

Construction
Contracts:
Balancing Risk
& Reward

Free CPD
Article Inside:
Dispute
Management

Understanding
CPD Challenges
and Opportunities

Social
Facilitation
Professionalisation

CPD and
Registration
Calendar

SACPCMP
The South African Council for the Project and Construction Management Professions
— CONSTRUCTING NEW PERSPECTIVES —



Building the Future

Pro-serve Consulting's Leadership Academy that Shapes Industry Trailblazers



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Pro-serve Consulting in 2024 unveiled one of its most transformative initiatives to date – the **Pro-serve Leadership Academy (PLA)** – a bold step toward nurturing tomorrow's leaders in the built environment. At Pro-serve, we don't just deliver exceptional projects – we develop exceptional people. With a reputation for excellence in construction consultancy across Southern Africa and beyond, our work consistently embodies sustainability, innovation, and social responsibility. PLA is the natural extension of this mission – a homegrown centre of excellence dedicated to unlocking human potential and fostering a future-fit workforce.

Why PLA? Why Now?

As the construction and infrastructure sectors evolve rapidly, so too must leadership. PLA was conceived to address this shift – equipping our managers and emerging leaders with the strategic, operational, and interpersonal skills required to thrive in a complex, fast-moving industry. The academy is more than a training program; it is Pro-serve's internal university – a structured, deliberate pipeline for talent growth, capability development, and long-term succession planning.

Empowering Leaders, Shaping Futures

The PLA curriculum is built on four pillars: **formal training, mentoring, coaching, and experiential learning**. Participants work collaboratively on real-world projects tied directly to Pro-serve's strategic objectives. This ensures that learning is not only theoretical, but also directly applicable – providing tangible value to both individual career paths and the broader organization.

Key values underpinning the academy include:

- Encouragement of continuous improvement and innovation
- Recognition of ambition, ability, and the pursuit of lifelong learning
- A deep belief in cultivating leaders from within

By investing in people, we are investing in performance. Global research shows that strong leadership development programs can increase organizational performance by **21%** and employee engagement by **17%** – results already beginning to materialize at Pro-serve.



Figure 1: Pro-serve EXCO & PLA Facilitators

Expert-Led, Experience-Driven

The academy's inaugural **Cohort One** was expertly facilitated by **Dr. Buyani Zwane**, a respected figure in leadership and human capital development with more than 30 years' experience in both local and international organizations. This cohort focused on strategic decision-making skills and aligning teams with strategy. **Cohort Two** followed under the guidance of **Dr. Tendai Mhizha**, a renowned leader and serial entrepreneur with decades of cross-sectoral experience. This cohort focused on leadership development, the "I" in leadership, self-awareness, and personal mastery. Their expertise brings a world-class edge to PLA, cementing it as a premier internal development platform in the built environment sector.



Figure 2: PLA Cohort 1

Beyond Training – A Culture of Excellence

PLA is more than a professional growth mechanism – it is a cornerstone of Pro-serve's company culture. It reinforces Pro-serve's commitment to quality, performance, and sustainability while ensuring our people remain at the heart of everything we do. As we shape the next generation of leaders, PLA reflects our belief that building better infrastructure starts with building better people.

Our Values

- We are passionate about adding value to our clients in order to help them achieve their objectives.
- We provide the highest standards of excellence.
- We encourage ideas of continuous movement.
- We value abilities, ambitions, and learning.
- Creating a family environment where clients and employees feel at home.





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SACPCMP

The South African Council for the Project and Construction Management Professions

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Message from the President

As we move into the latter half of the 2026 calendar year, I am encouraged that the SACPCMP is moving across, yet again, a number of milestones and achievements.

We have actively moved into our new five-year strategy and have taken up the mantle to place a greater focus placed

on stakeholder engagement as well as our IT services. Our projects related to these aspects are well underway.

This edition of the Shape Shifter will show projects such as our "Take a Girl-Child to Work" initiative, our interaction with accredited universities such as TUT and UJ, and working

alongside our Voluntary Associations, highlighting our endeavours to connect with you, our valued stakeholders! We have also shifted up a gear in the work with the Department of Public Works and Infrastructure to implement the Integrated Social Facilitation Framework (ISFF) and details on this are included in the magazine.

Free CPD Opportunity

Of course, the Council's efforts to ensure that CPD is at your fingertips is always a focus area, and this very issue offers free a CPD opportunity. Simply read the article "Before a dispute becomes a dispute", log into your CPD portal, answer some easy questions, and claim your free CPD!

I encourage you to make use of the magazine as a guide in your professional walk with the SACPCMP, and take note of the Council's registration and CPD calendar (towards the back of the publication) to keep updated on registration windows, free workshops, and more.

Workshop Links

Links to the workshops can be found via our website, www.sacpcmp.org.za, which is fully operational but also undergoing an upgrade; We can't wait to reveal the new site we have planned for you so stay tuned to our website and social media platforms for more updates along the way.

Best wishes

Sharon Shunmugam
SACPCMP President



In the aftermath of building collapses in South Africa, the SACPCMP has highlighted the criticality of utilising registered Building Inspectors on all construction infrastructure projects.

“Registered Professionals provide the necessary experience and skills required to ensure that projects are executed to the standards that guarantee sustainability and the safety of structures.

The only lawful way to assure that structures are erected in alignment with the correct and procedural building practices, is to appoint registered Building Inspectors on projects to monitor progress and highlight risk or misalignment in building standards,” said SACPCMP President, Sharon Shunmugam.

Collapse is a likely eventuality

One of the most recent incidents - the partial collapse of a building in Ormonde in the south of Johannesburg in March this year - resulted in several persons losing their lives, with others injured. It was reported by collapse investigators that several contraventions in building standards and procedures were noted, as well as the absence of building plans altogether.

“The SACPCMP has repeatedly reiterated that the safety of the public is a priority, and where construction and related processes fail to adhere to the regulated standards of safety and construction management, the breakdown or collapse of structures is a likely eventuality,” said Shunmugam.

“The utilisation of professionals within the construction environment is essential to ensuring that standards are adhered to, and the highest quality of outputs within the Built Environment



Providing the necessary

comes to the fore. The SACPCMP has been immensely concerned that to date, the Construction Sector is still facing incidents where the most basic lawful construction requirements are flouted, and lives are lost.”

Shunmugam noted that the appointment of a professional, registered Building Inspectors would certainly bring irregularities to the fore and highlight risks that would result in safeguarding both infrastructure and those working on site.

“It is a travesty that we repeatedly see lives lost where these fatalities could have been fully prevented if regulations were properly followed.”

Social Facilitation registration to boost engagement in Construction

In working with the Department of Public Works and Infrastructure (DPWI), the SACPCMP will soon be launching the professionalisation of Social Facilitation to ensure greater collaboration between communities and infrastructure projects, with the hope of breaking the grip of site interruptions and the so-called 'Construction Mafia'.

At a press conference in Cape Town recently, SACPCMP President, Sharon Shunmugam, joined DPWI Minister Dean Macpherson (MP) as he unveiled his strategy to address site disruptions. "South Africa cannot turn itself into a construction site if construction sites are controlled by criminals," he said, announcing the Cabinet-approved Integrated Social Facilitation Framework (ISFF). He noted that in the 2025/26 financial year, the DPWI had reported a 79% delay rate across its portfolio, with 164 out of 206 infrastructure projects experiencing significant delays.

