



Poznań, 15.06.2022

**Request for proposal**  
regarding support in the protection of intellectual property

In connection with the performance by StethoMe Sp. z o.o. with its registered office in Poznań of an agreement with the National Centre for Research and Development (NCBR) on co-financing of project No POIR.01.01.01-00-0648/20 entitled "Improvement of the StethoMe system by implementing a personalised respiratory index (PRI) to monitor the functioning of the respiratory system and a subsystem to support decision-making and patient selection" (hereinafter referred to as: "Project"), co-financed under Measure 1.1 "R&D projects of enterprises", Sub-measure 1.1.1 "Industrial research and development works carried out by enterprises" of the Smart Growth Operational Programme 2014-2020 co-financed by the European Regional Development Fund, we invite you to submit a bid in the tender procedure aimed at selecting a contractor for the task of supporting the Awarding Entity in the field of intellectual property protection - preparation and filing of a patent application under an international procedure - Patent Cooperation Treaty (PCT).

**1. Awarding Entity**

StethoMe Sp. z o.o.  
ul. Winogrody 18A  
61-663 Poznań  
KRS No: 00000558650  
Tax ID No (NIP): 783-172-65-42

How to obtain information about the contract:  
e-mail: przetarg@stethome.com

**2. Information about the Project**

The aim of the project is to further develop the innovative StethoMe system based on a medical device in the form of AI algorithms (CE 2274) cooperating with a wireless stethoscope and a dedicated application, by incorporating solutions that allow individual monitoring of each patient.

**3. Purpose and subject matter of the RFP**

**Purpose of the contract:**

The procedure is conducted in order to select a Contractor for the contract involving the support for the Awarding Entity in the field of intellectual property protection, carried out under the project: "Improvement of the StethoMe system by implementing a personalised respiratory index (PRI) to monitor the functioning of the respiratory system and a subsystem to support decision-making and patient selection" co-financed under Measure 1.1 "R&D projects of enterprises", Sub-measure 1.1.1 "Industrial research and development works carried out by enterprises" of the Smart Growth Operational Programme 2014-2020 co-financed by the European Regional Development Fund.

**Subject matter of the contract – terms of reference:**

The subject matter of the contract includes support for the Awarding Entity in the process of preparation and submission of a patent application under the PCT procedure. The ultimate goal of the Awarding Entity is to obtain patent protection for the StethoMe solution (described below) in the Member States of the European Union and the European Economic Area (EEA) and in the United States of America (USA). On the other hand, the direct subject matter of this RFP is consultancy on intellectual property that will lead to the filing of an international application under the PCT procedure in such a way that the Awarding Entity is able to achieve this ultimate goal in the future.

The Contractor's task will be to provide advice to the Awarding Entity which will result in the filing of an international application under the PCT procedure. In this respect, the Contractor will be required, in particular, to indicate the steps necessary to make such a filing, prepare the necessary documents (which includes the examination of patentability and preparation of a description of the invention), advise on all necessary formalities and on the payment of official fees related to the filing, as well as to file an application under the PCT procedure on behalf of the Awarding Entity. When providing the consultancy services to the Awarding Entity, the Contractor will be required to prepare the application and perform other advisory activities in such a way that the Awarding Entity is able to obtain patents in the above-mentioned countries (Member States of the European Union, the EEA and the USA) in the future.

For the avoidance of doubt, the scope of this contract does not go beyond the filing of a patent application under the PCT procedure.

The StethoMe solution which will be the subject of the patent application is the first system to detect abnormalities in the respiratory system. StethoMe is based on medical AI algorithms (CE 2274) that cooperate with a wireless stethoscope and a dedicated application. Thanks to the use of unique technologies that ensure the quality of the examination, StethoMe can be used by patients at home.

The Contractor will be required to appoint a key member of the team, who will be involved in the contract execution. This person will exercise substantive supervision over the execution of the contract and will be designated for contacts with representatives of the Awarding Entity.

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### **Announcement category**

Services

### **Announcement sub-category**

Legal services

### **Place of the contract execution**

Province: wielkopolskie District: Poznań City/town: Poznan

### **CPV name and code:**

**79120000-1 Patent and copyright consultancy services**

#### **1. Preconditions for participation in the tender procedure**

The procedure is open for potential contractors who meet all of the following conditions:

- as at the date of publication of this RFP in the Competitiveness Database [Baza Konkurencyjności], the Contractor had at least six years of experience in consultancy on intellectual property, including the PCT procedure,
- as at the date of publication of this RFP in the Competitiveness Database [Baza Konkurencyjności], the Contractor has filed at least 10 applications under the PCT procedure that resulted in granting a patent, of which at least 5 applications resulted in the grant of a patent in the USA and at least 5 applications resulted in the grant of a patent in an EU or EEA country,
- as at the date of publication of this RFP in the Competitiveness Database [Baza Konkurencyjności], the Contractor has filed at least one patent application that resulted in the grant of a patent in the USA or in one of the EU or EEA Member

