

REQUEST FOR PROPOSALS (Re-advertised)

Palm Oil Documentary

RFP No.: 14/2017 (re-advertised)

Issued on: 7 November 2017

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The United Nations Development Programme (UNDP) hereby invites you to submit a Proposal in USD, VAT excluded to this Request for Proposal (RFP) for the above-referenced subject.

This RFP includes the following documents:

Section 1: This Letter of Invitation Section 2: Instruction to Bidders Section 3: Bid Data Sheet (BDS) Section 4: Evaluation Criteria Section 5: Terms of Reference

Section 6: Returnable Bidding Forms

- o Form A: Technical Proposal Submission Form
- o Form B: Bidder Information Form
- o Form C: Joint Venture/Consortium/Association Information Form
- o Form D: Qualification Form

Cleared by:

- o Form E: Format of Technical Proposal
- o Form F: Financial Proposal Submission Form
- o Form G: Financial Proposal Form

If you are interested in submitting a Proposal in response to this RFP, please prepare your Proposal in accordance with the requirements and procedure as set out in this RFP and submit it by the Deadline for Submission of Proposals set out in the e-tendering portal.

Please acknowledge receipt of this RFP by clicking on "Accept Invitation".

UNDP looks forward to receiving your Proposal and thank you in advance for your interest in UNDP procurement opportunities.

Approved by:

Name: Alka Aneja	Name: Keshini Wijesundera
Title: Procurement Analyst	Title: Manager, TST
Date: November 7, 2017	Date: November 7, 2017

A. GENERAL PROVISION	ONS	
1. Introduction		Bidders shall adhere to all the requirements of this RFP, including any amendments in writing by UNDP. This RFP is conducted in accordance with the UNDP Programme and Operations Policies and Procedures (POPP) on Contracts and Procurement which can be accessed at https://info.undp.org/global/popp/cap/Pages/introduction.aspx .
		Any Proposal submitted will be regarded as an offer by the Bidder and does not constitute or imply the acceptance of the Proposal by UNDP. UNDP is under no obligation to award a contract to any Bidder as a result of this RFP.
		As part of the bid, it is desired that the Bidder registers at the United Nations Global Marketplace (UNGM) website (www.ungm.org). The Bidder may still bid even if not registered with the UNGM. However, if the Bidder is selected for contract award, the Bidder must register on the UNGM prior to contract signature.
2. Fraud & Corruption, Gifts and Hospitality	2.1 UNDP strictly enforces a policy of zero tolerance on proscribed practices, including fraud, corruption, collusion, unethical or unprofessional practices, a obstruction of UNDP vendors and requires all bidders/vendors observe the highest standard of ethics during procurement process and contract implementation. UNDP's Anti-Fraud Policy can be found at http://www.undp.org/content/undp/en/home/operations/accountability/au office of audit andinvestigation.html#anti	
		Bidders/vendors shall not offer gifts or hospitality of any kind to UNDP staff members including recreational trips to sporting or cultural events, theme parks or offers of holidays, transportation, or invitations to extravagant lunches or dinners.
	;	In pursuance of this policy UNDP (a) Shall reject a proposal if it determines that the selected bidder has engaged in any corrupt or fraudulent practices in competing for the contract in question; (b) Shall declare a vendor ineligible, either indefinitely or for a stated period of time, to be awarded a contract if at any time it determines that the vendor has engaged in any corrupt or fraudulent practices in competing for, or in executing a UNDP contract.
		All Bidders must adhere to the UN Supplier Code of Conduct, which may be found at http://www.un.org/depts/ptd/pdf/conduct_english.pdf
by any UN Organization or the Organization. Vendors are there		A vendor should not be suspended, debarred, or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization. Vendors are therefore required to disclose to UNDP whether they are subject to any sanction or temporary suspension imposed by these organizations.
		It is the Bidder's responsibility to ensure that its employees, joint venture members, sub-s, service providers, suppliers and/or their employees meet the eligibility requirements as established by UNDP.
4. Conflict of Interests	,	Bidders must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this solicitation process, if they:
	,	a) Are or have been associated in the past, with a firm or any of its affiliates which have been engaged by UNDP to provide services for the preparation of the

- design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the goods and services in this selection process;
- b) Were involved in the preparation and/or design of the programme/project related to the services requested under this RFP; or
- Are found to be in conflict for any other reason, as may be established by, or at the discretion of UNDP.
- 4.2 In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to UNDP, and seek UNDP's confirmation on whether or not such conflict exists.
- 4.3 Similarly, the Bidders must disclose in their proposal their knowledge of the following:
 - a) That they are owners, part-owners, officers, directors, controlling shareholders, or they have key personnel who are family of UNDP staff involved in the procurement functions and/or the Government of the country or any Implementing Partner receiving services under this RFP; and
 - b) All other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices.

Failure of such disclosure may result in the rejection of the proposal or proposals affected by the non-disclosure.

4.4 The eligibility of Bidders that are wholly or partly owned by the Government shall be subject to UNDP's further evaluation and review of various factors such as being registered as an independent business entity, the extent of Government ownership/share, receipt of subsidies, mandate and access to information in relation to this RFP, among others. Conditions that may lead to undue advantage against other Bidders may result in the eventual rejection of the Proposal.

B. PREPARATION OF PROPOSALS

- 5. General Considerations
- In preparing the Proposal, the Bidder is expected to examine the RFP in detail. Material deficiencies in providing the information requested in the RFP may result in rejection of the Proposal.
- 6. Cost of Preparation of Proposal
- 6.1 The Bidder shall bear any and all costs related to the preparation and/or submission of the Proposal, regardless of whether its Proposal was selected or not. UNDP shall not be responsible or liable for those costs, regardless of the conduct or outcome of the procurement process.
- 7. Language
- 7.1 The Proposal, as well as any and all related correspondence exchanged by the Bidder and UNDP, shall be written in the language (s) specified in the BDS.
- 8. Documents
 Comprising the
 Proposal
- 8.1 The Proposal shall comprise of the following documents:
 - a) Documents Establishing the Eligibility and Qualifications of the Bidder;
 - b) Technical Proposal;
 - c) Financial Proposal;
 - d) Proposal Security, if required by BDS;
 - e) Any attachments and/or appendices to the Proposal.
- 9. Only One Proposal
- 9.1 The Bidder (including the individual members of any Joint Venture) shall submit only one Proposal, either in its own name or as part of a Joint Venture.
- 9.2 Proposals submitted by two (2) or more Bidders shall all be rejected if they are found to have any of the following:
 - they have at least one controlling partner, director or shareholder in common;
 or
 - b) any one of them receive or have received any direct or indirect subsidy from the other/s; or