Transforming local communities

Molatelo Mohwasa, the Acting Deputy Director-General for Real Estate Management Services at the DPWI, detailed the operational mechanics of the ISFF and how it would transform local communities into active participants in infrastructure development.

He noted that while the DPWI itself would not be there to appoint social facilitators, it was establishing a national standard, framework and guidelines under which social facilitation would be integrated into project planning and procurement budgets from the very beginning. It was expected that this proactive investment in standardised, professional social facilitation would 'de-risk' projects. The SACPCMP has been

tasked as the professional body responsible for the implementation of the framework; the Council's President noted:

"Social facilitators normally become involved in the project around Stage Five, which is known as implementation, when the shovel is about to hit the ground. What we are saying is that we are bringing those community representatives in at Stage One. That's the big differentiation between a fragmented approach and a professionalised approach."

Shunmugam explained that by defining professional competencies, qualifications and a code of ethics, the SACPCMP aimed to ensure that social facilitators could act as a legitimate, accountable "bridge between communities and projects, not as gatekeepers, brokers or political intermediaries". More information on the ISFF will be communicated in the next months.



The Fine Print Tightrope



Balancing Risk and Reward in Construction Contracts

A one-work change to a clause here; a mis-applied cross-reference there; and suddenly you're in a legal fight because you are not aligned on what the terms of your agreement are.

The thrill of being awarded a new contract is a highlight for any organisation across any level of the built environment industry, be it consultant; contractor; or subcontractor.

The thrill has the potential to be short-lived, when the contract specifics regarding what you have been appointed to do are finally considered. Unfortunately, given the pace and nature of tendering, those contract specifics are often only considered post an award

being made and accepted, by which point it's too late to do anything about it. However, proper understanding of the fine print is required in strategic and commercial decision-making, as it determines how to effectively balance commercial opportunity against contractual risk.

There are a variety of standard form construction contracts which everyone in the industry is familiar with. Some of these contracts are intrinsically better suited for different types of construction work – for example, the JBC contract is best suited for traditional general building projects; the GCC contract is best suited for civil engineering projects; the NEC is best suited for complex infrastructure

projects; and certain coloured FIDIC contracts are best suited for large scale EPC type projects.

In this article, we will be exploring three main areas of 'fine print', in terms of risk and reward in construction contracts.

Pricing the Risk

Be it in public sector (where qualified bids often lead to automatic exclusion) or private sector negotiations (where you may not be in a position to negotiate), we often hear that where risks cannot be avoided, they simply need to be 'priced for'. This is an invidious task for any estimator.

Firstly, in order to price a risk, you need



to fully understand what that risk is. Is it a risk of disputes having to be referred to litigation (instead of adjudication or arbitration) meaning it will cost a fortune; and take years to resolve – before you are finally paid?

Is it the risk of the unknown? For example, a contractor we represent was appointed on a FIDIC Silver Book, as an EPC contractor wherein it later discovered that under the Silver Book, it was presumed to have fully familiarised itself with all site conditions, and assumed all risks despite the fact that it was not afforded the opportunity to fully inspect the site and familiarise itself with geotechnical conditions at the time of tender. This would obviously impact the cost of the project and associated risks,

where geotechnical issues are then found. Where risk is assumed where it cannot be verified, then it needs to be qualified or excluded from the offer – alternatively made known to the Employer that it is not being priced for and remains the risk of the Employer.

Pricing a risk that can often lead to uncompetitive bids, which will take you out the race and result in you not being awarded the contract. That said, failing to accurately price a risk may leave you running a project at a loss.

So, what's the answer? Firstly, you need to ensure that you fully understand the risk up front. You can't begin to consider pricing a risk you don't understand. If you are in a position to qualify your offer, or make a counter-offer, do so.

If you don't understand the full extent of a risk (be it a contract change, site conditions etc.) ask for clarity, ask for access, ask for certainty – and ask BEFORE you make an offer.

If you aren't in a position to qualify your offer, but you can get to the bottom of what the risk is, then you can go into the contract with your eyes open, and therefore can try and price for it accurately.

Changes to Standard Form Contracts

One of most frustrating challenges for lawyers to grapple with are changes to standard form contracts which have not been fully carried through. Ambiguity, contradiction and uncertainty assists no one. The 'fine print' itself can lead to interpretation issues, which can lead to disputes.

You need to start off by checking to

see what has changed and then ensure that all corresponding concepts and clauses have equally been amended, i.e. has the change 'been followed through'.

Before making an offer, you need to carefully check and review the changes. Are default liability periods being extended? Are notice periods being shortened? Are added risks being saddled with bidders which ordinarily would be borne by other parties? Are you being throttled in terms of what you can claim from a time and P&G point of view etc.?

Again, the fine print matters. Most of the time, bidders will see "FIDIC", "NEC", "JBCC", or "GCC", and will assume they know what they are signing themselves up for and will price accordingly. Where changes are recorded in the tender, then those changes will automatically come into effect if the offer is accepted, meaning the contract is changed from the time the bid is accepted.

Pricing a risk that can often lead to uncompetitive bids, which will take you out the race and result in you not being awarded the contract... Failing to accurately price a risk may leave you running a project at a loss.

The same applies to consultants.

Is your liability being extended? Do you have suitable cover? Are you being tasked with professional obligations you are not qualified to administer, and therefore are not insured for? It does not help to read the fine print post tender and award.

The answer – carefully consider what form of contract applies; then consider if / how it's been changed. If necessary, engage an expert to explain the changes.

As stated above, risks can be priced, if

they are understood. It doesn't help to understand the position post award.

Time Bars

Be it in amendments or standard form contracts, one of the largest reasons for unhappiness is where claims are rejected on the basis that they are 'time-barred'. Of all provisions across your standard form construction contracts, time-bars act like guillotines, with claims (be it for time; P&Gs or additional payments) being outright capable of summary rejection if not adhered to.

When it comes to 'fine print' in the standard form contract, the answer is simple. Understand the contract you are tendering for / contracting on. Understand the inevitable notice / claim procedure. Check what time limits apply (either standard or as amended) and check when the timing begins to run (for example, from when you knew; from when you ought reasonably to have known; when the issue arises in terms of the last approved programme etc.).

A reminder that the industry is evolving and in today's economic and fast-paced industry climate a "gentlemen's agreement" is a thing of the past. There is now a heightened focus on the fine print – it is not tedious paperwork; it is your business strategy.

Article Authors

Peter Barnard

Peter is a lead partner in the construction law arena. He has practised as an admitted attorney in South Africa since 2012 and has extensive litigation and dispute resolution experience.

He has become an industry leader in construction and procurement dispute resolution, both in litigation and alternate dispute resolution forums. While having broad based commercial litigation experience, his expertise lies in construction and engineering law. He has assisted and acts for Developers; Consultants; Contractors; Sub-contractors; and Suppliers alike. He also specialises in procurement law and frequently attends to tender appeals. Peter is also the co-author, with Uwe Putlitz, of 'Practical Guide to Administering Construction Contracts (LexisNexis South Africa, March 2025)', a hands-on practitioner resource that simplifies contract administration, clarifies risk allocation, and promotes dispute avoidance for consultants, contractors and project teams.

Owing to his recognised expertise, Peter is frequently invited to present to industry bodies, including the Master Builders Association, the Association of Quantity Surveyors, and the Association of Architects. He also serves as a recurring member of the Joint Building Contracts Committee (JBCC) drafting panel. In addition, Peter is known for his work advising clients on challenges involving business forums and site disruptions - an area of significant complexity within the built environment sector.

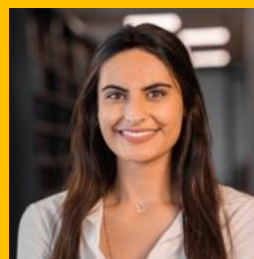
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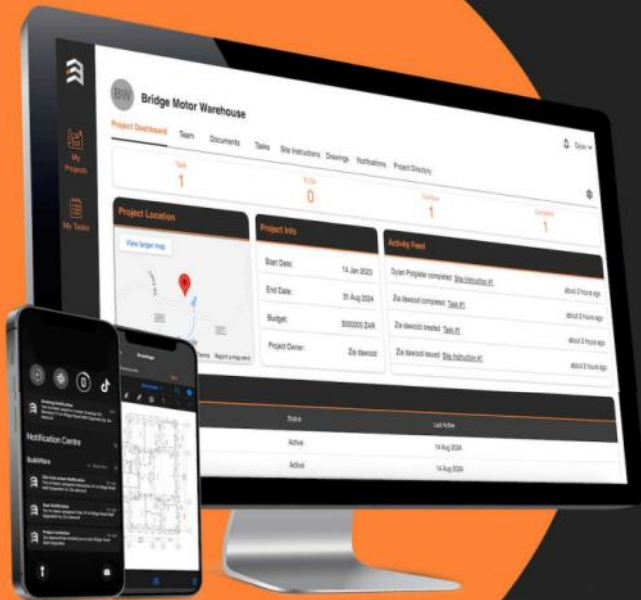


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Before a 'dispute' becomes a **DISPUTE!**

Authored by Uwe Putlitz

All construction projects are always 'unique'. A similar project may have been executed many times before, usually on a different site, by the same or another group of people to common specified standards of quality and performance but achieving results significantly different to those in previous projects, possibly resulting in delays and disagreements about the final quality achieved and/or at an actual cost higher than the initial offer.

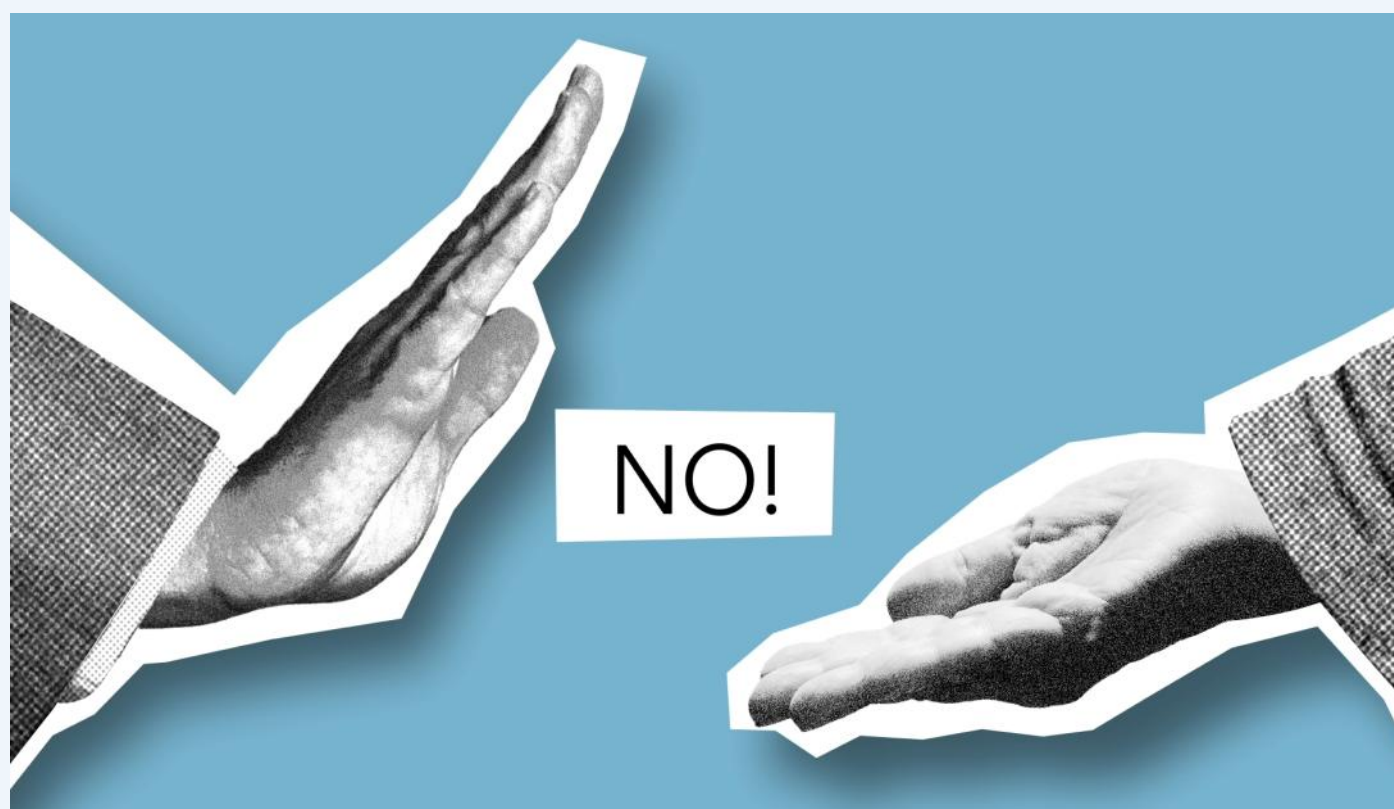
"Forewarned is forearmed" is the strap line of the annual HKS Crux Insight Survey Report of 'common' project disputes or failures internationally according to which between 15 to 35% of projects, depending on their complexity, result in claims due to:

- Delayed access to site (sometimes due to late statutory and other approvals);
- Poor workmanship and latent defects;
- Late scope changes;
- Late issue of design information, errors in or incomplete design information;
- Poor contract administration and construction management;
- Poor subcontractor /supplier management;
- Unforeseen site conditions.
- Poor interpretation of contractual issues, often resulting in cashflow and payment issues;

Can we 'fix' the Process?

Yes, for example, by **using pre-fabricated building systems that resemble industrial production lines**. The system can be tweaked to eliminate repeat faults and defects, but this only applies to a small sector of the construction industry, e.g. speedy construction of a hospital during the COVID pandemic assembling factory made module on a prepared surface bed...

By not **dealing with any disagreement** promptly before it develops into a





Before a 'dispute' becomes a dispute!

dispute: such events will typically demand attention before routine tasks, resulting in emotional stress to all those involved and possibly delaying execution of the works invariably attracting irrecoverable costs - which may be minimised, or...

