



DEVELOPMENT THROUGH PARTNERSHIP

Compliance Monitor
Register of Projects



Quarter
2017

4

CIDB REGISTER OF PROJECTS COMPLIANCE MONITOR; JANUARY 2018

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CIDB REGISTER OF PROJECTS COMPLIANCE MONITOR; JANUARY 2017

The cidb *Register of Projects Compliance Monitor* provides indicators of the level of compliance and non-compliance with the Register of Projects by client bodies. These indicators can be used by clients to verify their non-compliance with the cidb regulations, and for the cidb to support enforcement actions and sanctions.

This *Compliance Monitor* is being rolled-out incrementally, and currently focuses on:

- selected national and provincial infrastructure departments;
- public entities; and
- Metropolitan Councils.

The *Compliance Monitor* has recently been restructured, and now only focuses on tender awards and contract closure.

1. Introduction

Information on tender awards and project closure is of paramount importance to the cidb, and provides the basis, amongst others, for:

- gathering reliable information on public sector construction expenditure, at a municipal and provincial level and at various tender Grades;
- assessing supply and demand in the construction industry;
- promoting and increasing transparency and accountability in construction procurement;
- monitoring and assessing the level of expenditure (through main contracts) on black-, women- and youth-owned construction enterprises; and
- monitoring compliance with and the impact of cidb Best Practices.

The Construction Industry Development Regulations of 2004, as amended, were developed in terms of the CIDB Act 38 of 2000 to support the above objectives. In terms of these Regulations, employers in the public sector must comply with requirements for project registration, award and closure as follows:

- a) for the public sector, on projects of which the value exceeds R200 000.00; or
- b) for a public entity listed in Schedule 2 of the Public Finance Management Act, on projects of which the value exceeds R10 million.

Specifically, in terms of the CID Regulations, employers (or clients) must currently comply with the following:

- a) registration of employers and employer's representatives on the cidb *Register of Projects* in terms of Clause 20;
- b) advertisement of tender invitations cidb *Register of Projects* in terms of Clause 38(6) (transitional measure);
- c) registration of the tender award in terms of Clause 18; and
- d) contract completion or cancellation in terms of Clause 21, once the transitional measures have been removed.

In the case of the public sector organisations and public entities, non-compliance with the CID Regulations must in terms of Clause 21(4) be reported to the Auditor General, and can also result in fines being applied.

It is the cidb's aim and objective that this *Compliance Monitor* will contribute to improving compliance with the CID Regulations with regard to the registration of tender awards and contract completion –

and thereby contributing to a better understanding of public sector infrastructure spend and the development of the construction industry.

The cidb Register of Projects is also closely aligned to the National Treasury Central Supplier Database. As of 1 April 2016, National Treasury has introduced the Central Supplier Database (CSD) as a single consolidated comprehensive database for national, provincial or local government in order to remove duplication and fragmentation of supplier information across spheres of government. This database applies to all services including construction.

The National Treasury eTender Publication Portal also forms part of this consolidation, and gives free access to public sector tender opportunities in South Africa. It was established to deal with corruption and to bring transparency to supply chain management. It requires all public sector clients to publish their tenders notices and tender awards on a single platform. Due to the introduction of these regulations by National Treasury, cidb will therefore no longer be reporting on the advertisement of tender notices on the cidb iTender/ Register of Projects within the *Compliance Monitor*.

2. Background and Analysis for Compliance Indicators

The background and key assumptions used in developing and in interpreting the compliance indicators used in the *Compliance Monitor* are highlighted below.

2.1 Tender Awards

Indicators of compliance with the CID Regulation requirements for notification of tender awards are obtained in terms of the total number of tender notices recorded on the cidb *Register of Projects* and which have been recorded as having been awarded. To allow for the time lag between advertisement of tenders notices and award, tender notices issued within 90 days of the date of issue of this *Compliance Monitor* are excluded. Furthermore, tender notices which are cancelled or withdrawn are excluded. A four quarter rolling total is used.

Note that the compliance indicator does not take into account any lack of compliance with the CID Regulations requirements for recording tender notices on the cidb *Register of Projects* or the National Treasury eTender Portal.

Additional indicators of compliance with the CID Regulation requirements for notification of tender awards will be included shortly, including a comparison between tender awards recorded on the cidb *Register of Projects* and the National Treasury eTender Portal.

