

## **Terms of Reference**

### **Consultancy services for Licensing Partner Scouting for suitable inventions from universities and non-state higher education institutions (non-state HEIs) 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 were 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 the commercialization of research conducted at these institutions.

#### **2. OBJECTIVE OF THE ASSIGNMENT**

To identify licensing partner/s who can commercially exploit the protected Intellectual Properties at Universities under 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 consultant should identify suitable licensing partner/s for inventions from universities and non-state HEIs proposed through AHEAD. These licensing partners should have the capability to use the invention and innovate products/services useful for the public good at a commercial level. Thereafter, the consultant should conduct discussions with the possible licensing partners giving due diligence to confidential information about the invention. Consultant shall then disclose the possible licensing partners to the university or non-state HEI concerned and identify one or more licensing partners to license the technology based on an exclusive or non-exclusive license agreement.

The University-UBL will function under the guidance and direction of the Vice-chancellor.

### 4. DURATION OF THE ASSIGNMENT

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

### 5. KEY TASKS AND RELATED ACTIVITIES

<b>Task number</b>	<b>Tasks</b>	<b>Coordinator</b>
A	Virtual meeting/s with the inventor/s and University-UBL or HEI-SL Cell (Licensor) and the consultant to understand the invention after signing a non-disclosure agreement	OMST/AHEAD
B	Virtual meeting/s, phone calls, emails, and other forms of communication with 5-10 commercial partners with the consultant (potential licensees)	Consultant
C	Meetings with at least 1-3 potential licensee/s and licensor	Consultant
D	Facilitate the signing of license agreement between the licensee and licensor	Consultant
E	Post licensing support	Consultant

If the companies in Sri Lanka are unable to get involved in the innovation process and bring a product to the market during a reasonable period of time, the consultant can introduce foreign companies. However, the task C would be initiated with foreign companies only with the consent from the council of the university or higher management of the HEI to work with foreign companies when commercializing the technology.

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

OMST will coordinate with the University-UBL/HEI-SL Cells and will identify the invention/s where the Licensing Partner Scouting is required.

**7. CLIENT’S INPUT AND COUNTERPART PERSONNEL**

OMST will coordinate the meetings with the consultant and the University-UBLs/HEI-SL cells during task A. University-UBLs/HEI-SL cell will support the consultant in tasks C, D, E.

**8. DELIVERABLE AND TIME FRAME**

The table below is for the Licensing Partner Scouting support for **one** technology. The selected consultant shall provide services to license 4 technologies.

<b>Task Number</b>	<b>Required Deliverable</b>	<b>Time frame in man hours (after signing the contract)</b>
A	Attending the virtual meetings organized by AHEAD to understand the invention and actively participating and asking questions from inventor/s and University-UBL or HEI-SL cell to understand the invention	10
B	The names and contact details of the licensees and documentary evidence (preferably emails) to prove that the consultant genuinely made an effort to contact and get responses from 5-10 potential licensees	40
C	Schedule meetings and facilitate the discussions with at least 1-3 potential licensees and licensor. Lead and engage in conducting productive discussions on licensing of the technology	30
D	Engage in the discussions between the licensee and licensor to finalize the licensing deal. Supporting the licensor in the negotiations, deep dive into the clauses in the license agreement given by the university/HEI or the commercial partner, represent the licensor when finalizing the license agreement	40
E	Work-related to finding additional licensee for a non-exclusive license agreement, or a licensee in a different field of use. Arranging foreign direct investment to commercialize the technology or sub-licensing efforts can also be considered.	20
Total		140

**9. PROCEDURE FOR REVIEW OF DELIVERABLES**

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

## 10. EXPECTED QUALIFICATION OF THE CONSULTANCY FIRM

The Consultancy firm should be well-established, with at least 05 years' experience in the Technology licensing/Intellectual Property management field and at least Sri Lankan Rupees 10 million turnover per annum for the last 03 years.

The Consultancy firm shall have professionals with the relevant experience and contacts required for Licensing Partner Scouting and signing a license agreement with a licensor and licensee.

**Key Expert/s:** 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 university technology licensing at a reputed Tech Transfer Office abroad. Tech transfer experience in an industry where the similar technologies have been licensed, will also be considered. Successful licensing of at least 3 technologies is mandatory. If those are in the field/s of Engineering, Technology & ICT, it would be an added advantage. Excellent communication and reporting skills are required.

## 11. METHOD OF PAYMENT

The full payment will be released only upon the receipt and acceptance of the required deliverable as given below.

<b>Task Number and the task</b>	<b>Recommendation for the payment</b>	<b>% Payment</b>
A	RA3-OMST will recommend for payment	Full
B	RA3-OMST will make the payment only after the recommendation by the Inventor/research team	Pro-rata basis
C	RA3-OMST will make the payment only after the recommendation by the Inventor/research team	Pro-rata basis
D	RA3-OMST will make the payment only after the recommendation by the University-UBL /HEI-SL cell	Full
E	RA3-OMST will make the payment only after the recommendation by the University-UBL/HEI-SL cell	Full

The expertise from the consultancy can be accommodated during the negotiations and TOR will be updated.

## 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 a 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.