

THE CONSTRUCTION INDUSTRY COUNCIL REGULATIONS, 2017

(Under Section 46)

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART II

OFFICES OF THE COUNCIL

3. Offices of the Council
4. Functions of the Chief Executive Officer
5. Expenses of the Council

PART III

REGISTRATION

6. Application for registration
7. Registration of entities involved in construction works
8. Registration of members of affiliated associations
9. Registration of Industry Associations
10. Grading and Categorisation of Construction firms
11. Refusal of applications
12. Registration of foreign contractors

13. Employment of Foreigners
14. Application for approval to award contract to foreign contractors
15. Registration of skilled construction workers and construction site supervisors
16. Joint Ventures
17. Renewal of registration
18. Payment of outstanding fees
19. Register of contractors
20. Fees

PART IV

QUALIFICATIONS FOR REGISTRATION OF CONTRACTORS

21. Educational qualifications
22. Recognized educational institutions
23. Failure to produce proof of qualifications

PART V

REGISTRATION OF A CONSULTANCY PRACTICE

24. Application Procedure
25. Certificate of registration of a consultancy practice
26. Requirements for operating a consultancy practice
27. Tariffs for consultancy practices

PART VI

REGISTRATION OF MANUFACTURERS AND SUPPLIERS OF BUILDING MATERIAL

28. Registration of Manufacturers and suppliers of building material

PART VII

CANCELLATION OF REGISTRATION

29. Cancellation or suspension of registration
30. Procedure for suspension or cancellation of registration
31. Appeal Procedure
32. Revival of registration

PART VIII

CONSTRUCTION INDUSTRY COUNCIL INSPECTORS

33. Appointment of Inspectors
34. Powers of Construction industry Inspectors
35. Obstructing an Inspector
36. Stoppage of construction works
37. Register of projects
38. Duties of stakeholders
39. Contractor performance
40. Disciplinary measures against contractor non-performance
41. Disciplinary measures against consultant non-performance
42. Accredited Industrial laboratory

PART IX

DISCIPLINARY AND CONFLICT RESOLUTION

43. Dispute and conflict resolution
44. Complaints handling procedure

PART X

45.PROMPT PAYMENT

46.Application and definition

47.Prohibition of conditional payment provisions

48.Entitlement to progress payments

49.Date of liability for payment

50.Notice of intention to withhold payment

51.Right to suspend performance for non-payment

52.Validity of contract

53.Prohibition

54.Service of notices

55.Right to refer disputes to adjudication

56.Status of adjudication

57.Appointment of the adjudicator

58.Powers and duties of adjudicator

59.Advisor and representative

60.Confidentiality

61.Period within which adjudicator must make decision

62.Manner in which adjudicator shall make decision

63.Effect of adjudicators decision

64.Prompt payment of sub- contractors

PART XI

MISCELLANEOUS

65. Levy on imported or exported goods

66. Exemptions
67. Imposition of Levy
68. Key Reporting Timelines
69. Occupational health and safety compliance
70. Code of conduct
71. Imposition of administrative penalties
72. Thresholds
73. Amendment of Schedules
74. Preparation for construction procurement
75. Invitation of tender or expression of interest for construction works contracts
76. Compounding Offences

SCHEDULE I

SCHEDULE II

SCHEDULE III

SCHEDULE IV

SCHEDULE V

In exercise of powers conferred by section 46 of the Construction Industry Act, 2013, the Minister for Public Works and Transport issues the following Regulations-

PART I

PRELIMINARY

Citation and commencement

1. (1) These regulations may be cited as the Construction Industry Council Regulations, 2017
- (2) These Regulations shall come into force on the date of publication.

Interpretation

2. In these regulations unless the context otherwise requires -

“**Act**” means the Construction Industry Council Act, 2013;

“**artisan**” means a person trained in a technical skill especially one that involves undertaking functions by hand;

“**class of construction works**” means a class referred to in schedule VII

“**Council**” means the Construction Industry Council established in terms of Section 3 of the Act;

“**Council Board**” for purposes of these Regulations shall mean the Council as appointed by the Minister in terms of section 6 of the Act;

“**Contractor**” means a person or body of persons who undertakes to execute construction works;

“**Consultancy practice**” means a sole proprietorship, partnership or body corporate providing professional and technical services in the construction industry.

“**Specialist contractor**” means a person or other entity hired specifically to perform part of a construction project in their field of expertise.

“**Joint venture**” means a business in which two or more parties agree to pull their resources for the purpose of executing a specific project.

“**Swazi joint venture**” means a joint venture in which 60% or more of the shares in the joint venture are held by Swazis.

“**Foreign joint venture**” means a joint venture in which less than 60% of the shares in the joint venture are held by a Swazi citizen or company. .

“**Swazi partnership**” means a partnership in which 60% or more of the shares in the partnership are held by Swazis.

“**Foreign partnership**” means a partnership in which less than 60% of the shares are held by a Swazi citizen. “

“**Foreign company**” means

- a) A company incorporated outside Swaziland; or
- b) a company incorporated in Swaziland in which 60% or more of the shares are held by a non-Swazi citizen

“**professional misconduct**” means behaviour which violates the code of conduct outlined in Schedule V.

“**project Owner**” means a person, body of persons or organ of state who enters into a contract with a contractor for the provision of construction works

"**construction work**" means any work in connection with -

- (a) the construction, erection, alteration, renovation, repair, demolition or dismantling of or addition to a building or any similar structure; or
- (b) the construction, erection, maintenance, demolition or dismantling of any bridge, dam, canal, road, railway, runway, sewer or water reticulation system; or the moving of earth, clearing of land, the making of excavation, piling, or any similar civil engineering structure or type of work;

“**Technical Director**” means a director within a construction firm with the relevant qualification and experience in that field with traceable references.

“**Skilled worker**” any worker who has special skill, training, knowledge (usually acquired) and ability in their work.

“**construction site supervisor**” means a person assigned to the construction site by a contractor to supervise construction works;

“**Targeted Partner**” means a partner who has been identified to have significant contribution in a proposed joint venture;

PART II

OFFICES OF THE COUNCIL

Offices of the council

3. (1) The administrative offices of the council shall be headed by the Chief Executive Officer who shall be appointed in terms of Section 18 of the Act.

(2) There shall be appointed such other staff of the Council as the Council Board shall, upon recommendation of the Chief Executive Officer, deem necessary to appoint.

Functions of the Chief Executive Officer

4. The CEO shall be responsible for-

- (a) the day to day administration of the Council offices;
- (b) proper management and safe keeping of assets of the Council;
- (c) the recruiting and discipline of staff of the Council;
- (d) proper handling of funds of the Council and shall particularly ensure that -
 - (i) more than one bank account bank account is opened in the name of the Council with reputable banks within Swaziland;
 - (ii) all funds received on account of the Council are promptly deposited into the bank account of the Council;
 - (iii) proper cash handling procedures and guidelines are in place to prevent loss or misappropriation of funds of the council;
 - (iv) adequately qualified staff is employed to assist in the handling of funds and maintenance of proper accounting records;
 - (v) is opened in the name of the Council where desirable; and
 - (vi) proper accounting records of funds and assets of the council are maintained.

Expenses of the Council

5. (1) All expenses of the Council including salaries and allowances shall be paid out of the funds of the Council.
- (2) The signatories to the Council account shall be the Chairperson, Vice Chairperson of the Council Board, the Chief Executive Officer, the Chief financial officer or any other officer authorised by the Council Board.
- (3) The Council may issue grants to the Architects, Engineers, Surveyors and Allied Professionals Registration Council as requested from time to time.

PART III

REGISTRATION

Application for registration

6. (1) An application for registration as a Contractor shall be made on the prescribed form in Schedule I.
- (2) The application shall be accompanied by:-
- in the case of Contractors and Specialist works contractors;
- (a) Certified copy of company registration documents
 - (b) Certificate of incorporation
 - (c) Memorandum of association
 - (d) Articles of association
 - (e) Form J and Form C
 - (f) Share Certificate (if company has form J only)
 - (g) Certified copy of current trading License
 - (h) Certified copies of ID documents of directors
 - (i) Work Permits of all Foreign Directors, Management, Technical Staff, Artisans (foreign companies).

- (j) Residence Permits of Foreign Directors, Management, And Technical Staff. (Foreign companies).
- (k) Audited financial statements (previous 3 years) for grade 1 and 2, Financial statements for grade 3 to 6
- (l) Proof of financial sponsorship (if any)
- (m) Certificate(s)/letter(s) of completion of projects done (local companies).
- (n) Proof of registration with relevant association
- (o) Academic qualifications and or CV of technical staff or technical directors
- (p) Evidence of current management system used by the Contractor (applicable to contractor grade 1 to 4)
- (q) Profile of completed construction works in the past years
- (r) Evidence of current Health & Safety management system used by the Contractor

3) In the case of individual Artisans;

- a) Certified copy of qualifications and or CV
- b) Certified copy of identity document.
- c) Proof of registration with relevant Association

4) In the case of joint ventures;

- a) Approved Joint Venture Agreement
- b) Valid Construction Industry Council Certificates of all contractors
- c) Evidence of joint venture account with local bank/s

5) An application shall not be considered duly completed for purposes of this regulation, unless all documents are received by the Council.

6) A contractor may be registered in more than one class of construction works but shall only hold one contractor grading designation in relation to a particular class of construction works.

- 7) In the case of any changes in the Partners/Directors, the construction firm shall be required to report to the CIC within one month of the date of such change.
- 8) Change of Shareholding and Mergers shall only be approved by the Council on the authorization by the Swaziland Competition Commission.
- 9) The name, address and other particulars of the Firm/Company should exactly match with those mentioned in all the License/Registrations/Certificates issued by various authorities. It is construction firm's responsibility to keep all the Licences/Registrations/Certificates issued by various authorities up to date. A construction firm should produce all the renewed Licences/Registrations/Certificates to the Council well before their expiry.
- 10) A construction firm shall not be registered in the event that the required documentation is incomplete. In this instance, a construction firm will be allowed two (2) weeks after the closing date to correct or submit the required documentation; thereafter a penalty of 20% will be imposed.
- 11) Construction firms should be registered with Ministry responsible for company registration either as a limited liability company, partnership or sole proprietorship.
- 12) It is mandatory for a construction firm to have a Technical Director as a requirement for registration. The Technical director shall be a share-holder, partner or sole-proprietor with certain minimum technical qualifications in the requisite field of application. For purposes of verification, the contractor will have to submit the necessary academic and professional certificates, Memorandum and Articles of Association in the case of limited liability companies.
- 13) Construction firms will be required to have operational facilities.
- 14) A construction firm that wishes to change categories is free to apply to the Council, and the Council shall grade the construction firm to determine eligibility at the prescribed registration intervals.
- 15) Unfair competition practices within the construction industry will be investigated and penalized accordingly.
- 16) No holding company shall be registered in the same class of works and/or category wherein a subsidiary is already registered and no subsidiary company shall be registered in the same class of works and/or category wherein its holding company is registered.
- 17) No company or holding company registered or unregistered with the Council shall have two or more subsidiaries registered in the same class of works and/or category

- 18) No construction tender shall be awarded and/or lawfully registered if the construction company in the tender and/or a subsidiary of the construction company or a director of the construction company has any direct or indirect shareholding or interest in a consultancy practice that is involved in the project tendered for.
- 19) No construction company shall be registered where a director/s have any direct or indirect shareholding or interest in a consultancy practice and vice versa.

REGISTRATION OF ENTITIES INVOLVED IN CONSTRUCTION WORKS

7. (1) An entity which has a department or section that is involved in construction works shall register with the Council upon payment of a fee to be determined by the Council.
- (2) Entities shall ensure registration with the Council of in-house contractors managing their construction works including design information.
- (3) No entity shall sign or issue construction information without a professional indemnity.
- (4) Entities shall be obliged to comply with all requirements of the Act and these regulations
- (5) At least one person within the institution who is Professionally Qualified in the relevant discipline or disciplines must be professionally registered with the Architects, Engineers, Surveyors and Allied professionals Council.

REGISTRATION OF MEMBERS OF AFFILIATED ASSOCIATIONS

8. (1) Associations which are required to affiliate to the Council in terms of section 32 of the Act shall be registered with the Council upon payment of a registration fee to be determined by Council.
- (2) There shall be collaboration between the Council and construction industry associations on such spheres of operation as the Council and the Associations shall from time to time agree.

REGULATION OF INDUSTRY ASSOCIATIONS

9. (1) The Construction industry Council shall issue a policy to be observed by all construction industry Associations.
- (2) The Construction industry associations are expected to submit to the Council;

- a) constitutions at the end of each second quarter (if revised);
- b) code of Conduct documents at the end of each second quarter (if revised);
- c) membership list, quarterly;
- d) strategic plans at the beginning of each financial year;
- e) Financial Statements no later than six months after the financial year;
- f) proof of existence of operational office

(3) Failure to comply with the above requirements shall result in non-recognition of the Association by the Council which shall also affect its members.

