

Date – 2nd July 2019

EXPRESSION OF INTEREST

Expression of Interest (EOI) for the production of AI based ITA Guidelines.

This EOI is for the production of Innovative Technology Arrangements (ITA) Guidelines in relation to AI, including AI-specific Control Objectives and Evaluation Criteria for the use of the Malta Digital Innovation Authority. These documents may also be used by or for MDIA's evaluation of ITA Service Providers and AI-based ITAs and/or as MDIA may deem necessary.

EOI PUBLISHING DATE – 02/JUL/2019

SUBMISSION DEADLINE – 16/JUL/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 any other international obligations. The Authority seeks to protect and support all users and also encourages all types of innovations, by allowing for maximum flexibility when it comes to the certification of Innovative Technology Arrangements.

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

Rationale of this EOI

The Malta Digital Innovation Authority is expanding the ITA certification framework to include AI-based solutions and is seeking Expression of Interest for the provision of ITA guidelines in relation to AI, including AI-specific Control Objectives and Evaluation Criteria building on the Authority's guidelines and based upon the ethical principles and trusted AI attributes set out in the EU publicly published ethical guidelines available at <https://ec.europa.eu/digital-single-market/en/news/ethics-guidelines-trustworthy-ai> and further defined (including the definition of AI itself) at <https://ec.europa.eu/futurium/en/ai-alliance-consultation/guidelines#Top>. Additional to this, **OECD**¹ guidelines must also be taken into consideration in the production of this product. The OECD guidelines on AI are available at <https://www.oecd.org/going-digital/ai/principles/>.

MDIA recognises that it is working at the forefront of technology and regulatory framework in terms of the innovative technologies reviewed by it. The main challenge is to find the right balance between MDIA's regulatory function and not hindering innovation in the field of Artificial Intelligence through doing so. MDIA wishes to adopt a one-time service (through this EOI document) to be provided by a service provider who can diligently and accurately provide MDIA a structured approach in the production of detailed concise practical AI-guidelines document (including AI-specific control objectives, blueprint, and other document the service provider deem necessary), keeping along with the format of existing MDIA guidelines (available at www.mdia.gov.mt) vis-à-vis the policy objectives of MDIA (also 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), but solely in relation to Artificial Intelligence.

Furthermore, the bidder is to also supply MDIA, with another document against which, MDIA will use to determine whether a particular ITA qualifies as meriting certification by MDIA (based upon the ethical guidelines mentioned above document that the bidder shall provide).

¹ OECD - Organisation for Economic Co-operation and Development

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

As a minimum, the bidder is expected to produce the following products and meet the following requirements:

- 1) The production of official **AI Guidelines for MDIA**.
- 2) The production of the evaluation criteria that the MDIA will be using to gauge ITA's against in order to determine whether a particular AI-Based ITA merits certification and approval by MDIA. This document shall be referred to herein as the **AI-ITA Evaluation Document**.
- 3) The documents produced at paragraph 1 and 2 above must be based on the European Commission Ethics Guidelines for Trustworthy AI and OECD Guidelines/Principles on AI. References to OECD/EU Commission documents are to be clearly cited and referenced for easy of search and access.
- 4) The documents produced at paragraph 1 and 2 must cover, as a minimum, the topics of:
 - a. Human agency and oversight
 - b. Technical robustness and safety
 - c. Privacy and Data governance
 - d. Transparency (transparency, explainability, clear communications of such)
 - e. Diversity, non-discrimination and fairness
 - f. Societal and environmental well-being
 - g. Accountability
 - h. Monitoring mechanisms to detect and flag biased outcomes
 - i. Fairness
 - j. Human-centric values
 - k. OECD Guidelines/Principles on AI
 - l. Recommendation of OECD council on AI.
- 5) The bidder is to produce the products mentioned at 1 and 2 above (AI Guidelines and AI-ITA evaluation document) within **six (6) weeks** from the date of signing and acceptance of this EOI.
- 6) The documents are to be in line, in terms of formatting, with the existing guidelines on ITA's and other guidelines that MDIA has publicly published on the MDIA website.
- 7) The bidder is made aware that the majority of this work is likely to happen during the month of August. As such, no exception due to any summer recess period will be done in order to extend the above-mentioned production deadline.
- 8) The bidder is expected to fully comprehend MDIA's '*raison d'être*' and unique challenges, both current and in the foreseeable future.
- 9) Keep up a dialogue with members from MDIA for the scope of providing the expected results requested in this EOI.
- 10) Provide, as part of the response to this EOI, a clear document as to show how the bidder shall work to achieve the minimum results expected and documented in this EOI. The document is to have clear milestones and task bound to delivery dates.
- 11) Provide examples of past experiences in the provision of similar services to other clients.
- 12) The methodology that the bidder is planning to use must be fully documented in detail that is satisfactory to MDIA and this EOI Evaluation Board.
- 13) The documents produced are to be in the English language.
- 14) The bidder must have shown that he/she has fully understood and grasped the contents of the European commission 'Ethics Guidelines for Trustworthy AI'.

- 15) The bidder must have shown that he/she has fully understood and grasped the contents of 'the OECD Principles on AI.
- 16) The bidder must have shown that he/she has fully understood and grasped the contents of OECD Council Recommendation on Artificial Intelligence.
- 17) The bidder must have shown that he/she has fully understood and grasped the contents of Chapter 8 – Legal and Ethical Framework of the High-Level Policy Document – Towards an AI Strategy published in March 2019 by Malta.AI.

Evaluation Criteria

This EOI will be evaluated on the basis of technical compliancy of the minimum requirements listed in this document vis-a-vis the most advantageous economic feasibility.

Expected Fee Structure Requirements

MDIA requires that the fee for such a service and production of the documents requested via this EOI 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 outcome/s 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 one (1) 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 based on the responses provided in response to this EOI.*

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 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 as wide a 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, in 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.