

**Open Call for Consulting Services**

**Reference Number 032-019**

**Title:** Assessment of the level of approximation of Western Balkans legislation with EU eIDAS regulation and interoperability readiness in Western Balkans region (WB)

**Subject:** Support to RCC Secretariat to the preparation of an assessment for the level of approximation of Western Balkans legislation with EU eIDAS regulation and other aspects connected with electronic identification and trust services as part of the Multi-annual Action Plan for a Regional Economic Area (MAP REA) in the Western Balkans Six

**RCC Department:** Programme Department

**Eligible:** Respective consulting companies or individual consultants within bidding consortia (1 Key expert + 2 Experts)

**Reporting to:** RCC Secretariat

**Duration:** 1 November until 30 December 2019.

**Deadline for application:** 28 October 2019

**Reference Number:** 032-019

**TERMS OF REFERENCE:**

**I BACKGROUND**

**Purpose**

The expert team will support the Western Balkans and RCC Secretariat in conducting a thorough assessment of the level of approximation of the national legislation with EU eIDAS

egulation<sup>1</sup> and interoperability readiness in WB as well as mapping of relevant national legislation having an implication due to harmonisation with eIDAS regulations to support activities connected with interoperability and mutual recognition of trust services, as part of MAP REA, adopted on 12<sup>th</sup> July 2017 at the occasion of Trieste Western Balkans Summit.

## **Background information**

The MAP REA puts forward a structured agenda for regional economic integration promoting further trade integration, introducing a dynamic regional investment space, facilitating regional mobility, and creating a digital integration agenda. It stems from the commitments undertaken within the framework of the Central European Free Trade Agreement and South East Europe 2020 (SEE 2020) Strategy and is based on EU rules and principles as reflected in the Stabilisation and Association Agreements.

Digital Integration is one of the components of MAP REA and measures therein aim to integrate the region into the pan-European digital market on the basis of a future-proof digitisation strategy, an updated regulatory environment, improved broadband infrastructure and access as well as digital literacy. Embracing digital transformation, ensuring greater availability of digital infrastructure, and enabling better regulatory framework and level playing field can help our region grow, increase the convergence rates with the EU, improve the business environment and encourage cross-border services, thus offering better life for the citizens.

In addition, Digital Agenda for Western Balkans launched on 25-26 June 2018 aims to support the digital transformation, improve service delivery for the citizens and businesses and help Western Balkans in the preparations to integrate better into the EU Digital Single Market.

Progress in all aspects of digital agenda is noted across Western Balkans, though it varies among economies and specific areas. On e-service delivery, all economies are progressing. Hence, all Western Balkans economies have adopted e-authentication frameworks and made progress in improving their e-authentication schemes. In particular, Albania, Montenegro, the Republic of North Macedonia and Serbia have already transposed eIDAS in new laws while in Kosovo\* the process is at an advanced stage and in Bosnia and Herzegovina the new law is in the approval process. Yet, the bylaws are not completed in all economies. The level of harmonisation of national legislation with eIDAS regulation may vary and compliance is yet to be assessed. E-government services are gradually being aligned with the National Interoperability Frameworks which are functional in some of the economies and in others not yet.

## **II DESCRIPTION OF RESPONSIBILITIES**

### **Objectives and scope of the assignment**

The overall objective of the consultancy is to conduct the assessment of the level of compliance of national legislation in each Western Balkans economy with eIDAS regulation

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<sup>1</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC

as well as WB interoperability readiness by reviewing all table of concordance(s) in WB for primary and/or secondary legislation, if available, available screening reports for Serbia and Montenegro on Chapter 10 as well as any report based on explanatory sessions for the economies having candidate status. In addition, EC report(s) and any assessment connected with the developments in the area of approximation with eIDAS regulation and trusted services should be considered. The assessment of interoperability frameworks/IT systems/standards/compliance should consider EU practice.

