



GUIDE for EXPRESSIONS OF INTEREST

FOR A

MUSIC-BASED

SOUND BROADCASTING SERVICE

FOR A

General Audience Aged 35-55 Years in Dublin City & County

Version 1, April 2019



The Broadcasting Authority of Ireland (“the BAI”) reserves the right to correct or clarify any part of the *Guide for Expressions of Interest for a Music-based Sound Broadcasting Service on the FM band for a General Audience Aged 35-55 Years in Dublin City & County* (“*Guide*”) at any stage before the closing date for submissions.

Any such corrections, clarifications or supplementary information will be posted on the BAI’s website, www.bai.ie

All queries regarding this *Guide* should be emailed by **Tuesday, 11th June 2019** to:

Jill Caulfield
Broadcasting Authority of Ireland
Email: licensing@bai.ie



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1. INTRODUCTION

In accordance with Section 65 (6) of the *Broadcasting Act 2009* (“the 2009 Act”), the Contract Awards Committee (“the Committee”) of the Broadcasting Authority of Ireland (“the BAI”) invites expressions of interest from parties interested in securing a Sound Broadcasting Contract (“the Contract”) on the FM band for the provision of ***a Music-based Sound Broadcasting Service for a General Audience Aged 35-55 Years in Dublin City & County.***

The Contract, currently held by City Broadcasting Limited and broadcasting as Dublin’s Q102, is due to expire on 24th May 2020.

Interested parties should submit their expressions in electronic format (PDF), no larger than 8MB in size, to the BAI. Information in respect of the proposed service should be presented in the format prescribed in Section 4 of this document under *Format for Expressions of Interest*, or by completing the BAI’s *Expressions of Interest* form.

If an interested party is the holder of a Contract which is the subject of a notice issued under Section 65 (6) of the 2009 Act, that interested party is deemed to be the “incumbent”.

In accordance with Section 67 (2) of the 2009 Act, where in the opinion of the Committee, the only expression of interest received in good faith is from the incumbent, then the Committee may, at its discretion, propose to invoke the procedures provided for under Section 67 (6) of the 2009 Act.

Please note that an expression of interest in response to this notice **shall not be** regarded as an application for a Contract. Parties interested in submitting expressions of interest to the BAI should do so by **12 noon Tuesday, 18th June 2019**. Please note that all expressions of interest will be made available publicly following consideration by the BAI.

Expressions of interest should be forwarded to the e-mail address: licensing@bai.ie



2. LICENSING OF COMMERCIAL RADIO SERVICES

2.1 Statutory and Policy Framework

The Broadcasting Act 2009 (“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.

In this regard, the 2009 Act sets certain broad objectives for the licensing of Sound Broadcasting Contracts and these have informed the development of the BAI’s policy for licensing sound broadcasting services, as set out in *BAI Broadcasting Services Strategy (2018)* and recent Licensing Plans (2016, and 2017, and 2018).

The 2009 Act and the BAI documentation are available on the BAI website at www.bai.ie. In reviewing the expressions of interest received, the BAI will consider the policy objectives of diversity, viability and the efficient use of spectrum. The proposed service should complement the existing radio landscape in the franchise area, as set out below, in the context of these objectives.

BAI Broadcasting Services Strategy (“BSS”) and Licensing Regulatory Measures

The Authority reviewed its BSS and approaches to a number of licensing regulatory measures over the course of 2018 further to a public consultation. Parties wishing to submit an Expression of Interest for the proposed sound broadcasting service should be cognisant of the approaches to licensing and regulation as recently agreed by the Authority. A copy of the revised BSS and details of the agreed approaches to the associated licensing regulatory measures are available on the BAI’s website, www.bai.ie/licensing.

2.2 The existing radio landscape

The franchise area covers Dublin City & County. Apart from the current commercial service for which expressions of interest are being sought, the area is served on FM by 1 multi-city service, Classic Hits, 5 local and /or niche services; 98FM, FM104, Spin 103.8, Sunshine 106.8, and Radio Nova, and seven national / quasi-national services. These services are Today FM, Newstalk, Spirit Radio and four RTÉ radio services; RTÉ Radio One, RTÉ 2FM, RTÉ Lyric FM and Raidió na Gaeltachta. There is also a range of community / community of interest radio services on-air in the franchise areas concerned.

The table at Appendix One provides more detail in relation to each service and the typical content that can be expected.



