

CONSTRUCTION OF A TEMPORARY WASTE COLLECTION STATION IN NEW BRIGHTON

PROJECT RELEVANT HEALTH AND SAFETY SPECIFICATIONS

***ISSUED IN TERMS OF THE OCCUPATIONAL HEALTH AND SAFETY
ACT, 1993 CONSTRUCTION REGULATION 2014***

***A HEALTH & SAFETY SPECIFICATION PURSUANT TO COVID 19 REGULATIONS AND DIRECTIVES
IS ATTACHED AT THE END OF THE H&S SPECIFICATION***

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1. RELEVANT ACTS OF PARLIAMENT AND CODES OF PRACTICE

- 1.1 **OHS Act** means-The Occupational Health and Safety Act. (Act 85 of 1993) which includes the Construction Regulations 2014.
- 1.2 **COIDA** means-The Compensation for Occupational Injuries and Diseases Act
- 1.3 **SANS Codes** means-All South African national Standards codes with are incorporated into the OHS act.
- 1.4 **NEMA** means National Environmental Management Act

2. REGULATIONS

- 2.1 **CR 2014** means the Construction Regulation 2014 also referred to as “Construction Regulations”
- 2.2 **GAR** means General Administrative Regulations
- 2.3 **GSR** means General Safety Regulations
- 2.4 **MHIR** means Major Hazard Installation Regulations
- 2.5 **AR** means Asbestos Regulations
- 2.6 **ERW** means Environmental Regulations for Workshop
- 2.7 **FR** means Facilities Regulations
- 2.8 **HCSR** means Hazardous Chemical Substances Regulations
- 2.9.1 **NIHLR** means Noise-induced Hearing Loss
- 2.10 **DMR** means Driven Machinery Regulations
- 2.11 **GMR** means General Machinery Regulations
- 2.12 **RCCC** means Regulations Concerning the Certificate of Competency
- 2.13 **PER** means Pressure Equipment Regulations
- 2.14 **EIR** means Electrical Installations Regulations
- 2.15 **EMR** means Electrical Machinery Regulations

3. ABBREVIATIONS

- 3.1 **MBDA** means the Mandela Bay Development Agency (**Client**)
- 3.2 **H&S** means the Health and Safety
- 3.3 **CHSO** means a Construction Health & Safety Officer
- 3.4 **PC** means Principal Contractor appointed by the Client.
- 3.5 **HCS** means to Hazardous Chemical Substances
- 3.6 **PSHSS** means Project Specific Health and Safety specification.
- 3.7 **AHSP** means Approved Health & Safety Plan
- 3.8 **BoQ** means Bill of Quantities
- 3.9 **CM** means Construction Manager
- 3.10 **CoC** means Certificate of Compliance - issued by a Registered Installation Electrician for electrical installations.
- 3.11 **DIFR** means Disabling Injury Frequency Rate
- 3.12 **HCS** means Hazardous Chemical Substances
- 3.13 **HIV** means Human Immunodeficiency Virus
- 3.14 **AIDS** means Acquired Immune Deficiency Syndrome
- 3.15 **STI** means Sexually Transmitted Infection
- 3.16 **HIRA** means Hazard Identification & Risk Assessment
- 3.17 **MS** means Method Statements
- 3.18 **MSD** means Material Safety Data
- 3.19 **PRH&SS** means Project Relevant Health & Safety Specification
- 3.20 **RA** means Risk Assessment
- 3.21 **SOPs** means Safe/Standard Operating Procedures [written safe work procedures]
- 3.22 **SWP** means Safe Work Procedures

4 DEFINITIONS

- 4.1 **“Purpose of the Act”** - To provide for the health and safety of persons at work and the health and safety of persons in connection with the use of plant and machinery; the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; to establish an advisory council for occupational health and safety; and to provide for matters connected therewith.
- 4.2 **“Agent”** – means a competent person who acts as a representative for a client;
Notes:
4.2.1 A person or an organisation that acts as a representative for a client in managing overall construction work with full authority and obligation to act on behalf of the client in terms of the Construction Regulations.
4.2.2 An agent contemplated above must ensure the management of health and safety on a construction project for a client and where applicable through an appointment of a registered competent person with a statutory body approved by the Chief Inspector. Refer to Regulation 5 (7).
- 4.3 **“Clients”** means any person for whom construction work is being performance
Notes:
a) Every person or entity who into a contact to have construction work executed on their behalf
- 4.4 **“Competent person”** means a person who—
(a) Has in respect of the work or task to be performed the required knowledge, training and experience and, where applicable, qualifications, specific to that work or task: Provided that where appropriate qualifications and training are registered in terms of the provisions of the National Qualification Framework Act, 2008 (Act No.67 of 2008), those qualifications and that training must be regarded as the required qualifications and training; and
(b) Is familiar with the Act and with the applicable regulations made under the Act;
Notes:
a) An all-inclusive assessment should be on all four components knowledge, training and experience, and where appropriate qualifications exist in relation to the work to be performed.
b) Part (b) of the above definition is best reflected through demonstration of understanding of the OSH Act and its various applicable regulations.
- 4.5 **“Construction site”** means a workplace where construction work is being performed;
- 4.6 **“Contractor”** means an employer who performs construction work;
- 4.7 **“Design”** in relation to any structure, includes drawings, calculations, design details and specifications.

- 4.8 **“Designer”** means—
- (a) a competent person who—
 - (i) prepares a design;
 - (ii) checks and approves a design;
 - (iii) arranges for a person at work under his or her control to prepare a design, including an employee of that person where he or she is the employer; or
 - (iv) designs temporary work, including its components;
 - (b) an architect or engineer contributing to, or having overall responsibility for a design;
 - (c) a building services engineer designing details for fixed plant;
 - (d) a surveyor specifying articles or drawing up specifications;
 - (e) a contractor carrying out design work as part of a design and building project; or
 - (f) an interior designer, shop-fitter or landscape architect;

4.7 **“Health and Safety file”** means a file, or other record containing the information in writing required by these Regulations;

4.8 **“Health and Safety plan”** means a site, activity or project specific documented plan in accordance with the client's health and safety specification;

4.9 **“Health and Safety specification”** means a site, activity or project specific document prepared by the client pertaining to all health and safety requirements related to construction work;

4.10 **“Medical Certificate of fitness”** means a certificate contemplated in regulation 7(8);

Notes:

- a) For the purpose of this regulation an Occupational health practitioner refers to either Doctors or Nurses with the following requirements:

Doctors:

- (i) Registered and in good standing with the Health Professions Council of South Africa (HPCSA) and,
- (ii) Has a tertiary qualification in occupational health or medicine which is registered as an additional qualification with the HPCSA or,
- (iii) Be registered as a specialist in Occupational Medicine with the HPCSA.

Nurses:

- (iv) Registered and in good standing with the South African Nursing Council (SANC) and,
- (v) Have a tertiary qualification in Occupational Health nursing that is recognised and registered with the SANC.

- b) Regulations 7(1)g; 7(8); 17 (12)(a); 10 (2)(b); 22(1)(f) and 23(1)(d)(ii) - A risk-based approach should be applied when considering the method and frequency of periodic medical surveillance.

5 PREAMBLE

- 5.1 In terms of Construction Regulation 5(1)(b) of the Occupational Health and Safety (Act 85 of 1993), the Mandela Bay Development Agency (MBDA), as the Client, shall be responsible to prepare Health & Safety Specifications for the construction project and provide the Principal Contractor intending to bid or will be appointed to perform construction work for the MBDA.
- 5.2 The Client's further duties are as described in the Act and the Regulations made there-under. In terms of Section 7 of the Act read with the Construction Regulation 7, the Principal Contractor shall be responsible for the Health & Safety Policy for the site as well as the Health and Safety Plan for the project.
- 5.3 This 'Health and Safety Specifications' document is governed by the "Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), hereinafter referred to as 'The Act'. Notwithstanding this, cognisance should be taken of the fact that no single Act or its set of Regulations can be read in isolation. Furthermore, although the definition of Health and Safety Specifications stipulates 'a documented specification of all health and safety requirements pertaining to associated works on a construction site, so as to ensure the health and safety of persons', it is required that the entire scope of the Labour legislation, including the Basic Conditions of Employment Act be considered as part of the legal compliance system. With reference to this specification document this requirement is limited only to the health, safety and environmental issues pertaining to the site of the project as referred to here-in.
- 5.4 Therefore, due caution is to be taken by the Principal Contractor when drafting the Health and Safety Plan based on these Health and Safety Specifications. Prior to drafting the Health and Safety Plan, and in consideration of the information contained here-in, the contractor shall set up a Risk Assessment Program based on the Client's Baseline Risk Assessment to identify and determine the scope and details of any risk associated with any hazard at the construction site. In order to identify the steps needed to be taken to remove, reduce or control such hazard, the Risk Assessment and the steps identified will be the basis or point of departure for the Health and Safety Plan. The Health and Safety Plan shall include documented 'Method of Statements' (see definitions under Construction Regulations) detailing the key activities to be performed and the methodology that will be applied in order to eliminated and/or reduce as far as reasonably practicable, the hazards identified in the Risk Assessment.
- 5.5 Every effort has been made to ensure that this specification document is accurate and adequate in all respects. Should it, however, contain any errors or omissions they may not be considered as grounds for claims under the contract for additional reimbursement or extension of time, or relieve the Principal Contractor from his responsibilities and accountability in respect of the project to which this specification document pertains. Any such inaccuracies, inconsistencies and/or inadequacies must immediately be brought to the attention of the Client for clarity and resolution.

