Next is the number of participants, and we have one additional active participant. I don't know if she is here today – no? And we are supposed to be twenty-two, at least in each meeting, but as you see, it's not the case. We have with the observer and the liaison, and Mathieu Weill is the Co-Chair decided to be in charge of each and every subgroup. One Co-Chair was assigned to us, and it's Mathieu Weill. I had some exchange yesterday with him on the meeting, and he was – he got the flu and I don't think he will join us, but he is following what we are doing.

Next slide, it's – when we come back on that, it's just to show that we added [inaudible] day from the 22nd of November, and it wasn't clear – we canceled it quite late; sorry for that – and the next meeting will be in ten days. We will come back to our Monday meetings, and we will come back on this to see if you agree with the proposed time slot at the end of the meeting. Now, we will enter to the [inaudible] of the discussion, and we will concentrate this call on the external review of the ICANN Ombuds Office. We will discuss legal issues, provenance issues and an exchange with the Staff who are doing organizational reviews and help to understand how we can manage this specific review. If you have any comments or any questions, please raise your hand. I will try to give you the floor as soon as I see your hand.

About legal questions – we ask the following question: Is the current ICANN Ombudsman placing himself in a conflict of interest by participating in the subgroup which will have responsibility for the external review of the Office of the Ombudsman? If so, what should the Ombudsman do to avoid such a conflict? As we [inaudible] answer, I will go to the next slide. The process was, we send that to the Legal Committee of the CCWG on Work Stream 2, and they send this question to the ICANN Legal Team. The answer was – well, it's on the slide here; you have received it. It was sent by Leon Sanchez, the Chair of the Legal Committee. I will just read what's involved: "We do not believe" – it's ICANN Legal speaking – "that the scope of the Work Stream 2 work on the Ombudsman poses a conflict of interest, and in summary, if the Ombudsman [inaudible] is willing to participate in the sub-group's work, we see no legal reason why they should not participate." That's good, and we had some comments from the Legal Committee. The Legal Committee says that they have received the answer, reviewed it, and discussed it. Their reply seems to be both legally reasonable and in line with common sense. I don't know – I am not a lawyer – I don't know what that means, "common sense," in any legislation or any legal system, but it's interesting. And some members of the Legal Committee suggest that this seemed to be more a policy question, rather than a legal one. So in turn, that suggests, should the group choose to do so, to consider positing this question to the Plenary Group. Any questions, comments on that? Yes, Herb. Please, go ahead.

[CROSSTALK]

HERB WAYE: You can hear me now?

SEBASTIEN BACHOLLET: Yes. Now it's better.

HERB WAYE: Okay. Yeah, Sebastien, I just wanted to mention – and for the benefit of the people in on this call – I've always considered myself a resource to the Working Group, and much less a participant, so I don't believe that will change, and I will just reaffirm now that my intention is to serve solely as a resource, offering advice or comments or recommendations only when asked. So, I hope that may ease anybody's mind who feels that I am somehow attempting to influence the outcome of this group. And again, if the group needs any information or anything at all, I stand as a resource more than a participant. Thank you.

SEBASTIEN BACHOLLET: Thank you, Herb. Do we have somebody from ICANN Legal who wants to comment or – ?

                        Okay. If not, thank you, Herb, for your feedback. And as I have answered to Chris LaHatte, asking a question is not because we wanted an answer that you can participate. Quite the reverse. But I have learned in this organization that sometimes, you need to take careful steps, just so you don't have bad feedback later on, and to be sure that we are [CROSSTALK].

HERB WAYE: No, I understand that, and your question is entirely legitimate. I don't question the involvement of Legal in this at all, so it's perfectly fine with me.

SEBASTIEN BACHOLLET: And my suggestion is that we don't raise the issue to the Plenary, because we are happy with the answer and we welcome the continuing participation, or as a resource – but as a participant, if you wish – to this work by the current Ombudsman and the experts, meaning Herb and Chris. Thank you for participating and spending time with us.

Okay, thank you for that. If there are no comments, I would like to ask to go to the next issue. The next issue is around procurement. I put some idea of what we need to do. But I guess it's better if I give the floor to the Procurement people. Or I don't know in which sense you want to talk. I just will put that we have Review people also, from Staff, and then we will talk about those issues, and I give back the floor to staff, and you organize as you want for the presentation now. [inaudible], I guess you have your own slides, and you can change it. Go ahead with your presentation, please.

