

## **Conditions for contracting a curator to prepare an artistic proposal for the participation of Catalonia and the Balearic Islands in the 54th Venice Visual Arts Biennale 2011 within the *Eventi Collaterali* programme**

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### **1. Object of the contract.**

These conditions apply to contracting a curator to prepare an artistic proposal for the participation of Catalonia and the Balearic Islands in the 54th Venice Visual Arts Biennale 2011 within the *Eventi Collaterali* programme .

This artistic proposal must conform to the conceptual framework and maximum production amount established in APPENDIX I. The proposal must be planned for an expected exhibition space of approximately 350/400 m2.

### **2. Governing regulations**

This contract has an administrative nature and is governed by Law 30/2007 of 30 October on public sector contracts.

The award procedure is a projects tendering process, governed by Article 168 *et. seq.* of the Law on public sector contracts.

### **3. Phases of the project tender**

The project tender consists of three phases:

First phase, ***Participation***. All interested professionals and companies with the capacity to contract and who comply with the requirements specified in Section 10 may present a tender.

Second phase, ***Ideas***. Professional and companies which have presented their applications to the ***Participation*** phase, and have been invited by the contracting body to participate in this phase, may do so.

Third phase, ***Contracting***. This shall be governed by the negotiated procedure regulated in Article 158.e) of Law 30/2007, of 30 October, on public sector contracts (hereafter, LCSP).

#### **4. Existence of credit**

The funds required to pay for this contract shall be charged against the Institut Ramon Llull's 2010 budget.

#### **5. Estimated value of contract**

- 1,000 euros per participant in the *Ideas* phase (maximum three participants).
- 7,627.12 euros as fees for execution of the artistic project during 2010.

This estimated value does not include the sum of 7,627.12 euros which, in accordance with Clause Fifteen, is established as fees for the development and direction of the winning artistic proposal in 2011.

#### **6. Procedure**

- For contracting a project curator to draw up an artistic proposal for the participation of Catalonia and the Balearic Islands in the 54th Venice Visual Arts Biennale, a jury has been formed to propose the award of the service to the contracting body following the procedure set out herein.

#### **7. Jury**

As established in Article 168 *et seq.* and Article 298 of the LCSP, a jury has been constituted to submit a verdict declaring a winner of the *Ideas* phase. The jury is made up of a Chairman, six members and a secretary.

Chairman: Sr. Vicent Todolí, Director of the Tate Modern (London)

Members:

- Mr. Bartomeu Marí, Director of the Museu d'Art Contemporani, Barcelona
- Mrs. Laurence Rassel, Director of the Fundació Tàpies
- Mr. Joan Cortès Venècia, artist
- Mr. Joan Fontcuberta, artist
- Mrs. Cristina Ros, Director of Es Baluard Museu d'Art Modern i Contemporani in Palma
- Mr. David Bestué and Mr. Marc Vives, artists participating in the international exhibition of the 2009 Venice Biennale

The Director of the Creation Area of the Institut Ramon Llull shall act as a Member with a right to speak but not to vote.

The Management Coordinator of the Institut Ramon Llull Acting shall act as secretary of the jury.

In the event of a draw when adopting resolutions, the Chairman of the Jury shall decide with his casting vote.

Mr. Bestué and Mr. Vives, as an artistic group, shall have one single vote.

## **8. Information for the presentation of applications to the *Participation* phase**

At this phase, participants are given the information attached at **APPENDIX I**.

## **9. Documentation, terms and place of reception at the *Participation* phase**

Parties interested in participating in the project tender must present 2 sealed envelopes, indicating on each the following text:

APPLICATION TO TAKE PART IN THE TENDER OF PROJECTS FOR DRAWING UP AN ARTISTIC PROPOSAL FOR THE PARTICIPATION BY CATALONIA AND THE BALEARIC ISLANDS IN THE 54th VENICE VISUAL ARTS BIENNALE 2011 WITHIN THE EVENTI COLLATERALI PROGRAMME

### ENVELOPE A – Capacity for contracting and requirements for being able to tender

This envelope shall include documents accrediting the candidate's capacity to contract and legal personality.

Spanish or foreign natural or legal persons with legal personality and full capacity to act in accordance with the provisions of Article 43 of the LCSP, and who do not incur in any of the prohibitions against contracting contained in Article 49 of the LCSP have the capacity to contract.

