	Terms of Reference (ToR)	Medupi Power Station Project
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Title: **NOD Clearing House Terms of Reference (ToR)**

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Functional Area: **Medupi Assurance**





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Content

	Page
1. Introduction.....	4
2. Supporting Clauses	4
2.1 Mandate	4
2.2 Scope.....	4
2.2.1 Purpose.....	4
2.2.2 Applicability	4
2.2.3 Effective date.....	4
2.3 Normative/Informative References	4
2.3.1 Normative.....	5
2.3.2 Informative.....	5
2.4 Definitions	5
2.5 Abbreviations	6
2.6 Roles and Responsibilities	7
2.6.1 NOD Clearing House Committee.....	7
2.6.2 Principal Members.....	7
2.6.3 NOD Clearing House Chairperson.....	8
2.6.4 Secretariat.....	8
2.7 RACI Matrix.....	9
2.8 Related/Supporting Documents.....	10
3. Document Content.....	10
3.1 Delegation of Authority	10
3.2 Frequency of the meeting.....	10
3.3 Quorum	10
3.4 Minutes	10
3.5 Decisions.....	11
3.6 Record Keeping.....	11
3.7 Progress Reporting	11
3.8 Process Map / Flowchart.....	12
3.9 Flowchart Action Steps – Descriptions	12
4. Process for Monitoring.....	14
4.1 Key Performance Areas and Indicators	14
4.2 Document Review and Self-Assessment.....	15
4.2.1 Document Self-Assessment	15
4.2.2 Revision Period	16
4.3 Training Requirements	16
5. Acceptance.....	16
6. Revisions.....	16
7. Development Team	17

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8. Acknowledgements 17

Appendix A – NOD Dossier..... 18

Appendix B – Process Self-Assessment Checklist..... 19

Figures

Tables

Table 1: RACI Matrix..... 9

Table 3: KPAs/KPIs 14

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1. Introduction

The Committee will be responsible to coordinate closure of outstanding NOD's, Audit findings,, P/CAR's and NCR's documents where the contractual time period of 90 days has expired and individual Project Quality Disciplines, Build and Design Contractors, FIDIC Contract Managers and Planning could not resolve outstanding actions in their own capacity. Outstanding defect documents that could not be closed through the normal processes will be escalated to the Project Director via Assurance NOD report. Only NOD's generated during the Construction and Commissioning Phases of the project will be managed by this committee.

The Clearing House Chairman shall also be responsible for recording all relevant decisions taken during these meetings to resolve NOD's issues.

2. Supporting Clauses

2.1 Mandate

The Quality Clearing House Committee is initiated to resolve long outstanding and current Notice of Defects (NOD's), Audit and Corrective Action Reports (CAR's) and Non-Conformance Reports (NCR's). It is the role of the Committee to resolve outstanding NOD's, NCR's, PCAR's (Audit findings) issues considered to be upholding or delaying the construction and commissioning on site. Only NOD's generated during the Construction and Commissioning Phases will be addressed by this Quality Clearing House Committee.

2.2 Scope

2.2.1 Purpose

This document covers the mandate, authority and scope of work of NOD's Clearing House Committee.

2.2.2 Applicability

This document shall apply to all Team Medupi personnel as well as Principal Contractors and Sub-contractors.

2.2.3 Effective date

The effective date of this document is date of the final signature.

2.3 Normative/Informative References

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

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2.3.1 Normative

Document Title	Document Number
[1] Development and Change of Medupi QMS Documents	200 5665
[2] Document Management Procedure	200 1680
[3] Project Execution Plan	200 5919
[4] Project Quality Plan	200 1679
[5] Quality Management Systems –Fundamentals and vocabulary	ISO 9000
[6] Quality Management Systems - Requirements	ISO 9001
[7] FIDIC Conditions of Contract for Plant and Design Build	ISBN2-88432-023-7

2.3.2 Informative

Document Title	Document Number
[8] Records Control Procedure	200 1682
[9] Medupi QMS Index	200 47329
[10] Control of Non-conforming Outputs	200 15327
[11] NEC Family of contracts	NEC 3

2.4 Definitions

Term	Explanation
Process Owner	Business individual who has the ultimate responsibility for the successful implementation (manually or through IT solutions), performance and continuous improvement of all levels of a specific process. The process owner is empowered and has the authority and ability to make decisions on necessary process changes.
NOD Clearing House Committee	Committee established with the purpose of resolving NOD's which have not been resolved within contractual period of 90 days as per FIDIC Conditions of Contract and/or 30 days as Per NEC Conditions of Contract.
NOD Dossier	Dossier folder capturing all decisions and relevant information generated during the period outside the contractual period of 90 days in which the contractor is obliged to resolve NOD's. The Committee Secretariat is responsible to collate this Dossier and submitting it to Documentation Centre for registration. Documentation Centre responsibilities include registration with a SPO number and linking to applicable System/Sub-system and archiving. This information may be used in the DAB process to resolve disputes of claims.
FIDIC Conditions of Contract Clause 4.21 Progress Reports (Yellow Book)	Unless otherwise stated in the Particular Conditions, monthly progress reports shall be prepared by the Contractor and submitted to the Engineer. Sub-sections (a) through to (h) shall be applicable for reporting on the NOD's status.

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Term	Explanation
FIDIC Conditions of Contract Clause 7.6 Remedial Work (Yellow Book)	<p>Notwithstanding any previous test or certification, the Engineer may instruct the contractor to;</p> <ol style="list-style-type: none"> Remove from site and replace any Plant or Materials which is not in accordance with the contract; Remove and re-execute any other works which is not with the contract; and Execute any work which is urgently required for the safety of the Works, whether because of an accident, unforeseeable event or otherwise. <p>The Contractor shall comply with the instruction within a reasonable time (if any) specified in the instruction, or immediately if urgency is specified under sub-paragraph (c).</p>
FIDIC Conditions of Contract Clause 15.1 Notice to Correct (Yellow Book)	Notice to Correct If the Contractor fails to carry out any obligation under the Contract; the Engineer may by notice require the Contractor to make the failure and to remedy it within a specified reasonable time.
Principal Member	<p>The following positions are identified as Principal Members of the NOD Clearing House Committee;</p> <ol style="list-style-type: none"> Chairman Applicable discipline Quality Manager Applicable discipline Engineer Applicable FIDIC Contracts Manager Applicable Contractor's Site Manager Medupi Planning Manager Assurance Department(Representative)
WISPA Quality Tracking Tool	This software developed tools performs the functions of Registration, Work Flow, Functional Status, Recording of Body of Evidence on progress, and Time Tracking of NOD's, NCR's and PCAR's progress.

2.5 Abbreviations

Abbreviation	Explanation
KPA	Key Performance Area
RoD	Record of Decision
DQM	Discipline Quality Manager
KPI	Key Performance Indicator
NCR	Non-conformance Report

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Abbreviation	Explanation
NOD	Notice of Defect
PCAR	Project Correction Action Report
QA	Quality Assurance
QMS	Quality Management System
WISPA	Web Integrated System Process & Application
DAB	Dispute Arbitration Board

2.6 Roles and Responsibilities

The various roles and responsibilities are discussed below:

2.6.1 NOD Clearing House Committee

The NOD Clearing House Committee responsibilities shall be:

- Coordinates resolutions for all NOD's, NCR's and P/CAR,s older than the 90 days contractual period allocated to Principal Contractors and Sub-Contractors as per FIDIC Conditions of Contract and the Medupi Project Quality Plan 200-1679 latest revision.
- Identifies all outstanding NODs, NCRs and P/CARs according to the "Medupi Project Quality Plan: 200 - 1679"
- Provides progress reports on responses on outstanding issues.
- Provides responses to outstanding issues.
- Formalizes actions to close out long outstanding quality issues.
- Record decisions taken on NOD's during Clearing House Meetings in the applicable minutes.

Where the "Medupi WISPA Quality Tracking Tool" does not provide all outstanding issues the committee members could table any outstanding issues that have been formally transmitted via the formal document management system.

2.6.2 Principal Members

The Principal Members for the NOD Clearing House Committee are identified as follows:

- Chairman (Applicable Assurance Manager or representative with Delegation of Authority.)
- Applicable Discipline Quality Manager (DQM).
- Applicable Discipline Engineering Engineer/Manager.
- Applicable FIDIC/ NEC Contracts Manager.
- Contractor's Site / Construction Manager / Representative with Delegation of Authority.
- Medupi Planning Manager / Representative with Delegation of Authority
- Representative from Assurance department to oversee that all governance issues are

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followed.

- h) Contractor Quality manager / Representative with Delegation of Authority
- i) Construction Manager/ Representative with delegation of Authority

The Principal Members functions include:

- a) Attend all meetings. If the appointed Member cannot attend a meeting, he or she must delegate an alternative member to attend the meeting on their behalf with Delegation of authority.
- b) Review and report on the documented schedule progress of the NOD.
- c) Take accountability for actions allocated and ensure implementation in respective business areas as well as report feedback via minutes of the Quality Clearing House Committee meeting.

2.6.3 NOD Clearing House Chairperson

The Chairperson shall:

- a) Review Minutes of meeting before distribution for the next meetings.
- b) Chair the NOD Clearing House Committee Meetings.
- c) Chairperson shall nominate an acting Chairman in the event that he/she is not available to chair the meeting.
- d) Shall act in responsible and neutral manner to remove issues preventing the successful resolution of the NOD's.
- e) Escalate unresolved NOD's via the FIDIC/NEC Contract Manager to notify Contractors of defaults.
- f) Report on the overall status and progress of the NOD's older than 90 days to the Project Director via Monthly report and summarise report into Bar Chart Report for the N-1 Management Meeting / Business Review Meetings.

2.6.4 Secretariat

The Secretariat will assume the role of the co-ordinating official and shall:

- a) Develop a schedule of meetings and distribute this to the Committee Members.
- b) Schedule Meetings for the NOD Clearing House Committee.
- c) Prepare the minutes of meetings and the necessary meeting documentation.
- d) Maintain the minutes of the meetings in electronic format and forward copies to the Members within 3 days.
- e) Keep an action list register to record all actions required.
- f) Compile a NOD Dossier which includes the contents of the NOD Checklist Form Number.

Note: We currently do not have secretariat and this is an important role delegation from QA Team personnel might be required.

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2.7 RACI Matrix

a) Responsible

Those who do the work to achieve the task. There is at least one role with a participation type of responsible, although others can be delegated to assist in the work required.

b) Accountable (also approver or final approving authority)

The one ultimately answerable for the correct and thorough completion of the deliverable or task, and the one who delegates the work to those responsible. In other words, an accountable must sign off (approve) work that responsible provides. There **must** be only one accountable specified for each task or deliverable.

c) Consulted (sometimes counsel)

Those whose opinions are sought, typically subject matter experts; and with whom there is two-way communication.

d) Informed

Those who are kept up-to-date on progress, often only on completion of the task or deliverable; and with whom there is just one-way communication.

Table 1: RACI Matrix

Process Step	Secretariat	Chairperson	Committee Members	Project Director	Eskom Client Representative
Set up/Coordinate NOD Clearing House Meetings	R	A	C	I	I
Compile NOD Dossier as per Checklists and present current status to clear the NOD	R	A	c	I	I
Capture Record of Decision of the Meeting (Costs, Schedule Implications, and Action Items)	R	A	C	I	I
Obtain sign-off of minutes and distribute to meeting attendees	R	A	C	I	I
Determine lack of Contractor performance issues to meet ^t schedule date	I	A	R	I	I
Capture Record of Decision of the Resolution Committee Meeting	R	A	I	I	I
Obtain sign-off of minutes and distribute to meeting attendees	R	A	C	I	I
Close NOD on WISPA and submit Dossier to Documentation Centre for SPO number and filing.	R	A	C	I	I
Store original NOD Dossier in Documentation Centre and on SPO	R	A	I	I	I

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2.8 Related/Supporting Documents

The following documents are included as attachments to this procedure:

- Attachment 001 Doc. Number - 200-5665 - "Document Self-Assessment Checklist".
- Attachment 002 Doc. "NOD Dossier Checklist"

3. Document Content

3.1 Delegation of Authority

The following delegation of authority is applicable:

- a) The representative from Assurance Department shall report to the Medupi Project Director on the activities status and findings of the Committee.
- b) The Committee is authorised to obtain independent professional advice if considered necessary with approval from the Project Director.
- c) All Committee members must have delegated authority to approve or decline on behalf of the principal member during absenteeism from the meeting.

3.2 Frequency of the meeting

- a) Committee meetings shall be held for each discipline on a monthly basis on an agreed time and day.
- b) Members and officials shall receive reasonable notice of meetings and of the business to be conducted.

3.3 Quorum

A quorum for the NOD Clearing House Committee will be representative of:

- o FIDIC Engineer or NEC project manager / Contract Manager
- o Quality Manager / Discipline Quality Manager
- o Contracts Manager / Representative
- o Contractor Quality Manager
- o Contractor s construction Manager / Representative
- o TM Construction Manager
- o Engineering Manager / Discipline Engineer and
- o Assurance Manager / Representative (Chairman)

3.4 Minutes

At the meetings:

- a) Minutes of each meeting shall be taken by the secretariat. If the secretariat is not available, then the chairperson shall delegate this responsibility to one of the attendees.

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- b) All material reviewed or presented at the meeting shall be appropriately identified in the minutes with references.
- c) Decisions and recommendations, including dissenting opinions and abstention decisions, shall be accurately recorded in the minutes. Unresolved matters will be reported to the Project Director in the monthly NOD status reports.
- d) All minutes will be signed off by the NOD Clearing House Committee Chairman.
- e) Actions arising from any NOD Clearing House Committee meeting shall be noted in the minutes along with the name of the responsible person and due date.
- f) The secretariat shall provide members with a summary of all action/decisions within three working days of the meeting.
- g) At the request of a principal member of the Committee meeting or at his/her own discretion, the chairperson may exclude co-opted members from the discussion of a particular agenda item.
- h) Any slippages of the second target date of NOD's will initiate an Agenda item for the Resolution Committee meeting with the Project Director for final resolution or notification of intentions to start the Dispute Arbitration Board process.

3.5 Decisions

Decisions arising from the various meetings will be clearly recorded in the Minutes of the Meeting by the secretariat.

3.6 Record Keeping

All records generated by NOD Clearing House Committee for the resolution of NOD's shall be filed in the NOD Dossier for safe keeping. Closure of the NOD Dossier will be performed by the Chairman by signature on the outer cover of the Dossier. This Dossier will be submitted to the Documentation Centre for registration in the Electronic Document Management System and safe keeping until Handover or Project Closure depending on which date arises first.

3.7 Progress Reporting

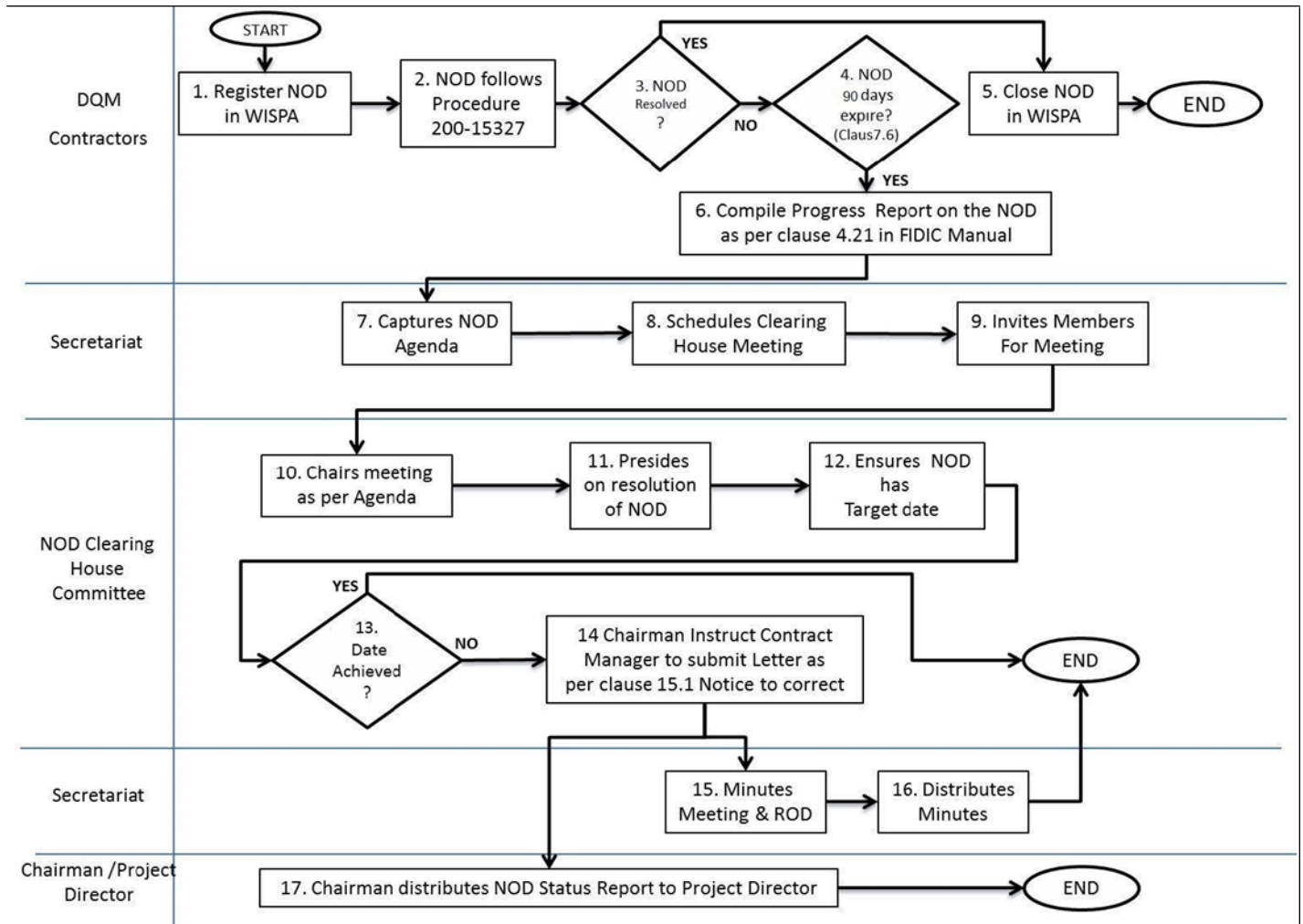
The NOD Clearing House Committee shall conduct self-evaluation of its performance and effectiveness and report monthly into the N-1 Management meeting. This report will be in a graph format depicting Week number versus Package Number on the total number of NOD's open for longer than 90 days as per the WISPA System.

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3.8 Process Map / Flowchart



3.9 Flowchart Action Steps – Descriptions

Step ID	Process Step	Description
1.	Register NOD in WISPA	The DQM shall register the NOD in the WISPA System and release the NOD to the Applicable Contractor within five working days of the registration date in WISPA.
2.	NOD Follows Procedure 200-15327	DQM to follow the procedure as define in the Control of Nonconforming Product Doc Number 200-15327 latest revision.
3.	NOD Resolved?	NOD resolved with the 90 days (Contractual period as per Clause 7.6 in FIDIC Conditions of Contract); close NOD as per Step 5. NOD not resolved and status “Open” more than 90 days NOD to follow step 6 instructions.

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4.	NOD 90 days expired?	Contractor to compile progress report on the NOD as per clause 4.21 in FIDIC Manual. DQM to verify the report and submit latest NOD Progress Report into the next NOD Clearing House Meeting. Nod to follow Step 6 instruction.
5.	Close NOD in WISPA	DQM to ensure that all applicable documentation generated during the execution of the NOD is captured against the NOD in WISPA and that the NOD status is changed to indicate "Closed" in the WISPA system.
6.	Compile Progress Report on NOD per Clause 4.21	DQM in co-operation with the Contractor will compile a Dossier with the following information in the folder; 1. Printout of the NOD. 2. Proposed/Approved Schedule of activities to close out the NOD. 3. Progress Report on the implementation status of the NOD as per Schedule.
7.	Captures NOD Agenda	The Secretariat shall generate a list of all NOD's open for more than 90 days on the WISPA system per package and submit this list to all committee members at least three working days before the scheduled NOD Clearing House Committee meeting.
8.	Scheduling NOD Clearing House Meeting	The Secretariat shall schedule NOD Clearing House Meetings on a monthly basis and in cases where no NOD's are open for a said period, the meetings will be cancelled with the approval of the NOD Clearing House Chairman.
9.	Invites Members for the Meeting	The Secretariat shall invite applicable Quorum members as required for the applicable NOD's listed in the Agenda for the NOD Clearing House Meeting.
10.	Chairs Meeting as per Agenda	The Chairman shall preside over the meeting with a neutral approach with the aim of ensuring any obstacles preventing progress are resolved in a quick and effective manner.
11.	Presides on resolution of NOD	The Chairman shall determine what issues are preventing the NOD from progressing, ensure that an Action list (Schedule) is established for the NOD, and determine progress. Give instructions to ensure that the NOD is closed in efficient manner.
12.	Ensures NOD has Target Date	The Chairman shall ensure that solution provided for NOD's submitted to this meeting have an agreed documented completion date. The Chairman shall obtain consensus from the Construction Planning Manager on the NOD's completion Target Dates.
13.	Date Achieved?	The Chairman shall determine in the meeting if the NOD has been completed within the time schedule; I. Cases where the Target Date had not been achieved the instructions as per step 14 shall be applied. II. Completion is achieved as per Target Date DQM will ensure that the NOD status is changed to "Closed" within the WISPA system.

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14.	Chairman instructs clause 15.1 Notice to contractor	The Chairman instructs the FIDIC Contract Manager to issue a Letter of Notice as per clause 15.1 in the Condition of Contract to the applicable Contractor. Contractors failing to meeting the Notice requirements the FIDIC Contract Manager will issue a 15.2 Termination by Employer Notice.
15.	Minute meeting and Records of decision	The Chairman will ensure that all statements are recorded for the progress failures by contractors and that Record of decisions are accurately documented in minutes of meetings and ensure that Record of Decision is captured for the slippage with all members' approval. All documentation generated for the non-performance of this NOD is to be filed in the NOD Dossier.
16.	Distributes Minutes	Minutes of the meeting are to be distributed by the Secretariat to all members within three working days of the meeting.
17	Chairman Distributes NOD status report to Project Director	The Chairman shall establish if the second Target Date is achieved and in cases where this is positive ensure that all applicable documentation generated for the resolution of the NOD are filed in the NOD Dossier for future reference purposes. In cases where the second Target Date not achieved the NOD will be included into the Agenda for the resolution Committee meeting with the Project Director.

4. Process for Monitoring

4.1 Key Performance Areas and Indicators

The following Key Performance Areas / Indicators (KPA's / KPIs) shall be measured, analysed and reported. The Process Owner shall be accountable, and assign the responsibility at the frequency as indicated below, documented as part of the QMS measurement, analysis and improvement initiative.

Table 2: KPA's/KPIs

Key Performance Area	Key Performance Indicator	Target	Measure Frequency	Responsible	Record
Conduct meetings	<ul style="list-style-type: none"> Quorum attained for all meetings held Alternative chairperson appointed where the chairperson was absent Alternate committee members approved by the chairperson Co-opted members approved by the chairperson 	Monthly	Attendance Register Delegation of Authority Letters	Chairperson Chairperson	Minutes of Meetings Attendance Register

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Manage minutes of meetings and Dossiers	<ul style="list-style-type: none"> Minutes of meetings recorded Minutes of meetings distributed to attendees/committee members 	Monthly	Minutes/ Email records	Secretariat	Manage minutes of meetings NOD Dossier
Continuous Improvement	<ul style="list-style-type: none"> Conduct bi-annual self-assessment 	Annually	Doc. Self-Assessment Checklist	Chairman and Principal Members	Continuous Improvement
Maintaining of Records	<ul style="list-style-type: none"> Maintenance of the following records: <ul style="list-style-type: none"> Agendas Minutes of meetings Presentations Attendance Registers Action Registers NOD Dossiers All documents stored on SPO 	Bi-Annually	Relevant Files / Registers	Secretariat	Maintaining of Records
Escalation NOD Reports to Project Director	<ul style="list-style-type: none"> Monthly NOD reports 	Monthly	Emails / Reports	Chairman	Minutes of Meetings Monthly Reports

4.2 Document Review and Self-Assessment

4.2.1 Document Self-Assessment

The “Process Owner” identified on the front page of this document along with departmental personnel and the project QMS Engineer shall undertake a “self-check” review of the process defined in this document at six monthly intervals, commencing from the effective date of this document, to check:

- the process / procedure operational integrity
- process efficiency
- the level of stakeholder knowledge and implementation.

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Participants and results of the “self-check” review shall be documented by the Process Owner in the “Self-Assessment Checklist” (***QMS Template No. QMS PTZ 200 - 75592***) included as an Appendix to this procedure which shall be issued to medupiqa@eskom.co.za by the Process Owner once completed.

Process Owner shall proceed with any revision requirements in line with Medupi Procedures PPZ 200 5665 “Development and Change of Medupi QMS Documents” and PPZ 200 1680 “Document and Record Management”

4.2.2 Revision Period

All QMS documents shall undergo a 3-yearly compulsory revision.

4.3 Training Requirements

No project specific training required to implement the process documented in this document beyond normal job function.

5. Acceptance

This document has been seen and accepted by:

Name	Designation
Zandi Shange	Project Director (Acting)
Brenda Mgidlana	Medupi Quality Assurance Manager
Raymond Tshotheli	Senior Advisor , Quality Assurance
Dingi Magazi	Discipline Quality Manager
Moses Sinobolo	Discipline Quality Manager
Hannes Beukes	Discipline Quality Manager
Grant Shabangu	Discipline Quality Manager
Eugene Memela	Chief Advisor , Quality Assurance
Phephile Lubili	Quality Engineer, Medupi PS Construction Project

6. Revisions

Date	Rev.	Compiler	Remarks
June 2013	0.1	K Nair	First Draft
March 2013	1.0	K Nair	Change of document template
September 2017	2.0	D Pretorius	Include NOD Clearing House Requirement
November 2020	3	R Tshotheli	Included comments from Defects Management Audit Report by A&F

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7. Development Team

The following people were involved in the development of this document:

- Brenda Mgidlana
- Eugene Memela
- Moses Sinobolo
- Raymond Tshotheli
- Hannes Beukes
- Grant Shabangu
- Dingi Magazi

8. Acknowledgements


None.

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Appendix A – NOD Dossier

		Eskom Group Capital Medupi Power Station Project NOD Dossier				
1-Traceability	Process / System Risk: High / Medium / Low		NOD Number:	Action Required: Corrective	Issue Date:	SPO No.:
	Issued To :	Dept. Head / DPM:			Required Completion Date:	Proposed Completion Date:
Package. No / Supplier:						
2-Documentation	Item No	Document Description				Attached Y/N
	1	Print of NOD				
	2	Original approved User Requirements documentation with Discipline Engineer Signature.				
	3	Current proposed solution as approved by the Discipline Engineer.				
	4	Contractors schedule (Action List) for correction of NOD				
	5	Printout of NOD Action trail from WISPA.				
	6	Report of impact on Schedule of proposed solution.				
	7	Report of impact Safety of proposed solution.				
	8	Estimated costs of NOD as proposed.				
	9	Photographic evidence of non-conforming issues of NOD				
2-Verification	Date Verification Inspection performed:				DQM Name (Print) :	
	Verification / Close Out Comments:					
	Attachments:					
3-Resolution I	Clearing House Meeting date when Instructed for NOD to be closed.				Clearing House Chairman Signature	
	Date: YYYY/MM/DD					

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Appendix B – Process Self-Assessment Checklist

Discipline:		Applicable Document No.: PPZ 200 -				Self Assessment Date: / /	
Item No	Ref Section	Self-Assessment Question	Compliant			Comment	
			Yes	Part	No		
1		Were the Principal Members formally appointed by the Medupi Assurance Manager?					
2		Was the Secretariat nominated at the first Committee meeting?					
3		Did the Committee operate within the parameters of Eskom and Eskom Quality Assurance Governance Frameworks?					
4		Did the Committee identify all outstanding NODs, P/CARs and NCRs according to the Medupi Project Quality Plan 200-1679?					
5		Did the committee provide progress Report on responses on outstanding issues?					
6		Do all Committee members have delegated authority to approve or decline on behalf of the principal member?					
7		Did the Secretariat ensure that minutes are taken for all the meetings?					
Comments:							
Self-Assessment by:		Name:	Position:		Revision Required? (Yes / No)	Planned Revision Date:	
Attendees:							

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