

## **ANNEXURE A: SCOPE OF WORK**

### **TERMS OF REFERENCE**

**FOR THE PROVISION OF SAFETY, HEALTH, AND ENVIRONMENTAL (SHE) LEGAL COMPLIANCE AUDITS FOR TRANSNET NATIONAL PORTS AUTHORITY FOR A PERIOD OF FIVE YEARS.**

**(Registration No. 90/00900/06)**

## **1. INTRODUCTION**

Transnet National Ports Authority (TNPA) is one of the operating divisions of Transnet SOC. It manages eight ports, namely, Saldanha, Cape Town, Mossel Bay, East London, Port Elizabeth, Ngqura, Durban, and Richards Bay, and two business units, Dredging Services and Lighthouses & Navigational Services.

TNPA as an organization has a legal obligation to comply with local by-laws, national SHE legislation including SANS standards.

TNPA invites qualified and experienced compliance service providers to submit proposals for conducting Safety, Health, and Environmental (SHE) Legal Compliance Audits for the eight ports and the two business units as outlined in Annexure A. The audits aim to evaluate TNPA's level of compliance with relevant SHE legislation, regulations, and standards.

## **2. BACKGROUND**

TNPA strives to conduct its business activities in compliance with all relevant SHE compliance obligations (legislative and other requirements) to which it subscribes.

To ensure appropriate control of its activities and ultimately maintain compliance, TNPA is implementing a SHE Integrated Management System (IMS) based on the ISO 9001 (Quality Management System, ISO 14001 (Environmental Management System), ISO 45001 (Occupational Health and Safety Management System), ISO 22301 (Business Continuity Management System) and SANS 3000-1 and certified its operational businesses in line with the standards.

## **3. OBJECTIVES OF THE SHE LEGAL COMPLIANCE AUDITS**

- 3.1 Evaluate TNPA's compliance with applicable SHE legislation, regulations, and standards.
- 3.2. Provide recommendations for achieving full compliance and enhancing SHE performance.
- 3.3 Avoid incurring any litigation, fines or penalties that might arise due to non-compliance.
- 3.4 Assist in improving TNPA's Integrated Management System where required and maintaining its certification.

## 4. SCOPE OF WORK

- 4.1 Conduct SHE legal compliance audits to determine the extent to which TNPA ports and business units comply with relevant SHE obligations. These obligations include SHE-related legislations and applicable SANS standards as listed in Section 8.
- 4.2 Audits will involve site visits to the eight ports and the two business units to assess compliance levels. This will involve highlighting any breaches based on document reviews and site inspections.
- 4.3 Identify breaches of specific legislation, including associated regulations.
- 4.4 Identify corrective actions to help achieve compliance.
- 4.5 Verify the closure of non-compliances identified in the previous SHE legal compliance audits.
- 4.6 Identify shortcomings and gaps in the existing TNPA SHE Legal Register and recommend corrective actions to address these issues.
- 4.7 Prepare a comprehensive report for each port and business unit, outlining the audit scope, non-compliance, legal requirements, and audit recommendations. Include photos in the audit report as evidence collected during the audit.
- 4.8 Create a summary report for audits conducted at all TNPA sites. This report should include graphs comparing the sites.

## 5. FREQUENCY OF AUDITS

The SHE Legal Compliance Audits will be conducted once every two years at all the TNPA sites listed in Section 7.

| Year | Financial year |
|------|----------------|
| 1    | 2025/2026      |
| 3    | 2027/2028      |
| 5    | 2029/2030      |

## 6. REQUIREMENTS

### Lead Auditor

- 6.1 Proven experience in conducting SHE Legal Compliance Audits.
- 6.2 Qualified and competent Lead auditor with expertise in SHE legislation.
- 6.3 Lead Auditor with 5-7 years of experience in SHE compliance, with LLB qualification or BCom Law with Postgraduate in Compliance qualification.
- 6.4 Knowledge of local bylaws, national legislation, and standards.
- 6.5 Excellent analytical, communication, and report-writing skills.

### Service Provider

- 6.6 Signed Reference letters on the client's company letterhead, not older than 6 years.
- 6.7 Indicate the probable cost and time of their proposal. The costs should be broken down as per the pricing schedule.
- 6.8 Be able to commence work at a reasonable notice if successful.
- 6.9 Allocate key personnel to the project who maintain at least two valid memberships with the following approved bodies:
  - 6.9.1 South African Institute of Occupational Safety and Health (SAIOSH).
  - 6.9.2 Environmental Law Association of South Africa.
  - 6.9.3 Compliance Institute South Africa.
- 6.10 Auditors and related resources for delivering adequate services and the ability to make recommendations to address non-compliance within the allocated time frame.
- 6.11 Audits must be completed within six (6) months of the issuance of the appointment letter.

