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 BUS SECTOR

1. PURPOSE

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

2. BACKGROUND

2.1 The Preferential Procurement Regulations, 2011 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000 which came into effect on 7 December 2011 make provision for the 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 Bus sector for local production and content.

3. SECTOR DESIGNATION

3.1 The specifications and stipulated minimum threshold percentages and requirements for local production and content in respect of Bus / Bus body are as follows:
<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>4x2 Commuter Bus, 36 seater and more, 8500 kg GVM or more</td>
<td>80%</td>
</tr>
<tr>
<td>6x2 Commuter Bus, 56 seater and more, 18 000kg GVM or more</td>
<td>80%</td>
</tr>
<tr>
<td>4x2 City Bus, 21 seater or more, 8500 kg GVM or more</td>
<td>70%</td>
</tr>
<tr>
<td>6x2 City Bus, 50 seater or more, 18000 kg GVM or more</td>
<td>70%</td>
</tr>
<tr>
<td>6x2 Semi – luxury coach, 50 seater or more, 18000 kg GVM or more, dvd-player, parcel racks, luggage lockers, saloon heater, tinted windows and curtains, cloth seats</td>
<td>70%</td>
</tr>
</tbody>
</table>

**General Clause:**

Any other bus / bus body whether it be commuter, city or semi luxury coach not fitting a specific descriptions, whether of a monocoque structure or not, 80%

3.2 The chassis, engine and transmission must be assembled completely knocked down in South Africa. Hang-on parts (fuel tank, tyres, battery, wheel rims) for the chassis which could be localised should be bid specific.

3.3 The chassis, engine and transmission assemblies must comply with the CKD definition of the amended Note 5 as stipulated in Chapter 98 of the Customs and Excise Act, 1964.

4. **INVITATION OF BIDS FOR BUSES**

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

4.2 AOs/AAAs must stipulate in bid invitations that:

(i) 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.

(ii) 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:

\[ LC = (1 - \frac{x}{y}) \times 100 \]

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/AAAs 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/AAAs must stipulate in the bid documentation that:

(a) 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

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

4.7 Benchmark / market related prices

4.7.1 AOs/AAAs are required to ensure that reasonable or market related prices are secured for the Buses / Bus bodies being procured taking into account factors such as benchmark prices, value for money and economies of scale.

4.7.2 For this purpose, AOs/AAAs may approach the dti to assist, where possible, with benchmark prices for the different buses / Bus bodies 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.

4.8 Bid specifications for the sectors, sub-sectors or products referred to in paragraph 3 above and the price benchmarking referred to in paragraph 4.7 above must be done in collaboration with the dti. Contact information in this regard is provided in paragraph 8 below.

5. EVALUATION OF BIDS FOR BUSES

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
5.1.1.1 Bids must be evaluated in terms of the minimum threshold stipulated in the bid documents.

5.1.1.2 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.

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

5.1.1.4 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 (a) and (b) are submitted as part of the bid documentation.

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

5.1.1.6 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)

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

5.1.1.4 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.

5.1.2.2 AOs/AAAs must ensure that contracts for Buses are awarded at prices that are market related taking into account, among others, benchmark prices, value for money and economies of scale.

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

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:
   (i) notified of all the successful bidders and the value of the contracts; and
   (ii) 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 in respect of paragraph 7.1 above must be directed as follows:

The Department of Trade and Industry
Private Bag X84
Pretoria
0001

For Attention:

Mr 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 note 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 NOTE

10.1 Heads of provincial treasuries are requested to bring the contents of this instruction note 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 note 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 note 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 note 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 Note will be forwarded to the Auditor-General for notification.

12. **AUTHORITY FOR THIS INSTRUCTION NOTE AND EFFECTIVE DATE**

12.1 This instruction Note is issued in terms of regulation 9(2) of the Preferential Procurement Regulations, 2011 and takes effect on the date of issuance.

[Signature]

PRAVIN J GORDHAN
MINISTER OF FINANCE
DATE: 16-07-2011
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 CANNED OR PROCESSED VEGETABLES SECTOR

1. PURPOSE

1.1 The purpose of this instruction note is to regulate the environment within which accounting officers (AOs) and accounting authorities (AAs) may procure Canned or Processed Vegetables which have been designated as a sector for local production and content.

2. BACKGROUND

2.1 The Preferential Procurement Regulations, 2011 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000 which came into effect on 7 December 2011 make provision for the 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 Canned or Processed Vegetables sector for local production and content.

