

Terms of reference (ToRs) for the procurement of services below the EU threshold

**Re-engineering of Public Services in the Eastern Partnership
Activity: Development of Electronic Course for Public Servants on
Personal Data Protection in Georgia**

**Project number/
cost centre:
20.2247.3-003.00**

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0. List of abbreviations

AG	Commissioning party
AN	Contractor
AVB	General Terms and Conditions of Contract for supplying services and work
FK	Expert
FKT	Expert days
KZFK	Short-term expert
ToRs	Terms of reference

1. Context

Launched in 2009 as a joint political initiative, the Eastern Partnership (EaP) aims to deepen and strengthen relations between the European Union (EU), its Member States and Armenia (AM), Azerbaijan (AZ), Belarus (BY), Georgia (GE), the Republic of Moldova (MD) and Ukraine (UA).

In 2021, German Federal Ministry for Economic Cooperation and Development (BMZ) commissioned 2nd phase of the Project “Professional Civil Service in the Eastern Partnership” to support the public/civil service state institutions in Armenia, Azerbaijan, Georgia, Moldova and Ukraine in a more in-depth and practice-oriented manner in the development of modern training approaches through regular mutual exchange of expertise and targeted capacity development, as well as to create innovative approaches to solutions for more efficient educational institutions.

In 2022, German Federal Ministry for Economic Cooperation and Development (BMZ) commissioned a new Project “Re-Engineering of Public Services in the Eastern Partnership” (EaP Re-Engineering), which is implemented by GIZ in five EaP countries: Armenia, Azerbaijan, Georgia, Moldova and Ukraine within EaP Regional Fund for Public Administration Reforms. EaP Re-Engineering aims at improvement of performance of public institutions by means of regional exchange and synergies of concepts, experiences and knowledge on re-engineering of public services, including the topic of personal data protection in public service design and delivery.

The need for public service reforms and importance of personal data protection is explicitly stated in strategic documents and policy papers of EaP countries, including Georgia.

Improving the personal data protection is explicitly mentioned also in different documents on enhancing the cooperation between EU and EaP states, including Georgia

The need for regular trainings and update on personal data protection becomes more vivid especially now - in era of rapid digitalization of governance, where interoperability and interconnectivity of different data systems play central role.

Because of common agenda and interests, the above-mentioned two projects of the EaP Regional Fund: EaP Regional Fund on Re-Engineering of Public Services and on Professional Civil Service have joined their efforts with their implementing partners such as Civil Service

Bureau of Georgia and Personal Data Protection Service of Georgia to develop e-course for public servants in synergy and close integration, which will:

- on one hand contribute to the deeper integration of personal data protection topic in training process of public servants, and
- thus, contribute also to the improvement of performance of public institutions when delivering public services to the citizens.

The development of e-course on PDP in Georgia builds on already taken measures of other programs implemented by GIZ in Georgia. Namely, in 2020, the project "Data protection screening in 3 pre-selected municipalities" was implemented in assignment of GIZ within the frames of the program - Good Governance for Local Development South Caucasus (GGLD).

The development of e-course should inter alia take into account also the outcomes of the above-mentioned screening report from 2020, which will be shared with the contractor in prior.

Today the number of people employed in public service in Georgia is over. 40.000, covering both central and self-governing levels.

In order to fully ensure high level knowledge on personal data protection, as well as opportunity for regular update of knowledge on personal data protection in sustainable and cost-efficient manner, in agreement with the Civil Service Bureau of Georgia and Personal Data Protection Service of Georgia, the first electronic module for public servants has to be created in personal data protection.

The purpose of the electronic course is acquisition of basic information (knowledge) necessary for a public servant. It requires passing a test and finally the civil servant will have the opportunity to receive a certificate.

It will serve to support development of uniform practice related to its application, as well as facilitation of professional knowledge and skills for personal data protection within the public servants by means of raising awareness on professional standards set by the Georgian legislation, as well as standards laid by European framework documents, such as GDPR.

The electronic model of learning will enable retraining of public servants on personal data protection in public service, by distance. Within the course, without leaving their workplace and environment, they will be able to obtain information on the notions set by EU standards and Georgian legislation, as well as on their application in practice, which in the long term, aims to prevent potential risks for breach of personal data protection regulations.

