



SACLAP
SOUTH AFRICAN COUNCIL FOR THE
LANDSCAPE ARCHITECTURAL PROFESSION
REGISTRATION EXAMINATION

MARCH 2004
TOTAL 100

PART / SECTION 2 :
PROFESSIONAL PRACTICE

SECTION A: GENERAL

1. What is the time period the main contractor has to remedy defects after practical completion has been reached in terms of the JBCC contract documents? (2)
 - a 14 days
 - b 2 months
 - c 20 days
 - d 7 days
 - e five years

2. According to the JBCC Minor Works Agreement, which party provides a payment guarantee? (2)
 - a. Quantity Surveyor
 - b. Principal Agent
 - c. Employer
 - d. Contractor
 - e. Quantity Surveyor and Principal Agent

3. According to the JBCC MWA, who chooses the method of security that will apply to the contract? (2)
 - a. Attorney
 - b. Financial institution
 - c. Insurance company
 - d. Employer
 - e. Contractor

4. According to the ETC Act No 25 of 2002, which method/s of serving a notice has legal certainty? (2)
 - a. By hand
 - b. By electronic mail
 - c. By registered post
 - d. By telefax
 - e. All of the above
 - f. a and c.

5. What do the following acronyms stand for? (7)
- a. OHSA
 - b. PC
 - c. LDLP
 - d. GDACEL
 - e. CPD
 - f. HDI
 - g. CPAP

SECTION B: PROFESSIONAL APPOINTMENT AND FEES

6. Your firm is appointed by the City of Johannesburg for the development of a design and the compilation of tender documentation for a park in Berea. The total budget for the project including professional fees is R456,000.00 all inclusive. Your firm is registered as a Vat vendor.
- a) Calculate your professional fees for the project using the SCALAP Tariff Scale of Fees (10)
 - b) Provide the client with a proposed breakdown of your scope of work and related expected expenditure. (12)
7. Your above fee proposal is accepted by the client, who informs you that additional funding has become available and the new total budget for the project is R1,368,000.00. The revised budget must include detailed design of street furniture and specialised paving for pedestrians and vehicles including SABC television trucks.
- a) Recalculate your professional fees (total only) based on the above extension of appointment and scope of works. (8)

SECTION C JBCC:

B1: Appointment of main contractor, nominated & selected sub-contractors

8. Explain in your own words the difference in the selection and appointment between a selected and nominated sub-contractor in terms of the JBCC contract documents. (2)
9. Explain in your own words the difference between a nominated and selected sub-contractor if the main contractor defaults payment to such nominated or selected contractor after a specified period of time (2)
10. Explain in your own words the difference in terms of extension of time allowed to the main contractor if the nominated and selected contractor is delaying completion of the work when appointed under the JBCC contract? (2)
11. Discuss the advantages and disadvantages of choosing retention vs a construction guarantee as the method providing security for a contract. (16)

Defects

12. Explain in your own words the difference between patent and latent defects in terms of the JBCC contract documents. (2)

Conflict resolution

13. The landscape contractor has been appointed as Main Contractor under the JBCC 2000 contract documents to undertake the implementation of a project for the City of Johannesburg. After a month on site, the contractor and a sub-contractor fall into a disagreement over the execution of the project.
- a) Explain the process of conflict resolution, including mediation but not arbitration - stipulate all time periods where applicable. (5)
 - b) Explain the legal requirements of arbitration (2)
 - c) Explain the process of appointing an arbitrator if no name of an arbitrator was inserted in the contract documents. (2)
 - d) Does cancellation of the contract terminate the dispute resolution clause in the contract? (2)

Payment certificates

14. Explain the process of preparation of a final account at the completion of a JBCC contract – stipulate the time period required for each action. (3)
15. Give the definition for practical completion (2)
16. The following is the current financial status pertaining to a contract that is being implemented by ABC Contractors for the City of Cape Town. Complete the attached Payment Certificate for the contractors' claim for 50% completion of the works. Retention is applicable. All amounts below exclude Vat. (15)

Total value of contract:	R 840,000.00
Materials on site:	R 20,000.00
Professional Fees:	R 80,000.00
Total value of work by direct contractor	R 10,000.00
VO # 1 issued after claim # 2	+R 60,000.00
Claim # 1	R 200,000.00
Claim # 2	R 150,000.00
This claim:	R 50,000.00