

Pitching competition for the selection of scripts and subsequent production of short films to promote the image of Mallorca

Statement of purpose

The crisis caused by the COVID-19 pandemic has had a particularly strong impact on the socio-economic situation in Mallorca. Border closures and travel difficulties have reduced the volume of visitors and tourists to historic lows. This situation has led to the need to relaunch Mallorca's image abroad in order to restore levels of activity that will enable economic recovery.

Audiovisual fiction content, whether single or serialised, in its different formats, and across multiple domestic screens (television, computer, tablet, mobile phone), is playing an increasingly important role as a source of influence for viewers when it comes to choosing aspects of their lifestyle, including their travel and holiday destinations. And with this, so-called "film tourism" or "screen tourism" is increasingly present in the promotion strategies of the different destinations. Placing spaces and locations in the audience's imagination, associated with the experiences and emotions provided by cinematographic fiction, thus becomes a top priority in order to give these places visibility and notoriety.

With this aim, it is proposed to select ideas for short film scripts, and develop and produce the selected scripts for dissemination as creative works in the film distribution circuit.

On 25 February 2021, the Board of Trustees of the Fundació Mallorca Turisme, the Foundation's highest governing body, approved, among other things, the launch of the Pitching Competition for the selection of scripts and subsequent production of short films to promote the image of Mallorca.

Participation in this competition is subject to the principles of publicity, transparency, cooperation and efficiency in the use of public resources, and implies acceptance of the terms and conditions established therein.

Legal grounds

1. Article 6 of the Bylaws of the Fundació Mallorca Turisme (Official Gazette of the Balearic Islands - BOIB - no. 24, of 23 February 2019), amended by agreement of the Board of Trustees of the Foundation on 19 January 2021 (BOIB no. 10, of 23 January), states that the purpose of the Foundation is to encourage the promotion of tourism in Mallorca in the national and international markets, the creation of tourism products, the management of tourism services in general and any other activity that aims to promote tourism on the island. In order to develop its foundational purpose, the Foundation carries out, among others, the activity of *promoting the image of Mallorca as a film set, through cinema and other audiovisual media, as well as encouraging the creation of film events in Mallorca.*

2. Articles 118 and 153.3 of Law 9/2017, of November 8, on public sector contracts, in relation to minor contracts and their processing.

3. Article 65 of the same Law, in relation to the suitability to enter into contracts with the administration.

4. Law 39/2015, of October 1, on the common administrative procedure for public administrations.

For all this, I dictate the following,

Resolution

1. Convene a pitching competition for the selection of scripts and subsequent production of short films to promote the image of Mallorca.
2. Approve the rules of the competition.
3. Publish this Resolution in the *Official Gazette of the Balearic Islands*

Lodging appeals

An appeal may be lodged against this Resolution, which does not put an end to administrative proceedings, before the President of the Board of Trustees of the Fundació Mallorca Turisme within one month of the day following the publication of this call for entries in the *Official Gazette of the Balearic Islands*, in accordance with the provisions of Article 121 of Law 39/2015, of 1 October, on the common administrative procedure for public administrations and Article 12 of the Foundation's Bylaws.

A contentious-administrative appeal may be lodged against the express rejection of the appeal before the corresponding contentious-administrative court or High Court of Justice of Palma within two months of the notification of the rejection of the appeal.

A contentious-administrative appeal may be lodged against the rejection of the appeal by silence before the corresponding contentious-administrative court in Palma within six months of the day following the presumed rejection, which occurs three months after the appeal has been lodged without notification of the decision.

However, if applicable, any other appeal considered appropriate may be lodged, all in accordance with the provisions of Law 29/1998, of 13 July, regulating contentious-administrative jurisdiction, and with the provisions of Law 39/2015, of 1 October, on the common administrative procedure for public administrations.

Palma, XXX February 2021

Director of the Fundació Mallorca Turisme

Miguel Pastor Jordá

COMPETITION RULES

1. Object and purpose of the pitching competition

The purpose of this call is to launch a pitching competition for the subsequent development of short film scripts, where the winners of the competition will be responsible for producing these short films by signing a minor contract with the Foundation. These short films must serve to promote the image of Mallorca and its relaunch as a tourist destination.

The aim is to select and award a total of five short film scripts, each by a different author. Participation will be open to local, national and international authors, screenwriters, directors and producers.

