

Adjusting Time: A new Council Dispensation

Another step towards
convenience: Online Interviews

Addressing the new CPD Amnesty

Eradicating Corruption
in Infrastructure Delivery

Building and
Construction
Contracts
used in SA

Inside this edition:

- WITBE Mentoring in Sub-Saharan Africa
- Focus on Women: Vuyolwethu Badi
- Celebrating DPWI's Bursary Awards
- Online Interview Rules

SACPCMP

The South African Council for the Project and Construction Management Professions

— CONSTRUCTING NEW PERSPECTIVES —



Shape Shifter Publisher

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Inside this Edition

Message from the Desk of the Registrar	Page 2
Adjusting the time into a new Council Dispensation	Page 4
Addressing misinformation on the new CPD Amnesty	Page 9
Another step towards convenience: Online Interviews	Page 12
Eradicating Corruption in Infrastructure Delivery	Page 20
WITBE Mentoring Moves Across Sub-Saharan Africa	Page 27
Focus on Women in the Built Environment - From Humble Beginnings: Vuyolwethu Badi	Page 29
Building & Construction Contracts used in SA	Page 32
Out and About with the SACPCMP	Page 49
SACPCMP Registration Calendar 2024/2025	Page 52
SACPCMP CPD Calendar 2024/2025	Page 54

Message from the Desk of the Registrar



The next few months will present the realisation of a number of initiatives that the SACPCMP has worked on over the past five years to bring the Council closer to transformative, professional excellence.

And this edition of the Shape Shifter will outline all the details of what you need to know!

Moving into the Council's new financial year, on the first of April 2024, the implementation of several policies and supporting developmental criteria will come into being.

Working with You

Over the past 24 months, we have worked with our Voluntary Associations and various stakeholders to communicate the development of these new policies, the improvement of existing policies and the creation of criteria that would support ethical, unbiased assessment methods and processes to ensure the professionalisation of the Construction Industry.

The end result includes improved registration and RPL policies and processes, as well as an enhanced CPD process that better-embraces

and recognises the efforts of mentorship within the sector ... something that is much-needed to support our Construction Skills Pipeline.

Route for Recourse

In addition, we have also worked to better support the industry in its professionalisation through competency standards, ethical awareness and a route to recourse through our re-developed policy on appeals and tribunals.

Details of the updates and policy changes have been clearly outlined in the article "*Adjusting the Time into a New Council Dispensation*", and we encourage you to take the time to read and understand the changes.

In addition to this magazine, the Council will also present a number of online and in-person engagements in 2024 across South Africa to assist our applicants and Registered Persons in their registration journeys.

As we do this, we continue to address our mandates in serving the public and place emphasis on the significant role of professionals in assisting the country towards

economic recovery, as well as supporting transformation of the sector through developing an understanding of the way in which equity, diversity and inclusion makes us stronger together!

In closing, I encourage you to utilise the various platforms and communication mechanisms that we have put in place to provide you with any and all information needed, to not only apply for professional status, but attain your professional registration and do so with pride, a good conscience, and the highest degree of ethics.

Our web platforms, free video-downloads, Shape Shifter magazine, CRM team and Council offices are available to you for support in this journey towards a better Built Environment – we look forward to working with you always.

Best wishes everywhen,
MIB Matutle
SACPCMP Registrar

HOW TO Register

Follow these easy steps to register with the SACPCMP...

STEP 1: Visit mypcm.sacpcmp.org.za or mychs.sacpcmp.org.za or mybi.sacpcmp.org.za

STEP 2: Click on the 'Register' tab

STEP 3: Click on the 'Apply to Register' tab

STEP 4: Read the Code of Conduct and [input your information](#)

STEP 5: Complete your application payment

STEP 6: You will receive an email - reset your profile password and user name.



Scan this QR code to visit the SACPCMP website & register!

IMPORTANT: After completing the above steps, you must log into your SACPCMP profile & **select your designation** to move forward with your application.

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— CONSTRUCTING NEW PERSPECTIVES —

Adjusting the time into a new Council Dispensation

With a move towards transparency, transformation and a greater focus on ethics, the SACPCMP has, over the past years, put the necessary steps into place to ensure that its procedures and processes are beyond reproach. In addition to the move towards online services for the convenience and ease of its applicants, the Council has also updated a number of its policies to address issues of the past that could lead to gatekeeping. This article looks at the how, when and why a new and improved SACPCMP comes into being.

As of 1 April 2024, a number of updated SACPCMP policies come into effect and the resetting of the Council clock towards improved public service will start to tick!

The Policy Document on the Statutory Regulation of The Built Environment Professions of 1999, which preceded the promulgation of the Acts that established the Councils, outlined the functions of the Councils for the various Built Environment Professions, in terms of education, training and professional development.

These Councils would be responsible

for setting professional competency standards within the framework provided by SAQA.

It states: “It is of critical importance that appropriate competency standards are set for each of the professions and that compliance with these standards in all aspects of the education, training and professional development is assured. It is clearly in the public interest that appropriate standards are set and maintained for all levels of expertise in the professions. Achievement of appropriate standards of competence in a profession is of public interest because there is then a formal basis for the objective judging

Adjusting the time into a new Council Dispensation

of the suitability of a particular person to undertake specific work”.

The founding legislation of the SACPCMP - the Project and Construction Management Professions Act 48 of 2000 - outlines the legislative mandates of the Council with regards to the regulation of the professions under its mandate, of which there are 13 in total.

Protection of the Public

It is through these mandates that the Council gives impetus to the spirit of the policy framework preceding the founding of the Councils for the Built Environment Professions.

The main purpose of these Councils is the protection of the public.

‘Grandfather Clause’

During the founding of the SACPCMP, more than 20 years ago, a *Grandfather Clause* was instituted.

This was for the recognition of professionals working in the sector, giving the construction industry time to professionalise and become compliant with the requirements of the Act.

However, with more than two decades since the SACPCMP was constituted, and an adequate amount of time provided for industry representatives to become compliant, the Council will now move into a new phase.

2024 Dispensation of Compliance

In 2024, the Council will move into a new dispensation of compliance and full professionalisation.

To ensure this is possible, the Council has ensured that its registration, professions and education requirements align with its Act and all other relevant legislations and policies.

This led to the following:

- Revising SACPCMP entry requirements.
- Completing competency standards for all SACPCMP registration categories.
- Regenerating various assessment tools and assessor training, guided by the competency standards.

Thus, the Council has reviewed and changed the following

policies and criteria to ensure compliance:

1. Registration Policy and rules
2. CPD Policy and Criteria
3. RPL Policy and Rules
4. Appeals and Tribunal Policy

The following tables (*see next page*) summarise what you need to know about the changes for each of these policies and their related mandates.

Mandates of the SACPCMP

1. Identification of Work
2. Guideline Professional Fees
3. Continuous Professional Development
4. Accreditation of Built Environment Programmes
5. Code of Conduct for the Professions
6. Professional Registration
7. Recognition of Voluntary Associations
8. Recognition of New Professions
9. International Agreements
10. Recognition of Prior Learning
11. Standard Generation
12. Appeals and Tribunals
13. Competency Standards for Registrations

Adjusting the time into a new Council Dispensation

Policy and Rules for Registration



Website Links:

- [Registration Policy](#)
- [Rules for Registration](#)

The following changes from the old to the new policy/rules should be noted:

Old Policy / Rules	New Policy / Rules
Applications on demand	Application windows with time limits for the submission of complete applications (within 14 days)
Staggered registration entry criteria	<ul style="list-style-type: none"> • One NQF level and • Years of experience requirement for each registration category
Two reports (Annexure A1 and A2)	One consolidated project report
No specified candidature period	Maximum four-year Structured Candidacy Period (with cut-off)
All Built Environment Qualifications Accepted	<ul style="list-style-type: none"> • SACPCMP Accredited qualifications preferred • Recognition list • Educational Evaluation of non-SACPCMP-Accredited qualifications • Initial Professional Development Modules for non-SACPCMP-accredited qualifications
-	New CV Template
Unlimited reassessment opportunities	Cut-off for number of re-interviews and exams allowed per applicant

Policy on Appeals and Tribunals



Website Link:

- [Policy on Appeals and Tribunals](#)

The following changes from the old to the new policy/rules should be noted:

Old Policy / Rules	New Policy / Rules
Appeal as only recourse when aggrieved	Option for internal review of assessment outcomes

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Policy and Rules for Recognition of Prior Learning (RPL)



Website Links:

- [RPL Policy](#)
- [Rules for RPL](#)

The following changes from the old to the new policy/rules should be noted:

Old Policy / Rules	New Policy / Rules
RPL for PCM	RPL for all categories
RPL against competencies	RPL against exit-level outcomes
RPL based only on portfolio of evidence (POE)	RPL based on different forms of learning and evidence (incl. educational qualifications evaluation)
	Remediation of Gaps (option of doing IPDM)

Policy and Criteria for CPD (continuing professional development)



Website Links:

- [CPD Policy](#)
- [Criteria for CPD Activities](#)

The following changes from the old to the new policy/criteria should be noted:

Old Policy / Criteria	New Policy / Rules
<u>3 CPD Categories</u> <ul style="list-style-type: none"> • Category A • Category B • Category C 	<u>4 CPD Categories</u> <ul style="list-style-type: none"> • PPPI • Professional Development • Personal Development • Mentorship
CPD Hours	CPD Credits
Five-year CPD cycle	Three-year CPD cycle
Ad-hoc CPD	Competency based CPD (linked to competency framework of specific category)

CPD Online Accreditation

The SACPCMP is excited to announce the launch of its Online CPD Accreditation Portal.

The Council has phased out the manual process of applying for CPD Validation. The whole application process will now be done online.

What are the Advantages of the Online System?

There will be an improved turnaround time as the system helps you navigate all relevant requirements.

You will be able to view the fees online and pay online.

In addition, you will be able to track the progress of your application in real time!

What does the Online System mean to CPD Service Providers?

- All CPD service providers will have login details and a personalised profile.
- Service providers will fill in an application form online.
- All supporting documents will be uploaded online with the application.
- The pre-assessment and invoicing will be done online.
- The assessment/evaluation will be done by qualified CPD Assessors via the system.
- The validation letter will be generated on the system.