As soon as practical in the project life cycle, create a '**conflict avoidance triage team**' comprising the employer, the 'end user' (if possible), the architect or engineer and the construction project manager and, appointed for this task only, an independent senior industry practitioner as facilitator to optimally guide the conflict/dispute avoidance or dispute resolution process, if applicable.

In the United Kingdom a "Conflict Avoidance Toolkit" was published under the auspices of nine principal consultant and national employer organisations a decade or so ago to proactively guide the project implementation process by 'anticipating events' that may lead to failures or disputes by 'stopping the smoking embers of a dispute by bringing them to the attention of people who can do something about it'. Early Intervention is about 'snuffing out the smoking embers before they ignite into a fire'. This can be achieved by:

- Pre-contract preparation
- Dispute avoidance - early warning

- Early intervention
- Amicable resolution
- Dispute resolution

1. Pre-Contract Preparation

PROCUREMENT

1.1. Determine the appropriate method and time required to acquire consulting services:

- At project inception, certain employers appoint only '**essential**' **core consultants** to limit expenditure before a project has formally been 'given the go-ahead'. This may result in avoidable rework later to accommodate 'specialised' skills (typically those of the acoustics and/or landscaping consultant that may significantly influence the final design solution) ... most of whom are happy to give such input on condition that they will be appointed when the project is formally 'given the go-ahead';
- Certain employers **dictate the professional fee** they are prepared to pay. Typically resulting in proportionally reduced services with a consequent increase in 'Requests for Information' from contractors which may result in delays and/or

errors on site, entitling the contractor to a revision of the date for practical completion and/or an adjustment of the contract value.

1.2. Determine the appropriate method and time to acquire construction services:

- **By negotiation** – deal with preferred competent service providers but not necessarily at the best value for money depending on market conditions;
- Or **by invitation** based on an advanced design solution to involve (a) contractor(s) with particular skills, a product license or specialised construction equipment for a hybrid design and build solution; (successfully applied in parts of Australia).
- Appointment by invitation implies that the contractor has the ability to execute the project to the specified quality within the time period allowed from previous experiences – at a fair price, but not necessarily at the most competitive price; (provided the 'same' team work together – if not ..?).
- By '**open tender**' implies that any contractor (with a specified CIDB grading) can submit an offer - requiring careful analysis and background checking of all submissions, discarding non-complying tenders to compile a short list of about three to five contractors for final consideration. By taking the average of these tenders (lowest) prices received - the contractor who's offer is closest to the median is likely to have realistically priced the all aspects of the works without strategic omissions or an opportunistic profit.

The three-step model

Step 1: Defining the problem

This involves acknowledging the conflict, establishing common ground or goals (such as "we both want what is best for the organisation") and separating the 'problem' from the 'people'.

Step 2: Explore and evaluate alternatives

This is a "diverge" phase where many alternatives are explored and discussed.

Step 3: Select the best alternative

"Converge" step, where we agree on the best way forward.

Before a 'dispute' becomes a dispute!

1.3. Establish/Confirm Site Conditions:

- **Discrepancies** between actual site conditions and survey and/or historical or as-built records and new construction information;
- **Undocumented below ground 'services'** not shown in any servitudes or as-built records;
- **Unexpected founding conditions** not identified in the geotechnical survey;
- During excavations, discovery of **historical relics** (or bones?);
- 'Obstructive' **neighbouring owners**?

1.4. Construction Information

- All contract documents should be *clear and well drafted* to suit the application.
- **Scope Creep** is the silent killer of delivery, within budget, on time, to the specified quality.
- **Clarity prevents Conflict!**
- **Unilateral changes** instigated by the employer to SfCC, or by the contractor to standard-form subcontracts, which, in addition to altering the balance of the respective rights and obligations of the parties, may affect the works insurance and the consultants' professional indemnity insurance cover;

2. Despite Avoidance - Early Warning

Be realistic; not all disputes can be avoided.

2.1. Early Engagement

- During project **risk assessment stage** potential claims or disputes may be anticipated or mitigated.
- 'Disputes' in construction and

engineering projects are generally 'straightforward' and are potentially easily resolved and agreed between the Parties.

- Follow the proven procedures in all SfCC which often refer to an '**early warning mindset**' involving all project participants to cooperate and embrace 'dispute avoidance' concepts.
- **Early engagement** means the Parties retain control and are involved in determining an agreed outcome.

Agreed Outcomes:

These depend on the willingness of all parties to practice good management!



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Before a 'dispute' becomes a dispute!

2.2. Execution of the Works - Progress on Site is Slowing:

- **Poor or erratic attendance** at site progress and/or technical meetings by consultants + contractors;
- **Unscheduled** reduction of the labour force on site, low morale and/or high staff turnover including managerial level staff;

Regardless of their expertise, staff should be appointed for their competence and / or with the prospect of job-specific training. Good work must be acknowledged in front of peers whilst unacceptable work or conduct must be dealt with in private. Pride in workmanship is usually contagious and spreads to others to also compete in that field and so improves morale!

- **Necessary construction equipment** not provided or removed from site whilst still needed;
- The contractor may have **under-priced the project**, thus allocating too few skilled personnel and inadequate construction equipment

on site, or by subcontracting aspects of the works to other equally incapable / incompetent contractors;

- **Late or non-availability** of critical construction information on the site;
- Non-compliance with '**licenses**' to use or install equipment;

3. Dispute Avoidance - Early Intervention

- Be realistic – claims will arise and some may develop into disputes, if not attended to.

3.1. Execution of the Works - Scope

- **Numerous scope changes** and/or **interference by the employer** – requires utmost diplomatic skill to solicit information, provide 'free-issue', permit access or release payment...
- (late) **Tenant driven changes** – typically in speculative developments where the final occupant may be unknown until late in the construction period;
- Beware of **manufacturing building components on site** – to be prevented during the design stage - where accurate work and quality finishes may be impossible to achieve when making timber or steel roof trusses with welded or patent timber joints where design compliance cannot be verified;

3.2. Execution of the Works – Statutory Compliance

- **Suspension of the work** - due to local or other authority non-approval of building plans (NBR), or a Water use license (where applicable), or OH&SA - not

Execution Planning in the Built Environment

Improve Project Outcomes Through
Better Planning.

This PMI-CP™ Credential Forms Part of the SACPCMP/PMI Partnership
and Offers CPD Hours to SACPCMP Registered Individuals.



Before a 'dispute' becomes a dispute!

adherence to the accepted safety plan;

- **Community related events** on or near the site – deemed to be 'stakeholders';

3.3. Execution of the Works - Payment

- **Late, partial or non-payment** of certified amounts by the employer to the contractor and/or the contractor to the sub-contractor(s) and/or the contractor and subcontractors to suppliers;
- **Late and/or delayed deliveries** of materials (possibly due to late and/or non-payment of suppliers)
- Similarly, late, partial or non-payment of certified amounts by the employer to the consultants.
- The project team can, for example, control and directly administer payments to sub-contractors and suppliers allow with the consent of the principal contractor using a project bank (Escrow) account. Similarly, the principal contractor can permit emerging contractors to make purchases 'in his name' to benefit from quantity or other discounts.

