WERKSMANS
ATTORNEYS

INFRASTRUCTURE & ENERGY

Update: Directions on resumption of maintenance and construction of energy projects

22 May 2020 *2 min read*

by Nozipho Bhengu, Director

The regulations issued in terms of the Disaster Management Act, 2020 ("**Regulations**"), which set out the relaxation of the lockdown restrictions under Alert Level 4, permitted the resumption of civil engineering services for public works projects (including water, energy and sanitation) and public works civil engineering and construction works. In order to provide certainty as to the specific services covered by the Regulations, on 15 May 2020 the Department of Mineral Resources and Energy published directions under the Government Notice No. 542 ("**Directions**") which provided much needed clarity as to which "civil engineering activities for public works" relating to energy and other additional services are permitted to recommence and continue under Alert Level 4. These specifically include:

1. "Civil engineering for public works projects" in so far as it relates to energy, including the following:
    i. projects procured under the Renewable Energy Independent Power Producers Procurement Programme that are currently in construction;
    ii. embedded generation projects under construction and listed in Schedule 2 to the Electricity Regulation Act, 2006 (Act No. 4 of 2006) or licensed in terms of section 7 (1) of the Electricity Regulation Act;
    iii. Eskom new build programme which includes Medupi and Kusile;
    iv. the Department of Mineral Resources and Energy national sodas solar water heater programme and projects;
    v. energy efficiency and demand side management projects;
    vi. national electrification programme;
    vii. liquid fuels (including retails) projects under maintenance and construction;
    viii. liquid Petroleum Gas projects under maintenance and construction; and
    ix. nuclear projects under maintenance and construction in power stations and other nuclear facilities.

In addition to the above, the Directions also confirmed that the following services are permitted under Alert Level 4:

- all professional entities that provide licences, approvals and authorisations for the maintenance and construction of energy projects;
- all professional planning, costing and design work that supports construction work on sites, in anticipation of incremental work on construction sites;
- contracted suppliers, contractors and consultants who need to travel across borders to attend to projects; and
- energy construction work for already priced and awarded government tenders.



Nozipho Bhengu

Director

View Profile