

REQUEST FOR PROPOSAL

WORKS FOR THE PROMOTION OF THE SPANISH AUDIOVISUAL INDUSTRY IN THE UNITED STATES

ICEX SPAIN TRADE AND INVESTMENT, E.P.E. (“ICEX”), in collaboration with the Economic and Commercial Office of the Embassy of Spain in Los Ángeles (“OFECOMES LA”), is issuing this Request for Proposal to seek proposals from operators with proven previous track records and expertise in the field in question to submit a proposal to develop and execute a series of research, intelligence, and consulting work for the promotion of the Spanish audiovisual industry in the United States.

ICEX is a public business entity of the Spanish Ministry for Industry, Trade and Tourism, represented in the United States by its network of Economic and Commercial Offices. OFECOMES LA is responsible for the promotion of the “Spain Audiovisual Hub of Europe” in the United States.

ICEX’s mission is to promote Spain’s exports and to support the international expansion of its export companies to improve their competitiveness and attract and promote foreign investment into Spain (www.icex.es).

1. INTRODUCTION

ICEX wishes to hire a consulting company or independent professional with specialized knowledge and access to stakeholders in the audiovisual industry in the United States to provide a comprehensive assessment of the state of the industry, identify trends and stakeholders of interest, collect market data, and provide recommendations of relevant promotional measures and points of action to ICEX, all with the goal of increasing ICEX’s understanding of the audiovisual production landscape in the United States, its operators, and their decision-making processes, and improve the position of companies and talent from Spain in the American market, through an analysis of their strengths and weaknesses, as well as the opportunities that the US industry presents for them.

Professional Qualifications and Requirements

- This Request for Proposal is open to both independent advisors and business promotion and consulting agencies.
- All proposals must detail the team assigned to the project, specify their professional qualifications, and previous projects in which they have taken part, as well as describe the roles and tasks that they will perform, to ensure that the team is sufficient and capable of carrying out all the necessary tasks in the project.
- The team assigned to the project must have expert knowledge of the audiovisual industry in the United States, and of the corporations that make part of it. The following areas are

of interest for the purposes of this project: film, television, animation, and postproduction services (visual and digital effects, editing, etc.).

- The team assigned to the project must have expert knowledge of the decision-making process involved in location scouting, and foreign investment attraction. Knowledge about the acquisition of foreign-produced content in the United States will also be valuable. The processes implemented by large corporations and their differences and similarities to those implemented by smaller production companies, as well as by streaming platforms, as opposed to the traditional studio system, are particularly relevant. In any case, both profiles (majors and smaller production companies) are equally important targets for the purposes of this project.
- The desired network of contacts must favor companies and profiles within production and distribution companies, to promote Spain as a filming and investment hub, and audiovisual content from Spain, respectively. Contacts in other areas of the industry, such as the press, are desirable but not fundamental. Within the companies of interest, the bidder is expected to have access to decisionmakers.
- Knowledge of the Spanish audiovisual landscape and of Spain's competitor countries will be considered a plus.
- Previous experience in similar projects involving business promotion and/or the scaling of audiovisual companies will be a plus.
- The team assigned to the project must be fully fluent in English. Excellent oral and written skills are required. Knowledge of Spanish is desirable but not indispensable.
- The area of interest for this project shall cover the American market, with a strong focus on the Hollywood industry (Los Angeles). Some tasks may require a secondary focus in other areas of the country, such as New York.

Relationship with ICEX

- The successful bidder must work in an unbiased, non-partisan way. Confidentiality is required. Any potential conflicts of interest which may arise must be made known to ICEX when proposals are submitted and for the duration of the agreement. Any market opportunities detected must be shared with ICEX exclusively. This will guarantee that said opportunities are shared with Spanish companies in an impartial manner.
- The successful bidder must consent that all the activities and materials produced within the framework of this project will be subject to its corresponding contract, and therefore will be fully and completely property of ICEX.
- With their proposal, all bidders will be required to provide an acceptance letter, signed by a legal representative of the company, accepting each term and condition stipulated in this

briefing.

