

RFP N° PTD/10/040 – BIDDERS' QUESTIONS AND WIPO'S RESPONSES *

Part I*

1. [Are] there any forecasted volumes of work by language pair for patent-related documents?

Answer: No.

2. Do you require us to attach our quality manual along with our ISO Certificate?

Answer: Not obligatory but recommended.

3. Should insurance certificates and quality assurance certificates be provided in English as well? Should the translation then be certified?

Answer to a): Yes.

Answer: to b): No.

4. In the Response requirements, 1.2 Company background: Could you clarify the type of information required in the following sentence: "Information about the financial status of the company" should we provide a balance sheet?

Answer: Yes.

5. In the Questionnaire we find the following:
"Please provide Curriculum Vitae of senior managers and translators (include copies of diplomas for translators):" Are you referring to in-house translators in this part of the RFP?

Answer: All translators used in this project.

6. Question B of Annex III:
"Please provide Curriculum Vitae of senior managers and translators (include copies of diplomas for translators):"

Can you please clarify whether "translators" means:

- a) In-house translation staff,
- b) Freelance translators working for our company,
- c) Both categories a) and b).

Answer: Please see answer to question no. 5.

* Answers marked "TBA" ("to be announced") will be answered in full **after January 7, 2011**. Please check WIPO's procurement website, <http://www.wipo.int/procurement/en/notices.html> , regularly for updates on the publication of Part 2 of *Bidder's Questions and WIPO's Responses*.

7. In the Terms of Reference (point 3.2), the estimated number of WOSAs and IPRPs for the year 2011 is mentioned as being 24,700. Could you give an estimated breakdown of the proportions of these for each source language? If this is not possible, could you say what the corresponding proportions were in previous years, perhaps in 2008 and 2009? Or should we anticipate that 25% will be French, 25% German, 25% Spanish and 25% Russian?

Answer: The (indicative) breakdown for WOSAs and IPRPs in 2009: German – 71.59%; French – 20.94%; Spanish – 4.23%; Russian 3.25%.

8. In the Terms of Reference (point 4.2) it is mentioned that IPRPs and WOSAs must be translated within a form in Word format. Can you confirm that all current versions of Word – that is, Word 2003, Word 2007 and Word 2010 – are compatible with this form?

Answer: Yes.

9. In the Terms of Reference (point 4.2), the number of WOSAs and IPRPs per year is given as 24,700, and at point 11 it is stated that the price is to be quoted per thousand target words. In Annex VI, however, the table of prices indicates that the price should be given per unit and then multiplied by the number of units to give the total estimated annual cost.
The volume of WOSAs and IPRPs can be estimated at 14,820 thousand words per year.
For the WOSAs and IPRPs, is the price to be completed in column C a price per report or a price per thousand (English) words?

Answer: Please state price per 1000 words in price schedule.

10. The third category of document, “Patent-Related Documents”, is described as being from English and French to German, Spanish, Russian or Arabic and other language combinations. May we assume that none of this work will be for translation into French or English?

Answer: No.

11. The terms of reference mention the use of SDL Trados or other computer-assisted translation packages. Has any computer-assisted translation software been used for the work covered by the Request for Proposals in the past, and if so what proportion of the volume of work was involved? Will the existing translation memories be made available to the Contractor? Are plans in place to make more use of CAT software?

Answer: Currently non-applicable, however, SDL Trados may be used at a later date.

12. In Annex II (point IIIb), proposers are requested to supply ‘example(s) of a typical “Contract” you would propose to your customers (including license agreements, maintenance and support contracts)’. May we respectfully check that this wording is correct? It is usual for us to propose contracts to our suppliers but not to our customers, who usually propose contracts to us.

Answer: To be announced (TBA) at a later date.

13. In Annex IV (Article 16) the terms of payment are given as ‘within 30 days after the work or services have been completed and accepted by WIPO and following the date of receipt of the provisional or final invoice’, whereas in Annex V (point 3.8) it is stated that ‘WIPO shall effect payments to the Contractor after 30 days after receipt and acceptance of the invoices ...’. Could you clarify whether this means payment will be made after no more than 30 days or no less than 30 days?

