

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE
NOTICE 505 OF 2020

Department of Public Works and Infrastructure

cidb Best Practice Project Assessment Scheme

In terms of Section 23 within Chapter Four of the Construction Industry Development Board Act, 2000 (Act no. 38 of 2000) (the Act):

- 1) *The Board must, within a reasonable period after the establishment of the register of projects, establish a best practice project assessment scheme, based on the best practices identified by the Board in terms of section 5.*
- 2) *After a date determined by the Minister in the Gazette all construction contracts above a prescribed tender value are subject to an assessment, in the prescribed manner, of compliance with best practice standards and guidelines published by the Board in the Gazette, and different dates may be determined for different practices.*
- 3) *Every client who engages in the best practice project assessment scheme must pay to the Board a prescribed percentage of the contract sum as determined at the time of the awarding of the contract.*

This Notice specifies the date and the prescribed tender value for projects that are subject to an assessment of best practice standards and guidelines published by the Board.

Ms. PATRICIA DE LILLE, MP

Minister of Public Works and Infrastructure



GOVERNMENT NOTICE

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

SEPTEMBER 2020

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT, 2000

DATES ON WHICH ASSESSMENT OF BEST PRACTICE STANDARDS WILL COMMENCE

The Minister of Public Works and Infrastructure, has in terms of section 23(2) of the Construction Industry Development Board Act, 38 of 2000, determined the following dates on which the awarding of a construction works contract become subject to an assessment of compliance with the following Best Practice Standards as identified by the Construction Industry Development Board:

(a) **Standard for Indirect Targeting for Enterprise Development as per regulation 22A:**

Table 1 below contains the dates from which the different classes of construction works with a minimum tender value and a minimum project duration (as indicated in the Table), become subject to an assessment of compliance with the Standard for Indirect Targeting for Enterprise Development;

Table 1: Implementation dates for the Standard for Indirect Targeting for Enterprise Development through Construction Works

Client	Compliance Requirement			
	Implementation Date	Class of Works	Minimum Tender Grade	Minimum Project Duration
National Department Public Works and Infrastructure and Regions	From the commencement of the 2021-22 Financial Year	CE, GB	Grade 7	6 months
National Government Departments		CE, GB	Grade 7	6 months
Public Entities		CE, GB	Grade 7	6 months
All clients implementing Strategic Integrated Projects (SIPs) gazetted in terms of the Infrastructure Development Act No.23 of 2014, as amended	From the date of budget confirmation but not later than the commencement of the 2021-22 Financial Year	CE, GB	Grade 7	6 months
Private Sector	1 year after publication	CE, GB	Grade 7	6 months
Provincial Government Departments	From the commencement of the 2022-23 Financial Year	CE, GB	Grade 7	6 months



Metropolitan Municipalities	From the commencement of the 2022-23 Financial Year	CE, GB	Grade 7	6 months
District and Local Municipalities	From the commencement of the 2023-24 Financial Year	CE, GB	Grade 7	6 months

(b) **Standard for Developing Skills through Infrastructure Contracts as per regulation 22B:** Tables 2a and 2b below contains the dates from which the different classes of construction works with a minimum tender value and a minimum project duration (as indicated in the Table), become subject to an assessment of compliance with the Standard for Developing Skills through Infrastructure Contracts;

Table 2a: Implementation dates for the Standard for Developing Skills through Infrastructure Contracts; for engineering and construction works, or design and build contract or an order issued in terms of such a contract

Client	Compliance Requirement			
	Implementation Date	Class of Works	Minimum Tender Grade	Minimum Project Duration
National Department Public Works and Infrastructure and Regions	From the commencement of the 2021-22 Financial Year	All	Grade 7	12 months
National Government Departments		All	Grade 7	12 months
Public Entities		All	Grade 7	12 months
All clients implementing Strategic Integrated Projects (SIPs) gazetted in terms of the Infrastructure Development Act No.23 of 2014, as amended	From the date of budget confirmation but not later than the commencement of the 2021-22 Financial Year	All	Grade 7	12 months
Private Sector	1 year after publication	CE, GB	Grade 7	12 months
Provincial Government Departments	From the commencement of the 2022-23 Financial Year	All	Grade 7	12 months
Metropolitan Municipalities	From the commencement of the 2022-23 Financial Year	All	Grade 7	12 months
District and Local Municipalities	From the commencement of the 2023-24 Financial Year	All	Grade 7	12 months



