



Request for Proposal (RFP)

Economic Consultant to produce a cost methodology and aggregation of data for a Business Model for the SEPA Payment Account Access (SPAA) Scheme

EPC077-22 / 2022 Version 1.0 / Date issued: 22 March 2022

Public

Request for Proposal

SPAA Business Model Economic Consultant



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Payments Council

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0 Introduction

The European Payments Council (EPC), an international non-profit association, offers one focal point and voice for the European payment service provider's sector on all European payment issues. In constant dialogue with other stakeholders and regulators at European level, its role is to support and promote European payments integration and development, and provide Single Euro Payments Area (SEPA) schemes including four SEPA payment schemes facilitating over 43 billion transactions across 36 countries every year.

The EPC's goal is to contribute to harmonised payments across SEPA – a goal which ultimately supports European competitiveness and innovation.

In its role of scheme manager, the EPC develops payment and payment-related schemes and updates them regularly to meet end-users' needs and technology evolution, sets up rules and technical standards for the execution of (or the supporting of) SEPA payment transactions and organises regular change management cycles opened to any stakeholder.

In June 2021 the Euro Retail Payments Board (ERPB) invited the EPC to take up the role of scheme manager for the development of a SEPA API access scheme related to payment accounts, in line with the requirements defined in the June 2021 report of the ERPB Working Group on a SEPA API Access scheme¹ (afterwards renamed SEPA Payment Account Access (SPAA) scheme).

More precisely, the EPC has been invited to develop a scheme in relation to access to payment accounts, with the legal and regulatory requirements of PSD2² constituting the 'baseline', but also going beyond such baseline to encompass value-added ('premium') services that may be provided in the context of 'open banking' as a natural evolution of PSD2, within the contractual framework of a scheme, and in line with the requirements defined in the abovementioned June 2021 ERPB report.

In November 2021 the EPC Board accepted the ERPB's invitation to act as scheme manager for a SPAA scheme. To do so, the EPC Board established the SPAA Multi-Stakeholder Group (SPAA MSG)³. The work on SPAA is expected to result in new client experiences accompanied by new additional revenue streams, and allowing for a fair distribution of value and risk between actors, by enabling 'premium' payment services beyond PSD2⁴, such as potentially 'premium' one-off payments, IBAN validation, future dated payments, etc.

In order to cater for such distribution of value and risk between actors, the 2021 June ERPB Report has defined business conditions for 'premium' assets and API services, allowing for the remuneration of at least two elements within a SPAA scheme, notably i) the assets exposed

¹ June 2021 ERPB Report https://www.ecb.europa.eu/paym/groups/erpb/shared/pdf/15th-ERPB-meeting/Report_from_the_ERPB_working_group_on_a_SEPA_API_Access_Scheme.pdf?52770756a713895bdc4fd072873346be

² Payment Services Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC

³ Terms of Reference of the SPAA MSG https://www.europeanpaymentscouncil.eu/sites/default/files/kb/file/2021-08/EPC166-21v1.0%20-%20ToR%20SEPA%20Payment%20Account%20Access%20MSG_0.pdf

⁴ Payment Services Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC



through the API service by the Asset Holder and ii) the API service itself, as provided by the Asset Holder.

According to the conclusions reached by the ERPB in June 2021, such remuneration could be achieved by way of providing a methodology for the determination of a fallback fee applicable to 'premium' assets and API services, leaving the possibility to Scheme participants to agree bilaterally on a different (lower) amount.

Such fee is described in the ERPB Report as 'Default Remuneration fee', which is a fee paid by the Asset Broker to the Asset Holder, and is based on cost recovery (estimated investments based on an amortisation duration, direct costs (technical, operational, etc.), indirect costs (HR, invoicing, etc.), risk related costs, estimation of number of calls per year, etc.) plus a reasonable margin.

In this Request for Proposal (RFP) document API should be understood as the SEPA API related to payment accounts access.

The EPC intends to outsource i) the definition of the detailed cost methodology for such remuneration model, ii) the collection of data from the market on the basis of such methodology and iii) the compilation of a set of 'default' fees.

The purpose of this Request for Proposal (RFP) document is to find a reliable, experienced, independent economic consultant to which the EPC can outsource the definition of the detailed methodology and the data collection for the definition of 'default' remuneration fees for 'premium' assets and API services.



