



Request for Proposal (RFP)

Guidelines For Producers

Television Programming Funding

Closing Date

5pm, Friday 17th February 2012

Te Māngai Pāho

Level 8

Eagle Technology House

135 Victoria Street

Wellington 6011

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Te Māngai Pāho wishes to purchase a range of programmes for broadcast on television that will promote the Māori language and Māori culture.

This Request for Proposal (RFP) invites applications for consideration in Television Funding Round 3 of the 2011/12 financial year. Proposals may be for any genre, however, in this funding round Te Māngai Pāho is specifically seeking to fund 115 hours of programming at an average cost of \$25,000 per hour (excluding GST) with approximately 100 of those hours required to be in the Second Language category. Te Māngai Pāho has minimal capacity to fund further hours in either of the Fluent or Receptive Categories. PLEASE NOTE that \$25,000 per hour is an average cost per hour and not every hour needs be purchased at that cost. However, the extent to which broadcasters and producers are able to submit proposals at a higher average per hour cost will be determined by the number of proposals for programming at a lower than \$25,000 per hour cost.

- A broadcast commitment from a national broadcaster (i.e. Māori Television, TVNZ, TV3 and PRIME) is required for each proposal before it can be submitted to Te Māngai Pāho.
- Some broadcasters, Māori Television included, send their broadcast commitment directly to Te Māngai Pāho.

This RFP:

- *includes an application form;*
- outlines the criteria under which all proposals will be assessed; and
- the key terms and conditions of contracts for successful applicants.

An outline of the required format and content of proposals is provided in the attached 'Proposal Format Outline and Appendices'

The closing date for acceptance of proposals for assessment is:

5pm Friday 17th February 2012.

IMPORTANT NOTICE – ELECTRONIC DELIVERY OF PROPOSALS

All prospective applicants for funding should note that as of this funding round, Te Māngai Pāho will require all proposals to be delivered to Te Māngai Pāho electronically via upload to Te Māngai Pāho website.

Applicants must register with Te Māngai Pāho to be allocated a User Name and Password to enable them to upload their proposal to a user specific FTP folder accessible via Te Māngai Pāho website.

Please note that the proposal MUST be uploaded to the Te Māngai Pāho website before the advertised deadline. We encourage applicants to deliver their proposals early rather than wait until the last minute.

STATUTORY FUNCTION

Te Māngai Pāho is a Crown entity established under the 1993 amendment to the Broadcasting Act 1989. The statutory function of Te Māngai Pāho is set out under Section 53B Part 1 of the Act and amongst other things requires Te Māngai Pāho:

To promote Māori language and Māori culture by making funds available, on such terms and conditions as Te Māngai Pāho thinks fit, for broadcasting and the production of programmes to be broadcast and for archiving programmes.

MĀORI LANGUAGE STRATEGY

In making purchase decisions, Te Māngai Pāho takes into consideration the government's long term Māori language goals which encompass the following:

- The Māori language will be widely spoken by Māori.
- In particular, the Māori Language will be in common use within Māori whānau homes and communities. All New Zealanders will appreciate the value of the Māori language to New Zealand society.
- The majority of Māori will be able to speak Māori to some extent. There will be increases in proficiency levels of people speaking Māori, listening to Māori, reading Māori and writing in Māori.
- Māori language use will be increased at marae, within Māori households and other targeted domains. In these domains the Māori language will be in common use.
- All Māori and other New Zealanders will have enhanced access to high quality Māori language education.
- Iwi, hapū and local communities will be the leading parties in ensuring local-level language revitalisation. Iwi-specific dialects of the Māori language will be supported.
- The Māori language will be valued by all New Zealanders and there will be a common awareness of the need to protect the language.

TE MĀNGAI PĀHO OBJECTIVES FOR TELEVISION

Te Māngai Pāho's role is part of the government's wider Māori Language Strategy. Our work is complementary to and in support of initiatives in other areas and our objectives can be summarised as follows:

- 1 We aim to facilitate through the broadcast medium of television, an environment for Māori as a living language, a language transmitted to the homes, workplaces, marae and gathering places of fluent speakers.
- 2 We aim to provide support to those learning the Māori language and learning about Māori culture, by ensuring original, informative and entertaining programming appropriate to their interests and Māori language abilities is made available.
- 3 We aim to inform the wider community about Māori language and culture by funding programmes for broadcast.

