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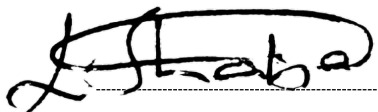
**Title: Supply and Delivery of
Computer Servers at
Sunilaws NMC**

**Project Reference Number:
Rev: 1**

**Compiled by
L. Shabalala**

**Verified by
R. Masiza**

**Accepted by
B. Mabena**



H&S Officer



Senior Advisor-H&S



Safety Risk Manager

Date: 5 May 2022

Date: 5 May 2022

Date: 5 May 2022

**Accepted by
S. Feldman**

**Authorised by
T. Mpela**

Project Manager

Programme Manager


Date: 5 May 2022

Date: 5 May 2022

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1. Introduction

Transmission Projects Delivery (TPD) is committed to ensuring a safe working environment in line with its Safety, Health, Environmental and Quality Policy (SHEQ Policy), along with legislative obligations.

These Safety and Health (H&S) requirements (hereinafter Requirements) are TPD's minimum requirements for the specific contract, and the supplier shall fully comply with them the duration of the contract period.

The supplier shall develop a H&S framework (hereinafter the Framework), which responds to these requirements and relevant legislation.

TPD in no way assumes the supplier's legal responsibilities. The supplier is accountable for the quality and execution of his/her health and safety programme for his employees and appointed sub-contractor employees.

These Requirements reflect minimum requirements and should not be construed as all encompassing.

TPD may add or subtract other Requirements, as may be necessary and the supplier shall respond accordingly in his framework.

The supplier shall incorporate details in terms of how COVID-19 is going to be managed, monitored, controlled, reported in relation to employees, visitors and members of the public.

The supplier shall develop a detailed documented safe work procedure (SWP) to support the H&S framework in effectively managing the risks of COVID-19 and make reference to the document in the H&S Plan.

2. Supporting Clauses


2.1 Scope

These Requirements list the Legal and TPD Requirements and where applicable, Requirements pertaining to Local Authorities / Municipal by-laws / that must be met by the supplier.

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2.1.1 Purpose

To indicate to supplier the H&S requirements, upon which their planning for the management of H&S will be based on and thus produce their H&S framework.

2.1.2 Applicability

These Requirements are applicable to any contracting organisation who intends tendering for this supply and deliver contract.

This specification is applicable to all Contractors, Service Providers, Suppliers and all activities and processes carried out for and on behalf of TPD.

2.2 Normative/Informative References

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.


2.2.1 Normative

- [1] Basic Conditions of Employment Act No 75 of 1997.
- [2] Occupational Health and Safety Act and Regulations No 85 of 1993.
- [3] National Road Traffic Act 93 of 1996.
- [4] 32-37 Eskom Substance Abuse Procedure.
- [5] 32-136 Contractor Health and Safety Requirements
- [6] 240-62196227 Life- saving Rules
- [7] 32-95 Environmental, Occupational Health and Safety Incident Management Procedure
- [8] 240-62196227: Life-saving Rules Standard
- [9] 240-62946386 Vehicle & Driver Safety Management Procedure
- [10] 32-124 Eskom Fire Risk Management
- [11] 32-95 Occupational Health and Safety Incident Management Procedure
- [12] 32-93 Eskom Vehicle and Driver Safety Management
- [13] 240-43848327 Employees' right of refusal to work in an unsafe situation
- [14] 32-520: Occupational Health and Safety Risk Assessment Procedure
- [15] 32-123: Emergency Planning
- [16] Occupational Health and Safety Act and Regulations No 85 of 1993
- [17] 32-726: Requirements for the Eskom Commercial Process

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- [18] 32-1126 Eskom Smoking Policy
- [19] 32-1134 Physical Access Control at Eskom Premises
- [20] Disaster Management Act, Act 57 of 2002
- [21] All relevant South African legislation-national; provincial, municipal by-laws
- [22] All relevant international/national recognised code of practice (such as South African National Standards – SANS)
- [23] 32-727: Eskom SHEQ Policy

2.2.2 Informative

- [1] ISO 45001:2018, Occupational Health and Safety Management Systems-Requirements
- [2] ISO 9001:2015 Quality Management Systems- Requirement
- [3] Constitution of the Republic of South Africa No 108 of 1996


2.1 Definitions

Definition	Explanation
Appointed contractor	Means a contractor appointed by the principal contractor
Baseline risk assessment	(32-520) baseline operational risks refer to the health and safety risks associated with all standard processes and routine activities in the business
Controlled disclosure	controlled disclosure to external parties (either enforced by law, or discretionary).
Client	Eskom representative (Internal – Asset Owner), also referred to as the contract administrator/custodian or agent or project manager (as defined in the contract). He/she is the person responsible for ensuring that the works or services are executed in terms of the contract, as well as adherence to legislation pertaining to the contract.
Contractor – includes appointed contractor	means an employer as defined in section 1 of the Act who performs contract work and includes principal contractors
Duty of care to the environment	(32-136) anybody who causes or has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing, or recurring. If such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, such person must minimise and rectify such pollution or degradation of the environment

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Employee	(OHS Act) means, subject to the provisions of subsection (2), any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration or who works under the direction or supervision of an employer or any other person
Employer	(OHS Act) means, subject to the provisions of subsection (2), any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him/her, but excludes a TES (ex labour broker) as defined in section 1(1) of the Labour Relations Act 1956 (Act No. 28 of 1956)
Eskom requirements	Eskom requirements flowing from directives, policies, standards, procedures, specifications, work instructions, guidelines, or manuals
Hazard	(OHS Act) means a source of, or exposure to, danger
Hazard identification	(OHS Act) means the identification and documenting of existing or expected hazards to the health and safety of persons, which are normally associated with the type of construction work being executed or to be executed
Health and safety file	(OHS Act) means a file or other record, containing the information in writing required by the construction regulations.
Health and safety framework	means a site, activity or project specific document based on the client's health and safety specifications giving details on the management of safety.
Health and safety requirements	means comprehensive health and safety requirements for a contract, project, site, and scope of work. This specification is intended to ensure the health and safety of persons, both workers and the public, and the duty of care to the environment. The health and safety requirements must be specific to each contract, project, site, and scope of work.
Organisation	may be defined as a group of individuals (large or small) that is cooperating under the direction of executive leadership in accomplishment of certain common objects
Responsible Manager	Is a Manager of a department, section or operating/business unit who has been appointed as part of the Eskom delegation of authority process with the aim to assist the applicable 16(2) assigned person in executing his/her duties in terms of the Occupational Health and Safety Act
Risk assessment	(OHS Act) means a programme to determine any risk associated with any hazard at a construction site in order to identify the steps needed to be taken to remove, reduce, or control such hazard.
Service provider	any private person or legal entity that provides any service(s) to Eskom for compensation
The Act	(OHS Act) means the Occupational Health and Safety Act No. 85 of 1993, as amended, and the Regulations thereto

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Visitor	Any person visiting a workplace with the knowledge of, or under the supervision of, an employer.
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2.2 Abbreviations

Abbreviation	Description
BU	Business Unit
CE	Chief Executive
COID Act	Compensation for Occupational Injuries and Diseases Act
DoL	Department of Labour (Inspection and Enforcement services – Provincial office)
EP	Emergency Preparedness
EAP	Employee Assistance Program
GAR	General Administrative Regulations
GSR	General Safety Regulations
HCS	Hazardous Chemical Substances
LDV	Light Delivery Vehicle
LoGS	Letter of Good Standing
MSDS	Material Safety Data Sheets
NEC	Engineering and Construction Contract
OHS Act	Occupational Health and Safety Act and Regulations, 85 of 1993
SABS	South African Bureau Standard
SANS	South African National Standard
SHE	Safety, Health and Environment

2.3 Related/Supporting Documents


TPD's OHS Act section 37(2) agreement between TPD and the supplier shall be signed at procurement during the signing of the NEC contract.

The project manager shall ensure that the 37(2) agreement is signed, and a copy be kept in the supplier provider file at procurement.

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3 Specification

3.1 Scope of work

Supply and Delivery of Computer Servers at Sunilaws NMC

Location GPS Coordinates:

Sunilaws Substation-32°57'15"S, 27°56'06"E

Program details:

Submission of final H&S Plan (framework) must be before access to site.

- Anticipated date for the commencement of work on site: TBA
- Project completion date or project duration: 12 months: TBA

A copy of the scope of works must be retained by the supplier.