2.2 Contract Completion

Although not a mandatory requirement yet in terms of the CID Regulation until the removal of the transitional measures, indicators of tenders awarded but not yet completed are included. To allow for the time lag between award or registration of projects and contract completion, tender awards or projects registered within 90 days for non-term contracts and 180 days for term contracts of the date of issue of this *Compliance Monitor* are excluded. Furthermore, tender awards which are cancelled are excluded. A four quarter rolling total is used.

The indicators of contract completion are given separately for non-term contracts and term contracts. Non-term contracts are contracts which have a duration of shorter than a year and term contracts are contracts which are longer than a period of one year.

3. Tender Awards

Indicators of non-compliance with the requirements for the award of tenders are given on the following pages, in which the number of tender notices recorded on the cidb Register of Projects which have not been recorded as being awarded for the period 2016Q2 to 2017Q3 are given. Note that entities with low numbers of tender notices recorded on the cidb *Register of Projects* are not reported on – which could itself be an indicator of non-compliance. Furthermore, compliance ratios for a particular quarter denoted as “-” indicates where no tender notices are recorded for the four quarters under review – which again could itself be an indicator of non-compliance.

Overall, it is seen that compliance ratios with the requirements for the award of tenders that are recorded on the cidb Register of Projects varies typically from 15% to 45%, with the highest ratio of compliance being for municipal entities, and national departments.

Low levels of compliance for the rolling four quarter period ending 2017Q3 are seen for:

- Agricultural Research Council
- Amatola Water Board
- Development Bank of Southern Africa (DBSA)
- Mhlathuze Water
- Roads Agency Limpopo
- South African National Parks
- South African Revenue Services
- Transnet Rail Engineering
- Transnet Property
- Department of Health; Free State
- Department of Public Works, Roads and Transport; Mpumalanga
- Ekurhuleni Metropolitan Municipality
- eThekweni Metropolitan Municipality
- City Power Johannesburg
- Johannesburg Water
- Department of Education; Free State
- Department of Sports, Arts and Culture; KwaZulu-Natal
- Umgeni Water
- Rand Water
- Passenger Rail Agency of South Africa (PRASA)
- Department of Co-operative Governance and Traditional Affairs; KwaZulu-Natal
- Department of Roads and Public Works; Eastern Cape
- Transnet Freight Rail
- Department of Infrastructure Development; Gauteng
- Lepelle Northern Water
- Department of Agriculture Rural Development Land and Environmental Affairs; Mpumalanga
- Johannesburg Development Agency
- Transnet Pipelines
- Department of Public Works; KwaZulu-Natal
- Airports Company South Africa Limited (ACSA)
- Department of Agriculture; Limpopo
- Department of Health; KwaZulu-Natal
- City of Tshwane Metropolitan Municipality
- Buffalo City Metropolitan Municipality
- Transnet Capital Projects
- Magalies Water

Relatively high levels of compliance the rolling four quarter period ending 2017Q3 are seen for:

- Department of Higher Education
- South African Police Services
- Department of Education; Northern Cape
- Department of Transport, Roads and Public Works; Northern Cape
- Pikitup Johannesburg (SOC) Ltd
- Department of Public Works; Limpopo

Details of individual tenders notices not awarded are available from the cidb on request.

Number of Tender Notices not Awarded per 4 rolling Quarters

Entity Type	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
District Municipalities	120	112	91	89	84	101
Local Municipalities	574	609	679	781	816	1078
Metropolitan Municipalities	68	88	147	207	250	316
Municipal Entities	20	21	29	42	39	49
National Departments	186	189	164	173	153	215
Provincial Departments	650	720	853	974	1048	1167
State Owned Enterprises	374	288	384	472	533	680

Number of Tender Notices Awarded per Quarter per 4 rolling Quarters

Entity Type	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
District Municipalities	117	131	88	85	82	27
Local Municipalities	815	721	664	587	514	355
Metropolitan Municipalities	322	290	227	174	103	55
Municipal Entities	88	74	63	58	47	40
National Departments	314	298	236	237	185	148
Provincial Departments	1180	1297	1235	1060	970	779
State Owned Enterprises	522	433	425	352	294	198