2. FRAMEWORK STRATEGY FOR THIS REQUEST FOR PROPOSAL

The audiovisual sector has undergone a global revolution in recent years. The digital transformation and the adoption of new technologies and the emergence of new business models have drastically changed the way audiovisual content is produced. The boundaries of national audiovisual consumption markets have blurred.

This new reality has brought about challenges that require strengthening the Spanish audiovisual production industry, increasing its competitiveness, and favoring its development at the pace set by global growth. To accomplish this evolution of the industry, the capabilities of local economic agents to create exportable productions must be reinforced, and foreign investments must be attracted to finance its growth and make state-of-the-art techniques available in Spain.

The “Spain, Audiovisual Hub of Europe” Plan (Spain AVS Hub Plan) is a global action plan to transform the current Spanish audiovisual ecosystem and boost investment and the development in the audiovisual sector.

The Plan covers strategic aspects of the value chain, whether auxiliary activities supporting production, the production of audiovisual content (in Spanish and other languages), and the post-production, promotion, dissemination, and exploitation of audiovisual content.

The strategic importance of the audiovisual sector is recognized within the “Digital Spain 2025” (ED2025) strategy. One of the main lines of this strategy is to improve Spain’s attractiveness as a European platform for business, work, and investment in the audiovisual field.

The financial resources of this Plan come from the General Spanish Budget and from European Union funds (mainly the European Fund for Recovery and Resilience, the European Regional Development Fund (ERDF) and the Creative Europe Program for the period 2021-2027).

3. SCOPE OF WORKS

Strategic Goals

- Expand ICEX’s network of audiovisual production contacts in the United States, and contribute to ICEX’s understanding on their internal decision-making processes, insofar as location scouting and selection, and content acquisition are concerned.
- Improve the market positioning of audiovisual companies and talent from Spain in the American market, through an analysis of their strengths and weaknesses, as well as of

existing opportunities for them. Contribute to boost Spain's reputation both as a filming location and as a quality content production hub.

The agreement resulting from this bid will inform ICEX's international promotion of Spain in the audiovisual sector and complement its pre-existing strategy. The information gathered by the successful bidder will be of great value to ICEX's decisionmakers and the promotional activities they propose should help increase the American stakeholders' awareness of the Spanish audiovisual ecosystem.

Strategic Actions

- **ASSESSMENT OF THE ISSUE AND STORYTELLING.** Provide a current assessment of the perception of Spain as a filming location and an investment hub. Present a roadmap for the betterment of this perception. Gather information on the critical needs of American companies and how to satisfy them.
 - Meet with relevant stakeholders with decision-making power over filming locations and international investments in infrastructure (stages) or production teams, as well as with companies which have set up production facilities or capabilities outside of the United States.
 - Draft a document assessing the strengths and weaknesses of Spain's offerings, including general proposals for action and priorities. Identify excessive red tape and administrative bottlenecks and provide suggestions on how to ease them.
 - List selling points and create a narrative (storytelling) to be used in meetings where Spain is being promoted as a filming location. Compile this information in a framework presentation. Draft a base questionnaire used to gather relevant information during the meetings.
- **MAJORS.** Identify relevant decision-making departments and the professionals who are part of them, as well as internal processes in the main film and television conglomerates in the United States.
 - Draft a template to synthesize the data collected. This template shall be used to provide an organizational chart for the following corporations (subsidiaries included): Disney, Warner Bros-Discovery, Paramount, Comcast, Netflix, Apple, Amazon, and Fox. The resulting documents should include the organizational structure of the companies, key contacts in each one of them, and determine whether long-standing relationships with production units outside the holding exist.
 - This template shall be a living document and must reflect significant changes in the corporate structure of the audiovisual conglomerates when they take place. The document must be updated continuously to include new information and developments.

