



# **Expression of Interest for Selection of Firm for Providing Services Related to Intellectual Property of the South Asian University**

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**EXPRESSION OF INTEREST (EOI)**

EOI No. SP/SAU/Patent/832018

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March 2018

**South Asian University**  
(A University established by SAARC nations)

[www.sau.int](http://www.sau.int)  
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## SECTION 1. ***Abbreviations & Definitions***

- EOI: Expression of Interest
- Firm: Legally registered Company / Limited liability partnership (LLP) handling matters related to Intellectual Property (IP)
- IP: Intellectual Property comprising Patents, Designs, Copyrights, Integrated circuits layouts, Trademarks & Service Marks
- PDD: Proposal Due Date
- SAU: South Asian University

## SECTION 2. **Data Sheet**

### Expression of Interest for Selection of Firm for Providing Services Related to Intellectual Property of the South Asian University.

Reference	Description
4.2	<b>Engagement Duration:</b> Initially for one year, to be extended every year up to 3 years subject to satisfactory performance.
4.5	Bid Security (EMD) of Rs. 25,000.00 (Rupees Twenty Five Thousand Only) in favour of <b>South Asian University</b> in the form of Account Payee Demand Draft or Banker's Cheque from any of the commercial banks must be submitted by Applicants.
4.7.2	The proposal of the Applicant shall be valid for 90 (ninety) calendar days from the Proposal Due Date.
4.8	<b>The last date of submission of Proposals (Proposal Due Date) is 21 March 2018 till 3:00 pm (IST). Proposals will be opened on same date at 3:30 PM. The address for submission of Proposal is:</b>  To, The Registrar South Asian University Chanakyapuri New Delhi – 110021 Phone: +11-24122512 – 13 Email: <a href="mailto:registrar@sau.int">registrar@sau.int</a>
4.8.6	Applicants must submit <b>the EOI Proposal along with EMD</b> , in a sealed cover conforming to the sequence of documents and list of forms/documents to be included therein as mentioned in hereinafter.

### SECTION 3. *Invitation to Bid*

The South Asian University (SAU) is an international university established by the South Asian Association for Regional Corporation (SAARC) and is funded by the member states of SAARC which includes Afghanistan, Bangladesh, Bhutan, India, Nepal, Maldives, Pakistan and Sri Lanka.

SAU wishes to empanel IP firms for handling filing & prosecution, maintenance and renewal services, policing & surveillance of IP applications and other IP related work and invites Expression of Interest (EOI) from reputed firms.

The term “firm(s)” and “applicant(s)” is interchangeably used in this document.

**All clarifications / corrigenda will be published only on SAU website. The website for accessing the information related to this RFP is: <http://www.sau.int> (the “SAU Website” or “University Website” or “Official Website”).**

Note: From the “Home” page access the “Tenders” section to access all the uploaded documents related to this EOI.

## SECTION 4. ***Instructions to Applicants***

### **4.1 General**

- 4.1.1 SAU will select the qualified firm, in accordance with the method of selection specified in the Data Sheet. Applicants are advised that the selection of firms shall be on the basis of an evaluation by SAU through the selection process specified herein (the "Selection Process").
- 4.1.2 Applicants are invited to submit Pre-qualification and Technical Proposals (collectively called as "the Proposal"), as specified in the Data Sheet, for the services required for the Assignment.
- 4.1.3 Applicants shall submit their Proposal in the form and manner specified herein. The Proposal shall be submitted as per the forms given in relevant sections herewith.
- 4.1.4 Applicants shall bear all costs associated with the preparation and submission of their proposals, and their participation in the Selection process, and presentation including but not limited to postage, delivery fees, expenses associated with any demonstrations or presentations which may be required by SAU or any other costs incurred in connection with or relating to its Proposal.

### **4.2 Period of Engagement**

The engagement of the firms shall be initially for a period of one year and may be extended for another two years after satisfactory performance of the empaneled firm on the same terms and conditions and rate.