The short films produced from these scripts will form part of an international campaign as material that can be used to promote Mallorca.

This competition consists of three phases:

- a) Pitching competition
- b) Preparing the scripts for the selected proposals or ideas.
- c) Production of the short films with the signing of the contract with the Foundation.

The first phase consists of selecting ideas to produce short films that serve to enhance the image of Mallorca. A first selection will be made by a specialised jury from among all the ideas submitted. These finalists will present their proposals or ideas by pitching them to a jury made up of representatives of the audiovisual sector, representatives of the tourism sector and the contestants themselves, who will also be able to vote (they will not be able to vote for themselves). The Jury will choose the five winners with the result of the voting.

In the second phase, once the pitching competition is over, the winning authors will have 3 weeks to develop the selected proposals as scripts, from the date of notification of their selection, for their production as short films, which will be at the disposal of the Fundació Mallorca Turisme - Mallorca Film Commission.

And the third phase will be to sign the production contract for the short film with the winners of the competition. If the winners do not meet the requirements to be a beneficiary of the competition, that right will go to the next in line on the list of contestants. Only one prize can be won per contestant and the production contract will only be signed with the winners of the competition.

The term pitch refers to a concise verbal presentation of an idea for a film or television series, usually made by a screenwriter or director to a producer or studio executive. In this case, the idea will be presented to the jury who will choose five winners to make a short film.

The authors may partner with a production company to produce their short films. In this case, they must submit the application in the name of both of them, and once the work is finished, they will hand it over to the FMT-MFC, which may decide on its distribution and dissemination, including the possible compilation of the selected short films into a feature film promoted by the Fundació Mallorca Turisme - Mallorca Film Commission.

If any of the selected scripts are not produced or completed, the FMT-MFC may claim back the amounts received for the production, according to the budget submitted.

2. Participation requirements

To participate in this pitching competition, candidates must meet the following requirements:

- Natural or legal persons with tax domicile in the national or international territory.
- People of legal age and with full capacity to act who, individually or collectively, present a project in accordance with these rules.
- Be a professional in the audiovisual sector (director, screenwriter, actor, producer, etc.). Proof of this will be provided by the company's articles of association (corporate purpose) or a certificate of status in the census of economic activities, a document of registration as self-employed or the presentation of audiovisual works written or produced previously, awards received, or similar documentation which will be verified by FMT-MFC staff before the decision on the appointment of the winners of the competition.
- The authors of the original idea may participate individually. If they are the winners, they will be responsible for the production and post-production of the short film, subcontracting with the professionals and companies they consider appropriate.
- Production companies can also participate in their own name or participate jointly with the authors of the ideas. In this case, the short film production contract will be signed with both.
- The competition is not open to non-profit entities, nor to natural or legal groupings that do not have legal personality, such as community estates, entities without legal personality, or any other type of economic unit or separate estate.
- If an idea is submitted that is an adaptation of another author, the rights will need to be transferred in order to sign the production contract.
- The winning person or company will have to prove that they are up to date with their tax and Social Security obligations before the State Administration, and with their tax obligations before the Island Council of Mallorca and dependent bodies (this documentation will only be requested from the winners).

Supporting documentation will only be required from the winners after the selection process has been completed.

3. Idea requirements

The projects submitted must meet the following requirements:

- The ideas proposed will have to allow for scripts and short films of a minimum length of 5 minutes and a maximum of 15 minutes.
- The ideas must be unpublished and newly created, specific to this call, or adaptations of previous works, either by the same author or by others, provided that a transfer of rights is obtained for this purpose.
- It must be possible to shoot the short films entirely in Mallorca, and they must feature a fictional story linked to Mallorca.
- Participants are free to choose the theme, but the short film must include some characteristic element of Mallorca, such as its heritage, gastronomy, culture, sports, luxury and active tourism. The aim is to portray a Mallorca that is safe, sustainable and incorporates smart tourism to enhance the visitor experience.

4. Budget of the call for entries

This call has a maximum budget of € 90,000 from the budget of the Fundació Mallorca Turisme for 2021, which is broken down as follows:

- € 87,725 for the production of short films: € 72,500 as tax base and € 15,225 of VAT.
- € 2,275 to cover the costs of organising the pitching event, the development of the website for the submission and monitoring of applications, and possible fees for jury members.

