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Construction Development Authority Bill 2012

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**The Construction Development Authority Bill
Of
Kingdom of Bhutan 2012**

Preamble

The Royal Government and People of Bhutan, recognizing a need to establish the Construction Development Authority to regulate and promote the construction industry in the Kingdom, for facilitating dialogue between the private and public sector for the betterment of contractor and professional, to assist the contractors and professional for the development of technology and manpower and to promote integrity and ethics in the construction sector of producing and delivering quality construction work, Parliament of Bhutan do hereby enact the Construction development Act of Bhutan on the Day ofMonth of..... Year of the Bhutanese Calendar corresponding to theDay of, 2012 at itsSession of the First Parliaments follows:

Chapter - I Preliminary

Title, Commencement and Extent

1. This Act shall:
 - a. be called the Construction Development Authority Act of Bhutan 2012;
 - b. come into force in the year of the Water Dragon,Month,Day of the Bhutanese Calendar corresponding to theDay of the Month 2012; and
 - c. extend to whole of Bhutan.

Application

2. Apply to Contractor, Association of Contractors, Architect, Engineer, Consultancy Firms registered with the Authority and the Procuring Agencies.

Repeal

3. Any provisions of Acts, By-Laws, Rules and Regulations and Administrative Instruments which are inconsistent with this Act are hereby repealed.

Rule of construction

4. In this Act, unless context indicates otherwise, the singular shall include the plural and the masculine shall include the feminine.

Purpose of this Act

5. The purpose of this Act shall be to:
 - a) establish an independent Authority responsible to regulate and promote the construction sector of the Kingdom of Bhutan; and
 - b) define the powers and duties of the Authority;

Chapter – II

Establishment and Constitution of Construction Development Authority

Establishment

6. There shall be an Autonomous body, to be called Construction Development Authority, for the purpose of this Act and for performing the functions assigned to it under this or any other Act.

Status

7. The Authority:
 - a) shall be a body corporate with perpetual succession;
 - b) shall have an official seal which may be changed, altered and made new as the Authority deems fit; and
 - c) may sue and be sued in its own name.

Mandate

8. The Authority shall have a mandate to:
 - a) act as the Regulator, Promoter and Mediator of Bhutan's construction sector;
 - b) develop and promote an efficient, effective and quality based construction industry enhancing healthy and competitive growth;
 - c) act as bridging organization between the public and private sectors;
 - d) ensure fair and equal access to the award of contracts as well as fair treatment in the execution of contracts;
 - e) review/formulate rules and policies geared towards enhancement of Bhutanese construction industry; and
 - f) carry out other such mandates related to promotion and development of construction industry in the country.

Membership of the Authority

9. The Authority shall consist of:
 - a) chairperson, who shall be the Minister from a relevant Ministry;

- b) one member, above or equal to Director from relevant sector/ministry and private representative who is proficient and experienced in the field of construction;
- c) head of the Secretariat shall be the Member Secretary to the Authority; and
- d) Not more than 5 members appointed by the Chairperson representing Construction Industry, Finance or Procurement, and other interests who shall possess the knowledge of construction or other matters likely to be of assistance to the Authority in undertaking its functions under this Act.

Term of office

10. The term of the member shall be such as may be prescribed in the Rules and Regulations.

Disqualification of Members

11. A person shall not be appointed as member of the Authority if he;

- a) has been declared unsound mind by a competent medical practitioner;
- b) has been adjudged insolvent;
- c) has been convicted by a Court of Law of any offence and sentenced in respect thereof to imprisonment for more than one year, and a period of five years has been not elapsed from the date of expiry of the sentence;
- d) is a minor; or
- e) has been disqualified under any other law.

Removal of the Members

12. A member shall be removed by the Lyengye Zhungtshog, if he/she:

- a) fails to attend three consecutive meetings of the Authority;
- b) Discloses any information or sensitive discussion that takes place in the meeting;
- c) is implicated for official misconduct during his regular duty;
- d) fails to declare any conflict of interest;
- e) fails or has failed to disclose any interest directly or indirectly in any transaction or project of the Authority; or
- f) becomes disqualified under section 8 of this Act.

Resignation of a member

13. The Chairperson of the Authority may resign from the office by serving notice in writing to the Government, at least thirty days in advance.
14. A member may resign by a notice in writing to the Chairperson, at least thirty days in advance.

Filling up of vacancy

15. In the event of a vacancy, the Lhengye Zhungtshog shall appoint a person to fill the vacancy within thirty days after such positions have become vacant.

Entitlement of member

16. The Authority shall pay to the Chairperson and other members of the Authority such fees and allowances as the Ministry of Finance may, from time to time, determine.

Conflict of interest

17. A member of the Authority who is directly or indirectly, interested in a transaction or project of the Authority shall disclose the nature of his interest.
18. The disclosure by a member shall be recorded in the prescribed form and in the minutes of the Authority and such member shall not take part in any deliberation or any meeting of the Authority with respect to the transaction or project.

Meeting and Proceedings of the Authority

19. The Authority shall meet as and when required, but in any event, not less than once every three months.
20. The Chairperson of the Authority may, whenever he or she thinks fit, call an Extraordinary Meeting to decide matters of emergency.
21. The quorum for the meeting of the Authority shall be at least two-third of its members.
22. The Decision shall be by majority vote and in case of a tie, the Chairperson shall cast a deciding vote.
23. The Authority may prescribe its rules of procedures.

Chapter III

Functions and Powers of the Authority

Function

24. Authority shall:

- a) provide for and regulate the registration, classification and grading of contractors and to cancel, down grade, suspend or reinstate registration of contractors;
- b) provide for and regulate the registration of Architects, Engineers and Consultancy Service provider pertaining to construction sector;
- c) establish and maintain the list of Registered Contractors, Consultants for Works, Architects and Engineers;
- d) establish and maintain a construction industry information system and statistics, and their performance;
- e) promote, in cooperation with institutes, the development of quality in construction industry;
- f) promote, in cooperation with appropriate institutes, effective construction technologies and mechanization in construction industries;
- g) conduct of regular training on best practices and awareness programs to promote technical and managerial skill within the construction sector, in collaboration with relevant agencies;
- h) promote, stimulate and undertake research in the construction sector;
- i) monitoring contractors/consultancy firms and make necessary enquiry related to contract works in order to assess their capacity and performance;
- j) investigate and review any dispute relating to legal status, false submission, tampering of document, fronting and collusion by contracting or consulting firms during award of contract work or execution of contract;
- k) curb fronting/ collusion and such other mal-practices in the industry;
- l) facilitate dispute resolution pertaining to contractual and post contractual phases;
- m) ensure fair and equal access to the award of contract as well as treatment in the execution of contract;

- n) review and make recommendation on strategic issue and policy, that affect or which is incidental or connected with the construction industry;
- o) review complaints and grievances against procurement decisions made by the procuring agencies;
- p) ensure speedy and full localization of manpower in construction industry through incentives and imposition of penalties;
- q) initiate and facilitate construction sector policy and regulatory reforms;
- r) identify, coordinate and initiate human resource development activities;
- s) provide a platform for cooperation, communication and advisory services for pertinent issues faced by the construction sector partners;
- t) represent the Bhutan's construction sector on national and international levels;
- u) develop and update construction schedule of rates (BSR);
- v) coordinate with private sector and Government institutions to promote a (public-private) partnership for construction industry development; and
- w) any other function deemed necessary for the enforcement of this Act.

Powers of the Authority

25. The Authority may:

- a) prescribe registration and accreditation requirement under the Rules and Regulations;
- b) register, upgrade, downgrade, suspend, revoke, revalidate or cancel the registration of contractors and consultants as per the provision of this Act or Rules and Regulations thereof;
- c) adopt rules and regulations to effect the classification and categorization of contractors and consultants;
- d) issue guidelines on registration from time to time to facilitate efficient functioning and effective implementation of works;
- e) frame policies and directives for promotion and development of construction sector and for adoption of best practices;

- f) establish the Construction Development Fund and to receive donation and contribution from any source and raise fund through lawful means;
- g) to constitute committee for the effective implementation of this Act and its functions;
- h) to investigate any violation of the Law in construction industry;
- i) charge fee for service rendered by the Authority and impose fees for violation this Act or of Rules & Regulations;
- j) to enter any premises where construction works is being carried out to inspect the construction and, where necessary, to enforce the Law and provision thereof;
- k) to keep permanent record of engineers, architects, contractors and consultants registered with the Authority;
- l) take administrative/disciplinary actions against the contractions firms as prescribed in the Rules and Regulations; and
- m) any other powers which are incidental to any of its powers or conducive to discharge its functions under this Act or Rules and Regulations thereof.