LARISA GURNICK: Thank you, Sebastien. This is Larisa Gurnick, and I will start the next section of the conversation. While the slides are being put up, I just wanted to introduce the people that are part of the team that will be walking you through the next several slides. So, myself – I work as part of the Multi-Stakeholder Strategic Initiative team – MSSI. It's a mouthful, but the work that we do has to do with reviews: specific

reviews, organizational reviews, as well as – you already know – many of our members of our team have been providing support to Work Stream 2. So we come to you today to see about facilitating the process that you are all about to undertake, and also with our group we have representatives from our Procurement Team, and that's Vivek. We have Lars, who works with myself and Charla on actually working through the different reviews, so I know many of you probably know several of us in that context. And now, if we could just go to the next slide, I'll give you some brief introductions to why we're here and what we hope to help you accomplish.

ATRT 2, which completed its work back in 2013, has issued various recommendations. One of them, as you all know, was a recommendation to the Board to have an Independent Review Assessment of the Ombudsman function. And while the implementation planning work was underway, that of course overlapped with the transition work and the work of Work Stream 1 and 2. That's part of the history. But here we are now, and the idea is that there is definitely a connection to that ATRT 2 recommendation for which the implementation work was put on hold – on pause, if you will, because of all the transition efforts – and now we have the opportunity to make progress and advance the ATRT 2 recommendation, but also consider and incorporate and take advantage of extensive work that has been done by Work Stream 1 and 2 towards improving accountability mechanisms. It's our goal to facilitate this process, to make sure that it's a productive and useful independent assessment of the office of the Ombudsman. And it's our goal to support this work, such that the output of this effort – of the independent expert – could inform the

work and the outcome of your subgroup, and most importantly, to inspire improvements in the important accountability mechanism that is the Ombudsman Office.

We bring with our knowledge and experience some things that would hopefully be good leverage points for you all as you do your work. One is the ICANN procurement process, and Vivek will give you a brief overview for how our team does this, and why it's a pretty robust and disciplined process. We also obviously bring with us project management support that our team provides to many other similar activities, such as the specific and organizational reviews. And finally, we're happy that the funding that had been flagged for ATRT 2 implementation on this point, we were able to leverage that to assist with funding this important work. With that, I will turn it over to Lars, who will walk you through several important items, I think, for where you are in your work – some ideas for how we go through the process, what are the important considerations, where we turn to you for your input and guidance and feedback at the different points that we envision over the course of the next several months, and so on. So, with this, I'll turn it over to Lars. Thank you very much.

LARS HOFFMANN: Thank you, Larisa, and thank you, everybody, for joining us and for letting us present here. I'm going to talk you through what it says here – the scope of work, the evaluation criteria, the methodology for review, or for the assessment of the Ombudsman as it could pan out over the next few months. So, an RFP, a request for proposal, is really what was sent out, to get an independent examiner to apply and

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hopefully contract to conduct such a review. And this RFP is really starting the foundation of the assessment process, and there are a couple of key issues that these RFPs contain: scope of work, as I said here, the evaluation criteria, the deliverables, and the methods. So it's very important that we set these out from the beginning, so the independent examiner knows what to expect the work will be, and we also can expect what they will do and what they will deliver, and make sure that they assess those aspects that we want them to.

Vivek, my colleague from Procurement, will very briefly talk about the RFP process, itself, and how that is conducted. So you get to hear more about that aspect. I'm going to talk a little bit about the kind of things that would feature in an RFP, specifically here for something on the Ombudsman.   So the objective [inaudible] would essentially be [inaudible] identify an independent reviewer to conduct an assessment of the current office, [inaudible] obviously charter and the operations of the ICANN Ombudsman, compare that against industry best practices, and then of course, provide recommendations that the independent examiner or assessor thinks it's necessary to ensure that the office of the Ombudsman has the tools, as well as, of course, the independence and authority that they may need to be an effective voice for ICANN stakeholders.

The work methods, another key component of the RFP – for something like this, the assessment of the Ombudsman – you're probably looking at something that's [inaudible] to other [inaudible], such as organizational reviews, [inaudible] of documents and records and reports, obviously, that relate to the office of the Ombudsman. That would include one-on-one interviews with individuals relevant to the

examinations in this case, obviously there would be current and former holders of the office, as well as the wider community, because all of you have an interest in the functioning and the – by definition, if you want – relevant person to this assessment. So they would conduct a wide range of interviews. The observation of the hierarchy and the current Ombudsman office, [inaudible] operations, something like that could happen during, for example, the next ICANN meeting in Copenhagen. The consideration of input from the Ombudsman subgroups, from you, obviously, conducting your Work Stream 2 work in the context of – obviously, it's a very important component. And then, also, the consideration of input from public comment, if and when appropriate.

