



Request for proposals

IP Services – Framework Agreement

EIT InnoEnergy

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EIT InnoEnergy is the trading brand of KIC IE AB



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2. Overview of EIT InnoEnergy

EIT InnoEnergy is a European company fostering the integration of education, technology, business and entrepreneurship and strengthening the culture of innovation. The challenge is big, but our goal is simple: to achieve a sustainable energy future for Europe. Innovation is the solution. New ideas, products and services that make a real difference, new businesses and new people to deliver them to market. At EIT InnoEnergy we support and invest in innovation at every stage of the journey – from classroom to end-customer. With our network of partners, we build connections across Europe, bringing together inventors and industry, graduates and employers, researchers and entrepreneurs, businesses and markets.

We work in three essential areas of the innovation mix:

- Education to help create an informed and ambitious workforce that understands the demands of sustainability and the needs of industry.
- Innovation Projects to bring together ideas, inventors and industry to create commercially attractive technologies that deliver real results to customers.
- Business Creation Services to support entrepreneurs and start-ups who are expanding Europe's energy ecosystem with their innovative offerings.

Bringing these disciplines together maximizes the impact of each, accelerates the development of market-ready solutions, and creates a fertile environment in which we can sell the innovative results of our work.

For more information about our company please visit the following website:

<http://www.innoenergy.com/about-innoenergy/>

3. Scope of work

The start-ups (Business Creation) and innovation projects (Innovation) supported by EIT InnoEnergy have regularly a need of support within IP related matters and questions.

EIT InnoEnergy seeks to sign a Framework contract with an IP firm to deliver various types of IP services. The individual sub-assignments will be called off on a need-basis. We roughly estimate the number of individual assignments to be between 20 and 40 during each 12 months period of the agreement. The orders may vary in size and composition and the number of orders shall be seen as indicative and not as guaranteed figures.

As the total number of individual assignments is indicative and the total amount can vary based on the real needs it shall be further discussed and always based on mutual agreement of both sides throughout the implementation. Therefore, these hours/number of individual assignments are only indicative to support the pricing and shall not bound EIT InnoEnergy to commit and use all the estimated total number of assignments each 12 months period of the agreement.

3.1. Detailed scope of work

For the assignment, the following parameters should be considered, EIT InnoEnergy seeks help with:

- Drafting and prosecuting of patent applications in Sweden or any other country required
- Maintenance of patent portfolio – hereunder office actions and yearly reviews
- Advise on patent strategy



- Novelty searches
- Advise on legal matters related to IP
- Support in the case of patent litigations
- Advise on Trademark and copyright protection
- or any other type of IP service that could be needed for the individual assignment that is unforeseen at this point or mentioned above

The scope of expertise should primarily cover the thematic fields of EIT InnoEnergy (see section 2 above). In view of the current portfolio of technology-based Start-ups (particularly in the energy field) in EIT InnoEnergy, we consider that expertise of special importance to be:

- Electrical engineering
- Mechanical engineering
- Engineering of chemical fuels
- Power generation

Bear in mind that EIT InnoEnergy, depending on the individual assignment, might need other areas of expertise, so the bidder should be prepared to bring in this required expertise if needed. This will be discussed and executed based on mutual agreement during the contract period.

The contract duration is 24 months starting 2023-02-27 (“Start Date”) and ending (“End Date”) by 2025-02-26. In case the budget coverage for future support for the services presently tendered, plus the continuing need for IP services provided by the tenderer, EIT InnoEnergy intends to extend the contract with the winner of the present supplier selection process with another 1+1 years for the period of Feb 2025-Feb 2027. Any possible pricing changes during the contract extension must be incorporated in this submitted proposal that will be part of the financial evaluation. No adjustments can be made in the pricing conditions during the extension unless specified in the proposal. The contract extension will be done through a direct award procedure. This extension is subject to financial coverage and high-quality performance of the contractor as well as continuous need for the services, however this does not bind EIT InnoEnergy to carry out an extension.

3.2. Experts required (implementation of methodology of work):

Name and CVs of the participating individuals indicating the relevant experience in accordance with the below minimum requirements should be submitted as part of the offer.

The tender should propose a team of experts, min 2 of each expert types 1 and 2, and min 1 of expert type 3 (min 5 persons in total) of which at least two experts of type1 and/or 2 should be at partner level of the firm. For all, detailed CVs are to be presented. It is necessary to meet the minimum requirements to be compliant.

3.2.1. Expert type 1 – European patent attorney

Work profile: Advise regarding IP matters for European patent applications and related issues on European or International level.