1 Scope of SPAA Scheme

1.1 Introduction to the SPAA Scheme

The development of a SPAA scheme is a multi-stakeholder initiative⁵, aiming to drive ‘open payments’ in the EU through a scheme-based approach that unlocks hidden value, creating new innovation opportunities - which are expected to result in new client experiences accompanied by new additional revenue streams - and allowing for a fair distribution of value and risk between actors.

It will essentially enable ‘premium’ payment services beyond PSD2, such as potentially ‘premium’ one-off payments, future dated payments, IBAN validation. Moreover, this might possibly even become a stepping-stone towards ‘open finance’ beyond payments and ‘open data’ beyond finance, which would however be developed in a different context.

A SPAA scheme rulebook, covering prioritised business requirements as developed by the SPAA MSG is expected to be published on the EPC website by November 2022, subject to EPC Board approval and following a public consultation on a draft version of this rulebook before Summer 2022.

The SPAA scheme rulebook is expected to cover also a possible remuneration model for ‘premium’ assets and services exchanged within the rules of the scheme, in accordance with the requirements of the June 2021 ERPB report. Addressing business conditions inside the scheme is expected to help fostering the take-up of the scheme, by increasing its attractiveness towards potential scheme participants consumers and businesses.

According to the ERPB Report, as certainty and transparency on the remuneration of ‘premium’ services would be ensured, the scheme will benefit of higher chances to lower entry barriers and foster competition in the market, while increasing benefits for scheme participants and consumers, ultimately benefiting of a competitive and innovative internal market for payment services.

1.2 Remuneration model considered

The ERPB Report lays out the framework for the work on a possible ‘Default Remuneration Fee’ business model, as represented in Figure 1 below.

In the described model, the following fee types can be distinguished in the figure:

1) Default (Asset) Remuneration Fees (‘Default Fees’ or ‘Fees’) – *In scope of the present RFP*

The Fees are the fees paid by the Asset Broker to the Asset Holder, and should be based on cost recovery (estimated investments based on an amortisation duration, direct costs (technical, operational, etc.), indirect costs (HR, invoicing, etc.), risk related costs, estimation of number of calls per year, etc.) plus a reasonable margin.

The billing mechanism for such Fees is outside the scope of the present RFP. The calculation methodology for the reasonable margin, as described in the June 2021 ERPB Report, could be

⁵ See for reference the Terms of Reference (ToR) of the SEPA Payment Account Access Scheme Multi-Stakeholder Group (SPAA MSG) <https://www.europeanpaymentscouncil.eu/document-library/other/terms-reference-sepa-payment-account-access-multi-stakeholder-group-spaa-0>

based on a 'cost to income' ratio that can be found e.g., in the 'consolidated financial statements' of companies as applicable to different asset classes, so it can be unequivocally defined as an average of its value for a significant sample of possible scheme participants.

The reasonable margin takes the value created into consideration and makes it attractive for actors of all sizes to join the scheme. As both the API service and the assets are identified as possible object of remuneration, the scheme could envisage:

- i) a fallback Fee for the API service, and
- ii) different sub-Fees for different assets which could vary in function of the cost and the risk inherent to the respective service. This fee can be also set on a bilateral agreement basis, among scheme participants.

