

CONSTRUCTION NEWS

Shoddy Construction works in the pubic sector debate: Revisited

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• **NCC: Aims and Objectives**

- To unify the construction Industry, to promote its well being, to strive to create a profitable environment for its constituents, and to establish a united national platform encompassing formal and informal sectors of the industry and its professions
- To contribute to the reconstruction, rehabilitation and development of Zambia and the uplifting of all its people
- To promote and advance the status and public recognition of NCC, its members and the construction industry
- To promote encourage, support or oppose any legislation or other measures affecting the industry
- To address macro issues affecting the industry
- To co-ordinate, improve and facilitate the accessibility of training
- To strive, achieve, monitor and maintain the highest possible standards in the construction industry
- To add and amend these objects from time to time as decided upon by the National Council



Private Sector Works in progress—Private sector construction workers busy at work.

The ongoing debate on shoddy construction works, especially in the public sector has compelled us (at the National Council for Construction-NCC) to once again revisit this rather straight forward technical and contractual issue. Unfortunately, the issue of shoddy construction works has now been over politicised, to a point where some professionals have opted to take a back seat and let our politicians do all the political talk. Before we get to the reasons why we think this issue is being over politicised, let us give the background to the reasons why we think this is so. First and foremost we

notice that the issue of shoddy construction works is only prevalent in public sector works and not in the private sector. Why should this be so, when by and large both the aforementioned sectors use the same contract documents, consultants and contractors? It is equally important to mention here that the aforementioned contract documents that we use in the Zambian construction industry were adopted from internationally used set of contract documents which have very good safe guides for all the concerned stakeholders in the signed contract i.e. the

client, consultant and the contractor. For instance, every signed works contract clearly states the rights and obligations of each party in the contract, including the right of each party to terminate and claim damages in the event that the other party fails to perform their contractual obligations. It therefore, comes as a total surprise to us that day in and day out, the public sector (both local and central Government) prefer to complain in the media each time they perceive that a contractor has performed below par. It is also **turn to page two**

Shoddy Construction works in the public sector debate: Revisited

“Men in authority will always think that criticism of their policies is dangerous. They will always equate their policies with patriotism, and find criticism subversive.”
-- Henry Steele

From page one

-surprising that it is always the politicians that make these claims of shoddy workmanship and not the paid consultants and public sector professionals as the case should be? As if that was not enough, we also find that in most of these media reported cases, where the politicians have condemned these same construction works, the public professionals in conjunction with their private paid consultants have actually satisfied the same works in question to be good. Further to the above, the Zambian Government has gone ahead to authorise payment certificates to be issued to the concerned contractors. Surely, the public is entitled to know as to why these so-called “unscrupulous contractors” are being paid public funds for the so called “shoddy works”. The above phenomenon begs the question: why are public funds continuously paid to contractors who have failed to perform according to the signed contract? Surely this is the question that our politicians should be asking themselves and their public sector technocrats. Further to the above, the other question that we should be asking our politicians and our public sector technocrats is: why is it that Government never exercises its contractual right to encash the contractor’s advance and performance bonds even when a known contractor has run away with advance pay-

ment or has failed to perform? We at the NCC would also expect a formal compliant letter from the concerned public sector, Ministry or Department against the named contractor for us to follow up with appropriate disciplinary action against the concerned contractors, but this is never the case. We should not be expected to join the “trail by media” phenomenon against our contractors, suffice to mention that indeed there are some unscrupulous contractors out there. But surely, these unscrupulous contractors should be appropriately be investigated and professionally prosecuted rather than be trailed through the media.

In any case, in the instances, when we have followed up these media allegations by our politicians we have always been disappointed to note that records with our professional colleagues in the public sector is in sharp contrast to what our political leaders are reported to have said by the media. Our follow up many a time point to public sector professionals having records of a series of approvals as the works progressed. Given the above, how then can we at the NCC, not having been privy to the site progress visits and reports of the project successfully prosecute these alleged “unscrupulous contractors”. It is interesting to know that in the private sector, these issues are dealt with expeditiously and in accordance with the signed contracts, thus we hear less of such complaints.

We are thus compelled to give this advice to our political leaders before they issue any statement on on-going construction works: Please compare notes with your public sector construction professionals on the acceptability of the said works. Should they find that their public sector professionals have certified works which in their opinion is shoddy, they should first check the working specifications, the scope of works and check all outstanding payments to all concerned before attacking the contractor to the press. It would be wrong if we gave the impression, that there are no shoddy works or contractors out there or that delayed payments to the contractors or consultants are valid excuses for shoddy workmanship. What would be more helpful, however, is if our political leaders and indeed the general public took a more positive approach to the issue of shoddy construction works than merely making media headlines in both our electronic and print media. It would be more helpful if we all got interested in the follow up action meant to find and punish all the unscrupulous parties to our public sector works, after all this is tax payers money that is being wasted through shoddy works.

In the same vein, we would be interested to see the Government make use of the liquidated damages clause: which is supposed to be used in instances where a contractor fails to deliver the completed works on the agreed time.

Now Government embarks on countrywide illegal structure demolitions

“Most people, sometime in their lives, stumble across truth. Most jump up, brush themselves off, and hurry on about their business as if nothing had happened.”
-- Sir Winston Churchill

Finally the Zambian Government has come out in the open to support the obvious decision to demolish all illegal structures in our major towns and cities. Although the said decision has come some 30 years too late, it is all the same a welcome decision, after all it is said that better late than never. The decision to demolish all illegal structures in the country is, however, without its critics. For instance, many especially the church and many other NGOs have criticized the aforementioned Government decision though not so much in the decisions itself per se, but the timing of the decision and the quick and subsequent implementation by the Lusaka City Council for instance. It is reported that thousands of people in Lusaka have been thrown in the cold, especially given that we are currently in the rainy season. Couldn't the implementation surely not have waited?

Others have criticised the decision in question squarely based on the fact that the thousands of citizens that were in the cold were not offered any alternative land to build their houses.

Opposing politicians have on the other hand criticised Government for not consulting the concerned local authorities over the same demolitions.

As for those of us professionals in the built environment, we can only blame ourselves for allowing once again the politicians to

beat us at our own game.

How in God's name, have we allowed our towns and cities to degenerate to this current level and yet our statutes clearly give us the powers and instruments to control and plan our towns and cities.

In this case, it is important to note that the press conference that the four Ministers held at which they announced Government decisions to demolish all illegal structures in the country was technically uncalled for, given that the power to demolish all illegal structure already exist in our statutes. So why have we technocrats failed to use these same instruments to bring sanity to our towns and cities, but had to wait for political instructions?

Thus because of blindly following political instructions, the fight against illegal structures has been narrowed to only those illegal structures that are built on illegally allocated land. If the fight against illegal structures was professionally done, we should have included in this category of illegal structure, those structures that did get council planning permission, structures which do not meet the Council's building standards, including those that do not meet the Zoning requirements i.e. structures built in the wrong zone.

In apportioning blame on our professionals in the built environment for our current Town and City planning mess, we are not naive as to know that it was the politicisations of the Councils

beginning with the 1980 Local Government Act by the UNIP Government. But one would have thought, that we the professionals should have taken the initiative back from the politicians in 1991 with the revision of the same Local Government Act in 1991, with the coming of the MMD Government.

In supporting the demolitions of all illegal structures, it is equally important to know that the only reason that these people build on illegal land is that we the professional and the politicians have failed these people by not adequately planning and appropriately providing them with legal serviced land.

Zambians must also come to the realisation that the era of urban lawlessness is over. Zambians must realise that one can not just wake up one day and just start building one's structure on any piece of land and without any regard to the set building and materials standards. Similarly, we have heard that some ward councillors and councils workers have been in the forefront of allocating these illegal pieces of land to the unsuspecting dwellers and even going further to authorising the building of some of these illegal structures. These culprits should equally be made to pay for their crimes and dismissed from their positions.

But most important of all, we the professionals in the business should now rise to the challenge and stop the blame game and offering excuses and show the Zam-

ZESCO

Tender notice

INVITATION FOR BIDS

ZESCO/030/06-TENDER FOR THE SUPPLY AND DELIVERY OF LIGHTNING ARRESTOR, 33KV AND 11KV, TYPE METAL OXIDE, GAPLESS.

Zesco Limited intends to procure Lightning Arrestor, 33KV and 11KV, Type Metal Oxide, Gapless for installation in various distribution networks.

Zesco Limited now invites interested bidders to submit bids for the supply and delivery of lightning Arrestor, 33KV and 11KV, Type Metal Oxide, Gapless for installation in various distribution networks.

Interested eligible bidders may obtain further information from and inspect the bidding documents at the Zesco Ltd, head Office, Stand No. 6949. Great East Road, and P O Box 33304, Lusaka, Zambia.

A Complete set of bidding documents may be purchased by interested bidders upon payment of a non-refundable fee of K500,000.00 or its equivalent in any freely convertible currency at the prevailing exchange rate or Bank Certified cheque. The telephone numbers are 260 (01) 223971/222859 and the telefax number is 223970/223971. **HOWEVER, TELEFAX OFFERS WILL NOT BE ACCEPTED.**

The bids must be deposited in the tender box on the 2nd Floor, New Building, Zesco Ltd, Head Office, Stand No. 6949, Great East road, Lusaka, Zambia on or before 4 May 2007 at 14:00 hours local time. The bids must be accompanied with not less 2% bid security in any convertible currency.

The closing date for the receipt of bids is 4th May 2007 at 14:00 hours local time and any bid received after the time and date stipulated above will not be accepted. The bids will be opened in the Auditorium room at Zesco Ltd head Office on the same date at 14:00 hours in the presence of bidders or their representatives who choose to attend.

The bids must be clearly labeled "**TENDER FOR THE SUPPLY AND DELIVERY OF LIGHTNING ARRESTOR, 33KV AND 11KV, TYPE METAL OXIDE, GAPLESS**".

The bid must be submitted as 1 No. Original and 5No. Copies.

Director – ED
ZESCO Limited

*"Where there are
large powers with
little ambition...
nature may be
said to have fallen
short of her
purposes."*
Sir Henry Taylor

TENDER NOTICES

ZAMBIA NATIONAL TENDER BOARD

INVITATION TO TENDER

TB/CE/005/07 TENDER FOR RECONSTRUCTION OF SELECTED PRIORITY RIVER CROSSING IN FOUR NATIONAL PARKS – ROAD DEVELOPMENT AGENCY

This invitation for bids follows the General Procurement Notice for the Project that appeared in the Development Gateway's dg-Market of 15th February 2007, the Zambian Daily Mail of 19th February 2007, the times of Zambia of 21 February 2007 and the post Newspaper of 23 February. The government of the Republic of Zambia has applied for additional financing from the International Development Association toward the cost of the Road Rehabilitation and Maintenance Project (previously called, Essential Bridge Rehabilitation Project) and it intends to apply part of the proceeds of this credit to payments through the Road Development Agency under the Contract for the Reconstruction of Selected priority river Crossings in Kafue, Lochinvar, Lower Zambezi and Mosi-O-Tunya National Parks.

The Zambia National tender Board, on behalf of the Road Development Agency now invites sealed bids from eligible and qualified applicants for the reconstruction of 6 small bridges, 18 pipe culverts, 11 box culverts and 4 rehabilitation works in the National parks over a construction period of 12 months.

Qualification requirements are included in the bidding documents and include:

Construction or legal status of applicant,
annual amounts of similar construction works performed during the last 5 years not be less than ZMK20,000,000,000.00; and
At least two (2) works of similar nature performed as a prime contractor over the last 5 years.

A margin of preference of 7.5% for eligible national contractor/joint ventures shall be applied.

Bidding will be conducted through the International Competitive Bidding (ICB) procedures specified in the World Bank's Guidelines: Procurement under IBRD loans and the IDA Credits, May 2004, revised October 2006 and is open to all eligible applicants as defined in the guidelines.

Prospective applicants may view the bidding document from the Zambia National tender Board, Room 21, 1st floor, red Cross house, plot 2837, Los Angeles Boulevard, Longacres, P O Box 31009, Lusaka. A complete set of bidding documents may be purchased by interested applicants upon payment of a non-refundable fee of K1,000,000.00 or its equivalent in any convertible currency at the at the prevailing exchange rate in cash or bank certified cheque.

The Telephone numbers are 260-1-250632/250642/250687 and

“There are glimpses of heaven to us in every act, or thought, or word, that raises us above ourselves.”
Arthur P. Stanley

ZAMBIA NATIONAL TENDER BOARD
Tender notices continued

.....Contd

telefax number is 260-1250633. Applicants may also access our website on www.tenderboard.gov.zm. **HOWEVER TELEFAX/ELECTRONIC OFFERS SHALL NOT BEACCEPTED.**

The bids, accompanied by a bid security of K200,000,000.00 or an equivalent amount in any freely convertible currency at the prevailing exchange rate, must be deposited in the tender box on the 2nd floor of the Zambia National board Offices at red Cross House, Los Angeles Boulevard, Lusaka, on or before Friday 20th April 2007 at 14:00 hours local time.

The closing date for the receipt of bids is Friday 20th April 2007 at 14:00 hours local time. The Bids shall be opened immediately thereafter in the Conference Room of the Zambia National Tender Board on the 2nd floor, Red Cross House in the presence of bidders or their representatives who choose to attend. **LATE BIDS SHALL NOT BE ACCEPTED.**

David Kapitolo
Director General
ZAMBIA NATIONAL TENDER BOARD

*"We shall require
a substantially
new manner of
thinking if
mankind is to
survive."*
-- **Albert Einstein**

ZAMBIA NATIONAL TENDER BOARD

INVITATION TO TENDER

TB/CE/004/07 TENDER FOR RECONSTRUCTION OF SELECTED PRIORITY RIVER CROSSINGS IN LUAPULA PROVINCE - ROAD DEVELOPMENT AGENCY

This invitation for Bids follows the general Procurement Notice for the Project that appeared in Development Gateway's dg-Market of 15th February 2007, the Zambia daily Mail of 19th February 2007, the Times of Zambia of 21st February 2007 and the Post Newspaper of 23rd February. The Government of the Republic of Zambia has applied for additional financing from the International development Association toward the cost of the Road Rehabilitation and maintenance Project (previously called, Essential Bridge Rehabilitation Project), and it intends to apply part of the proceeds of this credit to payments through the Road Development Agency under the Contract for the Reconstruction of Selected Priority River Crossings in Luapula Province.

The Zambia national Tender Board, on behalf of the Road Development Agency now invites sealed bids from eligible and qualified applicants for the reconstruction of 44 pipe culverts, 10 box culverts, 2 drifts, 2 bridges with lengths less than 15 metres, raise road levels locally or at 250-10000metre sections, repair few culverts and clear channels in Luapula Province over a construction period of 12 months.

Qualification requirements are included in the bidding documents and include:

1. Construction or legal status of applicant
2. annual amounts of similar construction works performed during the last 5 years shall not be less than ZMK16,000,000.00; and at least two (2) works of similar nature performed as a prime contractor over the last 5 years.

A margin of preference of 7.5% for eligible national contractor/joint ventures shall be applied.

Bidding will be conducted through the International Competitive Bidding (ICB) Procedures specified in the World Bank's Guidelines: Procurement under IBRD loans and IDA Credits, May 2004, revised October 2006 and is open to all eligible applicants as defined in the guidelines.

Prospective applicants may review the bidding document from the Zambia national Tender Board, Room 21, 1st floor, Red Cross House, Plot 2837, Los Angeles Boulevard, Longacres, P O Box 31009, Lusaka. A complete set of bidding documents may be purchased by interested applicants upon payment of a non-refundable fee of K1,000,000.00 or its equivalent in any convertible currency at the prevailing exchange rate in cash or bank certified cheque.

"The whole world opened to me when I learned to read." **Mary McLeod Bethune**

ZAMBIA NATIONAL TENDER BOARD

Tender notices continued

The Telephone numbers are 260-1-250633. Applicants may also access our website on www.tenderboard.gov.zm Our email address is tender@tenderboard.gov.zm **HOWEVER TELEFAX/ELECTRONIC OFFERS SHALL NOT BE ACCEPTED.**

The bids, accompanied by a bid security of K200,000,000.00 or an equivalent amount in any freely convertible currency at the prevailing exchange rate, must be deposited in the tender box on the 2nd floor of the Zambia National Tender Board Offices at Red Cross House, Los Angels boulevard, Lusaka on or before Friday 20th April 2007 at 14:00 hours local time.

The closing date for the receipt of bids is Friday, 20 April 2007 at 14:00 hours local time. The bids shall be opened immediately thereafter in the conference Room of the Zambia National Tender board on the 2nd floor Red Cross House in the presence of bidders or their representatives who choose to attend. **LATE BIDS SHALL NOT BE ACCEPTED.**

David Kapitolo
Director General
ZAMBIA NATIONAL TENDER BOARD

*"Every job is a
self-portrait of the
person who did it.
Autograph your
work with
excellence."
Unknown*

ZAMBIA NATIONAL TENDER BOARD

INVITATION TO TENDER

TB/W/003/07 TENDER FOR THE CONSTRUCTION OF THE MUNALI HILLS NICKEL MINE SUB-STATION AND OVERHEAD TRANSMISSION LINE-ZESCO LIMITED.

Zesco Limited intends to provide power supply to the Munali Hills Nickel mine by constructing on a turnkey basis, a 10MVA 33/11kV sub-station and a 26km long 33kV line. The 33kV line shall begin from the Kafue town 33kV sub-station across the Kafue river, then on to the Munali Hills way down to the 33/11kV sub-station at the mine.

The Zambia National Tender board, on behalf of Zesco Limited now invites sealed bids from eligible forms that may be interested in carrying out this project for the manufacture, factory testing, delivery to site, installation, site testing and commissioning of the Munali Hills Nickel Mine 10MVA 33/11kV sub-station and associated 26km long 33kV line on a turnkey basis as per functional specification.

Eligible Bidders may inspect the bidding documents at the Zambia National Tender Board, Room 21, 1st floor, Red Cross House, Plot 2837, Los Angeles Boulevard, Longacres, P O Box 31009, Lusaka, Zambia. The bidding documents may be obtained upon payment of a non-refundable fee of K1,000,000.00 or its equivalent in any freely convertible currency at the prevailing exchange rate in cash or bank certified cheque.

The contact telephone numbers are 260-1-250632/250642/250687 and telefax number is 260-1-250633. HOWEVER TELEFAX OFFERS SHALL NOT BE ACCEPTED. The website is www.tenderboard.gov.zm and our e-mail address is tenders@tenderboard.gov.zm

All bids, in sealed envelopes and accompanied by a bid security of US\$40,000.00 duly signed and sealed by the Guarantor(s), must be deposited in the tender box on the 2nd floor of the Zambia National tender board offices at Red Cross House, Los Angeles boulevard, Lusaka, on or before Friday 4th May 2007 at 14:00 hours local time.

The Telephone numbers are 260-250632/250642/250687 and telefax number is 260-1-150633. HOWEVER TELEFAX OFFERS SHALL NOT BE ACCEPTED. The website is www.tenderboard.gov.zm and our e-mail address is tenders@tenderboard.gov.zm

All bids, in sealed envelopes and accompanied by a bid security of US\$40,000.00 duly signed and sealed by the Guarantor (s), must be deposited in the tender box on the 2nd floor of the Zambia National Tender Board Offices at Red cross House, Los Angeles Boulevard, Lusaka, on or before Friday 4th May 2007 at 14:00 hours local time.

The Bids shall be opened immediately thereafter in the Conference Room of the Zambia National Tender board on the 2nd floor Red Cross House in the presence of bidders or their representatives who choose to attend. LATE BIDS SHALL NOT BE ACCEPTED.

"Quality is never an accident; it is always the result of high intention, sincere effort, intelligent direction and skillful execution; it represents the wise choice of many alternatives."
Willa A. Foster

ZAMBIA NATIONAL TENDER BOARD
Tender notices continued

The bids must be submitted as 1 original and 5 copies and must include a soft copy of the price schedule in excel format.

David Kapitolo
Director General, ZAMBIA NATIONAL TENDER BOARD

*"There is a
brilliant child
locked inside
every student."*
Marva Collins

NCC BOARD OF DIRECTORS

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*Helping to
develop Zambia*



WARNING TO CONTRACTORS AND THE GENERAL PUBLIC

The National Council for Construction (NCC) wishes to inform the clientele, contractors and the General Public that only contractors registered with the NCC must be engaged for any construction works. This is in accordance with the **NCC Act No.13 of 2003, Clause 22 (1)** which states that *“A person shall not award a contract for any construction works of such value as the Minister may, by statutory instrument, upon the recommendation of the Council, determine to any person unless that other person is registered under this Act.”*

Members of the public are, therefore, advised to award or consider for award **only contractors registered** with the National Council for Construction

Clause 23 (1) of the NCC Act states also that *“A person shall not award a contract for construction works to a foreign company or foreign firm without the approval of the Council.”* The public is therefore, further cautioned that it is an offence to engage foreign construction companies/firms to carry out construction work in Zambia **without the approval** of the NCC

The NCC Act also provides for appropriate action in form of a fine or imprisonment or both, for any defaulting Contractor and/ or client. The NCC will henceforth not take kindly to any person, institution or company breaking provisions of the NCC Act.

M. S. Mashamba (Dr)
EXECUTIVE DIRECTOR

NCC REGISTRATION PROCESS

This serves to inform the public that the NCC is continuously consulting and updating the newly established contractor and consultant registration register. Members of the public wishing to make any submissions on the contractor registration scheme or any other matter dealing with the construction industry are requested get in touch with the National Council for Construction Secretariat at the following address and contact numbers:

Plot 1609/1625 Sheki Sheki Road
Light Industrial Area
P. O. Box 39548
Lusaka, Zambia
Telephone: 247185/240386
Fax: 243115

E-mail: ncc@ncc.org.zm

Contact:
The Registrar– 01 245746