Five Benefits of Validating your CPD activity with the SACPCMP

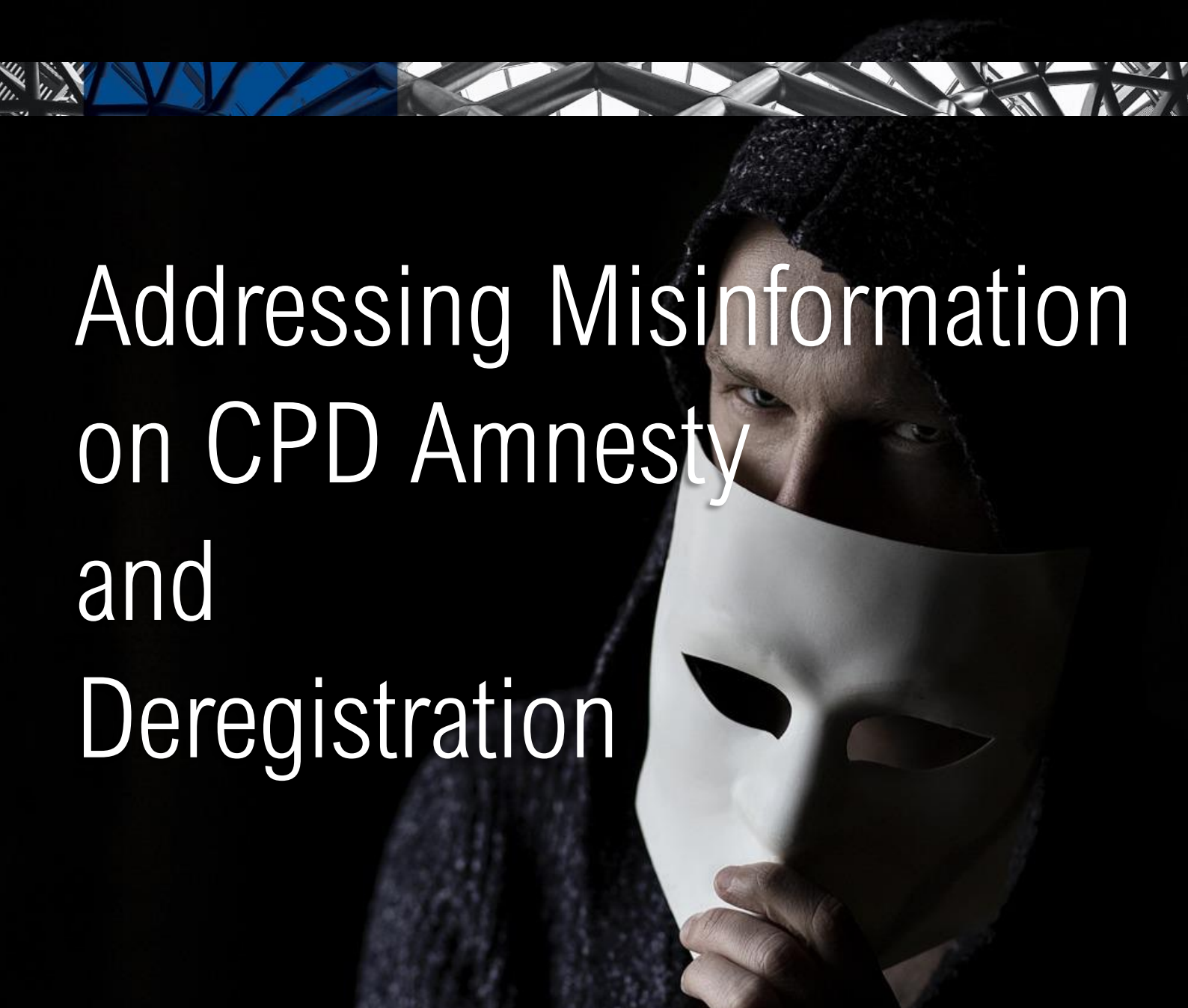
- Participants who are registered professionals will be able to claim CPD hours.
- Having a stamp of approval from the industry regulator.
- Your activity will be listed on the SACPCMP's List of Validated Courses.
- Your marketing material will be distributed to more than 7000 registered professionals.
- Your adverts will be featured in Shape Shifter, the Council's online magazine.
- Your adverts will also be distributed on the Council's social media platforms.

To have your CPD activity validated by the SACPCMP, visit: [SACPCMP - CPD Accreditation](#) or watch this instruction video for more info: <https://www.youtube.com/watch?v=1rdzFzAdde8>

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— CONSTRUCTING NEW PERSPECTIVES —



Addressing Misinformation on CPD Amnesty and Deregistration

The SACPCMP recently announced that it was concerned by online messaging to the public that misleads Professionals regarding deregistration and the Council's Continuing Professional Development (CPD) Amnesty.

Earlier this year, the Council received numerous complaints and queries regarding service providers who incorrectly claim to be associated with the Council.

"There are service providers out there who claim to work with the

Council to provide CPD management to Registered Persons and they charge for their services.

But these are most definitely not 'our' people, nor are they SACPCMP staff. We do not accredit ANY persons or organisations to offer CPD portal management.

Registered Persons should manage their own CPD profiles," said SACPCMP Operations Executive, Ms. Sindiswa Kwenaithe.

She confirmed that SACPCMP CPD Service Providers were only accredited to provide CPD-accredited courses, conferences or webinars.

"We do not accredit any persons or organisations to offer CPD portal management."

**Sindiswa Kwenaithe:
SACPCMP Operations**

"To support our Registered Persons, the Council offers free workshops and online activities. This assists Professionals in keeping their CPD profiles and status in good standing. We do not charge for these. Where people are charging a fee for CPD

Celebrating DPWI's Bursary Awards

management services, they are most certainly not associated with the Council nor are they doing any of these services on the SACPCMP's behalf!"

Understanding the CPD Amnesty

The SACPCMP launched, in 2024, an amnesty for persons who were battling to remain CPD compliant before the rollover into the new CPD policy and cycle.

The CPD Amnesty took effect from the end of January 2024.

Professionals should endeavour to understand if and where the amnesty could benefit them.

IMPORTANT TO NOTE:

Bearing the amnesty details in mind, Registered Persons should note that the SACPCMP's CPD Portal closed on 31 January 2024 and will only reopen on 31 March 2024.

As such, this adds a further grace period to the amnesty, as it is not necessary for Registered Persons to do any CPD at the moment, while the portal is closed.

Registered Persons must, however, continue with CPD from 01 April 2024.

Details of the CPD Amnesty

The CPD Amnesty is granted to all Registered Persons whose CPD Cycles ended between 2020 and 2024. These persons have been requested to meet the minimum requirements for the CPD amnesty (click [HERE](#) to read the CPD Amnesty Requirements).

Registered Persons who registered with the SACPCMP from 2020 to date are not part of the amnesty because their CPD Cycle has not yet ended - they are currently 'safe'.

The SACPCMP's new [CPD Policy](#) will be launched on 01 April 2024.

The CPD Module will have some changes and the following Professionals will be given a new cycle, which runs from 01 April 2024 to 31 March 2027:

- All Registered Persons who meet the minimum requirements of the CPD Amnesty, and/or
- Registered Persons whose cycle had not come to an end as yet, and/or
- Registered Persons who are compliant.

The ONLY Registered Persons that will be suspended (pending deregistration) are:

- Registered Persons who are not compliant as per the amnesty required CPD points and whose CPD Cycles ended between 2020 to 2024.

Suspension means that professional registration will last for one (1) more financial year (running from 1 April 2024 to 31 March 2025).

It must be noted that Registered Persons who are suspended must also pay their annual fees as this will ensure they attain their registration for one more year. For more information regarding the CPD Amnesty or new CPD Policy, visit www.sacpcmp.org.za

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IF YOU DON'T SUPPORT IT,

REPORT IT!

REPORTING CHANNELS:



WhatsApp
0860 004 004



Online
behonest.co.za



Email
sacpcmp
@behonest.co.za



Toll-free number
0800 745 746



Report any incidents of

- fraud
- corruption
- misconduct or
- unethical behaviour

to the SACPCMP
Ethics & Fraud Hotline



YOU CAN REMAIN ANONYMOUS

Ethics & Fraud Hotline facilitated by  Advance Call



Another Step Towards Convenience

as SACPCMP implements online interviews

Taking another step towards offering its applicants more convenience in their registration process, the SACPCMP recently announced that it has equipped its systems to undertake professional interviews online.

This follows on the heels of the Council launching its online examination process in 2023, which has proven to be a great success. These initiatives of the Council to move services online are in an effort to ensure that applicants have more convenient and flexible options as part of their registration process, especially those based in outlying regions of the country.

“As of February this year, all of our Professional Interviews will be conducted completely online. Therefore, applicants scheduled to

attend the Professional Registration Interview will no longer be required to report in person to the Council’s offices,” commented SACPCMP Registration Manager, Kobus van Wyngaardt.

“Bookings for interview dates can be done throughout the year via the SACPCMP registration portal. An applicant must book and pay to secure an interview date and time.”

SACPCMP Professional Interviews are utilised to assess applicants’ competencies in the following registration categories:

- Professional Construction Project Management (Pr.CPM)
- Professional Construction Management (Pr.CM)

- Professional Construction Mentor (Pr.CMentor)
- Professional Building Inspectors (Pr.BInsp)
- Professional Construction Health and Safety Agents (Pr.CHSA)

(These include and are not limited to any other Specified Category that may be prescribed from time to time together with their ability to accept professional responsibility for the work performed.)

Online Interview Requirements

Interview applicants will be required to have access to a suitable laptop and stable internet connectivity. Specific security measures have been put in place by the SACPCMP to ensure the integrity and protection of the interviews are maintained.

SACPCMP Implements Online Interview

Interviews should take approximately an hour and a half, although this can vary due to circumstances or interview category.

All applicants who fail to book and pay for their professional interview within three months following the passing of the assessment stage will have to pay a late-interview-booking penalty fee.

Should applicants fail to book and pay for their professional interview within 12 months of passing their assessment stage, they will have to reapply by starting a new registration application.

See the following page for rules pertaining to online professional interviews.

How to Book for your Professional Interview

- You go on your profile (see the first block: 'My Profile')
- Click to view your registration details.
- Click on 'Designations'.
- On the right you will see a block: 'Current Applications'. Click on that block.
- You will see 'Designation Applications' and then a block with the Professional Category name.
- On the right, find the word 'Manage' (typed in red); click on this.
- At the bottom of the page, you will see a prompt to book for the interview. Click on book and follow the prompts.

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.



SACPCMP Professional Online Interview Rules

- The applicant must complete, sign, and return the Consent of Recording form to the SACPCMP invigilator prior to the commencement of the interview.
- Applicants must be able to show proof of their identity at the interview by means of producing original documentation such as an identification document, passport or driver's license for verification.
- The online professional interview cannot be taken in an open plan setup, or public area, such as an internet café.
- The room must have sufficient day light brightness.
- The interviewee may not undergo the interview in a room that has audio surveillance.
- The interviewee must be alone in the room.
- The interviewee must ensure that they have sufficient data to maintain connectivity and that their laptop is fully charged with adequate backup power supply.
- The laptop/desktop must have a functioning web camera (webcam) and microphone.
- The interviewee must indicate when there will be power interrupts (i.e. loadshedding) in the area during the interview.
- The interviewee will be disqualified if they contravene any of these professional interview rules.
- Any breach of the identified security protocol will result in an automatic failure of the interview followed by an investigation into the actions by the interviewee by the investigation committee, who will determine an appropriate action.

Continued ...



SACPCMP Professional Online Interview Rules

- During the professional interview session the following must be adhered to:
 - * No cell phones, recording devices or any other secondary devices must be in the room or test area.
 - * The desk/table must be clear of any materials except the device on which the professional interview is being conducted.
 - * No notes are allowed to be used by the interviewee during the interview.
 - * The Interviewee may not make any notes during the interview.
 - * No one else can be in the room with the interviewee.
 - * The room will be scanned (360°) through the interviewee's laptop web camera.
 - * The room in which the interview will be conducted must be well-lit, and the interviewee must be clearly visible at all times.
 - * No dual screens/monitors are allowed.
 - * No Bluetooth audio devices are allowed to be used during the interview.
 - * The interviewee is not allowed to leave the view of the camera at any time during the professional interview.
 - * No additional applications or internet sites may be used or accessed during the interview and as such the interview will be required to share their full screen on the virtual platform throughout the professional interview session.
 - * The Chairperson may request the interviewee to conduct an additional room scan at any point during the interview if required.
- Any breach of the identified security protocol will result in an automatic failing of the interview followed by an investigation into the actions by the interviewee by the investigation committee, who will determine an appropriate action.



Celebrating DPWI's Bursary Awards

A welcome and much needed boost to the Built Environment Professions skills pipeline was how the SACPCMP hailed the DPWI Bursary Awards that took place in January this year.

SACPCMP Registrar, Butcher Matutle, was pleased to be invited to the auspicious occasion where the DPWI awarded bursaries valued at more than R17 million to learners.

“These learners have worked hard to be where they are today and have overcome overwhelming circumstances to reach this goal,” he said. “This boost to our Professions’ skills pipeline has also been invigorated by the recent National

Senior Certificate results showing a slight increase in the pass rate for Mathematics and Physical Sciences referred to as gateway subjects.”

Matutle noted that these gains come with a renewed focus from the Department of Basic Education on Mathematics and Physical Science achievements as they relate to the building of the skills required for mathematically orientated and scientific professions as those in the Built Environment.

“Professor Kathija Yassim, the associate professor of education leadership and management at the University of Johannesburg, summed it up well when she said “the improvement in the maths and

science pass rates is to be celebrated as these are gateway subjects that provide learners with opportunities to access STEM career pathways”,” Matutle quoted.

Cycle of Poor Performance

According to Prof. Yassim, “the cycle of poor performance in the past had constrained South Africa’s human capital in vital careers but also in research and innovation; hence this (improvement) boded well for the country to develop skills that would help it meet the needs of the 21st century. It is probable that the percentage of science, engineering, and technology (SET) enrolment in higher education institutions will increase in 2024 after being

Celebrating DPWI's Bursary Awards

stagnant (at around 30%) over the last five years. This is important because SET human capital capacity is critical to spearhead the country's research and innovation agenda to stimulate industrial competitiveness, economic growth, and the wellbeing of citizens."