10. GRADING AND CATEGORIZATION OF CONSTRUCTION FIRMS

- (1) The Construction Industry Council is responsible for the grading and categorization of contractors, which shall inform the various stake holders in Swaziland.
- (2) The grading and categorization of contractors is a tool which is used for the quality assurance, capacity and availability of funds to execute projects equivalent to the grading and category where the contractor has been placed.
- (3) The grading and categorization of contractors is an open and systematic way of evaluating and validating contractors in the required parameters for effective and efficient project completion while management health and safety of all risks and environmental impacts related to construction projects.
- (4) The Council shall where relevant consider the following factors in the categorisation process-
 - a) financial capability as determined by the best turnover over a period of three years;
 - b) works capability as determined by the largest contract undertaken in Swaziland over a period of three years;
 - c) available capital as determined by the total equity and retained income or any form of surety from recognised financial institutions;
- 5) The grading and categorisation criteria shall be published from time to time.

Refusal of Applications

11. (1) Where the application is refused by the Council, the reasons for such refusal shall be stated in writing.

(2) The Chief Executive Officer shall convey such decision and reasons to the applicant.

(3) An applicant who is aggrieved by a decision of the Council shall follow the procedure laid down in section 31 of the Act.

REGISTRATION OF A FOREIGN CONTRACTOR

12. (1) A foreign Contractor shall be eligible for registration with the Council on application and payment of the prescribed fees.

(2) An application made under sub regulation 1 shall be accompanied by the following-

- (a) Proof of qualifications of the Contractor or, in the case of a company or firm, proof of qualifications of the directors or members of the firm, as well as the names of nominees of such entities and their qualifications;
- (b) Proof of compliance with the provisions of Section 41 of the Act
- (c) Proof of compliance with tax laws
- (d) Evidence of previous completed projects

(3) The issuance of a registration certificate to a foreign contractor does not qualify as approval to engage a foreign company or firm without the prior written approval of the Council as provided for in Section 40 of the CIC Act 2013.

EMPLOYMENT OF FOREIGNERS

13. (1) A contractor who wishes to employ foreigners in the construction industry shall first apply and obtain approval of the Council.

(2) Foreign Contractors may only tender for contracts above a tender value as determined by the Council from time to time in line with the inflation rate.

APPLICATION FOR APPROVAL TO AWARD CONTRACT TO A FOREIGN COMPANY OR FIRM

14.(1) A person shall, before awarding a contract to a foreign company or firm make application to council in writing and it shall be accompanied by;

(i) Detailed evidence that the skill and capacity requirements for the project has been advertised locally and could not be sourced from local contractors.

(ii) an undertaking that the foreign company or firm shall partner or enter into a joint venture with local companies or Swazi firms for at least forty percent of the value of the contract works for which the award of the contract is sought

(i) an undertaking that the foreign company or firm shall transfer technical skills not available locally to a local person or firm in such manner as the Council may determine from time to time.

(ii) Details of previous projects executed by the foreign contractor and all performance reports for those projects.

(2) The Council may require information or documents, such as scope of work and evaluation report to be submitted, where applicable, which will enable it to determine whether or not the construction work to be awarded can be undertaken by a Swazi company or Swazi firm.

(3) An application under this regulation shall be finalised within 10 working days.

(4) Where an award for a contract is referred to the Council in terms of section 40 of the Act and the Council determines that the construction work to be awarded can be undertaken by a Swazi company or Swazi firm, the Council shall not endorse its approval and the person shall not award the contract to the company or firm.

(5) The Council shall from time to time publish in the gazette any other requirement under this Regulation.

REGISTRATION OF SKILLED CONSTRUCTION WORKERS AND CONSTRUCTION SITE SUPERVISORS

15.(1) A contractor shall register with the Council for data capturing purposes all skilled construction workers and construction site supervisors in terms of regulation 6, with proven profiles of experience and skills with projects profiles where they have participated in the previous years.

(2) The information requested under sub regulation 1 shall be furnished

- a) By the contractor together with the application for registration to the Council and at;
- b) Project registration

(3) CERTIFICATION AND ACCREDITATION OF SKILLED CONSTRUCTION WORKERS AND CONSTRUCTION SITE SUPERVISORS

- a) The Construction Industry Council shall facilitate the accreditation and certification of all construction workers and construction site supervisors in accordance with these regulations.
- b) The Construction Industry Council shall register skilled construction workers under one or more of the classes or works provided in the schedules in these regulations.
- c) A construction worker referred to in a) shall be registered to carry out, or undertake to carry out construction works for or on behalf of another person, for a fixed sum, percentage, value, consideration, wages or other reward.
- d) A construction site supervisor shall be accredited in accordance with these regulations in one or more of the classes of works provided in the schedules in these regulations thereof to undertake supervision and co-ordination of construction workers or other persons undertaking the same class of work for or on behalf of another person for a fixed sum, percentage, or valuable consideration, wages or other reward.

- e) The Council shall accredit a person under this regulation if the person –
- (i) Possesses the qualifications set by the Council for the class of contract works set out in the schedule in this regulations in respect of the application made.
 - (ii) Possesses such other qualifications as, in the opinion of the Council are equivalent to the qualifications specified in (i) above, and has the practical experience to the satisfaction of the Council, whether in Swaziland or elsewhere, to complement such qualifications.
 - (iii) Has otherwise satisfied the Council that he possesses such practical experience, so as to render him competent to be accredited as a construction worker or site supervisor at the discretion of the Council based on Recognition of Previous work experience acquired from previous employment, supported by written references from previous employers.
 - (iv) Has successfully undergone such skills assessment as the Council may conduct for this purpose.
 - (v) Has been found competent in the Written or Verbal and Practical Assessment for all Construction workers and Supervisors done every two (2) years for the purposes of ensuring skills competency within the construction industry.
- f) The Council shall renew accreditation of a construction worker and supervisor if the person –
- (i) Has successfully completed the competency bridging training with an assessment scheduled every (2) years.
 - (ii) Possesses such experience whether in Swaziland or elsewhere s in the opinion of the Council, complements the required qualification and supported by such evidence from previous employers where the person was involved.
 - (iii) Has otherwise satisfied the Council that he possesses such other qualifications or experience, knowledge and skills as, in the opinion of the Council are equivalent to those prescribed in respect of the class applied for.

- g) The Council shall consider the conduct of an applicant based on previous work experience as evidenced in the previous employers reference letter, while making a decision on the accreditation of the applicant and may make inquiries and conduct investigations which are reasonable and appropriate in the circumstances of each case so as to be satisfied of the knowledge, skills and experience of such applicant.
- h) The Council may conduct skills and competency assessment and reference checks while making decision to accredit or renew the accreditation of an applicant.
- i) A person accredited as a construction site supervisor in respect of any of the classes of construction work shall be deemed to have been accredited as a construction worker for the same class.
- j) Every accreditation of a construction worker and supervisor in respect of any of the classes of construction works shall be valid for a period of two years and may be renewed for a similar period.
- k) The Council may reject an application under these regulations if the applicant:
 - (i) Presents false documentation for accreditation.
 - (ii) Knowingly makes use of any documents of accreditation that is false.
 - (iii) Impersonates any other person named in any certificate of accreditation.
- l) A person who presents false documentation under this regulations commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand Emalangeni (E50 000.00) or imprisonment for six (6) months or both.
- m) The Council may suspend or cancel or refuse to accredit any construction worker or site supervisor if –
 - (i) The applicant has knowingly allowed details of such accreditation to be included in the manpower programme for more than one construction works contract or projects carried out at the same time.
 - (ii) Such applicant is convicted of any offence under this regulations.

- (iii) It is in the public interest or national security to do so.
- (iv) For other reasons the Council may determine from time to time.
- n) The Council shall not exercise its powers under (m) unless an opportunity of being heard has been given to such applicant against whom the Council intends to exercise such powers.
- o) An applicant whose accreditation as a construction worker and supervisor is suspended or cancelled under this regulation shall, within fourteen days after notification by the Council of such cancellation, surrender to an authorized officer certificate of accreditation, failing which the applicant shall be guilty of an offence under this regulations.
- p) The Council shall cancel the accreditation of every deceased construction work and construction site supervisor upon notification to the Council or on the Council's own volition.

JOINT VENTURES

16. .(1) The Council may register joint ventures on application made in writing by the persons or entities intending to enter into joint venture agreements.

(2) An application to the Council under sub regulation (1) shall be accompanied by a copy of the joint venture agreement.

(3) Applications under this regulation shall be made to the Council in the prescribed form in Schedule I and on payment of the prescribed fee and shall indicate the category in which each of the joint venture parties is registered.

(4) Joint ventures shall be graded and categorised if they are in the same work discipline and category considering their joint capabilities using the following criteria;

- a) financial capability as determined by the best turnover over a period of three years;
- b) works capability as determined by the largest contract undertaken in Swaziland over a period of three years;
- c) available capital as determined by the total equity and retained income or any form of surety from recognised financial institutions;

(5) Joint ventures that are formed by contractors in different work disciplines and categories shall not be graded and categorised, however they shall only participate on the existing grade.

(6) A foreign joint venture shall be recognised and registered with the Council only when there are no Swazi contractors who can undertake the construction works. The ratio of ownership shall be at least forty thirty percent for the Swazi company.

(7) When there are capable Swazi contractors who can undertake the construction works, only a Swazi joint venture shall be recognised and registered. The ratio of ownership shall be at least sixty percent or more for the local entity.

(8) The profits of the construction works shall be shared in line with the arrangements set out in sub regulation (2).

(9) The employees of the joint venture to which this regulation applies shall be competitively recruited from the local labour market, and recruitment or employment of foreign technical or skilled workers on such contract shall only be done with the approval of the Council where such skills are not available locally.

(10) The Council may give such exemption on this regulation as it deems appropriate.

(11) Joint ventures are eligible to submit tender offers or expressions of interest if-

(a) Every member of the joint venture is a registered contractor in terms of these Regulations and the lead partner has a contractor grading designation in the class of construction works under consideration and possesses the required recognition status.

(b) The category of registration of the joint venture shall be in accordance with schedule VI

(12) Joint venture formation is recognised when;

a) The targeted partner shares in the following aspects of the Joint Venture in an appropriate and meaningful manner, consistent with reasonable business practices:

- Ownership, control, management responsibilities, risks, profits,

b) The targeted partner is responsible for a clearly defined portion of the contract.

c) The targeted partner performs part of the defined portion of the contract for which he is responsible using his own resources or resources hired by him independently of his non-targeted partners.

(13) To be recognized by the Council the joint venture agreement:

- a) Should clearly and comprehensively set out the contributions to be made by each member towards the activities of the joint venture in securing and executing the contract and should allocate monetary values to such contributions
- b) Should record the percentage participation by each member in all aspects of the fortunes of the joint venture, including risks, rewards, losses and liabilities.
- c) Should provide for meaningful input by all members to the policy making and management activities of the joint venture
- d) Should provide for the establishment of a management body for the joint venture;
- e) Should provide measures to limit, as far as possible, losses to the joint venture by the default of a member;
- f) Should promote consensus between the members whilst ensuring that the activities of the joint venture will not be unduly hindered by failure to achieve it;
- g) Should have a local bank account.

RENEWAL OF REGISTRATION

17. (1) Upon the expiry of a certificate of registration in terms of the Act, a registered contractor may apply for renewal on the prescribed form in Schedule I.
- (2) There shall be no automatic renewal, but renewal shall be based on a performance criteria as demonstrated from the previous period.
- (3) An application for renewal of registration shall be accompanied by:-

In the case of contractors and specialist works renewal (local or foreign)

- a) Form J and Form C (if any change of directors)
- b) Certified copy of current trading License or company documents
- c) Certified copies of ID documents of directors (if any change of directors)

- d) Latest Audited financial statements (Grade 1 and 2), financial statements (grade 3-6)
- e) Certificate(s)/letter(s) of completion of projects done (local companies).
- f) Proof of registration with relevant association

(4) In the case of renewal of consultants;

- a) Form J and Form C (if any change of directors)
- b) Certified copy of Trading License
- c) Certified copies of ID documents for directors (if any change of directors)
- d) Proof of registration with Architects Engineers Surveyors Allied Professionals Council.
- e) Proof of registration with relevant association

(5) In the case of renewal of renewal of foreign consultants;

- a) Certified copy of company registration
- b) Certified copies of ID documents(if any change of directors)
- c) Work Permits of all Foreign Directors, Management, Technical Staff;
- d) At least one Technical directors Proof of registration with Architects Engineers Surveyors Allied Professionals Council. in the relevant profession.
- e) Power of Attorney in the case of non-directors

(6) In the case of renewal of individual artisans;

- a) Proof of registration with relevant association
- b) Project performance assessment by clients served over the previous reporting period.

- (7) In the case of renewal of construction and specialist works joint ventures;
- a) valid Construction Industry Council Certificates of all contractors.
 - b) a certified copy of the certificate sought to be renewed;
 - d) proof of payment of the application fee;
 - e) proof of existence of local bank account
 - f) joint venture agreement
- (8) In the case of joint venture consultancy work;
- a) Valid Construction Industry Council Certificate for all consultants.
 - b) a certified copy of the certificate sought to be renewed;
 - c) proof of payment of the application fee;
 - d) local bank account
 - e) joint venture agreement
- (9) Applications for renewal of registration shall be open from the 1st of February to the 14th April of each year. Annual registration certificates shall be issued and a list of registered contractors published in June of each year.
- (10) A contractor who applies for renewal of registration after the 14th April shall pay a penalty of 20% of the registration fees.

18. PAYMENT OF OUTSTANDING FEES ON RENEWAL

- (1) A contractor, who fails to renew registration until it lapses, shall upon application for revival of registration be required to pay all outstanding fees since the lapse or cancellation of registration.
- (2) A contractor may apply to de-register as such and re-apply to register at a later stage and the contractor shall not be required to pay any outstanding registration fees.

(3) An individual or entity whose name has been removed from the register for failure to renew registration shall, when notifying the Registrar of the desire to be reinstated, pay a reinstatement fee to be determined by the Council but shall not exceed the amount equivalent to the annual registration fees.

19. REGISTER OF CONTRACTORS

Particulars to be contained in register of contractors

(1) Register of contractors must, in relation to each contractor registered in terms of these Regulations, reflect-

(a) the name;

(b) the category of registration;

(c) the particulars of the contractor submitted together with the application;

(d) any fees owed by that contractor in terms of these Regulations;

(f) any refund paid to that contractor;

(g) any prohibition or restriction in terms of these Regulations or any other legislation, whether in Swaziland or in another country, regulating procurement of the services or goods from a registered contractor or any principals of that contractor, prohibiting that contractor to submit a tender offer to an organ of state or authorising an organ of state to reject a tender offer from that contractor;

(h) any court finding in terms of regulation 30;

(i) the suspension of the registration or the deregistration of that contractor or the removal of the name of that contractor from the register;

FEES

20. (1) The Council Board shall from time to time prescribe the application, registration and other fees payable under the Act and these regulations.

(2) The Council may allow a new contractor who applies for the first time to pay a pro rata registration fee for the period remaining before the annual renewal of registration.

(3) The Council may from time to time review application, renewal and other fees.

PART VI

QUALIFICATIONS FOR REGISTRATION OF CONTRACTORS

EDUCATIONAL QUALIFICATIONS

21. The qualifications recognized by higher education Council shall be recognized qualifications in the construction industry in Swaziland.

RECOGNIZED EDUCATIONAL INSTITUTIONS

22. (1) The educational institutions as defined and accredited by the Higher Education Council shall be recognized for purposes of qualification in the construction industry.

(2) Any other external person or body of persons wishing to conduct any form of training in the construction industry shall first seek and obtain approval from the Council,

FAILURE TO PRODUCE PROOF OF QUALIFICATIONS

23. A person who fails to produce proof of qualifications in the form of a certificate or other document issued by an educational institution training construction industry personnel shall not be registered by the Council.

PART V

REGISTRATION OF A CONSULTANCY PRACTICE

Application procedure

- 24 (1) (a) An individual, partnership or body corporate desirous of being registered as a consultancy practice shall submit an application to the Council in the prescribed Form in Schedule I.
- b) A Consultancy Practice shall renew its registration every (1) one year.
 - c) Late renewal will carry a penalty of 20% of the renewal fees.
 - d) In the case of joint ventures, any changes in the Partners/Directors shall be reported to the CIC within one month of the date of such change.
 - e) Change of Shareholding and Mergers shall only be approved by the Council on the authorization by the Swaziland Competition Commission.
 - f) The name, address and other particulars of the construction industry practice should exactly match with those mentioned in all the License/Registrations/Certificates issued by various authorities. It is Consultancy Practice's responsibility to keep all the Licenses/Registrations/Certificates issued by various authorities up to date. A consultant should produce all the renewed Licenses/Registrations/Certificates to the CIC well before their expiry.
 - g) A Consultancy Practice should be registered with the Ministry responsible for registration either as a limited liability company, partnership or sole proprietorship.
 - h) In submitting an application for registration, the applicant will be taken to have authorised the CIC to make all necessary enquiries relating to the applicant. Applicants are required to attach scanned references from clients/consultants of the projects.
 - i) A Consultancy Practice should have a staff that is qualified and experienced.
 - j) The Consultancy Practice shall have a full time Principal with a professional qualification that shall be responsible in overseeing the entire operations of the Practice. For purposes of verification, the Consultancy Practice will have to submit the necessary academic and qualification certificates.

- k) At least one person within the Consultancy Practice who is Professionally Qualified in the relevant discipline or disciplines for which the firm is registered for is professionally registered
- l) In the event that the Principal is a foreigner, the following shall be required:
- (i) Certified copy of his or her identity documents.
 - (ii) Certified copies of the qualifications and experience.
 - (iii) Original police clearance report from their country of origin.
 - (iv) Original clearance report from a professional association in which they are affiliated to in their country of origin.
 - (v) Work Permits
 - (vi) Full contact details.
- m) Consultancy Practices will be required to have an established office from which to operate from.
- (2) An application for registration as a consultancy practice shall be accompanied by:-
- (a) An application fee which is not refundable;
 - (b) Proof of registration with the Architects, Engineers, Surveyors and Allied Professionals Council of professional staff;
 - (c) Proof of registration with a relevant association in Swaziland;
 - (d) A labour compliance certificate;
 - (e) Proof of professional indemnity cover in accordance with Schedule IV;
 - (f) Identity documents
 - (g) Work permit
 - (h) Such other document as Council may from time to time prescribe through notice in the gazette.
- (3) Application for registration of foreign consultants shall be accompanied by;
- a. Certified copy of company registration

- b. Memorandum of Association
- c. Articles of Association
- d. Certified copies of ID documents of core directors.
- e. Certified copies of academic qualifications.
- f. Work Permits and/or Residence Permits of all Foreign Directors, Management, Technical Staff,
- g. Proof of registration with professional Regulating Body in the country of origin or any other internationally recognised body.
- h. proof of registration with Architects, Engineers, Surveyors and Allied Professionals Council of persons professionally qualified in that relevant discipline

CERTIFICATE OF REGISTRATION OF A CONSULTANCY PRACTICE

25. (1) When the application made under regulation 24 is approved, the Council shall issue a certificate of registration to the applicant.
- (2) The certificate of registration shall be displayed in a conspicuous place within the premises of the practice.

REQUIREMENTS FOR OPERATING A CONSULTANCY PRACTICE

26. (1) A Consultancy practice practising within Swaziland shall inform the Council in writing of the address from which the practice is conducted, type of practice, names of partners, shareholders, directors, members or trustees as the case may be.
- (2) A consultancy practice shall have a principal who is in possession of a recognised professional qualification relevant to the profession under which the practice is registered.
- (3) A Consultancy practice shall always be under supervision of a professional registered in Swaziland.
- (4) Letterheads of a consultancy practice shall display the names of principals, partners, executive directors, or members together with their membership status.
- (5) Where the principal professional resigns, dies, leaves the practice for any reason, or is incapacitated and such person was the only one qualified to practise as such, the practice

shall be allowed a period of ninety (90) days to find a replacement of such professional provided that the practice shall, within fourteen days, find a surrogate professional for purposes of execution of its projects in the meantime.

(6) Where the practice fails to find a replacement within the specified period the practice shall be suspended from doing any professional work until such professional has been replaced.

TARIFFS FOR CONSULTANCY PRACTICES

27. The Minister shall upon recommendation of the Council publish a tariff of fees for consultants.

PART VI

REGISTRATION OF MANUFACTURERS AND SUPPLIERS OF BUILDING MATERIALS

28. (1) An application for registration as a manufacturer and/or supplier of building materials shall be made on the prescribed form in Schedule I.

(2) The application shall be accompanied by:-

- i) certified copies of identity documents of directors;
- ii) certified copy of work permit if applicant is a foreigner;
- iii) proof of payment of the application fee;
- iv) proof of registration with the relevant association;
- v) Proof of annual turnover of the business; and
- vi) Proof of certification of goods being manufactured or supplied from an accredited laboratory

(3) Grading and categorization of manufactures and suppliers shall be determined by the annual turnover.

PART VII

CANCELLATION OF REGISTRATION

CANCELLATION OR SUSPENSION OF REGISTRATION

29. (1) The Council Board may cancel or suspend the registration of a contractor if –
- (a) Registration was obtained on the basis of incorrect information supplied to the Council;
 - (b) Registration was obtained by fraudulent, other improper means or mistake;
 - (c) The contractor is convicted of an offence prescribed in the Act, or one relevant to registration or the conduct of the contractor's business;
 - (d) The contractor has failed to pay renewal fees or any levies when they fell due; or
 - (e) Upon receipt of notice from any association that the membership of any person or entity has been cancelled or suspended.
 - (f) Upon the confirmation of misconduct of a member or members in line with the requirements of the code of conduct.
- (2) A contractor whose registration has been cancelled in terms of these regulations shall not be entitled to any refund of the registration fees paid.

PROCEDURE FOR SUSPENSION OR CANCELLATION OF REGISTRATION

30. (1) The Council Board shall, before suspending or cancelling any registration, give notice of the intended suspension or cancellation and the reasons thereof to the affected person or entity.
- (2) The notice of intended suspension or cancellation shall invite the person or entity to make written representations in response to the reasons for the contemplated suspension or cancellation within 21 days of service of the notice.
- (3) The Council may where it deems necessary invite the person or entity to make oral representations.
- (4) The Council shall notify the person or entity in writing of the decision taken.

(5) A person or entity aggrieved by the decision of the Council may appeal to the Minister in terms of the Act.

(6) Where the Council contemplates suspension or cancellation of registration of any contractor it shall publish a notice to this effect in a newspaper circulating within Swaziland.

(7) Where the Council suspends or cancels registration for any reason other than the non-payment of a fee, the acceptance by Council of payment of an amount purporting to be such fee shall not alone constitute a revival of registration.

Appeal Procedure

31. (1) A contractor aggrieved by a decision of the Council shall appeal in writing to the Minister.

(2) The Minister may appoint an ad hoc committee to determine the appeal

(3) The Minister shall hear and determine the appeal within 30 working days of its submission;

(4) In determining the appeal the Minister may request the Council to furnish the reasons for the decision appealed against.

(5) The Minister may vary, set aside or confirm the decision of the Council.

REVIVAL OF REGISTRATION

32. (1) A person or entity whose registration is suspended or cancelled for any reason other than the non-payment of renewal fees or levies, may apply to the Council for reinstatement.

(2) The Council may, if satisfied that the reasons which led to the suspension or cancellation of the registration have ceased to exist, restore the registration.

(3) The cancellation or suspension of registration of any person or entity for non-payment of renewal fees or levies shall be revived upon payment of such fees or levies.

PART VIII

CONSTRUCTION INDUSTRY INSPECTORS

APPOINTMENT OF INSPECTORS

33. For purposes of ensuring compliance with the Act and these regulations the Construction Industry Council shall appoint construction industry inspectors who shall perform such functions as may be assigned to them by the Council.

POWERS OF CONSTRUCTION INDUSTRY INSPECTORS

34. (1) A construction industry inspector shall have power to enter any construction site or any establishment involved in the construction industry at any reasonable time and conduct an inspection.

(2) In carrying out an inspection an inspector may demand any information necessary and approvals to establish if the construction works are carried out in compliance with all legal requirements in the construction industry or the construction establishment is operated in compliance with the ~Act or these Regulations.

(3) (a) Every public, private entity and commercial construction site shall have a sign board showing contractors engaged in the project.

(b) The main contractor shall ensure the erection of the sign board referred to in sub paragraph

(4) During site inspection, an inspector may demand any document necessary to show that the contractor is entitled to carry out the construction works being executed in compliance with the CIC Act, that the individuals engaged in the construction works are entitled to do so, and other incidental matters.

OBSTRUCTING AN INSPECTOR

35. Any contractor or other person who obstructs an inspector from carrying out duties by-

- (a) Refusing such inspector an entry into a construction site or construction establishment;
- (b) Deliberately refusing to produce any document lawfully demanded by the inspector; or
- (c) Interfering with the work of the inspector in any other manner, commits an offence and shall be liable on conviction to imprisonment for a period not exceeding twelve months or a fine not exceeding five thousand Emalangeni (E5 000.00) or both such imprisonment and fine.

STOPPAGE OF CONSTRUCTION WORKS

- 36 .(1) The Council shall have power to order the stoppage of construction works or the closure of any construction establishment after due notice where the Council is satisfied that:-
- (a) The contractor has not complied with legal requirements for the execution of the construction works; or
 - (b) Safety measures for the personnel engaged in the construction works and members of the public are not in place.

REGISTER OF PROJECTS

37. (1) The Council shall maintain a register of projects which shall record the following-
- (a) all construction projects of private individuals for personal use in excess of E150 000.00 (one hundred and fifty thousand emalangeni);
 - (b) all public projects and private commercial projects;
 - (c) other construction projects as the Council shall deem appropriate irrespective of the value of the project.
- (2) Every contractor shall, 14 days before the commencement of construction works on any project undertaken by such contractor, ensure that the project is registered with the Council for Construction Levy Assessment.
- (3) Every contractor should possess a levy clearance certificate or preliminary certificate before commencement of construction works

(4) Failure to produce either of the certificates in subsection (3) shall result in stoppage of construction works.

38. DUTIES OF STAKEHOLDERS

1) A Project owner must –

- a) Ensure full registration of project with the Construction Industry Council.
- b) Ensure that all Contractors, Professionals and construction workers appointed for the project have been registered with the Construction Industry Council.
- c) Ensure the availability of an Information Officer for the compilation and reporting on project performance reports monthly and after project completion.
- d) Comply with project levy as contemplated in Levy regulations.
- e) Comply with section 40 of the CIC Act where they intend to award a contract to a foreign contractor

(2). A project owner shall establish and maintain records of;

- a) all construction documents for projects carried out by it and correspondence relating to the project;
- b) all reports made to the Council under these regulations;

(3). The records shall be kept for a minimum period of ten (10) years after the completion of the project;

(4). The records maintained under sub -regulation 2 shall be made available upon request to the CIC for the purpose of ensuring compliance with the Act and Regulations.