- **MINI MAJORS.** Identify smaller-sized companies with recurring production activity abroad, and the main decisionmakers within them.
 - Meet with these production companies to gather information.
 - Draft a document summarizing the essentials about these production companies with an international activity, their relations with larger conglomerates, and key executives involved in their decision-making process.
- **INFORMATION AND INFLUENCE.** Identify relevant events in the American market (and elsewhere, if applicable) where promotional activities would be recommended, as well as specialized and mainstream media, podcasts, social media outlets, etc. which could be used as a platform to improve the positioning of Spain's industry among American decisionmakers.
 - Draft a document categorizing said events by type, their relevance to the Spanish industry, and which kind of promotional activity would be recommended/possible at each one of them.
 - Meet with executives from the main media outlets and gather information to be included with the recommendations.
 - Follow up on activities carried out by other competing countries, benchmark best practices, and stay updated, and communicate relevant changes to their policies.
- **IMPACTFUL ACTIVITIES.** Provide counseling on promotional activities which would have a greater impact on decisionmakers. Contribute to the design of these activities while maximizing the available budget. Follow up on the execution of these activities.
 - Collaborate in the design of detailed proposals specifying which activities, why, and how to undertake them.
 - Accompany and advise ICEX personnel in the execution of the promotional activities.
 - Suggest new promotional activities within the framework of industry Events in which ICEX and Invest in Spain already participate, such as American Film Market (Los Angeles) and Content Americas (Miami).
- **SELLING AUDIOVISUAL CONTENT.** Identify platforms and events where Spanish creators can present their projects, obtain funding and/or sell their content.
 - Draft a document listing suggested events and the reason why they have been chosen. This includes putting together specific events or participating in events organized by third parties.
 - Participate in industry events with the goal of gathering information and establishing relationships of value to promote Spain in the United States.

- **INCREASING ICEX AND SPAIN'S VISIBILITY.** Introduce the Spain Audiovisual Hub initiative and ICEX personnel to decisionmakers in the American industry.
 - Include representatives for ICEX in meetings with selected American producers.
 - Identify valuable networking events and take part in them, together with ICEX representatives.
 - Include ICEX representatives in introductory and follow-up correspondence with stakeholders.
 - Speak at relevant roundtables and/or panel discussions, connect with traditional media and digital creators with influence over the target audience.

- **TRENDS.** Identify facts of interest for the Development of a promotional strategy: trends, news from main competitors, etc.
 - Periodically share publications of interest, audiovisual content included, with ICEX representatives.
 - Share information and points of view with ICEX regularly.
 - Identify and follow up on the main trends in the industry.

- **OPPORTUNITIES.** Identify relevant investment opportunities, gather information about them, and share with ICEX, so that Invest in Spain and the Spain Audiovisual Bureau may follow up on them.
 - Share opportunities for potential filming projects with Invest in Spain.
 - Identify investment opportunities in infrastructure, particularly those related to new technology (virtual production) and long-term framework agreements for recurring production (production commitments, etc.)
 - Identify American companies interested in exploring an equity interest or the acquisition of a Spanish audiovisual company.

- **TRAINING.** Identify investment opportunities from American educational institutions interested in providing training and education in Spain and establishing collaboration agreements with Spanish counterparts.
 - Identify universities and training centers with an international footprint or interested in developing it. Gather information about their strategy for international markets.
 - Provide suggestions on how to create investment opportunities within the education landscape in Spain.
 - Explore opportunities for collaboration with these organizations to raise Spain and the Spanish industry's profile among younger or junior professionals.

General Guidelines

- The successful bidder must develop a relationship based on trust, transparency, and professionalism with ICEX's local team. ICEX will be responsible for validating the strategy and actions proposed by the successful bidder. The successful bidder and OFECOMES LA will be in constant communication, so that the ICEX team is up-to-date on any prospective activities (validation is required) and receives feedback on the outcome of previous actions. Communication between both parties will be ongoing.
- Contacts with industry professionals will preferably be conducted in person, to establish long-lasting relationships with target stakeholders. The successful bidder will highlight ICEX's importance as a point of reference for the American industry when establishing relationships with Spanish institutions and companies.
- The focus of this project is the attraction of filming and productive investments into Spain. A secondary area of interest is the sale of audiovisual content and the securing of funding for audiovisual projects.
- Four areas of interest which do not always fall under the responsibility of the same team in large corporations have been defined for this project: feature films, series, and animation.
- All meetings and Events in which the successful bidder and/or ICEX participate will have a two-prong purpose: collecting relevant information and promoting the advantages that the Spanish audiovisual industry represents.

