



April 16, 2008

Subject: Request for Proposal (RFP) N° PCD/08/023 for the Provision of  
IT Special Maintenance Support for OpenCMS

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Dear Madam or Sir,

1. You are hereby requested to submit a proposal for the provision of IT Special Maintenance Support for OpenCMS of the World Intellectual Property Organization (WIPO) as described in the attached Terms of Reference (Annex I).
2. Your proposal could form the basis for a contract between your firm and WIPO. Should your proposal be selected, your firm will be required to sign a contract, which shall be based on the example contract contained in the attached Annex II.

Any agreement with WIPO must incorporate all of WIPO's General Conditions for the Purchase of Services as per Annex III.

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3. To enable you to submit a proposal, please find attached:
    - (a) Annex I: Terms of Reference (TOR), containing a description of WIPO requirements for which these services are being sought;
    - (b) Annex II: An example of the contract under which the services would be performed;
    - (c) Annex III: WIPO General Conditions for the Purchase of Services;
    - (d) Annex IV: Price Schedule for the Contract;
    - (e) Annex V: Information Security Agreement;

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- (f) Annex VI: Non-disclosure Agreement for Non-Treaty Data Access by Member States and External Users;
- (g) Annex VII: Officials-Not-to-Benefit and Third-Party Declaration; and
- (h) Annex VIII: Letter of Acknowledgement.

4. This RFP is not to be construed in any way as an offer to contract with your firm/institution.

## I. RFP SUBMISSION: MANDATORY INSTRUCTIONS

### Content of Your Proposal

5. Your proposal shall be prepared in English.

### Proposal Submission Format and Date

6. Your proposal shall be prepared in **duplicate** with one marked "Original" and the other marked "Copy". In the event of any discrepancy between them, the original shall govern.

7. The original and the copy may be put together in one envelope. The proposal shall be sealed in one outer envelope, as detailed below. The outer envelope must be addressed as follows:

**RFP N° PCD/08/023: Provision of IT Special Maintenance Support for OpenCMS**

**CONFIDENTIAL - NOT TO BE OPENED**

Mr. Jaime Sevilla  
Director  
Procurement and Contracts Division  
World Intellectual Property Organization (WIPO)  
34, chemin des Colombettes  
1211 Geneva 20  
Switzerland

8. **Each outer envelope should be addressed as above. Envelopes which are not addressed properly risk being opened by the WIPO Mailing Service. In this event, WIPO will not be able to guarantee the confidentiality of your offer.**

9. **Proposals must be received by WIPO at the above address on or before May 27, 2008. Any proposal received after the deadline will not be considered.** WIPO may, at its discretion, extend the deadline for the submission of proposals in accordance with paragraph 10 below. **Facsimile proposals, E-mail proposals or proposals that are not duly signed are not acceptable and will not be considered.**

RFP amendments

10. WIPO reserves the right to modify/amend this RFP in any way it may deem necessary. RFP amendments, if any, will be published in WIPO's Procurement Web site (<http://www.wipo.int/procurement/en/pes.html>). Please check this Web site regularly.

Officials-Not-to-Benefit and Third-Party Declaration

11. WIPO's Financial Rules and Regulations and WIPO's Procurement Procedures require that bidders shall provide a declaration of undertaking stating the following :

(a) no official of WIPO has received or will be offered by the Contractor any direct or indirect benefit arising from the contract or the award thereof;

(b) no third party has received or will be offered any improper benefit arising from the contract or the award thereof;

(c) the Contractor has not engaged the services of a third party to obtain improper influence within the tender process;

(d) the Contractor is aware of and agrees that the non respect of these clauses will be considered a fundamental violation of the contract giving WIPO the right to declare the contract void and take any other appropriate legal action.

12. In light of the above, please sign and return Annex VII - Officials-Not-to-Benefit and Third-Party Declaration as part of your offer. WIPO reserves the right to reject offers that are not in conformity with paragraph 11 above, and this paragraph 12.

Required Validity of Proposal

13. You are requested to hold your proposal valid at least for 90 days from the deadline for submission. WIPO will make its best effort to select a firm within this period.

14. Please note that the cost of preparing a proposal and of negotiating a contract, including any related travel, is not reimbursable, nor can it be included as a direct cost of the assignment.

### Vendor Queries

15. Queries concerning the technical, legal or commercial aspects of this RFP should be sent by E-mail, indicating as the subject “**RFP N° PCD/08/023**” to the following address:

***ProcurementOC@wipo.int***

16. Queries must be received by WIPO at the above addresses **on or before Tuesday, May 6, 2008**. A consolidated and anonymous list of all queries received, together with WIPO’s answers, will be published in WIPO’s Procurement Web site (<http://www.wipo.int/procurement/en/pcs.html>). Please check this Web site regularly.

17. Due to the tight time schedule WIPO will not be in a position to respond to a second round of queries.

### Letter of Acknowledgment and Intent to Bid

18. We would appreciate it if you could inform us of the following:

- (a) whether or not you intend to submit a proposal, and
- (b) name, fax number and E-mail address of a contact person,

by completing the Annex VIII - Letter of Acknowledgement and returning it to us by fax at (+41-22) 338 82 10 or by E-mail at the address:

***procurementOC@wipo.int***

## **II. CONTENT OF THE PROPOSAL AND EVALUATION CRITERIA**

### Content of the Proposal

19. Your proposal should be concisely presented and structured in the following order to include, but not necessarily be limited to, the following information:

#### 19.1 Technical Component

- (a) Your Firm's Qualifications, Experience and Financial Stability:

A brief description of your firm’s experiences and qualifications providing:

(i) A description of your experience in carrying out assignments of a similar nature. This must include overall credentials in the areas of software development and maintenance services.

(ii) References to recent experiences on projects of a similar nature. This must include a summary listing of similar projects undertaken for other organizations and, as appropriate, the bidder's experience of undertaking such projects in the private sector, public sector and within the UN, its specialized agencies and/or national intellectual property offices.

You should also provide information that will facilitate our evaluation of your firm's substantive reliability and financial and managerial capacity to provide the services. This must include a summary financial position of your firm over the last three years. WIPO reserves the right to gather same information from any other source that may be deemed relevant.

(b) Proposed expert(s) who will be involved in executing the contract:

This section must include a description of the team that the bidder proposes for the project. It must provide detailed CVs for the team members proposed, including qualifications, experience, language skills and specific client references for the individual consultants if these are different from the client references and contacts provided in the subparagraph on credentials and qualifications above.

Please provide all the above information, and those requested in the attached Annex I – Terms of Reference.

## 19.2. Financial Component

### Financial Offer

19.2.1 Your financial offer must be quoted in **Swiss francs** (excluding VAT) and be based on a fixed daily rate inclusive of per diem and travel expenses and be in accordance with the Annex IV - Price Schedule.

19.2.2 Per diem, travel costs and travel time to and from WIPO Headquarters shall be covered by the quoted fixed daily all-inclusive rates and may not be subject to additional cost claims. A working day corresponds to 8 hours worked.

19.2.3 Bidders shall also offer a fixed daily rate for work performed off-site, such as at the company site or from home. Please provide this information by filling out the column C of Annex IV – Price Schedule.

19.2.4 The said financial offer should not contain any clause linking those prices to any future fluctuation of the exchange rate between the Swiss francs and another currency for the services indicated under the Terms of Reference (see Annex I).

19.2.5 The financial offer, duly signed, shall be provided, fulfilling the Annex IV – Price Schedule. The invited firms are free to adapt the price schedule to their own commercial price structure. However, WIPO requests a clear breakdown of all cost-elements.

19.2.6 Please note that WIPO will not accept any form of advance and/or progress payment unless it is guaranteed by a first demand performance bond or an equivalent guarantee issued by a financial institution that is considered acceptable by WIPO.

### Evaluation Criteria

20. The evaluation of the proposals received will be conducted on the basis of all the information requested in this RFP and of the customer reference checks based on information provided by service providers in their respective proposal.

21. The key criteria on which the evaluation of the proposals will be based upon are:

- (a) Your Firm's experience in supporting OpenCMS;
- (b) Your Firm's knowledge and experience in supporting WIPO's specific technical environment;

- (c) Client base references;
- (d) Your Firm's contribution to the future development of OpenCMS;
- (e) Your Firm's number of employees with technical and project management experience in supporting OpenCMS;
- (e) Price and other financial terms and conditions.

