

Date – 12th May 2019

EXPRESSION OF INTEREST (EOI)

For the provision of a **RISK VISION, FRAMEWORK AND ASSESSEMENT** on the operation of the Malta Digital Innovation Authority (MDIA).

EOI PUBLISHING DATE – 12 MAY 2019
SUBMISSION DEADLINE – 31 MAY 2019

About us

MDIA is the primary Authority responsible for promoting all governmental policies that promote Malta as the centre for excellence for technological innovation, while setting and enforcing standards that ensure compliance with international obligations.

The Authority seeks to protect and supports users while encourages all types of innovations, by allowing for maximum flexibility when it comes to the certification of Innovative Technology Arrangements (ITA).

All MDIA's objectives are listed publicly at <https://mdia.gov.mt/about/> and extracted for the purpose of this EOI in ANNEX A as they appeared online on 25/APR/2019 (19:03HRS)

Rationale of this EOI

The Malta Digital Innovation Authority is seeking to issue an Expression of Interest (EOI) for the provision of a risk framework (which includes, as a minimum, the risk vision and taxonomy) on its operations and existence, in order to realistically and professionally be able to identify what the real risks facing it are, as well as to identify any means of mitigating possible risks where technically and feasibly possible.

MDIA recognises that it is working at the forefront of technology and regulatory framework in terms of the innovative technologies reviewed by it. This can be classified as one example of a possible risk in itself. The main challenge is to find the right balance between MDIA's regulatory function and not hindering innovation in the process.

MDIA wishes to adopt a one-time service (through this EOI document) of a service provider who can diligently and accurately provide MDIA with a structured approach to managing risks vis-à-vis the policy objectives of MDIA (listed on www.mdia.gov.mt), as well as the legislation that enacted MDIA, the MDIA ACT, ITAS ACT of the Laws of Malta and the supporting regulations (MDIA Guidelines).

Expectations of the end product and key technical requirements of this EOI:

MDIA may be exposed to several known and unknown risks by nature of its operations. As the Authority is continuously dealing with innovative aspects of technology, so can the risk be, innovative in itself. The known risks are surely to include (but not limited to) the following key items of risk in one final report.

1. Financial sustainability: continuity of services and financial efficiency;
2. Staffing and Human Resource risks;
3. Governance and governance rating;
4. Independence;
5. Identification of possible hazards of the businesses MDIA interacts with;
6. Possible geographically related hazards or risks;
7. Supervision and monitoring (registered ITAS and authorised service providers) and thus investigative ambit, regulatory reach and enforcement actions would need to be captured;
8. A detailed Risk Management Report that addresses addressable risks.
9. Money Laundering (ML) and Terrorism Financing risks where applicable;
10. Data Protection (DP), Whistleblowing Risk & Consumer Risks;
11. International exposure and international requests;
12. Risk classification and exposure of MDIA with regards to ITAS certification;
13. New international laws, or standards and their effect on our certification and responsibility of MDIA;
14. Disruptive Technology Risks where certain technologies could be in-affect unregulatable by nature;
15. The definition of 'innovative technology' itself in reference to the definition of the word 'innovation' and how such could impact MDIA operations as well as references to the IT industry itself as applicable;
16. MDIA is seeking the services of risk visionaries and assessors that can go beyond the key points mentioned above and document clearly possible outcomes based on associated risks, including the probability of occurrence. If the probability is opinion based, the service provider must state how such a rationale of probability was concluded as being so;
17. Consideration of risks associated with the technologies that MDIA interacts with;

18. Regulatory changes and responsiveness to such changes;
19. Technological changes and responsiveness to such changes; and
20. National Reputation and the associated risks or impacts these may have on MDIA and vice versa.

