

November 17, 2010

Subject: Request for Proposals (RFP) N° PTD/10/075 for the provision of professional marketing/pricing consultancy services for the Patent Cooperation Treaty (PCT), the Madrid System, the Hague System, and the WIPO Arbitration and Mediation Center

Dear Sir or Madam,

1. We are pleased to invite you to submit a proposal for the provision of professional marketing/pricing consultancy services for the Patent Cooperation Treaty (PCT), the Madrid System, the Hague System, and the WIPO Arbitration and Mediation Center 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 for the purchase of goods and services as per the attached Annex II.

If you have any questions concerning WIPO's mandatory 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 (TOR);
- (b) Annex II: WIPO's General Conditions;
- (c) Annex III: Price Schedule;
- (d) Annex IV: Officials-Not-to-Benefit and Third-Party Declaration;
- (e) Annex V: Non-disclosure Agreement for Non-Treaty Data Access by Member States and External Users.
- (f) Annex VI: 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 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/10/075: Provision of Professional Marketing/Pricing
Consultancy Services**

CONFIDENTIAL - NOT TO BE OPENED

Mr. Giorgio Fraternali
Deputy Director
Procurement and Travel 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, December 8, 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 and Third-Party 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 IV - 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 Proposal

12. You are requested to hold your proposal valid at least **90 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/10/075**" to the following address:

procurementSP@wipo.int

15. Queries must be received by WIPO at the above addresses **on or before Monday, November 29, 2010**. A consolidated and anonymous list of all queries received, together with WIPO's answers, will be published on WIPO's Procurement website (<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
- (b) name, fax number and E-mail address of a contact person

by completing the attached Annex VI - Acknowledgement Form and returning it to us by fax at +41 (0)22 338 8210 or by email to the following address:

procurementSP@wipo.int

II. CONTENT OF THE 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

- (a) Your Company Information and Qualifications:

A description of your firm's qualifications providing: (i) company size, location(s), history and executive information; and (ii) a description of your experience in carrying out assignments of a similar nature. 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. WIPO reserves the right to gather same information from any other source that may be deemed relevant.

- (b) Your Firm's Understanding of the Requirements for Services.

Include any assumptions, as well as comments on the definition of tasks, support documentation and proposed time schedules as indicated in the Terms of Reference and other annexes, or as you may otherwise believe to be necessary.

- (c) Proposed approach and methodology for carrying out the tasks related to WIPO requirements.

- (d) Your Client References:

This should be a description of at least two recent projects similar to the project being planned by WIPO that the external bidding firm has carried out successfully. The description shall include the objectives, scope, the approach followed, the team size, the results and the implementation experience. It must also include client contact references and an indication that WIPO can undertake an independent verification of the references.

(e) Proposed contractor's personnel who will be involved in executing the contract.

Please indicate/include:

1. Area of relevant technical expertise,
2. Experience with similar assignments,
3. Physical location of person,
4. Languages spoken,
5. Availability of the person

Detailed CVs of the Contractor's personnel should be attached to the response.

Fluency in written and spoken English is required for all consultants. Bidders are requested to provide to WIPO professional marketing and pricing consultants with the experience and abilities commensurate with the stated requirements. Ideally, the consultants will be experienced in marketing services offered by governmental or inter-governmental organizations. Bidders shall demonstrate each consultant's specialized experience using documentation such as curriculum vitae, and where requested, interviews with relevant WIPO program managers.

(f) Annex IV: Officials-Not-to-Benefit and Third-Party Declaration, signed;

(g) Annex V: Non-disclosure Agreement for Non-Treaty Data Access by Member States and External Users, duly completed and signed.

Financial Component

19. Your financial offer must be quoted in **Swiss francs** (excluding VAT) and in accordance with the attached **Annex III – 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).

20. Your financial offer shall have a cover letter wherein your firm/institution's authorized representative confirms the financial offer and the period of its validity. The financial offer should clearly provide a breakdown of all costs including but not limited to all one time costs (such as initial set up, training etc), recurrent annual costs, ad hoc costs, etc.

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.

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

- (a) Your firm's qualifications, experience and financial stability;
- (b) Your firm's understanding of the requirements for services;
- (c) Proposed approach and methodology for carrying out the tasks related to WIPO requirements;
- (d) Evaluation of the proposed contractor's personnel 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.

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 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.

III. ELIGIBILITY TO SUBMIT A PROPOSAL

24. WIPO kindly informs companies that are (or were) involved in or assisting WIPO in the preparation of the terms of reference or any other documents related to this tender exercise, are not eligible to submit a proposal in response to this RFP.

IV. CONTRACT AWARD CONDITIONS

25. The Contract will be initially established for the duration of the assignment. Subject to WIPO's satisfaction with the results of the work and a continued business need, additional project modules may be envisioned.

26. 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 personnel, together with his/her passport details; and
- (c) The expected duration of the appointment.

V. TAX EXEMPTION

27. 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

28. Your proposal shall be disqualified if:

- (a) Your proposal is late;
- (b) Your proposal is sent by fax or 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^{*};
- (f) Your proposal did not include a formal requirement that was stipulated in the tender^{*};
- (g) Your company is not eligible to submit a proposal, as per paragraph 24 of this RFP.

VII. REJECTION OF PROPOSAL

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

^{*} Disqualification will occur if bidder refuses to promptly reply to notice from WIPO that the proposal or its Annexes were not signed.

VIII. CANCELLATION

30. 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.