



02/G935 N- Comissariat Biennal de Venècia d'Arts Visuals 2017
E/R 04/ L100 E900 N- Biennal Venècia d'Arts Visuals 2017

Specifications for the contracting of a curatorship project to draw up a proposal for Catalonia's involvement in the 57th edition of the Venice Biennale of Visual Arts 2017, within the *Eventi Collaterali* programme

1. Object of the contract

The object of these specifications is the contracting of a curatorship project to draw up a proposal for Catalonia's involvement in the 57th edition of the Venice Biennale of Visual Arts in 2017, as part of the *Eventi Collaterali* programme.

The proposal must comply with the conceptual framework and maximum production budget set out in ANNEX I.

2. Regulatory provisions

This contract is of a private nature and is governed by Royal Legislative Decree 3/2011, of 14th November 2011, approving the Public Sector Contracts Act (Consolidating Act) – hereinafter the PSCA, and Directive 2014/24/EU of the European Parliament and of the Council, of 26 February 2014, in relation to the directly applicable regulations it contains.

The award procedure is a competitive tender of projects as governed by Article 184 and following of the PSCA.

3. Phases of the competitive tender for projects

The competitive tender for projects will comprise three phases:

- First phase, the **Participation** phase. Submissions may be made by any interested natural or legal persons that have the capacity to enter into contracts and fulfil the requirements set out in Specification 9.
- Second phase, the **Ideas** phase. This will be open to all natural or legal persons that submitted applications in the **Participation** phase and have been invited by the contracting body to take part in this phase.
- Third phase, the **Contracting** phase, by means of the negotiated procedure governed by Article 174(e) of the PSCA and article 32.4 of Directive 2014/24/EU.

4. Existence of credit

The necessary provision in order to meet the payment of this contract will be covered by the credits of the Institut Ramon Llull's budget for the year 2016.

5. Estimated value of the contract



- 1000 euros (including VAT and subject to income tax withholding) per participant in the *Ideas* phase (maximum of three participants).
- 4000 euros (including VAT and subject to income tax withholding) as the prize for the winner of the *Ideas* phase.
- 2420 euros (including VAT and subject to income tax withholding) for the winner of the *Ideas* phase for generation of the project which the Institut Ramon Llull is to present to the Foundation of the Venice Biennale of Visual Arts to present the candidacy within the *Eventi Collaterali* programme.

The estimated value of the contract does not include the sum of 4840 euros (including VAT and subject to income tax withholding) established as the fees for development and management of the winning proposal during 2017, and up until conclusion of Catalan participation in the Biennale of Visual Arts.

6. Procedure

For the contracting of a curatorship project to draw up a proposal for Catalonia's participation in the 57th edition of the Venice Biennale of Visual Arts 2017, a panel will be established, which will make an award proposal for the service to the contracting body in accordance with the procedure set out in these specifications.

7. Panel

In accordance with the terms established in article 184 and following and article 323 of the PSCA, a panel is established to issue a decision declaring a winner of the *Ideas* phase. The panel comprises a chairperson, six members and a secretary.

Chair: Mr Xavier Antich

Members:

- Mr Martí Manen
- Ms Chus Martínez
- Mr Martí Peran
- Ms Nekane Aramburu
- Mr Antoni Muntadas
- Mr Ferran Barenblit
- The Head of the Creation area, as a non-voting member.

Ms Núria Brichfeus will act as secretary of the panel, with the right to speak but not to vote, and as legal advisor.

In order to pass resolutions, the Chair of the Panel shall have the casting vote in the event of a tie.

8. Information for presentation of applications in the *Participation* phase

In this phase the participants are provided with the information set out in **ANNEX I**.

9. Documentation, deadline and place of submission of applications in the *Participation* phase



Those wishing to take part in the project bidding process must submit 2 sealed envelopes, each of them marked with the following text:

APPLICATION FOR PARTICIPATION IN THE COMPETITIVE TENDER FOR PROJECTS TO DRAW UP A PROPOSAL FOR CATALONIA'S PARTICIPATION IN THE 57TH EDITION OF THE VENICE BIENNALE OF VISUAL ARTS 2017 WITHIN THE *EVENTI COLLATERALI PROGRAMME*

ENVELOPE A – Capacity to enter into contracts and requirements to participate in the tender process

This envelope will contain documents attesting to the applicant's capacity to enter into contracts and legal personality.

