

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

Reference No. K/PAV/3124/01/2024	Dated: 25.04.2024
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Bid Document download start date	25.04.2024 (1800 Hrs)
Clarification start date	26.04.2024 (1100 Hrs)
Clarification end date	30.04.2024 (1700 Hrs)
Pre-Bid meeting	01.05.2024 (1100 Hrs)
Bid Submission start date (online)	25.04.2024 (1800 Hrs)
Bid Submission end date (online)	16.05.2024 (1800 Hrs)
Date of opening of Bids (online)	17.05.2024 (1100 Hrs)

1. Scope of work:

The External Publicity & Public Diplomacy Division of the Ministry of External Affairs (MEA) invites proposals from film producers/distributors for purchase of screening rights of the Indian feature films in Hindi, Sanskrit, all Indian Regional languages, Indian Dialect languages and English language. Films produced in 2021, 2022 and 2023 shall be preferred.

The film selection will be guided by various criteria such as thematic content, message conveyance, widespread appeal, accolades received, and the overall potential for highlighting and promoting Indian art and culture globally. The chosen films should aptly mirror the richness and diversity prevalent in the Indian film industry. Films will be selected under the following categories:-

- (I) Award winning films (National Awards, State Govt. Awards)
- (II) Films listed in Indian Panorama category of International Film Festival of India (IFFI)
- (III) Films made on subjects that promote Indian culture and policies of Govt. of India
- (IV) Films that appeal to global audience
- (V) Aesthetic & artistically made films
- (VI) Critically well acclaimed
- (VII) Films exploring unconventional & stereotype breaking subjects
- (VIII) Women empowerment
- (IX) Patriotic films
- (X) Children Films
- (XI) Sports Films
- (XII) Historical Films

These films should be provided in formats like DVD, Blu-Ray and Hard-Drive/DCP. These films should be subtitled in English (each in separate DVD, Blu Ray Disc, Hard Drive and Digital Cinema Package). The films are required for screenings abroad on a non-commercial/non-profit/non-exclusive basis for promotion of Indian cinema abroad and also for holding film festivals/film weeks through Indian Missions abroad. Distributors will have to provide dubbing and subtitling rights so that these films can be dubbed and subtitled in any other foreign languages such as French, Spanish, Arabic, German, Portuguese etc. However, if a bidder is able to offer films subtitled/dubbed in any other foreign language(s), he/she may indicate the additional cost for the same (language-wise) in a separate sheet. The films should be offered with cue sheets in English & Hindi along with the script.

2. Period of screening rights:

The validity of non-commercial screening rights of procured films will be five years from the date of contract signed.

3. Eligibility criteria:

- a) Bidders/authorized representatives should provide evidence of having the necessary ownership rights of the films. In case more than one film is being offered, the rate of each film should be mentioned separately. It is mandatory for the bidder to meet all conditions of this RFP.
- b) Minimum average annual turnover of Rs. 01 crore for the last three years (2020-23). In case of new agencies no turnover is required.

4. Technical specifications/deliverables:

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

- a) High Definition (HD) Mixed Master with English subtitles.
- b) High Definition (HD) Unmixed Master in Hard Drive in original with dialogues sheet (time coded from the original languages of the films into English subtitles/dubbing.)
- c) DVD Copy in .mov format (not exceeding 2 GB) of the Master with English subtitles- Five copies of each.
- d) DVD in .mp4 Format of the master and subtitled versions in English- Five copies of each.
- e) Soft copy (Word document in DVD) of approved script, cue sheet and lyrics in Hindi and English language.
- f) One DCP(Digital Cinema Package) of each film.
- g) Blu Ray Disc (Original and Subtitled) of each film-two copies each.
- h) Original sound track of the film in a Hard Drive
- i) Design covers and publicity posters of the film (around 20-25) inlay design work.
- j) Trailer video of the film