### **4.3 Right to reject any or all Proposals**

- 4.3.1 Notwithstanding anything contained in this EOI, SAU reserves the right to accept or reject any Proposal and to annul the Selection Process and reject all Proposals, at any time without any liability or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereof.
- 4.3.2 Without prejudice to the generality of above, SAU reserves the right to reject any Proposal if:
- (i) at any time, a material misrepresentation is made or discovered, or
  - (ii) the Applicant does not provide, within the time specified by SAU, the supplemental information sought by SAU for evaluation of the Proposal.
- 4.3.3 SAU makes no commitments, express or implied, that this EOI process will result in a business transaction with anyone.

#### 4.4 Dispute

In case of a dispute or difference of any kind whatsoever between the parties in connection with or arising out of or relating to or under this EOI, the parties shall promptly and in good faith negotiate with a view to amicably resolve and settle the dispute.

#### 4.5 Bid security / Earnest Money Deposit (EMD)

4.5.1 Bid Security (EMD) amounting to Rs. 25,000/- (Rupees Twenty Five Thousand Only) in favour of **South Asian University** in the form of Account Payee Demand Draft or Banker's Cheque from any of the commercial banks is required to be submitted by each Applicant (the "Bid Security").

4.5.2 SAU will not be liable to pay any interest on bid security deposits. Bid security of pre-qualified but unsuccessful Applicants shall be returned, without any interest. The Selected Applicant's Bid Security shall be returned, without any interest upon completion of empanelment.

#### 4.6 Performance Security

Performance Security of Rs. 25000.00 shall be furnished by the firm selected finally and shall be submitted within 15 days of the issuance of purchase order. This security must remain valid for 60 days beyond the expiry date of the engagement period. No interest will be payable by SAU on the Performance Security. The EMD amount may be converted in to the performance security upon written request.

#### 4.7 Preparation of Proposal

4.7.1 Consultants are requested to submit their Proposal in English language and strictly in the formats provided in this RFP. SAU will evaluate only those Proposals that are received in the specified forms and complete in all respects.

4.7.2 The Proposal shall be valid for a period of not less than 90 (Ninety) days from the Proposal Due Date.

#### 4.8 Submission, Receipt and Opening of Proposals

4.8.1 The Proposal shall be printed and shall contain no inter-lineation or overwriting, except as necessary to correct errors made by the firm itself. Any such corrections must be initialed by the person or persons who sign(s) the Proposal.

4.8.2 An Authorized Representative of the Applicant should initial all pages of the Pre-Qualification, Technical Proposals. The Authorized Representative's authorization should be confirmed by a written power of attorney by the competent authority accompanying the Proposal.

4.8.3 The Proposals must necessarily be “Properly Bound” and all pages serially numbered. “Properly Bound” implies such binding between two covers whereby it may not be possible to replace any paper without disturbing the document.

4.8.4 No proposal shall be accepted after the closing time for submission of Proposals.

4.8.5 After the Proposal submission until the contract is awarded, if any Applicant wishes to contact SAU on any matter related to its proposal, it should do so in writing at the Proposal submission address. Any effort by the firm to influence SAU during the Proposal evaluation, Proposal comparison or contract award decisions may result in the rejection of the Applicant's proposal.

4.8.6 Proposal documents are to be submitted so as to include the following:

- A) Bid Security (EMD) in the form of Account Payee Demand Draft or Banker's Cheque from any of the commercial banks.
- B) All pages of the proposal shall be numbered & properly-bound together. The first page shall be the table of contents (as per **Form 1** ) and the last page shall be the Page Numbering Certificate (as per **Form 7**).
- C) All forms & supporting documents as applicable: Form 1, Form 2, Form 3, Form 4, Form 5, Form 6, Form 7.
- D) Any other required documents required for qualification & consideration.

4.8.7 Submission address:

**The Registrar  
South Asian University  
Akbar Bhavan, Chanakyapuri, New Delhi-110021**

**Phone: 011-24195000, 24122512 – 13  
E-mail: registrar@sau.int**

## **4.9 Selection Process**

4.9.1 All submitted proposals shall be checked to evaluate whether the Applicant meets the prescribed Minimum Qualification Criteria. Subsequently, for Applicants who meet the Minimum Qualification Criteria (the “Shortlisted Applicants”), they would be further evaluated in accordance with the criteria set herein. SAU will assign scores to the response of each firm based on weightage assigned to each of the criteria under different categories. The three highest scoring firms (provided they achieve a minimum score of 60) based on the proposal would be considered for further process with which Financial bids (Professional fees, charges etc.) will be sought.