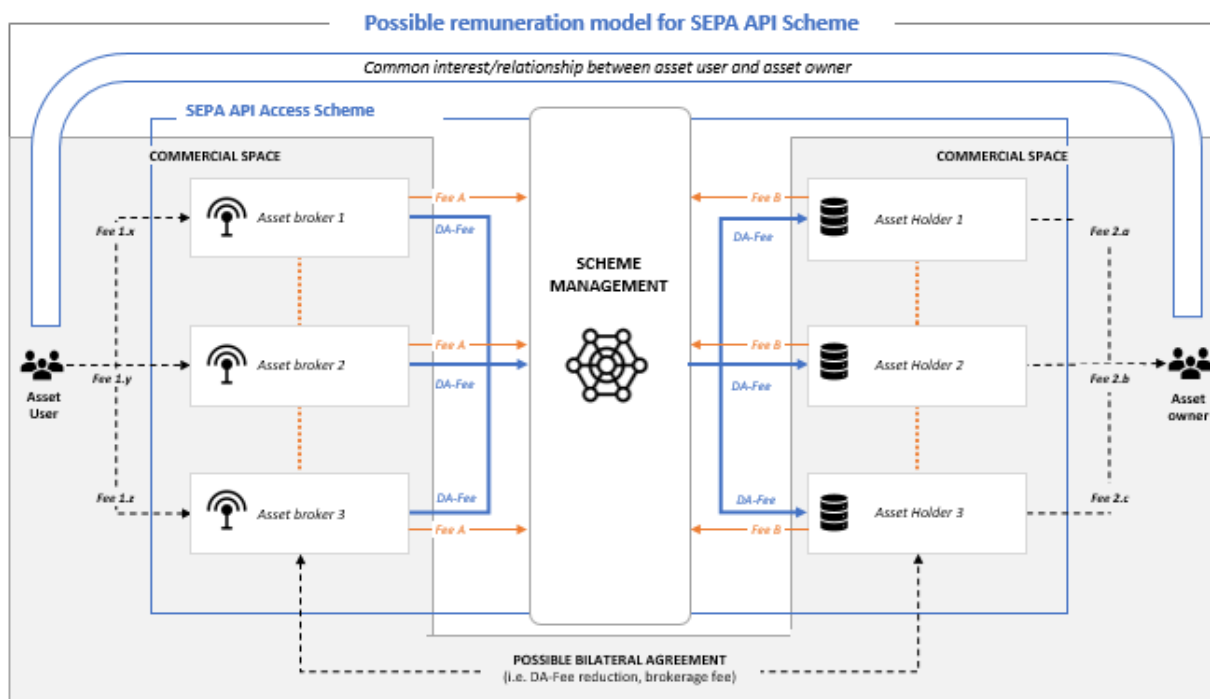


Figure 1

2) Scheme Fees – Out of the scope of the present RFP

Fees A and B are scheme participation fees based on cost recovery, paid respectively by the Asset Broker and the Asset Holder to the Scheme.

3) Commercial fees – Out of the scope of the Scheme and of the present RFP

Fee 1: Market-driven remuneration paid by the Asset User to the Asset Broker for the service.

Fee 2: Reward to the Asset Owner for contributing to the Scheme and sharing its data. Can take different forms (i.e., monetary, benefits, 'premium' services)

The Asset Brokers and Asset Holders may use a technical facilitator to exchange the data under the scheme. The business and economic relationship with such parties is outside the scope of the scheme and of the present RFP.



1.3 Procedure for the definition of the remuneration model

The EPC invites the Consultant candidates to formulate a proposal for a remuneration model in line with the principles outlined in the model above, based on the model recommended in the June 2021 ERPB Report⁶, taking into account the following main steps:

- i) **Definition of a detailed cost-calculation methodology and data collection process** – In order to define a set of Fees it is necessary to define a detailed and practical cost-methodology and a data collection process.

The cost-calculation methodology and the data collection process should aim at estimating (per asset class, as well as with regard to the fallback Fee):

- asset classes (for which separate Fees shall be established and calculated)
- investment cost recovery (estimated investments based on an amortisation duration, testing activities and roll out, etc.)
- direct costs (technical, operational, etc.)
- indirect costs (HR, invoicing, overheads, etc.)
- risk related costs (anti-fraud, Op-Risk, business contingency, etc.)
- estimation of number of API calls per year
- cost of capital

Data shall be collected from the market and subsequently aggregated in an anonymised manner, in order to define the possible amounts for the different Fees. The collection and aggregation shall be subject to appropriate safeguard agreements (such as Non-Disclosure Agreements (NDAs)). The selected Consultant shall then also provide, upon EPC's request (and after due evaluation), a high-level summary report on the aggregated anonymised data, which might be shared on a confidential basis with the respondents to the data collection process.

The cost calculation methodology and the data collection process shall also include a qualitative questionnaire on the expected impact on and benefits for Asset Users and Asset Owners.

The Consultant candidates may suggest an alternative methodology and provide their rationale as well as a description of how it complies with the general objectives outlined under Section 1.1 of the present RFP and relevant principles of EU competition law.

- ii) **Proposal for a set of Fees based on the cost calculation methodology and data collected** – Outcome of the data collection and aggregation on the basis of the given methodology, with final fees to be published on the EPC website.

