

**PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL
DEPARTMENT OF PUBLIC WORKS**

**CHAPTER 2: GENERAL ADMINISTRATION
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CHAPTER 2: GENERAL ADMINISTRATION

2.1 LEGISLATION AND OTHER POLICY INFORMATION

2.1.1 Background.

As background information the Legislation and other legal documentation recorded below all play a significant role in the procuring of services and the subsequent management of contracts. Only a brief summary of the Legislation is given and from time to time one may need to consult the specific Act or Policy Framework or Agreement for more detail.

2.1.2 The Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996) (The Constitution).

The Constitution provides the basis for procurement, which must be fair, equitable, transparent, competitive and cost-effective, and for preferential procurement within prescribed Legislation and framework policies.

2.1.3 Public Finance Management Act (PFMA), 1999 (Act No.1 of 1999 as amended by Act 29 of 1999).

The intention of the Act is to regulate financial management and to assign powers to Accounting Officers (in the case of Provincial matters, Departmental Heads) to manage the financial affairs of departments including conferring responsibility for Supply Chain Management.

2.1.4 Treasury Regulations issued in terms of the Public Financial Management Act, 1999.

The formulation of the published Regulations is within the norms and standards as provided in the PFMA and prescribes control measures for financial management and Supply Chain Management transactions.

2.1.5 The Preferential Procurement Policy Framework Act, 2000 (Act No.5 of 2000) – (PPPFA).

This Act and its published Regulations provide a framework for a preferential procurement system. Tender Documents as arranged by the Department cater for the PPPFA requirements and include as a Returnable Document, a Preference Schedule (for the granting of preferences) that reflects conditions as well as pre-determined percentages for the evaluation of points against preferences claimed by a Tenderer. In this way the status of Targeted Enterprises can be evaluated.

2.1.6 Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003)

The Minister of Trade and Industry has promulgated the Construction Sector Charter On Black Economic Empowerment – Government Gazette No. 29616 dated 9 February 2007. (This Charter came into operation on that date by Notice No. 111 of 2007), that will have an impact with regard to tender documentation and procedures in awarding construction and engineering contracts as arranged by the Department of Public Works. The relative changes to tender

documentation and procedures will be introduced over time in consultation with the Construction Industry Development Board (CIDB) that is the regulatory body for the construction and engineering industry in the Public Sector.

2.1.7 KwaZulu-Natal Supply Chain Management Policy Framework (SCM).

This policy framework and practice notes issued from time to time and read in conjunction with Treasury Regulation 16A of the PFMA provides for an enabling environment to implement Supply Chain Management.

2.1.8 KwaZulu- Natal Supply Chain Management Delegations of Authority.

The Supply Chain Management Office of the KZN Provincial Treasury provides Provincial departments with a set of Delegations of Authority (with limitations and conditions) to use for procuring and disposal of goods and services or movable provincial properties and contract administration. The Accounting Officer (Head: Public Works) in terms of Section 44(1) of the PFMA may delegate, in writing, certain specific powers of authority to officials to exercise. In such instances the Accounting Officer does not divest responsibility of authority when delegating powers or assigning duties to others to perform.

(i) Bid Specification Committee.

For logistical and obvious reasons an individual Bid Specification Committee is appointed for each Regional Office as well as for the Head Office.

The Committee members are responsible for the standards and quality of tender (bid) Specifications (Tender Documents) produced by the Department while also ensuring that all necessary bid (tender) criteria have been observed.

The members of the Committee comprise appropriate qualified specialist officials and can include external consultants. No minimum or maximum number of members is recommended by the KZN Provincial Treasury. The Accounting Officer (Head: Public Works) appoints, in writing and by name, all Committee members.

Applying SCM Delegation 4.1, Tender (Bid) Documents are evaluated for compliance and accuracy by the members of the Committee.

(ii) Bid Evaluation Committee.

For logistical and obvious reasons an individual Bid Evaluation Committee is appointed for each Regional Office as well as for the Head Office. This Committee is responsible for the evaluation of tenders received.

