



## **GENERAL GUIDELINES**

### **ORAL PRESENTATION**

to be held in a

### **PUBLIC FORUM**

for a

**COMMERCIAL SOUND BROADCASTING CONTRACT**

for

**NORTH DONEGAL**



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The Broadcasting Authority of Ireland (“the BAI”) reserves the right to correct or clarify any part of the *General Guidelines for Oral Presentation, in a public forum (“Guidelines”)*, a phase in the licensing process for a commercial sound broadcasting contract.

Any such corrections, clarifications or supplementary information will be posted on the BAI’s website, [www.bai.ie](http://www.bai.ie)

All queries regarding the *Guidelines* should be emailed to:

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## 1. INTRODUCTION

Pursuant to the Contract Awards Committee's ("the Committee") procedures for a commercial licensing process, an applicant or applicants may be required to attend an Oral Presentation, which may be held in public or in private. These *Guidelines* pertain to a Public Oral Presentation.

The *Guidelines* detail the format and procedures of a Public Oral Presentation.

For further information on the licensing process, the Committee publishes a *Guide to Submissions* ("*Guide*") for each licence advertised which includes details of the licensing process including information on the franchise area to be served by the radio service, the procedures for making an application and the assessment. In this regard, the criteria on which applications are assessed and the relevant scoring matrix are set out in detail. Such Guides are published on the BAI's website, [www.bai.ie](http://www.bai.ie), or are available on request from the BAI offices. A copy of the evaluation section of a template guide is detailed in Section 4 of this document for information.

Any queries on the licensing process should be addressed to Jill Caulfield at the e-mail address: [licensing@bai.ie](mailto:licensing@bai.ie)





## 2. PURPOSE

As stated in the relevant BAI *Guide to Submissions*, the Committee may request that Applicants make an oral presentation of the proposals contained in their applications for a sound broadcasting service which is the subject of contract award.

In line with the Guide, the purpose of the Oral Presentation is to '*allow the provision of further information in respect of the proposals made in the Application in order to assist the Committee in considering the viability and merits of the relevant Applications*'.

## 3. PROCEDURES

### 3.1 Format

Oral Presentations: -

- 3.1.1 Are convened by the Committee.
- 3.1.2 Are conducted with due formality.
- 3.1.3 Provide an appropriate forum for the Applicants to orally present the proposals contained in their Application; **15minutes** is allocated to this presentation.
- 3.1.4 Provide an appropriate forum for the Committee to question the Applicants with the aim of attaining further information to assist in the consideration of the viability and merits of an Application and this may be conducted over **30 to 45 minutes**.
- 3.1.5 Shall generally be held within the franchise area for which the contract award is being considered.
- 3.1.6 Normally, the Chairperson of the Committee will Chair an Oral Presentation and will be supported by a member of the Executive staff, normally the Chief Executive, who will be responsible for ensuring the proceedings run according to schedule and adhere to agreed procedures. In this regard, the Chief Executive can intercede and advise Applicants and/or the Chairperson of the requirements.
- 3.1.7 The questions to be asked of an Applicant will be based on the Applicant's application. In this regard, the Chairperson will pose a list of questions to an Applicant, agreed by the Committee prior to the Oral Presentation, based on the details in the Applicant's submission for the sound broadcasting contract. A response from an Applicant may give rise to further question or questions, which may be followed through at the Oral Presentation, time permitting, or otherwise, subsequently sought in writing.
- 3.1.8 As previously stated, the questions for Applicants will be posed mainly by, or through, the Chairperson of the Committee. Other members of the Committee will be in attendance and if any wish to pose a question, he or she can do so through the Chairperson.
- 3.1.9 The proceedings will be recorded, both audio-visually and by a stenographer. The BAI will make the recordings and transcript available on-line.



- 3.1.10 The BAI Executive staff will be responsible for organizing the event including the staging and equipment requirements and liaising with the Applicants to inform them of the arrangements for the event.
- 3.1.11 Public information packs, to include details of the BAI, the groups presenting and the radio licence subject to award, will be prepared and available at the event for participants and attendees.
- 3.1.12 The BAI commits in its *Broadcasting Services Strategy* to exploring ways of minimising the cost of the licensing process. Accordingly, the set up for the event will be functional and Applicants are strongly discouraged from commissioning promotional graphic material for display, and or use, at the event

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## 3.2 Participation & Attendance

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- 3.2.1 The Applicants to participate in an Oral Presentation will be invited to do so by the Committee.
- 3.2.3 The Committee will notify an Applicant of the holding of an Oral Presentation no later than four weeks before the scheduled date.
- 3.2.2 The Applicant will be requested by BAI Executive staff, in the course of making arrangements for the event, to submit a list of the membership of its presentation group to the BAI. Only the named individuals together with the Members of the Committee and Executive staff of the BAI can participate in the Oral Presentation. The BAI will question an Applicant on its application and neither additional nor new information nor direct references/comments on the contents of other applications will be permitted.
- 3.2.4 While the event is open to the public, members of the audience cannot participate in the proceedings.
- 3.2.5 *Equipment:*

As stated in 3.1.12, the BAI has made a commitment to manage the costs of making an application for a sound broadcasting contract and in this regard, an Oral Presentation will be conducted, as far as is possible, in a cost-effective and appropriate manner.