Spanish or foreign natural or legal persons with legal personality and full capacity to perform legal acts, pursuant to the terms of article 54 of the PSCA, and not subject to any of the prohibitions from contracting set out in article 60 of the PSCA, have the capacity to enter into contracts.

The purpose or activity of legal entities must be directly connected with the object of the contract, in accordance with their Articles of Association or foundational rules, as duly demonstrated. This competitive tender for projects is not open to museums, cultural centres or equivalent entities, whether public or private.

The following documentation must be submitted:

- Natural persons: certified copy of their ID card or passport.
- Groups of natural persons: certified copy of the ID card or passport of each member thereof.
- Legal entities: certified copy of the deeds or Articles of Association and the ID card or passport of their legal representative.
- Documents attesting to the capacity to enter into contracts, conforming to the form set out in ANNEX II, for natural persons, or ANNEX III, for legal entities, as appropriate.

ENVELOPE B - Applicant's proposal

This envelope will contain documents that allow an assessment of the proposal and the characteristics of the applicant. The following documents must be submitted:

1. Preliminary project setting out the general ideas of the proposal in accordance with the conceptual framework and budget set out in Annex I (maximum of 2 pages).
2. In the case of natural persons: curriculum vitae.
3. In the case of legal persons: a report on the activities carried out over the past three years together with the CV(s) of the individual(s) who will undertake the project.
4. In the case of groups with no legal personality: a curriculum vitae of all members thereof.

The proposals must be submitted on paper and in PDF format on a CD or DVD.



The final deadline for the receipt of applications for the *Participation* phase is 12 noon on 23rd June 2016.

Envelopes A and B may be handed in at any of the following 3 locations, before the deadline for receipt of applications:

a) Registry of incoming documents of the IRL, Avinguda Diagonal, 373, 08008 Barcelona, before the deadline for submission.

b) Post Offices, in the terms established in article 38.4 of Act 30/1992, on the legal regime of public administrations and common administrative procedure and article 31 of Royal Decree 1829/1999, of 3rd December, approving the Regulations governing the provision of postal services, pursuant to the provisions of Act 24/1998, of 13th July, on the Universal Postal Service and Liberalization of Postal Services: the applications, written submissions and communications which citizens or entities address to bodies of the public administrations, through the operator who has been entrusted with the provision of the universal postal service, will be submitted in an unsealed envelope, so that at the top of the first page of the document being sent the name of the post office and the date, place, time (hour and minute) of admission can be clearly marked. These circumstances must be stated on the supporting document of admission.

c) Any other of the places listed in article 38.4 of Act 30/1992, on the legal regime of public administrations and common administrative procedure.

The bids submitted at the places indicated in sections b) and c) must comply with the following requisites in order to be accepted:

- they must be submitted at the places indicated in sections b) and c) before the deadline for receipts of applications and must reach the IRL with 10 calendar days after the deadline for submission of proposals. At the end of this term, they will not be accepted under any circumstances.
- the IRL must be notified, by e-mail (licitacions@llull.cat) in the course of the last day of the term for submission of bids, that the envelopes for participation in the process have been deposited, stating the time, day and place where this has been done. The contents of the two envelopes must also be sent to the same e-mail address so that the proposal can be assessed at the first meeting of the panel. If it is one of the three bids selected by the panel to be invited to participate in the *Ideas* phase, the invitation will be suspended pending arrival of the original documentation in time.

E-mail notice that the bid has been sent will be valid if there is a record of transmission and reception of the dates and of the entire contents of the communications, and if the sender and recipient are identified in an attestable manner.

If both these requisites (communication and on the same day) are not met, the documentation will NOT be accepted if it is received by the contracting body after the date and time marking the deadline indicated in the notice inviting tenders and in the contracting party's profile.

10. Criteria for invitation to the *Ideas* phase

Following conclusion of the period for submission of applications in the *Participation* phase, the contracting body will ascertain the legal personality of the participants, and the panel will select a maximum of three out of all the applications submitted. This selection will be performed in relation to the preliminary project, on the basis of the following criteria:



- Alignment of the project with the conceptual framework
- Appeal of the proposal
- Appeal of the proposal in the specific international context of the Venice Biennale of Visual Arts
- Other key elements

The panel will perform its final assessment of the proposal as a whole, also taking into account the CV(s) or report on the activities of the participants.

In applying these assessment criteria the members of the panel will select a maximum of three proposals to be invited to participate in the *Ideas* phase.

The contracting body may, at the panel's proposal, declare no award in the competitive tender process if the event that none of the applications in the *Participation* phase sufficiently fulfil the invitation criteria.