The above criteria are provided for information purposes only and are not ranked by importance.

### **III. TERMS OF THE CONTRACT**

22. The time and material contract will be for an initial period of one year, renewable annually, up to a maximum period of five (5) years, subject to WIPO exigencies, and complete and satisfactory performance of Contractor's services.

### **IV. ADDITIONAL INFORMATION**

23. Please note that WIPO is not bound to select any of the firms submitting proposals. The procurement contract shall be awarded to the qualified proposer whose proposal, all factors considered, including value for money, is evaluated to be the most responsive to the requirements set forth in the solicitation documents.

24. WIPO reserves the right to split the award in any way it may deem necessary. Therefore, time and material contracts may be awarded to more than one bidder.

25. WIPO estimates a total workload of **30 days** per year of which approximately **5 days** per year will be on-site. However, WIPO does not guarantee that this estimate will be met nor that it will be exceeded. The estimate is made solely to assist invited firms to make their financial offer.

26. As knowledge of WIPO environment is essential, the same team should remain assigned to various types of work for the entire duration of the contract (i.e. the same junior and senior staff).

27. The maximum mobilization delay for any WIPO requested mission will be four (4) calendar weeks.

28. Please also note that should your firm be awarded a contract following this RFP, it shall be responsible for requesting and obtaining all visas, authorizations or permits that may be required for the personnel your firm proposes to work within WIPO premises in connection with the execution of the contract. WIPO will assist you, on request, in providing an individual "Attestation" indicating the following information:

- (a) The number of the awarded contract and the name of the awarded firm;
- (b) The name(s) of each consultant, together with his/her passport details; and
- (c) The expected duration of the appointment.

## **V. TAX EXEMPTION**

29. Please also note that WIPO is one of the specialized agencies of the United Nations system of organizations with which Switzerland has reached a headquarters agreement allowing fiscal exemption from value added tax (VAT), as well as taxes and custom duties. The relevant documents will be sent to the selected firm at the time of awarding the contract.

## **VI. DISQUALIFICATION OF PROPOSALS\***

30. Your proposal shall be disqualified if:

- (a) Your proposal is late;
- (b) Your proposal is sent by fax;
- (c) Your proposal is sent by E-mail;
- (d) Your proposal is not signed\*;
- (e) Your proposal did not include the Official-Not-to-Benefit Declaration or the Declaration was unsigned\*;
- (f) Your proposal did not include a formal requirement that was stipulated in the tender.

\*Disqualification will occur if bidder refuses to promptly reply to notice from WIPO that the proposal or Annex was not signed.



## VII. REJECTION OF PROPOSAL

31. WIPO reserves the right to reject any or all proposals that are not in conformity with the requirements of this RFP.

## VIII. CANCELLATION OF TENDER

32. WIPO reserves the absolute right to cancel all calls for tender up to the moment of the award of the contract. All invited firms will be informed if cancellation occurs.

## IX. VENDOR REGISTRATION SYSTEM

33. We kindly draw to your attention the availability of WIPO's new Vendor Registration System (VRS) which you can access at [www.wipo.int/procurement/en/vendors](http://www.wipo.int/procurement/en/vendors).

34. In case you have not registered with the VRS, we invite you to do so and indicate the types and classes of goods and/or services that your company is actively selling or providing using the standardized classification list provided by the system. This will ensure that your company will be able to receive information on a regular basis about market surveys, Requests for Quotation (RFQ), Invitations to Bid (ITB), Requests for Proposal (RFP), notices of award of contracts, and other information that are directly relevant to your current business portfolio.

Yours sincerely,

(signature on file)

Jaime Sevilla

Director

Procurement and Contracts Division

### **NOTICE OF CONFIDENTIALITY**

This Request for Proposals contains WIPO information that is confidential, and is intended strictly for the use by the Officials of WIPO and/or the named recipient hereof. ANY UNAUTHORIZED DISCLOSURE, COPYING, DISTRIBUTION OR OTHER USE OF THE INFORMATION HEREIN IS STRICTLY PROHIBITED. If you have erroneously received this document, please notify WIPO immediately. Thank you.