



nelson mandela bay
M U N I C I P A L I T Y
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**NELSON MANDELA BAY
METROPOLITAN MUNICIPALITY**

**SOCIO-ECONOMIC EMPOWERMENT
POLICY FRAMEWORK -
PROCEDURE MANUAL**

Champion: EPWP UNIT
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GLOSSARY OF TERMS

In this Policy, unless the context indicates otherwise,

‘Accounting Officer’ as defined in the Local Government: Finance Management Act 56 of 2003, in relation to a municipality means the municipal official referred to in section 60 of the Act; or in relation to a municipal entity, means the official of the entity referred to in section 93, and includes a person acting as the Accounting Officer;

‘Council’ refers to the council of the Nelson Mandela Bay Metropolitan Municipality as established in terms of section 18 of the Local Government: Municipal Structures Act 117 of 1998;

‘Full Time Equivalent (FTE)’ is defined as a paid *work opportunity* created for one person on an EPWP Project for a year, whereas:

- (i) One person year is equivalent to 230 person days of work.
- (ii) Person-year of employment is the equivalent of the total number of person days of employment created for a group of employees during the year divided by 230.
- (iii) Tasks completed should be used as a proxy for 8 hours of work per day in the instance of task-rated workers. For example,

Scenario 1: One person must be employed for 230 days straight = 1 FTE.

Scenario 2: If 10 persons are employed for 60 days straight, the total FTE's be (Total number of Persons employed (10) X Total number of days employed (60) = 600 person days then divided by 230 = 3 FTE

“household” refers to a dwelling and all the people who live together in it, considered as a unit;

‘labour-based construction methods’ is defined as a construction method which involves the use of an appropriate mix of labour and machines, with a preference for labour (whereas labour involves the use of hand tools and light plant and equipment) where technically and economically feasible, without compromising the quality of the product.

‘labour-based methods’ refers to working techniques that involve the use of manual labour to execute a project instead of machines;

‘long-term unemployment’ refers to a period of unemployment by those individuals among the unemployed who were without work and trying to find a job or start a business for one or more years;

‘Policy’ refers to the NMBMM Socio-Economic Empowerment Policy Framework;

‘work opportunity’ refers to each incident where paid work is created for a single individual on an EPWP project for any period of time. The same individual may be employed on different projects, in which case each period of employment be counted as a *work opportunity*;

1. INTRODUCTION

Unemployment and poverty are some of the greatest challenges facing South Africa. National government has introduced a number of policy initiatives to uplift communities and empower the citizens of the country. Among them is the Expanded Public Works Program (EPWP) a short- to medium-term programme aimed at alleviating and reducing unemployment through the provision of work opportunities coupled with improving skills levels through education and training, and providing an enabling environment within which industry can flourish. It cuts across all spheres of government and all employment sectors and industries.

The first phase of the EPWP was implemented during 2004-2009 and the second phase be implemented during the period 2009-2014. The shift in focus during the second phase is to create short-term, non-permanent, labour-intensive employment opportunities that provide income to the indigent. The funding of these initiatives is target-based and incentive driven at local government level.

Through the implementation of the EPWP Policy Framework *Council* seeks to support employment creation initiatives and give expression to the NMBMM's commitment to capacity building and socio-economic development within the community it serves. These goals can be realized through *inter alia*, its inclusion of in the IDP and the reorientation of strategic planning and budgets to focus on the creation of work opportunities, particularly for unskilled labour in the infrastructure, environmental, social and non-state sectors. In addition, direct benefits are to be derived from an EPWP approach that is aligned to the National Department of Public Works approaches. The creation of jobs may be converted into monetary rewards, thus providing continued incentives for promoting employment creating opportunities within the NMBMM.

2. OBJECTIVES OF SOCIO-ECONOMIC EMPOWERMENT POLICY FRAMEWORK PROCEDURE MANUAL (SEPFPM)

The purpose of the Socio-economic Empowerment Policy Framework Procedure Manual is to provide step by step guidance for the implementation of the NMBMM Socio-Economic Empowerment Policy, and to sensitise policy implementers to legislation that governs implementation.

3. PLANNING AND BUDGETING

3.1. SOCIO-ECONOMIC EMPOWERMENT PROJECTS INCLUDING EPWP

During the preparation of the Integrated Development Plan (IDP) and Budget of *Council*, Directorates must ensure that socio-economic empowerment is embedded in its planning and design.

An EPWP Project Plan, as defined in terms of the EPWP Incentive Grant Manual must be developed and incorporated into the IDP. The EPWP Project Plan records implementation measures to be taken in order to meet or exceed *Council's* performance target as agreed upon with the National Department of Public Works on an annual basis. It should include the list of EPWP projects to be implemented. The EPWP Project Plan must specify the name, budget, estimated number of *work opportunities* and *full time equivalent* jobs to be created in respect of each EPWP project within directorates.

3.2. FUNDING OF LABOUR-BASED PROJECTS

The capital and maintenance budgets of *Council* will be aligned to programmes that meet social development within the framework of the NMBMM Socio-Economic Empowerment Policy.

3.3. BENEFICIARIES

3.3.1. Intended Beneficiaries

Persons who meet the following criteria be given preference for employment in respect to labour-intensive projects:

- a) Unemployed residents of NMBM, especially persons from designated groups in terms of the Employment Equity Act 55 of 1998.
- b) Only one person per household per project.
- c) Women, persons with a disability, or youth (whereas youth refers to those aged between 18 and 35);
- d) a person from a single and female-headed household; or
- e) a person from a household affected by HIV/AIDS; and/or
- f) a person who has no alternative source of income; and/or
- g) a person who is from a household that has only one person in full-time employment; and/or
- h) a person who is from a household where subsistence agriculture is the primary source of income;
- i) a person who is from a household where the head of the household has less than a primary school education.

Only in instances where no persons from the intended beneficiary list can be recruited, those members of the economically active population employed in part-time work be recruited.

3.3.2. Exclusions

The following persons are excluded from the list of beneficiaries:

- a) Persons under 18 years of age;
- b) Persons in full-time employment or any other form of employment;
- c) Persons who are enlisted on *Council's* 'Assistance to the Poor' register;

- d) Persons who receive a state pension, or any other form of subsistence from the state (except unemployment insurance) or assistance from any other social security system.

3.3.3 Rotational Period of Employment

Persons will be sourced and employed on a rotational basis, per ward, depending on the duration of the project. Rotation may occur cyclically per group for projects with a life span of three months or more as follows:

- a) 3 to 5 months = One Group;
- b) 6 to 8 months = Two Rotational Groups;
- c) 9 to 11 months = Three Rotational Groups;
- d) 12 to 14 months = Four Rotational Groups; and so on.

4. SOCIO-ECONOMIC EMPOWERMENT

4.1. JOB CREATION

All projects undertaken by *Council* will be subject to *labour intensive* design modalities to maximize local supplier development and procurement, the absorption of local labour and the maximizing of meaningful skills development opportunities for unemployed labour, unemployed graduates and FET / University students who require practical workplace experience to meet their course requirements.

