

# INVITATION TO TENDER

## Post-Brexit Visa and Work Permit Requirements for UK/Third Country Personnel Working on Feature Films and HETV in Key EU/EEA Jurisdictions

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## **1. BACKGROUND INFORMATION**

### **1.1. Introduction**

The British Film Commission (BFC) is the UK Government's national organisation responsible for supporting inward investment film and TV production in the UK, funded by the Department for Digital, Culture, Media, and Sport (DCMS) through the BFI and by the Department for International Trade (DIT). The BFC is the national division of Film London.

The BFC leads on encouraging and supporting the production of international feature film and high-end television in the UK, strengthening and promoting the UK's production infrastructure, and working with the UK Government to ensure film-friendly policies.

### **1.2. Background to the research**

The UK is recognised as a leading base for major film and HETV. It has earned this reputation due to its world-class cast, crew, infrastructure and competitive and inclusive tax reliefs. Its proximity to the European mainland and easy access to its diverse locations, talent, infrastructure and complementary incentives also makes the UK an important European production hub, adding exponentially to its appeal as a base for major film and HETV production.

As the transition period ended on 31 December 2020, and the new UK-EU Trade and Cooperation Agreement is now provisionally in force, UK cast and crew have ceased to hold EU/EEA status and are henceforth categorised as 'Third Country'; the same status as personnel from the USA, for instance.

This means feature film and HETV productions produced in EU/EEA jurisdictions may require additional authorisations, like visas and work permits, for their UK cast and crew. As EU/EEA Member States all have their own immigration and work permit regulations, there is no single source of information about such requirements for Third Country personnel, which the BFC hopes to remedy through this assignment.

It should be noted that the UK has in place an immigration system designed to facilitate film and TV production in a number of ways. This includes the Tier 5 (creative and sporting) visa which allows key international cast and crew, including those from the EU/EEA, to be sponsored to work in the UK in line with the Codes of Practice for film and TV productions. The UK's standard visitor route also allows film crew working on a film, programme or other media content that is produced and financed overseas to visit the UK to take part in a location shoot for up to six months.

This proposed research is focused on helping to ensure the UK can continue working with our EU/EEA partners as closely as possible in future.

## **2. STATEMENT OF REQUIREMENTS**

### **2.1. Outline of requirements**

The BFC is seeking to commission a supplier to establish the scope and nature of post-Brexit requirements for visa and work permits on UK personnel working on feature films and HETV in key EU/EEA jurisdictions.

## 2.2. Purpose and target audience

This research is a fact-finding exercise to analyse the Third Country visa and work permit arrangements of key EU/EEA jurisdictions, as they apply to UK personnel. The intention is to advise and inform:

- the BFC's US, UK and international production, VFX and post-production clients who are budgeting, planning or structuring productions that will work between the UK and EU/EEA jurisdictions;
- the BFC, BFI and other stakeholders in order to discuss any issues arising from the research and agree ways to address them.

## 2.3. Service requirements

The BFC is inviting proposals that meet the research objectives within the available timeframe. Although the BFC is open to all potential research designs, the approach is likely to require some combination of desk research and fact-finding consultations with immigration authorities and/or legal practitioners with expert knowledge in each of the following key EU/EEA jurisdictions:

Austria, Belgium, Bulgaria, Croatia, Czech Republic, France, Germany, Greece, Hungary, Iceland, Ireland\*, Italy, Latvia, Lithuania, Malta, Netherlands, Norway, Romania and Spain incl. Canary Islands.

*\*Common Travel Area*

The research should consider visa and work permit requirements for UK/Third Country personnel working on feature films and HETV during each stage of production:

- Pre-production (i.e. location scouting);
- Production (i.e. shooting in an EU/EEA studio or location);
- VFX/Post-production (i.e. Producer/director/HoD overseeing work at a European post-production/VFX house).

The research will need to determine if the same visa and work permit requirements apply in each Member State whether the project is based partly in the UK / UK qualifying or if it is shooting entirely in the EU/EEA using UK/Third Country crew. Whichever is the case, the research should describe all sets of requirements.

The research should address the following questions:

- What kind of visa and/or work permit will be required for UK / Third Country personnel to undertake this activity in each key jurisdiction?
- What is the cost of this visa and/or work permit?
- What is the average wait time on this visa and/or work permit?
- Where can people apply for this visa and/or work permit? (e.g. URL, website, physical location)
- Does the key jurisdiction provide further public information and guidance concerning this visa and/or work permit? (e.g. on eligibility requirements/how to apply/required documentation)
- Are there any examples of where Member States' visa/work permit regimes allow for strong collaboration and exchange with Third Countries in other areas?

## 2.4. Deliverables

2.4.1. The research should be presented in the form of a draft written report presented in two parts:

- Part one: for the public domain, outlining the current arrangements for visas and/or work permits in key EU/EEA jurisdictions, on a country-by-country basis.

- Part two: for internal information, outlining any specific issues around visa and work permit rules in key EU/EEA jurisdictions, on a country-by-country basis.

The report should be written in a clear and accessible style and include:

#### Part One

- an executive summary (2 pages);
- overview of the main findings addressing the study requirements;
- a detailed profile of visa and work permit requirements in each of the key EU/EEA jurisdictions;
- an appendix describing the methodology used.

#### Part Two

- a discussion of the main findings and any issues arising from the research, including recommendations for further research where appropriate.

2.4.2. A final report, as above, in MS Word, that incorporates feedback from the BFC at the draft report stage.

## 2.5. Research timeline and milestones

Action	Date
Kick-off meeting	w/c 22 March 2021 (date TBC)
1 x project liaison meeting with BFC	Date TBC (likely in mid-April 2021)
Draft report delivered to BFC	w/c 10 May 2021
Final report delivered to BFC	By 28 May 2021

## 2.6. Performance Requirements

All Research work performed in relation to this Contract must:

- 2.6.1. Be delivered on time and on budget.
- 2.6.2. Be delivered with skill, diplomacy, and respect for collaborative working.

## 2.7. Budget, Invoicing & Payment Schedule

The budget for this contract is up to £30,000. The total price will be exclusive of VAT but inclusive of all expenses and all other costs incurred.

As part of your fee proposal you should include a full resource schedule including a breakdown of activities, time allocated and hourly rate of the project team, including their respective job titles.

Bidders must produce a schedule of charges estimating the number of days and travel and subsistence costs associated with their bid.

Full invoicing will need to be submitted prior to the BFC's year end (31 March 2021) with a schedule of staged payments for work delivered thereafter up to the end of the contract period (28 May 2021), subject to written sign-off of the completion of each stage by the BFC.

### **3. INVITATION TO TENDER**

#### **3.1. Management**

Proposals are requested for a Consultancy or Law Practice to deliver the above Research.

Potential Suppliers are invited to complete a Proposal as per the Tender Package.

#### **3.2. Requests for Further Information and Clarifications**

3.2.1. A period of requests for further information and clarifications in respect of this document and the overall process is open between 23 February 2021 and 17h00 on 5 March 2021. Requests for further information or clarifications must be submitted to [jim@biggerpictureresearch.com](mailto:jim@biggerpictureresearch.com) who shall endeavour to respond within 5 working days. Any direct approach made to the BFC, other than through the specified route, may result in removal from the Tender process.

3.2.2. Whilst a potential Tenderer submitting any query will always remain anonymous, please note that unless a request is specific to that potential Supplier or of a confidential nature it may be published online for the benefit of other tendering companies.

#### **3.3. Receipt of the Tender**

3.3.1. Tender Response must be received no later than 12pm (noon) on Friday 12 March 2021.

3.3.2. Tender Response must be submitted via email to [procurement@britishfilmcommission.org.uk](mailto:procurement@britishfilmcommission.org.uk)

3.3.3. The BFC will not consider any late responses to this Invitation to Tender nor will it consider requests for extension of the time or date fixed for the submission of responses. It may, however, in its own absolute discretion extend the time or date fixed for submission.

3.3.4. The BFC may at its sole discretion change any aspect of, or stop, this procurement exercise at any point.

3.3.5. For the avoidance of doubt the BFC will not be held liable for any costs incurred in responding to this Tender.

#### **3.4. Format & Content of Proposals**

3.4.1. Submissions must not be password protected.

3.4.2. Tenderer proposals shall be clearly legible.

3.4.3. Applicants should not assume that the evaluators have any prior knowledge of a Tenderer's organisation, its capabilities, or the solutions it offers.

3.4.4. Tenderers are reminded that any Proposal should respond specifically to the Statement of Requirements. Generic responses are unlikely to achieve good marks.

