

REQUEST FOR QUOTATION

YOU ARE HEREBY INVITED TO QUOTE FOR REQUIREMENTS OF THE MARINE LIVING RESOURCES FUND

REQUEST FOR QUOTATIONS: RFQ0001261

CLOSING DATE: 10 August 2026

CLOSING TIME: 11:00

DESCRIPTION:

Request to appoint a service provider (SP) to provide the Fisheries Management branch of the Department of Forestry, Fisheries and the Environment (DFFE) /MLRF to supply and deliver a service of translation of a government notice in Cape Town or surrounding areas.

NB: Suppliers should be registered on the CSD

The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

RFQ DOCUMENTS MAY BE EMAILED TO:

MLRFQuotations@dffe.gov.za

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

ALL RFQ'S MUST BE SUBMITTED ON THE OFFICIAL FORMS

THIS RFQ IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER
 POSTAL ADDRESS
 STREET ADDRESS
 TELEPHONE NUMBER CODE.....NUMBER.....
 CELLPHONE NUMBER
 FACSIMILE NUMBER CODENUMBER.....
 E-MAIL ADDRESS
 VAT REGISTRATION NUMBER
 HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2) YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1)

YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA).....
 A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS);
 OR.....
 A REGISTERED AUDITOR

[TICK APPLICABLE BOX]

ARE YOU THE ACCREDITED REPRESENTATIVE
IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED?
NO

YES or

[IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

TOTAL BID PRICE..... TOTAL NUMBER OF ITEMS OFFERED

CSD NUMBER.....

NB: Breakdown Quotation must be attached.

ANY ENQUIRIES REGARDING THIS RFQ PROCEDURE MAY BE DIRECTED TO:

Contact person: Nomlibo Fono-Ncedo
Tel: (066) 471 1235
Email address: MLRFQuotations@dfpe.gov.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact person: Nomlibo Fono-Ncedo
Tel:
Email address: MLRFQuotations@dfpe.gov.za

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	RFQ NO.: RFQ 0001261
CLOSING TIME 11:00	CLOSING DATE: 10 August 2026

OFFER TO BE VALID FOR 60 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO 01	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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Request to appoint a service provider (SP) to provide the Fisheries Management branch of the Department of Forestry, Fisheries and the Environment (DFFE) /MLRF to supply and deliver a service of translation of a government notice in Cape Town or surrounding areas.

NB: Suppliers should be registered on the CSD

1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

PERSON AND POSITION	HOURLY RATE	DAILY RATE
-----	R-----	-----
-----	R-----	-----
-----	R-----	-----
-----	R-----	-----
-----	R-----	-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	-----	-----	R-----
-----	-----	-----	R-----
-----	-----	-----	R-----

Bid No.:

Name of Bidder:

..... R.....

TOTAL: R.....

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.

- 5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....			R.....
.....			R.....
.....			R.....
.....			R.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid
 7. Estimated man-days for completion of project
 8. Are the rates quoted firm for the full period of contract? *YES/NO
 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

DEPARTMENT OF FORESTRY, FISHERIES & THE ENVIRONMENT

ATTENTION Mrs. Nomlibo Fono-Ncedo

Tel: 066 471 1235

Or for technical information –

ATTENTION:

TEL:



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

MARINE LIVING RESOURCES FUND

REQUEST FOR PRICE QUOTATIONS

The Marine Living Resources Fund (MLRF), Schedule 3A entity, is an entity within the Department of Forestry, Fisheries and the Environment, hereby request your quotation on the goods/service/works listed hereunder.

RFQ Number	RR 426-002 of 2026-2027 - RFQ0001261
Description	REQUEST TO APPOINT A SERVICE PROVIDER (SP) TO SUPPLY AND DELIVER SERVICE OF TRANSLATION OF A GOVERNMENT NOTICE IN CAPE TOWN OR SURROUNDING AREAS AS PER ATTACHED ANNEXURE A
Detailed Specification/scope of work and functionality	Attached as Annexure A
Local Production & Content Requirements <i>(To be completed by SCM)</i>	
Construction Industry Development Board (CIDB) Minimum Category and level <i>(To be completed by SCM)</i>	
Briefing Session	N/A
RFQ Publication date	03/08/2026
Responses MUST be submitted to	MLRFQUOTATIONS@dffe.gov.za

Initials: *7/18*

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RFQ Closing Details	10/08/2026
Delivery Address	Foretrust building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001
Quotation Validity Period	60 Days from the Closing Date
Mandatory Requirement/Pre-Qualification Criteria	Not Applicable
Evaluation Criteria	See Annexure A.
NO HAND DELIVERED RFQ RESPONSES WILL BE ACCEPTED PROSPECTIVE BIDDERS MUST BE REGISTERED ON NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE (CSD) PRIOR TO SUBMITTING BIDS AND THEIR TAX MATTERS MUST BE IN ORDER	

TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

1. Terms and conditions of Request for Quotation (RFQ)

- 1.1 This document may contain confidential information that is the property of the Marine Living Resources Fund [MLRF].
- 1.2 No part of the contents may be used, copied, disclosed, or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFQ without prior written permission from MLRF.
- 1.3 All copyright and intellectual property herein vests with MLRF.
- 1.4 Late and incomplete submissions will not be considered. Submissions received after closing time and date will be classified as LATE and WILL NOT be considered.
- 1.5 No services must be rendered, or goods delivered, before an official MLRF Purchase Order form has been issued by a duly authorised official from the MLRF and received by the bidder. Please note that this is not an instruction to proceed with the supply of any goods or service unless the quotation is approved, and a Purchase Order is supplied to you.
- 1.6 Please note that if you receive the Purchase Order, delivery of goods or rendering of services must be done **within 60 days** of receiving the Purchase Order. Failing to deliver on agreed-upon times may result in your Purchase Order being cancelled.
- 1.7 This RFQ will be evaluated in terms of the 80/20 preference point system if it is equal to or below R50 million.
- 1.8 Bidders are required to register on the Central Supplier Database (CSD) at www.csd.gov.za if they are not registered on the CSD.
- 1.9 All quotations must be forwarded to MLRFQUOTATIONS@dfre.gov.za within the prescribed closing date and time.
- 1.10 All questions regarding this RFQ must be forwarded MLRFQUOTATIONS@dfre.gov.za within 24 hours after the RFQ has been issued.
- 1.11 Any bidder who has reasons to believe that the RFQ specification is based on a specific brand must inform MLRF within two (2) days before the RFQ closing date.
- 1.12 Where quotations/proposals submitted are equal to or below R50 million, bidders are required to submit the original and valid proof for preference points claimed or certified copies thereof, to substantiate their preference points claims. SBD 6.1 must also be duly completed, signed, and submitted alongside the bid to claim preference points. Failure to do so will result in preference points being forfeited.