Deliverables

- Initial assessment: state of the industry. List of target meetings for each area of interest.
- PowerPoint presentation (selling points, storytelling) and basic questionnaire to be used during meetings. This questionnaire shall vary depending on the American counterpart being interviewed and can be modified and perfected as the project progresses.
- Template summary document for meetings: contact details (email address, LinkedIn profile, phone number), information gathered, relevant notes, recommended actions (follow-up). The successful bidder will document every meeting and share it with the local ICEX team.
- Communication plan for the Spanish industry in the United States: suggestions and schedule of communication actions to undertake. The communication plan must include suggestions for advertising in the press (mainstream and specialized media), social media initiatives, and involvement in professional, industry events. This plan shall be deliverable three months after the start of the contract and will be executed during the rest of 2024.
- List of target events and contact details of the organizers. List of events, social media accounts, podcasts, etc.
- Work plan (at the beginning of a quarter). Report on completed actions (at the end of a quarter).
- Actions recommended (quarterly).
- Organizational chart and decision-making guide for location scouting at the majors.
- Compilation of trends and news of interest (monthly).
- Summary of initiatives for filming and investment attraction by competitor countries.

- List of most attractive countries for international productions, and specific mention of those which are usually compared to Spain.
- List of deciding factors production companies consider when choosing an international location for filming or investments, besides tax credits and/or incentives (working conditions, labor costs, market flexibility, etc.).
- Recommendations and opportunities in the education and training arena.
- Framework document on investment opportunities, for filming and infrastructure.
- Suggestions for content sales and funding attraction.
- Final assessment: updated state of the industry.

4. PLACE OF SUPPLY OF SERVICES

The successful bidder shall be based or have offices in the Los Angeles area.

5. FINANCIAL PROPOSAL AND TERM OF THE CONTRACT

The financial proposal must be in US dollars (USD) and exclude taxes.

Maximum budget: 220.000 USD. Taxes excluded.

The contract is expected to enter into force in late 2023 and will terminate one (1) year after its entry into force (December 31st, 2024 at the latest). Once it expires, it can be renewed for a maximum period of one more year.

The **estimated value** (value of the main contract and its possible extension) of the contract will be 440.000 USD (four hundred and forty thousand US dollars), taxes excluded, according to the following:

- **Main contract** maximum budget: **220.000 USD.**
- **Extension:** **220.000 USD**

Proposals exceeding the maximum available budget of 220.000 USD, excluding taxes, will not be considered.

ICEX is a Spanish institution based in Spain for all purposes.

The proposals should include a breakdown in which the price offered, and taxes must be clearly described and separated.

ICEX will evaluate the proposals on the basis of the offered prices, excluding taxes.

6. AWARD PROCEDURE AND SCORING CRITERIA

- **Financial Proposal**

- **Promotion and Communication Plan**

This score refers to the content and merits of the program presented, in relation to the specified objectives, their creativity and innovation.

- **Team**

This score refers to the qualifications, expertise, and solvency of the professional team carrying out the tasks specified in this briefing.

The score will depend greatly on the profile of the program leader that will participate in most of the meetings and be the contact person for the local ICEX team. It will consider their technical profile and relevant experience, their network of contacts, their public participation in industry events, social media activity and other information that justifies they are skilled to do the job.

The bids will be assessed according to the following criteria:

CRITERIA	MAXIMUM POINTS
<p>Financial Proposal (to be included in Document 3)</p> <p>Bid price scoring will be assigned according to the following criteria (only for bids not considered disproportionate or anomalous):</p> <ul style="list-style-type: none"> -The bidder with the lowest price will obtain the maximum score; the rest will be allocated points proportionally. 	30
<p>Promotion and Communication Plan (to be included in Document 2)</p> <ul style="list-style-type: none"> - The quality and diversity of the contents of the proposal, and their ability to meet the needs of the project (as specified in sections 1-3 of this request for proposal), shall be scored up to a maximum 20 points (see score allocation criteria below this table). - The formal aspects of the proposal, including its clarity, organization, and use of an innovative and effective presentation, shall be scored up to a maximum 10 points (see score allocation criteria below this table). 	30
<p>Team</p> <p>Project Leader:</p>	40



- A proven track record of experience working in the audiovisual industry is required. Points will be assigned up to a **maximum 25 points** based on the project leader's years of relevant experience working in the industry.

