



MARKET REPORT ON THE BRAND POSITIONING OF SPANISH WINES IN THE UNITED STATES

**BRIEFING/CONTRACTUAL CONDITIONS
CALL FOR BIDS
FROM CONSULTING AGENCIES
FEBRUARY 2023**

**ICEX ESPAÑA EXPORTACIÓN E INVERSIONES, E. P. E.
TRADE COMMISSION OF SPAIN, NEW YORK**

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THE INFORMATION CONTAINED IN THIS DOCUMENT IS PRIVATE AND CONFIDENTIAL AND MUST NOT BE USED OR SHARED FOR ANY PURPOSE OTHER THAN THE PREPARATION OF PROPOSALS.

ICEX España Exportación e Inversiones, E.P.E. (hereinafter **ICEX**), represented by the Trade Commission of Spain in New York, invites specialized market research consulting companies to submit their proposals for a comprehensive benchmark market report on the positioning of Spanish wines in the US market, in accordance with the terms and conditions set out below.

1.-	Contracting Authority:	ICEX España Exportación e Inversiones, E.P.E. (ICEX Spain Trade and Investment) VAT No. Q2891001F
2.-	Case Number:	X054-02-2023
3.-	Scope of the contract:	To select a specialized research consultancy to carry out a market report on the brand positioning of Spanish wines in the US market.
4.-	Submission of tenders:	The three (3) separate documents that represent the proposal must be sent via email EXCLUSIVELY to tenders@icex.es by 9:00 am CET on March 10th . Attachments should not exceed a total of 4MB in size; in the event that they are larger, a tried and tested file transfer service should be used.

1. TERMS OF REFERENCE

ICEX, the Spanish agency for the promotion of trade and investment

ICEX (www.icex.es) is a Spanish public body established in 1982 whose main purpose is to promote the internationalisation of the Spanish economy. ICEX is attached to the Ministry of Industry, Trade and Tourism (MINCOTUR) (www.mincotur.gob.es) and is responsible for developing and implementing the Ministry's international economic policy. However, ICEX is not part of the state administration, and has a degree of operational and budgetary autonomy.

Since its foundation, ICEX has played a crucial role in the modernisation of the Spanish economy. ICEX's original mandate was **to promote the export of Spanish products to international markets**, and it has had much success, gaining a great deal of experience in the pursuit of this objective. The catalogue of promotional activities is very broad and includes the organisation of trade missions, events promoting Spanish products, aiding the participation of Spanish companies at international trade fairs, and market research and reports, amongst other services.

Furthermore, ICEX has gradually developed other products and services, aimed not only at supporting exporters but also at others involved in the international distribution chain for Spanish products, such as importers, distributors, and members of the press.

Thanks to ICEX's success, and Spain's increasing integration into the international economy, the ICEX mandate has been extended and updated to also include boosting the competitiveness of Spanish companies, especially SMEs, and attracting direct foreign investment to Spain.

Regarding the first of these objectives, ICEX has developed various informational, educational, and promotional programmes to improve the tools available for enhancing the competitiveness of SMEs in foreign markets.

It has also been key in the expansion of Spain's direct foreign investment in international markets, coordinating the different policies and types of support provided by public entities in Spain to offer companies a broad range of assistance. Regarding the second objective, ICEX has played an important role in improving the business environment in Spain, analysing, and adopting best practices in international trade, and therefore encouraging foreign investors to develop and expand their projects in Spain.

To achieve its mission, ICEX has an extensive network of professionals who specialize in this field. These professionals work at ICEX's headquarters in Madrid, at the 30+ Territorial and Provincial Trade Offices based in different Spanish cities, and at the almost 100 Economic and Commercial Offices established in Spain's Embassies and Consulates worldwide.

Industry specific information

USA is the third largest export market for Spanish wines, the UK is second and Germany is first. In the US market Spanish wine imports have grown steadily over the last 20 years. Spanish wine imports currently rank sixth in volume and fourth in value, offering plenty of opportunity for growth.