The other, or the next, big thing that we would put in the RFP would be the deliverables. We all want to make sure that we all agree that what comes out on the end is what we want and what the assessor can actually provide. So obviously, in terms of physicality, it would be a final report that is clearly structured. It needs to be based on facts, it needs to identify areas of concern, if they exist, and recommend how these can be addressed appropriately; also, obviously, identify areas that work very well and call that out, as well. So, part of this [inaudible] – this refers back partially to the scope to evaluate the current office of the Ombudsman, the existing charter – make sure that these are corresponding to best practices in the industry. I would then want to read through all of it, determine whether there are additional roles that could be assumed by the Ombudsman that they do not perform at the moment, and then also, obviously, how those additional roles or activities would interact with other ICANN accountability mechanisms.

Make sure that the final report would fit neatly into the overall work of your group, and of Work Stream 2, in general.

A key thing of the evaluation criteria – we'll talk about this once we get the candidates' reply and apply to be the assessor or the independent examiner for this Ombudsman assessment – there are certain things – if you want neutral criteria against which these applicants are scored, and based on that, the final selection will eventually be made. Things like the body that would like to conduct this review has to have an understanding of the assignments [inaudible] of the RFP, of the timelines, and deliverables. They would have to demonstrate that they have experience in conducting broadly similar reviews, maybe of an Ombudsman, of an international organization that is similar to ICANN, etc. They should also demonstrate, we think, the understanding of not-for-profit, non-governmental organizations. That's probably quite important in this context, and certainly should have a commitment to working with ICANN's multi-stakeholder model, as well as having, ideally, at least a basic understanding of the work that's from ICANN. We found it as very conducive to an effective review.

I think we can have questions at the end. I'm going to pass this on now to Vivek, my colleague from Procurement. Vivek, it's all yours. Take it away.

VIVEK SENGUPTA: Thank you, Lars, and hello, everybody. This is Vivek SenGupta, Director of Procurement with ICANN. I'm going to walk through the slide which talks about the life cycle of an RFP process that we follow at ICANN. I'm

not sure if everybody in the meeting and on the call has a background to RFPs. I'm assuming you may have some background, maybe either participating in an RFP, being involved actively, or maybe just hearing about an RFP. But essentially, an RFP stands for Request for Proposal. It is strategic [inaudible] an overall umbrella of what an RFP falls into. But really, it is a very structured process by which we select a particular provider or vendor do a certain service or provide a certain good that we would purchase. So, it's a very standard process that we have in Procurement. The chart that you see in front of you, it's like a waterfall model. It's a step-by-step process, and I wanted to just walk you through it very briefly.

We have several phases, or stages, of the RFP process. It's pretty much standard across the industry, and that's what we also apply and use at ICANN. One thing, before I start going through the steps, I wanted to just say that the RFP process is a very – to run an RFP process, you need to be very – there's something called purchasing ethics, and so we make sure that we are always abiding by all purchasing ethics, which are standard across the industry. For example, things like ensuring that all the suppliers, or all the participants, have the exact same information at all points, so we would not – one example would be – during the RFP process, we would not want to provide information to one party and not provide it to another party. Those are the types of logistical things that we do abide by, and that falls under purchasing ethics.

So, walking through the steps here, there's a planning phase and there's a preparation phase. I think we are, right now, in the preparation phase for this RFP. Some of the slides that Lars just walked us through are right out of the preparation phase. For example, the requirements and

also the section criteria, etcetera, which we will need to obviously complete before we launch the RFP. Once we launch the RFP, we get into the RFP live phase. Now, the RFP live phase is, just as the name suggests, it's when the RFP is live. It's open to the public, or whoever wants to participate, to provide a response to the RFP. So it's usually a few weeks, and then it closes. There are questions and answers that we monitor via a Q&A process, and then the RFP closes.

The main part I wanted to focus on today is the RFP evaluation phase. You can see it's the biggest box on the screen. That's because it is quite an involved process to evaluate the suppliers or the providers in a fair manner. It's a two-stage process that we follow. We have an initial evaluation, and then we go into a detailed, or a more final evaluation that we argue due diligence. The initial evaluation is just collecting the responses. We have a very state-of-the-art system that we use at ICANN just for RFPs, and so we use that system to evaluate the suppliers that log in the system, and then – it's a monitored system through which we get all the bids, the responses, and so it's very easily handled in that system. In the past, we had to do it all through email, and through Excel spreadsheets, and that wasn't a very great process. But we have this system that we are using that helps us with that.