The BAI will provide audio-visual facilities and any applicant intending to use visual aids such as a power-point presentation, should notify the BAI well in advance of the Oral Presentation. The BAI cannot guarantee the supply of equipment, so the onus is on the applicant to liaise with the BAI in advance regarding its equipment needs. The BAI will make the final decision on what equipment will be made available at the event.

In this regard, as the Oral Presentation concerns the award of contract for a radio service, nominal use of audio will be permitted, but an applicant should not include visual promotional material.



### 3.2.6 *Practice Run:*

The BAI will provide an applicant with an opportunity to run through its presentation prior to the public Oral Presentation and will liaise with the applicants in this regard. This practice session could be scheduled for the evening prior to an Oral Presentation which is scheduled to be held in a morning slot.

Please note that: -

- ***An Applicant's response to any question should be strictly based on the contents of its Application. New information should not be included.***
- ***The Applicant's presentation can only be of 15 minutes duration. In this regard, an Applicant will be notified at the 13 minute mark that it has two minutes to wrap up its presentation.***
- ***If an Applicant wishes to use audio-visual presentation equipment, the BAI will assume it is the business standard power-point software. If not, the onus is on the Applicant to liaise with the BAI as to the equipment needs.***
- ***The BAI encourages audio-visual presentations which are clear, concise and simple in layout and style.***
- ***The BAI does not permit the use of un-necessary visual aids including the use of commissioned audio visual promotional material and/or graphic insignias for display at the venue.***
- ***The main purpose of the Oral Presentation is to ascertain information on the contents of an applicant's submission in an open and transparent format. The only participants are the applicants invited by the Committee and the BAI and accordingly, pro-active audience support for an applicant is strongly discouraged.***



## 4. INFORMATION ON THE EVALUATION OF APPLICATIONS

### 4.1 Introduction

The 2009 Act sets the statutory framework for the licensing and regulation of additional television and radio broadcasting services on a variety of platforms, including FM and AM radio bands, Digital Terrestrial Television and Sound Multiplexes and for the development of codes and rules. An Applicant should have regard to the provisions of section 66, in particular, subsections 66(2), 66(3) (if applicable) and 66(4) thereof and section 69 of the 2009 Act, the proposed sound broadcasting contract for the relevant franchise area, the BAI policy documents including the *BAI's Broadcasting Services Strategy*, the *BAI Licensing Plan (2012-2013)*, the *BAI Ownership and Control Policy (2012)* and the BAI codes/rules pertaining to programming and commercial communications content.

An Applicant is expected to provide sufficient information in its application to demonstrate how it can satisfy the requirements and objectives of the 2009 Act and relevant BAI policies and codes/rules. The BAI not only invites applicants to commit to meeting the minimum requirements but also to commit to exceed them.

### 4.2 Evaluation Process

Section 66, subsections (2), (3) and (4) of the 2009 Act specifies the criteria ("Statutory Criteria") to which the Contract Awards Committee ("Committee") shall have regard in determining the most suitable applicant, if any, for the award of the sound broadcasting contract.

For the guidance of applicants, the Committee has grouped the Statutory Criteria under four headings: (1) ownership and control; (2) programming; (3) studios and transmission; and, (4) market analysis & financial & business plan. The Committee's evaluation of each application will be under these headings with reference to the Statutory Criteria.

#### 4.2.1 Ownership and Control

The relevant provisions under Section 66 of the 2009 Act in respect of the ownership and control structure of an applicant are as follows:

- Section 66(2)(a): the character, expertise and experience of the applicant or, if the applicant is a body corporate, the character expertise and experience of the body and its directors, manager, secretary or other similar officer and its members and the persons entitled to the beneficial ownership of its shares,
- Section 66(2)(g): the desirability of allowing any person, or group of persons, to have control of, or substantial interest in, an undue number of sound broadcasting services in respect of which a sound broadcasting contract has been awarded under this Part (Part 6 of the 2009 Act),
- Section 66(2)(h): the desirability of allowing any person, or group of persons, to have control of, or substantial interest in, an undue number of sound broadcasting services in the area specified in the notice;





- Section 66(2)(i): the desirability of allowing any person, or group of persons, to have control of, or substantial interest in, an undue amount of the communications media in the area specified by the notice;
- Section 66(4): the overall quality of performance of the applicant under any previous broadcasting contract held by him or her at, or before, the date of making an application and reports of the Compliance Committee

These criteria will be applied in assessing the applicant's proposals, *inter alia*, under the following:

- (i) the composition of the applicant's Board of Directors;
- (ii) the applicant's proposed shareholding structure;
- (iii) the applicant's proposed management structure; and
- (iv) the track record if a previous and/or a current holder of a sound broadcasting contract.