The members of this Committee and/ or other persons thoroughly inspect and evaluate all offers received for compliance to tender (bid) requirements and thereafter prepares a detailed report *recommending or not the acceptance of an offer for consideration by the Bid Adjudication Committee (projects above R1m) or Regional Manager (projects below R1m). The members of the Committee must also lend support to advertise services / tenders and other contractual matters that may require to serve before the Bid Adjudication Committee for consideration of acceptance or not.*

The membership of the Committee should be cross-functional and comprise a minimum of five (5) suitably skilled officials inclusive of an official from the Supply Chain Management component of the particular Office of the Department. The Accounting Officer (Head: Public Works) appoints, in writing and by name, all Committee members.

(iii) Bid Adjudication Committee.

Unlike with the other two (2) Committees (i.e., the Bid Specification Committees and the Bid Evaluation Committees) discussed above, the Department has only one (1) appointed Bid Adjudication Committee to consider the acceptance or not of recommended offers received above R500 000, excluding Period/Exemption Contracts (Delegated officials of salary level 13 have “unlimited” powers to award Period Contracts subject to the maximum values of such Contracts). Amongst other duties it is tasked with the responsibility to consider certain Contractual requests e.g., variations to contract sums which may not exceed 20% of such sums and support or not the cancellations of contracts submitted to the Accounting Officer (Head: Public Works). The acceptance or not of offers submitted below R1,000,000 for period/exemption contracts or R500 000 for normal contracts are considered by specific officials appointed, in writing by name, by the Accounting Officer (Head: Public Works).

The KZN Provincial Treasury defines the function of the Committee as follows:

“This Committee should consider the reports and recommendations made by the Bid Evaluation Committee. The Adjudication Committee must consider whether the recommendation made by an Evaluation Committee sufficiently indicates that all relevant factors have been taken into account, and that the recommendation made represents a logical, justifiable conclusion, based on all relevant information at the Evaluation Committee’s disposal. The Adjudication Committee should be cross-functional, in order to ensure that collectively, the committee members possess sufficient expertise to ensure sound adjudication of each bid it has to consider. It is recommended that committee members be representative of appropriate operational disciplines within a department and that members be appointed for a period of three consecutive years.”

The membership of the Committee should comprise at least four (4) senior officials, inclusive of an official from the Supply Chain Management Directorate. The Chairperson is the Chief Financial Officer of the Department. The Accounting Officer (Head: Public Works) appoints, in writing and by name, all Committee members.

(iv) Adjudication Team

To assist in the evaluation of tenders received, the Department forms an Adjudication Team which usually comprises the Project Manager, Principal Agent, other Consultants, if necessary and an official from the Department if the Project Manager is from the private sector

2.1.9 Specific Period Contract

The KZN Provincial Treasury defines the above as follows:

“A contract for the supply, over a specified period of time, of the repetitive requirements for a specific department, for immovable property, goods or services, the acquisition or granting of any right, or the disposal of goods or immovable Provincial property.”

In further elaboration of the above definition 4.18.3 of the Conditions attached to the SCM Delegations 4.1-4.17 states the following:

“When it is known that a specific requirement of the department over a period of time, will make it uneconomical and inefficient to follow the standard procurement procedure for every individual requirement, contracts may be arranged for the supply over a period that may not exceed three years (to promote competition), provided that it is proven to be cost-effective, competitive and fair to arrange a period contract.”

2.1.10 SCM Delegation 5.1 : Urgent and Emergency Cases

Cases are defined as urgent or emergency cases when the following criteria have been met:

URGENT	the duration of invitation of bids would have a material impact on service delivery/community/public i.e. early delivery is of critical importance;
URGENT	resulted from natural disaster, i.e. early delivery is of critical importance;
EMERGENCY	immediate action is required to avoid a dangerous or life threatening situation, misery or want.

Poor planning is not justifiable cause of an emergency or urgent situation. Written motivation must be provided, detailing the reason/s for deviating from inviting competitive bids in the normal manner and be approved by the Accounting Officer or his/her delegate.

Accounting Officers are required to report within ten (10) days to the KZN Treasury and the Auditor-General all cases where goods and services above the value of R1 million (VAT inclusive) were procured in terms of Treasury Regulation 16A6.4. The report must include the description of the goods or services, the name/s of the supplier/s, the amounts/s involved and the reasons for dispensing with the prescribed competitive bidding process.

SCM Delegation 5.1 provides for the following:

Level 13 (Manager) up to R250 000 (inclusive of VAT).

Beforehand approval in principle (declaration of urgent/emergency) must be obtained from this designated official.

This designated official may approve the award which must be noted by the BAC.
(The designated official may declare work for clients as an urgent/emergency case)

Level 14 (General Manager) up to R1m (inclusive of VAT).

Beforehand approval in principle (declaration of urgent/emergency) must be obtained from the client department (if not a Department of Public Works project).

This designated official may approve the award which must be noted by the BAC.

HOD above R1m (inclusive of VAT)

Beforehand approval in principle (declaration of urgent/emergency) must be obtained from the client department (if not a Department of Public Works project).

This designated official may approve the award which must be noted by the BAC.

NB: AT LEAST THREE CONTRACTORS (Registered On The Provincial Supplier Database And With The CIDB) WHO HAVE THE RELEVANT CAPACITY AND A PROVEN TRACK RECORD ARE TO BE SELECTED TO PROVIDE QUOTATIONS BASED ON A PROPER QUOTATION DOCUMENT. ALL OTHER PROCUREMENT PROCEDURES ARE TO BE APPLIED

A RECORD (DATABASE) MUST BE KEPT OF CONTRACTORS PREVIOUSLY UTILISED. CARE MUST BE EXERCISED TO ENSURE THAT A CONTRACTOR IS NOT REPEATEDLY UTILISED.

2.1.11 SCM Delegation 5.2

If in a specific case it is impractical to invite competitive bids, the Accounting Officer (Head of the Department) may procure the required goods or services by other means, provided that the reasons for deviating from inviting competitive bids are recorded and approved by the Accounting Officer.

The approval of the award must be noted by the BAC.

Treasury Regulation 16A6.4 is applicable.

2.1.12 General Delegations of Authority.

The Accounting Officer (Head: Public Works) in terms of Section 44(1) of the PFMA may delegate, in writing, certain specific powers of authority to officials to exercise. In such instances the Accounting Officer does not divest responsibility of authority when delegating powers or assigning duties to others to perform.

In the case of arranging projects for the Department of Public Works, the General Delegations of Authority need to be applied in the first instance, particularly with regard to obtaining financial approval to enable services / projects to proceed to quotation / tender.

NOTE:

Although funds may be provided on the Budget for the Department to meet expenditure for projects, the cost to be incurred for each individual project must receive financial approval “in advance” of exercising the KZN Supply Chain Management Delegations of Authority. The approval must be sought from either the specific official named in the General Delegations of Authority or the holder of the specific post stated in the said Delegations of Authority. These Delegations insofar as financial matters are concerned, do not apply to services / projects arranged of behalf of client departments. Client departments provide financial approvals in accordance with their budget allocations.

2.1.13 The Construction Industry Development Board Act, 2000 (Act No. 38 of 2000) – (CIDB).

The Act prescribes the manner in which Public Sector construction contracts may be invited, awarded and managed within the framework of the Register of Contractors.

Regulations issued in terms of the Construction Industry Development Board Act, 2000 (Act No. 38 of 2000) – (CIDB).

Regulation 24 (b) of the CIDB Regulations requires every client or employer who is soliciting tenders in the Construction Industry to do so in accordance with the document, titled, **Standard for Uniformity in Construction Procurement**. The standard set of procurement documents enables those responsible for developing Tender Documents to satisfy the Standard Requirements in respect of Engineering and Construction Works. The standard set of procurement documents that can be provided to suit a client's needs are:

- (i) GCC 2004
- (ii) JBCC 2000 (Principal Building Agreement)
- (iii) FIDIC Short Form of Contract
- (iv) NEC Engineering and Construction

The Department has selected to use agreements (i) and (ii) listed above.

2.1.14 Building / Engineering Agreements.

(i) The Joint Building Contracts Committee (JBCC) Principal Building Agreement.

This document is the Contract Agreement to be used for all building and maintenance Works including that of an engineering nature where the “Builder” is the main contractor. From time to time this Agreement is revised and all persons involved in preparing tender (bid) documents must ensure that the latest version is used. It is expected that all persons who are involved with the administration of building contracts and inspection of Works to have a copy of this Agreement for referral reasons.

