



OFICINA ECONÓMICA Y
COMERCIAL DE ESPAÑA
PEKÍN

FOOD AND WINES FROM SPAIN ACADEMY IN CHINA

Briefing

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ICEX Spain Trade and Investment, E.P.E. (ICEX), represented by the Economic and Commercial Office of Spain in Beijing, invites qualified agencies to submit a proposal for assisting in the implementation of Food and Wines from Spain Academy in the People's Republic of China.

1. BACKGROUND

Wines from Spain offer an extensive range of world class wines crafted from indigenous and organically grown grape varieties, displaying the regional diversity of its 70+ Protected Designations of Origin. With traditions in winemaking dating back to Roman times, and more acreage under vine than any other country, Spain today is the third largest producer of wine, one of the leaders in wine exports and the #1 leader in organic vineyards planted.

Initial Spanish wine exports to China were concentrated in bulk wine which has created the perception among Chinese consumers that Spanish wine's defining factors are low price and medium-low quality. This image does not match reality.

ICEX has made an important effort to educate Chinese professionals and wine lovers about the diversity of Spanish wines.

The Spanish Wine Specialist is an online course taught through an e-learning platform. It is a comprehensive course that contains the most relevant information about Spain as a wine country and offers students an overview of its wine regions, with a special focus on Spain's signature grape varieties.

The course was being delivered online and entirely in English. It includes an overview of Spain as a wine country in the world context; an introduction to the captivating history that has shaped the Spanish wine industry as we know it today; relevant information on how to read Spanish wine labels and how to understand our classifications through a painless introduction. It also covers the most exciting Spanish Wine Territories, the most important grape varieties, their wine styles and key regions as well as our special fortified and sparkling wines. Last but not least, the course is rounded out with tips on how to pair our wines with our well-known gastronomy.

At the end of the course, successful candidates will be issued with the Diploma: Spanish Wine Specialist Certificate.

The content of the Spanish Wine Specialist course was translated completely into Chinese and was taught for the first time in Chinese in its two November 2022



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editions. Having the courses in chinese and on a chinese e-learning platform, was a significant step forward in terms of accessibility to the audience. For the tasting modules, small wine samples were sent to the students so that they can follow the class online. Additionally in 2023 students were given the option to take the courses in person in TIER 1 cities across China and streaming the tasting module for students that cannot attend the venue. This enables a close contact between the professionals and the Economic and Commercial Offices of Spain in China.

This course is a paid course of 600€, which students should pay unless they have been invited by the Economic and Commercial Office of Spain in Beijing to participate without a cost. The Economic and Commercial Office also reserved the right to propose editions that are cost free for students.

For professionals with solid knowledge of the wines of Spain, the FWS Academy includes the Spanish Wine Educator Certificate. The goal is for them to become part of a select group of Spanish wine trainers and opinion leaders in China. To obtain this diploma, students will participate in an experiential trip to Spain. Due to the strict COVID restrictions implemented in China, this part of the program was not possible to execute.

Additionally, there are Spanish Wine Trader Courses that are executed by the certified Spanish Wine Specialists upon request with the relevant information to the Economic and Commercial Office of Spain in Beijing. The executing Agency facilitates the relevant course materials and decoration to the educators. Besides relevant diplomas are sent to the course participants.

ICEX also aims to formalize its relationship with wine academies. This is essential to reach a wider audience of students and have a comprehensive network to implement all its wine training activities. According to the strategy in place now, free courses, specialized training and discount for recruiting can be granted to the wine academies with a valid memorandum of understanding with ICEX.

ICEX also has the objective to progressively incorporate foodstuff education into all its activities. This will shape the implementation of the Food and Wines from Spain Academy and require adaptation of all its activities for this purpose.



