

**INVITATION TO TENDER FOR SELECTED MEDIA
RIGHTS FOR THE HIGHEST MEN'S ICE HOCKEY
LEAGUE IN THE CZECH REPUBLIC
FOR THE SEASONS 2023/24 – 2027/28**



Introduction

BPA sport marketing a.s., with its registered office at Českomoravská 2420/15, Libeň, 190 00 Praha 9, ID No. 045 97 605 (**BPA**), is the exclusive marketing partner of the Asociace profesionálních klubů ledního hokeje, with its registered office at Českomoravská 2420/15, Libeň, 190 00 Praha 9, ID No. 604 56 892 (**APK LH**), and the highest men's ice hockey league in the Czech Republic – the Extraliga ledního hokeje (**ELH**).

BPA hereby addresses potential bidders for the ELH media rights, which may include, in particular, licensed broadcasters, gambling licence holders, online and print media publishers, sports data analysis companies or brokerage agencies, as well as other entities from Czech Republic, Slovak Republic and abroad fulfilling the conditions set out in this invitation, and invites them to express their interest in acquiring some of the ELH media rights packages specified below.

Introduction of ELH

ELH is the most visited Czech professional competition, which offers over 400 attractive matches during one season played from September to April.

There are 52 rounds in the ELH regular season, which involves 14 clubs, for a total of 364 matches. The winner of the ELH regular season will receive the Jaroslav Pouzar Cup.

The last team of the ELH after the regular season will compete for participation in the next ELH season with the winner of the play-offs of the second highest men's ice hockey league – the 1st league. Teams will play a minimum of 4 and a maximum of 7 games at this stage of the ELH.

After the ELH regular season, the teams ranked from 5th to 12th in the table will play a preliminary round of the play-offs, where they will compete for the opportunity to complete the top four in the championship title fight.

The most exciting spectacle is the play-offs, in which the top eight teams will compete in at least 28 duels for the T. G. Masaryk Cup.

Principal

The principal of the tender is BPA which, on the basis of the agreement on temporary assignment of marketing rights concluded with APK LH on 4 August 2021, is the exclusive marketing partner of ELH and APK LH. BPA is entitled to dispose of selected ELH media rights.

You can communicate with the principal within the tender by post at **Českomoravská 2420/15, Libeň, 190 00 Praha 9** or by e-mail at **bpa@bpa.cz**.

Object of the tender

The object of the tender are selected ELH media rights for the seasons 2023/24 to 2027/28.

Duration of the contract

The principal announces a tender for the exercise of selected ELH media rights for a maximum period of 5 seasons, specifically for the 2023/24 to 2027/28 seasons.

ELH media rights packages offered

The tender will be divided into categories, under which the principal offers the ELH media rights packages specified below. The individual packages are offered separately. However, this does not exclude the possibility for a bidder fulfilling the qualification criteria for several categories to express an interest in several packages at the same time during the tender. However, a separate bid must be submitted for each of them.

The principal offers the following packages:

I. Packages for broadcasters licensed to broadcast in the Czech Republic:

- A. FTA TV for the Czech Republic.** Television broadcasting rights in broadcast quality to ELH matches for the purpose of production of the TV broadcast and its transmission in the form of live broadcast, broadcast on a delayed basis, on a repeat basis or excerpts transmission of ELH matches on a free to air television (**FTA TV**) in the Czech Republic. The package is offered for a whole period of 5 seasons only (for all the seasons from 2023/24 to 2027/28).
- B. Pay-TV for the Czech Republic.** Television broadcasting rights in broadcast quality to ELH matches for the purpose of production of the TV broadcast and its transmission in the form of live broadcast, broadcast on a delayed basis, on a repeat basis or excerpts transmission of ELH matches on a pay television (Pay-TV) in the Czech Republic. The package is offered for a whole period of 5 seasons only (for all the seasons from 2023/24 to 2027/28).
- C. TV stream for the Czech Republic.** Television broadcasting rights in stream quality to all ELH matches (which will not be broadcast as part of packages A and B) for the purpose of production of the broadcast and its transmission via pay television stream (via the paywall method) over the Internet in the Czech Republic. The package is offered for a whole period of 5 seasons only (for all the seasons from 2023/24 to 2027/28).

II. Packages for broadcasters licensed to broadcast in the Slovak Republic:

- D. TV broadcast for the Slovak Republic.** Television broadcasting rights in broadcast quality to ELH matches for the purpose of production of the TV broadcast and its transmission in the form of live broadcast, broadcast on a delayed basis, on a repeat basis or excerpts transmission of ELH matches via FTA TV or Pay-TV in the Slovak Republic. The package is offered for a whole period of 5 seasons only (for all the seasons from 2023/24 to 2027/28).
- E. TV stream for the Slovak Republic.** Television broadcasting rights in stream quality to all ELH matches (which will not be broadcast as part of package D) for the purpose of production of the broadcast and its transmission via pay television stream (via the paywall

method) over the Internet in the Slovak Republic. The package is offered for a whole period of 5 seasons only (for all the seasons from 2023/24 to 2027/28).

III. Packages for gambling licence holders in the Czech Republic and Slovak Republic:

- F. *Betting rights for the Czech Republic.*** Audiovisual rights for the purpose of streaming all ELH matches and relevant *data rights* for use by betting operators (*betting rights*) in the Czech Republic. The package is offered for a whole period of 5 seasons only (for all the seasons from 2023/24 to 2027/28).
- G. *Betting rights for the Slovak Republic.*** Audiovisual rights for the purpose of streaming all ELH matches and relevant *data rights* for use by betting operators (*betting rights*) in the Slovak Republic. The package is offered for a whole period of 5 seasons only (for all the seasons from 2023/24 to 2027/28).

IV. Other packages for the territory of the Czech Republic and Slovak Republic:

- H. *Goal situations and relevant data rights for the Czech Republic.*** Records of goal situations from ELH matches and relevant *data rights* for their use in the Czech Republic.
- I. *Goal situations and relevant data rights for the Slovak Republic.*** Records of goal situations from ELH matches and relevant *data rights* for their use in the Slovak Republic.

V. Other packages for territories outside the Czech Republic and the Slovak Republic:

- J. *TV broadcasting rights for foreign countries.*** Television broadcasting rights to all ELH matches for the purpose of production of the TV broadcast and its transmission in the form of live broadcast (FTA, Pay-TV or via the Internet) in the territory of countries other than the Czech Republic and the Slovak Republic.
- K. *TV excerpts and relevant data rights for foreign countries.*** Television rights to the ELH match excerpts and relevant data rights for the purpose of their broadcasting or use in the territory of countries other than the Czech Republic and the Slovak Republic.
- L. *Betting rights for foreign countries (with the exception of the territory of the Slovak Republic).*** Audiovisual rights for the purpose of streaming all ELH matches and relevant *data rights* for use by betting operators (*betting rights*) in the territory of countries other than the Czech Republic and the Slovak Republic.
- M. *Goal situations and relevant data rights for foreign countries (with the exception of the territory of the Slovak Republic).*** Records of goal situations from ELH matches and relevant *data rights* for their use in the territory of countries other than the Czech Republic and the Slovak Republic.

THE TENDER PHASES

I. QUALIFICATION PHASE

(20 February 2023 – 3 March 2023)

Announcement of the tender and submission of applications

The purpose of the qualification phase of the tender, which takes place from 20 February to 3 March 2023, is to ensure a sufficient number of qualified bidders for the above-mentioned ELH media rights packages. Those bidders who fulfil the conditions will be included in the second phase of the tender, in which bids will be submitted.

In order to reach as many bidders as possible to participate in the tender, the principal is publishing this invitation on BPA's website and sending it to the main potential bidders from among licensed broadcasters and betting operators. Information about the launch of the tender will also be published through the Czech News Agency (ČTK) and in the sports and marketing media.

The deadline for delivery of the application to the principal is **3 March 2023, specifically by 5:00 PM**. The application form is attached to this invitation.

