

	Form for determining whether Construction Work is involved	Template Identifier	240-111018542	Rev	1
		Document Identifier	240-XXXXXXX	Rev	X
		Effective Date	August 2019		
		Review Date	August 2024		

This Form¹ is to be completed as part of **project and contract (approval and delegation)** documents to determine whether a Project or other scope of works includes Construction Work, thus requiring compliance to the Construction Regulations of 2014 and, *inter alia*, persons to be registered with SACPCMP² to assume responsibility for certain works, services and deliverables. It is further necessary to inform decisions as it concerns infrastructure delivery and procurement management requirements.

Note 1: Important legislative and regulatory definitions to note and understand in completing this form are restated here as follows:

- **“construction work”** (in terms of the Construction Regulations 2014) *means any work in connection with*
 - (a) *the construction, erection, alteration, renovation, repair, demolition or dismantling of or addition to a building or any similar structure; or*
 - (b) *the construction, erection, maintenance, demolition or dismantling of any bridge, dam, canal, road, railway, runway, sewer or water reticulation system; or*
 - the moving of earth, clearing of land, the making of excavation, piling, or*
 - any similar civil engineering structure or type of work;*

and where

- **“building”** (in terms of the Occupational Health & Safety Act 85 of 1993) includes
 - (a) *any structure attached to the soil;*
 - (b) *any building or such structure or part thereof which is in the process of being erected; or*
 - (c) *any prefabricated building or structure not attached to the soil;*

and where

- **“structure”** (in terms of the Construction Regulations 2014) includes
 - (a) *any building, steel or reinforced concrete structure (not being a building), railway line or siding, bridge, waterworks, reservoir, pipe or pipeline, cable, sewer, sewage works, fixed vessels, road, drainage works, earthworks, dam, wall, mast, tower, tower crane, bulk mixing plant, pylon, surface and underground tanks, earth retaining structure or any structure designed to preserve or alter any natural feature, and any other similar structure;*
 - (b) *any falsework, scaffold or other structure designed or used to provide support or means of access during construction work; or*
 - (c) *any fixed plant in respect of construction work, which includes installation, commissioning, decommissioning or dismantling and where any construction work involves a risk of a person falling.*

Note 2: After defining a scope of works, a tick (✓) should be placed in any or all of the white tick boxes which are next to words or phrases which are considered applicable to the scope of works. Where a word has NOT been defined or qualified in this document, the ordinary meaning commonly used and understood in the English language is to be applied. Where unsure, place a question mark (?) in the relevant white tick box.

Note 3: Footnotes are provided in this document to instruct the population of the tables given below, primarily and usually, when difficulties arise in doing so. These have mostly been created in answer to questions raised by the business and/or from clarity provided by the Department of Labour³.

¹ For any corrections or improvements required, please contact Maryeen Maynard via e-mail.

² South African Council for the Project & Construction Management Professions.

³ See the Department of Labour’s letter of the 23rd November 2015 (http://hyperwave.eskom.co.za/0x936e3246_0x062f47a8) confirming Eskom’s interpretations of “construction work” (**DoL Nov15**).

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Place a Tick (√) where Project or other scope of works involves the following:

