

	Client	Energy Management Directorate HV Lines
	Document Type	Legal Agreement
	Title	37.2 Mandatary Agreement
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PROJECT NAME 31566 (5E): PROFESSIONAL SERVICES FOR THE REFURBISHMENT AND CONSTRUCTION OF VARIOUS 275 KV AND 132 KV OVERHEAD POWER LINES AND RELATED SUBSTATION ASSETS.		
Compiled by: Mrs Akona Shezi Senior Safety Officer: SHERQ and Training  Date: 2025-08-05		Accepted by: Mr Musawakhe Hlatshwayo Engineer: HV Lines  Date: 2025-08-05
<h2 style="text-align: center;">37.2 Mandatary Agreement</h2>		

Definitions

“Client” means any person for whom construction work is being performed;

“Harm” means anything which may cause injury or damage to persons or property

“Mandatory” includes an agent, a contractor or a subcontractor for work, but without derogating from his status in his own right as an employer or a user;

“OHS Act” means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

“PPE” means personal protective equipment

“Risk” means the probability that injury or damage will occur;

“Risk Management” means the systematic application of management policies, processes and procedures to identifying hazards, analysing and evaluating the associated risks, determining whether the risks are acceptable, and controlling and monitoring the risks on an ongoing basis.

“SANS” means South African National Standards

“Worksite” means any premises or place where a person performs work in the course of his employment.



**ETHEKWINI MUNICIPALITY
TECHNICAL SERVICES DEPARTMENT
ENERGY MANAGEMENT DIRECTORATE**

1 Taylor Crescent
Jelf Durban
4001
P O Box 147
Durban
4000
Tel: (031) 311 1111
Fax: (031) 311 9010
Website:
www.durban.gov.za

Contractor Acknowledgement of Responsibility in terms of the Occupational Health and Safety Act

Written agreement between **EtheKwini Municipality Energy Management
Directorate – HV Lines** (the “employer”)

and

..... (the “mandatary”)
as provided for in terms of Section 37 (2) of the Occupational Health and Safety Act No.85 of
1993 as amended by Act 181 of 1993.

I hereby declare that I,, am authorised to represent
the “mandatary” and acknowledge that the “mandatary” is an employer in its own right with
all duties and responsibilities as prescribed in the Occupational Health and Safety Act no. 85
of 1993.

I agree to ensure that all work performed, or machinery and plant used by the “mandatary” on
any EtheKwini Municipality premises shall be in accordance with the provisions of the said
Act.

Furthermore, I agree the “mandatary” shall comply with all EtheKwini Municipality Energy
Management Directorate site rules and safety, health, and environmental requirements as may
be communicated or stipulated by EtheKwini Municipality Energy Management Directorate
prior to and during the course of any Contract awarded to the “mandatary” by EtheKwini
Municipality Energy Management Directorate.

Furthermore, I undertake to ensure that EtheKwini Municipality Energy Management
Directorate is timeously informed should the “mandatary”, for whatever reason, be unable to
perform in terms of this agreement.

The Contractor shall be registered with an appropriate employment Compensation
commissioner and have available valid letters of good standing from such commissioner.

The Contractor must make the relevant legislative and non-statutory appointments, which will
be required to remain valid throughout the lifecycle of the contract. All appointees shall be

suitably trained and found to be competent for the responsibilities assigned. Copies of all the legal letters of appointment must be kept in the health and safety file.

The Contractor shall ensure that all employees under his/her control attend the health and safety induction training course pertaining to hazards and risks which may be prevalent on site i.e working at height. Prior to induction, all Contractor employees must undergo a pre-employment medical examination and be found fit for duty.

The Contractor shall cause all incidents which occur within the eThekweni Electricity area of supply during the contract period to be investigated in terms of the General Administrative Regulations 9. All OHS Act Section 24 and 25 Incidents shall be reported to the Department of Employment and Labour by the Contractor within the prescribed period and in the prescribed manner. Investigations shall be conducted by a competent investigator who shall compile the appropriate incident report form as listed in the General Administrative Regulations Annexure 1. A comprehensive and detailed investigation report shall be submitted to the eThekweni Energy Management Directorate Representative within 7 to 14 days after the incident.

The requirements of the OHS Act General Safety Regulation 3 must be observed. First Aid appointments must be made to meet the requirements. Each work site must have at least one employee trained in First Aid - Level One, at the minimum. The Contractor vehicles shall have at least one first aid box which must be available on site.

The Contractor vehicles must have the eThekweni Electricity Emergency numbers displayed prominently, where it can be easily seen and must always be available on site.

The Contractor shall recognize that PPE is the last line of defense, therefore the correct use is vital in ensuring that it is effective. The need for PPE shall be identified for all activities and this assessment shall be recorded. All PPE shall comply with SANS standards and/or any other specified standards. Employees shall be educated in the correct use, care and storage of PPE and records shall be kept.

The Contractor shall maintain a high standard of housekeeping within a worksite.

All motor vehicles driven / operated by the Contractor's employees shall comply with the National Road Traffic Act. Designated drivers shall be in possession of the relevant driver's license valid for the class of vehicles being used. The driver's license shall be kept by the person so authorized and shall produce such a card on request.

No drivers or operators may text, talk on cell phones whilst driving, unless a hands-free kit is used.

It is the responsibility of the driver to ensure:

1. He/she and their passengers wear seat belts whilst the vehicle is in motion
2. Comply with all traffic rules, safety, direction and speed signs
3. Ensure that vehicle loads are properly secured prior to moving off
4. Ensure that vehicles are not overloaded

All drivers are to have valid medical certificates of fitness.

The contractor shall also comply with all the requirements contained in the Occupational Health and Safety Act (85 of 1993) and its supporting Regulations, National Environmental

Management Act (107 of 1998), Compensation for Occupational Injuries and Diseases Act (130 of 1993), Applicable South African National Standards (SANS), eThekweni Electricity Codes of Practices, Safety Rules and Operating Regulations where applicable to ensure that no legislative requirement is omitted in error.

Signed thisday of20.....

On behalf of the “mandatary” (print)

(sign)

On behalf of the “employer” (print)

(sign)