3.4.5. Introductory Statement & Credentials (Evaluation Weighting 20%)

- Please provide a summary Statement introducing your Consultancy/ Law Practice and appropriate credentials.
- Please outline your Consultancy's / Law Practice's familiarity and experience of working in the field of immigration law, and/or knowledge of visa and work permit requirements.
- Please detail any involvement your Consultancy / Law Practice may have had with similar Creative Industries research in the UK or elsewhere.
- Please detail any familiarity your Consultancy / Law Practice has with feature film and HETV production in the UK or elsewhere.

(Max. 2 pages A4)

3.4.6. Research Proposal (Evaluation Weighting 30%)

- Please provide an overview of how you plan to approach the research to be undertaken, taking into account the Service Requirements in section 2.3.
- Provide evidence of your understanding of the brief along with any challenges the research may face and explain how you plan to address these.
- Please outline your proposed research design and detail the methodology for evidence gathering.

(Max. 3 pages A4)

3.4.7. Examples & Testimonials (Evaluation Weighting 10%)

- Please include up to three examples of similar research projects you have completed within the last five years, with dates of completion.
- Provide any client satisfaction responses to these examples you have on file.
- Please give contact details of 2 x referees whom we may approach.

(Max. 2 pages A4)

3.4.8. Key Personnel & Resourcing (Evaluation Weighting 20%)

- Please provide a breakdown of your project team / key personnel for this Research work, including abridged CVs which detail relevant or similar experience, and that support confidence in your ability to deliver work undertaken fully.
- For each researcher dedicated to this project, indicate in each case any relevant legal or sector expertise.

(Max. 1 page A4 per researcher)

3.4.9. Research Project Budgets, Schedule of Fees & Financials (Evaluation Weighting 20%)

- Please propose your budgets and breakdown of costs for the research. This should include a breakdown of activities, time allocated and hourly rate of the project team, including their respective job titles.
- Bidders must produce a schedule of charges estimating the number of days and travel and subsistence costs associated with their bid.
- Please indicate where applicable any anticipated third-party sub-contracting or payments for research and data acquisition.
- As part of the selection process you may be asked to provide a copy of your audited accounts for the last two years or an alternative means of demonstrating financial status.

- There will be a requirement for pro-forma invoicing by 31<sup>st</sup> March 2021 with a pre-agreed payment instalment programme for work delivered thereafter up to the end of the contract period (28 May 2021), subject to written sign-off of the completion of each stage by the BFC. Please confirm that this is acceptable.

### 3.5. Selection Process

An evaluation team will consider all tenders correctly submitted. The weighted evaluation criterion for selection is as follows:

	Criteria	Weighting
1	Introductory Statement & Credentials	20%
2	Research Proposal	30%
3	Examples & Testimonials	10%
4	Key Personnel & Resourcing	20%
5	Research Project Budgets, Schedule of Fees & Financials	20%
		<b>100%</b>

The score for each criterion will be divided by the maximum possible score of five (5) and then multiplied by the individual weighting for that question to give a weighted score.

For the avoidance of doubt, Tenderers will be scored in relation to *Budgets* and *Schedule of Fees* as value for money, as opposed to a direct comparison of pricing costs.

All criteria will be evaluated using the following scoring methodology:

Interpretation	Score
An excellent response that is realistic, appropriately detailed, and specific. There is no material weakness and the approach embodies accepted good practice in all material respects offering (as appropriate) excellent levels of functionality, performance, outcomes, ease of use, and other relevant characteristics. All material aspects of the question are fully answered and the approach described fully meets all material aspects of the requirement.	5
A good response that is realistic, appropriately detailed and specific and with only minor weaknesses, where the approach generally embodies accepted good practice and offers (as appropriate) good levels of functionality, performance, outcomes, ease of use, and other relevant characteristics. All material aspects of the question are fully answered and the approach described meets the material aspects of the requirement, with no or minor exceptions.	4
A satisfactory response that is realistic in all material respects, and that is at least sufficiently detailed and specific to give general clarity about what is to be delivered and how. There are some weaknesses, but the approach does not materially conflict with accepted good practice and generally offers (as appropriate) acceptable levels of functionality, performance, ease of use, and other relevant characteristics.	3