2. MARKET SITUATION

The Chinese wine market registered significant growth between 2009 and 2017. Wine imports that year experienced an all-time high of 18,849.9 million yuan in terms of value and 751 million liters in terms of volume. Since then, China has reduced its demand for foreign wine, leading to drops in the volume of wine imports. After 3 bad years (2018-2020), 2021 marked a slight recovery. But the uncertainty created by the strict application of the Zero Covid Policy in 2022, made it a particularly bad year for wine in China. China reduced its imports of wine a 20,6% in volume (337 million liters) and an 11% in value (9,693 million yuan). This is therefore a 55% fall in volume since China's peak imports in 2017.

Compared to the peak year of 2017, Spain has decreased a 61,1% the volume of wine sold into China. This is the biggest fall among the main exporting countries and is only second to Australia.

The average price of wine in China increased in 2022 11,9% to 28,78 yuan/liter, the second highest value after 2020. The average price of wine is therefore 3,91 €/liter.

Spain was the fourth largest exporting country to China in terms of value (687 million RMB) and the third largest exporter in terms of volume (40.4 million liters). The average price of Spanish wine in the Chinese market (16,98 yuan/liter) has always been below the market average, and this is especially important when compared with other relevant competing countries like France (49,57 yuan/liter) and Italy (35,1 yuan/liter).

3. OBJECTIVES AND STRATEGY

3.1. Overarching objective of the tender

We are seeking an Agency partner to assist in implementing the Food and Wines from Spain (FWS) Academy in China. The main goal of the tender is to implement and teach the FWS courses in Chinese to a select audience of food and wine professionals, targeting importers, distributors, sommeliers, chefs and key opinion leaders. The Agency should be able to implement the FWS Spanish Wine Specialist online courses with onsite tastings and the Trader Course strategy.

Emphasizing on education we aim at building Spain's position as an origin of quality wines, improving the image of Spanish wines in the market as well as identify synergistic opportunities for extending the wines from Spain core messages of quality and regional diversity of Spanish wine. Besides the uniqueness of Spanish



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foodstuff that pairs particularly well with its wine, should be highlighted as a distinctive feature to differentiate itself from other wine producing countries.

The selected Agency will also issue news releases and attend overall Foods and Wines from Spain (FWS) coordination meetings as needed.

An important goal is to have an updated database of wine professionals that allows to better target the market in all ICEX activities.

An annual work plan will have to be designed, spelling out what courses will be executed in each quarter, with a monthly update so that there is always a clear vision of what is coming up.

Before each course information on the participants and location will be send to the Economic and Commercial Office of Spain in Beijing to obtain authorization. After each course a report will be send that includes at least the final participants (name, position, company, location, phone, and mail contact information) and photographic evidence of the course.

The agency must maintain direct contact and regular meetings with the Economic and Commercial Office of Spain in Beijing, to follow progress and decide on future steps. These meetings can be held online. The agency must collaborate and coordinate with the agency in charge of the Foods and Wines from Spain (FWS) social media and website management.

3.2. Core objectives of the campaign

- To improve the image of Spanish wines, and their perception in the market, in order to continue building the position of Spanish wines in a sustainable way and not be so price sensitive.
- Create strong clear messages communicating the authenticity, quality and versatility of Spanish wines.
- Emphasize the uniqueness and quality of Spanish foodstuff, its adequate pairing with wine and create synergies between food and wine actions.
- Help FWS become a reference for educating media, trade and consumers.
- Encourage discovery and adoption of Spanish Food and Wines amongst exploration minded professionals and consumers, capitalizing on the heightened interest in the culture, creativity and lifestyle of Spain.



3.3. Strategies and tactics:

- Media Outreach - Continual outreach to wine, food and lifestyle media.
- Trade Outreach – engage with sommeliers, educators, distributors, retailers and importers of food and wine.
- Academies and Culinary Institutions - Seek out partnerships between FWS and select institutions for educational opportunities.
- Facilitate continuous information to the FWS Social media and keep the information about the Food and Wines from Spain Academy updated.

