

PROCEDURE MANUAL	Doc Ref No: BEE/CP/13/A17
Title: BEE Compliance Questionnaire for an Exempted Micro Enterprise Verification and a Black Owned Qualifying Small Enterprise	Revision No: 26
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Approver: A Kotze	Effective date: 17 July 2017

OVERVIEW OF THIS APPLICATION FORM

Section A: B-BBEE Commission's Practical Guide 02 of 2016

The Amended Code Series 000 states that an **EME is only required to obtain a sworn affidavit or Companies and Intellectual Property Commission ("CIPC") Certificate** on an annual basis. The EME is merely required on an annual basis to state under oath its B-BBEE credentials or obtain a CIPC Certificate to that effect for as long as the annual turnover is below R10 million. The sworn affidavit must be signed by the Commissioner of Oaths as per the requirements in the Justice of Peace and Commissioners of Oaths Act. It is important to note that should the empowerment status of the entity change any time after it has made an affidavit or obtaining the certificate from CIPC, the entity is obligated to disclose that fact when submitting its B-BBEE Status to any person, organ of state or public entity, and desist from knowingly submitting an affidavit or CIPC certificate with incorrect or false information as that would amount to non-compliance with the Act, and perjury. In terms of section 13F(d) read with section 13J of the Act, the B-BBEE Commission has the power to investigate, either on its own initiative or in response to a complaint received, any matter concerning B-BBEE. If an entity is found to have violated the Act, an entity could be fined up to 10% of its annual turnover, and individuals involved could be imprisoned for up to 10 years, and or fine. An offence under section 130(2) could lead to imprisonment of up to 12 months, a fine, or both the fine and imprisonment. BEE Empowered verifies your company's empowerment status and annual turnover independently and provide you with a Compliance B-BBEE Affidavit confirming that an independent assessment was carried out, thus avoiding your affidavit being questioned and or rejected by any person, organ of state or public entity and you being subjected by a possible investigation by the B-BBEE Commission.

By completing and submitting this application form to BEE Empowered, you are doing so in full knowledge of that BEE Empowered can only issue you with an Affidavit and NOT a SANAS accredited B-BEE Verification Certificate, unless you apply for a verification under a Sector Code not yet repealed

Section B: Information

Old Codes vs Amended Codes: Thresholds

Old Codes vs Amended Codes: B-BBEE Recognition Levels

Old Codes vs Amended Codes: Proof of Status



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Section C: Application

Step One – All entities: Indicate which Code is applicable to your company

*Step Two – All entities complete Sections 1 and 3,
Black owned EME's and at least 51% Black owned QSE's complete Sections 1, 2, 3
and 4*

Step Three – Fee Structure and BEE Empowered's banking details



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SECTION B: INFORMATION

IMPORTANT INFORMATION: PLEASE READ BEFORE COMPLETING AND RETURNING THIS APPLICATION FORM

The Amended Codes became effective on 1 May 2015, but if your financial year end is prior 30 April 2015, you may still be verified in accordance with the Old Codes. If your financial year end is after 30 April 2015, you are compelled to be verified in accordance with the Amended Codes.

The *Construction Sector Codes* and the *Chartered Accountancy Sector Codes* were repealed on 17 February 2016. If you previously fell into the Construction Sector or the Accountancy Sector Codes and your financial year end is prior to 30 April 2015, you may be verified in terms of the Old Codes and if your financial year end is after 30 April 2015, you are now compelled to be verified in terms of the Amended Codes. As the Construction Sector Codes and Accountancy Sector Codes no longer exist, you may only be verified in terms of the Generic Codes of Good Practice

OLD CODES VS AMENDED CODES: THRESHOLDS				
OLD CODES		AMENDED CODES		
Turnover Between R0 – R5 million	Exempted Micro Enterprise	Normal Enterprise	Turnover Between R0 – R10 million	Exempted Micro Enterprise
		Specialised Enterprise <i>(Enterprise where ownership cannot be measured)</i>	<i>Total Revenue/Allocated Budget/Gross Receipts</i> between R0 – R10 million	
Turnover Between R5 – R35 million	Qualifying Small Enterprise	Normal Enterprise	Turnover between R10 – R50 million	Qualifying Small Enterprise
		Specialised Enterprise <i>(Enterprise where ownership cannot be measured)</i>	<i>Total Revenue/Allocated Budget/Gross Receipts</i> Between R10 – R50 million	