3.4 Execution of the Works – Issue Contract Instructions and/or Certificates

- Deal with a contractor's **claim for a revision of the date for practical completion** and/or **an adjustment of the contract value** as soon as all relevant information is available.
- **Do not wait until the end of the construction period** when access to the site or the works may no longer be possible so making a fair decision difficult and possibly meaningless if, for example, the contractor's cashflow was reduced necessitating a short term bank overdraft incurring interest charges (eventually at the employer's cost).
- The revision of the date for practical completion and/or an adjustment of the contract value may not simply be an adjustment of the dates or values – as the contractor's preliminaries charges (particularly if the construction period is extended over the annual industry holiday period) and the project performance guarantees and insurances also have to be adjusted – or be nullified;

4. Amicable Resolution

Flexibility

- Choose an appropriate response following the procedures in the SfCC used

Clarity

- The Parties each present their case to understand the other Party's view (natural justice)

Expertise

- Appoint an expert facilitator to lead the Parties through the process to achieve an agreed outcome

Privacy

- Only the Parties and the facilitator are involved

Speed

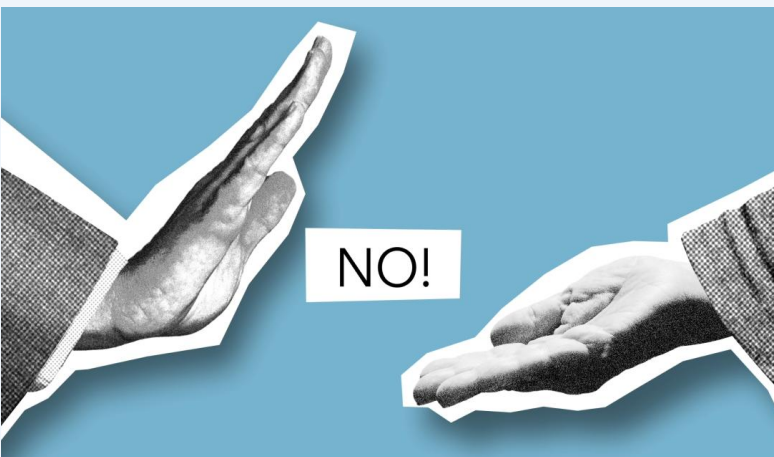
- Fast compared to legal processes - depends on the co-operation of the Parties

Finality

- Agreed outcomes are facilitated by a neutral expert
- If 'something' is inevitable ... do it now!

5. Dispute Resolution

If Alternate Dispute Resolution Processes are to be Considered: Apply the 'options' available in the SfCC. For example, FIDIC refers to the appointment of a Dispute



Before a 'dispute' becomes a dispute!

Avoidance and Adjudication Board (**DAAB**) consisting of one or three members with technical, financial or legal expertise on a retainer fee to oversee the design and construction phases of a project – usually only applicable to large multi-year infrastructure projects.

5.1. Mediation

Mediation is easily accessible at any time to achieve a result in short time at a low cost. The Mediator, with access to all relevant (confidential) project information of the Parties may be best placed to make a 'non-binding' "expert determination" if requested by both parties for their consideration.

5.2. Adjudication

Adjudication can occur at any time when a dispute is **notified**, following the process in the SfCC used and the applicable Adjudication Rules within a finite period. The Adjudicator on appointment, after his/her fee is agreed, with the period allowed in the applicable contract and/or rules, deal with typical adjudication issues including late, partial or no 'payments', claims for an 'extension of time' and/or, or 'quality' of workmanship.

Project participants must not allow disputes to drag to the end of project when access to 'evidence' may no longer be accessible (built in, painted over) depriving the contractor of the benefit of the award of a successful time/money claim. The Adjudicator's decision becomes **binding** if not disputed by either party within the period stipulated in the 'contract' and/or the 'rules', or if disputed, by an Arbitrator's award, or by a court. The Adjudicator does not have judicial immunity.

5.3. Arbitration

Arbitration is a more rigid procedure,

takes longer to implement, typically involving the legal professions often supported by 'expert witnesses' ... only completed after completion of the project. The Arbitrator's decision is final and binding unless challenged by a court judgment. The Arbitrator has judicial immunity.

5.4. Litigation

Litigation is a vastly more expensive and time consuming process – the parties must consider if the 'nature of the dispute' merits embarking on such procedure.

Conclusion

Dealing with 'disputes' is always time consuming and stressful. Working as a team and dealing with issues promptly as they occur is fair to all and likely to improve morale of the participants leading to an improved final product without destroying inter-personal relationships.

About the Author

Uwe Putlitz is a registered professional Architect and Construction Project Manager, a Fellow of the Royal Institute of Chartered Surveyors (RICS) and a visiting lecturer at the School of Construction Economics and Management at the University of the Witwatersrand.

Having recently retired as the Chief Executive Officer of the Joint Building Contracts Committee (JBCC), he specialises in the avoidance of construction disputes by way of lectures, technical articles dealing with aspects of contract administration for various industry publications arising from the use of Standard-form Contracts including, the Federation Internationale des Ingenieurs-Conseils (FIDIC), the General Conditions of Contract (GCC), or the JBCC or the New Engineering Contract (NEC) to find an acceptable settlement without resorting to legal processes, where possible.

For more information, visit: info@buildstrat.co.za



How to Get Free CPD for Reading this Article:

- After reading the article, click onto your SACPCMP personal registration profile.
- Click on the CPD Tab
- Click on the relevant tab related to this article
- Answer the questions related to the article.
- If you correctly answer the questions, your free CPD will be automatically uploaded to your profile!

Smarter BIM. Better Connected Projects. Built for Digital Success.

In an industry defined by complexity, fragmentation, and uncertainty, the need for effective digital transformation is greater than ever. Despite ongoing investment in tools and technologies, digital transformation projects still fail to realize the full value of Building Information Management (BIM). The challenge is not capability but adaptation and change with the right connections.

At **Pro-Serve Consulting**, we believe successful digital projects are enabled through Smart BIM, where relevant skills and a responsive digital platform align. Together, these elements create a connected environment that delivers more predictable, transparent outcomes across the project lifecycle.

From BIM to Project Outcomes

Digital strategists often focus on tools such as software platforms models and data environments, without equal emphasis on the people who use them. Processes that bring them to life. BIM is not simply a technical function. It is a collaborative, information-led approach to delivery.

Enabling a Responsive Digital Culture

Technology alone will not drive transformation. A responsive digital culture is vital to enable collaboration, adaptability and accountability. Establish the Common Data Environment, enforce it with Protocol and embed Digital Workflows consistently.

When digital practices become part of everyday delivery, teams are empowered to respond faster, solve problems together and drive better outcomes.

Intelligent Information as the Key Asset

The real advantage lies in information that is structured, relevant and usable. At **Pro-Serve Consulting**, we focus on aligning information with purpose. Whether producing designs, supporting design coordination, cost management or asset operations, the goal is to ensure information remains accurate, meaningful and actionable.

Intelligent information drives decision-making aligns with project objectives and stays accessible throughout the asset lifecycle.



PRO-SERVE CONSULTING



The
challenge is
not
capability.
It is
adaptation,
change and
creating the
right
connection.



Connecting for Digital Success

The true value of BIM is realised when skills, culture, information and modelling are fully integrated.

Smart collaboration depends on structured data management, where BIM models are not isolated outputs but part of a connected information system. By leveraging shared modelling, coordination modelling, strengthens collaboration and supports informed decision-making throughout the project lifecycle.

As the built environment continues to evolve, organisations that invest in Smart BIM, collaborative data environments and information strategy will be best positioned to deliver successful digital projects.

At **Pro-Serve Consulting**, we support our clients in integrating people, data and models to unlock value and deliver projects that are efficient, connected and future ready.

SMART BIM DELIVERS

	Better collaboration
	Improved information management
	More predictable project outcomes
	Stronger digital governance
	Lifecycle-focused decision making
	Connected project teams

Connecting people, information and technology
to deliver **smarter digital projects.**

positive impact today...
for tomorrow

Bridging the Gap

Understanding CPD Compliance Challenges & Opportunities

By Ntokozi Manukuza

Continuing Professional Development (CPD) is the ongoing process of engaging in learning activities that enhance professional knowledge, skills, and competence.

In an industry that is constantly evolving through new technologies, regulations, and best practices, CPD helps ensure that Registered Persons (RPs) remain current, competent, and capable in meeting industry demands.

Current CPD records of the SACPCMP indicate a significant compliance gap among registered professionals. As of May 2026, 7,742 Registered Persons were CPD non-compliant, while 3,962 members had never submitted a CPD record. In contrast, only 96 people were CPD compliant across the Professional Construction Management (PCM), Construction Health and Safety (CHS), and Building Inspector (BI) categories. These figures raise an important question: Why

are so many professionals struggling to maintain CPD compliance? To better understand the causes behind low CPD compliance, an internal review was conducted based on member feedback, common CPD-related queries, and interactions with Registered Persons.

Recurring Challenges Identified

The findings revealed several recurring challenges, including:

- a lack of understanding of CPD requirements,
- difficulty using the online system,
- limited awareness of validated activities,
- confusion regarding CPD categories,
- difficulty obtaining supporting evidence, and
- a general lack of urgency regarding compliance.

One of the most significant findings was that many people are already participating in activities that qualify for CPD.

In an industry that is constantly evolving through new technologies, regulations, and best practices, CPD helps ensure that Registered Persons remain current, competent, and capable in meeting industry demands.

Beyond compliance, CPD contributes to professional growth, improved service delivery, and the continued advancement of the built environment professions.



Understanding CPD Challenges and Opportunities

Activities such as mentoring junior staff, attending training sessions, completing short courses, and participating in webinars are often undertaken as part of their daily professional responsibilities.

However, many people remain uncertain regarding what qualifies for CPD, what evidence is required, and how activities should be submitted. As a result, valid activities often go unrecorded, creating a gap between professional development and CPD compliance.

While the findings highlighted several challenges affecting CPD compliance, the SACPCMP has implemented a number of initiatives aimed at supporting Registered Persons throughout their CPD journey.

To improve understanding of CPD requirements, the SACPCMP hosts quarterly CPD compliance workshops where people are guided through:

- CPD criteria,
- CPD categories,
- submission requirements, and
- evidence requirements.

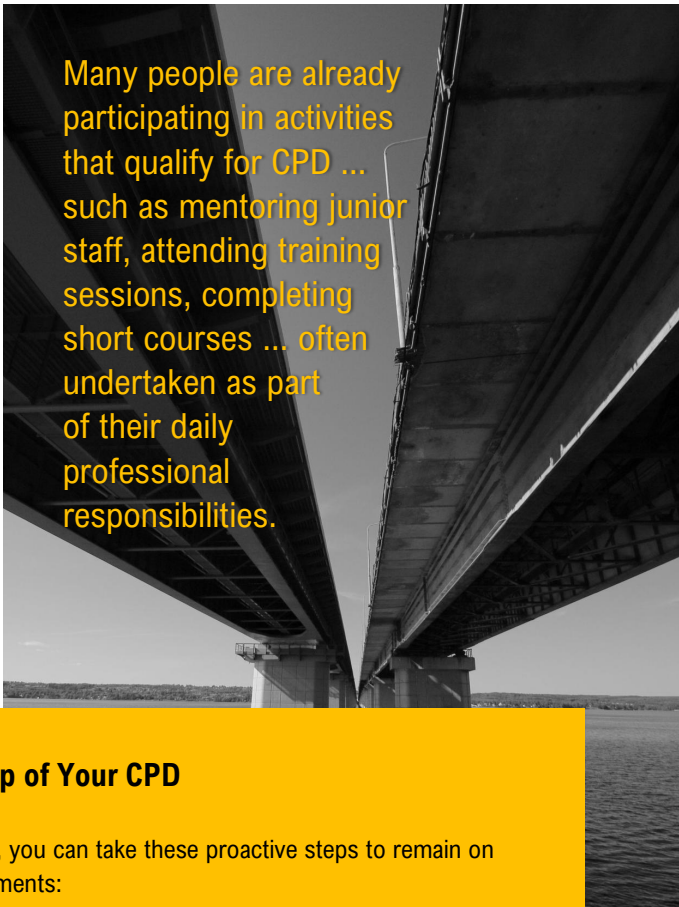
Workshop recordings and supporting documentation are subsequently shared with those who attended the workshops.

Online Submission Challenges

Recognising the challenges associated with online submissions, the SACPCMP has introduced dedicated administrator support. This ensures that RPs have direct assistance with CPD-related queries and submissions. In addition, the CPD portal remains open throughout the year, allowing people to upload activities at their convenience rather than working towards fixed submission deadlines.

To address confusion regarding CPD categories and evidence requirements, the SACPCMP has continued to provide practical examples, guidance documents, and RP-support initiatives designed to simplify the submission process and promote ongoing compliance.

As the built environment continues to evolve through digital transformation, emerging technologies, sustainability



Many people are already participating in activities that qualify for CPD ... such as mentoring junior staff, attending training sessions, completing short courses ... often undertaken as part of their daily professional responsibilities.

Tips for Staying on Top of Your CPD

As a registered professional, you can take these proactive steps to remain on track with your CPD requirements:

1. Know Your CPD Cycle

Understand when your three-year CPD cycle begins and ends. Knowing your cycle helps you plan and submit activities within the correct period.

2. Monitor Your Progress

Regularly download your CPD statement to track accumulated credits and identify any outstanding requirements.

3. Attend CPD Workshops

Participate in the SACPCMP's quarterly CPD compliance workshops to stay informed about requirements, qualifying activities, and submission procedures.

4. Plan Ahead

Identify CPD activities early in your cycle and keep supporting evidence as you complete them. This makes compliance easier and reduces last-minute pressure.

5. Keep Records Organised

Maintain an electronic folder for certificates, reports, attendance registers, and other supporting documents to simplify future submissions.

6. Make Use of Available Support

Contact your designated CPD administrator whenever you require assistance. Early guidance can help prevent delays and submission errors.

