

RESOLUTION BY WHICH IT IS AGREED NOT TO FORMALIZE THE CONTRACT RELATED TO THE CONTRACTING PROCEDURE OF A COMMUNICATION AGENCY TO DEVELOP A SECTORIAL PLAN FOR THE PROMOTION OF THE SPANISH PERSIMMON IN CANADA.

FILE NUMBER: X079-02-2022

BACKGROUND

FIRST - In May 2022, the Spanish OFECOME (Economic and Commercial Office of Spain) in Toronto and the Food Industry Department of ICEX decided to carry out a promotional campaign for Spanish persimmon in Canada.

SECOND - A call for bids was made to hire a communications agency to carry out the campaign. After defining the tasks to be carried out by the agency, the tender, with file number X079-02-2022, was published on June 17, 2022 on the website of OFECOME Toronto.

THIRD – The tender had not yet been awarded as the bids received were in the process of being evaluated. On August 5, 2022, the ICEX Food Industry Department received a communication from the Regulatory Council of the DOP Caqui Ribera del Júcar informing us that the weather conditions forced them to cancel the persimmon promotion campaigns, due to the lack of product.

FOURTH.- As a consequence, the contracting body **NOTES** that, in application of art. 152.3 of Law 9/2017, the contracting body may adopt the decision not to formalize the contract for reasons of public interest motivated by the absence of product to be able to carry out the object of the contract, as is the case.

In view of these facts, the contracting authority **AGREES**:

- The impossibility of entering into the contract.

An appeal for reconsideration may be lodged against this Resolution within one (1) month before this Contracting Body, or a direct contentious-administrative appeal within two (2) months from the day following its publication on the OFECOME of Toronto website, before the Contentious-Administrative Chamber of the Superior Court of Justice of Madrid.

Note: To file an appeal, please access the following link:

<https://sede.minetur.gob.es/es-s/procedimientoselectronicos/Paginas/detalleprocedimientos.aspx?IdProcedure=157>

The Board of Directors (Contracting Body),

P.D. (Resolution of September 30, 2021. BOE no. 243 of 11.10.2021),

Economic and Commercial Counsellor of the Embassy of Spain in Toronto

Carlos Gómez García

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