Optimistic with Concerns

Although optimistic about the results of the class of 2023, the SACPCMP still echoed the concerns of the Parliamentary Committee on Basic Education with the low uptake of mathematics and science by learners and the impact this may have on the Built Environment Professions going forward.

"The BE Professions represent some of the scarce and critical skills in the STEM sector required to give impetus to the country's infrastructure-led Economic Reconstruction and Recovery Plan. This is coupled with the government's undertaking to professionalise the state for improved infrastructure delivery. The key driver of these



interventions is good quality education," said Matutle. "However, this education is becoming increasingly out of reach for the

marginalised and previously disadvantaged groups. There are many factors contributing to this, with the most devastating being economic challenges".

"The SACPCMP provides students with assurance that accredited institutions offer quality qualifications to sufficiently equip them to enter their chosen professions. We look forward to receiving them into our professions and to their valuable contributions to the construction industry at large."

Butcher Matutle (SACPCMP Registrar)

Commending Such Efforts

Matutle said that the SACPCMP commended the DPWI for its consistency in funding and supporting entrants into the Professions and their dreams of ultimately attaining professional status.

"The SACPCMP also plays its role by providing students with the assurance that accredited institutions offer quality Built Environment qualifications that will sufficiently equip them to enter their chosen professions," he said. "We wish to

Celebrating DPWI's Bursary Awards

congratulate the learners who were awarded bursaries. We wish them endurance and success on the road that lies ahead. It will not be easy, but we do believe it will be worth it. We look forward to receiving them into our professions and to their valuable contributions to the construction industry at large.”

The Crown Jewel

Public Works and Infrastructure Minister, the Honourable Sihle Zikalala, hailed teachers and guardians as true heroes and heroines, thanking them for encouraging, motivating and guiding learners during the 2023 matric examination.

“To the bursary awardees, you are the jewel in the crown and we sing your praises for demonstrating that paying attention and putting in effort pays,” Minister Zikalala said at the event, where 100 learners from the Class of 2023 who enrolled to study various built environment courses at universities across the country were awarded bursaries.

Ten Years of Support

“This year is the 10th year that the Department of Public Works and Infrastructure has been offering these bursaries to address the challenges of the skills pipeline and transformation in the Built Environment. Our university bursary scheme is one of the ways through which we respond to the



country’s occupation skills that are in high demand,” the Minister said.

The DPWI Bursary Scheme supports undergraduate study areas such as Construction Project Management, Occupational Health and Safety, Quantity Surveying, Landscape Architecture, Architecture, Property Studies, Real Estate, Urban Design and Regional Planning, Engineering (Mechanical, Electrical, Civil, Structural, Chemical), Interior Design, Actuarial Science, Horticulture, Geographic Information Science (GISc) and Maritime Studies.

“We are pleased that our valued bursary beneficiaries are supported financially throughout their tertiary

studies until graduation. Upon completion of studies, bursary holders join the DPWI’s internship programme wherein they gain relevant technical experience for a duration of 24 months in line with their contractual obligation to the department and in accordance to the DPSA regulated internship period,” the Minister said.

The estimated budget per student is R177 500. This amount varies based on the institution and study programme.

The bursary covers all university costs including tuition fees, accommodation, meals, textbooks, projects, excursions and a monthly allowance.

PMI-Construction Professional (CP) Now Available!

In 2022, the SACPCMP entered into a collaboration agreement with the Project Management Institute (PMI) to offering a construction-specific learning and development course that will boost international recognition for SACPCMP registered persons.

PMI launched a suite of online courses and micro-credentials to address the unique challenges faced by construction professionals.

The courses aim to improve project management skills in the construction industry and lead to PMI-CP (Construction Professional in Built Environment Projects) certification.

SACPCMP registered persons are afforded the opportunity to study these courses at a **discount rate**.

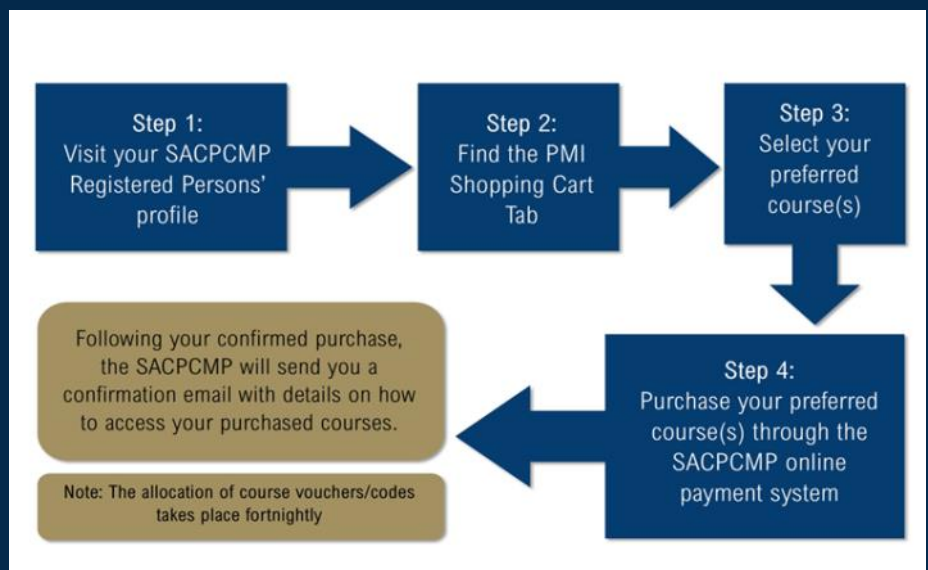
Furthermore, the courses are **CPD Accredited** and will therefore benefit the registered persons with their CPD Compliance.

Available PMI-CP Courses

- Built Environment Project Communication Pro (Micro Credential)
- Built Environment Project Performance and Materials Management (Micro Credential)
- Built Environment Project Technology and Innovation (Micro Credential)
- Interface Management in the Built Environment
- Scope and Change Order Management in the Built Environment
- Contract and Risk Management
- Execution Planning in the Built Environment

For more information, please email pmi@sacpcmp.org.za

How to Purchase the PMI-CP Courses



In partnership with the SACPCMP



Eradicating corruption in infrastructure delivery

According to the Co-founder and Director of the South African Chapter of the Global Infrastructure Anti-Corruption Centre (GIACC-SA), Anton Krause, the private sector must lead the way in eradicating corruption in infrastructure delivery; this opinion piece, provided by the GIACC-SA looks at legislation and frameworks addressing corruption facing South Africa.

The legal framework governing bribery and corruption in South Africa consists of the following legislation and regulations:

- Prevention and Combating of Corrupt Activities Act (2004), known as PRECCA
- Prevention of Organised Crime Act (1998)
- Protected Disclosures Act (2000)
- Financial Intelligence Act (2001)
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act (2004)
- Competition Act (1998)
- The South African Companies Act (71 Of 2008) / Section 43(a)

PRECCA is South Africa's primary legislation against bribery and corruption, establishing a comprehensive offense of corruption. It broadly encompasses the acceptance or offering of any gratification from another person, with the intention of influencing that person to engage in illegal, dishonest, unauthorised, incomplete, biased, or information-misusing actions. This legislation applies to both public officials and private individuals.



Eradicating corruption in infrastructure delivery

Section 34(1) of PRECCA mandates a reporting responsibility, requiring individuals in authoritative positions, as defined in Section 34(3) of the Act, to report corruption offenses such as theft, fraud, extortion, bribery, or uttering a forged document involving an amount exceeding R100,000.

It is crucial to clarify that this section solely imposes a reporting duty and doesn't necessitate an obligation to investigate.

Prepare for SAPS Investigation

The framework of Section 34 designates the responsibility of investigating to the relevant authority with the constitutional mandate for crime investigation in South Africa, namely the South African Police Service (SAPS). Nevertheless, it is generally advisable to carry out an internal investigation to comprehend the circumstances of the offense and to prepare for the formal investigation by the SAPS.

However, there is a legislative change on the horizon. Emanating from the State Capture Commission Report, the Zondo Commission has proposed a significant measure by recommending the incorporation of a "failure to prevent corrupt activities offence".

This recommendation is on the brink of materialising, given that the National Council of Provinces approved the Judicial Matters Amendment Bill on 6 December

2023. The bill is currently awaiting presidential assent and aims to amend the PRECCA. It introduces a new provision, Clause 34A, which establishes an offence for failing to prevent corrupt activities.

The language of this newly proposed offence mirrors the version advocated in the State Capture Report and takes inspiration from the failure to prevent bribery offences outlined in section 7 of the United Kingdom Bribery Act, 2010.

As per the suggested Section 34A, an individual associated with a "*member of the private sector or incorporated state-owned entity*" would be deemed culpable if they offer or agree to offer any form of gratification to another person with the aim of securing or maintaining business or an advantage for that member. This mirrors the existing prohibition outlined in Chapter 2 of PRECCA.

What does 'association' include?

The term "association" in relation to this offence is broadly outlined, encompassing individuals providing services for the member, regardless of their position. This inclusive definition includes employees, independent contractors, and other third parties delivering services to the entity.

Consequently, comprehensive anti-corruption risk mitigation controls must encompass these

diverse third-party entities. It is crucial to emphasise that engaging in corrupt activities in South Africa can result in civil consequences.

Civil damages claims arising from corruption or bribery are prevalent and the extent of these claims is determined by the harm inflicted, and any awards are meant to be compensatory rather than to be punitive.

Criminal Consequences of Corruption

In relation to the criminal consequences of corruption in South Africa, a court may impose a sanction of imprisonment and/or a mandatory fine. Any contraventions of PRECCA may include:

- a fine of unlimited value;
- a prison sentence (the maximum sentence being life imprisonment);
- an additional fine equal to five (5) times the value of the gratification involved in the offence; or
- an endorsement of the convicted person or enterprise on the Register for Tender Defaulters (a "Black Listing"), which means that the individual/s and entities are placed on a list which the government and public sector is prohibited to trade with.



Eradicating corruption in infrastructure delivery

empowered to promote best practice Standards. In terms of the cidb Best Practice Contractor Recognition Scheme, the Construction Industry Development Board has identified certification to BS 10500 Specification for an Anti-Bribery Management System (ABMS), but extended to fraud and corruption, as a best practice for Grade 9 enterprises.”

One can deduce that these CIDB, and the future PRECCA requirements, are going to have significant cascading ramifications for registered Grade 9 construction and civil contractors and their supply chain associates.

Support Mechanisms

To assist South African infrastructure organisations to meet this new proposed legislation head-on, the GIACC-SA (a GIACC Affiliate and registered NPC) offers the GIACC Organisational Anti-Corruption System (GIACC OACS) and the GIACC Project Anti-Corruption System (GIACC PACS).

These are designed to be applicable to a broad spectrum of organisations, encompassing construction, civil contractors and built environment professional practices engaged in infrastructure projects.

The GIACC OACS is inclusive, catering to organisations of varying sizes across the private sector. Construction and civil contracting

organisations, and built environment professional practices often confront significant risks, including criminal and civil liabilities, financial losses, and damage to reputation due to corruption involving their personnel and business associates.

Minimise Risks

To minimise such risks, these organisations are encouraged to mainstream a comprehensive anti-corruption management system aimed at preventing, detecting, and addressing corruption within their own structures and projects and in their interactions with business associates.

While the adoption of an anti-corruption system cannot guarantee the complete eradication of corruption, it can substantially contribute to its prevention and detection. Furthermore, in the event of potential legal action against the organisation or its personnel, such a system can serve as crucial evidence that the organisation took reasonable measures to prevent corruption, potentially mitigating criminal liability.

