



**Invitation to Tender – No 318**  
**Restricted Commercially Confidential**  
**Closing date 10 July 2009 1200hrs**

Renewables East intends to appoint consultants/companies to provide Intellectual Property Rights Information for a call off framework contract as and when required for a period of two years.

**1. Summary**

A Framework contract will provide the facility to call off individual consultants when a specific piece of work falls in their skill field. Where more than one consultant meets the skill requirement a call off procedure will take place.

**2. Background**

The term 'framework agreement' is normally used to cover agreements which are not, themselves, covered by the definition of a contract to which the EU rules apply. Such agreements set out the terms and conditions for subsequent call-offs but place no obligations, in themselves, on the procurers to buy anything. With this approach, contracts are formed under the Regulations only when goods, works and services are called off under the agreement. *If applicable*

**3. Call Off**

Those companies/consultants that are selected for a framework agreement will be called off by a mini-competition, which may include:

- Particular delivery timescales
- Particular invoicing arrangements and payment profiles
- Additional security needs
- Incidental charges
- Particular associated services
- Particular mixes of rates and quality
- Where the terms include a price mechanism
- Geographical areas

**4. About Renewables East**

**Renewables East** is a private company delivering the services associated with being the renewable energy agency for the East of England. The Company is funded by the East of England Development Agency (EEDA) and officially designated as an EEDA partner organisation. For the year 2008/09, **RE** has been allocated £2.4M from various sources including EEDA, EMDA, EU, Local Authorities and central government to continue its mission.

The objectives of the Company are:

- a. To enable the East of England to meet its adopted target for the production of energy from renewable resources, within the context of national energy policy and the need to move towards a lower carbon economy; and
- b. To maximise the rate of growth of the renewable energy sector and the economic benefits to the East of England and East Midlands' regions, especially through stimulating investment and job opportunities, supply chain development and innovation.

Through the generation of the latter primary objective, Renewables East has won top-tier government and initial funding approval to proceed with market viability and development master-planning of its bio-renewable energy research and innovation park project. The BESRE PARK is a major international project which has a primary objective to create an international centre for excellence, research and commerce for bio-renewable energy companies and related end-users active within the wider renewables sector.

RE's primary work areas are Bioenergy (Biomass and Biofuels,) Offshore/Onshore Wind and the emerging marine renewables (i.e. Wave & Tidal technologies), Planning, Supply Chain Development and the On-site Renewables agenda. If you have not already done so, you may find a visit to our web-site useful [www.renewableseast.org.uk](http://www.renewableseast.org.uk).

## **5. Scope of work**

Renewables East wish to appoint consultants in the following specific fields:

### **5.1 Intellectual Property Rights**

The scope of work will be to assist companies achieve greater clarity and focus surrounding the potential IPR issues and possible registration of IP for their concept designs.

Based on information which will be made available from the concept owners, the successful bidder(s) will have the capability to provide one or all of the following support packages:

#### **5.1.1 Preliminary Advice**

To provide 30-60 mins of **free** patent advice that will enable the innovator to understand the overall IP landscape and how this may apply to their innovation.

#### Output

A plan/brief should be produced that clearly identifies one/some of the following activities to be supported.

#### **5.1.2 Outline Patent Search**

Low-cost search to highlight the existence of prior-art (if any) which could effectively limit the concept owner's ability to develop all or specific parts of the technology.

#### Output

Outline report that highlights existing conflicts with potential prior-art (if any) and

recommended next steps

### **5.1.3 Detailed Patent Search**

Detailed searches *may* be necessary to establish and understand specific questions/status of 'novelty' which could effectively limit the concept owner's ability to develop all or specific parts of the technology. Unlike the outline search, it is expected that this may also require numerous meetings with the innovator.

#### Output

Detailed report that summarises potential prior-art (if any) and recommended next steps

### **5.1.4 Patent Applications**

Various patent applications under the following key areas:

- 'Straightforward' and Mechanical systems
- 'Complex' or 'Sophisticated' involving significant prior art
- Software based systems

### **5.1.5 Commercial Exploitation of Intellectual Property**

To provide outline advice and/or support to the innovator on a range of issues, linked with the management of risk, project structure and funding management during early stage innovation. It is expected that some support with market data will also be required.

#### Output

Outline report and recommended next steps

#### **a) Fee Rates:**

Please list:

- Fixed rates for activities 5.1.2 to 5.1.4 inclusive
- Daily fee rates of individuals that would be assigned to 5.1.5 including VAT and expenses.

