

Reference: T16/4/R

TREASURY CIRCULAR MUN NO 40/2014

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THE HEAD OF SCM, CITY OF CAPE TOWN: MR L SHNAPS
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 THE HEAD: BRANCH GOVERNANCE AND ASSET MANAGEMENT (MR Z HOOSAIN)
 THE HEAD: PUBLIC POLICY SERVICES (MR H MALILA) (PRO TEM)
 THE HEAD: PROVINCIAL GOVERNMENT PUBLIC FINANCE (MS JD GANTANA)
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 THE CHIEF FINANCIAL OFFICER (MR A GILDENHUYS)
 THE HEAD: OFFICE OF THE FINANCE MINISTRY (ADV E PRETORIUS)
 THE SENIOR MANAGER: BUSINESS INFORMATION AND DATA MANAGEMENT (MR PP PIENAAR)
 THE SENIOR MANAGER: FINANCIAL GOVERNANCE (MR B VINK)
 THE SENIOR MANAGER: FISCAL POLICY (MR H MALILA) (PRO TEM)
 THE SENIOR MANAGER: INFRASTRUCTURE (MS JD GANTANA) (PRO TEM)
 THE SENIOR MANAGER: LOCAL GOVERNMENT ACCOUNTING (MS N OLIPHANT)
 THE SENIOR MANAGER: LOCAL GOVERNMENT BUDGET OFFICE (MR ML BOOYSEN)
 THE SENIOR MANAGER: LOCAL GOVERNMENT REVENUE AND EXPENDITURE (GROUP ONE) (MR F SABBAT)
 THE SENIOR MANAGER: LOCAL GOVERNMENT REVENUE AND EXPENDITURE (GROUP TWO) (MR M SIGABI)
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 THE SENIOR MANAGER: PROVINCIAL GOVERNMENT ACCOUNTING (MR A REDDY)
 THE SENIOR MANAGER: PROVINCIAL GOVERNMENT BUDGET OFFICE (MS M KORSTEN)
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 THE SENIOR MANAGER: STRATEGIC AND OPERATIONAL MANAGEMENT SUPPORT (MS A SMIT)
 THE SENIOR MANAGER: SUPPORTING AND INTERLINKED FINANCIAL SYSTEMS (MR A BASTIAANSE)

THE PROVINCIAL AUDITOR

MASTER RECORDS OFFICIAL: BUSINESS INFORMATION AND DATA MANAGEMENT

THE HEAD OF DEPARTMENT: LOCAL GOVERNMENT

THE HEAD OF DEPARTMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

THE CHIEF DIRECTOR: LOCAL GOVERNMENT BUDGET ANALYSIS – NATIONAL TREASURY (MR J HATTINGH)

THE CHIEF DIRECTOR: MFMA IMPLEMENTATION – NATIONAL TREASURY (MR TV PILLAY)

RE: INVITATION AND EVALUATION OF BIDS BASED ON A STIPULATED MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT FOR RESIDENTIAL ELECTRICITY METERS AND WORKING VESSELS (BOATS)

1. PURPOSE

- 1.1 The purpose of this Provincial Treasury Circular is to inform Municipalities and Municipal Entities regarding the National Treasury's Instruction Notes pertaining to the invitation and evaluation of bids relating to the designated sectors for local production and content.
- 1.2 The following National Treasury instruction notes which have been repealed and replaced are attached hereto marked as follows:
 - **Annexure A** – *Invitation and evaluation of bids on a stipulated minimum threshold for local production and content for **residential electricity meters**; and*
 - **Annexure B** - *Invitation and evaluation of bids on a stipulated minimum threshold for local production and content for **working vessels (boats)**.*

2. APPLICATION OF THE NATIONAL TREASURY INSTRUCTION NOTES

- 2.1 Municipalities and municipal entities are hereby informed when applying the above-mentioned instruction notes.

2.2 The Provincial Treasury is currently liaising with the National Treasury to determine whether or not the **(written price quotations and advertised competitive bids) in excess of R30 000.00 (all applicable taxes included)** threshold value applicable to all designated sectors. Municipalities and municipal entities will be informed in due course.

2.3 Nonetheless, cognisance must be taken that Provincial Treasury is currently dealing with all the issues which were raised during previous engagements with the Department of Trade and Industry (DTI), the National Treasury (NT), the Provincial Treasury (PT) and the South African Bureau of Standards (SABS) relating to the implementation of the local production and content and issues as outlined in paragraph 2.2.

3. **REQUEST**

3.1 The Accounting Officers of municipalities and municipal entities are hereby requested to disseminate the content of this Provincial Treasury Municipal Circular to the attention of all relevant officials within their institutions.

4. **NOTIFICATION TO THE AUDITOR-GENERAL**

4.1 A copy of this Provincial Treasury Municipal Circular will be forwarded to the Auditor-General for notification.

5. **CONTACT INFORMATION**

5.1 Any enquiries relating to local production and content and all required documentation to be submitted to the Department of Trade and Industry (DTI) as indicated in the Instruction Notes must be directed to:

The Department of Trade and Industry
Private Bag X84
Pretoria
0001

For attention:

Dr Tebogo Makube
Chief Director: Industrial Procurement
Industrial Development Division

Tel: (012) 394 3927

Fax: (012) 394 4927

Cell: 082 481 8173

E-mail: TMakube@thedti.gov.za

And

For attention:
Mr Abisho Tembo
Chief Director: Industrial Development Division
Textile, Clothing, Leather and Footwear
Tel: (012) 394 3717
Cell: 082 082 8899
Email: APTembo@thedti.gov.za

5.2 Any further enquiries may also be directed to the Provincial Treasury:

For attention:
Ms Letitia Sallies
MFMA Supply Chain Management Helpdesk
Western Cape Provincial Treasury
4 Dorp Street
Tower Block
Cape Town
8000
Tel: 021 483 3180
E-mail: SupplyChainManagement.HDMFMA@westerncape.gov.za

6. **EFFECTIVE DATE**

6.1 Municipalities and Municipal Entities are should take note that the Instruction Notes are applicable as from **21 August 2014 for both the** solar water components and rail rolling stock sector.

Your co-operation will be highly appreciated.

Kind regards



MR THEMBA RADEBE
DIRECTOR: LOCAL GOVERNMENT SUPPLY CHAIN MANAGEMENT
DATE: 13/08/2014



national treasury

Department:
National Treasury
REPUBLIC OF SOUTH AFRICA

Private Bag X115, Pretoria, 0001

**TO: ACCOUNTING OFFICERS OF ALL NATIONAL DEPARTMENTS AND
CONSTITUTIONAL INSTITUTIONS**

**ACCOUNTING OFFICERS OF ALL MUNICIPALITIES AND MUNICIPAL
ENTITIES**

ACCOUNTING AUTHORITIES OF ALL SCHEDULE 2 AND 3 PUBLIC ENTITIES

HEAD OFFICIALS OF PROVINCIAL TREASURIES

INVITATION AND EVALUATION OF BIDS BASED ON A STIPULATED MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT FOR THE RESIDENTIAL ELECTRICITY METERS

1. PURPOSE

- 1.1 The purpose of this instruction is to regulate the environment within which accounting officers (AOs) and accounting authorities (AAs) may procure **Residential Electricity Meters** which have been designated as products for local production and content.

2. BACKGROUND

- 2.1 The Preferential Procurement Regulations, 2011 ('the regulations') made in terms of section 5 of the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000) which came into effect on 7 December 2011 make provision for the Department of Trade and Industry (dti) to designate sectors in line with national development and industrial policies for local production.
- 2.2 Regulation 9 (1) of the Regulations prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 2.3 To this end, the dti has designated and determined the stipulated minimum threshold for the Residential Electricity Meters for local production and content.

3. SECTOR DESIGNATION

- 3.1 The stipulated minimum threshold for local production and content for Residential Electricity Meters is set as follows for the specific types of meters:

METER CATEGORY	LOCAL CONTENT THRESHOLD
Prepaid Electricity Meters	70%
Postpaid Electricity Meters	70%
SMART Meters	50%

- 3.2 The following manufacturing activities must be undertaken within the borders of the Republic of South Africa.

