

Request for Proposals (RFP) for purchase of non-commercial, non-profit and non-exclusive screening rights of Bollywood and Indian regional feature films for screening by Ministry of External Affairs and Indian Missions/Posts abroad

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Clarification start date	26/12/2019 (1000 hrs)
Clarification end date	15/01/2020 (1800 hrs)
Bid Submission start date (online)	25/12/2019 (1000 hrs)
Bid Submission end date (online)	15/01/2020 (1800 hrs)
Date of opening of RFP (online)	16/01/2020 (1130 hrs)

TERMS & CONDITIONS:

1. Scope of work:

The External Publicity & Public Diplomacy Division of the Ministry of External Affairs (MEA) invites proposals from film producers/distributors for purchase of screening rights of the following Bollywood and Indian regional feature films:-

Sl. No.	Title of the Film	Language	Remarks
<u>BOLLYWOOD FEATURE FILMS</u>			
1	The Gazi Attack	Hindi	
2	Toilet: Ek Prem Katha	Hindi	
3	Padman	Hindi	(66 th National Film Award for best social film)
4	Gold	Hindi	
5	Uri: The Surgical Strike	Hindi	(66 th National Film Award for best film)
6	Mission Mangal	Hindi	
7	Newton	Hindi	(65 th National Film Award for best film)
8	Badhaai Ho	Hindi	(66 th National Film Award for best film)
9	Sui Dhaga	Hindi	
<u>INDIAN REGIONAL FEATURE FILMS</u>			
10	Kachcha Limbu	Marathi	(65 th National Film Award for

			best Marathi film)
11	Bhonga	Marathi	(66 th National Film Award for best Marathi film)
12	To Let	Tamil	(65 th National Film Award for best Tamil film)
13	2:0	Tamil	(Nominated for best film Asian Film Awards 2019)
14	Ek Je Chilo Raja	Bengali	(66 th National Film Award for best Bengali film)
15	Mayurakshi	Bengali	(65 th National Film Award for best Bengali film)
16	Reva	Gujarati	(66 th National Film Award for best Gujarati film)
17	Hellaro	Gujarati	(Gujarati, 66 th National Film Award for best film)
18	Nathicharami	Kannada	(66 th National Film Award for best Kannada film)
19	Hebbettu Ramakka	Kannada	(65 th National Film Award for best Kannada film)
20	Thondimuthalum Driksakshiyum	Malayalam	(65 th National Film Award for best Malayalam film)
21	Sudani from Nigeria	Malayalam	(66 th National Film Award for best Malayalam film)
22	Pelli Choopulu	Telugu	(64 th National Film Award for best Telugu film)
23	Mahanati	Telugu	(66 th National Film Award for best Telugu film)
24	Harjeeta	Punjabi	(66 th National Film Award for best Punjab film)
25	Priyamanasam	Sanskrit	(63 rd National Film Award for best Sanskrit film)

These films should be provided in formats like DVD, Blu Ray and Hard Drive. These films should be subtitled in English (each in separate DVD, Blu Ray, Hard Drive and Digital Cinema Package). The films are required for screenings abroad on non-commercial/non-profit/non-exclusive basis for promotion of Indian cinema abroad and also for holding film festivals/film weeks through Indian Missions abroad.

Distributors are required to provide dubbing and subtitling rights of these films in all foreign languages such as French, Spanish, and Arabic. However, if a Bidder is able to offer films subtitled/dubbed in any foreign language(s), he/she may

indicate the additional cost for subtitling/dubbing in foreign language (language-wise) in a separate sheet.

The films should be offered with cue sheets in English & Hindi along with the script.

2. Eligibility criteria:

Bidder/authorized representatives should provide evidence of having necessary ownership rights of the films. A bidder may offer one or more films of which he/she has the ownership rights. In case more than one film is being offered, the rate of each film should be mentioned separately. It is mandatory for the bidder to meet all conditions of this RFP.