The Joint Building Contracts Committee claims authorship of this Agreement. Unauthorised reproduction of the work is an infringement of the copyright in the work. The document can be obtained from Regional Offices of the JBCC.

(ii) General Conditions of Contract (GCC) 2004.

This document is the Contract Agreement to be used for either engineering or building and maintenance Works. The Department has used this Contract Agreement to attend to all Works as the JBCC Agreement has not been compliant with the requirements of the CIDB.

NOTE:

Draft CIDB Tender Documents incorporating the details of either the JBCC Principal Agreement or the General Conditions of Contract (GCC) Agreement are available for use by appointed Professional Consultants and Departmental Officials at the below Website address.

http: // www.kznworks.gov.za

2.1.15 The Joint Building Contracts Committee (JBCC) Minor Works Agreement.

This document is the Contract Agreement to be used for Works estimated to cost LESS than R500 000.00 (VAT Included) and which are of an uncomplicated nature. A Joint Building Contracts Committee (JBCC) Principal Building Agreement or a General Conditions of Contract (GCC) 2004 Tender Document (Bills of Quantities) must be used for complex projects

2.1.16 Administration of Projects.

Although the CIDB Act, 2000 and the Standardised Construction Procurement Documents For Engineering And Construction are specific for procuring services / projects for the Building Industry and include either the JBCC Agreement or the GCC Agreement which again are drawn up specific for the Building / Engineering environment, the KZN Supply Chain Management Policy Framework and Delegations of Authority are the instruments used to arrange to obtain tenders and approve contracts and, if necessary, to cancel contracts.

2.1.17 Commissioner of Oaths

Provincial Departmental employees in their official capacity may not act as Commissioners of Oaths to assist Tenderers in completing their tender documents

2.1.18 The Expanded Public Works Programme (EPWP)

The Expanded Public Works Programme is a government programme aimed at the alleviation of poverty and unemployment. The programme ensures the full engagement on Labour Intensive Methods of Construction (LIC) to contractors for skills development. The EPWP focuses at reducing unemployment by increasing economic growth by means of improving skills levels through education and training and improving the enabling environment for the industry to flourish.

The format of reporting is as prescribed from time to time by the Directorate : EPWP and Special Projects. The Principal Agent (Consultant) in conjunction with the Project Manager must prepare these reports in the format prescribed and submit same to the Directorate : EPWP and Special Projects.

2.1.19 Masakhe Emerging Contractor Development Programme – MECDP

Operating within legislation as well as applying certain identified Government initiatives, the Department is committed to develop and improve the performance levels of emerging contractors and companies. In order to achieve this end an Emerging Contractor Development Programme based on a Model which begins at Grade 1 (Entry Level) running to Grade 5 (Fully-developed Contractor Capacity) has been structured as a progression process for developing emerging contractors to grow into efficient, self-sustainable medium-sized enterprise.

The schedule below sets out the “maximum number of contracts” and “maximum values within each grade” that a single contractor must complete before advancing to the next grade or exiting the Programme :

GRADE	MAXIMUM CONTRACT VALUE	MAXIMUM NUMBER OF PROJECTS	MAXIMUM ACCUMULATED CONTRACT VALUES IN THE GRADE
1	R200,000-00	3	R300,000-00
2	R500,000-00	3	R1,000,000-00
3	R1,500,000-00	2	R3,000,000-00
4	R3,000,000-00	2	R5,000,000-00
5	R5,000,000-00	1	R7,000,000-00

The Programme will be designed and structured to give end-to-end assistance and for support framework, encompassing training, mentorship, financial and technical support to the contractors registered on the system as opposed to ad-hoc preferential procurement interventions. Contractors will be registered on a “single consolidated database” as the Programme is classified on the basis of construction capacity across the board rather than on varying construction work experience.

The quality standards of training Professionals and Mentors (Training Providers) will be set by the Construction Education and Training Authority (CETA). The training delivered by these accredited Training Providers will be monitored by CETA. Contractors participating on these Programmes will exit with NQF level recognition certification.