The initial evaluation is, we have a scoring mechanism – and it's a standard scorecard – that we use for all RFPs at ICANN. Larisa, Lars, and Charla and others are very familiar with the process because they've been involved with RFPs before at ICANN. So, we use that scorecard to score the initial responses coming in, and then, when we are ready with the initial evaluation, then we invite in certain – we call them finalists – certain people, respondents who have made it to the next round. We

call them in for presentations and then after that point, we get into a much more detailed due diligence process. It could be ranging from customer reference calls, to more telephone calls with the participants, where we have more Q&A sessions drilling deeper [inaudible] into certain areas, if necessary. Essentially, whatever is needed from a due diligence perspective is what we do, so background checks, [inaudible] checks, financial health checks, if needed. Essentially, every RFP is different, I would say. We do have a long list of tools that we may use; we may not use all the tools for every RFP, but just to say that we definitely conduct due diligence wherever it is needed, based on the RFP and based on the subject matter.

That really is the process. Once we get to a final scorecard, we update the scorecard and then it's really time to make the decision and then move forward as a group – as a consensus, once we come to a decision as to which provider we want to go with. Then, the last two stages are just semantics. It's just getting the contract in place, negotiating a good price, and then awarding it to the vendor and starting the work. So that, really, is the life cycle of an RFP process at ICANN. Lars, back to you.

LARS HOFFMANN: Thank you, Vivek. Just quickly, two more slides, and then we'll hand it over to Q&A. Thank you for bearing with me. So, this was the RFP process. Vivek talked to you about the technicalities, I talked a little bit about the content of the RFPs, and so I'm going to talk a little bit about the process of the assessment, itself. We put together – we did some calculations, and all of these, as you saw, there are various steps

involved in the RFP process, itself as well as the testing, contracting, and the review, itself. It obviously can't happen, unfortunately, overnight, as many of you are probably already painfully familiar of. If we look at this as a hypothetical, we would finalize [inaudible] RFP itinerary that would allow us to evaluate the proposal and identify the finalists in February, and then probably at the beginning – depending on the time of the month, at the beginning of March – we would hopefully confirm the assessor and do the contracting with them. And then as soon as that's done, the following Monday, hopefully, the review would start. Considering that this is, obviously, in terms of scale, a smaller review than, let's say, the GNSO review the company did last year – just because of the function of the two – we expect this to run for a shorter period of time. We're looking at between six and eight weeks. Hopefully, over the ICANN meeting in Copenhagen, that would obviously be very useful [inaudible] etcetera, and that would then hopefully give you a report submitted by the assessor at the end of April. Much like when you buy something that has numbers involved, [inaudible] terms and conditions – we see a small note here at the bottom, "The data estimates [inaudible] subject to change" – there's always something that could come up. But from where we stand right now, we hope that together with you, we could be most efficient and get this done in this proposed time period.

Finally, the roles and responsibilities during the review itself. We always find this as a helpful slide, especially to those who might have not been involved in previous reviews. The four players, as we see it: the Ombudsman subgroup – obviously, that's you – you would confirm the RFP – that would include the scope, the stuff I went through [inaudible]

etcetera – and then also provide feedback on the scoring of the candidates, once they have submitted their proposal; confirm the final selection made by the Procurement Office; and provide clarifications and obviously factual corrections to the examiner during the exam. So you should be there and provide feedback and make sure that they're on the right track at all times. Obviously, your task would also be to review the final report that is submitted, and then integrate recommodations into – sorry, that isn't quite clear – into the subgroup's, so into your own, final report, that I understand you would then put forward to the WS2 Plenary. The examiner [inaudible] to review documents and records, conduct interviews, run the review, essentially, and then also prepare the final reports, including implementable recommendations. This is something that we put a big emphasis on. These things should be very specific, to make sure that they are as easily as possible implementable. The ICANN Ombudsman – if you want, the institution under or the organization with a small "o" under review – obviously, we discussed this earlier with the help from Legal, the input there will be part of it. They have, obviously, great insight. They can inform [inaudible] on the work of the office itself, provide clarifications and corrections when necessary, and also provide input [inaudible] the usefulness of the recommendations. I think your group will especially benefit from that when you prepare your own final report. And then ICANN [inaudible] – that is, Larisa, Yvette [inaudible], Charla, and myself – and obviously, Vivek – his team will be involved in the RFP process. So we're going to run the process in cooperation with you. We would support the outreach and engagement as needed of the independent examiner during the review. This includes sending out a questionnaire, [inaudible] things to various mailing lists, etcetera,

etcetera; provide also clarifications and corrections if and when necessary or appropriate; and we are also there to liaise, obviously, between the examiner, the Ombudsman, itself, and the subgroup, so between the other three players on this slide.