The experience will be fully considered if it is relevant to develop the tasks required by this contract.

- For up to 5 years of experience in the industry, project leaders shall be allocated 0 points (as it is the minimum experience required).
- For 6-10 years of experience in the industry, project leaders shall be allocated 15 points.
- For 11-15 years of experience in the industry, project leaders shall be allocated 20 points.
- For over 15 years of experience in the industry, project leaders shall be allocated 25 points.

- The diversity of the project leader's professional experience within the audiovisual industry will be assessed **up to a total of 10 points**. More diverse careers in different jobs related to the object of the contract will score higher.

Project leaders with experience working in similar promotion projects for film commissions, companies, or organizations in the United States shall receive 5 points.

Project leaders with experience working with Spanish companies and/or organizations in the audiovisual industry, and/or in Spain, shall receive 5 points.

- If the allocated team consists of two or more members (project leader plus 1 or more additional members), the bidder shall receive **5 points** if said additional members comply with the experience requirements established for the project leader (i.e., at least 3 years of relevant experience). Only 5 points will be allocated for all additional team members who comply with this requirement, regardless of their number. In other words, bidders who include 1, 2, 3 or more additional members in compliance shall all receive 5 points.

TOTAL

100



Proposals received, other than by price (Technical proposal), will be scored as follows. Please, note that if further explanation about the scoring criteria is provided in the table above, it is fully consistent with the explanation in the table below):

0% of allocated points	Major Reservations/ Constraints	<p>Technical proposal criteria: The proposal simply states that the bidder can meet some of the requirements set out but does not provide information or details on how they will do so.</p> <p>Team criteria: There are doubts that the team is skilled to do the job.</p>
50% of allocated points	Compliant	<p>Technical proposal criteria: The bidder has provided some information about how they intend on meeting most of the requirements. There is some doubt regarding their ability to consistently meet the full range of requirements.</p> <p>Team criteria: The team shows areas of weakness in their profile that might difficult the performance of some tasks.</p>
75% of allocated points	Fully Compliant	<p>Technical proposal criteria: The bidder has provided detailed information covering all elements, detailing how they propose to meet all the requirements. This gives full confidence in their ability to consistently meet the full range of our requirements. The strategy is sound.</p> <p>Team criteria: The team is skilled to do the job, showing no relevant knowledge or experience gaps.</p>
100% of allocated points	Exceeds Requirements	<p>Technical proposal criteria: The bidder meets the required standard in all respects and exceeds some or all the major requirements, which in turn leads to added value within the contract. Sound strategic view on how to fulfil the required tasks.</p> <p>Team criteria: Outstanding level of the team.</p>

Financial proposals will be evaluated to determine whether they can be considered disproportionate or anomalous.

Bids will be considered disproportionate or anomalous when:

- The financial proposal is 20% below the maximum budget; in cases where there are fewer than three bidders.
- The financial proposal is 20% under the arithmetic mean of the bids submitted; in case there are three or more bidders. In any case, the most expensive bid will be excluded, when calculating the arithmetic mean.

Whenever a bid is considered disproportionate or anomalous, the interested party will be requested to justify their proposal, its terms and conditions within 72 hours of notification. Having received said amendment or the aforesaid time limit having expired, OFECOMES LA and ICEX will decide, upon technical advice, if necessary, whether to consider the bid disproportionate or anomalous, excluding it accordingly.

All bids will be compared on equal terms.

7. PROCUREMENT BOARD

Appointed members of the Procurement Board:

President	Javier Yraola	Project Management Director, Invest in Spain
Substitute	Fabia Buenaventura	Head of Department, Invest in Spain
Member	Pablo Barea	Head of Department, Economic & Commercial Office of Spain in Los Angeles
Substitute	Senín Carbia	Head of Department, Economic & Commercial Office of Spain in Los Angeles
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Substitute	Pablo Barea	Head of Department, Economic & Commercial Office of Spain in Los Angeles
Member	Elena Moreno	Audiovisual Investors Service Manager, Invest in Spain
Substitute	Blanca Carbonell	Head of Department, ICEX
Secretary	Pedro Patiño	Deputy Director of Procurement
Substitute	Isabel Arias	Member of the Procurement Department

8. REQUIREMENTS

BIDDERS:

- Bidders must have a strong and **proven track record** in providing similar services to companies, organizations, or governmental agencies in the audiovisual sector. The technical solvency shall be demonstrated by submitting information about similar projects carried out in the United States.
- **Financial solvency:** All competing bidders will be required to provide a solvency report, including their financial accounts for the best of the last three accounting (3) years. The

minimum annual total turnover requirement is an amount equivalent to 100.000 USD, in the best of the past three (3) accounting years (2022, 2021 and 2020).