Table 2b: Implementation dates for the Standard for Developing Skills through Infrastructure Contracts; for professional service or service contract or an order issued in terms of such a contract

Client	Compliance Requirement			
	Implementation Date	Class of Works	Minimum Tender Value	Minimum Project Duration
National Department Public Works and Infrastructure and Regions	From the commencement of the 2021-22 Financial Year	All	R5m	12 months
National government departments		All	R5m	12 months
Public entities		All	R5m	12 months
All clients implementing Strategic Integrated Projects (SIPs) gazetted in terms of the Infrastructure Development Act No.23 of 2014, as amended	From the date of budget confirmation but not later than the commencement of the 2021-22 Financial Year	All	R5m	12 months
Private Sector	1 year after publication	CE, GB	R10m	12 months
Provincial Government Departments	From the commencement of the 2022-23 Financial Year	All	R5m	12 months
Metropolitan Municipalities	From the commencement of the 2022-23 Financial Year	All	R5m	12 months
District and Local Municipalities	From the commencement of the 2023-24 Financial Year	All	R5m	12 months

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

No.

2020

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT, 2000

I, Patricia De Lille, Minister of Public Works and Infrastructure, under section 33 of the Construction Industry Development Board, Act, 2000 (Act No. 38 of 2000), make the Regulations in the Schedule.

P De Lille (MP)**Minister of Public Works and Infrastructure****SCHEDULE****Definition**

1. In these regulations, “the Regulations” means the Regulations published under Government Notice No. R. 692 in Government Gazette No. 26427 of 9 June 2004, as amended by Government Notice No. R. 1333 published in Government Gazette No. 26991 of 12 November 2004, Government Notice No. R. 751 published in Government Gazette No. 27831 of 22 July 2005, Government Notice No. R. 842 published in Government Gazette No. 29138 of 18 August 2006, Government Notice No. R. 1121 published in Government Gazette No. 30510 of 23 November 2007, Government Notice No. R. 1224 published in Government Gazette No. 31603 of 14 November 2008 and Government Notice No. R. 464 published in Government Gazette No. 36629 of 2 July 2013.

Amendment of Regulation 1 of Regulations

2. Regulation 1 of the Regulations is hereby amended-

(a) by the insertion after the definition of “programme” of the following definitions:

“**Standard for Developing Skills through Infrastructure Contracts**” means the Standard for Developing Skills through Infrastructure Contracts published by Board Notice No. 180 of 2013 published in Gazette No. 36760 of 23 August 2013 as amended from time to time”;

“**Standard for Indirect Targeting for Enterprise Development**’ means the Standard for Indirect Targeting for Enterprise Development through Construction Works Contracts published by Board Notice No. 21 of 2013 published in Gazette No. 36190 of 25 February 2013 as amended from time to time”;

Substitution of heading to PART III of Regulations

3. The following heading is hereby substituted for the heading to Part III of the Regulations:

**“PART III A
REGISTER OF PROJECTS”**

Insertion of heading in Regulations

4. The following heading is hereby inserted after regulation 21 of the Regulations:

**“PART III B
BEST PRACTICE PROJECT ASSESSMENT SCHEME”**

Insertion of regulations 22A and 22B in Regulations

5. The following regulations are hereby inserted in the Regulations after regulation 22:

“22A. Indirect Targeting for Enterprise Development

From the date and in relation to a project determined by the Minister in terms of section 23(2) of the Act, a client or employer must, within one calendar month of the date of issue of a practical completion certificate referred to in regulation 21(1), on payment of the fees set out in Schedule 2 and on the approved form:-