3.4. Target Market

Given the size of the market and budgetary restrictions, the efforts should be focused on maximizing the impact. To this end, the campaign should focus primarily on food and wine trade (importers, distributors, sommeliers, buyers, retailers...), gastronomy and lifestyle media and chefs.

4. PURPOSE AND SCOPE OF TENDER

The services requested in this tender will cover the following actions:

4.1. Advertising of Food and Wines from Spain Academy

This action aims to disseminate information about the courses and activities specified in this briefing.

We expect the Agency to do:

- appropriate press releases for the FWS channels about executed activities and upcoming ones to generate interest.
- Keep the information about FWS Academy updated in the FWS channels by facilitating relevant information.
- Provide suitable inscription forms for all the courses that can be accessed scanning a QR code that can be shared and inserted in FWS channels.
- disseminate information about the activities in paid media and through KOLs, while including links to the FWS channels and contact information of the Economic and Commercial Offices of Spain in China. It should serve as a tool to promote de FWS Academy and attract new students for the Spanish Wine Specialist course. Relevant KPIs about views, impressions and



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comments should be defined in the offer by the agency. The level of achievement of the KPIs should be presented in the yearly report.

The expected quantity and frequency of content creation for the FWS channels is at least as follows:

- 3 Articles yearly about the Spanish Wine Specialist, Spanish Trader Course and Spanish Wine Educator course that explain the basic characteristics of the courses and its content with an average length of 1350 Chinese characters. These articles will also include pictures and/or videos.
- 6 posts throughout the year about the successful completion of Trader Courses. These posts will include pictures and/or videos.
- 3 videos yearly with engaging content and interviews to the participants of the Spanish Wine Specialist, Spanish Trader Course and Spanish Wine Educator courses that have been successfully completed.

The content should be suitable to be posted on FWS Weibo, Wechat and Chinese web page and may therefore be adapted for each channel.

4.2. Information office

The agency must:

- Develop the sector's database including wine professionals. This database should be updated after each activity and at least once every month. The database will include at least information about the name, position, company, type of wines and products they are interested in, location, phone number, contact mail and contact Wechat account. Detailed KPIs on how to increase and update the database for wine will be provided.
- Reporting, monitoring and evaluation of all activities The agency will be required to provide, in English or Spanish language, reports and backup materials on all the activities carried out. In particular a report after each Spanish Wine Specialist Course is expected and a report about the Spanish Trader Courses celebrated after each quarter. At the end of the contracted period, the agency will be required to deliver a final report in English or Spanish language with the results of the campaign and the degree of achievement of KPIs laid down in its offer. All communications must be channelled through the Economic and Commercial Office of the Embassy of Spain in Beijing.
- Produce an “essential kit” for participants in the Spanish Wine Specialist courses and Trader Courses including bags, wine pourers, wine openers, course content and notepads. In addition to the logo, they will carry if possible contact details (website and social media) to ensure immediate association and repeated impact. All promotional items shall be in accordance with ICEX's



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Foods and Wines from Spain image and specific campaigns it participates in. The Economic and Commercial Office will provide guidance (logos, images, style guides...) and will supervise that the promotional items follow these rules.

- Present suitable food and wine academies and culinary centers to ICEX so that they can collaborate actively in implementing the Food and Wine Academy Program.

4.3. Spanish Wine Academy

Educational activities must be put in place to spread knowledge about Spanish Wines. These courses will ensure an adequate dissemination of the core messages of the campaign with an exponential reach as more students are trained and become FWS certified educators.