And with that, you'll be pleased to hear, I've come to the end of the presentation, and I'm going to throw it back to Sebastien, in case there are any questions or – depending on how you would like to proceed. Thank you.

SEBASTIEN BACHOLLET: Lars and Vivek and Larisa for the presentations; very useful and informative. If you have any questions and feedback, it's a good time for raising your hand, and I see that Asha Hemrajani wants to take the floor. Go ahead, Asha, please.

ASHA HEMRAJANI: Merci, Sebastien. This is Asha Hemrajani. Thank you, Lars, Vivek, and – excuse me for a second – sorry. I had something go down the throat wrong. Thank you, Lars, Vivek, and Larisa for presenting – for giving us a summary of the process. I wanted to ask a few questions. Based on your past experience with doing RFPs for selecting vendors to do reviews like this, what's a ballpark figure for how much something like this would cost? I mean, I know this is [inaudible] and you won't be able to give me a specific figure, but I'm just looking for a ballpark figure. Are we talking about tens of thousands, hundreds of thousands? That's my first question.

My second question is – and I think perhaps Lars or Vivek, one of you may have already covered it; I apologize if you have, but perhaps you could repeat it for my benefit – which is, are there companies that do reviews specifically on the function of Ombudsman, or are you going to look at the companies by the approach the companies we have used before, the vendors that we have used before to do, for examples, the GNSO Review and the reviews of the other SO/ACs? I just wanted to figure out whether there is going to be a different group of consultancies that will be approached. Thank you.

LARISA GURNICK: Asha, thank you very much for the question. I will jump in and then give Vivek an opportunity to consult with his professional experience on this. As far as budgeting for this, obviously this is just a starting point –

SEBASTIEN BACHOLLET: It's Larisa speaking. You need to present yourself, please, for recording purposes.

LARISA GURNICK: Thank you, Sebastien. I'm so sorry, yes. This is Larisa Gurnick speaking. So, in terms of a – additionaly, the second part of Asha's question was, who would we see as being qualified to do this work? These RFPs – so, the Requests for Proposal – once we all agree on the key aspects of it, when they go live, they're announced on icann.org, and we also then push them out through whatever available social channels and other channels to make sure that they are visible to the kinds of organizations

that are likely to do this work. So I would definitely not see it as being restricted in any shape or form to those groups that have done prior work for ICANN. And while I am personally not an expert on the Ombudsman function or office, I certainly know that you have participants in this group that are, so any suggestions about organizations that represent professionals that are most knowledgeable in this space, we would very much appreciate references to these organizations so that we could distribute the call – the RFP announcement – to a broad and diverse potentially qualified group of people for them to respond. Thank you.

SEBASTIEN BACHOLLET: Thank you, Larisa. Asha, you raised your hand. Please go ahead.

ASHA HEMRAJANI: Thank you, Sebastien.   So, Larisa, thank you very much for that response. I think you hit the nail on the head, there. That was really what I was trying to get to. I would encourage as wide as possible a call for proposals, and to try to go to a wider spectrum of companies, or rather, a wider range of companies that could possibly respond to this RFP, as opposed to just sticking with the people we've used before, the companies we've used before. And I see that you agree with me on that, so thank you.

SEBASTIEN BACHOLLET: Thank you, Asha. Any other questions or comments?

Okay. If not, I will ask one question. When we looked at this slide about the role of each and everyone, I think it's very useful. But that means that, for example, the role we, as the Ombuds subgroup, we will have to do it prior to this proposed schedule. For example, to finalize and post the RFP in early January, we would need to work from now on and hopefully we will have some rest for the Christmas, New Year, and the Chinese New Year; but except for that, I guess we will have to work on that. That's the first question, and the second – how we can ensure, and we will come back on that discussion with the group, but people who are participating to this specific work are participating to all the work, and not just coming to one or the other meetings, as some of the participants of this sub-group are doing? My question is that, first of all, the planning; and the second, when you will need our input, and the second, it's what is your point of view about the size of the group to support this specific work within the whole task of the Ombuds subgroup? Thank you. It was Sebastien speaking, and now I see that Lars raised his hand, and then we will come back to Asha. First, Lars, please.