The purpose or activity of legal persons must be directly related to the object of the contract, as evidenced by their bylaws or foundational rules and duly accredited. Museums, cultural centres and equivalent, both public and private, may not present a bid for the project tender.

The documentation to be presented is the following:

- Natural persons: authorised copy of his/her DNI or passport.
- Groups of natural persons: authorised copy of the DNI or passport of all their members
- Legal persons: authorised copy of the deeds of constitution or bylaws and the DNI or passport of their legal representative.
- Document accrediting capacity to contract following the model in APPENDIX II.

#### ENVELOPE B – Proposal of the applicant

This envelope includes the documents that allow appraisal of the proposal and the characteristics of the applicant. The documentation to be presented is the following:

1. Report reflecting the general ideas of the proposal in accordance with the conceptual framework and the budget attached at Appendix I (one or two sheets, 800 words / 4,000 characters).
2. In the case of natural persons: curriculum vitae
3. In the case of legal persons: a report of the activities carried out in the last three years, along with the curriculums of the persons assigned to carry out this project.
4. For groups without legal personality: a curriculum vitae of all members.

The proposals must be presented in paper format in Catalan, Spanish or English. They must also be presented in PDF format on a CD or DVD.

The maximum term for reception of applications to the *Participation* phase is at 12 h on 30 August 2010.

The place of presentation of both envelopes shall be the Management Department of the Institut Ramon Llull, Carrer Diputació 279, planta baixa, 08007 Barcelona, tel. 93 467 80 00 and fax 93 467 80 06.

Within the admission term, the propositions may also be sent by post in accordance with Article 38 of Law 30/1992 of 26 November, on the legal system of public administrations and the common administrative procedure, or in any of the other forms established in this article.

In this case, the bidder must justify the date and time limit set for the presentation of tenders and notify the contracting body that the bid has been delivered by sending an electronic mail (**licitacions@llull.cat**) on the same day. Without compliance with these requirements, the proposition shall not be admitted if it is received by the contracting body after the end of the term indicated in the announcement. If after 10 natural days

from the end of the term of presentation of the proposition, the proposition sent by post to the contracting body has not arrived, it shall not be admitted under any circumstances.

#### **10. Criteria for invitation to the *Ideas* phase**

Once the term for presentation of applications to the *Participation* phase has ended, the contracting body shall check the personality of the professionals and companies. The jury shall then make and justify a selection from among the applications presented of a maximum of five, and preferably a minimum of three, applying the invitation criteria indicated as follows:

In relation to the curriculum vitae(s) or the report of activities carried out in the last three years:

- Career
- Knowledge of contemporary art in Catalonia and/or the Balearic Islands
- Knowledge and development of the visual arts in the international field
- Experience in the production of exhibitions
- Other outstanding items

In relation to the report:

- Concordance with the conceptual framework defined by members of the jury
- Artistic interest of the proposal
- Artistic interest of the proposal in the international field
- Relationship with Catalonia and/or the Balearic Islands
- Other outstanding items

Applying these evaluation criteria, members of the jury shall choose a maximum of five and preferably a minimum of three proposals to be invited to participate in the *Ideas* phase.

On receiving the proposal of the jury, the contracting body may declare the project tender not awarded, if no applications from the *Participation* phase comply sufficiently with the invitation criteria.

The contracting body shall announce the result of this first phase on 16 September 2010.

## 11. Documentation, terms and place of reception of applications at the *Ideas* phase

At this phase of the project tender, only natural and legal persons who have been invited by the contracting body may take part.

The Institut Ramon Llull shall issue to participants in the *Ideas* phase all available information in its power about the exhibition space (plans, photographs, etc.)

The invited parties shall present the following documentation:

- Report that develops the initial proposal, the conceptual framework, the formal approach of the proposal and the characteristics of the publication.
- Proposal of the artist /artists taking part in the project.
- Detailed and broken-down estimate of the project within the maximum sum for the project established in Appendix I.

The proposals must be presented in paper format in Catalan, Spanish or English. They must also be presented in PDF format on a CD or DVD.

The terms of presentation shall be those appearing in the invitation document that is released to the selected participants, and that in any event shall have a deadline of 22 September 2010.

The presentation must be presented by 12 h of the day indicated in the invitation document, and the place of presentation is the Management Department of the Institut Ramon Llull, Carrer Diputació 279, planta baixa, 08007 Barcelona.

