



## TERMS OF REFERENCE

**APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT RESEARCH ON THE FOLLOWING THREE TOPICS:**

- a) Emerging threats to online platforms: An analysis of the extent and prevalence of piracy and other illegal activities related to the selling of online content in KZN.
- b) An assessment of progress made to transform the KZN film sector in the last seven years.
- c) An analysis of the performance of the KZNFC funded projects between 2014- and 2021.

**Enquires:**

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## **1. BACKGROUND INFORMATION**

### **1.1. Abbreviation, Acronyms and Definitions**

TOR Terms of Reference

KZNFC KwaZulu-Natal Film Commission

KZN Province of KwaZulu-Natal

SP Service Provider

SCM Supply Chain Management

CEO Chief Executive Officer

CFO Chief Financial Officer

PFMA Public Finance Management Act, 1999 (Act No 29 of 1999) as amended

B-BBEE Broad-Based Black Economic Empowerment

SLA Service Level Agreement

PPPFA Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000) as amended



## **1.2. Background**

The KwaZulu-Natal Film Commission (KZNFC) was established in terms of the KwaZulu-Natal Film Commission Act, 2010. The primary objectives of the KZNFC are to promote the film industry in the province and to facilitate the development of the film sector in the region.

The KwaZulu-Natal Film Commission seeks to appoint a service provider to conduct research on three identified topics.

- a) Emerging threats to online platforms: An analysis of the extent and prevalence of piracy and other illegal activities related to the selling of online content in KZN.
- b) An assessment of progress made to transform the KZN film sector in the last seven years.
- c) An analysis of the performance of the KZNFC funded projects between 2014-2021

The topic on online platforms seeks to appraise the industry of the threat that exists in the new platforms. While the other two topics seek to identify and quantify the impact of KZNFC in the last seven years. The research must provide recommendations that would assist the management in their future decision making.

## **1.3. Purpose of the Terms of Reference**

The purpose of the TOR is to call for a suitable service provider to conduct research on three identified topics as outlined above.

## **2. CONTRACT OBJECTIVES, SCOPE OF WORK AND DELIVERABLES**

### **2.1. Introduction**

The KZNFC seeks to appoint a suitable service provider with extensive research experience and with knowledge of the film sector to conduct research on the three topics stated above. The service provider must have the ability to conduct both qualitative and quantitative research studies. Familiarity with the operations of the entertainment or the film industry will be an advantage.



## 2.2. The overall objectives of the contract

### 2.2.1 Topic 1

*Emerging threats to the online platforms: An analysis of the extent and prevalence of piracy and other illegal activities related to the selling of online content [in KZN].*

This topic comes from a desire to ensure that filmmakers are equipped with knowledge associated with threats that go with the online platforms. With a drive to encourage filmmakers to learn and adapt to the use of new platforms, this study is critical in ensuring that their participation is informed and effective.

The key objectives of this research topic are:

- to identify the emerging threats in using online platforms to share film content;
- measure the threats quantitatively;
- analyse the prevalence of the illegal activities related to the selling of online content in KZN [and SA];
- outline the known standards/tools/measures to combat the threats;
- develop recommendations for the local KZN film sector.

### 2.2.2 Topic 2

*An assessment of the progress made to transform the KZN film sector in the last seven years. SCM / organisations perspective*

The transformation agenda has been a priority for KZNFC since, its inception. This study seeks to take stock of the transformation journey that the KZNFC has travelled in the last seven years.

The key objectives of this study would be:

- to analyse the impact of KZNFC programmes in changing and transforming the local film sector as contained in the KZNFC transformation policy (copy of the policy to be provided),



- to analyse all KZN based companies previously reviewed to track the level of transformation and growth (copy of baseline study to be provided),
- to analyse transformation through, multifaceted segments such as revenues generated, turnover, the volume of content, race, gender, age, industry culture etc.,
- assess the local business posture towards fronting and its impact,
- provide recommendations and advice on future programmes that could assist in the transformation of the local film sector (taking into consideration the findings of the National research undertaken).

### 2.2.3 Topic 3

*An analysis of the performance of the KZNFC funded projects between 2014-and 2021.*

The KZNFC started supporting the local film sector seven years ago. This study will provide an opportunity to measure the impact of KZNFC sponsored projects. The key objectives of this study would be:

- to prepare a consolidated list of all the KZNFC supported/sponsored projects since the 2013/14 financial year,
- to analyse the impact of each project that was sponsored/supported by KZNFC in terms of revenues generated, and transformation (in employment, ownership, leadership, internships, supplier development).
- how much capital has the KZNFC been able to leverage into the province since the inception of the film fund and what has been the economic impact?
- KZNFC does not fund film fund projects in production fully and projects raise finance from other government entities, private investments and through co-productions etc, using the KZNFC film fund as leverage. What has been the impact on the economy, employment, growth of production companies (business) and any other economic indicators that can be considered including factors of the multiplier, ancillary businesses related to film etc.
- who has been the biggest contributor of revenue to the province?



- apprise management on best performance and the key aspects that contributed to the success,
- apprise management on worst performance and identify factors that contributed to such outcomes,
- provide recommendations and advice on future programmes of transformation,
- Evaluation of the relevance and impact of courses that are lower than NQF level 7, to aspiring filmmakers.
- Identify the NQF levels that can make an impact on KZNFC.