The GIACC and GIACC-SA offers a detailed organisational and project anti-corruption system, including measures, guidance, and templates, tailored for the infrastructure sector. Aligned with international best practices (such as the Commonwealth Anti-Corruption Benchmarks published in 2021) and consistent with the SANS 1734 (BS

The proposed amendments to the PRECCA aligns with the Construction Industry Development Board's Board Notice 152 of 7 August 2015. This government gazette notice provides for the CIDB Best Practice Contractor Recognition Scheme/Best Practice: Specification for a Fraud and Corruption Management System. It states -

“In terms of sections 5(2) of the Construction Industry Development Board Act, 2000 (Act No. 38 of 2000) (‘the Act’), the Construction Industry Development Board is

Eradicating corruption in infrastructure delivery

10500) and ISO 37001 Anti-bribery Management System, these systems comprise of policies and procedures that organisations can integrate into their existing management systems to reduce the risk of corruption.

The primary objective of these systems is to minimise the risk of corruption:

- within the organisation and project delivery, by its personnel or others acting on its behalf
- against the organisation, its personnel, or others acting on its behalf
- whether occurring directly or indirectly
- both within the organisation's home country and in other countries of operation
- irrespective of the monetary value involved.

Mainstreaming these anti-corruption systems should be treated with the same diligence and attention as any other corporate management process, such as health and safety, environmental or quality assurance.

Tailor Systems to Your Requirements

Organisations are encouraged to tailor the systems to their specific requirements, considering the applicable laws, organisational size, transaction value and nature, project

locations, and perceived corruption risks. The level of preventive action may vary based on the value and risk associated with contracts or projects, and organisations are reminded that while commercial risk may differ, the criminal risk remains constant. The available systems are a flexible framework,

allowing organisations to exercise judgment in modifying them based on their unique circumstances.

As a minimum, a construction, civil and built environment professional organisation is advised to mainstream the following infrastructure anti-corruption measures:

Anti-corruption Policy: Adopt an anti-corruption policy, demonstrating the organisation's commitment to prohibiting corruption. The policy should include measures to prevent corruption and address instances that occur.

Anti-corruption Programme: Mainstream an anti-corruption programme to operationalise the anti-corruption policy. The system should incorporate appropriate policies, procedures, and controls, considering the nature and extent of corruption risks.

Board and Management Responsibility: The board should assume overall responsibility for mainstreaming the anti-corruption policy and system.

Communication of Policy and Programme: The chief executive officer should issue a written statement confirming the board's commitment to the anti-corruption policy and programme.


Compliance Manager: Appoint a senior manager as the full/part time compliance manager responsible for ensuring the adequacy and effective mainstreaming of the anti-corruption system.

Resources: Provide the necessary resources for the effective mainstreaming of the anti-corruption programme.

Employment Controls: Implement procedures related to personnel, including vetting before employment, conditions of appointment, informing personnel of the anti-corruption policy, declaring conflicts of interest, ensuring necessary competence, and disciplinary procedures.

Training: Provide regular anti-corruption training to relevant personnel, covering potential corruption types, associated risks, the organisation's policy, programme, and reporting mechanisms.

Gifts, Hospitality, Entertainment, Donations & Other Benefits: Adopt a policy prohibiting improper gifts, hospitality, entertainment, donations, or other benefits and implement procedures to minimise the risk of policy breaches.



Eradicating corruption in infrastructure delivery

Facilitation Payments: Prohibit facilitation payments, except in cases where the safety and liberty of personnel are perceived to be at risk. Implement procedures to minimise the risk of breaches.

Risk Assessment and Due Diligence: Regularly assess corruption risks in existing and proposed activities, conducting due diligence when risks are identified as more than low.

Review and Improvement: Regularly review and enhance the anti-corruption programme to effectively manage corruption risks.

Decision-making Process: Establish a procedure aligning the decision-making process and the seniority of decision-makers with the value of transactions and perceived corruption risks.

Contract Terms: Ensure that contracts with business associates posing more than low corruption risks contain a prohibition of corruption.

Commercial Controls: Implement commercial controls, including those related to sales, procurement, supply chain management, operational activities, project management, and other commercial aspects, to minimise corruption risks.

Records: Maintain detailed records of the anti-corruption policy and programme, including any compliance issues.

Investigating and Dealing with Corruption: Establish procedures requiring appropriate investigation and action in response to reported, detected, or reasonably suspected corruption or breaches of the anti-corruption policy or programme.

Financial Controls: Implement financial controls minimising corruption risks for, against, or on behalf of the organisation.

Mainstreaming by Controlled Organisations and Business Associates: Ensure that organisations (agents, subsidiaries and sub-contractors) under the organisation's control mainstream reasonable and proportionate anti-corruption procedures.

Reporting: Implement procedures enabling personnel to report suspected or actual corruption or breaches of the anti-corruption policy or programme confidentially.

Independent Assessment and Certification: While not essential, obtaining independent verification and validation or certification, such as SANS 1734 (BSI 10500) or ISO 37001, can provide assurance that the anti-corruption programme aligns with good practice.

Cooperating with Other Stakeholders: While not mandatory, collaboration with other stakeholders in the public and private sectors is beneficial for reducing corruption in the infrastructure sector. Open cooperation helps organisations learn from others' experiences and best practices.

Eradicating corruption in infrastructure delivery

In conclusion, the incorporation of the proposed "failure to prevent corrupt activities offence" signals a substantial transformation in South Africa's anti-corruption legal framework, presenting a considerable compliance hurdle for those falling under its purview.

Considering these advancements, South African infrastructure organisations need to mainstream resilient anti-corruption compliance programs within their organisations and project management delivery methodologies.

NOTE: Organisations are permitted to freely adopt and mainstream the GIACC organisational anti-corruption systems, but they are strictly prohibited from selling the entire system or any part of it. GIACC and the GIACC-SA offers this anti-corruption system at no cost, emphasising that it does not guarantee the complete eradication of corruption or absolve organisations from potential criminal liability. GIACC and GIACC-SA holds no liability to organisations or individuals utilising the system.



For further information, please visit the GIACC-SA website at www.giaccsa.org.za and www.giaccentre.org or alternatively contact Anton Krause via: anton@giaccsa.org.za

SACPCMP

The South African Council for the Project and Construction Management Professions

— CONSTRUCTING NEW PERSPECTIVES —

Examination Support Sessions

To support its examination applicants, the SACPCMP has placed Exam Support Sessions on its YouTube Channel. These free sessions, for various registration categories, can be found via:

SACPCMP Construction Health and Safety Officers - <https://www.youtube.com/watch?v=WcK2yyUVQ-w>

SACPCMP Construction Health and Safety Managers - <https://www.youtube.com/watch?v=yOKMmjIHIKM>

SACPCMP Building Inspectors Exam Support Session - <https://www.youtube.com/watch?v=Hc7hykQYORs>

WITBE Mentoring Expands Across Sub-Saharan Africa

The Women in the Built Environment (WITBE) Social Learning and Career Mentoring movement is embarking on an exciting new phase of expansion, extending its reach and impact across sub-Saharan Africa.

This expansion heralds a transformative opportunity for women in the built environment to thrive and excel in their careers.

It is currently fully funded and supported by Knowledge Mentoring Global (KMG), Mentoring 4 Success (M4S) and is offered at no charge to all women in the Built Environment across sub-Saharan Africa.

“WITBE is a safe, social-learning and career mentoring initiative,” said founder, Shelley Marsh, who is also the co-founder of KMG and M4S.

“We work in strategic collaboration with South African Institution of Civil Engineering (SAICE), the Engineering Council of South Africa (ECSA), the Chartered Institute of Building (CIOB) and the SACPCMP. We are thrilled to introduce the newly appointed

WITBE Country Ambassadors, who will serve as the esteemed faces of their respective nations and extend the important messaging to fellow country women so that we can impact the lives and careers of as

many women as possible in Africa.”

These ambassadors will champion WITBE and the cause of women in engineering and construction, by providing them with a safe and

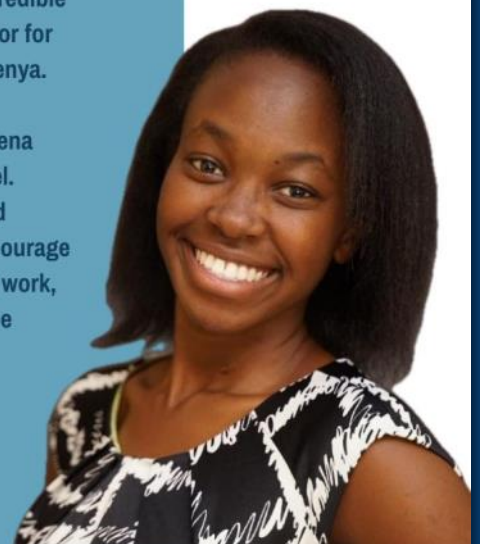
Ivy Getanda

Kenya Country Ambassador

Civil Engineer | Global Citizen | Mentorship Enthusiast
BSc Civil Engineering JKUAT

“ I'm delighted to announce this incredible opportunity to serve as an Ambassador for Women in the Built Environment in Kenya.

The Built Environment presents an arena where women are encouraged to excel. Moreover, it also presents a noble and inspiring challenge that calls for the courage to dream, believe, dare, act, envision, work, and achieve. It's about reaching for the highest levels of excellence and greatness in the built environment. Will you join me on this exciting journey? ”



WITBE mentoring expands across Sub-Saharan Africa

supportive space for them to grow, learn, and accelerate their professional journeys through the WITBE App and platform, powered by KMG technologies and supported by the M4S and SAICE teams.

The ambassadors are:

- Mable Musabi, Zambia
- Ivy Getanda, Kenya
- Mercy Kwao, Ghana
- Grace Phiri Zimba, Malawi
- Michelle Mothibi, Botswana
- Brenda Kring, Namibia

“There are several more ambassadors in the pipeline to carry the flame of gender equality in a male-dominated industry into all the corners of Africa,” said Marsh.

WITBE Benefits

WITBE women members gain access to invaluable resources, mentorship opportunities, and a vibrant community dedicated to their success. Additionally, they are able to attend monthly WITBE webinars hosted by experts in various fields, empowering them with knowledge and insights to fuel their advancement.

“This expansion not only strengthens the network of women professionals in engineering and construction but also fosters global connections and collaborations,” said Marsh. “Together, we are building a more inclusive and dynamic industry where every woman could and should thrive.

Following the recent WITBE Awards, the entity is currently seeking to

Grace Phiri Zimba

Malawi Country Ambassador

Chartered Construction Manager (MCIOB)
Msc. Construction Economics and Management
Bsc. Architectural Studies
PgCert. Facilities Management

“ I am thrilled to announce that I have been given the incredible opportunity to serve as a Country Ambassador for the Women in the Built Environment (WITBE) in Malawi.

At WITBE, we aim to break down barriers, create pathways for professional growth, and foster a supportive community that values and celebrates diversity. Join me as I set out on my adventure to empower and inspire women and promote excellence and diversity within the Built Environment. Together, with like-minded women around the world, let's build a future in which every woman may prosper and use her skills to further the Built Environment. Together, We can! ”



Mable Musabi

Zambia Country Ambassador

BEng (Hons) Civil Engineering
MSc (Eng) Transport Planning and Engineering
Associate Engineer with the Engineering Institute of Zambia.

“ I'm excited to be the brand ambassador for WITBE in Zambia.

WITBE is a community of women who support each other and share knowledge. It fosters both personal and professional development and offers insights into key aspects of working in the built environment through webinars from industry experts. ”



WITBE mentoring expands across Sub-Saharan Africa

raise financial support to fly the three 2023/2024 WITBE winners to participate in the prestigious recognition event, the Women in Construction and Engineering (WICE) Awards.

Employers, sponsors, SETAs and philanthropists can support this through the Inkaba Education & Development Trust (PBO), which seeks to pave the way for a brighter and fairer future in the Southern African built environment.

The Trust was set up specifically to support young, black women in the built environment, driving SDG 5 "Gender Equality". All donors and sponsors will receive a Section 18 (A) Tax Certificate. For further info email: shelley@kmgl.co.uk

Michelle Mothibi

Botswana Country Ambassador

Senior Engineer,
Vice Chairperson, FIDIC Africa Future Leaders
Pr Civil Eng. Technologist (20160794)
BTech Civil (NMMU) | MSc Project Management (UoReading)



“ I'm truly honoured to be representing WITBE in Botswana.

