



**GUIDE TO APPLICANTS FOR INSTITUTIONAL SOUND**

**BROADCASTING CONTRACTS**

**Section 68(2) of the Broadcasting Act 2009**

**(Low Power Sound Broadcasting Services intended to Serve only a Single Educational Institution, Hospital, or other Similar Establishment)**



## PROCESS OVERVIEW

<b>1. Application</b>	<b>2. Assessment Stage One - Preliminary Assessment</b>	<b>3. Assessment Stage Two - Qualitative Assessment</b>
<p>The application consists of 2 parts as follows:</p> <ul style="list-style-type: none"> <li>(a) The Application Form;</li> <li>(b) The Mandatory documentation.</li> </ul> <p>There is no application fee charged. However should an application prove successful please note a <b>broadcasting levy</b> is payable upon signing a contract.</p> <p>Please note contractors must pay the broadcasting levy annually as detailed in the guidelines.</p> <p>One copy of the Application Form and Mandatory Documentation must be emailed to:  <a href="mailto:contracts@bai.ie">contracts@bai.ie</a></p>	<p>Stage One will commence on receipt of the application.</p> <p>The application is checked by the BAI to ensure that all parts, i.e. Application Form and Mandatory Documentation have been received.</p> <p>If the application does not pass Stage One, it is disqualified and returned to the Applicant.</p> <p>If the application does pass Stage One, the BAI will confirm receipt and the application will progress to Stage Two.</p>	<p>Qualifying Applications are assessed with regard to the following criteria:</p> <ul style="list-style-type: none"> <li>a) The information provided;</li> <li>b) Confirmation of compliance with the policy of the Authority, and of Section 62 of the Broadcasting Act 2009 in relation to submissions from former unlicensed operators;</li> <li>c) Ability to provide the necessary resources and expertise to run the service successfully;</li> <li>d) Extent to which the service proposed is in accordance with Section 25 of the <i>Broadcasting Act, 2009</i>;</li> <li>e) The Applicant's proposals in relation to human resource practices in respect of the employees and volunteers of the sound broadcasting service;</li> <li>f) The Applicant's proposals in relation to the development of proper studios and transmission facilities; including the provision of full access for employees and visitors with disabilities;</li> </ul>



Please submit an application **at least 4 months** in advance of the 1<sup>st</sup> proposed broadcast date. However please note it may take longer than 4 months to process an application.

- g) The availability of Spectrum for the proposed service?
- h) The applicant's capacity to explain to the Authority its broadcasting philosophy and vision for the service and its ability to run a low-power institutional / hospital radio station;
- i) The programming mix of the station and its capacity to provide a radio service which will address the needs of the institution / hospital or similar establishment it is licensed to serve;
- j) The track record of the key people involved in the areas of broadcasting and providing services within the institution / hospital which will be served.

Arising from this Qualitative Assessment, the BAI may request an Applicant to provide additional information in relation to certain aspects of its application. A timeframe will be set during within which a response to this request must be received.



<b>4. Decision</b>	<b>5. If a contract is awarded in principle</b>	<b>6. If a contract is not awarded to the applicant</b>
<p>Following satisfactory completion of Stage Two, the BAI may:-</p> <ul style="list-style-type: none"> <li>• Award a contract in principle<sup>1</sup> to the applicant, subject to the successful conclusion of contract negotiations and availability of spectrum; or</li> <li>• Decide not to award a contract to the Applicant.</li> </ul>	<ul style="list-style-type: none"> <li>a) The Applicant is informed of the offer in principle subject to the conclusion of contract negotiations and any other conditions the BAI may wish to attach to the award.</li> <li>b) The Applicant will also be informed of the <i>proposed</i> frequency for which the BAI will apply to Comreg for use by the service.</li> <li>c) The BAI will apply to Comreg for a licence for the service.</li> <li>d) A contract will be negotiated with the Applicant.</li> <li>e) Comreg will issue the technical licence.</li> <li>f) If contract negotiations are successfully concluded, the final contract will be signed and sealed by both the Applicant and the Authority.</li> </ul>	<p>The BAI will notify the applicant of its decision and the reasons for that decision in writing.</p>

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<sup>1</sup> A contract may only be awarded in principle after a report on the qualitative assessment is considered and subsequently recommended by the Contract Awards Committee.



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## **SECTION ONE: INTRODUCTION**

Section 68(2) of the *Broadcasting Act 2009*, provides that the Broadcasting Authority of Ireland (“the BAI”), on the recommendation of the Contract Awards Committee, may enter into a sound broadcasting contract with an applicant for the provision of a low-powered sound broadcasting service which is intended to serve only such single educational institution, hospital, or other similar establishment as may be specified in the contract. The term of these contracts ranges from one up to ten years. Decisions in respect of the contract period will be based on an assessment of the capacity of the applicant to operate the service successfully and on spectrum availability.

This guide is provided to applicants for sound broadcasting contracts further to the provisions of this section. All applications are subject to the Commission for Communications Regulation (ComReg) being in a position to provide a suitable frequency assignment for the proposed service.