(5) A main contractor has an obligation to ensure;

- a) that before commencement of construction works the main contractor or joint ventures are in possession of a valid CIC registration certificate;
- b) that the construction project is registered with CIC before commencement of works
- c) that the project levy is paid as per the Levy Regulations

- d) that all sub-contractors or sub –contractor joint ventures are registered with the Council;
- e) ensure that an approval to engage a foreign contractor has been received from the Council before award of contract to foreign contractor as provided for in section 40 of the Act
- f) ensure erection of sign board on site

6) A Consultant has an obligation to ensure;

- a) that before provision of project services that Consultant is in possession of a valid CIC registration certificate;
- b) that all sub-consultants and joint ventures are registered with the Council;
- c) ensure that an approval to engage a foreign contractor has been received from the Council before award of contract to foreign contractor as provided for in section 40 of the Act
- d) ensure erection of sign board on site

7. Powers to Enforce Compliance

- a) All project owners and contractors shall take all reasonable steps to ensure compliance with its obligations under the Act and these Regulations.
- b) The CIC shall have the powers to audit any construction related records of the contractor or project owner in order to ascertain the level of compliance with the Act and Regulations.
- c) The CIC may direct any project owner or contractor that has, without reasonable cause, failed to comply in whole or in part with any obligations in this regulations or to implement any action plan to ensure compliance with its obligations.
- d) Where a project owner or contractor fails to comply with a directive issued under sub regulation (7c) the Council may, upon application to a Court and satisfying the Court that a project owner has failed without reasonable excuse to comply in whole or in part with any obligation under the Act and regulations, obtain an interdict against that project owner in such terms as the Court deems necessary to enforce compliance with such obligation.
- e) In granting an interdict pursuant to sub regulation (4), the Court may order that should the project owner fail without reasonable excuse to comply with all or any of the

provisions of that interdict such project owner shall pay a financial penalty to be determined by Council.

CONTRACTOR PERFORMANCE

39.(1) The contractor shall perform all operations in line with this regulation and the following assessment parameters of performance shall be used when assessing each contractor:

- a) Compliance to the requirement of testing of all material used during construction.
- b) Time management.
- c) Quality Management System compliance
- d) Health and Safety Management System compliance
- e) Management of site conditions.
- f) Management of subcontractors, including payments.

(2) Subject to sufficient contractor performance reports being available, contractor performance can be used, amongst others, for the purpose of managing procurement risks through:

- a) Assessing the suitability of contractors for pre-qualification.
- b) Selective tender lists.
- c) Expression of interest.
- d) Adjudication for the award of a contract.

(3) Contractor performance reports also allow for the contractor to benchmark its performance against national norms, thus encouraging performance improvement. This regulation sets out –

- a) The process and responsibilities by which the contractor performance report is to be completed.
- b) The information required to support as evidence for the contractor performance report.

- (4) The Contractor performance must be submitted by the reporting officer appointed by the contractor –
- a) Where no dispute exists, within fifteen (15) days of the date of issuance of a certificate of practical completion of a contract.
 - b) Where a dispute exists, within fifteen (15) days of the date of receipt of the outcome of the dispute.
 - c) Where a contract is terminated or abandoned due to poor or non-performance of a contractor, such performance report on the contractor's performance must be recorded in the Construction Industry Council register of projects.
- (5) The reporting officer is responsible for the completion of the contractor performance reports on behalf of the contractor on issuance of a certificate of practical completion.
- (6) Be in a position to make factual assessments against the evaluation criteria in the contractor performance report on the contractor's performance and must-
- a) Be experienced in contract management.
 - b) Have frequent and direct liaison with the contractor.
 - c) Discuss each contractor performance report with the contractor prior to submitting it to the Construction Industry Council for adjudication and confirmation. Records of such discussion must be submitted indicating the attendance and signatures of participants, minutes of meeting where the performance report was discussed and agreed as a true reflection of the performance of the contractor in the contract.
- (7) Where significant differences of opinion exist between the reporting officer and the contractor which cannot be resolved by the parties, the contractor has the opportunity to and independent review of the contractor performance report by a mutually agreed adjudicator.
- (8) The final contractor performance report after adjudication must be signed by the adjudicator and witnessed by reporting officer and contractor prior to presentation of same at the Technical committee.
- (9) Interim Contractor Performance Reports must be completed quarterly on progress meetings between the reporting officer and the contractor and should be filled with the minutes of such meetings and a copy of which must be submitted to the Construction Industry Council for consolidation of quarterly contractor and projects performance.

DISCIPLINARY MEASURES AGAINST CONTRACTORS FOR NON-PERFORMANCE

40. The Construction Industry Council may take actions against contractors registered with the council for non-performance on compliance with these regulations and the code of conduct, where non-performance includes:

- a) Abandoning of a contract in whole or in part before practical completion.
- b) Failure to comply with the conditions of contract and non-achievement of practical completion other than due to reasons caused by the client.
- c) Failure to rectify major construction defects after practical completion but within the defects liability period so as to comply with the conditions of contract.

DISCIPLINARY MEASURES AGAINST CONSULTANTS FOR NON-PERFORMANCE

41. (1) The Construction Industry Council may take actions against consultants registered with the council for non-performance on compliance with these regulations and the code of conduct, where non-performance includes;

- a) Failure to timely deliver on construction required information;
- b) Failure to timely facilitate the procurement and appointment of required contractors;
- c) Flouting of procurement and site rules
- d) Failure to avail services as required to progress project as per the timelines
- e) Delay in facilitation of approval of payment certificates

(2) The following actions must be taken against non-performing registered contractors-

- a) Recovering all costs, losses or damages incurred or suffered as a result of poor performance;
- b) Blacklisting the contractor on database of all procuring entities approved suppliers, and restricting the contractor from obtaining business from any organ of state for a period not exceeding 10 years; and
- c) Convening an inquiry into any breach of the Construction Industry Code of Conduct, and impose sanctions which can include:
 - (i) Removing the name of a contractor from the Construction Industry Council Database.
 - (ii) Issuing a warning, which can remain valid for a period not exceeding one year;
 - (i) Downgrading the contractor's contractor grading category by a maximum of two grades;

- (ii) Imposing a fine not exceeding E100 000.00;
 - (iii) Restricting or prohibiting the contractor from participating in public sector construction works procurement for a maximum of 10 years.
- (3) All issues of non-performance of contractors on contracts issued by clients should first be dealt with in terms of the contractual procedures between the client and the contractor, and should thereafter be referred to the Construction Industry Council in terms of a potential breach of the Construction Industry Code of Conduct.

42. ACCREDITED INDUSTRIAL LABORATORIES

- (1) Accredited industrial laboratories shall be identified by the Construction Industry Council for the use monitoring of construction and building material and related products and quality assurance for all projects registered with the Council.
- (2) All contractors and manufacturers shall at their costs ensure that products and materials are tested and evidence of such test maintained to demonstrate evidence of conformance of products used in the construction of any project within Swaziland, including traceability of same.
- (3) The testing criteria will be as per the relevant testing manual for that particular material. Each batch produced and shall be sampled by the laboratory at random stages of manufacturing and construction to ensure that there is objectivity in the sampling methodology used.
- (4) Where material or product is imported from another country the importing party must notify the laboratory in good time to arrange for a sample to be taken on arrival of the consignment, which shall be quarantine for the duration of analysing the sample.
- (5) Certificate of product conformance with detailed parameters of testing shall be issued by the laboratory to the owner of the sample, such can then be copied to the user and it must have all details of manufacturer, contractors, project (if known).
- (6) Where products have failed the test, the laboratory shall issue a certificate of product non-conformance and the product shall not be allowed to be used or in the event of concrete a strength reinforcement shall be redesigned by a registered concrete engineer and submit to the laboratory another batch for testing.

(7) The laboratory shall be continuously audited by a certification body to ensure integrity and continuous improvement of the processes within the factory in line with the latest technology available in industry.

43. DISPUTE AND CONFLICT RESOLUTION

Dispute and Conflict Resolutions Committee

(1) There shall be established a Disciplinary Committee and Dispute and Conflict Resolutions Committee in terms of section 8(x) and (y) of the Act.

(2) Each Committee which shall be appointed by the Council shall consist of not less than three members with at least one of them being a member of the Council Board who shall be the chairperson.

(3) The Committee shall consist of independent members who have the necessary knowledge and technical understanding of the industry but without conflict of business interest in the sector

44. COMPLAINTS HANDLING PROCEDURE

(1) Complaints shall be brought to the Council within ninety calendar days of the dispute.

(2) Complaints brought to the Council for investigation shall be supported by a sworn statement.

(3) The Council shall validate all received complaints for validity on receipt and acknowledge receipt within ten (10) working days.

(4) The Council shall then appoint an independent ad hoc committee to conduct an investigation and compile findings and recommendations for consideration within thirty (30) calendar days.

(5) The Council shall forward all the details of the complaint and investigation report with findings to the relevant committee being either the Disciplinary Committee or the Dispute and Conflict Resolutions Committee.

(7) Where the Committee decides that the allegations contained in the complaint do not warrant a hearing, it shall not conduct a hearing but refer the matter back to the Council with its findings.

- (8) Where the Committees determines that there are reasonable grounds to pursue the allegations it shall conduct a hearing.
- (9) The Committees shall reach a decision no later than 28 working days after receipt of the findings from ad hoc investigator.
- (10) The Committees shall within 14 working days after the conclusion of the hearing submit to the Council, a written report with recommendations and the Council shall issue a ruling on the matter.
- (11) A party found liable by the Committees may be called upon by the Council to pay the costs of the investigation.
- (12) Any party who is aggrieved by the decision of the Committees shall appeal to the Minister.
- (13) A party who is aggrieved by the decision of the Minister shall appeal to the High Court of Swaziland.

PART X - *PROMPT PAYMENT*

46. Application and definition

- (1) This Part applies to a contract, whether reduced to writing or not, undertaken by private sector and public sector clients.
- (2) This Part applies to any contract, despite the provisions of any of those contracts.
- (3) For the purposes of adjudication in terms of this Part, a "day" means a calendar day.
- (4) This Part shall not apply to any contract entered into before the commencement date of these regulations.

47. PROHIBITION OF CONDITIONAL PAYMENT PROVISIONS

(1) For the purpose of this Regulation, "payer" means any party to a contract who, in terms of that contract has the obligation to pay another party to that contract or a contract relating to that contract.

48. ENTITLEMENT TO PROGRESS PAYMENTS

(1) Notwithstanding anything to the contrary in any contract, any person who has carried out any construction works, or supplied any goods or rendered any services under that contract is entitled to progress payment.

(2) If the contract does not provide for regular and reasonable intervals at which progress payments must be made, a contractor, supplier or service provider may submit monthly invoices or tax invoices in relation to construction works completed, services rendered or goods delivered.

(3) The amount of progress payment to which a person is entitled to under a contract is;

(a) The amount calculated in accordance with the terms of that contract; or

(b) If the contract does not contain such provision, the amount calculated on the basis of the value of the construction work carried out, or the goods or services supplied by the person under that contract.

(4) Construction works carried out, or goods or services supplied in terms of a contract are to be valued;

(a) In accordance with the terms of that contract; or

(b) If that contract does not contain a provision providing for such valuation, having regard to the matters specified in sub-regulation (5).

(5) For the purpose of sub-regulation (4) (b), construction work carried out, or goods or services supplied in terms of a contract are to be valued,

(a) Having regard to;

(i) The contract price for the construction work, goods or services;

(ii) any other rate or price specified in the contract; and

(iii) any variation agreed to by the parties to the contract by which the contract price, or any other rate or price specified in the contract, is to be adjusted by a specific amount; or

(b) in the absence of the matters referred to in sub-paragraphs (i), (ii) and (iii), then having regard to the rates or prices prevailing in the building and construction industry at the time the construction work was carried out, or the goods or services were supplied;

(c) If any part of the construction works, goods or services is defective, having regard to the estimated cost of rectifying the defect; and

(d) In the case of materials or components that are to form part of any building, structure or works arising from the construction works on the basis that the only materials or components to be included in the valuation are those that have become or, on payment, will become the property of the party for whom the construction work is being carried out.

49. *DATE OF LIABILITY FOR PAYMENT*

(1) The date on which payment becomes due and payable is the date determined in the contract.

(2) If such date is not specified in the contract then payment shall be effected not later than 30 days after the date on which the contractor, service provider or supplier has submitted an invoice or tax invoice to the client or employer in relation to construction works, goods or services completed or delivered in accordance with that contract or in accordance with Regulation 39(2).

(3) Where an invoice or tax invoice is not paid within a period of 30 days, a client or employer must in addition to the amount that had become due and payable, pay interest to the contractor, service provider or supplier at the prime rate plus 3%.

(4) Any interest paid in accordance with sub regulation (2) must be disclosed in the financial statements of the client or employer concerned.

50. *NOTICE OF INTENTION TO WITHHOLD PAYMENT*

(1) A party to a contract may not withhold payment other than retention or part of that payment save by operation of law, unless such party has given an effective notice of intention to withhold that payment, or part of that payment.

(2) A party to a contract may not withhold payment in terms of that contract unless the withholding of such payment is justified.