(Different thresholds apply to Sector Codes – see page 6 & 7 of 23)

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OLD CODES VS AMENDED CODES: B-BBEE RECOGNITION LEVELS

OLD CODES

Less than 50% Black Ownership	More than 50% Black Ownership
<p>EME's are deemed to have a B-BEE status of "Level Four Contributor", having a B-BBEE recognition level of 100%</p>	<p>EME's qualify for elevation to a B-BEE status of "Level Three Contributor", having a B-BBEE recognition level of 110%</p>

AMENDED CODES

Normal Enterprises			Specialised Enterprises <i>(Enterprises where ownership cannot be measured)</i>		
Less than 51% Black Ownership	At least 51% Black Ownership	100% Black Ownership	Less than 51% Black Beneficiaries	At least 51% Black Beneficiaries	At least 75% Black Beneficiaries
<p>ME's are deemed to have a B-BEE status of "Level Four Contributor", having a B-BBEE recognition level of 100%</p>	<p>EME's or QSE's qualify for elevation to a B-BEE status of "Level Two Contributor", having a B-BBEE recognition level of 125%</p>	<p>EME's or QSE's qualify for elevation to a B-BEE status of "Level One Contributor", having a B-BBEE recognition level of 135%</p>	<p>EME's are deemed to have a B-BEE status of "Level Four Contributor", having a B-BBEE recognition level of 100%</p>	<p>EME's or QSE's qualify for elevation to a B-BEE status of "Level Two Contributor", having a B-BBEE recognition level of 125%</p>	<p>EME's or QSE's qualify for elevation to a B-BEE status of "Level One Contributor", having a B-BBEE recognition level of 135%</p>



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**OLD CODES VS AMENDED CODES:
PROOF OF STATUS**

OLD CODES		AMENDED CODES	
Exempted Micro Enterprises	Certificate issued by a SANAS accredited verification agency or similar certificate issued by a registered auditor accredited by IRBA	Exempted Micro Enterprises	Sworn Affidavit
Qualifying Small Enterprise	Certificate issued by a SANAS accredited verification agency or similar certificate issued by a registered auditor accredited by IRBA	Qualifying Small Enterprise	<p>At least 51% black owned a Sworn Affidavit</p> <p>OR</p> <p>a Sworn Affidavit plus an Independent Verification Report confirming Black Ownership and Empowering Supplier Status.</p> <p>Less than 51% black owned - Certificate issued by an SANAS accredited verification agency or similar certificate issued by a registered auditor accredited by IRBA</p>



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SECTION C: APPLICATION

COMPLIANCE EVALUATION QUESTIONNAIRE FOR:

TYPE OF VERIFICATION REQUIRED IN TERMS OF THE BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT, ACT NO. 53 OF 2003 ("THE ACT"), NOTICE 1019 OF 2013		MARK APPLICABLE	
		Sector Codes not repealed	Amended Codes
ALL EXEMPTED MICRO ENTERPRISES	Normal Enterprises		
	Specialised Enterprises <i>(Enterprises where ownership cannot be measured)</i>	Not Available on Old Codes	
BLACK OWNED QUALIFYING SMALL ENTERPRISES – ONLY AVAILABLE TO AMENDED CODES AND AMENDED SECTOR CODES <i>(Please ask the sales consultant for the appropriate application for a qualifying small enterprise which falls in a specific sector or has black ownership of 51% or less)</i>	Normal Enterprises	Not Available on Old Codes	
	Specialised Enterprises <i>(Enterprises where ownership cannot be measured)</i>	Not Available on Old Codes	

PLEASE SEE TABLE IN SECTION A TO DETERMINE WHETHER OR NOT YOUR COMPANY QUALIFIES FOR AN EXEMPTED MICRO ENTERPRISE OR, IF BLACK OWNED, WHETHER OR NOT YOUR COMPANY QUALIFIES FOR A QUALIFYING SMALL ENTERPRISE RATING AND THEN SIMPLY FOLLOW STEPS ONE TO THREE HEREUNDER