3.2 Legal Compliance

3.2.1 Section 37(2) (Legal) Agreement

A section 37(2) agreement must be signed between TPD and supplier at the time of awarding the contract. The supplier must ensure that a section 37(2) agreement is compiled between themselves and any other supplier appointed by themselves for the contract.

The original copy of the section 37(2) agreement must be retained by the supplier and a copy retained by the responsible project manager.

A copy of all the agreements must form part of the respective supplier's H&S file.

3.2.2 Hazardous work by children (Child Labour)


The Bill of Rights in the Constitution of the Republic of South Africa is clear on the rights of children, especially when it comes to:

- being protected from exploitative labour practices;*
- not to be required or permitted to perform work or provide services that*
 - are inappropriate for a person of that child's age; or

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- Places at risk the child's well-being, education, physical or mental health or spiritual, moral or social development; and the Basic Conditions of Employment Act, Chapter 6 Section 43 "Prohibition of employment of children".
- Before resorting to the use of child labour, due consideration must be given to the rights of the child in terms of the constitution.

Where the work performed is not prohibited in terms of the constitution, such work shall be conducted in terms of the OHS Act "Regulations on Hazardous Work by Children in South Africa" with emphasis on paragraph 2 Purpose and Interpretation.

Eskom does not condone the use of child labour all efforts must be exercised to avoid it.

3.2.3 OHS Act

The supplier shall have an up to date copy of the OHS Act and regulations which will be available to all employees.

3.2.4 Legal compliance

Supplier shall comply with applicable legal requirements, including:

- The Constitution of the Republic of South Africa (particularly Section 24 of the Bill of Rights).
- Occupational Health and Safety Act 1993 (Act 85 of 1993) and its relevant Regulations.
- Compensation for Occupational Injuries and Diseases Act.
- National Road Traffic Act 93 of 1996.
- All relevant legal requirements

3.3 Eskom Requirements

All suppliers shall ensure that their employees are familiar with the applicable TPD H&S requirements.

3.3.1 Appointment of a supplier

The supplier will be appointed by TPD on the awarding of the contract and will be responsible and accountable for compliance with applicable legal and TPD requirements for the duration of the contract.


3.3.2 Appointment of sub-contractors

The supplier subcontract for assistance with the contract. All appointments shall be done in writing and form part of the SHE file required to be submitted to TPD. Adequate instruction shall be given to the appointees to ensure that all the appointed subcontractors understand their roles and responsibilities.

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Note: Copies of subcontractor appointments must be kept in the respective H&S file.

3.3.3 SHEQ policy

The supplier shall have their own organisational H&S policy in line with their H&S responsibilities. The policy must be signed by the organisation's CE or the appointed assistant to the CE OHS Act Section 16(2).

3.3.4 COID

The supplier shall be registered with an appropriate employment compensation commissioner and have available a valid Letter of Good Standing (LoGS) from such commissioner. The supplier shall ensure that the LoGS remains valid throughout the contract period. A copy of the LoGS must be filed in the supplier SHE files.

3.4 Substance Abuse

1. Alcohol and substance abuse poses a significant threat to any business, more so in industrial incidents and the driving of vehicles. Eskom shall take reasonable steps to ensure that intoxicated persons are identified and prevented from entering TPD Delivery construction sites. **The alcohol and drug permissible level is 0%.**
2. General Safety Regulation 2A is clear on the legal stance regarding intoxication.
3. Supplier shall comply with Eskom's procedure 32-37 ("Substance Abuse Procedure"), taking into account that this is an Eskom Life-saving Rule number 4: BE SOBER", this means anyone entering the Transmission Projects Delivery Power Station will be subjected to ad hoc alcohol testing.
4. Supplier is encouraged to compile their own procedure and to carry out regular alcohol testing of their own employees.
5. Alcohol test records must be treated as "Confidential" and filed in the employees' personal file.

3.5 Valid Certificates of fitness

The supplier shall ensure that his employees have valid Certificates of Fitness, issued by an Occupational Health Practitioner who holds a qualification in occupational health.


3.6 Appointments

For the duration of the contract, the supplier shall appoint competent employees who will meet the requirements of the OHS Act. Where appointments are made, supplier shall ensure that the appointees have been suitably trained and or informed of their responsibilities before getting them to accept such appointment.