Spain is the third largest producer of wine in the world, the world leader in wine exports and the #1 leader in organic vineyards planted. Spain also offers an extensive range of world class wines crafted from indigenous and organically grown grape varieties, displaying the regional diversity of its 73+ protected designations of origin. With traditions in winemaking dating back to Roman times, and more acreage under vine than any other country, Wines produced in Rioja, Ribera del Duero, Rias Baixas and Rueda with the native Tempranillo, Garnacha, Albariño and Verdejo grapes are most widely distributed in the US, along with Cava, Spain's signature traditional method sparkling wines, as well as the unparalleled fortified wines of Jerez. But less familiar regions working with Monastrell, Mencia, Bobal, Cariñena, Godello, Macabeo and dozens of other indigenous varieties have also found the favour of the US wine media, trade and wine loving consumers.

Technical scope of market research

ICEX wishes to hire a wine specialized economic and market research agency (hereinafter, the Agency) to provide a comprehensive market research report to **benchmark the position of Spanish wine in the United States (US)**, with the aim of informing future strategy and marketing programs for the Spanish wine sector as a whole, and its constituent regions and wineries.

The resulting benchmark report will provide the analysis and insight for an advisory project that ICEX will launch in 2023 to assist Spanish wineries in their brands positioning in the US market. Companies bidding on this benchmarking report project will also be invited to provide proposals for that second phase project at a later date.

The research undertaken will need to address the following:

- Consumer analysis by geographic area, socio-demographic profile, socio-economic profile, and of the frequency and occasion of consumption.
- The attributes of wine most valued by wine consumers in general, and by Spanish wine consumers in particular.
- Trends that will likely become stronger and influence wine consumption in the future (presentation, alcohol content, consumption habits, etc.)
- Identification of key groups that are generating trends.
- Provide analysis of which factors will provide greater resilience to price rises.
- Market projections for 2023-2026.

A. Comparative Market Analysis

Provide quantitative data for the overall US wine market, the market for Spanish wine and that of its major competitor countries and regions, to include the following:

- Sales trend data for the overall US wine market for domestic wines and imported wines.
- Comparative US sales data for Spanish wines overall and its major competitors (USA, Italy, France, Australia, New Zealand, Argentina, Chile, Portugal).
- Comparative estimates of Spanish and major competitor wine sales by state / market and distribution channel (on-trade, off-trade, online, etc.).
States to target: MA, CT, NY, NJ, PA, DC, MD, VA, NC, SC, FL, GA, TX, OH, IL, CO, NM, AZ., NV, CA, OR, WA.
- Quantify market in 9L cases for Spanish wines and for major competitor countries, as well as for leading appellations or regions (e.g., Rioja, Ribera del Duero, Priorat... vs Bordeaux, Napa, Chianti, Marlborough...)
- Estimate the market for Spanish wines by type of Spanish wine sold (white, red, rosé, sparkling, fortified, natural/organic, etc.), and by major grape variety (Tempranillo, Garnacha, Albariño, Verdejo, Monastrell, etc.).
- Estimate the distribution of Spanish wine by volume, price segment, sales channel (on premise and off premise – to include grocery, wine shops, club stores and online), and by geographic region or port of entry.
- Compare sales trends in wine with other products in the alcoholic beverage category, such as beer, spirits, and cider.

B. Consumer Analysis:

Analyse consumer awareness and perceptions of Spanish wines as compared to wines from other major producing countries: USA, Italy, France, Australia, New Zealand, Argentina, Chile, and Portugal.

- Provide profile of US wine consumers and the market share for each group.
- Identify the key demographic and psychographic attributes that correlate with current and potential Spanish wine consumers, basing findings on a statistically significant representative sample of consumers of Spanish wine.
- Survey core wine consumers on their awareness, trial, purchasing and perceptions of the quality and value of Spanish wines of different colors and price segments, and compare to those of the other countries and regions.
- Measure consumer awareness by geographic area, socio-demographic profile, socio-economic profile, frequency, and occasion of consumption, among a representative sample of core wine drinkers, with results that can be projected to the entire population.
- Identify the main substitutes for Spanish wines from the perception of the consumer.
- Identify country brand image for the major producing countries (Italy, France, Australia, New Zealand, Argentina, Chile, and Portugal)

C. Trade Analysis

Survey and interview wine importers and distributors in major US wine markets (NY, Chicago, South Florida, Los Angeles, San Francisco, Texas).