LARS HOFFMANN: This is Lars, for the record. Thank you, Sebastien. You raised a very good point about the timing, which I'm going to respond to first. You're quite right; there would be some work done, if you look at the [inaudible] here by your group in the run-up to the posting of the RFP. It's important to us, and I'm sure to you, as well, that there is general agreement about those issues that I mentioned – scope, selection criteria, deliverables, and also the methodology, essentially. So, our proposal would be to send to you a first draft of an RFP that contains all

of this. Basically, based on the slides you have seen, so there wouldn't be any surprises; it would just be more elaborate and in the right language that is appropriate for such a document. And then we would circulate that among the group, and then we would be happy to [inaudible] another call to go through any questions you may have. You can also provide comments amongst yourselves, in a red-line document, for example, or something that works well. But we would be here to do everything the way that is most convenient to you.

Then, for the timing; yes, I know it's not my place to prescribe schedules for your group to meet. But once you see the review – the RFP, I'm sorry – it probably is useful to get your [inaudible] shortly afterwards; and then, depending on what your first impression is, we can see if you need one, two, three, four more calls, potentially, depending on the amount and the substance of the feedback that you have for us. We are willing to put the work in as fast as we can, so I think – I don't want to speak out of turn – but I think that we might be able to get something to you by the middle of next week. And then, I believe, if I recall correctly, that the next meeting is scheduled for the 19th. Correct me if I'm wrong. But that would give you two days to – thank you. That would give you a few days and the weekend to study this and then get back December 19th, and maybe from then on, we can see where we go from there, time-wise.

Sebastien, I think at the very end, you asked a question about the size of the group? I didn't quite follow the question. The size is – we have no issue with the size of the subteam at the moment, or the subgroup at the moment. In the organizational reviews, you have something called a Working Party, and quite often, I believe, the size of the Working Party

is similar to that of the subgroup, and so from our perspective, there wouldn't be an issue. But if you decide you want to have a more focused or concentrated team of members that are specifically assigned to this, you're also very welcome to do that. That would be up to you to organize yourselves however you see fit. Thanks.

SEBASTIEN BACHOLLET: Okay, thank you, Lars. Interesting input, and thank you for your answer. Asha, please go ahead.

ASHA HEMRAJANI: Thank you, Sebastien. I see the most critical piece in this whole review of the Ombuds function is the – at least, in my view – one of the most critical pieces of this is coming up with a list of deliverables. Because it's "garbage in, garbage out." If we don't work – if the list of deliverables is not specified clearly enough, then we're not going to get the desired outcome that we want from the company, from the firm that is selected. So I think – I'm a bit concerned about that, and I think it would be good that the subgroup would spend sufficient time to work on the deliverables part so that we're not disappointed with the recommendations that the eventual company that's selected comes up with. And I think that may be related to the point about size of the subgroup that Sebastien alluded to. If I didn't get you wrong, Sebastien, I think you were referring to making sure we have enough people in the subgroup to do the work on the left-hand side of this slide. Is that a correct assumption? Is that what you meant?

SEBASTIEN BACHOLLET: Thank you, Asha. Sebastien speaking. Yeah, but it's also the other side. But we will come back to that later on in the discussion. I think it's important to see how we want to be organized, ourselves, to do this job. As we discussed about dollars, may I suggest that you give us figures. How do they call that in Legal? You redact them from any materials? Because if you don't publish in the RFP but you publish it in our recordings, then there is no big difference, because I think that people who will answer their RFP will try to find information and will look at our discussions. My suggestion – we need to erase from what is written, but also maybe to do it in the recording; not because I don't want to have this information – it was great – but for the sake of the process. And that means also that all of the participants need to keep that for themselves. It's an important part, I think.

Thank you. My last point for this question is that – if we come back to the goals, I will try to go to the right slide – I know that part of the deliverables or this scope of work, I do remember that in the ATRT 2, some of the wording was a little bit different and I would like to be sure that we keep in mind both what it was requested within the ATRT 2 and what we put as our scope in this Work Stream 2. Because maybe they are complementary, they are not written the same way. Then maybe for when you guys and staff will write the first RFP draft, it would be useful to have both. I just want to remember you that the Recommendation 9.3 was the review of the office of the Ombudsman, the role within ICANN, and whether the duty scope of the Ombudsman should be expanded or change in line with the suggestions from the ATRT 2. Even if we are not anymore an ATRT 2 group, we need to take that into account for the sake of the completion of the ATRT 2.

