

Legislative Perspective on SACPCMP Registrations

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Built Environment Legislation

- COUNCIL FOR THE BUILT ENVIRONMENT ACT 43 of 2000
 - Architectural Profession Act 44 of 2000
 - Landscape Architectural Profession Act 45 of 2000
 - Engineering Profession Act 46 of 2000
 - Property Valuers Profession Act 47 of 2000
 - Project and Construction Management Professions Act 48 of 2000
 - Quantity Surveying Profession Act 49 of 2000

Built Environment Legislation

- Construction Industry Development Board Act, 38 of 2000
 - Section 18 Unregistered contractors
 - (1) A contractor may not undertake, carry out or complete any construction works or portion thereof for public sector contracts, awarded in terms of competitive tender or quotation, unless he or she is registered with the Board and holds a valid registration certificate issued by the Board.

CIDB: Best Practice Project Assessment Scheme: Competence Standard for Contractors – GN 1237 of 2017

- 3.1 Construction Categories
- Recognition of minimum competencies ... within a Class of Construction Works:
- Open (cidb Grades 7 to 9); being a contractor who has access to a SACPCMP registered Construction Manager or relevant ECSA registered professional;
- Limited (cidb Grades 2 to 6): being a contractor who has adequate knowledge and experience to carry out work within pre-determined subcategories;
- Trade Contractors (cidb Grades 1 to 5): being a contractor who has adequate knowledge and experience to carry out work within pre-determined Trade Categories.

cidb Contractor Grading

- *A contractor registered in a contractor grading designation indicated in column 1 of Table 8, is considered to be capable of undertaking a contract in the range of tender values indicated in column 2 of that table in the class of the construction works to which the category of registration of that contractor relates.*

Table 8

Grading	Tender Value Less than or equal to (R)
1	500 000
2	1 000 000
3	3 000 000
4	6 000 000
5	10 000 000
6	20 000 000
7	60 000 000
8	200 000 000
9	No limit

Project and Construction Management Professions Act 48 of 2000

18 Categories of registration

(1) The categories in which a person may register in the project and construction management professions are-

- (a) professional, which is divided into-
 - (i) Professional Construction Manager; or
 - (ii) Professional Construction Project Manager; or
- (b) candidate, which is divided into-
 - (i) Candidate Construction Manager; or
 - (ii) Candidate Construction Project Manager; or
- (c) specified categories prescribed by the council.

(2) A person may not practise in any of the categories contemplated in subsection (1), unless he or she is registered in that category.

Project and Construction Management Professions Act 48 of 2000

26 Identification of work

(1) The council must consult with-

- (a) all voluntary associations;
- (b) any person;
- (c) body; or
- (d) industry,

that may be affected by any laws regulating the built environment professions regarding the identification of the type of project and construction management work which may be performed by persons registered in any of the categories referred to in section 18, including work which may fall within the scope of any other profession regulated by the professions' Acts referred to in the Council for the Built Environment Act, 2000.

Project and Construction Management Professions Act 48 of 2000

- (3) A person who is not registered in terms of this Act, may not-
- (a) perform any kind of work identified for any category of registered persons;
 - (b) pretend to be, or in any manner hold or allow himself or herself to be held out as a person registered in terms of this Act;
 - (c) use the name of any registered person or any name or title referred to in section 18 or 21; or
 - (d) perform any act indicating, or calculated to lead persons to believe, that he or she is registered in terms of this Act.

Construction Regulation 8 – Management and Supervision

'competent person' means a person who-

- (a) has in respect of the work or task to be performed the required knowledge, training and experience and, where applicable, qualifications, specific to that work or task: Provided that where appropriate qualifications and training are registered in terms of the provisions of the National Qualification Framework Act, 2000 (Act 67 of 2000), those qualifications and that training must be regarded as the required qualifications and training; and*
- (b) is familiar with the Act and with the applicable regulations made under the Act;*

Construction Regulation 5(1)(b) – Duties of Client

(1) A client must-

- Prepare a site specific health and safety specification for the intended construction work based on the baseline risk assessment.

Summary

- The relevant sections of the CIDBA clearly states that it applies only to public sector contracts.
- For registration of a contractor in category 7 and above the contractor must have “access to” a Professional Construction Manager.
- A person may not call himself or herself a Professional Construction Manager unless registered as such.
- Work may be reserved in future for registered persons.
- The Occupational Health and Safety Act, Construction Regulations require a “competent person” to be appointed as a Construction Manager, not a “registered person”.
- The Client can (and must if it wants to enforce it) stipulate in the Health and Safety Specifications that the Construction Manager must be registered.

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