We expect the agency to execute:

- Spanish Wine Specialist Course: up to 4 online courses a year. These courses will be taught in Chinese through a suitable learning platform that can be easily accessed from Mainland China by Chinese students. The agency will be responsible for all the costs of putting in place and licensing the online platform for teaching purposes. In past courses Xiaotong has been used. The dates of the courses will be designated by the Economic and Commercial Office of Spain in Beijing. Each course should have between 30 and 50 students to be viable. These courses will offer the possibility to do the tasting modules in person in TIER 1 or TIER 2 cities designated by the Economic and Commercial Office of Spain in Beijing. Tasting modules will be concentrated during one day and the Agency will be responsible for hiring an adequate location and the technical resources to follow the course live and online for the students that cannot attend in person. Contents are already translated into Chinese from previous courses. Nevertheless, the contents and methodology will be edited and updated to guarantee the quality of the courses and their adequacy to the market. The courses will be taught by prestigious educators/academies, with which a collaboration agreement will be signed, urging them to respect the predetermined content of the different levels. The best possible collaborators will be used to ensure the success of the program.
- Spanish Trader Course: up to 36 courses with 15-20 students per course. For these courses, the agency should provide to the private educators:



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- an educator booklet: which includes all the information needed for the course, including recommended wines and importers where to buy the wines.
- Course information, with a student and educator version
- An exam with answers
- An application form.
- Decoration materials

The agency is also expected to be able to handle the payments of the courses with the students in RMB and transfer the equivalent amount in euro according to the official exchange rate established by the European Central Bank the day the course begins to the account of ICEX in Spain. The account details will be provided by the Economic and Commercial Office in Beijing. The transfer will be done within a maximum of 14 days once the courses begin. If not completed it constitutes a breach of contract and the corresponding amount will be detracted from the fees to be paid to the agency.

It must be pointed out that without prior authorization to execute a course by the Economic and Commercial Office in Beijing, the allocated costs to the course will not be transferred to the Agency.

5. AGENCY PROFILE AND REQUIRED TEAM
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Agency must have a strong and proven track record in wine marketing and promotion in the Chinese market. The technical solvency of the Agency shall be demonstrated by submitting similar wine and alcoholic beverages projects carried out during the past three years in China.

All competing Agencies will be required to provide a solvency report including financial accounts for the last three years. The minimum average turnover requirement is an amount of 277.500 Euros, on the best of the past three years.

All competing agencies submitting a proposal should be aware that ICEX Legal Services will review the documentation submitted by each agency to ensure that they comply with the requirements of this campaign briefing. It is expected that the key team members assigned to this project remain as part of the team for the duration of the contract. Any changes of key personnel could affect its potential renewal.

The role of each team member assigned to this campaign shall be specified in the tender. In addition their curriculum vitae must be included in the proposal. The agency must designate a primary contact person that is informed of all aspects of



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the campaign, including administrative matters, and has direct continuous communication with ICEX, represented by the Economic and Commercial Office.

The Project Manager should have five (5) years' accredited experience in charge of projects of a similar nature and must be able to communicate fluently in Spanish or English.

The agency team will regularly hold meetings with the team of the Economic and Commercial Office in Beijing to monitor the development of the campaign. These meetings can be held via videoconference.

The agency will notify the Economic and Commercial Office of any changes to the team that may have an impact on the development of the campaign. Any member leaving the team will have to be replaced with a person that meets the requirements of this briefing.

The agency should have the capacity to organize and undertake events and actions in mainland China.

The agency should have a team available for planning, course management, logistics and public relations. At least one person on the team should be able to communicate in Chinese to ensure appropriate communications with stakeholders.

6. BUDGET CONSIDERATIONS

All local transportation, mail, messenger costs are considered part of agency overhead and will be covered in its fees.

The economic proposal must be in Euros. ICEX is a governmental Institution based in Spain for all purposes. The tenders should include a **breakdown in which the price offered, and taxes must be clearly described and separated**. ICEX will evaluate the tenders based on the offered prices, excluding taxes. The cost of each activity will be specified in the offer of the agency. ICEX will decide each year which courses will be executed during that year.