The application may only be delivered to the principal in person at the principal's registered office, by registered mail with delivery note or by e-mail to the addresses listed above.

In the application form, the bidder shall provide its basic identification data (including name, registered office, company identification number and details of registration in the Commercial Register), contact details (including name, telephone number and e-mail address) of the person authorised to act on behalf of the bidder in the tender and the bidder shall submit to the principal a letter of authorization to act on behalf of the bidder granted to such a person (unless such a person is authorised to act for another legal reason).

Each bidder shall duly fill in the application form with all the required information, including, among other things, an indication of which of the offered ELH media rights package(s) the bidder is seriously interested in and the number of seasons for which the bidder wishes to obtain the given package. At the same time, the bidder shall provide evidence, in accordance with the procedure set out below, of compliance with the general qualification criteria for participation in the tender, as well as with the specific qualification criteria linked to each category of the tender.

Upon receiving the application, the principal will assess the fulfilment of all the required qualification criteria by the specific bidder. If, in the course of this verification, the principal finds that the bidder has not provided evidence of compliance with certain qualification criteria together with the application, the principal will call upon the bidder to remedy this without delay, via contact details specified in the application. If the bidder does not subsequently prove that all the qualification criteria have been fulfilled, the bidder will not be admitted to the next phase of the tender, of which the principal will inform the bidder in writing.

Until 3 March 2023, the principal reserves the right to provide additional information on the tender, either on its own initiative or at the request of potential bidders. Such information will be published

in anonymised form on BPA's website. It will also be sent to all the entities which, at the time the information is provided, have sent their application to the category of the tender concerned.

General qualification criteria

To be eligible for participation in any category of the tender, the principal shall require that each bidder fulfils all the following general qualification criteria and duly demonstrates their fulfilment in accordance with the prescribed procedure. Failure to fulfil, or to demonstrate compliance with, even one of the general qualification criteria shall be grounds for exclusion from the tender.

Solvency. The bidder must demonstrate a sufficient ability to perform its financial and other obligations to the principal arising from its participation in the tender. Solvency may be demonstrated by a promise to provide a financial guarantee corresponding to the value of the media rights requested by the bidder in favour of the principal or by submitting an affidavit.

Credibility. The bidder must submit an affidavit that it is not bankrupt, not subject to any insolvency or enforcement proceedings and not in liquidation as at the date of submission of the application.

Absence of litigation. The bidder must submit an affidavit that, as at the date of submission of the application, it is not subject to any litigation or other similar proceedings which might result in impairing the bidder's ability to perform its obligations to the principal.

Special qualification criteria: broadcasters licensed to broadcast in the Czech Republic

The media rights for broadcasters licensed in the Czech Republic (packages in **category I., listed under letters A, B and C**) are open to bidders who, in addition to the general qualification criteria, also fulfil the following special qualification criteria.

Broadcast licence. The bidder must demonstrate that it is and will be licensed to operate a television broadcasting service in the Czech Republic for the duration of the potential contract with BPA. The bidder shall prove this by a certified copy of the decision granting the licence.

Professional and technical capacity. The bidder must have sufficient experience (at least 3 years) and know-how to produce and transmit high quality ELH match broadcasts. This shall be evidenced by an affidavit containing a description of the bidder's experience in the production and broadcasting of sporting events corresponding to the scope and quality of ELH (references).

Providing of advertising performance. An affidavit by the bidder that if successful in the tender, it shall provide sufficient advertising performance to the principal in connection with ELH to reflect the importance of ELH. Such advertising performance will consist in particular of advertising space within the television broadcasts.

Promotion of ELH in the news on FTA TV channel. An affidavit by the bidder that that if successful in the tender, it shall ensure sufficient promotion of ELH on the news broadcast on the FTA TV channel within the business group to which it belongs.

Special qualification criteria: broadcasters licensed to broadcast in the Slovak Republic

The media rights for broadcasters licensed in the Slovak Republic (packages in **category II., listed under letters D and E**) are open to bidders who, in addition to the general qualification criteria, also fulfil the following special qualification criteria.

