The Cidb Regulations and Project and Construction Management

Many of our members have approached SAIMechE as to the Construction Industry Development Board (CIDB) regulations regarding the Practice Note of registration with the South African Council Project and Construction Management Professions (SACPCMP) as Project Managers and/or Construction Managers for tenders and contracts that Industry and State Owned Enterprises (SOE’S) have issued. SAIMechE in turn made representation to the Council of the Built Environment (CBE) to clarify this guideline and to seek their opinion about this issue as both ECSA and SACPCMP reported to the CBE. As a result CBE hosted a meeting between CBE, CIDB and SAIMechE to examine and clarify the interpretation of the CIDB Practice Note.

Industrial companies can follow their own procedures determining their own requirements of Project Management and Construction Management for their projects

CIDB was formed by Government and Industry to regulate the construction industry for Government Tenders and Contracts (Including SOE’s) and to have a process of eligibility for the work, tendering, contract award and quality of workmanship. It is established in terms of the CIDB Act 38, of 2000.

The role of the CIDB is to facilitate and promote the improved contribution of the construction industry to South Africa’s economy and society.

At our meeting, CIDB presented Practice Note #31 dated the February 2014 where they clarified their interpretations of the need for registering of Project Managers and Construction managers to fulfil their mandate. The relevant extracted section of Practice Note #31 is shown below:

1. Background
The July 2013 CIDB Regulation Amendments (gazette No. 36629 of 2 July 2013) removed the requirement for “qualified persons” (or registered professionals) as a contractor registration requirement (Regulation 12(4) and Tables 4A and 4B).

The intent of removing the registration requirement for qualified persons is to move to a requirement for clients to determine and specify the specific technical resource requirements on projects, based on the scope of work, complexity and size of the project. This Practice Note provides guidelines to clients to specify eligibility requirements for registered professionals to undertake the management of the construction works contract.

2. Construction Management
In terms of the relevant Acts, SACPCMP and ECSA register professional persons who are competent to undertake such work – including construction management. The recognised professional persons

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<tr>
<th>South African Council for Project and Construction Management Professionals (SACPCMP)</th>
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<td>Professional Construction Manager</td>
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<th>Engineering Council of South Africa (ECSA)</th>
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<tr>
<td>Professional Engineer</td>
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<td>Professional Engineering Technologist</td>
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<td>Professional Certificated Engineer</td>
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<td>Professional Engineering Technician</td>
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that are competent to undertake construction management are denoted as:

Within the ECSA system, the level of complexity, or “characteristics of engineering practice” that can be undertaken by the Professional Engineer, Engineering Technologist, Certificated Engineer or Engineering Technician is covered in ECSA Regulations. The ECSA Code of Conduct also requires that registered professionals can only undertake work for which they are competent to perform.

It is further noted that in terms of the draft regulations for the “Identification of Work” (IDoW), it is possible that the single-point accountability for construction management may be restricted to registered professional persons.

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The results of the interaction between CBE, CIDB and SAIMechE resulted in the following findings:

1) Industrial clients are not bound by CIDB regulations, other than requirements for the registration of construction works contracts and requirements in terms of the CIDB Project Assessment Scheme and the CIDB Best Practice Fee. Other than this, the notion of Industrial clients that they must follow the CIDB regulations or Practice Notes is ill-founded, but the CIDB recommends that Industrial clients consider the CIDB Practice Notes. Industrial companies can follow their own procedures determining their own requirements of Project Management and Construction Management for their projects. There is no requirement to be registered with SACPCMP. However it is recommended that the design of the project should be under leadership of Registered Persons of ECSA. Notwithstanding this, the CIDB recommends that the construction of industrial works is managed by an ECSA or SACPCMP Registered Person.

2) Government clients and SOE’s must follow the CIDB regulations. In addition there is no obligation to be registered with ECSA or SACPCMP, although guidance for project and construction is given in CIDB Practice Note 31.

SAIMechE hopes that this matter is laid to rest. We thank the executives of CBE and CIDB for their pro-active input in clarifying these matters.

SA INSTITUTION OF MECHANICAL ENGINEERING

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