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B-BBEE COMMISSION
a member of the dti group

IKHOMISHANI YOKULAWULWA KOKUHLONYISWA OKUBANZI KWEZOMNOTHO KWABANTU ABAMNYAMA

ISAZISO ESICHAZAYO SESI-02 SONYAKA WE-2024

ISETHULO SEMIBHALO EKUBHALISWENI KOMSEBENZI OMKHULU WE-B-BBEE

A. Isingeniso

1. IKhomishana Yokuhlonyiswa Okubanzi Kwezomnotho Kwabantu Abamnyama ("iKhomishani") iwuhlaka olusungulwe uMthetho Wokuhlonyiswa Okubanzi Kwezomnotho Kwabantu Abamnyama wama-53 wonyaka we-2003 njengoba uchitshiyelwe uMthetho wama-46 wonyaka we-2013 ("uMthetho"), ukuze wengamele ukusetshenziswa koMthetho, okubandakanya ukuhlinzekwa kwezaziso ezichazayo ezichaza izinqubo zoMthetho zokuqondisa umphakathi.

2. Isahluko se-13F(1)(f) soMthetho sidinga ukuthi iKhomishana ye-B-BBEE igcine ukubhaliswa kwemisebenzi emikhulu yokuHlonyiswa Okubanzi Kwabamnyama Kwezomnotho ("iKhomishana ye-B-BBEE"). Umsebenzi omkhulu we-B-BBEE usho ukuthengiselana okufanele ubhaliswe kwiKhomishana ngokwesahluko se-13F(1)(f) soMthetho, ngaphezu komkhawulo onqunywe uNgqongqoshe Wezohwebo, Izimboni Nokuncintisana ("uNgqongqoshe") kwiGazethi. ISimiso se-18 eNgxenyeni yesi-5 yeZimiso ze-B-BBEE zonyaka we-2016 sibeka inqubo yokubhaliswa komsebenzi oMkhulu we-B-BBEE transaction.

3. Inzuzo enkulu yokubhaliswa kwemisebenzi emikhulu ye-B-BBEE ukuvumela ukuqapha ukuthotshelwa kobunikazi be-B-BBEE, amazinga oshintsho kanye nezinga lokuthi imihlomulo yemisebenzi eMikhulu ye-B-BBEE igelezela kangakanani kubantu abamnyama abayingxenye yalezi zivumelwano ngokuthotshelwa kwezinhloso zoMthetho we-B-BBEE.

4. Lesi Saziso Esichazayo sikhishwe ngokwesahluko sesi-13F(3)(b)(i) soMthetho ukuze kuqondiswe izinhlangothi/izinhlangano maqondana nenqubo kanye nemibhalo

okufanele ihanjiswe ekubhaliseni umsebenzi omkhulu we-B-BBEE ukuze kuthotshelwe izidingo zoMthetho we-B-BBEE, okubandakanya isimiso se-18 seZimiso ze-B-BBEE zonyaka we-2016.

5. Lesi Saziso Esichazayo sithatha indawo yeSaziso Esichazayo soku-01 sonyaka we-2017 esiqala ukusebenza kusukela ngosuku esikhishwe ngalo.

B. YINI UMSEBENZI OMKHULU WE-B-BBEE?

6. Mhla zi-9 Juni 2017, uNgqongqoshe wakhipha iSaziso esinguNombolo 551 kwiGazethi Kahulumeni engunombolo 40898 ("iSaziso") esinquma umkhawulo wokubhaliswa komsebenzi oMkhulu we-B-BBEE.

7. 'NgokweSaziso, umsebenzi oMkhulu we-B-BBEE usho nanoma yimuphi umsebenzi ngokokulandelana kwe-Code Series 100 (kubandakanya iSitatimende 102) okuyinani lomsebenzi elilingana noma elidlula izigidi ezingamashumi amabili nanhlanu zamarandi (R25 million). Inani lomkhawulo lisuselwa enanini lomsebenzi ngaphandle kwezimali zokuphatha, zobungcweti nezomthetho. NgeSitatimende 102, inani lomsebenzi lisho inani lokuthengiswa kwempahla/ithuluzi lebhizinisi/lamasheya.

8. Umsebenzi oMkhulu we-B-BBEE awubandakanyi umsebenzi oqalwe ngokweSitatimende 103 esiphathelene nokwamukelwa kohlelo lokutshala imali lwamasheya ezinkampanini zamazwe ngamazwe.