2.3 The application process for a commercial radio service

The Expressions of Interest phase is not part of the application process for a commercial radio service. The application process is initiated when the Committee issues a notice inviting applications for the relevant radio service pursuant to section 65(8) of the 2009 Act. Prior to the commencement of the application process, the BAI is inviting expressions of interest in the securing of the contract for this commercial radio service, pursuant to section 65(6) of the Act. It is considered that potential respondents to a call for Expressions of Interest should have regard to the type of service which is being proposed.

In this regard, potential respondents' attention is drawn to the following minimal standards which will need to be satisfied at the application stage for the proposed service:

- An applicant must be a legal entity or must identify the legal entity that would enter into the proposed sound broadcasting contract.
- An applicant must have adequate financial capacity, and adequate technical capability, to establish and/or fund and maintain the development and day-to-day operations of the proposed service.
- The quality, range and type of programming proposed by an applicant must accord with that expected of the type of service proposed.

In making a submission, either by using the BAI's form or following the format as set out in section 4 below, a respondent is required to verify in writing, on behalf of the entity proposed in the submission, that it reasonably believes that it has the capacity, technical capability and experience to provide the proposed service and will be able to satisfy the minimal standards specified above.



3. SUBMISSIONS OF EXPRESSIONS OF INTEREST

Please read the following guidance notes before completing the Expression of Interest form or making an Expression of Interest submission in accordance with the criteria in section 4 below.

3.1 Format: The expression of interest should be submitted in English or Irish either in the format outlined in this Guide so as to include all of the information requested therein or alternatively, by completing an *Expression of Interest* form (“form”).

3.2 Submission: The expression of interest form or submission must be completed in typescript or in block capitals in black ink. One electronic copy in PDF format, no larger than 8MB in size, should be submitted so as to reach the BAI’s offices by **12 noon Tuesday, 18th June, 2019**.

Public Access: Please note that the expressions of interest received will be published on the BAI’s website after they have been considered by the BAI. Expressions of interest will also be made available for public inspection at the BAI’s offices at that time. (www.bai.ie).

3.3 Confidential Information: The BAI may deny members of the public access to material forming part of an expression of interest where the BAI deems it appropriate that such material should be treated as confidential. Information that may be deemed to be of a confidential nature includes, *inter alia*, information that is commercially sensitive and information, the disclosure of which, would involve a breach of a confidentiality obligation which the interested party owes to a third party.

Note: Information considered by an interested party to be confidential must be presented in an annex to the expression of interest. The annex should be marked “confidential”. The reasons for believing that the information is confidential must be set out. Where the BAI believes material placed in a confidential annex should be made available for inspection, it will seek to reach an agreement with the interested party regarding the extent of disclosure of the information. If an agreement cannot be reached within such a period as determined by the BAI, at its sole discretion as reasonable, the BAI will treat such information as having been withdrawn and it will not be considered as part of the expression of interest.



- 3.4** *Freedom of Information:* Information may be made available to the public further to requests under the Freedom of Information Act, 2014. The BAI will consult with the interested party about the publication of any information treated as confidential at the time of submission, before making a decision on any Freedom of Information request received.
- 3.5** Any agreements between the BAI and interested parties regarding confidential and/or commercially sensitive information are without prejudice to the BAI's obligations under law, under the Broadcasting Act 2009 and the Freedom of Information Act referred to in the preceding section 3.4. The BAI, therefore, cannot warrant that information claimed as confidential by an interested party or treated as such might not be disclosed pursuant to law.
- 3.6** The Broadcasting Authority of Ireland shall comply with their obligations under the GDPR Directive, Data Protection Act 2018 and any other applicable data privacy laws and regulations.



4. FORMAT FOR EXPRESSIONS OF INTEREST

There is an expression of interest form available to potential respondents from the BAI's website, www.bai.ie or on request from the BAI's offices at (01) 6441200, which you are encouraged to use in order to make your submission. In the event that you choose not to use the form, please ensure that your submission adheres to the format outlined hereunder and that you provide all the information requested.

By making an Expression of Interest submission you are confirming the following to the BAI: -

- that you have read and understood the *Guide for Expressions of Interest for a Music-based Sound Broadcasting Service for a General Audience Aged 35-55 Years in Dublin City & County*;
- that your submission will be made public; and,
- that you reasonably believe that the entity proposed in the submission has the capacity, capability and experience to provide the proposed service and will be able to satisfy minimal standards set out in section 2.3 of this Guide.