(3) The notice referred to in sub-regulation (1) is considered to be a notice of intention to withhold payment if it complies with the provisions of this Regulation.

(4) To be effective, such a notice shall;

(a) Specify the amount proposed to be withheld and the ground for withholding payment;
or

(b) If there is more than one ground, specify each ground and the amount attributable to that ground;

(c) Be given in accordance with Regulation 45; and

(d) Be given within five days from the date of receipt of the invoice or tax invoice.

(5) If the contractor, service provider or supplier is not satisfied with the reasons provided by the client or employer for withholding payment, or where the contractor, service provider or supplier is of the opinion that the client or employer has not complied with these Regulations, that contractor, service provider or supplier must declare a dispute in terms of the contract and must refer that dispute for adjudication.

(6) Where a dispute is referred to an adjudicator, a client or employer may not withhold payment ;

(a) Where a dispute relates to a technical or legal matter, for the part of the works, deliverables or goods that is not in dispute, even though the works, deliverables or goods form part of a unit within a works schedule;

(b) Where the dispute relates to the invoice or tax invoice, for the part of the invoice that is not in dispute.

(7) Where an adjudicator decides that an amount must be paid in part or in full, that amount must be so paid within ten (10) working days of the decision of the adjudicator.

51. RIGHT TO SUSPEND PERFORMANCE FOR NON-PAYMENT

(1) Where payment due under a contract is not paid in full by the date for payment and no effective notice to withhold payment has been given, the person to whom the payment is due has the right (without prejudice to any other right or remedy) to suspend performance under that contract.

(2) The right to suspend performance may not be exercised without first giving the party in default at least seven *calendar* days' notice of intention to suspend performance, stating the grounds on which it is intended to suspend performance.

(3) The right to suspend performance ceases when the party in default makes payment in full of the amount referred to in the notice in terms of sub-regulation (2), *after which the parties shall revert back to contractual agreement.*

(4) Any period during which performance is suspended in pursuance of the right

conferred by this Regulation is disregarded in computing any contractual time limit, or the time taken, by the party exercising the right or by a third party, to complete any work directly or indirectly affected by the exercise of the right.

(5) A contractor shall be entitled to recover any costs incurred as a result of the suspension of works under this regulation.

52. VALIDITY OF CONTRACT

Subject to these regulations, the failure to comply with a provision of this Part does not render a contract invalid.

53. PROHIBITION

Any provision contained or not disclosed in a contract that excludes or waives any provision of this Part is null and void.

54. SERVICE OF NOTICES

(1) The notice must be served at the addresses of the parties recorded in the contract or if not so recorded, the parties must agree on the manner of service of any notice or other document required or authorised to be served in pursuance of the contract or for any of the purposes of this Part.

(2) If or to the extent that there is no agreement as referred to in sub-regulation (1) the following provisions apply:

(a) a notice or other document may be served on a party to the contract by any effective means.

(b) if a notice or other document is addressed, pre-paid, registered and delivered by post to the addressee's last known principal business address, that notice or other document is considered to have effectively been served.

(3) For the purpose of this regulation, "address" includes an e-mail address and in the case of a notice or other document having been sent to the last known business e-mail address of the person concerned, that notice or document is considered to have been effectively served.

(4) This regulation does not apply to the service of documents for the purposes of legal proceedings, other than adjudication and contractual notices.

55. ADJUDICATION

Right to refer disputes to adjudication

(1) Every contract shall provide for an adjudication procedure, which shall substantially comply with these Regulations and if that contract does not contain such a procedure, or in the case of a verbal contract, the provisions of this Part apply to that contract.

(2) A party to a contract may refer a dispute arising from that contract to adjudication according to a procedure substantially complying with this Part and for the purpose of this Regulation "dispute" includes any difference between the parties in relation to the contract, whether it relates to a technical or legal matter, an invoice or a tax invoice.

(3) A dispute shall be referred to an adjudicator in accordance with the adjudication procedure contemplated in sub-regulation (1).

(4) Notwithstanding a contract having an adjudication procedure that substantially complies with these Regulations, that contract shall;

(a) Enable a party at any time to give notice of intention to refer a dispute to adjudication;

(b) Provide a timetable with the object of securing the appointment of an adjudicator and referral of the dispute to such adjudicator within seven days of the notice of adjudication;

(c) Require the adjudicator to reach a decision within 28 days from the date of the referral notice or a period agreed on by the parties, which period may not exceed 42 days from the date of the referral notice.

56. STATUS OF ADJUDICATION

(1) Any dispute contemplated in Regulation 46 shall be referred to adjudication as contemplated in these Regulations.

(2) Where an adjudicator has made a decision and either party to the dispute is not satisfied with that decision, that party may, refer that dispute to arbitration as contemplated in the Arbitration Act of 1904 or take that decision on review to the High Court.

57. APPOINTMENT OF THE ADJUDICATOR

(1) The Council shall nominate five persons from whom the parties shall elect one for purposes of appointment as an adjudicator. The Council shall then appoint such elected person as an Adjudicator.

(2) The adjudicator is not liable for anything done or omitted in the discharge or purported discharge of his or her functions as adjudicator unless the act or omission is in bad faith, and an employee or agent of the adjudicator is similarly protected from liability.

(3) The parties shall enter into an agreement with the adjudicator for the services rendered and payment arrangements.

58. POWERS AND DUTIES OF ADJUDICATOR

(1) The adjudicator shall;

(a) Act impartially in carrying out the adjudicators duties and shall do so in accordance with any relevant terms of the contract and shall reach a decision in accordance with the applicable law in relation to the contract;

(b) Avoid incurring unnecessary expense; and

(c) Adhere to the rules of natural justice.

(2) The adjudicator may take the initiative in ascertaining the facts and the law necessary to determine the dispute, and shall decide on the procedure to be followed in the adjudication and in particular may;

(a) request any party to the contract to supply such documents as may reasonably be required, including, if so directed, any written statement from any party to that contract supporting or supplementing the referral notice and any other copies of, or relevant extracts from that contract, and such other documents as the referring party intends to rely on;

(b) Decide the language or languages to be used in the adjudication and whether a translation of any document is to be provided and if so by whom;

(c) Meet and question any of the parties to the contract and their representatives;

(d) Subject to obtaining any necessary consent from a third party or parties where necessary, make such site visits and inspections as maybe considered appropriate, whether accompanied by the parties or not;

(e) Subject to obtaining any necessary consent from a third party or parties where necessary, carry out any tests or experiments;

(f) Obtain and consider such representations and submissions as required and, subject to the giving of appropriate notice to the parties, appoint experts, assessors or legal advisers;

(g) Give directions as to the timetable for the adjudication, any deadlines, or limits as to the length of written documents or oral representations to be complied with; and

(h) Issue any other directions relating to the conduct of the adjudication.

(3) The parties shall comply with any request or direction of the adjudicator in relation to the adjudication.

(4) If, without showing sufficient cause, a party fails to comply with any request,

direction or timetable of the adjudicator, or fails to produce any document or written statement requested by the adjudicator, or in any other way fails to comply with a requirement under these provisions relating to the adjudication, the adjudicator may;

(a) Continue the adjudication in the absence of that party or of the document or written statement requested;

(b) Draw such inferences from that failure to comply as the circumstances may, in the adjudicator's opinion, justify; and

(c) Make a decision on the basis of the available information attaching such weight as maybe considered fit to any evidence submitted outside any period requested or directed.

(5) In addition to paragraphs 4 (a) to (c) above, the adjudicator may impose a financial penalty, as maybe considered appropriate, on any party who, without showing sufficient cause, fails to comply with any request, direction or timetable of the adjudicator, or fails to produce any document or written statement requested by the adjudicator, or in any other way fails to comply with a requirement under these provisions relating to the adjudication.

59. ADVISOR AND REPRESENTATIVE

(1) Any party to a dispute may be assisted by, or represented by, such advisers or representatives whether legally qualified or not.

(2) Where an adjudicator is considering oral evidence or representations, a party to the dispute may not be represented by more than one person, unless the adjudicator gives directions to the contrary.

60. CONFIDENTIALITY

The adjudicator and any party to the dispute may not disclose to any other person any information or document provided in connection with the adjudication and which the party supplying it has indicated is to be treated as confidential, except to the extent that it is necessary for the purposes of, or in connection with, the adjudication.

61. PERIOD WITHIN WHICH ADJUDICATOR MUST MAKE DECISION

(1) The adjudicator must reach a decision not later than-

(a) 28 calendar days after receipt of the referral notice;

(b) Such period exceeding 28 calendar days after the referral notice as the parties to the dispute may, agree in terms of this regulation.

(2) Notwithstanding the provisions of these regulations and if the parties agree, the period of adjudication may be extended beyond the period referred to in regulations.

(4) Where the adjudicator undertakes multiple adjudications under the same contract.

(3) Where the adjudicator fails, for any reason, to reach a decision in accordance with these regulations, any of the parties to the dispute may serve a new notice, requesting the appointment of a new adjudicator.

(4) In so far as it is reasonably practicable, the adjudicator who failed to reach a decision and the parties to the dispute shall supply the newly appointed adjudicator with copies of all documents, which were available to that adjudicator.

(5) As soon as possible within 7 days after reaching a decision, the adjudicator shall deliver a copy of that decision to each of the parties to the contract.

(6) The parties shall comply with the decision of the adjudicator immediately on delivery thereof to the parties or within such time prescribed in the decision.

62. MANNER IN WHICH ADJUDICATOR SHALL MAKE DECISION

(1) The adjudicator shall consider any relevant information submitted by any of the parties to the dispute and must make available to them any information to be taken into account in reaching the decision.

(2) The adjudicator shall decide the matters in dispute and may take into account any other matters which the parties to the dispute agree should be within the scope of the adjudication or, which are matters under the contract, which are considered necessarily connected to the dispute, including, but not limited to

(a) opening up, revising and reviewing any decision taken or any certificate given by any person referred to in the contract unless the contract states that the decision or certificate is final and conclusive;

(b) deciding that any of the parties to the dispute is liable to make a payment under the contract and, subject to Regulation 41, when that payment is due and the final date for payment; and

(c) having regard to any term of the contract relating to the payment of interest and subject to these regulations decide the circumstances in which, and the rates at which, and the periods for which simple or compound rates of interest shall be paid.

(3) The adjudicator shall provide written reasons for the decision to the parties to the dispute within 7 calendar days.

(4) The adjudicator may *mero motu*, correct the decision so as to remove a clerical or typographical error arising by accident or omission.

(5) A correction of a decision must be made within seven days of the delivery of the decision to the parties.

(6) Any correction of the decision forms part of the decision.

(7) The adjudicator shall file the decision with the Council and those decisions shall be retained by the Council.

63. EFFECT OF ADJUDICATOR'S DECISION

(1) Notwithstanding any intention to take the decision of an adjudicator on review or on arbitration, the parties shall give effect to the adjudicator's decision within 10 working days from the delivery of that decision.

(2) The decision of an adjudicator constitutes a liquid document or in the case where it orders the payment of an amount of money, a liquidated amount as contemplated in Rule 32 (1) of the High Court Rules.

(3) Where a dispute involves the payment of a sum of money and effect has not been given to the adjudicator's decision, the decision of the adjudicator shall be as effective as a decision of the High Court and shall be presented to the Registrar of the High Court for endorsement as such.

64. PROMPT PAYMENT OF SUB-CONTRACTORS

(1) A contractor shall pay a sub-contractor within 14 days of receipt of payment from the project owner.

(2) Payment not received within the period specified in sub regulation (1) shall attract interest at the rate of prime plus 3% or as per the contract

PART XI

MISCELLANEOUS

LEVY ON IMPORTED OR EXPORTED GOODS

65. (1) The Minister shall, upon the recommendation of the Council, impose by notice published in the gazette a levy on certain building materials imported by contractors.
- (2) For purposes of this regulation 65 a contractor means a person or a body of persons who undertake to execute and complete construction works and excludes a supplier and manufacturer of building materials.

66. EXEMPTIONS

Any project consisting of a contract entered into with a client or employer that does not relate to construction works

- a) Mining processes where there is no construction work performed and are administered by the Minerals and Mining Act.
- b) for any maintenance required to maintain all plant infrastructure in operational condition and any plant modifications necessary for the optimisation of such plant associated with continuous process systems involving chemical works, metallurgical works, oil and gas wells, acid plants, metallurgical machinery, equipment and apparatus, and works necessary for the beneficiation of metals, minerals, rocks, petroleum and organic substances and other chemical processes.
- c) A person requiring exemption from application of the Act and these Regulations shall apply to the Council stating reasons for such request for exemption.

67. IMPOSITION OF LEVY

- (1) The Minister shall from time to time impose a levy on any construction project

68. KEY REPORTING TIMELINES

(1) The contractor shall in relation to a construction works contract registered in terms of these Regulations, within one calendar month of the date -

- (a) Of issue of a final completion certificate;
- (b) On which that contract is renewed;
- (c) On which a contract is cancelled or terminated; and
- (d) Of settling all amounts owing to the contractor in accordance with the contract, as determined by the employer submit a status report to the CIC in the format determined by the CIC.
- (e) Submission of as-built drawings to the client.

(2) A contractor shall notify the CIC of any arbitration entered into or litigation initiated in relation to a construction works contract registered in terms of these Regulations, within one calendar month from the starting date of that arbitration or litigation.

