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INTERPRETATION AND CLARIFICATION NOTES ON THE IMPLEMENTATION OF THE AMENDED B-BBEE ICT SECTOR CODE (GOVERNMENT GAZETTE NO. 40407 DATED 7 NOVEMBER 2016)

1. CLARIFICATION NOTE 1

AMENDED B-BBEE ICT SECTOR CODE SERIES AICT000
STATEMENT AICT000: FRAMEWORK FOR MEASURING BROAD-BASED BLACK ECONOMIC EMPOWERMENT

1.1 Where the Amended B-BBEE ICT Sector Code is silent on certain provisions, the provisions of the Amended B-BBEE Codes of Good Practice (Government Gazette No. 36928 dated 11 October 2013 as amended) shall take precedence.

2. CLARIFICATION NOTE 2

THE AMENDED CODE SERIES 000: STATEMENT 000

2.1 CLAUSE 5. **ELIGIBILITY** AS A QUALIFYING SMALL ENTERPRISE (QSE) APPLIES TO AMENDED B-BBEE ICT SECTOR CODE SERIES AICT000 STATEMENT AICT000

3. CLARIFICATION NOTE 3

THE AMENDED CODE SERIES 000: STATEMENT 000

3.1 CLAUSE 8.2. B-BBEE **RECOGNITION LEVELS** FOR A QUALIFYING SMALL ENTERPRISE (QSE), SPECIALISED QUALIFYING SMALL ENTERPRISE AND SPECIALISED GENERIC ENTITY APPLIES TO THE AMENDED B-BBEE ICT SECTOR CODE SERIES AICT000 STATEMENT AICT000 / AICT600 STATEMENT AICT600, AS IS INDICATED IN THE TABLE BELOW:

B-BBEE Status	Qualification	B-BBEE Recognition Level
Level One Contributor	≥ 100 points	135%
Level Two Contributor	≥ 95 but < 100 points	125%
Level Three Contributor	≥ 90 but < 95 points	110%
Level Four Contributor	≥ 80 but < 90 points	100%
Level Five Contributor	≥ 75 but < 80 points	80%
Level Six Contributor	≥ 70 but < 75 points	60%
Level Seven Contributor	≥ 55 but < 70 points	50%
Level Eight Contributor	≥ 40 but < 55 points	10%
Non-Compliant Contributor	Less than 40 points	0%

4. CLARIFICATION NOTE 4

AMENDED B-BBEE ICT SECTOR CODE SERIES AICT300: STATEMENT AICT300 MEASUREMENT OF THE SKILLS DEVELOPMENT ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT

4.1 A Measured Entity must achieve a minimum of 40% of the individual targets set out in of paragraph 2.1.1 and paragraph 2.1.2 of the Skills Development Element of Code Series AICT300 Statement AICT 300.

4.1.1. This means that a 40% subminimum is required to be achieved for each of indicators 2.1.1.1 (2.4% of the target of 6%); 2.1.1.2 (0.12% of the target of 0.3%); 2.1.2.1 (1% of the target of 2.5%) and 2.1.2.2 (1% the target of 2.5%) individually

4.1.2 Non-compliance with any one of these subminimum requirements will result in the achieved B-BBEE status level being discounted.

4.2 The Compliance Targets The compliance targets for 2.1.1.1; 2.1.1.2; 2.1.2.1; 2.1.2.2; and 2.1.3 of the Skills Development Scorecard are based on the overall demographic representation of Black people as defined in the Employment Equity Act. For scoring purposes, the targets should be further broken down into specific criteria according to the different race sub-groups within the definition of Black in accordance with the Employment Equity Act requirements on equitable representation and weighted accordingly.

4.2.1 This means that the EAP calculation is applicable to each of the individual indicators 2.1.1.1 and 2.1.1.2 and 2.1.2.1 and 2.1.2.2 and 2.1.3

4.3 Training in line with the Learning Programme Matrix under Annexure 300(A) of Government Gazette No. 36928 dated 11 October 2013 as amended is also measurable for recognition if it is in the B-BBEE ICT Sector Council Priority Skills list. The B-BBEE ICT Sector Council Priority Skills list is not limited to SAQA Accredited training programmes.

5. CLARIFICATION NOTE 5

AMENDED B-BBEE ICT SECTOR CODE SERIES AICT100
MEASUREMENT OF THE OWNERSHIP ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT

STATEMENT AICT100: THE GENERAL PRINCIPLES FOR MEASURING OWNERSHIP

5.1 SCORECARD INDICATOR 2.2.3 IS LIMITED TO A MAXIMUM OF 3 POINTS

6. CLARIFICATION NOTE 6

AMENDED B-BBEE ICT SECTOR CODE SERIES AICT400
STATEMENT AICT 400: THE GENERAL PRINCIPLES FOR MEASURING
ENTERPRISE AND SUPPLIER DEVELOPMENT ELEMENT

6.1 THE BONUS POINTS FOR CREATING NEW JOBS FOR SCORECARD INDICATORS 2.4.2.
AND 2.4.3 IS LIMITED TO A MAXIMUM OF 2 POINTS