Answer: TBA

14. [Is] submitting sample translations of around 100-150 words for each of the Abstract, IPRPs, WOSAs in each language acceptable?

Answer: A translation is as long as it needs to be. We require full translation of the tests.

15. Could you please confirm where annex III (Questionnaire) should be placed within the tender structure? Can it be placed together with the information on the company background?

Answer: There is no specific location preferred for the compulsory questionnaire. It should be placed in a position that you consider to be appropriate.

16. Please indicate whether annex VII (Officials-no-to-benefit and Third-Party declaration) is to be placed in any specific location within the tender structure.

Answer: There is no specific location preferred for Annex VII however it is traditionally placed before or after Annex VI – Price Schedule.

17. Are annexes VIII and IX to be sent at this point together with the proposal?

Answer: Annexes VIII and IX are to be sent back to WIPO at the contract signature stage.

18. Joint-tenders: In case a joint proposal is submitted, could you please specify the requirements for the collaborating companies? Do they need to establish a formal consortium or partnership (for the purpose of the contract), or does WIPO foresee further possibilities, other than mere subcontracting). Which information would need to be included in the proposal from each of the partners submitting the joint-tender?

Answer: TBA

19. Annex II, Section 2.3, e) – Availability of the proposed translators to be involved in contract execution.

- How is availability to be confirmed by the participating translators? What kind of information is to be provided in this regards?

Answer: TBA

20. Regarding Section 4 of annex 1, “ptd10040_rfp_a1”:

- a. Could you provide further information on the way of transmission of files (both files to translate and translated files) via secure server?
- b. Could you give more details on how this would work?
- c. Will the contractor receive a notification any time an order is placed by the WIPO?
- d. Will the contractor have to connect to the server and download/upload the files?
- e. Can this task be optimized in any way by means of a file exchange application?

Answer: All of the above-mentioned details will be discussed upon award of the contract.

21. Pricing proposal for translation on request: According to section 11 of annex 1, “ptd10040_rfp_a1”, the bidder is expected to quote a price per 1000 words per language combination (Source English/French into target German, Spanish, Russian and Arabic)?

Answer: Yes.

22. We are planning to submit a joint bid in collaboration with a Belgium company: Please confirm:

- a. We intend to sign a Memorandum of Understanding: would be this document considered enough evidence of the joint-bid at this stage?
- b. A group leader will be appointed to sign the proposal on the group’s behalf. Will this be considered enough at this point?
- c. Does a legal entity have to be constituted officially in the event of contract award?
- d. How are we expected in this case to submit annex 10 (acknowledgement letter): single annex for the joint-bid, or one annex per each partner?

Answer: TBA

23. In Annex I of your RFP (section 4.1) you talk about a “secure server”. We think that you may be referring to the transmission method explained in “Data Exchange”:
<http://www.wipo.int/patentscope/en/pct-edi/>, which is basically based on FTP over SSH, using your Tectia Server. Is that right?

Answer: Yes (all the necessary information concerning data transmission is given in detail to the contractors as soon as the EDI testing phase starts).

24. If we agree on [the above], do you expect that our proposal includes improvements at the security level, which may even need your technical feasibility evaluation, or you just expect that our solution fits your current implementation?

Answer: More details will be provided upon award of the contract.

25. In the same document, section 6, you state that data must be encrypted a) at rest and b) in communication across open public networks. We are not quite sure of the meaning of “at rest”. Could you explain better this phrase?

Answer: TBA

26. Is it a requirement that the WIPO data inside our server is encrypted, or can we consider that this machine is secured by end-to-end secure communication plus the fact that we would avoid intrusion by firewalling and providing a safe authentication schema to that the machine?

Answer: TBA

27. Are translation memories and glossaries resulting from previous translations available for the new contractor?

Answer: Not yet.

28. Can we make reference to different chapter in the offer (example: see chapter 3.1) or repeat the same explanatory text when appropriate?

Answer: Repeat the same explanatory text when appropriate.

29. File transfer from WIPO

- a. It is mentioned in the Call for Tender documentation, that files will be delivered to the service providers via an EDI Platform. Could you specify if this is taking place via FTP Protocol and if not, what kind of protocol is used?