69. OCCUPATIONAL HEALTH AND SAFETY COMPLIANCE

A contractor shall put in place health and safety measures in compliance with the Occupational Health and Safety Act, 2001 or (as amended), Construction regulations and other relevant laws.

70. CODE OF CONDUCT

A person involved in the construction industry shall sign and comply with the Code of Conduct contained in *these regulations*.

71. IMPOSITION OF ADMINISTRATIVE PENALTIES

(1) In line with the provisions of these regulations, the Council may impose penalties as deemed appropriate in respect of any offence committed.

(2) In determining the penalties to be imposed, the Council shall take the following factors into consideration-

- (a) The gravity of the offence;

- (b) That any costs related with the investigation of the offence are recouped from the offender; and
- (c) That the penalty serves to promote compliance and adherence to set standards.

72. THRESHOLDS

Pursuant to sections 8, 9, and 40 of the Act, thresholds for contractors shall be developed and amended from time to time by the Minister on the recommendation of the Council.

73. AMENDMENT OF SCHEDULES

The Minister may, after consultation with the Council, amend any of the Schedules by Notice published in the gazette.

74. PREPARATION FOR CONSTRUCTION PROCUREMENT

1) Every client or employer who is inviting or calls for expression of interest or soliciting competitive tenders shall publish that invitation to tender on the CIC website in accordance with-

- a) If applicable, the Procurement Act, 2011 and any regulation made there under;
- b) Any standard for uniformity in construction procurement published by the CIC from time to time.

2) A client or employer must within 10 working days on award of the contract report the award of a construction works contract on the CIC's website.

75. INVITATION OF TENDER, REQUEST FOR PROPOSAL OR EXPRESSION OF INTEREST FOR CONSTRUCTION WORKS CONTRACTS

- 1) In soliciting a tender offer or expression of interest for a construction works contract, a client or employer shall stipulate that only submissions of tender offers or expression of interest by contractors who are registered in the category of registration required in terms of schedule VII or higher may be evaluated in relation to that contract.
- 2) Where a contract involves construction works over an agreed number of years
 - a) On an “as and when required” basis
 - b) Of a routine nature; or
 - c) Grouped into identifiable and similar components where an instruction to proceed to the construction of the next component is conditional on the successful completion of the previous component, the value of that contract may for the purpose of sub regulation (1), be taken at its annual value.
- 3) The category of registration for contractors whose submissions of tender offers or expressions of interest qualify to be evaluated in terms of sub regulation (1), is -
 - (a) a contractor grade not lower than that derived from-
 - (i) the selection of a single class of construction work that best describes the construction works contract. If more than one class of works equally describes the construction work for which tender offers are invited, then an alternative class of work may also be selected but not more than two classes of work may be so selected;
 - (b) The identification of the tender value range as provided for in schedule VI.

76. Compounding of offences.

- (1) The Council may at any time prior to the commencement of proceedings on certain offences under the Act and these Regulations, compound the offence and order the person to pay a specific sum of money not exceeding the amount of the fine prescribed for that offence.
- (2) The Council shall only compound an offence if the person concerned admits in writing that that person committed the offence.

- (3) Where the Council compounds an offence, such order-
 - (a) shall be in writing and specify the offence committed, the sum of money to be paid, and the due date for the payment, and shall have attached, the written admission of guilt;
 - (b) shall be served on the person who committed the offence;
 - (c) shall be final and not subject to any appeal; and
 - (d) may be enforced in the same manner as an order of a court for the payment of the amount stated in the order.
- (4) Where the Council compounds an offence, the person concerned shall not be liable for prosecution in respect of that offence or to an additional fine.
- (5) If the concerned person does not pay the compounded amount within the time limit stated by the Council, the compounding shall be considered null and void and prosecution shall be carried into effect as well as imposition of additional fines.
- (6) A person aggrieved by a decision of the Council may appeal that decision to the Minister.

SCHEDULE 1

REGISTRATION OF CONSULTANCY PRACTICES

(Please Position Association Stamp on

SECTION A - Type of Application

i) New Application for Registration [] ii) Registration Renewal []

Association Name: _____
Name of Authorised Officer: _____

SECTION B – Business Details

Business Name: _____

Trading Style: _____

Type of Business:

Sole Proprietorship [] Partnership [] Foreign Company []
Subsidiary Company

Public Company [] Private Company []

Other: [] (please specify) _____

Date of Registration of Company: _____

Place of Registration of Company: _____

Company Registration Number: _____

Physical Address in Swaziland: _____

Company Head Office Physical Address: _____

Postal Address: _____

Telephone No.: _____ Fax: _____ Email: _____

Work Discipline Applying for: Civil Engineering [] Architecture []
Quantity Surveying [] Electrical Engineering [] Mechanical
Engineering

Other: [] (Specify) _____

REGISTRATION OF CONSTRUCTION FIRMS AND SPECIALIST WORKS CONTRACTORS

(Please Position Association)

SECTION A - Type of Application

- i) New Application for Registration ii) Additional Work Discipline
iii) Registration Renewal

Association Name: _____

Name of Authorised Officer: _____

SECTION B - Business Details

Business Name s: _____

Trading Style: _____

Type of Business:

- Sole Proprietorship Partnership Foreign Company
Subsidiary Company
Public Company Private Company

Other: (please specify) _____

Date of Registration of Company: _____

Place of Registration of Company: _____

Company Registration Number: _____

Physical Address in Swaziland: _____

Company Head Office Physical Address: _____

Postal Address: _____

Telephone No.: _____ Fax: _____ Email: _____

Present Category Registering for: _____

- Work Discipline Applying for: Buildings Civils Electrical
Mechanical

Specialist : (specify) _____

Business Representative: Name: _____ Position: _____
 _____ Cell No.: _____
 _____ Fax: _____ Email: _____
 _____ Signature: _____

Directorship and Share Dividends

Name of Director(s)/Partners	Nationality	ID/Passport No.	Country of Residence	Cellphone No.	% Shares

SECTION C - Determining Financial Capability

i) Annual Turnover (attach financial statements for the 3 years immediately preceding the application and, if applicable, the description and proof of financial sponsorship).

Financial Year 1 end Total Turnover: _____

Financial Year 2 end Total Turnover: _____

Financial Year 3 end Total Turnover: _____

ii) Financial Value of surety if any: E _____

Indicate the name of the Financial Institution(s): _____

iii) Available Capital E _____ (attach financial statements for the 3 financial years immediately preceding the application)

Applicants Banks

Bank Name	Branch Name	Branch Code	Account Holder Name	Account Number	Account Type	Telephone No.

I/We declare that in the event that the nature of my/our business changes and/or I/we no longer carry out operations in terms of our registration I/we will notify the Construction Industry Council in which case my/our registration may be revoked or my/our classification and categorization may be revised.

Declared at.....this day of20..... by the following, who are duly authorised to sign.

_____	_____	_____
Name (Print)	Signature	Title/Designation

Witnessed by:

_____	_____	_____
Name (Print)	Signature	Title/Designation

REGISTRATION OF INDIVIDUAL ARTISANS

SECTION A - Type of Application

i) New Application for Registration ii) Registration Renewal

(Please Position Association

Association Name: _____

 Name of Authorised Officer: _____

SECTION B - Personal Details

Name(s): _____ Surname: _____
 ID No.: _____ Nationality: _____
 Home Area: _____ Chief: _____ Indvuna: _____

 Temporal Residence Permit No.: _____ Work Permit No.: _____
 Cellphone No.: _____ Fax No.: _____ Email: _____

 Residential Address: _____

 Next of Kin: _____ Relationship: _____ Contact No.: _____
 Nature of Trade/Expertise: _____ (attach proof of qualification)

SECTION C - Education Background

Highest Education Level	Qualifications Attained	Education Institution

SECTION D - References *(list of projects/people that you have undertaken work for)*

Names and Surname	Type of Work Performed	Telephone/Cellphone No.

DECLARATION

I declare that all the particulars and information provided in this application are complete, correct and true and I agree that in the event that any of the particulars or information provided is found to be untrue or fraudulent, my registration as an Individual Artisan with the Construction Industry Council may be revoked.

I also declare that all the documentation that was submitted to the Council for registration is correct and true.

I agree that in the event of revocation of registration, any registration fees paid to the Construction Industry Council shall be forfeited.

I declare that in the event that the nature of my business changes or I no longer carry out operations in terms of my registration I will notify the Construction Industry Council in which case my registration may be revoked or my classification and categorisation may be revised.

Declared at.....this day of20.....

_____	_____	_____
Name (Print)	Signature	Date

Witnessed by:

_____	_____	_____
Name (Print)	Signature	Date

REGISTRATION OF MANUFACTURERS AND SUPPLIERS

(Please Position Association)

SECTION A - Type of Application

i) New Application for Registration ii) Registration Renewal

Association Name: _____

Name of Authorised Officer: _____

SECTION B - Business Details

Business Name _____

Trading Style: _____

Type of Business:

Sole Proprietorship Partnership Foreign Company
Subsidiary Company Public Company Private Company

Other: (please specify) _____

Date of Registration of Company: _____

Place of Registration of Company: _____

Company Registration Number: _____

Tax Registration Number: _____ Physical Address in Swaziland: _____

Company Head Office Physical Address: _____

Postal Address: _____

Telephone No.: _____ Fax: _____ Email: _____

Work Discipline Applying for: Supplier Manufacturer

Business Representative: Name: _____ Position: _____
 _____ Cell No.: _____
 Fax: _____ Email: _____ Signature: _____

Directorship and Share Dividends

Name of Director(s)/Partners	Nationality	ID/Passport No.	Country of Residence	Cellphone No.	% Shares

Section C - Technical Data (*manufacturers and suppliers*)

State details of materials and/or equipment manufactured and/or supplied:

State any attainment or compliance to any Regional and/or International Standards. (*Manufacturers and Suppliers*)

Section D - List of Projects/Clients

Name of Client	Service Provided	Date/Period	Contract Value

Section E - Determining Financial Capability

i) Annual Turnover (*attach financial statements for the 3 years immediately preceding the application and, if applicable, the description and proof of financial sponsorship*).

Financial Year 1 end Total Turnover: _____

Financial Year 2 end Total Turnover: _____

Financial Year 3 end Total Turnover: _____

ii) Financial Value of sponsorship(s) if any: E _____

REGISTRATION OF CONSTRUCTION PROJECTS

SECTION A – Details of Person/Company/Organization liable for Registering Project and Paying Construction Levy

Surname (if individual)
or Company/Organization : _____

Given Names (if individual): _____

ID No. (if Swazi Individual): _____

Passport No. (if non-Swazi Individual): _____

Postal Address: _____

Physical Address : _____

Telephone No.: _____

Fax No.: _____

Cell No.: _____

Authorized Contact Person:

Mr. /Mrs. /Ms.: _____ First Name: _____ Surname: _____

Designation: _____ Tel. No.: _____ Fax No.: _____

Mobile No.: _____ Email Address: _____

SECTION B - Work Discipline

Buildings Civils Electrical Mechanical

Specialist : (specify) _____

Other : (specify) _____

SECTION C – Address of Building/Construction Works

Exact Physical Address: _____

Town: _____

Region: _____

Inkhundla (if applicable) : _____

Name of Main Contractor: _____

Contractor CIC Registration Certificate No.: _____

SECTION D – Details of All Consultancy Firms of Project

Name of Consultancy Firm	Country of Origin	Scope of Work	Contact Details	CIC Registration No.

SECTION E – Details of All Sub-Contractors

Name of Sub-Contractors	Country of Origin	Scope of Work	Contact Details	CIC Registration No.

Name of Supplier	Country of Origin	Scope of Work/Supply	Contact Details	CIC Registration No.

SECTION F – Details of All Suppliers

SECTION G – Details of Project

Bid Reference	
Project Title	
Date of Award	
Brief Description of Project	
Proposed Commencement Date	
Proposed Completion Date	
Client’s Name and Contact Details	
Contract Value (E)	

(Copy of Project Documentation shall be submitted)

SECTION H – Declaration

I/We declare that all the particulars and information provided in this application are complete, correct and true and I/we agree that in the event that any of the aforementioned particulars and information provided is found to be untrue or fraudulent, registration for Levy Payment with the Construction Industry Council will be rejected and any proposed Building/Construction work will be terminated.

I/We declare that in the event that I/We no longer carry out any Construction Work in terms of our registration as Individual/Company/Organization I/we will notify the Construction Industry.

I/We _____ representing _____
name name of company/organization

herein in my capacity as _____, do hereby
certify that I am duly authorized to sign
position

this application for Project Registration and further bind the company/myself to the conditions thereof.

Signed at: _____ on this day _____ of _____ 20 _____.