Please note the Authority expects that good human resources practices are in place in respect of the employees and volunteers of the sound broadcasting service. The development of proper studios and transmission facilities is considered essential and the Authority will expect all studio premises to be compliant with Part M of the Building Regulations and with the BAI requirements on studio furniture layout so as to provide full access and use for people with disabilities. If an applicant believes that compliance with disability access and use requirements is not possible or realistic a case should be made to the Authority outlining the reasons. The Authority’s decision on this is final.

Applicants are encouraged to contact the BAI to discuss any queries in relation to the application process, including queries in relation to the most suitable sound broadcasting contract, and, the most appropriate transmission coverage for the service proposed, in advance of submitting an application.



## **SECTION TWO: MAKING AN APPLICATION**

### **1. APPLICATION DETAILS**

A complete application consists of 2 parts:

- (a) The Official Application Form attached at Appendix One;
- (b) The Mandatory Documentation.

**(a) The Official Application Form attached at Appendix One**

Applicants should complete the Official Application Form attached at Appendix One. This application form consists of five sections.

- (i) Applicant Information;
- (ii) Proposed Service Information;
- (iii) Institution / hospital/ similar establishment to be served
- (iv) Financial Information; and,
- (v) Studios and Technical Information.

Applicants should add rows to the form where required.

**(b) Documentation**

The following mandatory documentation **MUST** be submitted to the BAI **with the application**. The application will be considered incomplete and will not be assessed unless these documents are provided.

**(i) – Secretary’s Certificate or Equivalent**

To enter into a contract with the BAI an applicant must be a legally constituted organisation or group, e.g. a company, co-operative society, educational institution, hospital, etc. The applicant must confirm its legal status and submit a Secretary’s Certificate or equivalent setting out certain details of the company such as:-

- The registered office;
- The names and addresses of the company directors;
- The name and address of each person who is the legal and/or beneficial owner of shares in the Company which together confer on their holder the right to cast votes at a general meeting of the Company which represent 5% or more of the votes which may be cast at such a meeting; and
- The Designated Officer.

Template Secretary’s Certificates are set out for information at Appendix Two.

If the applicant is not a company, a society, or an educational institution, it **MUST** contact the BAI in advance of submitting its application to confirm the appropriate documentation to be submitted under this heading.



**(ii) – Memorandum and Articles of Association or Equivalent**

An applicant must submit an initialled and dated copy of its Memorandum and Articles of Association or Society's Rules.

If the applicant is an Educational Institution or hospital established and governed under Irish legislation, the Applicant should identify the appropriate legislation.

If the applicant is not a company, a society, hospital, or an educational institution, it **MUST** contact the BAI in advance of submitting its application to confirm the appropriate documentation to be submitted under this heading.

**(iii) Programme Schedule**

An indicative Programme Policy Statement<sup>2</sup> and Programme Schedule should be included with the application.

**(iv) Map of franchise Area**

In cases where the proposed service area extends more than 500m from the transmitter please provide an accurate Discovery series map, with a scale of 1:50,000 outlining the proposed service area. The map should be labelled to clearly show the location of the proposed transmitter site.

In cases where the service area does not extend beyond 500m from the transmitter please provide the service area boundary on a Google map. The map should be labelled to clearly show the location of the proposed transmitter site.

**(v) Quote for Libel Insurance**

An applicant must have an appropriate insurance policy in place for the operation of the service. This policy must include libel insurance cover and the BAI must specifically be indemnified under this policy. A copy of a proposed quote must be included with the application. Proof of the final policy for the on-air dates must be provided in advance of concluding contract negotiations.

**(vi) Floor Plan**

The applicant must provide details on building access, circulation space within the building, studio furniture layout and facilities such as the disabled toilet. These details should include a floor plan with all relevant dimensions. Please note the studio premises must comply with Part M of the Building Regulations and with the BAI requirements on studio furniture layout which specify the requirements on disability access and use.

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<sup>2</sup> The PPS sets out the commitments that the applicant is willing to make to the Authority in respect of key aspects of the programme service. It will serve as a yardstick against which the successful applicant's future performance is measured and assessed, and as such will form part, subject to further negotiations with the Authority, of the contract between the Authority and the successful applicant.



A summary of the requirements is available on the BAI website ([www.bai.ie](http://www.bai.ie)).

**(vii) Confirmation of Controlled Access and Soundproofing**

The on-air studios must have controlled access and must meet industry standards on soundproofing. The applicant must provide information on how access to on-air studios is controlled and provide confirmation that soundproofing to industry standards has been implemented.

**(viii) Confirmation of Certified Transmission Installer**

The transmission networks of the stations must be approved by a Certified Transmission Installer. Details of the proposed Certified Transmission Installer to be employed for this purpose must be submitted with the application.

**(ix) A letter of support from the relevant institution or hospital should the applicant be a third party applying on behalf of the institution or hospital.**

## **2. SUBMITTING AN APPLICATION**

One copy of the application, including the Form and the Mandatory Documentation must be sent **by eMail** to [contracts@bai.ie](mailto:contracts@bai.ie) and / or posted to the BAI offices; 2-5 Warrington Place, Dublin 2 . Processing of the application will not commence until all the application documentation has been received.

An application will be deemed incomplete unless all of the documentation listed above is provided.

It normally takes the BAI a minimum of 4 months to process an application. This does not include the timeframe required to negotiate a contract if an application is successful.

