

QUESTIONS AND ANSWERS (Q&A)

Review Draft Patent Applications derived from Workshops for the Accelerated Development of Patents in Panama Carried Out by CAF and SENACYT and Preparation and Submission of Applications through the National Intellectual Property Office (DIGERPI) and the PCT

General questions

- 1. Is it considered as essential to the objectives of the offer that the cost quoted by the interested party includes, as a minimum, the early publication requests of each PCT? This point may vary in the quotation.**

Bidders may include any additional costs that they believe will improve their offer. This will be taken into account when offers are evaluated.

- 2. Section 1.6, bullet point #7, of the conditions establishes that bidders must have the capability to review descriptive reports and submit at least 40 patents per month, both in English and in Spanish. May this capability be presented in collaboration or in the form of a strategic alliance with one or more international legal firms that specialize in patents, taking into account that the total capability presented would meet the requirement established?**

The Main Contractor (in other words, the person that signs the contract with CAF) must have the capability to handle the number of descriptive reports required for the project. The CAF will only have a contractual relationship with the firm awarded the tender, i.e. the Main Contractor, and not the regional office in Panama.

- 3. Section 3.1, paragraph d), points "i" and "ii", say that quotations must be within a certain percentage range with regard to an estimated budget. If possible, could you say what budget or cost budget the CAF has estimated for this contract?**

The CAF's budget for this tender is USD 800,000. Only quotations for those offers that achieve the highest number of points in the technical evaluation will be evaluated. If the quotation that finishes in first place meets the requirements established in section 3.1, point d, then

the tender will be awarded to the Main Contractor that submitted it. If CAF and the Main Contractor cannot agree on the quotation, then points f, g and h of section 3.1 shall apply.

4. It is understood that when reference is made to “employees” in the invitation to bid, this refers to employees that are employed directly by our firm, not contractors. Is this correct?

No reference whatsoever is made to “employees” in the Request for Proposals. If you have any questions about the number of people that the Main Contractor or the regional office in Panama needs to perform the tender, please refer to section 1.6, point 8, and the evaluation tables referred to in 3.2 with regard to the Main Contractor and the regional office in Panama.

5. What happens if at least 114 applications are not approved after 465 cases are processed on the inventory?

Please refer to the table in point 6 of the Terms of Reference, which explains the percentages estimated by CAF for handling concepts. The number of concepts to be reviewed will depend on the survival rate in the previous art.

6. What are CAF’s expectations regarding the patentability rate of each case that becomes an application? What number of cases submitted should become patents (excluding drop-outs) so that CAF may consider that project expectations have been met?

CAF does not manage patentability expectations, we are currently only working on the patent application process. The results of the process will be tracked by the institutions that benefit from this project.

7. Can technical offers only be submitted in digital format by e-mail, or physically as well, like the quotation?

Section 1.2 of the Request for Proposals states that technical offers must be completed digitally and submitted in digital format by email only, to the following e-mail address: patentes@caf.com by the specified date. Quotations must be completed digitally and submitted physically at the CAF offices in Panama City, as established in section 1.2, on the specified date.

- 8. Is it a prerequisite to have at least forty people working on drafting and reviewing patents to be able to submit offers and be awarded the project? If so, can we bid as a consortium with other firms in Latin America, as well as the regional office in Panama?**

Bearing in mind the number of offers to be evaluated, the number to be registered, and in accordance with the requirements established in section 1.6, point 8, of the Request for Proposals, it is expected that the Main Contractor (i.e. the person who signs the contract with CAF), together with the regional office in Panama, will provide a total of forty people who will work on drafting and reviewing applications. The evaluation table in section 3.2 specifies that an evaluation will be made to ensure that both the Main Contractor and the regional office in Panama meet this requirement, each having a different weight allocated to their evaluation (80% and 20%, respectively).

Questions about evaluation criteria

- 1. Point 1.6, bullet point #8, of the conditions says that each bidder must provide at least forty specialists to work on patents, reviews and wording. Does this mean that bidders who cannot provide this number of specialists and who, therefore, do not meet the requirement, will have their offer rejected automatically and absolutely?**

Bidders will not have their offer automatically and absolutely rejected if they do not meet this requirement. In this case, they would not be awarded the points shown in the evaluation table in section 3.2 of the Request for Proposals.

- 2. Section 3.2 of the conditions includes a table of percentages and points in relation to the technical evaluation of offers. Please explain how each criterion will be evaluated. How will points be allocated to each criterion? In other words, will the criterion simply be “Meets Requirement” or “Does not Meet Requirement” when awarding points for a certain criterion, or will points be assigned relevant to the inherent qualities of bidders with regard to each criterion?**

Unless established otherwise in the Request for Proposals or herein, criteria will be evaluated in comparison with offers submitted and the prorating method will be used to evaluate each criterion. We would like to point out that the Main Contractor must not only obtain the minimum number of points needed to be awarded the tender (70 points according to section 3.1, point b), but also meet the formal requirements established by CAF, for example, providing audited financial statements for the last two fiscal years.

3. Must a price be quoted for each task (search, submitting patents in Panama and via PCT), or must a total price be quoted per case?

Although submission of quotations will completely depend on the Main Contractor, the total price of each case will show if offers are in line with the budget established by CAF and the percentage margin established in section 3.1, point d, of the Request for Proposals. Despite this, an itemized quotation would make the quotation much clearer to the CAF Evaluation Committee.

4. In section 3.2 regarding quotations and the working team, in reference to point 1.6, can we also include our experience in using the EPO?

Drafting of technical offers will completely depend on the Main Contractor. However, the Evaluation Committee will carry out its evaluation solely based on that established in the tables in section 3.2 of the Request for Proposals, and the content requested therein. Aspects not requested in the proposal cannot be evaluated.

5. To be able to submit an international application, agents must be authorized to operate in the local office of the country in which applicants are domiciled or of which they are citizens, so agents may not submit PCT applications for any Latin American university that is established or domiciled in another country. How will the requirement of having experience in submitting PCT applications be evaluated, when agents cannot submit applications on behalf of any university?

Bidders must have the required experience in the region; the experience of the regional office in Panama will also be evaluated. If bidders do not have any experience, they will be awarded zero points for this criterion.

Questions about previous invitations to bid

1. In order to improve the submission of technical offers and quotations, why was the previous invitation to bid canceled?

The previous tender was canceled as bidding firms (i) either did not obtain the minimum score required to be awarded the tender (70 points) or (ii) could not meet the formal requirements of CAF. We recommend that firms strictly observe that requested in the Request for Proposals, considering how information should be presented and meeting the stipulated requirements.

2. The declared budget of the previous invitation to bid was USD 800,000. Could you tell us what the budget is for the new invitation to bid?

As mentioned in the answer to question No. 3 in the general questions section, the budget for the tender is USD 800,000. Please bear in mind that this is a new invitation to bid whose requirements and procedures are different from previous tenders issued by CAF. We recommended that bidders pay particular attention to the selection process established in section

3.1 of the Request for Proposals, as well as the technical evaluation that will be in accordance with section 3.2.