The Civil Service Bureau of Georgia will provide its e-learning platform to place the e-course on personal data protection and further maintain it.

2. Tasks to be performed by the contractor

The contractor is responsible for providing the following services:

Task 1: Development of final methodology for creation of e-course.

1.1. Development of the methodological approach based on ToR

1.2. Presentation, discussion and revision of the approach jointly with GIZ Projects on Re-Engineering and Professional Civil Service, as well as Civil Service Bureau of Georgia and Personal Data Protection Service of Georgia and other stakeholders as suggested by latter or GIZ Projects.

Once the research approach has been defined, the consultants will:

- Present and discuss the approach together with GIZ Projects on Re-Engineering and Professional Civil Service, as well as Civil Service Bureau of Georgia and Personal Data Protection Service of Georgia and other stakeholders as suggested by latter or GIZ Projects;
- Revise the draft approach based on the received feedback.

Task 2: Development of e-course based on submitted methodology

- 2.1. Development of a 1st module, discussion with engaged partners and continuation of development of next modules based on given feedbacks

Task 3: Translation of the transcript of the course in English

The following deliverables are expected to be provided during the assignment:

Task 1:

1. Draft methodology (in Georgian and English),
2. Final methodology (in Georgian and English).

Task 2:

1. Work plan for whole assignment (in Georgian and English).

Task 3:

1. 1st version of the electronic course in Georgian with separate translation of texts in English for international audience.
2. Final version of the electronic course in Georgian with separate translation of texts in English for international audience.

Milestones

Certain milestones, as laid out in the table below, are to be achieved during the contract term:

Milestones/process steps/partial services	Deadline/place/person responsible
Draft methodology (in Georgian and English)	August 24, 2023
Final methodology (in Georgian)	September 14, 2023
1st version of the electronic course in Georgian with separate translation of texts in English for international audience.	November 14, 2023
Final version of the electronic course in Georgian with separate translation of texts in English for international audience.	December 4, 2023

Period of assignment: from 14.08.2023 until 21.12.2023.

3. Concept

In the tender, the tenderer is required to show *how* the objectives defined in Chapter 2 (Tasks to be performed) are to be achieved, if applicable under consideration of further method-related requirements (technical-methodological concept). In addition, the tenderer must describe the project management system for service provision.

The content and format of e-course should be discussed and agreed with Personal Data Protection Service of Georgia, Civil Service Bureau and GIZ.

a. Substantive part of the electronic course

Preliminary electronic course should consist of 7 at least thematic modules.

The content should at least include the following topics which may however in discussion with Personal Data Protection Service and Civil Service Bureau be replaced or reformulated and consist of following modules:

- **Introduction:** basics of data protection, principles of data protection; requirements of data protection; data protection at work; data protection at private sphere; emergency in data protection
- **Identification and description of data processing systems** - one of the prerequisites of compliance with the personal data protection principles for the data controllers is to know exactly what kind of data processing systems they have, which data are processed in which system, where the data are collected, who the data are transferred to, what is the purpose of processing each datum, what technical tools are used to process data, etc.
- **Identification of data processing grounds and purpose** - a data controller must have a clear understanding of the legal grounds and the purpose of processing data. Otherwise, it will be impossible to comply with the law and to determine a reasonable volume of the data to be processed or the data storage time, or whether data should be processed in a different manner, etc.;
- **Technical and organizational measures** - for data processing to be considered lawful and compatible with the legislative requirements, it is necessary that the data controller takes appropriate technical and organizational measures to handle the risk inherent to data processing.
- **Roles and responsibilities of the entities involved in data processing** - one of the critical issues in the area of personal data protection is a good understanding of the roles of the entities/organizations involved in data processing and assignment of clear responsibilities to data controller, joint-controllers and data processors.
- **Employee competencies in the personal data protection area** - in order to ensure due protection of personal data in an organization, it is necessary to retrain the human resources involved in data processing. The employees of the data controller must have a proper understanding and awareness of the issue so that they can practice data protection principles in their day-to-day activities;
- **Rights of a data subject and how to exercise data subject rights** - the personal data protection laws stipulate certain obligations that data controllers have towards the data subject. These obligations are difficult, if not impossible to fulfil if the data controller has not already taken appropriate organizational and technical measures. It is important that the data controllers have appropriate tools in place so that people are not prevented from exercising their rights.

b. The structure of the electronic course and of each of its modules:

- Introductory part: basic information on legal framework in Georgia and EU
- Practical part with animation videos on practical cases which the public servants may confront in their everyday work.
- Questions and options to choose on how one should act in the given case
- Analysis of the concrete cases
- Self-assessment part: questions with multiple choices to pass the module, with ability to make mistake two times.

c. Technical and methodological side of the electronic course

The content of the electronic course should not be overloaded with specific terminology and large amount of texts, should be **easy to understand**, main messages should be **vivid, practice-oriented, short and precise**. In case of further interest in the theme, the participants should be able to obtain detailed information by means of the additional literature.

Each module of the electronic course should contain additional resources related to each theme discussed in the module (guides, handbooks, commentaries, etc.).

Electronic course should be **interactive and should facilitate engagement** of the participants by using various interactive methodologies (open questions, video materials, examples of specific unethical pathologies, etc).

Electronic course should have a **simple and user-oriented navigation** system, so that the course can be undertaken by any public servant.

At the same time, the course at the outset should **envision the possibility to offer a different course** (with its content, emphasizes, etc.) **for managers** (this may require more attention during its preparation).

It must ensure that the user fully gets familiar with the materials and does not run only formally through it. Specifically, in case of closing of the window of the course skipped by the user, the course should be terminated (e.g., audio or video) and should await reactivation of the window by the user.

After each information cycle, the user should answer **questions** which will be based on the materials, and after 5 incorrect answers the course should be terminated and should direct the user to **retake the course anew**.

The course should have an easy-to-use interface for users.

The course should have a Georgian-language interface and support for Unicode standard.

The course should allow its simultaneous usage by the adequate number of users without loss of performance.

! The course should be technically developed in such a way to comply with technical requirement for integration into electronic platform of Civil Service Bureau and other electronic platforms and easily updated to other languages.

d. Duration of the electronic course

The course should consist of 7 modules and be based on the content of the Georgian Legislation, EU framework documents, as well as guiding documents by Personal Data Protection Service and Civil Service Bureau of Georgia.

Each module should last for 2 hours, whereas the total duration should not exceed 14 hours.

Electronic course should technically enable the user to divide the duration as per his/her own needs. However, the electronic course should be undertaken within a pre-determined time after its commencement.

e. Methodology

Electronic course should envision **self-assessment mechanism**. Each module should contain a self-assessment mechanism, either at the end of the module or at the end of each tutorial.

Self-assessment should be carried out using various methods: open and closed questions, tests, decision-making in a specific case scenario, etc. Each method should allow possibility to see correct answer and should provide short explanation with respect to the short answer.

The **materials** of the electronic course should contain **tests, as well as practical examples, short videos, instructions, advises, key messages, animations**, etc.

At the end of the course a **threshold** should be set, passing of which will lead to successful completion of the course and the participant will be given a certificate.

After successful completion of the course, the applicant should have the opportunity to give **assessment feedback**.

Civil Service Bureau shall have access to analytical and statistical information, for example, how many public servants have gone through the course, which issues were most problematic, interesting, etc. The statistical information may also become publicly available.

f. Target audience

Target audience for the electronic course is:

- Public servants – professional public servants and persons employed on the basis of administrative contract;
- Persons employed a management level;
- Persons employed in public agencies based on labor contract;
- Persons employed at the Legal Entities of Public Law (LEPL).

Electronic course should be mandatory for all public servants, including the newly appointed public servants and managers; as well as for persons employed at LEPLs.

For persons employed based on administrative and labor contract the electronic course shall be recommendatory.

4. Technical-methodological concept

Note: The numbers in parentheses correspond to the lines of the technical assessment grid.

Strategy (1.1): The tenderer is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see Chapter 1 Context) (1.1.1). Following this, the tenderer presents and justifies the explicit strategy with which it intends to provide the services for which it is responsible (see Chapter 2 Tasks to be performed) (1.1.2).

