



December 17, 2008

Subject: Request for Proposal (RFP) N° PCD/08/062 for BMC Service Desk Express (SDE) Maintenance and Support Contract

Dear Sir or Madam:

1. We are pleased to invite you to submit a proposal for the provision of IT professional services to 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 company and WIPO. Should your proposal be selected, your company will be required to sign a contract which shall incorporate WIPO's mandatory conditions found in the attached Annex III – General Conditions for the Purchase of Services.
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, containing a summary of the form and content of the information that bidders should provide in their response;
 - (c) Annex III: WIPO's General Conditions for the Purchase of Services;
 - (d) Annex IV: Price Schedule;
 - (e) Annex V: Information Security Agreement;
 - (f) Annex VI: Non-disclosure Agreement for Non-Treaty Data Access by Member States and External Users;

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- (g) Annex VII: Officials-Not-to-Benefit and Third-Party Declaration;
- (h) Annex VIII: Letter of Acknowledgement.

4. **This RFP is not to be construed in any way as an offer to contract with your company.**

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/08/062: BMC Service Desk Express Maintenance and Support

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. **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.**

9. **Proposals must be received by WIPO at the above address on or before Tuesday, January 27, 2009. 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.**

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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>). 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 for at least 120 days from the deadline for submission. WIPO will make its best effort to select a company 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.

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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/08/062**” to the following address:

procurementOC@wipo.int

16. Queries must be received by WIPO at the above address **on or before Monday, January 12, 2009**. 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>). 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

Technical Component

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

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Financial Component

20. Your financial offer must be quoted in **Swiss francs** (excluding VAT) and in accordance with the attached **Annex IV – Price Schedule**. 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). 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 company's authorized representative confirms and signs the financial offer and the period of its validity.**

21. 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. Please note that WIPO, in any case, will not accept any form of advanced 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

22. 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.

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

- (a) your company's qualifications, experience, and references;
- (b) your company's understanding of the requirements for services;
- (c) your plan for carrying out the tasks related to WIPO requirements and ensuring quality of services;
- (d) evaluation of the proposed expert(s) offered for consultancy services;
- (e) financial stability and 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.

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III. AWARD AND TERMS OF THE CONTRACT

24. A time and material contract will be awarded to the selected bidder for an initial period of one year, renewable annually, up to a maximum period of five years, subject to WIPO exigencies, and complete and satisfactory performance of Contractor's services.

IV. ADDITIONAL INFORMATION

25. Please note that WIPO is not bound to select any of the companies submitting proposals.

26. WIPO does not guarantee to meet or exceed the workload estimate described in Annex I – Terms of Reference. The estimate is made solely to assist invited companies to make their financial offer.

27. Bidders shall also provide general details on the working permit arrangements and details on how quickly the consultants would normally become available for working on-site at WIPO once a consultancy requirement has been requested to the bidder.

28. Please also note that should your company 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 company 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 company;
- (b) the name(s) of each consultant, together with his/her passport details;
- (c) the expected duration of the appointment.

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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 company 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.

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.

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

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 companies will be informed if cancellation occurs.

Yours sincerely,

Jaime Sevilla
Director
Procurement and Contracts Division
(original signature on file)

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.