- Identify among all major channels of the trade, the perceived attributes of Spanish wines, the ease and/or challenges of selling Spanish wines, any barriers to growing the category and their overall outlook for Spanish wines.
- Identify which are their perceptions of the quality and value of Spanish wines and the ease or difficulty of selling Spanish wines as compared to those of the other major wine producing countries and regions.
- Identify what singular attributes of Spanish wines the wine trade identifies as most valued by consumers who regularly purchase wines. Does that vary by DO or region?
- Identify which attributes set Spanish wines apart from those of other leading countries and regions.
- Identify the current perception of Spanish wine packaging, wine labels and the information shared.

- How important are the wines from different DO's, regions, types and grape varieties to their sales?
 - Which demographic groups, geographic areas and distribution channels do they believe offer the greatest promise for growing Spanish wine sales in the US?
- * Findings should include data or feedback from each of the major distribution channels at the wholesale and retail level.

D. Suggested methodology

To provide answers to the questions posed, it is expected that the Agency will need to bring together a variety of sources of data and design several consumer surveys, as well as conduct in-depth interviews with key market players in the US wine industry.

The Agency proposal should list which surveys they recommend and other sources they plan to employ.

- Consumer surveys: Recommended sample size of adult respondents needs to be large enough to ensure statistically significant and representative results of frequent and core consumers of wines in the major markets and target states (indicate recommended sample size)
- Trade Surveys: Interviews and surveys with wine importers, distributors, and wine market specialists in the US. Agency to conduct in-depth interviews with a representative group of leading professionals from the top 12 markets for Spanish wine (minimum of 60 interviews).
- Create survey for Spanish wineries selling wine in the US regarding market conditions and sales. *Note:* The survey will be designed by the Agency, however ICEX will circulate the survey among Spanish wineries who export to the US and provide follow up to maximize responses. Agency will process the responses (approximately 4-500 responses are expected).

Deliverables

The winning Agency will be expected to provide ICEX with the following documentation at the end of the contract:

- ✓ Market report in PDF format.
- ✓ Five copies of the report, comb bound.
- ✓ Presentation consisting of slides in PPT format, to include the main conclusions for each section of the report.
- ✓ Excel file with the tabulation of data from the surveys and interviews processed for each group.

2. PURPOSE OF THE CONTRACT

To engage the services of a specialised consulting agency (Agency) to carry out a comprehensive benchmarking market report on the positioning of Spanish wines in the US market, as described in the Technical Specifications above.

3. CONTRACT, APPLICABLE LEGISLATION AND JURISDICTION

- a. **Campaign contract.** Once the winning company has been selected, a contract will be signed between ICEX and the Agency (hereinafter referred to as the Contract) which will include copyright and intellectual property clauses, activities to be carried out, payment terms and conditions, and other details.
- b. **Applicable legislation.** Spanish legislation shall be applicable to the contents of this tender. All works shall be governed by the terms of the agreement entered between the Awardee Agency and by the tender specifications, which shall be incorporated in the same, and in default of the above, Spanish legislation shall be applicable.

To solve any dispute, disagreement, issue or claim which may arise from the performance of the Agreement executed with the Awardee of this tender, the matter will be referred to the Ordinary Courts and Tribunals of Madrid (Spain), expressly waiving any other jurisdiction. The language used in any dispute shall be Spanish.

CONTRACT TERM

The contract will be effective from the date of signature until the delivery of the works once these have been accepted by ICEX. A preliminary submission of the report will be required around May 30, 2023, or two months after the formalization of the contract.

The project implementation schedule should not exceed four months from the date of contract signature.

4. CONTRACT BUDGET

Base tender budget. The base tender budget for the research and preparation of the market report is set at One Hundred and Sixty US Dollars (\$160,000), to include all Agency fees and any third-party costs, regardless of whether or not they are accrued.