6. SITE LOCALITY

6.1 The Temporary Waste Collection Station is located on the North-East of Continental Tyre SA (Pty) Ltd, Port Elizabeth. The site is on the Southern border of New Brighton near the railway track South-West of Brighton Square (New Brighton Spar). The site is located to the West of Sheya Kulati Drive at or near coordinates -33.909641, 25.593706. The site is located approximately 4.3 km or (7 minutes) away from Mercantile Hospital and 4.8 km or (7 minutes) away from Livingstone Hospital and 6.7 km or (11 minutes) away from Greenacres Hospital.

Site Plan:



6.2 Soil Conditions

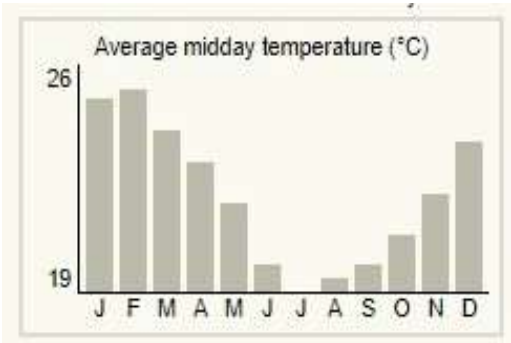
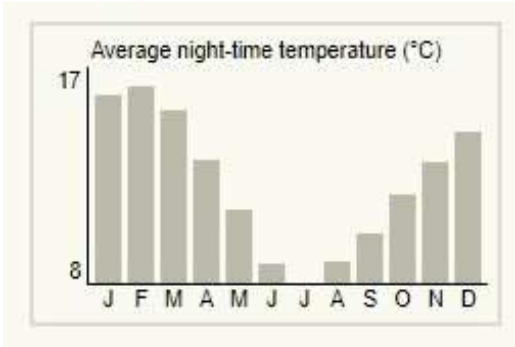
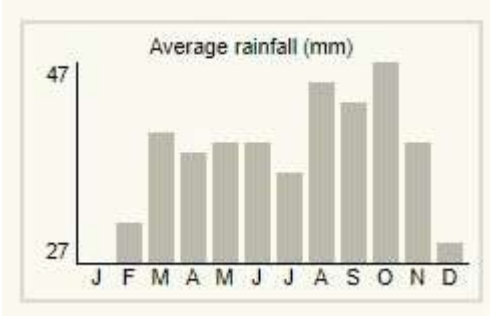
Please refer to the copy of the Engineers Geotechnical Report for details.

6.3 Climate

The Nelson Mandela Metro area (Port Elizabeth) normally receives about 453mm of rain per year, with rainfall occurring throughout the year. The chart below (lower left) shows the average rainfall values for Port Elizabeth per month. It receives the lowest rainfall (27mm) in January and the highest (47mm) in October. The monthly distribution of average daily maximum temperatures (centre chart below) shows that the average midday temperatures for Port Elizabeth range from 19.3°C in July to 25.2°C in February. The region is the coldest during July when the mercury drops to 8°C on average during the night. Consult the chart below (lower right) for an indication of the monthly variation of average minimum daily temperatures.

(www.saexplorer.co.za/south-africa/climate/port_elizabeth_climate.asp)

6.4 Climate



7. PURPOSE

- 7.1 The purpose of the Project Relevant Health and Safety Specification is to comply with the Occupational Health & Safety Act and Regulations in providing the Principal Contractor with information pertaining to Health and Safety of the Project.
- 7.2 The Client is obligated to implement measures to ensure the health and safety of all people and properties affected under its custodianship or contractual commitments and is further obligated to monitor that these measures are structured and applied according to the requirements of this Health and Safety Specifications. *(All references to the singular shall also be regarded as references to the plural)*
- 7.3 The purpose of this specification document is to provide the relevant Principal Contractor (and his /her contractor) with any information other than the standard conditions pertaining to construction sites which might affect the health and safety of persons at work and the health and safety of persons in connection with the use of plant and machinery; and to protect persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work during the carrying out of construction work for the Mandela Bay Development Agency (MBDA). The Principal Contractor (and his /her contractor) is to make all staff be conversant with significant health and safety aspects of the project through Baseline Risk Assessment on *inter alia*:
- 7.3.1 Safety considerations affecting the site of the project and its environment;
 - 7.3.2 Health and Safety aspects of the associated structures, plant, tools, equipment, materials etc;
 - 7.3.3 Submissions on health and safety matters required from the Principal Contractor (and his /her contractor); and
 - 7.3.4 The Principal Contractor's (and his /her contractor) health & safety plan.
- 7.4 To serve to ensure that the Principal Contractor (and his /her contractor) is fully aware of what is expected from him/her with regards to the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and the Regulations made there-under including the applicable safety standards, and in terms of Section 8 of the Act.
- 7.5 To inform the Principal Contractor that the Occupational Health and Safety Act, 1993 (Act 85 of 1993) in its entirety shall apply to the contract to which this specification document applies. The Construction Regulations promulgated on 07 February 2014, published in Government Gazette 37305 shall apply to any person involved in construction work pertaining to this project, as will the Act. Any reference made to Construction Regulations 2003 anywhere in the tender/contract document should be taken to mean Construction Regulations 2014. Construction Regulations 2003 was repealed upon the promulgation of the Construction Regulations 2014.

8. INTERPRETATION

- 8.1 The Occupational Health and Safety Act and all its Regulations, with an exception of the Construction Regulations, distinguish between the roles, responsibilities and functions of employers and employees respectively. It views the professional team and contractors as employees of the “client” of a construction or operational project, the “client” being regarded as the employer. However, this does not absolve the professional team of their obligations as employers to their own right. Only if formally agreed to by way of a written agreement in this regard between the “client” and consultant and /or between the “client” and the contractor(s), will the assumption be relinquished in favour of the position agreed upon between the relevant parties.
- 8.2 The interpretation from the Construction Regulations is that the Contractors working for the “client” are divided into two categories, i.e. the Principal Contractor and Contractors. The Principal Contractor will take full responsibility for the health and safety on the site. This includes monitoring health and safety conditions and overseeing administrative measures required by the Construction Regulations from all contractors on the project site.
- 8.3 Contractors (Sub, Nominated, Selected and SMMs) are required to operate under the scrutiny and control (in terms of all health and safety measures which are covered in the Construction Regulations) of the Principal Contractor. Where, for the work the Principal Contractor will have to execute himself, practical health and safety measures are applicable, he will also be subject to the relevant requirements with which Contractors have to comply. The Principal Contractor will, however, not have to fulfil such requirements in respect of any of the work / functions of any Contractors on the site for which he has been appointed as Principal Contractor. However, he must monitor / oversee such processes, ensuring that the requirements are complied with and that the required appointments / evaluations / inspections / assessments / audits and tests are done and that the records are duly generated and kept as prescribed in the Construction Regulations. This must feature clearly in the Principal Contractor's Health and Safety File.

9. IMPLEMENTATION

- 9.1 The Health and Safety Specification forms an integral part of the contract document. This constitutes:
- 9.1.1 Compilation, amendments to the Health and Safety file and management of Health and Safety on site. Included in the management of Health & Safety on site is the protection of persons other than those involved with work who otherwise may be affected by the construction activities. Prior to site establishment and any commencement of Works, the Principal Contractor must submit to the client a complete Health and Safety file for approval.
- 9.1.2 The Principal Contractor will be responsible for the approval of all Contractors H&S files, if the Contractors appoint other Contractors, the appointing Contractors will act as a Principal Contractors to the Contractors being appointed and so forth.
- 9.13 The client will ensure health & safety audits are conducted at least once every 30 days from construction commencement date. At the conclusion of the contract when all activities including snags are completed, all workers have left site, the PC has de-established site camp, and must hand over to the client a consolidated health and safety file as described in regulations 7(1)(e) of the Construction Regulations and in the format stipulated in this Specification. The Principal Contractor will upon completion of the Works submit a consolidated H&S file to the client for review and closeout report preparation, where after the client will arrange for collection of the file by the PC for safe keeping for the duration of the defect's liability period.

At the end of the defect's liability period the PC will hand-in to the client the H&S file in its consolidated state for archiving before payment of any retention monies is made.

10. LIMITATION OF LIABILITY

- 10.1 The MBDA shall not be responsible for acts or omissions of any contractor which may directly or indirectly result in the application of this site relevant Health & Safety Specification.

The Principal Contractor shall enter into a specific Mandatary agreement (37.2) with the MBDA. The Mandatary Agreement is attached and may be found at the end of this document. The original copy of this document must form part of the Health and Safety File.

The continual updating of the Health and Safety file remains the sole duty of the Principal Contractor as new Health and Safety related information becomes available. Similarly, all Contractors are responsible for the update of their H&S files in keeping with changes on site, scope of work, staff replacement and rotation etc.

11. SCOPE OF HEALTH AND SAFETY SPECIFICATION DOCUMENT

- 11.1 The Health and Safety Specifications pertaining to the projects, cover the subjects contained in the index and is intended to outline the normal as well as any special requirements of the Client pertaining to the health and safety matters (including the environment) applicable to the project in question. The stipulations in this specification, as well as those contained in all other documentation pertaining to the project, including contract documentation and technical specifications shall not be interpreted, in any way whatsoever, to contradict or nullify any stipulation of the Act, Regulations and Safety Standards which are promulgated under, or incorporated into the Act.