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
District Municipalities	49%	54%	49%	49%	49%	21%
Local Municipalities	59%	54%	49%	43%	39%	25%
Metropolitan Municipalities	83%	77%	61%	46%	29%	15%
Municipal Entities	81%	78%	68%	58%	55%	45%
National Departments	63%	61%	59%	58%	55%	41%
Provincial Departments	64%	64%	59%	52%	48%	40%
State Owned Enterprises	58%	60%	53%	43%	36%	23%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
Buffalo City Metropolitan Municipality	83%	78%	85%	80%	50%	24%
City of Cape Town Metropolitan Municipality	94%	92%	84%	71%	58%	33%
City of Johannesburg Metropolitan Municipality	80%	50%	0%	-	-	-
City of Tshwane Metropolitan Municipality	67%	46%	40%	33%	25%	22%
Ekurhuleni Metropolitan Municipality	13%	7%	0%	0%	0%	0%
eThekweni Metropolitan Municipality	88%	80%	43%	27%	9%	0%
Mangaung Metropolitan Municipality	100%	100%	100%	100%	71%	50%
Nelson Mandela Metropolitan Municipality	31%	44%	57%	71%	65%	47%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Municipal Entities	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
City Power Johannesburg	100%	100%	100%	0%	0%	0%
Joburg Market	100%	100%	100%	86%	62%	58%
Johannesburg City Parks	71%	63%	61%	56%	78%	75%
Johannesburg Development Agency	83%	81%	58%	32%	26%	17%
Johannesburg Roads Agency	100%	100%	100%	100%	100%	78%
Johannesburg Social Housing Company	29%	17%	45%	38%	42%	38%
Johannesburg Water	75%	64%	60%	33%	13%	0%
Mandela Bay Development Agency	100%	100%	100%	100%	100%	50%
Pikitup Johannesburg (SOC) Ltd	-	-	-	100%	100%	100%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

National Departments	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
Department of Higher Education	0%	0%	0%	7%	100%	100%
Department of Rural Development and Land Reform	50%	44%	49%	51%	48%	36%
Department of Water and Sanitation	83%	50%	38%	43%	44%	45%
National Department of Public Works	69%	70%	67%	62%	57%	35%
South African Police Services	100%	100%	100%	100%	100%	100%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
Department of Agriculture and Land Administration; Northern Cape	64%	80%	95%	95%	96%	78%
Department of Agriculture; Limpopo	44%	64%	100%	100%	100%	20%
Department of Agriculture Rural Development Land and Environmental Affairs; Mpumalanga	8%	61%	84%	76%	72%	15%
Department of Co-operative Governance and Traditional Affairs; KwaZulu-Natal	50%	92%	58%	54%	54%	6%
Department of Education; Free State	70%	80%	6%	6%	5%	1%
Department of Education; North West	100%	100%	100%	50%	50%	50%
Department of Education; Northern Cape	100%	100%	100%	100%	100%	100%
Department of Education; Western Cape	-	-	88%	92%	92%	78%
Department of Health; Free State	83%	15%	5%	5%	0%	0%
Department of Health; KwaZulu-Natal	38%	15%	23%	18%	8%	20%
Department of Health; North West	67%	70%	69%	71%	75%	50%
Department of Health; Western Cape	100%	99%	99%	97%	96%	87%
Department of Infrastructure Development; Gauteng	51%	60%	47%	46%	41%	13%
Department of Police, Roads and Transport; Free State	67%	67%	75%	75%	-	-
Department of Public Works and Infrastructure; Free State	50%	44%	46%	50%	64%	47%
Department of Public Works; North West	52%	48%	66%	65%	55%	48%
Department of Public Works; KwaZulu-Natal	66%	66%	54%	28%	24%	18%
Department of Public Works, Roads and Transport; Mpumalanga	53%	46%	46%	43%	0%	0%
Department of Roads and Public Works; Eastern Cape	66%	58%	45%	39%	29%	10%
Department of Rural Development and Agrarian Reform; Eastern Cape	55%	44%	47%	37%	47%	43%
Department of Sports, Arts and Culture; KwaZulu-Natal	83%	83%	68%	3%	3%	3%
Department of Transport and Public Works; Western Cape	93%	92%	86%	87%	87%	82%
Department of Transport, Roads and Public Works; Northern Cape	100%	100%	100%	100%	100%	100%
Department of Transport; KwaZulu-Natal	45%	47%	51%	49%	40%	34%
Department of Public Works; Limpopo	-	-	-	-	100%	94%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
Agricultural Research Council	10%	7%	4%	4%	0%	0%
Airports Company South Africa Limited (ACSA)	68%	57%	54%	29%	23%	19%
Amatola Water Board	86%	80%	0%	0%	0%	0%
Bloem Water	50%	40%	100%	100%	100%	75%
Coega Development Corporation (Coega)	32%	96%	96%	90%	86%	69%
Development Bank of Southern Africa (DBSA)	0%	0%	0%	0%	0%	0%
Eskom Holdings Limited	100%	100%	86%	89%	82%	50%
Independent Development Trust (IDT)	48%	46%	45%	43%	47%	37%
Lepelle Northern Water	68%	89%	54%	34%	17%	14%
Magalies Water	40%	75%	63%	46%	36%	30%
Mhlathuze Water	27%	0%	0%	0%	0%	0%
Passenger Rail Agency of South Africa (PRASA)	54%	40%	39%	10%	8%	6%
Rand Water	38%	36%	18%	17%	10%	6%
Roads Agency Limpopo	0%	0%	0%	0%	0%	0%
South African National Parks	0%	0%	0%	0%	0%	0%
South African National Roads Agency Limited	99%	99%	97%	94%	92%	69%
South African Revenue Services	31%	40%	15%	0%	0%	0%
Transnet Capital Projects	53%	70%	50%	50%	54%	25%
Transnet Rail Engineering	50%	38%	0%	0%	0%	0%
Transnet Freight Rail	83%	50%	44%	30%	19%	11%
Transnet National Ports Authority	64%	88%	88%	100%	100%	86%
Transnet Pipelines	55%	13%	0%	8%	13%	17%
Transnet Property	63%	50%	22%	0%	0%	0%
Umgeni Water	57%	68%	48%	30%	11%	5%