4.2. LABOUR-BASED METHODS: PROJECT PLANNING AND DESIGNS

4.2.1 New Infrastructure and Maintenance Projects

Directorates must develop strategies which enable them to implement this *Policy* within the following National Frameworks.

- “Guidance for implementation of infrastructure projects under EPWP, 2nd edition, July 2005”.

- “CIDB Best Practice Guidelines for Labour Based Methods and Technologies for Employment of Labour Intensive Construction Works”
- South African National Standards 1914-5”, Targeted construction procurement – Part 5: Participation of targeted labour” and
- Any other relevant guidelines and national standards as determined by national government from time to time, with respect to infrastructure and housing projects.

Directorates must do so by conducting a pre-feasibility technical analysis to assist them in identifying strategic ways and means to smooth the planning and implementation of projects using labour-based construction methods prior to implementation of such projects.

4.2.2 Labour-based Methods for Other Sectors

When planning and implementing projects, Directorates must conduct a pre-feasibility analysis, to assist them in identifying projects most suited to *labour-based methods prior to implementation of such projects*.

4.2.3 Annual Job Creation Targets

Annual job creation targets must be considered by Directorates prior to the conclusion of the new annual budget and incorporated into the budget preparation and IDP processes.

4.3. SME DEVELOPMENT, ENTREPRENEURSHIP ENHANCEMENT AND LOCAL SUPPLIER DEVELOPMENT

Council develop a Small, Micro Enterprises development strategic framework with the aim of creating and supporting SME’s development, promoting entrepreneurship, and developing and supporting locally based suppliers. Such a strategy must make provision for a coordinated an integrated approach across Directorates.

4.3.1. EPWP Learnership

a) EPWP Learnership for Infrastructure Projects

The EPWP Learnership Programme is an initiative by the National Department of Public Works (NDPW) aimed at producing registered contracting entities qualified to tender in terms of the Construction Industry Development Board (CIDB), Grade 2-3 requirements, and to execute infrastructure works using labour-based construction methods. Such learnerships do not necessarily target the unemployed or unskilled. The learnership programmes target those falling within the affirmative action framework and that have the best chances of succeeding as small contractors and construction site supervisors.

Within the context of the NMBMM, implementation of the EPWP Learnership Programme be in accordance with the National Management Plan, unless otherwise provided for in the *Policy*.

b) Sourcing EPWP Learner Contractors

As part of its capacity development initiative, *Council* will support a Learner Contractor constituted as follows:

1 x persons appointed as a contractor, and

2 x persons appointed as supervisors.

c) Frequency of Sourcing

Council will source and train one Learner Contractor group within the ambit of the institutional learnership programme per financial year within any of the recognized EPWP Sectors.

d) Branding of NMBMM Learnership

For purposes of uniqueness and identification, *Council* will endeavour to brand each learnership group sourced and trained. For example, Bokamoso, Vukuphile, Reaiphidisa, Kgotha-Kgothe, Namolaleuba.

e) EPWP Learnership Training and Mentoring

The EPWP Management Plan for labour-based emerging contractor learnerships stipulate that an agreement must be entered into between the Department of Public Works and the NMBMM. In terms of this Plan, the Department of Public Works will appoint the mentors on behalf of *Council*, however, this arrangements provided little or no assistance to *Council* in the implementation of the EPWP Learnerships in the past. To improve the success of the EPWP based learnership programme, *Council* will endeavour to appoint mentors from the national or provincial mentors database, and in cases where a suitable mentor can not be found, a mentor will be sourced by *Council*.

In order for *Council* to maintain consistency between the learner contractors' class training and practical on-site training, one service provider must be employed for both classroom training and practical on-site training.

f) Finance

To ensure the success of the EPWP based learnership programme, *Council* will endeavour to contract the services of its existing financial service institution(s) to provide a reasonably unconditional service to the learner contractor, where the service of the Department of Public Works arrangement proves to inhibit the success of the said programme.

g) Funding of the Learnership

To ensure the success of EPWP related learnerships, *Council will* make annual budget provisions for the following:

- a) implementation of EPWP Learnerships;
- b) provision of skills development opportunities;
- c) the registration of learnerships;
- d) registration of learner contracting companies with the Department of Education and Training;
- e) provision for mentors and service providers;
- f) any other related costs.

h) Learnership Agreement between *Council* and Learner Contractors

Council will enter into an agreement with each learner contractor detailing the duration of the learnership and any other terms and conditions giving effect to successful implementation.

i) Learner Contractor Financial Control

In order for learnerships to be successful, *Council* will oversee the day to day financial control of learner contracting companies by authorizing and auditing all expenditure transactions of learner contractors until they complete the learnership programme.

4.3.2 Emerging Enterprises

a) Roster of Emerging Enterprises

The *Accounting Officer* will ensure that a roster of emerging enterprises and contractors who are registered companies or entities with CIDB and have a grading for appointment as sub-contractors in all projects is kept.

Preference will be given to emerging enterprises and contractors who are registered with CIDB and having a grading of two or more and have undergone the Vukuphile EPWP Learnership Programme and who obtained at least an NQF 2 and NQF 4 qualification on *labour-based construction methods*.

b) Emerging Enterprise Support and Development Strategy

Directorates will develop and support emerging enterprises by developing a Sub-contracting Emerging Enterprises Support and Development Strategy as described in the “South African National Standards 1914-1, Targeted construction procurement – Part 1: Participation of targeted enterprises” and/or any other relevant framework available to inform the institutional SMME development strategy.

This strategy must be included in all tender and contract documents.

4.4. PREFERENTIAL PROCUREMENT

The EPWP Unit will, together with the Supply Chain Management Unit, review where necessary the procurement policies of *Council* to make specific provision for the preferential procurement of services from suppliers who demonstrate the maximum use of *labour intensive methods*, local supplier development and skills transfer and development opportunities for residents of the NMBMM.

As an evaluation criterion in respect of projects outsourced by *Council*, priority will be given to tenderers who demonstrate commitment to the maximization of absorption of local labour and the maximizing of meaningful skills development opportunities for unemployed labour, unemployed graduates and FET / University students who require practical workplace experience to meet their course requirements – in as far as it complies with the NMBM Supply Chain Management Policy.

5. TENDER AND CONTRACT DOCUMENTATION

5.1 TENDER ADVERTISEMENT

Directorates will ensure that all tender advertisements inform potential bidders of NMBMM requirements pertaining to the advertised project. **Annexure A** provides an example of such a tender notification.

5.2 CONTRACT DOCUMENTS

Directorates will ensure that tender and contract documents for all projects are prepared to accommodate the use of *labour-based methods* prior to the implementation of such projects within the following National Frameworks or any other frameworks that may be developed from time to time, including:

- “Guidance for implementation of infrastructure projects under EPWP, 2nd edition, July 2005”.
- “CIDB Best Practice Guidelines for Labour Based Methods and Technologies for Employment of Labour Intensive Construction Works and South African National Standards 1914-5, Targeted construction procurement – Part 5: Participation of targeted labour”, and
- any other relevant guidelines and/or national standards determined by national government from time to time, with respect to infrastructure and housing projects.
- Listing of prospective suppliers in accordance with the NMBM Supply Chain Management Policy.

Annexure B provides an example of a contract to appoint a suitably qualified service provider.

5.3 ESTIMATED NUMBER OF JOBS TO BE CREATED

Directorates will conduct pre-feasibility technical analysis to assist them to estimate the total number of job opportunities to be created per project relative to the budget allocation of that project using labour-based construction methods prior to implementation of such projects.

The estimated number of job opportunities to be created including the expected monetary value must be included in the tender document.

5.4 EPWP SKILLS COMPETENCY REQUIREMENTS

Directorates will ensure that when soliciting tenders from service providers and contractors that, only those who have in their employ staff members who satisfy labour based competency requirements are eligible to be employed to work on labour based projects.

The above mentioned condition must also be emphasized in the conditions of tender as required in terms of *Annexure F* of the *CIDB Standard Conditions of Tender* for both service providers and contractors.

5.4.1 NMBMM Employees

All municipal officials working on labour based projects must meet the set labour based skills requirements and the implementing directorate must ensure that such officials comply with the requisite skills requirements as set out in **Table 1** below.

Table 1: Municipal Officials: EPWP Skills Requirements		
Personnel	NQF Level	Unit Standard Title
Senior Management and Professionals	7	Develop and promote LI construction strategies
Middle (technical)	5	Manage LI projects
Middle (admin)	5	Manage LI projects

5.4.2 Consultants

Directorates must ensure that persons responsible for the design, documentation and administration of labour-based works must have completed, or be registered on a skills programme for NQF level 7 and 5 respectively as illustrated in **Table 2** below.

Table 2: EPWP Skills Programme for persons responsible for design, documentation and administration of EPWP projects

Personnel	NQF Level	Unit Standard Title	Skills Programme Description
Administrator/Site Supervisor.	5	Manage Labour intensive Construction Projects	Supervisor Skills Programme against this single unit standard
Designer	7	Develop and Promote Labour-Based Construction Strategies	Skills Programme against this single unit standard

5.4.3 Contractors

Directorates must ensure that:

- Contractors having a CIDB contractor grading designation of 5CE and higher will only engage supervisory and management staff in *labour-based* works who have either completed, or for the period 1 April 2004 to 30 June 2006, are registered for training towards, the skills programme outlined in Table 3 below.
- Contractors having a CIDB contractor grading designation of 1CE, 2CE, 3CE and 4CE will have personally completed, or for the period 1 April 2004 to 30 June 2006 was registered on a skills programme for the NQF level 2 unit standard as outlined in the **Table 3** below.
- All other site supervisory staff in the employ of emerging contractors must have completed, or for the period 1 April 2004 to 30 June 2006 have be registered on a skills programme for the NQF level 2 unit standards or NQF level 4 unit standards as outlined in **Table 3** below.

Table 3: Contractors: Skills programme for Supervisory and Managerial Staff			
Personnel	NQF Level	Unit Standard titles	Skills programme description
Team Leader / Supervisor	2	Apply labour intensive construction systems and techniques to work activities	This unit standard must be completed, and Any one of the 3 listed unit standards must be completed
		Use labour intensive construction methods to construct and maintain roads and stormwater drainage	
		Use labour intensive construction methods to construct and maintain water and sanitation services	
		Use labour intensive construction methods to construct, repair and maintain structures	
Foreman / Supervisor	4	Implement labour intensive construction systems and techniques	This unit standard must be completed, and Any one of the 3 listed unit standards must be completed
		Use labour intensive construction methods to construct and maintain roads and stormwater drainage	
		Use labour intensive construction methods to construct and maintain water and sanitation services	
		Use labour intensive construction methods to construct, repair and maintain structures	
Site Agent / Manager (i.e. the Contractor's most senior representative is resident on the site)	5	Manage labour intensive construction procedures	Skills programme against this single unit standard

5.5 SKILLS DEVELOPMENT AND TRAINING

All conditions of skills development and training as detailed under clauses 6.4 to 6.5 below must be included in the tender document.

6. TRAINING AND SKILLS DEVELOPMENT

The directorate responsible for skills development and training within *Council*, will develop a Skills Development Strategic Framework with the aim of providing a coordinated and integrated approach in skills development and training across all Directorates within NMBMM.

6.1 TYPE OF SKILLS

Directorates will conduct a pre-feasibility technical analysis in all projects with the view to identify skills development opportunities, which may include labour-based

construction methods prior to implementation of such projects and such skills development opportunities will include:

6.1.1 Credit Bearing Skills: Formal

These are occupation specific and accredited against registered unit standards on the National Qualifications Framework or against Department of Labour registered courses.

6.1.2 Learnerships / Apprenticeships

These are skills leading to a formal qualification registered on the South African National Qualifications Framework.

6.1.3 Structured Workplace Experiential Training

Council will make experiential learning opportunities available to graduates and/or students within its broader training and development framework. This initiative must be implemented in accordance with the relevant institutional and ETQA (Education, Training Quality Assurance Authority) guidelines and criteria.

6.1.4 Recognition of Prior Learning

Council will seek to maximize opportunities for recognition of prior learning of workers who have the requisite skills, experience and knowledge but lack the formal qualifications. Such initiatives may include RPL / Section 28 Trade Testing for mature candidates who are ready to sit for the relevant trade tests, and RPL against specific unit standards and qualifications registered on the NQF (National Qualifications Framework).

6.1.5 Internship

Council will assist unemployed graduates through its institutional internship and unemployed graduate programmes to achieve professional registration status within the relevant professional bodies.

6.1.6 HIV/Aids Awareness, Financial Life Skills and Science and Technology

At minimum, all skills development interventions, regardless of its duration or level will at all times include HIV/AIDS awareness training, financial life skills and science and technology training relevant to the level of the training programme. Where beneficiaries are below ABET 4-level, ABET training in literacy / numeracy will be supplied at the relevant ABET level for progression by at least one level per 100 days of employment.

6.2 TRAINING OPPORTUNITY MATRIX: QUALITY CONTROL AND TRACKING

Based on the skills development opportunities identified in the projects commissioned by *Council*, the EPWP Unit in consultation with *Council's* Skills Development Unit will develop a skills progression matrix to facilitate the co-ordinated management across all Directorates to track and ensure best quality on training provided through projects undertaken by *Council* in support of *Council's* skills development initiatives with the view of ensuring that all beneficiaries in terms of *Council's* skills development initiatives receive meaningful training of acceptable quality, certification and formal recognition of skills attained in accordance with the NLRD (National Learner Record Database) modalities and reasonable skills progression opportunities.