3. Technical specifications/deliverables:

Successful bidder must supply the best HD print of the following deliverables for use, and, if offered with subtitling/dubbing in foreign languages, to enable dubbing/subtitling in other languages and conversion to other formats within 60 days of being declared successful:

- a) High Definition (HD) Mixed Master with English subtitles.
- b) High Definition (HD) Unmixed Master in Hard Drive in original with English subtitles.
- c) DVD Copy of the Master - two copies of each.
- d) DVD in .mp4 Format of the master and subtitled versions in English - two copies of each.
- e) Soft copy (Word document in CD/DVD) of approved script, cue sheet and lyrics in Hindi and English language.
- f) One DCP (Digital Cinema Package) of each film.
- g) Blu Ray DVDs (Original and Subtitled) of each film- two copies each.
- h) Original soundtrack of the film in a Hard Drive

4. Price, EMD and Performance guarantee:

The price quoted should be the full amount, including all taxes, against all deliverables. An amount of Rs. 5,00,000/- (Rupees Five Lakh only) will have to be deposited as an **Earnest Money Deposit (EMD)** with the bids in the form of a **bank demand draft or bank guarantee** valid for 03 (three) months from last date of submission. This EMD should be scanned and attached with the RFP documents to be submitted online. No RFP will be accepted without requisite EMD. This EMD along with the hard copy of entire proposal should be sent in

original to the undersigned after successful online submission of the RFP. The EMD will be refunded within one month of the date of announcing of award of the contract. No claim of interest will be entertained by MEA in case of delayed payments for reasons beyond its control. Successful bidder will have to deposit **Performance Guarantee** in shape of a **bank demand draft or bank guarantee** in favour of **PAO, COA, MEA, New Delhi** equivalent to 10% (ten percent) of the value of the contract within fifteen (15) days of award of the contract, valid for 06 (six) months from the date of acceptance of award by the bidder. EMD, Demand Draft or Bank Guarantee deposited with MEA shall earn no interest.

5. Evaluation procedure:

Bids are to be submitted online by **1800 hrs on 15/01/2020**. Bids will be opened on **16/01/2020 at 1130 hrs** in presence of interested bidders. **Selection will be made by a Film Selection Committee whose decision will be final and binding on all.** Lowest price per film (**L-1**) will be recommended for acceptance. Bids should be submitted in online mode only. MEA reserves the right to relax any term or condition of this RFP with the approval of the competent authority. Bids should be submitted duly sealed/stamped with signature of bidder/authorized representative attaching the following in a scanned .pdf file:

- (1) A covering page stating all Annexure attached with the technical bid as detailed below (**A/1**).
- (2) Notarized copy of ownership document of the film; or in cases of authorized representatives an authority letter in original from the owner/films' right holder. Complete name, office address and branches if any should be mentioned (**A/2**).
- (3) Notarized affidavit in original on Rs. 100/- stamp paper affirming/confirming to be the owner/authorized representative/ rights holder by bidder and eligible to bid as he/she meets all conditions of this EOI notice and is not disqualified by any disqualification mentioned in the EOI notice (**A/3**).
- (4) Details of link agreements to ownership document (**A/4**).
- (5) Particulars of the bidder in the prescribed format (**A/5**).
- (6) Notarized affidavit declaring that screening of film abroad is free from all encumbrances (**A/6**).
- (7) Notarized indemnity bond on Rs. 200/- stamp paper (**A/7**).
- (8) An amount of Rs. 5,00,000/- (Rupees Five Lakh only) will have to be deposited as an Earnest Money Deposit (**EMD**) with the bid after scanning it in the form of a bank Demand Draft or Bank guarantee valid for 3 (three) months from last date of submission in favour of the **"Pay and Accounts Officer, Ministry of External Affairs"**

payable at New Delhi (A/8). The same should be deposited in original to the undersigned on or before the last date of submission of bids.

- (9) Tax returns for the last three years (2016-2019) and copies of PAN/TAN/Service Tax numbers, as applicable (A/9).
- (10) Copy of the terms and conditions duly signed by authorized signatory as a token of acceptance of the same (A/10).
- (11) Any additional information from the bidder which is relevant to the offer (A/11).

6. Instruction to Bidders:

A Bidder should meet prescribed eligibility criteria and observe conditions of this RFP. Offer should be valid for at least 03 (three) months from the last date of submission of RFP. The bids should be submitted online on or before **1800hrs on 15/01/2020**. MEA reserves the right to accept or reject all or any of the bids without assigning any reason. Incomplete applications will be liable to be rejected.

7. Contract/Notification of Award/ Letter of Acceptance of Award:

MEA will notify the successful bidder(s) by e-mail and confirm through letter on the address provided, that his/her bid has been accepted. This '**Notification of Award**' shall name the sum which MEA will pay to the bidder in consideration of the performance of the **Scope of Work** by the bidder. The successful bidder(s) on receipt of "Notification of Award" shall convey his '**Acceptance of Award**' by return e-mail which will be confirmed through speed post letter within seven (07) business days. The Notification of Award and the letter of Acceptance of Award shall constitute the contract.