I am taking up the role because I want to be the change I want to see. I want to be that physical representation that I longed to see when I had just graduated with my Civil Engineering degree. I want to be at the forefront of the conversations that women in the built environment are having concerning creating a sustainable career for the girl child in the built environment. ”



Interface Management in the Built Environment

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From humble beginnings to an industry leader

Focus on Women in the Built Environment

Provided by the Association of South African Quantity Surveyors (ASAQS), a Voluntary Association of the SACPCMP



Vuyolwethu Badi, a seasoned professional quantity surveyor with more than 16 years of experience in the South African Built Environment, is making a significant impact in the industry.

As a director and shareholder at RLB, a global cost consultancy firm, her journey to success has been marked by determination, resilience, and a deep-rooted desire to uplift her community.

Born and raised in rural Middledrift in the Eastern Cape, Vuyolwethu's upbringing in a conservative family laid the foundation for the person she is today. Her late mother, a teacher, and her father, a former politician and businessman, instilled in her the values of love, discipline, and nurturing.

Despite her modest background, Vuyolwethu's drive and curiosity led her on an unexpected path towards quantity surveying.

A Serendipitous Meeting with her Future Career

Vuyolwethu realised at a young age that her heart was set on great things! "Early on, I saw the girls in their smart blazers and ties, and I wanted to dress like them. It connected me to the 'big wide world'," she said. "I stumbled upon the industry by accident. I approached a man who was measuring up the school's hostels for renovations and inquired about his work. That's when I discovered what quantity surveyors do. At that time, I was struggling to



Focus on Women in the Built Environment

decide on a career, and I became convinced that quantity surveying would enable me to give back to my poor community."

Vuyolwethu's journey to becoming a registered quantity surveyor (QS) involved hard work and perseverance. After completing her BTech degree, she joined RLB where she made an immediate impression with her strong work ethic.

By 2016, she had completed all the professional skills modules prescribed by the South African Council for the Quantity Surveying Profession (SACQSP) and became a registered Professional QS. She achieved her goal of becoming a director at the age of 33, ahead of her initial target of 35!

Looking Back & Moving Forward

Vuyolwethu vividly remembers her early struggles to secure an internship, but her boldness and determination prevailed: "In mid-February of the year, I should have started my internship; I was still looking for a job and walked into the Department of Public Works in Pretoria, asking to speak to someone about the quantity surveyors they worked with. I had to fend for myself without the support networks available to young women today," she said.

Vuyolwethu noted that her involvement with ASAQS was instrumental in her career development. Since 2016, she has proudly maintained her professional membership as well as briefly serving on the ASAQS Gauteng Chapter.

"It is essential for youngsters to prioritise professionalism; they should approach every task with focus, integrity, and high standards of work ethics, continuously seeking personal growth through acquiring new skills and expanding their knowledge."

"What I appreciate most about my membership with ASAQS has been the organisation's commitment to providing high-quality, continued professional development training. Through various training modules and webinars, I have had the opportunity to stay abreast of industry trends and gain a deeper understanding of the quantity surveying profession," she said.

As an experienced QS, Vuyolwethu offers valuable advice to youngsters considering a career in the industry:

"To truly excel and thrive in this challenging professional landscape, it is essential for youngsters to prioritise professionalism above all else. They should approach every task with focus, integrity, and high standards of work ethics while continuously seeking personal growth through acquiring new skills and expanding their knowledge."

Beyond professional achievements, Vuyolwethu finds joy in traveling and cherishing moments with her family.

"When I'm not engrossed in work, my mind is consumed by planning my next thrilling adventure - exploring new destinations and creating unforgettable memories is my ultimate passion."

With her remarkable achievements and unwavering spirit, Vuyolwethu is most definitely paving the way for future generations, leaving an indelible mark on the industry and women working in the Built Environment!





C | B | E

COUNCIL
FOR THE BUILT
ENVIRONMENT

LAUNCH OF THE BUILT ENVIRONMENT NATIONAL LOGBOOK:

ACTIVATION AND REGISTRATION DRIVE



The **Council for the Built Environment**, a regulator of the Built Environment Profession and Public Entity of the Department of Public Works and Infrastructure, will launch the Built Environment National Logbook activation and registration.



08 March 2024



14h00-17h00




University of Cape Town

New Lecture Theatre

0A Residence Rd, Rondebosch, Cape Town

Inquiries: Ms Nosizwe Mokoena at nosizwe@cbe.org.za / 078 415 9211



Authored by Uwe Putlitz

The background to

Building and Construction Contracts used in South Africa

From published information, the first standard form of a building contract was published in London in 1879 by the Royal Institute of Architects (RIBA), the Builders' Society and the Association of Master Builders in London. This document was revised and republished in 1909.

The 1931 edition with substantial revisions was published by the 'Joint Contracts Tribunal' (JCT), a separate company founded by the RIBA and the National Federation of Building Trades Employers (NFBTE).

Additional contracts and further editions were published in 1939 and

1963. From 1967, JCT forms were issued and updated via its 11 constituent bodies. Major revisions were initiated by Lord Latham to better serve the building industry in 1994. The remaining nine constituent bodies decided to operate 'JCT Limited' as a company.

Since then, various contracts and revisions have been published in 1998, 2005, 2011 and 2016. A revised suite of contracts is to be published in 2024.

The RIBA only resumed publication of standard form contracts under its name in 2018. Publication of

South African Standard-form Contracts has had no direct relationship with the RIBA.

In South Africa, the then Cape Institute of Architects obtained permission to publish the RIBA 1909 (known as 'the blue form') version. This was followed by the then-current version in 1931 of the 'Agreement and Schedule Conditions of Building Contract' ('with quantities' - the white form') and ('without quantities - the blue form' printed on blue paper) with amendments for local conditions' 'approved and recommended' by the Institute of South African Architects, the Chapter of South African Quantity

Building & Construction Contracts used in South Africa

Surveyors and the Building Industries Federation (South Africa) (BIFSA) later Master Builders South Africa), and the South African Property Owners Association.

Subsequent to the 1931 edition, South Africa has had no direct relationship with the JCT.

The ISAA Agreement and Schedule of Conditions of Building Contract - white cover March 1971

The ISAA Agreement and Schedule of Conditions of Building Contract "B" - white cover March 1971

The ISAA Agreement and Schedule of Conditions of Building Contract - white cover July 1974

The ISAA Agreement and Schedule of Conditions of Building Contract - white cover September 1977

The ISAA Agreement and Schedule of Conditions of Building Contract BoQ - white cover 1980

The ISAA Agreement and Schedule of Conditions of Building Contract BoQ - light blue cover 1981

Joint Study Committee and ASAQS Preliminaries - white cover 1981

ASAQS-BIFSA-ISAA_SAPOA Model Preliminaries - white cover 1988

BIFSA Agreement and Schedule of Conditions of Building Subcontract - cream cover 1982/83

BIFSA Agreement and Schedule of Conditions of Domestic Subcontract - grey cover 1984

SAIA Agreement and Schedule of Conditions of Building Contract, w BOQ - white cover 1981/1988

SAIA Agreement and Schedule of Conditions of Building Contract, no BOQ - light blue cover 1971/1988



Bookplate of Royal Institute of British Architects; Source: Pinterest & www.rethinkingthefuture.com)

As a result of frequent amendments to 'the white form' the need for complete revision was identified resulting in the formation in 1984 of the 'Joint Building Contracts Committee' comprising representatives from the Association of South African Quantity Surveyors and the Building Industries Federation (South Africa), the Institute of South African Architects, the South African Property Owners Association, the South African Association of Consulting Engineers and the and Specialist Engineering Contractors Committee – in consultation with the Public Works Department.

The JBCC Principal Building Agreement in 1991 was "the first entirely new building agreement to be published by the major partners in the building industry in almost 60 years" (Finsen: 'The Building Contract' published by Juta, 1999. Preface page) incorporating the first 'construction guarantee' and omitting 'retention', introducing the concept of a

'selected subcontractor' in addition to the nominated subcontractor and limiting the contractor's liability for latent defects.

- The Contract Administrator in JBCC is the Principal Agent.
- Defined terms are indicated in the text as bold, for example: "**programme**".

First JBCC Publications

JBCC Principal Building Agreement with BoQ - grey cover June 1991

JBCC Nominated/Selected Subcontract Agreement, use w PBA - grey cover June 1991

JBCC NSSA form of sub-contract tender - grey cover June 1991

JBCC Additional Conditions – design by consulting engineer - grey cover January 1992

JBCC preliminaries - grey cover June 1991

JBCC Addendum Principal Building Agreement with/no BoQ - grey cover November 1991

JBCC form Construction Guarantee for use with PBA - grey cover June 1991

JBCC form Transfer of ownership of materials - grey cover June 1991

JBCC form Subcontract Construction Guarantee use with NSSA - grey cover June 1991



These documents were re-published as 'series 2000' to 'correct minor inconsistencies and imbalances':

JBCC Principal Building Agreement (2nd edition) - picture cover May 1998

JBCC Engineering General Conditions - picture cover May 1998

JBCC preliminaries - picture cover May 1998

JBCC CPAP - picture cover May 1998

JBCC Minor Works Agreement (1st edition) - cover 1999

JBCC Minor Works Agreement (? edition) - yellow-green text 04 2001

JBCC Principal Building Agreement (3rd edition) - yellow cover July 2000

JBCC Nominated/Selected Subcontract Agreement (4th edition) - yellow cover March 2004

JBCC Minor Works Agreement (2nd edition) - yellow cover June 2003

JBCC Engineering General Conditions use with NSSA - yellow cover May 2001

JBCC Guide: Interim, Practical + Completion - white cover January 2001

JBCC Guide: Valuation, Certification and Payment - white cover January 2003

JBCC preliminaries - yellow cover January 2003

JBCC Addendum Principal Building Agreement (3rd edition) - yellow cover January 2003

JBCC Nominated/Selected Subcontract Agreement (3rd edition) - yellow cover January 2003

Building & Construction Contracts used in South Africa

Edition 4.0 - March 2004 'Including State Provisions' followed the third edition within a year to satisfy the requirements of the office of the State Attorney and the wording of clause 13 in particular – and the introduction of 'adjudication' as an alternative dispute resolution (ADR) in keeping with international trends.

Edition 4.1 - March 2005 was specifically structured to suit both the Private and State sectors. Clause 13 (State Provisions) was expanded and shifted to Clause 41.

Series 2000 incorporating the Department of Public Works requirements

JBCC Principal Building Agreement (4.1 edition) - yellow cover March 2005

JBCC Nominated/Selected Subcontract Agreement (4.1 edition) - yellow cover March 2005

JBCC Minor Works Agreement (3rd edition) - yellow cover September 2005

JBCC Preliminaries - yellow cover May 2005

JBCC Guide: Interim, Practical + Completion (P+N 4.1) - white cover July 2005

JBCC Guide: Valuation, Certification and Payment (P+N 4.1) - white cover July 2005

JBCC CPAP indices Application Guide - white cover May 2005

In Edition 5.0 - August 2007 provisions applicable to the State were removed. Other modifications included:

- To stop publication of the Preliminaries by the JBCC, subsequently published by ASAQS from 2007,
- The insurance clauses were redrafted,
- The contractor's right to suspension of the works introduced,
- Removal of the 'variables' from the Agreement – provided as two separate Contract Data documents recording information from Employer to Contractor (EC) and Contractor to Employer (CE),
- A reduction in the percentages applicable to the security provisions per the State,
- Adjudication as a selection by the Parties instead of a default provision.