6.3 COMPANY TAX GRANTS

The implementation of the *Policy* with respect to learnerships and apprenticeships will attract specific company tax grants in accordance with prevailing South African Revenue Services policy and the provisions of the Skills Development Levies Act.

Service providers and contractors appointed by *Council* be eligible for net tax grants from relevant SETA and will remain responsible for applying for the tax grants and any discretionary or mandatory grants from the relevant SETA.

Upon the receipt of such grants, including the gainful employment grant, learnerships allowances / apprenticeship stipends and the net effect of tax grants, appointed service providers and contractors must be declared to *Council* together with an indication whether training grants received are sufficient to meet the training obligations arising from the contract. In cases where no grants were received from the relevant SETA or grants received are insufficient to cover training costs the contractor must provide *Council* with proof that every reasonable avenue were pursued to source adequate funding for training initiatives before the contractor may apply for a training grant from *Council*.

6.4 PROVISION FUNDING: TRAINING

Provision for training will be made in the tender document for budgetary purposes only and for ease of availability of information if and when the need arises.

6.5 TRAINING OPPORTUNITIES MATRIX: PROVISION TENDER DOCUMENT

The training opportunities matrix applicable to a specific project must be included in the tender documents package, together with the specific training performance criteria that be applicable to the contract, *Council's* training grant policy, criteria and standard grant rates.

7. ROLES AND RESPONSIBILITIES

7.1 COUNCIL

The role of *Council* is to ensure political oversight with respect to adherence to national, provincial and local government EPWP regulatory frameworks and the implementation of this *Policy* including Reporting.

7.2 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

The role of the Municipal Public Accounts Committee to monitor and provide oversight in respect of the performance of *Council's* Socio-Economic Empowerment Initiative on behalf of *Council*.

7.3 MAYORAL AND EXECUTIVE MAYORAL COMMITTEE

The role of the Executive Mayor, supported by the Executive Mayoral Committee is to:

- a) Provide political leadership, oversight and to monitor the successful implementation of the *Policy*.
- b) Ensure that communities within *Council's* area of jurisdiction are aware of and understand the aims and objectives *Policy* while securing community buy-in.
- c) Advise *Council* of the *Policy's* implementation progress.

7.4 STANDING COMMITTEES

The role of Standing Committees is to provide political leadership while monitoring the implementation of the *Policy* and to inform the Mayor of its implementation progress.

7.5 COMMUNITY PARTICIPATION STRUCTURES/WARD COMMITTEES

The purpose of these structures is to ensure that:

- a) Community participation structures involved in any project implementation adhere to the *Policy* and any other *Council* policy that promote the objectives of this policy, and support and promote public participation within the NMBMM;
- b) Sufficient community buy-in is achieved with respect to *Council's* Socio-Economic Empowerment initiatives.
- c) The *Policy's* aims and objectives are supported to achieve its success.

7.6 ACCOUNTING OFFICER

The role of the *Accounting Officer* is to:

- a) Champion the development of the *Policy*;
- b) Monitor the implementation and performance of the *Policy*;
- c) Inform *Council* of the successes and short-comings of the *Policy* and make recommendations with respect to its improvements;
- d) Ensure that, where necessary, the duty to implement, monitor and review the *Policy* is delegated appropriately.

7.7 CHIEF FINANCIAL OFFICER

The role of the Chief Financial Officer is to:

- a) Ensure that the Supply Chain Management (SCM) Policy advances the successful implementation of the *Policy*.
- b) Ring-fence EPWP incentive grants;
- c) Ensure optimum achievement of incentive grants.

7.8 CHIEF OPERATING OFFICER

The role of the Chief Operating Officer is to:

- a) Sufficiently support the EPWP Unit to enable it to meet its institutional mandate.

- b) Develop change management initiatives with the aim of managing change from current initiatives to new approaches with respect to the successful implementation of the *Policy*.
- c) Manage the *Policy* implementation process and monitor compliance.
- d) Set and include key performance indicators in Executive Directors' performance agreements in line with *Councils'* performance management system.
- e) Report to the *Accounting Officer* with respect to EPWP achievements and challenges.

7.9 EXECUTIVE DIRECTORS

The role of each Executive Director is to:

- a) Develop suitable implementation plans in order to ensure the successful implementation of the *Policy*.
- b) Ensure that reporting systems are in place.
- c) Evaluate and monitor the performance of implementation plans against the overall objectives of the *Policy*.
- d) Set key performance indicators against key performance areas in line with the NMBMM IDP.
- e) Ensure that reporting frameworks are adhered to in line with the Socio-economic Empowerment Policy Framework Procedure Manual.
- f) Establish and compare socio-economic benchmarks with other metropolitan municipalities, provincial and national government departments.
- g) Ensure that appointed consultants and service providers meet EPWP skills competency requirements.
- h) Ensure that specific conditions related to job creation, skills development and training are included in all tender and contract documents.
- i) Ensure that all NMBMM employees responsible for and involved in projects meet the EPWP skills competency requirements.

7.10 SUPPLY CHAIN MANAGEMENT UNIT

The role of this Unit is to ensure that an enabling environment is created to allow the successful implementation of the *Policy* by:

- a) Reviewing where necessary the Supply Chain Management Policy of *Council* to make specific provision for the preferential procurement of services from tenders who evidence the maximum use of *labour-based methods*, local suppliers development and skills transfer and development opportunities for residents of the NMBMM.
- b) Allowing as an evaluation criterion in respect of projects outsourced by *Council*, priority to be given to tenderers who evidence demonstrable commitment to the maximization of absorption of local labour and the maximizing of meaningful skills development opportunities for unemployed labour, unemployed graduates and FET / University students who require practical workplace experience to meet their course requirements.

7.11 EPWP UNIT

The role of this Unit is to:

- a) Develop an implementation framework for the *Policy* that is aimed at providing a coordinated and integrated approach.
- b) Attend all *Council* Pre-Bid Specification Committee meetings to ensure that all tenders comply with the requirements of the *Policy*.
- c) Provide support to all Directorates in implementing the *Policy*.
- d) Report on the achievement of socio-economic development successes and challenges within the framework provided by the EPWP and the *Policy*.
- e) Monitor adherence to employment regulations.
- f) Provide oversight on monitoring and reporting.
- g) Undertake a quarterly comparative analysis of job creation with other metropolitan municipalities, and provincial and national government departments.

- h) Monitor reporting by directorates to their respective Standing Committees.
- i) Liaise with and where feasible conclude agreements with relevant national and provincial government departments with regard to job creation, skills development and training.
- j) Represent *Council* in accordance with delegated authority at relevant provincial and national forums dealing with issues relating to job creation, skills development and training.