5. Price, EMD and Performance guarantee:

- (i) The price quoted should be the full amount, including all taxes, against all deliverables. Estimated tender value will be approx Rs. 3 Crore. An amount of Rs. 9,00,000/- (Rupees Nine Lakh only) will have to be deposited as Earnest Money Deposit (EMD) which is 3% of estimated tender value with the bids in the form of insurance surety bond or bank demand draft or bank guarantee valid for a period of 45 days beyond the final bid validity period. This EMD should be scanned and attached with the RFP documents to be submitted online. No bid will be accepted without requisite EMD. This EMD along with the hard copy of entire proposal should be sent in original to the undersigned after successful online submission of the bids. The EMD of unsuccessful bidders shall be refunded within 15 days of the announcing of award of the contract and EMD of successful bidders shall be returned within 15 days after receipt of Performance Security/PBG. No claim of interest will be entertained by MEA in case of delayed payments for reasons beyond its control.
- (ii) Exemption to MSMEs: "Micro and Small Enterprises (MSEs) as defined in MSE Procurement Policy issued by Departments of Micro, Small and Medium Enterprises or are registered with the Central Purchase Organization or the concerned Ministry or Department are not required to submit EMDs". MSEs seeking EMD exemption must submit its MSME certificate.
- (iii) Successful bidder will have to deposit Bank Performance Guarantee in form of insurance surety bond or bank demand draft or bank guarantee in favour of PAO, COA, MEA, New Delhi equivalent to 3% (three percent) of the value of the contract in case of each vendor within fifteen (15) days of award of the contract, valid for 60 days after the completion of the tenure of contract period. EMD, Demand Draft, or Bank Guarantee deposited with MEA shall earn no interest.

6. Submission of proposals:

Bidder should upload their bids on GeM Portal in two separate parts: Technical and Financial Bid.

7. Evaluation procedure: Evaluation of the Technical and Financial bids:

a) Technical bids:

Only those agencies which submit all the documents as specified in Para-7, Annexure 1-11 will be technically qualified and eligible for financial evaluation.

b) Financial bids: Financial bids of only technically qualified agencies will be opened. Lowest price per film (L1) will be recommended for acceptance, as per rule 193 of GFR 2017, Least Cost System (LCS).

c) Bids are to be submitted online by **16.05.2024 (1800 Hrs)** as per BOQ attached with the RFP. Bids will be opened on **17.05.2024** at **1100 hrs** in presence of Film Selection Committee, interested bidders can also participate. Selection of titles will be made by a Film Selection Committee whose decision will be final and binding on all. One vendor will be allowed to submit bids for maximum of 30 Indian Feature Films. Ministry reserves the rights to negotiate with the applicants/bidders if quoted price seems to be higher than the merits of the selected film/films. After the negotiation: Even then, the film selection committee has paramount and exclusive rights/power to grant fixed amount to each selected films and the applicants/bidders are bound to accept the rate/rates fixed by the Film Selection Committee. Bids should be submitted in online mode only. MEA reserves the right to relax any term or condition of this RFP with the approval of the competent authority.

Bids must be properly sealed/stamped, along with the bidder's or authorized representative's signature, and must include the following in a scanned attachment .pdf file:

- (1) A covering page stating all Annexures attached with the technical bid as detailed below **(A/1)**.
- (2) Notarized copy of ownership document of the film; or in cases of authorized representatives an authority letter in original from the owner/films' right holder. Complete name, office address and branches if any should be mentioned **(A/2)**.
- (3) Notarized affidavit in original on Rs. 100/- stamp paper affirming/confirming to be the owner/authorized representative/rights holder by bidder and eligible to bid as he/she meets all conditions of this EOI notice and is not disqualified by any disqualification mentioned in the EOI notice **(A/3)**.
- (4) Details of agreements to ownership document **(A/4)**.
- (5) Particulars of the bidder in the prescribed format **(A/5)**.
- (6) Notarized affidavit declaring that screening of film abroad is free from all encumbrances **(A/6)**.
- (7) Notarized indemnity bond on Rs. 200/- stamp paper **(A/7)**

- (8) An amount of Rs. 9,00,000/- (Rupees Nine Lakh only) will have to be deposited as an Earnest Money Deposit (EMD) with the bid after scanning it in the form of a bank Demand Draft valid for a period of 45 days from validity period of the bid in favour of the “**Pay and Accounts Officer, Ministry of External Affairs**” payable at New Delhi. The same should be deposited in original to the undersigned on or before the last date of submission of bids. **(A/8)**
- (9) Tax returns for the last three years (2020-2023) and copies of PAN/ TAN/ Service Tax numbers, as applicable **(A/9)**.
- (10) Copy of this RFP duly signed by authorized signatory as a token of acceptance of the same **(A/10)**.
- (11) Any additional information from the bidder which is relevant to the offer **(A/11)**.

