



Міністерство  
захисту довкілля  
та природних ресурсів  
України



## Clarifications to the tender "PRODUCTION OF A DOCUMENTARY FILM ABOUT THE IMPACT OF WAR ON NATURE AND PROTECTED AREAS IN UKRAINE" (procurement nr. 510429)

### PROJECT "SUPPORT TO PROTECTED AREAS IN UKRAINE"

#### IMPORTANT TENDER RULES

- The tender proposal shall be submitted in two separate envelopes containing the technical and financial bids, respectively.
- Envelopes must be well sealed. If they are damaged or opened, the tenderer will not be allowed to participate in the tender.
- Envelopes are opened gradually. First, the technical envelope, then the financial envelope.
- The technical proposal must score at least 75 points in order for the participant to proceed to the second stage of the financial proposal evaluation.
- The tender provides for "Security costs" of up to EUR 5,000, which will be provided to cover all costs associated with ensuring the security of the tenderers in wartime and in the presence of supporting documents (acts of service or invoices).
- The participant must submit the budget in the euro currency.
- All payments will be made in hryvnia to a Ukrainian bank account.
- The tenderer must submit a "Security Concept", which will contain information on the protection of tenderers in times of war, protective equipment, evacuation plan, etc.
- The tender must be submitted in person or by courier to the following address:  
70 Shevchenka St., office. 1, Lviv, 79039, Ukraine. Phone number to arrange delivery time: 098 337 50 88, Maria Halayko.

#### QUESTIONS/ANSWERS

- Question:* Do I need to report to the State Fiscal Service and pay tax on the funds received for the film?  
*Response:* All SNPA project procurements are exempt from VAT or local indirect taxes in Ukraine. The project registration card No. 3450-03 issued by the Cabinet of Ministers of Ukraine on 05.04.2022 is valid until 30.04.2025. The Participant shall submit to the SFS the relevant reporting documents with the specified benefit. The project accountant will additionally advise the contractor.
- Question:* As part of the tender, the participant must submit previous works and confirm that it was he who performed those works. How to confirm that the work was fully or partially performed by the tenderer?  
*Response:* The participant may submit: (1) a letter from the customer who ordered the product and/or (2) the material must contain a visual (e.g. logo) or textual reference to the contractor, be posted on the participant's website and/or social media account. (1) is preferable option, (2) alternatively, the reference to completion of the works should allow its clear attribution to the contractor. In case of doubt, the Employer reserves the right to request confirmation of the works in form of a letter from a customer.
- Question:* Does the key participant have to have Ukrainian citizenship?  
*Answer:* There are no requirements for this.
- Question:* How do I select additional staff in Clause 1.6?  
*Answer:* You choose at your discretion.
- Question:* What nationality should the consortium members have?  
*Answer:* There are no requirements. The requirement is the status of a legal entity registered in Ukraine for the main tenderer.
- Question:* It is not possible to provide a supplier's guarantee for equipment rental without advance payments. Is it possible to submit a tender without the above guarantee?  
*Response:* At the time of submission of the tender, a screen shot of an email from the lessor indicating the period for which the specific equipment will be available is sufficient. In case of winning the tender, before signing the contract, the winner must provide a letter of guarantee on availability of the equipment from the lessor.