The fees are made publicly available to Scheme Participants before they decide whether joining the SPAA Scheme or not. Scheme Participants are always allowed to set fees bilaterally, if they wish to do so.

⁶ June 2021 ERPB Report [https://www.ecb.europa.eu/paym/groups/erpb/shared/pdf/15th-ERPB-meeting/Report from the ERPB working group on a SEPA API Access Scheme.pdf?52770756a713895bdc4fd072873346be](https://www.ecb.europa.eu/paym/groups/erpb/shared/pdf/15th-ERPB-meeting/Report%20from%20the%20ERPB%20working%20group%20on%20a%20SEPA%20API%20Access%20Scheme.pdf?52770756a713895bdc4fd072873346be)



The fees should be structured in a manner that takes into account the various assets and the services involved, aiming at creating a transparent, fair and effective business model for 'premium' services.

2 Defined terms and abbreviations

In this document, the designations "we" and "our" are all used for the European Payments Council (EPC) as the party initiating this Request for Proposal (RFP).

The party answering to the RFP (making the bid) is referred to as 'Consultant candidate' or 'Consultant'.

Term/Abbreviation	Definition
Asset	Any form of value (e.g. bank owned data, customer owned data, transaction data, or the ability to execute transactions, payment related and beyond) that is held by an Asset Holder. In the context of PSD2, payment account balance and transactions would be an information asset owned by the customer and held by the ASPSP and a payment initiation would be a transaction asset involving an ASPSP and payer with the involvement of a TPP.
AISP	Account Information Service Provider, as defined under Article 4, (17), PSD2
API	Application Programming Interface.
ASPSP	Account-Servicing Payment Service Provider, as defined under Article 4, (17), PSD2.
Asset Broker	The entity that uses assets (e.g. data) from the Asset Holder, with permission of the Asset Owner, to deliver value to the end users. Value is being driven by either consumer or corporate demand. In the context of PSD2, a TPP would be an Asset Broker. The Asset Broker in the context of GDPR will be considered a data controller or a data processor depending on the degree of control it exercises over the processing of the personal data which form part of the assets.
Asset Holder	The entity that holds the assets. An Asset Holder is not necessarily the same entity as the data owner. In the context of PSD2 an Asset Holder would be an ASPSP. The data holder in the context of GDPR is considered the data controller.
Asset Owner	Owner of the asset (e.g. a legal entity or a consumer, in which case it would also be a data subject)
Asset User	The client of the asset broker that 'uses' the asset. The asset user can be a consumer or a legal entity.
Default Fee(s)	Default (Asset) Remuneration Fees are: the fee paid by the Asset Broker to the Asset Holder, and should be based on cost recovery (estimated investments based on an amortisation duration, direct costs (technical, operational, etc.), indirect costs (HR, invoicing, etc.), risk related costs, estimation of number of calls per year, etc.) plus a reasonable margin.



	As both the service and the assets are identified as possible object of remuneration, the Scheme could envisage i) a fallback Fee for the API service, and ii) different sub Fees for different assets, which could vary in function of the cost and the risk inherent to the respective service. This fee can be reduced on a bilateral agreement basis, among Scheme participants.
Effective Date	Date by which a certain version of the SPAA Scheme Rulebook is set to enter into force.
EPC	European Payments Council (in French: Conseil Européen des Paiements), an international non-profit association (in French: Association Internationale Sans But Lucratif, AISBL) established under and governed by Belgian law, having its registered office at Cours Saint-Michel 30, B-1040 Brussels, Belgium, and registered with the Crossroads Database for Enterprises under the enterprise number 0873.268.927 (register for legal entities Brussels)
EU	European Union.
ERPB	Euro Retail Payments Board.
GDPR	General Data Protection Regulation. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.
Governing documentation	The document(s) which set out the rules and conditions that regulate the use of, and contribution to, the MISP platform and the EPC MISP Community.
IBAN	International Bank Account Number.
IPR	Intellectual Property Rights
Participant	An entity accepted to be a party to one or more SEPA Payment Scheme(s) in accordance with the relevant provisions of the Rulebooks.
'Premium'	SPAA services that go beyond the PSD2 baseline.
PSD2	Payment Services Directive (EU) 2015/2366.
PSP	Payment Service Provider, as defined in Article 1 of Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.
RFP	Request for Proposal.
Rulebook	The Rulebook consist of a set of rules, practices and standards that make it possible for any eligible Participant to join, participate and operate in the SEPA Payment Account Access Schemes.



Scheme Fees	Fees recouped by the EPC for the administrative costs related to the management of a SEPA Scheme. Such fee is cost-based only.
SEPA	Single Euro Payments Area. The SEPA Payment Schemes are applicable in the countries listed in the EPC list of SEPA Scheme Countries (document EPC409-09, as amended from time to time).
SPAA Scheme	SEPA Payment Account Access Scheme.
SPAA MSG	SPAA Multi-Stakeholder Group.
Stakeholder	Within the SEPA context, the key stakeholders include amongst others: governments, authorities and regulators, the payments industry and their suppliers, corporates, small and medium-sized enterprises (SMEs), merchants, consumers, and their associations.



3 Practical Information

This chapter contains all the formalities and practicalities surrounding the RFP process.

3.1 Timeline

This section outlines the deadline for each stage of the RFP process:

Stage	Activity Deadline	Deadline Date
1	Publication of the RFP by the EPC on its website.	22 March 2022
2	Final date for SP candidates to submit written questions concerning the RFP documents.	19 April 2022 cob
3	Final date for receipt of RFP responses. (See section Guide for submission of for details on how to submit your RFP response documents.) The EPC will compile the RFP responses, which will be then analysed by a Work-Block (WB) of the SPAA MSG. In case there is a need for clarification as to elements of the response to the RFP the EPC will contact the RFP respondent via email. The respondent will have 5 business days to reply.	22 April 2022 cob
4	The EPC Work-Block (WB) tasked to guide the Consultant in the formulation of the outcome makes a recommendation to the SPAA MSG on the Consultant candidate to be selected.	18 May 2022 cob
5	The EPC Board approves the selected candidate.	27 May 2022 cob
6	The EPC informs Consultant candidates of the outcome of the RFP process and, subject to that, the process going forward.	27 May 2022 cob

3.2 Formalities

All Consultant candidates must structure their response to the RFP in accordance with the outline detailed in section 4 “Preparation and outline of RFP” of this document. This is to ensure comparability and that all relevant issues are dealt with. It is also essential that all items, requirements and expressed preferences are dealt with and replied to.

The Consultant candidate may supplement the outline with matters considered relevant by them. The EPC reserves the right to disregard RFP responses in which the Consultant candidate deviates from the outline to a significant extent.

If the Consultant candidate finds that there are unclear items, the Consultant candidate must specify the conditions on which its response to the RFP is based.

It should be noted that all or parts of the Consultant candidate’s response, as chosen by the EPC, may form part of a final contract between the parties.



3.3 Terms & Conditions of Response

Every proposal received by the EPC is deemed to have been made subject to these conditions. No other terms will be deemed to be accepted by the EPC or incorporated into any contract between the EPC and any Consultant candidate unless they are expressly accepted in writing by an authorised signatory of the EPC.

Confidentiality	Responses of Consultant candidates to the present RFP will be evaluated by the EPC. The final selection of the supplier will be subject to approval by the EPC Board upon recommendation by the SPAA MSG in accordance with the EPC's established procedures and subject to the relevant provisions of Belgian law. The members of the EPC Secretariat who will review the responses of Consultant candidates for recommendation to the SPAA MSG shall be bound by confidentiality. The members of the SPAA MSG and of the EPC Board who will review the responses of SP candidates shall do so only upon anonymisation of the responses received.
Examination and explanation of RFP documents	<p>The Consultant candidate shall be responsible for carefully examining the complete RFP, including any addenda, and making whatever further arrangements as may be required such that the Consultant candidate is fully informed and acquainted with all the circumstances and matters which might in any way affect the performance or cost of the services which are the subject matter of the Consultant candidate's response. Failure to do so is at the sole risk of the Consultant candidate and no relief shall be given for errors or omissions in the response to the RFP in estimating the difficulty or cost of performing the requirements successfully.</p> <p>Should the Consultant candidate find discrepancies in, or omissions from, the Request for Proposal or relevant documents, or should these appear to be obscure or ambiguous, the Consultant candidate shall at once contact the EPC for clarification or correction thereof before submitting its proposal.</p> <p>Any Consultant candidate making a request for clarification or correction will be solely responsible for the timely receipt of such request by the EPC. Replies to such enquiries may be made in the form of written addenda that will be communicated simultaneously to all Consultant candidates.</p>
Unsolicited revisions to proposals	Unsolicited revisions to proposals will not be received favourably unless the Consultant candidate can substantiate to the EPC's satisfaction that a genuine error occurred during preparation of the original proposal. The EPC is under no obligation to accept such a revision.
Modification to RFP Documents	The EPC reserves the right to revise any provisions of the Request for Proposal.