In order to optimise the existing resources and to be able to make a fairer allocation, it is established that the maximum amount to be paid by the FMT per short film is €14,500 (VAT excluded), although the contract will be signed for the budget submitted by the contestant, with a maximum of €14,500, if the budget is higher. If the invoice issued for the payment of the contract includes a withholding for personal income tax (IRPF), it is understood that this amount is included in the €14,500 that will be paid directly by the FMT to the State Tax Administration Agency instead of paying this amount to the contractor of the short film.

5. Application deadline and place of submission

The deadline for submitting applications is 15 business days from the day following the publication of the call for entries for the pitching competition in the *Official Gazette of the Balearic Islands*.

Applications can only be submitted online and other forms of submission are not supported.

Individuals or legal entities that meet the requirements and wish to take part in this call for entries must formalise their registration application using the form created for this purpose on the website mfc.mallorcafilmcommission.net.

6. Formalisation of applications and documentation

The application must include:

- o Name of the applicant (natural or legal person)
- o Name of the representative (in the case of legal persons)
- o Contact information of the applicant (telephone and email)
- o Project title
- o Synopsis of the idea submitted, summarised in a text of between 10 and 30 lines.
- o Expected duration of the short film
- o Estimated budget for the production of the short film
- o Affidavit attesting to compliance with the requirements for winning the competition and subsequent signing of the short film production contract.
- o Affidavit attesting to being a professional in the audiovisual sector.

The application must be submitted in Catalan or Spanish. In the case of international applications, they may include the synopsis in English, but a Spanish version is mandatory. The application will not be accepted if it does not include a Spanish or Catalan version. In case of discrepancy, the version in Spanish or Catalan will be valid.

The following documents must accompany the application:

- Proof that the applicant is a professional in the audiovisual sector (supporting documentation).
- Estimated budget for the production of the short film.
- The application can be accompanied with a video presenting the idea.

If the submitted application shows that the contestant does not meet the necessary admission requirements established in the call, they will be immediately excluded.

Once the winners of the ideas competition have been selected, their eligibility for the contract will be verified. If a winner does not meet the requirement, the prize will be passed on to the next winner.

7. Criteria for selecting ideas and voting system

a. Artistic quality and content criteria

The aim is to select fiction stories of high narrative quality, with excellent technical and artistic production standards, which take place in Mallorca, and which present a positive image of the island as an attractive, safe and sustainable place for its inhabitants and visitors.

Including Mallorca's values and features, such as heritage, gastronomy, culture, sports, luxury and active tourism, as part of the content of the stories, will be valued. Performers of recognised prestige in the cast will also be valued.

b. Filming

At least 75% of filming must take place in locations in Mallorca. Production by local professionals and technicians will be valued.

8. Winner selection procedure

8.1 After the deadline for submitting applications there will be 2 phases for selecting the 5 winners:

- a) Shortlisting of ideas in case the number of entries exceeds 50. The shortlist will be chosen by a jury made up half by experts from the audiovisual sector and half by experts from the tourism sector.
- b) Open pitching session, in which each of the shortlisted authors or producers will be invited to present their ideas publicly for a maximum of 3 minutes in front of the rest of the participants, before a jury formed by...(pending).

All the other participants, as well as the members of the jury proposed by the Fundació Mallorca Turisme, and the professionals and experts appointed by the Fundació Mallorca Turisme from the fields of film and tourism, may attend the pitching session as spectators.

The composition of the jury will be announced prior to the voting, and may be made up of the same or different people in the shortlisting and pitching phases.

Pitching participants must register in order to take part in the pitching, and to be able to exercise their right to vote on the remaining ideas presented, with the exception of their own.

The ideas submitted may be voted on, based on their quality and interest, on a scale of 1 to 10 points, by all registered participants, with the exception of the person submitting the idea, who may not vote for his or her own idea, and by the experts and/or professionals of the jury.

The weighting of participants will be 20%, experts and/or professionals from the audiovisual sector 40% and experts and/or professionals from the tourism sector 40%.

Based on the results of the votes of the participants, professionals and experts, a ranking will be drawn up, taking into account the results of each of the three votes.

The winners will be the projects with the highest number of total points.