4.9.2 SAU reserves the right to reject any Proposal which is non-responsive and no request for alteration, modification, substitution or withdrawal will be entertained by SAU in respect of such Proposals. However, SAU reserves the right to seek clarifications or additional information from the applicant during the evaluation process. SAU will subsequently examine and evaluate Proposals in accordance with the Selection Process detailed out below.



#### 4.10 Eligibility – Minimum Qualification Criteria

Applicants must conform to the following eligibility criteria for consideration of empanelment via this EOI.

S.No.	Basic Requirement	Specific Requirements	Documents Required
1.	Experience	<ol style="list-style-type: none"> <li>Should have a global exposure in handling of IP matters.</li> <li>Should possess professional domain expertise especially in handling patent applications in the field of science &amp; engineering.</li> </ol>	Form 3
2.	Legal Entity	<ol style="list-style-type: none"> <li>Should be a legally registered Company / Limited Liability Partnership (LLP) handling matters related to Intellectual Property (IP) since last 5 years (as on PDD).</li> <li>Should have a local office in Delhi, NCR.</li> </ol>	Form 3
3.	Blacklisting	A self-certified letter by the authorized signatory of the firm that they have not been blacklisted by any Central / State Government body or Public Sector institution or be under a declaration of ineligibility for corrupt or fraudulent practices as on proposal submission date must be submitted on original letter head of the bidder with signature and stamp.	Form 2

#### 4.11 Evaluation

After initial scrutiny, responsive & eligible bids will be evaluated & scored against the following criteria:

S.No.	Category	Criteria	Max Score
1.	Turnover [Form 4]	Average Annual Turnover during the last three financial years ending March 2017 should be at least Rs. 20 lakhs.	10
2.	Experience [Form 3]	(a) Number of years' experience in filing and prosecution of IP, more particularly in patents.	30

S.No.	Category	Criteria	Max Score
		(b) Number of patents drafted, filed, prosecuted and obtained grant. (c) Number of countries where the firm has capability to represent. (d) Working with any publically funded institutions such as R&D Organizations/ Universities in India.	
3.	Key Personnel [Form 6]	Experience of Key Personnel <ul style="list-style-type: none"> <li>• Academic Qualification</li> <li>• Activities carried out in last 5 years</li> </ul>	30
4.	Presentation	Presentation before a Committee	30

Presentations shall be made by eligible shortlisted firms before an appropriate Committee of the University, approximately ten days after the proposal due date.

## SECTION 5. ***Scope of Work***

1. Evaluation and drafting of IP applications.
2. Filing IP applications with the respective statutory authorities – Indian & Foreign (especially in the USA).
3. Maintaining these filed IP Applications.
4. Replying to queries and/or examination reports or any other notice warranting a reply to safeguard the IPs of SAU.
5. Prosecution, opposition and handling of Intellectual Property infringement.
6. Securing registration and maintenance of IP.
7. Interaction with inventors.

## SECTION 6. ***Standard Submission Forms***

The Applicants shall respond using the standard formats given in this Section in addition to submitting the documents supporting Eligibility & Evaluation Criteria.

### **6.1 Submission Forms**

Form 1	Index
Form 2	Proposal Submission Form
Form 3	Eligibility Experience
Form 4	Average Annual Turnover
Form 5	Power of Attorney for Authorized Representative
Form 6	Key Personnel
Form 7	Page Numbering Certificate

**Form 1: Proposal**  
Index of Submitted Documents

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*(All forms listed in this index shall be properly “hard-bound” together)*

The first page of the set of documents to be enclosed in the proposal shall be a *Table of Contents* as given below and shall be enclosed as page – 01.