8. Instruction to Bidders:

A Bidder should meet prescribed eligibility criteria and observe conditions of this RFP. Offer will be valid for at least 180 days from the last date of submission of RFP. The bids should be submitted online on or before **16.05.2024 (1800 Hrs)**. MEA reserves the right to accept or reject all or any of the bids without assigning any reason. Incomplete applications will be liable to be rejected. As per GFR Rule, bidders should not be permitted to alter or modify their bids after expiry of the deadline for receipt of bids. Bidders should mention their complete office address along with e-mail ID and contact details.

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

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

10. Terms & conditions:

- a) Mere submission of the proposal shall not confer any rights whatsoever on the submitting entity/bidder.
- b) It shall be obligatory on part of the submitting entity/bidder to furnish any further information as may be sought by MEA.
- c) No amendments/changes will be allowed after the last date of submission of bids.

11. Forfeiture of EMD:

EMD will be forfeited on account of one or more of the following reasons:

- (i) The bidder withdraws his/her bid during the period of bid validity.
- (ii) In case of a successful bidder, the selected bidder fails to sign the agreement in time and furnish performance security.

12. Termination/Penalty clause:

Refusal or inability or delay or any false statement by the successful bidder to supply all deliverables as per Scope of Work at the contracted rate within prescribed time frame may result in termination of the contract and forfeiting of EMD/Performance Security/Bank Guarantee as well as disqualification of the bidder from participating in future tenders. MEA will have the right to take any other action as deemed necessary. Withdrawal of a bid after its submission will result in the forfeiture of the EMD. The bidder is bound to provide high quality of feature films and good quality of subtitling and dubbing in Indian regional and foreign languages. If MEA finds the quality of film or subtitling and dubbing services lacking in quality, bidder will be bound to re-submit the films in desired quality of picture and subtitling/dubbing without any additional cost to MEA in a time bound period as specified by MEA.

13. Disqualification:

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

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

14. Force Majeure Clauses (FMC): A force Majeure means Extraordinary events or circumstances beyond human control such as an event described as an act of god (like a natural calamity) or events such as a war, strike, riots, crimes (but not including negligence or wrong- doing, predictable/seasonal rain and any other events specifically excluded in the clause. An FM clause does not excuse a party's non- performance entirely, but only suspends it occurs and it cannot be claimed ex-facto.

15. Acceptance/Rejection of bids:

MEA reserves the right to reject any or all of the bids or to modify or cancel the RFP as and when deemed necessary. Any dispute arising out of this RFP shall be governed and settled in accordance with the laws of India and the courts in NCT of Delhi shall have exclusive jurisdiction in relation thereto.

16. Contact details:

Eligible bidders may please submit their bids only in **online mode** through Gem Portal clearly mentioning the name and address/mobile phone number of the bidder/authorized representative before **1800 hrs on 16.05.2024**. A hard copy of the proposal along with the EMD, all annexure and all notarized affidavits should be sent to the undersigned after successful online submission of the RFP. The bids should be addressed to **Shri Dalvinder Singh, Under Secretary (Public Diplomacy), Room No. 256-A, 2nd Floor, 'A' Wing, External Publicity & Public Diplomacy Division Ministry of External Affairs, Shastri Bhavan, New Delhi 110001**.

No offline proposal will be accepted. In case of any help or clarifications please contact PAV Section at Phone Number: 011-23381769 or e-mail: uspd@mea.gov.in/popav@meaindia.in (but not for submission of bids).

Opening of EOI:

The proposal shall be opened as per the schedule mentioned in table of important dates at Room No. 256, 2nd Floor, 'A' Wing, and Shastri Bhawan, New Delhi in the presence of Film Committee members and bidders who choose to attend the opening of bids. Authorized representative with the authority letter on the letter head of bidding company duly signed by the bidder will be allowed to attend the bids opening to be held on **17.05.2024 at 1100 hrs**. Successful bidder(s) has to comply with post-contract award formalities as per this RFP.