8.2 At this stage, candidates will be checked to ensure that they meet the requirements to be a winner of the competition. If the person concerned does not submit the required documentation, he/she will be requested to submit it within ten days. If the applicant does not submit it, it will be understood that he/she has withdrawn the submission in accordance with the provisions of article 68 of Law 39/2015, of 1 October, on the Common Administrative Procedure for Public Administrations, and it will be understood that he/she is not interested in continuing with the competition.

8.3 The decision appointing the winners of the competition will be published in the *Official Gazette of the Balearic Islands* and on the website mfc.mallorcafilmcommission.net

8.4 Once the pitching winners have been chosen, they will have fifteen days to submit the script of the short film with the final budget.

9.5 The winners will also have to submit the following documentation:

- Documentation proving the identity and legal personality of the entrant with a photocopy of the DNI (identity document), NIE (residency permit) or CIF (tax code), as appropriate, of the company or natural person applying, as well as of the representative, if any.
- Photocopy of the documentation proving the validity of the position of legal representative by virtue of which the person signing the application acts.
- Photocopy of the articles of association and/or statutes of the entity duly registered in the corresponding Registry.
- Photocopy of the registration certificate to the corresponding Registry, if registration is required.
- Photocopy of the certificate of status in the census of economic activities of the State Tax Administration Agency (AEAT) for the current year, photocopy of the registration of the census declaration of the start of business activity or of the Business Administration Institute (IAE) registration stating the corresponding business category.
- If the idea or script submitted is an adaptation of another work, the contract for the transfer of rights in accordance with intellectual property regulations.
- Certificate of being up to date with obligations to the State Tax Administration Agency and Social Security. The application to participate in the competition serves as authorisation for the staff of the Fundació Mallorca Turisme or the Mallorca Island Council to check ex officio that the winner is up to date with their obligations. If the

interested party does not agree, he/she can state this in the application and in this case he/she will have to provide the certificates. The Fundació Mallorca Turisme will check ex officio that the winner is up to date with their obligations to the Mallorca Island Council and dependent bodies.

If the interested party has already been part of a process with the Foundation, he/she can submit a letter mentioning this and indicating the file in which the administrative documentation can be found and indicating which documentation can be found. The certificates of being up to date with obligations and the certificate of status in the census of economic activities must be current.

- Affidavit attesting to:

- * Being up to date with obligations with the Fundació Mallorca Turisme.
- * Not falling under any of the prohibitions to contract with the administration according to article 71 of Law 9/2017, of 8 November, on Public Sector Contracts. This affidavit or similar document must include the express declaration that the company does not fall under any of the circumstances referred to in Law 2/1996, of 19 November, on the incompatibilities of members of the Government and senior officials of the CAIB (Autonomous Community of the Balearic Islands).

Non-Spanish natural and legal persons:

a) The legal capacity of the company must be accredited by submitting the document of incorporation of the entity according to the regulations of your country. The statutes and the accreditation of the representation of the person acting on behalf of the entity must be attached, with a photocopy of the tax identification code of the entity and the ID/passport of the representative, who must be the person who signs the production contract. The documentation shall be submitted together with an official sworn translation, apostilled in accordance with the 1961 Hague Convention.

b) If the applicant person or entity has a Spanish branch or subsidiary, the documentation relating to this must be provided, duly registered in the corresponding registry, as well as a photocopy of the tax identification number (CIF).

c) In either of the above two cases, the capacity of the person legally representing the applicant entity to act on its behalf must be proven. A copy of the passport/ID document/residency permit, translated by a sworn interpreter and apostilled in accordance with the 1961 Hague Convention, must also be submitted.

d) Certificate from the tax administration of the applicant's country certifying that he/she is registered with the tax authorities or a copy of the registration with the tax authorities of his/her country. If the applicant has a branch or subsidiary in Spain, he/she must attach the certificate of status in the census of economic activities for the current year or a copy of the registration of the census declaration.

e) Proof that the applicant, branch or subsidiary, if there is one in Spain, is up to date with its obligations to the State Tax Administration and Social Security, by submitting the appropriate certificate issued by the competent body. In the case of an agent authorised to act on behalf of the non-resident entity operating through a representative office, he/she must provide the corresponding certificate issued by the competent body certifying that he/she is up to date with payments to the state, island and social security authorities.

f) The following must also be submitted:

a. An affidavit issued before the competent authority in his/her country, stating that he/she is not prohibited from contracting with the Administration according to the Spanish legal system and, by analogy, with the legal system of the state to which he/she belongs.

b. This affidavit must include the express declaration that the company does not fall under any of the circumstances referred to in Law 2/1996, of 19 November, on the incompatibilities of members of the Government and senior officials of the CAIB (Autonomous Community of the Balearic Islands).

c. Affidavit stating that the entity is up to date with payments to the Foundation. Failure to submit this document is considered a reason for exclusion from this competition.

