

## **BUILDING A LINC'S PARTNERSHIP**

### **WHY LINC'S?**

LINC'S (Linking Independents and Co-producing Stations) helps stations and independent producers enter into mutually beneficial production partnerships by providing matching funds of up to \$100,000. LINC'S partnerships provide an opportunity for independents to interact directly with stations, gaining much-needed production support and an advocate for their project within the public television system.

Stations benefit too. Most often, LINC'S programs are on topics of particular interest to local or regional audiences, helping stations to provide their viewers with relevant programming. Shows are made available to the entire PBS system and have been featured on PBS's National Program Service, as well as on series such as P.O.V. and Independent Lens. LINC'S programs have also received numerous awards and accolades, including an Academy Award nomination. All of these opportunities help to raise a station's profile within the public television system and within their community.

### **WRITING THE LETTER OF AGREEMENT**

As part of the application, the independent producer and the station must prepare a Letter of Agreement that outlines the responsibilities and expectations of each party. If your program is selected for LINC'S funding, ITVS will give you feedback on the Letter of Agreement and require that you use it to develop a more formal Station Producer Agreement. The Letter of Agreement does not have to be a long formal contract (it can be 1-2 pages). However, the following points should be incorporated in your document.

**Stations** are required to perform the following duties and accept the following obligations:

- Provide a specific staff person as the contact person for the project, the "Station Designated Contact". This person should be named in the Agreement;
- Contribute in-kind support or cash contributions as documented the LINC'S Line-Item Budget;
- Provide PBS system communications and presentation to the public television system, including all PBS, APT or NETA paperwork, submit to APT and/or NETA if appropriate and work with ITVS on submission to PBS and PBS strands;
- Broadcast the program locally;
- Serve in an advisory capacity on program content including providing feedback on rough and fine cuts and counsel on technical requirements that are necessary for completion of the project for public television;
- Agree to negotiate a formal Station Partner Agreement if the program is offered an ITVS Production Agreement through LINC'S.

In addition, ITVS requests that stations:

- Provide creative and editorial input and financial review;
- Provide appropriate packaging support and approval for the public television broadcast of the program;
- Provide a presentation package of submission, station relations, outreach and

- promotional support (these costs will be included in the matching funds or station in-kind services);
- Retain the right to use the program for local broadcast, local screenings, and on the Station's website, for the purpose of local promotion and outreach (these rights may be negotiated directly between the producer and station);
  - Retain the non-exclusive right to exhibit, sub-license, and distribute the Program to all public television entities. The station's license for these rights should be a four-year period.
  - Retain appropriate promotional rights.

Producers are required to perform the following duties:

- Maintain creative, editorial and financial controls, and be the majority interest in the copyright. In some cases the copyright may be shared with the station;
- Observe current PBS Production and Program Standards, including journalism, underwriting, technical and credit guidelines;
- Adhere to approved budget, production schedule and delivery dates;
- Credit the station in the program and on promotional materials.

### **ADDITIONAL POINTS TO BE CONSIDERED**

In addition to these required points, you may also want to consider the following for inclusion in your letter of agreement:

How will the independent producer access in-kind services or facilities? How far in advance do they need to be scheduled?

How often will the partners check in? What will be the turnaround time for station feedback?

How will the producer, station and station personnel be credited on the finished program (titles and order)?

Will the producer retain sole ownership of the copyright? If not, how will copyright be shared given that the independent producer should retain majority control?

How will the partners share in ancillary sales revenue?

Can the project be added to the station's current policies for liability and/or Errors and Omissions (E&O) insurance? This is not always possible, but can be more cost effective than purchasing individual policies.

Will the station participate in or lead outreach activities such as coordinating a local screening?

Does the station partner have the right to air the program above and beyond the standard public television rights period?

May the station use the program as a pledge show and offer copies of the program as pledge premiums?

## **IN-KIND CONTRIBUTIONS**

Stations can make in-kind contributions in a number of areas including development, production, insurance, post-production, presentation, publicity, outreach, website, and station relations. Below is a list of suggestions for station in-kind support.

Keep in mind that every LINCS partnership will be different depending on the needs of the program and the resources of the station. Think of this as a checklist but bear in mind that any services the station is not providing may need to be accounted for by the independent producer. The finalized Station Producer Agreement should clearly state who is doing what.

### **Development**

- Fundraising and underwriting support
- Ensuring underwriters meet PBS guidelines

### **Production**

- Equipment
- Crew
- Facilities (including office space, studio rental)
- Station-owned archival footage
- Content advisor, screening and feedback

### **Insurance**

- Worker's Compensation
- Errors & Omissions

### **Post-Production**

- Off-line edit facilities
- On-line edit facilities
- Editor
- Editorial consultation
- Closed captioning, SAP channel, Descriptive Video Services
- Video Technical Evaluation
- Tape Dubs

### **Presentation, Publicity & Station Relations**

- Promos (if required of your program, PBS requires 0:20 and 0:30 promos)
- Publicity (writing a press release, making press release and photos available on the station or show website)
- Outreach activities (hosting local screenings, publicizing the program to interested community groups, locally or nationally)
- Outreach or educational materials
- Creating, hosting and/or maintaining a show website
- Station Relations activities

In addition to your Station Producer Agreement, it is always helpful to have a statement from the Station partner about why they are behind this project, and what the station and its viewers have to gain if the project goes forward.

### **IF YOU ARE FUNDED**

Projects that receive LINCS funding must comply with standard broadcast requirements as found in the PBS Red Book.

If funded, ITVS requires that the producer will:

- License the program, without an additional license fee, for exclusive domestic distribution to public broadcasting for the standard PTV release pattern;
- Retain the right to distribute the program in other markets, subject to limitations outlined in the LINCS production agreement;
- Provide annual ancillary activity reports for as long as the program is available for distribution;
- Share any revenue generated by the program with ITVS based on ITVS's percentage of funding;
- Include appropriate credits for the independent producer(s), the station, CPB and ITVS on all distributed versions of the program, all advertising and promotional material, as well as any ancillary publications related to the project.
- Provide liability and Errors and Omissions insurance coverage for the project.

Over the course of the production, the producer is also required to deliver to ITVS the deliverables listed below:

- Regular progress reports
- Rough cut of the program
- Fine cut of the program
- One closed-captioned (CC) master of the program (acceptable formats: Digital Beta, HD, HDCam)
- Six DVD copies
- Publicity photographs
- A copy of the press release and/or press kit (when available)
- A final narrative report
- A final financial report
- A transcript of the final program
- Proof of errors and omissions insurance and rights clearances
- Music and Footage Cue Sheets and Rights clearances

### A Note on Ancillary Distribution

Producers are encouraged to clear as many ancillary rights as possible to facilitate ancillary sales of the completed project. However, in no instance will the exercise of ancillary rights interfere with the public broadcasting rights. A portion of net proceeds will be disbursed to ITVS based on ITVS's percentage of funding.