

## 2022/2023 FINANCIAL YEAR

### TRANSFORMATION COLLABORATIVE COMMITTEE:

### PROCUREMENT, POLICY, LEGISLATION AND SOCIO-ECONOMIC DEVELOPMENT

## PROGRESS REPORT

DECEMBER 2022

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## **ACRONYMS**

**APP** – Annual Performance Plan

**BEPs** – Built Environment Professions

**CBE** - Council for the Built Environment

**DPWI** - Department of Public Works and Infrastructure

**TCC** - Transformation Collaboration Committee

**ToR** - Terms of Reference

**PPLSED** - Procurement Policy, Legislation and Socio-Economic Development

## 1. Purpose

The purpose of this report is to provide an overview of the activities undertaken by the Procurement, Policy, Legislation and Socio-Economic Development Transformation Collaborative Committee (PPLSED TCC) during Quarter 3 of the 2022/2023 financial year.

## 2. Background

The Council for the Built Environment (CBE) is a statutory body established under the Council for the Built Environment Act (No. 43 of 2000). It is an overarching body that coordinates the following six Councils for the Built Environment Professions - Architecture, Landscape Architecture, Engineering, Property Valuation, Project and Construction Management, and Quantity Surveying – and through memoranda of understanding these also include Town and Regional Planning, Land Surveying and Environmental Assessment. Sections 3(a) and (e) of the CBE Act mandate the CBE to promote and protect the interests of the public and promote appropriate standards of health, safety and environmental protection in the built environment respectively.

In line with the above, the transformation of the Built Environment Professions (BEPs) is one of the key imperatives of the CBE. As per the CBE Strategic Plan, the CBE is to facilitate participation by the BEPs in integrated development in the context of national goals, specifically regarding Transformation as a key priority of the sixth term government. The CBE's third Transformation Indaba, hosted in October 2019, produced a number of key resolutions in relation to challenges impeding Transformation in the sector. The CBE expects to deliver on these resolutions to ensure transformational progress. The main vehicle for driving these activities is the Transformation Collaborative Committees (TCCs), constituted in collaboration with the Department of Public Works and Infrastructure (DPWI) to specifically address these challenges. These TCCs, with support from the DPWI, are commissioned to engage with all relevant departments and industry role players to resolve key challenges identified by stakeholders. These Transformation Collaborative Committees (TCC) comprise the following:

- ✓ **Procurement, Policy, Legislation and Socio-Economic Development (PPLSED)**
- ✓ Women Empowerment and Gender Equality (WEGE)
- ✓ Occupation Specific Dispensation (OSD)
- ✓ Professional Skills and Capacity Development (PSCD)

- ✓ Health, Safety, Public Protection and Universal Access (HSPPUA)

The primary task of the PPLSED TCC is to ensure that procurement systems achieve the transformation goals set out in sections 217(2) and (3) of the Constitution. This TCC investigates and establishes the impact of among others, the Preferential Procurement Policy Framework Regulations in the Built Environment Sector and proposes required procurement reforms. The proposed inputs will be incorporated in the proposed Procurement Bill yet to be adopted by Cabinet. The working committee looked at challenges relating to legislation impacting transformation in the Built Environment and the feasibility of bringing back the Roster system.

### **3. CBE Mid-term Priorities' link to the PPLSED TCC**

In the medium-term the TCC is paying attention to three priorities:

- Transforming the Built Environment
- Producing skilled (fit-for-purpose) Built Environment Professionals
- Expediting the empowerment of women, youth and persons with disabilities

The CBE will drive programmes aimed at:

- ✓ creating economic opportunities for previously disadvantaged groups (professionally registered persons)
- ✓ reforming policies that hinder transformation in the Built Environment

### **4. CBE Mandate Aligned to PPLSED TCC**

The PPLSED TCC is established in terms of the following sections of the Council for the Built Environment (CBE) Act (Act 43 of 2000):

*3(b) promote and maintain a sustainable built environment and natural environment;*

*3(d) facilitate participation by the built environment professions in integrated development in the context of national goals;*

*3(h) serve as a forum where the representatives of the built environment professions may discuss the relevant –*

*(v) legislation impacting on the built environment;*

*4(a) advise Government on any matter falling within the scope of the built environment, including socio-economic development, and for this purpose carry out such investigations as it or the relevant Minister deems necessary*

*4(f) provide advice and consultation on national policy that could impact on the built environment, human resource development in relation to the built environment professions, and the recognition of new professions*

The primary mandate of the Committee is to:

- i. ensure that procurement systems achieve the transformation goals set out in sections 217(2) and (3) of the Constitution
- ii. identify existing gaps in current procurement policies and propose amendments that will achieve primary transformation objectives
- iii. ensure that the proposed Procurement Bill is in line with section 217 of the Constitution in its entirety
- iv. give impetus to the State's mandate in relation to Government's role (Infrastructure)

## **5. PPLSED TCC Quarter 3 Progress Report**

### **5.1 Overview**

There were no TCC stakeholder engagements during this quarter.

### **5.2 Quarterly Progress**

The section below provides an update on progress made by the PPLSED TCC during Quarter 3 of the 2022-2023 financial year (October – December 2022).

#### **5.2.1 NT Response to Infrastructure Procurement Issues including the Revision of Practice Note Number SCM 3 of 2003: Appointment of Consultants – Progress**

There were no engagements during this quarter to contribute towards the revision of the Practice Note.

#### **5.2.2 Policy Workshop on Infrastructure Procurement (three webinars)**

There were no TCC stakeholder engagements during this quarter. Engagements with stakeholders are planned for the fourth quarter.

**5.2.3 Assessing the impact of the Preferential Procurement Policy Framework Regulations in the Built Environment Sector and proposing potentially required reforms. These recommendations should be incorporated into the proposed Procurement Bill currently published for comment.**

The inputs and recommendations into the draft Public Procurement Bill, 2020 were timeously submitted to the National Treasury. There was no further invitation for submissions during this quarter.

**5.2.4 Participation in the National Infrastructure Plan, 2050**

The inputs and recommendations into the draft Public Procurement Bill, 2020 were timeously submitted to Infrastructure South Africa (ISA). There was no further invitation for submissions during this quarter.

**5.2.5 One research report analysing the implementation of legislation and policies impacting the built environment**

The objectives of the programme are to:

- identify and examine key policy frameworks impacting the built environment
- analyse implementation predicaments on key policy frameworks impacting the built environment
- propose alternatives for effective implementation and alignment of policy frameworks impacting the built environment

The quarterly schedule of the programme is as follows:

Quarter 1: Concept Document

Quarters 2 and 3: Draft Report

Quarter 4: Final Report

The possible risk reported was the lack of meaningful participation by relevant stakeholders.

The third quarter target of developing a draft report analysing the implementation of legislation and policies impacting the built environment was achieved.

## **6. Key Issues (Highlights and Challenges)**

### **Highlights**

No highlights during this quarter.

### **Challenges**

There were no identified challenges during the quarter.

## **7. Conclusion and Way Forward**

The committee continues to prioritise initiating engagements with infrastructure departments and implementing agents who require further clarity on policy positions and the roster system. The TCC Workplan document will continue to serve as a tool for monitoring and reporting progress through the financial year.