Under no circumstances can bids exceed the base tender budget.

All bids where fees (exclusive of taxes) exceed the base tender budget will be immediately excluded from this tender.

Bids must include a breakdown of fees quoted and applicable taxes.

The evaluation of fees proposed in bids will be based on the fees quoted, excluding taxes.

5. PAYMENT AND INVOICING

Contract amount. The parties will only be bound by the content and amount stated in the Contract. The Agency should not incur any expenditure on behalf of ICEX prior to the date of signature of the corresponding contract and without prior approval from ICEX, represented by the Trade Commission of Spain in New York.

Invoices. Corresponding invoices are to be provided to ICEX, in US Dollars (US\$) in accordance with the following schedule:

- An initial payment of 20% will be made upon signing of the contract.
- A second payment of 30% will be made after the submission of the preliminary report.
- A third payment, for the outstanding amount, will be made once the completed market report has been delivered and approved by ICEX.

Invoice details. All invoices submitted to ICEX must be issued as follows:

ICEX España Exportación e Inversiones, E.P.E.
VAT No.: Q 2891001 F
Paseo de la Castellana, 278
E-28046 Madrid

And must be sent to:

ICEX España Exportación e Inversiones, E.P.E.
Trade Commission of Spain
405 Lexington Ave. 47 fl.
New York, NY 10174

Assignment of the contract. Assignment of the contract to a third party is not permitted.

6. CONSULTING AGENCY PROFILE AND REQUIREMENTS

Agency profile. ICEX is seeking an Agency with a proven track record in the field of research and the study of the US wine market. The Agency must have the human and material resources necessary for the successful implementation of the project outlined in this briefing.

- i. **Meetings.** The Agency must be able to hold meetings with ICEX, represented by the Trade Commission of Spain in New York City, on both a regular and an ad hoc basis. These meetings may take place by video conference, if required.
- ii. **Languages.** The report that is the object of this contract must be presented in English. Communication between ICEX and the Agency will be in English.

Administrative requirements of the Agency:

- **Project references.** In order to evaluate the technical capability for undertaking the project, the Agency must include a list of at least three market research reports with similar characteristics and/or scope carried out within the last five years, table of contents and entities for which they have been executed. The references submitted must indicate dates and also a brief description of the activities carried out.
- **Project team and resources.** The Agency must demonstrate that it possesses both the tangible and intangible resources necessary for the successful implementation of the project described in this briefing. To enable an effective evaluation of the capacity to undertake the campaign, the Agency must detail all technical resources to be deployed and state the names of the core team that is to be responsible for the project.

The **core team** must comprise of a **minimum of two senior professionals** who hold university degrees and have proven skills in statistical analysis and data exploitation and as research consultants in the US wine industry.

- **Senior Researcher and Project Leader** with a minimum of 8 years' experience, including 4 years working with the US wine industry within the last 6 years, and at least 4 years' experience in team management. Proven ability in the field of statistical analysis and the exploitation of quantitative and qualitative data is essential.
- **Senior consultant:** with a minimum of 6 years' experience, with at least 3 years in the US wine market within the last 5 years. This consultant needs to have a background in statistics and data analysis and ability in sample choice and data exploitation.
- Research Consultant with minimum 2 years' experience in the US wine industry and in the creation and capturing of statistically representative data through consumer surveys.

Administrative requirements for the Agency: Financial solvency. All participating companies must submit a solvency report that includes their financial accounts for the **last three financial years**. Financial solvency will be deemed established when the annual turnover, based on the best year of the last three (3) financial years available, and depending also on the date on which the tenderer was incorporated or commenced trading and the date on which the tender was submitted, equals, or exceeds \$160,000. If it is not possible to prove economic and financial solvency by means of annual turnover, the tenderer may accredit such solvency by providing an undertaking to take out professional risk liability insurance for an amount equal to or greater than \$160,000.