JBCC Principal Building Agreement (5th edition) reprint 1 - white footer cover July 2007

JBCC PBA (5th edition) reprint 1. Contract Data EC and CE - white footer cover July 2007

JBCC Nominated/Selected Subcontract Agreement (5th edition) - yellow footer cover July 2007

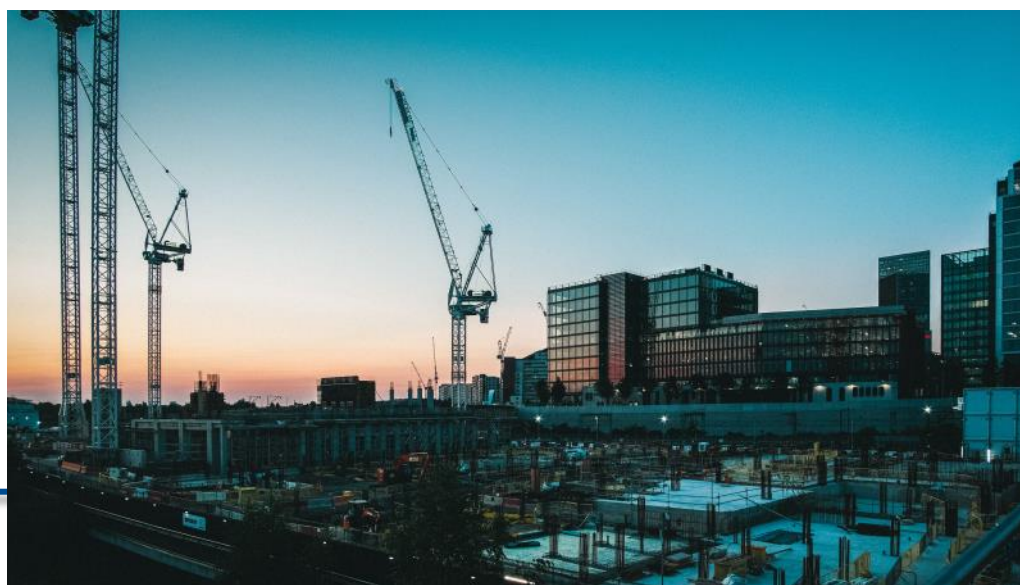
JBCC NSSA (5th edition) reprint 1. Contract Data ES and SE - white footer cover July 2007

JBCC Minor Works Agreement (4th edition) - white footer cover Aug 2007

JBCC MWA (4th edition) Contract Data EC and CE - white footer cover July 2007

JBCC Guide: Interim, Practical + Completion - white cover July 2007

JBCC Guide: Valuation, Certification and Payment - white cover July 2007



Building & Construction Contracts used in South Africa

The 2005/2007 suite of documents was republished to incorporate recent user and legislative requirements.

JBCC Principal Building Agreement (6th edition) - yellow cover September 2013

JBCC Nominated/Selected Subcontract Agreement - (6th edition) - yellow cover September 2013

JBCC Minor Works Agreement (5th edition) - yellow cover September 2013

JBCC Principal Building Agreement (6.1 edition) - skyline cover March 2014

JBCC Nominated/Selected Subcontract Agreement (6.1 edition) - skyline cover March 2014

JBCC Minor Works Agreement (5.1 edition) - skyline cover March 2014

JBCC Guide to completion, valuation certification + payment including contracts - skyline cover March 2014

Edition 6.0 - September 2013 was released in March 2014 as Edition 6.1 involving significant redrafting to shorten and tidy up the suite.

The main modifications include:

- Removal, adding or rewording of many definitions,

- Rewording, incorporation and repositioning of clauses (30 v 41),

- Order of precedence between contract documents included in sub-clause 5.6, omitted in Edition 6.2
- Revised percentage adjustments in the case of security as a fixed construction guarantee,
- Reduction (standardising) of some default periods,
- Removal of Works Completion as a completion stage,

- Redrafting of the EC and CE data documents as a single CD document,

- All amendments to the Agreement must be listed only in the CD or in a single-referenced Annexure.

As Edition 6.1 contained several 'cross-referencing and alignment errors' consequent to the redrafting of the text - the final version was published as Edition 6.2 in May 2018.

JBCC Principal Building Agreement (6.2 edition) - skyline/new logo March 2018

JBCC Nominated/Selected Subcontract Agreement (6.2 edition) - skyline/new logo March 2018

JBCC Minor Works Agreement (5.2 edition) - skyline/new logo March 2018

JBCC Small and Simple Works Contract (1st edition) - skyline/new logo May 2020

JBCC Direct Contractor's Contract (1st edition) - skyline/new logo May 2020

JBCC Contract Data for use by the Department of Public Works - skyline/new logo May 2020

Note: A clause-by-clause summary of the differences between Edition 4.1 (incl. state clauses) and Edition 6.2 supplemented by a 'State' Contract Data was published by the Association of SA Quantity Surveyors.



Building & Construction Contracts used in South Africa

Other standard-form Contracts used in South Africa

FIDIC

The Fédération Internationale des Ingénieurs-Conseils (FIDIC) was established as a result of a search for independent expert consultants for the World Fair Exhibitions in 1913, several consulting engineers met to discuss the possibility of forming a global Federation.

The founding principles adopted were quality, integrity, and sustainability.

The Federation was relatively inactive until after World War 2 when the number of reconstruction projects required a standard form of contract for engineering works incorporating the founding principles.

“The Form of Contract for Works of

Civil Construction” was published in 1957 to become known as the ‘red book’. Documentation is compiled by volunteer committees of experts in a particular field and published in English and French.

Each ‘contract’ includes pro forma ‘certificates’, ‘securities’, guidance notes for the preparation of ‘Particular Conditions’ for the ‘customisation’ of some clauses to suit a particular project as well as ‘form of tender’, the ‘contract agreement’ and dispute adjudication/avoidance agreement.

- The Contract Administrator in FIDIC is the Engineer,
- Defined terms are indicated in the text with ‘capitalised initials’ e.g. “Programme”.

FIDIC currently publish:

The Construction Contract - red book 1999+2017 (2nd edition),

Plant and Design-Build Contract - yellow book 1999+2027 (2nd edition),

Design-Build and Turnkey (orange 1995), EPC/Turnkey Contract - silver book 1999 + 2017 (2nd edition),

The Short Form Contract - green book 1999,

Design-Build-Operate - gold book 2008,

The MDB Construction Contract - pink book 2005, 2010 (3rd edition) for bank-financed projects,

Dredging and Reclamation - turquoise book (2006),

Professional Services Agreement - white book (2006).



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Building & Construction Contracts used in South Africa

The essential features of a FIDIC Contract that make the risk/reward allocation fair and balanced are embodied in the five **'golden principles'**:

GP1: The duties, rights, obligations, roles and responsibilities of all the Contract Participants must be generally as implied in the General Conditions, and appropriate to the requirements of the project.

GP2: The Particular Conditions must be drafted clearly and unambiguously.

GP3: The Particular Conditions must not change the balance of risk/reward allocation provided for in the General Conditions.

GP4: All time periods specified in the Contract for Contract Participants to perform their obligations must be of reasonable duration.

GP5: Unless there is a conflict with the governing law of the Contract, all formal disputes must be referred to a Dispute Avoidance/Adjudication Board (or a Dispute Adjudication Board, if applicable) for a provisionally binding decision as a condition precedent to arbitration.

New Engineering Contract

During the mid 1980's the United Kingdom experienced a severe recession.

The Legal Affairs Committee of the Institution of Civil Engineers (ICE) in 1986 decided to draft a radical new contract after reviewing alternate contract strategies for civil engineering and design ... to promote good practice through simplicity and clarity, by offering greater flexibility of use to stimulate good management. The first edition of the New Engineering Contract (NEC) was published in 1993 followed by a second edition in 1995 and a third edition in 2005 (NEC3), still widely used in 'commonwealth countries' including South Africa.

The fourth edition was published in 2017 with significant refinements but, due to 'familiarity' has not replaced NEC3 to a significant extent. Dr Martin Barnes CBE, NEC creator speaking at the 30th anniversary said: "Our philosophy was to produce something which cured every known ill of traditional contracts. We did not have to compromise. Everything we thought would be a good idea went in – and we could decide what to put in solely based on what would stimulate all those using it to manage their contribution well."

- The Contract Administrator in NEC is the Project Manager assisted by the Supervisor
- Defined terms are indicated in the text with 'capitalised initials' e.g. "Programme"

The NEC suite of contracts comprises 39 documents, including: (+ short versions of main contracts)...

NEC3 Engineering and Construction Contract (ECC3) also known as the "Black Book"

NEC3 Professional Services Contract (PSC3)

NEC3 Term Service Contract (TSC3)

NEC3 Engineering and Construction Sub-Contract (ECS3)

NEC3 Adjudicators Contract (AC3)

NEC3 Framework Contract (FC3)

NEC3 Supply Contract (SC3)

NEC4 Dispute Resolution Services Contract (DRSC) (previously NEC3 Adjudicator's Contract)

NEC4 Design, Build and Operate (BBO) Cont ...

Building & Construction Contracts used in South Africa

Cont ...

NEC4 Engineering and Construction Contract (ECC)

NEC4 Engineering and Construction Sub-Contract (ECS)

NEC4 Framework Contract (FC)

NEC4 Supply Contract (SC)

NEC4 Term Service Contract (TSC)

NEC4 Alliance Contract (ALC) (consultative version, not included in the June 2017 suite).

NEC4 Professional Services Contract (PSC)

General Conditions of Contract (GCC)

General Conditions of Contract (GCC) for Construction Works is published by the South African Institution of Civil Engineering (SAICE).

SAICE has published six editions since 1990 in conformance with the CIDB Standard for Uniformity and in later editions to incorporate mechanical and electrical work with building/civil works-including proforma 'certificate' and 'guarantee' and 'contract data' forms. As with other standard-form Contracts, GCC is drafted with input from professional engineering organisations, contractors and employers.

- The Contract Administrator in GCC is the Employer's Representative
- Defined terms are indicated in the text using 'Capitals' e.g. "Programme"

GCC currently publish:

GCC 2010 (5th edition); the general conditions of contract for construction works - still widely used.

GCC 2015 (6th edition) - 'blue cover' the general conditions of contract for construction works.

GCC 2018 (1st edition) - 'red cover' the general conditions of contract for construction works (simplified form).

GCC 2018 (1st edition) - 'grey cover' the general conditions of subcontract for construction works.

GCC GUIDE (3rd edition) - a very useful 125-page management guide.

Building & Construction Contracts used in South Africa

Professional Consultants Services Agreement (PROCSA)

The Professional Consultants Services Agreement has been published by a working group representative of the construction industry in South Africa including architects, engineers, health and safety practitioners, project managers, quantity surveyors and property developers since about 2008.

All PROCSA agreements are drafted on a common chassis for ease of use where multiple consultants are appointed on the same project. PROCSA agreements comprise the 'terms and conditions of appointment' and Annexure 'A' to record project variables amendments and special conditions

and Annexure "B" to include tariff of fees, disbursements etc.

Most PROCSA Agreements incorporate the services of a 'Principal Consultant' and 'Principal Agent' as a drop-down menu option.

PROCSA publishes a "Matrix" reference document to illustrate in the six work stages the typical 'services' and the 'deliverables' to be performed by each discipline.

PROCSA agreements are revised in response to changing requirements of the building construction industry.

PROCSA currently publish agreements for appointment of the:

- Architect
- Civil Engineer
- Construction Health & Safety Practitioner
- Development Manager
- Electrical Engineer
- Fire Consultant
- Interior Architect
- Landscape Architect
- Mechanical Engineer
- Quantity Surveyor
- Principal Agent (only)
- Project Manager
- Structural Engineer
- Wet Services Engineer



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Building & Construction Contracts used in South Africa

THE DRAFTING of STANDARD-FORM CONTRACTS (SfC)

The Drafting Panel

All SfC referred to are drafted by groups of mostly volunteers active in the specific industry with an interest and particular expertise in construction law. The composition of such drafting panels is both the strength and the weakness of this approach.

Strong personalities can dominate a debate on issues – sometimes erroneously - resulting in stressful and disruptive interpersonal relationships undermining the panel's task. Panels usually only meet monthly for a morning or an afternoon. Thus the drafting of new documents or the revision thereof can take a relatively long time.

The discussions revolve around less successful or poorly worded text, consequent to misinterpretation or disputes, resulting in the motivation to reword, omit and/or include 'new clauses'.

The overriding objective is to generate wording easily read understood and acceptable to most users for most projects without modification. It is desirable to include experts in construction contract law in the panel to avoid



harsh criticism from a legal review of the final draft of a document.

Standard-form Contracts may be cumbersome to include and cater for multiple applications as 'one size fits all' – with the advantage that their content is generally known and understood within the industry but with the disadvantage that they take a long time to 'correct minor inconsistencies and imbalances', to incorporate a variety of stakeholders (sometimes with conflicting) interests and changes in legislation.

Thus SfC are generally a "compromise".

- Simplistically, the "house style" of a SfC must be defined to be easily read and interpreted using simple language in short sentences and/or paragraphs –

possibly itemised as bullets or numbered paragraphs (a requirement of the Consumer Protection Act).