Signature: _____

Witnessed By:

Name: _____ Signature: _____ Designation: _____

Name (Print)

Signature

Title/Designation

REGISTRATION OF JOINT VENTURE CONTRACTORS

SECTION A - Type of Application

i) New Application for Registration

ii) Annual Registration Renewal

SECTION B - Business Details

Name of Joint Venture: _____

Type of Joint Venture: Swazi/Swazi Swazi/Foreign Foreign/Foreign

Telephone No.: _____ Fax No.: _____ Email Address: _____

Physical Address: _____

Authorized Contact Person:

Mr. /Mrs. /Ms.: _____ First Name: _____ Surname: _____

Designation: _____ Tel. No.: _____ Fax No.: _____

Mobile No.: _____ Email Address: _____

Work Discipline Applying for:

Buildings Civils Electrical Mechanical

Specialist : (specify) _____

Particulars of Joint Venture Parties

Name of Applicants	Country of Origin	Contact Details	CIC Registration No.	% Shareholding

(Copy of Joint Venture Agreement Shall be Submitted)

Technical and Administrative Staff to be deployed on the Project

Category	No.	Sum of Years of Experience
Technical/Supervisory Staff (Diploma Holder)		
Non-Qualified/Technical/Supervisory Staff		
Administrative Staff		
Occupational Safety and Health Officers		
Competent Person for Scaffolding Supervision		

Project Staff (submit certified copies of qualifications and CV where applicable)

Name	Position	Qualification	Years of Experience	Nationality	ID/Passport No.	Activity Responsible for

Labour Force (skilled labour includes Equipment Operators, Craftsman, Masons, Plumbers, etc.)

Gender	Number of Skilled labourers		Number of Unskilled Labourers		TOTAL
	Swazi	Foreign	Swazi	Foreign	
Male					
Female					
TOTAL					

Sub-contractors to be employed on the Project

Name of Sub-contractors	Country of Origin	CIC Registration No.	Description of Works to be undertaken	Contract Value of Works (E)

(State the CIC Reference of each Sub-contractor)

Project Details Bid Reference	
Project Title	
Date of Award	
Brief Description of Project	

Proposed Commencement Date	
Proposed Completion Date	
Client's Name and Contact Details	
Contract Value (€)	

(Copy of Project Documentation shall be submitted)

DECLARATION

I/We declare that all the particulars and information provided in this application are complete, correct and true and we agree that in the event that any of the particulars or information provided is found to be untrue or fraudulent, my/our registration as a contractor with the Construction Industry Council may be revoked.

I/We also declare that all the documentation that was submitted to the Council for registration is correct and true.

I/We agree that in the event of revocation of registration, any registration fees paid to the Construction Industry Council shall be forfeited.

I/We declare that in the event that the nature of my/our business changes and/or I/we no longer carry out operations in terms of our registration I/we will notify the Construction Industry Council in which case my/our registration may be revoked or my/our classification and categorisation may be revised.

Declared at.....this day of20..... by the following, who are duly authorised to sign.

_____	_____	_____
Name (Print)	Signature	Title/Designation

Witnessed by:

_____	_____	_____
Name (Print)	Signature	Title/Designati

SCHEDULE II

MINIMUM INDEMNITY COVER

Minimum Professional Indemnity cover shall be taken out by a company or firm to cover all its professionals. The amount of cover shall be as fixed in the different categorization schedules.

Where a professional practices on his own and is not employed in a company or firm the following minimum indemnity cover shall be taken respectively.

1. Architect	E1 Million
2. Engineer	E1 Million
3. Surveyor	E 1 Million
4. Allied Professional	E1 Million

Temporary registration:

Architect	E2 Million
Engineer	E 2 Million
Surveyor	E 2 Million
Allied Professional	E2 Million

SCHEDULE III

CODE OF CONDUCT

CODE OF CONDUCT FOR THE CONSTRUCTION INDUSTRY

Section 46 (2) (e) provides for the development of a code of conduct for the construction industry.

PREAMBLE

Good corporate governance is accepted worldwide as a foundation that supports competitive advantage in any market. National development is accelerated when business enterprises uphold the key elements of corporate governance namely; discipline, transparency, independence, accountability, responsibility, fairness and social responsibility. In the construction industry, the critical importance of good corporate governance should be appreciated by all stakeholders who should be under obligation to adhere to these provisions. Construction professional service providers are also obliged, in their role as trusted advisers, to assist clients to comply with these provisions. The development of the construction industry will be enhanced when all stakeholders:

1. Have clearly stated and enacted corporate values;
2. Ensure that they perform efficiently, responsibly, accountably, transparently, and with probity;
3. Recognize the legitimacy of interest of defined stakeholders;
4. Engage in long-term relationships;
5. Adopt agreed codes to tackle corruption and persist the enforcement thereof;
6. Give due recognition to the respect for human rights;
7. Respect the well-being of employees by treating them fairly and with cultural sensitivity;
8. Practice and encourage greater environmental and social responsibility;
9. Avoid the use of harmful products and processes;
10. Promote collaborative partnerships with communities;
11. Work to build capacity and recognize need for profitability in the private sector to ensure a vibrant and sustainable industry;
12. Guard against abuse of power by the stronger party in contractual relationships;
13. Recognize the inherently dangerous nature of the industry and give priority to occupational health and the safety of all employees and the public; and

14. Engage with and share best practice.

The Code of Conduct provides a facilitative tool for the achievement of these principles as it represents an important step in the management of integrity and the creation of an environment within which business can be conducted in a fair and transparent manner. The Code further forms an essential first line of defence in combating the scourge of corruption.

1.0 PARTIES INVOLVED IN THE CONSTRUCTION INDUSTRY

This Code of Conduct applies to the various parties involved in all construction works under the Act. The parties that may be directly and indirectly involved include the following:

1.2 Contractor:

A natural or juristic person or partnership who contracts with an employer to perform a contract;

The contract can relate to services, supplies and/or construction works.

1.3 Employer:

A natural or juristic person, partnership, or organ of state entering into the contract with the contractor for the provision of supplies, services, or construction works:

All institutions (a public body including the government and its departments, trading entity and municipalities.) which contract with a contractor are employers. A contractor who engages a supplier, service provider or a subcontractor is also an employer. An employer is often referred to as a "client".

1.4. Procuring Agents:

A natural person in the employ of an employer who acts in their behalf to coordinate the activity of procurement of goods and services.

1.5 Employee:

A natural person in the employ of an agent, contractor, employer, subcontractor or tenderer and who acts on their behalf. Note: An employee includes an official in an organ of state.

1.6 Client/Employer Representative:

Any person who represents the developer on a site and acting as the client's liaison with the contractor.

1.7 Subcontractor:

A natural or juristic person or partnership who is contracted by the contractor to assist the latter in the performance of his contract by providing certain supplies, services, or construction works.

1.8 Tenderer:

A natural or juristic person or partnership who submits a tender offer, an expression of interest or proposal to perform a contract in response to an invitation to do so.

1.9 *Supplier/ Manufacturer*

A natural or juristic person or partnership who manufactures or supplies construction material.

2.0 *PRINCIPLES GOVERNING THE CONDUCT OF PARTIES*

In the interests of a healthy industry that delivers value to clients and society, the parties in any public or private construction contract procurement and execution should in their dealings with each other act in the best interests of the contract and particularly:-

1. Behave equitably, honestly and transparently.
2. Discharge duties and obligations in a timely manner and with integrity.
3. Comply with all applicable legislation and associated regulations.
4. Satisfy all relevant requirements established in procurement documents.
5. Avoid conflicts of interest.
6. Not maliciously or recklessly injure or attempt to injure the reputation of another party.

3.0 *ACCEPTABLE CONDUCT*

The Code of Conduct serves to establish the broad framework within which an action, or default, by any party in the construction industry may be judged. Any action, or default, which conflicts with the code, is unacceptable.

The following examples are not exhaustive, but serve to highlight acceptable actions and defaults that are more commonly encountered.

3.2 *Conduct of the contractor*

The contractor or his employees shall:

1. Act professionally
2. Undertake the contract with the objective of satisfying the requirements of the employer by observing the spirit as well as complying with the letter of the contract and, in pursuit of this objective, co-operate with all other parties in the execution of the project.
3. Aim to meet all statutory and contractual obligations fully and timeously in regard to conditions of employment, occupational health and safety, training, fiscal matters.

4. Not attempt to influence the judgment, or actions, of agents, employees, or representatives by inducements of any sort.
 5. Employ subcontractors only on the basis of fair, unbiased, written subcontracts.
 6. Not engage in unfair or unethical practices in dealings with subcontractors.
 7. Not make spurious claims for additional payment or time extensions to the contract.
 8. Not approach any client/ employer representative directly in connection with a contract, save to clarify on any matter for which such clarification may be sought;
 9. Not undermine the development objectives of the employer through pursuit of interests contrary to the employers' stated objective;
 10. Not engage in collusive practices that have direct or indirect adverse impacts on the cost of the project to the employer.
- 11.** Not engage in fraudulent activities.

3.3 Conduct of the employer

The employer, his employees, or agent shall:-

- 1 Not invite tenders without having a firm intention to proceed with the project.
2. Ensure that the basis on which tenders will be evaluated is clearly set out in the tender documents and that tenders are evaluated and awarded accordingly.
3. Employ contractors only on the basis of fair and equitable written contracts.
4. Not accept gifts, favours or other considerations, from any tenderer or potential tenderer unless it is in line with the gifts policy of the entities.
5. Ensure that all documents relevant to any stage of the tendering process are clear and comprehensive and set out the rights and obligations of all parties.
6. Not breach the confidentiality of information, particularly intellectual property, provided by tenderers in support of their tender submissions.
7. Not engage in unfair or unethical practices in dealings with subcontractors including the practice of trading one subcontractor off against another in an attempt to obtain lower prices.
8. Ensure that all tenderers are fairly treated and that tender offers are evaluated without bias.
9. Ensure that transparency is maintained in the tendering process. This implies, under normal circumstances, inviting tenders as widely and publicly as possible, stating clearly any prequalification criteria and considering only those who qualify, opening tenders in public and reading out /making available key information, such as

tender prices, basic award criteria and times required for completion, and, in due course, making known to unsuccessful tenderers the outcome of the evaluation process.

10. Ensure that obligations in terms of contracts with contractors and agents are carefully and timeously met, particularly in regard to making decisions.

11. Ensure that legal requirements and principles are upheld in relation to safety, health and the environment.

12. Ensure that payments are made regularly and within the agreed time schedule.

3.4 Conduct of procuring agents:

Procuring agents or their employees should comply with the latest version of the Swaziland Public Procurement Regulatory Agency requirements;

3.7 Conduct of tenderer

The tenderer, his employees or agent shall:

1. Not become involved in agreements with other tenderers or potential tenderers, except for the purpose of joint venture formation or collective action to deal with unfair conditions or other faults in documentation.

2. Not exchange information regarding tenders with any other tenderer prior to the closing time and date for tenders.

3. Not knowingly price the tender in such a way as to gain an unfair advantage from an obvious error or oversight, in the tender documents.

4. Not attempt to influence the tender evaluation process.

5. Not approach any procuring agent, representative or employee directly in connection with a tender.

3.8 Conduct of Manufacturer or Supplier

A manufacturer or supplier, their employees or agents shall;

1. Be informed of all product regulations and abide by them.

2. Comply with all product bans and mandatory standards.

3. Market products according to their design and intended use.

4. Be aware of product liability laws and regulations.

4.0 ENFORCEMENT OF THE CODE OF CONDUCT

1. Section 46(2) (e) of the Construction Industry Council Act, 2013 (as amended) makes provision for the development and publishing of this code of conduct and penalties in respect of professional misconduct or other offences committed through a breach of the code of conduct. To this end, the Council may convene and conduct an enquiry into any breach of the Code of Conduct and issue summons to any person to appear in person and/ or produce documents relating to an inquiry.

2. The Council may as appropriate sanction those who breach the code of conduct by:-

- a) Issuing a warning or a fine,
- b) Referring the matter where a breach is in respect of an official, to the employer.
- c) Suspending registration or deregistering contractors or
- f) Referring the matter to a statutory body that has jurisdiction over the matter.

5.0 MONITORING AND EVALUATION

1. The Construction Industry Council will continuously monitor the implementation of the Code of Conduct through existing structures.

2. The Council shall also publish in its annual report a progress on the implementation of the Code for reference by the public and all stakeholders.

6.0 REVIEW OF CODE OF CONDUCT

The Council in collaboration with its stakeholders shall make provision for reviewing the Code from time to time as deemed necessary.

SCHEDULE IV-GRADING AND CATEGORIZATION

Categories for Registration

The categories for Registration will be accorded as detailed below:

- i. General Building works contractors will be registered as either **B1, B2, B3, B4, B5 or B6**.
- ii. General Civil works will be registered as either **C1, C2, C3, C4, C5 or C6**.
- iii. Electrical contracting works will be registered as either **E1, E2, E3 or E4**.
- iv. Mechanical contracting works will be registered as either **M1, M2, M3 or M4**. The categories for registration **B6, C6, E5 and M5** refer to entry point of contractors while **B1, C1, E1 and M1** refer to the largest construction firm in that category.
- v. Foreign construction firms shall be registered as **BF, CF, EF or MF** (F standing for foreign); and joint ventures shall be registered as **BFS, CFS, EFS or MFS** for those between a Foreigner and Swazi (**F** for foreign and **S** for Swazi, and **BSS, CSS, ESS or MSS** for those between two Swazi construction firms. contractors. Joint ventures consisting of foreign construction firms will be registered as **BFF, CFF, ESS or MSS**.
- vi. Specialist works will be registered as follows:
 - Sa - Air conditioning, and refrigerator contractors
 - Sb - Landscaping and gardening works contractors
 - Sc - Shop fitting and carpentry works contractors
 - Sd - Fencing works contractors
 - Se - Tree cutting contractors
 - Sf - Plumbing works contractors
 - Sg - Borehole drilling works contractors
 - Sh - Painting works contractors
 - Si - Bricklaying works contractors
 - Sj - Electrical works contractors
 - Sk - Flooring (tilling and/or terrazzo) works contractors
 - Sl - Water proofing works contractors
 - Sm - Aluminium works, partitions and ceiling works contractors
 - Sn - Premix concrete works contractors
 - So - Security installations, access control, cctv installations contractors
 - Sp - Glazing works contractors
 - Sq - Quarrying and crushing contractors
 - Sr - Mechanical and ventilation contractors
 - St - Exterior decoration contractors
 - Su - Road Signage and markings contractors
 - Sv - Road and highway rehabilitation and maintenance
- vii. Foreign specialists shall have the letter **F** at the end of their registration code, for example **StF** for **foreign exterior decoration contractors**.