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STEP ONE

Kindly indicate which Code is applicable to your company:

APPLICABLE LEGISLATION				Normal Enterprises: Annual Turnover between -	Measured Entity Please ✓ to indicate choice
Generic Codes of Good Practice (Only available to enterprises not governed by Sector Code Legislation, as listed further below)			Type	Specialised Enterprises: Total Revenue/Allocated Budget/Gross Receipts between -	
1.	Amended Codes of Good Practice		EME	R0 - R10 million	
2.	Amended Codes of Good Practice (if at least 51% black owned)		QSE	R10 million - R50 million	
3.	Sector Codes not yet repealed Only available if your financial year end is prior to 1 May 2015, else the Amended Codes apply		EME	R0 - R5 million	
Sector Codes		Sub-Sector	Type	Annual Turnover between -	Measured Entity Please ✓ to indicate choice
4.	Amended Forest Sector Codes	n/a	EME	R0 - R10 million	
5.	Amended Forest Sector Code	n/a	QSE	R10 - R50milli	
6.	Transport Sector Codes	Bus Commuter & Coach Services	EME	R0 - R5 million	
		Taxi Industry	EME	R0 - R5 million	
		Road Freight	EME	R0 - R5 million	
		Maritime Transport & Services	EME	R0 - R5 million	

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		Domestic Aviation	EME	R0 - R5 million	
		Public Sector Transport	EME	R0 - R5 million	
7.	Amended Tourism Sector Codes	n/a	EME	R0 - R5 million	
8.	Amended Tourism Sector Codes (At least 51% black owned)	n/a	QSE	R5 million - R45 million	
9.	Amended Property Sector Code	Service Based	EME	R0 - R10 million	
		Estate Agents		R0 - R2.5 million	
		Asset Based		NETT ASSETS between: R0 - R80 million	
10.	Amended Property Sector Code	Service Based	QSE	R10 million - R50 million	
		Estate Agents		R2.5 million - R35 million	
		Asset Based		NETT ASSETS between: R80 million - R400 million	
12.	Marketing, Advertising and Communication	Public Relations	EME	R0 - R5 million	
		Advertising	EME	R0 - R10 million	
		Marketing, advertising and communication research	EME	R0 - R10 million	
13.	Marketing, Advertising and Communication (At least 51% black owned)	Public Relations	QSE	R5 million - R10 million	
		Advertising	QSE	R10 million - R50 million	
		Marketing, advertising and communication research	QSE	R10 million - R50 million	
14.	Financial Services Sector Code	n/a	EME	R0 - R5 million	
14.	Construction Sector Codes No longer available, please refer to items 1, 2 or 3 above as options to choose from			n/a	No longer available

STEP TWO

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Kindly complete:

Section 1 and Section 3 (All entities)

Sections 1, 2, 3 and 4 (Black Owned Entities: EME's and at least 51% Black Owned QSE's)

Sections 1
(Company Information)

Section 2
(Declaration of Black Ownership and annual total revenue)

Section 3
(Supporting Documentation)

Section 4
(ONE of the two applicable Sworn Affidavits)
Sworn Affidavit One: All Enterprises, except Specialised Enterprises (BEE/CP/13/A19/01)
Sworn Affidavit Two: Specialised Enterprises (BEE/CP/13/A19/02)



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SECTION 1 (ALL ENTITIES) COMPANY INFORMATION

COMPANY NAME			
TRADING NAME			
COMPANY REGISTRATION NUMBER			
PROOF OF VAT REGISTRATION (WHERE APPLICABLE) IF YOU DO NOT HAVE A VAT NUMBER, STATE "NOT REGISTERED FOR VAT".			
IF SOLE PROPRIETOR, PROVIDE THE NAME OF THE SOLE PROPRIETOR			
NAME OF REPRESENTATIVE OF THE MEASURED ENTITY (NAME, SURNAME, DESIGNATION)	NAME	SURNAME	DESIGNATION
OFFICE NUMBER	()		
FACSIMILE NUMBER	()		
CELLULAR NUMBER			
E-MAIL ADDRESS			
DATE OF INCORPORATION			
FINANCIAL YEAR END	____ / ____ / ____		
ANNUAL TURNOVER			
NATURE OF OPERATIONS			
APPLICABLE SECTOR CODE (as indicated on pages 6/7 of 23)			
REGISTERED PHYSICAL ADDRESS			
	CODE		
POSTAL ADDRESS			
	CODE		



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SECTION 2

DECLARATION OF BLACK OWNERSHIP AND ANNUAL TOTAL REVENUE
(EME'S AND AT LEAST 51% BLACK OWNED QSE'S)

ONLY COMPLETE THIS SECTION IF THERE IS ANY BLACK OWNERSHIP IN THE
BUSINESS

(REMEMBER "BLACK" INCLUDES AFRICAN, INDIAN, COLOURED AND CHINESE)

ALSO COMPLETE THE RELEVANT AFFIDAVIT

Sworn Affidavit One: All Enterprises, except Specialised Enterprises (BEE/CP/13/A19/01)

Sworn Affidavit Two: Specialised Enterprises (BEE/CP/13/A19/02)

Sworn Affidavit Three: Black Owned QSE Empowering Supplier (BEE/CP/13/A19/03)

DECLARATION OF BLACK OWNERSHIP AND ANNUAL TOTAL REVENUE		
I, the undersigned, hereby declare that the percentage black ownership in our business is as reflected below:		
1. % Black Shareholding (Normal Enterprises)/ % Black Beneficiaries (Specialised Enterprises)		%
2. % Black Female Shareholding (Normal Enterprises)/ % Black Female Beneficiaries (Specialised Enterprises)		%
Please tick appropriate Box (Normal Enterprises only):	YES	NO
Has all debt, if any, associated with the purchase of the above Black Shareholding been repaid?		
Are you entitled to receive dividends in the company?		
Do you have voting rights in the company?		



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SECTION 3
(ALL ENTITIES)
SUPPORTING DOCUMENTATION

Kindly furnish us with copies of the following supporting documentation

ALL ENTITIES	
ANNUAL TOTAL REVENUE: R _____	
(Attach proof in the form of a letter from your accountant / auditor, 12 months' bank statements or your signed audited financial statements)	
IF THE MEASURED ENTITY IS A (PTY) LTD	
Memorandum (CM1)	
Articles of Association (CM2 and Table A (Public Co) or B (Private Co) of Schedule 1)	
Certificate of Incorporation (CM1 / CM3)	
Certificate to Commence Business (CM46)	
Share Certificates – ONLY for companies that have any % Black Ownership	
TAX Clearance Certificate or similar proof of VAT registration. (If applicable)	
Certified copies of ID documents of the shareholders of the Company	
Diagram setting out ownership of the Measured Entity	
Where the business is 51% or more black owned, signed affidavit confirming that there are no third party rights attached to the black shareholders' shares.	
Signed certificate/letter by the business' Auditor or Accounting Officer confirming Annual Turnover is less than the relevant threshold for the choice made on page 7	
IF THE MEASURED ENTITY IS A CLOSE CORPORATION	
Founding Statement (CK1)	
Certificate of Amended Founding Statement (CK2) (If applicable)	
Certified copies of ID documents of Black Members	
TAX Clearance Certificate or similar proof of VAT registration. (If applicable)	
Signed certificate/letter by the business' Auditor or Accounting Officer confirming Annual Turnover is less than the relevant threshold for the choice made on page 7	

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IF THE MEASURED ENTITY IS TRUST	
Copy of the Trust Deed	
Proof of Registration of Trust	
Copies of ID documents of Black Beneficiaries	
TAX Clearance Certificate or similar proof of VAT registration. (If applicable)	
Signed certificate/letter by the trust's accountant, confirming Annual Turnover is less than the relevant threshold for the choice made on page 7	
IF THE MEASURED ENTITY IS A SOLE PROPRIETOR	
Copy of ID document of sole proprietor	
TAX Clearance Certificate or similar proof of VAT registration. (If applicable)	
Signed certificate/letter by the business's accountant, confirming Annual Turnover is less than the relevant threshold for the choice made on page 7	
IF THE MEASURED ENTITY IS A START-UP ENTERPRISE	
(* a Start-up Enterprise must be measured as an EME for the first year following their formation or incorporation. This provision applies regardless of the expected total revenue of the start-up enterprise)	
Independent confirmation of status (CK documents, Certificate of Incorporation, etc.	
Certified copies of ID documents of Black Members	
Last twelve months' bank statements of the business (only where the certificate from the auditor or accounting officer or the financial statements of the business are not available or if you are a sole proprietor) or bank statements from date of incorporation to date of application for an Exempted Micro Enterprise Rating.	
Affidavit confirming that the business is a start-up company with no trading history and that it is not merely a continuation of a pre-existing business (Only applicable for businesses that have a trading history of less than 12 months)	

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SECTION 4 SWORN AFFIDAVIT BY BLACK PERSONS

ONE OF THE THREE ATTACHED SWORN AFFIDAVITS MUST BE COMPLETED BY BLACK PERSON(S) WHO HOLD SHARES / MEMBERS' INTEREST, OR WHO IS A SOLE PROPRIETOR OR A TRUSTEE OF A MEASURED ENTITY. THE AFFIDAVIT MUST BE SIGNED BY A COMMISSIONER OF OATHS.

AFFIDAVITS THAT HAS NOT BEEN SIGNED BY A COMMISSIONER OF OATHS WILL NOT BE ACCEPTED

Black according to the Broad-based Black Economic Act includes only:

- African people
- Coloured people
- Indian people and
- Chinese

Who are South African Citizens only **and** who were born in South Africa **OR** whose South African citizenship was granted before 27 April 1994 or whose mother or father or both parents were South African citizens on the date of the person's birth (by descent).

Except for specialised enterprises, all other persons, regardless of colour, race or ethnicity are **EXCLUDED** and **MUST NOT COMPLETE THIS AFFIDAVIT.**

For normal enterprises - the sworn affidavit of ALL the members / shareholders / owners must be submitted with a certified copy of the Black Person's ID document.

Empowering Supplier Affidavit - the sworn affidavit of ALL the members / shareholders / owners must be submitted with a certified copy of the Black Person's ID document, together with the completed Section 5 (Supporting documentation in an application for an Empowering Supplier)

If naturalized, the naturalization certificate or a document from the Department of Home Affairs to indicate when South African citizenship was granted, must be submitted.

If foreign born, a birth certificate, or other documents to prove that one or both parents were South African citizens on the date of birth of the applicant.

Please note: a false declaration will lead to the immediate termination of the verification process.



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SWORN AFFIDAVIT: ALL ENTERPRISES, EXCEPT SPECIALISED ENTERPRISES

I, the undersigned

Full Name & Surname	
Identity Number • Attach a sworn copy of your ID document	

Hereby declare under oath as follows:

- The contents of this statement are to the best of my knowledge a true reflection of the facts.
- I am a _____ (please indicate: member / director / owner) of the following enterprise and am duly authorized to act on its behalf:

Enterprise Name		
Trading Name		
Registration Number		
Enterprise physical address		
	CODE	

SIGNATURE OF DEPONENT

DATE

COMMISSIONER OF OATHS

Place of Signing: _____

Capacity of Commissioner: _____

Date: _____

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3. I declare under oath that:
 - 3.1 I am a Black South African citizen by birth / naturalization. (* Delete non applicable).
 - 3.2 The enterprise is _____ % black owned.
 - 3.3 The enterprise is _____ % black woman owned.
 - 3.4 Based on the management accounts/annual financial statements and/or other information available on the year ending: _____/_____/20_____, the income of the enterprise did not exceed: R_____.
4. I authorize **1 NET BEE Empowered (Pty) Ltd** , to commence the * EME / QSE Verification process. (*Delete non applicable).
5. 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.
6. I am aware that any misrepresentation herein constitutes a criminal offence as set out in the B-BBEE Act as amended.
7. The sworn affidavit will be valid for a period of twelve (12) months from the date signed by the commissioner.