- The text should be arranged to introduce the 'subject' and the action required by a Party; This should be possibly within a defined period followed by a statement of consequences if such action has not been implemented – with the opportunity to remedy a default before a breach of contract is enforced.

Most construction contracts are divided into 'general conditions' that should not be modified by users and 'particular' or 'project specific' conditions' that may be amended to suit a project and, in some cases, notes to guide the user in the proper use of the document.

Building & Construction Contracts used in South Africa

Typical SfC Clauses - General conditions typically include:

- Definitions
- Administration: the Parties and Agents' and Consultants' rights and obligations,
- Contract documentation is to be provided for signature by the Parties,
- Ancillary obligations such as Indemnities, Insurances, Securities, the appointment of Direct Contractors and/or Nominated Subcontractors,
- Execution: the issue of Instructions, stages of Completion, liability after completion,
- Payment – interim, the adjustment of the Contract Sum, Final Account and final payment,
- Non-compliance with obligations: Penalties, Suspension and Termination,
- Dispute resolution: between the Parties, with a senior industry practitioner, by Mediation, Adjudication or Arbitration.

Note: The wording in the 'General Conditions' has generally been tested and reviewed by industry users over time to be as near acceptable to the majority of users as a SfC is likely to be – thus changes to such text are likely to increase the risk of contradictions and/or misinterpretations and/or claims. The 'risks' to the Parties are reduced and productivity is increased.

Typical SfC Clauses: Project-specific Conditions

(contract data), typically including:

1. Identification of the Parties, offer and acceptance, changes to SfC, and other contract documentation,
2. Description of the Works, milestone dates, Completion criteria, liability after completion,
3. Ancillary obligations - Insurances, Securities, the appointment of Direct Contractors and/or Nominated Subcontractors,
4. Payment claims, any adjustments thereto, Preliminaries charges and the Final Account,
5. Dispute resolution options.

Note: The additional wording in the 'Particular Conditions' should be specific and follow the vocabulary and style of the parent agreement. FIDIC and NEC recommend that such text be reviewed by a person experienced in the use of the Parent Contract to avoid possible conflicts with the 'general conditions' or misinterpretations and/or claims.



Building & Construction Contracts used in South Africa

Typical SfC Clauses:

Guidance Notes may be included describing:

1. Dispute avoidance/ resolution options,
2. What is non-compliance by either Party,
3. Relationship between the Principal Contractor and Subcontractors,
4. Issue of Instructions,
5. Revision of the date for Practical Completion and/or the
6. Adjustment of the Contract Value,
7. Calculation of Cost fluctuations and/or Preliminaries,
8. Non or late payment,
9. Penalties,
10. Suspension,
11. Termination.

The Drafting of Contracts

Drafters of Contracts must be aware of the underlying principles of the law governing a contract. A 'Contract' is defined as "a written or spoken agreement intended to be enforceable by law" - (South African Concise Oxford Dictionary). According to Lloyd QC *Royal Brampton Hospital vs Hammond 7 others (2001)*: "A standard form is supposed to be just that. It loses value if those using it, or at tender stage, those intending to use it, have to look outside it for deviations to the standard".

- A breach of Contract may occur in 'delict' where wrongful conduct causes harm to a person or property – that obliges the wrongdoer to compensate the injured party in terms of the law irrespective of the will of the Parties.
- A breach of Contract may occur where the voluntarily assumed contractual obligations of the Parties are not complied with.
- Drafters of SfC must consider the underlying legal principles in preparing the text to suit a particular construction activity.
- The wording must be consistent across all documents, ie the General Conditions, the Particular Conditions (Contract Data), and all Certificates, Instructions and Report forms.
- All correspondence relating to a dispute must use the terminology of the Contract – e.g. referring to a 'variation order' in a JBCC claim will automatically invalidate a claim – use "Contract Instruction".

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Building & Construction Contracts used in South Africa

Common Law Contracts

'Common Law' is the body of South African Law that has developed from Roman-Dutch Law based on judicial decisions rather than legislative decrees.

Common Law does not require conditions of contract, but then the Contractor:

- is under the exclusive control of the employer,
- supplies all materials, labour & construction equipment,
- provides the complete works,
- completes the entire Works before payment is due,
- carries all risks,
- is not entitled to an extension of time,
- not obliged to accept/carry out variations,
- remains responsible for defects.

Common Law is not necessarily fair to the Contractor - hence (Standard -form) Contracts are drafted to withdraw from aspects of Common Law to achieve an equitable distribution of quantified contractual risks to:

- avoid the cost and time to prepare 'task-specific' (bespoke) contracts, (often favours one Party and not necessarily comprehensive),
- simplify and assess comparable tender prices,

- efficiently administer Contracts as their content and respective obligations are generally understood,
- reduce or avoid potential disputes – provided ...
- no unilateral (undeclared) changes are made to the documentation.

Note: English Common Law applies in Commonwealth countries, but not necessarily in its entirety - to suit the local conditions of each jurisdiction. South African Contractors and Consultants working outside South Africa must be aware that the interpretation of SA Law and the law of the project country may differ significantly – likewise the imposition of local taxes – or create a tax liability in two countries.

CONTRACTS – Law of the Country

The Promotion of Administrative Justice Act 2000 ... describes the right of all persons to administrative action that is lawful, reasonable and procedurally fair as well as the right to written reasons for administrative action as contemplated in the Constitution of the Republic of South Africa.

'Natural Justice' dictates that a person affected by an administrative action must be afforded:

- a fair and unbiased opportunity to state its case and
- 'to hear the other side', and that
- no one may be a judge in his/her cause'.

This is the premise for appointing a neutral 'Contract Administrator' to act fairly on behalf of the Parties.

It is important to differentiate between the role of the Employer's 'Agents' and 'Consultants'. The Consultant provides an expert design and implementation service following the defined scope and the conditions of the appointment.

The Agent's role in addition to the authority to represent the employer to issue certificates for payment or completion. Such certificates are 'liquid

documents' entitling the bearer to apply to the court, for example, to enforce a late or withheld payment.

The Contract Administrator is appointed as an Agent.

The *doctrine of stare decisis* (let the decision stand) is a binding precedent that creates a dynamic common law based on previous cases and authenticated records of arguments and decisions available to all courts and everyone required to advise on the law.

The most important judgement is one where the Judge explains the principles on which a decision is based on:

'*ratio decidendi*' = the grounds for a decision, and

'*obiter dicta*' = peripheral information.

Procurement

An offer, in response to an invitation to potential tenderers, must be firm and complete, certain of the details - in plain language: (Consumer Protection Act)

- acceptance is an unambiguous assenting to all terms of the offer,
- acceptance is unqualified, (*adding an option is a 'counter offer')
- acceptance by the 'person' to whom the offer was made,

- a "cooling off period" does not apply to building contracts,
- all amendments or waivers in writing, duly signed and attached to this agreement or be null and void.

Important to Note

Note: A non-variation clause requires any variation or change to be in writing and signed by both Parties - (included in JBCC Contracts on the signature page) and cannot be amended by a subsequent oral agreement. (Xtraprops 66 Pty Ltd v Phiopater Supplies Pty Ltd] (20228/14) {2014] ZAWCHC 177 (25 November 2014)

Note: Oral instructions given during a walkabout on the building site only become binding when issued as written Contract Instructions.

Note: Building agreements do not have to be signed! (a signed document eliminates many problems later) Property purchase and lease agreements must be signed and witnessed by both Parties. (Alienation of Land Act 1981)

Note: The Parties may validate an unsigned agreement by performing respective contract obligations. (Charlie Watson, VDMA - 'Without Prejudice' May 2015 Pages 80/1)

Note: An Agreement prepared by the Employer and only signed by the Contractor validly accepts the





Employer's conditions.
(Roberts v Martin 2005 (4) SA
163 (C)) *But a 'signature'
solves problems later!*

Note: Do not refer to contractual documents not provided as the Parties' respective rights and obligations cannot readily be confirmed. The contract documents include specifications, bills of quantities, drawings, and specialists' reports but may not include 'standard' published specifications.

Note: Do not issue a 'letter of intent' to a Contractor who may act thereon as if he/she was appointed. Issue a formal letter of appointment or, if a contract cannot be awarded (for example, finance not secured), request an extension of the tender validity period.

M.J.B. Enterprises Ltd. v. Defence Construction (1951) Ltd. (Canada) **Judge Iacobucci, Frank** in paragraph 46 said:

I believe that the comments of I. Goldsmith, in Goldsmith on Canadian Building Contracts (4th ed. (loose-leaf)), at p. 1-20, regarding the importance of discretion in accepting a tender are particularly helpful in elucidating this compatibility:

"The purpose of the [tender] system is to provide competition, and thereby to reduce costs, although it by no means follows that the lowest tender will necessarily result in the cheapest job. Many a "low" bidder has found that his prices have been too low and has ended up in financial difficulties, which have inevitably resulted in additional costs to the owner, whose right to recover them from the defaulting contractor is usually academic.

Accordingly, the prudent owner will consider not only the amount of the bid, but also the experience and capability of the contractor, and whether the bid is realistic in the circumstances of the case."

Most SfC includes similar wording to "The employer does not commit to:

- proceed with the project,
- accept the highest/lowest tender,
- accept any tender,
- give reasons for acceptance or refusal."

SANS 294 Construction Procurement Processes, Methods and Procedures ... Procurement Policy Framework (Act 5 of 2000) states: ... 'Award tenders following a system that is fair, equitable, transparent, competitive and cost-effective' *competence' is not mentioned.*

Building & Construction Contracts used in South Africa

Standard-Form Contracts: Avoiding Possible Disputes

Where a dispute arises that cannot be resolved between the Parties its resolution may be referred to the courts to interpret the intention of the drafters of such contract - (Novartis v Maphil (20229/2014) [2015] ZASCA 111 (3 September 2015):

- Consideration must be given to the language used in the light of the ordinary rules of grammar and syntax,
- the context in which the provision appears,
- the apparent purpose to which it is directed and the material known to those responsible for its production,
- Where more than one meaning is possible each possibility must be weighed in light of all these factors,
- The process is objective, not subjective,
- It adds, importantly, that there is no real distinction between background circumstances and surrounding circumstances. To determine the Parties ' intention, a court should always consider the factual matrix in which the contract is concluded.

The Parol Evidence Rule provides that where the Parties to a contract

have reduced their agreement to writing": "it becomes the exclusive memorial of the transaction, and no evidence may be led to prove its terms other than the document itself, nor may the contents of the document be contradicted, altered, added to or varied by oral evidence". Mike Ness Agencies CC v Lourensford Fruit Company (Pty) Ltd SCA (922/2018) [2019] ZASCA 159

... parties, their advisers and the courts must always keep in mind the principle articulated at CPR 1.1

(2)(e), as explained in Lord Woolf's Access to Justice Reports 9, and in the House of Lords decision, Sutradhar v Natural Environment Research Council [2006] 4 ALL ER 490 at [42].

In that case, Lord Hoffmann said that "justice was not 'priceless', and that, in the light of the 'burden [which] a long and complicated trial would impose' upon the defendant, it would, 'even if its resources were infinite, be wrong to permit this case to proceed to trial".

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 is 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





INVITATION

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at the BBCBE Indaba on 4 & 5 April
2024.

Visit us with your registration, CPD or
application queries.

We look forward to seeing you there!