*(add additional items if included)*

S.No.	Requirement	Documents Required	Page number of submitted PQP
1.	EMD	Demand Draft/ Cheque	
2.	Power of Attorney	Copy of Power of Attorney in the name of the Authorized signatory (Form 5)	
3.	Submission Form	As per Form 2	
4.	Experience	As per Form 3	
5.	Turnover Certificate	As per Form 4	
6.	Key Personnel Experience	As per Form 6	
7.	Other Technical Evaluation Requirements	As per evaluation requirement	
8.	Any other information	...	
9.	Page Numbering Certificate	As per Form 7	

**Form 2: Proposal Submission For**

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[To be printed on official stationery of Applicant]

To

Registrar  
South Asian University  
Akbar Bhavan  
Chanakyapuri  
New Delhi – 110021

**RE: EOI No. SP/SAU/Patent/832018 : Expression of Interest for Selection of Firm for Providing Services Related to Intellectual Property of the South Asian University.**

Dear Sir,

In response to the Invitation for Expressions of Interest (EOI) for handling services related to Intellectual Property and other related work, we would like to express Interest to carry out the services for SAU. As instructed, we attach following documents *properly paginated and bound* in sealed envelopes:

Our Proposal is unconditional and unqualified.

We understand you are not bound to accept any Proposal you receive.

Further:

1. We shall make available to SAU any additional information it may deem necessary or require for supplementing or authenticating the Proposal.
2. We acknowledge the right of SAU to reject our application without assigning any reason or otherwise and hereby waive our right to challenge the same on any account whatsoever.
3. We certify that in the last 5 (five) years, we have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Applicant, nor been expelled from any project or contract by any public authority nor have had any contract terminated by any public authority for breach on our part.
4. We understand that you may cancel the selection process at any time and that you are neither bound to accept any Proposal that you may receive nor to select the Consultant, without incurring any liability to the Applicants.
5. We agree to keep this offer valid for 90 (ninety) calendar days from the PDD specified in the above mentioned EOI.
6. A Power of Attorney in favour of the authorised signatory to sign and submit this Proposal and documents is attached herewith.
7. We are not involved in any litigation that may have an impact of affecting or compromising the delivery of the services as required under this tender.
8. We are not black-listed by any Government or Public Institution / Organization / Department in India.
9. We undertake that the documents submitted are genuine/authentic and nothing material has been concealed there from and that we are not debarred by any Government

organization and are competent to enter into an empanelment with SAU. We understand that the empanelment is liable to be cancelled, if found to be having obtained, through fraudulent means/concealment of information.

We remain,

Yours sincerely,

Authorized Signature [In full and initials]:

Name and Title of Signatory:

Name of Firm:

Address:

**Form 3: Eligibility**  
Experience

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**Company Profile**

Details filled in this form must be accompanied by sufficient documentary evidence, in order to verify the correctness of the information.

Bidder company details (use the following format):

S.No.	Item	Details	Page No. of the Proof Document
1.	Name, Designation and Contact Details of the Person Authorized to Make Commitments to the University		
2.	Company Registration No. (Copy of the Registration Certificate to be attached)		
3.	Type of Registration		
4.	Year of Registration of Firm		
5.	Local office in Delhi, NCR.		
6.	Professional domains / areas of experience in IP applications		
7.	Jurisdictions wherein operating		
8.	Number of years' experience in filing and prosecution of IP, more particularly in patents.		
9.	PAN No. (Copy of the Certificate to be attached)		
10.	GST No. (Copy of the Certificate to be attached)		

**Specific Experience:**

Experience and details work done with any public institutions such as R&D Organizations/ Universities in the respective jurisdictions.



S. No.	Customer* (Name, Address, Contact person)	Calendar Month & Year of Work Order (MMM, YYYY)	No of IP Applications Filed	Jurisdictions of applications	No. of IP Applications Granted	Domain areas of the IP Applications	Page No. of the Proof Document**

\*Limit references to the period of five years prior to Proposal Due Date (PDD). References must pertain to services similar to those being solicited through this EOI. Running contracts / current empanelment may be highlighted by putting a tick mark ✓ against the name of the customer.

\*\*Experience must be supported by copies of work orders & Completion certificates from the client; OR Work Order + Self Certificate of Completion. In case of running contracts citation, reference letter from client; OR Work Order + Self Certificate.

Firm's Name:

Authorized Signature:

(Official Seal):

**Form 4: Average Annual Turnover of the Applicant for the Last Three Years**

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S. No.	Financial years	Average Annual turnover of the applicant(INR)
1.	2014-2015	
2.	2015-2016	
3.	2016-2017	
	<b>Average for three years</b>	[indicate sum of above divided by 3]

**Certificate from the Statutory Auditor**

This is to certify that [*name of company*] [*registered address*] has received the payments shown above against the respective years.