Answer: WIPO EDI platform uses **SFTP** protocol. SFTP is SSH FTP (or Secured FTP) which is not the same as FTP. To be able to connect and upload/download data to/from our EDI server they would need some SFTP client software like **WinSCP** (for Windows) which is open-source and free (see <http://winscp.net/eng/index.php>).

- b. We assume that the service provider receives an e-mail notification about new assignments from WIPO. Is this correct? If yes, please specify which kind of information is provided in this email.

Answer: The service provider is always notified by email when a new batch of documents is made available for translation. The email notification contains the following information: batch name(s), number of files contained in each batch, language combination(s) and translation deadline.

30. SDL Trados or other CAT Tools' files distribution

- a. In point 4.1 and 4.2 of the Annex I to the CFT it is mentioned that the distribution of files to the service providers is also possible in form of a SDL Trados or alternative CAT Tools' File Package.
- i. We assume that it is an alternative option to files transferred in form of .rtf files (Abstracts) or scanned .TIFF files (WOSA's and IPRP's). Please confirm this assumption. Please also confirm if this form of distribution (CAT package) will be available for all files from the beginning of the contract and if not in what time perspective.

Answer: TBA

- ii. Taking this into account please specify which kind of files will be contained in such a package. We assume that in case of SDL Trados for Abstracts it will be a .tx file containing the source language version, a TIFF drawing if available, a project Translation Memory and a .csv file. In case of WOSA's and IPRP's these would respectively be: a .TIFF file with the original pages of the document, a .tx file with the source language version, a project Translation Memory and a .csv file?

Answer: TBA

- iii. Could you = specify for the delivery, what kind of files would you expect to get delivered to WIPO by the service providers in case a SDL Trados software package would have to be sent?

Answer: TBA

31. Word count/pricing

- a. The Chapter 11, Annex I states, that for the WOSA's and IPRP's the price has to be based on the word count of the target language. Is it also possible to provide a price based on word count on source?

Answer: No.

- b. Please specify what kind of word count is to be considered for the Documents mentioned in the Translation on Request part – source or target?

Answer: Source.

32. In Annex I on page 4 we read: reports are to be translated from French, German, Spanish and Russian into English and on page 9: the bidder will quote a price in Swiss Francs per 1000 words per language combination

In Annex VI price schedule, we find only one line for pricing the 4 language combinations.

Question: Can we add additional 3 lines and how is the estimated workload (24 700) to be distributed per language combination?

Answer: Yes and the (indicative) breakdown for WOSAs and IPRPs in 2009: German – 71.59%; French – 20.94%; Spanish – 4.23%; Russian 3.24%

33. In Annex I on page 9 we read: Translation on request, the bidder will quote a price in Swiss Francs per 1000 words per language combination.

In Annex VI Price schedule we find only 1 line for pricing the 8 language combinations.

Question: Can we add additional 7 lines?

Answer: Yes.

34. In Annex VI – Price Schedule, page 2, Translation of (b) Patentability Reports (IPRPs) and Written Opinions of the Searching Authority (WOSAs), you estimate in column B, a workload of 24,700 reports and you ask in column B for a fixed price presumably per report as in column D the quantity is multiplied with the price.

However in Annex I, page 6 we read the average number of target words would be 600 for WOSAs and 650 for IPRPs.

Is our understanding correct that the price quote for IPRPs and WOSAs in the price schedule has to be given for 1000 target words (English) per language combination in Swiss francs?

Answer: Please submit a price quote for IPRPs and WOSAs per 1000 words in English (in Swiss Francs)

35. Annex III: Questionnaire : C) Translation record

"Does your company employ technical and scientific experts as consultants?"

Do you mean in this context "technical and scientific experts as consultants" that they are employed as translators or as consultant in general?

Answer: Either.

36. In the technical specifications (section 6) it is stated that: "... The means of transmitting these documents between WIPO and the bidder must be secure. WIPO data must be encrypted at rest and in communication across open public networks, with encryption keys being centrally managed and master keys being stored securely. The bidder must explain how it will ensure said security (in Annex III – Questionnaire) ..."

