

SECTION 2.1 SCOPE OF WORKS

2.1 Employer's objectives

The Employer's overall objective is to improve service delivery of projects and stimulate employment opportunities for the businesses and individuals of Hessequa Municipality. The Employer's specific objective with this contract is to mitigate the construction health and safety risks associated with infrastructure projects from planning to completion stages through the appointment of a specialist OHS Agent.

2.2 Background

In the past, the Employer has appointed construction health and safety agents on an ad-hoc basis and as the need arises. However, this has proven to be inefficient and delays the implementation of projects, which in turn delays service delivery. The Employer now intends to procure the services of competent health and safety agents in the form of a Framework Agreement for a multi-year period to represent the Employer on its infrastructure projects more efficiently and effectively in order to speed up service delivery.

Hessequa Municipality appoints various contractors on an on-going basis. These contractors range from SMME, EME or QSE contractors to established contractors.

In accordance with the Occupational Health and Safety Act 85 of 1993 (OHS Act), the responsibilities and liabilities to ensure health and safety on a project remain with the client and failure to comply is a criminal offence.

As set out in Regulation 5(6) of the OHS Act, the client may appoint an Agent in writing to act as the client's representative, in which case the responsibilities applicable to the client shall as far as is reasonably practicable, apply to the appointed Agent.

The purpose of this contract is for Hessequa LM to appoint a competent service provider to act as the OHS Agent in terms of the Construction Regulations published in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993). The appointed Agent will, over a multi-year period, manage, monitor and report on everyone, construction project and/or activity when appointed in writing to ensure that all Contractors appointed by the Hessequa Municipality as well as maintenance teams comply with the OHS Act and Construction Regulations.

The appointment of Agents will be done in writing by the Employer when and where the Agent's responsibility to act as the Client's representative is required for each individual construction activity/project.

2.3 Management / Oversight structures for the project

The project is managed by the Project Management Unit (PMU) based in the Directorate: Technical Services of Hessequa Municipality. The Agent will report directly to the PMU on matters relating to progress and performance on the project. Hessequa LM also employs Managers in various fields of engineering and construction which will be consulted on the implementation of their projects.

2.4 Description of the services

Services are required on any combination of the following construction engineering projects involving:

- a) Civil (water, sanitation, storm water and solid waste)
- b) Traffic and Transportation (Roads)
- c) Structural (building and engineering structures)
- d) Mechanical and Electrical (reticulation networks, pump stations, substations, transformers, etc.)

- e) Provide accredited OHS training for at least one (1) Municipal official during period of your appointment, if and when requested.

2.5 Requirements

The services provided shall satisfy the stated objectives of the Employer. The scope of work of the Agent will in general cover the requirements of Regulation 5 of the Construction Regulations. More specifically, it will entail the following but not be limited to it:

- a) Prepare a baseline risk assessment for each individual intended construction work project.
- b) Based on the above; prepare and provide the Designer with a project specific Health and Safety Specification and ensure the Designer takes the specification in consideration during the design stage and that the Designer includes this health and safety specification in the tender documents.
- c) Assist the appointed principal contractor to draft a project specific Health and Safety Plan by:
 - i) ensuring the Contractor has the necessary competencies and resources to carry out the construction work safely.
 - ii) discussing and negotiating with the appointed Contractor the contents of his draft health and safety plan to ensure that it covers all the aspects it is required to in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993). This will be done as soon as is practicable after the Contractor is appointed or has been given a task to complete, but before any construction or maintenance work is executed.
 - iii) finally approving the contractor's health and safety plan for implementation. This will also be done before the Contractor will be allowed to commence with the construction or maintenance work.
- d) Take reasonable steps to ensure that each Contractor's health and safety plan is implemented and maintained. Ensure that the health and safety file contemplated in regulation 7(1)(b) is kept and maintained by the principal contractor.
- e) Monitor the execution of the construction or maintenance work to ensure that this is being done in accordance with the Contractor's health and safety plan and the health and safety specification for each contract. Monitoring by the Agent will be carried out on a regular basis as per the requirements of the OHS Act and Regulations.
- f) Monitoring will consist of a walk through inspection of the site together with the auditing of all registers and documents the Contractor/s is required to maintain as per the OHS regulation.
- g) Ensure periodic health and safety audits and documentation verification are conducted at regular intervals - at least once per month.
- h) Submit to the Client a monthly report to the client in which all instances where the Contractor has deviated from the requirements of his health and safety plan, together with the actions taken by the Agent, will be recorded.
- i) Submit to the Client on completion of a project, all relevant documentation generated by the Contractor as well as a final audit report.
- j) Stop any Contractor from executing a construction activity when and where such work is not in accordance with the health and safety specifications, plan and/or regulations. Immediately inform the Client where such work was stopped.
- k) Appoint a competent Risk Assessor to carry out health and safety induction or training to construction workers at the sites when and where required. Proof of such training must be submitted to the Client.

