



Construction Industry Development Board

DEVELOPMENT THROUGH PARTNERSHIP

Compliance Monitor
Register of Projects



Quarter
2018

2

CIDB REGISTER OF PROJECTS COMPLIANCE MONITOR; JULY 2018

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CIDB REGISTER OF PROJECTS COMPLIANCE MONITOR; JULY 2018

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 2016Q4 to 2018Q1 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 between 35% to 55%, with the highest ratio of compliance being for provincial departments and municipal entities.

Low levels of compliance for the period 2016Q4 – 2018Q1 are seen for:

- Amatola Water Board
- Development Bank of Southern Africa (DBSA)
- Roads Agency Limpopo
- Department of Health; Eastern Cape
- Department of Human Settlements; Western Cape
- City of Johannesburg Metropolitan Municipality
- Ekurhuleni Metropolitan Municipality
- Agricultural Research Council
- Department of Education; Free State
- Department of Health; Free State
- Rand Water
- Mhlathuze Water
- Transnet Property
- Eskom Holdings Limited
- Department of Health; KwaZulu-Natal
- Department of Sports, Arts and Culture; KwaZulu-Natal
- Passenger Rail Agency of South Africa (PRASA)
- eThekweni Metropolitan Municipality
- Johannesburg Water
- City of Tshwane Metropolitan Municipality
- Department of Rural Development and Land Reform

Relatively high levels of compliance for the period 2016Q4 – 2018Q1 are seen for:

- Department of Agriculture; Limpopo
- South African National Parks
- Joburg Market
- Transnet Freight Rail
- Department of Education; North West
- South African National Roads Agency Limited
- Department of Health; Western Cape

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	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
District Municipalities	90	88	83	94	102	116
Local Municipalities	670	758	770	940	1095	1190
Metropolitan Municipalities	117	161	193	223	241	272
Municipal Entities	29	39	32	41	41	46
National Departments	150	154	141	191	258	265
Provincial Departments	674	745	797	859	855	873
State Owned Enterprises	280	314	345	443	615	694

Number of Tender Notices Awarded per Quarter per 4 rolling Quarters

Entity Type	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
District Municipalities	89	86	83	34	39	36
Local Municipalities	669	603	548	467	406	339
Metropolitan Municipalities	256	216	156	129	152	120
Municipal Entities	63	58	48	41	25	11
National Departments	249	257	198	172	119	85
Provincial Departments	1358	1189	1109	984	779	583
State Owned Enterprises	499	452	416	353	298	262

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
District Municipalities	50%	49%	50%	27%	28%	24%
Local Municipalities	50%	44%	42%	33%	27%	22%
Metropolitan Municipalities	69%	57%	45%	37%	39%	31%
Municipal Entities	68%	60%	60%	50%	38%	19%
National Departments	62%	63%	58%	47%	32%	24%
Provincial Departments	67%	61%	58%	53%	48%	40%
State Owned Enterprises	64%	59%	55%	44%	33%	27%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
Buffalo City Metropolitan Municipality	89%	84%	63%	55%	37%	28%
City of Cape Town Metropolitan Municipality	91%	87%	82%	75%	77%	69%
City of Johannesburg Metropolitan Municipality	0%	-	-	-	-	-
City of Tshwane Metropolitan Municipality	86%	100%	100%	63%	10%	6%
Ekurhuleni Metropolitan Municipality	0%	0%	0%	0%	0%	0%
eThekweni Metropolitan Municipality	51%	35%	17%	10%	6%	3%
Mangaung Metropolitan Municipality	100%	100%	100%	82%	74%	60%
Nelson Mandela Metropolitan Municipality	57%	71%	76%	71%	60%	33%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Municipal Entities	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
City Power Johannesburg	100%	0%	0%	0%	0%	-
Joburg Market	100%	100%	100%	100%	100%	50%
Johannesburg City Parks	61%	56%	78%	75%	100%	0%
Johannesburg Development Agency	58%	32%	26%	17%	0%	0%
Johannesburg Roads Agency	100%	100%	100%	78%	56%	43%
Johannesburg Social Housing Company	45%	38%	42%	42%	0%	0%
Johannesburg Water	60%	33%	25%	13%	13%	12%
Mandela Bay Development Agency	100%	100%	100%	50%	60%	50%
Pikitup Johannesburg (SOC) Ltd	-	100%	100%	100%	86%	67%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

