

B-BBEE Contributor Certificate



This Affidavit is issued in terms of Notice 408 of 2015, published in the Government Gazette No.38766 on 06 May 2015, whereby the revised Codes of Good Practice was issued under section 9(1) of the Broad-Based Black Economic Empowerment Amendment Act (Act No. 46 of 2013), by Dr Rob Davies, Minister of Trade and Industry and whereby this enterprise is eligible as an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE) in terms of paragraph 2 of STATEMENT 004: SCORECARDS OF SPECIALISED ENTERPRISES as per said Notice. (Follow the instructions on the reverse of this document and mark the applicable blocks)

Name of Entity/Company:

Company Reg. No:

VAT Reg. No.

Type of Entity:
(Sole Proprietor/Partnership/Closed Corporation/Company)

Address:

I, , in my capacity as owner/partner/member/
(Full names and surname)

director of
(Full name of Business/Partnership/Closed Corporation/Company)

do hereby make an oath that:

1. The business/partnership/company qualifies as an: EME / QSE
 2. The Annual Total Revenue of the above mentioned business/company is less than: R 10 Million
R 50 Million
 3. The level of Black ownership is: %
 4. The level of Black Woman ownership is: %
 5. The business/partnership/company is therefore a LEVEL
- CONTRIBUTOR, having a B-BBEE RECOGNITION OF %.

Signature: Owner/Partner/Member/Director:

ID.No:

Date

Certificate is valid for 12 (Twelve) months from this date.

Signed and sworn/solemnly affirmed before me on the date and the place set out below, by the deponent who indicated that he/she knows and understands the content of this statement and the applicable Act; has no objection to making the oath/solemn affirmation, and regards such as binding on his/her conscience.

Signature: Commissioner of Oaths:

Full names:

Position:

Tel:

Address:

.....



Official Stamp

Extract from Notice 1019 of 2013, published in the Government Gazette no 36928 on 11 October 2013, whereby the revised Codes of Good Practice (the codes) was issued under section 9(1) of the Broad-Based Black Economic Empowerment Act (Act No. 53 of 2003), by Dr Rob Davies, Minister of Trade and Industry.

4. ELIGIBILITY AS AN EXEMPTED MICRO ENTERPRISE (EME)

- 4.1 Any enterprise with an annual **Total Revenue of R10 Million or less** qualifies as an Exempted Micro-Enterprise.
- 4.2 An Exempted Micro-Enterprise is deemed to have a B-BBEE Status of “**Level Four Contributor**” having a B-BBEE recognition level of **100%** under paragraph 8.2.
- 4.3 Enhanced B-BBEE recognition level for an Exempted Micro-Enterprise:
 - 4.3.1 Despite paragraphs 4.2 an EME which is **100% Black owned** qualifies for elevation to “**Level One Contributor**” having a B-BBEE recognition level of **135%**.
 - 4.3.2 Despite paragraph 4.2 and 4.3.1, an EME which is **at least 51% Black owned** qualifies for elevation to “**Level Two Contributor**” having a B-BBEE recognition level of **125%**.
- 4.4 Despite paragraphs 4.2 and 4.3, an EME is allowed to be measured in terms of the QSE scorecard should they wish to maximise their points and move to a higher B-BBEE recognition level.
- 4.5 An EME is **only required to obtain a sworn affidavit** on an annual basis, confirming the following:
 - 4.5.1 Annual Total Revenue of R10 million or less; and
 - 4.5.2 Level of Black ownership.
- 4.6 Any misrepresentation in terms of Para 4.5 above constitutes a criminal offence as set out in the B-BBEE Act as amended.

5. ELIGIBILITY AS A QUALIFYING SMALL ENTERPRISES (QSE)

- 5.1 A Measured Entity with an **annual Total Revenue of between R10 million and R50 million** qualifies as a Qualifying Small Enterprise.
- 5.2 A QSE must comply with all of the elements of B-BBEE for the purposes of measurement.
- 5.3 Enhanced B-BBEE recognition level for QSE:
 - 5.3.1 A Qualifying Small Enterprise which is **100% Black owned** qualifies for a **Level One B-BBEE** recognition level of **135%**.
 - 5.3.2 A QSE which is **at least 51% Black owned** qualifies for **Level Two B-BBEE** recognition level of **125%**.
 - 5.3.3 A QSE is **only required to obtain a sworn affidavit** on an annual basis, confirming the following:
 - 5.3.3.1 Annual Total Revenue of R50 million or less; and
 - 5.3.3.2 Level of Black ownership.
- 5.4 Any misrepresentation in terms of Para 5.3 above constitutes a criminal offence as set out in the B-BBEE Act as amended.

6. START-UP ENTERPRISES

- 6.1 Start-up Enterprise must be measured as an Exempted Micro-Enterprise under this statement *for the first year following their formation or incorporation*. This provision applies *regardless* of the expected *total revenue* of the Start-up Enterprise.
- 6.2 Start-up Enterprise is deemed to have the qualifying B-BBEE Status in accordance with the principles of paragraph 4 of this Statement.
- 6.3 In order to qualify as a Start-up Enterprise, the enterprise must provide an independent confirmation of its status in accordance with paragraph 4.5.
- 6.4 Despite paragraph 6.1 and 6.2, a Start-up Enterprise must submit a QSE scorecard when tendering for any contract, or seeking any other economic activity covered by Section 10 of the Act, with a value higher than R10 million but less than R50 million. For contracts of R50 million or more they should submit the Generic scorecard. The preparation of such scorecards must use annualised data.

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: = (maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted %
 ii) The name of the sub-contractor.....
 iii) The B-BBEE status level of the sub-contractor.....
 iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

- 8.1 Name of company/firm:
- 8.2 VAT registration number:
- 8.3 Company registration number:
- 8.4 TYPE OF COMPANY/ FIRM [TICK APPLICABLE BOX]

- Partnership/Joint Venture / Consortium
 One person business/sole propriety
 Close corporation
 Company
 (Pty) Limited

8.4 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....

8.6 COMPANY CLASSIFICATION [TICK APPLICABLE BOX]

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:

8.8 Total number of years the company/firm has been in business:.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

.....
SIGNATURE(S) OF BIDDERS(S)

WITNESSES

DATE:

ADDRESS

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1.

2.