#### 4.2.2 Programming

The relevant provisions under Section 66 of the 2009 Act in respect of programming are as follows:

- Section 66(2)(c): the quality, type and range of programming proposed to be provided by each applicant or, if there is only one applicant, by that applicant;
- Section 66(2)(d): the quantity, quality, type and range of programmes in the Irish language and the extent of programmes relating to Irish culture proposed to be provided;
- Section 66(2)(e): the extent to which the applicant will create within the proposed broadcasting service new opportunities for talent in music, drama and entertainment and in particular, in respect of Irish culture;
- Section 66(2)(f): the desirability of having a diversity of services in the franchise area
- Section 66(2)(j): the extent to which the service proposed –
  - (i) serves recognisably local communities and is supported by the various interests in the community, or
  - (ii) serves communities of interest;
- Section 66(3): in considering the suitability of an applicant for the award of a sound broadcasting contract to provide a sound broadcasting service in respect of an area which includes a Gaeltacht area, the Contract Awards Committee shall have regard to the continuance and advancement as a spoken language of the Irish language;
- Section 66(4): the overall quality of performance of the applicant under any previous broadcasting contract held by him or her at, or before, the date of making an application and reports of the Compliance Committee.

These criteria will be applied in assessing the applicant's proposals, *inter alia*, under the following:

- (i) the applicant's proposed Broadcasting Philosophy;



- (ii) the applicant's proposed Programme Policy Statement;
- (iii) the applicant's proposed Programme Schedule;
- (iv) the track record if a previous and/or a current holder of a sound broadcasting contract.

#### 4.2.3 Studios and Transmission

Section 66 of the 2009 Act does not specify requirements in relation to an applicant's studio and transmission facilities. The Committee considers the development and maintenance of appropriate studio and transmission facilities to be a matter necessary to secure the orderly development of broadcasting services.

The relevant provisions under Section 66 of the 2009 Act in respect of studios and transmission are, accordingly, as follows:

- Section 66(2)(k): any other matters which the Contract Awards Committee considers to be necessary to secure the orderly development of broadcasting services;
- Section 66(4): the overall quality of performance of the applicant under any previous broadcasting contract held by him or her at, or before, the date of making an application and reports of the Compliance Committee.

These criteria will be applied in assessing the applicant's proposals, *inter alia*, under the following:

- (i) timeframe for the commencement of transmission;
- (ii) adequacy of studio and transmission facilities;
- (iii) suitability of transmission proposals; and
- (iv) track record if a previous and/or a current holder of a sound broadcasting contract.

#### 4.2.4 Market Analysis and Financial and Business Plans

The relevant provisions under Section 66 of the 2009 Act in respect of market analysis and financial and business plans are as follows:

- Section 66(2)(b): the adequacy of financial resources available to the applicant and the extent to which the application accords with good business and economic principles;
- Section 66(2)(k): any other matters which the Contract Awards Committee considers to be necessary to secure the orderly development of sound broadcasting services;
- Section 66(4): the overall quality of performance of the applicant under any previous broadcasting contract held by him or her at, or before, the date of making an application and reports of the Compliance Committee



These criteria will be applied in assessing the applicant's proposals, *inter alia*, under the following:

- (i) The applicant's **analysis of the marketplace**, including:
  - (a) the existing marketplace;
  - (b) the demand and potential for the type of service proposed;
  - (c) the anticipated performance in terms of listenership and advertising revenue of the service proposed; and
  - (d) the strategies to be put in place for achieving the anticipated listenership and revenue targets.
- (ii) The applicant's **financial & business plan**, including:
  - (a) overall financial strategy;
  - (b) investment proposal/s;
  - (c) sources of funding and expenditure; and
  - (d) financial projections.
- (iii) The **staffing structure** of the applicant, including:
  - (a) the number of staff, their status (e.g. full-time, contract etc) and salary scales;
  - (b) the proposed staffing structure in diagrammatic form;
  - (c) the applicant's industrial relations policy;
  - (d) the applicant's staff training and development policy; and,
  - (e) any staff remuneration and benefit schemes including pay agreements, pensions, share options etc.
- (iv) The applicant's track record if a previous and/or a current holder of a sound broadcasting contract.