NO	COMPONENT / ACTIVITY
1	PC Board Sourcing
2	PC Board Population
3	Connecting Cables and cabling
4	Enclosures
5	Electronic Circuitry Design
6	Final Meter Assembly

- 3.3 The abovementioned components and activities which have been designated for local production and content must be included in bid invitations (noting that some of the electronic components are not manufactured locally).
- 3.4 **Only locally assembled** Residential Electricity Meters, complying with the activities specified in point (3.2) must be specified for local procurement by public procuring entities.
- 3.5 **Note:** Electronic Components that are intended for use in the local manufacturing of Residential Electricity Meters as described in 3.2 above are deemed as local. This is to encourage local manufacturers to seek the best globally competitive prices for non-designated components. The competitive imported electronic components used in the manufacture of Residential Electricity Meters will be deemed to have been sourced locally for the purposes of calculating local content.
- 3.6 If the quantity of materials and/or products required cannot be wholly sourced from South African (SA) based manufacturers and/or at the designated local content threshold at any particular time, bidders should obtain written exemption from the dti to supply the remaining portion at a lower local content threshold. The dti, in consultation with the procuring organ of state, will grant exemption on a case-by-case basis and will consider the following:
- required volumes in the particular bid;
 - available collective SA industry manufacturing capacity at that time;
 - delivery times;

- availability of input materials and components;
 - technical considerations including operating conditions; and
 - Materials
- 3.7 Bidders must clearly indicate in their bids the quantities of material and products to be supplied and the level of local content for each product.
- 3.8 Organs of state may contact the dti in instances where the stipulated minimum threshold for local content cannot be met in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.
- 3.9 For further information, bidders and procuring state organs may contact the Advanced Manufacturing Unit within the dti at telephone 012 394 1471/1152/ or email Nomfuneko Majaja: NMajaja@thedti.gov.za.
- 3.10 Bid specifications for the Residential Electricity Meters and components referred to above may be done in collaboration with the dti.

4. INVITATION OF BIDS FOR RESIDENTIAL ELECTRICITY METERS

4.1 Bids in respect of Residential Electricity Meters must contain a specific bidding condition that only locally produced or locally manufactured Residential Electricity Meters with a stipulated minimum threshold for local production and content will be considered.

4.2 AOs/AAs must stipulate in bid invitations that:

4.2.1 The exchange rate to be used for the calculation of local production and content must be the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid; and

4.2.2 Only the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 must be used to calculate local content.

4.3 The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the following formula which must be disclosed in the bid documentation:

$$LC = (1 - x/y) * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the SARB at 12:00 on the date of advertisement of the bid.

4.4 AOs/AAs must clearly stipulate in the bid documentation that the SABS approved technical specification number SATS 1286:2011 and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex

C)] are accessible to all potential bidders on the dti's official website http://www.thedti.gov.za/industrial_development/ip.jsp at no cost.

- 4.5 For the purpose of paragraphs 4.1, 4.2 and 4.3 above, the attached Declaration Certificates for Local Production and Content (SBD/MBD 6.2) must form part of the bid documentation. The SBD 6.2 is for use by all national and provincial departments, constitutional institutions and public entities listed in schedules 2, 3A, 3B, 3C and 3D to the Public Finance Management Act whilst the MBD 6.2 is for use by all municipalities and municipal entities to which the Municipal Finance Management Act (MFMA) apply.
- 4.6 AOs/AAs must stipulate in the bid documentation that:
- 4.6.1 The Declaration Certificate for Local Production and Content (SBD / MBD 6.2) together with the **Annex C (Local Content Declaration: Summary Schedule)** must be completed, duly signed and submitted by the bidder at the closing date and time of the bid; and
- 4.6.2 The rates of exchange quoted by the bidder in paragraph 4.1 of the Declaration Certificate will be verified for accuracy.

5. EVALUATION OF BIDS FOR RESIDENTIAL ELECTRICITY METERS

- 5.1 A two stage evaluation process may be followed to evaluate the bids received.
- 5.1.1 **First stage: Evaluation in terms of the stipulated minimum threshold for local production and content**
- (a) Bids must be evaluated in terms of the minimum threshold stipulated in the bid documents.
 - (b) The declaration made by the bidder in the Declaration Certificate for Local Content (SBD / MBD 6.2) and Annex C (Local Content Declaration: Summary Schedule) must be used for this purpose. If the bid is for more than one product, the local content percentages for each product contained in Declaration C must be used.
 - (c) The amendment of the stipulated minimum threshold for local production and content is not allowed.
 - (d) AOs / AAs must ensure that the Declaration Certificate for Local Content (SBD / MBD 6.2) and the Annex C (Local Content Declaration: Summary Schedule) referred to in paragraphs 4.6 above are submitted as part of the bid documentation.
 - (e) The dti has the right, as and when necessary, to request for auditors certificates confirming the authenticity of the declarations made in respect of local content.
 - (f) AOs / AAs must verify the accuracy of the rates of exchange quoted by the bidder in paragraph 4.1 of the Declaration Certificate for Local Content (SBD / MBD 6.2).