- As the project will take place in the United States of America bidders must be based in the United States or have offices within the United States and have the ability to carry out all tasks pertaining to the project.

TEAM:

- **Project Leader:** Minimum of five (5) years' leading experience working in the audiovisual industry in the United States, particularly in the establishment of strategic partnerships in the United States. Full English competence required; Spanish is desirable. Must be proactive and goal oriented. They must be fully engaged with ICEX and with OFECOMES LA. The project manager must not be a mere supervisor. They shall be able to participate in monthly follow-up meetings and related activities. Their absence must be duly justified in advance.
- **Additional Team Members (if applicable):** Minimum of three (3) years' leading experience working in the audiovisual industry in the United States, particularly in the establishment of strategic partnerships in the United States. Full English competence required; Spanish is desirable.

Non-compliance with any of the requirements established in the present briefing will result in the disqualification of the bidder concerned.

It is expected that the key team members assigned to the project remain as part of the team for the duration of the contract.

The team assigned to the project should be detailed in the proposal, along with an indication of each person's role.

In case of substitution of team members, fifteen (15) days in advance, the successful bidder will have to:

- Submit a change request explaining the reason for the change.
- Submit the resumé of the new team member, who should have at least the same qualifications and experience as the one to be replaced.
- Assume the costs of knowledge transfer and overlapping of both profiles.

The incorporation, substitution or dismissal of the persons designated by the contractor shall require coordination with ICEX. Any changes to key personnel could affect the potential renewal. The role of each team member assigned to the project shall be specified in the bid. In addition, their resumé must be included in the proposal. The awardee must designate a primary contact person that is informed of all aspects of the program, including administrative matters, and has direct continuous communication with ICEX, represented by OFECOMES LA.

In order to ensure that the bidder meets these requirements, Document 1 must include a declaration certifying that the team complies with the minimum experience required.

9. **PROPOSALS**

Proposals must be detailed and must be divided into **3 separate documents** as follows:

DOCUMENT 1 (PDF file.)

- **Introduction of the bidder's experience on previous similar projects. Special focus on projects related to the promotion of companies, organizations, or governmental agencies in the United States and/or the audiovisual industry.**
- **Documents that certify compliance with the financial solvency requirement.**
- **Responsible Declaration assuring the minimum team's requirements assigned to the project along with an indication of each person's role as indicated in this request for proposal.**
- **Acceptance letter.**
- **Confirmation of company's address in Los Angeles area.**
- **Letter confirming that the team fulfils the requirements established in the briefing.**

DOCUMENT 2 (PDF file.)

- Technical proposal, detailing the proposed promotion and communication plan.
- **The financial proposal must not be included in this document. Doing so will result in the bidder being excluded from the assessment.**
- **Résumé of all team members, including the roles they would play in this project, and specifying their involvement.**
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DOCUMENT 3 (PDF file.)

- Financial proposal in USD. Provide a file following the template in ANNEX 4 with a detailed budget, with a breakdown of all costs.
- ICEX will evaluate tenders based on the prices quoted, excluding taxes. The tenders should include a breakdown in which the price quoted and taxes, if applicable, must be clearly separated.

Financial proposal model will be attached to this tender and agencies must herein specify budgets for each area.

The price contained in the economic offer shall not be included in Documents 1 or 2.

Proposals exceeding the maximum available budget of 220.000 USD, taxes excluded, will not be considered and be will automatically be disqualified.

This briefing will be circulated to multiple bidders and will be published in the OFECOMES LA website (<https://www.icex.es/es/quienes-somos/donde-estamos/red-exterior-de-comercio/US/contacto/nuestras-oficinas/los-angeles>).