Within the admission term, the proposition may also be sent by post in accordance with Article 38 of Law 30/1992 of 26 November, on the legal system of public administrations and the common administrative procedure, or in any other form established herein.

In this case, the bidder must justify the date and time set as a limit on the presentation of tenders and notify the contracting body that the bid has been delivered by sending an electronic mail (**licitacions@llull.cat**) on the same day. Without compliance with these requirements, the proposition shall not be admitted if it is received by the contracting body after the end of the term indicated in the announcement. If after 10 natural days from the end of the term of presentation of the proposition, the proposition sent by post to the contracting body has not arrived, it shall not be admitted under any circumstances.

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

After the end of the term for presentation of the documentation, the jury shall check the documentation delivered and shall interview all parties invited to the *Ideas* phase. Personal interview with members of the jury shall be carried out at the Barcelona headquarters of the Institut Ramon Llull on 29 September 2010.

To decide on the winner of the *Ideas* phase, the jury shall apply the following criteria:

- Relevance of the project in relation to the artistic practice of contemporary art in Catalonia and/or the Balearic Islands.
- Concordance of the project, the proposal of the artist /artists taking part and the works proposed with the conceptual framework defined by members of the jury.
- Interest of the project, the proposal of the participating artist /artists and the works proposed in the specific international context of the Venice Visual Arts Biennale.
- Technical and economic feasibility of the project.
- Other outstanding items

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

The jury shall select a winner of the project tender according to the criteria set out in the previous section. Once the winner has been declared, the jury shall draw up the corresponding minute and shall propose to the contracting body that it engage the winning tender. In the minute that the jury prepares, the selection of the winning project must be justified. In accordance with Article 172.8 of Law 30/2007, the contracting body must go ahead with the award, for which reasons must be given, if it does not agree with the proposal of the jury.

The jury may bring before the contracting body the proposal not to award the project tender if it considers that none of the proposals that have reached this phase satisfactorily respond to the criteria established in Condition Twelve.

The verdict of the jury shall be announced on 1 October 2010.

The verdict of the jury shall not allow any appeal.

#### **14. Prizes**

The participants invited to the *Ideas* phase and who present their proposals within the term established and in the relevant form in accordance with these conditions shall receive compensation for work done in the form of a prize of 1,000 euros.

#### **15. Contracting the tender winner and assignment of rights.**

The winner of the project tender shall be engaged under the negotiated procedure governed by Article 158.e) of the LCSP, for an amount of 7,627.12 euros (IVA not included), to prepare the project.

For drawing up the project, the curator selected shall work jointly with the Institut Ramon Llull and the delegate producer designated by the latter, if any.

The project must include:

- The final development of the report.
- Participating artist(s).
- The detailed budget of the project.
- The schedule for execution of the project.

The project prepared by the curator must be validated by the Institut Ramon Llull, which shall present it to the Foundation of the Venice Visual Arts Biennale for participation in the 54th Biennale.

The deadline for drawing up the final project is 3 November 2010.

#### **16. Assignment of rights.**

The winning curator assigns to the Institut Ramon Llull the rights of intellectual property (exploitation, reproduction, distribution, public communication and transformation) of the artistic proposal for the participation of Catalonia and the Balearic Islands in the 54th Venice Visual Arts Biennale 2011 within the *Eventi Collaterali* programme, without prejudice to the moral rights that the winner may have as author.

The rights of intellectual property are assigned to the Institut Ramon Llull exclusively, for the whole world and with the maximum length established in Royal Decree 1/1996, of 12 April amending the text of the Law of intellectual property.

If the project is selected by the Foundation of the Biennale, the Institut Ramon Llull shall engage the winner of the project tender to carry out and direct the artistic proposal during 2011, for an amount of 7.627,12 euros (IVA included).

If the project does not pass the selection phase of the Foundation of the Venice Visual Arts Biennale 2011, the Institut Ramon Llull reserves the option of producing the proposal in the same space and on the same schedule as envisaged (outside the official programme of the Venice Visual Arts Biennale 2011 but coinciding with it), to produce it in another location and with a different schedule, or the option of not producing it.

#### **17. Obligations before award**

Before the award of the contract, the winner must justify in an irrefutable manner that it is up to date with its tax and Social Security obligations.