- 1.13 As per section 4(1) of the Preferential Procurement Regulations of 2022, the maximum 20 points may be awarded based on specific goals. The 20 points will be allocated as follows:

SPECIFIC GOAL	POINTS TO BE ALLOCATED
51% black owned	8 points
50% women	4 points
Youth	4 points
Disability	4 points
TOTAL POINTS	20 points

- 1.14 Bidders are required to duly complete, sign and submit the new SBD 4 together with their quotations/proposals. Failure to do so may result in your quotation/proposal **not** being accepted.
- 1.15 All quotations/proposals submitted must be inclusive of Value Added Tax (VAT) if you are VAT registered and must be quoted in South African Rands (ZAR) and the price must be firm.
- 1.16 The full costs must be disclosed as there will be no variances that will be entertained, and no price adjustment will be entertained after the Purchase Order has been issued.
- 1.17 These terms and conditions supersede any terms and conditions that may be issued by the service provider/supplier on their quotations or any other document similar to that.
- 1.18 A full and updated CSD report must be submitted with the quotation and MLRF will only contract with suppliers/service providers whose tax matters are in order.
- 1.19 The winning bidder must be registered on the MLRF Oracle ERP system in order for a Purchase Order to be generated. The bidder is required to complete the Oracle Registration Form and submit all relevant supporting documents **within seven (7) days** of receiving the form from MLRF. Failure to complete the registration process within the stipulated timeframe may result in the bidder's proposal being deemed non-responsive
- 1.20 The MLRF pays within 30 (thirty) days after receipt of a valid tax invoice and after approval of the relevant invoice and reports and does not make upfront payments or deposits.
- 1.21 It is the responsibility of prospective bidders to ensure that all bid documents are submitted before the closing date and time of the RFQ.
- 1.22 All the conditions specified in the General Conditions of Contract (GCC) will apply, and where the conditions in the Special Conditions of Contract (SCC) contradict the conditions in the General Conditions of Contract, the Special Conditions of Contract will prevail.
- 1.23 The winning bidder will be required to complete and sign the following
- 1.23.1 Vetted agreement and/or
- 1.23.2 An official contract form SDB7.1 for the purchase of goods/works
- 1.23.3 An official contract form SDB7.2 for rendering of services

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1.23.4 An official contract form SDB7.3 for the sale of goods/works

1.24 The MLRF reserves the right to enter into negotiations for price and other terms and conditions of contracting for this RFQ with the bidders.

1.25 The MLRF reserves the right not to award the RFQ.

1.26 The MLRF reserves the right to cancel the RFQ under the following circumstances:

1.26.1 If there are insufficient funds,

1.26.2 If there is no longer a requirement for the items or services to be procured,

1.26.3 If no acceptable tender has been received,

1.26.4 If irregularities have occurred in the procurement process.

2. PROTECTION OF PERSONAL INFORMATION

In responding to this RFQ, MLRF acknowledges that it may obtain and have access to personal data of the respondents. MLRF agrees that it shall only process the information disclosed by bidders in their response to this RFQ for the purpose of evaluating and subsequent award of business and in accordance with any applicable law. Furthermore, MLRF will not otherwise modify, amend, or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, MLRF requires Respondents to process any personal information disclosed by MLRF in the bidding process in the same manner.

MLRF RESERVES THE RIGHT NOT TO MAKE ANY APPOINTMENT AND SHALL NOT ENTERTAIN ANY CLAIM FOR COSTS THAT MAY HAVE BEEN INCURRED IN THE PREPARATION AND THE SUBMISSION OF THIS QUOTATION/PROPOSAL

Approvals of RFQ

End User	<i>Requester</i>	F.K. Britz	<i>Rank</i>	Accounting Clerk	<i>Cost Centre Manager</i>	Q. Mketsu	<i>Rank</i>	Director: IRR
	<i>Signature</i>	<i>F.K. Britz</i>	<i>Date</i>	24/7/2026	<i>Signature</i>		<i>Date</i>	24/7/2026
It is hereby certified that all the information supplied in this form is correct, that the requirement may be procured and that funds are available.								
SCM Only								
Official verifier (buyer)	<i>Name</i>	N Fono	<i>Signature</i>	<i>N Fono</i>	<i>Date</i>	03/08/2026		
Approver as per Delegations	<i>Name</i>	NMATIWANE	<i>Signature</i>	<i>N Mat</i>	<i>Date</i>	20260727		



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

THE MARINE LIVING RESOURCES FUND, A SCHEDULE 3A PUBLIC ENTITY ESTABLISHED IN TERMS OF THE PUBLIC FINANCE MANAGEMENT ACT, 1999 (ACT NO 1 of 1999) AND THE DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT ("DFFE") (IN ITS COMMITMENT TO THE PRINCIPLES ENSHRINED IN THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996) ADHERES TO THE PROVISIONS OF THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 5 OF 2000 ("PPPF") AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.

TERMS OF REFERENCE

TO APPOINT A SERVICE PROVIDER (SP) TO PROVIDE THE DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT (DFFE) / MARINE LIVING RESOURCES FUND (MLRF) FOR SUPPLY AND DELIVER SERVICE OF TRANSLATION OF A GOVERNMENT NOTICE

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1. PURPOSE

The Department of Forestry, Fisheries and the Environment ("DFFE") / MLRF requires the services of a Service Provider (SP) to supply and deliver service of translation of a government notice

2. SPECIFICATIONS

X1 EACH SERVICE OF TRANSLATION OF A GOVERNMENT NOTICE (DRAFT POLICY) FROM ENGLISH TO AFRIKAANS, ISIZULU AND ISIXHOSA (SEE ATTACHED DRAFT POLICY TO BE TRANSLATED)

3. EVALUATION METHOD

3.1. PHASE 1: Preferential Points (80/20 system)

- 3.1.1. An evaluation of Price and Specific Goals Preference points on the suppliers, that successful qualified to this stage of evaluation.
- 3.1.2. **Calculation of points for price** - The Preferential Procurement Policy Framework Act (PPPFA) prescribes that the lowest acceptable bid will score 80 points (for tenders under R50m) or 90 points (for tenders above R50m) for price. Suppliers that quoted higher prices will score lower points for price on a pro-rata basis. Where functionality is set as criteria, only bid proposals that meets functionality requirements will be considered for evaluation on price and specific goals preference points.
- 3.1.3. The 80/20 as an appropriate preference point system will be used in the evaluation and adjudication of this quote. However, it must be extended that the lowest acceptable quote will be used to determine the applicable preference point system as per regulation (Section 3(2)(b) of the Preferential Procurement Regulations (PPR) 2022, which states: "If it is unclear which preference point system will be applicable, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable proposal will be used to determine the applicable preference point system". Therefore, either 80 or 90 points, depending on the rand value of the proposal, will be awarded to the suppliers who offers the lowest price, and proportionately fewer points are awarded to those with higher prices. Either 20 or 10 points are then available as preference points for Specific Goals, as applicable. The contract will be awarded to the suppliers that scores the highest total number of adjudication points per category.