The maximum budget for the execution of the project in 2024 will be of 185.000 Euros. For each of the three possible years of contract extension, the maximum budget for the execution of the project will be 185.000 Euros. The total budget for this project during the total contract period is a maximum of 740.000 Euros.



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If any activity is not carried out, it will not be paid, and the corresponding fees will be deducted.

7. PROPOSAL SUBMISSION AND TIMING
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The 2024 campaign is expected to start on April 2024 and end in December 2024.

A maximum of 3 (three) renewal for three (3) additional campaigns of the main contract will be considered. Renewal cannot be tacit. The Agency will be obligated to renew the contract providing it is notified of its requirement at least 2 (two) months before renewal. Price revisions will not be allowed. Each renewal will be signed by both parties.

This briefing will be circulated to multiple agencies and will be published in the website of the the Economic and Commercial Office of Spain in Beijing. Agencies interested in bidding may contact tenders@icex.es for questions about the briefing before March 25th.

The proposal will need to be presented in English or Spanish, electronically as a pdf and, where appropriate, use Excel for numbers. A copy of the proposal needs to be sent via email ONLY to tenders@icex.es by no later than March 28th, at 16:00 UTC+08:00. All files should not exceed 4mb in size if sent as attachment; should files be larger use a file transfer service, which you have verified is working.

A decision will be made as soon as possible and notified properly and on time in order to enable the agency selected to begin work promptly.

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

Proposal submission must be divided into 3 (three) separate PDF documents (ANNEXES) detailed as follows:

ANNEX I. Economic and technical solvency. PDF file

- ✓ **Solvency report.** similar promotional projects (*see Sec. 5 Agency profile and required team*).
- ✓ Financial accounts for the best of the last three tax years (2021; 2022, 2023) in order to meet fiscal solvency criteria.



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- ✓ **Professional profile and background of the designated staff.** Experience in the agri-food sector as mentioned above (see *Sec. 5 Agency profile and required team*). Include a detailed description of the roles of the proposed team and their respective detailed resumes in excel (Document A – Excel file template).

Bidders must clearly state in their offer if they use any of these options (joint ventures, subcontracting) to meet the requirements providing documentation that legally demonstrates the extent and seriousness of the relationship.

Agencies not satisfying any of the stipulated solvency criteria, will be excluded from the tender and their offers will not be evaluated.

ANNEX II. Technical Proposal. PDF file

- ✓ **Technical proposal:** Detailed work proposal without any reference to prices, and work plan for the different elements considered in this brief.
- ✓ **Work schedule,** with a preliminary agenda for action. Once the contract has been signed, the agency will submit quarterly timetables, which will be updated monthly, for supervision and compliance by the Economic and Commercial Office.
- ✓ **Quarterly assessment reports tools** on the progress and effectiveness of the campaign. Measurement indicators and clear objectives must be defined for the different lines of action. These reports should contain quantitative and qualitative information, proposed improvements, support material for executing the FWS Academy, etc.

The Agency will be responsible for carrying out whatever tasks are necessary for the correct execution of the events specified in this request.

If the proposal submitted simply states that the Agency can meet some or all the requirements but does not provide information or detail on how they will do so, technical proposal will be assigned a score of 0.

ANNEX III. Economic Proposal.

- ✓ **Economic proposal** (The Agency price for work requested and proposed stated in euros) – Annex I (excel file template).



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- ✓ ICEX will evaluate tenders based on the offered Agency total price (excluding taxes) for executing the requested work.
- ✓ Provide detail of the work covered by the price.
- ✓ Proposals exceeding the maximum available budget 185.000€ for 2024 (excluding taxes), will automatically be disqualified.

ICEX will evaluate tenders based on the offered prices, excluding taxes.