- (a) notify the Board of the compliance of such project with the Standard for Indirect Targeting for Enterprise Development; and
- (b) submit to the Board the Targeted Enterprise Declaration Affidavits as specified in the Standard for Indirect Targeting for Enterprise Development through Construction Works Contracts pertaining to the developing enterprises concerned” and

“22B. Developing Skills through Infrastructure Contracts

(1) From the date and in relation to a project determined by the Minister in terms of section 23(2) of the Act, a client or employer must, within one calendar month of the date of issue of a practical completion certificate referred to in regulation 21(1), on payment of the fees set out in Schedule 2 and on the approved form, notify the Board of:

- (a) the compliance of such project with the Standard for Developing Skills through Infrastructure Contracts; and
- (b) the contract skills development achieved”.

Amendment of Schedule 2 of the Regulations

6. Table 1: Registration and Renewal Fees of Schedule 2 of the Regulations is hereby amended by the insertion of the following item:

6. Best Practice Project Assessment Scheme; Assessment Fee; Projects of Tender Grades 7 to 9	0.2% of total tender value of the project on the date of award of that tender, but not more than R2 000 000.00	Section 22(3)
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Short title and commencement

7. These Regulations are called the Construction Industry Development Amendment Regulations, 2020 and commence on the date of publication thereof.

UMNYANGO WEZEMISEBENZI YOMPHAKATHI KANYE NENGQALASIZINDA

No.

2020

I-CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT, KA-2000

Mina, Patricia De Lille, uNgqongqoshe woMnyango Wezemisebenzi Yomphakathi Kanye Nengqalasizinda, ngaphansi kwesigaba sama-33 se-*Construction Industry Development Board*, ka-2000 (uMthetho wama-38 ka-2000), ngenza iMithethozimiso kuSheduli.

P De Lille (MP)**UMNYANGO WEZEMISEBENZI YOMPHAKATHI KANYE NENGQALASIZINDA****ISHEDULI****Incazelo**

1. Kulemithethozimiso, “iMithethozimiso” kusho iMithethozimiso eshicilelwe ngaphansi kweSaziso sikaHulumeni No. R. R. 1333 esashicilelwa kuSomqulu kaHulumeni No. 26991 womhla ziyi-12 kuNovemba ke-2004, Isaziso sikaHulumeni No. R. 751 esashicilelwa kuSomqulu kaHulumeni No. 27831 womhla zingama-22 kuJulayi ka-2005, Isaziso sikaHulumeni No. R. 842 esashicilelwa kuSomqulu kaHulumeni No. 29138 womhla ziyi-18 ku-Agasti ka-2006, Isaziso sikaHulumeni No. R. 1121 esashicilelwa kuSomqulu kaHulumeni No. 30510 womhla zingama-23 kuNovemba ka-2007, Isaziso sikaHulumeni No. R. 1224 esashicilelwa kuSomqulu kaHulumeni No. 31603 womhla ziyi-14 kuNovemba ka-2008 kanye neSaziso sikaHulumeni No. R. 464 esashicilelwa kuSomqulu kaHulumeni No. 36629 womhla ziyi kuJulayi ka-2013.

Ukuchibiyelwa koMthethosimiso woku-1 weMithethozimiso

2. Umthethosimiso woku-1 weMithethozimiso lapha uchibiyelwe-

(a) Ngokufaka emuva kwencazelo “yohlelo” izincazelo ezilandelayo:

“**Izinga Lokuthuthukisa Amakhono Ngezinkontileka Zezokwakha**’ kusho Izinga Lokuthuthukisa Amakhono Ngezinkontileka Zezokwakha okushicilelwe Yisaziso Sebhodi No.