- 11.2 This specification applies to any party / service provider employed / contracted by the client on this contract. Any service provider who supplies human resource (staff/workers), tools, material and/or equipment to perform work on the construction site is a Contractor and as such must be managed in terms of Regulation 7(2) of Construction Regulations.

All communication and correspondence will go through the client's Principal Agent or his/her representative.

12. COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES

- 12.1 The Principal Contractor must provide proof that the business is in Good Standing with the Compensation Commissioner or FEMA. A copy of proof of continual Good Standing must always be kept in the H&S file for the duration of the contract. In the event the Principal Contractor fails to renew his Letter of Good Standing timeously, and it reaches its expiration date, all construction activities will be stopped until such time the PC complies, and no payment will be afforded the PC for any delays resulting from this work stoppage.

It is the duty of the Principal Contractor to ensure that all service providers and contractors appointed/contracted to conduct work on this project are in Good Standing prior to commencement and while performing work under this contract.

13. OCCUPATIONAL HEALTH & SAFETY MANAGEMENT

- 13.1 The Client will ensure that the Principal Contractor, appointed in terms of Construction Regulation 5(1)(k), implements and maintains the agreed and approved H&S File. Failure on the part of the client to comply with this requirement will not relieve the Principal Contractor from any one or more of his/her duties under the Act and Regulations.
- 13.2 The Chief Executive Officer of the Principal Contractor in terms of Section 16 (1) of the Act to ensure that the business complies with the Act. The pro forma Legal Compliance Audit may be used for this purpose by the Principal Contractor or his/her appointed contractor.
- 13.3 All OH&S Act (85 /1993), Section 16 (2) appointee/s as detailed in his/her/their respective appointment forms to regularly, in writing, report to their principals on matters of health and safety per routine and ad hoc inspections and on any deviations as soon as observed, regardless of whether the observation was made during any routine or ad hoc inspection and to ensure that the reports are made available to the Principal Contractor to become part of site records kept in the Health & Safety File.
- 13.4 A Principal Contractor must in writing appoint one full-time competent person as the Construction Manager with the duty of managing all the construction work on a single site, including the duty of ensuring occupational health and safety compliance, and in the absence of the construction manager an alternate must be appointed by the Principal Contractor.

All Health and Safety Representatives (SHE-Reps) shall act, report and conduct their duties as per Section 18 of the Act.

14. OVERVIEW OF THE SCOPE OF WORK

- 14.1 The scope of works entails construction of a New Temporary Waste Collection Site which will consist of an elevated concrete platform with a ramp, waste disposal containers, Fence around the parameter of the site with a gate, asphalt paving around the platform etc.
(Please refer to Section C3 of the document for more details on various components of the Scope of Works)

15. PRINCIPAL CONTRACTOR'S HEALTH & SAFETY FILE

- 15.1 The Principal Contractor shall submit an H&S Plan to the Client or Client's Representative, in accordance with legal requirements and the PRHSS, prior to work starting or even site establishment.
- 15.2 This H&S Plan must be presented for approval by the Client prior to commencement.
- 15.3 The content of the H&S Plan shall follow a specific order and include the following:
- 15.3.1 An index of the H&S Plan
 - 15.3.2 A detailed overview of the scope and activities of the project; such overview must identify all activities of the project in a chronological manner, following the planned progress of the project; the scope must include all work done by contractors, a page indicating:
 - 15.3.3 The contract reference;
 - 15.3.4 The name and address of the Principal Contractor and company CEO, (section (16.1));
 - 15.3.5 The name and signature of the designated person in terms of section 16.2 and
 - 15.3.6 Construction Manager CR8(1);
 - 15.3.7 The Principal Contractors' Occupational Health and Safety Policy;
 - 15.3.8 The Principal Contractor s' HIV & Aids Policy;
 - 15.3.9 An overview of the machinery and plant used in the project;
 - 15.3.10 An organogram of all staff / workers that will be working on the project with their competences, legal appointments indicating responsibilities and medical certificates of fitness;
 - 15.3.11 A Hazard Identification and Risk Assessment (HIRA) process based on the Scope of Works and Machinery Identified for use on the Works. The PC shall provide the method and proof that the information has been conveyed to those at risk i.e. workers etc.
 - 15.3.12 An overview of the management controls, with reference to the HIRA to ensure compliance with legislation and the relevant sections of the PRHSS, these controls shall be referenced to documented Method Statements, Risk Assessments, Safe Work Procedures and Work Instructions to address engineering and administrative controls.
 - 15.3.13 All relevant documentation such as appointment letters, works programmes, instructions, inspection register templates, Material Safety Data etc. must be included in the H&S Plan &/or File submitted for assessment and approval by the Client.
- 15.4 The Principal Contractor must, in terms of Construction Regulation 7(1)(d), keep a Health & Safety File on site at all times that must include all documentation required in terms of the Act and Regulations and must also include a list of all Contractors on site that are accountable to the Principal Contractor and the agreements between the parties and details of work being done
- 15.5 The Health and Safety file will remain the property of the Client throughout the period of the project and shall be consolidated and handed over to the Client and/or its Agent on its behalf at the time of completion of the project.

16. APPOINTMENTS AND RESPONSIBILITIES

16.1 Several appointments or designations of responsible and /or competent people in specific areas of construction work are required by the Act and Regulations. The following competent appointments, where applicable, in terms of the Construction Regulations are required to ensure compliance to the Act, Regulations and Safety Standards.

Item	Regulation	Appointment	Responsible Person
1.	5(1)(k)	Principal Contractor	Client
2.	8(1)	Construction Manager	Principal Contractor
3.	8(2)	Assistant Construction Manager(s)	Principal Contractor
4.	8(5) & (6)	Construction Health & Safety Officer	A Contractor
5.	8(7)	Construction Supervisor	Construction Manager
6.	8(8)	Construction Supervisor	Contractor
7.	9(1)	Risk Assessor	Contractor
8.	10(1)	Fall Protection Planner	Contractor
9.	12(1)	Temporary Works Designer & Inspector	Contractor
10.	13(1)	Excavation Supervisor	Contractor
11.	14(1)	Demolition Work Supervisor	Contractor
12.	16(1)	Scaffolding Erector, Team Leaders & Inspectors	Contractor
13.	17(1)	Suspended Platform Work Supervisor	Contractor
14.	20(1)	Bulk Mixing Plant Supervisor	Contractor
15.	21(1)(b)	Explosive Actuated Fastening Device User	Contractor
14.	22(a)	Crane – Designer, Erector/Operator & Supervisor	Contractor
15.	23(1)(d)(i)	Construction Vehicle & Mobile Plant Operator	Contractor
16.	24(c)	Electrical Installation Controller & Supervisor	Contractor
17.	25	Flammable Storage Controller & Supervisor	Contractor
18.	28(a)	Stacking & Storage Supervisor	Contractor
19.	29	Fire Equipment Inspector	Contractor

17. CONSTRUCTION WORK PERMIT

- 17.1 The Client will apply for a construction work permit once the client has approved the Principal contractors Health and safety file.
- 17.2 The client must be informed of any changes to legal appointments.
- 17.3 In the event of an extension of time, the client will apply to the Department of labour for an extension of the construction work permit.

18. NOTIFICATION OF CONSTRUCTION WORK

- 18.1 The Principal Contractor is to ensure that the Department of Labour (DoL) is notified of the intended construction work at least seven days prior to the envisaged construction commencement date.
- 18.2 In the event of an extension of time, the Principal Contractor and Contractors must at least one month prior to the expected completion date stated on the first Notification submit a new Notification of Construction Work to the DoL reflecting the revised completion date.
- 18.3 The Principal Contractor must ensure he/she obtains proof or letter of acknowledgement from the DoL for each Notification of Construction Work submitted and a copy must be kept in the Health and Safety file.

19. CLIENT

- 19.1 The Client will appoint each Principal Contractor for each project in writing for assuming the role of Principal Contractor as intended by the Construction Regulations and determined by the Bills of Quantities.
- 19.2 The Client shall discuss and negotiate with the Principal Contractor the contents of the health and safety plan of the both Principal Contractor for approval.
- 19.3 The Client will take reasonable steps to ensure that the health and safety plan of both the Principal Contractor and Contractor is implemented and maintained. The steps taken will include periodic audits at intervals of at least once every month or every 30 Days.
- 19.4 The Client will prevent the Principal Contractor and/or the Contractor from commencing or continuing with construction work should the Principal Contractor and/or the Contractor at any stage in the execution of the works be found to:
- 19.5 Have failed to have complied with any of the administrative measures required by the Construction Regulations in preparation for the construction project or any physical preparations necessary in terms of the Act;
- 19.6 Have failed to implement or maintain their health and safety plan;
- 19.7 Have executed construction work which is not in accordance with their health and safety plan; or
- 19.8 Act in any way which may pose a threat to the health and safety of any person(s) present on the site of the works or in its vicinity, irrespective of him/them being employed or legitimately on the site of the works or in its vicinity.