Contractor Thresholds

1. Building Works

Category	Maximum Aggregate Value of Contracts (E)
BF	Foreign Firms
B1	No Limit
B2	25 Million
B3	10 Million
B4	5 Million
B5	2 Million
B6	0.5 Million

NB: Foreign Contractors may only tender for contracts above E120 million or below E120 million only where a specialized skill is involved.

2. Civil Works

Category	Maximum Aggregate Value of Contracts (E)
CF	Foreign Firms
C1	No Limit
C2	50 Million
C3	30 Million
C4	15 Million
C5	5 Million
C6	1 Million

NB: Foreign Contractors may only tender for contracts above E200 million or only where a specialized skill is involved.

3. Electrical Works

Category	Maximum Aggregate Value of Contracts (E)
EF	Foreign Firms
E1	No Limit
E2	20 Million
E3	5 Million
E4	2 Million

NB: Foreign Contractors may only tender for contracts above E40 million or only where a specialized skill is involved.

4. Mechanical Works

Category	Maximum Aggregate Value of Contracts (E)
MF	Foreign Firms
M1	No Limit
M2	20 Million
M3	5 Million
M4	2 Million

NB: Foreign Contractors may only tender for contracts above E40 million or only where a specialized skill is involved.

5. Individual Artisans

Individual Artisans shall only be eligible to perform contract amounts with tender value ranges not exceeding E250 000.

6. Joint Venture Building Works

Category	Maximum Aggregate Value of Contracts (E)
JvBF	Foreign Firms
JvB1	No Limit
JvB2	25 Million
JvB3	10 Million
JvB4	5 Million
JvB5	2 Million
JvB6	0.5 Million

7. Joint Venture Civil Works

Category	Maximum Aggregate Value of Contracts (E)
JvCF	Foreign Firms
JvC1	No Limit
JvC2	50 Million
JvC3	30 Million
JvC4	15 Million
JvC5	5 Million
JvC6	0.5 Million

8. Joint Venture Electrical Works

Category	Maximum Aggregate Value of Contracts (E)
JvEF	Foreign Firms
JvE1	No Limit
JvE2	20 Million
JvE3	5 Million
Jv E4	2 Million

9. Joint Venture Mechanical Works

Category	Maximum Aggregate Value of Contracts (E)
JvMF	Foreign Firms
JvM1	No Limit
JvM2	20 Million
JvM3	5 Million
JvM4	2 Million

SCHEDULE V
CLASSES OF CONSTRUCTION WORKS

(a) Building Construction Works

Area of Specialisation	Description
Prefabricated building and industrial plant	Construction of building and industrial plant using prefabricated components and systems.
Steel framed building and industrial plant	Construction of steel framed building and industrial plant including towers.
Restoration and conservation	Building restoration and conservation
General building maintenance and refurbishment	All types of building, fixing partition, roofing and general maintenance of building.
Piling and diaphragm walling	Installation of all types of pilingsheet piles, piling-steel piles, driven precast reinforced and prestressed concrete piles, boredcast in situ piles and timber piles, including other patented piling systems and diaphragm walling works.
Concrete and Construction repairs	Specialisation in works of various construction repairs, refurbishment and reinstatement works including pressure grouting and guniting
Interior decoration	Decoration of building including ceiling panels, partitioning, built-in fitments, furniture, joinery and raised floor works
Waterproofing installation	Waterproofing of basement, roof and wall
Landscaping	Provision of landscaping works including tree planting and turfing
Plumbing and drainage	Installation, repair and servicing of water and gas pipe, sanitary works, plumbing fixtures, mains and drainage.
Signcraft installation	Installation of integrated sign posting system for complexes, airports, shopping centres including setting up of exhibition stand and advertising board
Airport	Terminal building, satellite building, cargo-terminal & warehouse, air traffic control tower, contact pier, passenger loading-bridge, baggage handling system, aircraft/helicopter hangars, rescue and firefighting services building, administrative & commercial buildings and other airport related buildings
Specialised formworks for concrete	Sleep form to building works
Asbestos handling	All building works including demolition and construction where asbestos is used for insulation and coating.

--	--

b) Civil Engineering Construction Works

Areas of Specialisation	Description
Road and pavement construction	Construction of road and road reinstatement, pavement, bus bays, open car park and related works
Bridge construction	Construction of concrete, masonry, timber and steel bridges.
Marine structure	Construction of marine structure including jetty, port, wharf, harbour, sea and river wall and outwall
Water retaining structure	Construction of water retaining structure including dam, reservoir, aquaduct, treatment plant, and pipe laying works
Tunnelling and underpinning	Tunnelling and underpinning works
Irrigation and flood control system	Dredging in canal, river and offshore works, irrigation equipment, filter, pump, water treatment and flood control works/ equipment
Railway track	Installation of railway track, distressing of rail, and track railway signalling
Slope protection system	Slope protection works
Oil and gas pipeline	Installation, maintenance and repair of oil and gas pipeline
Piling and diaphragm walling	Installation of all types of pilingsheet piles, piling-steel piles, driven precast reinforced and prestressed concrete piles; boredcast in situ piles and timber pile including other patented piling systems and diaphragm walling works
Concrete and construction repairs	Specialisation in works of various construction repairs, refurbishment and reinstatement works including pressure grouting and guniting
Geotechnical investigation	Works include sampling, investigation and testing services to determine physical and chemical characteristics of soil, strength and composition, soil stabilisation works including micro piling, ground anchoring, sand drain and ground grouting
Signcraft installation	Installation of integrated sign posting system for complexes, airports, shopping centres, including setting up of exhibition stand and advertising board
Landscaping	. Provision of landscaping works including tree planting and turfing
Offshore construction	Offshore construction and related works
Underwater construction	Underwater construction works
Airport	Taxiway, runway, apron, aircraft parking bay, track transit system, automatic landing system, road network, carpark, pipeline works and other airport related civil engineering works
Reclamation works	Reclamation works including landfill

Sewerage works	. Sewerage and related works, including installation, testing, commissioning, maintenance and repair of plumbing and drainage system
Water supply works	Water supply network works, installation, testing, commissioning, maintenance and repair of domestic and other water supply systems, including pump, piping, valve, riser, sprinkler
General civil engineering works	General civil engineering works including earthwork, subsoil drainage and drain works.
Specialised formwork for concrete	Sleep form to civil engineering works.

(c)Mechanical works

Areas of Specialisation	Description
Air conditioning and ventilation system	Installation, testing, commissioning, maintenance and repairs of air conditioning, refrigeration, cold room, ventilation system and chiller plants used for air-conditioning systems.
Fire prevention and protection system	Installation, testing, commissioning, maintenance and repairs of fire fighting equipment, including pump, piping, hose reel, landing valve, wet and dry riser, alarm, smoke/heat detector, sprinkler, for prevention and protection
. Lift and escalator	Installation, testing, commissioning, maintenance and repairs of lift, escalator, travellator, conveyor system and cranes fixed on top of building such as control tower
Workshop, mill, quarry system	Installation, testing, commissioning, maintenance and repairs of workshop, mill, quarry systems, crushing and screening plant, asphalt mixing plant, materials and handling plant.
Medical equipment	Installation, testing, commissioning, maintenance and repairs of medical equipment including, compressed air system, hot water installation, sterilizer and autoclave, medical gas installation, hydrotherapy system, dental chair and mortuary refrigerator.
Kitchen and laundry equipment	Installation, testing, commissioning, maintenance and repairs of cooking, kitchen, and laundry equipment.
Heat recovery system	Installation, testing, commissioning, maintenance and repairs of boiler plant, heat exchanger, absorption chiller, unfired pressure vessel, hot water and gas system.
Compressor and generator	Installation, testing, commissioning, maintenance and repairs of centrifugal compressor reciprocating compressor, pipeline valves, blowers, liquid ring compressor, oil or gas turbine generator, steam generator, diesel generator, solar photovoltaic, water turbine generator and hybrid system.
Chiller for power generation	Installation, testing, commissioning, maintenance and repairs of gas turbine driven

	chiller, steam turbine driven chiller, centrifugal chiller and chiller plants used for air-conditioning systems.
Specialized fabrication and treatment	Erection, testing, commissioning, maintenance and repairs of exhaust stack, tank, reactor, separator, filter, scrubber, dehydrator, evaporator, piping furnace, grit blasting and painting, hot and cold insulation, flare system, bearing and welding.
Specialized plant	Erection, testing, commissioning, maintenance and repairs of compressor station, metering station, onshore terminal station, cogeneration plant, gas processing plant, LPG, petrochemical plant, oil refinery, aviation refuelling and defueling system, petrol station, heating, ventilation and air conditioning.
Drilling rig	Erection, testing, commissioning, maintenance and repairs of offshore rig (Jack-up tender assisted, drill ship, self-contained/platform rig, semi-submersible) onshore rig, conventional workover rig and swamp barge
Pollution control plant system	. Installation, testing, commissioning, maintenance and repairs of landfill technology, incinerator and oil separators
Miscellaneous mechanical equipment	Installation, testing commissioning, maintenance and repairs of mechanical based systems including pumping installation, sewerage treatment plant installation, rotary pump, reciprocating pump, centrifugal pump, special purpose pump, filter, irrigation equipment and mechanical water treatment equipment.
Plumbing works	Installation, testing, commissioning, maintenance and repairs of domestic water, waste water and LPS gas systems

d) Electrical Works

E 01	Sound system	Public address system, audio visual system, conference system, intercom system and MATV
E 02	Security, safety and surveillance system	Installation, testing, commissioning, maintenance and repairs of security, safety and surveillance systems including security alarm, car park security control and card access control systems, CCTV, sensor/detection systems, vibration monitoring system, gas protection system, platform alarm system, aircraft warning system, fire protection system, earthing and lightning protection
E 03	. Building automation system, energy generation system and building management and maintenance system	Building automation control systems, industrial and process control systems including installation, testing, commissioning, maintenance and repairs of microprocessors or computer based building control system and industrial process control system. Installation,

		testing, commissioning, maintenance and repairs of energy generation systems
E 04	Low voltage installation	General wiring and control system wiring not exceeding 1 kV. Installation, testing, commissioning, maintenance and repairs of low tension overhead lines and underground cabling not exceeding 1 kV, including installation, testing, commissioning, maintenance and repairs of generating plant and equipment not exceeding 1 kV.
E 05	High voltage installation	Installation, testing, commissioning, maintenance and repairs of high voltage equipment and underground cabling, high tension overhead line. including transmission tower exceeding 1 kV and testing, commissioning, maintenance and repairs of generating plant and equipment exceeding 1 kV.
E 06	Specialized lighting system	Installation, testing, commissioning, maintenance and repairs of street lighting, stadium floodlighting, traffic lighting, airfield lighting, high mast lighting, laser system, stage lighting, special effect lighting, platform lighting, petrochemical plant lighting, gas processing plant lighting, oil refinery plant lighting
E 07	Telecommunication installation	Telephone cabling and internal ducting, radio based communicated system, PABX, microwave system, multiplex and signalling, troposcatter system, satellite system, radar surveillance system, data communication equipment, remote subscriber system, vessels and navigational specialized system.
E 08	External telecommunication works	Telecommunication cabling (underground/overhead), manholes, underground ducting/pipes
E 09	Miscellaneous specialisation	Installation, testing, commissioning, maintenance and repairs of surgical/operating theatre table and lights, radiography equipment, nurse call system, electronic scoreboard, uninterruptible power supply (UPS) system, passenger boarding bridges, baggage handling systems, instrument landing systems, visual aids and other airport related equipment and systems.

e) Specialist works

A subset of construction works identified by the CIC that involves specialist capabilities for its execution

Reference	Areas of Specialisation
Sa	Air conditioning, and refrigerator contractors
Sb	Landscaping, irrigation and gardening works contractors
Sc	Shop fitting, timber buildings and carpentry works contractors

Sd	Fencing works contractors
Se	Tree cutting contractors
Sf	Plumbing works contractors
Sg	Borehole drilling works contractors
Sh	Painting works contractors
Si	Bricklaying works contractors
Sj	Electrical works contractors
Sk	Flooring (tilling and/or terrazzo) works contractors
Sl	Water proofing works contractors
Sm	Aluminium works, partitions and ceiling works contractors
Sn	Premix concrete works contractors
So	ICT and Electronic Systems Installations
Sp	Glazing works contractors
Sq	Quarrying and crushing contractors
Sr	Mechanical and ventilation contractors
St	Exterior decoration contractors
Su	Road Signage and markings contractors
Sv	Road and highway rehabilitation and maintenance
Sw	Petro-chemical works
Sx	Fire Prevention and Protection Systems
Sy	Demolition and Blasting
Sz	Structural Steel Fabrication and Erection