Understanding CPD Challenges and Opportunities

requirements, and changing industry regulations, CPD will remain an essential tool for ensuring that professionals stay informed, competent, and industry ready. The SACPCMP remains committed to enhancing the CPD experience through increased awareness initiatives, improved support, greater accessibility to learning opportunities, and ongoing engagement with stakeholders.

By fostering a culture of lifelong learning, SACPCMP aims to ensure that CPD is viewed not merely as a compliance requirement, but as a valuable investment in professional growth and industry excellence.

The findings suggest that the primary challenge facing CPD compliance is not necessarily a lack of participation, but rather a lack of awareness, understanding, and engagement. Through ongoing communication, practical support initiatives, and increased member engagement, the SACPCMP continues to bridge the gap between professional development and CPD compliance.

By working together, the SACPCMP and its registered professionals can build a stronger culture of continuous learning and professional excellence within the built environment.



About Hillpet Construction Management

Established on 10 June 2008 as a Close Corporation and converted in March 2023 to a Private Company, Hillpet Construction Management is a dynamic organization with a culture rooted in excellence and innovation. Since its inception, the company has specialized in providing turnkey solutions, space planning, project management, general construction, and civil works services.

Hillpet is committed to delivering work that meets the highest standards of quality and specification by adhering to key pillars of project execution. These pillars include, but are not limited to, meticulous planning, stakeholder engagement, risk management, quality assurance, cost control, collaboration, and accountability.

The company's project execution techniques are further enriched by best practices and methodologies endorsed by globally recognized professional organizations such as the Project Management Institute (PMI) and the Agile Alliance.

Nhlamulo Shirinda
Director

HILLPET
CONSTRUCTION MANAGEMENT

Leadership and Vision

Hillpet is guided by the visionary leadership of Mr. Nhlamulo Shirinda, whose 17 years of experience in the South African business landscape have been instrumental in the company's growth and success. As a certified Project Management Professional (PMP) through the PMI, Mr. Shirinda brings a wealth of expertise in project management and an unwavering passion for the construction industry. Under his leadership, Hillpet has advanced from a CIDB Grade 1 to its current Grade 8 status, a testament to the company's sustained excellence and growth.

Organizational Structure

Hillpet has a dedicated strong matrix Project Management Office (PMO) that ensures the successful execution of every project. This structured approach enables the company to align resources, manage risks, and uphold the highest standards of accountability and collaboration.

The Industry

At Hillpet, we strive to exceed client expectations, uphold industry standards, and remain a trusted partner in delivering exceptional construction and project management solutions.

Hillpet understands that the future of the construction industry is in the adaptability, continuous improvement, versatility and social accountability.

www.hillpet.org

September 2026

MON, 15 SEP 2026

🕒 09:00 – 11:00 SAST

Building Inspectors

[Join Workshop ➔](#)

MON, 15 SEP 2026

🕒 14:00 – 16:00 SAST

Construction and Project Management

[Join Workshop ➔](#)

WED, 16 SEP 2026

🕒 09:00 – 11:00 SAST

Construction Health and Safety

[Join Workshop ➔](#)

Are you looking for SACPCMP support? Look no further than our website, www.sacpcmp.org.za; Under the 'EVENTS' tab, you will find a number of free workshops to assist in either your application process, maintaining your CPD, developing your RPL portfolio of evidence, and more!

SACPCMP engages future Professionals at *TUT's NextGen Built Environment Forum*



Written By
Mulalo Bulasigobo

The SACPCMP was invited to participate in the NextGen Built Environment Forum hosted by the Tshwane University of Technology (TUT). The forum served as a collaborative platform that brought together academic institutions, industry leaders, and professional bodies with the shared goal of preparing the next generation of professionals for the evolving built environment landscape.

Leadership & Thought Engagement

The Council delivered a keynote address and participated in a panel discussion under the theme *"The Future of Work and Innovation in the Built Environment: Local and Global Perspectives."* The session explored emerging trends shaping the construction and project management sectors and emphasised the importance of adaptability, innovation, and professional growth in a rapidly changing industry.

Student and Industry Interaction

Representing the Council's outreach efforts, Mulalo Bulasigobo took part in the roadshow segment, where she engaged directly with students and delegates. She provided valuable insights into the Council's mandate,



SACPCMP at TUT's NexGen Forum

professional categories, and the support mechanisms available to students aspiring to register with SACPCMP. Her session highlighted the Council's commitment to developing young talent and guiding them toward professional excellence.

Showcasing SACPCMP's Role and Initiatives

The Education Department of SACPCMP hosted an exhibition stand that showcased the Council's functions, programmes, and initiatives. Through interactive activities and educational games, students were introduced to the significance of professional registration and the Council's pivotal role in upholding standards within the built environment professions.

The SACPCMP's participation in the TUT NextGen Built Environment Forum underscored its dedication to empowering future professionals and strengthening collaboration between academia, industry, and professional bodies. The Council continues to champion education, innovation, and ethical practice as key drivers of progress within South Africa's built environment sector.



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Are you ready to not just meet, but exceed your professional development goals?

Diba BES, a leader in OHS training, is now officially CPD accredited by the SACPCMP for Introduction to OHS Act No. 85 of 1993 Legal Liability, Hazard Identification & Risk Assessment (HIRA), and Fire Fighting. This accreditation assures that our courses meet the highest standards for quality, relevance, and impact in the industry.



Scene Around with the SACPCMP



The SACPCMP attended the CIDB's Gauteng Contractor Development Roadshow, where the Council's Registration Manager, Kobus van Wyngaardt, and the Education Manager, Khutso Mokgehe, presented on the pathways to professionalisation and CPD respectively.





The SACPCMP was proud to be part of Fourth Bi-Annual Built Environment Professionalisation and Governance Workshop, hosted by the City of Cape Town earlier this year. The Council has an MOU with the City of Cape Town, working toward the professionalisation of the entity and its representative, for improved service delivery.



SACPCMP President, Sharon Shunmugam, earlier this year attended a Chartered Institute of Building (CIOB) Student Members' event for those studying degrees within the Faculty of Engineering and Built Environment at Wits University.



Built Environment Performance and Materials Management Pro

Increase Transparency,
Reduce Waste, and Be Proactive.

This PMI-CP™ Credential Forms Part of the SACPCMP/PMI Partnership and Offers CPD Hours to SACPCMP Registered Individuals.





A massive thank you and well done to Enza Construction and Pro-Serve Consulting, who each hosted groups of learners for the SACPCMP's Take a Girl-Child to Work Day.

Young ladies from grades 9 to 11 visited a construction site as well as a project management office to learn about life in the construction lane!





(Below) The SACPCMP partnered with the CIDB to present a masterclass on Construction Law and Contracts. The initiative formed part of the Council's ongoing support of the ERWIC Awards, and Acting Registrar, Tshidiso Lekgetho, was on hand to welcome and encourage the masterclass attendees.