Broadcast licence. The bidder must demonstrate that it is and will be licensed to operate a television broadcasting service in the Slovak Republic for the duration of the potential contract with BPA. The bidder shall prove this by a certified copy of the decision granting the licence.

Professional and technical capacity. The bidder must have sufficient experience and know-how for sports broadcasting. This shall be evidenced by an affidavit containing a description of the bidder's experience in the production and broadcasting of sporting events corresponding to the scope and quality of ELH (references).

Providing of advertising performance. An affidavit by the bidder that if successful in the tender, it shall provide sufficient advertising performance to the principal in connection with ELH to reflect the importance of ELH. Such advertising performance will consist in particular of advertising space within the television broadcasts.

Special qualification criteria: bidders for packages in category V., listed under letters J and K

The media rights for foreign countries, except for the territory of the Slovak Republic, (packages in **category V., listed under letters J and K**) are open to bidders who, in addition to the general qualification criteria, fulfil the following special qualification criteria.

References. The bidder shall submit references proving its experience in the field of media rights disposal.

Special qualification criteria: gambling licence holders

Betting rights. The ELH media rights for the purpose of gambling in the Czech Republic (package in **category III., listed under letter F**) and the Slovak Republic (package in **category III., listed under letter G**) are only open to bidders who hold a gambling licence in that country. The bidder shall prove this by a certified copy of the decision granting the licence. *Betting rights* intended for countries other than the Czech Republic and the Slovak Republic (package in **category V., listed under letter L**) may be applied for both directly by foreign gambling licence holders and by entities that broker such rights.

Bidders for the ELH media rights for gambling purposes acknowledge that only the registered users of licence holders may watch the streamed matches and that the matches can be watched full screen on a mobile device and only in limited quality on a maximum of 1/3 of the screen on a tablet, computer or connected TV.

No special qualification criteria for goal situations and relevant *data rights* packages

Other media rights. The other media rights packages offered under this tender (packages in **category IV., listed under letters H and I** and package in **category V., listed under letter M**) are open to bidders who fulfil the general qualification criteria. The principal expects that the bidders for these rights will be mainly broadcasters, online or print media publishers, sports news providers and sports data analysis companies. The rights under the above-mentioned packages (**H, I and M**) are not intended for use by betting operators.

II. BIDDING PHASE

(6 March 2023 – 3 April 2023)

On 6 March 2023, the principal will send to the bidder who demonstrates fulfilling all the general and special qualification criteria no later than 3 March 2023 by 5:00 PM the documents for the particular categories and packages for which the bidder intends to bid, according to the application. These documents will contain, in particular, a more detailed specification and evaluation criteria for the individual packages of the media rights offered. The principal will also invite bidders to submit binding and irrevocable bids.

During the second phase of the tender, bidders will have almost one month to prepare their bids for each category of the tender concerning the specific ELH media rights packages offered. The deadline for the delivery of binding bids to the principal is **3 April 2023, specifically by 5:00 PM**. Bidders shall deliver their binding bids in the same manner as the application in the first phase of the tender.

Until 3 April 2023, the principal will answer additional questions concerning the conditions and the organisation of the submission of bids by bidders qualified for the second phase. Responses to specific questions will always be sent in an anonymised form to all bidders who have applied for a specific category of the tender.

III. EVALUATION PHASE

(5 April 2023 – 28 April 2023)

The principal, through its internal working group, will evaluate the bids submitted by bidders for each category of the tender for specific ELH media rights packages. The principal will evaluate each category separately. All successful bidders will be informed of their success no later than **28 April 2023, by 5:00 PM**. Negotiations on the business terms and conditions and the signing of the contractual documentation will take place afterwards. The other bidders will also be informed if they are unsuccessful in the tender or parts thereof.