8. EVALUATION CRITERIA

Offers will be evaluated using the following criteria and weighting:

ASSESSMENT CRITERIA	Points (Max.)
I. Total budget and agency fees	30
<p>The agency with the lowest fee, taking into account the proportion of the agency fees in the total budget, will receive the highest score of the item, and the rest will obtain the proportional score.</p> <p>Proposals, in Euros, will be evaluated excluding taxes.</p> <p>You need to clearly present the budget according to <i>Annex I Economic proposal</i> which includes a table with the detailed information required.</p>	
II. Agency's strategy and means of implementation and work plan	55
<p><i>(The proposals that do not reach at least 25 points in this criterion will be automatically excluded)</i></p> <p>We shall assess the quality and to what extent the project proposed meets the needs of Food and Wines from Spain, assigning points as follows:</p> <p>A. A detailed plan on how to develop the sectors database with concrete indicators. The number, periodicity, type and adequacy of indicators will be taken into consideration.</p> <p>B. Quality of the proposed educators teaching the Spanish Wine Specialist courses subject to this contract. A proven track record of</p>	<p>10</p> <p>15</p>



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<p>knowledge in the wine sector, teaching experience and a letter of commitment should be provided to be considered. Agencies must indicate which tasks will be fulfilled by third party providers if any.</p> <p>C. A detailed plan on how the agency will disseminate the information about the courses and how it will generate interest in the course to identify suitable candidates. The plan should detail with which media and KOLs will be collaborated and demonstrate a proven track record of publishing engaging articles.</p> <p>D. A public relations strategy to keep the FWS community engaged. This should include details on merchandise that will be distributed in the courses and a logical plan to maintain contact with the FWS community and forward business opportunities in the wine sector to the Economic and Commercial Offices in China.</p> <p>E. Proposed indicators to measure the impact and evaluate the results of the FWS Academy courses and the course advertisement. The number, periodicity, type and adequacy of indicators will be taken into consideration.</p>	<p>15</p> <p>10</p> <p>5</p>
III. Innovation	15
<p>We shall assess the quality and to what extent the project proposed meets the needs of the Spanish Food and Wines Academy, assigning points as follows:</p> <p>A. Any additional educational opportunities about Food and Wines from Spain that are presented with Academies and Culinary centers. Proposals on how to have Academies and Culinary centers engaged in the course schemes.</p> <p>B. Proposed processes for the FWS to gain brand visibility and increase the outreach among professionals. The degree of innovation and originality that they bring to the campaign.</p>	<p>10</p> <p>5</p>
TOTAL	100

- Proposals not meeting the deadline will be excluded.
- No response or totally inadequate proposals will be excluded.



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- If the proposal submitted simply states that the agency can meet some of the requirements set out but has not given information or detail on how they will do this, will be assigned a score of 0.

The elements of the proposals - other than price- will be scored as follows:

0% of allocated points	Proposal simply states that the Agency can meet some or all the requirements but does not provide information or detail on how they will do so
50% of allocated points	Compliant
75% of allocated points	Fully Compliant
100% of allocated points	Exceeds Requirements

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 case there are fewer than three bidders.
- The financial proposal is 10% under the arithmetic mean of the bids submitted, in case there are three or more bidders. Notwithstanding, 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 the 72 hours following its notification. Having received the plea or the aforesaid time limit having expired, the Client will decide, upon technical advice, if necessary, on considering the bid disproportionate or anomalous, excluding it accordingly.

Tiebreaker criteria

In the event of a tie in the score obtained by two or more bidders, it will be resolved by applying the following social criteria in order, referred to at the end of the deadline for submitting offers:

- a) Higher percentage of workers with disabilities or in a situation of social exclusion in the workforce of each of the companies, giving priority in case of equality, the largest number of permanent workers with disabilities in the workforce, or the largest number of workers in a situation of social exclusion in the workforce.



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- b) Lower percentage of temporary contracts in the workforce of each of the companies.
- c) Higher percentage of women employed in the workforce of each of the companies.
- d) The draw, if the application of the above criteria had not resulted in a tiebreaker.