Non-compliance. Failure to comply with any of the requirements set out in this section will result in the disqualification of the Agency in question. However, ICEX allows participating agencies to demonstrate compliance with the requirements set out in this briefing by subcontracting companies that do fulfil those requirements, by setting up joint ventures or by entering into other business cooperation agreements that make it possible to show compliance with the solvency conditions specified. In this case, agencies must clearly indicate in their bid whether or not they are using any of these options to fulfil the requirements set out in these specifications, as well as provide documentation that legally demonstrates the scope and commitment of the relationship between the companies involved.

Conflict of interest. The selected company must guarantee that during the contract period it will not work either in whole or in part for other clients, whatever their nationality, who have interests that may conflict with those of ICEX in this market report.

Intellectual property. The Agency will **exclusively assign the intellectual property rights** of the report it carries out in relation to this contract **to ICEX**.

7. CONTENT OF PROPOSALS

Content of proposal. Participating agencies must submit a proposal including **three (3) separate documents** (1.-Administrative Requirements; 2.-Technical Proposal and 3.- Financial Proposal), as detailed below. Proposals that do not include all three documents will be considered incomplete and will therefore be excluded.

Document 1: Administrative requirements for the Agency (in PDF format). All agencies submitting bids must provide an electronic file in PDF format, containing the following documents:

- **Letter of acceptance.** All participating agencies must submit a letter of acceptance, signed by a legal representative of the company, accepting each and every one of the terms and conditions stipulated in these specifications.
- **Project References.** The dossier must detail projects of similar scale and scope, as indicated in **clause 6**.
- **Project resources.** The dossier must detail the human resources available for the project, as indicated in **clause 6**. In its proposal, the Agency must provide details of the team of consultants to be assigned to this contract (hereinafter referred to as the Team), specifying the professional qualifications and previous projects undertaken by Team members, as well as a description of the functions and tasks to be performed, so as to ensure that the Team has sufficient resources and is capable of carrying out the tasks required by the campaign.

The requirements set out in this section are mandatory, and companies that do not propose a team that meets all these requirements could be excluded. While the Agency may meet the requirements set out in this briefing through subcontracting, joint ventures or other business cooperation arrangements, the proposal must give clear details of which functions are to be provided via subcontracting. ICEX expects all key Team members assigned to the contract by the Agency to be committed to the project for the duration of the contract.

In the proposal, the Agency must detail the role of each Team member assigned to this project. In addition, a detailed CV for each should be included, in line with the model included in Annex I (MS Excel file).

As any change in the key Team members assigned at the beginning of this project could affect the way it is run, express prior authorisation must be obtained from ICEX for any such amendments.

- **Financial solvency.** All participating agencies must submit **financial reports for the best of the last three (3) accounting years (2021, 2020 and 2019)**, as indicated in **clause 6**. The minimum annual turnover requirement is an amount equivalent to \$160.000 in the best of the past 3 years. If the bidder should choose to accredit financial solvency by taking out civil liability insurance, a commitment to take out professional risk liability insurance for an amount equal to or greater than \$160.000 must be provided.

Document 2: Technical proposal of the Agency (in PDF format). All applicants must submit a detailed proposal, excluding any reference to price, and a work plan in line with the above strategy and objectives. Proposals that include economic details of project fees in this Document 2 will **not** be considered and will automatically be **excluded** from the tender process.

Document 3: Financial proposal for the tender (MS Excel file). All participating companies must submit a financial proposal, including a detailed project budget and a breakdown of all costs, as per the table in Annex II (Excel file) of this brief.

Taxes, if applicable, must be indicated in a separate section of the proposal. Proposals that exceed the base tender budget excluding taxes, as indicated in **clause 4**, will not be considered.

8. PRESENTATION OF PROPOSALS

Invitation to tender. ICEX, represented by the Trade Commission of Spain in New York, will send this briefing to various specialized agencies. It will also be published on the Trade Commission's website (<https://nuevayork.oficinascomerciales.es>)

Submission of proposals. Agencies wishing to take part in the tender process must send the following documentation, in digital format, to the following e-mail address ONLY: tenders@icex.es, **by 9 am CET on March 10, 2023**. Proposals not submitted by the deadline will automatically be excluded.