	Such revisions, if any, will be in the form of written addenda which will be communicated simultaneously to all Consultant candidates. Consultant candidates shall acknowledge receipt of the addenda in their proposal.
RFP Expenses	All costs and expenses incurred by the Consultant candidates in the preparation and submission of their response or in attending subsequent discussions or negotiations with the EPC, are entirely for their own account and the EPC shall not be responsible for such expenses.
Currency/ pricing	All amounts will be in euro (EUR), excluding VAT. The prices will be 'all-inclusive'. All prices will remain valid during the entire RFP as well as during the contract.
Language	All proposals, correspondence and communications shall be in the English language.
Form of proposal	The Consultant candidate shall base its response on the requirements of the EPC as stated in this Request for Proposal. However, should any Consultant candidate be unable to fulfil any of these requirements it must state clearly any and all exceptions to such requirements that it may have made with words such as "This response is subject to the following qualifications:"
Submission of proposal	Proposals submitted shall be properly executed and completed by a representative of the respondent authorised to commit the Consultant candidate.
Closing Date	Proposals must be received by the EPC at the email address and no later than the Closing Date mentioned in section 3.1.
Withdrawal	The EPC reserves the right to withdraw the RFP and not to award work or compensation to any party.
Awarding Authority	Once a Consultant candidate has been endorsed by the SPAA MSG and decided upon by the EPC Board, the relevant Consultant candidate will be informed accordingly and invited to commence contract negotiations.

3.3.1 Duration of offer

The RFP response and related offer shall be irrevocable for a period of up to three (3) months from the closing date of the RFP.

3.3.2 Duration of contract

The RFP response must take into account an expected duration of the contract of six (6) months with the possibility of extension subject to mutual agreement.

3.3.3 Preparation of RFP response

The RFP response shall be prepared according to the instructions given by the EPC in section 4 "Preparation and outline of RFP response".



3.3.4 Consideration of questions

Questions concerning the RFP documents shall be sent by email as outlined in section “Guide for submission of , queries and questions”. If possible, all questions must refer specifically to an exact reference in the RFP documents. Whenever appropriate, questions and related answers will be made publicly available in an anonymised version on the EPC website.



4 Preparation and outline of the RFP response

4.1 RFP document

The Consultant candidate must structure their RFP response in accordance with this section 4.

4.2 Background and introduction

4.2.1 Introduction of the Consultant candidate

The Consultant candidate must provide:

- Key contact name, (e-mail) address and telephone number.
- Name, legal form, and registered address of the company.
- Please indicate whether the Consultant candidate is a part of a corporate group, where its assets or liabilities may be shared with a parent or other group entity, and provide the name of the ultimate holding company (if applicable).
- A solvency statement (e.g., a letter from an external accountant (such as the Consultant candidate's statutory auditors, where relevant) confirming that the Consultant candidate is not insolvent and is able to pay its debts as they fall due) and/or a certificate of non-bankruptcy (this certificate can be obtained from the Consultant candidate's competent commercial court).

The Consultant candidate must also provide a high-level description of their organisation and key competencies as well as who would be engaged in the activities that are covered by the RFP.

4.2.2 Contact(s)

The Consultant candidate must specify the name, address, telephone number, email address and any other relevant contact information of the person who is familiar with the RFP response and who can be contacted by the EPC.

4.2.3 Reservations

The Consultant candidate shall provide the EPC with a copy of its general terms and conditions if available and applicable, and clearly indicate any reservations or limitations of liability regarding the provision of services according to the RFP documents. It is to be noted that the EPC cannot accept any limitation of liability for gross negligence or wilful misconduct.

Moreover, the possible implications of these reservations to the provision of the services must be stated.