5.1.2 Second stage: Evaluation in terms of the 80/20 or 90/10 preference point systems

- (a) Only bids that achieve the minimum stipulated threshold for local production and content may be evaluated further. The evaluation must be done in accordance with the 80/20 or 90/10 preference point systems prescribed in Preferential Procurement Regulations, 2011.
- (b) AOs/AAs must ensure that contracts for the Residential Electricity Meters are awarded at prices that are market related taking into account, among others, benchmark prices, value for money and economies of scale.
- (c) Where appropriate, prices may be negotiated with short listed or preferred bidders. Such negotiations must not prejudice any other bidders.

5.2 Benchmark / market related prices

- 5.2.1 AOs/AAs are required to ensure that reasonable or market related prices are secured for the Residential Electricity Meters being procured, taking into account factors such as benchmark prices, value for money and economies of scale.
- 5.2.2 For this purpose, AOs/AAs may approach the dti to assist, where possible, with benchmark prices for the Residential Electricity Meters that have been designated for local production and content. The dti will be in a position to provide price references for the different products that have been designated for local production and content.

6. EVALUATION OF BIDS BASED ON FUNCTIONALITY

- 6.1 Whenever it is deemed necessary to evaluate bids on the basis of functionality, the prescripts contained in regulation 4 of the Preferential Procurement Regulations, 2011 and paragraphs 6 and 11 of the Implementation Guide must be followed.

7. POST AWARD AND REPORTING REQUIREMENTS

- 7.1. Once bids are awarded, the dti must be:
 - 7.1.1 Notified of all the successful bidders and the value of the contracts
 - 7.1.2 Provided with copies of the contracts, the SBD/MBD 6.2 Certificates together with the Declaration C submitted by the successful bidders.
- 7.2 The purpose of the requirements of paragraph 7.1 above is for the dti to among others conduct compliance audits with a view to monitor the implementation of the industrial development strategies.
- 7.3 Contractors must not be allowed to sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 7.4. Where, after the award of a bid, contractors experience challenges in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in

order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

8. CONTACT INFORMATION

8.1 Any enquiries in respect of Local Production and Content and all documents to be submitted to the dti must be directed as follows:

The Department of Trade and Industry
Private Bag X84
Pretoria
0001

For Attention: Dr Tebogo Makube
Chief Director: Industrial Procurement
Tel: (012) 394 3927
Fax: (012) 394 4927
EMAIL: TMakube@thedti.gov.za

9. APPLICABILITY

9.1 This instruction applies to all national and provincial departments, constitutional institutions, public entities listed in schedules 2 and 3 to the PFMA and municipalities and municipal entities to which the MFMA apply.

10. DISSEMINATION OF INFORMATION CONTAINED IN THIS INSTRUCTION

10.1 Heads of provincial treasuries are requested to bring the contents of this instruction to the attention of accounting officers and supply chain management officials of their respective provincial departments.

10.2 Accounting officers of national and provincial departments are requested to bring the contents of this instruction to the attention of accounting authorities and the supply chain management officials of Schedule 3A and 3C public entities reporting to their respective executive authorities.

10.3 Accounting officers of municipalities and municipal entities are requested to bring the contents of this instruction to the attention of the supply chain management officials of their municipalities and municipal entities.

10.4 Accounting authorities of Schedule 2, 3B and 3D public entities are requested to bring the contents of this instruction to the attention of the supply chain management officials of their public entities.

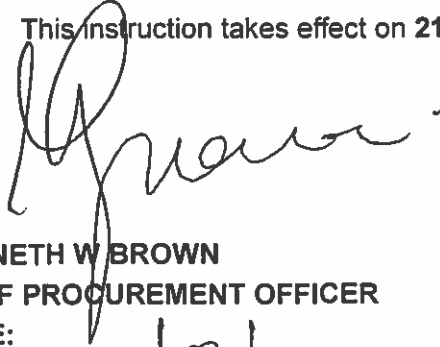
11. NOTIFICATION TO THE AUDITOR-GENERAL

11.1 A copy of this Instruction will be forwarded to the Auditor-General for notification.

12. AUTHORITY FOR THIS INSTRUCTION AND EFFECTIVE DATE

12.1 The Minister of Finance has approved the issuance of this instruction in terms of regulation 9(2) of the regulations.