Do we correctly understand this requirement that not only the data transfers (e.g. between WIPO and the bidder) must be secured by encryption to ensure data confidentiality, integrity and authenticity but also data stored in the premises/systems of the bidder during processing (e.g. on storage systems) need to be encrypted, even if it could be assumed that the infrastructure of the bidder is protected against public access and is already ensuring data confidentiality, integrity and authenticity by other means.

Answer: TBA

37. We were wondering if there was an estimated value to the contract for the translation services.

Answer: Non-applicable.

38. Typical lengths for WOSAs are 600 words (WOSAs) and 650 words for IPRPs, and the total estimation is 24,700 reports per year. Are these report translation turnaround 2 weeks also? Do we specify a maximum volume per month? Also, the volumes per language pair are not specified. Is that information available?

Answer: Please note that turnaround time for WOSAs and IPRPs is one month. The (indicative) breakdown for WOSAs and IPRPs in 2009: German – 71.59%; French – 20.94%; Spanish – 4.23%; Russian 3.24%.

39. Payment Terms: WIPO specifies the payment term to be 30 days. Is it 30 days from the submission of work, acceptance of work, invoice/preliminary invoice submission, and acceptance of final invoice?

Answer: TBA

40. Pricing information: the RFP states that pricing must be valid for three (3) years. Can we include an annual adjustment for inflation?

Answer: No.

41. Invoicing procedures: How often do we submit invoices? How are the invoices to be organized (i.e., by language pair, document type, or both)?

Answer: Invoices must be submitted on a monthly basis. Further information will be provided upon award of contract.

42. How are the translation packages prepared? Will they be organized by document type and/or language pair, or will it be a single package for all languages? Will the packages be organized by subject matter?

Answer: Each document type is sent in a separate batch. For abstracts, we send 1 batch per language combination (e.g.: 1 batch for DE->FR, another batch for DE->EN, etc.). Within a batch for a given language combination, the abstracts are sorted by IA number.

43. Is there any information available on the estimated volume by subject matter? Will we have the classification information available, in order to assign the best possible translator for the job?

Answer: Wherever possible abstracts will be accompanied by an IPC code.

44. When returning files to WIPO, must all files from the package be returned at once? Or is rolling delivery acceptable?
[This would be particularly important if the package contains more than one language pair. If I get a monthly package with 100 French files and 10 Spanish files, will they accept the Spanish separately?]

Answer: No – All batches must be returned at once.

45. What type of secure data transmission protocols has WIPO approved and used in the past?

Answer: TBA

46. What factor(s) will trigger an IT security audit? Is the third-party auditor selected by WIPO or the contractor? If the contractor selects the auditor, does the auditor need to be approved by WIPO? Finally, is there any information available on the costs associated with a typical audit?

Answer: TBA

47. Format of the tender:

In the invitation letter you instruct bidders to organize responses into TECHNICAL and FINANCIAL tender, while in Annex II you instruct to follow the order:

- i. Executive Summary
- II. General Requirements
- III. Contractual Conditions
- IV. Price
- V. Tests

- a. Can you please clarify which order we are supposed to follow?
- b. We also understand that we must submit one document only (in two copies) and there no separate envelope for the financial proposal. Can you please confirm our understanding is correct?

Answer: To be very precise, you should follow the order described in Annex II – Response Requirements. Both the technical and the financial offers should be contained in one envelope and an ORIGINAL and a COPY should be submitted to WIPO.

48. Public opening of the tender:
Can you please confirm whether there will be a public opening of the tender? In this case, what date, time and address would that take place at?

Answer: There is no public opening of the offers planned.

49. Is there a specified place of performance for the translation work?

Answer: TBA

50. What are the confidentiality requirements as related to the protection of the intellectual property while in transport, whether electronically or by hard copy courier?

Answer: TBA

51. Regarding security of the documents, the files will be encrypted during transmission, but does WIPO also need to receive encrypted files?