2.6 Reports

The Agent is required to submit in his monthly audit report the following:

Report	Requirements
Approval of Contractor's H&S Plan	<p>This report is applicable to all projects and appointments. It should be submitted within 1 week after receipt of the Contractor's H&S Plan and include the following aspects as a minimum:</p> <ul style="list-style-type: none"> • Confirm approval of the H&S Plan • Confirm any outstanding items to be addressed in order to obtain approval or in order to commence with the works
Monthly Audit Report	<p>This report is applicable to all projects and appointments. It should be submitted within 1 week after conducting a site monitoring visit and include the following aspects as a minimum:</p> <ul style="list-style-type: none"> • Contractor's compliance with H&S Plan • Physical findings on site • Administrative findings on site • Incidents and Accidents reported on site • General Recommendations and Comments • Picture gallery of non-compliant and compliant activities on site <p>The Agent must reference any non-compliance event to the relevant regulation and recommend practical mitigation measures to prevent stop-work orders.</p>
Final Audit Report	<p>This report is applicable to all projects and appointments. It should be submitted within 1 week after issue of Completion Certificate by the Employer's Agent (Engineer) and should contain the following summary for the works as a whole:</p> <ul style="list-style-type: none"> • Contractor's compliance with H&S Plan • Physical findings on site • Administrative findings on site • Incidents and Accidents reported on site • General Recommendations and Comments • Picture gallery of non-compliant and compliant activities on site • Fully completed and returned copy of the Contractor's H&S File

2.7 Co-operation with other services providers

The Agent is required to liaise with and/or appoint specialist Service Providers to meet the objectives of the Employer. The Employer appointed Professional Engineering and Project Management service providers that must be consulted during the planning, design and implementation of construction related projects.

2.8 Facilities and equipment to be provided by the Employer

The Employer may provide a boardroom for holding regular progress meetings.

2.9 Reference data

As applicable to the various projects.

2.10 Applicable national and international standards

The following standards may be used as a general guide to ensure compliance with the Employer's objectives:

- DoL OHS Construction Regulations 2014 Guidelines (Government Gazette 40883 of June 2017)
- DoL Guideline Scope of Services and Tariff of Fees for Register Persons (Government Gazette 42697 of September 2019)
- ILO Code of Practise: Safety and health in building and civil engineering work (1972)
- ILO Code of Practise: Safety and health in construction (1992)

2.11 Particular/Generic specifications

As applicable to the various projects.

2.12 Approvals

As applicable to the various projects.

2.13 Procurement

The Agent/s need to adhere to the requirements of the Hessequa Supply Chain Management, Infrastructure Procurement and Delivery Management and Preferential Procurement Policies during the planning and implementation of projects. The Agent may not procure the services of other subcontractors that have not been stated in the tender without prior approval from the Employer.

2.14 Access to land / buildings / sites

Where applicable, access needs to be arranged with the relevant landowners.

2.15 Planning and programming

Agent/s shall stay within the programme that will be made available by the Employer at the start of each individual project. The programme shall be updated as the need arises or as directed by the Project Manager.

2.16 Quality management

The Agent/s need to submit details of their quality management system for review and approval by the Employer, where required by the Employer.

