

2012-03-04a Board Submission - Batching

ICANN BOARD SUBMISSION NO. 2012-03-04a

TITLE: **Batching Selection Process - Operational Details**

PROPOSED ACTION: **For Approval**

EXECUTIVE SUMMARY:

The Board has discussed and agreed on a batching selection process via Board resolutions dated 8 December 2011 (<http://www.icann.org/en/groups/board/documents/resolutions-08dec11-en.htm#1.2>). The batching selection process focuses on prioritizing applications for evaluation and includes three key components:

- 1) An opt-in/opt-out mechanism for applicants to self-select a batching preference (i.e., earliest batch or any batch);
- 2) A target time variance that requires applicants to register in an online system to select and aim for a target date and time; and
- 3) A process to ensure geographic diversity so that applicants from some regions are not disadvantaged compared to other regions.

The Board resolutions further directed the CEO to develop a plan for the batching selection process and secure Board approval of the operational details of the plan.

As a result of these resolutions ICANN has developed a plan for the batching selection process, which includes designing and developing an online batching system to capture an applicant's batching preference and the target time variance. *See Annex* for specifics of the online batching system.

The operational details are in place to ensure that timely processing of new gTLD applications is accomplished according to published timelines.

Recommendation: approve the operational details of the batching selection process.

PROPOSED BOARD RESOLUTION:

Resolution Not Considered

PROPOSED RATIONALE:

Rationale Statement Not Considered

Rationale Statement Not Considered

Rationale Statement Not Considered

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2012-03-04b Board Submission - Defensive Applications

Item Removed from Agenda

Item Removed from Agenda

Item Removed from Agenda

Item Removed from Agenda

Item Removed from Agenda

2012-03-04c Board Submission - New gTLD Service Providers

ICANN BOARD SUBMISSION NO. 2012-03-04c

TITLE: **Authorization for contracting with and payment to new gTLD Service Providers**

PROPOSED ACTION: **For Approval**

EXECUTIVE SUMMARY:

The New gTLD budget for processing applications was approved via a Board resolution on 25 September 2010 (<http://www.icann.org/en/minutes/resolutions-25sep10-en.htm#1>) and a subsequent Board resolution on 20 June 2011 authorized the President and CEO to implement the New gTLD Program.

As a result of these resolutions and following an extensive selection process (see <http://newgtlds.icann.org/en/about/evaluation-panels-selection-process>), ICANN has entered into Master Services Agreements with several new gTLD Service Providers. ICANN is now ready to contract with each for specific pieces of work.

With the finite number of approved gTLD Service Providers and the potential level of application processing expenses that ICANN might incur with any one or more of the gTLD Service Providers, the contracting and disbursement limits of the current Disbursement Policy (i.e., no more than US\$500,000.00 without further Board approval) could be exceeded each month during the new gTLD evaluation phase. *See Annex for specifics of estimated costs.*

Accordingly, to ensure that timely obligations are made and satisfied (i.e. processing of new gTLD applications), the Board is being asked to authorize the CEO to enter into all required contracts and make all required disbursements, subject to budgetary limits and regular reporting requirements on actual spending amounts, for the new gTLD Service Providers as set for in Annex.

[] RECOMMENDATION:

The [] recommends that the Board authorize the CEO or his designee, to enter all required contracts with, and make all required disbursements to, all gTLD Service Providers so long as the contracts and disbursements were contemplated in the budget.

PROPOSED BOARD RESOLUTION:

Whereas, on 25 September 2010, the Board approved the New gTLD Application Processing budget (<http://www.icann.org/en/minutes/resolutions-25sep10-en.htm#1>).

Whereas, on 20 June 2011, the Board authorized the President and CEO to implement the new gTLD Program and approved the expenditures related to the New gTLD Program as detailed in section 7 of the Draft FY12 Operating Plan and Budget (<http://www.icann.org/en/minutes/resolutions-20jun11-en.htm>).

Whereas, on 9 August 2011, the Board formally adopted the FY12 Operating Plan and Budget, which included the details of anticipated expenditures related to the New gTLD Program in section 7 (<http://www.icann.org/en/financials/adopted-opplan-budget-fy12-09sep11-en.pdf>).

Whereas, to date ICANN has approved the entities to serve as gTLD Service Providers to process all of the new gTLD Applications and is still working out specific contractual obligations with those entities.

Whereas, one or more gTLD Service Providers could provide millions of dollars worth of application processing services in any given billing cycle and ICANN must be prepared to timely pay for those services.

Whereas, the [] has reviewed and recommended that the Board approve this resolution.

Resolved (2011.12.08.xx), the Board authorizes the CEO or his designee, to enter all contracts or statements of work with, and make all disbursements to, all gTLD

Service Providers so long as the contract and disbursement amounts are contemplated in the approved budget for such expenditures.

PROPOSED RATIONALE:

ICANN’s Disbursement Policy limits ICANN officers from contracting for or disbursing more than US \$500,000.00 per obligation. With the finite number of approved new gTLD service providers (“Service Providers”) and the potential level of application processing expenses that ICANN might incur with any one or more of the Service Providers, the contracting and disbursement limits of the Disbursement Policy could be exceeded every billing cycle during the new gTLD evaluation phase.

Accordingly, to ensure that timely obligations are made and satisfied with the Service Providers, the Board has determined that it is appropriate to take this action now. The Board is therefore authorizing the CEO to enter into all required contracts and make all required disbursements, with the Service Providers, subject to budgetary limits and based on the budget model that the Board approved on 9 August 2011, which included details of anticipated expenditures related to the New gTLD Program (<http://www.icann.org/en/financials/adopted-opplan-budget-fy12-09sep11-en.pdf>).

Providing for this additional contracting and disbursement authority will have a positive impact on the community because it will allow ICANN to timely contract with and pay the gTLD Service Providers that are evaluating the new gTLD applications. There are fiscal impacts on ICANN but all of those impacts have been anticipated in the approved FY 2012 and draft FY 2013 budgets. There will not be any security, stability or resiliency issues relating to the domain names system.

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