C. Ubani okufanele abhalise umsebenzi oMkhulu we-B-BBEEE?

9. Ngokwesimiso se-18 seZimiso ze-B-BBEE zonyaka we-2016, izinhlangothi/izinhlaka ezingena emsebenzini oMkhulu we-B-BBEE ongaphezu komkhawulo onqunywe uNgqongqoshe kwiGazethi, kungakapheli izinsuku eziyishumi nanhlanu (15) zokuphothula umsebenzi oMkhulu we-B-BBEE, zithumele umsebenzi oMkhulu we-B-BBEE kuKhomishana ngokuthobela isahluko se-13F(1)(f) soMthetho.

10. Ukunqunywa kwezinsuku eziyi-15 ngemuva kokuba izinhlangothi zisayine zonke izivumelwano ezibusayo zomsebenzi, kungakhathaliseki ukuthi imibandela ethile ehambisana noma engahambisani nezimo zomsebenzi igcwalisekile noma cha. Kodwa-ke, uma ngabe umsebenzi ungenziwanga ngenxa yokungafezwa kwemibandela ebekiwe, izinhlangothi/izinhlangano ezithumele umsebenzi ukuze ubhaliswe zifanele zazise iKhomishani ngokubhalwe phansi mayelana nesimo somsebenzi.

11. Izinhlangothi/izinhlangano eziningi ezithikile emsebenzini oMkhulu we-B-BBEE zifanele zibhalise umsebenzi ngokuhlanganyela kwiKhomishana, ukuze kugwenywe ukubhaliswa okuphindaphindayo komsebenzi oMkhulu ofanayo we-B-BBEE yizinhlangothi/izinhlangano ezibandakanyeka ngokwehlukana.

12. Ikhomishana izokwamukela ukubhaliswa komsebenzi oMkhulu we-B-BBEE yinoma yiziphi izinhlangothi/izinkampani ezithintekayo ngencwadi egunyazwa ezinye izinhlangothi/izinhlangano njengobufakazi bokugunyazwa ukubhaliswa komsebenzi egameni leqoqo.

13. Lapho inani lomsebenzi lingaphansi kwezigidi ezingama-25 zamRandi futhi izinhlangothi/izinhlangano ngokuzithandela zifuna ukubhalisa lowo msebenzi ukuze kuvunyelwe iKhomishana ifeze ukugunyazwa kwayo ngokwesahluko se-13F(1)(a) soMthetho, inqubo echazwe kulesi Saziso Esichazwayo esifundwa nesimiso se-18 seZimiso ze-B-BBEE zonyaka we-2016 izosetshenziswa.

D. Yimiphi imibhalo edingekayo ekubhaliseni umsebenzi oMkukhulu we-B-BBEE?

14. Izinhlangothi/izinhlangano ezithumela umsebenzi oMkhulu we-B-BBEE kwiKhomishana ye-B-BBEE ukuze ubhaliswe zifanele zigcwalise futhi zilethe IFOMU B-BBEE 18 njengoba kumisiwe.

15. Izinhlangothi/izinhlangano eziletha umsebeni ukuze ubhaliswe zifanele zihambisane nesimiswana sesi-8(4) seZimiso ze-B-BBEE zonyaka we-2016 ziqinisekise ukuthi zifaka kwiKhoishani igama elisemthethweni, ikheli lensizakalo, inombolo yocingo, ikheli le-imeyili, inombolo yefeksi, futhi uma umuntu engeyena umuntu oyedwa, igama lomuntu ogunyazwe ukubhekana neKhomishini ngalolu daba.