As such, applicants should ensure that they submit an application within sufficient time of their first on-air date. The BAI cannot guarantee that an application will be processed within this 4 month timeframe.

The BAI may seek additional clarification in relation to an applicant's proposals. This may extend the timeframe required especially if there is any delay in the submission of responses.



### **SECTION THREE: THE ASSESSMENT PROCESS**

The assessment process is divided into two phases as set out below.

#### **Stage One – Preliminary Assessment**

Once received, an application will be checked by the BAI to ensure that it is complete, i.e. that the Application Form and Mandatory Documentation have been provided.

If the application does not pass Stage One, it will be disqualified and returned to the applicant.

- If the application does pass Stage One, the BAI will acknowledge receipt of the application. The application will then progress to Stage Two – Qualitative Assessment.

#### **Stage Two – Qualitative Assessment**

Qualifying applications will be assessed with reference to the following criteria:

- a) The information provided by the applicant;
- b) The Applicant has confirmed they are compliant with the policy of the Authority<sup>3</sup> and Section 62 of the *Broadcasting Act 2009* in relation to submissions from former unlicensed operators<sup>4</sup>;
- c) The applicant's ability to provide all of the necessary resources and expertise to run the service successfully;
- d) The extent to which the service proposed is in accordance with Section 25 of the *Broadcasting Act, 2009*;
- e) The Applicant's proposals in relation to human resource practices in respect of the employees and volunteers of the sound broadcasting service;
- f) The Applicant's proposals in relation to the development of proper studios and transmission facilities; including the provision of full access for employees and visitors with disabilities;
- g) The availability of Spectrum for the proposed service<sup>2</sup> Approval of all applications is subject to the Commission for Communications Regulation (ComReg) being in a position to provide a suitable frequency assignment for the proposed service;
- h) The applicant's capacity to explain, to the Authority, its broadcasting philosophy and vision for the service and its ability to run a low-power institutional radio station.
- i) The programming mix of the station and its capacity to provide a radio service which will address the needs of the institution it is licensed to serve.

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<sup>3</sup> The policy of the Authority is to consider applications once none of an applicant's Directors, Secretary, Management team or any on-air staff have been involved in unlicensed activity for at least three months prior to the submission of the application.

<sup>4</sup> This includes, but is not limited to, a transmitter being activated on unlicensed days.



- j) The track record of the key people involved in the areas of broadcasting and providing services within the institution which will be served.

Arising from the Qualitative Assessment, the BAI may request an applicant to provide additional information in relation to certain aspects of its application. The BAI will set a timeframe within which a response to this request must be received. If a response is not provided within the requested timeframe, the assessment process will be delayed. The BAI will review the applicant's response on receipt.

Once the Qualitative Assessment is complete, generally within five weeks of acknowledgement of receipt of the application by the BAI, the applicant may not make any further changes to its application.

On completion of the Qualitative Assessment phase, a report on the outcomes of the Qualitative Assessment will be presented to the Contract Awards Committee for consideration and decision.

#### **SECTION FOUR: THE CONTRACT AWARDS COMMITTEE**

The Contract Awards Committee will consider the Executive's report in relation to the Qualitative Assessment of each application received. It will then decide, based on this report:

- To recommend to the Authority that it enter into an institutional sound broadcasting contract with an applicant in principle, subject to any terms the Committee deems relevant, the successful conclusion of contract negotiations with the Authority, and Comreg being in a position to provide a suitable frequency assignment for the proposed service; or
- Not to make a recommendation to the Authority in respect of an application.

**If a contract is awarded to the applicant in principle:**

- The BAI will inform the applicant of the decision to award a contract in principle and any relevant conditions;
- A draft contract will be forwarded to the applicant for review;
- The applicant will be informed of the *proposed* frequency for which the BAI will apply to Comreg for use by the service;
- The BAI will apply to Comreg for the required technical licence;



- If contract negotiations are successfully concluded, and a technical licence is approved by Comreg, a final approved contract will be issued to the applicant to be signed, sealed and returned to the BAI. At this stage the applicant will also be requested to pay the appropriate broadcasting levy.

### **Broadcasting Levy**

If an applicant enters into a contract with the BAI, the applicant is required to pay a Broadcasting Levy.

Under Section 33 of the Broadcasting Act 2009 the BAI is required to make an order imposing a levy on broadcasting contractors for the purpose of “meeting expenses properly incurred by the Authority, the Contract Awards Committee and the Compliance Committee in the performance of their functions.”

The levy payment required from contractors is based on the qualifying income of the contractor as described in the BAI Levy Order. <http://www.bai.ie/wordpress/wp-content/uploads/SI-07-20101.pdf>

In general should the Qualifying Income of a contractor not exceed €250,000, the levy is €750 plus VAT at the appropriate rate, currently 23%. The levy is calculated on a calendar year basis. Therefore, contractors need to pay the levy for each year they are broadcasting.

Please note the broadcasting levy may be paid by cheque or bank funds transfer to;

Account Name:	<i>The Broadcasting Authority of Ireland</i>
Account Number:	<i>03603097</i>
Sort Code:	<i>98-50-20</i>
BIC:	<i>ULSB IE 2D</i>
IBAN:	<i>IE85 ULSB 9850 2003 6030 97</i>
REF:	<i>S68(2)[Initials of Applicant Name]</i>

If the levy is being paid by bank funds transfer, confirmation of the transfer should be submitted to the BAI.