Okay. I have two people – Larisa, may I give the floor to Cheryl first, and like that, you will be able to give your feedback and your answer? Because I think that it will be useful to have Cheryl, as she was a member of the ATRT 2 Team [inaudible] Team, but – please, Cheryl, if you would like to take the floor now, it will be great. Thank you.

CHERYL LANGDON-ORR: Thank you, Sebastien. It's Cheryl Langdon-Orr, for the record. Yes, it looks like I was a member of the ATRT 2 team, Sebastien, because I was at all the meetings and followed everything they did; but in fact, I was an ATRT 1 member. I just got hooked on [CROSSTALK]

SEBASTIEN BACHOLLET: Sorry, Cheryl. [CROSSTALK] You are the right person to talk about that [inaudible].

CHERYL LANGDON-ORR: But I'm also with this particular group included now, and I am keen to serve on this particular group for the Office of the Ombuds review. This will be three consecutive Review Team Work Parties that I'm going to be on. So I actually put my hand up to let the rest of this group know – which is the latest and last cab off the rank on my trifecta of Review Work Parties – I just wanted to assure you all of the excellence I would like to classify it as and professionalism of the process that I've personally been through with the development of the RFPs in the case of the ALAC and At-Large review process. We're well into that now, with the report drafting very much close to completion – well past the

halfway point. It's being conducted from both the ICANN side and the external reviewer – the independent reviwer – in a highly professional and, in my view, a very satisfactory manner, so nothing but gold stars there. But also, for where we are halfway into, or almost completing the RFP development, ready to very shortly go out for tender with the review of the Nominating Committee. And again, I've seen almost, but not quite, identical, equally professional and interactive and engaging process with the Review Work Party there, as well. So I just wanted to let everyone know that what you're about to enter into, providing we do our work in a timely manner and full and frank discussion amongst all of that, is that we are working, I think, on a very satisfactory and likely outcome. The probability of a poor choice being made on the independent examiner is very small, based on the, if not negligible, based on at least my experiences of this new process for selection and tendering of the examiners, compared to the one that I was deeply involved with when I was Chair of the ALAC, when we had our first review, back in 2009 or thereabouts. It was more a [inaudible] of reassurance than a reference to ATRTs, but if – Sebastien, I think if nothing else – we should strongly suggest in the first draft – and it is usually the way that ICANN Staff put the first draft together and then we led to a discussion and deliberation [inaudible], and suggest edits and comments – but it may be useful to actually quote 9.3 as a preamble piece to the [inaudible]. Thank you.

SEBASTIEN BACHOLLET: Thank you, Cheryl. Larisa, please go ahead.

LARISA GURNICK: Thank you, Sebastien. This is Larisa Gurnick, for the record. Cheryl, thank you; we appreciate that feedback. I wanted to underscore a couple of things about this process. While the other reviews that Cheryl and Sebastien had talked about were reviews that are now mandated by the bylaws previously, by the affirmation of commitments – what we're about to do for this effort is not really that. It's an assessment; it's an independent assessment, so in certain ways, it's similar to an independent review, but it's not structured the same way and it doesn't have necessarily all the formality of being mandated by the bylaws. So I just wanted to underscore that it's similar, but it's also not the same as the reviews of a given ICANN organization, or a specific review. But in terms of the RFP and the basic process and how we go about it, there are obviously a lot of similarities.

My second point is on the connection between ATRT 2 and this work. I just wanted to highlight that ATRT 2 recommendation was made back in December of 2013, so certainly I think it's a very relevant starting point for the scope of work of what we want the independent party to weigh in on; but also, a lot has transpired in terms of the accountability mechanisms and the accountability work and discussions that took place under Work Stream 1 and 2 – certainly have been significant and expansive. So I would encourage you to think about what from the ATRT 2 recommendation time is relevant, but also what from the current work that's taken place over the last three years might be also relevant, so that the effort that we ask the third party to conduct is really useful and provides useful input into your report, as well as improvements to the Ombudsman Office. Thank you very much.

