



*“Call for value propositions to become a
Contributor of the Data Observatory
Foundation”*

1. Context for the creation of the Data Observatory Foundation and the first call. Characteristics of the present call.

By order of supreme decree N° 164 (December 27th, 2018), H.E. the President of the Republic exercised the legal powers specified in article 47 of law N° 21.050, by designating the Minister of Economy, Development and Tourism to participate in the creation and constitution of a private nonprofit legal entity, and participate in its management body.

In order to comply with the provisions of Supreme Decree N° 164 (2018), the Ministry of Economy, Development and Tourism carried out a “call to submit value propositions” aimed at natural persons or legal entities, national or foreign, as well as consortiums of natural persons or legal entities, national or foreign, to submit their proposals of value to become founders of the Data Observatory Foundation (“the Foundation” or “D.O.”), a nonprofit legal entity governed by the rules of Title XXXIII in Book I of the Civil Code.

The abovementioned public call specified, as its main requirement, a “Monetary Contribution” , in addition to a “Contribution in Capabilities” , which in sum should be equivalent or greater than the contribution made by the Government of Chile to the Foundation, which amounted to 3.200 million Chilean pesos. The call was published on two occasions in “La Tercera” newspaper – on January 7th and 28th of the year 2019 – as well as on the webpage of the Ministry of Economy, Development and Tourism.

The three proposals that were received for this call were reviewed by a team of evaluators from the Ministry of Economy, Development and Tourism, and the selected proponents were Amazon Web Services Inc. and Universidad Adolfo Ibáñez, in consideration of their compliance with the minimum requirements established in the “call to submit value propositions” .

The main objective of the Foundation is to acquire, process, and store in digital media the datasets that are generated by institutions of a public or private character, and that due to their volume, nature, and complexity,

require curation, exploration, visualization, and analysis in order to facilitate the availability of said data for the development of science, technology, innovation, knowledge, and their application in the economy.

In view of the main objective that was defined for this legal entity being constituted, it was deemed convenient for the Ministry of Science, Technology, Knowledge and Innovation to participate in its creation, constitution and direction and, therefore, the abovementioned supreme decree N° 164 (2018) was amended to incorporate the participation of the Ministry of Science, Technology, Knowledge and Innovation along with the Ministry of Economy, Development and Tourism, in its creation and constitution.

Pursuant to this presidential mandate, the Ministers of Economy, Development and Tourism, and of Science, Technology, Knowledge and Innovation –in representation of the President of the Republic– and the representatives from University Adolfo Ibáñez and Amazon Web Services Inc., all as founding members, undersigned the Statutes of the Foundation in the presence of the Municipal Secretary of Santiago. In this act, complying with submitting a copy of the Foundation's charter, and subsequently sending those documents to the Civil Registry for its registration in the National Registry of Nonprofit Legal Entities, which took place on January 10th 2020, under the inscription No. 306334.

By means of Supreme Decree N° 13 (February 12th, 2021), the Ministry of Economy, Development and Tourism approved incorporation and the consolidated Statutes of the Data Observatory Foundation and passed the controls of the Comptroller General of the Republic on May 3rd, 2021. The Foundation is currently taking actions to register the consolidated Statutes in the National Registry of Nonprofit Legal Entities, in compliance with the provisions of Title XXXIII in Book 1 of the Civil Code.

According to the eighth provisional article of these consolidated Statutes, the Foundation must carry out a new call for value propositions, to allow to allow the incorporation of new stakeholders under conditions and requirements equivalent to the first call that took place in 2019, including its evaluation and call table, whose specifications are detailed in this document.

Consequently, by virtue of this act, the Foundation calls for proponents, either natural or juridical persons, both national and foreign, and including consortiums of either natural or juridical persons, both national and foreign, to submit value propositions to become Contributors of the Foundation.

Composition: The composition of the value propositions must include: (a) A monetary contribution in Chilean pesos (“Monetary Contribution”); and (b) Contributions in areas of computational infrastructure to sustain the acquirement, analysis, exploration and/or visualization of data, the delivery of large volumes of data on a global scale; and/or talent (Human Resources) to address and manage the mentioned tasks and resources (“Contribution of Capabilities”). The contributions must be materialized within the five first years of participation as an awarded Strategic or Simple Contributor.