- Applicants are requested to submit the signed and sealed contract, together with the levy payment to the BAI.<sup>5</sup> The contract will then be countersigned, sealed and dated by the Authority and one copy plus the technical broadcasting licence/s will be sent to the applicant.

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<sup>5</sup> If the levy is being paid by bank transfer, confirmation of the transfer should be submitted to the BAI.



**If a contract is not awarded to the applicant:**

- The BAI will notify the applicant of its decision and the reasons for that decision in writing.

**SECTION FIVE: CONTRACTUAL TERMS**

The contractual terms reflect the provisions of the 2009 Act and any relevant policy decisions of the Authority. All signed contracts are public documents and can be inspected at the Authority's offices. The following is an indicative list of the obligations that fall upon an applicant. It does not purport to be an exhaustive list of the contractual or statutory obligations.

**Broadcasting Levy**

As noted above all Contractors with the BAI are required to pay an annual broadcast levy.

**Ownership and Control**

Under the terms of an institutional sound broadcasting contract no changes may be made to the Second Schedule of the contract without the prior written approval of the BAI. The second schedule contains the Secretary's Certificate and the names and addresses of the directors of the company or key personnel involved in the service.

**Programming**

Under the terms of an institutional sound broadcasting contract no changes may be made to the Programme Policy Statement without the prior written approval of the Authority.

Programming must comply with the Broadcasting Act 2009 and the relevant BAI codes and rules, including but not limited to the following:

The Code of Programme Standards (available at: [http://www.bai.ie/pdfs/bci\\_cops\\_Mar07.pdf](http://www.bai.ie/pdfs/bci_cops_Mar07.pdf))

Sponsorship announcements must comply with the Broadcasting Act 2009 and the relevant BAI codes and rules, including but not limited to the following:

The BAI General Commercial Communications Code (available at:

<http://www.bai.ie/wordpress/wp-content/uploads/General-Commercial-Communications-Code.pdf>

**Recordings**

All contractors are required to make recordings of all material broadcast in a format specified by the Authority and to keep such classes of recordings, as specified by the Authority for the term of the contract and for a period of 6 years thereafter. Currently the Authority requires that recordings of all material are made and retained for 90 days – after the broadcast.



### **Transmission**

- On completion of the contract period, the transmission system must be switched off and disconnected in such a manner as to ensure that it is not possible to inadvertently reactivate the transmission system.
- Contractors must ensure that access to the transmitter and associated equipment is limited to those with experience of radio frequency engineering. In this regard, a log book must be maintained at the transmitter station that includes details of those authorised to carry out work on the transmitter and the dates on which such works were carried out; in particular, the dates and by whom the transmitter station was commissioned and subsequently removed from operation. The logbook shall be available for inspection by the Authority.
- Contractors must advise the Authority, in writing, of any complaints it receives in relation to interference to other wired or wireless systems. Applicants will take all reasonable measures to prevent such interference and will undertake any remedial work required by the Authority or ComReg in this regard.
- Contractors operating under an institutional sound broadcasting contract must have their transmission network approved by a Certified Transmission Installer.
- Contractors operating an Institutional service must ensure that the studio premises from which they are operating provides access to disabled people, in line with Part M of the Building Regulations.

### **SECTION SIX: PUBLIC ACCESS AND FREEDOM OF INFORMATION**

- The Authority will make applications available for inspection at its offices.
- If an applicant wishes the Authority to treat any part of the application as confidential, it should be presented in an annexe to the application and be appropriately marked. The applicant should outline in a covering letter the reasons for believing that the public should not have access to the material in such annexe.
- Where the Authority believes that material which an applicant has placed in a confidential annexe should be made available for inspection, it will enter into discussions with the applicant in the hope of reaching agreement as to the extent of disclosure. If agreement cannot be reached, the Authority will treat the application as having been withdrawn.
- Each applicant shall be responsible for providing the Authority with such authorisations, waivers and/or indemnities as it may reasonably require in connection with the disclosure to members of the public of material contained in the application.

In addition please note that the BAI is subject to the provisions of the Freedom of Information Act, 1997 and the Freedom of Information (Amendment) Act 2003.



## **SECTION SEVEN: GENERAL DISCLAIMER**

The information supplied in this document is not an exhaustive account of the statutory requirements and legal obligations on applicants. It should not be regarded as a complete or authoritative statement of the law. Persons to whom the present document is made available must make their own independent assessment after taking their own professional advice and making such further investigations, as they deem necessary on all relevant matters. The BAI makes no representation or warranty, express or implied, with respect to the information contained in the present document or with respect to any oral or written information made or to be made available to any potential applicant or its professional advisers. Any liability therefore is expressly disclaimed. The BAI reserves the right to correct or alter any part of the present document. In the event that this document is corrected or altered, an updated version will be made available on the BAI's website at [www.bai.ie](http://www.bai.ie).