3. SECTOR DESIGNATION

3.1 The stipulated minimum threshold percentages for local production and content for the Canned or Processed Vegetable sector is 80%.
INVITATION OF BIDS FOR CANNED OR PROCESSED VEGETABLES

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

4.2 AOs/AAAs must stipulate in bid invitations that:

(i) 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.

(ii) 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:

\[ LC = (1 - x/y) \times 100 \]

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/AAAs 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.dti.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/AAAs must stipulate in the bid documentation that:

(a) 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
(b) the rates of exchange quoted by the bidder in paragraph 4.1 of the Declaration Certificate will be verified for accuracy.

4.7 **Benchmark / market related prices**

4.7.1 AOs/AAAs are required to ensure that reasonable or market related prices are secured for the Canned or Processed Vegetables, being procured taking into account factors such as benchmark prices, value for money and economies of scale.

4.7.2 For this purpose, AOs/AAAs may approach the dti to assist, where possible, with benchmark prices for the Canned or Processed Vegetables 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.

4.8. **Bid specifications for the canned or processed vegetables referred to in paragraph 3 above and the price benchmarking referred to in paragraph 4.7 above must be done in collaboration with the dti. Contact information in this regard is provided in paragraph 8 below.**

5. **EVALUATION OF BIDS FOR CANNED OR PROCESSED VEGETABLES**

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**

5.1.1.1 Bids must be evaluated in terms of the minimum threshold stipulated in the bid documents.

5.1.1.2 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.

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

5.1.1.4 AOs / AAAs 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 (a) and (b) are submitted as part of the bid documentation.

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

5.1.1.6 AOs / AAAs 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**

5.1.2.1 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.

5.1.2.2 AOs/AAAs must ensure that contracts for Canned or Processed Vegetables are awarded at prices that are market related taking into account, among others, benchmark prices, value for money and economies of scale.

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

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:
   (i) notified of all the successful bidders and the value of the contracts; and
   (ii) 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.

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For Attention:
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Tel: (012) 394 3927
Fax: (012) 394 4927
EMAIL: TMakube@thedti.gov.za
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10.2 Accounting officers of national and provincial departments are requested to bring the contents of this instruction note 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 note 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 note to the attention of the supply chain management officials of their public entities.

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

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12. **AUTHORITY FOR THIS INSTRUCTION NOTE AND EFFECTIVE DATE**

12.1 This instruction Note is issued in terms of regulation 9(2) of the Preferential Procurement Regulations, 2011 and takes effect on the date of issuance.

PRAVIN J GORDHAN  
**MINISTER OF FINANCE**  
DATE: 16-01-2012
INVITATION AND EVALUATION OF BIDS BASED ON A STIPULATED MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT FOR THE RAIL ROLLING STOCK SECTOR

1. PURPOSE

1.1 The purpose of this instruction note is to regulate the environment within which accounting officers (AOs) and accounting authorities (AAs) may procure Rail Rolling Stock which has been designated as a sector for local production and content.

2. BACKGROUND

2.1 The Preferential Procurement Regulations, 2011 pertaining to the Preferential Procurement Policy Framework Act, 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 Rail Rolling Stock sector for local production and content.

3. SECTOR DESIGNATION

3.1 The stipulated minimum threshold percentages for local production and content for the different classes of Rail Rolling Stock are as follows:
### Classes of Rail Rolling Stock

<table>
<thead>
<tr>
<th>Classes of Rail Rolling Stock</th>
<th>Stipulated minimum threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diesel locomotives</td>
<td>55%</td>
</tr>
<tr>
<td>Electric locomotives</td>
<td>60%</td>
</tr>
<tr>
<td>Electric Multiple Units (EMU)</td>
<td>65%</td>
</tr>
<tr>
<td>Wagons</td>
<td>80%</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>No</th>
<th>Component/Activity</th>
<th>% local content (3-5 years)</th>
<th>% local content (6 years and above)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Assembly of locomotives and EMU</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>2</td>
<td>Car body:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Car body shell</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>- Door system</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Windows</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Seats (for coach interior)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Lighting</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Grab pillars and rails</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Interior gladding</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Cable and wire</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Safety equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Pipe works and ducts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Bogie:</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>- Bogie frame</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Motor suspension unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Wheel sets and wheel components</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Axle and axle boxes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Bearings</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Bolster</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Coupling equipment</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>- Coupler body</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Coupler hook</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Yoke</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Pin</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Draft-gear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Suspension</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>- Shock absorbers and dampers</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Springs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Heat, Ventilation and Air Conditioning</td>
<td>60%</td>
<td>70%</td>
</tr>
<tr>
<td></td>
<td>- Fabrication</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Power Coating</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Heat Exchangers</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. **INVITATION OF BIDS FOR RAIL ROLLING STOCK**

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

4.2 AOs/AAAs must stipulate in bid invitations that:

(i) 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.