	 c) they have the same legal representative for purposes of this RFP; or d) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about, or influence on the Proposal of, another Bidder regarding this RFP process; e) they are subs to each other's Proposal, or a sub to one Proposal also submits another Proposal under its name as lead Bidder; or f) some key personnel proposed to be in the team of one Bidder participates in more than one Proposal received for this RFP process. 9.3 This condition does not apply to subs being included in more than one Proposal.
10. Proposal Validity Period	10.1 Proposals shall remain valid for the period specified in the BDS, commencing on the Deadline for Submission of Proposals. A Proposal valid for a shorter period may be rejected by UNDP and rendered non-responsive.
	10.2 During the Proposal validity period, the Bidder shall maintain its original Proposal without any change, including the availability of the Key Personnel, the proposed rates and the total price.
11. Extension of Proposal Validity Period	11.1 In exceptional circumstances, prior to the expiration of the proposal validity period, UNDP may request Bidders to extend the period of validity of their Proposals. The request and the responses shall be made in writing, and shall be considered integral to the Proposal.
	11.2 If the Bidder agrees to extend the validity of its Proposal, it shall be done without any change in the original Proposal.
	11.3 The Bidder has the right to refuse to extend the validity of its Proposal, and in which case, such Proposal will not be further evaluated.
12. Clarification of Proposal	12.1 Bidders may request clarifications on any of the RFP documents no later than the date indicated in the BDS. Any request for clarification must be sent in writing in the manner indicated in the BDS. If inquiries are sent other than specified channel, even if they are sent to UNDP staff, UNDP shall have no obligation to respond or confirm that the query was officially received.
	12.2 UNDP will provide the responses to clarifications through the method specified in the BDS.
	12.3 UNDP shall endeavor to provide responses to clarifications in an expeditious manner, but any delay in such response shall not cause an obligation on the part of UNDP to extend the submission date of the Proposals, unless UNDP deems that such an extension is justified and necessary.
13. Amendment of Proposals	13.1 At any time prior to the deadline of Proposal submission, UNDP may for any reason, such as in response to a clarification requested by a Bidder, modify the RFP in the form of an amendment to the RFP. Amendments will be made available to all prospective bidders.
	13.2 If the amendment is substantial, UNDP may extend the Deadline for submission of proposal to give the Bidders reasonable time to incorporate the amendment into their Proposals.
14. Proposal Security	14.1 A Proposal Security, if required by BDS, shall be provided in the amount and form indicated in the BDS. The Proposal Security shall be valid up to thirty (30) days after the final date of validity of the Proposal.
	14.2 The Proposal Security shall be included along with the Technical Proposal. If Proposal Security is required by the RFP but is not found in the Technical Proposal envelope, or in the Proposal, the Proposer shall be rejected.
	14.3 If the Proposal Security amount or its validity period is found to be less than what

		is required by UNDP, UNDP shall reject the Proposal.
	14.4	The Proposal Security may be forfeited by UNDP, and the Proposal rejected, in the event of any, or any combination, of the following conditions:
		a) If the Bidder withdraws its offer during the period of the Proposal Validity specified in the BDS, or;b) In the case the successful Bidder fails:
		 i. to sign the Contract after UNDP has issued an award; or ii. to furnish Performance Security, insurances, or other documents that UNDP may require as a condition to rendering the effectivity of the contract that may be awarded to the Bidder.
15. Documents Establishing the Eligibility and Qualifications of the Bidder	15.1	The Bidder shall furnish documentary evidence of its status as an eligible and qualified vendor, using the Forms provided under Section 6 and providing documents required in those forms. In order to award a contract to a Bidder, its qualifications must be documented to UNDP's satisfaction.
16. Technical Proposal Format and Content	16.1	The Bidder is required to submit a Technical Proposal using the Standard Forms provided in Section 6 of the RFP.
	16.2	The Technical Proposal shall not include any price or financial information. A Technical Proposal containing material financial information may be declared non-responsive.
17. Financial Proposals	17.1	The Financial Proposal shall be prepared using the Standard Form provided in Section 6. It shall list all major cost components associated with the services, and the detailed breakdown of such costs.
	17.2	Any output and activities described in the Technical Proposal but not priced in the Financial Proposal, shall be assumed to be included in the prices of other activities or items, as well as in the final total price.
	17.3	Prices and other financial information must not be disclosed in any other place except in the financial proposal.
18. Currencies	18.1	All prices shall be quoted in the currency or currencies indicated in the BDS. Where Proposals are quoted in different currencies, for the purposes of comparison of all Proposals:
		 a) UNDP will convert the currency quoted in the Proposal into the UNDP preferred currency, in accordance with the prevailing UN operational rate of exchange on the last day of submission of Proposals; and
		b) In the event that UNDP selects a proposal for award that is quoted in a currency different from the preferred currency in the BDS, UNDP shall reserve the right to award the contract in the currency of UNDP's preference, using the conversion method specified above.
19. Joint Venture, Consortium or Association	19.1	If the Bidder is a group of legal entities that will form or have formed a Joint Venture (JV), Consortium or Association for the Proposal, they shall confirm in their Proposal that: (i) they have designated one party to act as a lead entity, duly vested with authority to legally bind the members of the JV, Consortium or Association jointly and severally, which shall be evidenced by a duly notarized Agreement among the legal entities, and submitted with the Proposal; and (ii) if they are awarded the contract, the contract shall be entered into, by and between UNDP and the designated lead entity, who shall be acting for and on behalf of all the member entities comprising the joint venture.
	19.2	After the Deadline for Submission of Proposal, the lead entity identified to represent the JV, Consortium or Association shall not be altered without the prior