Specific categories of work are targeted and tenders invited will be exclusively advertised for contractors who are registered on the MECDP Database maintained by the Department of Public Works.

The Supply Chain Management Policy Framework and its Regulations and Delegations of Authority apply in administering this specific Programme. Compliance with the Construction Industry Development Board (CIDB) legislation and, depending upon the value and complexity of the service, either the JBCC Principal Building Agreement, or the JBCC Minor Works

Agreement or the General Conditions of Contract for Construction Works and their requirements will also apply.

A separate document exists that more fully describes the intentions and objectives of this specific Programme.

2.2 ADMINISTRATION

NOTE: For specifics relating to Administration matters further information is to be obtained from the Departmental SOPs for Administration.

2.3 ACQUISITION MANAGEMENT SUB-DIRECTORATE

The Department has introduced a new post structure and recorded below is the approved organisation for what was previously termed the Contracts Section. The new structure in fact accommodates other line function work as undertaken by the Department and this is indicated on the chart below.

ACQUISITION MANAGEMENT SUB-DIRECTORATE
<u>Purpose:</u> To Manage Acquisition Services
<u>Functions:</u>
1. Manage and coordinate pre-bid and adjudication services.
2. Manage and coordinate procurement and post-bid services.
3. Render provisioning services.
4. Ensure the provisioning of helpdesk service.

PRE-BID AND ADJUDICATION DIVISION	PROCUREMENT AND POST-BID DIVISION	PROVISIONING DIVISION	HELPDESK AND RECORDS MANAGEMENT DIVISION
<u>Purpose:</u> To Manage and Coordinate Pre-Bid and adjudication Services	<u>Purpose:</u> To Manage and coordinate Procurement and Post-Bid Services	<u>Purpose:</u> To Render Provisioning Services	<u>Purpose:</u> To Ensure the Provision of Helpdesk Services
<u>Functions:</u>	<u>Functions:</u>	<u>Functions:</u>	<u>Functions:</u>
1. Check and correct bid document and arranging changes prior to advert.	1. Provide Secretariat services to internal Procurement committee and admin support services.	1. Ensure provisioning of supplies.	1. Provide advice to contractors.
2. Monitor and control over tax clearance database and provision of bank ratings.	2. Monitor and control the extension of validity periods and the signing of contract documentation.	2. Exercise control over stores.	2. Provide information and training to contractors.
3. Control the placement of advertisement and opening of bids.	3. Provide training and support of District Offices.	3. Maintain a database of moveable redundant material and determine a disposal strategy (BOS).	3. Attend to verbal and telephonic queries.
4. Monitor poor performance of contractors.	4. Administer contracts and payments	4. Procure furniture equipment and security services.	4. Maintain statistics on issued tenders
5. Manage the adjudication of bids.	5. Provision of training and support.		5. Ensure efficient and effective records management

2.4 JOB DESCRIPTION

- (i) Each member of the staff must have a list, termed a job description, setting out clearly and concisely all the duties attaching to his / her post. All supervisors are directly responsible for ensuring that this requirement is complied with.

- (ii) Attention is drawn to the fact that the job description sheet must be kept by the incumbent of the post and that a fresh job description sheet should not be completed in respect of each new incumbent of the post. In other words the duties and the job description sheet are attached to the post and not the incumbent.
- (iii) Managers are at liberty to approach Organisational Development and Efficiency (ODE) Directorate with regard to assistance in drawing up job description sheets.