Name of Authorized Signatory

Designation

Name of firm

Signature of Authorized Signatory

Seal of Audit firm

Note: In case the Consultant does not have a statutory auditor, it may provide the certificate from its Chartered Accountant.

**Form 5: Format for Power of Attorney for Authorized Representative**

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Know all men by these presents, We, [name of organization and address of the registered office] do hereby constitute, nominate, appoint and authorise Mr / Ms [name], son/ daughter/ wife of [name], and presently residing at [address], who is presently employed with/ retained by us and holding the position of [designation] as our true and lawful attorney (hereinafter referred to as the “Authorised Representative”), with power to sub-delegate to any person, to do in our name and on our behalf, all such acts, deeds and things as are necessary or required in connection with or incidental to submission of our Proposal for “**Expression of Interest for Selection of Firm for Providing Services Related to Intellectual Property of the South Asian University**” to the South Asian University (the “Authority”) including but not limited to signing and submission of all applications, proposals and other documents and writings, participating in pre-bid and other conferences and providing information/ responses to the Authority, representing us in all matters before the Authority, signing and execution of all contracts and undertakings consequent to acceptance of our proposal and generally dealing with the Authority in all matters in connection with or relating to or arising out of our Proposal for the said Project and/or upon award thereof to us until the entering into of the Contract with the Authority.

AND, we do hereby agree to ratify and confirm all acts, deeds and things lawfully done or caused to be done by our said Authorised Representative pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Authorised Representative in exercise of the powers hereby conferred shall and shall always be deemed to have been done by us.

IN WITNESS WHEREOF WE, [name of organization], THE ABOVE NAMED PRINCIPAL HAVE EXECUTED THIS POWER OF ATTORNEY ON THIS [date in words] DAY OF [month] [year in 'yyyy' format].

For [name and registered address of organization]

[Signature]

[Name]

[Designation]

Witnesses:

1. [Signature, name and address of witness]

2. [Signature, name and address of witness]

Accepted

Signature]

[Name]

[Designation]

[Address]

Notes:

1. The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executant(s) and when it is so required the same should be under seal affixed in accordance with the required procedure.
2. Wherever required, the Applicant should submit for verification the extract of the charter documents and other documents such as a resolution/power of attorney in favour of the person executing this Power of Attorney for the delegation of power hereunder on behalf of the Applicant.
3. For a Power of Attorney executed and issued overseas, the document will also have to be legalised by the Indian Embassy and notarised in the jurisdiction where the Power of Attorney is being issued. However, the Power of Attorney provided by Applicants from countries that have signed The Hague Legislation Convention, 1961 are not required to be legalised by the Indian Embassy if it carries a conforming apostolic certificate.

**Form 6: Key Personnel Qualifications & Experience**

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Overview of the qualification and past experience of the key personnel

Name:  
Designation:  
Date of Birth:  
Qualifications:

Experience:  
(Activities carried out in last 5 years)

Firm's Name:  
Authorized Signature:  
  
(Official Seal):

**Note:** Information regarding best five key personnel may be provided. They should be on the payroll of the applicant. *Separate sheet should be used for each individual.* Each individual will be evaluated separately and then average of the all personnel will be taken for final evaluation.

**Form 7: Page Numbering**

Certificate

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(To be enclosed as **last page** of the Proposal)

CERTIFICATE

Certified that this Proposal is carrying \_\_\_\_pages (in figures and words) and **each page is numbered.**

Date:

Sig. of the bidder &  
With seal

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EOI No. SP/SAU/Patent/832018 for “**Expression of Interest for Selection of Firm for Providing Services Related to Intellectual Property of the South Asian University.**”

**SECTION 7. *Labels for envelope containing the proposal documents***

**7.1 Label**

PLEASE PASTE THIS SLIP ON THE PROPOSAL ENVELOPE

<b>Proposal For Expression of Interest for Selection of Firm for Providing Services Related to Intellectual Property of the South Asian University</b>	
EOI No. SP/SAU/SP/SAU/Patent/832018	
Due Date: _____	To,
	The Registrar
	South Asian University
	Akbar Bhavan, Chanakyapuri
	<u>New Delhi-110 021</u>
From : _____	
_____	
Mobile: _____	
Email: _____	