8. Termination/Penalty clause:

Refusal or inability or delay or any false statement by the successful bidder to supply all deliverables as per Scope of Work at the contracted rate within prescribed time frame may result in termination of the contract and forfeiting of EMD/Performance Security/Bank Guarantee as well as disqualification of the bidder from participating in future tenders. MEA will have the right to take any other action as deemed necessary. Withdrawal of a bid after its submission will result in the forfeiture of the EMD.

9. Disqualification:

Incomplete applications without applicable Annexure may render a bidder disqualified. Even though a bidder may meet eligibility criteria, he/she is subject to be disqualified if any bidder/authorized representative have:

- (a) Made misleading or false representation in the forms, statements and attachments submitted; or
- (b) Had previous record of poor performance during the last 03 (three) years, as on the date of application such as rescinding of contract for which the reasons are attributable to the non-performance, inordinate delays in performance; or
- (c) If a bidder has a criminal history or has been convicted by any court of law for any of the offences under any Indian law in last ten years.

10. Acceptance/ Rejection of bids:

MEA reserves the right to reject any or all of the bids or to cancel the RFP in whole as and when deemed necessary.

11. Jurisdiction of courts:

Any dispute arising out of this RFP shall be governed and settled in accordance with the laws of India and the courts in NCT of Delhi shall have exclusive jurisdiction in relation thereto.

12. Contact details:

Eligible bidders may please submit their bids only in online mode through Central Procurement Organization's e-procurement portal (<http://eprocure.gov.in/eprocure/app>) clearly mentioning the name and address/mobile phone number of the bidder/authorized representative before **1800hrs on 15/01/2020**. A hard copy of the proposal along with the EMD, all annexure and all notarized affidavits should be sent to the undersigned after successful online submission of the RFP. The bids should be addressed to **Shri Sanjeev Saklani, Under Secretary (Public Diplomacy), Room No. 256-A, 2nd Floor, 'A' Wing, External Publicity & Public Diplomacy Division Ministry of External Affairs, Shastri Bhavan, New Delhi 110001**. No offline proposal will be accepted. In case of any help or clarifications please contact PAV Section at 011-23381769 or e-mail: uspd@mea.gov.in (but not for submission of RFP).

13. Opening of EOI:

The proposal shall be opened as per the schedule mentioned in table of important dates at Room No. 256, 2nd Floor, 'A' Wing, and Shastri Bhawan, New Delhi in the presence of Film Committee members and bidders who choose to attend the opening of bids. Authorized representative with the authority letter on the letter head of bidding company duly signed by the bidder will be allowed to attend the bids opening to be held on at **1130 hrs on 16/01/2020**. Successful bidder(s) has to comply with post-contract award formalities as per this RFP.

Annexure 1

I/We _____ (Name _____ of _____ the _____ bidder/authorised representative) _____ forward the following Annexure with the bid:

- (1) Notarized copy of ownership document of the film or authority letter from the owner/film's right holder. Complete name, office address and branches, if any, should be mentioned (**Annexure 2**).
- (2) Notarized affidavit in original on Rs. 100/- stamp paper affirming/confirming to be the owner/authorized representative/ rights holder by bidder and eligible to bid as he/she meets all conditions of this RFP and is not disqualified by any disqualification mentioned in the RFP (**Annexure 3**).
- (3) Details of link agreements to ownership document (**Annexure 4**).
- (4) Particulars of the bidder in the prescribed format (**Annexure 5**).
- (5) Notarized affidavit declaring that screening of the feature films abroad is free from all encumbrances (**Annexure 6**).
- (6) Notarized indemnity bond on Rs. 200/- stamp paper (**Annexure 7**).
- (7) Earnest Money Deposit (EMD) of Rs. 5,00,000/- (Rupees Five Lakh only) in the form of a bank Demand Draft or Bank guarantee valid for 03 (three) months from last date of submission (**Annexure 8**).
- (8) Tax returns for the last three years (2016-2019) and copies of PAN/TAN/Service Tax numbers, as applicable, showing turnover of Rs. One Crore (**Annexure 9**) during the last three years.
- (9) Any additional information from the bidder which is relevant to the offer (**Annexure 10**).

I / We confirm as in para 1 to 9 above.

Place:

Signature of Bidder

NAME (in BLOCK LETTERS):

Date:

ADDRESS:

BANNER/STAMP:

Annexure 2

(To be given on Stamp paper of Rs. 100/- only duly notarized)

A F F I D A V I T

To

The Under Secretary (PD)
External Publicity and Public Diplomacy Division,
Ministry of External Affairs,
New Delhi

1. This is to certify that I/We _____ am/are the sole proprietor and right holder(s) / of the film(s) “ _____ ”.
2. That my/our registered address for sending mail, correspondence and notice is as following:
3. That we do not have any branches or

We have branches located at the following addresses:

4. It is further certified that the information/documents given is/are absolutely correct and complete to the best of my/our knowledge and belief and nothing has been concealed therein. If at any stage, the information/documents given is/are found incorrect or false, I/We shall be personally held responsible and liable to face all legal consequences apart from forfeiture/refund of all sums of EMD, Performance Guarantee or fixed sum of amount for rights received.

I/We confirm as in para 1 to 4 above.

Place:

Signature of Bidder

NAME (in BLOCK LETTERS):

Date:

ADDRESS:

BANNER/STAMP :

Annexure 3

AFFIDAVIT

I/We _____ affirm to be the owner/authorized representative/rights holder of the film(s) _____ and eligible to participate in the bid as I/We meet all terms and conditions of this RFP and am/are not disqualified by any disqualification mentioned in the RFP. I/we also affirm that I/we have:

- (a) Not made misleading or false representation in the forms, statements and attachments submitted; or
- (b) No previous record of poor performance during the last 03 (three) years, as on the date of application such as rescinding of contract for which the reasons are attributable to the non- performance, inordinate delays in performance, or has not been blacklisted; or
- (c) No criminal history or have not been convicted by any court of law for any of the offences under any Indian law in the last ten years.

Place:

Signature of Bidder
NAME (in BLOCK LETTERS):
ADDRESS:

Date:

BANNER/STAMP:

Annexure 4**Details of Link Agreements**

Name / banner of right holder	Address, Phone & fax number	Period of Agreement (with specific dates)
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1. Original

2.

3.

This is to certify that the information given above is true & complete, and nothing has been concealed in my application. It is further certified that the information/documents given is/are absolutely correct and complete to the best of my/our knowledge and belief and nothing has/have been concealed therein. If at any stage, the information/documents given is/are found country/wrong, I/We shall be personally held responsible and liable to face all legal consequences apart from forfeiture/refund of fixed sum paid for the non-commercial screening rights.

Signature of the Bidder with rubber stamp:

Name in BLOCK letters:

Address, telephone & fax number:

Annexure 5

(Number of pages attached to this Annexure _____)

Particulars of the Bidder and film offered (One page per film)

Name of the Bidder:

Address:

Company registered office:

Address of Branches if any:

Telephone number:

Email address:

1. Name of the Film(s) offered _____

2. Language(s) _____

3. Year of Production _____

4(a).

(i) Date of issue of original Censor Certificate with "A"/"U/A"/"U"

(ii) Date of issue of revised censor certificate with "V/U"

4(b). Duration of the Film (in minutes), with cuts: -----

Without cuts:-----

5. Category: "U", or "V / U" _____

6. Cast in Respect of Major Roles:

7. Name of the Producer 1.
(If there are more than one, 2.
give names of all Producers) 3.

8. Name of the Director:

(Signature and Stamp of Bidder)

Annexure 6**Affidavit**

I/We _____ affirm that:-

1. There is no dispute/court case regarding ownership of the non-commercial telecasting rights along with dubbing and subtitling in all foreign languages in respect of the film(s) _____. If any dispute arises as a Bidder it would be my/our duty to get objections cleared as mentioned in indemnity bond. I will also be liable to pay all the court expenses incurred by the Ministry of External Affairs.
2. The screening of the film abroad is free from any encumbrance.
3. It is further certified that the information/documents given is/are absolutely correct and complete to the best of my/our knowledge and belief and nothing has/have been concealed therein. If at any stage, the information/documents given is/are found to be incorrect, I/We shall be personally held responsible and liable to face all legal consequences apart from forfeiture/refund of EMD, Performance Guarantee or fixed sum paid for non-commercial screening rights.

I/We confirm as in para 1 to 3 above.

Signature of Bidder
NAME (in BLOCK LETTERS):

Date:

ADDRESS:

BANNER/STAMP:

Annexure 7

To be given on Stamp paper of Rs. 200/- only (Each page duly notarized)

INDEMNITY BOND

This **INDEMNITY BOND** is executed by Mr./ Ms. _____
Sole proprietor or authorized signatory M/s. _____
(Name & banner with address) (Hereinafter called '**the Obligor**') in favour of
Under Secretary (PD) Ministry of External Affairs at New Delhi (hereinafter called
'**the Obligee**')

1. **AND WHEREAS** that the Obligor hereby declares that he is the producer/sole right holder of the feature film(s) _____ in _____ language(s) and is legally entitled and competent to offer the aforesaid film for sale of non-commercial screening rights abroad
2. **FURTHER** that the 'Obligor' hereby undertakes to keep the 'Obligee' indemnified against any claim, dispute, litigation, and court expenses incurred by the Obligee etc. in respect of the non-commercial screening rights of the said film.
3. **FURTHERMORE**, that the 'Obligor' agrees to make available to the 'Obligee' all deliverables mentioned in para 3 (a) to (f) for the purpose of non-commercial screening rights at his own expenses.
4. **FURTHER**, that in the event of any objection/claim from any party or parties against non-commercial screening rights of the above feature film 'the Obligor' agrees and undertakes to get the objections cleared of his own claim, litigation and/or dispute.
5. **FURTHER**, that in the event of any dispute, this indemnity bond shall be subjected to the jurisdiction of appropriate Court in **NCT of New Delhi**.
6. **AND WHEREAS**, the "Obligee" has expressed his willingness to pay a fixed sum to the 'Obligor' in connection with the non-commercial screening of the feature film(s) _____ in all foreign languages and formats.
7. **AND WHEREAS**, "the Obligor" has consented to accept the fixed sum.
8. **AND WHEREAS**, 'the Obligor' has approached 'the Obligee' to pay the fixed sum, 'the Obligee' has agreed to make payment of the fixed sum to 'the Obligor'.
9. **NOW THEREFORE THIS BOND WITNESSES** that in the consideration of payment of the said fixed sum by 'the Obligee' to 'the Obligor' the said Mr./Ms. _____ sole proprietor or authorized signatory of M/s. _____ (Name and address) binds himself to pay the said fixed sum with interest, loss, damages and costs of all kinds whatsoever to 'the Obligee' in the event of any claim being made in respect of the said fixed sum.

10. **FURTHER**, in consideration of the aforesaid fixed sum 'the Obligor' undertakes to 'the Oblige' that all assets of 'the Obligor' both movable and immovable, will be responsible to 'the Oblige' for the said fixed sum. For the purpose of this clause, 'the Obligor' which expression unless repugnant to the context, shall mean and include his properties and heirs, executors, administrators and assignees.
11. That said Indemnity Bond is without prejudice to any other remedies that the Ministry of External Affairs, New Delhi ('The Oblige') may have against the Obligor under any law for the time being in force.

IN WITNESS whereof the said 'Obligor' has hereto signed at _____
(place) on this ___day of _____ (2019).

OBLIGOR

Name, signature & Address

WITNESS:

Of the 1st witness _____
Name, signature & Address

Of the 2nd witness _____
Name, signature & Address

Annexure 8

Details of the amount of Earnest Money Deposit (EMD) of Rs. 5,00,000/- (Rupees Five Lakh only) with this Annexure:

Date of Demand draft or Bank guarantee:

Date valid upto:

Name of Bank, branch and address:

Date:

Signature of Bidder
NAME (in BLOCK LETTERS):
ADDRESS:

BANNER/STAMP :

Annexure 9

(a) Income Tax returns of the last three years attached as under:

1. (2016-2017)
2. (2-17-2018)
3. (2018-2019)

(b) Copies of PAN/TAN/Service Tax (As applicable) attached as under:

- 1.
- 2.
- 3.

Date:

Signature of Bidder
NAME (in BLOCK LETTERS):
ADDRESS:

BANNER/STAMP :

Annexure 10**Affidavit**

I/We _____ affirm that I/we have carefully read the terms and conditions of the RFP for supply of Indian Bollywood and regional feature films for screening abroad on non-commercial basis and fully understood the same. I/we accept all the terms and conditions fully without any reservations.

Date:

Signature of Bidder
NAME (in BLOCK LETTERS):
ADDRESS:

BANNER/STAMP :

Annexure 11

Additional information relevant to the offer of film for screening abroad:

I/we wish to submit the following additional information relevant to the offer of film _____:

Or

I/we wish to submit that there is **NO** additional information relevant to the offer of film _____.

(Delete inapplicable)

Date:

Signature of Bidder
NAME (in BLOCK LETTERS):
ADDRESS:

BANNER/STAMP :