4. Contract Completion

Indicators of tenders awarded but not yet completed are given on the following pages, in which the number of tender awards not recorded on the cidb Register of Projects which have not been recorded as being completed for the period 2016Q2 to 2017Q3 are given for non-term contracts and 2016Q2 to 2017Q1 for term contracts. Note that entities with low numbers of tender awards recorded on the cidb *Register of Projects* are not reported on – which could itself be an indicator of non-compliance. Furthermore, compliance ratios for a particular quarter denoted as “-” indicates where no tender awards are recorded for the four quarters under review – which again could itself be an indicator of non-compliance.

4.1 Non-Term Contracts

Low levels of compliance for the rolling four quarter period ending 2017Q3 are seen for:

- Johannesburg Development Agency
- Department of Infrastructure Development; Gauteng
- Department of Police, Roads and Transport; Free State
- Department of Public Works; KwaZulu-Natal
- Department of Roads and Public Works; Eastern Cape
- Department of Transport and Public Works; Western Cape
- Department of Transport; KwaZulu-Natal
- Department of Public Works; Limpopo
- Coega Development Corporation (Coega)
- Rand Water
- South African National Roads Agency Limited

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
District Municipalities	39	34	27	26	25	20
Local Municipalities	117	109	75	66	49	36
Metropolitan Municipalities	69	56	49	37	7	3
Municipal Entities	5	5	5	3	1	0
National Departments	15	18	8	8	7	1
Provincial Departments	382	392	313	317	239	221
State Owned Enterprises	6	7	6	7	8	8

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
District Municipalities	6	0	0	0	0	0
Local Municipalities	26	21	17	13	5	5
Metropolitan Municipalities	120	97	81	65	5	2
Municipal Entities	0	0	0	0	0	0
National Departments	9	6	4	2	2	1
Provincial Departments	33	23	6	4	0	0
State Owned Enterprises	0	0	0	0	0	0

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
District Municipalities	13%	0%	0%	0%	0%	0%
Local Municipalities	18%	16%	18%	16%	9%	12%
Metropolitan Municipalities	63%	63%	62%	64%	42%	40%
Municipal Entities	0%	0%	0%	0%	0%	-
National Departments	38%	25%	33%	20%	22%	50%
Provincial Departments	8%	6%	2%	1%	0%	0%
State Owned Enterprises	0%	0%	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
City of Cape Town Metropolitan Municipality	67%	100%	100%	100%	100%	-
eThekweni Metropolitan Municipality	63%	63%	62%	63%	36%	40%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Municipal Entities	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
Johannesburg Development Agency	0%	0%	0%	0%	0%	-