16. ISaziso sishilo ukuthi izinhlangothi/izinhlangano zifanele zilethe imibhalo yokubhaliswa kwemibhalo yomsebenzi oMkhulu we-B-BBEE ngokuhambisana nezidingo zeKhomishana ye-B-BBEE. Ngakho-ke iKhomishana idinga ukuthi le mibhalo elandelayo ilethwe ngoFOMU B-BBEE 18 ekubhalisweni komsebenzi oMkhulu we-B-BBEE:

    16.1 Incwadi egunyazayo noma noma ibuphi ubufakazi obufanayo bokuthi uhlangothi/inhlangano ebhalisa umsebenzi oMkhulu we-B-BBEE igunyazwe ngezinye izinhlangothi/izinhlangano ukuba ibhalise umsebenzi oMkhulu we-B-BBEE ibhalisela iqoqo;

16.2 Incazelo emfushane yomsebenzi oMkhulu we-B-BBEE;

16.3 Ikhophi yeSivumelwano Sokuthengisa esayiniwe, noma isivumelwano esifanayo sokudlulisa kwamasheya/inzalo/izimpahla/ibhizinisi, njengoba kungenzeka, ukususka kolunye uhlangothi/inhlangano ukuya kwenye;

16.4 Ikhophi yeSivumelwano Sabanikazi Bamasheya esayiniwe, noma isivumelwano esifanayo esilawula ubudlelwano phakathi kwabanikazi abanentshisekelo, maqondana nomsebenzi oMkhulu we-B-BBEE;

16.5 Ikhophi yamatayitela ethrasti asayiniwe, uma isakhiwo sobunikazi bomsebenzi oMkhulu we-B-BBEE sibandakanya ithrasti;

16.6 Ikhophi esayiniwe yesivumelwano sezimali esihlobene nomsebenzi, kungakhathaliseki ukuthi umthengisi uxhasiwe yini ngezimali noma cha;

16.7 Ikhophi yombiko wokulinganisa olungiselelwe inhloso yokunquma inani lomsebenzi oMkhulu we-B-BBEE;

16.8 Ikhophi yoMdwebo Wohlelo lobunikazi ngaphambi nangemuva kokuphothulwa komsebenzi oMkhulu we-B-BBEE, okubandakanya nokuhlukaniswa okuphelele kobunikazi bezinhangothi/bezinhlangano ezifaka isandla ekuqashelweni kobunikazi babantu abamnyama;

16.9 Uhlu lwabanikazi bamasheya benhlangano elilinganisiwe ngemuva kokuphothulwa komsebenzi oMkhulu we-B-BBEE, olubonisa iphesenti lomninimasheya ngamunye, isigaba samasheya, futhi olubonisa ngokucacile abaninimasheya abamnyama ohlwini;

16.10 Ikhophi yesitifiketi esisebenzayo se-B-BBEE noma i-Afidavithi Efungelwe ye-B-BBEE, njengoba kungenzeka, yenhlangano ethintekayo elinganisiwe ethintekay emsebenzini oMkhulu we-B-BBEE;

16.11 Nanoma yimuphi umbhalo izinhlangothi/izinhlangano eziwubona ufanelekile emsebenzini; futhi

16.12 Lapho umbhalo oshiwo ngenhla ungasebenzi emsebenzini oMkhulu we-B-BBEE, izinhlangothi/izinhlangano kudingeka zisho kanjalo ngokubhalwe phansi njengengxenye yencazelo emfushane yalokho okwenziwayo.

17. Yonke le mibhalo eshiwo ngenhla ifanele ilethwe ukuze isitifiketi sokubhaliswa sikhishwe yiKhomishana.

18. Izinhlangothi/izinhlangano ezibhalisa umsebenzi oMkhulu we-B-BBEE zifanele zithumelaimininingwane kwiKhomishani ngokusebenzisa izindlela ezingezansi.

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E. Izikhathi ezimisiwe zokucubungula nokubhaliswa komsebenzi oMkhulu we-B-BBEEE

19. Uma imibhalo yokubhaliswa komsebenzi Omkhulu we-B-BBEE isitholiwe, iKhomishana izovuma isicelo kungakapheli izinsuku ezinhlanu (5) bese ikhipha inombolo yefayela iyise kumuntu ofake umsebenzi ngokuhambelana nesimiso sesi-8 seZimiso ze-B-BBEE zonyaka we-2016, futhi konke ukuxhuamana okulandelayo mayelana nalolu daba kufanele kuphawulwe ngenombolo yefayela enikeziwe.

20. IKhomishana ye-B-BBEE izoqhubeka nokukhipha isitifiketi sokubhaliswa (IFOMU B-BBEE 19) isinike izinhlangothi/izinhlangano ezilethe umsbenzi ukuze ubhaliswe kungakapheli izinsuku eziyishumi (10) inqobo nje uma izidingo zokubhaliswa zifeziwe.

