



DEVELOPMENT THROUGH PARTNERSHIP

Compliance Monitor
Register of Projects



Quarter
2019

2

CIDB REGISTER OF PROJECTS COMPLIANCE MONITOR; JULY 2019

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CIDB REGISTER OF PROJECTS COMPLIANCE MONITOR; JULY 2019

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 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 but which have not been recorded as being awarded for the period 2017Q4 to 2019Q1 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 varies typically from 27% to 48%, with the highest ratio of compliance being for national and provincial departments.

Low levels of compliance for the period 2017Q4 – 2019Q1 are seen for:

- Department of Education; Free State
- Department of Health; Free State
- Department of Police, Roads and Transport; Free State
- City of Johannesburg Metropolitan Municipality
- City Power Johannesburg
- Agricultural Research Council
- eThekweni Metropolitan Municipality
- Department of Co-operative Governance and Traditional Affairs; KwaZulu-Natal
- Ekurhuleni Metropolitan Municipality
- Development Bank of Southern Africa (DBSA)
- Johannesburg Social Housing Company
- Rand Water
- Department of Sports, Arts and Culture; KwaZulu-Natal
- Department of Infrastructure Development; Gauteng
- Passenger Rail Agency of South Africa (PRASA)
- Johannesburg Water
- South African Revenue Services
- Airports Company South Africa Limited (ACSA)
- Roads Agency Limpopo
- Magalies Water
- Johannesburg Development Agency
- Department of Education; North West
- Umgeni Water
- Department of Health; North West
- Department of Rural Development and Agrarian Reform; Eastern Cape
- Johannesburg City Parks
- Eskom Holdings Limited

Relatively high levels of compliance for the period 2017Q4 – 2019Q1 are seen for:

- Bloem Water
- Eastern Cape Parks and Tourism Agency
- Transnet Pipelines
- Department of Agriculture; Limpopo
- Department of Education; Northern Cape
- Pikitup (Pty) Ltd
- Coega Development Corporation (Coega)

- Department of Higher Education
- South African National Roads Agency Limited

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	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
District Municipalities	95	96	119	131	138	153
Local Municipalities	1027	1078	1139	1101	1042	1082
Metropolitan Municipalities	212	221	260	273	298	337
Municipal Entities	26	30	42	40	52	52
National Departments	167	145	151	143	140	199
Provincial Departments	711	642	589	507	624	821
State Owned Enterprises	592	645	649	693	690	820

Number of Tender Notices Awarded per Quarter per 4 rolling Quarters

Entity Type	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
District Municipalities	44	54	59	57	54	49
Local Municipalities	459	436	429	389	367	321
Metropolitan Municipalities	174	160	144	132	67	48
Municipal Entities	37	23	19	16	11	15
National Departments	174	169	178	173	161	121
Provincial Departments	850	706	610	538	539	509
State Owned Enterprises	410	395	353	343	271	214

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
District Municipalities	32%	36%	33%	30%	28%	24%
Local Municipalities	31%	29%	27%	26%	26%	23%
Metropolitan Municipalities	45%	42%	36%	33%	18%	12%
Municipal Entities	59%	43%	31%	29%	17%	22%
National Departments	51%	54%	54%	55%	53%	38%
Provincial Departments	54%	52%	51%	51%	46%	38%
State Owned Enterprises	41%	38%	35%	33%	28%	21%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
Buffalo City Metropolitan Municipality	59%	65%	78%	59%	48%	38%
City of Cape Town Metropolitan Municipality	87%	86%	81%	77%	46%	30%
City of Johannesburg Metropolitan Municipality	-	-	0%	0%	0%	0%
City of Tshwane Metropolitan Municipality	83%	75%	67%	64%	53%	44%
Ekurhuleni Metropolitan Municipality	7%	19%	43%	33%	7%	0%
eThekweni Metropolitan Municipality	6%	3%	1%	0%	0%	0%
Mangaung Metropolitan Municipality	74%	68%	61%	62%	50%	43%
Nelson Mandela Metropolitan Municipality	60%	33%	15%	0%	0%	0%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Municipal Entities	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
City Power Johannesburg	0%	-	-	-	0%	0%
City of Joburg Property Company SOC Ltd	-	-	-	-	75%	83%
Joburg Market	100%	50%	20%	20%	13%	0%
Johannesburg City Parks	100%	0%	0%	0%	0%	0%
Johannesburg Development Agency	40%	36%	33%	0%	0%	0%
Johannesburg Roads Agency	100%	100%	100%	100%	67%	50%
Johannesburg Social Housing Company	0%	50%	17%	20%	17%	0%
Johannesburg Water	25%	29%	19%	19%	5%	0%
Mandela Bay Development Agency	100%	100%	100%	100%	100%	29%
Pikitup (Pty) Ltd	100%	100%	100%	100%	-	100%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