Delegation of Power

- 26. The Authority may, from time to time, in respect of a specified matter or class of matter, by writing, delegate any of its power to a member or secretariat of the Authority.
- 27. Every member or the secretariat purporting to act in pursuant to a delegation under Section 26 shall, in the absence of proof of the contrary, be presumed to be acting in accordance with the terms of the delegation.
- 28. A delegation under section 26 shall be revocable at will, and no such delegation shall prevent the exercise of any power, function or duty by the Authority.

Powers of Authorized Officers

- 29. The Chairperson shall designate in writing such employee as he deems fit to be authorized officer for the purpose of ascertaining whether the provision of this Act or any Rules and Regulations made under this Act are being complied with.
- 30. An authorized officer may for the purpose of discharging his function, or exercising his power to enter, at all reasonable time, a construction site and make such enquiry or inspection as he thinks fit.

31. In the course of an enquiry or an inspection under this section, an authorized officer may direct any person to submit information on the registration of a consultant or contractor, require the production of any record kept by a consultant or a contractor in the discharge of his duty and may make copy or take extract of such record and retain possession of the document or record for such period as is reasonably necessary for the purpose of the enquiry to which the document or record relate.
32. An authorized officer may on a construction site inspect such equipment as he may consider necessary, take or remove sample of any substance or thing found on the site free of any charge, take photographs and measurement and make sketch and recording on the site, require any person to state his name and residential address, require any person to give him any assistance as he may require.
33. Every authorized officer shall produce, on request being made, any document verifying his/her authority.
34. On completion of his enquiry or inspection, the authorized officer shall submit to the Head of the Secretariat, a report prescribed under the Rules and Regulations.
35. The Head of Secretariat shall, after consideration of the report under section 34 make such recommendation to the Authority as he consider appropriate.

Chapter- IV The Secretariat

Establishment

36. The Authority shall have a Secretariat, responsible for all administrative and other operational function of the Authority.
37. The Secretariat shall have divisions or units as deemed necessary by the Authority.

Head of the Secretariat

38. The Royal Civil Service Commission shall by public notice, appoint a person who is proficient, and have experience in the field of construction, technology, law or administration, as the Head of the Secretariat, subject to the general superintendence of the Authority.
39. The Head of the Secretariat shall be;
 - a) known by such designation as the Authority may determine; and

- b) responsible to the Authority for proper administration and management of its functions and powers as may be delegated to it by the Authority.

Staff of the Secretariat

- 40. The Head of the Secretariat and such other Officers, Employees, Consultants and Agents shall be governed by the Civil service Act and Civil Service Rules and Regulation.
- 41. The terms and conditions of service of the Head and employees of the Authority shall be such as may be prescribed under the Civil Service Act of Bhutan.
- 42. The Authority may appoint or hire on contract such officers and staff of the Authority as the Authority may deem necessary for the proper performance of the functions of the Authority under Civil Service Act of Bhutan.

Immunity

- 43. No legal proceeding or suits shall lie against any member of the Authority and the staff of the Authority in respect of official duties, which is done in good faith or intended to be done pursuant to the provision of this Act. Such immunity shall not cover corrupt acts committed by any member or staff of the Authority in connection with discharge of their duties or cover other valuables in consideration to act in a particular manner.

Regional Office

- 44. The Authority may establish regional office as and when deemed necessary.

Chapter- V Registration of Contractors and Consultant

Register

- 45. All construction firms and the construction professionals should be registered and classified with the Authority for the procurement of any government works.
- 46. The Secretariat shall maintain a register of consultant and contractor at its office, which contains:
 - a) the name, business address, the grade and area of specialization, as the case may be, of every consultant or contractor registered under this Act; and

b) any other information's the Authority deems necessary, from time to time, determine.

47. The register shall be made available for inspection at all reasonable time during office hour.

Registration

48. No person shall offer his service as a consultant or as a contractor, unless he or she is registered under this Act or prescribed under Rules and Regulations.

49. An application for registration as a consultant or as a contractor under this Act shall be made in the form prescribed under Rules and Regulations.

50. The applicant shall pay such processing fee as may be prescribed in the Rules and Regulations.

51. The Secretariat may require from an applicant such information as is necessary to determine as prescribed in Rules and Regulations:

52. The Secretariat shall not grant an application for registration where:

- a) the applicant has been adjudged bankrupt or declared insolvent, or in the case of a corporate body has been the subject of a winding up order;
- b) any of the principal, associate or partner of a consultancy firm or contractor who has been found guilty of professional misconduct by a recognized professional body and whose participation was material for the grant of the registration;
- c) the applicant has been convicted for an offence involving felony for construction related crimes; or
- d) the applicant has submitted misleading information for the purpose of his registration.