180 ka-2013 esisicilelwe kuSomqulu No. 36760 womhla zingama- 23 ku-Agasti ka-2013 njengokuba uchibiyelwe esikhathini ngesikhathi”;

“Izinga Lokuhlosa Okungaqondile Ngqo Lokuthuthukiswa Ibhizinisi’ kusho Izinga Lokuhlosa Okungaqondile Ngqo Lokuthuthukiswa Ibhizinisi Ngezinkontileka Zemisebenzi Yokwakha okushicilelwe Yisaziso Sebhodi No. 21 ka-2013 esisicilelwe kuSomqulu No. 36190 womhla zingama -25 kuFebhuwari ka-2013 njengokuba uchibiyelwe esikhathini ngesikhathi”;

Ukufaka endaweni Yesihloko Engxenyeni III yeMithethozimiso

3. Isihloko esilandelayo lapha sifakwe endaweni Yesihloko Engxenyeni III yeMithethozimiso:

“INGXENYE III IREJUSTA YEMISEBENZI”

Ukufakwa kwesihloko kuMithethozimiso

4. Isihloko esilandelayo sifakiwe lapha emuva komthethosismiso wama-21 weMithethozimiso:

“INGXENYE III B UHLELO OLUHLE KAKHULU LOKUHLOLA UMSEBENZI”

Ukufakwa kwemithethozimiso 22A kanye no-22B kuMithethozimiso

5. Imithethozimiso elandelayo ifakiwe lapha kuMithethozimiso emuva komthethosimiso sama-22:

“22A. Ukuhlosa Okungaqondile Ngqo Lokuthuthukiswa Ibhizinisi

Kusukela ngosuku futhi maqondana nomsebenzi onqunywe nguNgqongqoshe ngokwemigomo yesigaba sama-23(2) soMthetho, ikhasimende noma umqashi kumele, enyangeni eyodwa yekhalenda yosuku lokukhishwa kwesitifiketi sokuqeda ukusebenza okukhulunywe ngaso kumthethosismiso wama-21(1), ekukhokhweni Kwezimali ezibekiwe kuSheduli yesi-2 kanye nefomu elivunyelwe:-

- (a) azise iBhodi lokulandela ngomsebenzi onjalo Nezinga Lokuhlosa Okungaqondile Ngqo Lokuthuthukiswa Ibhizinisi; futhi
- (b) ahambise Ebhodini Lama-afidavidi Esimemezelo Sebhizinisi Elihloliwe njengokuba kucacisiwe Yizinga Lokuhlosa Okungaqondile Ngqo Lokuthuthukisa Ibhizinisi Ngezinkontileka Zomsebenzi Wokwakha maqondana namabhizinisi afufusayo” kanye

“22B. Ukuthuthukisa amakhono Ngezinkontileka Zezokwakha

(1) Kusukela ngosuku futhi maqondana nomsebenzi onqunywe nguNgqongqoshe ngokwemigomo yesigaba sama-23(2) soMthetho, ikhasimende noma umqashi kumele, enyangeni eyodwa yekhalenda yosuku lokukhishwa kwesitifiketi sokuqeda ukusebenza okukhulunywe ngaso kumthethosismiso wama-21(1), ekukhokhweni Kwezimali ezibekiwe kuSheduli yesi-2 kanye nefomu elivunyelwe, azise iBhodi ngoku:

- (a) Landela kwaloyo msebenzi Amazinga Okuthuthukiswa Kwamakhono Ngezinkontileka Zezokwakha; kanye
- (b) Namakhono ezinkontileka azuziwe”.

Ukuchibiyelwa kweSheduli yesi-2 yeMithethozimiso

6. Ithebula loku-1: Ukubhalisa kanye Nokuvuselelwa Kwezimali zeSheduli yesi-2 yeMithethozimiso lichibiyelwe lapha ngokufaka lokhu okulandelayo:

6. Uhlelo Oluhle Kakhulu Lokuhlola Umsebenzi; Imali Yokuhlola; Imisebenzi Yamathenda Amabanga kusukela kwelesi-7 kuya kwelesi-9	0.2% wenani selilonke lomsebenzi wethenda osukwini lokunikelwa kwalelo thenda, kodwa alikho ngaphezu kwe-R2 000 000.00	Isigaba sama-22(3)
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Isihloko esifushane kanye nokuqaliswa

7. Lemithethozimiso ibizwa Ngesichibiyelo Sokuthuthukiswa Kwemboni Yezokwakha, ka-2020 futhi iqaliswa ngosuku lokushicilelwa kwayo.