		written consent of UNDP.
	19.3	The lead entity and the member entities of the JV, Consortium or Association shall abide by the provisions of Clause 9 herein in respect of submitting only one proposal.
	19.4	The description of the organization of the JV, Consortium or Association must clearly define the expected role of each of the entity in the joint venture in delivering the requirements of the RFP, both in the Proposal and the JV, Consortium or Association Agreement. All entities that comprise the JV, Consortium or Association shall be subject to the eligibility and qualification assessment by UNDP.
	19.5	A JV, Consortium or Association in presenting its track record and experience should clearly differentiate between:
		a) Those that were undertaken together by the JV, Consortium or Association; and
		b) Those that were undertaken by the individual entities of the JV, Consortium or Association.
	19.6	JV, Consortium or Associations are encouraged for high value, multi-sectoral requirements when the spectrum of expertise and resources required may not be available within one firm.
20. Alternative Proposals	20.1	Unless otherwise specified in the BDS, alternative proposals shall not be considered. If submission of alternative proposal is allowed by BDS, a Bidder may submit an alternative proposal, but only if it also submits a proposal conforming to the RFP requirements. UNDP shall only consider the alternative proposal offered by the Bidder whose conforming proposal ranked the highest as per the specified evaluation method. Where the conditions for its acceptance are met, or justifications are clearly established, UNDP reserves the right to award a contract based on an alternative proposal.
21. Bidder's Conference	21.1	When appropriate, a Bidder's conference will be conducted at the date, time and location specified in the BDS. All Bidders are encouraged to attend. Non-attendance, however, shall not result in disqualification of an interested Bidder. Minutes of the Bidder's conference will be disseminated on the procurement website and shared by email or on the e-Tendering platform as specified in the BDS. No verbal statement made during the conference shall modify the terms and conditions of the RFP, unless specifically incorporated in the Minutes of the Bidder's Conference or issued/posted as an amendment to RFP.
C. SUBMISSION AND	OPENII	NG OF PROPOSALS
22. Submission	22.1	The Bidder shall submit a duly signed and complete Proposal comprising the documents and forms in accordance with Clause 10 (Documents Comprising Proposal) and BDS. The submission shall be in the manner specified in the BDS.
	22.2	The Proposal shall be signed or initialed on every page by the Bidder or person(s) duly authorized to commit the Bidder. The authorization shall be communicated through a document evidencing such authorization issued by the highest official of the bidding entity, or a Power of Attorney, accompanying the Proposal.
	22.3	Bidders must be aware that the mere act of submission of a Proposal, in and of itself, implies that the Bidder fully accepts the UNDP General Contract Terms and Conditions.

Hard copy (manual) submission

- 22.4 Hard copy (manual) submission by courier or hand delivery allowed or specified in the BDS shall be governed as follows:
 - a) The signed Proposal shall be marked "Original", and its copies marked "Copy" as appropriate. The number of copies is indicated in the BDS. All copies shall be made from the signed original only. If there are discrepancies between the original and the copies, the original shall prevail.
 - b) The Technical Proposal and the Financial Proposal envelopes MUST BE COMPLETELY SEPARATE and each of them must be submitted sealed individually and clearly marked on the outside as either "TECHNICAL PROPOSAL" or "FINANCIAL PROPOSAL", as appropriate. Each envelope MUST clearly indicate the name of the Bidder. The outer envelopes shall bear the address of UNDP as specified in the BDS and shall include the Bidder's name and address, as well as a warning that states "Not to be opened before the time and date for proposal opening" as specified in the BDS.
 - If the envelopes and packages with the Proposal are not sealed and marked as required, UNDP shall assume no responsibility for the misplacement, loss, or premature opening of the Proposal

Email Submission

- 22.5 Email submission, if allowed or specified in the BDS, shall be governed as follows:
 - a) Electronic files that form part of the proposal must be in accordance with the format and requirements indicated in BDS;
 - b) The Technical Proposal and the Financial Proposal files MUST BE COMPLETELY SEPARATE, encrypted with different passwords and clearly labelled. The files must be sent to the dedicated email address specified in the BDS.
 - c) The password for opening the Technical Proposal should be transmitted to the email address dedicated for submission of proposals, as specified in BDS, within twenty-four (24) hours after the deadline for submission of proposals. The password for the Technical Proposal should not be identical to that of the Financial Proposal.
 - d) The password for opening the Financial Proposal should be provided only upon request of UNDP. UNDP will request password only from bidders whose Technical Proposal has been found to be technically responsive. Failure to provide correct password may result in the proposal being rejected.

eTendering submission

- 22.6 Electronic submission through eTendering, if allowed or specified in the BDS, shall be governed as follows:
 - a) Electronic files that form part of the proposal must be in accordance with the format and requirements indicated in BDS;
 - b) The Technical Proposal and the Financial Proposal files MUST BE COMPLETELY SEPARATE and each of them must be uploaded individually and clearly labelled
 - e) The Financial Proposal file must be encrypted with a password so that it cannot be opened nor viewed until the password is provided. The password for opening the Financial Proposal should be provided only upon request of UNDP. UNDP will request password only from bidders whose technical proposal has been found to be technically responsive. Failure to provide the correct password may result in the proposal being rejected.
 - c) Documents which are required to be in original form (e.g. Bid Security, etc.) must be sent via courier or hand delivery as per the instructions in BDS.

23. Deadline for Submission of Proposals and Late

Proposals must be received by UNDP in the manner, and no later than the date and time, specified in the BDS. UNDP shall indicate for its record that the official date and time of receiving the Proposal is the actual date and time when the said

