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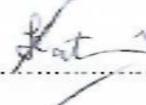
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1. Introduction

Eskom has embarked on a drive to create and sustain a world-class culture and standard of safety, health, and the environment (SHE). To achieve this culture and standard necessitates the introduction of strategies and requirements to support this platform. One of the components entails supplier management and the way that Eskom contracts with suppliers; hence safety, health, and environmental (SHE) requirements must be integrated in the Eskom commercial process.

This standard addresses the minimum criteria for assessing supplier safety, health, and environmental conformity, with corresponding standards, procedures, policies, legal and other requirements that an Eskom supplier needs to comply with.

2. Supporting Clauses

2.1 Scope

This standard outlines the key responsibilities of Group Commercial, contract/project managers (contract custodians), line management, suppliers and SHE functionaries and the minimum SHE requirements which shall be addressed during:

- a) design phase
- b) tender enquiry, evaluation, and contract award;
- c) supplier registration on the Eskom vendor database;
- d) site access/site mobilisation;
- e) monitoring of performance during the contract execution period;
- f) contract completion, close-out, and post-contract review; and
- g) instances and criteria where works or services under a contract can be stopped, suspended or termination of contracts.

2.1.1 Purpose

The purpose of this standard is to ensure standardisation within Eskom's commercial processes with regard to addressing SHE adequately. In order to achieve this, it is necessary to define the minimum safety, health, and environmental requirements that must be met during the commercial processes for all suppliers with whom Eskom engages.

2.1.2 Applicability

The requirements contained in this document shall apply throughout Eskom Holdings SOC Limited, its divisions, subsidiaries, and entities in which Eskom has a controlling interest including international companies or suppliers.

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In cases where contracts are funded by national/international funders, their requirements are to be considered in conjunction with the requirements contained in this standard. In instances where the funders' commercial processes supersede Eskom's commercial processes, discretion is allowed to ensure that there is adequate SHE compliance. Where the funder's SHE requirements are mandatory and are in conflict with the SHE requirements as set out in this standard, the funder's requirements shall take precedence, however the responsible SHE functionary shall ensure that Eskom's requirements are aligned, as far as is reasonably possible. However the supplier shall comply with the relevant SHE legal requirements as per the South African legal framework.

Where it is impracticable to implement and/or comply with the requirements as set out in this standard a motivation outlining the scenario, the reasons why the requirement(s) is/are impracticable to comply with and suggested recommendations shall be submitted in writing to Sustainability Systems Contractor Management Responsible Manager. This motivation shall be signed off by the contract/ project manager and supported by the relevant SHE Manager approved by the senior manager (responsible E band).

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] ISO 9001 Quality Management Systems.
- [2] 32-727 Eskom Safety, Health and Environmental, and Quality Policy
- [3] 32-1034 Eskom's Procurement and Supply Chain Management Procedure
- [4] 32-196 Eskom Disciplinary Code Standard
- [5] 240-62196227 Eskom Life-saving Rules Standard
- [6] 32- 95 Eskom Environmental, Occupational Health and Safety Incident Management procedure
- [7] Occupational Health and Safety Act, Act 85 of 1993
- [8] Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993
- [9] OHSAS 18001 Occupational Health and Safety Management Systems
- [10] ISO 14001: 2004 Environmental Management Systems
- [11] Mine Health and Safety Act, Act 29 of 1996, and Regulations.
- [12] National Environmental Management: Air Quality Act, Act 32 of 2002
- [13] National Water Act, Act 36 of 1998, as amended
- [14] National Environmental Management Act, Act 107 of 1998
- [15] National Environmental Management: Waste Act 59 of 2008
- [16] Procedure Manual for Occupational Health and Safety and Environmental Management: Conduct EH&S Risk Assessment.

2.2.2 Informative

- [17] 32-136 Eskom Construction Safety, Health, and Environmental Management.

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2.3 Definitions

Definition	Explanation
Business Unit	Means a division, site, grid, operational unit or a project within, for or on behalf of Eskom Holdings SOC.
Contract custodian	The person defined in a contract as the Eskom representative, for example, the project manager/end-user, that is, the person responsible for managing the contract and ensuring that the works or services are executed in terms of the contract.
Competent	A person who has in respect to the work that has to be done, the required training, knowledge and experience, and where applicable qualification relevant to that work or task. Provided where appropriate qualifications and training are registered in terms of the provisions of National Qualification Framework Act No 67 of 2000, those qualification and training must be regarded as the required qualification and training, and is familiar with the Act and applicable regulations made under the Act.
Environmental management programme (EMP)	A programme for achieving organisational objectives and targets relating to the mitigation of the environmental impacts of an organisation's activities, products, and services. Note that the approved EMP is approved by the relevant authorities (for example, the Department of Environmental Affairs) prior to such activities or the supply of such products or services.
Major non-conformance	It is a deviation from specified requirements that judgement and experience indicates is likely to result in the failure of the management system to assure conformity with requirements.
SHE audit finding	It is the result of the evaluation of collected evidence against audit criteria. Audit findings can either be a conformity, non-conformity, improvement opportunity and positive points.
Service provider	A supplier is a current or potential supplier, vendor, contractor, consultant, or service provider. A supplier may be a natural or legal person.
SHE functionary	The key individual in Eskom charged with dedicated SHE responsibilities, such as SHE managers, officers, advisors, and coordinators (For this purpose, the SHE individual allocated to the project/programme). A SHE functionary should not be confused with a health and safety representative, as defined in sections 17 and 18 of the OHS Act.
SHE functional head	The manager in Eskom charged with SHE responsibilities in each operating unit/business unit.
Site	An Eskom department, a specific project site, or the site where a supplier provides a service to Eskom, directly or indirectly.
Tender	A tender refers to an open or closed competitive request for quotations / prices against a clearly defined scope / specification.

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2.4 Abbreviations

Abbreviation	Explanation
COIDA	Compensation for Occupational Injuries and Diseases Act 130 of 1993
DOL	Department of Labour
DMR	Department of Mineral Resources
DE	Divisional Executive
EMP	Environmental management programme
ESR	Environmental status rating
GCD	Group Commercial Division
ISO	International Standards Organisation
SHE	Safety, health, and environment

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2.5 Roles and Responsibilities

2.5.1 Commercial functionaries shall (co-ordinator):

- 2.5.1.1 ensure that sufficient notification and preparation times are provided to the relevant SHE functionary for the preparation of the relevant SHE requirements for the enquiry;
- 2.5.1.2 ensure that the SHE requirements and specification documents are provided by the appropriate SHE functionary and the designer (via the contract custodian) prior to the release of tender documents; (via the contract custodian) prior to the release of tender documents;
- 2.5.1.3 ensure that the "Acknowledgement for Eskom Rules and Requirements" (Annexure B) is reviewed by SHE functionaries to ensure that all applicable rules and requirements are referenced in this form in order for the supplier to acknowledge and comply with them and ensure that this completed form is included in the enquiry procurement package;
- 2.5.1.4 ensure that a SHE functionary representative participates in, and provides input into, relevant meetings or forums, processes, and reports that lead to the awarding of a contract (for example, supplier evaluations, squad check meetings, contracting strategies, negotiations, clarification meetings, tender evaluations, and evaluation report compilation, contract awarding, briefing meetings);
- 2.5.1.5 ensure that the records pertaining to supplier non-conformances during contract execution, work stoppages, performance during contract execution, post-contract review and assessment, supplier suspensions, and contract terminations are received from the contract custodian and that, where applicable, Group Commercial shall keep a record of such information on a system/database to make it easily accessible to the relevant stakeholders for future reference, especially when determining the allocation of future works or services

2.5.2 Contract custodian (contract executor)

The contract custodian is accountable for:

- 2.5.2.1 ensure that the supplier adheres to the relevant contract SHE requirements;
- 2.5.2.2 ensure that a project-specific SHE specification together with the specific project baseline risk assessment and other relevant procedures and documents shall be developed in conjunction with the SHE functionary and provided with the tender package.
- 2.5.2.3 ensuring that the necessary details/issues pertaining to non-conformances on contractual SHE obligations during contract execution, safety intervention or standoff, post-contract review, supplier reconsideration are adequately addressed, recorded, and submitted to the Group Commercial Department for recording to support future reference; and

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2.5.2.4 Where it is impracticable to implement and/or comply with the requirements as set out in this standard, he /she shall compile a motivation outlining the scenario, the reasons why the requirement(s) is/are impracticable to comply with and suggested recommendations shall be submitted in writing to Sustainability Systems Contractor Management responsible manager.

2.5.2.5 ensuring that there is a mechanism to monitor SHE compliance during contract execution.

2.5.2.6 ensure that a post-contract review is conducted with the relevant information and that the results of such assessment are recorded, documented, and kept.

2.5.2.7 ensure that SHE budgeting is done as per the project scope and it forms part of the bill of quantity in the contract.

2.5.1 Line managers who have SHE functionaries reporting directly to them

2.5.1.1 Line managers with SHE functionaries reporting directly to them are responsible for allocating SHE functionaries to participate in all phases of the commercial process.

2.5.1.2 ensure that the SHE functionaries are aware of their responsibilities in participating in the commercial process and ensuring that all parties are familiar with the inclusion of SHE in the contract documents.

2.5.2 SHE functionaries

2.5.2.1 The SHE Manager of each business unit is responsible for the identification and selection of competent staff members who shall ensure that the requirements set out in this standard are met.

2.5.2.2 The SHE Manager of each business unit (for example, project, grid, operating unit, region, power station) shall apply discretion when allocating a SHE resource to represent the functional area in commercial issues by considering the seniority level of the SHE resource against the value and complexity of the scope of work commercial task. Subject matter expert shall be seconded or sourced to assist with certain projects.

2.5.2.3 The SHE Manager shall ensure adequate representation by a SHE functionary for participation in, and input into, all the relevant meetings/forums, processes, and reports that lead to the awarding of a contract. The SHE functionary is responsible for coordinating the research, preparation, and consolidation of the applicable SHE requirements, together with the designer/project engineer and contract custodian for each tender enquiry, and shall ensure that these requirements are handed over to the commercial representative for further action.

2.5.2.4 The SHE functionary has to ensure that requirements listed in Annexure C1 or C2 are always relevant and specific to the project which shall be used during tender evaluation stage. A project-specific SHE specification together with the project baseline risk assessment and the relevant procedures and documents shall be provided/developed and form part of the tender package.

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2.5.2.5 The SHE requirements issued with the tender enquiry shall be listed in Annexure B, which has to be submitted with the supplier's tender returnable.

2.5.2.6 The SHE functionary is responsible for ensuring the utilisation and support of the mechanism for monitoring SHE performance and compliance during contract execution and the post-contract review and assessment and must also ensure that all related reports are provided to Group Commercial.

2.5.2.7 The SHE functionary is responsible for providing detailed information pertaining to supplier non-conformances, safety interventions and provide reports to the contract custodian and submit to Group Commercial for future reference, which will be used in contract post review and to further determine allocation of future works or services.

2.5.3 Supplier/service provider

2.5.3.1 The supplier has to ensure that he/she registers on the Eskom supplier portal on the website as advised by Group Commercial.

2.5.3.2 It is the responsibility of the supplier to provide valid and authentic documentation for assessment.

2.5.3.3 The supplier may seek support, guidance, and advice from relevant SHE functionaries in order to comply with the requirements of this standard. (excluding the tender phase)

2.5.3.4 The supplier must comply with, and adhere to, SHE legislation and Eskom SHE requirements at all times when in contract with Eskom or any of its subsidiaries.

2.5.3.5 The supplier as a legal entity must be conversant with SHE legal obligations related to the works tendered for.

2.5.3.6 Each site or premises of Eskom and its subsidiaries has different SHE site specific requirements, and it is the responsibility of the supplier to ensure that those requirements are met before work can commence. (Approval from one site/ premises does not automatically provide authorisation to execute work at another site that is out of the jurisdiction of the authorising SHE personnel, even if the scope is of a similar nature.)

2.6 Process for Monitoring

This document shall be reviewed five yearly or when the content so requires it. The implementation of this standard will be monitored through regular audits and inspections conducted at least annually.

2.7 Related/Supporting Documents

[1] 240 - 77433139 Annexure A: Supplier risk category

[2] 240 - 77471499 Annexure B: Acknowledgement form for Eskom's SHE rules and requirements.

[3] 240 - 77471651 Annexure C1: Supplier SHE tender evaluation (High and medium risk).

[4] 240 - 77471969 Annexure C2: Supplier SHE tender evaluation (Low risk).

[5] 240 - 77472561 Annexure D: Contract post SHE evaluation.

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3. The Contractor SHE Management Model

Eskom has adopted a 6 phase SHE contractor management model to effectively manage contracts and suppliers.

3.1 Phase 1: Design Phase

During the designing phase of a project, the SHE functionary has to provide the designer with a SHE specification specific for the project to ensure integration of SHE requirements into the design. The appointed designer shall not commence with the design if the SHE specification has not been provided. (i.e. designing of plant and equipment, modification to existing plant and equipment regardless of the project following or not following through the commercial process.

The designer and the responsible SHE functionary have to conduct a site visit before commencing with the design or any project SHE specification can be developed. (this phase may not be applicable to all projects or contract).

3.2 Phase 2: Tender Enquiry, Evaluation, and Award

3.2.1 Functional SHE requirements will form part of the tender enquiry. The SHE requirements shall be aligned to the supplier risk category. The tender enquiry shall be accompanied by a project- specific SHE specification and baseline risk assessment and applicable SHE policies, procedures and standards (excluding this standard).

3.2.2 SHE tender returnable must be clear to suppliers. The Eskom SHE functionary has to identify and list all the applicable SHE requirements in relation to the scope of work.

3.2.3 Where applicable, the tenderers or potential suppliers must conduct a site visit of the area where the work shall be executed before tendering.

3.2.4 The site visit will be conducted with the supervision of the project manager together with the Group commercial functionary.

3.2.5 Items for informing the tenderer

- a) SHE functionaries have to review the “Acknowledgement Form for Eskom Rules and Requirements” for every project to ensure that it contains the relevant and applicable information. Ensure that this completed form is included in the enquiry procurement package.
- b) The SHE non-negotiable requirements will be applied as per the supplier risk category (Annexure A).
- c) Further guidance and support with regard to SHE matters will be provided at the clarification meeting. SHE shall be on the agenda for the clarification meeting and records of the presentation are to be kept by the Group commercial.

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3.2.6 SHE sections/questions and weightings in checklists, reports, and evaluations, respectively

- a) For SHE tender evaluations, Group Commercial shall ensure that all SHE evaluations are carried out by the allocated SHE functionary responsible for the tender. A SHE evaluation report shall be compiled by the responsible SHE functionary and submitted to Group Commercial.
- b) Preferably the same SHE professional should be involved in a project. If a different SHE professional has to be used, a proper handover has to be done by the two SHE functionaries.
- c) The SHE criteria contained under functionality for high risk category must be mandatory and NON-NEGOTIABLE, and be the core of the proper functioning of the product/service. An "all or nothing" approach shall be applied to the SHE criteria for functionality. This means that the supplier must fulfil/meet ALL the stipulated criteria to score the full complement of points.
- d) The inclusion of SHE criteria for medium risk category as part of the functionality threshold must be determined by the cross-functional team, in consultation with a SHE functionary, while low risk category criteria should not form part of the functionality threshold, but must be included as an objective criteria.
- e) For low risk category or any other SHE requirements beyond the specified minimum non-negotiable SHE requirements which are discretionary and pertain to the work(s), shall be treated as an objective criterion and must be included as a pre-requisite for contract award.
- f) Where safety is a subcriterion under functionality, it must have a minimum weighting of 30%. Anything less will have a diluted effect on the overall threshold.
- g) The SHE weighting will be 30% of functionality.
- h) If the tenderer/supplier does not meet the non-negotiable SHE requirements at any stage, the supplier shall not to proceed to the next phase of the commercial process.

3.2.7 Contract awarding

- a) When the supplier is awarded a contract, a section 37(2) agreement shall be signed, together with the contractual documents and the appointment letter of the contractor.
- b) SHE functionaries are to form part of the briefing or preparation meeting to outline requirements to be met before work can commence.

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3.3 Phase 3: Supplier Registration

3.3.1 Group Commercial Department shall ensure that when a supplier is being registered on the Eskom vendor database, such supplier shall be subjected to a SHE evaluation via the Eskom supplier registration portal.

3.3.2 The supplier shall meet the minimum Eskom SHE requirements prior to approval.

3.4 Phase 4: Site Mobilisation/Access to Site

3.4.1 Prerequisites for commencement of works or services following contract award

- a) Group Commercial Departments shall ensure that the SHE functionaries are given notice (at least one week prior) of the contract award so that they can ensure that the SHE file evaluation is done before the supplier can mobilise to site and commence with work.
- b) For national contract, Corporate SHE professionals will hand over the project to the relevant OU/BU she professionals.

3.5 Phase 5: Contract Execution and Continual Monitoring

3.5.1 Continual SHE performance monitoring

- a) SHE functionaries shall conduct inspections, audits, and blitzes to monitor SHE compliance and adherence by the contractor. The Eskom SHE functionary reserves the right to conduct these performance measurement activities on all its contractors.
- b) The project manager shall ensure that monitoring mechanisms (such as audits and reviews) are instituted with the support of SHE functionaries to ensure compliance with SHE legislative and Eskom requirements.

3.5.2 Management of subcontractors and suppliers

- a) The contract custodian shall ensure that the main supplier or principal supplier is notified that he/she is accountable for the management of his/her subcontractors and suppliers and also to ensure that the subcontractors/suppliers comply with the applicable legal and Eskom requirements (applicable during the contract execution of works and services in terms of the contract).
- b) The contract custodian, together with Group Commercial, has to ensure that all the non-conformances or non-compliances of the suppliers are dealt with as per the Eskom supplier status reconsideration process.

3.5.3 Enforcement of compliance with SHE requirements during contract execution and the monitoring/assurance of this

- a) SHE functionaries shall ensure that there is a mechanism to monitor SHE performance and the supplier's compliance at predetermined intervals during contract execution and that these reports are provided to the contract custodian, as well as the Commercial Department, during the execution of the contract and for the post-contract review process.

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3.5.4 Work stoppage/suspension of works and services under a contract

Any person may stop an activity, unsafe act, or unsafe condition that poses or may pose a threat to the health and safety of an individual or create a risk of degradation to the environment. This includes any unauthorised work or commencement of an activity without required environmental approval or service performed by, or legally or contractually non-compliant acts or omissions by, the supplier or such supplier's contractors.

The temporary stoppage of an activity/activities or task(s) may be due to SHE concerns, including the following circumstances which shall not warrant any financial compensation:

- a) Ad hoc safety intervention by Eskom management: All work of a similar nature may be stopped due to the occurrence of a serious incident, and the relevant supplier will be required to comply with, and/or verify, the conditions stipulated in the work stoppage instruction pack.
- b) Ad hoc safety intervention by any person, especially SHE functionaries, may be due to unsafe work or unsafe behaviour by the contractor. The conditions that gave rise to the work stoppage will determine the corrective measures to be taken urgently to protect the health and safety of employees and protect the environment and plant or equipment, etc.

3.5.4.1 Supplier status reconsideration

The contract custodian will be the authorised person to communicate via the responsible procurement officer to the Reconsideration of Supplier Status Committee when he/she recommends the suspension or termination of the contract on the advice of SHE functionaries.

In the event of any one of the following incidents occurring, an investigation shall be initiated when:

- a) a supplier has one or more work-related fatalities within a financial year or the period of the project for contracts of less than one year;
- b) a supplier experiences three lost-time incidents in the same financial year;
- c) a supplier has three major SHE non-conformances raised in the same financial year;
- d) a supplier has had two or more contraventions of environmental legislation, including non-compliance with a condition contained in an environmental approval;
- e) the contractor has been issued with a compliance notice issued by a government department, for example, the Department of Labour, Department of Environmental Affairs, Department of Water Affairs, etc.;
- f) a violation of any of the Eskom Life-saving Rules occurs;
- g) fraudulent SHE-related documents are submitted by a supplier.

NOTE: No Eskom employee or representative is allowed to terminate or suspend a contractor or supplier at any given point in time. The contractor must be referred to the committee Reconsideration of Supplier Status Committee.

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3.5.5 Contract completion/handover

It is the responsibility of the project manager to ensure that the final SHE inspection carried out with the assistance of the SHE functionaries is done before a contract is closed.

The SHE file shall be handed over to the project manager on completion of the project.

For projects where an Eskom internal division manages a project on another division's premise/site the project handover shall include the SHE file which shall be handed over to the client or clients agent (site owner/asset owner)

3.6 Phase 6: Post - Contract Review

3.6.1 Group Commercial shall ensure that post-contract reviews are incorporated in the commercial process so as to review the supplier SHE performance during the execution of the contract and ensure that the assessment results are made accessible and available to relevant stakeholders for future reference.

3.6.2 SHE functionaries shall prepare the SHE component in preparation for the review process, that is, audit reports and the SHE compact/contract.

3.6.3 The output of the post-contract assessment shall be submitted to Group Commercial (supplier management) for record-keeping purposes and the results input into the supplier database for future consideration of that specific contractor

4. Acceptance

This document has been seen and accepted by:

Name	Designation
M Sindane	Middle Manager Safety Risk - Group Commercial
L Maleka	Snr General Manager – Distribution Division
V Panday	Middle Manager Procurement
W Madonsela	Chief Advisor Legal
K Pather	General Manager – Sustainability Systems
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A Stramrood	Snr Manager OHS Operational Safety

5. Revisions

Date	Rev.	Compiler	Remarks
June 2011	0	Development team	This standard addresses minimum safety, health, and environmental requirements that must be integrated in the Eskom commercial process.

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Date	Rev.	Compiler	Remarks
June 2014	1	D Maunatlala	Due to challenges experienced with the application of the standard, a review was conducted to enable practicality when applying the standard throughout Eskom.

6. Development Team

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

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- Humbulani Ndou
- Johannes Sibanyoni
- Meisie Sindane
- Sandhya Narainsingh
- Kgaugelo Sedibeng

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