2.5 FILING SYSTEM

- (i) A filing system can be viewed as a plan by which correspondence is maintained so that documents are not lost, are easily accessible to all staff members and are kept neat, tidy and in a specific order.
- (ii) The filing system used in a Department is tailored to meet the needs of the particular Department, but should always be in accordance with the directives of the Head Office filing policies. Although Offices, Divisions and Sections may have sub-systems (working files) for personal use, these must consist of only copies of correspondence. All originals must be placed on the relevant official files. It is logical therefore, that a study of the functions and activities performed by the component concerned must be undertaken when devising a filing system.
- (iii) Filing systems MUST be devised in conjunction with ODE and the State Archive Service and it must be emphasized that all filing systems MUST BE APPROVED BY THE STATE ARCHIVE SERVICE before being implemented. It is the responsibility of each Manager to ensure that documents are forwarded to the main registry for filing and that sub-filing in his / her Directorate is relevant and properly maintained.
- (iv) The State Archive Service should designate an Officer in the Department to be the "Records Manager" as far as the particular filing system is concerned (usually the "Office Manager", if ranked high enough) and no amendments or additions to the system may be made without the approval of that officer. All requests for new filing systems or alterations to the existing filing system must be referred to the "Records Manager" for implementation.
- (v) The "Records Manager" is responsible for the maintenance of a composite main filing system, for all components of the Department and must ensure that it is administered in accordance with prescripts.
- (vi) Each Regional office of the Department must have a Contract Registry, kept by the Acquisition and Management Division, where all original contract documents are held for safekeeping. Original documents should never be removed from the Contract Registry without good reason and being signed for.
- (vii) The filing system serves the needs of the Department adequately but should be reviewed whenever dramatic changes take place in the work environment, e.g. Regionalisation, so as to ensure that all new requirements are satisfactorily addressed.

2.6 PROCEDURE FOR AMENDMENTS TO THE CONTRACT ADMINISTRATION STANDARD OPERATING PROCEDURES

Any member of staff may propose amendments to the Standard Operating Procedures. All proposed amendments dealing with policy, legislation or procedural matters must be submitted to the Chief Directorate Operations, Head Office. The Chief Directorate Operations will co-

ordinate comment relating to such proposals. All amendments will be considered and approved by that Chief Directorate before any changes are effected by the designated official responsible for maintaining the Handbook.

2.7 BAS/SCOA

The Basic Accounting System (BAS) can briefly be described as a “Computerised Bookkeeping System”. This system is often referred to as the Standard Charter of Accounting (SCOA)

For advice relating to budgetary and accounting matters approach the Office of the Chief Financial Officer.

2.8 APPOINTMENT OF PROFESSIONAL CONSULTANTS (PROFESSIONAL SERVICE PROVIDERS) : APPOINTMENT OF CONSULTANTS COMMITTEE (AOCC)

The following is a brief overview of the procedures to appoint Professional Consultants to document and supervise Projects.

- (i) The Directorate: Consultants and Contractors manages and controls the appointment of Professional Consultants Procedures.
- (ii) The appointment of Consultants (architects, quantity surveyors, etc) must be arranged in accordance with the prescripts as set out in Supply Chain Management Office Practice Note SCM-05 of 2005 dated 4 April 2005 and as provided in the “Notes on the use of the Standardised Procurement Documents for Professional Services (August 2006)” and The Conditions of Contract known as the “Standard Professional Services Contract (September 2005) published by the CIDB. These documents are available on the CIDB Website. The appointment of Professional Consultants are governed by the following:
 - (a) Conditions and Procedures Under Which Consultant Architects In Private Practise are Commissioned (January 2003 version).
 - (b) Conditions and Procedures Under Which Consultant Quantity Surveyors In Private Practice Are Commissioned (January 2003 version).
 - (c) Conditions and Procedures Under Which Consultant Civil, Structural, Mechanical and Electrical Engineers Are Commissioned By The Department of Public Works of KwaZulu-Natal (revised February 2007)
- (iii) The Regional Office is to submit its request with recommendations to the Appointment of Consultants Committee (AOCC) to commission a Professional Consultant(s), giving details of the project and reasons for their choice of consultant. On approval to appoint a Professional Consultant, the Regional Office prepares letters of appointments, attaching relevant documentation which accompany such correspondence, endorsing copies to the other responsible persons involved.
- (iv) The various letters (full and hourly) used to offer appointments to the Professional Consultants amplify matters such as remuneration, disbursements, penalties, etc., that are covered in the different Conditions and Procedures under which such are commissioned by the KwaZulu-Natal Department of Public Works.
- (v) Ensure that the information is captured on the Works Information Management System.

2.8.1 Penalties

Penalties are levied for poor performance or failure to meet a submission date of 0.1% (for normal projects) or 0.25% (for special high priority projects) subject to a maximum amount of 2.5% of the fees applicable to the stage (phase) being worked on.