TABLE A									
I	“construction work”, in terms of the Construction Regulations 2014 definition <u>paragraph (a)</u> , means any work in connection with either the								
	construction	erection	alteration	renovation	repair	demolition	dismantling	addition	
	√								
of									to
a building or any similar structure									
II	where a “building” , in terms of the definition in the Occupational Health & Safety Act, No. 85 of 1993, includes either								
	(a) any structure attached to the soil			(b) any building or such structure or part thereof which is in the process of being erected			(c) any prefabricated building or structure not attached to the soil		
III	where any “structure” , in terms of the definition in the Construction Regulations 2014 paragraph (a), includes any								
	building	√	steel or reinforced concrete structure (not being a building)		railway line or siding		bridge		waterworks
	reservoir		pipe or pipeline		cable		sewer		sewage works
	fixed vessels		road		drainage works		earthworks		dam
	wall		mast		tower		tower crane		bulk mixing plant
	pylon		surface and underground tanks		earth retaining structure or any structure designed to preserve or alter any natural feature				any other similar structure
IV	or where any “structure” , in terms of the definition in the Construction Regulations 2014 paragraph (b), includes <u>(during construction work⁴) any</u>								
	falsework		scaffold	√	other structure designed or used to provide support or means of access				
V	or where any “structure” , in terms of the definition in the Construction Regulations 2014 paragraph (c), includes <u>any</u>								
	1	<u>fixed plant⁵</u>							
	<u>in respect of construction work</u> , which includes								
	2	installation	√	commissioning	decommissioning	dismantling			
3	<u>and where any construction work involves a risk of a person falling</u>								

In **Table A**, if there is a tick (√) in block **I** AND a tick (√) in either blocks **II** OR **III** OR **IV** OR **V** (lines **1** AND **2** AND **3**), the Project or other scope of works includes Construction Work in terms of the Construction Regulations 2014 definition paragraph (a):

YES NO UNSURE

Note 4: If there is a tick (√) in either the “NO” or “UNSURE” tick boxes under Table A above, populate Table B below as well.

⁴ If there is not a tick (√) in block **I** AND a tick (√) in either blocks **II** OR **III** OR **V** (lines **1** AND **2** AND **3**), do not place a tick (√) anywhere in block **IV**.

⁵ Examples of fixed plant are a breaker, turbine, cross-arm, insulators, boiler tubes etc.

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Place a Tick (√) where Project or other scope of works involves the following:

TABLE B									
VI	"construction work", in terms of the definition in the Construction Regulations 2014 paragraph (b), means any work in connection with either								
	construction	erection	maintenance ⁶	demolition	dismantling				
VII	of any								
	bridge	dam	canal	road	railway	runway	sewer	water reticulation system	
VIII	or								
	the moving of earth ⁷	clearing of land ⁸	the making of excavation	piling					
IX	or any similar								
	civil engineering structure ⁹			type of work ¹⁰					
III	where any "structure", in terms of the definition in the Construction Regulations 2014 paragraph (a), includes any								
	building ¹¹	steel or reinforced concrete structure (not being a building)	railway line or siding	bridge	waterworks				
	reservoir	pipe or pipeline	cable	sewer	sewage works				
	fixed vessels	road	drainage works	earthworks	dam				
	wall	mast	tower	tower crane	bulk mixing plant				
	pylon	surface and underground tanks	earth retaining structure or any structure designed to preserve or alter any natural feature	any other similar structure					
IV	or where any "structure", in terms of the definition in the Construction Regulations 2014 paragraph (b), includes (during construction work ¹²) any								
	falsework	scaffold	other structure designed or used to provide support or means of access						
V	or where any "structure", in terms of the definition in the Construction Regulations 2014 paragraph (c), includes any								
	1	fixed plant ¹³							
	2	in respect of construction work, which includes							
		installation	commissioning	decommissioning	dismantling				
3	and where any construction work involves a risk of a person falling								

In **Table B**, if there is a tick (√) in block **VI** AND block **VII** OR a tick (√) in either blocks **VIII** OR **IX**, the Project or other scope of works includes Construction Work in terms of the definition in the Construction Regulations 2014 paragraph (b):

YES NO UNSURE

⁶ In terms of Bullet 4 of DoL Nov15, do not place a tick (√) here for the performance of routine or general maintenance (e.g. replacing a light bulb, painting) unless the maintenance will affect the civil engineering of the building or structure (e.g. replacing line hardware or conductor on a power line, installing a heavier transformer or turbine on the same foundation or surface).

⁷ In terms of Bullet 3 of DoL Nov15, do not place a tick (√) here if the moving of earth is for normal operations arising from electricity production AND not for construction purposes AND not including building or civil engineering works (e.g. ash management/dumping).