Until 28 April 2023, the principal may invite the bidder to clarify, specify or supplement the bid, in particular with regards to the update of the offer price or the scope of consideration offered. If the

principal does so, it must invite all qualified bidders for the specific package to clarify, specify or supplement the bid. In the event that the bidder fails to provide the principal with cooperation in this respect within a predefined period, which shall not be less than 5 working days, the principal shall be entitled to exclude the bidder from the tender if the information not provided is considered by the principal to be essential for the selection of the most suitable bid.

Bids for each package will be evaluated on the basis of the predetermined evaluation criteria set out below. The principal may evaluate the bids of each of the bidders both separately within individual packages and in the aggregate with respect to the total price offered for multiple packages, taking into account the principal's interest in maximizing the revenue from the assignment of the ELH media rights.

For packages in **category I., listed under letters A and B**, the evaluation criteria will be based in particular on:

- the bid price;
- the guaranteed number of transmissions that the bidder commits in its bid to produce and broadcast in each individual season;
- the ratio between the offer price and the guaranteed number of transmissions, which in aggregate will lead to maximization of the principal's revenues;
- further media promotion of ELH on the broadcaster's channel and other media channels in its business group and the extent, value and form of advertising performance offered to the partners of the principal and ELH;
- professional and technical capacity to ensure the transmission and broadcasting of the ELH matches, ensuring the technical quality and functionality of the transmission and the innovativeness of the solution offered, the range and quality of coverage;
- comprehensive quality of the TV presentation of the ELH product and compliance with the requirements of the principal;
- erudition of anchors and experts;
- the concept of individual ELH product development and other proposed complementary activities, i.e., what marketing added value the bidder offers to the principal.

For packages in **categories I., II., III., IV. and V. under letters C to M**, the evaluation criteria will be based in particular on the bid price, the possibility of ELH's promotion in the media and other advantages enhancing ELH's reputation offered by bidders interested in these packages.

GENERAL CONDITIONS OF THE TENDER

The transfer of the selected media rights from BPA to the successful bidder in a certain category of the tender shall not affect the rights of the principal, APK LH, individual ELH clubs or other entities cooperating with the principal to use the ELH media rights concerned in the following manner, for example:

- live broadcast in the stadium where the match is taking place via a private TV channel (e.g., in the VIP area or press room);

- use for administrative and sporting purposes, e.g., for video referee purposes or committees of the governing body of ELH (e.g., disciplinary committee, referee committee, sport and technical committee, etc.);
- archive footage of individual ELH matches and parts thereof belong to the principal without any restrictions;
- broadcasting of match excerpts and short excerpts by BPA or individual ELH clubs to the extent appropriate to the rights acquired by the successful bidder (e.g., on social media, website, ELH mobile app, etc.);
- acquiring, processing and using by the principal of the data rights relating to ELH, participating clubs and players;
- the use of the ELH marketing rights not included in this tender, or unsuccessfully offered in this tender, by the principal or any third party to whom the principal will assume such rights.

Exclusivity. All packages in **categories I., II. and III.** are offered on an exclusive basis, i.e., no other entity shall be entitled to dispose of the selected media rights except for the successful bidder for any of these packages with whom BPA will enter into a contract. However, for the package **in category III., listed under letter F**, it shall also be applicable that if a gambling entity becomes an ELH title partner, such an entity shall automatically and non-exclusively acquire the rights contained in package F, without in any way prejudicing the rights of the bidder who acquires such a package in this tender. For other packages in **categories IV. and V.**, bidders may condition their bids on the requirement of exclusivity, but such a requirement must be adequately reflected in the bid price.

The principal shall not be obliged to enter into contracts on the assignment of selected media rights with the successful bidders in the tender.

If the documents submitted by the bidder demonstrating that the qualification criteria have been fulfilled prove to be false, the principal shall be entitled to exclude such a bidder from the tender.

In justified cases, the principal reserves the right to extend the periods of the individual phases of the tender accordingly.

In the process of the tender, the principal reserves the right to modify or completely cancel the tender or any part thereof without giving any reason, without being obliged to pay any damages to the bidders.

Jana Obermajerová
 Chair of the Board of Directors
BPA sport marketing a.s.