Answer: TBA

52. Section 5 of Annex VIII, Disclosure Agreement for Non-Treaty Data Access by Member States and External Contractor, Assignees and Designated Users, prohibits the reproduction and copying of WIPO's information. Because the objective of this project is to perform translation services, the documents that will be translated will need to be copied and distributed to various professionals, including translators, desktop publishers, and editors.

Is WIPO willing to amend Annex VIII to allow for the reproduction and copying of documents that are necessary to performing translation services?

Answer: TBA

53. We want to be consistent with the order and numbering of the sections in our RFP as requested on page three, and although we are somewhat confused by the example contained in the box on page three that refers to "General Information about the Bidder, etc." as number 2 (instead of 1.1 as seen in the Table of Contents), we will format our response to conform to the order and numbering found in the Table of Contents to Annex II.

Is the Table of Contents to Annex II the correct numbering and formatting that you would like us to follow?

Answer: TBA

54. Would there be any harm should we decide to send WIPO more than one copy of the RFP?

Answer: Per paragraph 5 of the RFP invitation letter dated November 1, 2010, you should submit an ORIGINAL and one COPY to WIPO by the deadline of January 7, 2011.

55. Is there a specific format in which the CVs should be submitted?

Answer: No.

56. Regarding the translations of IPRPs and WOSAs, would you be able to provide a breakdown of the volume per language combination and the deadlines, as per the same breakdown provided for the Translation of Abstracts in Annex I, Terms of Reference?

Answer: The (indicative) breakdown for WOSAs and IPRPs in 2009: German – 71.59%; French – 20.94%; Spanish – 4.23%; Russian 3.24%.

57. Regarding the translation of Patent-Related Documents on request, would you be able to provide us with the following information:

- An indication of the deadlines?

Answer: No.

- An indication of frequency for such requests?

Answer: No.

- An indication of the volume?

Answer: No.

58. Is DTP also required in this project?

Answer: No.

59. Should the Contract Form provided in ANNEX E be included signed in our proposal?

Answer: No, the contract form is for informational purposes only. Should your proposal be selected, your company would be required to sign a contract based on Annex V – Basic Contract Form.

60. Kindly confirm that the pricing should only be submitted with the price schedule provided in Annex VI.

Answer: Please use the Price Schedule provided in Annex VI.

62. Kindly confirm that translations from and into English concern English (UK).

Answer: No distinction is made between all standard forms of English. Consistency is, however, required.

63. Kindly confirm that translations from and into Spanish concern Spanish (SPAIN).

Answer: Any standard form of Spanish is acceptable.

64. We understand that official documents like: Legal Status of Business (Deeds); or very large legal documents like Summary of Audited Accounts 2007-2009 or Professional Risk Indemnity Insurance can be delivered in Spanish. Can you please confirm this?

Answer: It would be sufficient to send such documentation as financials in the original Spanish.

65. Once and if we win this tender, and after agreeing on a number of projects per week, if one of our translators (proposed within this tender) is not available for a particular project (holidays, sick leave, etc), can we propose a new deadline or a new translator? What would be the procedure in this case?

Answer: To be defined upon award of contract.

66. Can you please confirm that the only annexes that have to be signed by 14th of December are the following: Annex III, VI, VII, and X?

Answer: The annexes that require your company's signature by the extended deadline of January 31, 2011 are Annexes III, VI, VII and X.

67. If by any chance, we do not meet WIPO's quality expectations on a test for any combination of language, are we still able to be awarded the contract and work for the languages combinations we passed with high quality?

Answer: Yes.

68. Annex II, Page 5, 1.2. f). Staff training programs, certificates of the staff. Do you mean the certificates of the translators, or the certificates of the management staff or both?

Answer: Both.

69. For some combination of languages we will be presenting more than 2 translators, however the required tests translations will be done by only two of them, the translator and the reviewer:

a. Will be able to use the translators presented in the tender and validated or approved by WIPO even if they have not participated in the test translation?

Answer: Yes.

b. How will we need to organize this once contract is awarded? Should we use the translators involved in the test project and if they are not available, the ones presented and approved by WIPO in the RFP but not tested?

Answer: Yes.

c. Should we present test translations for all translators that we will be presenting?

Answer: No.

