



**GUIDE FOR STATEMENTS OF INTENT
TO APPLY FOR A SOUND BROADCASTING CONTRACT**

FOR

A LOCAL BROAD FORMAT SERVICE

ALL ADULT AUDIENCE

FOR WATERFORD CITY AND COUNTY

22 September 2022



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1. INTRODUCTION

- 1.1 The local broad format sound broadcasting contract (“Contract”), currently held by South East Broadcasting Company Limited and broadcasting as WLR FM, is due to expire on 7th September 2023.
- 1.2 In accordance with section 65(6) of the Broadcasting Act 2009 (“the 2009 Act”), the Contract Awards Committee (“the Committee”) placed a notice in a national newspaper and on the BAI website, www.bai.ie, on 30th June 2022 seeking expressions of interest for the provision of a local broad format sound broadcasting service. By the closing date of 29th August 2022, the only expression of interest received was from the current contractor, South East Broadcasting Company Limited.
- 1.3 The expression of interest was assessed by the Committee at its meeting of 13th September 2022. The Committee considered the respondent to be the incumbent holder of the sound broadcasting contract and deemed the expression of interest to have been made in good faith. In these circumstances, the Committee decided to invoke the fast-track application process under section 67(2) of the 2009 Act.
- 1.4 Accordingly, the Committee on 22nd September 2022 placed a public notice in a national newspaper, and on its website, stating its intention to invoke the fast-track application process for the Contract.
- 1.5 Potential respondents must make a submission by 20th October 2022 stating that they wish to apply for the award of a sound broadcasting contract for the local broad format service (“Statement of Intent”).
- 1.6 A completed Statement of Intent form must be accompanied with a deposit of **€20,000**, which is refundable if an application is subsequently submitted to the BAI pursuant to an invitation to apply for the sound broadcasting contract for the local broad format issued under section 65(8) of the 2009 Act.
- 1.7 The Statement of Intent form must be submitted as specified in Section 2 of this document.
- 1.8 If the Committee receives a completed Statement of Intent form and the required deposit, the Committee shall either proceed to invite applications for a sound broadcasting contract for the area concerned or refer the matter to the Authority for further direction. If an invitation to apply for the award of contract is issued, it will be a contract for a local broad format service for the Waterford City and County franchise area for a period of 10 (ten) years.
- 1.9 For those considering submitting a completed Statement of Intent form and potentially applying for a sound broadcasting contract under the competitive process at section 65(8) of the 2009 Act, an indicative guide for the application for a commercial sound broadcasting contract is available on the BAI website or on request by emailing licensing@bai.ie.
- 1.10 After the Committee has considered any statements of intent received and determined the next stage in the process, it will publish all statements of intent on the BAI's website.



2. PROCEDURES FOR SUBMITTING A STATEMENT OF INTENT

- 2.1** There is a statement of intent form available to potential respondents from the BAI's website, www.bai.ie, or on request from the BAI at (01) 644 1200 or licensing@bai.ie.

By submitting your Statement of Intent form you are confirming the following to the BAI:

- that you have read and understand this Guide;
- that a deposit of €20,000 has been paid into the BAI bank account; and
- that you consent to your Statement of Intent form being made public.

- 2.2** The format for a Statement of Intent form is as follows:

2.2.1 Respondent:

2.2.1.1 Please provide a general description of the person/entity making the statement.

2.2.1.2 Please provide your contact details (name of contact person, address, telephone and e-mail).

2.2.2 Details of Statement of Intent:

The text of the Statement of Intent is to be as follows:

I, [insert name], on behalf of [insert name of party submitting statement of intent] hereby confirm that [insert name of party submitting statement of intent] intend to apply for the sound broadcasting contract for the local broad format sound broadcasting service. I also confirm that the deposit of €20,000 has been paid to the bank account of the BAI.

2.2.3 You must sign and date the Statement of Intent form.

- 2.3** The signed and dated Statement of Intent form must be received by the BAI no later than 12 noon on 20th October 2022 and can be submitted by e-mail to licensing@bai.ie or by post or by hand delivery to:

Jill Caulfield
Contract Awards
BAI
2 – 5 Warrington Place
Dublin D02 XP29

- 2.4** Payment of Cash Deposit

2.4.1 Payment of the cash deposit of €20,000 must be in the BAI bank account by the closing date of 20th October 2022.



2.4.2 The bank account details for the payment of the cash deposit are as follows:

Bank: Ulster Bank

Account Number: 03603097

Sort Code: 985020

IBAN Number: IE85ULSB98502003603097

BIC: ULSBIE2D

2.4.3 Payment details/reference must include information which identifies the respondent, such as the respondent's name. Accordingly, the respondent must ensure that their bank includes information to accompany the electronic transfer which clearly identifies that the payment has been made on behalf of the respondent.

2.4.4 *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.

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 2014. 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.

2.4.5 *Data Protection:* In order to operate this Statement of Intent process effectively, we will require some personal data/contact information.

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.

The BAI is obligated and committed to protecting all personal data submitted in response to a call for Expression of Interest to this licensing plan. The BAI has an appointed Data Protection Officer who is registered with the Data Protection Commission.

You can find out more on how the BAI processes personal information in the BAI's published policy at: <https://www.bai.ie/en/about-us/data-protection-policy/> and the BAI's terms and conditions at: <https://www.bai.ie/en/about-us/terms-conditions>.



The Broadcasting Authority of Ireland

2-5 Warrington Place

Dublin D02 XP29.

Telephone: 01 644 1200

Email: info@bai.ie

Website: www.bai.ie