

Document to be completed by the Contracting Authority and submitted to the invited tenderers

SERVICE CONTRACT NOTICE

Technical Expert in IP for the IPC-EUI project Location – New Delhi, India

Please note that the awarding of the contract is subject to the condition of the prior acceptance of the request for prolongation submitted to the European Commission in June 2017 which does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.

1. Reference

IPC-EUI/AO/004/17

2. Procedure

Competitive negotiated

3. Programme title

Financing Agreement - DCI/ASIE/2010/020-500 - The Capacity building Initiative for Trade Development in India

4. Financing

Working Agreement - DCI/ASIE/2014/350-227 for the implementation of the EU-India Intellectual Property Cooperation (IPC-EUI) project

5. Contracting Authority

European Union Intellectual Property Office

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The overall objective of the IPC-EUI project is “to strengthen India’s capacity to achieve growth and sustainable development and further its integration into the global trade system”. The project focuses, on the one hand, on strengthening the capacities of the Indian IP-related institutions in the areas of trademarks, industrial designs and geographical indications (through the exchange of best practices and cooperation) and, on the other, on improving the capacity of the Indian productive sector, especially SMEs to create, protect and manage their own brands by using IP as a tool for development.

The implementation period of the projects started on 18/12/2014 and its initial duration was of 32 months. In June 2017 EUIPO, the implementing agency, requested a six months extension of the implementation period that, in agreement with the government of India, will help consolidate the achievements that the project has made so far.

The purpose of this contract is to acquire the services of an IP expert based in India, New Delhi, to support the Project Management Team (PMT) in: i) the implementation of the activities foreseen from 01/10/2017 up to 31/03/2018 and; in planning and executing a smooth exit strategy for the project.

8. Number and titles of lots

One lot only

9. Maximum budget

25 500 EUR

CONDITIONS OF PARTICIPATION

10. Eligibility

Participation is open to all natural persons who are nationals of and legal persons [participating either individually or in a grouping (consortium) of tenderers] which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) N°236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable Instrument under which the contract is financed (see also heading 22 below). Participation is also open to international organisations. All supplies under this contract must originate in one or more of these countries. However, they may originate from any country when the amount of the supplies to be purchased is below 100, 000 euros per purchase.

11. Number of tenders

No more than one tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting a tender). In the event that a natural or legal person submits more than one tender, all tenders in which that person has participated will be excluded.

12. Grounds for exclusion

As part of the tender, tenderers must submit a signed declaration, included in the tender form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3. of the Practical Guide.

13. Sub-contracting

Subcontracting is allowed.

PROVISIONAL TIMETABLE

14. Provisional commencement date of the contract

October 1st 2017

15. Implementation period of the tasks

6 months until the end of the IPC-EUI's period of implementation

SELECTION AND AWARD CRITERIA

16. Selection criteria

The following selection criteria will be applied to the tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole, if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

1) Economic and financial capacity of the tenderer (based on item 3 of the tender form). In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last year for which accounts have been closed.

- the average annual turnover of the candidate during the last three years must exceed 15,000 EUR each year.

2) Technical capacity of the tenderer (based on items 5 and 6 of the tender form). The reference period which will be taken into account will be the last five years from submission deadline.

- The candidate has provided, at least, 15 months of services (that may result from a single contract or from the aggregated duration of several of them) in fields related to trade or industrial policy development/implementation and/or enforcement and/or Intellectual Property Rights which were implemented at any moment during the reference period: 3 years.

Previous experience which would have led to breach of contract and termination by a Contracting Authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility - notably that of nationality - and must fulfil the same relevant selection criteria as the economic operator. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

17. Award criteria

Best price-quality ratio.

TENDERING

18. Deadline for receipt of tenders

The deadline for receipt of tenders is specified in point 8 of the Instruction to Tenderers.

19. Tender format and details to be provided

Tenders must be submitted using the standard tender form for Competitive Negotiated Procedures, the format and instructions of which must be strictly observed.

The tender submission form to be used, including the declaration of honour on exclusion and selection criteria, it is attached to the dossier.

Any additional documentation (brochure, letter, etc.) sent with a tender will not be taken into consideration.

20. How tenders may be submitted

Tenders must be submitted in English exclusively to the Contracting Authority, using the means specified in point 8 of the Instructions to Tenderers.

Tenders submitted by any other means will not be considered.

By submitting a tender tenderers accept to receive notification of the outcome of the procedure by electronic means.

21. Alteration or withdrawal of tenders

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with point 8 of the Instructions to Tenderers. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

22. Operational language

All written communications for this tender procedure and contract must be in English.

23. Legal basis

Regulation (EU) N°236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and DCI - Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation - See Annex A2 of the Practical Guide.

24. Additional information

N/A