Queries regarding this tender must only be addressed in writing, by emailing tenders@icex.es by December 7th, 2023 at 11:59 pm Los Angeles local time. In the interest of fairness, questions posed by participating companies, as well as the answers provided by ICEX, may be shared with all other participating companies. ICEX will not be able to answer questions asked after the above deadline.

All documents must be submitted either in English or in Spanish. Interested companies or individuals should send their bids in electronic format to tenders@icex.es. Term for submission of offers: 21 calendar days from the day after publication. The exact date and time will be published in OFECOMES LA portal.

If all documentation pertaining to the bid is larger than 4 Mb, please send it via WeTransfer or similar.

ICEX and OFECOMES LA may declare no winning bidder if the proposals received do not meet the requirements.

All competing companies submitting a proposal should be aware that ICEX Legal Services will review the documentation submitted by each company to ensure that they comply with the requirements of this briefing. After verifying compliance with said requirements, the technical offer will be reviewed and evaluated. Once scores have been assigned, the economic offer will be evaluated. The proposed budget will not be known to the procurement board until that moment.

Documentation evidencing beneficial ownership (projects financed by the Recovery, Transformation and Resilience Plan).

In addition to the documentation to be included in the bid, the contracting body may request documentation evidencing the beneficial ownership of the tendering companies in the event that a black flag is detected by the 'MINERVA' tool, as regulated for this purpose in ORDER HFP/55/2023, of 24 January, on systematic analysis of the risk associated with conflicts of interest in the procedures implementing the Recovery, Transformation and Resilience Plan (RTRP).

Failure on the part of the tendering companies to submit the documentation evidencing their beneficial ownership in the manner and by the deadline indicated in the request made by the contracting body before the tenders are evaluated will be grounds for exclusion from this procedure.

10. AWARD NOTIFICATION DEADLINE

ICEX and OFECOMES LA will assess the proposals submitted within the deadline. Final decision about the award will be notified properly and on time to the bidder that best fits the purposes of this Request for Proposal. The awarded company, upon notification, should submit ANNEX 1 – Multiple Declaration of the Awardee of the Contract Financed by the Recovery, Transformation and Resilience Plan – and ANNEX 2 – Request for Information on Beneficial Ownership - signed.

If the first selected bidder does not submit the corresponding documentation within the established term or resigns, the contract may be awarded to the next bidder according to the order established by the Procurement Board.

11. SIGNING OF THE CONTRACT

A contract between the awardee and OFECOMES LA will be signed as soon as possible after the bidding process is over and a decision is made.

The contract will expire one year after its entry into force (and at the latest, December 31st 2024).

12. EXTENSION OF THE CONTRACT

ICEX reserves the right to extend the contract for a maximum of one more year, should both parties agree to do so. The possible extension of the contract will be settled in an additional agreement, signed by both parties.

The extension price will not exceed the price of the main contract.

13. PAYMENTS

The awardee will be entitled to payment for the services provided as set out in the contract.

The following schedule of quarterly payments has been established:

- A first payment equivalent to 25% of the total value of the contract shall be payable three (3) months after the start of the contract, provided the bidder has fulfilled all duties for the period in question and the deliverables associated have been duly submitted to ICEX, their content has been reviewed, and ICEX has deemed it to be correct and sufficient.
- A second payment equivalent to 25% of the total value of the contract shall be payable six (6) months after the start of the contract, provided the bidder has fulfilled all duties for the period in question and the deliverables associated have been duly submitted to ICEX, their content has been reviewed, and ICEX has deemed it to be correct and sufficient.
- A third payment equivalent to 25% of the total value of the contract shall be payable nine (9) months after the start of the contract, provided the bidder has fulfilled all duties for the period in question and the deliverables associated have been duly submitted to

ICEX, their content has been reviewed, and ICEX has deemed it to be correct and sufficient.

- A fourth and final payment equivalent to 25% of the total value of the contract shall be payable twelve (12) months after the start of the contract, provided the bidder has fulfilled all duties for the period in question and the deliverables associated have been duly submitted to ICEX, their content has been reviewed, and ICEX has deemed it to be correct and sufficient.