7. *Question:* What is the significance for Customers of the status of a participant's leased or owned equipment?  
*Response:* The evaluation is not affected by whether the equipment is owned or leased. It is important for the tender committee to understand that the participant either owns certain equipment or rents it.
8. *Question:* What is the desired length of comments on the ToR from Form TECH-2?  
*Answer:* Up to 2 pages.
9. *Question:* Shooting 18 locations for a film within 70 minutes is a challenge. There are also challenges related to the safety of staying in these areas, as they are close to the frontline. The General Staff may not allow us to shoot. Is it possible to film fewer locations?  
*Response:* The number of locations may be adjusted at the time of signing the contract and project implementation in agreement with and upon approval of the Employer, depending on the military situation, but the tender must be submitted based on 18 locations.
10. *Question:* What is the target audience (Netflix, film festivals, investors)?  
*Response:* The terms of reference specify the target audiences.
11. *Question:* What is the "call to action"?  
*Response:* To raise awareness of the impact of war on the environment among the audiences specified in the ToR.
12. *Question:* Who will assess the "Technical approach and methodology"?  
*Answer:* The tender committee will include film experts.
13. *Question:* Who is a "backstopping person"?  
*Answer:* A contact person to clarify all questions (technical, accounting, etc.). This can be one of the persons suggested among the staff. Backstopping expert is somebody who is ensuring quality and reporting to Employer and not purely administrative staff.
14. *Question:* How to provide references (links) to previous works, since the tender proposal is submitted in hard copy?  
*Answer:* You need to submit on a removable device according to FORM TECH 5 CV or by email (after the tender is opened according to ITC 15.4 and FORM TECH 5 CV).
15. *Question:* Do I need to create a DCP cinema version?  
*Answer:* Yes.
16. *Question:* Where can I get footage shot before the war?  
*Answer:* You have to find them yourself and purchase them if necessary.
17. *Question:* Most of the above 18 locations are mined. What should we do?  
*Response:* The administrations of the Protected Areas of Ukraine will assist you in your work. They will help you to choose a safe location for filming within their protected area. The Armed Forces of Ukraine will also help you choose a safe site.
18. *Question:* Do we need to start shooting in February 2024?  
*Answer:* You decide when to start filming. You submit your schedule in FORM TECH-4 and in FORM TECH-3. The expected completion date of all works under the contract is 01.03.2025.
19. *Question:* How do I submit the financial report for the consortium?  
*Response:* A financial report must be submitted for each consortium member. A minimum annual turnover of EUR 150,000 for at least one consortium member is a mandatory requirement.
20. *Question:* Do the financial statements take into account the company's assets? Can they be added together to meet the minimum annual turnover requirement of €150,000?  
*Answer:* No. Only working capital that was transferred through a bank account.
21. *Question:* If one of the tenderers is a foreigner and it is necessary to pay in euros, what should I do?  
*Answer:* You need to take into account the cost of currency conversions and add it to the budget.

22. *Question: Is it possible to submit invoices as supporting documents for "Security costs" (up to EUR 5,000)?*  
*Answer: The tender does not provide for prepayments. An invoice is not a payment proof document. A certificate of completion or waybill must be submitted.*

23. *Question: It is specified that 40% of the payment is made after the delivery of pre-production work and 60% - after post-production. Is it possible to change the percentage of tranches? Is it possible at the time of signing the contract?*

*Response: The percentage of interim tranches can be changed during the negotiation of the contract. The final tranche of 20% remains unchanged, after the final acceptance of the product.*

*The following installments may be applied:*

- 20% of the total contract value will be paid as interim payments after approval of the developed general concept and script of the final documentary with the shooting schedule
- 10% of the total contract price will be paid as progress payments upon approval of the first half of the shooting phase and delivery of the raw footage (monthly with a brief progress report). Half of the stage will be deducted according to the agreed shooting schedule
- 30% of the total contract value will be paid as progress payments upon approval of the completion of the filming phase and transfer of all raw materials
- 20% of the total contract value will be paid as interim payments after the first version of the film is approved
- 20% of the total contract value will be paid as a final payment after the final version of the film is approved

24. *Question: Who accepts the draft version of the product?*

*Response: AHT GROUP AG, as a party to the contract (The Employer). The Ministry provides its consent.*

25. *Question: What if there are changes in the Ministry of Environment? Is it enough for AHT GROUP AG alone to approve the final product?*

*Response: If the contractor delivers a final product that meets the requirements of the TOR, AHT GROUP AG, as the Employer, will accept the product and make the final payment. The possible changes in the Ministry of Environment will not affect the completion of contractual obligations.*

26. *Question: Do I need to create a completely new project or can I use old work?*

*Response: It is not allowed to use finished films, ongoing project or films/shootings in the process of being shot with a specific script, etc. It is allowed to use footage if available to the participant if it is needed to accomplish tasks of the TOR as long as he has the full property rights for them. Co-financing is not allowed. AHT GROUP AG will have exclusive rights over the use of all the materials that are included in the film. AHT Group AG shall hold proprietary rights (copyrights) on the use, marketing contents, and intellectual etc. of the final edited film and all shooting material. The client (tenderer) has the right to disclose and use the fact of cooperation only for marketing purposes and only with the prior written consent of AHT Group AG. AHT GROUP AG grants the tenderer the right to display the name and the logo of the project on its own website, social media pages and portfolio materials with a prior written consent from AHT Group AG. In other cases, the tenderer is obliged to obtain prior written consent from AHT GROUP AG. The tenderer may not use, reproduce or otherwise disseminate or authorize others to use, reproduce or disseminate such works without prior consent from AHT Group AG.*

27. *Question: What is the language of the tender?*

*Response: All documents should be submitted in English.*