## 7. Transnet National Ports Authority Sites

| SITE NAME              | ADDRESS   |
|------------------------|---|
| Port of Ngqura         | Transnet National Ports Authority • Port of Ngqura 6000 • South Africa      |
| Port of Port Elizabeth | Port of Port Elizabeth, Green Street, Port Elizabeth, 6000 South Africa     |
| Port of East London    | Transnet National Ports Authority • Port of East London 5200 • South Africa |
| Port of Durban         | Ocean Terminal Building • Port of Durban 4001 • South Africa                |

|                                       |   |
|---------------------------------------|---|
| Port of Richards Bay                  | Transnet National Ports Authority • Port of Richards Bay • Bayvue Centre Building • South Africa    |
| Port of Cape Town                     | Transnet National Ports Authority House • Port of Cape Town 8001 • South Africa                     |
| Port of Saldanha                      | Transnet National Ports Authority, Bayvue Centre, Marine Drive, Port of Saldanha, 7395 South Africa |
| Port of Mossel bay                    | Transnet National Ports Authority: 55 Bland Street, Mossel Bay 6500. South Africa                   |
| Lighthouses and Navigational Services | Green Point Lighthouse • 100 Beach Road • Mouille Point, Cape Town 8005 • South Africa              |
| Dredging Services                     | 10 Point Road, Durban South Africa  |

| No.                                   | Departments in the eight ports  |
|---------------------------------------|---|
| 1.                                    | People Management Department (Formerly known as Human Resources)                                    |
| 2.                                    | Chief Harbour Master Department (includes Aviation)   |
| 3.                                    | Marine Services Department  |
| 4.                                    | Safety, Health, and Environmental Department (including Fire Emergency Services)                    |
| 5.                                    | Supply Chain Management Department  |
| 6.                                    | Corporate Affairs Department  |
| 7.                                    | Security Department   |
| 8.                                    | Real Estate and Facilities Department   |
| 9.                                    | Infrastructure (Engineering department which includes Maintenance, Diving, Electrical, and Railway) |
| 10.                                   | Aviation (only in the Port of Durban and Port of Richards Bay)                                      |
| 11.                                   | Corporate Affairs Department  |
| 12.                                   | Continuous Improvement Department   |
| 13.                                   | Information Communication Technology (ICT) Department   |
| 14.                                   | Finance Department  |
| 15.                                   | Commercial (Customer Relations and New Business Development)  |
| Dredging Services                     |   |
| 16.                                   | People Management Department  |
| 17.                                   | Operations (Marine Dredgers and Dredging crews)   |
| 18.                                   | Supply Chain Management Department  |
| 19.                                   | Corporate Affairs Department  |
| 20.                                   | Marine Compliance and Department  |
| 21.                                   | Engineering Department  |
| Lighthouses and Navigational Services |   |
| 22.                                   | People Management Department  |
| 23.                                   | Technical Services (Manage Opex and Capex projects)   |
| 24.                                   | Finance Department  |
| 25.                                   | Supply Chain Management Department  |
| 26.                                   | SHE Department  |
| 27.                                   | Operations Department   |

### **Number of Employees**

| <b>No.</b> | <b>Site</b>                           | <b>No. Employees</b> |
|------------|---------------------------------------|----------------------|
| 1.         | Port of Ngqura                        | 335                  |
| 2.         | Port of Port Elizabeth                | 292                  |
| 3.         | Port of East London                   | 156                  |
| 4.         | Port of Durban                        | 1333                 |
| 5.         | Port of Richards Bay                  | 499                  |
| 6.         | Port of Saldanha                      | 241                  |
| 7.         | Port of Cape Town                     | 672                  |
| 8.         | Port of Mossel Bay                    | 62                   |
| 9.         | Lighthouses and Navigational Services | 82                   |
| 10.        | Dredging Services                     | 187                  |

### **8. List of Legislation and SANS/SABS Codes**

| <b>No.</b> | <b>Legislation Name/SANS/SABS Code</b>  |
|------------|---|
| 1.         | Disaster Management Act (Act No. 57 of 2002)  |
| 2.         | National Environmental Management Act, 1998 (Act No. 107 of 1998)                               |
| 3.         | National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004)                     |
| 4.         | National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)                  |
| 5.         | National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) |
| 6.         | National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)               |
| 7.         | National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)                         |
| 8.         | National Forest Act, 1998 (Act 84 Of 1998)  |
| 9.         | National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998)                                   |
| 10.        | National Health Act, 2003 (Act No. 61 of 2003)  |
| 11.        | National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002)                                |
| 12.        | National Water Act, 1998 (Act No. 36 of 1998)   |
| 13.        | Nursing Act, 2005 (Act No. 33 of 2005)  |
| 14.        | Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)                                   |
| 15.        | Compensation of Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993)                  |
| 16.        | National Heritage Resource Act (Act of 25 of 1999)  |
| 17.        | Merchant Shipping Act (Act 57 of 1951)  |
| 18.        | Marine Pollution (Prevention of Pollution from Ships) Act, 1986 (Act 2 of 1986)                 |
| 19.        | SANS 10090 – Community Protection Against Fire  |
| 20.        | SANS 10400 – Application of the National Building Regulations (Part B)                          |
| 21.        | SABS 1475 – Portable and wheeled (Mobile) rechargeable fire extinguishers (Part 1)              |
| 22.        | SANS 3000-1: Railway Safety Management (Part 1)   |

|     |   |
|-----|---|
| 23. | <p>South African Civil Aviation Technical Standards/Regulations (SA-CATS/CARS)</p> <ul style="list-style-type: none"> <li>- Part 145 Aircraft Maintenance Organization</li> <li>- Part 127 Helicopter Operations</li> </ul> |
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