National Departments	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
Department of Higher Education	100%	93%	93%	89%	83%	-
Department of Rural Development and Land Reform	39%	41%	42%	46%	49%	40%
Department of Water and Sanitation	71%	61%	59%	27%	7%	0%
National Department of Public Works	49%	52%	52%	56%	57%	40%
South African Police Services	94%	96%	96%	79%	62%	32%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
Department of Agriculture and Rural Development; Gauteng	100%	-	-	0%	0%	0%
Department of Agriculture and Land Administration; Northern Cape	58%	58%	58%	58%	72%	73%
Department of Agriculture; Limpopo	100%	100%	100%	100%	100%	100%
Department of Agriculture, Rural Development Land and Environmental Affairs; Mpumalanga	77%	84%	82%	22%	0%	0%
Department of Co-operative Governance and Traditional Affairs; KwaZulu-Natal	20%	50%	100%	0%	0%	0%
Department of Education; Free State	0%	0%	0%	0%	0%	0%
Department of Education; North West	90%	-	0%	0%	0%	0%
Department of Education; Northern Cape	100%	100%	100%	100%	100%	100%
Department of Education; Western Cape	67%	34%	34%	17%	15%	0%
Department of Health; Free State	-	-	-	0%	0%	0%
Department of Health; KwaZulu-Natal	0%	0%	-	100%	50%	50%
Department of Health; North West	50%	0%	0%	0%	0%	0%
Department of Health; Western Cape	90%	89%	89%	89%	91%	84%
Department of Human Settlements; Western Cape	67%	63%	44%	71%	33%	31%
Department of Infrastructure Development; Gauteng	18%	13%	10%	0%	0%	0%
Department of Police, Roads and Transport; Free State	-	-	-	-	0%	0%
Department of Public Works and Infrastructure; Free State	84%	84%	86%	71%	92%	93%
Department of Public Works; North West	70%	69%	85%	60%	44%	17%
Department of Public Works; KwaZulu-Natal	50%	48%	43%	46%	35%	29%
Department of Public Works, Roads and Transport; Mpumalanga	89%	83%	77%	81%	80%	80%
Department of Roads and Public Works; Eastern Cape	42%	44%	45%	52%	71%	72%
Department of Rural Development and Agrarian Reform; Eastern Cape	62%	45%	23%	21%	3%	3%
Department of Sports, Arts and Culture; KwaZulu-Natal	0%	25%	25%	18%	19%	0%
Department of Transport and Public Works; Western Cape	92%	89%	90%	86%	78%	71%
Department of Transport; KwaZulu-Natal	49%	47%	46%	54%	44%	32%
Department of Public Works; Limpopo	94%	76%	0%	0%	0%	0%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
Agricultural Research Council	0%	0%	2%	2%	3%	5%
Airports Company South Africa Limited (ACSA)	36%	27%	17%	18%	17%	16%
Amatola Water Board	0%	0%	0%	0%	0%	73%
Bloem Water	100%	100%	100%	100%	100%	100%
Coega Development Corporation (Coega)	96%	98%	98%	96%	95%	96%
Development Bank of Southern Africa (DBSA)	0%	0%	-	100%	33%	14%
East London Industrial Development Zone	33%	0%	40%	67%	88%	78%
Eastern Cape Parks and Tourism Agency	100%	100%	100%	100%	100%	100%
Eskom Holdings Limited	38%	55%	47%	42%	36%	17%
Independent Development Trust (IDT)	68%	66%	65%	60%	48%	23%
Lepelle Northern Water	75%	100%	100%	0%	0%	50%
Magalies Water	50%	0%	0%	0%	0%	0%
Mhlathuze Water	-	50%	60%	50%	57%	60%
Passenger Rail Agency of South Africa (PRASA)	17%	15%	14%	13%	8%	5%
Rand Water	7%	8%	9%	9%	19%	4%
Roads Agency Limpopo	0%	0%	0%	20%	59%	31%
South African National Parks	100%	100%	93%	88%	56%	58%
South African National Roads Agency Limited	95%	91%	84%	76%	67%	100%
South African Revenue Services	50%	50%	67%	50%	14%	10%
Transnet Capital Projects	89%	89%	77%	79%	73%	69%
Transnet Rail Engineering	90%	70%	50%	0%	0%	0%
Transnet Freight Rail	100%	100%	85%	45%	45%	36%
Transnet National Ports Authority	83%	75%	71%	70%	57%	41%
Transnet Pipelines	100%	100%	100%	100%	100%	100%
Transnet Property	100%	100%	100%	67%	63%	42%
Umgeni Water	60%	30%	10%	5%	0%	0%

