



August 29, 2008

Subject: **Request for Proposal (RFP) N° PCD/08/046 for the provision of translation services of Korean and Portuguese abstracts, ISRs, SISRs, IPRPs, WOSAs and the provision of abstract-based terminological records**

Dear Sir or Madam,

1. We are pleased to invite you to submit a proposal for the provision of professional services for the translation of Korean and Portuguese abstracts, *International Search Reports* (ISRs), *Supplementary International Search Reports* (SISRs), *International Preliminary Reports on Patentability* (IPRPs), *Written Opinions of the Searching Authorities* (WOSAs) and the creation of abstract-based terminological records for 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 incorporate WIPO's mandatory conditions found in the attached Annex III.

If you have any questions concerning WIPO's mandatory clauses, these questions should be submitted as queries in accordance with paragraphs 15 and 16 below.

3. To enable you to submit a proposal, please find attached:

- (a) Annex I: *Terms of Reference* (TOR), containing a description of WIPO's requirements for which these services are being sought;
- (b) Annex II: *Response Requirements*;
- (c) Annex III: *WIPO's Mandatory Conditions for the Purchase of Goods and Services*;
- (d) Annex IV: *Price Schedule* for the Contract;

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- (e) Annex V: *Information Security Agreement*;
- (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: *Acknowledgement Form*.

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

I. RFP SUBMISSION: INSTRUCTIONS FOR COMPLETION

4. Your proposal shall be prepared in English.

Proposal Submission Format and Date

5. 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.
6. 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/08/046: Translation of Korean and Portuguese abstracts, ISRs, SISRs, WOSAs, IPRPs and the creation of abstract-based terminological records

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

7. **Please note that for security reasons all envelopes that are not addressed in accordance with the above-mentioned instructions are likely to be opened by WIPO Security and, consequently, in such event, WIPO disclaims any responsibility for maintaining the confidentiality of the bid.**

8. **Proposals must be received by WIPO at the above address on or before Wednesday, October 8, 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.**

Mandatory Conditions for the Purchase of Goods and Services

9. Please initial each page of Annex III – *WIPO's Mandatory Conditions for the Purchase of Goods and Services*, and sign and return Annex III as part of your offer. WIPO reserves the right to reject offers that are not in conformity with this instruction.

RFP amendments

10. WIPO reserves the right to modify and/or 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/pcd.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 paragraphs 11 and 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/08/046**” to the following address:

procurementLD@wipo.int

16. Queries must be received by WIPO at the above addresses **on or before Friday, September 19, 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/notices.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.

Acknowledgment Form 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 attached Annex VIII - *Acknowledgement Form* and returning it to us by fax at (+41-22) 338 82 10 or by e-mail at the following address:

procurementLD@wipo.int

II. CONTENT OF THE PROPOSAL AND EVALUATION CRITERIA

Technical Component

19. **Please refer to Annex II – *Response Requirements* of this RFP**, which contains detailed instructions on the form and content of the technical component of your proposal.

Financial Component

20. Your financial offer must be quoted in **Swiss francs** (excluding VAT) and in accordance with the attached **Annex IV – *Price Schedule***. Your 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).

21. WIPO reserves the right to reject all offers that are not in conformity with this requirement. **In addition, your financial offer shall have a cover letter wherein your firm/institution's authorized representative confirms and signs the financial offer and the period of its validity.**

22. The financial offer, duly signed, shall be provided, fulfilling the attached Annex IV – *Price Schedule*. Invited companies are free to adapt the price schedule to their own commercial price structure. However, WIPO requests that a unit fixed price be quoted per abstract, per *International Search Report* (ISR) and per *Supplementary International Search Report* (SISR), and abstract-based terminological record (see Section 7 of Annex II – *Response Requirements*), and that a price be quoted per 1000 words in the target language (English) for *International Preliminary Reports on Patentability* (IPRPs) and *Written Opinions of the Searching Authority* (WOSAs). The estimated workloads indicated in Annex IV – *Price Schedule* are provided for information purposes only. WIPO does not guarantee to meet or exceed these estimated workloads.

23. Please note that WIPO does not accept contracts or other form of undertaking which require a payment or payments on account, in advance of the delivery of products or the performance of services, except where normal commercial practice or the interests of WIPO so require. Should your offer include any form of advanced payment a specific justification would be required.

Evaluation Criteria

24. 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.

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

- (a) Your firm's qualifications and financial stability;
- (b) Your firm's understanding of the requirements for services;
- (c) Proposed approach and services for carrying out the tasks related to WIPO requirements;
- (d) Evaluation of the proposed translator(s) who will be involved in executing the contract;
- (e) Overall risk analysis; and
- (f) 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

26. The Contract will be for an initial term of three (3) years, with a possibility of consecutive annual extensions confirmed in writing up to a total length of five (5) years, subject to WIPO exigencies, and complete and satisfactory performance of Contractor's services.

IV. ADDITIONAL INFORMATION

27. Please note that WIPO is not bound to select any of the firms submitting proposals. The procurement contract shall be awarded to the qualified bidder 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.

28. WIPO reserves the right to split the award between two or more companies in any way that may be deemed necessary. **WIPO is willing to take into consideration partial proposals that cover any one or more of the four requirements described under Annex I – *Terms of Reference*.**

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 *Officials-Not-to-Benefit and Third-Party* declaration, or the declaration was unsigned, or your proposal did not include a signed copy of *WIPO's Mandatory Conditions for the Purchase of Goods and Services**;
- (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 its Annexes were 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 described in this document.

VIII. CANCELLATION

32. WIPO procedures for procurement allow WIPO the right to cancel the tender at any time before the award of the contract. All participants in the tender will be informed if cancellation occurs.

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.