Hessequa Municipality will implement a Performance Monitoring System for all Agents employed on projects. The system will include a Performance Scorecard that will evaluate inter alia the quality of project administration, reports, communication and interfaces, construction management, post construction close-out report and general performance. The detailed scorecard will be provided to Agent/s at commencement of services.

2.17 Format of communications

Communication may be by means of e-mail, post or facsimile in any format compatible with the MS Office suite of software or readable Adobe Acrobat software.

2.18 Key personnel

The Agent/s needs to submit a schedule of Key Personnel with contact details to be employed on the project **within 10 working days** from appointment on a project(s), where this differ from the Returnable Schedule. The schedule of key personnel must include the names and particulars of personnel included in the Contract Data. Agent/s may not replace the key personnel so provided without prior approval of the Project Manager and the Employer. Should the Agent/s propose to replace the key personnel and designated alternate submitted in the tender, the replacement staff must have equal or better qualifications and experience than the original staff.

2.19 Management meetings

Regular project meetings will be held in the Hessequa municipal area that would include the Employer, the Project Manager, other Service Providers and members of the local community, where applicable. The level of representation at the meetings shall be of such a nature to permit that decisions be taken and agreed to. The Agent must be represented by the key person identified as the Lead Agent in the personnel schedule or his pre-approved designated Alternate.

2.20 Forms for contract administration

The Employer shall provide forms for contract administration where applicable or request the Agent to draft forms in a format acceptable to the Employer.

2.21 Electronic payments

The Agent needs to make appropriate arrangements with the Employer's Finance Department with regards to electronic payments required. All Agents on the project must be registered on the National Treasury's Central Supplier Database (CSD).

2.22 Daily records

The Agent must provide a daily timesheet record for all site staff employed on construction projects and where additional services are required.

2.23 Professional indemnity (PI) and public liability insurances

The Agent must submit one original certified copy of their PI insurance to the Project Manager at the first project briefing meeting and thereafter an updated version annually or after expiry of the insured period, whichever comes first.

2.24 Payment

The Agent shall submit fee proposals for each project based on their tendered rates. An official order will be processed for the individual projects based on the accepted fee proposal. Fee account invoices must reference the order number before payment will be processed. All claims for payment must be submitted to the PMU by no later than the 20th of each month with a statement of outstanding accounts. All payments are done within 30 days from receipt of the Employer of a correct and undisputed invoice.

2.25 Use of documents by the Employer

The Employer may use documents submitted by the Agent to achieve its stated objectives, provided that the services rendered have been paid for in full.

2.26 Property provided for the Agent's use

None.

2.27 Proof of compliance with the law

The Agent shall, upon request from the Employer or Project Manager, provide proof of compliance with the various laws applicable to the implementation of the service so provided.

The Agent shall take particular cognisance of the latest version of the following legislation in the implementation of projects:

- Municipal Finance Management Act
- Preferential Procurement Policy Framework Act
- Supply Chain Management Regulations

SECTION 2.2 SPECIFICATIONS**2.2.1.2 Proposed Amendments and Qualifications**

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.

The Tenderer's attention is drawn to clause 5.8 of SANS 10845-3 regarding the employer's handling of material deviations and qualifications.

If no deviations or modifications are desired, the schedule hereunder is to be marked NIL and signed by the Tenderer.

Page	Clause or item	Proposal

2.2.1.3 Record of Addenda to Tender Documents

We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

No.	Date	Title or Details
1.		

Initials of Service Provider's Authority:

2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Number of sheets appended by the tenderer to this Schedule (if nil, enter NIL).

Failure to provide the information or adhere to the conditions as stated above, will result in your tender being declared non-responsive.

DECLARATION,

I, THE UNDERSIGNED (NAME).....
 CERTIFY THAT THE INFORMATION FURNISHED ABOVE IS CORRECT. I ACCEPT THAT THE MUNICIPALITY MAY ACT
 AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

AUTHORISED SIGNATURE:

NAME:

CAPACITY: DATE:

Initials of Service Provider's Authority: