



TENDER SPECIFICATIONS

**External expertise (LEGAL EXPERT) for the project
“SIDE-CIC” – Social Identity Cards in Construction**

(Project ref. 101102408)

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1. Introduction

This tender call seeks a dedicated and skilled **Legal Expert** to contribute to the Social Identity Cards in Construction (SIDE-CIC) EU-funded project. The SIDE-CIC project is an initiative of the recognised social partners for the construction sector, the European Federation of Building and Woodworkers (EFBWW) and the European Construction Industry Federation (FIEC) with a goal to enforce EU rules, foster fairer mobility and create a more transparent environment for workers, employers, and labour authorities in Europe's evolving construction industry.

The project will last 24 months starting on 1 July 2023. All the tasks foreseen must be undertaken within this time schedule.

1.1. Background of SIDE-CIC project

Rapid technological advancements and shifts in workforce demographics have significantly transformed Europe's construction industry, presenting both opportunities and challenges. The SIDE-CIC project seeks to harness digital technology to improve the transparency and identification of workers and companies in the increasingly fragmented construction industry of the EU.

The project proposes a comprehensive mapping of current social identity card schemes across the EU, within the construction sector, to assess opportunities, challenges, good practices, and the feasibility of interconnectivity among existing schemes. Further, a feasibility study will focus on examining the legal and technical frameworks supporting these schemes and will identify potential regulatory gaps in the EU framework. This information will inform a future pilot project to test the practicability of the findings.

1.2. Role of Legal Expert in the Project

The Legal Expert will be instrumental in assisting the project partners in understanding the legal framework of schemes in the EU, focusing on the analysis of the laws and customs across the EU pertaining to social identity card schemes in the construction sector. This role requires in-depth examination of EU labour laws, data protection regulations and cross-border legal frameworks to identify and bridge regulatory gaps. The Legal Expert will contribute to drafting comprehensive legal analyses, formulating policy recommendations, and ensuring compliance with relevant data protection legislation (such as the General Data Protection Regulation (GDPR)).

2. Objectives of the SIDE-CIC Project

- **Mapping exercise**

The first cornerstone of SIDE-CIC is a comprehensive mapping exercise of the existing social identity card schemes in the European Union, with a particular focus on the construction industry. The task will guide future actions, providing a clear understanding of the current landscape, the operation of these schemes, and their scope. It will identify opportunities and challenges in this area, including issues like the mutual recognition of information made available through national schemes, the potential interconnection of existing schemes, and the extent of coverage of these cards for various stakeholders.

- **Feasibility study**

The study will follow the mapping exercise and will focus on how to develop/enhance the interconnectivity of the existing national schemes (that were identified in the mapping exercise and would opt to be involved in this study). The study will contribute to the defining needs and possible regulatory gaps in the EU framework. The feasibility study will take a bottom-up approach and will respect and promote systems in place (including the specificities of each Member State) as well as the autonomy of the involved social partners. Furthermore, the study will identify legal, technical, financial and other requirements that need to be taken into account for developing an adequate framework for social ID-cards in construction.

The Feasibility Study will have two aspects:

Legal analysis – Will be based on the findings of the mapping exercise and should identify and assess what works and what doesn't work in the current framework. It should also suggest where improvements can be made.

Technical analysis - Will examine the technical frameworks of existing card schemes and indicate possible solutions for their possible interconnection at the EU level.

The project intends to use these findings to propose a framework for interoperability and the development of new schemes. By providing this comprehensive perspective, the SIDE-CIC project will serve as a means to improve the working conditions of workers, promoting social fairness, transparency and a level playing field for companies, as well as increased compliance with EU regulations.

- **Recommendations and pilot project**

The feasibility study will help to define the final project's recommendations. The findings of the study will set the basis for a future pilot project based on the findings of these exercises, with the intent to practically demonstrate the applicability and feasibility of an integrated system of social ID cards in the construction sector.

3. Tasks of the Legal Expert

The Legal Expert in the SIDE-CIC project will focus on the legal details and requirements for the implementation and operational success of Social ID cards across the European Union's construction sector. The Legal Expert will provide an in-depth legal analysis into existing EU and national labour laws, data protection regulations (including GDPR) and current cross-border legal frameworks to pinpoint, articulate, and propose solutions to regulatory discrepancies and obstacles that hinder the interoperability of Social ID systems between Member States. .

The Legal Expert will contribute to the drafting of policy recommendations, ensuring these recommendations are grounded in a sound legal basis. The information from the legal study will serve as a basis to establish actionable steps that can be taken to complement/adapt the current legal frameworks in view of the interconnection of the existing and future Social ID card schemes.

The Legal Expert will have to closely cooperate with the Technical Expert while drafting the study.

3.1. Description of the Tasks to be performed

- In the SIDE-CIC project, the Legal Expert will address legal landscape of the Social ID cards system within the EU's construction sector. The primary tasks will include: Conduct a legal analysis, contributing to this aspect of the feasibility study;
- Assist in drafting policy recommendations based on the study's findings;
- Support steering group members in understanding the legal dimensions and implications of the project during meetings;
- Presenting the legal findings and contributions at the project's Final Conference.

The subsequent subsections detail these responsibilities, outlining the role and tasks of the Legal Expert.

3.1.1. Legal analysis for the feasibility study

In the feasibility study, the Legal Expert will conduct a comprehensive legal analysis, evaluating the existing legal frameworks governing social identity cards across EU member states and the interoperability of these systems. This involves:

- Assessing what kind of framework is needed to provide a strong legal basis for national social ID card systems, allowing them to be operational in a national and cross border context; i.e. minimum requirements and a legal solution for ongoing infringement procedures;

- Assessing what kind of legal framework is needed to allow connection and interoperability between existing and future national social ID cards and different government authorities (including inspection services, tax authorities and other enforcement agencies);
- Assessing what kind of legal framework is needed to allow access / use / exchange of data and protection / consent of data;
- Assessing what kind of legal instrument would be the most appropriate for the objectives/goals identified. There may be legislative actions by the European legislator or agreements by the social partners or some forms combining both approaches;
- Defining possible models for governance at EU level.

The analysis will concern what exists currently within current legal framework for the interconnection of social ID cards in Europe as well as identify any regulatory gaps and propose what regulatory changes may be necessary to facilitate the interconnection of social ID cards at the European level.

The Legal Expert will present a proposal for how it will carry out its analysis in collaboration with the Technical Expert and the project partners (EFBWW and FIEC) within a month of the acceptance of the tender.

3.1.2. Assistance in drafting of policy recommendations

The Legal Expert will assist the formulation of the policy recommendations, advising the project partners on the legal feasibility of these recommendations. The expert will collaborate with project stakeholders to ensure recommendations are pragmatic, aligned with EU policies, and cater to the needs of all parties involved in the construction sector.

3.1.3. Supporting Steering Group Meetings

The Legal Expert will provide support to steering group members, facilitating an understanding of the legal aspects of the feasibility study in meetings. This task involves explaining complex legal concepts, regulatory requirements and potential legal risks in an accessible manner. Before meetings, the Expert will provide materials and briefs for steering group members.

The Expert will ensure that all members are informed and equipped to make decisions grounded in legal compliance and best practices. This support extends to clarifying legal questions, offering insights into how legal issues may impact project outcomes and guiding the group through legal considerations for policy development and project implementation strategies.

There will be 4 ordinary steering group meetings after the tender is accepted:

- July 2024
Initial discussion on the plan of the feasibility study as well as reaction to the mapping exercise.
- November 2024
Update on the progress of the feasibility study and preliminary planning for final conference (see subsection 3.1.4)
- Spring 2025
Informal presentation of first draft of feasibility study
- Autumn 2025
Conclusion of project

3.1.4. Final Conference Contribution

At the Final Conference (foreseen for June 2025), the Legal Expert will present its findings from the project's legal analysis. This presentation will highlight solutions to the identified legal issues and detail how these solutions can be integrated into actionable policy recommendations. The expert will aim to engage a diverse audience, including policymakers, industry stakeholders and project partners, facilitating a dialogue on legal strategies that underpin the project's success and compliance with EU regulations.

The Legal Expert will provide input into the design of the final conference.

3.2. Required Expertise

The Legal Expert for the SIDE-CIC project should have a deep understanding of EU and national labour laws, social security systems, data protection regulations and cross-border legal frameworks. They must be adept in legal research, analysis, and the drafting of comprehensive policy recommendations. Experience in the construction sector or similar industries is highly desirable. The candidate should demonstrate the ability to communicate complex legal concepts clearly to non-legal stakeholders and work collaboratively with a multi-disciplinary team. Strong analytical skills, attention to detail, and the capacity to foresee and mitigate legal risks are essential.

4. Contract Details

A contract will be formed between the EFBWW and the chosen Legal Expert, in compliance with the financial regulations of the European Commission.

The chosen Legal Expert must not form any subcontract without the EFBWW's written prior approval. Any such subcontract must contain equivalent ("back to back") obligations and forbid any further subcontracting.

The EFBWW will submit to the chosen consultant a draft contract that includes "back to back" obligations from the agreement between the European Commission and the EFBWW. This will also apply to relationships between the Legal Expert and any approved subcontractors.

5. Time Schedule and Reporting Requirements

The time schedule for the SIDE-CIC project's activities is defined within the project description. This schedule, however, is subject to modification as directed by the project's Steering Group. It is the responsibility of the Legal Expert to ensure that its tasks are completed within the given timeframe that aligns with instructions from the Steering Group.

The Legal Expert is also expected to maintain consistent communication with the EFBWW's project manager on the following key issues:

- a) Progress of the legal analysis for the feasibility study
- b) Collaboration with the Technical Expert(s) and Coordinating Experts
- c) Resolution of any issues or concerns and ensuring the steady progress of the project.

6. Methodology for Coordination and Communication

The SIDE-CIC project coordination and communication will be managed by the Steering Group, with the support of the Coordinating Expert. The Group consists of representatives from European social partners involved in the construction industry. The Legal Expert will be invited to the Steering Group meetings throughout the course of the project. There are a total of four Steering Group meetings planned (as per provisional timetable attached) from the planned point of appointing the Legal Expert, and it is anticipated that the Legal Expert will participate in all of these, alongside any other necessary seminars.

7. Payment Terms

Payments for the services rendered will be executed in accordance with the European Union's Financial Guidelines. The Legal Expert will receive remuneration once the assigned tasks have been performed satisfactorily and approved by the Steering Group. This approval will be

confirmed through the submission of invoices by the service provider after the completion and acceptance of the tasks. The invoices should detail the services provided.

8. Selection Criteria for the Legal Expert

The Legal Expert will be chosen based on the following criteria, in line with the provisions of the Public Procurement Directive 2014/24/EU, Article 58:

- a) Eligibility to perform the professional activity;
- b) Economic and financial stability;
- c) Technical and professional competence.

Please note, any tenders failing to meet all of the above criteria will not proceed to the next stage of the selection process. Furthermore, bids exceeding the defined maximum budget for this project will be automatically excluded. It is crucial that tenderers ensure their submissions are compliant with these requirements to be considered for the role.

9. Award Criteria

The contract will be conferred to the applicant whose tender offers the most economically advantageous solution, considering the following factors:

- Expertise in labour market issues related to the construction industry (30%)
- Expertise in EU law (20%)
- Prior experience working with social partners (20%)
- Quality and breadth of the network of national experts (15%)
- Language (EN) and communication skills (10%)
- Price (5%)

Given the project's co-funding by the European Commission, contracts will not be awarded to any bidder whose tender surpasses the amount endorsed by the European Commission for this task, i.e., 300,000 Euros (amount is inclusive of VAT and all social charges).

Note: the travel and accommodation costs for the expert(s) for participating in the Steering Group meetings, in the workshops, in the final conference will be reimbursed to the selected service provider by EFBWW separately (within the limits of the European Commission's rules) on the basis of original proofs of expenses provided to the EFBWW. Such costs should therefore NOT be taken into account in the price submitted to this call for tenders.

10. Content of the tenders

We invite all interested parties to submit their tender which should include the following elements:

- a) The proposed structure and methodology for achieving the project objectives and carrying out the anticipated tasks.
- b) A detailed pricing structure or offer for the project.
- c) The curriculum vitae of the individual(s) who will be involved in the project, demonstrating relevant expertise and experience.
- d) Examples of similar projects or initiatives that the tenderer has undertaken previously, to illustrate their ability to deliver on the project requirements.

All tenders must align with the specifications laid out in the previous sections of this call for tender.

In addition, we welcome any suggestions, proposals, or innovative solutions that tenderers may have for achieving the goals of the SIDE-CIC project. We appreciate fresh perspectives that may enhance the project's effectiveness and impact.

11. Tender Evaluation Procedure

The economically most advantageous tender will be identified by the evaluation of each award criterion on a scale between 0 and 10. These results will be counted using the relative ponderation indicated in % behind the award criteria.

12. Instructions for Submission of Tenders

Interested parties should send their bid via one of the following methods:

- a) via e-mail to jcornah@efbww.eu (with gdpr@efbww.eu in cc) **no later than 26 April 2024**, or,
- b) by registered mail posted no later than **26 April 2024** (date as postmark), to the following address:

EFBWW
f.a.o. Jonathan Cornah
Rue Royale 45/1
1000 Brussels
Belgium

or,

- c) delivered by hand, i.e. by delivery in person or by an authorised representative (including private courier services) no later than **26 April 2024** at 4 p.m. at the same address. Late delivery may lead to the exclusion of the tender from the award procedure for this contract.

For tenders submitted by private courier services and hand delivered requests, the EFBWW secretariat will sign a receipt stamped on the date of reception, which will serve as proof of delivery.

13. Additional Information

Any request for additional information must be sent in writing to EFBWW at the following e-mail address: jcornah@efbww.eu.

Alternatively, information may be requested by mail through the following addresses:

- EFBWW, Rue Royale 45/1, Bruxelles 1000, Belgique

The response(s) will be sent to all tenderers by electronic mail.

Provisional time table:

ACTIVITY	MONTHS																							
	M 1	M 2	M 3	M 4	M 5	M 6	M 7	M 8	M 9	M 10	M 11	M 12	M 13	M 14	M 15	M 16	M 17	M 18	M 19	M 20	M 21	M 22	M 23	M 24
Task 1.1 – Steering committee meetings	■			■				■					■				■							■
Task 1.2 – project administration and management	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Task 1.3 – Project Communication and outcomes dissemination	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Task 2.1 – Report mapping Social ID cards		■	■	■	■	■	■																	
Task 2.2 – Kick-off workshop							■																	
Task 2.3 – Feasibility report								■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Task 3.1 – Final conference																						■		
Task 3.2 – Policy recommendations																						■	■	■
Task 3.3 – outline pilot project																						■	■	■