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

National Departments	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
Department of Rural Development and Land Reform	0%	0%	-	-	-	-
National Department of Health	0%	0%	0%	0%	0%	-
National Department of Public Works	69%	55%	50%	33%	40%	50%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
Department of Agriculture and Land Administration; Northern Cape	33%	29%	0%	0%	0%	-
Department of Infrastructure Development; Gauteng	7%	6%	0%	0%	0%	0%
Department of Police, Roads and Transport; Free State	12%	7%	11%	10%	0%	0%
Department of Public Works; KwaZulu-Natal	85%	58%	11%	0%	0%	0%
Department of Public Works, Roads and Transport; Mpumalanga	0%	0%	0%	0%	-	-
Department of Roads and Public Works; Eastern Cape	13%	0%	0%	0%	0%	0%
Department of Transport and Public Works; Western Cape	0%	0%	0%	0%	0%	0%
Department of Transport; KwaZulu-Natal	0%	0%	0%	0%	0%	0%
Department of Public Works; Limpopo	29%	0%	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2016Q2	2016Q3	2016Q4	2017Q1	2017Q2	2017Q3
Coega Development Corporation (Coega)	0%	-	-	-	0%	0%
Rand Water	0%	0%	0%	0%	0%	0%
South African National Roads Agency Limited	-	0%	0%	0%	0%	0%

4.2 *Term Contracts*

Low levels of compliance for the rolling four quarter period ending 2017Q1 are seen for:

- City of Cape Town Metropolitan
- City of Cape Town Metropolitan
- eThekweni Metropolitan Municipality
- Johannesburg Development Agency
- National Department of Health
- Department of Police, Roads and Transport; Free State
- Department of Public Works, Roads and Transport; Mpumalanga
- Department of Roads and Public Works; Eastern Cape
- Development Bank of Southern Africa (DBSA)
- Lepelle Northern Water

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2016Q2	2016Q3	2016Q4	2017Q1
District Municipalities	1	1	0	0
Local Municipalities	86	82	73	71
Metropolitan Municipalities	48	38	22	39
Municipal Entities	11	6	5	3
National Departments	15	22	21	20
Provincial Departments	136	95	83	83
State Owned Enterprises	14	30	45	58

Number of Tender Awards closed per 4 rolling Quarters

Entity Type	2016Q2	2016Q3	2016Q4	2017Q1
District Municipalities	0	0	0	0
Local Municipalities	2	0	1	1
Metropolitan Municipalities	0	0	0	0
Municipal Entities	0	0	0	0
National Departments	0	0	0	0
Provincial Departments	10	8	9	7
State Owned Enterprises	0	0	0	0

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2016Q2	2016Q3	2016Q4	2017Q1
District Municipalities	0%	0%	-	-
Local Municipalities	2%	0%	1%	1%
Metropolitan Municipalities	0%	0%	0%	0%
Municipal Entities	0%	0%	0%	0%
National Departments	0%	0%	0%	0%
Provincial Departments	7%	8%	10%	8%
State Owned Enterprises	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2016Q2	2016Q3	2016Q4	2017Q1
City of Cape Town Metropolitan	0%	0%	0%	0%
Ekurhuleni Municipality Metropolitan	0%	0%	-	-
eThekweni Metropolitan Municipality	-	-	-	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Municipal Entities	2016Q2	2016Q3	2016Q4	2017Q1
Johannesburg Development Agency	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

National Departments	2016Q2	2016Q3	2016Q4	2017Q1
National Department of Health	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2016Q2	2016Q3	2016Q4	2017Q1
Department of Police, Roads and Transport; Free State	0%	0%	0%	0%
Department of Public Works, Roads and Transport; Mpumalanga	0%	0%	0%	0%
Department of Roads and Public Works; Eastern Cape	-	0%	0%	0%
Department of Transport and Public Works; Western Cape	0%	20%	20%	50%
Department of Transport; KwaZulu-Natal	56%	64%	50%	40%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2016Q2	2016Q3	2016Q4	2017Q1
Development Bank of Southern Africa (DBSA)	0%	0%	0%	0%
Lepelle Northern Water	0%	0%	0%	0%

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