<b>6. Outputs &amp; Timings</b>
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To produce reports in line with the scope of work as and when required

<b>7. Milestones</b>
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These will be agreed with the innovator and provider

## **8. Tender Details**

Applicants who wish to submit a tender bid must include a covering letter which is to include the Tender Title, Intellectual Property Rights Tender and ITT No 318, Postal address, contact details, indicate if they are an SME or not, and total number of pages.

The tender submission should be page numbered with the Company/Consultant name on the bottom of each page, the tender criteria should form the page headings for the main body of the tender submission. You should also include details of the team that would be working on the project.

Tenders on average should be no longer than 8 pages.

Responses to this tender should be submitted electronically and must be received by Renewables East no later than **1200hrs on Friday 10 July 2009**. They should be sent via email to:

**John Heath**  
**Delivery Manager**  
**Renewables East**

[johnheath@renewableseast.org.uk](mailto:johnheath@renewableseast.org.uk)

The successful applicant will be notified by Monday 20 July 2009 at the latest and must be in a position to start work immediately upon notification.

Success in being appointed will not guarantee work, the contract offered will be a 'call off' contract, and the consultant will be appointed work on a case by case basis.

## **9. Tender Process**

Applicants are advised to ensure that they are fully conversant with the nature and extent of the obligations to be accepted by them if their Tenders are accepted.

Renewables East reserves the right to extend proposed timescales if extensive Tender clarification is required during evaluation or for any other reason.

Applicants should be aware that queries raised by Applicants that affect the Tender process will be circulated to all Applicants. Responses of a commercially sensitive nature will be confined to the correspondent(s).

Any Applicant who directly or indirectly canvasses any member or officer of Renewables East concerning the award of the Contract for the provision of the Services, or who directly or indirectly obtains or attempts to obtain information from any such member or officer concerning any other Tender or proposed Tender for the Services will be disqualified.

It is the responsibility of Applicants to obtain for themselves and at their own expense all information necessary for the preparation of their Tenders. Information supplied by Renewables East (whether in these Tender Documents or otherwise) is supplied solely for general guidance

in the preparation of the Tenders. Applicants must satisfy themselves by their own investigations with regard to the accuracy of any such information and no responsibility is accepted by Renewables East for any inaccurate information obtained by Applicants.

All information supplied by Renewables East in connection with this Invitation to Pre-qualify and Tender shall be regarded as confidential by the Applicant except that such information may be disclosed for the purpose of obtaining sureties and quotations necessary for the preparation of the Tender. Renewables East reserves the right to ask all Applicants to complete a separate Confidentiality Agreement and if deemed necessary this will be forwarded under separate cover for completion and return within a specific timescale no later than the tender return date.

The Tender Documents are and shall remain the property of Renewables East and must be returned upon demand.

No servant or agent of Renewables East has authority to vary or waive any part of the Tender Documents or procedure other than the Authorised Officer nominated by Renewables East who shall only do so in writing.

Renewables East will not consider individual requests for extension of the closing date and the time specified above, but may at its own absolute discretion extend generally the closing date and time.

Renewables East reserves the right to request such further information from Applicants as it deems necessary to assist the clarification of Tender submissions.

## **10. Tender Assessment**

The tenders will be assessed against the following criteria:-

1. Overall value for money (*15% of total score*)
2. Quality of tender submission – concise and clear (*15% of total score*)
3. Demonstration of a methodology that meets the requirements of the brief, including detail of wider benefits that the innovator/RE may accrue from the assignment (*30% of total score*)
4. Technical and operational track record in projects of a similar nature (*40% of total score*)

Any information provided will be treated with total confidentiality.

## **11. Fees**

- There is no guarantee of work being offered from the framework agreement

**12. Further information**

Should you require any further information on this brief to complete your tender submission, please contact John Heath by e-mail or post:

[johnheath@renewableseast.org.uk](mailto:johnheath@renewableseast.org.uk)

John Heath  
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**13. Restricted and Commercially Confidential**

PLEASE NOTE THAT THE INFORMATION CONTAINED WITHIN THIS TENDER DOCUMENT AND ASSOCIATED DOCUMENTS IS NOT IN THE PUBLIC DOMAIN AND REMAINS COMMERCIALY CONFIDENTIAL. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN TO RESPOND TO THE TENDER.