The service provider of such assessment must be able to, as a minimum, comply with the following:

1. Get accurate understanding of MDIA's situations and unique challenges, both current and in the foreseeable future
2. Keep up a continuous or periodical dialogue with members of MDIA for the scope of providing the expected results.
3. Clearly state where an opinion is factually based (example: statistically based result of a particular risk) or whether a professional-based opinion.
4. Complete and finalise the risk assessment report within four (4) months from the signing and acceptance date this EOI.
5. Clearly state in the minimum number of workshops and/or meetings that the bidder for this EOI is expecting to do with MDIA, and their estimated duration.
6. Projected timelines of interventions, interviews, workshops, meetings and report drafting.
7. Provide as part of the response to this EOI a clear document as to how the bidder shall work to achieve the minimum results expected and documented in this EOI.
8. Provide examples of past experiences in the provision of risk assessment services and reports.
9. Risk classification. Risk should be classified per area and be endemic through **a risk assessment matrix** chart that plots the severity of an event occurring on one axis, and the probability of it occurring on the other (as a minimum). MDIA is expecting that this chart is based upon detailed analysis of the risk management processes that are more complex than the end result that they produce, including but not limited to identifying risks, gathering background data, calculating their likelihood and severity, and outlining risk prevention and management strategies.

The methodology that the bidder plans to use must be fully documented in detail that is satisfactory to MDIA.

Expected Fee Structure Requirements

MDIA requires that the fee for such a service and production of risk assessment report/service will be a holistic one based on a one-time fee that is all inclusive of whatever the service provider deems necessary to achieve the expected outcomes listed in this EOI.

Time and material (T&M) quotations will not be accepted.

Additional Bidder requirement criteria:

The turnover of the bidding company must have reached or exceeded a minimum of five (5) million euro in one financial year, at least once, in the past three years in order to be considered for this EOI. This must be evidenced through supplied documentation in the original bid submission by the bidder.

Disclaimer: *All bidders and prospective bidders are hereby being notified that MDIA reserves the right to not procure any of the submitted bids or proposals to this EOI and/or to re-issue this EOI with revised specifications. The primary scope of this EOI is to evaluate the interest and cost related to the production and work required to meet and exceed the documented minimum requirements in this document and upon such response, consider procuring such a service.*

ANNEX A – OBJECTIVES OF MDIA. Extracted on 24/APR/2019 19:03HRS from source: <https://mdia.gov.mt/about/>

1 : The Authority shall endeavour to achieve the following main objectives and policies.

- to promote governmental policies that favour the deployment, within the public administration, of innovative technology arrangements, by the Government where necessary or appropriate
- to foster, promote and facilitate the advancement and utilisation of innovative technology arrangements and their design and uses
- to promote education on ethical standards and legitimate exploitation of innovative technology arrangements
- to safeguard, maintain and protect the reputation of Malta in the use of innovative technology arrangements
- to protect users of innovative technology arrangements, including consumers and the general public and to ensure standards are set that meet their legitimate expectations and protect them against misuse
- to harmonise practices and to facilitate the adoption of standards, on innovative technology arrangements in Malta, to be in line with international norms, standards, rules and/or laws particularly those of the European Union
- to assist the competent Data Protection Authorities in safeguarding the data protection rights of data subjects and assist other competent authorities in the protection of vulnerable persons and the promotion of fair competition and consumer choice
- to promote, and if required enforce, ethical and legitimate criteria in the design and use of innovative technology arrangements and any application, software or derivative product from it or intrinsically part of or connected to it as well as to ensure quality of services and security therein
- to support the prevention of money laundering, terrorist financing and the commission of any other crime in general or through the use of innovative technology arrangements, through collaborations with other regulatory bodies and competent authorities with the same responsibility of preventing money laundering and the financing of terrorism and crime in general
- to promote transparency and auditability in the use of innovative technology arrangements, and any application, software, or derivative product from it or intrinsically part of or connected to it
- to promote ease of accessibility to the facilities provided by publicly available innovative technology arrangements and the recognition and implementation of the right of exit,

withdrawal or termination of participation from any arrangement in the use of innovative technology arrangements

- to promote legal certainty in the application of laws, in a national and cross-border context, and the development of appropriate legal principles for the effective application of law to innovative technology arrangements

2: The Authority shall endeavour to promote the development of innovative technology in a wide manner and for as many uses as possible, so as to achieve its benefits in as many economic and social sectors as possible, including, but not limited to, financial services, health and education, voluntary organisations, public administration and transport.

3: The Authority shall also encourage the development of regulatory processes in relation to innovative technology arrangements to support all national competent authorities regulating different sectors to better administer the laws entrusted to their administration for the public benefit.