The tenderer is required to describe the key **processes** for the services for which it is responsible and create an **operational plan** or schedule (1.4.1) that describes how the services according to Chapter 2 (Tasks to be performed by the contractor) are to be provided. In particular, the tenderer is required to describe the necessary work steps and, if applicable, take account of the milestones and **contributions** of other actors (partner contributions) in accordance with Chapter 2 (Tasks to be performed) (1.4.2).

The Technical Proposal must entail:

- Description of the company's profile and experience (3.1).
- Information on at least 2 successful projects of similar nature (relevant papers should be attached) (3.2);
- Detailed description of the method of implementation and conceptual approach for each task of the assignment, clear description of the roles of the proposed individual experts;
- Description of proposed work schedule;
- CVs of involved experts.

Further requirements (1.7)

! The course should be technically developed in such a way to comply with technical requirement for integration into electronic platform of Civil Service Bureau and other electronic platforms and easily adopted/updated to other languages.

5. Personnel concept

The tenderer is required to provide personnel who are suited to filling the positions described, on the basis of their CVs (see Chapter 7), the range of tasks involved and the required qualifications.

The below specified qualifications represent the requirements to reach the maximum number of points in the technical assessment.

Key Expert 1

Tasks of key expert 1

Task 1

1.1. Development of the methodological approach based on ToR

1.2. Presentation, discussion and revision of the approach jointly with GIZ Projects on Re-Engineering and Professional Civil Service, as well as Civil Service Bureau of Georgia and Personal Data Protection Service of Georgia and other stakeholders as suggested by latter or GIZ Projects.

Once the research approach has been defined, the consultants will:

- Present and discuss the approach together with GIZ Projects on Re-Engineering and Professional Civil Service, as well as Civil Service Bureau of Georgia and Personal Data Protection Service of Georgia and other stakeholders as suggested by latter or GIZ Projects;
- Revise the draft approach based on the received feedback.

Task 2: Development of e-course based on submitted methodology

- 2.1. Development of a 1st module, discussion with engaged partners and continuation of development of next modules based on given feedbacks

Task 3: Translation of the transcript of the course in English

Qualifications of key expert 1

- Education/training (2.2.1): University Degree in Public Administration, Law, Social Sciences or similar fields
- Language (2.2.2): C1 -level language proficiency in English is a must.

- **General professional experience (2.2.3):**

At least 5 years of experience in conducting research and surveys.

At least 2 successful projects in the sphere of personal data protection, public service design and delivery, as well as civil service,

Experience of designing, or monitoring or creating electronic platforms and/or separate electronic learning module and submit the documentation

- **Specific professional experience (2.2.4):**

At least 5 years of experience in personal data protection, public administration with focus on public service design and re-engineering, as well as civil service reforms.

Other (2.2.8):

Expert level competencies in the area of personal data protection, business process analysis, re-engineering, public administration with focus on public service design and re-engineering, as well as civil service reforms

Expert level competencies in conducting research in personal data protection and development of different training courses,

Strong analytical, project management and writing skills;

Soft skills of team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Initiative
- Communication skills
- Socio-cultural skills
- Efficient, partner- and client-focused working methods

Interdisciplinary thinking

Key Expert 2

Tasks of key expert 2

Task 1

1.1. Development of the methodological approach based on ToR

1.2. Presentation, discussion and revision of the approach jointly with GIZ Projects on Re-Engineering and Professional Civil Service, as well as Civil Service Bureau of Georgia and Personal Data Protection Service of Georgia and other stakeholders as suggested by latter or GIZ Projects.

Once the research approach has been defined, the consultants will:

- Present and discuss the approach together with GIZ Projects on Re-Engineering and Professional Civil Service, as well as Civil Service Bureau of Georgia and Personal Data

Protection Service of Georgia and other stakeholders as suggested by latter or GIZ Projects;

- Revise the draft approach based on the received feedback.

Task 2: Development of e-course based on submitted methodology

- 2.1. Development of a 1st module, discussion with engaged partners and continuation of development of next modules based on given feedbacks

Task 3: Translation of the transcript of the course in English

Qualifications of key expert 2

- Education/training (2.3.1): University Degree in Public Administration, Law, Social Sciences or similar fields
- Language (2.3.2): C1 -level language proficiency in English is a must.

- **General professional experience (2.3.3):**

At least 5 years of experience in conducting research and surveys.