Proposals	Proposal was received by in the manner indicated in the BDS, following	the time
	zone reference indicated in the BDS.	time
	23.2 UNDP shall not consider any Proposal that is submitted after the deadling submission of Proposals.	e for the
24. Withdrawal, Substitution, and	24.1 A Bidder may withdraw, substitute or modify its Proposal after it h submitted only prior to the deadline for submission.	as been
Modification of Proposals	24.2 Manual and Email submissions: A bidder may withdraw, substitute or m Proposal by sending a written notice to UNDP, duly signed by an au representative, and shall include a copy of the authorization (or a P Attorney). The corresponding substitution or modification of the Proposa must accompany the respective written notice. All notices must be subr the same manner as specified for submission of proposals, by clearly marki as "WITHDRAWAL" "SUBSTITUTION," or "MODIFICATION"	thorized lower of al, if any, mitted in
	eTendering: A Bidder may withdraw, substitute or modify its Prop Canceling, Editing, and re-submitting the proposal directly in the system. responsibility of the Bidder to properly follow the system instructions, and submit a substitution or modification of the Proposal as needed. instructions on how to cancel or modify a Proposal directly in the sysprovided in Bidder User Guide and Instructional videos.	It is the duly edit Detailed
	24.4 Proposals requested to be withdrawn shall be returned unopened to the (only for manual submissions), except if the bid is withdrawn after the bid lopened	
25. Proposal Opening	25.1 There is no public bid opening for RFPs. UNDP shall open the Proposa presence of an ad-hoc committee formed by UNDP, consisting of at least members. In the case of e-Tendering submission, bidders will get an at notification once their proposal is opened.	t two (2)
D. EVALUATION OF P	POSALS	
26. Confidentiality	26.1 Information relating to the examination, evaluation, and comparison of Propand the recommendation of contract award, shall not be disclosed to Propany other persons not officially concerned with such process, evaluation of the contract award.	osers or
	Any effort by a Bidder anyone on behalf of the Bidder to influence UND examination, evaluation and comparison of the Proposals or contract decisions may, at UNDP's decision, result in the rejection of its Proposal be subject to the application of prevailing UNDP's vendor sanctions process.	t award and may
27. Evaluation of Proposals	27.1 The Bidder is not permitted to alter or modify its Proposal in any way a proposal submission deadline except as permitted under Clause 23 of t UNDP will conduct the evaluation solely on the basis of the submitted T and Financial Proposals.	this RFP.
	 Evaluation of proposals is made of the following steps: a) Preliminary Examination b) Minimum Eligibility and Qualification (if pre-qualification is not done) c) Evaluation of Technical Proposals d) Evaluation of Financial Proposals)
28. Preliminary Examination	UNDP shall examine the Proposals to determine whether they are complete respect to minimum documentary requirements, whether the documentary been properly signed, and whether the Proposals are generally in order other indicators that may be used at this stage. UNDP reserves the right any Proposal at this stage.	nts have , among

29. Evaluation of Eligibility and Qualification

- 29.1 Qualification and Eligibility of the Bidder will be evaluated against the Minimum Eligibility/Qualification requirements specified in the Section 4 (Evaluation Criteria).
- 29.2 In general terms, vendors that meet the following criteria may be considered qualified:
 - a) They are not included in the UN Security Council 1267/1989 Committee's list of terrorists and terrorist financiers, and in UNDP's ineligible vendors' list;
 - b) They have a good financial standing and have access to adequate financial resources to perform the contract and all existing commercial commitments,
 - They are able to comply fully with UNDP General Terms and Conditions of Contract;
 - d) They have the necessary similar experience and expertise applicable to goods or services required;
 - e) They do not have a consistent history of court/arbitral award decisions against the Bidder; and
 - f) They have a record of timely and satisfactory performance with their clients.

30. Evaluation of Technical and Financial Proposals

- 30.1 The evaluation team shall review and evaluate the Technical Proposals on the basis of their responsiveness to the Terms of Reference and other RFP documents, applying the evaluation criteria, sub-criteria, and point system specified in the Section 4 (Evaluation Criteria). A Proposal shall be rendered non-responsive at the technical evaluation stage if it fails to achieve the minimum technical score indicated in the BDS. When necessary, UNDP may invite technically responsive bidders for a presentation related to their technical proposals.
- 30.2 In the second stage, only the Financial Proposals of those Bidders who achieve the minimum technical score will be opened for evaluation. The Financial Proposals corresponding to Technical Proposals that were rendered non-responsive shall remain unopened, and, in the case of manual submission, be returned to the Bidder unopened. For emailed Proposals and e-tendering submissions, UNDP will not request for the password of the Financial Proposals of bidders whose Technical Proposal were found not responsive.
- 30.3 The evaluation method that applies for this RFP shall be as indicated in the BDS, which may be either of two (2) possible methods, as follows: (a) the lowest priced method which selects the lowest evaluated financial proposal of the technically responsive Bidders; or (b) the combined scoring method which will be based on a combination of the technical and financial score.
- 30.4 When the BDS specifies a combined scoring method, the formula for the rating of the Proposals will be as follows:

Rating the Technical Proposal (TP):

TP Rating = (Total Score Obtained by the Offer / Max. Obtainable Score for TP) x 100

Rating the Financial Proposal (FP):

FP Rating = (Lowest Priced Offer / Price of the Offer Being Reviewed) x 100

Total Combined Score:

Combined Score = (TP Rating) x (Weight of TP, e.g. 70%) + (FP Rating) x (Weight of FP, e.g., 30%)

30.5 UNDP reserves the right to undertake a due diligence exercise, aimed at determining to its satisfaction, the validity of the information provided by the Bidder. Such exercise shall be fully documented and may include, but need not be

