

Serbia Accelerating Innovation and Growth Entrepreneurship Project
Consulting Services for Data Management and Open Access Policy
Terms of Reference

1. Background information

Serbia has received a loan from the World Bank Group for the **Serbia Accelerating Innovation and Growth Entrepreneurship (SAIGE) Project**¹ (Project) to support the strengthening of the Serbian Innovation and Entrepreneurship ecosystem. The main objective of the Project is to improve (i) the relevance and excellence of scientific research; and (ii) innovative entrepreneurship and access to finance for enterprise growth, as a way of contributing to Serbia's growth and competitiveness. The European Union Instrument for Pre-accession Assistance (IPA-II) is also providing complimentary financing support for the SAIGE Project. The Project includes the following three components:

Component 1: Research Sector Reforms

Component 2: Enterprise Acceleration

Component 3: Project Implementation, Monitoring, Capacity Building.

The Ministry of Education, Science and Technological Development (MoESTD) is responsible for the overall Project coordination and implementation, as well as execution of Component 1.2 RDI Reforms. Implementation of the Project is carried out by the Project Implementation Unit (PIU) team at the MoESTD comprising of PIU Project Manager, and technical and administrative staff.

The MoESTD manages the process of improving the Serbian public research and development (R&D) sector including a revised policy and legal framework, reform of public R&D Institutions (RDIs), R&D financing model, establishment of the Science Fund, etc. In this context, in October 2020, the MoESTD engaged a consultancy firm for conducting independent external assessments of a number of RDIs, including preparing their transformation plans. In December 2021 MoESTD has signed the Memorandum of Understanding with the 6 RDIs defining the roadmap for process of transformation for each RDI. More RDIs are going undergoing a similar process. Important part of the transformation process is capacity building which includes institutional policies, strategies, procedures and regulations.

2. Objective of the Assignment

The MoESTD now plans to receive consulting services to assist RDIs under transformation in development and implementation of data management and open access policy and procedures modelled according to international practice.

Data Management Plans (DMPs) are a key element of good data management. A DMP is a written document that describes the data management life cycle for the data to be collected,

¹ <https://projects.worldbank.org/en/projects-operations/project-detail/P170185>

processed and/or generated by an RDI and its research and innovation projects. As part of making research data findable, accessible, interoperable and re-usable (FAIR), a DMP should include information on:

- the handling of research data during and after the end of the project
- what data will be collected, processed and/or generated
- which methodology and standards will be applied
- whether data will be shared/made open access and
- how data will be curated and preserved (including after the end of the project).

The general purpose is to ensure the availability and utility of the RDI's research data, including measures that will be taken in order to maximize access and re-use of the data for further purposes and applications. The DMP should briefly cover the type of data and research outputs in RDI's projects, and the compliance with the data protection principles, i.e. applicable law (lawfulness, fairness and transparency, purpose limitation, accuracy, minimization, storage limitation, integrity and confidentiality and availability and accountability), including with FAIR principles, ethical standards, data security issues, etc.

The DMP should be updated for each new research project describing how an RDI will disseminate and share research results to comply with applicable regulations, achieve its business interest and align with internal policies. Moreover, a DMP is required for all projects participating in the extended Open Research Data Pilot under the Horizon Europe program of the European Commission, while projects that opt out from the pilot are still encouraged to submit a DMP on a voluntary basis.

The RDIs have diverse background, strategic goals and capacities, therefore it is expected that the consulting support will be tailor-made to address specific needs and opportunities of each RDI. The Consulting service should involve advisory services and effective support for the selected RDIs under transformation in development and implementation of data management and open access policy and procedures. The Consulting firm is expected to propose relevant experts to work closely with RDIs' teams and deliver support to RDIs' management and transformation teams.

3. Scope of Work and expected outputs

During the course of the engagement, the Consultant is expected to provide the following services for up to 12 RDIs that have started their transformation process under the SAIGE Project:

1. Preparation of a brief and focused Needs Assessment Report with proposed work plan for each RDI, that will include a short overview of existing setting in regard to Data management and open access policy (rules, policies and procedures and their compliance with applicable law and data protection principles, including GDPR²).
2. Perform detailed data mapping, including: if and how RDIs re-use any existing research data and for which purposes; reasons for discarding in case re-use of any existing data has been considered; what types and formats of data RDIs generate or re-use; what is

² General Data Protection Regulation (GDPR) and Law on Personal Data Protection

the purpose of the data generation or re-usage and its relation to the objectives of RDIs and their projects; what is the expected size of the data that RDIs intend to generate or re-use; what is the origin of the data, either generated or re-used; to whom else might the data be useful (data utility).

