

Terms of Reference

Consultancy services to carry out freedom to operate searches on suitable technologies ready for commercialization developed by universities and non-state higher education institutions under Accelerating Higher Education Expansion and Development (AHEAD) operation

1. BACKGROUND

1.1. About the Sector Strategy

The development of the higher education sector is of central importance to Sri Lanka. Recognizing this, the Government of Sri Lanka (GoSL) and the World Bank have agreed, as part of the Bank's Country Partnership Strategy (CPS) FY17-FY20, to support the higher education sector through a Bank funded Accelerating Higher Education Expansion and Development (AHEAD) operation.

1.2. Brief Description of the Project

Accelerating Higher Education Expansion and Development (AHEAD) operation is organized to strengthen the higher education sector in Sri Lanka.

The implementing agency is the Ministry of Education (MOE). The Operations Monitoring and Support Unit (OMST) of the MOE will coordinate and support all AHEAD activities between the MOE, University Grants Commission (UGC), Sri Lanka Institute of Advanced Technological Education (SLIATE), Universities and Advanced Technological Institutes (ATIs) and all non-state Higher Education Institutions under the MOE.

Under the Research, Development and Innovation Results Area of the AHEAD operation, funds are provided competitively for research and innovation activities leading to research publications, intellectual property (IP) such as patents and industrial designs, and the promotion of university-business linkages for the commercial development of these IPs by private sector firms and companies.

University Business Linkage (UBL) Cells and Higher Education Institution Society Linkage (HEI-SL) Cells established at Universities and Non-State Higher Education Institutions will act as focal points in commercialization of research conducted at these institutions.

2. OBJECTIVE OF THE ASSIGNMENT

To produce freedom to operate search reports for technologies developed at universities governed by the Universities Act No. 16 of 1978 and any other non-state higher education institutions approved by the Ministry of Higher Education to be supported under AHEAD for research and innovation.

3. SCOPE OF THE CONSULTANCY

The consultancy firm should create freedom to operate search reports for technologies developed at universities and participating HEIs. The freedom to operate search should be done only if there is an identified company to commercialize the product and the company concerned has signed a license agreement with the university or HEI. The freedom to operate search for foreign jurisdictions will be done only if the commercial partner has provided documentary evidence to confirm that the product/process will cater to a foreign market. Further, the license agreement must contain clauses indicating the royalty payment to the University/non-state HEI based on the IP policy of the said university/non-state HEI.

4. DURATION OF THE ASSIGNMENT

The duration of the contract is tentatively from February 2022 to June 2023. This will vary depending on the date of signing the contract.

5. KEY TASKS AND RELATED ACTIVITIES

The selected consultancy firm should carry out freedom to operate searches in Sri Lanka and other countries of interest to the commercial partners who would be using technologies developed by universities and participating non-state HEIs. The research outcomes will be from AHEAD funded and non-AHEAD funded research work.

6. DATA, SERVICES AND FACILITIES TO BE PROVIDED BY THE CLIENT

OMST will coordinate with the UBL/HEI-SL Cells and will identify the invention/s where the freedom to operate search/es are required.

7. CLIENT'S INPUT AND COUNTERPART PERSONNEL

OMST will coordinate the meetings with the consultancy firm and the UBLs/HEI-SL cells.

8. DELIVERABLE AND TIME FRAME

Related Task & Activity No.	Required Deliverable	Time frame (after signing the contract)
1	A complete freedom to operate search report including reference patents, search queries as well as search conclusion/s.	Within 2 weeks of receiving the necessary details related to the technology to pursue the search

9. PROCEDURE FOR REVIEW OF DELIVERABLES

The Lead Academic Expert (Research and Innovation) at the OMST shall closely coordinate the Consultancy firm and review deliverables.

10. EXPECTED QUALIFICATION OF THE CONSULTANCY FIRM

The Consultancy firm should be a well-established, with at least 05 years' experience in the Intellectual Property field and at least Sri Lankan Rupees 03 million turnover per annum for the last 03 years.

The Consultancy firm should have at least 03 years' experience in generating freedom to operate search reports (State any freedom to operate search reports generated for Sri Lanka and for foreign jurisdictions).

The Consultancy firm shall have professionals with the relevant skills required to conduct the freedom to operate searches and resources (hardware, software, access to databases, and logistics) at their disposal for conducting this task.

Key Expert: Expert/s shall have a University Degree or relevant Higher Educational qualification and expertise required for this consultancy. The expert shall have at least 5 years of experience in managing the work in relation to IP management. He or She should have sufficient time to manage the activities for this task. This includes coordinating with AHEAD/OMST and relevant state Universities and non-state Higher Education Institutions. Excellent communication and reporting skills are required.

Expert/s for generating freedom to operate search reports: Expert/s shall have a University Degree or relevant Higher Educational qualification and expertise required for this consultancy. The Expert/s shall be able to contribute to work and have at least 02 years of experience in using non-commercial and commercial patent databases and generating reports. The expert shall have sufficient time to conduct the searches.

11. METHOD OF PAYMENT

The full payment will be released only upon the receipt and acceptance of the freedom to operate search report by AHEAD.

The number of search reports will vary depending on the technology development by the research teams and the willingness of private sector in commercializing the same.

12. OWNERSHIP OF THE ASSIGNMENT

This assignment is based on the research and innovations of the Universities and non-state Higher Education Institutions and therefore, the Consultancy firm should maintain high level of professionalism and confidentiality during the prior and post stages of the assignment. On any grounds, the Consultancy firm will have no rights to disclose or use research findings or inventions and related Data and Information gathered through the assignment for other purposes without written permission from the Secretary of the Ministry of Education.

Therefore, the selected Consultancy firm should have to enter into a Non-Disclosure Agreement (NDA) with the Project before the commencement of the consultancy services.

Ministry of Education shall be the owner of the consultancy assignment and relevant Universities and non-state Higher Education Institutions will reserve the Intellectual Property Rights for all the selected research under the assignment.

13. METHOD OF SELECTION

Selection will be based on the Consultants' Qualifications (CQS) as indicated in the EOI.