The results of the exercise will be presented in the report which will contain the overall regional assessment, ongoing activities and relevant support to align policies in each Western Balkans economy with eIDAS regulation and recognition of trusted services. In addition, the report will contain one chapter per each Western Balkans economy providing detailed assessment on approximation of the national legislation with eIDAS regulation and follow-up recommendations on any additional approximation needed per each economy.

For this purpose, a team composed of 3 experts is planned to be engaged, each conducting the assessment in the scope of his/her area of expertise, for all economies. The key expert will be additionally in charge of collating and editing draft and final reports to be submitted.

The scope of services under this assignment includes achievement of the following:

1. Assessing regional development and development in each Western Balkans economy connected with trust services and electronic identification based on eIDAS regulation;
2. Assessing the level of compliance of national legislation with eIDAS regulation, both primary and secondary legislation, in each Western Balkans economy;
3. Mapping the other relevant national legislation in each Western Balkans economy relevant for full implementation of trust services and electronic identification based on eIDAS regulation;
4. Mapping of the national structures/institutions responsible for approximation and implementation of the legislation on trust services and electronic identification based on eIDAS in each Western Balkans economy;
5. Mapping trust services in each WB economy as well as Certified/Qualified Trust Service Providers, if any;
6. Analysing the existing agreements on the recognition of trust services with the aim to provide recommendations on next steps, as needed;
7. Consulting with Western Balkans institutions and representatives of relevant regional organisations on all key findings and recommendations;

8. Preparing the final report covering all points included in these Terms of Reference, including, but not limited to the assessment of compliance of approximation of national legislation with eIDAS, mapping of trust services and other related aspects connected with recognition of trust services.

In all its stages, the report(s) will be developed in close consultation with the RCC Secretariat and in coordination with WB.

In the first stage when a detailed outline and methodology of the reports are to be developed in cooperation with the RCC Secretariat, a preparatory meeting and/or conference call with the entire team of the contracted experts and the RCC Secretariat may be held, time and date to be agreed.

### **Tasks**

- Assessing regional development and development in each Western Balkans economy connected with trust services and eIDAS regulations, including, but not limited to:
  - a. Analysis and desk research of the current state of play in implementation of the obligations deriving from EC report(s) on eIDAS regulation alignment and trust services, including mapping of the national legislation;
  - b. Desk research of available studies, analyses, strategic documents, reports and recommendations relevant for trust services;
  - c. Desk research of existing donor support in each economy in the area of eIDAS and trust services;
- Mapping and analysing the compliance of the national legislation with eIDAS, both primary and secondary legislation, in each Western Balkans economy, as well as providing recommendations for each economy on any additional legislative approximation needs with clear reference to the concrete articles of the relevant national legislation and EU acquis, whenever possible, with the main goal of allowing the use of trust services and recognition of electronic identification based on eIDAS without any barrier;
- Mapping of the national structures/institutions responsible for approximation and implementation of the legislation connected with electronic identification and trust services based on eIDAS, providing a comparative analysis among WB on functions and responsibilities of these institutions as well as providing recommendations on capacity building, if appropriate;

- Identifying and mapping trusted services in each WB economy as well as Certified/Qualified Service Providers, if any, and providing recommendations whenever possible on their capacities related to recognition of trusted services;
- Analysing the existing agreements on the recognition of trust services and providing recommendations and proposing concrete actions on what should be done to ensure proper implementation/assessment of interoperability readiness in WB, as appropriate;
- Consulting with Western Balkans institutions and representatives of relevant regional and international organisations in order to:
  - a. Present key findings for each Western Balkans economy and the concrete recommendations;
  - b. Allow for regional consultation and dialogue on actions to be taken at national and regional level;
- Preparing the final reports covering all points included in these Terms of Reference, and sharing them with the RCC and WB economies.

### **Deliverables**

The following deliverables will be produced and transferred to the RCC during the course of the assignment:

- Methodology and work plan;
- Draft reports for each Western Balkans economy encompassing all aspects defined in these Terms of Reference (i.e. the level of approximation of the national legislation, both primary and secondary, with eIDAS and key recommendations on any additional legislative harmonisation needs, list of trust services as well as a list of Certified/Qualified Trust Service Providers, etc.);
- Final report, incorporating all relevant comments provided by the Western Balkans economies, RCC Secretariat, EC services and relevant regional and international organisations and covering all aspects defined in these Terms of Reference.