Please confirm on the table below the B-BBEE Level Contributor, **by ticking the applicable box.**

100% black owned	Level One (135% B-BBEE procurement recognition)	
More than 51% black owned	Level Two (125% B-BBEE procurement recognition)	
Less than 51% black owned	Level Four (100% B-BBEE procurement recognition)	

SIGNATURE OF DEPONENT

DATE

COMMISSIONER OF OATHS

Place of Signing: _____

Capacity of Commissioner: _____

Date: _____



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REFERENCE: BEE/CP/13/A19/02

SWORN AFFIDAVIT: SPECIALISED ENTERPRISES

I, the undersigned

Full Name & Surname	
Identity Number • Attach an sworn copy of your ID document	

Hereby declare under oath as follows:

- The contents of this statement are to the best of my knowledge a true reflection of the facts.
- I am a _____ of the following enterprise and am duly authorized to act on its behalf:

Enterprise Name		
Trading Name		
Registration Number		
Enterprise physical address		
	CODE	

SIGNATURE OF DEPONENT

DATE

COMMISSIONER OF OATHS

Place of Signing: _____

Capacity of Commissioner: _____

Date: _____

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A21, Block 1, Northgate Island, Section Road, Paarden Eiland 7405
PO Box 496, Howard Place, Pinelands 7450, Cape Town, South Africa

BEE Empowered and Labour Consultancy CC Member: L Frank Reg No:CK2005/011876/23



BEE EMPOWERED

BEE RATING AGENCY

PROCEDURE MANUAL	Doc Ref No: BEE/CP/13/A17
Title: BEE Compliance Questionnaire for an Exempted Micro Enterprise Verification and a Black Owned Qualifying Small Enterprise	Revision No: 24
Copy No: 01	Page: 18 of 19
Compiler: L Frank	Date Compiled: 16 June 2017
Approver: A Kotze	Effective date: 17 July 2017

3. I declare under oath that:
 - 3.1 A total of: _____ % of the beneficiaries of the enterprise are black.
 - 3.2 A total of: _____ % of the beneficiaries of the enterprise are black women.
 - 3.3 Based on the management accounts/annual financial statements and/or other information available on the year ending: _____ / _____ /20____, the income of the enterprise did not exceed: R_____.
- 4 I authorize **1 NET BEE Empowered (Pty) Ltd** , to commence the * EME / QSE Verification process. (*Delete non applicable).
- 5 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.
- 6 I am aware that any misrepresentation herein constitutes a criminal offence as set out in the B-BBEE Act as amended.
- 7 The sworn affidavit will be valid for a period of twelve (12) months from the date signed by the commissioner.

Please confirm on the table below the B-BBEE Level Contributor, **by ticking the applicable box.**

75% or more black beneficiaries	Level One (135% B-BBEE procurement recognition)	
At least 51%, but less than 75% black beneficiaries	Level Two (125% B-BBEE procurement recognition)	
Less than 51% black beneficiaries	Level Four (100% B-BBEE procurement recognition)	

SIGNATURE OF DEPONENT

DATE

COMMISSIONER OF OATHS

Place of Signing: _____

Capacity of Commissioner: _____

Date: _____

Capacity of Commissioner: _____

Date: _____



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STEP THREE

Kindly deposit the applicable verification fee (See hereunder) directly into our bank account and fax/email us proof of payment, together with your company details.

Our bank details are as follows:

1 NET BEE Empowered (Pty) Ltd
First National Bank, Account no. 62091730400, Branch Code: 201109

Sector Code Certificate which has not been repealed:
R1 350 (Excluding VAT)

New Code EME/QSE Affidavit only:
R1 350 (Excluding VAT)

PLEASE USE YOUR COMPANY NAME AS THE REFERENCE WHEN MAKING A DEPOSIT

Once you have completed your **BEE Compliance Questionnaire**, you must deliver same to our offices together with the **supporting documentation**. We shall process and verify the information received from you

On finalisation of your assessment, you will be issued with a **BEE EMPOWERED B-BBEE Verification Certificate, alternatively, a New Code EME/QSE Affidavit, alternatively a New Code EME/QSE Affidavit.**

This will be emailed or posted to you

BEE EMPOWERED CONTACT DETAILS

Tel: 021 – 511 0802 - Fax: 021 – 511 0210 – Email: info@bempowered.net or email Carl

September on carl@bempowered.net

Block 1, Unit A21, Northgate Island, Paarden Eiland, 7405

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