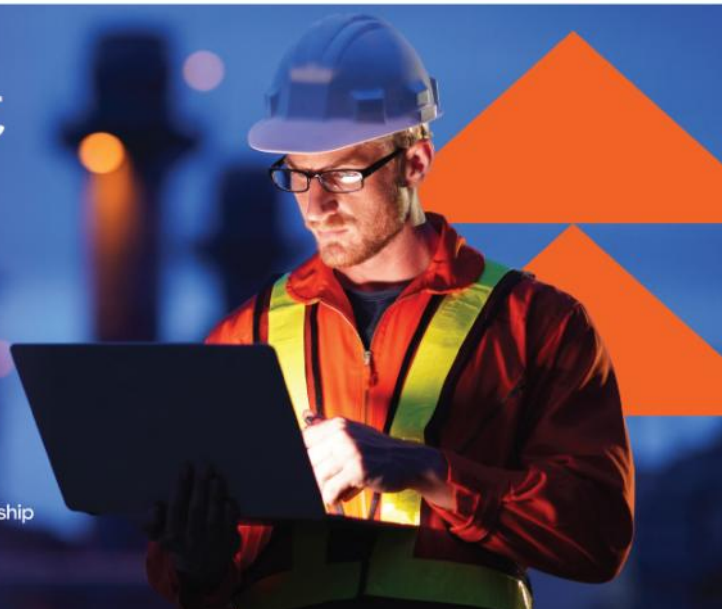
Thank you to SACPCMP Voluntary Association, Master Builders Association Western Cape, for hosting a SACPCMP Helpdesk at its recent Health and Safety Summit. The Council also featured on the event's programme, with Education Manager, Khutso Mokhele, presenting on CPD.



Built Environment Technology and Innovation Pro

Drive Productivity and Profitability.

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(Above) What a lovely day to be out and about - the Master Builder Association (MBA) North Golf Day was supported by the SACPCMP this year, and the Council was happy to welcome thirsty golfers to its watering hole for a sip and a rest.



(Pictured left) This is where the magic happens! The SACPCMP hosted one of the year's many Social Facilitation meetings, where the Council, together with the Department of Public Works and Infrastructure (DPWI) and a number of sector stakeholders, worked together to develop the Integrated Social Facilitation Framework, which was announced by the DPWI Minister later in the year and also approved by Cabinet.

The SACPCMP will be responsible for the registration of the new professional category; keep your eyes on the Shape Shifter's future editions for more news.





(Opposite page and above) Once again, the SACPCMP partnered with Voluntary Association, CIOB (Chartered Institute of Building) to present the massively popular Mentor Speed Date.



The event saw university students in KwaZulu-Natal meet with SACPCMP Professionals, in an attempt to match up with a mentor for the students' candidacy period. The students had an opportunity to speak to their potential mentors, and ask questions about work in the construction industry. It was a wonderful morning and the Council is grateful to all those involved in the event organising, as well as the professionals who gave up a Saturday morning to give back to the construction community!



Networking, discussions and debate were the order of the day for the 2026 DEVAC Infrastructure Summit, which not only included SACPCMP Council member, Leonard Swana, on one of the panel discussions, but also featured a SACPCMP Helpdesk, to assist Registered Persons and applicants with queries.





SACPCMP Registration and CPD Calendar

Quarter 2: July 2026 – September 2026

Application Window Opens (Applicants start applications online)	01 July 2026 – 14 August 2026
Online Examinations Bookings (Applicants pay and book for the May 2025 examination)	08 June 2026 – 21 June 2026
Online Examinations Sitting (Applicants sit for the examination)	29 June 2026 – 3 July 2026
Online Examinations Bookings (Applicants pay and book for the June 2025 examination)	06 July 2026 – 23 August 2026
CPD Workshop (SACPCMP Hosts online CPD workshop for registered persons)	28 July 2026
Applicant Open Days (Applicants can visit the SACPCMP Office in Pretoria for application or profile assistance)	15 July 2026 – 16 July 2026
Online Examinations Sitting (Applicants sit for the examination)	31 August 2026 – 4 September 2026
POE Workshop (SACPCMP hosts Online workshop assisting RPL applicants with their POE)	12 August 2026
Registration Application Workshops (SACPCMP hosts online registration workshops to guide applicants on the registration requirements)	15 September 2026 – 16 September 2026
Candidate Registration Application Workshops (SACPCMP hosts online candidate registration workshops to guide applicants on the registration requirements, including the requirements of the Logbook)	17 September 2026
RPL Workshop (SACPCMP hosts Online workshop assisting RPL applicants with the RPL application requirements and assistance)	18 September 2026

SACPCMP Registration and CPD Calendar

Quarter 3: October 2026 – December 2026

Application Window Opens (Applicants start applications online)	01 October 2026 – 13 November 2026
October 2026 - Online Examinations Bookings (Applicants pay and book for the May 2025 examination)	07 September 2026 – 20 September 2026
October 2026 - Online Examinations Sitting (Applicants sit for the examination)	28 September 2026 – 02 October 2026
November 2026 - Online Examinations Bookings (Applicants pay and book for the June 2025 examination)	05 October 2026 – 25 October 2026
November 2026 - Online Examinations Sitting (Applicants sit for the examination)	02 November 2026 – 6 November 2026
CPD Workshop (SACPCMP Hosts online CPD workshop for registered persons)	27 October 2026
Applicant Open Days (Applicants can visit the SACPCMP Office in Pretoria for application or profile assistance)	14 October 2026 – 15 October 2026
POE Workshop (SACPCMP hosts Online workshop assisting RPL applicants with their POE)	17 November 2026
Registration Application Workshops (SACPCMP hosts online registration workshops to guide applicants on the registration requirements)	30 November 2026 – 1 December 2026
Candidate Registration Application Workshops SACPCMP hosts online candidate registration workshops to guide applicants on the registration requirements, including the requirements of the Logbook)	02 December 2026
RPL Workshop (SACPCMP hosts Online workshop assisting RPL applicants with the RPL application requirements and assistance)	03 December 2026

SACPCMP Registration and CPD Calendar

Quarter 4: January 2027 – March 2027

Application Window Opens (Applicants start applications online)	11 January 2027 – 26 February 2027
February 2027 - Online Examinations Bookings (Applicants pay and book for the May 2025 examination)	09 November 2026 – 24 January 2027
February 2027 - Online Examinations Sitting Applicants sit for the examination)	01 February 2027 – 05 February 2027
March 2027 - Online Examinations Bookings (Applicants pay and book for the June 2025 examination)	08 February 2027 – 21 February 2027
March 2027 - Online Examinations Sitting (Applicants sit for the examination)	01 March 2027 – 05 March 2027
CPD Workshop (SACPCMP Hosts online CPD workshop for registered persons)	02 February 2027
Applicant Open Days (Applicants can visit the SACPCMP Office in Pretoria for application or profile assistance)	20 January 2027 – 21 January 2027 and
POE Workshop (SACPCMP hosts Online workshop assisting RPL applicants with their POE)	26 February 2027
Registration Application Workshops (SACPCMP hosts online registration workshops to guide applicants on the registration requirements)	16 March 2027 – 17 March 2027
Candidate Registration Application Workshops (SACPCMP hosts online candidate registration workshops to guide applicants on the registration requirements, including the requirements of the Logbook)	18 March 2027
RPL Workshop (SACPCMP hosts Online workshop assisting RPL applicants with the RPL application requirements and assistance)	19 March 2027