A deficient response where there is insufficient detail or specificity to be clear, wholly or for material aspects of the requirement, what is to be delivered and how. Where material parts of the question are not answered or material parts of the response are unrealistic or the approach described appears not to meet the requirement or to deliver (as appropriate) expected levels of functionality, performance, ease of use, or other relevant characteristics.	2
An inadequate response that is in part or in aggregate sufficiently unrealistic as to cast serious doubts over deliverability or efficacy or very materially lacking in detail or specificity or where, individually or in aggregate, there are very material weaknesses.	1

#### 4. PROCUREMENT TIMETABLE

The procurement timetable, outlined below, is for information and potentially subject to change. The BFC reserves the right to amend any aspect of the timetable during the procurement and evaluation process and furthermore reserves the right not to accept the lowest priced bid nor indeed any of the submissions.

	Action	Date
1.	Invitation to Tender issued	23 February 2021
2.	Deadline for Clarifications	5pm 5 March 2021
3.	Deadline for completed submissions	12pm 12 March 2021
4.	Anticipated Tenderer Notification	By 17 March 2021
5.	Contract commencement	22 March 2021

**5. TENDERER INFORMATION**

Please complete this information sheet and return it with your proposal.

**Part 1 – Information relevant to the procurement.**

Name of Company tendering	
Trading as...	
<b>PERSON MANAGING / OVERSEEING TENDER</b>	
Mr/Mrs/Ms/Other	
Name	
Address	
Postcode	
Country	
Phone	
Mobile	
Email	
<b>REGISTERED NUMBERS (as applicable)</b>	
Company registration no.	
Charity registration no.	
VAT registration no.	

**Part 2 – information relevant to Contract management, if successful.**

<b>CONTRACT MANAGER</b>	
Mr/Mrs/Ms/Other	
Name	
Phone	
Mobile	
Email	

<b>ACCOUNTS / INVOICING DETAIL &amp; CONTACT(S)</b>	
Company to be Invoiced	
Mr/Mrs/Ms/Other	
Name	
Phone	
Mobile	
Email	

**6. SUPPLIER DECLARATION**

Tenderers may either print this declaration on plain white A4 paper, sign and date it with a pen, scan and then upload it as the final part of their submission or use an electronic signature.

**6.1. Checklist**

Please check each issue below and tick each box:

<b>We have provided the following forms:</b>	
Tenderer Information	
Tenderer proposal	
This declaration, either printed then signed with an original signature, then scanned and uploaded as a .pdf, or signed electronically.	

<b>We have:</b>	
Made arrangements for the Tender to be uploaded and submitted on time, with adequate contingency for ICT failures, power outages etc.	
<b>We have not:</b>	
Annexed any document not specifically requested.	

**6.2. Declaration**

We warrant, represent and undertake to the BFC that:

- a) neither we nor any employee or third party acting on our behalf has offered, promised or given any bribe or inducement or made any improper threat or colluded (or offered or agreed to collude) with any other person in connection with this procurement exercise
- b) we have complied in all respects with this Invitation to Tender
- c) all information, representations and other matters of fact contained in our Tender are true, complete, and accurate in all respects
- d) we have made our own investigations and research and have satisfied ourselves in respect of all matters (whether actual or contingent) relating to the Tender and have not submitted this Invitation to Tender response and will not have entered into the contract in reliance upon any information, representation, or assumption (whether made orally, in writing or otherwise) which may have been made by or on behalf of the BFC
- e) we have satisfied ourselves as to the correctness and sufficiency of the information we have inserted in the Tender
- f) we have full power and authority to enter into the contract and provide the services
- g) we are of sound financial standing and will have sufficient premises, working capital, skilled staff, and other resources available to us to provide the services in accordance with the contract
- h) we have obtained or are able to obtain all necessary consents, licences, and permissions to enable us to provide the services.

We hereby offer to provide the services relating to this Invitation to Tender which for the avoidance of doubt includes (but is not limited to) the prices and operational proposals set out in this Tender, the Specification, and any written clarifications issued or received by the BFC prior to the written acceptance of the BFC of this Tender.

Name of bidding Organisation		Signature of authorised officer	
Date		Position of authorised officer	
		Name of authorised officer	

(To be completed by the BFC when the results of the evaluation are known.)

We, the BFC, hereby accept your offer for the provision of Research services, acting as Research Supplier to the BFC.

Name of authorised officer		Name of authorised officer	
Position		Position	
Signature		Signature	
Date		Date	