2.8.2 Penalties – Imposition And Applications For Waiving Of Penalties

Penalties must be strictly imposed when a contract has not been completed by the completion date or any approved extension thereof. The necessary deductions must be made in all payments processed after the due date or extended due date for completion of the Contract.

Should a Professional Service Provider (Consultant) appeal in writing against the imposition of penalties and motivate for the waiving of same, the appeal must be considered and receive a written response.

The Treasury Regulations issued in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999) and amendments thereto makes provision in Clause 11.4 to write-off debts owed to the State or to waive debts if the Accounting Officer (Head of Department) is satisfied that it would be to the advantage of the State to effect a settlement. All debts written off must be disclosed in the Annual Financial Statements of the Department.

It then follows that if it is considered that a Professional Service Provider's (Consultant's) appeal to waive penalties has merit and support and can be fully and properly motivated by the Regional Office concerned, then a submission addressed to the Head : Public Works must be prepared and routed through the Chief Directorate: Operations and the Office of the Chief Financial Officer for consideration of approval in terms of Treasury Regulation 11.4.

If necessary see paragraph titled 'Reporting of Debt'.

2.8.3 Default In Accordance With the Conditions Of Contract

Whenever it becomes apparent to a Project Manager that a Professional Service Provider (Consultant) is performing unsatisfactorily, he/she must bring the matter in writing to the attention of the Regional Manager. Should the Regional Manager concur and is also not satisfied with the work performance/standard of work, a warning letter must be submitted (by facsimile and registered mail) to the offending Professional Service Provider (Consultant) expressing concern for delay/non/poor-performance and request that a revised work programme be forwarded to the Department indicating how lost time on the Project and performance as per the terms of the commission will be made up to meet the contract completion date. The conditions of the Contract Data, Clause 3.11 dealing with penalties must also be stated. Copies of the letter must be endorsed to all concerned with the Contract and the Professional Service Provider (Consultant) must be given seven (7) working days to respond. The progress of the contract must be strictly monitored and if the Professional Service Provider (Consultant) fails to furnish a revised work programme and no visible accelerated work progress is being made on the contract, a report must be submitted to the Head Office without delay, together with a suitable draft letter for consideration of signature by the Head : Public Works to suspend or cancel the appointment. The draft letter must contain the reasons for addressing the letter to the Professional Service Provider (Consultant).

The Head: Public Works must give due written warning notice to the Professional Service Provider (Consultant) to improve his workmanship, as provided in the Agreement, failing which the Professional Service Provider (Consultant) will be directed to suspend and discontinue the execution of Works. Thereafter steps will be taken to cancel the contract and the matter will be reported to CIDB and the Supply Chain Management component of the KZN Treasury who may decide to either suspend the Professional Service Provider (Consultant) for a period of time or cancel the registration of the Professional Service Provider (Consultant) on their databases or blacklist them. The matter will also be reported to the appropriate Professional Association.

2.9 CHECKLISTS AND OTHER DATA RELATING TO DESIGN REQUIREMENTS, BILLS OF QUANTITIES, SPECIFICATIONS AND PROVINCIAL ADMINISTRATION INSTRUCTIONS

- (i) By visiting <http://www.kznworks.gov.za>, which is the official website of the KwaZulu-Natal Department of Public Works, some of the following documents, using Acrobat Reader, can be accessed. Those documents currently not available will be published on the Internet in due course.
 - (a) A typical room data sheet.
 - (b) A typical checklist for design requirements.
 - (c) A typical list of plans and details required.
 - (d) A typical soil test report and site clearance certificate.
 - (e) A typical checklist for the preparation of Bills of Quantities.
 - (f) A typical checklist for an architectural specification.
 - (g) A typical notice for a tender advertisement.
 - (h) A typical report for standard time for WIMS milestones per service.
 - (i) The Standard Preambles to All Trades Specification.
 - (j) A format of Bills of Quantities.
- (ii) It is strongly recommended that this Website be regularly visited to obtain the latest information concerning policy revisions and accessing other documents, which may be altered from time to time due to changing circumstances. It is the responsibility of a Project Manager to ensure that the latest documentation and policies are applied when attending to work for the Department. In this respect, should any difficulties be encountered, any Professional Official must be contacted for advice/information