Publicity of value propositions: The content of the offers will be made public once the deadline for receiving proposals has been met, unless proponents effectively specify that part of their contents are protected by trade secrecy rights, according to the provisions of Law No. 19.039. In order to exercise this right, proponents must clearly and precisely specify which part(s) of the content(s) in their proposal are covered by the aforementioned protection.

¹ A copy of the Foundation’s restated Statutes and documents, available at:
<https://strategicpartners.dataobservatory.net>

2. Organization conducting the call

The Data Observatory Foundation is a nonprofit legal entity governed by private law, whose constitution and consolidated Statutes have been approved by order of supreme decree No. 13 (February 12, 2021) issued by the Ministry of Economy, Development and Tourism, and is registered in the National Registry of Nonprofit Legal Entities under registration No. 306334. The Foundation is now taking actions to register the consolidated Statutes in the National Registry of Nonprofit Legal Entities, in compliance with Title XXXIII in Book 1 of the Civil Code.

3. Stages and Deadlines

Call announcement: July 2nd, 2021.

Opening date for enquiries: July 18th, 2021.

Closing date for enquiries: September 28th, 2021.

D.O. answers made public: October 10th, 2021.

Call closing date (last day to submit proposals): October 30th, 2021.

Deadline for awarding Contributors: No later than November 30th, 2021.

Regarding the procedure for questions and answers, they must be sent by e-mail to strategicpartners@dataobservatory.net. No questions or requests for clarification will be accepted by any other means. Proponents enquiries regarding the present call and its regulations may only be sent until September 28th, 2021, and must expressly indicate the point in this document that is related to the submitted question. Questions will be answered as long as they are posed in a concrete and precise manner, and are relevant to the progress of the present call.

The D.O. will prepare answers to the enquiries that are received from proponents, and the answers will be published on the website <https://strategicpartners.dataobservatory.net> no later than October 10th, 2021. Likewise, if deemed necessary, in a unilateral way and by personal initiative, the Foundation will have the possibility to launch a round of clarifications within the same timeframe, or at any moment while enquiries are being received from proponents and as long as they do not interfere with the call process. In

such cases, the clarifications will also be published on the abovementioned website.

During the period between October 30th and November 30th, 2021, the D.O. will have the right to ask questions to the proponents, and request further clarification or information regarding proposals; such requests will be remitted by e-mail to the respective addresses that are used for submitting the proposals.

4. **Compulsory supporting documents to be included with the proposals for them to be admissible**

All documents requested in these terms of reference must be uploaded to the portal <https://strategicpartners.dataobservatory.net> in digital format (PDF), either in Spanish or in English, and the proposals must at least contain the following documents to be considered admissible:

- **Individuation of the proponent**
 - Natural person:
 - A legalized photocopy of the incumbent's Chilean Identification Card (*Cédula de Identidad*), or a valid document issued by the country of origin that is equivalent as identification.
 - Legal entity:
 - A legalized photocopy of the entity's Chilean Taxpayer Identification Number (*RUT de la Empresa*), or valid documentation issued by the legal entity's country of origin.
 - A valid Certificate of Good Standing from the country of origin of the legal entity (*Certificado de Vigencia de la Sociedad*), issued with no more than three months before it is being submitted with the offer.
- **General background information:** A written description and supporting documents that can demonstrate the interest and/or experience of the proponent in a working environment that uses large-volume data, requiring real-time analysis, that are being observed in a veracious manner among other complex phenomena in physics. Specifically, background in the areas

of infrastructure that are required for working with this type of data, analysis of this type of data, delivery of content related to this type of data, professional talent dedicated to working with this type of data; all in relation to data with the specifications that were mentioned initially (Big Data according to Gartner's definition from 2012, and latest derived concepts). Experience and/or interest in areas that complement the former area will also be considered, such as research development, developments that are related to big data, including legal and/or social challenges in the realm of data **-suggested maximum length: 1 to 3 pages long (4500 – 13500 characters).**