21. Lapho izinhlangothi/izinhlangano ezilethe imininingwane engaphelele ukuze kubhaliswe umsebenzi oMkhulu we-B-BBEE, iKhomishana kulandela ukuvunywa komsebenzi izokwazisa izinhlangothi/izinhlangano ngalokho, futhi izinikeze izinsuku ezinhlanu (5) zokuletha imininingwane esasele, uma kungenjalo ukubhaliswa okwenziwe kuyonqatshwa ngokubhalwe phansi.

22. IKhomishani ifanele yaziswe nganoma yiluphi ushintsho olubalulekile engxenyeni yesici se-B-BBEEE senhlangano olwenzeka ngemuva kokubhaliswa komsebenzi oMkhulu

we-B-BBEE, uma lolo shintsho olubalulekile luhlangabezana nomkhawulo wokubhaliswa komsebenzi oMkhulu we-B-BEE.

23. Uhlu lwemisebenzi emikhulu ebhalisiwe ye-B-BBEE nalo luzoshicilelwa kuwebhusayithi yeKhomishani ngezikhathi ezithile, ngaphandle kokwephula uhlobo lobumfihlo bolwazi olulethwe izinhlangothi/izinhlangano.

F. Ikleyimu yobumfihlo

24. Izinhlangothi/izinhlangano ezihlinzeka ngolwazi lokubhalisa umsebenzi oMkhulu we-B-BBEE zingahle zicele iKhomishani ukuthi iphathe lolo lwazi lonke noma ingxenye njengolwazi oluyimfihlo ngokuhambisana nezidingo zesahluko se-13L(1)-(3) soMthetho, esifundwa nesimiswana se-13(1)(a) kanye no-(c)(ii) seZimiso ze-B-BBEE zonyaka we-2016.

G. Ukukhokhiswa Kwezimali

25. Ngokwesimiswana sesi-9(2) seZimiso ze-B-BBEE zonyaka we-2016, iKhomishana ye-B-BBEE ingahle ikhokhise izimali ezifanele ngezinsizakalo ezenziwe ngokuhambisana noMthetho kanye nalezo Zimiso, kubandakanya izimali zokubhaliswa komsebenzi oMkhulu we-B-BBEE.

26. IKhomishani ifanele ishicilele isheduli yezimali ezikhokhwayo ngesaziso kwiGazethi, ngemuva kokubonisana noNgqongqoshe.

27. Ikhomishana ye-B-BBEE ayikashicileli isheduli yezimali ezikhokhwayo yalolu sizo, futhi okwamanje iluhlinzeka mahhala. Isheduli enjengalena yezimali ezikhokhwayo, uma isinqunyiwe ngokuhambelana neZimiso, izoshicilelwa njengoba kudingeka, kubandakanya nakwiwebhusayithi.

H. Isiphetho

28. Ikhomishana zibophezele ekuhlangabezaneni nezikhathi ezibekiwe zokukhishwa kwezitifiketi zokubhaliswa kanye nokuhlinzeka izinhlangothi/izinhlangano ngezimpendulo ezisheshayo, lapho kunesidingo. Kodwa-ke, lokhu kuncike kwizinhlangothi/izinhlangano ezilandela inqubo ngokuphelele, kanye ezihlinzeka ngemibhalo efanele njengoba idingeka.

29. Sicela nazi ukuthi iKhomishana ingahle icele ulwazi olwengeziwe oluzwakalayo ngokubhala kwizinhlangothi/izinhlangano ukuze ifeze ukugunyazwa kwayo ngokufanele ngokwale nqubo, futhi lapho kunesidingo, ingaba nomhlangano nezinhlangothi/izinhlangano

30. Izinhlangothi ezicabangela ukuphothula umsebenzi oMkhulu we-B-BBEE ziyakhuthazwa ukuba zifune, njengoba ziqondiswa isimiswana se-18(6) seZimiso ze-B-BBEE zonyaka we2016, uMbono ngaphambi kokuphothula umsebenzi.

31. IKhomishana izoqinisekisa ukuthi iyaxhumana nganoma yiziphi izinguquko ezinqutsheni ezichazwe kulesi Saziso Esichazayo Sokulethwa Kwemibhalo Ekubhaliseni Umsebenzi Omkhulu we-B-BBEE.

Ukhishwe iKhomishana we-B-BBEE?

20 August 2024