States and was related to an application using artificial intelligence in the telemedicine industry,

- the Contractor ensures that at least one person who will be engaged by the Contractor (on any legal basis, as long as the basis is valid at the time of commencement of the contract) in the contract execution holds the title of national (Polish) patent attorney;
- the Contractor ensures that at least one person who will be engaged by the Contractor (on any legal basis, as long as the basis is valid at the time of commencement of the contract) in the contract execution holds the title of European patent attorney. It is permissible that the person who is said to meet this condition is the same person as the one indicated as the Polish (national) patent attorney;
- the Contractor ensures that each person engaged by it in the contract execution has a very good command of English, i.e. on a level that enables them to understand and formulate professional written and oral statements on legal, engineering and medical subjects;
- the Contractor's economic and financial position guarantees the proper performance of the agreement.

The fulfilment of the above conditions will be verified on the basis of the Contractor's declaration submitted on the form attached as Appendix 1 to this RFP. At the bid evaluation stage, the Awarding Entity may ask a bidder to submit documents confirming that it meets one, several or all of the above criteria. If the documents or explanations do not confirm the information presented by the bidder in its bid, the Awarding Entity will reject that bidder's bid.

## **2. Exclusions**

The following entities are excluded from the procedure:

- 1) Contractors that are affiliated with the Awarding Entity personally or by capital. Capital or personal affiliations shall be understood as interrelations between the Awarding Entity or persons authorised to incur liabilities on behalf of the Awarding Entity, or persons carrying out on its behalf activities involving the preparation and conduct of a contractor selection procedure, and a contractor, consisting in particular in:
  - a) participation as a partner in a civil law partnership or partnership;

- b) holding at least 10% of shares;
- c) acting as a member of a supervisory or management body, proxy or attorney-in-fact;
- d) being married or in a relationship of lineal kinship or affinity, collateral kinship or affinity up to the second degree, or in a relationship of adoption, custody or guardianship.

2) Contractors that fail to demonstrate that they fulfil the preconditions for participation in the procedure.

The bid of an excluded contractor shall be deemed to be rejected.

### **3. Bid evaluation criteria:**

#### **1) Total price for the performance of the subject matter of the contract (service provision) for the Awarding Entity in accordance with the description of the subject matter of the contract (max. 50 points)**

The price must be denominated in Polish zlotys or in euros or US dollars<sup>1</sup> and must be the final and total price (i.e. including any cost of subcontracting and VAT – if applicable) for the performance of the subject matter of the contract (service provision) for the Awarding Entity. The score for this criterion will be rounded to three decimal places according to mathematical rules for rounding.

Scoring method:

- the bid with the lowest price receives 50 points,
- other bids are scored on a straight line basis according to the following arithmetic formula  $50 \times (X \div Y)$ , where: X = the lowest price, Y = the price of the evaluated bid.

#### **2) Length of experience of the key member of the Contractor's team involved in the contract execution (max. 10 points)**

The evaluation pertains to the length of experience in advising on intellectual property (including in the filed of the PCT procedure) of the person indicated (by name) by a bidder as the key member of the team involved in the contract execution. The length of experience will be counted in full years (according to the rules for the computation of time-limits set out

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<sup>1</sup> If the price is denominated in US dollars or euros, the Awarding Entity, in order to evaluate the bid, will convert it into Polish zlotys at the average exchange rate of the National Bank of Poland applicable on the date of submission of the bid.

in the Civil Code; this means e.g. that a person with 6 years and 11 months of experience will be recognised as having 6 years of experience) as at the date of publication of this RFP in the Competitiveness Database [Baza Konkurencyjności]. Under this criterion, a Contractor may receive a maximum of 10 points, according to the following scale:

- 6 years - 0 points,
- 7-10 years - 2 points,
- 10-13 years - 4 points,
- 14-16 years - 6 points,
- 17-20 years - 8 points,
- more than 20 years - 10 points.

**3) Number of patent applications under the PCT procedure that resulted in the grant of a patent (max. 30 points)**

The evaluation pertains to the number of patent applications which have been filed by a Contractor under the PCT procedure and resulted in the grant of a patent in the EU/EEA Member States or in the USA (effective application). Under this criterion, a Contractor may receive a maximum of 30 points, according to the following scale:

- 10 effective patent applications under the PCT procedure - 0 points,
- 11-15 effective patent applications under the PCT procedure - 5 points,
- 16-20 effective patent applications under the PCT procedure - 10 points,
- 21-25 effective patent applications under the PCT procedure - 15 points,
- 26-30 effective patent applications under the PCT procedure - 20 points,
- 31-35 effective patent applications under the PCT procedure - 25 points,
- more than 35 effective patent applications under the PCT procedure - 30 points,