4. Contract Completion

Indicators of tenders awarded but not yet completed are given on the following pages, in which the number of tender awards recorded on the cidb Register of Projects but which have not been recorded as being completed for the period 2017Q4 to 2019Q1 are given for non-term contracts and 2017Q4 to 2018Q3 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 period 2017Q4 to 2019Q1 are seen for:

- eThekweni Metropolitan Municipality
- Buffalo City Metropolitan Municipality
- Department of Agriculture and Land Administration; Northern Cape
- Department of Infrastructure Development; Gauteng
- Department of Police, Roads and Transport; Free State
- Department of Public Works, Roads and Transport; Mpumalanga
- Department of Roads and Public Works; Eastern Cape
- Department of Transport; KwaZulu-Natal
- Airports Company South Africa Limited (ACSA)
- Coega Development Corporation (Coega)
- Development Bank of Southern Africa (DBSA)
- Eskom Holdings Limited
- Independent Development Trust (IDT)
- Department of Transport and Public Works; Western Cape
- Department of Public Works; Limpopo
- City of Cape Town Metropolitan
- Department of Agriculture; Limpopo

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
District Municipalities	16	19	22	18	16	3
Local Municipalities	21	13	7	16	17	15
Metropolitan Municipalities	5	5	6	2	2	2
National Departments	1	0	1	1	1	1
Provincial Departments	289	316	347	320	254	188
State Owned Enterprises	74	79	67	56	46	31

Number of Tender Awards closed per 4 rolling Quarters

Entity Type	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
District Municipalities	3	3	3	1	0	0
Local Municipalities	2	1	1	2	3	2
Metropolitan Municipalities	0	0	0	1	1	1
National Departments	0	0	1	1	1	1
Provincial Departments	5	8	10	8	6	2
State Owned Enterprises	0	1	1	4	4	3

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
District Municipalities	16%	14%	12%	5%	0%	0%
Local Municipalities	9%	7%	13%	11%	15%	12%
Metropolitan Municipalities	0%	0%	0%	33%	33%	33%
National Departments	0%	-	50%	50%	50%	50%
Provincial Departments	2%	2%	3%	2%	2%	1%
State Owned Enterprises	0%	1%	1%	7%	8%	9%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
Buffalo City Metropolitan Municipality	0%	0%	0%	0%	0%	0%
City of Cape Town Metropolitan	-	0%	0%	17%	10%	9%
eThekweni Metropolitan Municipality	-	-	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