12.2 This instruction takes effect on **21 August 2014**



**KENNETH W BROWN
CHIEF PROCUREMENT OFFICER
DATE:**

1/8/2014



national treasury

Department:
National Treasury
REPUBLIC OF SOUTH AFRICA

Private Bag X115, Pretoria, 0001

TO: ACCOUNTING OFFICERS OF ALL NATIONAL DEPARTMENTS AND CONSTITUTIONAL INSTITUTIONS

ACCOUNTING OFFICERS OF ALL MUNICIPALITIES AND MUNICIPAL ENTITIES

ACCOUNTING AUTHORITIES OF ALL SCHEDULE 2 AND 3 PUBLIC ENTITIES

HEAD OFFICIALS OF PROVINCIAL TREASURIES

INVITATION AND EVALUATION OF BIDS BASED ON A STIPULATED MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT FOR WORKING VESSELS (BOATS)

1. PURPOSE

- 1.1 The purpose of this instruction is to regulate the environment within which accounting officers (AOs) and accounting authorities (AAs) may procure **Working vessels (Boats)** which has been designated as a sector for local production and content.

2. BACKGROUND

- 2.1 The Preferential Procurement Regulations, 2011 ('the regulations') made in terms of section 5 of the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000) which came into effect on 7 December 2011 make provision for the Department of Trade and Industry (dti) to designate sectors in line with national development and industrial policies for local production.
- 2.2 Regulation 9 (1) of the Regulations prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 2.3 To this end, the dti has designated and determined the stipulated minimum threshold for the Working Vessels (Boats) for local production and content.

3. SECTOR DESIGNATION

3.1 The stipulated minimum threshold percentages for local production and content for working vessels (Boats) is 60 % for all types.

3.2 To ensure that local production and content is discharged on manufacturing activities, the following components which have been designated must be included in bid invitations:

Main Components	Sub-components	% of each component manufactured locally	Average LC in Main Components
Propellers		30%	30%
Navigational equipment	SART (Search and rescue transponder)	100%	0%
	Radar		
	*ECDIS (Electronic chart display information system)		
	*ECS (Electronic chart system),		
	*GPS (Global positioning system)		
	*EPIRB (Emergency position indicating radio beacon)		
	*GMDSS (Global Maritime Distress and Safety System)		
Navigational instruments	Barometer	20%	20%
	Dividers	20%	
	Various flags	20%	
	Binoculars	20%	
	Night vision glasses	20%	
	Navigational charts and publications	20%	
	Thermometer	20%	
	Anemometer	20%	
	Inclinometer	20%	
	Navigational signal lights	20%	
	Lamp	20%	
Pumps		30%	30%
Electronic control	Potentiometers	10%	10%
	Printed circuit boards	10%	
	Resistors	10%	

Main Components	Sub-components	% of each component manufactured locally	Average LC in Main Components
	Capacitors	10%	
	Bridge rectifiers	10%	
	DC voltage batteries.	10%	
Electrical 220-440v (Various cables ranging from low voltage DC to AC 440v cables of standard IP55 are used for connecting various consumables such as electrical motors to the electricity supply on-board a ship. Not all the cables can be sourced locally i.e. special cables such as fibre optic cables as well as intrigued cables used in the control of specialised systems)		30%	30%
Air compressors		30%	30%
Galley equipment	Stove - components manufactured locally	30%	55%
	Fridge - components locally such as heat exchangers, evaporator coils etc. Electrical components such as plugs and temperature control switch and door seals.	30%	
	Galley extraction and ventilation systems	100%	
	Dishwashers - of components manufactured locally	20%	
	Work tops etc.	100%	
	Deep fat fryer	30%	
	Griller	30%	
	Lights	100%	
Cabin outfitting		30%	30%
Specialist equipment, towing equipment etc.	Tow ropes	50%	35%
	Mooring Ropes	70%	

Main Components	Sub-components	% of each component manufactured locally	Average LC in Main Components
	Hydraulic towing winch	10%	
	Hydraulic Crane	10%	

*Note: asterisk represents non-designated sub-components

- 3.3 In the designation, imported input raw materials such as primary steel (unworked long and flat products straight from the mill), stainless steel, mild steel, Lloyds plate carbon steel, copper and aluminium used for fabrication of a working vessel (ship/boat) are deemed as locally manufactured input materials. This is to encourage local manufacturers to seek the best global competitive prices for primary materials.
- 3.4 The competitive imported primary steel used in the manufacture of ships/boats will be deemed to have been sourced locally for the purposes of calculating local content. However, aluminium, stainless steel, mild steel and Lloyds plate carbon steel should be imported in raw material form and further fabricated in South Africa.
- 3.5 Components such as main engines, generators, fuel purifiers and subcomponents of the navigational instruments (Electronic chart display information system; Electronic chart system; Global positioning system; Emergency position indicating radio beacon; Global Maritime Distress and Safety System) are hereby fully exempted and thus importation of the aforementioned components and subcomponents should be granted with an intention to review the exemption after 5 years.
- 3.6 If the quantity of materials and/or products required cannot be wholly sourced from South African based manufacturers and/or at the designated local content threshold at any particular time, bidders should obtain written exemption from the dti to supply the remaining portion at a lower local content threshold. The dti, in consultation with the procuring organ of state, will grant exemption on a case-by-case basis and will consider the following:
- required volumes in the particular bid;
 - available collective South African industry manufacturing capacity at that time;
 - delivery times;
 - availability of input materials and components;
 - technical considerations including operating conditions; and
 - materials
- 3.7 Bidders must clearly indicate in their bids the quantities of material and products to be supplied and the level of local content for each product.
- 3.8 Organs of state may contact the dti in instances where the stipulated minimum threshold for local content cannot be met in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

3.9 For further information, bidders and procuring state organs may contact the Industrial Policy Unit within the dti at telephone 012 394 1742/1374 or email Zukiswa Ncapayi: ZNcapayi@thedti.gov.za

3.10 Bid specifications for the sub-sectors referred to above may be done in collaboration with the dti.

4. INVITATION OF BIDS FOR WORKING VESSELS (BOATS)

4.1 Bids in respect of Working Vessels (Boats) must contain a specific bidding condition that only locally produced or locally manufactured Working Vessels with a stipulated minimum threshold for local production and content will be considered.

4.2 AOs/AAs must stipulate in bid invitations that:

4.2.1 The exchange rate to be used for the calculation of local production and content must be the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of the advertisement of the bid.

4.2.2 Only the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 must be used to calculate local content

4.3 The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the following formula which must be disclosed in the bid documentation:

$$LC = (1 - x/y) * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the SARB at 12:00 on the date of advertisement of the bid.

4.4 AOs/AAs must clearly stipulate in the bid documentation that the SABS approved technical specification number SATS 1286:2011 and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)] are accessible to all potential bidders on the dti's official website http://www.thedti.gov.za/industrial_development/ip.jsp at no cost.

4.5 For the purpose of paragraphs 4.1, 4.2 and 4.3 above, the attached Declaration Certificates for Local Production and Content (SBD/MBD 6.2) must form part of the bid documentation. The SBD 6.2 is for use by all national and provincial departments, constitutional institutions and public entities listed in schedules 2, 3A, 3B, 3C and 3D to the Public Finance Management Act whilst the MBD 6.2 is for use by all municipalities and municipal entities to which the Municipal Finance Management Act (MFMA) apply.

4.6 AOs/AAs must stipulate in the bid documentation that:

4.6.1 the Declaration Certificate for Local Production and Content (SBD / MBD 6.2) together with the Annex C (Local Content Declaration: Summary Schedule) must be completed, duly signed and submitted by the bidder at the closing date and time of the bid; and

4.6.2 the rates of exchange quoted by the bidder in paragraph 4.1 of the Declaration Certificate will be verified for accuracy.

5. EVALUATION OF BIDS FOR WORKING VESSELS

5.1 A two stage evaluation process may be followed to evaluate the bids received.

5.1.1 First stage: Evaluation in terms of the stipulated minimum threshold for local production and content

(a) Bids must be evaluated in terms of the minimum threshold stipulated in the bid documents.

(b) The declaration made by the bidder in the Declaration Certificate for Local Content (SBD / MBD 6.2) and Annex C (Local Content Declaration: Summary Schedule) must be used for this purpose. If the bid is for more than one product, the local content percentages for each product contained in Declaration C must be used.

(c) The amendment of the stipulated minimum threshold for local production and content is not allowed.

(d) AOs / AAs must ensure that the Declaration Certificate for Local Content (SBD / MBD 6.2) and the Annex C (Local Content Declaration: Summary Schedule) referred to in paragraphs 4.6 above are submitted as part of the bid documentation.

(e) The dti has the right, as and when necessary, to request for auditors certificates confirming the authenticity of the declarations made in respect of local content.

(f) AOs/ AAs must verify the accuracy of the rates of exchange quoted by the bidder in paragraph 4.1 of the Declaration Certificate for Local Content (SBD / MBD 6.2)

5.1.2 Second stage: Evaluation in terms of the 80/20 or 90/10 preference point systems

(a) Only bids that achieve the minimum stipulated threshold for local production and content may be evaluated further. Unless otherwise exempted by the Minister of Finance, the evaluation must be done in accordance with the 80/20 or 90/10 preference point systems prescribed in Preferential Procurement Regulations, 2011.

(b) AOs/AAs must ensure that contracts for Working Vessels / components are awarded at prices that are market related taking into account, among others, benchmark prices, value for money and economies of scale.

- (c) Where appropriate, prices may be negotiated with short listed or preferred bidders. Such negotiations must not prejudice any other bidders.

5.2 Benchmark / market related prices

5.2.1 AOs/AAs are required to ensure that reasonable or market related prices are secured for the Working Vessels / components being procured taking into account factors such as benchmark prices, value for money and economies of scale.

5.2.2 For this purpose, AOs/AAs may approach the dti to assist, where possible, with benchmark prices for the different classes and components of working vessels that have been designated for local production and content. The dti will be in a position to provide price references for the different products that have been designated for local production and content.

6. EVALUATION OF BIDS BASED ON FUNCTIONALITY

6.1 Whenever it is deemed necessary to evaluate bids on the basis of functionality, the prescripts contained in regulation 4 of the Preferential Procurement Regulations, 2011 and paragraphs 6 and 11 of the Implementation Guide must be followed.

7. POST AWARD AND REPORTING REQUIREMENTS

7.1 Once bids are awarded, the dti must be:

7.1.1 Notified of all the successful bidders and the value of the contracts; and

7.1.2 Provided with copies of the contracts, the SBD/MBD 6.2 Certificates together with the Declaration C submitted by the successful bidders.

7.2 The purpose of the requirements of paragraph 7.1 above is for the dti to among others conduct compliance audits with a view to monitor the implementation of the industrial development strategies.

7.3 Contractors must not be allowed to sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

7.4 Where, after the award of a bid, contractors experience challenges in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

8. CONTACT INFORMATION

8.1 Any enquiries in respect of Local Production and Content and all documents to be submitted to the dti must be directed as follows:

The Department of Trade and Industry
Private Bag X84
Pretoria
0001

For Attention:

Dr. Tebogo Makube
Chief Director: Industrial Procurement
Tel: (012) 394 3927
Fax: (012) 394 4927
EMAIL: TMakube@thedti.gov.za

9. APPLICABILITY

- 9.1 This instruction applies to all national and provincial departments, constitutional institutions, public entities listed in schedules 2 and 3 to the PFMA and municipalities and municipal entities to which the MFMA apply.

10. DISSEMINATION OF INFORMATION CONTAINED IN THIS INSTRUCTION

- 10.1 Heads of provincial treasuries are requested to bring the contents of this instruction to the attention of accounting officers and supply chain management officials of their respective provincial departments.
- 10.2 Accounting officers of national and provincial departments are requested to bring the contents of this instruction to the attention of accounting authorities and the supply chain management officials of Schedule 3A and 3C public entities reporting to their respective executive authorities.
- 10.3 Accounting officers of municipalities and municipal entities are requested to bring the contents of this instruction to the attention of the supply chain management officials of their municipalities and municipal entities.
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11. NOTIFICATION TO THE AUDITOR-GENERAL

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CHIEF PROCUREMENT OFFICER
DATE: 1/8/2014