Payment will be made upon submission of invoice and the acceptance by ICEX of the services provided on that period. ICEX will review and assess all documents and reports submitted by the successful bidder before issuing any payments. Invoices should be submitted twenty (20) days before the agreed payment date. Invoices will be paid within thirty (30) days of being submitted.

Administrative requirements for billing - Invoicing details:

All invoices must be billed to:

ICEX España Exportación e Inversiones, E.P.E. (ICEX Spain Trade and Investment)
Paseo de la Castellana, 278
E-28046 Madrid (Spain)
VAT number: ESQ - 2891001F (ICEX is VAT registered in Spain)

And dispatched to:

Trade Commission of Spain in Los Ángeles (Economic and Commercial Office)
1900 Avenue of the Stars, Suite 2430
Los Angeles, CA 90067

No expense on behalf of ICEX can be incurred in before the date of signature of the corresponding contract or without prior written approval.

14. SUPERVISION OF THE WORKS

ICEX and OFECOMES LA will directly monitor the development of the project. To this extent, the awardee must facilitate examination of any process or phases of the work to ICEX representatives assigned in each case.

The awardee shall also allow the presence of representatives designated by OFECOMES LA in the activities related to this project.

A monthly follow-up and evaluation meeting between the successful bidder and ICEX

15. LIABILITIES OF THE AWARDEE

The awardee will be responsible for the technical quality of the work, performance and services performed under the contract, and for any consequences for ICEX and third parties derived from omissions, errors, inadequate methods, or incorrect conclusions in the execution of the contract.

The awardee shall answer before ICEX and OFECOMES LA for any possible claims brought by third parties based on the awardee's activity.

16. INTELLECTUAL PROPERTY AND CONFIDENTIALITY

All intellectual or industrial property rights in the work created by the successful bidder and all the information gathered by them in connection with the contract shall belong to ICEX.

The successful bidder is required to share with ICEX the list of organizations and professionals that they contact, including their contact details (names and titles, email addresses, telephone numbers, etc.).

The successful bidder shall, at its own expense, defend any claim or threatened claim brought by third parties against ICEX, insofar as said claim is based on the allegation that the work carried out by the successful bidder within the framework of this contract infringes intellectual or industrial property rights of third parties or constitutes an undue appropriation of trade or industrial secrets belonging to third parties.

The successful bidder is obligated to maintain professional confidentiality in regard to the information and documentation provided by ICEX for the performance of the services.

The successful bidder shall only permit access to confidential information to those persons who have a need to know it for the purposes of carrying out the activities and services under the contract. The successful bidder shall be responsible for ensuring compliance with the confidentiality obligations by the personnel in its employ and by any persons or entities working in collaboration with the successful bidder or subcontracted by them.

The successful bidder also undertakes not to use any confidential information belonging to ICEX to which they may have access to for its own private purposes or for any other purposes.

This obligation shall remain in force both during and after the end of the activities to which the contract relates, until the said information comes into the public domain or, for any other legitimate reasons, loses its confidential status.

Failure to comply with the obligations indicated above shall entitle ICEX to bring civil or even criminal actions against the successful bidder for any liability that might be applicable.

This clause shall not apply to information that is (i) in the public domain, (ii) already known to the party receiving it, (iii) disclosed in compliance with court orders or under legal obligations.

17. APPLICABLE LEGISLATION

The services shall be governed by the terms of the Agreement entered between the awardee and by this Request for Proposal, which shall be incorporated to the same, and in default of the above, the Spanish legislation shall be applicable.

18. JURISDICTION

In order to solve any dispute, disagreement, issue or claim which may arise from the performance of the Agreement executed with the awardee of this Request for Proposal, the matter will be referred to the ordinary Courts. The parties, renouncing the jurisdiction that may correspond, expressly submit to the Courts of the city of Madrid.

Los Angeles, on the date of the signature

ICEX Board of Directors

By Delegation (Resolution of 30 September 2021 BOE [Official State Gazette] No. 243
of 11 October 2021),

Mr. Juan Luis Gimeno Chocarro
Economic and Commercial Counsellor
Economic and Commercial Office of Spain in Los Angeles