National Departments	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
National Department of Public Works	0%	-	50%	50%	50%	50%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
Department of Agriculture and Land Administration; Northern Cape	-	-	0%	0%	0%	0%
Department of Agriculture; Limpopo	50%	50%	50%	0%	0%	0%
Department of Infrastructure Development; Gauteng	0%	0%	0%	0%	0%	0%
Department of Police, Roads and Transport; Free State	0%	-	-	-	-	-
Department of Public Works; KwaZulu-Natal	33%	33%	75%	60%	50%	50%
Department of Public Works, Roads and Transport; Mpumalanga	0%	0%	0%	0%	0%	0%
Department of Roads and Public Works; Eastern Cape	0%	0%	0%	0%	0%	0%
Department of Transport and Public Works; Western Cape	1%	2%	2%	3%	2%	0%
Department of Transport; KwaZulu-Natal	0%	0%	0%	0%	0%	0%
Department of Public Works; Limpopo	17%	0%	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2017Q4	2018Q1	2018Q2	2018Q3	2018Q4	2019Q1
Airports Company South Africa Limited (ACSA)	0%	0%	0%	0%	-	-
Coega Development Corporation (Coega)	0%	0%	0%	0%	0%	0%
Development Bank of Southern Africa (DBSA)	0%	0%	0%	0%	0%	0%
Eskom Holdings Limited	-	-	-	-	0%	0%
Independent Development Trust (IDT)	0%	0%	-	-	-	-
Transnet Freight Rail	0%	100%	50%	67%	67%	60%

4.2 Term Contracts

Low levels of compliance for the period 2017Q4 to 2018Q3 are seen for:

- City of Cape Town Metropolitan Municipality
- eThekweni Metropolitan Municipality
- National Department of Public Works
- Department of Public Works, Roads and Transport; Mpumalanga
- Department of Roads and Public Works; Eastern Cape
- Department of Transport and Public Works; Western Cape
- Department of Transport; KwaZulu-Natal
- Coega Development Corporation (Coega)
- Development Bank of Southern Africa (DBSA)
- Lepelle Northern Water
- Transnet Freight Rail

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2017Q4	2018Q1	2018Q2	2018Q3
District Municipalities	0	3	3	3
Local Municipalities	34	22	16	12
Metropolitan Municipalities	150	163	189	186
National Departments	1	1	9	11
Provincial Departments	79	78	70	49
State Owned Enterprises	51	29	26	25

Number of Tender Awards closed per 4 rolling Quarters

Entity Type	2017Q4	2018Q1	2018Q2	2018Q3
District Municipalities	0	0	0	0
Local Municipalities	0	0	0	0
Metropolitan Municipalities	0	0	0	0
National Departments	0	0	0	0
Provincial Departments	0	0	0	0
State Owned Enterprises	0	0	0	0

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2017Q4	2018Q1	2018Q2	2018Q3
District Municipalities	-	0%	0%	0%
Local Municipalities	0%	0%	0%	0%
Metropolitan Municipalities	0%	0%	0%	0%
National Departments	0%	0%	0%	0%
Provincial Departments	0%	0%	0%	0%
State Owned Enterprises	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2017Q4	2018Q1	2018Q2	2018Q3
City of Cape Town Metropolitan Municipality	0%	0%	0%	0%
eThekweni Metropolitan Municipality	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

National Departments	2017Q4	2018Q1	2018Q2	2018Q3
National Department of Public Works	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2017Q4	2018Q1	2018Q2	2018Q3
Department of Public Works, Roads and Transport; Mpumalanga	0%	0%	0%	0%
Department of Roads and Public Works; Eastern Cape	0%	0%	0%	0%
Department of Transport and Public Works; Western Cape	0%	0%	0%	0%
Department of Transport; KwaZulu-Natal	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2017Q4	2018Q1	2018Q2	2018Q3
Coega Development Corporation (Coega)	0%	0%	0%	0%
Development Bank of Southern Africa (DBSA)	0%	0%	0%	0%
Lepelle Northern Water	0%	0%	0%	0%
Transnet Freight Rail	0%	0%	0%	0%

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