AUDIENCES

Te Māngai Pāho provides funding to Television Producers to produce programmes including Māori language that promote the Māori language and Māori culture, in each of the areas identified above. Te Māngai Pāho's Purchase and Funding Framework identifies these areas as: Fluent Speakers, Second Language Learners and Receptive Audiences (audiences without advanced Māori Language skills but who actively seek out Māori programmes).

As indicated earlier, in this funding round Te Māngai Pāho is only seeking proposals for programmes in the Receptive and Second Language categories.

Te Māngai Pāho has already funded in this financial year sufficient programmes to achieve the target hours in the Fluent category.

A key criterion for funding is the degree to which a proposal promotes the Māori language and Māori culture in a manner appropriate to its target audience. Te Māngai Pāho gives consideration to programming that will ensure the following objectives are addressed:

- A diversity of Māori language programming that contributes to the revitalisation of the Māori language and Māori culture.
- A range of programmes in the Māori language to be broadcast on television networks.
- Māori language programming which captures and sustains its stated target audience.

If you have any queries in relation to this RFP please submit them in writing to:

Physical Address: Lynne Parr – Television Funding Advisor
Te Māngai Pāho
Level 8, Eagle Technology House
135 Victoria Street
WELLINGTON 6011

Postal Address: Lynne Parr – Television Funding Advisor
Te Māngai Pāho
PO Box 10 004
WELLINGTON 6143

Email: lynne@tmp.govt.nz

Points of clarification on the RFP will be made in writing. Te Māngai Pāho will not be bound by any oral responses to questions regarding this RFP provided by any Te Māngai Pāho staff or Board members.

Questions and answers arising from queries by applicants relating to this RFP which Te Māngai Pāho considers may be of interest or relevance to others responding to this RFP may be posted on the Te Māngai Pāho web site (www.tmp.govt.nz) up to the closing date of this RFP.

It is essential an electronic copy of your completed proposal is received by Te Māngai Pāho **before** the advertised closing time and date.

Closing Time and Date for all applications:
5PM FRIDAY 17TH FEBRUARY 2012

15th March 2012: Final consideration by the Board of Te Māngai Pāho

16th March 2012: Notification of Board Decisions

Te Māngai Pāho reserves the right to vary any or all of the above dates as it deems appropriate.

Please note:

If a proposal is received after 5pm on the closing date it may not be considered in this round. However, Te Māngai Pāho reserves the right to extend the period allowed for submission of proposals at its sole discretion. Any late proposal on which Te Māngai Pāho chooses not to exercise its discretion will be returned to the person submitting the proposal.

Please note that Te Māngai Pāho will no longer require hard copies of proposals.

OPEN GENRE – there are no subject restrictions for this round, however, as previously advised this RFP is for a prescribed number of relatively low-cost hours in the Receptive and Second Language categories. It should also be noted that time sensitive programmes must have secured not only a Broadcast Commitment but also an on-air date and timeslot in order to be considered for assessment.

In order for applications to be considered, **an electronic copy of the proposal must be provided to Te Māngai Pāho** before the published deadline. This includes the completed Te Māngai Pāho Television Funding Application Form and all Appendices. Proposals need not necessarily be full colour or expensive, however, Producers are advised that in a competitive environment the creativity and overall quality of the proposal may be a deciding factor.

Please collate your proposal as outlined in the attached Proposal Format Outline and Appendices

Please also note:

- **it is a requirement that all key personnel actually sign Form 1.2 to confirm their commitment to the project. Emailed confirmation from the individual should be the exception rather than the practice.**
- **Curriculum vitae and other supporting material such as emails from key personnel should be included as appendices rather than in the body of the proposal.**

Proposals should be a 'selling document' which provides a definition and succinct account of your project.