### **Methodology**

The expert team is expected to come up with the best approaches for undertaking this task. However, the following guiding principles should be taken into consideration:

- i. Desk review of all existing reports and/or assessments relevant to the key tasks covered by these Terms of Reference;

- ii. Desk review of primary and secondary legislation related to adoption of eIDAS regulation and implementation of trust services and electronic identification;
- iii. Desk review of any assessment/table of concordance prepared in each Western Balkans economy on the level of compliance of national legislation with eIDAS regulation, screening reports for Serbia and Montenegro on Chapter 10 (the part connected with eIDAS) as well as any report based on explanatory sessions for the economies having candidate status.
- iv. Any other methods applicable.

To achieve the objectives of these Terms of Reference, the team of experts will visit all WB economies and discuss in advance all findings from the desk research with the relevant institutions. With regard to this, Digital Component Contact Points responsible for coordination of actions under the Digital Agenda for the Western Balkans should be the key contact(s) in each economy.

Key expert will be appointed and clearly stated in the proposal and will be acting as a key interlocutor for RCC Secretariat for the execution of this assignment.

#### **Lines of Communication**

- The key expert will report to the RCC Secretariat. After each activity, a detailed report will be prepared and sent to the RCC Secretariat for review and approval of deliverables.

#### **Timeframe**

The engagement is expected to start on 1 November and end on 30 December 2019.

<b>Deliverables</b>	<b>Due date (from mobilisation)</b>
<input type="checkbox"/> Detailed Methodology and Work Plan	2 weeks
<input type="checkbox"/> Deliverables as per each undertaken activity: <ul style="list-style-type: none"> <li>• Report(s) for each Western Balkans economy covering all aspects defined in these Terms of Reference – these reports will be incorporated in the final report as separate chapters;</li> <li>• Draft report covering regional development as required by these Terms of Reference, including separate chapters as well as recommendations for each WB economy and for WB as a whole for all aspects covered by these Terms of Reference.</li> </ul>	4 weeks
<input type="checkbox"/> Final report, including: (i) general assessment of Western Balkans connected with electronic identification and trust services based on eIDAS regulation; (ii) one chapter per economy covering all aspects defined in these	6 weeks

<p>Terms of Reference (i.e. in-depth assessment of the level of approximation of national legislation with eIDAS and key recommendations on any additional legislative harmonisation needs, list of existing national structures/institutions responsible for approximation of national legislation connected with eIDAS providing any comparative analysis among WB on functions and responsibilities as well as recommendations whenever possible, list of trust services in each WB economy as well as Certified/Qualified Trust Service Providers and specific recommendations as appropriate, existing donor support in each economy in the area of recognition of trust services); (iii) analyses of the existing agreements on recognition of trust services and providing recommendations on what should be done to ensure proper implementation; (iv) recommendations and next steps at the regional level.</p>	
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**Timeframe**

The expert team is expected to use up to 50 days for this assignment, with 15 days available for each of 3 experts and 5 additional days which will be used by key expert for the purpose of editing and finalisation of reports. The assignment will be starting in 1 November 2019 and ending in 30 December 2019.

**III COMPETENCIES**

**Qualifications:**

**Team Leader (Key Expert)**

<p><b>Education:</b></p>	<ul style="list-style-type: none"> <li>▪ Degree in telecommunications, law, economics, business, or other areas directly related to the subject of work</li> </ul>
<p><b>Experience:</b></p>	<ul style="list-style-type: none"> <li>▪ Minimum of 7 years of relevant experience in ICT legislation in EU, e-signature, eIDAS, trust services and interoperability framework;</li> <li>▪ Experience with working on eIDAS implementation is an advantage;</li> <li>▪ Proven analytical skills and ability to conceptualise and write concisely and clearly;</li> <li>▪ In-depth knowledge of the economies covered by the assignment;</li> <li>▪ Demonstrable experience in writing and reporting on complex multi-sector or multi-country strategy development and implementation (samples of work to be provided);</li> <li>▪ Proven communication and presentation skills and ability to work in an environment requiring liaison and collaboration with multiple actors including government representatives, businesses, civil</li> </ul>

	society institutions, donors and other stakeholders;
<b>Language requirements:</b>	<ul style="list-style-type: none"> <li>▪ Fluency in written and spoken English, as the official language of the RCC;</li> <li>▪ Knowledge of other RCC languages is an advantage.</li> </ul>
<b>Other:</b>	<ul style="list-style-type: none"> <li>▪ Applicants from EU Member States will be given preference in the application process provided that all other professional requirements are equally met</li> </ul>

### Supporting Expert(s)

<b>Education:</b>	<ul style="list-style-type: none"> <li>▪ Degree in telecommunications or other areas directly related to the subject of work</li> </ul>
<b>Experience:</b>	<ul style="list-style-type: none"> <li>▪ Minimum of 7 years of relevant experience in ICT legislation in EU, e-signature, eIDAS, trust services and interoperability framework;</li> <li>▪ Experience with working on eIDAS implementation is an advantage;</li> <li>▪ Demonstrable experience in writing and reporting on complex multi-sector or multi-country strategy development and implementation (samples of work to be provided);</li> <li>▪ Excellent organisational skills;</li> <li>▪ Familiarity with the region of South East Europe, development issues and RCC work in general;</li> <li>▪ Ability to be flexible and respond to changes as part of the review and feedback process.</li> </ul>
<b>Language requirements:</b>	<ul style="list-style-type: none"> <li>▪ Strong writing skills in English;</li> <li>▪ Knowledge of other RCC languages is an advantage.</li> </ul>
<b>Other:</b>	<ul style="list-style-type: none"> <li>▪ Familiar with MS Office applications.</li> </ul>

### Core Values

- Demonstrates integrity and fairness by modelling RCC values and ethical standards;
- He/she is independent and free from conflicts of interest in the responsibilities defined by the Terms of Reference;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

### **Core Competencies**

- Demonstrates professional competence to meet responsibilities and post requirements and is conscientious and efficient in meeting commitments, observing deadlines and achieving results;
- Result-oriented; plans and produces quality results to meet the set goals, generates innovative and practical solutions to challenging situations;
- Communication: Excellent communication skills, including the ability to convey complex concepts and recommendations clearly;
- Team work: Ability to interact, establish and maintain effective working relations in a culturally diverse team;
- Ability to establish and maintain productive partnerships with regional and national partners and stakeholders.

## **IV QUALITY CONTROL**

The expert should ensure an internal quality control during the implementing and reporting phase of the assignment. The quality control should ensure that the draft reports and deliverables comply with the above requirements and meet adequate quality standards before sending them to stakeholders for comments. The quality control should ensure consistency and coherence between findings, conclusions and recommendations. It should also ensure that findings reported are duly substantiated and that conclusions are supported by relevant judgment criteria.

The views expressed in the report will be those of the contractor and will not necessarily reflect those of the Regional Cooperation Council. Therefore, a standard disclaimer reflecting this will be included in the reports. In this regard, the expert may or may not accept comments and/or proposals for changes received during the above consultation process. However, when comments/proposals for changes are not agreed by the expert, he/she should clearly explain the reasons for his/her final decision in a comments table.

### **Quality control by the Regional Cooperation Council**

The consultant outputs shall undergo two external reviews. The first draft shall be reviewed in parallel by all relevant stakeholders, including the representatives of the dimension coordinators and the Regional Cooperation Council.

The final (second) draft shall be reviewed by the Regional Cooperation Council taking account of the comments made by the different stakeholders and how the expert has handled these comments. The approved final report will be subject to a quality assessment by SEE 2020 Strategy Coordination Unit of the Regional Cooperation Council, upon whose endorsement the reports and deliverables would be distributed and made public.

#### **IV APPLICATION RULES**

**The application needs to contain the following:**

**For companies and consortia:**

- Company profile including a brief description (up to 2 pages) of the company. In case of a bidding consortium, the team leader should submit the profile of the consortium;
- Copy of Company's Registration Certificate (in case of consulting companies).
- In case of bidding consortia of individual consultants participating in this Call, they must indicate the members and show how the work is divided between them. Specifically, all members must name the team leader and authorise this member to represent the consortium and receive payments on behalf of the other members. A corresponding written authorisation, power of attorney must be attached to the bid.
- Financial records - company's balance sheet and profit-and-loss statement for the past 2 years (only in case of a bidding of consulting companies);
- CV of an expert(s), outlining relevant knowledge and experience as described in the Terms of References, along with contact details of referees;
- A short concept of the Study with a proposed methodology to be used, scenarios to be developed, data to be collected with relevant data sources, indicating how the assignment will be carried out. The concept should also have a description of activities, tools to be used by the team of experts as well as the clear scope of the assignment proposed by the applicant. The concept note should also include roles and responsibilities of each member of the team. The concept should not exceed 4 pages;
- List of references for relevant activities implemented over the past years demonstrating relevant experience in the subject matter;
- Service Tender Submission Form (Annex I);
- Financial offer, as per the Budget (Annex II);
- Signed Statements of Exclusivity and Availability (Annex III).

**Applications need to be submitted by 28 October 2019, by 17:00 Central European Time to the following address [ProcurementforRcc@rcc.int](mailto:ProcurementforRcc@rcc.int)**

#### **I. EVALUATION RULES**

The consultancy will be awarded to the highest qualified bidder based on the relevance of skills and expertise to this assignment.

The applications are evaluated following these criteria:

<b>EVALUATION GRID</b>	<b>Maximum Score</b>
<b>A. Technical Offer (A.1+A.2+A.3)</b>	<b>100</b>
<b>A.1. Work experience, references list:</b> Relevant work experience; evidence of other contracts of the nature comparable to that of the Call; experience with clients comparable to the Contracting Authority.	<b>35</b>
<b>A.2. Quality and professional capacity of the consultant:</b> CV satisfies the criteria set forth in the Terms of Reference, education and experience demonstrates professional capacity and experience required.	<b>35</b>
<b>A.3 Quality of the concept of a Study:</b> Concept note describing the main issues, information, data sources, and tools to be employed by the expert as well as approach to the work to be undertaken.	<b>30</b>
<b>B. Financial Proposal/ lowest price has maximum score</b>	<b>100</b>

Score for offer X =

A: [Total quality score (out of 100) of offer X / 100] \* 80

B: [Lowest price / price of offer X] \* 20

**In addition to the results of the technical and financial evaluation, competency-based interview will be held with the selected bidder.**

### **Information on selection of the most favourable bidder**

The RCC Secretariat shall inform candidates and bidders of decisions reached concerning the award of the contract as soon as possible, including the grounds for any decision not to award a contract for which there has been competitive tendering or to recommence the procedure.

Standard letter of thanks for participation to unsuccessful bidders shall be sent within 15 days after the contract is signed with the awarded bidder.

The candidates and bidders wishing to receive a feedback may send a request within 15 days after receipt of the standard letter of thanks.

The request may be sent to the e-mail address [ProcurementforRcc@rcc.int](mailto:ProcurementforRcc@rcc.int) or to the address of the RCC Secretariat:

Regional Cooperation Council Secretariat  
Attention to: Administration Department  
Building of the Friendship between Greece and Bosnia and Herzegovina  
Trg Bosne i Hercegovine 1/V  
71000 Sarajevo  
Bosnia and Herzegovina

### **Appeals procedure**

Bidders believing that they have been harmed by an error or irregularity during the award process may petition the RCC Secretariat directly. The RCC Secretariat must reply within 15 days of receipt of the complaint.