The supporting documentation for the tiebreaker criteria referred to in this section will be provided by the bidders at the time the tie occurs, and not previously.

9. HIRING AWARD COMMITTEE

Members of the Hiring Award Committee

Chair*	María Naranjo	Director of Agrifood Industry ICEX Headquarters
Substitute	Salomé Martínez	Deputy Director of Agrifood Industry ICEX Headquarters
Committee member	Laura Velasco	Head of Department of Gastronomy and Digital Strategy ICEX Headquarters
Substitute	Ana Rodríguez	Head of Sector in Department of Gastronomy and Digital Strategy ICEX Headquarters
Committee member	Lucía Vime	Head of Sector in Department of Gastronomy and Digital Strategy ICEX Headquarters
Substitute	Ascensión Martínez	Head of Sector in Department of Gastronomy and Digital Strategy ICEX Headquarters
Committee member	María Jesús Abellán	Head of Foodtech Department
Substitute	Lidia Escribano	Head of food and drink department
Secretary**	Pedro Patiño	Deputy Director of Procurement. ICEX Headquarters
Substitute	Isabel Arias	Member of the Procurement Department. ICEX Headquarters

*With casting vote

**With voice and without vote

10.CONTRACT

Once the Agency has been selected, a contract will be signed between the Chief Economic and Commercial Counsellor of the Economic and Commercial Office of Spain in Beijing (on behalf of ICEX) and the Agency.



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The described services in the contract will run until December 2024. The contract is expected to be signed in April 2024.

The contract will be paid with monthly payments in arrears.

Administrative requirements for billing and substantiating the execution of activities:

- Invoicing details:

ICEX España Exportación e Inversiones, E.P.E.

Spain building, A1-B Gongti Nanlu, 6th Floor
Chaoyang District 100020 Beijing, P.R. China

北京市朝阳区工体南路甲一号 B 座西班牙大厦六层

VAT number: ESQ - 2891001F (ICEX is VAT registered in Spain)

Please note that ICEX does not pay any advances.

No expense on behalf of ICEX can be incurred before the date of signature of the corresponding contract and prior written approval.

The assignment of the contract is not allowed.

11. INFORMATION

You may submit any questions you may have regarding this briefing only to the following email address: tenders@icex.es before 25th of March.

12. OBLIGATIONS

The Agency shall be responsible for the technical quality of the work and services it may carry out during this contract. It shall also be responsible for any consequences arising for ICEX, or for third parties, from errors, omissions, inappropriate methods, or incorrect conclusions in the performance of the contract.

Specifically, the Agency shall be responsible for:



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- Ensuring that both the development and the result of the services/work which it has been contracted to carry out comply with the quality specifications required by ICEX.
- Compliance with the time-limits agreed with ICEX in each case.
- Omissions, errors, incorrect conclusions, or inappropriate methods that it may recommend and implement during the term of this contract.
- The personnel forming part of the project team assigned to the development and performance of the Contract, with the Agency bearing sole liability in employment matters for the conduct and operation of the above-mentioned team.
- The processing of any information and data made available to it.

Only the activities, budgets and procedures included in the Contract will be binding for the Parties.

13.CANCELLATIONS

ICEX reserves the right to unilaterally terminate the Contract if the services are not performed in accordance with the instructions received from ICEX, if any of the deadlines applicable to the Agency are not met or if there is any failure to fulfil the obligations established in the Contract. All the above is without prejudice to any claims for damages that might arise.

Force Majeure or restrictions imposed by the Authorities

The parties will not be responsible for the damages and losses caused to the other party for delays or breaches of the contract that bring their cause in cases of force majeure or restrictions imposed by the Authorities. The duties of the contract will be considered suspended while the situation of force majeure or restriction lasts, and the parties will try to reach an agreement in good faith that benefits their respective interests as much as possible. In any case, the party that has knowledge of these facts must inform the other as soon as possible so that said duties are suspended or that the measures deemed appropriate are adopted. If the cause of Force Majeure or restriction extends in time for more than three months, either party will be entitled to request the termination of the contract without having to indemnify the other party for it.