8.6 Once the necessary conditions have been met, the production contract will be signed with the winners for the budget amount.

8.7 In the event that the short film produced from the script does not match the contents initially expressed in the selected idea, or includes topics that may damage the image of Mallorca, the FMT reserves the right to request the return of the amounts allocated to the short film with the termination of the contract.

9. Production of the selected short films

Successful applicants will sign a production contract for the full amount of the submitted budget (the amount of the contract may not exceed €14,500 excluding VAT), to develop their idea as a script, and to develop and produce the short film derived from this idea. This price will include the amounts intended for writing the script, and those intended to cover the costs of production and post-production, up to the final delivery of the film, according to the budget presented.

Production and post-production may be carried out directly by the applicant, or through agreements with other companies or professionals.

After production and post-production, the finished short films must be delivered by 30 June 2021.

Payments under the production contract shall be made in instalments, according to the following certification schedule:

- a) 10% upon delivery and acceptance of the finished script
- b) 30% at the start of filming
- c) 30% at the end of filming
- d) 30% upon delivery of the final film

The technical characteristics of the production shall be as follows:

- Duration: between 5 and 15'
- Format: H.264 digital video
- Presentation: The works shall be submitted with all the elements already edited and ready for release, including header, graphics, sound, as well as credits.
- Resolution: The minimum resolution to use will be HD 1080 (1920X1080 PIXELS).
- Coding: They will be encoded using the H.264 codec, with a minimum Bitrate of 10 Mbps.

10. Award and formalisation of the production contract

The contracting authority will award the private contract, and subsequently formalise the contract in which the obligations of the parties will be set out.

The successful applicant must transfer the production rights for the short film to the Fundació Mallorca Turisme.

This contract shall be signed within a maximum of two months from its award, otherwise the Foundation may terminate it, not sign the contract and start proceedings with the next competition winner.

The name and logos of Fundació Mallorca Turisme - Mallorca Film Commission must appear in the credits of the short film, including the updated logos of the Foundation. Mentioning the Mallorca Film Commission will not be sufficient.

If the Foundation notifies the winner of any discrepancies, the entity shall take the necessary actions to rectify them.

11. Intellectual property

The Fundació Mallorca Turisme and the Mallorca Film Commission will have the rights of reproduction, distribution and public communication of the winning project, in accordance with current legislation, and is obliged to respect the moral rights of the person or persons who are the authors of the work in any use made of it, in accordance with current intellectual property law regulations.

12. Payment

The winning applicant is required to submit the invoice via the FACE platform in order to receive payment of the production contract price, once the contract has been fulfilled.

13. Termination of the contract

The following are causes for termination of the contract:

- a) Falsity of the data provided
- b) The legal extinction of the legal status of any of the parties.
- c) The mutual agreement of the parties
- d) The total or partial breach of all or any of the agreed general and specific conditions.
- e) Any actions on the part of the winning person that are contrary to the aims and objectives of the Foundation.
- f) That the short film is considered to be negative publicity for the image of Mallorca and the Foundation.
- g) Fortuitous circumstances and force majeure that make it impossible to produce the short film within the established deadline, such as those arising from the COVID-19 health crisis, which do not allow the project to be carried out under the agreed conditions. Fortuitous circumstances are those events which could not have been foreseen, or which, having been foreseen, are unavoidable. In accordance with article 1105 of the Spanish Civil Code, apart from the cases expressly mentioned in the Law, no one is liable for those events that could not have been foreseen, or which, if foreseen, were unavoidable.

14. Applicable legal regime

Any disputes arising from the formalisation of short film production contracts shall be settled by the civil courts, and no appeal may be lodged through administrative channels or any claim prior to the civil proceedings.

The parties expressly submit to the courts and tribunals of Palma, and consequently waive their local jurisdiction.