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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NO. R. 91****12 February 2021**

I, Ebrahim Patel, Minister of Trade, Industry and Competition, by virtue of the powers vested in me in terms of section 9 (6) and 10(2) of the Broad-Based Black Economic Empowerment Act, 2003 (B-BBEE Act No. 53 of 2003) as amended by B-BBEE Amendment Act No.46 of 2013 ('the Act'), hereby publish a General Notice granting the Department of Mineral Resources and Energy ('DMRE') permission to specify qualification criteria for procurement and other economic, which—

- (a) exceed those found in a relevant code of good practice in terms of section 9(6); and/or
- (b) Deviate, in terms of section 10(2), from the requirements contained in the relevant code of good practice

for its Risk Mitigation Independent Power Producer Procurement Programme ('RMIPPPP').

1 General

- 1.1** The RMIPPPP satisfies the requirements of Section 10 of the Act as it applies a relevant Code of Good Practice issued in terms of the Act.
- 1.2** The DMRE, in its written application to specify qualification criteria for the RMIPPPP and deviate from the relevant code of good practice, has demonstrated how doing so continues to promote the objectives of the B-BBEE Act specifically and transformation in general.
- 1.3** I am satisfied that the application meets the requirements set out in section 9(6) and 10(2) of the Act respectively, and permission is therefore granted to the DMRE to specify qualification criteria covered by their application for the Risk Mitigation Independent Power Producer Procurement Programme, Tender No: DMRE001/2020/21 only.
- 1.4** The permission to specify qualification criteria, provided for above, is granted for the duration of the RMIPPPP or a 10-year period, whichever is shorter.
- 1.5** The permission for the deviation is subject to the following conditions:
 - 1.5.1** The Department of Mineral Resources and Energy should favour bids that exceed the baseline in respect of local content and job creation,

particularly where designated groups will benefit through jobs, management positions, and procurement spending;

- 1.5.2** Job creation targets should be improved upon from existing requirements where South African skills are available; and
- 1.5.3** Local content requirements in respect of operations should be set wherever the technologies are available locally.



EBRAHIM PATEL
MINISTER OF TRADE, INDUSTRY AND COMPETITION
DATE: 11 FEBRUARY 2021

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