(ii) 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:

$$LC = (1 - \frac{x}{y}) \times 100$$

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/AAAs 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/p.asp](http://www.thedti.gov.za/Industrial development/p.asp) 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/AAAs must stipulate in the bid documentation that:

(a) 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

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

4.7 Benchmark / market related prices

4.7.1 AOs/AAAs are required to ensure that reasonable or market related prices are secured for the Rail Rolling Stock / components being procured taking into account factors such as benchmark prices, value for money and economies of scale.

4.7.2 For this purpose, AOs/AAAs may approach the dti to assist, where possible, with benchmark prices for the different classes and components of Rail Rolling Stock 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.

4.8 Bid specifications for the sectors, sub-sectors or products referred to in paragraph 3 above and the price benchmarking referred to in paragraph 4.7 above must be done in collaboration with the dti. Contact information in this regard is provided in paragraph 8 below.

5. EVALUATION OF BIDS FOR RAIL ROLLING STOCK

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

5.1.1.1 Bids must be evaluated in terms of the minimum threshold stipulated in the bid documents.

5.1.1.2 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.

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

5.1.1.4 AOs / AAAs 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 (a) and (b) are submitted as part of the bid documentation.
5.1.1.5 The dti has the right to, as and when necessary, request for auditors certificates confirming the authenticity of the declarations made in respect of local content.

5.1.1.6 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

5.1.2.1 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.

5.1.2.2 AOs/AAAs must ensure that contracts for Rail Rolling Stock / components are awarded at prices that are market related taking into account, among others, benchmark prices, value for money and economies of scale.

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

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:
   (i) notified of all the successful bidders and the value of the contracts; and
   (ii) 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 in respect of paragraph 7.1 above must be directed as follows:
The Department of Trade and Industry  
Private Bag X84  
Pretoria  
0001  

For Attention:  

Mr 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 note 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 NOTE  

10.1 Heads of provincial treasuries are requested to bring the contents of this instruction note 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 note 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 note 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 note 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 Note will be forwarded to the Auditor-General for notification.
12. AUTHORITY FOR THIS INSTRUCTION NOTE AND EFFECTIVE DATE

12.1 This instruction Note is issued in terms of regulation 9(2) of the Preferential Procurement Regulations, 2011 and takes effect on the date of issuance.

PRAVIN J GORDHAN
MINISTER OF FINANCE
DATE: 16-07-2012
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 STEEL POWER PYLONS SECTOR

1. PURPOSE

1.1 The purpose of this instruction note is to regulate the environment within which accounting officers (AOs) and accounting authorities (AAs) may procure steel power pylons which have been designated as a sector for local production and content.

2. BACKGROUND

2.1 The Preferential Procurement Regulations, 2011 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000 which came into effect on 7 December 2011 make provision for the 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 Steel Power Pylons sector for local production and content.
3. SECTOR DESIGNATION

3.1 The stipulated minimum threshold percentages for local production and content for the Steel Power Pylons and substation structures sector is 100%.

3.2 The structures are classified under the harmonization system as follows:

- H730890
- H730820

3.3 Excluded in the designation are mainly primary steel products (i.e. hot rolled profiles and channels, ex-mill) used for fabrication of power-line and sub-station structures. This is to encourage local fabricators to seek the best global competitive prices for primary materials hence the competitive imported primary steel used in the manufacture of fabricated power pylons and substation structures will be deemed to have been sourced locally for the purposes of calculating local content. Only locally manufactured steel power pylons and substation structures should be used for the construction of power lines and substations.

4. INVITATION OF BIDS FOR STEEL POWER PYLONS

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

4.2 AOs/AAAs must stipulate in bid invitations that:

(i) 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.

