

Production Pitch Best Practice

Adjacent to the Production Pitch Process Initiative, the IPA and APA have independently formulated detailed best practice guidance on pitches for our members.

Planning - strategic and creative development

- Agencies and clients should ensure that reliable budgets are attached to all creative briefs to avoid creative aspirations exceeding the available budget or completed productions falling short of the creative aspirations.
- Agencies and clients should ensure that timelines are attached to briefs and that reasonable production timelines are protected, including at pitch stage, to avoid rushed treatments and evening/weekend/holiday working. At least a week from briefing meeting to delivery of completed treatment should be allowed for on a typical production and protected as far as possible.
- If, in initial stages, a client cannot provide absolute clarity around budget or deliverables, agencies should work with their clients to agree assumed deliverables, allowing work to progress with guardrails against which concepts and ideas can be crafted and measured from a feasibility point of view. However, there would still be an expectation that the client should expedite clarity around both budget and deliverables as a matter of urgency.
- Agencies should ensure that their Production and Business Affairs departments are involved in the creative development process to ensure the financial, scheduling and regulatory viability of all projects before clients green-light production. It is helpful to have more solid concepts ballparked at this stage. Agencies should feel that they can reach out to their familiar production company partners for a point of view.
- A pre-bid meeting is recommended to aid with the above. This takes the form of a document that details budget, usage and deliverables but also any pertinent product points (restrictions, timings etc). This provides a framework for these elements to be briefed and agreed, and enables accurate and reliable scoping and budgeting by the agency with its production suppliers, including licensed usages, such as talent fees and music.
- Agencies and clients should have preliminary discussions around expectations for eventual presentation of treatments and budgets to clients. This is particularly important with regard to minimising unnecessary rounds of detailed revisions to all treatments. Expectations around the necessity or otherwise of refining treatments through multiple rounds of feedback and amends should be discussed, bearing in mind that the awarded treatment only need form the basis of the pre-production process proper.

Green light to production

- Clients and agencies should be aware of the substantial commitment of creativity, expertise, money and time involved from production companies in a three-way pitch. Also, agencies and producers should be aware of the reputational exposure of their agency and client when engaging in the pitch process. As such there should be a highlighted date within the schedule which is communicated to client when a concept is given 'go ahead to production', with an understanding from the client that this is taking them to the next stage of commitment within a project. Scripts should never go out to production partners without a firm and viable intent to complete the production as briefed.
- If there is a genuine reason for more speculative engagement with potential production partners around a project, this must be done with complete transparency. Best practice would be that a treatment payment amount should be agreed upfront, as a worst case scenario, so everyone is happy with the arrangement and the client is aware of the financial exposure. Where an agency seeks to partner with directors to develop ideation, a single-bid or suitable creative fee should be considered.
- If for unpredictable and unavoidable reasons a project needs to be cancelled, re-briefed or postponed indefinitely before award, every effort should be made by the client via the agency to reimburse production companies for at least their reasonable third-party hard costs, or pay a fixed sum agreed in advance. All parties should clarify expectations in this area prior to pitch work.
- With this responsibility in mind, clients should be firmly committed to carrying through a production before authorising their agency to commence a pitch process. Agencies and clients should have a clear understanding that production companies only consent to participate in unpaid pitches on the basis of a fair and transparent process that results in the award of the project.
- Agencies must work with their clients to ensure that production budget payment timelines are clear and viable, so that no project goes to pitch without certainty that the payments to suppliers - such as the first 50% of production budget - can be committed to via production agreements, e.g. PIBS, in line with industry norms, and payments made in a timely and orderly fashion.
- Clients should be aware of the implications of the fixed-bid model that agencies generally use to engage production companies and that this is typically the largest element of the overall budget.
- In addition to formal notification, e.g. via Section A (General Information) of PIBS Part 1, any involvement or potential involvement of an agency in-house or in-group production entity should be clearly flagged to the third-party production companies at the first point of contact about the project.
- At the time of writing and for the foreseeable future, impacts of COVID-19 on productions are excluded from agency and production company insurance policies. Some limited additional-cost insurance against non-appearance of key talent and personnel may be available. In order for a production to go ahead, the client should expect to take on all uninsured risks and costs arising from disruption caused by COVID-19. This can be done via the ISBA/IPA/APA endorsed template Tripartite Addendum.
- Agency and production companies should work diligently to identify and mitigate risks from COVID-19 so that all parties can make an informed agreement as to the production approach to COVID-19 risk management.

Pitch meetings

- Pitch meetings should be detailed and transparent, with client mandates, watchouts etc. flagged. The budget, timings and other relevant practicalities should be clearly and accurately briefed ahead of the meeting.
- Production companies should respond definitely as to whether they wish to engage in a pitch within one to two working days of receiving the creative. If the director is unavailable to give prompt consideration to a script then the production company should inform the agency immediately and the agency should be free to withdraw the approach.
- If the production company suspects a significant disjoint between the budget and timings briefed and their likely approach, this should be fed back immediately to allow an honest discussion around the viability of a potential treatment. Any potential issues with director availability and capacity should also be disclosed.
- Agencies can and should stand production companies down from a pitch where a fundamental creative or financial mismatch is suspected following an initial meeting and before significant work has been undertaken on a treatment. This should be communicated respectfully and promptly and should be accepted by the production company.
- The agency producer should contact the production company producer before close of play on the day of the initial meeting to confirm that the production company should commence treating and budgeting. The production company producer should likewise confirm that they wish to go forwards with the pitch before work commences on a treatment.
- Expectations for the style and complexity of the treatment, and interim check-ins and WIP stages should be discussed and agreed. The agency may flag page limits or restrictions on which sections of treatments should be accompanied by visual references. Production companies may specify their own restrictions, particularly with regards to rush or out-of-hours work and rounds of revisions. All parties should agree and respect each other's stipulations.
- This is particularly important in situations where the treatment phase is under time pressure. All parties should collaborate to ensure that the time available is optimised by an agreed level of detail, presentation and prioritisation of content, bearing in mind that the agency has to have adequate time to feed back and will typically be receiving three treatments for comment and editing. Monday and Tuesday delivery deadlines or presentations should be avoided where possible to reduce pressure towards weekend work.
- Agencies and clients should avoid inviting any director to pitch who doesn't have a realistic chance of winning the project. A thoughtful approach to this issue is particularly relevant to support our efforts to improve diversity, equity and inclusion in the industry since emerging and underrepresented directing talent may suffer from well-intentioned invitations to repeated unpaid pitch work which they don't have a good and fair chance of winning. Agencies and clients should be mindful that production companies sometimes expend extra resources supporting pitches from inexperienced or disadvantaged directors.

During the pitch

- A PIBS Part 1, or other SoW document should be provided to the production company by the agency producer promptly following the initial pitch meeting. This should be checked carefully by the production company producer and their insurance broker, and any issues discussed. Particular attention should be paid to any special contractual requirements, e.g. in Section J of the PIBS, such as sustainability, DE&I, conduct or financial requirements.
- The agency should provide the pitching production companies with all relevant client logos, product imagery and other specific information required so that treatments can be accurate and presented to best advantage. Agencies must, of course, ensure they have the permission of clients to do so.
- All parties should take care to consolidate and moderate the detail and quantity of feedback and requests for amends to treatments. Production companies should be given the opportunity to optimise treatments for agency and client presentation, but agencies should manage this process considerately, especially where the production company is not the recommend or the feedback could be absorbed into the eventual pre-production process.
- The number of companies bidding and the potential involvement of any in-house/in-group production provider in the pitch should be definitively and accurately disclosed.
- It is acknowledged as best practice that no more than three directors/production companies should be involved in a typical pitch at any one time. However, it is the agency's prerogative to involve additional parties in a pitch if it reasonably believes that this is necessary to deliver a highly competitive and viable pitch to its client. In any case, the agency should promptly notify pitching production companies of any increase in the number of parties involved during the pitch process.
- The production company producer should not put anything in their budget or bid letter that contradicts or will not comply with the PIBS or other SoW document. It is understood that the PIBS or other SoW or agreement document will take precedence over any budget or bid letter as the basis for agreement. Any issues should be discussed and resolved through amends to the PIBS, or other SoW or agreement document by the agency producer if accepted.
- Markup percentages, and which items they are applied to, should always be clearly and transparently displayed in budgets, particularly where the approach to markups departs from traditional UK norms. For example, the exception of director and producer fees from markup and reduced markup on travel and other location expenses.
- Both agency and production company producers and clients should ensure good ongoing communication, providing honest and constructive feedback as far as is reasonably possible.
- The existence of any wrap insurance should be made clear at the start of the project and all contact details and information exchanged with the bidding producer.
- Creatives and directors should make themselves available to discuss WIP in order to shape successful pitches efficiently and avoid time being wasted on misunderstandings or misinterpretations. Parties should consider sharing key ideas and/or treatment text prior to image research and desktop publishing.
- Further meetings, ideally including a face-to-face presentation of the treatment to the agency should be considered.
- As above, if the production company suspects a significant disjoint between the budget and timings briefed and their likely approach this should be fed back immediately to allow an honest discussion around the viability of a potential treatment.

Award

- As recognition of professional effort, time and commitment agencies should always look to keep production companies updated of their progress within the bidding process.
- Clients and agencies should work together to ensure that all stakeholders in the award decision are aligned to give consolidated and prompt input, since excessively drawn-out pitches are unfair to production companies
- Clients and agencies should always endeavour to exchange transparent, constructive, meaningful and timely feedback with all unsuccessful production partners about their treatments and budgets and the reasons why they have not won the pitch.
- Award should be made formally and in writing, e.g. as per PIBS, by purchase order or other form of written communication, including email, and contracts should follow in a timely manner.
- On the day of award, any foreign currency elements of budgets should be promptly and transparently actioned by the production company, via forward exchange contracts or as specified in the PIBS or other agreement. The agency/client is entitled to a final bid price no greater than that due on the day of award.
- The production company and agency should ensure that if there is any producer handover between the pitch phase and the production proper that this is attended to thoroughly.

An expectation to adhere to this guidance could be included in pitches via Section J of the PIBS Part 1 if desired.

Complaints or disputes in relation to non-adherence to this guidance should be referred jointly to the IPA and APA.