- Electronic files.** The bid must be presented in three separate electronic files, and the contents of these files must be as detailed in these general conditions. All files must be in digital format (PDF and MS Excel) only. Neither the e-mails nor the individual files sent as attachments may exceed 4MB in size. In the case of larger files, participating agencies must use a previously verified file transfer service (e.g., WeTransfer, Dropbox or similar). They will be opened sequentially
- Costs.** All costs incurred by the participating companies in the preparation of proposals, submissions and quotations will be borne by the companies themselves. Bid submission will not entail the payment of any fee or the reimbursement of any form of expense by ICEX.
- Language.** Proposal must be written and submitted in English.
- Acceptance of terms and conditions.** Submission of a proposal and participation in this tender implies the express acceptance of all clauses contained in these terms and conditions by the participating agency.
- Modification of proposals.** Once a proposal has been submitted, ICEX will not accept the submission of any modifications, additions, or corrections, unless such

modifications, additions or corrections are in response to a clarification requested by ICEX.

- f. Clarification of proposals.** ICEX may invite participating agencies that comply with the administrative requirements of this tender document to clarify specific aspects of their technical or financial proposals. This must be done in writing.
- g. Conformity of proposals.** All companies submitting a proposal should be aware that ICEX's Contracting Department will review the documentation submitted by each agency to ensure compliance with all the requirements set out in this tender document (Document 1). Failure to comply with any of the requirements set out in this tender document will result in the disqualification of the agency in question.
- h. Evaluation of proposals.** Document 1 (Administrative Requirements) will be opened and evaluated first. Once it has been verified that the participating agency complies with all the requirements set out in these specifications, Document 2 (Technical Proposal) will be opened, evaluated, and assigned a score. Finally, Document 3 (Financial Proposal) will be opened, evaluated and assigned a score. Therefore, the price (fees) contained in the financial proposal will not be known until this final stage.
- i. Selection of the company to be awarded the contract.** A decision will be taken as soon as possible after the published deadline for the submission of proposals. All participating companies will be notified of the decision by e-mail, and that decision will be published on the Trade Commission of Spain in New York's website, to enable the winning company to commence work as soon as possible.
- j. Contact persons.** Queries regarding this tender must only be addressed in writing, by emailing tenders@icex.es by **9 am CET on March 10th, 2023**. 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.

9. EVALUATION CRITERIA

The bids will be evaluated, and the contract awarded, in accordance with the following criteria:

TABLE 2. Evaluation criteria	
Evaluation Criteria	Scores (maximum)
I. Financial proposal	40
- The company submitting the lowest budget will receive the highest score, and the score for all others will be proportional.	40
II. Professional team assigned to the project	20
Years of experience over and above the stipulated minimum will be considered. Specifically:	

<p>- Senior Researcher and Project Leader: Having more than the minimum 4 years of experience working with the US wine industry (within the last 8 years). 2.5 points per additional year, up to a maximum of 10 points.</p> <p>- Senior Consultant: Having more than the minimum 3 years of experience working in the US wine market (within the last 6 years). 2 points per additional year, up to a maximum of 6 points.</p> <p>- Research consultant: having more than the minimum 2 years of experience working in the US market. 2 points per additional year, up to a maximum of 4 points.</p>	<p>10</p> <p>6</p> <p>4</p>
III. Technical Proposal	40
<p>- ICEX will assess the quality of the project, assigning points to each of the components within the Technical Proposal, as described below.</p> <p>- Technical Proposals that do not receive at least 15 points for component III.1 and at least 5 points for component III.2 will be automatically excluded.</p> <p>- ICEX will assess Technical Proposal responses as follows:</p> <p>Non-compliant. The proposal does not meet the basic requirements and/or lacks the basic information or details that would allow it to be appropriately evaluated.</p> <p style="padding-left: 40px;">0% of the maximum score</p> <p>Partially compliant. The proposal states that the agency meets some, but not all, of the requirements and/or does not provide sufficient information or detail on how it will do so.</p> <p style="padding-left: 40px;">50% of the maximum score</p> <p>Fully compliant. The proposal states that the agency fulfils all the stipulated requirements and provides the necessary information and details on how it will do so.</p> <p style="padding-left: 40px;">75% of the maximum score</p>	