National Departments	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
Department of Higher Education	62%	64%	100%	100%	100%	93%
Department of Rural Development and Land Reform	49%	51%	48%	40%	20%	15%
Department of Water and Sanitation	44%	47%	49%	49%	38%	15%
National Department of Public Works	68%	66%	62%	44%	31%	20%
South African Police Services	100%	100%	100%	100%	83%	60%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
Department of Agriculture and Land Administration; Northern Cape	95%	95%	96%	80%	53%	53%
Department of Agriculture; Limpopo	100%	100%	100%	100%	100%	100%
Department of Agriculture Rural Development Land and Environmental Affairs; Mpumalanga	84%	79%	81%	80%	77%	84%
Department of Co-operative Governance and Traditional Affairs; KwaZulu-Natal	61%	56%	54%	6%	20%	50%
Department of Education; Free State	6%	6%	5%	1%	0%	0%
Department of Education; North West	100%	90%	90%	90%	90%	-
Department of Education; Northern Cape	100%	100%	100%	100%	83%	25%
Department of Education; Western Cape	88%	92%	92%	78%	67%	31%
Department of Health; Eastern Cape	0%	0%	0%	0%	0%	0%
Department of Health; Free State	6%	6%	1%	3%	-	-
Department of Health; KwaZulu-Natal	23%	18%	10%	33%	0%	0%
Department of Health; North West	69%	71%	75%	50%	38%	0%
Department of Health; Western Cape	99%	97%	96%	90%	84%	82%
Department of Human Settlements; Western Cape	30%	50%	50%	44%	40%	33%
Department of Infrastructure Development; Gauteng	60%	62%	57%	36%	18%	13%
Department of Police, Roads and Transport; Free State	75%	75%	-	-	-	-
Department of Public Works and Infrastructure; Free State	46%	50%	64%	89%	84%	84%
Department of Public Works; North West	75%	76%	60%	65%	58%	54%
Department of Public Works; KwaZulu-Natal	74%	58%	50%	41%	39%	39%
Department of Public Works, Roads and Transport; Mpumalanga	90%	88%	95%	90%	80%	67%
Department of Roads and Public Works; Eastern Cape	62%	60%	62%	49%	36%	35%
Department of Rural Development and Agrarian Reform; Eastern Cape	53%	49%	68%	61%	62%	45%
Department of Sports, Arts and Culture; KwaZulu-Natal	65%	0%	0%	0%	0%	14%
Department of Transport and Public Works; Western Cape	80%	81%	81%	81%	81%	66%
Department of Transport, Roads and Public Works; Northern Cape	83%	78%	84%	60%	60%	25%
Department of Transport; KwaZulu-Natal	52%	53%	50%	49%	42%	32%
Department of Public Works; Limpopo	-	-	100%	94%	94%	76%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
Agricultural Research Council	4%	4%	0%	0%	0%	0%
Airports Company South Africa Limited (ACSA)	58%	33%	36%	43%	32%	26%
Amatola Water Board	0%	0%	0%	0%	0%	0%
Bloem Water	100%	100%	100%	100%	100%	75%
Coega Development Corporation (Coega)	98%	94%	94%	92%	85%	72%
Development Bank of Southern Africa (DBSA)	0%	0%	0%	0%	0%	0%
Eskom Holdings Limited	86%	89%	91%	60%	17%	9%
Independent Development Trust (IDT)	47%	45%	51%	48%	44%	50%
Lepelle Northern Water	61%	54%	39%	35%	75%	100%
Magalies Water	75%	69%	64%	60%	38%	0%
Mhlathuze Water	0%	0%	0%	0%	-	50%
Passenger Rail Agency of South Africa (PRASA)	44%	25%	21%	17%	15%	13%
Rand Water	57%	100%	100%	67%	5%	0%
Roads Agency Limpopo	0%	0%	0%	0%	0%	0%
South African National Parks	96%	96%	95%	100%	92%	92%
South African National Roads Agency Limited	98%	97%	97%	90%	86%	74%
South African Revenue Services	29%	0%	0%	0%	50%	50%
Transnet Capital Projects	100%	100%	92%	73%	63%	50%
Transnet Rail Engineering	0%	40%	71%	90%	100%	88%
Transnet Freight Rail	97%	100%	100%	100%	95%	84%
Transnet National Ports Authority	88%	100%	100%	92%	67%	50%
Transnet Pipelines	100%	100%	100%	100%	50%	20%
Transnet Property	22%	0%	0%	0%	0%	0%
Umgeni Water	94%	100%	93%	80%	60%	30%