### 4.3 Scoring Matrix

Section 65, subsections (10), (11) and (12) of the 2009 Act provides the statutory framework for the consideration and scoring of applications by the Committee:-

*(10) In considering applications for the award of a sound broadcasting contract the Contract Awards Committee shall determine applications in accordance with section 66 and assign a score to each, or a combination of, the criteria specified in section 66(2) and the Contract Awards Committee shall inform each person who has indicated his or her intention of being an applicant for a contract of such assignment.*

*(11) The Contract Awards Committee shall in reaching a decision as to the award of a sound broadcasting contract assign an agreed score to each of the application received in accordance with subsection (10).*

*(12) The Contract Awards Committee's view on an assignment of a score under subsection (11) shall be determined by a majority of the votes of the Contract Awards Committee.*



The Committee believes that some criteria are of greater importance to the achievement of the relevant legislative and policy objectives than others and so some criteria will carry more weight than others in the evaluation process. Thus, as can be seen from the table overleaf, a criterion with a weighting of eight (8) is considered more important than a criterion with a weighting of six (6) which, in turn is considered more important than a criterion with a weighting of four (4) and so forth.

***The Applicant should note that if they do not achieve a minimum of fifty percent (50%) of the available score under each applicable criterion<sup>1</sup>, they will not be eligible for the award of the sound broadcasting contract.***

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<sup>1</sup> Where an applicant does not currently and has not previously provided a sound broadcasting service under any broadcasting contract, the “overall quality of performance” or “track-record” criterion under section 66(4) of the 2009 Act will be disregarded in calculating whether the applicant has achieved a minimum of fifty percent (50%) of the available score under each criterion.



		Available Score	Weighting
<b>Ownership and Control</b>			
66(2)(a)	Character, expertise and experience of the applicant or, if the applicant is a body corporate, the character, expertise and experience of the body and its directors, manager, secretary or other similar officer and its members and the persons entitled to the beneficial ownership of its shares	20	4
66(2)(g)	Desirability of allowing any person, or group of persons, to have control of, or substantial interests in, an undue number of sound broadcasting services in respect of which a sound broadcasting contract has been awarded under this Part	15	3
66(2)(h)	Desirability of allowing any person, or group of persons, to have control of, or substantial interests in, an undue number of sound broadcasting services in the area specified in the notice	15	3
66(2)(i)	Desirability of allowing any person, or group of persons, to have control of, or substantial interests in, an undue amount of the communications media in the area specified in the notice	40	8
66(4)	Overall quality of the performance of the applicant with respect to the provision by him or her of a broadcasting service under any broadcasting contract held by him or her at, or before, the date of making the application and reports of the Compliance Committee	10	2
<b>Programming</b>			
66(2)(c)	Quality, range and type of the programmes proposed to be provided by each applicant or, if there is only one applicant, by that applicant	40	8
66(2)(d)	Quantity, quality, range and type of programmes in the Irish language and the extent of programmes relating to Irish culture proposed to be provided	30	6
66(2)(e)	Extent to which the applicant will create within the proposed broadcasting service new opportunities for talent in music, drama and entertainment and in particular in respect of Irish culture	30	6
66(2)(f)	Desirability of having a diversity of services in the area specified in the notice catering for a wide range of tastes including those of minority interests	35	7
66(2)(j)	The extent to which the service proposed— (i) serves recognisably local communities and is supported by the various interests in the community, or (ii) serves communities of interest	30	6
66(3)	In considering the suitability of any applicant for the award of a sound broadcasting contract to provide a sound broadcasting service in respect of an area which includes a Gaeltacht area, the Contract Awards Committee shall have particular regard to the continuance and advancement as a spoken language of the Irish language.	25	5
66(4)	Overall quality of the performance of the applicant with respect to the provision by him or her of a broadcasting service under any broadcasting contract held by him or her at, or before, the date of making the application and reports of the Compliance Committee	10	2
<b>Transmission and Studio Proposals</b>			
66(2)(k)	Any other matters necessary to secure the orderly development of broadcasting services (i) Adequacy of studio and transmission facilities (ii) Suitability of transmission proposals	30	6
66(4)	Overall quality of the performance of the applicant with respect to the provision by him or her of a broadcasting service under any broadcasting contract held by him or her at, or before, the date of making the application and reports of the Compliance Committee	10	2
<b>Market Analysis, Financial and Business Plan</b>			
66(2)(b)	Adequacy of the financial resources that will be available to each applicant and the extent to which the application accords with good business and economic principles	40	8
66(2)(k)	Any other matters necessary to secure the orderly development of broadcasting services ; Management & Staffing	30	6
66(4)	Overall quality of the performance of the applicant with respect to the provision by him or her of a broadcasting service under any broadcasting contract held by him or her at, or before, the date of making the application and reports of the Compliance Committee	10	2



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