4.2.4 Sub-contractor(s)

The Consultant candidate must provide a declaration that no sub-contractors will be used unless provided for in the contract with the EPC and advised in the submission. In that case sub-contractors need to be listed together with a short description of their specific role in relation to the activities covered by this RFP. Any change of sub-contractors during the project shall be subject to the prior approval of the EPC, which will not be unreasonably withheld. It is to be noted that the EPC will not waive any claim against third parties.

4.3 Description of the service

The Consultant candidate shall give a general description of the proposed services and how it will fulfil the needs and requirements of the EPC as described in this RFP.



The description should at least include:

- Process to define a cost-calculation methodology for the Fees in line with section 1.3 (Procedure for the definition of the remuneration model);
- Organisation of the data collection process;
- Sampling methodology;
- Expected outcome;
- FTE and professionals involved in the service and related experience in the field.

4.4 Project delivery

A high-level planning indicating the various proposed steps to produce a cost-calculation methodology and a data collection to identify a set of Fees (including expected resources needed from the EPC, if applicable) within the following timeframes:

Stage	Activity Deadline	Deadline Date
1	Preparation of a proposal for a detailed cost-methodology and data collection process.	28 May 2022 – 28 June 2022
2	Data collection and preparation of a proposal for a set of fees based on the methodology and data collected.	13 July 2022 – 13 September 2022

The remuneration model is envisaged to be included in the SPAA Scheme Rulebook that will be sent for EPC Board approval on the 23 November 2022.

4.5 Conditions

4.5.1 Licenses

The Consultant candidate must include a description of any licences included in the software and/or solution used to fulfil the content of the present RFP, as well as the specific conditions under which these licenses are valid.

The Consultant shall indemnify and safeguard the EPC in respect of all possible claims, liabilities and/or damages by third parties arising from an infringement of any title (be it in an intellectual, industrial, or material sense) pursuant to the execution of the RFP.

The copyright and any other intellectual property rights on whatever system, program, instructions, and reports, together with any results and documentation obtained and information contained therein, arising from the services shall be held by the EPC as from the moment of creation.

4.5.2 Confidentiality

The Consultant candidate must include a description of how it will ensure, vis-à-vis the consulted parties, that the data collected and aggregated will be kept confidential and anonymised before these are shared with the EPC.

4.5.3 Quality

The Consultant candidate's quality policy and practices must be outlined.



4.5.4 References

Experience of the Consultant candidate in providing a similar kind of service.

4.5.5 Risk-analysis

The Consultant candidate must include a description of the most significant risks to which it would be exposed in offering the service covered by the RFP, as well as the corresponding mitigating measures.

4.6 Requirements

The Consultant candidate must provide a substantive answer to each individual requirement detailed in:

- Appendix A: Eligibility Requirements
- Appendix B: Business Conditions Requirements

4.7 Miscellaneous

Here, the Consultant candidate may describe other aspects that are considered by the candidate relevant to the EPC's evaluation of the RFP response such as datasheets, brochures, certifications, standards, etc.

4.8 Guide for submission of proposal, queries and questions

All RFP response documents, including correspondence and questions, must be submitted to EPC electronically. Emails must be sent in the format:

To: silvia.dilillo@epc-cep.eu

CC:

Subject SPAA Business Conditions [*Consultant candidate name*] – [*brief description of email content*]

Files must be attached to the email in the following format:

Document	Filename	File Format
RFP document	SPAA Business Conditions [<i>Consultant candidate name</i>] RFP version [#]	.docx or .pdf
Appendix A: Eligibility Requirements	SPAA Business Conditions [<i>Consultant candidate name</i>] appendix A version [#]	.docx or .pdf
Appendix B: Business Conditions Requirements	SPAA Business Conditions [<i>Consultant candidate name</i>] appendix B version [#]	.docx or .pdf
Other documents relevant to the RFP as determined by the Consultant candidate	SPAA Business Conditions [<i>Consultant candidate name</i>] [<i>relevant file name</i>]	as applicable

The only email address to be used for submission of the response and other communication as part of the RFP process is: silvia.dilillo@epc-cep.eu



Consultant candidates must ensure that any emails sent to silvia.dilillo@epc-cep.eu are free from any virus or other malware. In consideration of their participation in the RFP process, each Consultant candidate agrees to indemnify the EPC from and against all costs, expenses, losses or damages that may result from the electronic copy being infected by a virus or other malware.