The appeal request may be sent to the e-mail address [ProcurementforRcc@rcc.int](mailto:ProcurementforRcc@rcc.int) or to the address of the RCC Secretariat:

Regional Cooperation Council Secretariat  
Attention to: Administration Department  
Building of the Friendship between Greece and Bosnia and Herzegovina  
Trg Bosne i Hercegovine 1/V  
71000 Sarajevo  
Bosnia and Herzegovina

**ANNEX I:**

**SUBMISSION FORM**

**Open Call for Consultancy Services:**

**REF: 032-019**

**One signed scanned copy** of this Call for Consultancy Submission Form must be supplied.

**1 SUBMITTED by:**

	Name(s) and address(es) of the Entity submitting this Application
Full Name of the Entity	

**2 CONTACT PERSON**

Name	
Address	
Telephone	
Fax	
e-mail	

**3 STATEMENT**

[Name of the representative of the Entity] \_\_\_\_\_ hereby declares that we have examined and accepted without reserve or restriction the entire contents of the Open Call for Experts, Grounds for Exclusions and Conflict of Interest as such:

**Grounds for exclusion**

Candidates or bidders will be excluded from participation in a procurement procedure if it is known that:

- (a) They are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) They have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;
- (c) They have been guilty of grave professional misconduct proven by any means which the Contracting Officer can justify;
- (d) They have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the Contracting Officer or those of the country where the contract is to be performed;
- (e) They have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity.

Contracts may not be awarded to candidates or bidders who, during the procurement procedure, are:

- (a) Subject to a conflict of interest;
- (b) Guilty of misrepresentation in supplying the information required by the Contracting Officer as a condition of participation in the contract procedure or fail to supply this information.

### **Conflict of Interest**

- a) The Contractor shall take all necessary measures to prevent or end any situation that could compromise the impartial and objective performance of the contract. Such conflict of interests could arise in particular as a result of economic interest, political or national affinity, family or emotional ties, or any other relevant connection or shared interest. Any conflict of interests which could arise during performance of the contract must be notified in writing to the Contracting Authority without delay.
- b) The Contracting Authority reserves the right to verify that such measures are adequate and may require additional measures to be taken if necessary. The Consultant shall ensure that its staff, including its management, is not placed in a situation which could give rise to conflict of interests. The Consultant shall replace, immediately and without compensation from the Contracting Authority, any member of its staff exposed to such a situation.
- c) The Contractor shall refrain from any contact which would compromise its independence or that of its personnel. If the Contractor fails to maintain such independence, the Contracting Authority may, without prejudice to compensation for any damage which it may have suffered on this account, terminate the contract forthwith.

- d) The Contractor shall, after the conclusion or termination of the contract, limit its role in connection with the project to the provision of the services. Except with the written permission of the Contracting Authority, the Contractor and any other contractor or supplier with whom the Contractor is associated or affiliated shall be disqualified from the execution of works, supplies or other services for the project in any capacity, including tendering for any part of the project.
  
- e) Civil servants and other agents of the public administration of the RCC Participants, regardless of their administrative situation, shall not be recruited as experts in contracts financed by the RCC Secretariat.
  
- f) The Contractor and anyone working under its authority or control in the performance of the contract or on any other activity shall be excluded from access to RCC Secretariat financing available under the same project unless they can prove to the Contracting Authority that the involvement in previous stages of the project does not constitute unfair competition.

We offer to provide the services requested in the Terms of Reference on the basis of supplied documentation subject to this Open Call for Consultancy Services, which comprise our technical offer, and our financial offer.

This Open Call for Consultancy Services is subject to acceptance within the validity period stipulated in the Terms of Reference.

<b>Name</b>	
<b>Signature</b>	
<b>Date</b>	

## **ANNEX II: BUDGET**

**REF: 032-019**

Use a free format for the Budget providing the lump sum for the services to be provided.

### **NOTE:**

When preparing the financial offer, the applicant should take into account the following:

- Price ceiling: up to EUR 18,000.00. Bids indicating a price above this threshold shall not be considered.
- The offer should also include the costs of travel to the Beneficiaries if required by Terms of Reference, providing it as a separate budget line.
- The expert fees should be consistent with those applicable in the region.