Calculating of points for Specific Goals

- 3.1.4. Points will be awarded to a supplier for specific goals. Bidders are required to submit the original and valid proof for preference points claimed or certified copies thereof; to substantiate their preference points claims. SBD 6.1 must also be duly completed, signed, and submitted alongside

the bid to claim preference points. Failure to do so will result in Specific Goals preference points being forfeited.

- 3.1.5. The 80/20 as an appropriate preference point system will be used in the evaluation and adjudication of this quotation. However, it must be extended that the lowest acceptable supplier will be used to determine the applicable preference point system as per regulation (Section 3(2)(b) of the Preferential Procurement Regulations (PPR) 2022, which states: "If it is unclear which preference point system will be applicable, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable supplier will be used to determine the applicable preference point system". Therefore, either 80 or 90 points, depending on the rand value of the quotation, will be awarded to the suppliers who offers the lowest price, and proportionately fewer points are awarded to those with higher prices. Either 20 or 10 points are then available as preference points for specific goals, as applicable. The contract will be awarded to the suppliers that scores the highest total number of adjudication points per category.

- 3.1.6. Points will be awarded to a supplier for specific goals in accordance with the table below:

B.	PRICE	80
C.	Specific Goal	Number of points (20)
	51% black ownership	8
	50% women ownership	4
	Youth ownership	4
	Disability	4
	Non-compliant contributor	0

- 3.1.7. The SCM unit of the DFFE / MLRF will allocate preferential points (Specific Goals) to each company for its contribution towards empowerment of the black designated groups as prescribed in the Preferential Procurement Regulations of 2022, women, people with disabilities, youth as well as local economic development.
- 3.1.8. A supplier will not be disqualified from the quotation process if the suppliers does not submit supporting documents substantiating the specific goals preference points claimed or is a non-compliant contributor. Such some suppliers will score 0 for Specific Goals.

- 3.1.9. Suppliers will be subject to SCM conditions of the Department – MLRF and the Preferential Procurement Regulations, 2022 issued in terms of section 5 of the Preferential Procurement Policy Framework Act (Act No 5 of 2000) (PPPFA).
- 3.1.10. The PPPFA prescribes that the lowest acceptable bid will score 80 or 90 points for price (as explained above, depending on whether the bid prices is more or less than R50million). Suppliers that quoted higher prices will score lower points for price on a pro-rata basis. Where functionality is set as a criterion, only bid proposals that meets functionality requirements will be considered to be evaluated on price and Specific Goals.
- 3.1.11. The contract will be awarded to the supplier scoring the highest points subject to section 2(1) (f) of the PPPFA, 2000.

4.SUBMISSION REQUIREMENTS

- 4.1 Suppliers should ensure that the following submission requirements, which will be needed for evaluation purposes are included in their bid proposal and are as follows:
- 4.1.1 The SP must draft a table of content which will indicate where each document is located in the proposal.
- 4.1.2 The proposal shall consist of two parts, namely the technical bid and the pricing bid (master and copies).
- 4.1.3 Add documents that are required to be submitted with the bids. These documents include those included in phase one (1) and two (2) of evaluation criteria.
- 4.1.4 Standard bidding documents (SBD1, 2, 3.1/3.3, 4, 6.1) completed and signed.
- A valid copy of the Tax Clearance Certificate/ Tax Compliance Status Pin issued by SARS to the supplier/copy of Central Supplier Database (CSD)/ MA supplier Number must be submitted together with the bid.
 - In case of bids where Consortia / Joint Ventures / Sub-contractors are involved; such must be clearly indicated and each party must submit a separate copy of a valid Tax Clearance Certificate or copy of Tax Compliance Status Pin or CSD/ MAAA supplier Number together with the bid.
 - Certified copies of identity documents of directors and shareholders of the company.
 - Entity registration Certificate (CK1).
 - Letter of Authority to sign documents on behalf of the company.

5. SPECIAL CONDITIONS OF CONTRACT

- 5.1 On appointment, the performance measures for the delivery of the agreed services will be closely monitored by Department / MLRF.

- 5.2 The Department / MLRF will not be held responsible for any costs incurred by the SPs in the preparation, presentation and submission of the proposal.
- 5.3 All the conditions specified in the General Conditions of Contract (GCC) will apply and where the conditions in the special conditions of contract contradicts the conditions in the general conditions of contract, the special conditions of contract will prevail.

6.PAYMENT TERMS

- 6.1 The DFFE / MLRF undertakes to pay out in full or as per deliverables within 30 (thirty) days all valid claims for work done to its satisfaction upon presentation of a substantiated claim and the required reports stipulated in special conditions. No payment will be made where there is outstanding information/work not submitted by the Service Provider/s until that outstanding information is submitted.
- 6.2 Payment by the DFFE / MLRF shall be made by means of an electronic transfer into the SP's bank account.
- 6.3 Payment requirements
- The successful Service Provider shall render services to the DFFE / MLRF in accordance with the Project Plan and Project Scope.
 - The amounts are inclusive of VAT and all disbursements shall be paid in South African Rands.

7.ENQUIRIES

- 7.1 Should you require any further information in this regard, please do not hesitate to email:

Name	Email address

SCHEDULE



DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DRAFT POLICY FOR THE DEVELOPMENT OF NEW WILD MARINE FISHERIES AND THE EXPANSION OF REGULATED WILD MARINE FISHERIES IN SOUTH AFRICA: 2026

**This document is also available in Afrikaans, isiXhosa and isiZulu
Hierdie dokument is ook in Afrikaans, isiXhosa, en isiZulu beskikbaar
Lencwadi iyafumeneka nangolwimi lwesiBhulu, lwesiXhosa nolwesiZulu
Lencwadi iyatholakala nangolwimi lwesiBhunu, lwesiXhosa nolwesiZulu**

(In case of any inconsistency, the English text prevails)

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I. DEFINITIONS

“Aquaculture”	means the farming of an aquatic organism, including a crocodile, in a controlled aquatic environment including marine, brackish or freshwater involving— (a) a degree of human intervention in the rearing process to enhance production which include propagation, breeding, regular stocking, feeding, protection from predators and harvesting of cultured aquatic organisms; or (b) individual or corporate ownership of the stock being farmed, and includes ranching;
“Exploratory fishery”	means a fishery pertaining to a wild marine fish resource that is not caught as part of a regulated fishery or is under-fished as a target or by catch species, the potential for which will be determined through a process of exploratory fishing to determine the viability and suitability of converting the exploratory fishery into a new fishery;
“Exploratory fishing”	means a scientific investigation or practical experiment conducted under section 83 of the MLRA to explore the potential of a wild marine fish resource that is not caught as part of a regulated fishery or is under-fished as a target or by-catch species in a regulated fishery;
“Fish”	means the marine living resources of the sea and the seashore, including any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile, and includes their eggs, larvae and all juvenile stages, but does not include marine mammals, sea birds and seals;
“Geographical exploration”	means to explore, in terms of section 83 of the MLRA, the fishery potential of a regulated fishery in a new geographical area where the wild

marine fish resource was previously unfished or under-fished as a target or by-catch species;

“Method exploration”

means a practical experiment conducted under section 83 of the MLRA to explore the viability or suitability of a previously unutilized fishing method, technique, gear or technology, regardless of whether the wild marine fish resource was previously unfished or under-fished as a target or by-catch species in a regulated fishery.

“New fishery”

means an exploratory fishery that has been determined as suitable to be managed as a regulated fishery after the implementation of this Policy.

“Ranching”

means the intentional release of a live aquaculture organism into an aquatic environment (marine, brackish or freshwater) which is not controlled or confined, with the intention of harvesting them for sale by the ranching licence holder;

“Regulated fishery”

means a wild marine fishery for which rights can be granted under section 18(1) of the MLRA as a commercial or small-scale fishery.

“Sample collection”

means the limited, controlled collection of relatively small quantities of wild marine organisms, or parts thereof, that are not harvested in a regulated fishery, for purposes of undertaking scientific research, monitoring, market, product development or food-related investigations, and not for purposes of sale.

II. ACRONYMS

FAO	Food and Agriculture Organization
FMP	Fishery Management Plan
MLRA	Marine Living Resources Act, 1998 (Act No. 18 of 1998)
NDP	National Development Plan
TAC	Total Allowable Catch
TAE	Total Applied Effort
SAMSA	South African Maritime Safety Authority

1. INTRODUCTION

1.1. The National Development Plan (NDP) recognizes the necessity of expanding existing fisheries and developing new fisheries while stating that *"Expanded or new fisheries must be sought where ecologically possible"* (NDP, Ch. 6, pg 229). The development of new fisheries presents an opportunity to expand South Africa's fisheries sector in a sustainable and responsible manner. Exploring the fishery potential of a marine wild fish resource that is unfished or under-fished as a target or a by-catch species in a regulated fishery can contribute to economic growth, food security, and job creation while ensuring the long-term viability of marine resources. However, such exploration and development must be carefully managed to prevent over-exploitation and to align with national and international sustainability commitments.

1.2. The MLRA provides the overarching legal framework for the conservation and sustainable utilisation of South Africa's marine living resources. Section 2 of the MLRA requires the Minister responsible for Fisheries (the Minister) and any organ of state to exercise any power under this Act while having regard to the following objectives and principles:

- "(a) The need to achieve optimum utilisation and ecologically sustainable development of marine living resources;*
- (b) the need to conserve marine living resources for both present and future generations;*
- (c) the need to apply precautionary approaches in respect of the management and development of marine living resources;*
- (d) the need to utilise marine living resources to achieve economic growth, human resource development, capacity building within fisheries and mariculture branches, employment creation and a sound ecological balance consistent with the development objectives of the national government;*
- (e) the need to protect the ecosystem as a whole, including species which are not targeted for exploitation;*
- (f) the need to preserve marine biodiversity;*
- (g) the need to minimise marine pollution;*
- (h) the need to achieve to the extent practicable a broad and accountable participation in the decision-making processes provided for in this Act;*
- (i) any relevant obligation of the national government or the Republic in terms of any international agreement or applicable rule of international law;*
- (j) the need to restructure the fishing industry to address historical imbalances and to achieve equity within all branches of the fishing industry;*

- (k) the need to promote equitable access to and involvement in all aspects of the fishing industry and, in particular, to rectify past prejudice against women, the youth and persons living with disabilities;*
- (l) the need to recognise approaches to fisheries management which contribute to food security, socio-economic development and the alleviation of poverty; and*
- (m) the need to recognise that fish may be allocated through a multi-species approach.”*

1.3. New fisheries, or the expansion of regulated fisheries are developed/ effected through the processes of scientific investigation and practical experiments; more specifically, through exploratory fishing, geographical exploration, method exploration and sample collection. Section 83 of the MLRA allows the Minister to permit such scientific investigation or practical experiments.

1.4. This Policy for the Development of New Wild Marine Fisheries and the Expansion of Regulated Wild Marine Fisheries in South Africa: 2026 (the New Fisheries Policy) seeks to give effect to the development of new fisheries and the expansion of regulated fisheries in an orderly and structured manner, consistent with the objectives and principles of the MLRA, the NDP, the Code of Conduct for Responsible Fisheries (Food and Agriculture Organisation (FAO) 1995) and the Precautionary Principle (FAO 1996) as elaborated in FAO Fisheries Technical Paper 350/1 titled “Precautionary Approach to Fisheries”. The implementation of this principle requires the avoidance of irreversible harm to ecosystems and the application of conservative harvest strategies when data are limited, whilst ensuring that the burden of proof lies with those proposing potentially harmful activities.

2. PURPOSE AND OBJECTIVES

2.1. The purpose of this Policy is to provide guidance on the processes to be followed to ensure that the development of new fisheries, any geographical expansion of a regulated fishery, as well as any change in fishing methods, techniques, gear or technologies and sample collection are scientifically informed, ecologically sustainable and legally compliant with both national and international legal frameworks.

2.2. The objectives of this Policy are to –

2.2.1. Structure new and expanded regulated fisheries in such a manner that addresses historical imbalances and achieves equity within all branches of the fishing industry;

- 2.2.2. Establish a structured framework for the exploration and development of new fisheries and the expansion of regulated fisheries in South Africa;
- 2.2.3. Ensure that the development of new fisheries and the expansion of regulated fisheries are effected in an ecologically sustainable manner, in line with the principles of the MLRA;
- 2.2.4. Promote the responsible economic utilisation of marine resources while safeguarding biodiversity and ecosystem health;
- 2.2.5. Provide scientific advice for evidence-based decision-making during the development of new fisheries and the expansion of regulated fisheries;
- 2.2.6. Align the development of new fisheries and the expansion of regulated fisheries with national and international legal frameworks and best practices;
- 2.2.7. Support equitable access to marine resources, ensuring fair participation by historically disadvantaged communities;
- 2.2.8. Use the most up to date and sustainable fishing methods according to international frameworks and best practises;
- 2.2.9. Explore new and unharvested areas to determine the feasibility of new fishing grounds; and
- 2.2.10. Promote the use of unharvested species through scientific exploration by means of sample collection.

3. SCOPE AND APPLICATION OF THE POLICY

- 3.1. This Policy must be read in conjunction with the MLRA and the Regulations in terms of the MLRA, 1998 (published in Government Notice No. R1111 in *Government Gazette* 19205 of 2 September 1998) (the MLRA Regulations).

3.2. Furthermore, it is important to note that this Policy is applicable to fish, as defined in this Policy. The definition of fish is aligned with the definition contained in section 1 of the MLRA, but excludes marine mammals.

3.3. The effect of this definition is that this Policy applies to the development of new fisheries and the expansion of regulated fisheries pertaining to any marine living resources of the sea and the seashore excluding marine mammals, sea birds and seals.

3.4. Note however that the scope of this Policy is limited to wild marine fish resources and excludes aquaculture and the ranching of fish resources. This Policy applies to the development of new fisheries, the exploration of the viability of expansion of a regulated fishery in relation to geographical location, the exploration of the viability of a change in approved fishing methods, techniques, gear or technologies and sample collection. Each of these activities are now briefly explained.

3.5. Development of New Fisheries

3.5.1. This Policy applies, firstly, to the development of new fisheries. After completion of exploratory fishing, and if the fishery potential is found viable or suitable, an exploratory fishery can be determined suitable to be managed as a new regulated fishery. The conversion of an exploratory fishery into a new fishery may be considered by the Minister or his/ her delegated authority. The completion of exploratory fishing does not, however, guarantee that an exploratory fishery will be converted into a new regulated fishery.

3.6. Exploration of the viability of the geographical expansion of a regulated fishery

3.6.1. This Policy further applies to the exploration of the viability of expansion of a regulated fishery in relation to geographical location. Geographical exploration is used for this purpose. The implementation of geographical exploration does not, however, guarantee that a regulated fishery will be expanded.

3.7. Exploration of the viability of a change in approved fishing methods, techniques, gear or technologies

3.7.1. This Policy also applies to the exploration of the viability of a change in approved fishing methods, techniques, gear or technologies. Method exploration is used for this purpose. Method exploration may only be conducted by permit holders, right holders or exemption holders already operating within the relevant regulated fishery. The implementation of method

exploration does not, however, guarantee that a new method, technique, gear or technology will be approved.

3.8. Sample collection

3.8.1. This Policy is, lastly, applicable to sample collection. Sample collection is conducted for the purpose of generating biological, ecological, socio-economic, or market information to inform management decisions, and will be subject to permit conditions, prescribed quantities, approved methods, and applicable legal and ethical requirements. Sample collection permits are intended for the limited, non-commercial collection of marine fish that are not harvested in an existing fishery. Sample size will be determined when permits are processed, and such determination will be made whilst considering sustainability and current available knowledge of each species.

4. FISHERY MANAGEMENT PLAN (FMP)

4.1. New fisheries as well as regulated fisheries must be managed in accordance with a Fishery Management Plan (FMP) specifically designed for each fishery. Any changes in fishing methods or expansion into new geographical areas must be reflected through updates to the respective FMP.

4.2. An FMP must be finalised within six months following the Minister's declaration of a fishery as a new fishery. An FMP will be developed by the Department in consultation with relevant stakeholders and will be amended as required by the progression of each fishery.

5. PROCESSES FOR OBTAINING PERMITS FOR PARTICIPATION IN EXPLORATORY FISHING, CONDUCTING GEOGRAPHICAL EXPLORATION, METHOD EXPLORATION AND SAMPLE COLLECTION

5.1. Section 83 of the MLRA provides that "*The Minister may, notwithstanding the provisions of this Act, permit any scientific investigation or practical experiment*". As exploratory fishing, geographical exploration, method exploration and sample collection all fall within the ambit of "scientific investigation or practical experiment", any person or organization wanting to conduct these actions must apply for and obtain a permit in terms of section 83 read with section 13(1) of the MLRA, prior to commencing activities.

5.2. Only South African persons may apply for such a permit. "South African person" is defined in section 1 of the MLRA to mean -

- "(a) a South African citizen in terms of the South African Citizenship Act, 1995 (Act No. 88 of 1995);*
- (b) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), of which the majority of shareholders, as prescribed by the Minister, are South African persons;*
- (c) a close corporation in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), of which the majority of members are South African persons; or*
- (d) a trust in which—*
 - (i) the majority of trustees having the controlling power at any given time are South African Citizens;*
 - or*
 - (ii) a majority of the beneficial interests are held by South African Citizens.; or*
- (e) a co-operative registered in terms of the Co-operatives Act, 2005 (Act No. 14 of 2005), of which all the members are South African citizens but, where any member is a juristic person, such person's principal place of business must be in the Republic".*

5.3. Application process for participation in exploratory fishing in an exploratory fishery

5.3.1. The approval process for conducting exploratory fishing in an exploratory fishery can be initiated by the Department or through proposals submitted by individuals or entities expressing interest in the sustainable fishing of a wild marine fish resource that is not caught as part of a regulated fishery or is under-fished as a target or by catch species.

5.3.1.1. Expression of Interest

5.3.1.1.1. The Department will publish in the *Government Gazette*, mainstream print media and on the Departmental website an invitation for interested parties to apply for and to participate in exploratory fishing in terms of section 83 of the MLRA. To support applicants, a comprehensive template and detailed submission guidelines will be made available on the Department's website and through relevant stakeholder communication.

5.3.1.1.2. It is also possible for individuals or entities to express their interest in participating in exploratory fishing. Such an expression of interest must be posted or hand delivered or emailed to the Department via the Customer Services Centre, addressed to the New Fisheries Scientific Working Group at

Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018 or CSCapplications@dfre.gov.za. When such notification is received, the Department must timeously provide the relevant individual or entity with the template (downloadable application form) and detailed submission guidelines.

5.3.1.2. Submission of applications

5.3.1.2.1. The application criteria will align with the overarching principles of the Policy. Applicants must meet the minimum requirements and demonstrate operational readiness. The minimum requirements include:

- (a) verifiable experience in the fishing sector,
- (b) knowledge of fishing grounds,
- (c) ability to procure or manufacture appropriate gear; and
- (d) proof of vessel access.

5.3.1.3. Desktop study and operational plan

5.3.1.3.1. Prior to the submission of the application, each applicant must complete a desktop study to identify key data or information gaps. This process involves the synthesis of existing knowledge and the identification of critical data or information gaps in relation to the target species and associated ecosystems. It includes biological, ecological, socio-economic and fisheries related data. The objective is to evaluate the feasibility of initiating exploratory fishing and to ensure that such exploration is underpinned by science.

5.3.1.3.2. The desktop review must collate all available literature on the species of interest, including its biology, distribution, past or present exploitation (if any), fishing gear options, post-harvest value chains, and global market trends. In addition, information on similar species harvested previously elsewhere in South Africa and other countries must be included in the study. Particular attention must be given to data or information gaps, risks to vulnerable species or habitats, and broader ecosystem implications. The results of the desktop study must be submitted as part of the application.

5.3.1.3.3. Applicants are also required to submit a detailed two-year operational plan as part of the application. See Appendix A in this regard for guidance on the contents of such plan.

5.3.1.4. Evaluation of applications

5.3.1.4.1. The evaluation of applications involves an assessment to determine eligibility, technical feasibility, and alignment with the objectives of the Policy. The evaluation process will focus on the following criteria:

5.3.1.4.1.1. *Exclusionary criteria*

Applicants who do not meet these requirements will be excluded. The following exclusionary criteria will be used:

- (a) The applicant is not a South African person as defined in the MLRA.
- (b) The application is improperly lodged. An application is improperly lodged if it was received late, if the applicant made no payment or short payment or late payment of the application fee, if there is any outstanding information, if it was lodged in a manner contrary to the instructions or on a form other than the official application form provided as part of the invitation to apply.
- (c) The application is submitted by a deregistered (from CIPC) juristic person or the applicant is not tax compliant.
- (d) The applicant is under the age of 18.
- (e) The applicant submits more than one application for the same exploratory fishery.
- (f) The applicant submits false and/or misleading information or false documentation.
- (g) An applicant or any of their members and shareholders or directors has been convicted of an offence in terms of the MLRA or its regulations or permit conditions and sentenced to direct imprisonment or a fine other than an admission of guilt fine;
- (h) An applicant that has entered into a plea agreement in terms of section 105A of the Criminal Procedure Act, 1997 (Act No. 51 of 1977), for a contravention of the MLRA, the regulations, or permit conditions.

- (i) An applicant had an asset forfeited to the State for a violation of a provision in the MLRA.
- (j) The applicant had a fishing right, exemption or permit cancelled, withdrawn or revoked in terms of section 28 or 81 of the MLRA.

5.3.1.4.1.2. Assessment of applications

The Department will assess all applications in relation to the criteria detailed below. These criteria will be weighted in order to evaluate and assess applications. The assessment panel may request further information from the applicant to assist in its assessment and allocation. Information contained in the application may be subject to validation.

(a) Fishing experience

The application will be examined to determine if the applicant has more than five (5) years of relevant experience in fishing operations.

(b) Access to a suitable vessel, where applicable

An applicant will be required to demonstrate a right of access to a suitable vessel. Access may be in the form of ownership, part-ownership, catch agreement, charter agreement, or bank guarantee in the case of a purchase of a vessel or to build a vessel. If an applicant intends purchasing a vessel proof of a purchase agreement must be provided. In the case of a newly built vessel, then the vessel plans and cost of the vessel must be provided. Suitable vessels will be defined in the FMP. Existing local vessel capacity must be used unless such is not available. The use of foreign vessels may be considered depending on the kind of exploratory fishing and the availability of local vessels. All vessels used must adhere to relevant safety standards and comply with all vessel licensing requirements under sections 23 and 39 of the MLRA and be certified by SAMSA as being safe for fishing.

(c) Suitable fishing gear

An applicant must provide proof of being in possession of the necessary gear to undertake the relevant exploratory fishing. A comprehensive description of the method and gear that an applicant wishes to employ must be submitted. All gear types and technologies proposed must be approved by the Department. This approval will consider catch efficiency, socio-economic benefits, ecosystem risks, potential for inter- or cross-sectoral conflict, and enforceability. Gear types for each project will be specified in the FMP.

5.3.1.5. Issuance of a permit to undertake exploratory fishing

5.3.1.5.1. Participation in an exploratory fishery will be authorised for a predetermined period and permits will be issued annually.

5.3.1.5.2. Catch volumes and/or fishing effort will be allocated to allow feasibility testing, including assessment of ecological impact and market viability.

5.4. Application process for participation in geographical exploration

5.4.1. Expression of Interest

5.4.1.1. The process of expressing interest is similar to that of exploratory fishing. Please see above paragraph 5.3.1.1.

5.4.2. Submission of applications

5.4.2.1. Save for the desktop study discussed below, the process of submitting applications and the application criteria are similar to that of exploratory fishing. Please see above paragraph 5.3.1.2.

5.4.3. Desktop study and operational plan

5.4.3.1. In relation to the desktop study to be conducted prior to submitting the application, such must include information on bathymetry, ecological sensitive areas, GPS coordinates of the area and shipping routes and other fishing operations in the area. Essentially, such desktop study must collate available literature on the suitability of the area to expand the fishing operation into.

5.4.3.2. Applicants are also required to submit a detailed two-year operational plan as part of the application. See Appendix A in this regard for guidance on the contents of such plan.

5.4.4. Evaluation of applications

5.4.4.1. The evaluation process of applications for geographical exploration is similar to that of applications for exploratory fishing set out above in paragraph 5.3.1.4. First, the exclusionary criteria must be applied, after which the assessment will evaluate the applicant's fishing experience, access to a suitable vessel (where applicable) and suitable fishing gear.

5.4.5. Issuance of a permit to undertake geographical exploration

5.4.5.1. Participation in geographical exploration will be authorised for a predetermined period and permits will be issued annually.

5.4.5.2. Catch volumes and/or fishing effort will be allocated to allow feasibility testing, including assessment of ecological impact and market viability. Should a TAC/TAE allocation for this resource be apportioned from a regulated fishery for geographical exploration, all applicable laws including regulations applicable to that regulated fishery must be strictly adhered to (with the exception of any restrictions relating to fishing in specified areas).

5.5. Application process for participation in method exploration

5.5.1. Expression of Interest

5.5.1.1. The process of expressing interest is similar to that of exploratory fishing and geographical exploration. Please see above paragraph 5.3.1.1.

5.5.2. Submission of applications

5.5.2.1. Same for the desktop study discussed below, the process of submitting applications is similar to that of exploratory fishing and geographical exploration. Please see above paragraph 5.3.1.2.

5.5.3.Desktop study and operational plan

5.5.3.1. In relation to the desktop study to be conducted prior to submitting the application, such must collate all available literature on the suitability of the gear type, technology or techniques (i.e deployment methods) proposed; including in relation to the effects on the marine environment i.e. the increase of catch efficiency and reduction of by-catch. Furthermore, critical data and information gaps in relation to the use and effect of the proposed gear, technology or techniques must be included.

5.5.3.2. Applicants are also required to submit a detailed two-year operational plan as part of the application. See Appendix A in this regard for guidance on the contents of such plan.

5.5.4.Evaluation of applications

5.5.4.1. First, the exclusionary criteria similar to that of exploratory fishing and geographical exploration applications must be applied, after which the assessment will evaluate the applicant's access to a suitable vessel (where applicable) and suitable fishing gear. In relation to suitable fishing gear, the applicant must provide proof of being in possession of the necessary gear to undertake the method exploration. A comprehensive description on the method and gear that an applicant wishes to deploy must be submitted.

5.5.5.Issuance of a permit to undertake method exploration

5.5.5.1. Participation in method exploration will be authorised for a predetermined period and permits will be issued annually. The permit will specify which gear types and technologies are approved. This approval will consider catch efficiency, socio-economic benefits, ecosystem risks, potential for inter- or cross-sectoral conflict, and enforceability. Gear types for each project will be specified in the FMP.

5.5.5.2. Catch volumes and/or fishing effort will be allocated to allow feasibility testing, including assessment of ecological impact and market viability. Should a TAC/TAE allocation for this resource be apportioned from a regulated fishery for method

exploration, all applicable laws including regulations applicable to that regulated fishery must be strictly adhered to.

5.6. Application process for sample collection

5.6.1. Submission of applications and operational plan

5.6.1.1. To support applicants, a comprehensive application form template and detailed submission guidelines will be made available on the Department's website.

5.6.1.2. Applications must be submitted to the Department via the Customer Services Centre, addressed to the New Fisheries Scientific Working Group at Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018 or CSCapplications@dffe.gov.za. addressed to the New Fisheries Scientific Working Group and must contain details on the objectives of the sample collection, sample quantities and collection areas.

5.6.1.3. All applicable laws and international obligations, including those contained in the Nagoya Protocol (2010) and the Convention on Biological Diversity (1993), must strictly be adhered to.

5.6.1.4. The application criteria are similar to that of exploratory fishing, geographical exploration and method exploration. Please see above paragraph 5.3.1.2.

5.6.1.5. Applicants are also required to submit a detailed two-year operational plan as part of the application. See Appendix A in this regard for guidance on the contents of such plan.

5.6.2. Evaluation of applications

5.6.2.1. The evaluation process of applications for sample collection requires the same exclusionary criteria as set out above to be applied. Thereafter, the Department will assess all applications in relation to the criteria detailed below, which will be weighted. Similarly, the assessment panel may request further information from the applicant to

assist in its assessment and allocation; and information contained in the application may be subject to validation.

(a) Small sample collection experience

Applicants should collaborate with an independent researcher/s or research institution/s in South Africa.

(b) Ethics clearance

Applicants must have the appropriate and valid ethics clearance certificate from the National Health Research Ethics Council (NHREC).

(c) Access to a suitable vessel, where applicable

Similar to applications for exploratory fishing, geographical exploration and method exploration, an applicant will be required to demonstrate a right of access to a suitable vessel. See above.

(d) Suitable collecting gear

An applicant must provide proof of being in possession of the necessary collecting gear to undertake the relevant sampling. A comprehensive description on the method and gear that an applicant wishes to deploy must be submitted.

5.6.3. Issuance of a permit to undertake sample collection

5.6.3.1. Sample collection will be authorised for a predetermined period and permits will be issued annually.

5.6.3.2. The permit will specify which gear types and technologies are approved. This approval will consider catch efficiency, socio-economic benefits, ecosystem risks, potential for inter- or cross-sectoral conflict, and enforceability. Gear types for each project will be specified in the FMP.

6. ASSESSMENT OF THE WAY FORWARD PERTAINING TO THE PARTICULAR PROJECT

- 6.1. Exploratory fishing, geographical exploration, method exploration and sample collection may be permitted to continue until such time that the Department is of the view that a sufficient amount of information has been obtained to make an informed decision regarding the way forward.
- 6.2. At the end of the relevant period, a structured assessment process will be undertaken to evaluate the viability of an exploratory fishery to become a new fishery, the introduction of additional methods, an expansion to a regulated fishery or the implications based on the results of a sample collection project, as the case may be. Assessments will be conducted by the Department or by the permit holders through a formal agreement with independent researchers or research institutions in South Africa. The use of independent researchers or research institutions must be approved by the Department. Where permit holders conduct assessments, the findings must be submitted to the Department for review.
- 6.3. The Department will then review all information submitted and develop recommendations regarding the future of an exploratory fishery, the proposed expansion of a regulated fishery, the use of new proposed methods or the way forward based on the conclusions drawn from sample collection conducted, as the case may be. These recommendations will be submitted to the Minister or his or her delegate for approval.
- 6.4. To safeguard the integrity of the data, a Code of Conduct between analysts and participants, will be developed. Data confidentiality and compliance with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) will be ensured, with the Department remaining the custodian of all submitted data.

7. FINAL DECISIONS

7.1. Determination of a new fishery

7.1.1. Conversion from an exploratory fishery to a new fishery will be conducted by the Department through the allocation of long term commercial or small-scale fishing rights in terms of section 18(1) of the MLRA through the established rights allocation process.

7.1.2. As previously mentioned, a FMP must be finalised within six months following the Minister's declaration of the fishery as a new fishery.

7.1.3. In the event of an exploratory fishery being converted to a new fishery, preference may be given to previous participation, performance and investment in that fishery.

7.2. Geographical expansion of a regulated fishery

7.2.1. All data collected during geographical exploration will be used to determine if the additional geographical area should be incorporated in the regulated fishery. After expansion, the Department is able to grant permits to fishers in terms of section 13(1) of the MLRA to allow them to fish in the expanded area. The Department will also be required to amend the Fisheries Management Plan of the regulated fishery.

7.3. Approval of new methods

7.3.1. All data collected during method exploration will be used to determine if the use of the new additional method(s), technique(s), gear or technology should be permitted in a particular regulated fishery. After approval, the Department is required to amend the Fisheries Management Plan of the regulated fishery, as well as incorporate the changes into permit conditions.

7.3.2. The use of new additional method(s), technique(s), gear or technology may be adopted in a phased approach, depending on the nature of the particular fishery.

7.4. Way forward based on sample collection results

7.4.1. The way forward based on the conclusions drawn from sample collection will depend on the nature of the project, as well as the purpose thereof.

8. **GENERAL PROVISIONS**

8.1. Announcement of decisions

8.1.1. Applicants will be formally notified of the Department's decision regarding their application within 60 days from formal acknowledgement of receipt of the application. In the case of a refusal, the Department will provide written reasons, and applicants will retain the right to appeal the decision in terms of section 80 of the MLRA. Records of all assessment outcomes will be systematically maintained for accountability and future reference for a minimum period of 60 months.

8.2. Duration and termination of permits and operations

8.2.1. Permits cannot be issued for a period longer than one (1) year (section 13(2)(a) of the MLRA).

The duration of a permit for exploratory fishing, geographical exploration, method exploration or sample collection will be dependent on the particular resource and type of exploration. To provide operational stability and foster investment, successful applicants will be allowed to participate for the duration of the relevant project and subject to compliance with permit conditions and the MLRA.

8.2.2. The duration of a project involving exploratory fishing, geographical exploration, method exploration or sample collection will be determined by the New Fisheries Scientific Working Group, and will also be specified in the FMP. Such a project will terminate automatically at the end of the duration determined by the New Fisheries Scientific Working Group and as specified in the FMP, where applicable.

8.3. Commencement

8.3.1. Successful applicants will be required, through permit conditions, to commence with the relevant activities within the timeframe prescribed in the FMP. Failure to do so may result in the initiation of proceedings in terms of section 28 of the MLRA.

8.4. Data collection, submission and research

8.4.1. Permits issued for exploratory fishing, geographical exploration, method exploration and sample collection must contain conditions to require permit holders to collect and submit reliable, high-quality data relating to catches, by-catches, fishing effort, economics and markets.

8.4.2. Permit holders must also be required to collect environmental and biological data and samples for research. Data requirements will vary across resources and align with objectives identified in the initial feasibility assessment. Data requirements can also be detailed in the FMP. The Department will provide standardised templates to guide data reporting.

8.4.3. The Department may also require additional research to be conducted as outlined in the FMP. Such research may either be conducted by the Department or by permit holders through a formal agreement with independent researchers or research institutions in South Africa. The use of independent researchers or research institutions must be approved by the Department.

8.5. Monitoring and Control

8.5.1. Compliance monitoring will be conducted by the Department through a verification of compliance with permit conditions, harvesting performance, and economic feasibility, including market access and profitability as defined in the FMP. Furthermore, compliance will be verified against control measures stipulated in the MLRA and the MLRA Regulations pertaining to, for example, gear restrictions, species size limits, bycatch limits, designated areas, designated landing points or harbours, fishing seasons, closed areas, catch limits (by area if appropriate), and effort limitation.

8.5.2. Non-compliant permit holders may be subject to proceedings in terms of section 28 of the MLRA or criminal prosecution.

8.5.3. Compliance monitoring will be undertaken by, firstly, observers. The design and funding model for observer programmes will be determined on a project specific basis and detailed in the FMP. In general, funding of the observer programme should be managed in accordance with the user pays principle.

8.5.4. Secondly, compliance monitoring can be conducted through the use of Electronic Monitoring Systems as stipulated in the FMP. Information collected may include economic, biological, and catch and effort data, discards, as set out in the exploratory design as well as observed compliance breaches, among others.

8.5.5. Thirdly, compliance monitoring will be conducted by designated Fishery Control Officers and/or appointed Honorary Marine Conservation Officers, where applicable and if required by the Department. Designated landing points/harbours will be identified in the FMP and listed in the permit conditions.

9. APPENDIX A

The Operational Plan must include the following details, applicable over a period of two years from commencement of the activities:

1. Overview and Objectives

- Purpose of the proposed activity
- Specific objectives aligned with the Policy and MLRA principles
- Description of the resource, species, or area to be explored
- Expected outcomes and decision points (e.g. feasibility, sustainability thresholds)

2. Scope and Duration

- Type of activity (exploratory fishing, geographical exploration, method exploration, or sample collection)
- Geographic area(s) of operation (with maps and coordinates where applicable)
- Proposed start date, end date, and phased timelines
- Seasonal considerations (e.g. spawning periods, weather constraints)

3. Target Species and Ecosystem Context

- Target species (scientific and common names)
- Associated by-catch species likely to be encountered
- Description of relevant habitats and sensitive ecosystems
- Known conservation status or vulnerability considerations

4. Methods and Operational Approach

- Fishing, collection, or sampling methods to be used
- Gear types, technologies, and deployment methods
- Effort levels (e.g. trips, sets, soak times, hauls)
- Sample sizes or catch limits proposed
- Justification for chosen methods, including comparison with alternatives

5. Vessels, Equipment and Personnel

- Details of vessels to be used (type, size, registration, SAMSA compliance)
- Ownership or access arrangements
- Fishing or sampling gear specifications
- Crew composition and qualifications
- Roles and responsibilities of key personnel

6. Data Collection and Research Plan

- Types of data to be collected (biological, ecological, catch, effort, economic, market)
- Sampling protocols and frequency
- Data quality assurance and verification measures
- Collaboration with researchers or institutions (if applicable)
- Data submission formats and reporting schedules

7. Environmental and Ecosystem Risk Management

- Identification of potential ecological risks and impacts
- Measures to minimise by-catch, habitat damage, and ecosystem disturbance
- Avoidance or mitigation of impacts on protected or vulnerable species
- Adaptive management triggers and corrective actions

8. Compliance, Monitoring and Control

- Compliance with permit conditions and legal requirements
- Observer coverage and/or electronic monitoring arrangements
- Logbook and reporting systems
- Landing points and traceability measures
- Internal compliance procedures

9. Health, Safety and Operational Risk Management

- Safety protocols for vessels and crew
- Emergency response procedures
- Insurance and liability considerations
- Risk assessment for operational hazards

10. Socio-Economic and Market Considerations

- Intended use of samples or catches (e.g. research, testing, market trials)
- Preliminary market assessment or value-chain considerations
- Local employment and skills development contributions
- Alignment with transformation and equity objectives

11. Stakeholder Engagement

- Identification of affected or interested stakeholders
- Consultation undertaken or planned
- Measures to manage conflict with other sectors or users

12. Budget and Financial Planning

- Estimated operational costs
- Funding sources
- Cost recovery or user-pays elements (where applicable)
- Financial viability over the operational period

13. Evaluation and Reporting

- Performance indicators and success criteria
- Interim and final reporting requirements
- Decision-making thresholds for continuation, modification, or termination
- Contribution to future management or policy decisions

14. Exit Strategy

- Conditions under which the activity will cease
- Post-operation rehabilitation or closure measures (if applicable)
- Data handover and final reporting obligations

(NOTE: Please circle or tick your answer)

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned,
(name)..... in
submitting the accompanying bid, do hereby make the following
statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....	
Signature	Date
.....	
Position	Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

- a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
(b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc}
 \text{80/20} & \text{or} & \text{90/10} \\
 \\
 Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) & \text{or} & Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
51% Black ownership	N/A	8	N/A	
50% Women ownership	N/A	4	N/A	
Youth ownership	N/A	4	N/A	
Disability	N/A	4	N/A	
Non-compliant contributor	N/A	0	N/A	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium

One-person business/sole propriety

Close corporation

Public Company

Personal Liability Company

(Pty) Limited

Non-Profit Company

State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm,

certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