7.12 SERVICE PROVIDERS AND CONSULTANTS

Appointed service providers and their appointed consultants will:

- a) ensure that all conditions outlined in their appointment letters are adhered to;
- b) plan, design, and administer the implementation of all projects that they are responsible for in accordance with labour based best practices and EPWP guidelines and/or regulations;
- c) ensure that all tender and contract documents include conditions governing:
 - o job creation opportunities;
 - o skills development and training;
 - o labour-based best practices.
- d) ensure that all documents are prepared and submitted in terms of the requirements outlined in the *Policy*;
- e) absorb and mentor university students thus facilitating the achievement of practical on the job experience;
- f) ensure contractors assist and mentor FET College students towards qualified Artisans;
- g) encourage its own staff and contractors personnel to complete required NQF level qualification to comply with labour best practices;
- h) ensure that all requirements for preparation and submission of reports by contractors are included in all tender and contract documents;
- i) ensure that contractors submit reports in terms of h) above timeously and failing to do so suspensive clauses governing reporting prevail.

7.13 CONTRACTORS

- Strive for the successful implementation of the *Policy*.
- Comply with all contractual obligations of the contract they are executing on behalf of *Council*.
- Employ and train local labour in line with requirements of the *Policy*.
- Comply with regulations governing employment and training of labour.

7.14 NATIONAL AND PROVINCIAL GOVERNMENTS

During the implementation of the *Policy*, cognizance must be taken of the roles and responsibilities of National and Provincial Governments, which include:

- a) Providing overall coordination through National Public Works;
- b) Coordinating the infrastructure sector through the Department of Public Works;
- c) Coordinating the Environment and Culture and Social sectors through the Department of Environmental Affairs and Tourism (DEAT) and the Department of Social Development (DSD) respectively.
- d) Ensuring the effective implementation of the programme through the National Public Works which is responsible for coordination as follows:
 - A Public Works Intergovernmental Forum focuses on coordinating the programme across all government spheres and sectors at an executive level;
 - A Public Works Head of Department Committee focuses on provincial implementation challenges;
 - A national EPWP coordinating committee - a technical working committee with sector and provincial representation aimed at assisting strategies for implementation, expansion and funding is developed and taken forward.
- e) Manage a range of agreements to be concluded to ensure the commitment by all spheres of government to their respective targets. These overall commitments be strengthened by the signing of Intergovernmental

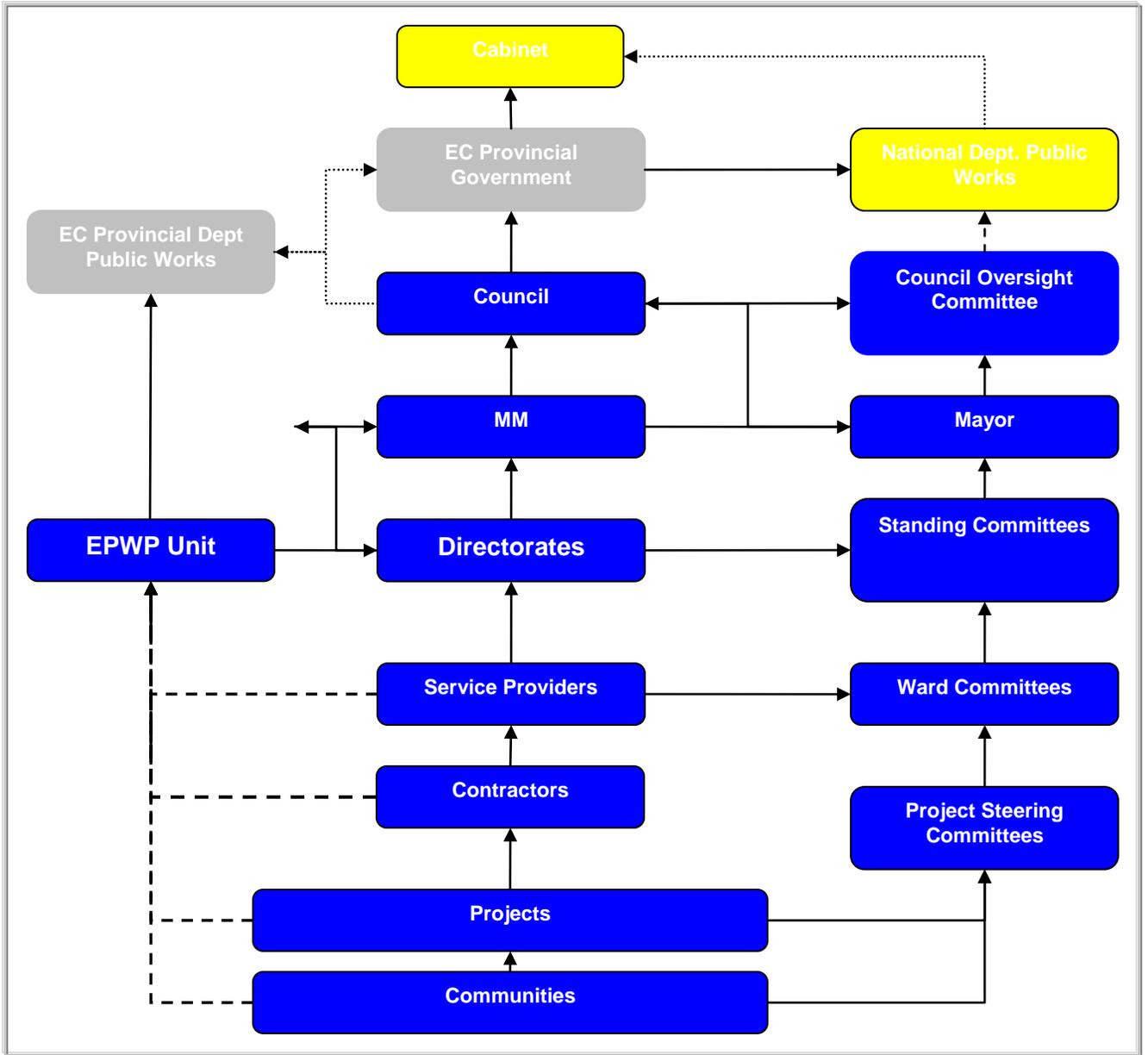
Implementation Protocols in accordance with the Intergovernmental Relations Act. These protocols are separate agreements from the incentive agreements which deal specifically with the allocations and disbursement of the EPWP incentive.

8 INTERGOVERNMENTAL AND LOCAL ARRANGEMENTS

Figure 1 below, outlines the NMBMM's relationship to other supporting government structures.

8.1 NMBMM IN RELATION TO NATIONAL AND PROVINCIAL STRUCTURES

Figure 1: NMBMM in Relation to Government Structures



8.2 NMBMM INSTITUTIONAL ARRANGEMENTS

Figure 2 depicts the NMBMM institutional arrangements.

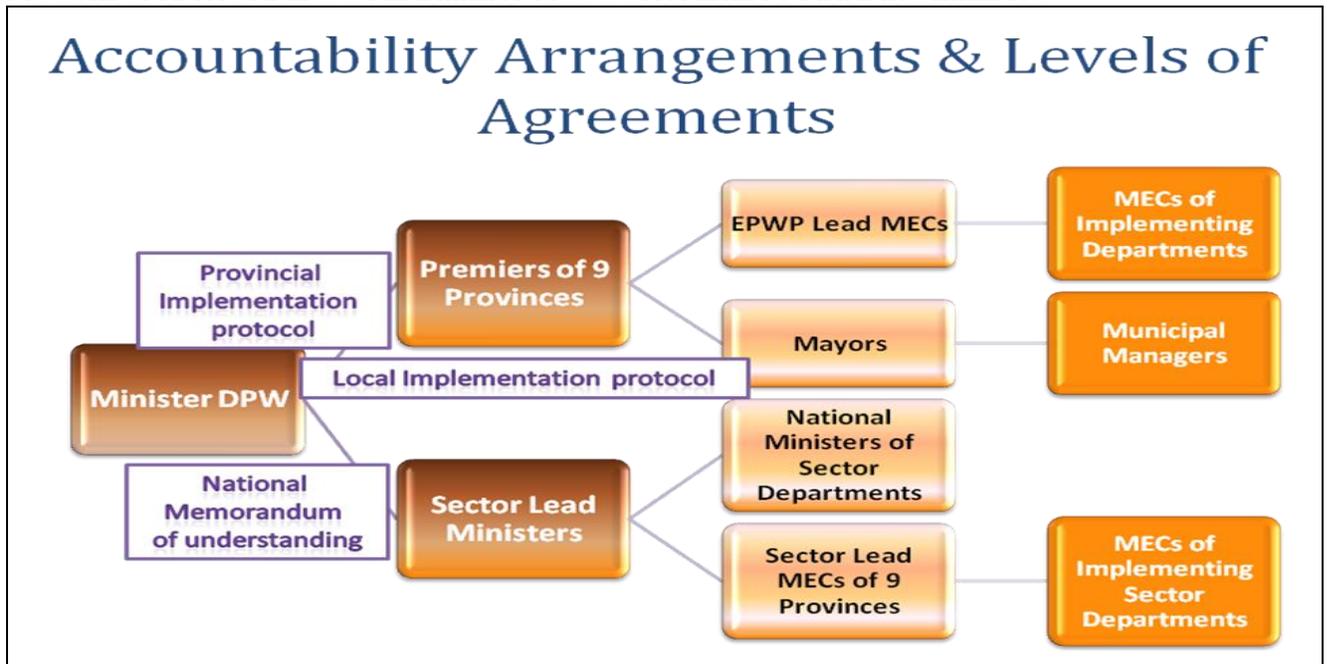
FIGURE 2: NMBMM Institutional Arrangements



8.3 NATIONAL GOVERNMENT ACCOUNTABILITY ARRANGEMENTS

Figure 3 below illustrates National Government Accountability arrangements for EPWP implementation.

FIGURE 3: NATIONAL GOVERNMENT ACCOUNTABILITY ARRANGEMENTS



(Source: EPWP Incentive Manual Version 1, May 2009)

9 MONITORING AND REPORTING

The following reports must be prepared and submitted to relevant structures or stakeholders as follow:

9.1 COUNCIL AND NATIONAL DEPARTMENT OF PUBLIC WORKS

The *Accounting Officer* will prepare and submit socio-economic reports to *Council* on a monthly basis. The report must include the following:

- a) Project physical progress;
- b) Project financial reports;
- c) Project socio-economic report including;
 - a. total number of community beneficiaries,
 - b. total number of jobs created,
 - c. total number of persons trained
 - d. total number of SMME contracted
 - e. total number of students absorbed

9.2 CHIEF OPERATING OFFICER

The COO will prepare and submit to the Municipal Manager on a monthly basis a socio-economic report which must include the following:

- a) Project physical progress report
- b) Project financial report
- c) Project socio-economic report including;
 - a. total number of community beneficiaries,
 - b. total number of jobs created,
 - c. total number of persons trained
 - d. total number of SMME contracted
 - e. total number of students absorbed

9.3 EPWP UNIT

The EPWP unit will coordinate the collection of socio-economic reports from all Directorates and consolidate them into one report. The consolidated report will be submitted to the Chief Operating Officer on a monthly basis and will include the following information:

- a) Project physical progress report
- b) Project financial report
- c) Project socio-economic report including:
 - a. total number of community beneficiaries,
 - b. total number of jobs created,
 - c. total number of persons trained
 - d. total number of SMME contracted
 - e. total number of students absorbed

Annexure C: EPWP Beneficiary list may be used to obtain relevant data.

9.4 DIRECTORATES

Directorates will prepare and make available to the EPWP Unit a socio-economic report, on a monthly basis. The report will include Annexure C, as well as the following:

9.4.1 Project Physical Report

The Project Physical Report will provide the following information:

- a) Project Name and description
- b) Project budget and expenditure
- c) Contractual dates
- d) Physical progress of the projects and project implementation programme.
- e) Names and appointment dates of service providers

9.4.2 Project Financial Report

This report will include the following information:

- a) Project budget allocation
- b) Current expenditure levels
- c) Projected project cashflows
- d) Amounts and percentages relative to project budget allocated and spent on jobs created and training provided.

9.4.3 Project Socio-economic Report

The Project Socio-economic Report will include:

- (i) Total number of household benefited from the project
- (ii) Total number of population benefited from the project
- (iii) Total number of jobs created to include the following data:
 - a. Name and surname of EPWP beneficiaries
 - b. Identity number
 - c. Gender, age and disability status
 - d. Telephone contacts
 - e. Agreed daily/task payment rate
 - f. Total person days and amount paid
 - g. Education and literacy level
- (iv) Total number of persons trained to include:
 - a. Name and surname of the persons trained
 - b. Type of training and accreditation level
 - c. Total number of training days
 - d. Total amount spent on training
 - e. Proof of qualification attained.
 - f. Total number of interns and apprentices employed per project.

9.4.4 Proof of Payment

This information generally seeks to confirm what was paid, for how much work and to whom. It must be kept on site for inspection by the Provincial Department of Public Works at any given time as long as the project is alive.

Directorates must ensure that the following information is kept and updated on site on a regular basis.

- a) Payment register – i.e a list of workers, indicating wage paid per beneficiary, signed off by each beneficiary as proof of acceptance of payment. This register includes: the name of the worker, either an identity number (or other unique identifier), the number of days that the pay period covers, the wage rate and total wages paid;

- b) Bank records showing the transfers to each worker account signed by the contractor as proof of payment – which must specifically show the name of the worker, the identity number (or other unique identifier).

9.5 CONSULTANTS AND SERVICE PROVIDERS

Consultants and service providers will prepare and submit a socio-economic report on a monthly basis to include any information to be requested by the Directorates whom they are contracted to on a monthly basis.

9.6 CONTRACTORS AND SUPPLIERS

Contractors and suppliers will prepare and submit socio-economic reports to their respective service providers and consultants on a monthly basis to include any information to be requested by service providers and consultants.

9.7 REPORTING CYCLES

Table 4 depicts the reporting framework to be followed by the respective role-players.

Table 4: NMBMM Socio-Economic Empowerment Reporting Framework				
No	Structures/Responsible Person		Date	Frequency
	From	To		
1	MM	Council	Second week of the Month	Monthly, Quarterly, Bi-Annually and Annually
2	COO	MM	First week of the Month	Monthly, Quarterly, Bi-Annually and Annually
3	EPWP Unit	COO	First week of the Month	Monthly, Quarterly, Bi-Annually and Annually
4	EPWP Unit	DPW	7 th of the month	Monthly, Quarterly, Bi-Annually and Annually
5	Directorate	EPWP Unit	Last day of the month	Monthly, Quarterly, Bi-Annually and Annually
6	Consultants	Directorates	25 of the reporting month	Monthly
7	Contractors	Consultants	20 of the reporting month	Monthly

9.8 SUSPENSIVE CONDITIONS

Consultants must receive socio-economic monthly reports from contractors. No payments will be processed for consultants whilst progress reports are outstanding. This condition must be entered into between *Council* and service providers and consultants compelling them to submit the required reports timeously and non-compliance with that condition will result in *Council* not processing all their payment.

ANNEXURE A: EXAMPLE OF TENDER NOTICE

TENDER NOTICE AND INVITATION TO TENDER

Tenders are hereby invited for (*.....Project Name.....*) and this Projects be implemented in accordance with the Expanded Public Works Programme (EPWP) and Socio-Economic Empowerment Policy of the NMBM.

Only those bidders who have in their employ management and supervisory staff satisfying the requirements of the scope of work for labour intensive competencies for Supervisory and Management staff are eligible to submit tenders.

Tender documents be available at (*.....Place.....*) from (*..... Date.....*) upon the payment of a non-refundable deposit fee of **Rx.00** during office hours from 07h30 -12h30 and 13h00 -16h00 weekdays. Only cash or bank guaranteed cheques made payable to the NELSON MANDELA BAY MUNICIPALITY be accepted.

A compulsory clarification meeting with the representative of the employer be held on the (*Describe place and time*)

Completed tenders in black ink, in a sealed envelope and clearly marked **“Contract Number and Name”** must be placed in the Tender Box, (*Describe the position and address of tender box*), not later than **(Closing date and times)**, at which hour and date the tenders be opened in public.

Tenders will remain valid for a period of 90 days from closing date and No late, faxed, e-mailed or other form of tender be accepted.

Enquiries: (Insert the name and contact person)

Tenders be evaluated in terms NMBM Supply Chain Management Policy and NMBM reserves the right to accept no tenders, part of the tender.

Municipal Manager
NELSON MANDELA BAY MUNICIPALITY

ANNEXURE B: EXAMPLE OF CONSULTANT APPOINTMENT LETTER FOR SERVICE PROVIDER

[Consultant's address]

Dear Sirs

APPOINTMENT AS CONSULTING ENGINEERS: (insert name of project)

My letter dated (insert Date), advising that your tender offer No (insert tender number), to provide professional civil consulting engineering services for the period 1 January 2009 to 31 December 2010, was deemed responsive, refers.

The purpose of this letter is to advise that your firm has been selected from the roster of Responsive tenders, to provide consulting services for the design and implementation of (Insert description of project).

The project embraces the upgrading of (expand a little on the project if desired)

1. Articles of Agreement

This appointment is subject to the terms and conditions of the Standard Professional Services Contract, (September 2005), as published by the Construction Industry Development Board), and as amended by the attached Contract Data-**Annexure A**.

You must kindly acknowledge receipt of this appointment by signing the appropriate section of the Form of Offer and Acceptance, attached as **Annexure B** and returning same to this office.

2. Scope of Services and Fees

The scope of services and professional fees be subject to the terms and conditions of the Engineering Council of South Africa Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Govt. Gazette 31749, Board Notice No. 2, dated 2 January 2009), as amended by the attached **Annexure C**.

Remuneration for activities paid on a time and cost basis, such as construction monitoring, will be paid according to the latest issue of the department of Public Works: Reimbursable Expenses.

3. General Information

3.1 Project Budget

The budget allocated to this project is as follows:

2009/10 Financial year.....R
2010/11 Financial year.....R
2011/12 Financial year.....R

This amount is to include the following:

- Consultant's costs, including fees, construction monitoring and disbursements.
- Relocation of services
- Surveys, tests etc.
- Construction costs
- Premiums for Principal-controlled insurance, which be paid by the Municipality, at a rate

- of 0,625 % of the construction cost
- Municipal administration fee of 2% of the project budget
- VAT

The budget is fixed and may not be exceeded. If, however, there are indications that the budget may be exceeded, the project manager must be informed immediately.

3.2 Public Participation

Except otherwise stated in this letter, public participation must be done in accordance with Council's Integrated public participation policy which may exist or any available public participation guidelines which be made available to you from time to time.

3.2.1 Community Liaison Officer

Please take note that this Directorate employs its own Community Liaison Officer. The contact details of the CLO are as follows;

Name: _____
 Business Address: _____
 Tel: _____
 Fax: _____
 Cell: _____
 E-mail: _____

You are to liaise with him/her at preliminary design stage to facilitate the formation of PSC prior to the engagement with the Ward Councillor and appointment of Project Community Liaison Officer.

Council's CLO (3.2.1. above) and the Ward Councillor together with the Ward Committee nominate the project CLO from the beneficiary community for you to employ and attached please find typical job description of the Project CLO attached as ANNEXURE C.

3.2.2 Ward Councillor

This project resides with WARD _____ and the Ward Councillor's contact details are as follows:

Name: Cllr -----
 Residential Address: -----
 Business Address-----
 Tel: -----
 Fax: -----
 Cell: -----
 E-mail:-----

3.4. Implementation of Expanded Public Works Programme II (EPWP II)

3.4.1. Except otherwise stated in this letter, implementation of EPWP II must be in accordance with Council's "NMBM EPWP POLICY FRAMEWORK".

3.4.2. In terms of "Guidelines for the Implementation of Labour intensive Projects Under EPWP" Second Edition July 2005, It is Council's responsibility to make sure that;

- (i) the design of the labour – intensive works by Consulting Engineers is overseen by person in their employ who have completed the necessary skills training (see Appendix C: C.2);
- (ii) works contracts are administered by persons in the employ of consultants who have completed the necessary skill training (see Appendix C: C.2) ; and
- (iii) works contracts are awarded to contractors who have in their employ managers who have completed the necessary skills training (see Appendix C: C.2).

A copy of "Guidelines for the Implementation of Labour intensive Projects Under EPWP" is available free of charge on the EPWP website: www.publicworks.gov.za or at the office of Manager PMU at: 10th Floor, Brister House Building, 196 Govern Mbeki Avenue, Central, Port Elizabeth, Tel: 041 506 2389 during office hours of 8h00-13h00 and 13h30-16h30 that, For the ease of reference hereunder please find an extract from "Guidelines for the Implementation of Labour intensive Projects Under EPWP" Second Edition July 2005, detailing Appendix C with regard to the qualification requirements for Consultants;

Consultants

The person responsible for the design and documentation of the labour intensive works must have completed, or be registered on a skills Programme for, the NQF level 7 unit Standard "Develop and Promote Labour Intensive Construction Strategies". (See Table C.2). The person, who is responsible to the employer for the administration of the contract, must have completed, or be registered on a skills Programme for, the NQF level 5 unit standard "Manage Labour Intensive Construction Projects". (See Table C.2).

Table C.2.: Skills Programme for Consultants			
Personnel	NQF	Unit Standard Title	Skills Programme Description
Administrator/Site Supervisor	5	Manage Labour intensive Construction Projects	Supervisor Skills Programme against this single unit standard.
Designer	7	Develop and Promote Labour-Intensive Construction Strategies	Skills Programme against this single unit standard

You are therefore requested to comply with the above condition to enable Council to Implement EPWP.

Council employed the services of an EPWP Unit and the name and contact details of the EPWP Coordinator are as follows:

Name: (relevant official)
 Business Address:
 Tel:
 Fax:
 E-mail:

You are therefore requested to liaise with him regarding implementation of EPWP.

3.5 Administration

All correspondence and invoices from yourselves will display the number **B.....**, which is your Commission Number. Invoices must be numbered sequentially. The **Contract Number** for this contract is **C**

Should you require further clarification of any issues regarding the scope of work, please contact Mr. (Official's name).

You are required to carefully consider the scope of this commission and should you be of the opinion that you are unable to fulfill the obligations thereof, you are to inform this office immediately so as to permit the re-allocation of the work

However, should you be in a position to accept this commission, kindly comply with the following procedure:

- Complete Part 2 of the Contract Data
- Sign the attached Form of Offer and Acceptance
- Retain a copy of the letter for yourselves
- Return the letter and annexures to this office within 14 days of receipt of this letter, together with a copy of your Certificate of Professional Liability Insurance.

4. Reporting

Previously Consulting Engineers experienced some difficulties in preparing and submitting EPWP Reports and to ease these difficulties *Council* designed a reporting mechanism as detailed in its EPWP POLICY FRAMEWORK.

You are therefore required to prepare and submit the requested reports to Executive Directoror his nominee from the 20th up to the last day of the month.

5. Suspensive Conditions: Progress Reports

Your attention is drawn that failure from your part to prepare and submit Progress Report in terms of paragraph 4 timeously, result in the Nelson Mandela Bay Municipality withholding any professional fees account regardless of which project submitted by the Appointed Consulting Engineer until such time that the required reports and any other outstanding information is submitted by the Appointed Consulting Engineer to Nelson Mandela Bay Municipality.

Your co-operation and assistance is appreciated.
Yours faithfully,

**EXECUTIVE DIRECTOR
INFRASTRUCTURE & ENGINEERING DIRECTORATE**

ANNEXURE C: EXAMPLE OF EPWP REPORTING TEMPLATE

EPWP BENEFICIARY LIST											
Implementing Directorate:											
Name of Contractor:											
Project Name:											
Project Number:											
Month:											
No of workers	Surname & Initial	Name	ID No	DOB	Male or Female	Has Disability (Y?N)	No of days worked in the month	Task / Daily rate paid	Start Date	Contact Number	Signature
				Youth = 35yrs and less							
1											
2											
3											
4											
5											
6											
7											
Signature of CLO:											

ANNEXURE D: EXAMPLE OF SUMMARY REPORT OF TRAINING PROVIDED TEMPLATE

GENERAL REPORT

Project ID	Project Name	B-No	C-No	Budget	Expenditure	Balance	% Spent	Service provider		Contractual Dates			Physical Progress			EPWP		
								Consultant	Contractor	Project	Start	Duration	Completion	Status	Progress on Status	Overall Project Progress in %	No	Person Days
20090021	Tarring of Gravel Roads	B-1234		R 10,000,000	R 1,950,000	R 8,050,000	20%											
	Cluster A	B-1111	C-1111	R 2,000,000	R 300,000	R 1,700,000	15%						Planning and Design		25%			
	Cluster B	B-2222	C-2222	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		25%			
	Cluster C	B-333	C-333	R 2,000,000	R 250,000	R 1,750,000	13%						Planning and Design		25%			
	Cluster D	C-444	C-444	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		25%			
	Cluster E	C-555	C-555	R 2,000,000	R 400,000	R 1,600,000	20%						Planning and Design		25%			
20090021	2010 World Cup	B-1234		R 10,000,000	R 1,950,000	R 8,050,000	20%											
	Roads	B-1111	C-1111	R 2,000,000	R 300,000	R 1,700,000	15%						Planning and Design		50%			
	Public Transport	B-2222	C-2222	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		50%			
	BRT	B-333	C-333	R 2,000,000	R 250,000	R 1,750,000	13%						Planning and Design		25%			
	Stadium	C-444	C-444	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		50%			
	Busiani	C-555	C-555	R 2,000,000	R 400,000	R 1,600,000	20%						Planning and Design		25%			
20090021	Sidewalks and Cycle Tracks	B-1234		R 10,000,000	R 1,950,000	R 8,050,000	20%											
	Project A	B-1111	C-1111	R 2,000,000	R 300,000	R 1,700,000	15%						Planning and Design		25%			
	Project B		C-2222	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		25%			
	Project C		C-333	R 2,000,000	R 250,000	R 1,750,000	13%						Planning and Design		25%			
	Project D		C-444	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		25%			
	Project E		C-555	R 2,000,000	R 400,000	R 1,600,000	20%						Planning and Design		25%			
20090021	Rehabilitation of Sewers	B-1234		R 10,000,000	R 1,950,000	R 8,050,000	20%											
	Project A	B-1111	C-1111	R 2,000,000	R 300,000	R 1,700,000	15%						Planning and Design		25%			
	Project B	B-2222	C-2222	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		25%			
	Project C	B-333	C-333	R 2,000,000	R 250,000	R 1,750,000	13%						Planning and Design		25%			
	Project D	C-444	C-444	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		25%			
	Project E	C-555	C-555	R 2,000,000	R 400,000	R 1,600,000	20%						Planning and Design		25%			
20090021	Rehabilitation of Transportation Systems	B-1234		R 10,000,000	R 1,950,000	R 8,050,000	20%											
	Project A	B-1111	C-1111	R 2,000,000	R 300,000	R 1,700,000	15%						Planning and Design		25%			
	Project B	B-2222	C-2222	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		25%			
	Project C	B-333	C-333	R 2,000,000	R 250,000	R 1,750,000	13%						Planning and Design		25%			
	Project D	C-444	C-444	R 2,000,000	R 500,000	R 1,500,000	25%						Construction		25%			
	Project E	C-555	C-555	R 2,000,000	R 400,000	R 1,600,000	20%						Planning and Design		25%			
				R 50,000,000	R 9,750,000	R 40,250,000	20%											