⁸ In terms of Bullet 3 of DoL Nov15, do not place a tick (√) here if the clearing of land is for non-construction purposes AND does not include building or civil engineering works (e.g. bush-clearing for taking land survey measurements as opposed to for the construction of a power line).

⁹ Tick (√) here if there is a tick (√) in either blocks **III** OR **IV** OR **V** (lines **1** AND **2** AND **3**) AND applying the principles contained in 1 of DoL Nov15.

¹⁰ In terms of Bullet 1 of DoL Nov15, this is limited to "building works" and "civil engineering works".

¹¹ Not really applicable for paragraph (b) of the "construction work" definition in terms of the Construction Regulations of 2014, except where the maintenance may affect the civil engineering of the building or structure, in terms of Bullet 4 of DoL Nov15.

¹² If there is not a tick (√) in block **VI** AND block **VII** OR a tick (√) in either blocks **VIII** OR **IX** OR **V** (lines **1** AND **2** AND **3**), do not place a tick (√) anywhere in block **IV**.

¹³ Examples of fixed plant are a breaker, turbine, cross-arm, insulators, boiler tubes etc.

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Note 5: If there is a tick (√) in both the “UNSURE” tick boxes under Table A AND Table B above or there is a tick (√) in one of these “UNSURE” tick boxes with a tick (√) in the “NO” tick box of the other table, consult your local Health and Safety office for assistance.

Name of particular project, contract or works: _____

Scope Summary: _____

Does the project or other scope of work involve Construction Work?

If there is a tick (√) in the YES tick box below either Table A OR Table B, the Project or other scope of work includes Construction Work in terms of the definition in the Construction Regulations 2014:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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Refer to flow diagrams available¹⁴ and the Construction Regulations of 2014, and also consider the **complexity, risk, size and value** of the Project or other scope of work, in filling out the following:

Persons registered with SACPCMP required:	Yes	No	N/A	Proposed Names:	SACPCMP Professional Registration Number:
Professional Construction Project Manager ¹⁵	√				
Professional Construction Manager ¹⁶			√		
Professional Construction Health & Safety Agent ¹⁷			√		
Construction Health & Safety Officer ¹⁸	√				
Construction Health & Safety Manager ¹⁹			√		
Professional Construction Mentor ²⁰			√		

The completion and signing²¹ of this form reflects the application²¹ of due diligence on the part of the signatories given below to ensure compliance to the Project and Construction Management Professions Act 48 of 2000, the Occupational Health & Safety Act 85 of 1993 and its Construction Regulations 2014, and the National Treasury Framework for Infrastructure Delivery and Procurement Management and the CIDB²² Standard for Uniformity in Construction Procurement.

Recommended by:

Supported by:

Approved by:

Programme Manager (or equivalent)

Relevant Health & Safety Manager

Portfolio Manager (or equivalent)

Date: _____

Date: _____

Date: _____

¹⁴ See Standard to clarify and support compliance as it concerns registration with councils of the professions (<https://hyperwave.eskom.co.za/240-46569633>).

¹⁵ In discernment, the definitions of “Project” and “Project Management” in the Standard 240-46569633 are as important as the definition of “construction work”.

¹⁶ Required by the party fulfilling the role/s for the “principal contractor” and/or “contractor”, especially for complex or specialist Construction Works.

¹⁷ Required by the party fulfilling the role of a “client” where a permit is required, that is, when certain thresholds have been exceeded (e.g. duration, value etc.).

¹⁸ Required full-time or part-time (depending on size of project, degree of danger likely to be encountered and accumulation of hazards and risks on the site) by party performing the role of the “contractor”.

¹⁹ Required by party performing role of “principal contractor” where a permit is required, that is, when certain thresholds have been exceeded (e.g. duration, value etc.).

²⁰ Recommended, where emerging contractor/s involved for high risk projects or construction work.

²¹ At least one of the signatories is required to be registered in one of the professions with SACPCMP.

²² Construction Industry Development Board.

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