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 2016Q4 to 2018Q1 are given for non-term contracts and 2016Q4 to 2017Q3 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 2016Q4 to 2018Q1 are seen for:

- Johannesburg Development Agency
- National Department of Health
- Department of Agriculture and Land Administration; Northern Cape
- Department of Infrastructure Development; Gauteng
- 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
- Department of Public Works; Limpopo
- Coega Development Corporation (Coega)
- Independent Development Trust (IDT)
- South African National Roads Agency Limited
- Department of Police, Roads and Transport; Free State

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
District Municipalities	27	26	25	23	19	14
Local Municipalities	75	66	49	36	19	10
Metropolitan Municipalities	49	37	7	3	0	0
Municipal Entities	5	3	1	0	0	0
National Departments	8	8	7	1	1	0
Provincial Departments	307	311	237	222	254	317
State Owned Enterprises	6	7	20	28	36	36

Number of Tender Awards closed per 4 rolling Quarters

Entity Type	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
District Municipalities	0	0	0	0	0	0
Local Municipalities	9	8	4	4	2	0
Metropolitan Municipalities	40	32	2	1	0	0
Municipal Entities	0	0	0	0	0	0
National Departments	3	2	2	1	0	0
Provincial Departments	10	9	7	7	0	0
State Owned Enterprises	0	0	0	0	0	0

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
District Municipalities	0%	0%	0%	0%	0%	0%
Local Municipalities	11%	11%	8%	10%	10%	0%
Metropolitan Municipalities	45%	46%	22%	25%	-	-
Municipal Entities	0%	0%	0%	-	-	-
National Departments	27%	20%	22%	50%	0%	-
Provincial Departments	3%	3%	3%	3%	0%	0%
State Owned Enterprises	0%	0%	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
eThekweni Metropolitan Municipality	45%	46%	22%	25%	-	-

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Municipal Entities	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
Johannesburg Development Agency	0%	0%	0%	-	-	-

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

National Departments	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
National Department of Health	0%	0%	0%	-	-	-
National Department of Public Works	43%	33%	40%	50%	0%	-

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
Department of Agriculture and Land Administration; Northern Cape	0%	0%	0%	-	-	-
Department of Infrastructure Development; Gauteng	0%	0%	0%	0%	0%	0%
Department of Police, Roads and Transport; Free State	6%	5%	0%	0%	0%	-
Department of Public Works; KwaZulu-Natal	44%	41%	39%	70%	0%	0%
Department of Public Works, Roads and Transport; Mpumalanga	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	0%	0%	0%	0%	0%	0%
Department of Transport; KwaZulu-Natal	0%	0%	0%	0%	0%	0%
Department of Public Works; Limpopo	0%	0%	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2016Q4	2017Q1	2017Q2	2017Q3	2017Q4	2018Q1
Coega Development Corporation (Coega)	0%	0%	0%	0%	0%	0%
Independent Development Trust (IDT)	-	-	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 period 2016Q4 to 2017Q3 are seen for:

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

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2016Q4	2017Q1	2017Q2	2017Q3
Local Municipalities	74	72	54	44
Metropolitan Municipalities	23	42	54	94
Municipal Entities	5	3	3	1
National Departments	21	20	14	0
Provincial Departments	81	81	63	66
State Owned Enterprises	48	63	66	52

Number of Tender Awards closed per 4 rolling Quarters

Entity Type	2016Q4	2017Q1	2017Q2	2017Q3
Local Municipalities	0	0	0	0
Metropolitan Municipalities	0	0	0	0
Municipal Entities	0	0	0	0
National Departments	0	0	0	0
Provincial Departments	0	1	1	1
State Owned Enterprises	0	0	0	0

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

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

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2016Q4	2017Q1	2017Q2	2017Q3
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

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

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

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

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2016Q4	2017Q1	2017Q2	2017Q3
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%	17%	13%	25%
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	2016Q4	2017Q1	2017Q2	2017Q3
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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