	limited to, all or any combination of the following:
	a) Verification of accuracy, correctness and authenticity of information provided by the Bidder; b) Verification of accuracy, correctness and authenticity of information provided by the Bidder;
	 b) Validation of extent of compliance to the RFP requirements and evaluation criteria based on what has so far been found by the evaluation team; c) Inquiry and reference checking with Government entities with jurisdiction on the Bidder, or with previous clients, or any other entity that may have done business with the Bidder;
	 d) Inquiry and reference checking with previous clients on the performance on on-going or contracts completed, including physical inspections of previous works, as necessary; e) Physical inspection of the Bidder's offices, branches or other places where
	business transpires, with or without notice to the Bidder; f) Other means that UNDP may deem appropriate, at any stage within the selection process, prior to awarding the contract.
31. Clarification of Proposals	31.1 To assist in the examination, evaluation and comparison of Proposals, UNDP may, at its discretion, ask any Bidder for a clarification of its Proposal.
	31.2 UNDP's request for clarification and the response shall be in writing and no change in the prices or substance of the Proposal shall be sought, offered, or permitted, except to provide clarification, and confirm the correction of any arithmetic errors discovered by UNDP in the evaluation of the Proposals, in accordance with RFP.
	31.3 Any unsolicited clarification submitted by a Bidder in respect to its Proposal, which is not a response to a request by UNDP, shall not be considered during the review and evaluation of the Proposals.
32. Responsiveness of Proposal	32.1 UNDP's determination of a Proposal's responsiveness will be based on the contents of the Proposal itself. A substantially responsive Proposal is one that conforms to all the terms, conditions, TOR and other requirements of the RFP without material deviation, reservation, or omission.
	32.2 If a Proposal is not substantially responsive, it shall be rejected by UNDP and may not subsequently be made responsive by the Bidder by correction of the material deviation, reservation, or omission.
33. Nonconformities, Reparable Errors and Omissions	33.1 Provided that a Proposal is substantially responsive, UNDP may waive any non-conformities or omissions in the Proposal that, in the opinion of UNDP, do not constitute a material deviation.
	33.2 UNDP may request the Bidder to submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities or omissions in the Proposal related to documentation requirements. Such omission shall not be related to any aspect of the price of the Proposal. Failure of the Bidder to comply with the request may result in the rejection of its Proposal.
	33.3 Provided that the Proposal is substantially responsive, UNDP shall correct arithmetical errors as follows:
	a) if there is a discrepancy between the unit price and the line item total that is obtained by multiplying the unit price by the quantity, the unit price shall prevail and the line item total shall be corrected, unless in the opinion of UNDP there is an obvious misplacement of the decimal point in the unit price; in which case the line item total as quoted shall govern and the unit price shall be corrected;
	if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and
	c) if there is a discrepancy between words and figures, the amount in words

		shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail.
	33.4	If the Bidder does not accept the correction of errors made by UNDP, its Proposal shall be rejected.
E. AWARD OF CONTR	ACT	
34. Right to Accept, Reject, Any or All Proposals	34.1	UNDP reserves the right to accept or reject any Proposal, to render any or all of the Proposals as non-responsive, and to reject all Proposals at any time prior to award of contract, without incurring any liability, or obligation to inform the affected Bidder(s) of the grounds for UNDP's action. UNDP shall not be obliged to award the contract to the lowest priced offer.
35. Award Criteria	35.1	Prior to expiration of the proposal validity, UNDP shall award the contract to the qualified Bidder based on the award criteria indicated in the BDS.
36. Debriefing	36.1	In the event that a Bidder is unsuccessful, the Bidder may seek a meeting with UNDP for a debriefing. The purpose of the debriefing is to discuss the strengths and weaknesses of the Bidder's submission, in order to assist the Bidder in improving its future proposals for UNDP procurement opportunities. The content of other proposals and how they compare to the Bidder's submission shall not be discussed.
37. Right to Vary Requirements at the Time of Award	37.1	At the time of award of Contract, UNDP reserves the right to vary the quantity of services and/or goods, by up to a maximum twenty-five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.
38. Contract Signature	38.1	Within fifteen (15) days from the date of receipt of the Contract, the successful Bidder shall sign and date the Contract and return it to UNDP. Failure to do so may constitute sufficient grounds for the annulment of the award, and forfeiture of the Proposal Security, if any, and on which event, UNDP may award the Contract to the Second Ranked Bidder, call for new Proposals.
39. Contract Type and General Terms and Conditions	39.1	The types of Contract to be signed and the applicable UNDP Contract General Terms and Conditions, as specified in BDS, can be accessed at [insert hyperlink]
40. Performance Security	40.1	A performance security, if required in BDS, shall be provided in the amount specified in BDS and form available at [insert hyperlink] within seven (7) days of the contract signature by both parties. Where a performance security is required, the receipt of the performance security by UNDP shall be a condition for rendering the contract effective.
41. Bank Guarantee for Advanced Payment	41.1	Except when the interests of UNDP so require, it is UNDP's preference to make no advance payment(s) (i.e., payments without having received any outputs). If an advance payment is allowed as per BDS, and exceeds 20% of the total contract price, or USD 30,000, whichever is less, the Bidder shall submit a Bank Guarantee in the full amount of the advance payment in the form available at [insert hyperlink].
42. Liquidated Damages	42.1	If specified in BDS, UNDP shall apply Liquidated Damages for the damages and/or risks caused to UNDP resulting from the 's delays or breach of its obligations as per Contract.
43. Payment Provisions	43.1	Payment will be made only upon UNDP's acceptance of the work performed. The terms of payment shall be within thirty (30) days, after receipt of invoice and certification of acceptance of work issued by the proper authority in UNDP with direct supervision of the . Payment will be effected by bank transfer in the

		currency of contract.
44. Vendor Protest	44.1	UNDP's vendor protest procedure provides an opportunity for appeal to those persons or firms not awarded a contract through a competitive procurement process. In the event that a Bidder believes that it was not treated fairly, the following link provides further details regarding UNDP vendor protest procedures: http://www.undp.org/content/undp/en/home/operations/procurement/business/protest-and-sanctions.html
45. Other Provisions	45.1	In the event that the Bidder offers a lower price to the host Government (e.g. General Services Administration (GSA) of the federal government of the United States of America) for similar services, UNDP shall be entitled to same lower price. The UNDP General Terms and Conditions shall have precedence.
	45.2	UNDP is entitled to receive the same pricing offered by the same in contracts with the United Nations and/or its Agencies. The UNDP General Terms and Conditions shall have precedence.
	45.3	The United Nations has established restrictions on employment of (former) UN staff who have been involved in the procurement process as per bulletin ST/SGB/2006/15
		http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2006/15&referer

The following data for the services to be procured shall complement, supplement, or amend the provisions in the Request for Proposals. In the case of a conflict between the Instructions to Bidders, the Data Sheet, and other annexes or references attached to the Data Sheet, the provisions in the Data Sheet shall prevail.

