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National Transmission
Company South Africa ™

To: Whom may it concern

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Middle Manager – SHEQS

Dear Project Managers, Contractors & Service Providers

SACPCMP – SECTION 18 CATEGORIES OF REGISTRATION FOR CONTRACTOR CONSTRUCTION MANAGERS AND INTERNAL CONTROLS & MONITORING

1. Introduction

The Project and Construction Management Professions Act 48 of 2000 directs that a person assuming responsibility for works identified for any category of registered persons may register as a professional in the appropriate category with the South African Council for the Project and Construction Management Professions (SACPCMP) to comply with legal and statutory requirements in South Africa. In related Gazette notices, such work, services, and deliverables are identified for the disciplines of construction project management, construction management, construction mentorship, and construction health and safety.

Construction Industry Development Board (CIDB) Act 38 of 2000, section 18 on unregistered contractors: "(1) A contractor may not undertake, carry out or complete any construction works or portion thereof for public sector contracts, awarded in terms of competitive tender or quotation, unless he or she is registered with the Board and holds a valid registration certificate issued by the Board."
CIDB: Best Practice Project Assessment Scheme: Competence Standard for Contractors – GN 1237 of 2017: Recognition of minimum competencies within a Class of Construction Works: (CIDB Grades 7 to 9); being a contractor who has access to a SACPCMP registered Construction Manager.

The Council for the Built Environment (CBE), in collaboration with the Built Environment Professional Bodies, intends to make it illegal for a non-registered person to administer and lead infrastructure projects in South Africa. The lack of professional affiliation results in huge financial (and other) losses for the state when these individuals cannot be held responsible for their professional (mis)conduct. Furthermore, the quality of professional work has deteriorated with time, resulting in several design errors, project overruns, unjustifiable deviations, and poor project scoping.

The CBE as a statutory body and regulator of the built environment sector entrusted with a mandate to protect the interest of the public, is actively advocating, together with the professional councils and recognised voluntary associations, for administration and work on infrastructure projects to be the exclusive domain of registered persons.

2. Purpose

All Contractors' identified personnel are registered in accordance with outlined categories in the Act, section 18(1)(a) or (b) categories of registration.

3. Applicability

This directive is for all Contractors who have been appointed to do work for Projects Delivery and are registered with the CIDB at Grade Levels 7 to 9.

Note 1: The Client Health and Safety specification for all appointed Contractors registered with the CIDB at Grades 7 to 9 shall automatically specify that the Construction Manager (Construction Regulation (CR) 8(1)) be registered with the SACPCMP.

Note 2: Contractors registered with the CIDB at Grade Levels 7 to 9 who are appointed to execute works that are within CIDB Grade Levels 1 to 6 should be assessed by the Client, based on the Scope of Works and Risk Assessment for construction work in accordance with Construction Regulation 9 requirements and the Eskom Risk Assessment (32-520). In line with Construction Regulation 8(1), the Client should evaluate whether the works under CIDB Grade Levels 1 to 6 require a full-time SACPCMP registered Construction Manager or not and stipulate such requirements in the Health and Safety specification.

Construction Managers Registration Categories

All Construction Managers employed by Contractors may register under one of the registration categories specified in Project and Construction Management Professions Act, 2000 section 18(1)(a) or (b) or (c):

- Section 18 (1)(a) of Act:
  - Professional Construction Manager
- Section 18 (1)(b) of Act:
  - Candidate Construction Manager
- Section 18(1)(c) of Act (Specified Categories prescribed from time to time by Council:
  - Professional Construction Mentor
  - Construction Mentor

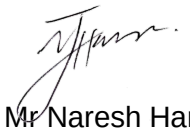
4. Legal and Other Requirements

a) The Construction Manager shall manage the physical construction process within the built environment and includes the co-ordination, administration, and management of resources.
b) A person may not practice in any of the categories contemplated in Section 18(1) unless he or she is registered in that category.
c) A person who is registered in the category of candidate must perform work in the Project and Construction Management Professions only under the supervision and control of a professional of a category as prescribed.
d) Proof of registration (annual letter of good standing in terms of registration with the SACPCMP) shall be submitted as part of procurement returnable.
e) Proof of registration shall always be available on site.
f) If registered personnel are changed, the Contractor must notify the Client promptly, and proof of registration (annual letter of good standing in terms of registration with the SACPCMP) must be submitted for verification.
g) Should any of the identified personnel in accordance with the requirements be not registered, the Contractor shall not be allowed to commence with any operations; this includes national contracts, where applicable, until the Client Agent authorizes the commencement of work.

5. TPD Internal Controls and Monitoring

a) Project Managers shall ensure that Contractors comply with any directives issued by The Department of Employment and Labour and Eskom Health and Safety requirements.
b) For all projects, Project Managers must complete Form 240-111018542 to determine whether Construction Work is involved.
c) The Portfolio's Senior Health and Safety Advisor shall ensure that the registration criteria stipulated in the Acts governing construction professions are adequately reflected in Health and Safety Specifications based on the Scope of Works and Risk Assessments. Senior Health and Safety Advisors must conduct a risk assessment to determine the project's complexity and constructability risks (variables such as project cost, number of contractor personnel, and outage timeline) to recommend the level of conformance and compliance with SACPCMP registration that is required on site.
d) Project Managers must include the Contractor Construction Manager CR 8 (1) requirements with the SACPCMP as part of the Works Information.
e) The Bill of Quantities (BoQ) shall include a line item related to SACPCMP requirements registration per discipline because it is a regulated function (Professional Project Construction Manager, Professional Construction Manager, Construction Health & Safety Manager, and Construction H&S Officer) by the SACPCMP in terms of cost.
f) In the event of a dispute, the Client Agent has the final/ultimate say in recommending suitable measures to guarantee cooperation between the Client, all Principal Contractors, and Contractors to achieve conformance and compliance with the Construction Regulations.

Yours sincerely



Mr Naresh Hari
GENERAL MANAGER ACTING
PROJECTS DELIVERY

Date: 21 October 2024