The format for an Expression of Interest Submission is as follows: -

1. Respondent:

- 1.1 Please identify the entity making the submission or on whose behalf the submission is made, together with the identity of all directors and/or members of the entity concerned.
- 1.2 Please provide details of the background and/or relevant experience of the members of the entity in the context of providing the proposed service.
- 1.3 Please provide the contact details for the individual who will be the main contact (for public purposes) (name of contact person, job title, address, telephone and email).

2. Target Audience:

- 2.1 Please define and provide a profile with reference to the target audience of individuals and groups in the 35-55 year age group which will be the main focus for the proposed programming service.
- 2.2 Please provide your estimate of the projected listenership (reach) in this target audience for the proposed service for the first three years of operation.



3. Technical:

- 3.1** Please provide the Site Name, National Grid Reference (Exxxxxx Nyyyyyy), Site Height, Antenna Height, Proposed ERP and Antenna Pattern for each of the proposed VHF Band II transmission sites that are required to provide coverage to Dublin city and county while minimising overspill coverage to the respective neighbouring areas.
- 3.2** Please provide a rationale for the proposed transmission plan. This should include a description of the total coverage provided, highlight areas that may receive marginal or poor coverage and explain why each proposal represents an efficient use of spectrum.
- 3.3** Please give a general indication of the number, type and location of the studios required to deliver the proposed service.

4. Programme Service:

- 4.1** Please provide a general description of the format and content of the proposed programme service.
- 4.2** Please set out your rationale for the proposed service in the context of contributing to the diversity of programming/broadcasting services by reference to:
- the target audience; and
 - the services available in the franchise area.
- 4.3** Please provide indicative details of: -
- total hours of broadcasting (per day/week);
 - number of live hours (per day/week); and
 - number of automated hours (per day/per week).
- 4.4** Please indicate your approach, including the percentage of daily broadcasting hours to be dedicated to, the following areas for the proposed service:
- news and current affairs programming;
 - speech programming; and
 - music programming - the nature of the music to be provided on the service.



4.5 Please provide details of any networking arrangements envisaged.

5. Operational details:

5.1 Please describe the general operational and economic model envisaged in respect of the proposed service (please include details of any syndicated networks envisaged).

5.2 Please provide indicative annual income and expenditure projections for the first three years of operation.

5.3 Please provide indicative details of:

- the proposed organisational structure (management and staffing); and
- key income sources envisaged.

5.4 Please set out why you believe the proposed service will be viable from an economic perspective with reference to the overall operational arrangements and any other relevant issues.

6. Declaration:

In making this Expression of Interest submission to the BAI, you are requested to include in the submission the following declaration:

I, _____, on behalf of (entity proposed in this submission) (“the Respondent”) hereby verify that I reasonably believe the Respondent has the capacity, capability and experience to provide the proposed service and will be able to satisfy the minimal standards set out in section 2.3 of the *“Guide for Expressions of Interest for a Music-based Sound Broadcasting Service for a General Audience Aged 35-55 Years in Dublin City & County ”*, and that I am duly authorised to make this declaration on behalf of the Respondent.

Signed: _____

Title: _____

Date: _____



Appendix I - Radio Landscape in relevant Franchise Area(s)

Franchise Area Type	No.	Current Station/s	Typical Content
National	1	RTÉ Radio 1	Speech-driven, news & information, music and arts programming (significant sports content on weekends)
National	1	RTÉ 2FM	Music & entertainment service for 15+
National	1	RTÉ Lyric FM	Music-driven with classical bias
National	1	RTÉ Raidió Na Gaeltachta	Irish language service for the Gaeltacht regions and Irish speakers in Ireland
National	1	Today FM	Broad-format service aimed at 15+ with a focus on 20 - 44 year olds
National - Quasi	1	Newstalk	Speech driven service aimed at 25+
National - Quasi	1	Spirit Radio	Christian driven service aimed at 15+
Multi-city	1	Classic Hits	Music-driven service aimed at 45+
Local & Niche	5	eg: Radio Nova, Spin 103.8, Sunshine 106.8, FM104, 98FM	Wide-breadth of content including local news and information and music, aimed at local adult audiences, including minority groups and interests, in the relevant franchise area. Two of these services, Spin 103.8 and FM104 are aimed at a youth audience of 15-34 years.
Community / Community of Interest	6	Community:- e.g. Liffey Sound, Phoenix FM, Near FM, Dublin South FM. , Community of Interest: Raidió na Life, Dublin City FM,	Services that are owned and driven by the communities and communities of interest they serve; standard area of coverage would be a central hub with approximately five-mile radius for community and city-wide coverage for community of interest.