APPENDIX ONE

OFFICIAL APPLICATION FORM



SECTION ONE - APPLICANT INFORMATION		
1	Name of Applicant	
2	Address of Applicant	
3	Legal Status of Applicant (eg: company / co-operative / Educational Institution / Hospital)	
4	Registered Number of the Applicant	
5	Name of Designated Officer  <b>(The Designated Officer is authorised by the Applicant to represent it and liaise with the BAI.)</b>	
6	Designated Officer's Phone Number	
7	Designated Officer's Email Address	



8	Name and address of Board of Directors / the Management Committee	
9	Qualifications and relevant experience of Board of Directors / The Management Committee.	
10	Mechanism for appointments to the Board of Directors / Management Committee.	
11	Please detail the proposed staffing structure including the number and categories of staff in each functional area and the basis of their involvement (eg. full-time, part-time, volunteer, contract, trainee).	
12	Please provide the salary level and source for each paid full-time, part-time and contract post identified.	



13	If the applicant plans to avail of any employment support or training schemes, full details of the scheme in question should be provided. This should include details of any arrangements entered into and / or commitments received.	
14	Please indicate the anticipated / projected number of volunteers assisting in the operation of the service and the manner of their involvement.	
15	Please provide details of any training provided and / or planned for volunteer / staff workers.	
16	<p>Name of the Authorised Signatories (and their capacity within the group) who will sign the contract of behalf of applicant. These signatories must be authorised in accordance with the Applicant's Memorandum and Articles of Association or equivalent governing rules.</p> <p><b>(Please note two authorised signatories are usually required)</b></p>	



17	Please confirm the company / organisation has a Seal in order to seal a contract on behalf of the company / organisation. <b>(Please note a stamp will not be accepted)</b>	
18	Further to Section 62 of the Broadcasting Act 2009 <sup>6</sup> , and the BAI's policy in this regard, the BAI will accept applications once none of the Applicant's Directors, Secretary, Management team or any on-air staff have been convicted of an offence under Section 3(3) of the Act of 1926 or under Section 3, 4 or 5 of the Act of 1988 or involved in any unlicensed activity for <b>12 months</b> before the application is submitted.  Please confirm the Applicant's compliance with the BAI's policy and Section 62 of the Broadcasting Act 2009 in this regard.	

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<sup>6</sup> Section 62 states "The Contract Awards Committee shall not recommend to the Authority the grant of a sound broadcasting contract to a person who has been convicted under Section 3(3) (inserted by section 181(2)) of the Act of 1926 or under section 3, 4 or 5 of the Act of 1988 if the conviction occurred less than 12 months before the first day on which the person proposes to engage in the sound broadcasting activities to which the application for the sound broadcasting contract relates.



SECTION TWO - PROPOSED SERVICE INFORMATION <sup>7</sup>		
19	Proposed Station Name	
20	Please provide the anticipated commencement date for the service.	
21	Please detail in the form of a statement the applicant's overall broadcasting philosophy and vision for the radio service and how the quality, range and type of programming will serve the target audience.	
22	<p>Please detail how the applicant proposes to implement;</p> <ul style="list-style-type: none"><li>a) Programme production</li><li>b) Programme Research</li><li>c) Quality Control</li><li>d) Compliance with the programming commitments set out in the contract.</li></ul>	

<sup>7</sup> This section will form the basis of the Applicant's Programme Policy Statement ("the PPS"). The PPS sets out the commitments that the applicant is willing to make to the Authority in respect of key aspects of the programme service. It will serve as a yardstick against which the successful applicant's future performance is measured and assessed, and as such will form part, subject to further negotiations with the Authority, of the contract between the Authority and the successful applicant.



23	Who is the target audience for the service?	
24	What are the proposed hours of broadcasting each day? Provide a breakdown of live, pre-recorded and automated programming.	
25	Please describe the presentation style of the proposed service.	
26	What is the proposed Speech to Music Ratio?	
27	What type of speech programming is proposed?	
28	Please include details of any Special Interest speech programming, including Irish language programming commitments	



29	Please provide a breakdown of news and current affairs programming if proposed, indicating the percentage of broadcasting hours to be devoted to news and current affairs	
30	Please provide details of the station's music policy; types and genres of music proposed.	
31	Please provide details on any sports programming proposed.	
32	Please make a case for the proposed service with respect to diversity.	
33	Please detail the stations policy in relation to the purchase and sale of broadcast material, both from other broadcast organisations and independent producers.	
34	Please confirm a typical weekly programme schedule setting out the proposed hours of broadcasting and details on the programme content is attached to this form.	



35	Please provide details of the institution / hospital / or similar establishment to be served.	
36	Please describe the means by which the station will be promoted in the institution / hospital / similar establishment.	
37	If a similar service was provided before, either by non-broadcast means or by way of a temporary sound broadcasting contract, please describe the impact of such a service.	
38	Please explain how the applicant envisages the proposed service will become established and develop in the institution being served.	
<b>SECTION THREE - FUNDING INFORMATION</b>		
39	<p>Please provide details on the main sources of Income / methods of funding proposed to meet the requirements of the service and indicate the timeframe for their availability:</p> <ul style="list-style-type: none"><li>a) Subvention from institution</li><li>b) Borrowing</li><li>c) Leasing / HP facilitated (capital value)</li><li>d) Grants and donations</li></ul>	