SACPCMP

The South African Council for the Project and Construction Management Professions

— CONSTRUCTING NEW PERSPECTIVES —

Out and About with the SACPCMP

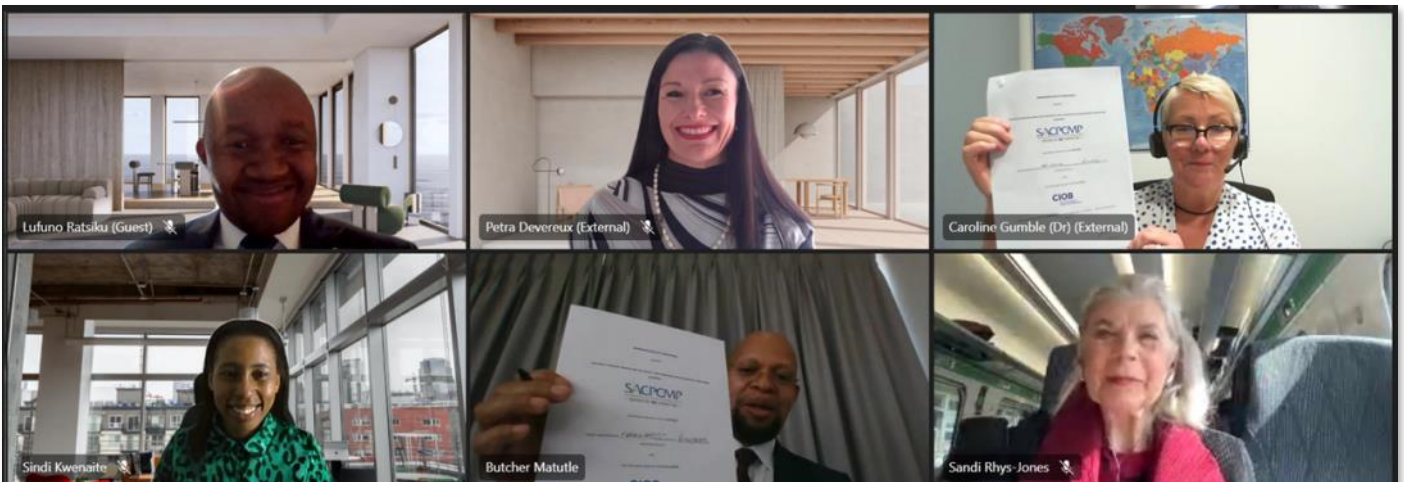
THE SOUTH AFRICAN COUNCIL FOR THE PROJECT AND CONSTRUCTION MANAGEMENT PROFESSION (SACPCMP)



(left) The SACPCMP was proud to exhibit at the Gauteng Construction Expo, held in Johannesburg earlier this year. Thanks to all who visited our stand and helpdesk!



(Below) In building international partnerships, the SACPCMP recently signed an official MOA with the Chartered Institute of Building (CIOB) and looks forward to many successful collaborations with the entity!



Out and About with the SACPCMP



In raising funds for the 'missing middle', the SACPCMP supported and recently participated in the ProServe Group's maiden charity golf day in Irene. The event looked to raise funds to support needy youth and their educational requirements. The event was also attended and supported by the Department of Public Works and Infrastructure.

Out and About with the SACPCMP



All you need is love! The SACPCMP staff celebrated Valentine's Day this year with cupcakes and great smiles!



The SACPCMP participated in an MUT learning and development Expo in KwaZulu Natal recently, discussing challenges, opportunities and the benefits of working in the construction industry. The Council's Vice President, Sharon Shunmugam, (fourth from left) was part of the event's main panel discussion.



Looking for CPD opportunities? SACPCMP Voluntary Association, SAIOSH has the following events available over the next few months that are free of charge:

- Saiosh free CPD OHS Seminar - Durban 12 March 2024 – Saiosh 2 CPD points / Awaiting SACPCMP CPD verification
- Saiosh free CPD OHS Seminar - Cape Town 15 March 2024
- Saiosh free OHS Seminar Theatre – Gallagher Convention Centre 11-13 June 2024 – Saiosh CPD 1 point per session (15 sessions)
- Saiosh Health and Safety Conference – Cape Town 16 August 2024 – Saiosh 5 CPD points / Still to apply SACPCMP CPD verification
- Saiosh 20 module OHS Construction E-Learning programme – Available 24/7 – Saiosh CPD 1 point per module

For bookings and more details, visit: https://www.saiosh.co.za/events/event_list.asp ;
Other membership benefits are listed here: https://www.saiosh.co.za/page/membership_benefits

SACPCMP Registration Calendar 2024/2025

April 2024	1	Open Application Window 1	July 2024	1	Open Application Window 2
	5	Cycle 5 Moderation 2024/2025 Start		1	Registration Exams Start
	10	Applicant Open Day		3	Applicant Open Day
	11	Applicant Open Day		4	Applicant Open Day
	17	Applicant Open Day		5	Registration Exams End
	18	Applicant Open Day		8	Cycle 1 Moderation 2024/2025 Start
	29	Registration Exams Start		10	Applicant Open Day
	30	Cycle 5 Moderation 2023/2024 End		11	Applicant Open Day
May 2024	3	Registration Exams End	Aug 2024	1	Candidate Workshop
	10	Application Window 1 Closed		2	Cycle 1 Moderation 2024/2025 End
	16	POE Workshop		8	Application Window 2 Closed
	17	POE Workshop		14	POE Workshop
	20	Exam Prep Communication		19	Exam Prep Communication
	21	Exam Prep Communication		20	Exam Prep Communication
June 2024	3	Registration Exams Start	Sept 2024	2	Registration Exams Start
	7	Registration Exams End		6	Registration Exams End
	18	Exam Prep Communication		16	Exam Prep Communication
	19	Exam Prep Communication		17	Exam Prep Communication
	19	Application Workshops Start		17	Application Workshops Start
	20	Application Workshops End		18	Application Workshops End
	26	Candidate Workshop		19	Candidate Workshop
	27	RPL Workshop		25	RPL Workshop
		30	Registration Exams Start		

Please note: this calendar is subject to change, dependent on the availability of resources or changes in SACPCMP event dates.

SACPCMP Registration Calendar 2024/2025 (Continued)

Oct 2024	1	Open Application Window 3	Jan 2025	13	Open Application Window 4
	4	Registration Exams End		15	Applicant Open Day
	7	Cycle 2 Moderation 2024/2025 Start		16	Applicant Open Day
	9	Applicant Open Day		20	Cycle 3 Moderation 2024/2025 Start
	10	Applicant Open Day		20	Exam Prep Communication
	15	Applicant Open Day		21	Exam Prep Communication
	16	Applicant Open Day		22	Applicant Open Day
	21	Exam Prep Communication		23	Applicant Open Day
	22	Exam Prep Communication			
	25	Cycle 2 Moderation 2024/2025 End			
Nov 2024	4	Registration Exams Start	Feb 2025	3	Registration Exams Start
	8	Registration Exams End		7	Registration Exams End
	8	Application Window 3 Closed		7	Cycle 3 Moderation 2024/2025 Close
	13	POE Workshop		17	Exam Prep Communication
				18	Exam Prep Communication
Dec 2024	2	Application Workshops Start	21	Application Window 4 Closed	
	3	Application Workshops End	27	POE Workshop	
	4	Candidate Workshop	Mar 2025	3	Registration Exams Start
	5	RPL Workshop		7	Registration Exams End
				18	Application Workshops Start
		20		Application Workshops End	
		26		Candidate Workshop	
		27	RPL Workshop		

Please note: this calendar is subject to change, dependent on the availability of resources or changes in SACPCMP event dates.

SACPCMP CPD Calendar 2024/25

April 2024	2	CPD Portal Reopened - New 3-year CPD Cycle	August 2024	3	CPD compliance Workshop 3	Dec 2024		
	6	CPD Compliance workshop 1		12	CPD compliance Workshop 3 Repeat			
	15	CPD Compliance workshop 1 Repeat						
June 2024	1	Mentor Speed Date - Durban	October 2024	12	CPD Compliance Workshop 4	February 2025	12	CPD Compliance Workshop 6
	8	CPD Compliance Workshop 2		22	CPD Compliance Workshop 4 repeat		22	CPD Compliance Workshop 6 Repeat
	25	CPD Compliance Workshop 2 Repeat						
July 2024	27	Mentor Speed Date - Gqeberha	Nov 2024	23	CPD Compliance Workshop 5	March 2025	8	Mentor Speed Date - Pretoria
							29	CPD Portal Closure



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18TH BUILT ENVIRONMENT CONFERENCE

15-16 JULY 2024

NELSON MANDELA UNIVERSITY, GQEBERHA, SOUTH AFRICA

CONSTRUCTION 5.0: TOWARDS A COLLABORATIVE AND PEOPLE-CENTERED INDUSTRY

In recent times the Industrial Revolution 4.0 also known as IR4.0 has spawned huge, unprecedented and unparalleled investment, effort and energy into the rapid development and implementation of highly innovative technologies on a global scale that include, for example, simulation, automation, Artificial Intelligence (AI), Machine Learning (ML), the Internet of Things (IoT) and robotics. Unfortunately this focus has either ignored or side-lined the human element.

On the other hand, Construction 5.0 (C5.0) which represents the next stage in global construction advancement presents an exciting vision for the future of construction characterized by high efficiency, health and safety, sustainability, and a human-centric focus, where technology complements human skills rather than replacing them. C5.0 will involve up-skilling and re-skilling of the construction workforce to work with new technologies, incorporate the human element into all construction processes, improve working conditions, and foster a culture of creativity and innovation. To be successful, C5.0 must be tailored to the demands of the workers and the industry.

C5.0 is linked to the UN's 17 Sustainable Development Goals (SDGs) for 2030. As such, activities within the industry must be geared towards sustainability and the optimized use of natural resources. C5.0 potentially accelerates both the green and digital transitions, aimed at a more resilient and sustainable society and economy. It prioritizes human-centric design, enhances human-machine collaboration, demands safer and more inclusive construction work spaces, promotes a greener economy, and fuels societal transformation. It emphasizes that people and the environment are significant and deserve protection and places both at the heart of all construction processes throughout all the construction project phases.

While C5.0 presents considerable advantages and prospects for the industry there most likely exists numerous hurdles to surmount. These hurdles include a reluctance to embrace and invest in advanced technological modifications driven by concerns for the human element; and the need for training and retraining of construction workers with the accompanying demand for substantial investments into comprehensive training and provision of practice opportunities to optimize the training received.

The shift to C5.0 becomes more critical as the construction industry becomes increasingly focused on sustainability with pressure to respond to the challenges of climate change, the depletion of natural resources, and the human impact on natural habitats. The sustainability of construction processes is becoming increasingly important with industry stakeholders having to reduce the environmental impact of the construction industry.

The 18th Build Environment Conference seeks responses to questions related to current conversations, debates, and empirical research on the challenges of and opportunities presented by C5.0.

Call for Papers extended to 30 April 2024.

CONFERENCE VENUE



The **18th Built Environment Conference** will be held at Nelson Mandela University, Gqeberha in their magnificent Goldfields Auditorium on the University's North Campus.

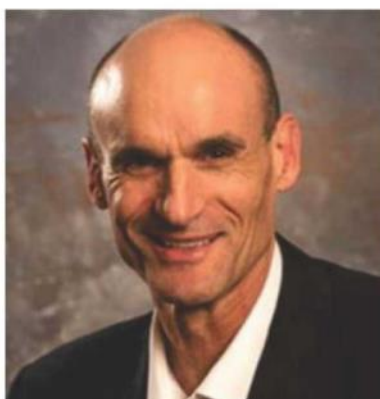
The venue has cinema style seating with 654 seats and a large stage upfront, with acoustics that lend itself perfectly for large conferences.

MAP & DIRECTIONS

A FEW OF OUR KEYNOTE SPEAKERS



Don Ward
Chief Executive, CIB



Francois Jacobs
Prof. University of Wyoming



Innocentia Mahlangu
PrEng, PMP, Msc Eng, FSAICE



RD (Bob) Hindle
Independent Researcher & Construction Consultant

ABOUT THE ASOCSA CONFERENCE

The Association of Schools of Construction of Southern Africa (ASOCSA) Built Environment conference series in its 18th year of existence continues to be one of the major cutting edge built environment conferences on the African continent. Since its inception in 2006, the blind peer reviewed conference proceedings have been referred to by both private and public sector policy and decision makers.

The series produces a post-conference edition of the Journal of Construction, which is on the list of journals approved by the South African Department of Higher Education and Training (DHET) for subsidy. The conference series continues to be endorsed by the International Council for Research and Innovation in Building and Construction (CIB), one of the largest global built environment research organizations and is recognized by the Australian Institute of Building (AIB).

The conference provides an interactive international forum and also networking opportunities among researchers, academics, administrators and practitioners, representing institutions of higher learning, government agencies, contracting organisations, consulting enterprises, financial institutions, and other construction-related organisations.

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**International Council
for Research and Innovation
in Building and Construction**