<p>Exceeds the requirements. The proposal proves that the agency is able to fulfil all the stipulated requirements, provides detailed information on how it will do so and excels in presenting actions or approaches that add value.</p>	<p>100% of the maximum score</p>
<p>III.1. Technical Proposal: Methodology, sources and market report approach</p> <p>ICEX will allocate points as follows:</p> <ul style="list-style-type: none"> - Rigour in the research and the quantitative analysis to be conducted in support of its conclusions. (Max. 10 points) - Quality and the degree to which the proposed methodology for conducting fieldwork on the marketing channels are considered appropriate and align with project objectives. (Max. 10 points) - Quality and degree of suitability of the surveys and field tests proposed for analysing demand. (Max. 10 points) 	<p>30</p> <p>10</p> <p>10</p> <p>10</p>
<p>III.2. Technical Proposal: Innovations and improvements</p> <ul style="list-style-type: none"> - IDEX will evaluate the innovations or improvements contained in the Technical Proposal, (Max 10 points) Specifically: - IDEX will evaluate those elements of the proposal that involve notable innovations or improvements in terms of the project concept or implementation (e.g., increasing the number of reference samples or the extension of the research to include specific niches such as premium or organic wines in a differentiated manner), thus allowing the objectives of the market report to be more effectively achieved. <p>*The cost of any innovation or improvement must be included in the proposed budget and may not involve any additional cost.</p>	<p>10</p>
<p>TOTAL</p>	<p>100</p>

- **Abnormally low bids.** Financial proposals will be evaluated to determine whether or not they may be considered disproportionate or abnormal. Bids will be considered abnormally low if (a) they are 20% lower than the maximum budget permitted, when fewer than three tenders are presented, or if (b) they are 10% lower than the average of all the bids submitted in the case that there are three or more tenderers, the highest price being excluded for the calculation of said average. When a bid is considered to be abnormally low, the participating company will be asked to justify its bid and its terms and conditions within seventy-two (72) hours of receiving ICEX's notification. Once the claim has been received or this period of time has lapsed, ICEX will decide, if necessary and having obtained technical advice, whether or not the bid is to be considered abnormal and may exclude it accordingly.
- **Tie-breaking criteria.** In the event of a tie in the points obtained by two or more tenders, this will be resolved by applying the social criteria indicated below, and in the order specified. These will apply to staff working for the agency at the time of the deadline for the submission of proposals. The documentation supporting the tie-breaking criteria referred to in this clause must only be provided if a tie occurs, and not beforehand.
 - o Highest percentage of workers with disabilities or who are in a situation of social exclusion in the workforce of each of the tied companies, with priority given, if the percentages are equal, to the company with the highest number of permanent workers with disabilities, or the highest number of socially excluded workers.
 - o Lowest percentage of temporary contracts within the workforce of each of the tied companies.
 - o Highest percentage of women employed by each of the tied companies.
 - o If it is not possible to break the tie using the above criteria, lots will be drawn.

10. HIRING AWARD COMMITTEE

Members of the Hiring Award Committee

Chair	Katrin Naelapaa	Director, Wines from Spain, New York
Substitute	Jean Bracamonte	Associate Director, Wines from Spain, New York
Committee member	Salomé Martínez	Deputy Food Industry Director, ICEX
Substitute	Carlos Villar	Member of the Food and Beverage Department
Secretary	Isabel Arias	Member of the Contracting Department
Substitute	Pablo Jorge Molina	Member of the Contracting Department

11. OBLIGATIONS

In terms of project management, the point of contact for the Agency will be the Spanish Economic and Commercial Office in New York. In terms of invoicing, special care must be taken with regard to the aspects established in **clause 5**, following the guidelines set by ICEX and adhering to the conditions established in the contract.