5 Requirements

The requirements are comprised of two elements:

- The Eligibility Requirements (EL)
- The Business Conditions Requirements (BC)

Remark: in this RFP, the assumption is made that one single Candidate will be in charge of producing a cost-methodology and data collection for the definition of a SPAA remuneration model. The Consultant candidate could however decide to outsource some parts of the requirements temporarily or permanently, but in this case, the conditions mentioned in section 4.2.4 of this document must be respected. In addition, it is necessary to specify that the Consultant will remain fully accountable for the cost-methodology, the data collection process, and its outcome.



5.1 Eligibility requirements

In order to be eligible, the Consultant must at all times fulfil the below requirements.

Reference	Requirement
EL-R1	The Consultant must comply with applicable rules and regulations in the context of data protection and privacy.
EL-R2	The Consultant must describe how they will ensure business continuity for the performance of the contract.
EL-R3	The Consultant must comply with applicable rules and regulations. The regular place of business of the Consultant shall be established in the SEPA geographical area.
EL-R4	The Consultant must demonstrate relevant knowledge and experience in dealing with matters of relevance under EU competition law.
EL-R5	The Consultant must demonstrate relevant API knowledge (general operating mechanisms and building costs).
EL-R6	The Consultant must demonstrate knowledge and experience within the domain to which the scope of the work described under the present RFP relates.



5.2 Business Conditions Requirements

The Consultant candidate must be able to meet all requirements detailed below and is invited to describe their solution for each requirement.

Reference	Requirement
BC-R1	Description of the process to define a detailed cost-methodology, data collection process and data aggregation process for the definition of a SPAA remuneration model. The description shall include the approach chosen by the Consultant candidate to define the samples and ensure an effective statistical representation of the data collected.
BC-R2	Measures in place to ensure confidentiality, anonymity and aggregation of the data collected when provided to the EPC. Such measures shall be in place also vis-à-vis the parties consulted by the Consultant.
BC-R3	Detailed cost-calculation methodology for the definition of a set of fees for the SPAA Scheme.
BC-R4	Detailed general business requirements and range of service level agreements.
BC-R5	Ensuring that all staff involved in the cost-calculation methodology and data collection are adequately trained.
BC-R6	Ensuring an audit trail is in place.
BC-R7	Absence of any conflict of interest in the performance of the services to be rendered to the EPC and its outcome (e.g., the structure and level of pricing to be proposed). Neither the Candidate Consultant, nor any other entity of the group to which the Consultant may belong, will apply to become a participant in the SPAA Scheme for the first 3 years after the Effective Date of the first release of the SPAA Scheme Rulebook.
BC-R8	The Consultant candidate is invited to describe in detail the envisaged pricing structure (e.g., fixed vs variable elements, etc.). The pricing structure shall envisage a fixed price and an estimated price for any additional task to be eventually added. The fixed basic pricing shall include also the costs of attending the necessary (physical or virtual) meetings with the EPC and its bodies.



6 Evaluation process

Responses of Consultant candidates to the present RFP will be evaluated by the EPC. The final selection of the Consultant for the SPAA Business Conditions will be subject to endorsement by the SPAA MSG and approval by the EPC Board. The EPC Secretariat is bound by confidentiality. Notably, the SPAA MSG and the EPC Board may not be provided with individual, non-anonymised confidential information related to the submitter of a response to this RFP, and/or the services or products offered by such submitter.

The EPC will evaluate the proposals based on, but not limited to, the following criteria which are not listed in a prioritised order:

- Fulfilment of the eligibility requirements.
- Capability to produce a detailed cost-calculation methodology for the definition of DA fees.
- Capability to set-up and run a data collection process for the definition of DA fees.
- Capability to suggest appropriate tailored processes and procedures.
- Experience with offering similar services related to business models.
- The pricing model.
- The timing in which the Consultant candidate can perform the services.
- The general terms and conditions governing the Consultant candidate's services.



7 Appendix A – Eligibility Requirements

Reference	Candidate response
EL-R1	
EL-R2	
EL-R3	
EL-R4	
EL-R5	
EL-R6	



8 Appendix B – Business Conditions Requirements

Reference	Candidate response	Solution description
BC-R1		
BC-R2		
BC-R3		
BC-R4		
BC-R5		
BC-R6		
BC-R7		
BC-R8		