The Bidder's proposal should effectively and adequately, without ambiguity demonstrate how it is able to provide these services to the KZNFC. The proposal must demonstrate as a minimum the criteria against which the proposal will be assessed as contained in Annexure C.

### 3. THE SERVICE PROVIDER

The service provider must demonstrate that he/she can undertake services of this nature and understands the current legislative environment and policy priorities, within the context of the film industry.

The team must have the relevant experience and preference will be given to a service provider who has an understanding of the film sector. A detailed CV must be provided.

### 4. TIME FRAMES

The service provider is expected to deliver all the objectives **within 3 months** of the signing of the SLA.

### 5. REPORTING

The consultant will be directly accountable to the **Dr N. Bhebhe**

### 6. QUOTATION REQUIREMENT

#### 6.1. Standard quotation documentation

All bidders are required to complete the Standard Quotations Documentation attached to Annexures A & B.

#### 6.2. Project Proposal

Bidders will be required to submit both **technical** and **financial** proposals.

#### 6.3. Technical proposal



The technical proposal should comprise the following elements:

- Understanding of the assignment and scope of work
- Experience in qualitative and quantitative research methodologies;
- Demonstration of how the service will be executed (Approach, Methodology)
- Experience of the expert in the audio-visual sector (film), including a relevant track record with verifiable references,
- A detailed profile and CV are to be provided in the required format (refer to the attachment). The proposed individual must also sign statements of availability (refer to the attachment).
- Relevant qualifications and experience, a minimum of a Master's degree in Social Science, Economics or Research.

#### **6.4. Financial proposal**

The budget breakdown will include:

- Detailed hourly rates for the services to be rendered including the hours for each key deliverable or phase;
- The incidental and disbursement costs (including travel, stationery, etc) (including outsourced or in-sourced costs not covered by the key expert fee days) per output.
- Any additional costs.

#### **7. EVALUATION CRITERIA**

All quotations will be assessed in terms of functionality (quality) and cost. To be deemed technically compliant bidders must achieve a minimum score of 60% on the functionality points available as per the Evaluation Grid attached.

Those bidders who are deemed to be technically compliant will thereafter be assessed in terms of price. Financial proposals will also be assessed in terms of the reasonableness of costs in relation to prevailing fee guidelines, consistency with the technical bid submitted and value for money.

#### **8. NON-APPOINTMENT**

The KZNFC reserves its rights either **NOT** to make an appointment and/or appoint the bidder with the lowest price. The KZNFC also reserves its right to negotiate the final price of those bids which are deemed technically compliant.



**For Technical Enquiries Contact:** Dr N Bhebhe

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**List of annexures:**

- Annexure A: Curriculum Vitae
- Annexure B: Statement of Availability
- Annexure C: Evaluation Grid for Functionality





**ANNEXURE A: CURRICULUM VITAE (max 5 pages)**

**Proposed role in the project:**

1. **Family name:**
2. **First name:**
3. **Date of birth:**
4. **Nationality:**
5. **Civil status:**
6. **Education:**

Institution [Date from-Date to]	Degree(s) of Diploma(s) obtained

7. Language skills: indicate competence on a scale of 1 to 5 (1 excellent; 5 basic)

Language	Reading	Speaking	Writing
English			
Zulu			

8. Membership of professional bodies:
9. Other skills: (e.g. Computer literacy, etc.)
10. Present position:
11. Years within the firm:
12. Key qualifications and knowledge: (Relevant to the project)

13. Professional Experience

Date from-Date to	Location	Company	Position	Description of projects/responsibilities etc.



**ANNEXURE B: STATEMENT OF AVAILABILITY**

**BID REF:** \_\_\_\_\_

I, the undersigned, hereby declare that I agree to participate exclusively with the tender \_\_\_\_\_ in the above-mentioned service tender procedure. I further declare that I am able and willing to work for the period(s) foreseen for the position for which my CV has been included.

<b>From</b>	<b>To</b>
<start of period 1>	<end of period 1>
<start of period 2>	<end of period 2>
<etc>	

<b>Name</b>	
<b>Signature</b>	
<b>Date</b>	



**ANNEXURE C - EVALUATION GRID FOR FUNCTIONALITY**

To be completed for each bid by each evaluator

Name of project: <b>FILM SECTOR SUPPORT IN KZN</b>	Score	Weight	Total Score	Initial assessment	Revised assessment (before interviews*)	Revised assessment after interviews*
<b>Section 1 – Approach, Organisation and Methodology</b>						
Understanding of the scope of each study; provide a detailed research design and methodology that would be followed to execute the study –[15 points for each topic].	45					
<b>Section 2</b>						
Written relevant referrals by at least three companies/organisations on research work undertaken in the last three years. Three reference letters = 15 Two reference letters = 10 One reference letter = 5	15					
Experience in qualitative and quantitative research methodologies. Provide list of work done. List of three research studies done = 25 List of two research studies done =15 List of one research study done = 5	25					
Relevant academic qualifications, PhD = 15 MA = 10 Lower =0	15					
<b>Total Score</b>	<b>100</b>		<b>100</b>			

**Minimum Required Score = 60%**

**Evaluator Summary Comments**

<b>Strengths</b>	
<b>Weaknesses</b>	



**Evaluation performed by:**

<b>Name</b>	
<b>Date</b>	
<b>Signature</b>	