ETHICS AND COMPETENCE MUST LEAD SOUTH AFRICA'S PROCUREMENT RESET, SAYS SAICE

Following Global Ethics Day on 21 October 2026, which called on the world to re-centre ethics, the 123-year-old South African Institution of Civil Engineering (SAICE) invites government, municipalities and funders to build on integrity, technical competence and early consultation as the foundations of infrastructure that changes lives.

Johannesburg, 22 October 2026: This year's Global Ethics Day carried the theme "Re-centring Ethics". For infrastructure, that means ethics at the centre of planning, procurement, operation and maintenance. With South Africa's procurement law back on the drawing board, SAICE is inviting government, municipalities and funders into a closer partnership so that South Africa builds with integrity and its infrastructure lasts.

"Ethics in infrastructure is about whether the right people, with the right skills and expertise, are entrusted to make fair and informed decisions for the good of the public. We have worked alongside successive governments, and the lesson is consistent: government sets the direction and the oversight, and engineers make sure it can be built and will last," says Sekadi Phayane-Shakhane, SAICE CEO.

A reset, and a lesson in consultation

On 17 September 2026, the Constitutional Court found that Parliament had failed to facilitate meaningful public participation when it passed the Public Procurement Act and declared it invalid. The draft General Public Procurement Regulations, published in April 2026, are now without a parent Act, while procurement continues under existing legislation. The Court ruled on the process followed, rather than the substance of the Act's provisions. SAICE sees a clear lesson: the reset is an opportunity to build the next framework around transparency and ethical principles.

The cost of getting it wrong

SAICE's 2022 Infrastructure Report Card (IRC2022) gave the country's public infrastructure an overall grade of D, the lowest in its history. Of the 32 subsectors assessed, 12 had deteriorated and only three had improved. The Department of Water and Sanitation's 2025 Drop Reports, released in March 2026, show that the pressure continues:

- **Non-revenue water** stands at 47.3%: nearly half of treated water is lost or goes unbilled, compared with an international average of about 30%.
- **Green Drop certifications** fell from 22 in 2022 to 14 in 2025.
- **47% of the 848 wastewater systems audited** were in a critical state, up from 39% in 2022.

What works
The same Report Card highlights examples of infrastructure performing well. National roads managed by SANRAL scored B+, while the Gautrain system scored A-. The Report Card links these results to stable leadership, continuity among competent senior staff and sound management systems. Quality infrastructure is the product of good decisions made by competent people and sustained over time.

Ethics is more than compliance
“Ethical frameworks already exist, from corporate governance codes such as King V to SAICE's own Code of Ethics. Every SAICE member is bound by a Code of Ethics. That means exercising independent judgement, speaking up when safety or value for money is at risk, and being honest about what a project will really cost and deliver. Those duties sit alongside those of decision-makers: transparent processes, appointments based on competence, and a willingness to listen to and act on professional advice. When both sides meet their obligations, communities benefit,” says Professor Chris Roth, the 2026 SAICE President.

What SAICE proposes
This year, SAICE has provided analytical input on the Draft Public Procurement Regulations, the National Water Act, the White Paper on Local Government and the Council for the Built Environment Bill. It has also raised concerns about skills shortages, barriers to entry for smaller consultancies and the professionalisation of the public sector. SAICE sees encouraging proclamations in the White Paper on Local Government and the CIDB's Standard for Uniformity in Construction Procurement. The Report Card found that most municipalities are understaffed in the technical positions needed to keep infrastructure running.

“Our message is constructive. We want these frameworks to work in practice. That means weighing technical competence and long-term value alongside price and preference, creating a fair path for smaller consultancies, strengthening engineering capacity in government entities, especially municipalities, and consulting professionals early. Ethics is a hard taskmaster. Set it as our guiding star, and through collaboration, reforms then regulations can be developed to serve the interests of the country and all its people,” says Wynand Dreyer, Chair of the SAICE Advocacy Committee.

SAICE proposes an ethical ecosystem, built on three principles, in which the state and private enterprise work together:

- **Upholding the Constitution's procurement principles:** Section 217 requires fairness, equity, transparency, competitiveness and cost-effectiveness. No one should be left behind, and no one should be allowed to manipulate the system for their own ends.

- **Rebuilding trust between government and the private sector:** This requires an honest conversation about why procurement law and procurement practice diverge.
- **Conducting independent research into the effects and impacts of existing regulations and any proposed new regulations**: Such research would provide evidence to identify where changes would be beneficial and clarify the skills and competencies state entities need to deliver on their mandates.

All three principles depend on early consultation, which helps identify implementation problems while they are still relatively inexpensive to address. The key question is whether infrastructure will deliver public value over its lifecycle, rather than simply whether the boxes were ticked during the tender process.

In such an environment, honesty and diligence are rewarded, and people experience the benefits in their daily lives.

The lack of meaningful consultation was central to the Constitutional Court's decision to declare the Public Procurement Act of 2024 invalid. The draft regulations also attracted substantial criticism from public and private procurement practitioners and industry professionals before the Act was struck down.

Recent policy developments present both opportunities and concerns. SAICE welcomes the White Paper on Local Government and the CIDB's Standard for Uniformity in Construction Procurement. However, the draft Built Environment Professions Bill and the Concept Document for the Establishment of the Office of the Engineer General for South Africa, both published in 2026, raise concerns about the relationship between the independence of professional associations in the built environment, and state departments. These developments reinforce the need for meaningful consultation with professional bodies when shaping policies that affect infrastructure delivery, engineering education and assessment of technical competence.

“Engineering rarely makes headlines,” adds Phayane-Shakhane. “When it is done well, nobody notices. The tap runs, the bridge holds, the ambulance gets through. That quiet reliability is built on ethical decisions made years earlier by people who put the public first. For 123 years, SAICE has stood for that combination of ethics and technical excellence, and we will work with government, municipalities and funders to make sure it continues.”

END

Notes to editors: Figures are from the SAICE 2022 Infrastructure Report Card and the Department of Water and Sanitation's 2025 Green, Blue and No Drop reports, released on

31 March 2026. The Constitutional Court judgment was handed down on 17 September 2026. For more information and to read the Report Card, visit https://saice.org.za.

About SAICE

The South African Institution of Civil Engineering (SAICE), established in 1903, is a learned society and voluntary organisation that acts as a catalyst for innovation and good practice in the development of the civil engineering profession. SAICE has more than 15 000 members and is involved in the advancement of the built environment and the professional development of civil engineering professionals.