BDS No.	Ref. to S.2	Data	Specific Instructions / Requirements
1	7	Language of the Proposal	English
2		Submitting Proposals for Parts or sub-parts of the TOR	Not Allowed
3	20	Alternative Proposals if the initial accepted creative proposal needs fine tuning.	Shall be considered.
4	21	Pre-proposal conference	Will not be conducted
5	10	Proposal Validity Period	90 days
6	14	Proposal Security	Not Required
7	41	Advanced Payment upon signing of contract	Allowed up to a maximum of 20 % of contract value (or up to 30,000USD)
8	42	Liquidated Damages	Will be imposed as follows: Percentage of contract price per day of delay: Max. number of days of delay 30 days after which UNDP may terminate the contract.
9	40	Performance Security	Not Required
10	18	Preferred Currency of Proposal — It is an international tender	United States Dollar
11		Deadline for submitting requests for clarifications/ questions	4 days before the submission deadline

12		Contact Details for submitting clarifications/questions	Focal Person in UNDP E-mail address: cedric.monteiro@undp.org
13	12, 13 and 21	Manner of Disseminating Supplemental Information to the RFP and responses/clarifications to queries	e-Tendering Portal
14	23	Deadline for Submission	 Date and Time: As specified in the system (note that time zone indicated in the system is New York Time zone). PLEASE NOTE:- Date and time visible on the main screen of event (on e-tendering portal) will be final and prevail over any other closing time indicated elsewhere, in case they are different. Please also note that the bid closing time shown in the PDF file generated by the system is not accurate due to a technical glitch that we will resolve soon. The correct bid closing time is as indicated in the e-tendering portal and system will not accept any bid after that time. It is the responsibility of the agency to make sure bids are submitted within this deadline. UNDP will not accept any bid that is not submitted directly in the system. Try to submit your bid a day prior or well before the closing time. Do not wait until last minute. If you face any issue submitting your bid at the last minute, UNDP may not be able to assist.
14	22	Allowable Manner of Submitting Proposals	eTendering
15	22	Proposal Submission Address	Proposals may be submitted on or before the deadline indicated by UNDP in the e-tendering system. Proposals must be submitted in the online e-tendering system in the following link: https://etendering.partneragencies.org using your username and password. If you have not registered in the system before, you can register now by logging in using: Username: event.guest Password: why2change and follow the registration steps as specified in the e-tendering instruction manual.
16	22	Electronic submission (email or eTendering) requirements	 Applicable Format: PDF files only File names must be maximum 60 characters long and must not contain any letter or special character other than from Latin alphabet/keyboard. All files must be free of viruses and not corrupted. Password for financial proposal must not be provided to UNDP until requested by UNDP Max. File Size per transmission:

19	27	Evaluation Method for the Award of Contract	Combined Scoring Method, using the 70%-30% distribution for technical and financial proposals respectively The minimum technical score required to pass is 70%. The aggregate score will determine the contract award
20		Expected date for commencement of Contract	December 1, 2017
21		Maximum expected duration of contract	Six months
22		UNDP will award the contract to:	One Proposer Only
23	39	Type of Contract	Contract for Professional Services http://www.undp.org/content/undp/en/home/operations/procurement/how we operate/# Contract modalities
24	39	UNDP Contract Terms and Conditions that will apply	UNDP General Terms and Conditions for Professional Services http://www.undp.org/content/undp/en/home/operations/procurement/how we operate/# Conditions of Contract
25		Other Information Related to the RFP	[All other instructions and information not yet mentioned so far in this Data Sheet but are relevant to the RFP must be cited here, and any further entries that may be added below this table row]

Preliminary Examination Criteria

Proposals will be examined to determine whether they are complete and submitted in accordance with RFP requirements as per below criteria on a Yes/No basis:

- Technical proposal is submitted separately from Financial Proposal
- Financial proposal must be password protected, otherwise proposal will be rejected
- Appropriate signatures on the proposal submission
- Bid Validity

Minimum Eligibility and Qualification Criteria

Eligibility and Qualification will be evaluated on Pass/Fail basis.

If the Proposal is submitted as a Joint Venture/Consortium/Association, each member should meet minimum criteria, unless otherwise specified in the criterion.

Subject	Criteria	Document Submission requirement
ELIGIBILITY		
Legal Status	Vendor is a legally registered entity.	Form C: Bidder Information Form
Eligibility	Vendor is not suspended, nor debarred, nor otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization in accordance with RFP clause 3.	Form B: Technical Proposal Submission Form
Conflict of Interest	No conflicts of interest in accordance with ITB clause 4.	Form B: Technical Proposal Submission Form
Bankruptcy	Not declared bankruptcy, not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against the vendor that could impair its operations in the foreseeable future.	Form B: Technical Proposal Submission Form
History of Non- Performing Contracts ¹	Non-performance of a contract did not occur as a result of default for the last 2 years.	Form F: Qualification Form
Litigation History	No consistent history of court/arbitral award decisions against the Bidder for the last 2 years.	Form F: Qualification Form
additional criteria		
QUALIFICATION		
Previous Experience	Minimum 10 years of experience producing documentary films that have run on Discovery Channel Network or comparable international commercial networks	Form F: Qualification Form

¹ Non-performance, as decided by UNDP, shall include all contracts where (a) non-performance was not challenged by the , including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the . Non-performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.

	Offeror must have experience with creating social media campaigns Must have worked in international settings, familiarity with working in the Asia region Offeror must name and guarantee a notable "host" of the documentary with whom they have a working relationship	
	Minimum 3 contracts of similar value, nature and complexity implemented over the last 7 years. (For JV/Consortium/Association, all Parties cumulatively should meet requirement).	Form F: Qualification Form
Financial Standing	Minimum average annual turnover of USD 400,00 for the last 2 years. (For JV/Consortium/Association, all Parties cumulatively should meet requirement).	Form F: Qualification Form
	Bidder must demonstrate the current soundness of its financial standing and indicate its prospective long-term profitability. (For JV/Consortium/Association, all Parties cumulatively should meet requirement).	Form F: Qualification Form

Technical Evaluation Criteria

Summary of Technical Proposal Evaluation Forms		Points Obtainable
1.	Bidder's qualification, capacity and experience	310
2.	Proposed Methodology, Approach and Implementation Plan	250
3.	Management Structure and Key Personnel	140
	Total	700

Section	n 1. Bidder's qualification, capacity and experience	Points obtainable
1.1	Experience producing movies with Discovery Channel	150
1.2	 General Organizational Capability which is likely to affect implementation: management structure, project management controls, extent to which any work would be subcontracted Must have experience in working in international settings, familiarity with working in the Asia region Offeror must have a strong reputation in producing documentary films with references of previous customers on competence and reliability or award Offeror must have sufficient personnel and facilities to produce a documentary with social media campaign of this nature Offeror must name and guarantee a notable "host" of the documentary 	100

