**Instructions for proper completion:**

1. Negotiate the deviations with the support of legal, insurance and the end-user.  Not all issues are “legal” issues.
2. Correctly complete and submit Annexure A to the Secretariat.  Include the original tendered contract. Please do not copy the Deviation Committee chairman or send deviations to her directly.
3. Read the footnotes *carefully* and complete the documents correctly.  They will be returned if not correctly completed.
4. Take note of the turn-around time of 21 days, after receipt of all and correctly completed documents. This will be deviated from only in the case of immediate and objective urgency, or where there may otherwise be severe prejudice to Eskom.  The timeline for Deviation Committee approval must be factored into the commercial process to prevent all submissions coming in for “urgent” attention.
5. Don’t include in Annexure A suggestions/requests which have been abandoned. Only include requests where a change to the terms as they were advertised, have been negotiated and agreed.
6. Please attach the contract documents that had gone out with the tender, or are intended to go out with the tender, and which are to be deviated from.

**Name of project:**

**Value and duration of project:**

**Impact of request on value and duration of project:**

**NEC or FIDIC contract to be used:**

**Name of the supplier:**

**Name of buyer:**

**Name of project manager and date project manager approved submission:**

**Name of legal adviser:**

**Name of commercial manager and date commercial manager approved the submission:**

**Deviation Committee chairman:**

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| **STANDARD CONDITION[[1]](#footnote-2)** | **PROPOSED CHANGE AS AGREED WITH SUPPLIER[[2]](#footnote-3) (ADDITIONS/ AMENDMENTS/ DELETION)** | **RATIONALE FOR PROPOSED CHANGE[[3]](#footnote-4)** | **STANCE OF THE BUSINESS UNIT PERSONNEL[[4]](#footnote-5)** | **STANCE OF LEGAL ADVISER[[5]](#footnote-6)** | **STANCE OF INSURANCE**  **ADVISER[[6]](#footnote-7)** | **STANCE OF PROJECT MANAGER[[7]](#footnote-8)** | **RISK[[8]](#footnote-9) AND MITIGATION** | **DEVIATION COMMITTEE COMMENTS[[9]](#footnote-10)** |
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1. Copy and paste the wording of the clause to be amended, as it appeared in the tender contract documents that are going of have gone, out to tender. [↑](#footnote-ref-2)
2. Here add the final wording of the final change as agreed with the supplier. **Your document will be returned** if you merely insert proposed changes. It is the result that is considered for approval. [↑](#footnote-ref-3)
3. Explain the reason the change is requested. [↑](#footnote-ref-4)
4. Add the comments of the business personnel whose areas are affected by these changes, for example OHS, engineering, etc. Confirm their approval of the intended change. [↑](#footnote-ref-5)
5. The legal adviser must state that this is approved. If the legal adviser is not satisfied with the change, the matter is not ready for the Deviation Committee. [↑](#footnote-ref-6)
6. Add the comments of the insurance adviser and confirm his or her approval of the intended change [↑](#footnote-ref-7)
7. Add the comments of the project manager and confirm his or her approval of the intended change. [↑](#footnote-ref-8)
8. Identify risks created, increased or minimised by the change, the extent thereof (low, medium, high) and include risk mitigation measures. [↑](#footnote-ref-9)
9. Leave the column blank – the Deviation Committee chairman will complete it. [↑](#footnote-ref-10)