(ii) 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:

\[ LC = (1 - \frac{x}{y}) \times 100 \]

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/AAAs 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/AAAs must stipulate in the bid documentation that:

(a) 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

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

4.7 Benchmark / market related prices

4.7.1 AOs/AAAs are required to ensure that reasonable or market related prices are secured for the Steel Power Pylons being procured taking into account factors such as benchmark prices, value for money and economies of scale.

4.7.2 For this purpose, AOs/AAAs may approach the dti to assist, where possible, with benchmark prices for the Steel Power Pylons and substations 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.

4.8. Bid specifications for the structures referred to in paragraph 3 above and the price benchmarking referred to in paragraph 4.7 above must be done in collaboration with the dti. Contact information in this regard is provided in paragraph 8 below.

5. EVALUATION OF BIDS FOR STEEL POWER PYLONS

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

5.1.1.1 Bids must be evaluated in terms of the minimum threshold stipulated in the bid documents.
5.1.1.2 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.

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

5.1.1.4 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 (a) and (b) are submitted as part of the bid documentation.

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

5.1.1.6 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

5.1.2.1 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.

5.1.2.2 AOs/AAAs must ensure that contracts for Steel Power Pylons are awarded at prices that are market related taking into account, among others, benchmark prices, value for money and economies of scale.

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

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:
   (i) notified of all the successful bidders and the value of the contracts; and
   (ii) 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 in respect of paragraph 7.1 above must be directed as follows:

The Department of Trade and Industry
Private Bag X84
Pretoria
0001

For Attention:

Mr 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 note 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 NOTE

10.1 Heads of provincial treasuries are requested to bring the contents of this instruction note 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 note 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 note 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 note 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 Note will be forwarded to the Auditor-General for notification.

12. AUTHORITY FOR THIS INSTRUCTION NOTE AND EFFECTIVE DATE

12.1 This instruction Note is issued in terms of regulation 9(2) of the Preferential Procurement Regulations, 2011 and takes effect on the date of issuance.

[Signature]

PRAVIN J GORDHAN
MINISTER OF FINANCE
DATE: 16-07-2011
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 TEXTILE, CLOTHING, LEATHER AND FOOTWEAR SECTOR

1. PURPOSE

1.1 The purpose of this instruction note is to regulate the environment within which accounting officers (AOs) and accounting authorities (AAs) may procure Textiles, Clothing, Leather and Footwear which have been designated as a sector for local production and content.

2. BACKGROUND

2.1 The Preferential Procurement Regulations, 2011 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000 which came into effect on 7 December 2011 make provision for the 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 Textiles, Clothing, Leather and Footwear sector for local production and content.

3. SECTOR DESIGNATION

3.1 The stipulated minimum threshold percentages for local production and content for the Textiles, Clothing, Leather and Footwear sector is 100%.
3.2. The Designation constitutes sub-sectors from the following (Standardised Industry Classifications) SIC Codes:

<table>
<thead>
<tr>
<th>SIC CODE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>31111</td>
<td>Preparatory activities in respect of animal fibres, including washing,</td>
</tr>
<tr>
<td></td>
<td>combing and carding of wool.</td>
</tr>
<tr>
<td>31112</td>
<td>Prep activities for vegetable fibres</td>
</tr>
<tr>
<td>31113</td>
<td>Spin, weave and finishing of yarns and fabrics of wool</td>
</tr>
<tr>
<td>31114</td>
<td>Spin, weave and finishing of yarns and fabrics of vegetable fibres</td>
</tr>
<tr>
<td>31120</td>
<td>Finishing of textiles.</td>
</tr>
<tr>
<td>31210</td>
<td>Manufacture of made-up textiles articles, except apparel.</td>
</tr>
<tr>
<td>31211</td>
<td>Manufacture of blankets etc</td>
</tr>
<tr>
<td>31212</td>
<td>Manufacture of tents, tarpaulins, etc</td>
</tr>
<tr>
<td>31213</td>
<td>Manufacture of automotive textile goods</td>
</tr>
<tr>
<td>31214</td>
<td>Manufacture of made-up textiles articles and fibres except apparel.</td>
</tr>
<tr>
<td>31219</td>
<td>Manufacture of other textile articles</td>
</tr>
<tr>
<td>31220</td>
<td>Manufacture of carpets, rugs and mats.</td>
</tr>
<tr>
<td>31230</td>
<td>Manufacture of cordage, rope, twine and netting.</td>
</tr>
<tr>
<td>31231</td>
<td>Curtaining excluding where the core business is upholstery or furniture.</td>
</tr>
<tr>
<td>31290</td>
<td>Manufacture of other textiles.</td>
</tr>
<tr>
<td>31291</td>
<td>Manufacture of textiles, clothing, leather goods and other textiles.</td>
</tr>
<tr>
<td>31292</td>
<td>Fashion clothing, textiles and footwear manufacture and design.</td>
</tr>
<tr>
<td>31300</td>
<td>Manufacture of knitted and crocheted fabrics and articles.</td>
</tr>
<tr>
<td>31301</td>
<td>Garment &amp; hosiery knitting mills</td>
</tr>
<tr>
<td>31309</td>
<td>Other knitting mills</td>
</tr>
<tr>
<td>31400</td>
<td>Manufacture of wearing apparel, except fur apparel.</td>
</tr>
<tr>
<td>31401</td>
<td>Manufacture of men's &amp; boys' clothing</td>
</tr>
<tr>
<td>31402</td>
<td>Manufacture of women's &amp; girls' clothing</td>
</tr>
<tr>
<td>31403</td>
<td>Bespoke tailoring</td>
</tr>
<tr>
<td>31404</td>
<td>Manufacture of hats etc</td>
</tr>
<tr>
<td>31500</td>
<td>Dressing and dyeing of fur; manufacture of artificial fur, fur apparel and</td>
</tr>
<tr>
<td></td>
<td>other art.</td>
</tr>
<tr>
<td>31610</td>
<td>Tanning and dressing of leather.</td>
</tr>
<tr>
<td>31620</td>
<td>Manufacture of luggage, handbags and the like, saddlery and harness.</td>
</tr>
<tr>
<td>31621</td>
<td>Manufacture of travel goods</td>
</tr>
</tbody>
</table>
4. INVITATION OF BIDS FOR THE TEXTILE, CLOTHING, LEATHER AND FOOTWEAR SECTOR

4.1 Bids in respect of Textiles, Clothing, Leather and Footwear must contain a specific bidding condition that:

- only locally produced or locally manufactured Textiles, Clothing, Leather and Footwear from local raw material or input will be considered.
- If the raw material or input to be used for a specific item is not available locally, bidders should obtain written authorisation from the dti should there be a need to import such raw material or input; and
- A copy of the authorisation letter must be submitted together with the bid document at the closing date and time of the bid. For further information, bidders may contact the Clothing, Textile, Footwear and Leather Unit within the dti at telephone 012 394 3717/1390.

4.2 AOs/AAAs must stipulate in bid invitations that:

(i) 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.

(ii) 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:

$$LC = (1 - \frac{x}{y}) \times 100$$

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/AAAs 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.
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.

AOs/AAs must stipulate in the bid documentation that:

(a) 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

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

Benchmark / market related prices

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

For this purpose, AOs/AAs may approach the dti to assist, where possible, with benchmark prices for the Textiles, Clothing, Leather and Footwear 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.

Bid specifications for the sectors, sub-sectors or products referred to in paragraph 3 above and the price benchmarking referred to in paragraph 4.7 above must be done in collaboration with the dti. Contact information in this regard is provided in paragraph 8 below.

EVALUATION OF BIDS FOR TEXTILES, CLOTHING, LEATHER AND FOOTWEAR

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

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

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

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

5.1.1.4 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 (a) and (b) are submitted as part of the bid documentation.

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

5.1.1.6 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

5.1.2.1 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.

5.1.2.2 AOs/AAAs must ensure that contracts for Textiles, Clothing, Leather and Footwear are awarded at prices that are market related taking into account, among others, benchmark prices, value for money and economies of scale.

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

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:
(i) notified of all the successful bidders and the value of the contracts; and
(ii) 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 in respect of paragraph 7.1 above must be directed as follows:

The Department of Trade and Industry
Private Bag X84
Pretoria
0001

For Attention:

Mr 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 note 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 NOTE

10.1 Heads of provincial treasuries are requested to bring the contents of this instruction note 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 note 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 note 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 note 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 Note will be forwarded to the Auditor-General for notification.
12. AUTHORITY FOR THIS INSTRUCTION NOTE AND EFFECTIVE DATE

12.1 This instruction Note is issued in terms of regulation 9(2) of the Preferential Procurement Regulations, 2011 and takes effect on the date of issuance.

PRAVIN J GORDHAN
MINISTER OF FINANCE
DATE: 16-07-2012