	Other. <sup>8</sup>	
40	<p>Provide details on the main expected expenditure for the proposed service and how such expenditure will be met with regard to the following headings.<sup>9</sup></p> <ul style="list-style-type: none"><li>a) Capital Expenditure</li><li>b) Other pre-operational expenditure</li><li>c) Working capital (at on air date)</li><li>d) A Business Plan for the duration of the service to include Profit and Loss, Balance Sheet and Cashflow Statements</li></ul>	
41	<p>In relation to the projected income for of the duration of the service, explain the underlying assumptions on which these projections are based.</p>	

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<sup>8</sup> Institutional services are not allowed to carry advertising, however, in most instances, sponsorship is permitted. On - air sponsorship must comply with the Rules Pertaining to Sponsorship as set out in the General Commercial Communications Code, available on the Authority's website at <http://www.bai.ie/wordpress/wp-content/uploads/General-Commercial-Communications-Code.pdf>

<sup>9</sup> The Authority recommends that all applicants investigate in advance other costs that may arise as a result of operating an institutional sound broadcasting service including transmission costs, PPI, IMRO, MCPS fees, etc.



42	In relation to the projected expenditure for the duration of the service explaining the underlying assumptions on which these projections are based.	
43	Do you intend to use Sponsorship?	
<b>SECTION FIVE – STUDIO AND TRANSMISSION INFORMATION</b>		
44	Name of Proposed Studio Location <sup>10</sup>	
45	Address of Proposed Studio Location <sup>11</sup>	

<sup>10</sup> Where more than one studio location is proposed, please provide details for each studio location and the reason/s for the additional studios. BAI approval to co-locate studios and transmission facilities will be considered separately under transmission.

<sup>11</sup> Studios must be accessible for people with disabilities. An institutional service will be required to demonstrate compliance with guidelines available from the BAI's engineering division outlining the additional access requirements.



46	Please provide a list of studio equipment to be used for the service and an itemised budgetary cost for all equipment.	
47	Please provide an estimate of the total floor area available for the studio space and office / administration space.	
48	Please provide a description of the manner by which it is proposed to construct the studios together with details of the proposed acoustic quality in terms of <ul style="list-style-type: none"><li>- Sound Insulation</li><li>- Reverberation</li><li>- Resonance</li><li>- Reflective Surfaces</li><li>- Ventilation</li></ul>	
49	Provide itemised budgetary costs for any building renovation work required to construct the studios and / or improve the level of disabled access.	



50	Please indicate if a planning application has been made and / or approved for the studio facility.	
51	If proposing to use an existing studio, office, computer equipment or buildings, please indicate:  a) The age of the equipment / facilities b) The life expectancy of the equipment c) Plans to top replace / refurbish such equipment / facilities during the lifetime of any new contract.	
52	Please provide a description of the proposed heating, ventilation and standby power source.	
53	Please provide a list of other principal technical equipment to be used including test and deviation limiting equipment.	
54	Please outline the measures to be implemented for controlling access to on-air studios.	
55	Please confirm the proposed studio premises are accessible for people with disabilities.	



56	The name and address of the proposed transmitter site. <sup>12</sup>	
57	Please provide a brief statement outlining why this site is suitable.	
58	If applicable, please outline the method proposed for linking the studio and transmission site.	
59	National Grid Reference to describe the exact location of the site in the form E: xxx; N:yyy, where E is the easting or x map co-ordinate and N is the northing or Y map co-ordinate. An accuracy of three digits for E & N is required.	
60	Provide an accurate written description of the proposed service area / anticipated coverage from the proposed transmitter site.	

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<sup>12</sup> Where more than one transmission site is proposed, please provide details for each site and the reason/s for the additional sites. A plan should be given describing how all of the transmission sites will operate together and the main site should be indicated. Please note that a technical broadcast licence is required for each transmitter site proposed.



61	The height of the antenna above ground level (AGL) and the height of the proposed site above sea level (ASL).	
62	Proposed antenna design and effective operating power (ERP). (There may be constraints on the ERP which can be licensed)	
63	The name of a suitably qualified person or transmission company responsible for the transmitter installation and description of the ongoing technical expertise available to the institution	
64	The name of the owner of the transmitter, or if rented, then the name of the rental company.	
65	Does the transmission site require planning permission? If so, has a planning application been made and / or approved?	
66	Please provide details of the proposed physical location of the transmitter equipment in terms of <ul style="list-style-type: none"><li>- Internal or external location (if located externally details of the housing cabinet, including its waterproofing, frost protection specifications are to be provided)</li><li>- Physical location in terms of<ul style="list-style-type: none"><li>- Floor level</li></ul></li></ul>	



	<ul style="list-style-type: none"> <li>- Details of stairs or lift access if not on ground floor level</li> <li>- Floor standing/wall mounted/platform mounted etc</li> </ul> <p>(Please note that all equipment must be located so that access to it can comply with H&amp;S regulations in relation to safe working at heights etc. and that there is adequate space for safe use of test equipment.)</p>	
67	Please state if you require an RDS licence. If yes, what eight, non- scrolling characters will be used to identify the station using the RDS technology?	
68	Please provide itemised budgetary costs for all the proposed transmission equipment or, in the case where an existing transmission company is providing facilities, the annual cost and retails fo the level of equipment and service required.	
<b>If there are other occupants on the site please detail the following;</b>		
69	A list of all the other occupants	
70	The proximity of the other antennas or masts at the site in relation to the proposed antenna and mast.	