- a. **Technical quality.** The Agency will be responsible for the technical quality of the work and services performed over the course of this contract. The Agency will also be liable for the consequences of any errors, omissions, inadequate methodology or incorrect conclusions in the execution of the contract that may affect ICEX or third parties. Specifically, the consultant will be responsible for:
 - Ensuring that both the implementation and the results of the work contracted comply with ICEX's quality specifications.
 - Compliance with the deadlines agreed with ICEX in each case.
 - Any omissions, errors, incorrect conclusions, or inadequate methodologies during the term of this contract.
 - The staff forming part of the project team appointed to carry out the work stipulated in the contract. The Agency will bear sole responsibility for the conduct and work undertaken by the team working on the contract.
 - The processing of the information and data made available to it.
- b. **Preliminary report.** The Agency must provide ICEX with a preliminary report by May 30th, 2023 approximately halfway through the duration of the project.
- c. **Final report.** Furthermore, at the end of the campaign, the Agency must submit a final report, comprising the following: (i) Market report in PDF format; (ii) 5 comb-bound copies of the market report; (iii) Presentation of 25-30 slides in PPT format giving the main conclusions drawn from each section of the report; (iv) Excel file containing the tabulation of data from the surveys and interviews processed for each group. The final report must be submitted within four (4) months of the signing of the contract.
- d. **Copyright and information rights.** The intellectual and industrial property rights to the work carried out by the Agency, as well as to all the information gathered by the Agency on behalf of ICEX in relation to this contract will be owned by ICEX upon payment of all consultancy fees and any relevant expenses agreed herein, and no additional fee will be paid. Such rights will be global and valid for the maximum period of copyright protection for all types of files, in any format or language, and with all the effects determined by law.
- e. **Confidentiality.** The Agency accepts the obligation to maintain professional secrecy with regard to the information and documentation provided by ICEX for the performance of the services. This obligation will remain in force both during and after completion of the activities covered by the contract, until such time as said information enters the public domain or for any other legitimate reason ceases to be confidential. This clause does not

apply to information which (i) is in the public domain, (ii) is already known to the party receiving it, (iii) is disclosed pursuant to a court order or legal obligation.

- i. The Agency will only grant access to confidential information to those persons who require access to it in order to carry out the activities and services foreseen in the contract. The Agency will be responsible for ensuring compliance with the confidentiality obligations by its staff and by persons or entities working in collaboration with the Agency or subcontracted by the Agency.
- ii. The Agency also undertakes not to use confidential information belonging to ICEX and to which it has access for its own or private purposes or for any other purposes.
- iii. Failure to comply with the above obligations will entitle ICEX to institute civil or even criminal proceedings against the Agency for any liability it may incur.

12. CANCELLATIONS

ICEX reserves the right to unilaterally terminate the contract if the services are not performed by the Agency in accordance with the instructions received from ICEX, if any of the deadlines applicable to the Agency are not met, or in the case of any breach of the obligations set out in the contract. This will be without prejudice to any additional claims for damages.

13. APPLICABLE LEGISLATION

The services shall be governed by the terms of the contract entered into by the successful tenderer and by this briefing document, which will be incorporated herein. Failing this, Spanish legislation will prevail.

14. JURISDICTION

To resolve any dispute, disagreement, question or claim that may arise from the execution of the Contract signed with the awardee of this tender, the matter will be subject to ordinary jurisdiction. The parties, waiving any other jurisdiction that may otherwise be applicable, expressly submit to the Courts of the city of Madrid.

15. ORGANIZATIONS

- a. **ICEX España Exportación e Inversiones, E.P.E.** is a public business entity attached to the Spanish Ministry of Industry, Trade and Tourism. It is represented in the US by the Trade Commission of Spain in New York. ICEX's mission is to promote Spanish exports, support the international expansion of Spanish companies and promote foreign investment in Spain.
- b. **The Trade Commission of Spain in New York** is responsible for promoting trade and investment between Spain and the US within its sphere of competence.
- c. **Community funds:** Eligible for co-financing with European Union Fund/BAR (Brexit Adjustment Reserve)

New York, February 17th, 2023

ICEX Board of Directors
By Delegation (Resolution dated 30 September 2021) Official State Bulletin (BOE)
of 11 October 2021

Bruno Fernández Scrimieri
Senior Trade Commissioner
TRADE COMMISSION OF SPAIN IN NEW YORK