20. PRINCIPAL CONTRACTOR

- 20.1 The Principal Contractor shall accept the appointment under the terms and Conditions of Contract. The Principal Contractor shall sign and agree to those terms and conditions and shall, before commencing work, notify the Department of Labour of the intended construction work in terms of Regulation 4. Annexure 2 of the Construction Regulations contains a "Notification of Construction Work" form downloadable on the web. The Principal Contractor shall submit the Notification in writing Seven days prior to commencement of work and inform the Client accordingly. A copy of acknowledgement of receipt of Notification from the DoL must be inserted into the H&S file.
- 20.2 The Principal Contractor shall ensure that he is fully conversant with the requirements of this Specification and all relevant health and safety legislation. This Specification is not intended to supersede the Act nor the Construction Regulations or any part of either. Those sections of the Act and the Construction Regulations which apply to the scope of work to be performed by the Principal Contractor in terms of this contract (entirely or in part) will continue to be legally required of the Principal Contractor to comply with. The Principal Contractor will not in any manner be absolved from the responsibility to comply with all applicable sections of the Act, the Construction Regulations or any Regulations proclaimed under the Act or which may perceivable be applicable to this contract.
- 20.3 The Principal Contractor shall provide and demonstrate to the Client a suitable and sufficiently documented health and safety plan based on this Specification, the Act and the Construction Regulations, which shall be applied from the date of commencement of and for the duration of execution of the works.
- 20.4 The Principal Contractor shall provide proof that he/she is in Good Standing with the Compensation Fund or with a licensed compensation insurer prior to commencement with the works.
- 20.5 The Potential Bidder shall, in submitting his tender in terms of Construction Regulation 7(1)(c)(ii), demonstrate that he/she has made sufficient provision for the cost of compliance with the specified health and safety requirements and the Act. The cost shall be duly quantified and clearly identified for such identifiable purpose.
- 20.6 The Principal Contractor shall in his/her submission of the H&S File for approval prior to work commencement demonstrate all competences and adequacy of resources to perform the duties imposed on the Principal Contractor in terms of the Specification, the Act and the Construction Regulations.
- 20.7 The Principal Contractor shall ensure that a health and safety file, which shall include all documentation required in terms of the provisions of this Specification, the Act and the Construction Regulations, is opened and kept on site and made available to the Client or Inspector, Employee(s) or Contractor(s) upon request. Upon completion of the works, the Principal Contractor shall submit to the client a consolidated health and safety file in terms of Regulations 7(1)(e).
- 20.8 The Principal Contractor shall, throughout execution of the contract, ensure that all conditions imposed on his Contractors in terms of the Act and the Construction Regulations are complied with.
- 20.9 The Principal Contractor shall from time to time evaluate the relevance of the Health and Safety file and revise it as required, after which the file shall be submitted to the Client for review and approval.

21. CONSTRUCTION MANAGER

- 21.1 The Principal Contractor shall appoint a full-time competent Construction Manager (CM) in terms of regulations 8(1). The Principal Contractor must note that the duties of the Construction Manager will include ensuring Occupational Health and Safety compliance.
- 21.2 The appointed Construction Manager's competence, technical knowledge, skills and experience must be detailed and documented on the CV and must be submitted with the Health and Safety file for reviewed at file approval stage. The competence(s) of the CM must be in line with the duties and responsibilities for which he is appointed on the project.

22. CONSTRUCTION HEALTH AND SAFETY OFFICER

- 22.1 The Principal Contractor shall appoint on **a fulltime basis** a competent person to function as Construction Health & Safety Officer (CHSO) for the duration of the construction work. However the client may consider employment of a CHSO on part-time basis by the Contractor, this however will only be considered upon negotiating and agreeing with the client or client representative.
- The appointed CHSO must be **registered** with the South African Council for Project and Construction Management Professions (SACPCMP). The CHSO must be in possession of valid SACPCMP registration certificate. Individuals with just a letter of application for registration will not be accepted. The following documentation must accompany the H&S Office's SACPCMP certificate of registration:
- 22.1.1 A CV showing the experience of the appointed Health and Safety officer in the Built Environment.
- 22.1.2 Any other qualification relevant to the Built Environment will be beneficial. The CHSO must attend site meetings at which he/she must provide feedback on compliance and corrective actions taken resulting from all audit and site monitoring inspections outcomes, both internal and external. The CHSO will be responsible for all matters regarding Health and Safety on site including assisting and providing guidance to Contractors or service providers to the PC.

23. CONSTRUCTION SUPERVISOR

- 23.1 The Construction Manager may appoint Construction Supervisors for the various activities on site and proof of competence will include knowledge in Occupational Health and Safety. The appointed Construction Supervisor must be competent on the task for which they are appointed, and proof thereof submitted. Details of the experience for Supervisors i.e. what position was held, what responsibilities / duties were fulfilled while holding that position must be clearly spelt out on the CV.

24. INDUCTION

24.1 Site specific induction to be given to employees and visitors to the site must include but not limited to:

- 24.1.1 Name of employer
- 24.1.2 Name of Principal Contractor
- 24.1.3 The Health and Safety Policy
- 24.1.4 Site rules
- 24.1.5 Scope of works
- 24.1.6 Site-specific hazards and potential risks
- 24.1.7 Emergency procedures
- 24.1.8 Firefighting equipment
- 24.1.9 Visitor hazards particular to the day of the visit if any

24.2 The Principal Contractor will conduct community inductions through the Community Liaison Officer (CLO).

a. **General Induction Training**

- i. All employees of the Principal and Contractors must be in possession of proof of General Induction training. All visitors are required to start at the site office to sign a visitor register and be inducted prior to proceeding to the site for a visit, inspection etc. Copies of induction registers must be kept in the Health and Safety file.

b. **Site Specific Induction Training**

- i. All employees of the Principal, Contractors and other visitors must be in possession of Site-Specific Occupational Health and Safety Induction or other qualifying training.

c. **Other Training**

- i. All operators, drivers and users of construction vehicles, mobile plant and other equipment must be in possession of valid proof of competence.
- ii. All legal appointees in terms of the Act and Regulations must be in possession of valid proof of training/competence as follows.

25. COMPETENCE

25.1 At submission for approval, the Health and Safety file shall contain signed letters of appointments for all staff/workers/operators appointed to the project. Proof of competence in the form of Certificates of Training, Qualifications and CVs detailing roles/responsibilities and tasks discharged. Any worker(s) that join the project at later stage must first be appointed in writing and copies of his/her/their certificate(s) of competence be on H&S file approved by the client prior to commencing with work. The definition of competent as per CR2014 shall apply.

26. MEDICAL CERTIFICATES

- 26.1 When the Health and Safety file is being submitted for approval, it shall contain records of medical certificates of fitness for all workers appointed to the project. Any worker(s) that join the project at later stage must be in possession of a medical certificate of fitness and copy(ies) put in the H&S file prior to commencing work.

27. COMMUNICATION & LIAISON

- 27.1 OH&S Liaison between the Employer, the Principal Contractor, the other Contractors, the Designer and other concerned parties shall be through the H&S Committee as per the procedures determined by the H&S Committee.
- 27.2 In addition to the above, communication may only be directly to the Client in writing.
- 27.3 Consultation with the workforce on OH&S matters will be through their Construction Managers, Construction Health & Safety Officer and H&S Representatives.
- 27.4 The Principal Contractor will be responsible for the dissemination of all relevant OH&S information to the other Contractors e.g. Specification, design changes etc.

28. HEALTH AND SAFETY REPRESENTATIVES & COMMITTEES

- 28.1 The PC shall establish a committee comprising of the Construction Manager, the Construction Health and Safety Officer and at least two non-management elected Health and Safety Representatives. All Contractors must be represented on the committee.
- 28.2 The committee must at all times comprise of more than 50% non-management members.
- 28.3 Monthly meeting shall be held and recorded, and minutes must be kept in the Health and Safety file.
- 28.4 Note must be taken of the requirement for training of Health and Safety Representatives and certificates of competences placed in the H&S file.

29. OCCUPATIONAL HEALTH

29.1 First Aid

- 29.1.1 The PC must use the information gathered from the HIRA to determine the contents of the first aid box. The list contemplated in the General Safety Regulations is not considered comprehensive and as such should be added onto as necessary.

29.2 First Aid Attendants

- 29.2.1 Having considered the Scope of Work, the potential injuries highlighted in the HIRA and the number of people who may be affected by an accident the PC must specify the number of first aid attendant which will be available on site. It must however be noted that at least two first aid attendants will be required to be appointed from the PCs staff.

29.3 Fire Fighting Equipment

- 29.3.1 The PC must indicate what firefighting equipment will be available on site. Note that this is not limited to fire extinguishers. A competent person will be appointed as a Fire Fighting Equipment Inspector, the proof of competence must be on the H&S file.
- 29.3.2 Training shall be provided in the correct use of the equipment at site induction as part of emergency procedures.

Wherever an internal combustion engine is used on site a pressurized mobile fire extinguisher must be readily available where such an engine is being used.

29.4 Existing Services

- 29.4.1 The PC must ensure he is in possession of all drawings for known existing services and relevant wayleaves. The PC must identify, mark and where necessary expose the existing service by hand and all electrical services must be treated as live. The Principal Contractor shall conduct a visual assessment of the site prior to any excavation work taking place to determine where potential hazards may exist.

29.5 Excavations

- 29.5.1 The excavations required are not of great depth as such care must be taken to avoid contact with unknown and known existing services. All excavations are to be treated as defined in the Regulations and are to be barricaded with a physical barrier capable of withstanding a horizontal or vertical load of 1.5 kN/100mm.
- 29.5.2 The use of Chevron / Danger Tape as a barricade is not allowed on site for demarcating areas unless discussed and agreed with the Client or Principal Agent / Engineer on site.