The quality of the project description is important. Keep it factual, accurate and to the point so as to hold the assessor's interest.

Proposals should be set out in the format outlined in the Appendices to this RFP. The format is set out in accordance with the assessment criteria.

Missing information or information which is hard to locate within a proposal may impact on the evaluation of the proposal.

Please see "PROPOSAL FORMAT OUTLINE AND APPENDICES"

1 PROCESS

Prior to an application being considered, a new client company must supply the documentation and references which enable Te Māngai Pāho to conduct a risk analysis and management assessment. Existing clients must have complied with all previous contractual obligations.

A panel comprising independent industry practitioners and Te Māngai Pāho Management assesses and prioritises all applications, supported by a qualifying broadcaster.

Applications are assessed against Te Māngai Pāho's overall objectives and statutory obligations including:

- (a) *Effective and efficient use of public funds.*
- (b) *Fostering within Aotearoa the revitalisation of Māori language and greater awareness of Māori values, practices and views.*

The panel makes recommendations to the Board of Te Māngai Pāho. Applicants will be advised in writing of the Board's decision within 48 hours.

2 CRITERIA

The panel uses a weightings system to ensure the full range of criteria is considered.

(a) *Effective and efficient use of public funds*

- Production budget, production schedule and value against Te Māngai Pāho objectives (20%)
- Production Company experience, reliability and commitment to training and development (20%)

(b) *Fostering within Aotearoa the revitalisation of Māori language and greater awareness of Māori values, practices and views*

- Concept, content and audience for the project (20%)
- Quality of Language Plan and Language Outcomes (10%)
- Quantity, quality and appropriateness of te reo Māori to the project and audience (15%)
- Kaupapa Māori – promoting connective, education and diversity of Māori experiences (15%)

GENERAL INFORMATION

- Te Māngai Pāho does not intend to create any contractual legal obligations by calling for proposals, considering submitted proposals or negotiating with any or all of the applicants prior to the execution of a formal agreement between Te Māngai Pāho and a successful applicant who will be the funding recipient.
- It is not the intention of Te Māngai Pāho with this RFP to select one preferred applicant. Te Māngai Pāho reserves the right to negotiate concurrently with one or more applicants.
- This invitation by Te Māngai Pāho to submit a proposal should not be considered a recommendation to any organisation to submit one. Applicants must make their own independent investigations regarding all relevant matters.
- The applicant acknowledges that in considering funding proposals, Te Māngai Pāho is bound by the requirements of the Broadcasting Act 1989. Applicants should familiarise themselves with these requirements and in particular the requirements of Section 4 of that Act i.e. Section 4 (1) (a) - that the programme standards are consistent with the observance of good taste and decency.
- Any information which Te Māngai Pāho provides in relation to this RFP is believed by Te Māngai Pāho to be complete and accurate. However, Te Māngai Pāho makes no representation or warranty as to accuracy or completeness of any information so provided and each applicant must satisfy him/herself, as far as practical before submitting a proposal, as to the correctness and sufficiency of the proposal for this RFP.
- When evaluating the applications received, Te Māngai Pāho may need to seek further information from all or some of the applicants and reserves the right to do so. Any statements made by Te Māngai Pāho employees or Board members during the course of any meetings or discussions with the applicants do not bind Te Māngai Pāho when making any subsequent decision to enter into an agreement with an applicant or to reject any proposals.
- Any information supplied by Te Māngai Pāho to an applicant must be treated as confidential and must be used only for the purposes of submitting a proposal or clarifying a submitted proposal.
- Te Māngai Pāho reserves the right not to accept any proposal or the lowest priced proposal.
- Te Māngai Pāho is not under any obligation to check proposals for errors. Acceptance of a proposal that contains errors will not invalidate any contract formed arising from this RFP process.
- Te Māngai Pāho reserves the right to call and/or re-advertise for proposals or revisit any prior RFP process.
- Te Māngai Pāho reserves the right to suspend or cancel, (in whole or in part), this RFP or the RFP process.

- If a proposal for development (scripts, pilot etc) is successful, the funding given to that development will be deducted from the funding for production of a programme.
- Te Māngai Pāho may vary the RFP by notice in writing to all persons submitting proposals. Proposals submitted in response to this RFP may not be varied once submitted without the prior written consent of Te Māngai Pāho.
- All costs incurred by applicants submitting proposals in preparing their proposals and during the preparations, negotiations and execution of any agreement within Te Māngai Pāho shall be borne by the applicants and Te Māngai Pāho will not have any liability for those costs.
- Tagged proposals and any proposals which do not fully comply with the requirements as outlined in this RFP may be considered, rejected or evaluated at the sole discretion of Te Māngai Pāho.
- Information disclosed in proposals to Te Māngai Pāho may be required to be disclosed to other members of the public pursuant to the Official Information Act 1982 however no information will be disclosed during the assessment process. By submitting a proposal there is consent to such disclosure as is deemed necessary by Te Māngai Pāho to comply with its obligations under the Act. To assist with this process, please indicate clearly in your proposal any information you consider to be commercially sensitive.
- Te Māngai Pāho will not be bound to give any reasons for decisions made as a result of this RFP or as an outcome of RFP assessment of any Proposals.
- None of Te Māngai Pāho employees, agents or advisors will be liable in contract or tort or in any other way for any direct or indirect damage, loss or cost incurred by any applicant or other person in respect of this RFP.
- The applicant shall not have any rights against Te Māngai Pāho of any nature whatsoever arising from the RFP process under this RFP and accordingly it shall not make any claim of any nature against Te Māngai Pāho, including but not limited to recover from Te Māngai Pāho (or any person associated with Te Māngai Pāho) any costs incurred in relation to this RFP or in respect of any lost expectation of profits.

The successful applicants will be required to enter into a formal agreement with Te Māngai Pāho on terms satisfactory to Te Māngai Pāho recording the terms and conditions on which Te Māngai Pāho will provide funding to the applicant.

Te Māngai Pāho is under no legal obligation to provide funding until the Funding Agreement is signed by both parties. Payment will then only be made in accordance with the Funding Agreement.

Successful applicants will also be required to permit Te Māngai Pāho to carry out such reference checks on key personnel as Te Māngai Pāho may consider necessary.

The formal agreement to be entered into with Te Māngai Pāho will cover such matters as:

- Accountability for use of funds, including production and financial reporting.
- Provision of appropriate documentation for the nominated production bank account (e.g. bank deposit slip).
- Delivery requirements and compliance with the original proposal.
- The rights of Te Māngai Pāho in the event of contract default.
- Covenants that all necessary copyright and other authorities in relation to the programme have been obtained.
- A requirement that a credit for Te Māngai Pāho be included in the credits of the programme.
- The right of Te Māngai Pāho as a funder to participate in sales income returns of the programme.
- Making programmes funded for other broadcasters available for replay on Māori Television.
- Te reo Māori monitoring and evaluation requirements.
- An undertaking relating to programme standards.
- Reporting Requirements.

The formal agreement to be entered into with Te Māngai Pāho may also cover such matters as:

- Ownership of rights during production.
- Establishment of a separate entity for the production of the programme.
- Restrictions on bank offsets.

10.1 KEY PERSONNEL CHANGES

Producer's Responsibilities

The producer will be expected to keep Te Māngai Pāho and the Broadcaster informed about any changes to key personnel. Your project requires the services of a Te Reo Consultant and that person needs to be approved by the Broadcaster and Te Māngai Pāho **before** a Funding Agreement is executed.

10.2 MILESTONE PAYMENTS

The funding Drawdown Schedule lists Milestone Deliverables during the duration of the production. The milestones can include either the broadcaster deliverables such as Licence to Broadcast Agreement (LBA), rough cut approval etc. The funding draw-downs are conditional on approval by the broadcaster that the milestones have been met.

The number of milestones will be determined by the programme (ie studio based programme; documentary; series, script development, pilot etc); duration of production, total budget and experience of producer/production company.

10.3 CONTRACT REPORTING

A Progress Report must accompany a full Cost Report against the Budget and is required prior to the payment of each Instalment.