At least 2 successful projects in the sphere of personal data protection, public service design and delivery, as well as civil service,

Experience of designing, or monitoring or creating electronic platforms and/or separate electronic learning module and submit the documentation

- **Specific professional experience (2.3.4):**

At least 5 years of experience in personal data protection, public administration with focus on public service design and re-engineering, as well as civil service reforms.

Other (2.3.8):

Expert level competencies in the area of personal data protection, business process analysis, re-engineering, public administration with focus on public service design and re-engineering, as well as civil service reforms

Expert level competencies in conducting research in personal data protection and development of different training courses,

Strong analytical, project management and writing skills;

Soft skills of team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Initiative
- Communication skills
- Socio-cultural skills
- Efficient, partner- and client-focused working methods

Interdisciplinary thinking

Key Expert 3

Tasks of key expert 3

Task 1

1.1. Development of the methodological approach based on ToR

1.2. Presentation, discussion and revision of the approach jointly with GIZ Projects on Re-Engineering and Professional Civil Service, as well as Civil Service Bureau of Georgia and Personal Data Protection Service of Georgia and other stakeholders as suggested by latter or GIZ Projects.

Once the research approach has been defined, the consultants will:

- Present and discuss the approach together with GIZ Projects on Re-Engineering and Professional Civil Service, as well as Civil Service Bureau of Georgia and Personal Data Protection Service of Georgia and other stakeholders as suggested by latter or GIZ Projects;
- Revise the draft approach based on the received feedback.

Task 2: Development of e-course based on submitted methodology

- 2.1. Development of a 1st module, discussion with engaged partners and continuation of development of next modules based on given feedbacks

Task 3: Translation of the transcript of the course in English

Qualifications of key expert 3

- Education/training (2.4.1): University Degree in Public Administration, Law, Social Sciences or similar fields
- Language (2.4.2): C1 -level language proficiency in English is a must.

General professional experience (2.4.3):

At least 5 years of experience in conducting research and surveys.

At least 2 successful projects in the sphere of personal data protection, public service design and delivery, as well as civil service,

Experience of designing, or monitoring or creating electronic platforms and/or separate electronic learning module and submit the documentation

- **Specific professional experience (2.4.4):**

At least 5 years of experience in personal data protection, public administration with focus on public service design and re-engineering, as well as civil service reforms.

Other (2.4.8):

Expert level competencies in the area of personal data protection, business process analysis, re-engineering, public administration with focus on public service design and re-engineering, as well as civil service reforms

Expert level competencies in conducting research in personal data protection and development of different training courses,

Strong analytical, project management and writing skills.

Soft skills of team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Initiative
- Communication skills
- Socio-cultural skills
- Efficient, partner- and client-focused working methods
- Interdisciplinary thinking

The tenderer must provide a clear overview of all proposed experts and their individual qualifications.

6. Costing requirements

Assignment of personnel

Specification of inputs

Fee days	Number of experts	Number of days per expert	Total	Comments
Designation of key expert pool	3	20	60	

- With each payment stipulated in the Contract the Contractor should provide reports indicating precisely the actual working days spent, activities and deliverables. Payments will be made based on the submitted reports.

7. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToRs. In particular, the detailed structure of the concept (Chapter 3) should be organised in accordance with the

positively weighted criteria in the assessment grid (not with zero). The tender must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in English (language).

The complete tender must not exceed 10 pages (excluding CVs). If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g., links to websites) will also not be considered.

The CVs of the personnel proposed in accordance with Chapter 5 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CVs shall not exceed 4 pages each. They must clearly show the position and job the proposed person held in the reference project and for how long. The CVs can also be submitted in English (language).

Please calculate your financial tender based exactly on the parameters specified in Chapter 6 Quantitative requirements. The contractor is not contractually entitled to use up the days, trips, workshops, or budgets in full. The number of days, trips and workshops and the budgets will be contractually agreed as maximum limits. The specifications for pricing are defined in the price schedule. Please use attached Price schedule for the preparation of financial offer

Reporting

- The Contractor is obliged to perform the assignment based on these ToRs while ensuring close contact with GIZ throughout the implementation of the assignment.
- The Contractor shall provide all the results directly and in the first turn to GIZ for discussion and further action.
- The Contractor will directly report to the GIZ Programme on the progress and completion of the tasks.