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3.7 Hazard Identification & Risk Assessment (HIRA)

It is a legal requirement in terms of Section 8 (2)(d) of the OHS Act for an employer to carry out risk assessments to establish what hazards to the health and safety of persons are attached to any work which is performed, any article or substance which is, handled, stored, transported.

Risk assessments shall be maintained. Significant changes to a process or activity, or any new process or activity shall be subjected to a risk assessment, and if new hazards are identified, then these should also be subjected to risk assessments.

Prior to start of work, risk assessments shall be conducted to assess any inherent risks that could have been overlooked during the initial risk assessment or any other changes that might have occurred.

3.8 Safe Work Procedures and Practices /Safe Operating

The supplier shall compile written safe work procedures for the supply and delivery of the computer panels, aligned with the risk assessments.

3.9 Personal Protective Equipment (PPE) Requirements

After having done a HIRA, and having put in place the necessary controls to mitigate them, the supplier shall, as a last resort, provide his employees with the relevant PPE.

PPE shall comply with the relevant SANS standards.

Failure to provide adequate PPE to their employees is a transgression of Legal and Transmission Projects Delivery requirements

3.10 Incident Investigation


All incidents shall be investigated in terms of OHS Act General Administrative Regulations 8 and 9, using the latest revision of Eskom Procedure 32-95 as a reference, and where injuries as contemplated in sections 24 and 25 have been sustained, be reported to the Department of Labour.

Suppliers shall use the standard General Administrative Regulation Annexure 1 "Recording of an Incident" form for all incident investigation reports. The objective of incident investigation should not only be a legal requirement but should establish why and how the incident occurred and find out the root cause of the incident and to decide on precautionary measures that are

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required to address the root cause to prevent any further recurrences of the same or similar incidents.

3.11 Emergency Management

The supplier shall develop an emergency preparedness and response plan, taking into consideration the Baseline Risk Assessment provided by the client, as well as his own HIRA, to minimise the effects of any emergency and to restore normal activities as soon as practical.

3.12 Non-Conformance and Compliance

A non-compliance to any H&S requirement in this H&S specification is subject to discipline in terms of the Eskom Procurement and Supply Management Procedure.

Suppliers shall develop and implement a non-conformance procedure to deal with non-conformances during the contract. The procedure can include “quality” related non-conformance issues.

Supplier management must monitor the close-out of non-conformances issued.

Where non-conformances are issued by TPD, one of the close-out steps of the procedure will be for the offender to be called by the responsible project manager to explain the non-conformance issued and plans to prevent a recurrence.

3.13 COVID-19


Hierarchy of Controls must be adhered to/ applied

- Avoid close contact with people who are sick or show symptoms that are associated with COVID-19 virus.
- Washing of hands often with soap and water or alcohol-based sanitiser (70% alcohol).
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Stay at home when you are sick and report to your respective supervisor/manager. Seek medical help
- Practice safe coughing, sneezing and nose blowing etiquette e.g. bended elbow/ cover your mouth/cough or sneeze with a tissue. Safely disposed of the tissue in a covered bin or plastic pocket.
- Clean and disinfect frequently touched objects and surfaces.
- Employees to disinfect their workstations including frequently touched equipment (e.g. computers, printers etc.
- Have a schedule of disinfecting the workstations, adhere to the frequencies and provide a proof in a form of signed check-sheets.

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- The supplier shall develop the COVID-19 Policy and Risk Assessment as per the current promulgated COVID-19 Disaster Management Act. Proof of the COVID-19 Policy and Risk Assessment submitted to the Department of Employment and Labour shall be kept on site.
- Ensure that the COVID-19 Plan is continuously reviewed as new amendments are promulgated by the COVID-19 Disaster Management Authorities.

Transportation of employees to work (e.g. taxis/staff busses)

- Social distancing shall be adhered to at all times.
- Daily disinfection of transport modes before and after transportation of employees and keeping of signed and updated disinfection schedule/registers.

NB! The attached addendum must be read and complied with regarding matters of COVID-19.

4 Acceptance

This document has been seen and accepted by:

G. Small	SHEQS Middle Manager: TPD
V. Mthimunya	Middle Manager Health & Safety Inspectorate: TPD
B. Mabena	Health and Safety Manager: TPD

5 Revisions

Date	Rev.	Compiler	Remarks
November 2021 A	1	P Mojela R Masiza	New document

6 Development Team

- P. Mojela
- R. Masiza
- R Moabelo
- B Mabena

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