- **Technical background:** Specification of the proponent's technical capacity and talent in matters of the required infrastructure for working with this type of data, carrying out the analysis of this type of data, delivering content related to this type of data, professional talent dedicated to working with this type of data, all of the above in relation to data with the abovementioned specifications, and/or complementary knowledge related to legal and social challenges that are related to data – **suggested maximum length: 3 to 5 pages long (13500 - 22500 characters).**
- **Future plans and strategy:** A written description that can demonstrate the interest of the proponent including plans for the future in Chile, in relation to the Foundation's mission – **suggested maximum length: 1 to 2 pages long (4500 – 9000 characters).**
- **Contributions to the Foundation:** Specification of the Monetary Contribution and Contribution of Capabilities, including a timetable for materializing the specified contributions, and an investment profile according to the table shown in Section 5 below – **suggested maximum length: 5 pages long (22500 characters).**
- **Conditions for participating:** A definition of the timetable and conditions by which the proponent is eligible for being incorporated as a Contributor of the Data Observatory – **suggested maximum length: 1 to 2 pages long (4500 – 9000 characters).**
- **Additional information (optional):** Other information not explicitly requested in this section, in observance of a **suggested maximum length of 5 pages (22500 characters).**

5. Evaluation Criteria

The proposals will be evaluated according to the following criteria:

Item	Weight	Observations	Form of evaluation
Monetary Contribution	40%	This aspect strictly refers to the contribution of money.	<p>-Amount of the Monetary Contribution.</p> <p>-Delivery periods/completion of the contribution (must be materialized within a maximum period of five (5) years from the date the current contract is awarded).</p> <p>-Investment profile, aiming at financing operations for the first two years (27.5% over years 1 and 2), and linear for the three remaining years (15% of investment over years 3, 4 and 5), or some other that conforms to the submitted proposal.</p>
Contribution of Capabilities	40%	The following will be eligible as a contribution of capabilities related to the mission of Data Observatory: (a) time, availability and capacity of persons with talent and experience that contribute to fulfilling the mission, (b) technologies and solutions that contribute to fulfilling the mission, (c) infrastructure and systems used for processing and storing data that enable the mission, (d) infrastructure used for connectivity that enables the mission,	<p>-Computational infrastructure (measured by the capacity for data storage and processing, the availability of these assets for the D.O., and periods of availability).</p> <p>-Logistics related to computational infrastructure: bandwidths and proximity to national territory, latencies, other items. In particular, with respect to the Atacama Desert.</p> <p>-Years of experience in the management of open datasets (measured in number of years).</p> <p>-Number of datasets, volume, and characteristics appealing to the global value of the datasets (measured in number of datasets, volume, and usage).</p> <p>-Number and availability of professionals with experience in data science, machine learning, databases, high-performance computing, frameworks, and solutions for big data, and other areas that may be specified as valuable for the fulfillment of the mission (professional' s hours made available for the D.O. and period of availability).</p>

		(e) datasets of global value.	
Strategic alignment	20%	The presentation of a strategic vision to address the objectives and mission of the D.O. will be evaluated.	- The profile of the proponent and the content of the proposal will be evaluated in terms of whether they are pertinent or not, and if they can additionally add value regarding key aspects of the project, according to their description and their level of impact for areas defined in the mission.

5.1. Minimum requirements for being eligible as a Strategic Contributor

In order to be eligible as a Strategic Contributor, the sum of the Monetary Contribution and Contribution of Capabilities must be equivalent or greater than \$ 3.200.000.000 (three thousand two hundred million pesos).

5.2. Regarding the Monetary Contribution

The Monetary Contribution of the highest value will receive 100 points. The score allocation for the remaining Monetary Contributions will be calculated with the following formula:

$$\left(\frac{\text{Monetary Contribution } i}{\text{Monetary Contribution of highest value}} \cdot 0.9 \right) + \frac{\text{Investment profile } X}{\text{Proposal with lowest investment profile}} \cdot 0.1 \cdot 100$$

Where “Investment profile X” will be a figure between 0 and 1, meeting the following criteria:

- Equal to 1 if it matches what has been specified as a requirement;
- Between 0.5 and 1 if it partially matches what is required;
- Between 0 and 0.5 if it differs enough to put the implementation at risk.

5.3. Regarding the Contribution of Capabilities

The Contribution of Capabilities of the highest value will receive 100 points. The score allocation for the remaining Contributions of Capabilities will be calculated with the following formula:

$$\frac{\text{Contribution of Capabilities } X}{\text{Contribution of Capabilities of the highest value}} \cdot \text{Importance} \cdot 100$$

Where “Importance” will be a figure between 0 and 1, determined by the evaluation team, based on the needs of the D.O. and how the proposed combination of capabilities can succeed in meeting these needs.

The required areas are: Computational infrastructure (measured in capacity for data storage and processing, availability of these assets for the D.O. and periods of availability); logistics related to computational infrastructure: bandwidths and proximity to national territory, latencies, other items (in particular, with respect to the Atacama Desert); years of experience in the management of open datasets (measured in number of years); number of datasets, volume and characteristics appealing to the global value of the datasets (measured in number of datasets, volume, and usage); and number and availability of professionals with experience in data science, machine learning, databases, high-performance computing, frameworks, and solutions for big data, and other areas that may be specified as valuable for the fulfillment of the mission (equivalent in man-hours made available for DO and period of availability).

5.4. Regarding Strategic Alignment

If the profile of the proponent and the content of the proposal prove to be totally pertinent, and additionally add value due to having addressed the totality of the key aspects for the project, as well as having proposed a level of participation that improves the impact in areas outlined in the mission, the offer will receive 100 points.

If the profile of the proponent and the content of the proposal prove to be

totally pertinent, and additionally add value due to having addressed the totality of the key aspects for the project, the offer will receive 60 points.

If the profile of the proponent and the content of the proposal partially address the key aspects for the project, the offer will receive 30 points.

If the profile of the proponent and the content of the proposal do not address any key aspect whatsoever for the project, or address them only partially, the offer will receive 0 points.

6. Evaluation and awarding of proposals

The value propositions that are received for this call will be evaluated by professionals designated by the Ministry of Economy, Development and Tourism, and the Ministry of Science, Technology, Knowledge and Innovation, and each designation will be declared in writing to the Foundation.

The proposals that do not meet the minimum requirement of 60 points, according to the “Strategic Alignment” criteria shown above in section 5.4., will not be selected and will be considered inadmissible for every effect.

Regarding Strategic Contributions, the awarded proposals (i) are ones that comply with the minimum requirements for being eligible as Strategic Contributions, according to section 5.1.; (ii) meet the criteria for obtaining the minimum requirement of 60 points, according to section 5.4.; and (iii) obtain a total weighted grade with a minimum of 60 points, according to the table shown in section 5. The proposals meeting these criteria will qualify as Strategic Contributors, and will own the rights and obligations that are conferred to Strategic Contributors in the Statutes of the Foundation.

Regarding Simple Contributions, the awarded proposals are ones that comply with the requirements for obtaining 60 points, according to the “Strategic Alignment” criteria in section 5.4. The awarded proposals meeting these criteria will qualify as Simple Contributors, and will own the rights and obligations that are conferred to Simple Contributors in Articles Seven and Thirty-Six of the Statutes of the Foundation.

Upon finalizing the evaluation of the proposals, the D.O. will publish the results of the process on the website <https://strategicpartners.dataobservatory.net>.

The award of Strategic Contributors and Simple Contributions arising from this call will be made official during an extraordinary Board session, dedicated exclusively to approving the inclusion of the Contributors in the Foundation. Exceptionally, during the abovementioned session, the minimum quorums and other requirements stated in Article Eleven of the Statutes will not be demanded. The session will include the exclusive participation and voting of both Ministerial Directors, no further matter will be discussed, and if there is a tie, the two Ministerial Directors will open a debate until a consensus has been reached.

Once the results of the offer are published, D.O. will contact the participants being invited to form part of the Foundation, asking them to sign the corresponding agreement with the Foundation within a period of 15 working days, starting from the date on which the awarded contracts are published.

From the reception of the proposals until before the new contributors sign the corresponding agreement with the Foundation, proponents will have the right to decline their participation without having to justify their decision.

The Foundation reserves the right to amend the present terms of reference until before the proposed closing date (October 30th, 2021), and may, whenever deemed necessary, extend the deadline for submitting proposals in order to allow for interested parties to become familiar with the amendments and adapt their offers accordingly.

For the general knowledge of interested parties, any amendments will be duly published on the website <https://strategicpartners.dataobservatory.net>.

For this reason, it will be the sole responsibility of the interested parties to periodically review the portal, so that they may be aware of any modifications, and may not claim ignorance in this regard.