- general professional experience – minimum years required after graduation: 8 years of experience
- specific professional experience: minimum years of experience in the field of general IP legal services: 8 years of experience
- specific professional experience: minimum years of experience of IP in the field of Mechanical engineering; 8 years of experience
- specific professional experience: minimum years of experience of IP in the field of Power generation and distribution; 8 years of experience



3.2.2. Expert type 2 – Swedish patent attorney

Work profile: Advise regarding IP matters for Swedish patent applications and related issues.

- general professional experience – minimum years required after graduation: 8 years of experience
- specific professional experience: minimum years of experience in the field of general IP legal services: 8 years of experience
- specific professional experience: minimum years of experience of IP in the field of Cleantech; 8 years of experience
- specific professional experience: minimum years of experience of IP in the field of Chemical engineering; 8 years of experience

3.2.3. Expert type 3 – Paralegal

Work profile: Administrative work regarding IP matters.

- general professional experience – minimum years required after graduation: 5 years of experience
- specific professional experience: minimum years of experience in the field of general IP legal services: 1 year of experience

4. Proposal Process

4.1. Participation

- a) Participation in this proposal procedure is open to all tenderers.
- b) All participants must sign the Tenderers’ declaration form attached and submit it with the proposal. Please note that the tenderer may not modify the text, it must be submitted signed as provided by EIT InnoEnergy attached to the request for proposal document.

4.2. Submission of proposal

	DATE (Calendar dates)
Sending out RFP invitations to the potential suppliers	2023-01-16
Deadline for requesting clarification from EIT InnoEnergy	2023-02-03
Deadline for submitting proposals	2023-02-10
Intended date of notification of award	2023-02-16
Intended date of contract signature	2023-02-27

Proposals must be emailed in **English** to the following address:

Contact name: For the attention of Ms. Johanna Lindahl

E-mail: johanna.lindahl@innoenergy.com

The proposal shall contain:

- the technical response to the service requested (point 3).



- **the financial offer (the price for the services.)** The Financial offer must be presented in **SEK**. Prices must be indicated as net amount + VAT.
- **an indication of supplier's insurance coverage.** The proposal must specify whether the supplier has taken out a company liability insurance and/or professional liability insurance including the maximum amount of coverage in **SEK** per event per insurance.

Responses should be concise and clear. The tenderer's proposal will be incorporated into any contract that results from this procedure. Tenderers are, therefore, cautioned not to make claims or statements that they are not prepared to commit to contractually. Subsequent modifications and counterproposals, if applicable, shall also become an integral part of any resulting contract.

The tenderer represents that the individual submitting the natural or legal entity's proposal is duly authorized to bind its entity to the proposal as submitted. The tenderer also affirms that it has read the instructions to tenderers and has the experience, skills and resources to perform, according to conditions set forth in this proposal and the tenderers' proposal.

Tenderers are requested to submit their proposal together with the filled-out Tenderers' declaration form (see point 4.1).

4.3. Validity of the proposals

Tenderers are bound by their proposals 90 days after the deadline for submitting proposals or until they have been notified of non-award.

The selected winner must maintain its proposal for a further 60 days to close the contract.

Proposals not following the instructions of this Request for Proposal can be rejected by EIT InnoEnergy.

4.4. Requests for additional information or clarification

The request for proposal should be clear enough to avoid tenderers having to request additional information during the procedure. In case the tenderers need additional information or clarification, please address it to the address below. **All information requested or answered may only be done through written communication – email only. Answers will be provided via the EIT InnoEnergy call for proposal section on the website.** All questions should be sent prior to the deadline for requesting clarification as specified in 4.2. In case of complex or high value procurements, EIT InnoEnergy could arrange a clarification session which will be communicated to the tenderers.

Contact name: for the attention of Ms. Johanna Lindahl

E-mail: johanna.lindahl@innoenergy.com

EIT InnoEnergy has no obligation to provide clarification.

4.5. Costs for preparing proposals

No costs incurred by the tenderer in preparing and submitting the proposal are reimbursable. All such costs must be borne by the tenderer.

4.6. Ownership of the proposals

EIT InnoEnergy retains ownership of all proposals received under this tendering procedure. Proprietary information identified as such, which is submitted by tenderer in connection with this procurement, will be kept confidential.



The potential or actual supplier should accept that during the implementation of the contract and for four years after the completion of the contract, for the purposes of safeguarding the EU's financial interests, EIT InnoEnergy may transfer the proposal and the contract of the supplier to internal audit services, to the European Institute of Technology/EIT, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office.

