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THE MINING ACT,
(CAP. 123)

REGULATIONS

(Made under section 129)

THE MINING (MINERAL RIGHTS APPLICATIONS BY TENDER) REGULATIONS, 2020

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THE MINING (MINERAL RIGHTS APPLICATIONS BY TENDER) REGULATIONS, 2020

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Mining (Mineral Rights Applications by Tender) Regulations, 2020.
- Application 2. These Regulations shall apply to the applicants who applied for mineral rights on the same area and date or on reserved area for application by tender.
- Interpretation 3. In these Regulations, unless the context otherwise requires -
- Cap. 123 “Act” means the Mining Act;
 “Bid” means an offer to acquire mineral right during tendering process;
 “Commission” means the Mining Commission established under the Act;
 “Evaluation Committee” means the Committee appointed under regulation 11 of these Regulations;
 “Executive Secretary” has the meaning ascribed to it under the Act;

“licensing authority” means the Commission and includes any other person authorized by the Commission to perform licensing activities;

“licensing officer” includes a licensing authority or any other public officer authorized or appointed to perform licensing activities on behalf of the licensing authority;

“Minister” means the Minister responsible for mining affairs;

“reserved area” means-

(a) an area reserved in accordance with section 15 for application for mineral rights by tender; or

(b) an reserved area in accordance with section 16 exclusively for the grant of primary mining licenses to mine minerals under Division C of Part IV;

“vacant area” has the meaning ascribed to it under the Act.

PART II

TENDER PROCEDURE

Application by tender vacant area or reserved area

4.-(1) The Minister shall, by notice in the *gazette* or local newspaper invite application by tender for any vacant area or reserved area, if he considers that it is in the public interest.

(2) An application under sub regulation (1) shall be made in duplicate to the Commission in a tender Bid Form No. TBF 1 specified under the First Schedule to these Regulations.

(3) The application under this regulation shall be accompanied by fee of Tanzanian shillings five hundred thousand which is non-refundable.

Application received in the

5.- (1) The Commission shall invite tender

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| same area and date | <p>application for the applicant whose application for mineral right received in the same area and date.</p> <p>(2) An application under sub regulation (1) shall be made in duplicate to the Commission in a tender Bid Form No. TBF 2 specified under the First Schedule of these Regulations.</p> |
| Invitation to tender | <p>6. The Minister or the Commission shall invite the applicants to submit bid documents at the place and time provided for in the letter of invitation to tender.</p> |
| Submission of bids | <p>7.-(1) The bid documents of the applicant shall only be considered if-</p> <ul style="list-style-type: none">(a) is in a sealed envelope and addressed to the Commission;(b) it does not disclose the identity of the bidder on the envelope; and(c) submitted to the Commission within the time specified in the tender invitation. <p>(2) The bid documents shall include the following information-</p> <ul style="list-style-type: none">(a) contact of the bidder;(b) Nationality;(c) state the application number for the applicant on the same area and date;(d) premium amount bided;(e) schedule of payment;(f) training and work programme; and(g) proof of financial and technical resources. |
| Register of bid document | <p>8. The licensing authority shall, on receiving the bid documents, stamp on envelop and record the date and time of receipt.</p> |

- Invitation to bid opening 9. The licensing authority shall, after receiving bid documents from the applicants, invite all bidders to attend the tender opening meetings on the date, time and venue to be specified in the invitation letter.
- Bid opening 10.-(1) The Evaluation Committee shall open the bid documents in the presence of all bidders.
(2) Before opening one of the bidder shall verify the bid document to observe the compliance of requirements specified under regulation 7(1) of these Regulations.
- Evaluation Committee 11. (1) The Executive Secretary shall appoint Evaluation Committee which shall be an *ad-hoc* consist of five members.
(2) The appointed Committee shall consists of three members from the licensing authority, one member from the legal services directorate and one member from the procurement directorate.
- Functions of Evaluation Committee of bid documents 12.-(1) The Evaluation Committee shall perform the following functions:
(a) to open bid documents at the tender opening meetings;
(b) evaluate the bid documents submitted;
(c) prepare evaluation report; and
(d) recommend in the report which bidder should be awarded the tender.
(2) The Committee shall submit the evaluation report to the Executive Secretary.
- Notification to bid winner 13. The Executive Secretary shall, basing on the report, notify by letter the successful and unsuccessful bidders.

Complaint

14. Where an unsuccessful bidder who is not satisfied with the decision of the Commission may, within seven days receiving notification letter, submit a complaint to the Executive Secretary.

Appeals

15. Where an unsuccessful bidder is not satisfied with the decision of the Executive Secretary he may appeal to the Minister who shall make decision within fourteen days from the date of receiving the appeal.

Application
received in the
same area and
day

16.-(1) The Commission shall notify the applicants whose application for mineral rights received in the same area and day to submit a proposal on premium for the area applied and schedule of payment.

(2) The successful bidder under this regulation shall base on the highest premium submitted.

(3) Where the successful bidder fails to pay agreed premium, the application shall lapse and the person with the second best premium shall be considered for grant of a mineral rights.

SCHEDULES

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FIRST SCHEDULE
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FORM NO. TBF1

THE MINING ACT,
(CAP 123)

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(Made under regulation 4)
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BID APPLICATION FORM

1. Name (individual, company, Partnership or any Body corporate).....
2. Nationality (attach copy of passport or National Identity card).....
3. Address (postal, physical, Telephone, E- mail)
.....
4. Company information (Attachments)
 - (a) Memorandum and Articles of Association
 - (b) Certificate of Incorporation
 - (c) Certified Tax Clearance certificate
5. Information to be included in the bid document:
 - (a) application number for the applicant on the same area and date;
 - (b) premium amount bided;
 - (c) schedule of payment;
 - (d) training and work programme;
 - (e) proof of financial and technical resources; and
 - (f) proof of payment of application fee.

Date.....

Signature

Seal of the Company (if applicable).....

SECOND SCHEDULE

FORM NO. TBF.2

THE MINING ACT,
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(Made under regulation 4)

BID APPLICATION FORM

1. Name (individual, company, Partnership or any Body corporate).....
2. Nationality (attach copy of passport or National Identity card).....
3. Address (Postal, physical, Telephone, E- mail).....
4. Company information (attachments):
 - (a) Memorandum and Articles of Association
 - (b) Certificate of Incorporation
 - (c) Certified tax Clearance certificate
5. Information to be included in the bid document:
 - (a) application number for the applicant on the same area and date;
 - (b) premium amount bided;
 - (c) schedule of payment;
 - (d) training and work programme;
 - (e) proof of financial and technical resources; and

Date.....

Signature

Seal of the Company (if applicable).....

Dodoma ,
19th June, 2020

DOTO MASHAKA BITEKO
Minister for Minerals