53. Where the Secretariat grants an application under section 51, it shall determine the field of specialization of the consultant, the class of works and grade and the area of specialization of the contractor in respect of which the registration is granted and issue to the applicant a certificate of registration, valid for two years, on payment of such fee under the Rules and regulations and on such terms and conditions as it may determine and assign a registration number to every registered consultant or contractor.

54. The transfer of ownership of certificate and the changes in location, activity, item, category and registered names may be effected only with the prior approval of the Authority and on payment of prescribed fees.

55. A consultant or a contractor shall not undertake or implement any project or constructions work which is not within the class of work and the grade and the area of specialization, in respect of which the certificate is issued.
56. A contractor or consultant shall not lease his/her certificate to another certificate holder or to any non-licensee for any procurement of works. Firm(s) shall not issue letter of authorization in favour of an employee of another firm for the purpose of tendering or execution of works.

Temporary registration of foreign consultant and foreign contractor

57. A foreign consultant or foreign contractor who intend to undertake consultancy service or construction work independently or in the form of joint venture, as the case may be, in the Kingdom shall prior to the award of contract, apply for temporary registration in respect of that contract.
58. An application for the purposes of section 57 shall be made in writing in the form and manner prescribed in the Rules and Regulations.
59. After considering an application, the Secretariat may grant the application and issue to the applicant a Temporary Certificate of Registration, valid for one year, subject to the payment of such fee as may be prescribed in schedule of fees and on such terms and conditions as it may determine.
60. A temporary registration shall lapse where the contract in respect of which the temporary registration has been granted is determined.

Renewal of registration

61. A registration certificate issued under this Act may be renewed within one month before the date of expiry of the certificate of registration subject to an application being made in a manner and form prescribed by the Authority under the Rules and Regulations.

Non-renewal of registration

62. Where the holder of a registration certificate or temporary registration certificate apply for renewal of his certificate after the expiry of the period of validity of the certificate shall be liable a late renewal fee prescribed by the Authority in the Rules and Regulations.
63. A registration of contractor, consultant and temporary registration shall lapse and shall be struck off from the register if it is not renewed within one year from the date of expiry of its period of validity.

Cancellation of Registration Certificate

64. The Authority may cancel the registration of a consultant or a contractor where the consultant or the contractor:

- a) has been adjudged bankrupt or declared insolvent, or in the case of a corporate body, has been the subject of a winding up order;
- b) has obtained his certificate of registration or renewed the certificate of registration by fraud or misrepresentation;
- c) has, without good cause, abandoned any consultancy service or construction work, as the case may be, undertaken by him;
- d) fail to renew the certificate of registration to act as consultant or contractor within one year from the lapse of renewal date; or
- e) was convicted by the Royal Court of Justice for offence of felony for construction related crimes.

Suspension of Registration Certificate by the Authority:

65. The Authority may suspend the registration of a consultant or a contractor where the consultant or the contractor:

- a) has been negligent in the provision of his service;
- b) has contravened any provision of this Act or any Rules and Regulations made under this Act;
- c) has failed to comply with any condition specified in the certificate of registration;
- d) was convicted by the Royal Court of Justice for an offence related to construction crimes of petty misdemeanor, misdemeanor and any other offences;
- e) has been debarred by competent authority under the Laws of the Kingdom;
- f) has been referred to the Royal Court of Justice for adjudication;
- g) has acted fraudulently in obtaining works; or
- h) the principal, associate or partner has been found guilty of professional misconduct by a recognized professional body and whose participation was in the opinion of the Authority, material for the grant of the registration.

66. The Authority in suspending the registration of the contractor or consultant shall consider the severity of the offence and shall suspend the registration for a period of not more than three years or as prescribed in Rules and Regulations.
67. Any consultant or contractor who is aggrieved by any decision of the Authority may, within 10 days of the notification of the decision, notify the Head of the Secretariat of his intention to appeal stating his grounds of appeal.
68. The Head of the Secretariat shall inform the chairperson of the Authority of the appeal and the Authority shall review the appeal within 15 days of the receipt of the notice of appeal.

Chapter VI

FINANCE, ACCOUNTS AND AUDIT

Finance

69. The funds of the Authority shall consist of all fees, levies, charges and moneys received or recovered under the provisions of this Act or the Regulations by or on behalf of the Authority and any moneys, capital budget, grants or loans provided for by the Royal Government.
70. The Head of the Secretariat may, out of the funds of the Authority, and with the consent of the Chairperson authorize the:
- a) payment of all such sums of moneys as may be necessary to enable the Authority to discharge its functions under this Act and to give effect thereto, and
 - b) payment for meeting the expenses on objects and for purposes authorized by this Act.

Accounts

71. The Authority shall maintain proper books of account and other books and records in relation to the funds, and to all the undertakings, activities and property of the Authority and shall, within such period after the end of each financial year as the Chairperson shall specify, prepare and submit;
- (a) a balance sheet showing in detail the assets and liabilities of the Authority as at the end of that year; and

- (b) statements of account as may be necessary to indicate the financial status of the Authority as at the end of that year.

Construction Development Fund

- 72. There shall be established a Fund known as the Construction Development Fund referred to as the “Development Fund”.
- 73. There shall be paid into the Development Fund all such sum of money as may be received by the Development Fund by way of donation, gift or grant and all such sums collected as the Construction Industry Development levy or any levy, charge made specifically for the development of the construction industry.
- 74. Subject to the provisions of the Rules and Regulation, there shall be paid out of the Development Fund all such sum of money as are required to defray any expenditure intended out of the Development Fund by the Authority in the exercise of power and discharge of the function under this Act.
- 75. For the purpose of this section, the Authority with the concurrence of the Government and Minister in charge of Finance shall impose a levy to be called the “Construction Industry Development Levy” and the rate of the levy shall be as prescribed by the Rules and Regulation.
- 76. Every registered contractor shall notify and submit to the Authority any contract which he has executed on any construction works having a contract sum of above five hundred thousand ngultrum. Authority shall impose on every registered contractor, before the commencement of any construction work having a contract sum of above five hundred thousand ngultrum.
- 77. The Levy may be paid to the Authority or its authorized agent at such office or place as may be determined by the Authority.

Audit

- 78. The accounts of the Authority shall be examined, audited and reported upon annually in accordance with the Audit Act of Bhutan in force.

Chapter VII Settlement of Dispute

Settlement of Dispute

79. The Authority shall decide any dispute or matter –
- a) between two or more construction firms; or
 - b) between Procuring agencies and construction firms; arising out of enforcement of any provision of this Act or Contract documents;
80. If the parties so desire, any dispute relating to a contract for construction work, unless otherwise specified in the contract, may be settled through Arbitration or conciliation or mediation by the Authority as per the Alternative Dispute Resolution (ADR) Law.
81. The procedure for Arbitration of a dispute relating to a contract for construction work shall be as per the prevailing ADR Laws.
82. For purposes of Sub-section the Authority shall issue arbitral award, as it deems fit, which shall be binding on the parties to the proceedings.
83. The Authority shall maintain a Directory of technical arbitrators who are competent to adjudicate dispute relating to a contract of construction work.

Chapter VIII

TRANSFER OF PROPERTY, LIABILITIES AND EMPLOYEES

Transfer of property

84. Any movable and immovable property vested in the Government as may be determined by the Ministry of Finance and used or managed by the Construction Development Board shall be transferred to and shall vest in the Authority without further assurance, act or deed from the date of commencement of this Act.

Transfer of employees

85. All persons employed immediately before the commencement date of commencement of this Act, by the Construction Development Authority shall be transferred to the service of the Authority on terms no less favorable than those enjoyed by them immediately prior to their transfer.

86. The Authority may appoint or hire on contract such officers and staff of the Authority as the Authority may deem necessary for the proper performance of the functions of the Authority under Civil Service Act of Bhutan.

Existing contract

87. All deeds, bonds, agreements, instruments or arrangements, subsisting immediately before the commencement of this Act to which the Construction Development Board is a party shall continue in force on and after that date and shall be enforceable by or against the Authority as if the Authority had been named therein or had been a party thereto instead of the Authority or the Government.

Chapter IX

MISCELLANEOUS

Information and Annual Report

88. The Authority shall, submit to the Chairperson all such information as he may from time to time require in respect of the activities and financial position of the Authority.

89. The Authority shall as soon as practicable after the end of each financial year submit to the Chairperson an annual report on its activities including a balance sheet and a statement of income and expenditure audited in accordance with Audit Act of Bhutan in force, and such other particulars as the Chairperson may request, and such report shall be presented by the Chairperson before the Parliament.

90. The Annual report shall be published by the Authority.

Offences

91. Any consultant or contractor who contravenes the provisions of this Act and does not fall within the purview of Penal Code of Bhutan shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 3 years.

Authority's symbol

92. The Authority shall have the exclusive right to use such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activity or affair.

Rules and Regulations

93. The Authority may issue Rules and Regulations, Manuals, Schedules, Guidelines and Procedures for all or any of the following purposes –
- a) Regulating the proceedings of the Authority or of the committees of the Authority;
 - b) For registration, classification and monitoring of consultant, contractor, consultancy firm, Joint Venture, or International firm who desire to work in Bhutan;
 - c) For dispute resolution including identification of respected professionals to participate in reviewing claim by either client or contracted entity and to arbitrate any dispute or difference;
 - d) To develop promotional strategy relating to construction sector, and
 - e) To prescribe any matter which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Code of conduct

94. A member and employee of the Secretariat shall act without any prejudice, uphold a strict code of conduct and shall not misuse their official position and power vested on them.
95. The Authority may frame a separate Rule for Code and Conduct under the Rule Making power, if deemed necessary.

Publication

96. The Authority shall, not later than 30th June of every year, publish an annual list of registered consultants and contractors.
97. The Authority shall publish in at least one daily newspaper any cancellation, suspension or any change in particular, of any registration made under this Act.

Amendment

98. The amendment of this Act by way of addition, variation or repeal may be effected only by the Parliament.

Authoritative text

99. In any instance of a difference in meaning between Dzongkha and the English Text of this Act, the Dzongkha text shall prevail.

Definitions

100. In this Act, unless the context otherwise requires –

- a) “Authority” means Construction Development Authority established under this Act
- b) “Minor” means a person who is defined as minor under the Child Care and Protection Act, 2010.
- c) "construction work" means, operations of any government funded works, of the following descriptions–
 - 1.construction, alteration, repair, maintenance, extension, demolition or dismantling of buildings, or structures forming, or to form part of the land (whether permanent or not);
 - 2.construction, alteration, repair, maintenance, extension, demolition or dismantling of any works forming, or to form, part of the land, including (without prejudice to the foregoing) walls, road works, power-lines, telecommunication apparatus, aircraft runways, railways, inland waterways, pipe-lines, reservoirs, water-mains, wells, sewers, industrial plant and installations for purposes of drainage.
 - 3.installation in any building or structure of fittings forming part of the land, including (without prejudice to the foregoing) systems of heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply or fire protection or security or communications systems;
 - 4.external or internal cleaning of buildings and structures, so far as carried out in the course of the construction, alteration, repair, extension or restoration;
 - 5.operations which form an integral part of, or are preparatory to, or are for rendering complete, such operations as are previously described in this section, including site clearance, earthmoving, excavation, tunneling and boring, laying of foundations, erection, maintenance or dismantling of scaffolding, site restoration, landscaping and the provision of roadways and other access works;
 - 6.painting or decorating the internal or external surfaces of any building or

structure;

- d) “construction industry”, refer to construction firms (contractor, consultant and professionals).
- e) “construction sector”, refer to both the construction firms and the procuring agencies.
- f) “construction contract” means, an agreement with a person or entity for any of the following–
 - 1.the carrying out of construction work;
 - 2.arranging for the carrying out of construction work by others, whether under sub-contract or otherwise to such person or the entity, as the case may be;
 - 3.providing his own labour or labour owned by the entity, or the labour of others, for carrying out of construction work;
 - 4.It shall also include an agreement in relation to construction works which requires the doing of architectural, design, or surveying work, or which provides advice on building, engineering, interior or exterior decoration or on the laying-out of landscape
- g) “contractor” means any person or entity executing construction works under a construction contract;
- h) "consultant" means any person or entity providing consultancy services under an agreement for construction work;
- i) "documentation" means preparation of tender and bidding documents including bills of quantities, contract documents, drawings and specifications and any other document pertaining to tenders or contracts;
- j) “qualified person” is a person, whose name is included in the relevant Register, in concurrence with the relevant professional body, as applicable by the Authority as prescribed.
- k) “professional” is a person, engineer, architect and any other construction related professionals registered with the Authority.