**4) Number of patent applications under the PCT procedure that resulted in the grant of a patent related to an application using artificial intelligence in the telemedicine industry (max. 10 points)**

The evaluation pertains to the number of patent applications which have been filed by a Contractor under the PCT procedure that resulted in the grant of a patent in the EU/EEA Member States or in the USA (effective application) and were related to an application using artificial intelligence in the telemedicine industry. Under this criterion, a Contractor may receive a maximum of 10 points, according to the following scale:

- 1 effective patent application under the PCT procedure related to an application using artificial intelligence in the telemedicine industry - 0 points,

- 2-3 effective patent applications under the PCT procedure related to an application using artificial intelligence in the telemedicine industry - 5 points,
- 4-5 effective patent applications under the PCT procedure related to an application using artificial intelligence in the telemedicine industry - 7 points,
- more than 5 effective patent applications under the PCT procedure related to an application using artificial intelligence in the telemedicine industry - 10 points.

As a result of the evaluation of the received bids, a Contractor for the contract will be selected, which will be the entity whose bid has received the highest score, this score being the sum of points awarded for all of the above criteria.

During the evaluation of the bids, the Awarding Entity may ask the Contractors for additional information, documents or a meeting at the company's registered office in order to clarify any possible ambiguities concerning the submitted bids. If the documents or explanations do not confirm the information presented by the bidder in its bid, the Awarding Entity will reject that bidder's bid. The agreement will be concluded with the selected Contractor, taking into account the material terms and conditions of the agreement indicated in Appendix 2 to the RFP, to which the Contractor consents. The bid evaluation process will have finished by 30.06.2022 and the results and selection of the most advantageous bid will be announced on the <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl> website under this RFP.

#### **4. Conditions for amending the agreement concluded as a result of selecting the winning bid in this procedure**

The Awarding Entity provides for the possibility of amending the agreement concluded as a result of selecting the winner of this contract award procedure, on the terms and conditions indicated in Appendix 2 to the RFP.

#### **5. Formal requirements for bids**

1. A bid must be submitted on the form attached as Appendix 1 to this RFP, containing a declaration on fulfilment of the preconditions for participation in the procedure and on the absence of personal and capital affiliations. A Contractor may amend or withdraw its bid before the end of the time limit for submission of bids.
2. A bid must be prepared in Polish or English.
3. A bid should be valid for 90 days from the deadline for submission of bids.
4. No bid variants are allowed.
5. No partial bids are allowed.
6. A bid must be signed.

## **6. Contract execution schedule**

The agreement for the performance of the intellectual property protection service will be concluded within 30 days of the date on which the Awarding Entity notifies the Contractor about the selection of the winning bid.

The Contractor shall commence the performance of the subject matter of the contract immediately after the conclusion of the agreement.

The deadline for the contract execution is: 9 month. This means that a patent application under the PCT procedure must be filed with the competent authority by this date at the latest.

## **7. Time limit and form of bid submission**

Time limit for submission of bids: 7 days

Bids submitted after the time limit referred to above will not be considered. During the examination and evaluation of the bids, the Awarding Entity may ask the Contractors for explanations regarding the content of the submitted bids.

Form of bid submission – to be selected by the Contractor:

- Electronic version (in the form of a signed scan) sent to this address: [przetarg@stethome.com](mailto:przetarg@stethome.com) or
- Hard copy version delivered in person, by post or courier service to the address of the Awarding Entity's registered office, with a stipulation that the date of posting shall be the binding date for determining whether bid submission deadline has been met. Note: written bids may be submitted during the Awarding Entity's office hours, i.e. between 8.30 a.m. and 4.30 p.m.

The procedure of bid submission and selection of the most advantageous bid does not take place on the basis of the Act of 11 September 2019 – Public Procurement Law (Journal of Laws of 2021, item 1129, as amended). The procedure is conducted in accordance with the principle of competitiveness. The contract will be awarded on the basis of objective criteria ensuring compliance with the principles of transparency, non-discrimination, equal treatment and ensuring that the bids will be examined in accordance with the principle of competitiveness.

If a Contractor's bid contains information that constitutes its business secret within the meaning of the Act of 16 April 1993 on combating unfair competition (Journal of Laws of 2020, item 1913, as amended), then the Contractor should clearly indicate which elements of the bid are covered by such secrecy, otherwise the entirety of the bid will be treated as not covered by business secrecy.





**Fundusze  
Europejskie**  
Inteligentny Rozwój

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ROZWOJU REGIONALNEGO



The Awarding Entity reserves the right to close the call for bids without selecting any bid, at any stage of the procedure, without stating the reason. Contractors shall have no claim against the Awarding Entity on account of the above actions by the Awarding entity.