SEBASTIEN BACHOLLET: Thank you Larisa. Sebastien speaking, and first, thank you Cheryl, also, for your input. Very useful. Regarding the comment of Larisa, I have no trouble and yes, we have done a lot of work in Work Stream 1 and we have started in Work Stream 2. I just want to be sure that we keep in mind that part of the reason that we are doing a review today is because it was requested by ATRT 2, and we need to keep that in mind. It's not to say that we need to do just what was asked at that moment, and maybe there are things to change and to [inaudible], but maybe we just need to say that it was the starting point of our thinking in adding Work Stream 1 and Work Stream 2 into the process, and that will be great. Just to be sure that we [inaudible] ATRT 2 and not leave this aside was my main question here.

Okay. We are supposed to end the call; I was not looking at the time. I am sorry about that. I would like to go – I'm sorry if I interrupt any other discussions – can we go back to my presentation? I would like to share with you a few things very quickly, and try not to keep – I hope that – maybe I need to [inaudible] that. Can we stay, let's say, ten more minutes together, or is it too late for you and you want we skip just in one minute? Lars, please. You wanted to say something?

LARS HOFFMANN: Thank you, Sebastien. This is Lars, for the record. For the time [inaudible] issue at all. I just wanted to ask you, Sebastien, when you are concluded with the remainder of your presentation, that we could just quickly talk about the next step. I alluded to the possibility of

sending out an RFP to you next week. Whether that would work for you to write feedback, hopefully, and have a discussion on this for your next call. That's all. Thank you, and I will stay on the call, for sure.

SEBASTIEN BACHOLLET: Okay. If you strongly disagree with ten more minutes, please put a red mark or whatever, "disagree" on the [inaudible]. And I will go quickly. We don't need to discuss that, but it was some of the slide we had made about the evaluation, and it's a topic that we will need to include. But when we get the RFP, will be able to discuss that in more detail. One of my questions is how to organize our team. Why I am asking this question: we have complete twenty-two members – sorry, twenty-two participants – and we are not twenty-two participating really on this call. May I suggest that we set up a small team comprised of the ones who are really participating through, let's say, two of the four last meetings, or three of the five last meetings – whatever metrics we want to use – just to be sure that we have a core team to follow that in more detail. Because if not, I am afraid that we will have people who are just coming once upon a time and will not know about that. I leave you that as a question. We don't need to answer that straight on; we can discuss that during our next call, and then how we want to be organized to follow that in more detail. Those are my suggestions for going on.

The next slide was something we need to keep in mind; it's a relationship between our group and the other Design Teams. We will have a Work Stream 2 Plenary on the 14th of December, and what I would like to give as feedback is that we start the work as a review [inaudible] budget and we are working on the RFP, and the second topic

I would like to raise is that we will organize ourselves to some task in parallel, and we need to decide which one we can [inaudible] in parallel in the future. It will be part of our next call to discuss that in detail. And the next call we will discuss if the calendar is okay with you. Please send to the list feedback if there is trouble. I try really to take into account both Christmas, New Year in, I will say the Western hemisphere, or part of the world; and I took also into account the Chinese New Year. If I missed some New Year or some important feast in the world, just tell me, and we will try to move the schedule. It's why maybe a subgroup of the subgroup will be useful to have some call in between with a small set of us.

Sorry to run. Our next call will be the 31st, and we will be back on Monday meetings. Just to be sure to tell you – it's not written in this – the 19th of December will be a 5 am UTC time, and we will follow on the RFP and we will discuss what could be [inaudible] in parallel, and then talking about the next meeting. Once again, sorry to be so quick in this last part, but I thought it was important to have this in-depth discussion about the RFP. Thank you very much for – sorry. Any input or comments on the presentation I have made quite quickly? If not, I just want to remind you that we have still a document not really we didn't work on that, but it will be discussed again in the next meeting to see what we need to do and how we can [inaudible] all those points, if any. And any other business?

Okay. Once again, sorry to be late in the end of this call. Thank you very much for your participation. Thank you, Staff, for the very good and interesting input and very useful [inaudible] for discussing in this group. [inaudible], please thank the Legal staff for the answer and the

good work done by you. And thank you to all the participants, and talk to you soon on the list, and at the latest, on the 19th of December at 5 am UTC. Here I conclude this call, with thanking you all. Bye-bye.

MULTIPLE VOICES: [CROSSTALK]

UNKNOWN 1:   Thanks, Sebastien.

CHERYL LANGDON-ORR: Thanks, Sebastien. Thanks, everyone. Bye.

[END OF TRANSCRIPTION]