Annexure1

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

- (1) Notarized copy of ownership document of the film or authority letter from the owner/film's right holder. Complete name, office address and branches, if any, should be mentioned (**Annexure 2**).
- (2) Notarized affidavit in original on Rs. 100/-stamp paper affirming/confirming to be the owner/authorized representative/rights holder by bidder and eligible to bid as he/she meets all conditions of this RFP and is not disqualified by any disqualification mentioned in the RFP (**Annexure3**).
- (3) Particulars of the bidder in the prescribed format (**Annexure 4**).
- (4) Notarized affidavit declaring that screening of the feature films abroad is free from all encumbrances (**Annexure 5**).
- (5) Earnest Money Deposit(EMD) of Rs. 9,00,000/-(Rupees Nine Lakh only) in form of a insurance surety bond or bank Demand Draft or Bank guarantee valid for 45 days from the date of the bid validity Period of the bid (**Annexure 6**).
- (6) Tax returns for the last three years (2020-2023) and copies of PAN/TAN/Service Tax numbers, as applicable, showing average annual turnover of **Rs. 1 Cr.** during the last three years, in case of new agencies no turnover is required.
- (7) An undertaking of Possession of the rights of the films.(**Annexure 7**)
- (8) Any additional information from the bidder which is relevant to the offer (**Annexure 8**).

I/We confirm as in para 1 to 8 above.

Place:

Signature of Bidder

Date:

NAME (in BLOCK LETTERS):

ADDRESS:

BANNER/STAMP:

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

AFFIDAVIT

To

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

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

We have branches located at the following addresses:

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

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

Place:

Signature of Bidder

Date:

NAME (in BLOCK LETTERS):
ADDRESS:

BANNER/STAMP:

AFFIDAVIT

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

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

Place:

Signature of Bidder

Date:

NAME (in BLOCK LETTERS):

ADDRESS:

BANNER/STAMP:

Details of Link Agreements

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

2.

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

Signature of the Bidder with rubber stamp:

Name in BLOCK letters:

Address, telephone & fax number:

Annexure 5

(Number of pages attached to this Annexure _____)

_____)Partic

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

Name of the Bidder:

Address:

Company registered office:

Address of Branches if any:

Telephone number:

Email address:

1. Name of the Film(s) offered _____

2. Language(s) _____

3. Year of Production _____

4(a).

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

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

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

Without cuts:-----

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

6. Cast in Respect of Major Roles:

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

8. Name of the Director:

(Signature and Stamp of Bidder)

Affidavit

I/We _____ affirm that:-

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

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

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

Date:

ADDRESS:

BANNER/STAMP:

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

INDEMNITY BOND

This **INDEMNITY BOND** is executed by Mr./Ms _____

Sole proprietor or authorized signatory M/s _____
(Name & banner with address) (Here in after called '**the Obligor**') in favour of
Under Secretary (PD) Ministry of External Affairs at New Delhi (herein after called
'**the Obligee**')

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

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

IN WITNESS whereof the said 'Obligor' has hereto signed at.....(place)
on this.....day of..... (2024).

OBLIGOR

Name, signature & Address

WITNESS:

Of the 1st witness.....
Name, Signature & Address

Of the 2nd witness.....
Name, Signature & Address

Annexure8

Details of the amount of Earnest Money Deposit (EMD) of Rs. 9,00,000/- (Rupees Nine Lakh only) with this Annexure:

Date of Demand draft or Bank guarantee:

Date valid upto:

Name of Bank, branch and address:

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

Date:

ADDRESS:

BANNER/STAMP:

Annexure9

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

1. (2020-2021)

2. (2021-2022)

3. (2022-2023)

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

1.

2.

3.

Date:

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

BANNER/STAMP

Affidavit

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

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

Date:

ADDRESS:

BANNER/STAMP:

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

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

Or

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

(Delete inapplicable)

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

Date:

ADDRESS:

BANNER/STAMP: