

TO BEE OR NOT TO BEE

How to ensure your affidavit is not rejected for incompleteness?

B-BBEE divides companies into three major categories which have covered previously communication:

- **Exempted Micro Enterprise (EME):** an enterprise with an annual turnover of R10 million or less
- **Qualifying Small Enterprise (QSE):** an enterprise with an annual turnover of between R10 million and R50 million
- **Generic:** an enterprise with an annual turnover above R50 million

We indicated the need for exempted EME and automatic QSE must complete a BEE affidavit. Completing the affidavit may look easy for some, but we have taken this series to go through the affidavit and what must be completed in each section. Below we look at the BEE affidavit completed by EME – financial sector and have included commentary on what must be completed for each section. Failure to complete the correct affidavit or to complete it incorrectly will deem the affidavit invalid for procurement or tender adjudication.

I, the undersigned,

Full name and surname:	Example Peter. <i>Ensure your names as their appear on the ID copy are stated.</i>
Identity number:	9002362508005. <i>Complete your correct ID number.</i>

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a **Member/Director/Owner** of the following enterprise and am duly authorised to act on its behalf.
Indicate clearly if you are a Member (only for CC) and a Director and or Owner.
If you are both a director and owner do indicate this clearly. We prefer that you ensure font is bold and underlined or if completed manually circle the correct selection.

Enterprise name:	Events Management Pty Ltd. <i>State your company name as registered with CIPC.</i>
Identity number:	9002362508005. <i>Complete your correct ID number.</i>
Trading name (If applicable):	<i>Only complete this section if you have a trading name, if not state not applicable.</i>
Registration number:	2016/555555/07. <i>State your company registration as indicated on your company registration documents.</i>
Enterprise physical address:	36 Boundary Road, Isle of Houghton Office Park, Houghton Estate, Johannesburg, 2192. <i>Address where company operates from.</i>
Type of entity (CC, (Pty) Ltd, Sole Prop etc.):	(Pty) Ltd. <i>Indicate if you are a CC or Pty Ltd, a CC has a registration that ends with the number 23 and a Pty Ltd ends with the numbers 0.</i>
Nature of business:	Events management and catering. <i>Indicate what your company does or industry it falls under if the main business is too long to include.</i>

TO BEE OR NOT TO BEE

Definition of “Black people”	<p>As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 “Black People” is a generic term which means Africans, Coloureds and Indians</p> <p>(a) who are citizens of the Republic of South Africa by birth or descent; or</p> <p>(b) who became citizens of the Republic of South Africa by naturalisation</p> <p>i. before 27 April 1994; or</p> <p>ii. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;”</p>
Definition of “Black designated groups”	<p>“Black designated groups means:</p> <p>(a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution;</p> <p>(b) Black people who are youth as defined in the National Youth Commission Act of 1996;</p> <p>(c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act;</p> <p>(d) Black people living in rural and under developed areas;</p> <p>(e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;”</p>

3. I hereby declare under Oath that:

- The Enterprise is 51 % Black Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013.
Indicate the actual black ownership percentage in your company bearing in mind who is black. If your company is part of a complex ownership structure, request a rating agency to give you the flow through black ownership percentage.
- The Enterprise is _____ % Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013.
Indicate the actual black female ownership percentage in your company bearing in mind who is black.
- The Enterprise is 51 % Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013.
Refer to definition of who is classified as designated groups and indicate the percentages at each of the following categories:
- Black Designated Group Owned % breakdown as per the definition stated above:
 - Black Youth % = 51 %
 - Black Disabled % = 0 %
 - Black Unemployed % = 0 %
 - Black People living in rural areas % = 0 %
 - Black Military Veterans % = 0 %
- Based on the financial statements/management accounts and other information available on the latest financial year-end 2020, the annual Total Revenue was R10,000,000.00 (Ten Million Rand) or *less must be based on the latest financial year end of your entity e.g. date/month/year.*

TO BEE OR NOT TO BEE

- Please confirm on the below table the B-BBEE Level Contributor, **by ticking the applicable box.**
Tick the appropriate selection based on your black ownership. Ticking the incorrect box will disqualify your affidavit.

100% Black Owned	Level One (135% B-BBEE procurement recognition level)	
At least 51% Black Owned	Level Two (125% B-BBEE procurement recognition level)	X
Less than 51% Black Owned	Level Four (100% B-BBEE procurement recognition level)	

- I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
- The sworn affidavit will be valid for a period of 12 months from the date signed by Commissioner.

Deponent signature: _____

Date: _____

Commissioner of Oaths

The date of the affidavit must be the same as the Commissioner of Oaths. Only sign and date in front of Commissioner of Oaths. Affidavits have been rejected for having two different dates by Commissioner of Oaths and deponent.

What do we require from you?

- Review your current BEE affidavit against the above guidelines;
- Use the correct affidavit template supplied in this series;
- Submit the latest affidavit to Santam Transformation team;
- If you are unsure or need assistance, contact us on the below details.

Should you have further questions or require assistance, please send your email requests to our Transformation Team at SantamTransformation@santam.co.za