#### **18. Compliance with contract**

The contracting body shall determine whether the performance of the contracting party complies with the prescriptions established for the execution of and compliance with the contract, and shall require, if applicable, the performances contracted and the correction of any defects observed on reception. If the works executed do not conform with the performance contracted as a result of faults or defects imputable to the contracting party, the former may refuse them. In the latter event, the former shall be exempt from the obligation for payment.

#### **19. Payment of the contract**

The payment of the price shall be made after the favourable reception of the object of this contract and the issue of the invoice by the winner, and in the terms legally established.

#### **20. Competent jurisdiction**

The contentious administrative order is the competent order for resolution of litigious issues concerning the drawing up, award, effect, compliance and expiry of this contract.

## **APPENDIX I**

### **CONCEPTUAL FRAMEWORK**

The starting point of the artistic project for the Catalan and Balearic Islands Pavilion at the Venice Biennale 2011 International Art Exhibition, in the Eventi Collaterali programme, is the wish to plan and build a critical but fundamental space for one of the most important displays of contemporary art in the world, beyond all geographical, linguistic or political boundaries.

With this initial idea in mind, the jury put forward the following reflections as a conceptual framework for candidate projects:

Recent events have placed us in a global context which will obviously also affect art and its practice. Every crisis leads inexorably to a transformation of how we see (or interpret) our previous lives. Great moments of change in artistic creation have always taken the form of crises and rupture with established reality.

Superimposed on this reflection on the present is the eternal debate between contemporaneity and tradition, the present and its genealogies and the roots that act as its anchor.

The Catalonia and Balearic Islands Pavilion must observe contemporaneity through critical eyes, with a project that either from or through Catalonia and the Balearic Islands, innovates, sets the trend for, transforms, criticises or simply questions reality.

### **MAXIMUM PRODUCTION AMOUNT**

The maximum production AMOUNT is 450,000 euros (including tax).

This amount includes all elements related to the production of the exhibition which, for indicative purposes only, are detailed as follows:

- documentation
- coordination:
- design of assembly
- chart of room
- production of assembly
- assembly
- production of works
- fees of artist/artists
- rights of author

- transport
- packing
- unpacking
- publication
- travel
- accommodation and expenses of the curator and artists, assembly staff and other staff as necessary
- and any other expenditure arising from the design, production and assembly both of the exhibition and of the graphic material.

This amount does not include the hire of the space, the expenses of the inauguration, communication, insurance and security.

## **APPENDIX II**

### **Declaration of responsibility for an individual**

Mr/Ms ....., on his/her own behalf, declares on his/her responsibility as a participant in the process for drawing up an exhibition co-ordination project with an artistic proposal for the participation of Catalonia and the Balearic Islands in the 54<sup>th</sup> International Art Exhibition of the Venice Biennale 2011 as part of the *Eventi collaterali* programme, that:

a) He/she is empowered to contract with the Administration as he/she has the capacity to carry out legal acts and is not subject to any of the prohibitions from contracting with Public Administrations under articles 49 and 50 of the LCSP.

b) He/she is in compliance with his/her tax and Social Security obligations in accordance with the provisions of articles 13 and 14 of the General Regulations of the Public Administrations Contracts Act approved by Royal Decree 1098/2001, of 12<sup>th</sup> October.

In witness whereof, I sign this declaration of responsibility.

(Place and date)

Signature

### **APPENDIX III**

#### **Declaration of responsibility for a legal person**

Mr/Ms \_\_\_\_\_ as duly empowered representative of the company \_\_\_\_\_, declares under his/her responsibility that the company represented in order to participate in the tender process for drawing up an exhibition co-ordination project with an artistic proposal for the participation of Catalonia and the Balearic Islands in the 54<sup>th</sup> International Art Exhibition of the Venice Biennale 2011 as part of the *Eventi collaterali* programme:

a) is empowered to contract with the Administration as it has the capacity to carry out legal acts and is not subject to any of the prohibitions from contracting with Public Administrations under articles 49 and 50 of the LCSP.

b) is in compliance with its tax and Social Security obligations in accordance with the provisions of articles 13 and 14 of the General Regulations of the Public Administrations Contracts Act approved by Royal Decree 1098/2001, of 12<sup>th</sup> October.

c) fulfils all the requisites and obligations required by ruling legislation for its opening, installation and legal operation.

In witness whereof, I sign this declaration of responsibility.

(Place and date)

Signature of representative