



October 9, 2009

**Subject: Request for Proposal (RFP) N° PTD/09/055 for the Data Capture  
Project for the Department of Patents, Designs and Trademarks of Bangladesh**

Dear Sir or Madam,

1. You are hereby requested to submit a proposal for the procurement of local IT contractual services for the conversion to an electronic format of existing IP registrations and applications at the Department of Patents, Designs and Trademarks (DPDT) of Bangladesh, in Dhaka, as described in the attached Terms of Reference (Annex I).
2. Your proposal could form the basis for a contract between your firm and the World Intellectual Property Organization (WIPO). Should your proposal be selected, your firm will be required to sign a contract. This contract shall incorporate the mandatory clauses found in the WIPO general conditions for the purchase of services as per Annex III, below.
3. To enable you to submit a proposal, please find attached:
  - (a) Annex I: Terms of Reference (TOR), containing a description of WIPO requirements for which these services are being sought;
  - (b) Annex II: Database specification for Data Capture;
  - (c) Annex III: General Conditions for the Purchase of Services;
  - (d) Annex IV: Price Schedule;
  - (e) Annex V: Officials-Not-to-Benefit and Third-Party Declaration;
  - (f) Annex VI: Letter of Acknowledgement.

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

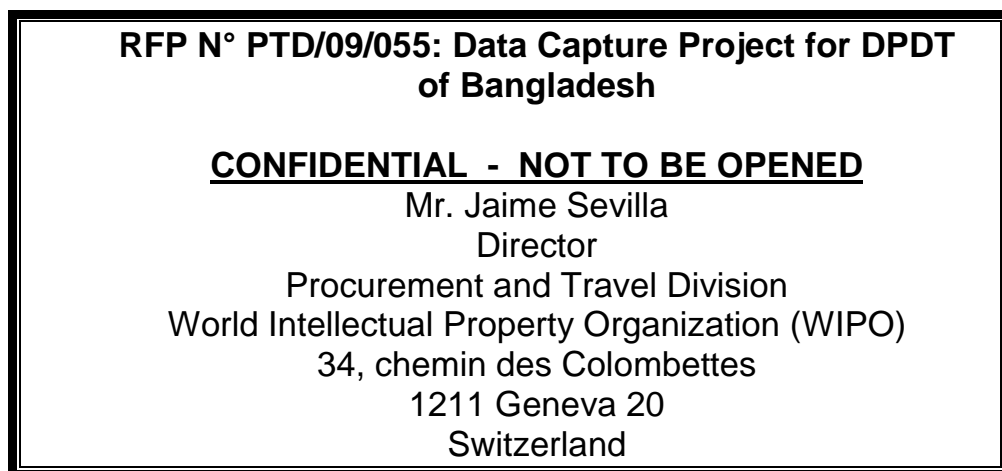
## **I. RFP SUBMISSION: INSTRUCTIONS FOR COMPLETION**

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:



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.**

**Proposals must be received by WIPO at the above address on or before November 23, 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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WIPO's General Conditions for the Purchase of Services

**9. Please initial each page of Annex III – *WIPO's General Conditions for the Purchase of Services*, and sign and return Annex V 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/notices.html>). **Please check this 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 V - 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.

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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° PTD/09/055**” to the following address: **procurementAT@wipo.int**

16. Queries must be received by WIPO at the above addresses **on or before November 9, 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/notices.html>).

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

**procurementAT@wipo.int**

## **II. CONTENT OF THE PROPOSAL AND EVALUATION CRITERIA**

### Content of the Proposal

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

#### 19.1 Technical Component

- (a) Your Firm's Qualifications and Financial Stability

A brief description of your firm’s qualifications providing:

- (i) a description of your experience in carrying out assignments of a similar nature, and (ii) references to recent experiences on projects 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.

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(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) 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.

Please provide all the above information in accordance with the attached Annex I – Terms of Reference (TOR).

19.2. Financial Component:

**Financial Offer**

19.2.1 Your financial offer may be quoted using the currency of your choice and in accordance with the attached Annex IV - Price Schedule.

Invoices and subsequent payments shall be established using the currency specified in the proposal as reflected in the subsequent contract.

For the purpose of financial evaluation and bid comparison only, WIPO shall convert all proposed prices into Swiss Francs on the basis of the UN exchange rate applicable at the closing date of the tender.

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 the financial offer and the period of its validity.**

19.2.2. In the event of an early termination of the Contract by one of the parties, the monthly cost will be pro-rated.

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19.2.3. Please note that WIPO will not accept any form of advance and/or progress 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.

19.2.4. The financial offer may take into account WIPO's estimated workload as described in Annex I – Terms of Reference. WIPO does not guarantee that this estimate will be met nor that it will not be exceeded. The estimate is made solely to assist invited companies to make their financial offer.

### **Evaluation Criteria**

20. 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.

20.1 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 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.

### **III. TERMS OF THE CONTRACT**

21. The selected bidder is expected to complete the contract within twelve (12) months from the start of contract or sooner.

22. WIPO reserves the right to split the award between two or more companies in any way that may be deemed necessary.

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#### **IV. ADDITIONAL INFORMATION**

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 proposer 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.

#### **V. TAX EXEMPTION**

24. 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**

25. 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 declaration 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 Annex was not signed.

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## **VII. REJECTION OF PROPOSAL**

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

## **VIII. CANCELLATION**

27. 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,

Giorgio Fraternale  
Deputy Director  
Procurement and Travel 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.