

November 1, 2010

**Subject: Request for Proposal (RFP) N° PTD/10/040 for the Provision of Translation Services of PCT Abstracts, IPRPs, WOSAs from English, French, German, Spanish and Russian into English and/or French, and the Translation of Patent-Related Documents on Request**

Dear Sir or Madam,

1. We are pleased to invite you to submit a proposal for the provision of translation services of PCT abstracts, *International Preliminary Reports on Patentability* (IPRPs) and *Written Opinions of the Searching Authority* (WOSAs) from English, French, German, Spanish and Russian into English and/or French, and the translation of patent-related documents upon request of the World Intellectual Property Organization (WIPO), as described in the attached Terms of Reference (Annex III).

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 will be based on the attached Annex V – *Basic Contract Form*, and which shall incorporate *WIPO General Conditions* for the purchase of goods and services as per the attached Annex IV.

If you have any questions concerning WIPO's contractual conditions, these questions should be submitted as queries in accordance with paragraphs 14, 15 and 16 below.

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

- a) Annex I: *Terms of Reference*;
- b) Annex II: *Response Requirements and Tests*;
- c) Annex III: *Questionnaire*;
- d) Annex IV: *WIPO General Conditions*;
- e) Annex V: *Basic Contract Form*;
- f) Annex VI: *Price Schedule*;
- g) Annex VII: *Officials-Not-to-Benefit and Third-Party Declaration*;
- h) Annex VIII: *Non-disclosure Agreement for Non-Treaty Data Access by Member States and External Users*;
- i) Annex IX: *Information Security Agreement*; and
- j) Annex X: *Acknowledgment 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 proposal 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° PTD/10/040: Provision of Translation Services (Euro langs)**

**CONFIDENTIAL - NOT TO BE OPENED**

Mr. Giorgio Fraternali  
Deputy Director, PTD  
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 Tuesday, December 14, 2010. 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 9 below. **Facsimile proposals, e-mail proposals or proposals that are not duly signed are not acceptable and will not be considered.**

**RFP Amendments**

9. 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 on WIPO's Procurement Web site (<http://www.wipo.int/procurement/en/pcs.html> ). Please check this Web site regularly.

### **Officials-Not-to-Benefit Declaration**

10. 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.

11. 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 10 and 11.

### **Required Validity of Your Proposal**

12. You are requested to hold your proposal valid at least for **120 days** from the deadline for submission. WIPO will make its best effort to select a firm within this period.

13. 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**

14. Queries concerning the technical, legal or commercial aspects of this RFP should be sent by E-mail, indicating as the subject "**RFP N° PTD/10/040**" to the following address:

**[procurementLD@wipo.int](mailto:procurementLD@wipo.int)**

15. Queries must be received by WIPO at the above address on or before **Tuesday, November 30, 2010**. A consolidated and anonymous list of all queries received, together with WIPO's answers, will be published on WIPO's Procurement website at (<http://www.wipo.int/procurement/en/pcs.html>). Please check this website regularly.

16. 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**

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

- a) Whether or not you intend to submit a proposal and, and
- b) Name, fax number and e-mail address of a contact person

by completing the attached **Annex X – Acknowledgment 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](mailto:procurementLD@wipo.int)**

## II. CONTENT OF YOUR PROPOSAL AND EVALUATION CRITERIA

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

### **Technical Component**

19. Please refer to **Annex II – Response Requirements and Tests**, 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 VI – 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 VI – 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, 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 VI – 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. 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.

### III. TERMS OF THE CONTRACT

25. 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

26. 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(s) 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.

27. 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 under Annex I – Terms of Reference.**

### V. TAX EXEMPTION

28. 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

29. 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 (Annex VI), 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 its Annexes were not signed.

### VI. REJECTION OF PROPOSAL

30. WIPO reserves the right to reject any or all proposals that are not in conformity with the requirements described in this document.

## VIII. CANCELLATION

31. 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]*

Giorgio Fraternali

Deputy Director

Procurement and Travel 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.