The contracting body will communicate the outcome of this initial phase on 1st July 2016.

11. Documentation, deadline and place of submission of applications for the *Ideas* phase

This phase of the process will involve only those natural or legal persons invited by the contracting body.

The invitees will submit the following documentation:

- Project developing the initial proposal, the conceptual framework and the formal approach of the proposal.
- Proposed artist and/or artists who will form part of the exhibition.
- Budget for the project, within the maximum project sum set out in Annex I.

The proposals must be submitted on paper and in PDF format on a CD or DVD.

The deadline for submission will be 12 noon on 10th July 2016.

They may be submitted at any of the 3 places indicated in point 9, under the same conditions as are established therein.

12. Criteria for selection of the winning proposal in the *Ideas* phase

At the end of the period for submission of documentation, the panel will examine the documentation submitted and, where relevant, may decide to interview those invited to take part in the *Ideas* phase.

In order to decide the winner of the *Ideas* phase, the panel will apply the following criteria:

- Compliance by the project with the conceptual framework
- Appeal of the proposal
- Appeal of the project within the specific international context of the Venice Biennale of Visual Arts.



- Technical and economic viability of the project.
- Other key elements.

13. Selection of the winner of the *Ideas* phase

The panel will select one winner of the process for projects in accordance with the criteria set out in the above paragraph. Once the winner has been declared, the panel will draw up the corresponding formal declaration and will submit a proposal to the contracting body to engage the winning competitor. The formal declaration drawn up by the panel must set out the grounds for choosing the winning project. In accordance with article 188.8 of the PSCA, the contracting body must proceed to make the award, and must provide reasoned grounds if it does not match the panel's proposal.

The panel may propose to the contracting body that no award be made if it deems that none of the proposals reaching this phase satisfactorily fulfils the criteria established in point 12.

The panel's verdict will be published on 21st July 2016.

The panel's verdict will not be open to appeal.

14. Awards

Those invited to take part in the *Ideas* phase who submit their proposals by the established deadline and in the prescribed form in accordance with these specifications will, in consideration of the work performed, receive an award of 1000 euros (including VAT and subject to income tax withholding).

The winner of the competitive tender process for projects will receive an award of 4000 euros (including VAT and subject to income tax withholding).

15. Contracting of the winner and assignment of rights

The winner of the process will be contracted, by means of the negotiated procedure governed by article 174(e) of the PSCA, for a consideration of being 2420 euros (including VAT and subject to income tax withholding), to draw up the project which the Institut Ramon Llull is to present to the Foundation of the Venice Biennale of Visual Arts for inclusion as part of the *Eventi Collaterali* in the 57th edition.

In drawing up the project, the selected curator will work jointly with the Institut Ramon Llull.

The project must include:

- Development of the proposed content and formal and artistic proposal.
- The detailed budget.
- The execution timeline.

The project drawn up by the curator must be validated by the Institut Ramon Llull, which will present it to the Foundation of the Venice Biennale of Visual Arts for inclusion in the 57th edition.



The established deadline for drawing up the final project is 31st December 2016.

16. Assignment of rights

The winning curator assigns to the Institut Ramon Llull the intellectual property rights (exploitation, reproduction, distribution, public presentation and transformation) over the proposal for the participation of Catalonia in the 57th edition of the Venice Biennale of Visual Arts within the *Eventi Collaterali* programme, notwithstanding any moral rights the said curator may hold as author.

The intellectual property rights are assigned to the Institut Ramon Llull on an exclusive and worldwide basis, and for the maximum duration provided in Royal Decree 1/1996, of 12th April 1986, approving the Intellectual Property Act (Consolidating Act).

By virtue of this assignment, the Institut Ramon Llull reserves the right to organize a touring exhibition following the conclusion of the Venice Biennale of Visual Arts.

17. Execution of the exhibition

If the project is selected by the Biennale Foundation to take part in the *Eventi Collaterali* programme, the Institut Ramon Llull will commission the winner to develop the project and manage the execution thereof, for a consideration of 4840 euros (including VAT and subject to income tax withholding).

The total to be received by the winner of the competitive tender process will be 7260 euros (including VAT and subject to income tax withholding) by way of fees, and 5000 euros (including VAT and subject to income tax withholding) by way of prize money.

In the event that the project is unsuccessful in the selection phase conducted by the Foundation of the Venice Biennale of Visual Arts 2017, the Institut Ramon Llull reserves the right to produce the proposal in the same space and in accordance with the established calendar (outside the official programme of the Venice Biennale of Visual Arts 2017, but over the same dates), to produce it in another location and on different dates, or not to produce it.

18. Obligations prior to the award

Prior to the contract being awarded, the winner must provide confirmed proof that it has no outstanding taxation or Social Security obligations.

19. Performance of the contract

The contracting body shall establish whether the service provided by the contractor complies with the terms laid down for execution and performance of the contract and will, where applicable, demand that the contracted services be provided or any defects observed upon handover be rectified. Should the tasks performed not comply with the terms of the contract as a result of faults or defects attributable to the contractor, the contracting body may refuse to accept them. In this case it shall be released from its payment obligation.



20. Contractual payment

Payment of the price shall be made following approved handover of the object of this contract and issuance of the invoice by the winner in accordance with the legally established terms.

21. Competent jurisdiction

Any litigious matters regarding the preparation, award, effect, performance and termination of this contract shall be subject to the contentious administrative jurisdiction.



ANNEX I

CONCEPTUAL FRAMEWORK

The Institut Ramon Llull is presenting the Catalan pavilion for the fifth time at the Venice Biennale of Art, the 57th edition of which will be curated by Christine Macel. Christine Macel's curatorial proposal for the international exhibition will revolve around the intention to "value the important role played by artists when, while creating their own universes, they inject generous vitality into the world we live in".

The winning project for the Catalan Pavilion must contribute to this conceptual framework with a project that reflects on and sparks a debate, from the unique nature of artistic practice, on the role of art and artists in the current situation of the Mediterranean Arc and current problems, considered in the widest sense, that define and pass through it, from the conviction that art is fed by the reality lived and can contribute to enriching the world and our experience.

MAXIMUM PRODUCTION BUDGET

The maximum production budget is 185,000.00 euros (including taxes).

This sum includes all elements connected with production of the exhibition:

- design of the assembly
- production of the assembly (including rental and/or purchase of technical, computer and/or audiovisual material)
- artists' fees
- production of the works
- graphic design of the project (interior, exterior, communication media: web, exhibition hall brochure, digital invitation, press dossiers...)
- production of graphic elements (interior, exterior, communication media: web, exhibition hall brochure, digital invitation, press dossiers...)
- translations
- copyright
- transport
- insurances
- assembly/disassembly
- packing/unpacking
- publication
- transfers, accommodation and living expenses of the curator, fitters, technicians and other necessary personnel
- any other expense derived from design, production and assembly of the exhibition and the graphic materials.

Budgetary monitoring of the project, carried out by the Institut Ramon Llull, may involve adjustments to the contents and production of the exhibition in order to conform to the established maximum figure.



ANNEX II

Declaration of responsibility by a natural person

Mr/Ms _____, in his/her own name, declares under his/her own responsibility, as a participant in the competitive process to submit a curatorship project to draw up a proposal for Catalonia's involvement in the 57th edition of the Venice Biennale of Visual Arts 2017 within the *Eventi Collaterali* programme, that he/she:

a) Has the power to enter into contracts with the public authorities as he/she has the capacity to carry out legal acts and is not subject to any of the circumstances of prohibition from contracting with public authorities in accordance with articles 60 and 61 of the PSCA.

b) Has no outstanding taxation or Social Security obligations pursuant to the terms of articles 13 and 14 of the General Regulations of the Public Sector Contracts Act, approved by Royal Decree 1098/2001, of 12th October.

In witness whereof, I sign this declaration of responsibility.

(place and date)

Signature



ANNEX III

Declaration of responsibility by a legal entity

Mr/Ms _____, as the legal representative of the company _____, declares under his/her own responsibility, that the company he/she represents for participation in the competitive tender process for the submission of a curatorship project to draw up a proposal for Catalonia's involvement in the 57th edition of the Venice Biennale of Visual Arts 2017 within the *Eventi Collaterali* programme, that the aforesaid entity:

- a) Has the power to enter into contracts with the public authorities as he/she has the capacity to carry out legal acts and is not subject to any of the circumstances of prohibition from contracting with public authorities in accordance with articles 60 and 61 of the PSCA
- b) Has no outstanding taxation or Social Security obligations pursuant to the terms of articles 13 and 14 of the General Regulations of the Public Sector Contracts Act, approved by Royal Decree 1098/2001, of 12th October.
- c) Complies with all requirements and obligations demanded under the legislation in force for its establishment, installation and legal operations.

In witness whereof, I sign this declaration of responsibility.

(place and date)

Signature of the legal representative