29.6 Storage of Flammable Liquids and Hazardous Chemical Substance

- 29.6.1 The PC shall maintain a list of the items which fall into the above-mentioned category and explain how these will be stored on site.

29.7 Traffic Accommodation

- 29.7.1 Traffic accommodation will be the responsibility of the Construction Health and Safety Officer assisted by the Construction Manager. All traffic accommodation layouts to be in accordance with SARTSM and must be approved by the Engineer before an activity commences.

29.8 Removal of Wild Animals and Human Remains

- 29.8.1 The Principal Contractor will acquaint himself with specialist contractors who specialize in the removal of animals on site such as snakes, tortoises etc.
- 29.8.2 In the event the Contractor uncovers or discovers human remains while conducting work on site the Contractor will cease all works and notify authorities and will only resume work after the site has been cleared of the human remains.

30. OCCUPATIONAL HEALTH & SAFETY PERFORMANCE

- 30.1 The Principal Contractor is required to maintain an acceptable disabling incident frequency rate (DIFR) and report on this to the Client on a monthly basis.

31. IDENTIFICATION OF HAZARDS AND DEVELOPMENT OF RISK ASSESSMENTS, STANDARD WORKING PROCEDURES (SWP) AND METHOD STATEMENTS

- 31.1 The Principal Contractor shall appoint a competent person to facilitate a Baseline and Issue-based Hazard Identification and Risk Assessment. The competent persons proof of training as a risk assessor shall be attached to the letter of appointment included in the Health and Safety File.

- 31.2 Risk Assessments can only be performed and assessed based on an accurate and sufficiently documented Method Statements. Risk Assessments of all inherently risky activities identified in the Scope of Works shall form an integral part of the H&S Plan. Proof that the Risk Assessment was a collective effort must be shown on the HIRA. The Plan shall include methods and intervals of review which will be no greater than one month if no incidents are reported. The Method Statements must be submitted with the H&S File.
- 31.3 The Principal Contractor is required to develop Risk Assessments, Standard Working Procedures (SWP) and Method Statements for each activity executed in the contract or project.
- 31.4 The identification of hazards is an on-going process as such the Principal Contractor must periodically conduct HIRA as the project progresses.

32. MANAGEMENT AND MONITORING OF CONTRACTORS

32.1 Monthly Audit by Client

- 32.1.1 The Client will be conducting Periodic Audits at times agreed with the Principal Contractor to comply with Construction Regulation 5(1)(o) to ensure that the Principal Contractor has implemented, is adhering to and is maintaining the agreed and approved H&S file.
- 32.1.2 No Contractor/s will be allowed to work without a letter of approval of their H&S file by the PC stating that the Contractor/s comply with the OHS Act and the PRH&SS requirements.
- 32.1.3 The Principal Contractor has the duty to manage, assist and guide all Contractors appointed on the project.
- 32.1.4 The Health and Safety Specification provided to the Contractors must be placed in the Contractors Health and Safety file. Each Contractor must ensure that all aspects of their activities are sufficiently covered and dealt with in the H&S Specification. In the event the PC's H&S Specification does not cover all the Contractor's work activities, the Contractor may add an addendum to the H&S Specification and share such an addendum with Principal Contractor. Where the Contractor/s are not able to produce necessary addendum to the Specification, the PC will within reasonable time and without delay to Contractor/s work and program provision of such an addendum.
- 32.1.5 Proof of auditing of Contractor/s must be kept in the PCs Health and Safety file. The PC must also ensure and request proof of the same from Contractors who have appointed Contractor/s.
- 32.1.6 Any organization / Entity / Individual that provides staff, materials, tools, equipment, plant and machinery to perform work / tasks on a construction site, they are deemed to be Contractors and must be managed as such.

- 32.1.7 As a minimum the following information is to be requested from such a Contractor and shall provide a file containing but not limited to:
- a. A current Letter of Good Standing (LoGS)
 - b. A signed Mandatory agreement from a Principal Contractor which is site and task specific.
 - c. Letter of appointment from the Principal Contractor.
 - d. Signed appointments of any staff/worker accompanied by a competence certificate
 - e. Valid medical certificate of fitness.
 - f. Inspection and stacking & storage registers for any new plant/equipment/tools/material etc which have been completed for the day prior to use and carry no unresolved/unrepaired historical faults.
 - g. Any test certificates required in terms of any applicable legislation (such as load test certificates)
- 32.1.8 No Contractor shall allow any Worker/Driver/Operator access and permission to work on site until hard copies of documentation stated above has been submitted to the site Construction Safety Officer who will in turn review and approve the documentation and thereafter grant permission to work.

32.2 Other Audits and Inspections by Client

- 32.2.1 The Client reserves the right to conduct any other ad hoc audits and inspections as deemed necessary.
- 32.2.2 A representative of the Principal Contractor i.e. Construction Manager and/or Construction Health Safety Officer must accompany the Client on all Audits and Inspections and may conduct their own audit/inspection at the same time. The Principal Contractor will, however, take responsibility for the results and resolution of all audit/inspection non-compliances. The Client may require to be handed a copy of the minutes of the previous Health and Safety Committee meeting and Safety Officer / SHE Rep's daily safety inspection reports reflecting possible recommendations made to the Employer for reference purposes.
- 32.2.3 Incidents must be reported to the Department of labour in terms of the applicable Section of the Act and Regulations if the employee:-
- 32.2.3.1 Dies
 - 32.2.3.2 Becomes unconscious
 - 32.2.3.3 Has a Near-miss
 - 32.2.3.3 Loses a limb or part of a limb
 - 32.2.3.4 Is injured or becomes ill to such a degree that he/she is likely either to die or to suffer a permanent physical defect or likely to be unable for a period of at least 14 days either to work or continue with the activity for which he/she was employed.

OR where:

- 32.2.4 A major incident occurred;
- 32.2.5 The health or safety of any person was endangered;
- 32.2.6 Where a dangerous substance was spilled;
- 32.2.7 The uncontrolled release of any substance under pressure took place;
- 32.2.8 Machinery or any part of machinery fractured or failed resulting in flying, falling or uncontrolled moving objects;
- 32.2.9 Machinery ran out of control,

- 32.3 The Report of the above incidents must be submitted to the Provincial Director of the Department of Labour within seven days and at the same time to the Client.
- 32.4 The Principal Contractor is required to provide the Client with copies of all statutory reports required in terms of the Act and the Regulations.
- 32.5 The Principal Contractor is required to provide the Client with a monthly “SHE Risk Management Report”.
- 32.6 The Principal Contractor is required to provide as soon as possible the Client with copies of all internal and external accident/incident investigation reports. As soon as the occurrence of any accident/incident of whatever nature comes to the notice of the Principal Contractor, it shall be reported immediately to the relevant parties as stated in General Administrative Regulations 9.

33. INSPECTIONS AND MONITORING REGISTERS

- 33.1 A list of required check lists and monitoring forms should be derived from the HIRA.

34. HEALTH & SAFETY FILE REVIEW

- 34.1 The Principal Contractor is to review the Hazard Identification, Risk Assessments and Standard Work Processes at each Production Planning and Progress Report meeting as the construction work develops and progresses and each time changes are made to the designs, drawings, construction methods and processes.
- 34.2 The Principal Contractor must provide the Client, Contractors and all other concerned parties with copies of any changes, alterations or amendments as contemplated on clause 33.1 above.

35. SITE RULES, REQUIREMENTS AND TRAINING

35.1 Site OH&S Rules

- 35.1.1 The Principal Contractor must develop a set of site-specific OH&S rules that will be applied to regulate the Health and Safety file and associated aspects of the construction.
- 35.1.2 The Principal Contractor must provide visitors and non-employees upon entering the site with the proper Personal Protective Equipment (PPE) as necessary.

35.2 Security Arrangements

- 35.2.1 The Principal Contractor must establish site access rules, procedures and must implement and maintain these throughout the construction period. Access control must include the rule that non-employees shall at all times be provided with fulltime supervision while on site.

- 35.2.2 If not already tasked to the Construction Health & Safety Officer appointed in terms of Construction Regulation 8(5), the Principal Contractor must appoint a competent Emergency Controller who must develop contingency plans for any emergency that may arise on site as indicated by the risk assessments. These must include a monthly practice/testing programme for the plans e.g. January: trench collapse, February: flooding etc. and practiced/tested with all persons on site at the time, participating.

35.3 Training

- 35.3.1 The content and syllabi of all training required in terms of the Act and Regulations including any other related or relevant training as needed must be included in the Principal Contractor's Health and Safety Plan and/or File.

35.4 Accident and Incident Investigation

- 35.4.1 The Principal Contractor is responsible to oversee the investigation of all accidents/incidents where employees and non-employees were injured to the extent that he/she/they had to receive first aid or be referred for medical treatment by a doctor, hospital or clinic. (General Administrative Regulation 9).
- 35.4.2 The full investigation report record must be entered into the Accident/Incident Register. (General Administrative Regulation 9).
- 35.4.3 The Principal Contractor is responsible for the investigation of all non-injury incidents as described in Section 24 (1) (b) & (c) of the Act and keeping a record of the results of such investigations including the steps taken to prevent similar incidents in future.
- 35.4.4 The Principal Contractor is responsible for the investigation of all road traffic accidents relating to the construction site and keeping a record of the results of such investigations including the steps taken to prevent similar accidents from occurring in future.
- 35.4.5 Notwithstanding the requirements of Section 24 of the Act, ALL incidents shall be investigated to determine the root cause(s) and what corrective action should be put in place and reported in writing, irrespective of whether such incident gave rise to injury or damage. Proof of observation of corrective action/s and the success of such action shall be recorded in the health and Safety file.
- 35.4.6 The method of investigation, observation and review must be included in the Health and Safety file. Training in emergencies and reaction plans are to be given during site induction.
- 35.4.7 Emergency telephone numbers of emergency service providers are to be displayed at strategic places and practical places on site. Possibly on the inside of windows facing out (site office or construction vehicle or both).

36 PROJECT & SITE-SPECIFIC CONSTRUCTION ACTIVITIES

36.1 The following is a list of specific activities and considerations that have been identified for the project and site and for which Risk Assessments, Standard Working Procedures (SWP), management and control measures and Method Statements (where necessary) have to be developed by the Principal Contractor for which the H&S file must be approved by the client prior to commencement.

36.2 Clearing & Grubbing of the Area/Site

36.3 Site Establishment including:

- 36.3.1 Office/s
- 36.3.2 Secure/Safe Storage and storage areas for materials, plant & equipment
- 36.3.3 Ablution facilities
- 36.3.4 Sheltered dining area
- 36.3.5 Accommodation facilities
- 36.3.6 Vehicle access to the site

36.4 Dealing with existing Structures (. i.e. demolition)

36.5 Location of existing Services

36.6 Installation & Maintenance of Temporary Construction Electrical Supply, Lighting and Equipment

36.7 Adjacent Land uses/Surrounding property exposures

36.8 Boundary & Access control/Public Liability Exposures

36.9 Health risks arising from neighbouring as well as own activities and from the environment e.g. taxi operators, SMMEs, other disgruntled stakeholders etc.

36.10 Exposure to Noise

36.11 Exposure to Vibration

36.12 Exposure to dust (*i.e. cement dust, etc*)

36.13 Protection against dehydration and heat exhaustion

36.14 Protection from wet & extremely cold conditions

36.15 Dealing with HIV/Aids and other diseases as per specific programme provided by the client and/or its Agent on its behalf.

36.16 Use of Portable Electrical Equipment including:

- 36.16.1 Angle grinder
- 36.16.2 Electrical Drilling machine
- 36.16.3 Skill saw

36.17 Excavations including:

- 36.17.1 Ground/soil conditions
- 36.17.2 Trenching
- 36.17.3 Shoring
- 36.17.4 Drainage
- 36.17.5 Daily inspections

36.18 Welding including:

- 36.18.1 Arc Welding
- 36.18.2 Gas welding
- 36.18.3 Flame Cutting
- 36.18.4 Use of LP Gas torches and appliances

36.19 Loading & Offloading of Trucks;

36.20 Aggregate/Sand and other Materials Delivery;

36.21 Manual and Mechanical Handling of heavy materials;

36.22 Lifting and Lowering Operations;

36.23 Driving & Operation of Construction Vehicles and Mobile Plant including:

- 36.23.1 Trenching machine
- 36.23.2 Excavator
- 36.23.3 Bomag Roller
- 36.23.4 Saw cutter
- 36.23.5 Plate Compactor / whacker / hand stampers
- 36.23.6 Front End Loader
- 36.23.7 Tipper Trucks
- 36.23.8 Mobile Cranes and the ancillary lifting tackle
- 36.23.9 Parking of Vehicles & Mobile Plant
- 36.23.10 Towing of Vehicles & Mobile Plant

36.24 Use and Storage of Flammable Liquids and other Hazardous Substances – the client to be informed of this prior to commencing with the project;

36.25 Layering and Bedding of trench floor;

36.26 Installation of Pipes in trenches;

36.27 Backfilling of Trenches

36.28 Protection against Flooding

36.29 Gabion work

37. PERSONNEL PROTECTIVE EQUIPMENT

Mandatory General PPE to be provided to all workers before commencing work:

37.1 Overalls & Gloves (appropriate to the activity in which they will be used)

37.2 Steel toe cap safety boots

37.3 High visibility vests, (Bibs will not be accepted as vests)

37.3.1 High visibility head gear, this could be hardhats or broad rimmed hats depending on the activity. The provision and use of personnel protective equipment (PPE) shall be dictated by the HIRA. The H&S file will indicate how P.P.E will be issued and replaced.

37.4 The condition of the PPE shall be assessed and or evaluated at least once a month and records thereof kept in the H&S file.

37.5 All visitors to site will need to wear at least a high visibility vest. Other PPE necessary for specific areas will be determined by the Construction Manager with the assistance of CHSO. The necessary PPE will be included in the visitor's induction.

38. OCCUPATIONAL HEALTH & SAFETY SIGNAGE

38.1 The PC shall in the Health and Safety file submit a diagram of the site showing the position of the site camp and the layout of the site camp. The diagram shall include all OHS signage relevant to the site including egress and access signs.

38.2 Generic all-inclusive OHS signage depicting PPE that is not relevant to the site will be rejected and the Principal Contractor will replace it at his/her own cost.

38.3 The Plan shall indicate areas of storage for flammable and hazardous chemicals and the signage to be used to denote such place.

38.4 The Principal Contractor shall provide proof that the signage condition and effectiveness is inspected monthly.

38.5 The contractor shall provide signage at each access point to the area of work warning road users and pedestrians of the hazard ahead.

39. PUBLIC HEALTH & SAFETY

39.1 The Contractor is reminded of the duties of the Employers under Section 9 of the OHS Act. Additionally, the intention of the Act as copied below:

39.1.1 *"To provide for the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery; the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; to establish an advisory council for occupational health and safety; and to provide for matters connected therewith."*

39.2 The contractor shall demonstrate in the H&S plan/file what systems of management will be used to reduce exposure to the general public from the hazards created as a result of the activities of the contract. This must include monitoring and corrective action.

40. WORK DONE OUTSIDE NORMAL WORKING HOURS (07:00 AM – 05:00 PM)

- 40.1 The PC is obligated to request and obtain permission from the client prior to conducting any work outside of agreed/normal working hours. It must also be noted that any such work may only be undertaken only when the Construction Manager or his appointed competent Supervisor and the Construction Health and Safety Officer are physically present on site.

41. CONSTRUCTION WELFARE FACILITIES

- 41.1 The PC will provide Welfare facilities as stipulated on the CR30(1) and these will be located within easy to reach distances i.e. within site office property or any other facilities workers can reach without needing to depend on someone else. The Principal Contractor must consult the workers regarding provision of showers and must notify the Department of Labour (DoL) of their final decision and agreement. The Contractor shall in the H&S file explain how the agreement was reached with employees. The Principal Contractor shall provide proof in the Health and Safety File of the agreement reached and any signatures indicating those present.
- 41.2 If chemical toilets are used the PC shall specify the number of people to a single toilet unit, the intervals of emptying and cleaning out the unit/s and the chemical used in the toilet. The material safety data for the chemicals used in the toilet/s must be put on the H&S file.

42 BASELINE RISK ASSESSMENT

Task	Hazard	Risk	Mitigation
Construction work	<ul style="list-style-type: none"> • Covid 	<ul style="list-style-type: none"> • Infection which could lead to illness and multiple fatalities 	<ul style="list-style-type: none"> • Follow protocols and review effectiveness and correct / revise when needed. Adhere to site covid plan
Civil Works: Construct <ul style="list-style-type: none"> • Earthworks • Building Platform • Access Road works 	<ul style="list-style-type: none"> • Heavy Plant, Trucks, vehicles, compactors, • Plant noise, • Hand tools • Bricks, cement, dust, • Open trenches, steel 	<ul style="list-style-type: none"> • Being run or knocked over by plant or other vehicles, • Falling from plant, falling into excavations, • Hearing loss, white knuckle, • Vehicle collusion, • Skin or eye contact with chemical substances, • Suffocation from inhalation of toxic gases, being struck by or falling onto reinforcing steel, • Pinching by plant / truck / machinery components 	<ul style="list-style-type: none"> • Applicable Regulations to be implemented • Plant to have working rotating lights and reverse beepers • Appropriate PPE as per the Risk Assessment to be provided and use thereof enforced • Competence and training to be evaluated for all as stipulated in the Regulations
External Works: Construct <ul style="list-style-type: none"> • Refurbishment work • Plastering/backwashing • Pavement • Kerbing • Construct boundary wall 	<ul style="list-style-type: none"> • Scaffolding, height work, • Cement mixed mortar, cement, bricks 	<ul style="list-style-type: none"> • Cement containing material into the eyes or onto the skin, • Being struck by kerbing, paving, objects or materials from height • Falling from height 	<ul style="list-style-type: none"> • Means of access to work at heights to comply to SANS10085:2004 • Applicable Regulations to be implemented and will be monitored by the client • Wayleaves to be obtained prior to executing any work
Fencing: <ul style="list-style-type: none"> • Excavate for Fence posts • Cast post concrete foundation • Assemble fence panels • Install gate 	<ul style="list-style-type: none"> • Open trenches, steel , • Hand tools (Picks, Shovels, spades etc • Plant or Mini or full (TLB) • Allen keys • Spanner 	<ul style="list-style-type: none"> • Struck by an equipment, tool or object • Pinched by hand tool • Fall into excavation • Cement dust into the eyes and on the skin • 	
Removal of Wild Animals: <ul style="list-style-type: none"> • Search and capture • Deliver the animal/s to a safe, secure and appropriate animal shelter 	<ul style="list-style-type: none"> • Animals (Snakes, Rats, Stray dogs etc. • 	<ul style="list-style-type: none"> • Struck or bitten by the animal. • 	<ul style="list-style-type: none"> • Protection of Animal Act to be implemented, Appropriate Hazard Identification & Risk assessment be conducted in consultation with the appropriate parties on the project
Mechanical Works: Install <ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
Task	Hazard	Risk	Mitigation
Ancillary Works: <ul style="list-style-type: none"> • Demolition Work 	<ul style="list-style-type: none"> • Hydraulic breaker, sledge hammer, • Debris (bricks concrete) • Dust • Noise • Height work 	<ul style="list-style-type: none"> • Ergonomic related injuries, lifting heavy items Over 100kg/unit • Being struck by pieces of debris • Dust inhalation • Noise induced hearing loss • Falling from heights 	<ul style="list-style-type: none"> • Draft Ergonomics Regulations to be consulted, • Installation Methodology to comply to Regulation 9(2) of Construction Regulations 2014