A sample of a cost report, budget summary sheet or a full budget worksheet can be forwarded to you in excel spreadsheet form if you email lynne@tmp.govt.nz.

With the progress report Te Māngai Pāho require a narrative report from the Producer relevant to the stage of production, detailing matters outlined below. A narrative progress report from the Te Reo Māori Consultant will also be required. Reports should be of sufficient detail so as to accurately describe the progress of the Programme.

A successful applicant will need to report overruns and problems if and when they occur. They will also need to outline the solutions that have been adopted in these cases. Successful applicants are also required to disclose any related party transactions as well as any conflicts of interest throughout the process.

These are guidelines only but full reporting is a condition of Te Māngai Pāho funding agreements.

Te Reo Māori Consultant report:

- Progress against the Te Reo Māori Content Plan.
- Noting any amendments required to keep overall language quantity and quality on track.

During pre-production comment on:

- Progress of research/scripting.
- Progress in obtaining any necessary consents or completing any other agreements.
- Progress securing the Key Persons/other talent and any key personnel changes.
- How the Programme is shaping up.
- Any reallocation of funds.
- Recording progress – what has been obtained and what remains to be completed.
- The performance of Key Persons and any changes to Key Personnel.
- Whether any additional funding has been secured as identified in your application.
- Any issues/complications arising.
- Related party disclosures and transactions.
- Any conflicts of interest.

During post-production comment on:

- Whether progress is satisfactory.
- Confirmation on availability of resources as set out in the Proposal.
- Any issues/complications arising.
- Any reallocation of funds.
- Any changes to Key Personnel.
- Related party disclosures and transactions.
- Any conflicts of interest.

Schedule:

- Outline proposed schedule from this report through to delivery of Programme.
- Note any delays and provide reasons for these.

Cost reporting against budget:

- Narrative description on the progress of the budget.
- Comment on any material departures from the Approved Budget.
- A detailed Cost Report showing expenditure to date. The Cost Reports should be at the level of detail shown in the Approved Budget.
- The Cost Report should show the comparison against the Approved Budget.
- The Cost Report should also include estimates of final completion costs.
- A high level of detail is required for each line item. A summary is **not** acceptable.
- Any other comments.
- Related party costs need to be disclosed.

10.4 INSPECTION BY TE MĀNGAI PĀHO

Te Māngai Pāho reserves the right to review a production but will give up to 24 hours prior notice or such lesser time as may be reasonable in the circumstances of this happening. Te Māngai Pāho or a representative may inspect and/or conduct a financial review of the Producer's books, records, accounts and premises relating to your production (including verifying contents of any Progress Report, Cost Report or Final Report). Funding inspections may also be required to ensure appropriate financial and production management systems are in place before funding is confirmed.

IF YOU REQUIRE A COPY OF OUR FORMATTED FORMS IN WORD AND/OR EXCEL THEN PLEASE EMAIL US AND WE WILL FORWARD THEM TO YOU - EMAIL: lynne@tmp.govt.nz

Te Māngai Pāho has supplied a **TV FUNDING APPLICATION CHECKLIST** which will assist you in completing all forms required to meet our RFP objectives.

NOW GO TO THE TELEVISION FUNDING APPLICATION FORMS INCLUDED IN THE PROPOSAL FORMAT OUTLINE AND APPENDICES

YOUR APPLICATION NEEDS TO INCLUDE:

- COMPLETED FORMS IN APPENDICES
- PLUS YOUR WRITTEN APPLICATION

An electronic copy of your proposal needs to be received by Te Māngai Pāho BEFORE the deadline of 5pm Friday 17 February 2012.

IMPORTANT NOTICE – ELECTRONIC DELIVERY OF PROPOSALS

All prospective applicants for funding should note that Te Māngai Pāho requires all proposals to be delivered to Te Māngai Pāho electronically via upload to its website.

Applicants must register with Te Māngai Pāho to be allocated a User Name and Password to enable them to upload their proposal to a user specific FTP folder accessible via the Te Māngai Pāho website.

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