3. Support establishment and maintenance of the Register of Processing Activities.
4. Perform integrative risks assessment of information security and impact of processing activities for personal data and draft Assessment Report, carry out Data Protection Impact Assessment, if needed, and propose adequate technical and organizational measures to mitigate identified risks to acceptable level and provide support to their implementation.
5. Draft Data Management Plan, including Open Research Data Access Policy and the Rulebook on Protection of Personal Data.
6. Support implementation of Data Management Plan, including Open Research Data Access Policy, and taking necessary assistance actions when needed.
7. Capacity building, including relevant coaching sessions, trainings and workshops, delivered for one or more RDIs at the same time, on data management and open access planning for future research projects.
8. Preparation of short and focused final report summarizing the process, methodology, and expert support provided to the RDIs, with lessons learned and recommendations for further improvements. The final report should be submitted to PIU/MoESTD at the end of the assignment.

4. Experience and Qualifications of the Consulting firm and the staff of the Consulting firm

The law or consultancy firm must possess the following qualifications:

- Be a legal entity registered in the Republic of Serbia,
- At least 10 years of general experience in providing expert support in Serbia to public and private sector for data usage and data security,
- Proven record on successful completion of at least 5 assignments in providing consultancy to clients in the field of data management in the last five years,
- Capacity to assign a qualified and experienced team (either directly or as subcontractors) that will work on this assignment: 2 Key Experts with adequate qualifications for this contract (qualifications of key personnel will be jointly taken into consideration i.e. qualifications of key personnel as a group will be evaluated) as follows:

Required qualifications of the Key Experts:

- Legal Consultant
 - University degree in law obtained from a University in Serbia and/or membership in the Bar Association;
 - Additional education, training and/or experience in the field of data protection;

- Minimum 5 years of professional experience in advising clients on legal aspect of data management and/or data protection, with strong knowledge of the applicable Serbian and European legal framework;
 - Previous experience of producing and customizing legal documents in the field of data management and/or data protection;
 - Professional experience in advising RDIs on legal issues of data management and/or data protection;
 - Excellent spoken and written Serbian and English language skills.
 - Excellent organizational, team work and time management skills.
- Information Security Management and Risk Management Consultant
- University degree in technical sciences, postgraduate academic degree (PhD, master’s degree, specialist academic degree) would be considered advantage;
 - Additional education, training in the field of data management and/or data protection – information security management and risk management;
 - Minimum 5 years of professional experience in advising clients and/or academic background in the field of information security management, risk management and/or scientific development (in dept knowledge, professional experience and understanding of R&D information security would be strong advantage);
 - Previous experience in advising in the field of data protection and risk management related to state-owned institutions and/or R&D institutions;
 - Excellent spoken and written Serbian and English language skills;
 - Excellent organizational, team work and time management skills.

Any changes in the team of key experts or additional expert engagements during the assignment should be subject of prior approval by the PIU/MoESTD.

Selection of Consulting firm

The Consulting firm will be evaluated applying the following evaluation criteria:

#	Criteria	Weight
1	General experience in the field of the assignment	10
2	Specific experience relevant to the assignment	40
3	<p>Key Experts’ qualifications and competence for the assignment</p> <p>The Key Experts’ qualifications shall be evaluated according to the following sub-criteria and their belonging weights:</p> <p>a) General qualifications (general education and experience) 20%</p> <p>b) Adequacy for the Assignment (relevant experience in similar assignments). 80%</p>	50

5. Timeframe and Duration

The Consulting firm is expected to be engaged for a period of 12 months, and with a possibility of extension subject to performance and project needs. The firm will ensure that Key Experts are allocated with sufficient number of days to accomplish their tasks with required quality. The expected time effort is approximately 150 working days. The assignment is envisaged to start in June 2022.

6. Reporting Obligations

The Consultant shall:

- Prepare monthly activity reports (timesheets), within 5 (five) days after the end of month for which the report is due. Activity reports must contain a brief description of the assignments performed during this period, an update of progress and key findings, a summary of key training, coaching, consulting activities and meetings, key issues, as well as outstanding and resolved tasks and any other relevant information along with time spent on each issue and task. The timesheets will be supported by relevant documentation developed in the relevant month period. The timesheets need to be submitted by each of the Key Experts.
- Prepare inception report and final report, and ad-hoc reports and documents when needed, at the PIU/MoESTD request.

The Consultant will be accountable and report to the Project Manager. The reports will be provided on paper (when necessary) and in electronic version in English/Serbian language.

7. Input by the Client and the MoESTD

The PIU/MoESTD will help with the access to relevant data and information as well as communication with the RDIs and other stakeholders when needed.

8. Terms of Payment

The Contract, in the form of the Standard World Bank Time-Based Contract for Small Assignments (covering fee and reimbursable expenses related to the assignment), will be entered into between the Consultant and the MoESTD as a Client. Payment for services rendered will be made monthly, based on monthly invoice and monthly activity reports with timesheets submitted and on compliance with the Project's envisaged timeframe. Each monthly report with timesheets must be approved by the Project Manager.

The SAIGE PIU will administer the Contract and make payments.