Cancellation or postponement of activities



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In the event an activity eventually is not held, ICEX shall solely satisfy the expenses incurred by the Agency from the date of the contract (and in connection with the same) until the date of a formal notice of the cancelation by ICEX. To be reimbursed, the Agency must submit all documentary invoices of the expenses incurred up to that date.

In the event that the activity is postponed, the parties will try to reach an agreement in good faith that benefits their respective interests as much as possible.

14. INTELLECTUAL PROPERTY AND INDUSTRIAL PROPERTY.

All ownership, reproduction and distribution rights of the works developed by the successful bidder when carrying out the object of this tender, including the right of use, reproduction, transformation, distribution, public communication and publication on the Internet, will belong exclusively to ICEX. These rights will be exercised worldwide, and during the maximum period of copyright protection, for all types of media, in any format, and language, and with the effects determined by law.

The intellectual property of the logos, drawings, images and photographic and video support material that ICEX gives to the successful bidder, will also belong exclusively to ICEX.

The successful bidder undertakes, unless it has the express consent of ICEX, not to use the result of its work, nor to reproduce, broadcast, modify, adapt, assign, rent, lend or carry out any other activity without the authorization of ICEX, and undertakes not to disclose, publish or make it available in any other way to third parties.

The bidders and awardees of the contracts warrant to ICEX that they have all the rights—be they of intellectual or industrial property—of the corresponding owners for the use and/or exploitation of the works or promotional products offered or used during the execution of the contract, with the required scope in the objects of the different batches of this tender.

The successful bidder will defend, at its own cost, any claim or threat of claim made by third parties against ICEX to the extent that such claim is based on the claim that the works that would have been developed by the successful bidder or the promotional products supplied by it within the framework of this tender, infringe intellectual or industrial property rights of third parties, or misappropriate commercial



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or industrial secrets of third parties or image rights. If the materials and/or works offered by the bidders in their proposal cause such an infringement of third-party rights, this will be sufficient cause to reject their bid. If this infringement of rights is discovered later, during the execution of the contract, it will be cause for early termination of the contract.

15.CONTRACT AND JURISDICTION.

Once the Agency has been selected, a contract will be signed between ICEX and the Agency.

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 Ordinary Courts and Tribunals of Madrid (Spain), expressly waiving any other jurisdiction. The language used in any dispute shall be Spanish. Spanish legislation shall be applicable to the contents of this Tender.

**16. EUROPEAN REGIONAL DEVELOPMENT FUND (ERDF) AND
EUROPEAN AGRICULTURAL GUARANTEE FUND (EAGF)**

This activity can be subject to European Union's financing through the European Regional Development Fund (ERDF).

The successful tenderer will be obliged to comply with the information and advertising obligations set out in Annex XII, section 2.2. of Regulation (EU) 1303/2013 of the European Parliament and of the Council of 17 December 2013, and, in particular, the following:

In the working documents, as well as in the reports and in any type of medium which is used in the actions necessary for the subject of the contract, the EU emblem will appear in an obvious and noticeable way, in making explicit reference to the European Union and the European Regional Development Fund.

In any public dissemination or reference to the actions provided for in the contract, whatever the means chosen (brochures, posters, etc.), the following elements must be included in a noticeable manner: emblem of the European Union in accordance with established graphic standards, as well as the reference to the European Union and the European Regional Development Fund, including the motto "A way of making Europe".



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This activity may also be subject to financing through the European Agricultural Guarantee Fund (EAGF).

ICEX Board of Directors

By Delegation (Resolution of 30 September 2021) BOE [Official State Gazette] of
11 October 2021

Alfonso Noriega Gómez
Chief Economic and Commercial Counsellor
Economic and Commercial Office of Spain in Beijing