4.7. Clarification related to the submitted proposals

After submission of the proposals, they shall be checked if they satisfy all the formal requirements set out in the proposal dossier. Where information or documentation submitted by the tenderers are or appears to be incomplete or erroneous or where specific documents are missing, EIT InnoEnergy may request the tenderer concerned to submit, supplement, clarify or complete the relevant information or documentation within an appropriate time limit. **All information requested or answered may only be done through written communication – email only.**

4.8. Negotiation about the submitted proposal

After checking the administrative compliance of the tenderers, EIT InnoEnergy may negotiate the contract terms with the tenderers. In this negotiation EIT InnoEnergy will ask all tenderers to adjust the proposal or specific sections of the proposal within an appropriate time limit. In case of negotiation, EIT InnoEnergy shall provide further information about the proceedings and timing.

4.9. Evaluation of proposals

The quality of each proposal will be evaluated in accordance with the award criteria in Section 3. The award criteria will be examined in accordance with the requested service indicated in Section 3 of the document.

	Maximum score
3.3.1. Expert type 1 – European Patent Attorney (total score)	25
3.3.2. Expert type 2 – Swedish patent attorney (total score)	25
3.3.3. Expert type 3 – Paralegal	10
<i>Total technical offer score</i>	<i>60</i>
<i>Total financial score</i>	<i>40</i>
Total maximum score	100

The lowest offered unit price (one hour fee excluding VAT) shall receive the highest score, others shall be calculated in relation to that in linear equation.

The winner shall be the one with the highest aggregate score summed from technical and financial scores and that bidder shall be proposed for the contract.

NB. For all application drafting assignments EIT InnoEnergy requires a senior patent attorney to handle the case.



4.10. Signature of contract(s)

The successful and unsuccessful tenderers will be informed in writing (via email) about the result of the award procedure.

For the contract the Service Agreement in Annex 1 shall apply. Any change desired by the tenderer in the provisions contained in the body of this Service Agreement needs to be communicated to EIT InnoEnergy as part of the proposal of such tenderer. The background for this is that such desired changes need to be taken into account in the evaluation of the proposal of each tenderer under Liability Exposure above. Significant changes are likely to lengthen the negotiation process, making it less likely that the Service Agreement can be signed in time.

Within *10 days* of receipt of the contract from EIT InnoEnergy, the selected tenderer shall sign and date the contract and return it to EIT InnoEnergy. Upon receipt, EIT InnoEnergy shall also sign and send back to the winner one signed copy. In case the winning tenderer is unable to enter the contract within the above-mentioned time period, EIT InnoEnergy may decide to contract the second best.

4.11. Cancellation of the proposal procedure

In the event of cancellation of the proposal procedure, EIT InnoEnergy will notify tenderers of the cancellation. In no event shall EIT InnoEnergy be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a proposal procedure, even if EIT InnoEnergy has been advised of the possibility of damages.

4.12. Appeals/complaints

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. Appeals should be addressed to EIT InnoEnergy. The tenderers have *10 days* to file their complaints from the receipt of the letter of notification of award.

4.13. Ethics clauses / Corruptive practices

EIT InnoEnergy reserves the right to suspend or cancel the procedure, where the award procedure proves to have been subject to substantial errors, irregularities or fraud. If substantial errors, irregularities or fraud are discovered after the award of the Contract, EIT InnoEnergy may refrain from concluding the Contract.

The supplier shall take all measures to prevent any situation where the impartial and objective implementation of the contract is compromised for reasons involving economic interest, political or national affinity, family or emotional ties or any other shared interest ('conflict of interests'). He should inform EIT InnoEnergy immediately if there is any change in the above circumstances at any stage during the implementation of the tasks.

4.14. Many journeys. One welcome.

Diversity, inclusion and equality of opportunity are core EIT InnoEnergy values. We are committed to extending the same warm welcome to everyone, whatever their personal journey. We strive to ensure every voice is heard.

We value the contribution that different viewpoints make to our business of innovation. Having a variety of perspectives at all levels also equips us to meet the needs of the diverse communities we serve.



We extend our commitment across the career cycle. We recruit people from diverse backgrounds—for example, as of 2022, we employed 39 nationalities split 50-50 male-female. We then ensure that every member of our team is involved, valued, and receives equal recognition and opportunities for advancement.

In all areas of the employee experience (including recruitment, compensation and career development), and in all dealings with customers and communities, EIT InnoEnergy staff will value merit regardless of age, social status, race, color or genetic features, disability, ethnic/social origin or national minority membership, gender, gender reassignment, sexual orientation, language, marital or partnership status, political or any other opinion, economic status, religion or spiritual belief.

Although we do not use this as a vendor selection criterion, we are interested in learning from others, and would be happy to receive anything about your Diversity values or policy that you would care to offer.

4.15. Annexes

Annex 1: Draft Contract Template.

Annex 2: Tenderers' Declaration form.