70. Will we be able to use the translators presented in the tender and validated or approved by WIPO even if they have not participated in the test translation?

Answer: Yes.

71. How will we need to organize this once contract is awarded? Should we use the translators involved in the test project and if they are not available, the ones presented and approved by WIPO in the RFP but not tested?

Answer: Please see answer to question no. 70.

72. Should we present test translations for all translators that we will be presenting?

Answer: No. We require one translation of each test only.

73. Is a contract year a calendar year or from the contract start date e.g. 01.04.2011?

Answer: This would be the contract start date.

74. Is the (assumed) volume stated in the RFP for 2011:

- The total 100 % volume to 31st December 2011, or
- Is it ca. 75% of assumed volume for 2011 since the start date is earliest the beginning of Q2 2011, or
- Does it reflect the 100% volume in the first year 2011 and up to the anniversary of the contract start date in 2012?

Answer: The assumed volume is for the calendar year only.

75. Can WIPO provide more detail about the transmission process of files to the vendor? Specifically does WIPO send .ZIP folders to the vendor unannounced, or an e-mail to inform that folders with the allocated work are available on the WIPO secure server to be downloaded by the vendor, or some other way?

Answer: The service provider is always notified by email when a new batch of documents is made available for translation. The email notification contains the following information: batch name(s), number of files contained in each batch, language combination(s), translation deadline.

76. What date does WIPO expect the decision to be made as to which vendors have been awarded the contract and when WIPO will inform them?

Answer: Preferably, by July 1st, 2011.

77. Once a contract has been awarded will there be a full briefing between WIPO and the vendors and if so, where will it be held?

Answer: Individual contacts will be established between WIPO and successful bidders.

78. Will WIPO provide translation memories?

Answer: TBA

79. As a matter of confidentiality we do not wish to divulge the names of our translators and editors to WIPO when submitting CV's but we are willing to provide their initials would this be acceptable? If not please advise what would be acceptable?

Answer: No, initials are not allowed, full names must be provided.

80. Would WIPO provide a complete process (supply chain from document source to publication and distribution) overview in which the translation process resides?

Answer: This overview will be provided upon award of contract.

81. Would WIPO expect the proportionate volume to be delivered by us from the start date or would they accept a ramp-up/phase-in period to get to the appropriate target of agreed volume of work and to meet qm standards?

Answer: Initially volumes will be small and will be increased accordingly to performance.

82. How will WIPO be distributing the work/projects between multiple suppliers – will this be done based on language combinations, or on subject matter, or a combination of both?

Answer: On a price and performance basis.

83. Please confirm that the source language version of any patent application documents (including abstracts) will be deemed as legally binding – not any translations provided (i.e. will not require notarization).

Answer: Notarization of translations is not required.

84. In what format would we receive source files for the different document types – e.g. MS Word, FrameMaker, etc.?

Answer: Please consult the Terms of Reference (Annex 1).

85. Does WIPO currently use a Content Management System? If yes, what system is currently being used? Could direct access for download and upload of files be provided?

Answer: TBA

86. What kind of turnaround time is typically required for the various document types? If some documents require a very fast turnaround time, would it be possible to give an indication what percentage of overall job requests would require an express service? Could you provide further details on fast turnaround parameters?

Answer: Please consult the Terms of Reference (Annex 1).

87. What level of resource availability would be required in terms of office hours? Would any weekend or evening cover be required? If so, can details be provided of the level of cover that would be required?

Answer: Non-applicable.

88. Would any planning information be available on a regular basis (e.g. weekly, monthly, quarterly), to let suppliers know what volume of work to expect?

Answer: Yes.

89. Does WIPO currently use any translation memory or terminology tools? If so, which ones? And would legacy data be made available to selected suppliers?

Answer: TBA

90. Does WIPO currently use any machine translation tools, i.e. Google Translate, Systran, LanguageWeaver or other? What percentage of current translation workload by language is handled using machine translation?

Answer: TBA

91. One of the RFP questions asks for bidders to provide CVs of their translators. Would it be acceptable to provide some examples of typical CVs, without divulging personal information? We will of course provide CVs of senior and project management staff.

Answer: Please see answer to question no. 79.