<ul style="list-style-type: none"> Preparation of work area, trenching and excavation 	<ul style="list-style-type: none"> Existing services, Mobile plant and construction machinery & equipment 	<ul style="list-style-type: none"> Being run or knocked over by plant, equipment or machinery Injury resulting from 	<ul style="list-style-type: none"> Consult as built drawings showing the location of all known services (contractor to verify on site) Apply for wayleaves to all relevant local authorities.
<ul style="list-style-type: none"> Work in residential areas 	<ul style="list-style-type: none"> Traffic (vehicular and pedestrian). 	<ul style="list-style-type: none"> Collusion between construction vehicles and general traffic Poor traffic accommodation forcing and works to use roadways 	<ul style="list-style-type: none"> The contractor is to discuss and agree traffic accommodation with the engineer and have a written agreement in place before implementation
<ul style="list-style-type: none"> Exposing of existing services 	<ul style="list-style-type: none"> Live electrical cables 	<ul style="list-style-type: none"> Electrocution Start of fire (injury to persons or destruction to property) 	<ul style="list-style-type: none"> Exposing existing services to done by hand, when found to be appropriately protected and covered.

Flammable and Hazardous Chemicals

<ul style="list-style-type: none"> Hazardous chemicals 	<ul style="list-style-type: none"> Portland Cement Treatment chemicals for Old steel purlins and trusses Paint Gas bottles Any Other... 	<ul style="list-style-type: none"> Injury to eyes Skin irritation Lung damage Explosion 	<ul style="list-style-type: none"> Hazardous Chemical Substances Regulations to be complied with Necessary PPE as per the Risk Assessment i.e. (Masks, Goggles, Gloves etc.), to be provided Relevant and appropriate MSD to be communicated to those at risk of exposure Fire Fighting Equipment to be provided at all places where fire hazard work is conducted
<ul style="list-style-type: none"> Flammable and Hazardous Substances 	<ul style="list-style-type: none"> Diesel Petrol 	<ul style="list-style-type: none"> Regulation (25) of Construction Regulations 2014 to be complied with 	<ul style="list-style-type: none"> Regulation (25) of Construction Regulations 2014 to be complied with

Local Entrepreneurship & Social Challenges and related hazards

<ul style="list-style-type: none"> Small, Medium Micro-sized Enterprises (SMMEs) 	<ul style="list-style-type: none"> Disagreements and disputes over work packaging and allocation 	<ul style="list-style-type: none"> Project stoppage and delays Conflict between stakeholders (possible injury to persons or damage to property) 	<ul style="list-style-type: none"> Principal Contractor to consult the community and business fora at length
	<ul style="list-style-type: none"> Disagreement over Payment and Rates 		<ul style="list-style-type: none"> The Principal Contractor to negotiate transparently and in good faith with SMMEs as stated in the Contract Document
<ul style="list-style-type: none"> Street robber also known as Amaphara (Skolies) 	<ul style="list-style-type: none"> Guns Knives Other weapons 	<ul style="list-style-type: none"> Being fatally shot or stabbed 	<ul style="list-style-type: none"> Constitution Justice system (Police and closely related forums)

HEALTH AND SAFETY MANDATORY AGREEMENT

**ARTICLE OF AGREEMENT IN TERMS OF SECTION 37(2) OF THE OCCUPATIONAL
SAFETY ACT, 1993**

**WRITTEN AGREEMENT ON
OCCUPATIONAL HEALTH AND SAFETY**

In accordance with the provisions of Section 37(2) of the Occupational Health and Safety Act 85
of 1993 as amended

AS ENTERED INTO BY AND BETWEEN

MANDELA BAY DEVELOPMENT AGENCY

(Hereinafter referred to as "the Employer / Client")

AND

(Hereinafter referred to as "the Mandatory / Contractor")

Compensation Fund number:

Herein represented by.....in his/her capacity as
.....

duly authorized by virtue of a resolution dated:

Attached hereto Annexure A, of the said:

herein after referred to as the "Contractor"

WHEREAS the Contractor is the mandatory of the Employer as contemplated in an agreement in
respect of

Contract Number:

AND WHEREAS section 37 of the Occupational Health and Safety Act, 1993 (Act 85 of 1993, hereinafter referred to as the “Act”), imposes certain powers and duties upon the Employer.

AND WHEREAS the parties have agreed to enter into an agreement in terms of section 37(2) of the Act.

NOW THEREFORE the parties agree as follows:

- (a) The Contractor undertakes to acquaint the appropriate officials and employees of the Contractor with all relevant provisions of the Act and the Regulations promulgated in terms thereof.
- (b) The Contractor undertakes that all relevant duties, obligations and prohibitions imposed in terms of the Act and Regulations will be fully complied with. Provided that should the Employer prescribe certain arrangements and procedures, that same shall be observed and adhered to by the Contractor, his officials and employees. The Contractor shall bear the onus of acquainting himself/herself/itself with such arrangements and procedures.
- (c) The Contractor hereby accepts sole liability for such due compliance with the relevant duties, obligations, prohibitions, arrangements and procedure, if any, imposed by the Act and Regulations and the Employer expressly absolves the Employer its being obliged to comply with any of the aforesaid duties, obligations, prohibitions, arrangements and procedure as the case may be.
- (d) The Contractor agrees that any duly authorized officials of the Employer shall be entitled, although not obliged, to take such steps as may be necessary to ensure that the Contractor has complied with the undertakings as more fully setout in paragraph 1 and 2 above, which steps may include, but shall not be limited to, the right to inspect any appropriate site any appropriate site or premises occupied by the Contractor, or to inspect any appropriate records held by the Contractor or to take such steps it may deem necessary to remedy the default of the Contractor at the cost of the Contractor.
- (e) The Contractor shall be obliged to report forthwith to the Employer any investigations, compliant or criminal charge which may arise as a consequence of the provisions of the Act and Regulations, pursuant to work performed in terms of this agreement, and shall, on written demand, provide full details in writing of such an investigation, compliant or criminal charge as the case maybe.

Signature(s) of authorized agents:

Name(s) in block letters:

Capacity(s) of authorized agents:.....

For and on behalf of the Tenderer: (Name & Address of Company)

.....
.....
.....
.....

Witness: (Full Name in block letters).....

Signature:.....

Date:.....

For and on behalf of the Employer: (Name & Address of Company)

Name:

Capacity:.....

Mandela Bay Development Agency

P.O. Box 74, Port Elizabeth, 6000

Witness: (Full Name in block letters).....

Signature:.....

Date:.....

PROJECT HEALTH & SAFETY SPECIFICATION FOR COVID-19

Reference is made to the OCCUPATIONAL HEALTH AND SAFETY MEASURES IN WORKPLACES COVID-19 (C19 OHS) also referred to as Occupational Health and Safety Directives, gazette No. 43257 of 28th September 2020.

All MBDA stakeholders and Professional Service Providers i.e. Consultants, Contractors, Suppliers, SMMEs, Partners, Business Associates and other Community Based Formations with which the MBDA does business are expected to comply with the recently promulgated H&S Directives as Employers in their own right.

It must be noted the H&S Directives do not replace but rather supplement and must be read in conjunction with the Occupational Health & Safety Act 85 of 1993 and Regulations.

Sections 8, 9, 10 & 14 of the Occupational Health & Safety Act stipulates the duties imposed on all Employers, Self-employed persons, Manufacturers and Employees respectively in terms of the Act.

General duties of employers to their employees

8.“(1) Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees.”

CONTRACTORS & SUPPLIERS

1. Risk Assessment (RA)

- 1.1 All Contractors / Suppliers must take reasonable steps to eliminate or mitigate the hazards relating to Covid-19 Virus. Prior to any commencement of work on site the Contractor must:
 - 1.1.1 Compile a register of **all (full time and part-time)** staff,
 - 1.1.2 List the duties for which they are employed including the duties outside their job description which they from time to time are asked or volunteer to perform.
 - 1.1.3 Identify “red zones”, these are areas where people are like to congregate, areas likely to be frequented by all workers at some point in the workday.
 - 1.1.4 Identify exposure levels and probability of risk of infection and administer preventative measures or risk mitigation and reduction strategies.
 - 1.1.5 Train workers to continually conduct their own risk assessment between their activities rather than wait for instruction on the hazards affecting them.
 - 1.1.6 The revised risk assessment must be communicated to all who are at risk both workers and visitors alike through Toolbox Talks and Induction, respectively and proof thereof inserted into the H&S File.

2. Medical Certificates of Fitness

- 2.1. The Contractor must review medical certificates and identify at risk individuals, those presenting with:
 - 2.1.1 Pre-existing respiratory conditions,
 - 2.1.2 Tuberculosis (TB)
 - 2.1.3 The human immunodeficiency viruses (**HIV**)
- 2.2. These vulnerable and at-risk workers must be protected through special measures and must not be subjected to unfair discrimination or victimization.
- 2.3. Employees diagnosed with Covid-19 must not to be victimized or stigmatized in anyway
- 2.4. The Contractor may not dismiss employees infected with the virus due to occupational exposure, but instead must apply for Illness Relief Benefit on behalf of the infected employee in terms of the Compensation for Occupational Injuries and Diseases Act (COIDA).
- 2.5. Covid-19 medical examinations do not replace Medicals Certificates of Fitness required for all construction workers in the Construction Regulations 7(1)(g) and visa versa.

3. Engineering controls

- 3.1. The Contactor must ensure that all work areas and spaces are well ventilated, any work conducted in confined spaces must be executed under the supervision of a competent supervisor.
- 3.2. The Contractor must take the necessary steps to review and re-arrange workstations / packages / areas and/or site layout to observe social distancing.
- 3.3. Where social distancing and/or maintenance of the 1.5m space between workers in terms of the H&S Directives cannot be implemented, the Contractor must install physical barriers to separate workers.
- 3.4. The Contractor must observe and adhere to staff complement requirements as prescribed in the Risk-Adjusted Strategy applicable to the Covid-19 Level 1 Alert.
- 3.5. If the Client determines the Contractor is not acting cautiously and responsibly regarding staff allocation on site, the Client reserves the right to instruct the Contractor to reduce numbers to safeguard the health and safety of employees.
- 3.6. The Contractor **will not** be entitled to any financial claims due to delays or loss of productivity resulting from reduced number of workers to limit the risk of the spread of the virus on the current alert level.

4. Administrative controls

- 4.1. At the start of each workday, prior to commencement of works, the Contractor must administer screening of observable Covid-19 symptoms through temperature monitoring.
- 4.2. Any employee found presenting with Covid-19 symptoms such as listed below must be transported to designated medical examinations centre for testing and confirmation as per Clause 7 of this specification
 - 4.2.1 Fever
 - 4.2.2 Persistent Cough
 - 4.2.3 Complaining of or reporting a sore throat
 - 4.2.4 Redness of eyes
 - 4.2.5 Shortness of breath or having difficulty breathing
 - 4.2.6 Body aches
 - 4.2.7 Loss of smell
 - 4.2.8 Loss of taste
 - 4.2.9 Nausea / need to vomit / diarrhoea
 - 4.2.10 Fatigue
 - 4.2.11 Weakness and an unusual sense of tiredness and others
- 4.3. The Contractor must report all cases of Covid-19 from their site to the Department of Employment and Labour.
- 4.4. The source and origin of infection must be traced and those who have interacted with the suspected infected person tracked and their contact details forwarded to Public Health Authorities for further investigation.
- 4.5. If the discovery of a Covid-19 case on site does not lead to immediate closure of the site, the Contractor must review their controls and mitigation measures to determine weaknesses and revise accordingly.
- 4.6. Sick Employees must be released for examination and allowed to go on self-isolation or quarantine as directed by a Medical Practitioner at the authorised Covid-19 testing centre.

- 4.7. The Contractor will provide any administrative support required by the Department of Public Health in tracing and tracking potential Covid-19 cases who may have come into contact with the Contractor's ill staff member on site.
- 4.8. The revised Risk Assessment must clearly stipulate how workers will maintain minimum contact.
- 4.9. When the Contractor considers how to keep the number of workers at a minimum through staggered work hours or rotational arrangement, the proposed schedule must be submitted to the client for review and comment.
- 4.10. All workers who had been diagnosed with the virus may ONLY return to work once declared virus-free by a Qualified Medical Practitioner.
- 4.11. The Contractor must ensure the Construction Manager (CR 8(1)) is always on site to ensure adherence and compliance with Covid-19 Regulations, H&S Directives over and above the OHS&A & Regulations and their own approved H&S Specification.
- 4.12. A Contractor must designate a representative to issue and disseminate accurate and truthful information and respond to staff queries relating to the virus to keep site management and staff at large apprised.

5. Healthy and safe work practices

- 5.1. Monitor temperature
- 5.2. Regular washing of hands with water and soap
- 5.3. Disinfect surfaces, equipment, tools, plant, machinery as regularly as required
- 5.4. Sanitise hands with sanitizer with minimum alcohol content of 70%

6. PPE

- 1 6.1 The Contractor shall provide **free of charge** all employees with the following PPE to prevent Covid-19 infection and spread.
 - 6.1.1 Masks (two cloth masks) per employee however activities of each employee must be monitored to determine the need and frequency at which the masks must be replaced, workers must be trained on the use and wearing of masks.
 - 6.1.2 Gloves
 - 6.1.3 Face shields
- 6.2 Handheld temperature monitors must be available always and in working condition.

7. Provision of safe transport for employees

- 7.1 The Contractor must provide necessities to safeguard personal hygiene of workers assisting with transportation of ill workers.
- 7.2 The Contractor must monitor and supervise workers to ensure social distancing rules are observed and adhered to.
- 7.3 The Contractor must make the arrangements to minimize exposure associated with commuting using public transport
- 7.4 FFP1 Surgical Mask must be available for use by individual that will be transporting ill workers
- 7.5 Cloth masks must be provided to workers in compliance with the H&S Directives
- 7.6 Additional PPE, Rubber gloves for driver and assistant of employer-provided transport.

8. While on site Contractor must take steps to protect and prevent inter-transmission between

- 8.1 Clients / Client Representatives / Principal Agent
- 8.2 Contractors (SMMs) including Self-Employed persons
- 8.3 Suppliers
- 8.4 Community based forums,
- 8.5 General members of the public visiting the site

9. Additional requirements to be met prior to commencement of work

- 9.1 The Contactor will conspicuously display Covid-19 related Posters and Notices in boardrooms, site office, Storerooms etc. including the identified “red zones to ensure constant reminder and awareness to workers.
- 9.2 Working areas, surfaces and equipment are to be disinfected prior to work commencement, throughout the day and at the end of the workday depending on the use.
- 9.3 All bio-metric systems must be cleaned every time prior and after use, alternatively temporarily deactivate the system during the and reactive it at the end of the workday.
- 9.4 Hand washing facilities will be installed with water and soap provided with ONLY paper towels for drying and the habit must be encouraged to staff.

10. Additional requirements to be communicated at commencement of work

- 10.1 The Contactor must encourage workers who are ill or believing are taking ill, to rather call-in sick and see a doctor or get some medical prescription and rather not report for duty.
- 10.2 All site staff, SMMs and ANY site visitors must wear face masks at all times

Client Signature:_____

Date:_____

Principal Contractor Signature:_____

Date:_____

Project Name: Contract Number: BoQ OHS Costs Allowed in the Tender: R Project Value: R					
ITEM NO	DESCRIPTION	UNIT	QTY	RATE	TOTAL
1.					
1.1	Preparation of the Contractor's site specific Health and Safety Plans & Files	lump sum	1		
	(a) Internal Audits	month	6		
	(b) Safety Officer's Cell phone	month	6		
	(c) Admin/ Stationary	month	6		
	(d) Safety Officer Tools of Trade (Laptop & Data Connectivity)	once	1		
2.	Provision of Personal Protective Equipment (PPE) - (Estimate)				
	(a) Reflective vests	No	10		
	(b) Hard hats	No	10		
	(c) Protective foot wear	No	10		
	(d) Earplugs	No	40		
	(e) Dust masks (per box)	No	40		
	(f) Gloves	No	20		
	g) High visibility overalls to SARTSM Chapter 13 Level 3	No	0		
	(h) Ear Defenders SABS approved	No	2		
	(i) Fall Arrest Equipment				
	(i)(1) Harnesses	No	2		
	(i)(2) Lifeline	No	1		
2.1	Provision of a full time SACPCMP Registered Construction Health and Safety Officer	month	6		
3.	Cost of medical certificates and medical surveillance				
	(a) Initial (baseline) medical examinations	No	10		
	(b) Periodic and exit examinations	No	10		
4.	Training				
	Induction training (PC responsibility)	No	10		
	(a) Fire training	No	4		
	(b) OHS Trainings for Management	No	4		
	(c) Safety Reps Training	No	6		
	(d) Working at heights	No		Rate Only	

5.	Environmental Monitoring				
5.1	Noise monitoring per item of equipment or plant	No	2		
	(a) Establishment of noise zones (plant)	No	2		
	(b) Audiograms (personnel)	No	10		
5.2	Provision of First Aid Boxes to GSR requirements	No	1		
5.3	First aid Refill kits	No	1		
5.4	Safety Signs	No	6		
	(a) PPE sign board	No	1		
	(b) General Signage	No	3		
	(c) Safety Record Board	No	1		
	(d) Barricading	No	6		
	(e) Hoarding for separation of Public Areas and Construction Area	No	1		
5.5	Submission of a Health and Safety File in electronic format(Close-out).	Lump Sum	1		
TOTAL COST ESTIMATE					R0.00
<p>DATE:_____</p> <p>SIGNED BY PRINCIPAL CONTRACTOR (SECT 16.2):_____</p>					