71	The type of radio equipment being used by the other occupants including their receiving and transmitting frequencies.																						
72	Describe the type of area surrounding the transmitter station, urban dwelling, urban industrial, dense urban or rural.																						
<b>Important Note:</b> Complete applications should be received at least 4 months in advance of the first proposed on air date. If an application is incomplete and/or not received on time applicants will be notified and their application will not be considered further.																							
<p><b>Please indicate if each of the documents list below have been attached:</b></p> <table><tr><td>1.</td><td>Application on Official Application Form</td><td><input type="checkbox"/></td></tr><tr><td>2.</td><td>Secretary's Certificate or equivalent</td><td><input type="checkbox"/></td></tr><tr><td>3.</td><td>Memorandum and Articles of Association</td><td><input type="checkbox"/></td></tr><tr><td>4.</td><td>Programme Policy Statement</td><td><input type="checkbox"/></td></tr><tr><td>5.</td><td>Programme Schedule</td><td><input type="checkbox"/></td></tr><tr><td>6.</td><td>Map of franchise area</td><td><input type="checkbox"/></td></tr><tr><td>7.</td><td>Quote for Insurance</td><td><input type="checkbox"/></td></tr></table>			1.	Application on Official Application Form	<input type="checkbox"/>	2.	Secretary's Certificate or equivalent	<input type="checkbox"/>	3.	Memorandum and Articles of Association	<input type="checkbox"/>	4.	Programme Policy Statement	<input type="checkbox"/>	5.	Programme Schedule	<input type="checkbox"/>	6.	Map of franchise area	<input type="checkbox"/>	7.	Quote for Insurance	<input type="checkbox"/>
1.	Application on Official Application Form	<input type="checkbox"/>																					
2.	Secretary's Certificate or equivalent	<input type="checkbox"/>																					
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4.	Programme Policy Statement	<input type="checkbox"/>																					
5.	Programme Schedule	<input type="checkbox"/>																					
6.	Map of franchise area	<input type="checkbox"/>																					
7.	Quote for Insurance	<input type="checkbox"/>																					



8.	Studio Floor plan with dimensions	<input type="checkbox"/>
9.	Transmitter Location Photographs	<input type="checkbox"/>
10.	Confirmation of Controlled Access and Soundproofing	<input type="checkbox"/>
11.	Confirmation of Certified Transmission Installer	<input type="checkbox"/>
12.	Letter of Support from Institution or Hospital if required.	<input type="checkbox"/>

**Details of the information required for each of the above are set out in the Guide to Submissions for Institutional Services.**

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**Signed by the Designated Officer:** \_\_\_\_\_  
**Date of Signing:** \_\_\_\_\_



<b>For Office Use:</b>		
<b>Stage One</b> Has the above application been submitted in accordance with the 4 month processing timeframe?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
Has all the mandatory documentation been supplied?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Stage Two</b> Does this application pass the assessment criteria set out in Stage Two of the Guidelines?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>

Email applications, including Application Form and Mandatory Documentation to: [contracts@bai.ie](mailto:contracts@bai.ie)



**APPENDIX TWO  
TEMPLATE SECRETARY'S CERTIFICATE**



## 1. EDUCATIONAL INSTITUTION / HOSPITAL

### SECRETARY'S CERTIFICATE

1. The [Insert Name of Educational Institution / Hospital] is a [Insert nature of Educational Institution / Hospital] that [Insert aims of Educational Institution /Hospital]. The [Insert Name of Educational Institution / Hospital] is established and governed in accordance with the provisions of [Insert details of relevant legislation].
2. The following are the Members of the Governing Body of [Insert Name of Educational Institution / Hospital]
  - (i) Insert Name and Address of Member
  - (ii) Insert Name and Address of Member....
3. [Insert Name of Educational Institution / Hospital] wishes to run an Institutional sound broadcasting service for the term set out in Section 2 of this Contract.
4. The Secretary of [Insert Name of Educational Institution/ Hospital] is [Insert Name and Address]
5. The Governing Body has authorised [Insert Name and Address] and [Insert Name and Address] to sign this Contract on its behalf.

Dated the            of            2013

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**SECRETARY**



## 2. COMPANY CERTIFICATE OF THE SECRETARY

I, *[Enter Name]*, of *[Address]*, Secretary of *[Enter name of company]* ("the Company")  
HEREBY CERTIFY as follows:-

- A. The Company, which is registered in Dublin under CRO NO. *[Registration Number]*, has its registered office at *[Enter registered office]*
- B. The Directors of the Company are as follows:
- i. *[name and address]*
  - ii. *[name and address]*...
- C. No Director of the Company is:
- i. an undischarged bankrupt;
  - ii. a person who is subject to restriction pursuant to Section 150, Companies Act 1990, as the same has been or may be amended or extended; or
  - iii. a person who has been disqualified from acting as a Director pursuant to Section 160, Companies Act 1990, as the same has been or may be amended or extended.
- D. *[Name and Address]* is the Secretary of the Company.
- E. *[Name and Address]* is the Designated Officer of the Company.
- F. The Company has made all returns to the Companies Registration Office which it is legally required to make.
- G. Paragraphs I set out details as to Significant Shareholders in the company. The table sets out the name and address of each such shareholder and, in the third column, the voting rights attaching to each such shareholder's shares in the company as a percentage of all the votes which may be cast by shareholders of the Company at general meetings.
- H. A Significant Shareholder, for the purposes of this Certificate is a shareholder to whose shares are attached voting rights which represent more than 5% of all the votes which may be cast by shareholders in the company at general meetings.
- I. The following table sets out details as to Significant Shareholders in the Company:-

Registered Owner	Address	Beneficial Owner	Percentage




- J. The Company has not granted any options over shares.
- K. The Company has no employee share option scheme in place.
- L. The Company has not issued loan stock / has issued loan stock as follows:
  
- M. No resolution to wind up the Company has been passed and no notice of a meeting at which it is proposed to wind up the company has been issued or published. No petition has been presented or is pending to wind up the company, and no steps have been taken to place the company in receivership, or to have a receiver or examiner appointed.

Dated the        of        2013

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**SECRETARY**



### 3. COMPANY LIMITED BY GUARANTEE WITHOUT A SHARE CAPITAL CERTIFICATE OF THE SECRETARY

I, *[Enter Name]*, of *[Address]*, Secretary of *[Enter name of company]* ("the Company")  
HEREBY CERTIFY as follows:-

- A. The Company, which is registered in Dublin under CRO NO. *[Registration Number]*, has its registered office at *[Enter registered office]*
- B. The Directors of the Company are as follows:
  - i. *[name, address and category of membership]*
  - ii. *[name, address and category of membership].....*
- C. No Director of the Company is:
  - i. an undischarged bankrupt;
  - ii. a person who is subject to restriction pursuant to Section 150, Companies Act 1990, as the same has been or may be amended or extended; or
  - iii. a person who has been disqualified from acting as a Director pursuant to Section 160, Companies Act 1990, as the same has been or may be amended or extended.
- D. *[Name and Address]* is the Secretary of the Company.
- E. *[Name and Address]* is the Designated Officer of the Company.
- F. Membership of the Company is open to the following:
  - i. *[List Category of Membership, Fee and Entitlement to Appoint Directors]*
  - ii. *[List Category of Membership, Fee and Entitlement to Appoint Directors]*
  - iii. *[List Category of Membership, Fee and Entitlement to Appoint Directors].....*
- G. The Company has made all returns to the Companies Registration Office which it is legally required to make.
- H. The Company is limited by guarantee and does not have a share capital.
- I. No resolution to wind up the Company has been passed and no notice of a meeting at which it is proposed to wind up the company has been issued or published. No petition has been presented or is pending to wind up the company, and no steps have



been taken to place the company in receivership, or to have a receiver or examiner appointed.

Dated the        of        2013

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**SECRETARY**



#### 4. CO-OPERATIVE SOCIETY SECRETARY'S CERTIFICATE

I, *[Enter Name]*, of *[Address]*, Secretary of *[Insert name of Society]* ("the Company") HEREBY CERTIFY as follows:-

- A. The Company, which is registered in Dublin under Irish Co-operative Organisation Society Limited NO. *[Insert Number]* has its registered office at *[Insert Address of Registered Office]*
- B. The Directors of the Company are as follows:
- i. *[name, address and category of membership]*
  - ii. *[name, address and category of membership].....*
- C. No Director of the Company is:
- i. an undischarged bankrupt;
  - ii. a person who is subject to restriction pursuant to Section 150, Companies Act 1990, as the same has been or may be amended or extended; or
  - iii. a person who has been disqualified from acting as a Director pursuant to Section 160, Companies Act 1990, as the same has been or may be amended or extended.
- D. *[Name and Address]* is the Secretary of the Company.
- E. *[Name and Address]* is the Designated Officer of the Company
- F. The Company has made all returns to the Irish Co-operative Organisation Society Limited which it is legally required to make.
- G. Membership of the Company is open to the following:
- i. *[List Category of Membership, Fee and Entitlement to Appoint Directors]*
  - ii. *[List Category of Membership, Fee and Entitlement to Appoint Directors]*
  - iii. *[List Category of Membership, Fee and Entitlement to Appoint Directors].....*
- H. A Significant Shareholder, for the purposes of this Certificate is a shareholder to whose shares are attached voting rights which represent more than 5% of all the votes which may be cast by shareholders in the company at general meetings.
- I. The following table sets out details as to Significant Shareholders in the Company:-



<b>Registered Owner</b>	<b>Address</b>	<b>Beneficial Owner</b>	<b>Percentage</b>

- J. The Company has not granted any options over shares.
- K. The Company has no employee share option scheme in place.
- L. The Company has not issued loan stock / has issued loan stock as follows:
- M. No resolution to wind up the Company has been passed and no notice of a meeting at which it is proposed to wind up the company has been issued or published. No petition has been presented or is pending to wind up the company, and no steps have been taken to place the company in receivership, or to have a receiver or examiner appointed.

Dated the            of            2013

\_\_\_\_\_  
**SECRETARY**