1.3	Experience with creating social media campaigns	60
	1Total Section 1	310

Section	2. Proposed Methodology, Approach and Implementation Plan	Points obtainable
2.1	Understanding of the requirement: Have the important aspects of the task been addressed in sufficient detail? Are the different components of the project adequately weighted relative to one another, including social media campaign as part of the movie	100
2.2	Description of the Offeror's approach and methodology for meeting or exceeding the requirements of the Terms of Reference	150
	Total Section 2	250

Section 3. Management Structure and Key Personnel			Points obtainable
3.1	On air talent – at least 3 years of recognized broadcast work and a recognized figure		50
3.2	Producer / Director - at least 5 years of relevant broadcast experience		60
3.3	Editors – at least 5 years of relevant broadcast experience		30
Total Section 3		140	

EVALUATION METHODOLOGY: Combined scoring

Only proposals that will meet the min. threshold of 70% out of 700 as max. points allocated to the evaluation of the technical proposals will be deemed technically qualified for further evaluation of the financial proposal. The price has 300 points allocated.

The proposal with the lowest price will receive the total 300 points.

Other offers with higher prices will receive their respective scores on the financial part according the following formula:



The company will be awarded a contract based on the highest aggregate score allocated to the technical and financial proposal.

A. Background Information and Rationale, Project Description

Experts estimate that palm oil is used in roughly half of all packaged products sold in supermarkets. It is the most widely consumed vegetable oil in the world. But its rapid expansion threatens some of the planet's most important and sensitive habitats; palm oil grows in tropical rainforests, and the uncontrolled clearing of these forests for conventional palm oil plantations has led to widespread loss of forests, and habitats of endangered species including orangutans, tigers, elephants and rhinos.

UNDP's Regional Bureau for Asia and Pacific will contract a production company to produce a 45-minute documentary to examine and showcase how palm oil can be produced in a responsible manner that respects the environment and the communities where it is commonly grown. This documentary will be produced in partnership with and aired on Discovery Channel Asia.

UNDP is looking for an experienced film company that can film the movie in Malaysia and Indonesia, produce it with a known personality as the host, and create a social-media campaign that will be incorporated into the movie. The aim will be to create awareness about life with sustainable palm oil.

B.Specific Objectives

The purpose of the contract is to produce a 45-minute documentary that will engage the Millennial viewing audience, and will include a related social-media campaign, and a charismatic host of the film, to educate and enhance public awareness about sustainable palm oil: how it is grown, what corporate heads, farmers and governments are doing to safeguard the environment while also feeding the global appetite for the commodity.

C.Scope

The production company will work in collaboration with relevant UNDP offices and the broadcaster during the planning, filming, production, editing of the movie, up to airing of it. This will require:

- Develop and outline the film's concept and narrative
- Develop a related social-media campaign that will run separately and also incorporated into the movie
- Identify all interviewees like corporate officials, farm groups, government officials, UNDP, consumer types, or others relevant groups
- Identify and secure the use of the host of the movie
- Undertake filming in Indonesia and Malaysia and other locations, as necessary
- Develop script and storyboard for the film
- Secure necessary permission for those filmed on camera
- Undertake editing and post-production that comply with the agreed storyboards and concept
- Produce a complete film ready for broadcast that complies with all broadcast technical specs as specified by the selected broadcaster and included in the Annex 1

D.Approach and Methodology

The film will take a different tack than more traditional documentaries to grab the attention of a younger demographic. The viewers will be part of the production, along with a charismatic host of the programme.

The movie will use a recognizable or committed presenter who will personally visit, farms, international organizations, government offices, and companies involved in various aspects of the palm oil industry to learn more.

Prior to the filming, the chosen production company will have begun a social media campaign to create awareness about the palm oil industry, much like the "ice bucket challenge". In the ALS Ice Bucket Challenge, the campaign involved dumping a bucket of ice and water over a person's head, either by another person or self-administered, to promote awareness of the disease amyotrophic lateral sclerosis. People filmed the activity and posted their videos while mentioning ALS.

In this *Face Palm* movie, viewers will have filmed, or taken still photos of a selected and uniform activity that draws a positive attention to the palm oil industry. Those videos and photos will be sent to Discovery. Those mini selfie movies and pictures will be interspersed within the movie.

The presenter will be part of the journey as the viewer learns, with him or her about a range of aspects of the lucrative industry that employs millions but also, when unchecked, destroys forests and habitats. The viewer learns with the host what is being done to counter the negative impact of the industry on the environment.

The host could ask questions of industry titans and officials involved in the palm oil industry which has made its mark in every supermarket shelf.

This movie will examine the possibilities to reconcile ambitious palm oil growth plans with social and environmental concerns. The presenter will explore the approaches of international organizations that work with small-holder farmers.

The host could question large multi-national companies to see what they are trying to do to remove forest loss from their supply chains. Questions could be asked of government officials, farmers union representatives, and international organizations about the part they play in the complex industry.

What agro-techniques are underway to make a difference in the business? Do we already have the answers to fostering an environmentally friendly palm oil industry? Are there innovations underway that could turn the tide for palm oil?

These and other questions could be addressed through a journey with a "star" presenter who will ask the challenging questions of a range of players in the world of palm oil.

On camera interviews could include: representatives of large international companies that are big buyers of palm oil products like Marks and Spencers, Wilmar, Mondelez, or Unilever; government officials involved with regulating the industry; small farmers in Indonesia and/or Malaysia; environmental activists; and international organizations. UNDP and its work with the palm oil platform and other initiatives will be included through one of the interviews.

E.Deliverables and Schedules/Expected Outputs

First Deliverable: within one month of signing contract

- Concrete outline
- Selection of characters and storyboards
- Realistic goals and timeline

Second Deliverable: within 4 months after presentation of first deliverable

Rough cut

Third Deliverable: within one month of delivery of rough cut

- Master programme that meets requirements of the broadcaster
- All remaining broadcast deliverables per requirements of the broadcaster
- All remaining paperwork and contractual deliverables

F.Key Performance Indicators and Service Level

- a) List the key services required, their frequency of requirement, and minimum standard of services acceptable;
- b) Describe, what course of actions will be taken if the required service level is not met by the

G.Governance and Accountability

The Contractor will work with the UNDP Documentary Specialist, with overall guidance of the Regional Practice Leader Energy and Environment; the Bangkok Regional Hub Communications team, and with the broadcasting partner Discovery Channel Asia. The UNDP team listed above will support and provide guidance to the production company in all institutional and editorial matters, as required.

H.Facilities to be provided by UNDP

UNDP will provide technical advice on the script content and interviews, as needed.

I.Expected duration of the contract/assignment

Concrete outline, selection of characters and storyboards, realistic goals – within one month of signing

Rough Cut – within 4 months after signing

Master programme completed and delivered to UNDP and broadcaster, with all remaining broadcast deliverables and paperwork provided – **End of contract no later than May 2018**

J. Duty Station

The production company will film in Indonesia and Malaysia and any other countries as needed to complete the story. The company will remain in regular, and at least weekly, contact with UNDP and the broadcaster during production, filming and editing of the movie.

K.Professional Qualifications of the Successful and its key personnel

- Must have experience in working in international settings, familiarity with working in the Asia region
- Offeror must have experience producing documentary films that have run on Discovery Channel Network or comparable international commercial network
- Offeror must have a strong reputation in producing documentary films with references of previous customers on competence and reliability or award
- * Offeror must have experience with creating social media campaigns
- * Offeror must have sufficient personnel and facilities to produce a documentary with social media campaign of this nature
- * Offeror must name and guarantee a notable "host" of the documentary

L. Price and Schedule of Payments

All costs of the production must be included in the Offeror's bid including costs of vehicles, licenses, equipment, travel and related expenses, staff, insurance and any other costs of the production.

The Offeror will be paid according to the following:

Upon signing – up to 30,000USD

The advance payment shall be deducted in the amount of 10,000 USD with the payment of each deliverable Submission of concrete outline, selection of characters and storyboards, and realistic goals -30% Upon receipt of rough cut -30%

Upon receipt and approval of Master programme, all remaining deliverables to the broadcaster and UNDP, all remaining paperwork and contracted deliverables -20%

M. Additional References or Resources

Must use Discovery's DCL Global Technical Specifications Version 4.1 – included in bid documents

Must interview one UNDP official. Possibilities:

Global Head of Green Commodities Facility, UNDP: Andrew.bovarnick@undp.org UNDP Resident Coordinator in Indonesia: Christophe.bahuet@undp.org

UNDP Green Commodities Programme - Six Years of Innovation and Impact (2009-2015)

To reference Indonesia's Forum for Sustainable Palm oil as one on the means to ensure sustainable palm oil in Indonesia: Ms. Musdhalifah Mahmud, Deputy for Coordination Agriculture and Food, Coordinating Ministry of Economic Affairs. She could talk about how the government is involved and closely working with companies / corporations, smallholders, and NGOs.

Need for mention: the Indonesian Sustainable Palm Oil Standard (ISPO), Malaysian Palm Oil Standard (MSPO) and Roundtable on Sustainable Palm Oil Standard (RSPO) which have been developed to ensure sustainability in palm oil cultivation and supply chains.

Other potential interviewees from Indonesian Government:

Ms. Siti Nurbaya (Minister of Environment)

Mr. Andi Amran Sulaiman (Minister of Agriculture)

Mr. Dono Boestami (President Director of the Indonesian Oil Palm Estate Fund)

Other experts:

Rebecca Lake: (<u>rebeccalake.m@gmail.com</u>) has an extensive knowledge of the Palm Oil sector in Indonesia and what UNDP and others are doing as she is the former communications officer for the Indonesia Palm Oil Platform

Adinda silitonga (adinda.silitonga@undp.org) is also extremely knowledgeable, especially about any sensitivities from the Indonesian government side. She is the current communications officer for the platform.

Piers Gillespie (piers_g@hotmail.com) is another person with in-depth knowledge and an advisor to UNDP on Palm Oil in Indonesia.

Special note:

Some of the world's biggest companies have woken up to the social and environmental costs associated with palm oil and the other commodities they buy. Nestlé, Unilever and Wal-Mart have all pledged to transition to only sustainably sourced palm oil. Many other consumer goods companies, along with the commodity traders that supply them, have committed to remove deforestation from their supply chains.

These commitments are promising, but deep-seated, systemic problems, remain, including legal barriers and the absence of clear concession maps that show who controls forested land.

Taking control of their supply chains is no easy feat. The complexities mean that few companies can claim with certainty that the palm oil they use is not driving the destruction of rainforests, threatening endangered species or contributing to social conflicts.

Some companies are making significant progress, however. A few have changed their purchasing and are trying to take control of their supply chain by predominantly buying physically certified Roundtable on Sustainable Palm Oil (RSPO) palm oil.

To be certified, producers must follow strict guidelines, such as fair treatment of workers, no land grabs, no chemical pesticides or harming of orangutans and peat lands. It also means that no virgin rainforests can be cut down in the making of palm oil.

So far, companies have been focusing on tracing the palm oil they buy to the mill and then to the plantation where it was grown. That is just one step towards addressing the problems within companies' palm oil supply chains.

Meanwhile, agricultural experts have been looking for ways to get more palm oil for an equivalent area of land that would take pressure off deforestation. Innovative techniques like drones to monitor crops, or fertilizers made from refuse of palm forests are just a couple of potential cutting-edge approaches.

Others are examining completely different solutions to improve the industry through legal means, better regulations, or training farmers in cost-effective agricultural techniques.

In other instances, when unlikely partners come together – like multi-national corporations, organizations to save indigenous peoples, farmers, government officials – change happens and new solutions can be found. Known as "commodity platforms", the gathering of these disparate groups, with the help of the UN Development Programme and other agencies, try to tackle complex issues surrounding commodities, including palm oil.

What techniques, approaches, innovations are taking place to make the industry more sustainable? The movie will talk to key players involved in the industry.

Annex 1

All broadcast technical specs as specified by the selected broadcaster and included in this Annex