

ANNEXURE A: SCOPE OF WORK

TERMS OF REFERENCE

CALL FOR PROPOSALS

SHE LEGAL REGISTER FOR TRANSNET NATIONAL PORTS AUTHORITY ("TNPA") FOR A PERIOD OF 3 YEARS (36 Months) (Registration No. 90/00900/06)

1. SCOPE

The scope of the SHE Legal Register applies to the National office of the Transnet National Ports Authority ("TNPA"), which includes its eight ports and two Business Units (Saldanha, Cape Town, Mossel Bay, East London, Port Elizabeth, Ngqura, Durban, Richards Bay, Dredging Services and Lighthouses & Navigational Services).

2. SPECIFIC REQUIREMENTS

Legal Register Approach and Process

The Service Provider will compile a legal register based on the activities conducted by TNPA. The compilation of the legal register specific to the client operations will include consultations with relevant stakeholders in the organization to ensure a comprehensive understanding of the business. This is achieved through:

- A site visit (a basic walk through for information gathering purposes) is conducted to identify all legal requirements applicable to the organization. Sites to be visited: Port of Ngqura, Port of Durban, Port of Richards Bay, Port of Saldanha, Dredging Services and Lighthouses & Navigational Services.
- Applicable legislation will be identified and obtained where necessary.
- Review of:
 - Latest Risk Assessment Registers;
 - Latest Impact & Aspect Registers;
 - Audit findings on legal and other requirements.
- The non – applicable legislative requirements will be filtered out based on information provided by the Legal Register User.
- The customized register will then be compiled.
- Delivery will be made by the Service Provider responsible for compiling the register.
- The second site visit will include assistance with installation of the software.

The service provider undertakes, as part of the services to be rendered, to:

1. Develop an electronic view SHE Legal Register with the legal commentary section for the eight ports, Dredging Services and Lighthouse & Navigational Services in line with the defined scope of the Transnet Integrated Management System;
2. Include all relevant SHE related legislation (National, Provincial and Local By – Laws and Regulations);
3. Include relevant SHE - related international best practices (limited to international conventions and other relevant international legal instruments as incorporated in South African legislation);
4. Link port's/BU's current SHE Aspects and Impacts, Risks including HIV/AIDS determinants with applicable legislation and other requirements;
5. Conduct port, Dredging Services and Lighthouse & Navigational Services training workshop(s) with management and other Legal Register Users on the use of the new Legal Register and legal liabilities in accordance with the legislation and their relevant levels of responsibilities;
6. Recommend means of update and review of applicable legislation;
7. Include monthly electronic legal updates in the form of web links, newsflashes, etc

Legal Register Content

The Service provider agrees that further to the above stated requirements the legal register will include lists of all the Acts (National, Provincial and Local By-law), Regulations, Codes, and Standards applicable to TNPA's operations and specific site and developed according to TNPA's specific and developed accordingly to TNPA's specific needs.

- Full versions and actual text of identified SHE and Occupational legislation.
- Applicable sections converted to user friendly language (laymen's terms).
- Applicable Labour Legislation.
- Applicable General Legislation.
- Applicable Regulations, Standards and Codes.
- With regards to all selected legislation:
 - Legal reference.
 - Summarized use friendly, in easily understandable laymen's terms.
 - Adjustable field for the Legal Register User to link own comments to a legal requirement.

This will include:

- ❖ Reference to control systems and procedures that ensure compliance;
 - ❖ Notes on non-compliance, remedial actions and target dates;
 - ❖ Cross reference applicable documentation;
 - ❖ Summary of activities necessary to meet the intent of the regulatory requirements;
 - ❖ Deadlines;
 - ❖ Additional details on responsibilities delegated to personnel.
- Adjustable field for the Legal Register User to link internal responsible persons to a legal requirement.
 - Identify person/ department/ group of persons responsible to ensure compliance with the specific requirement – bulk allocations can be done based on the elements in the related management system. The management system elements in the Legal Register are comprehensive and self-explanatory – and can be linked to almost any other internal or international management system.
 - Adjustable field for the Legal Register User to link a risk rating. User can include the risk association with his specific legal requirements – red flag.
 - Link to applicable penalties.
 - Link to a relevant management (ISO 14001, ISO 45001, ISO 9001, ISO 22301, SANS 3000 and 16001) elements/ reference area.
 - Full versions of the National Legislation.
 - Applicable documents, self- assessments checklists, registers, etc.

Legal Register Updates

For the register to remain valuable, and comply with the management systems, it needs to be updated regularly. In order to accommodate this requirement, the Service Provider will make available to the TNPA a register update service.

The Register Update Service includes:

- Identifying new, amended, additional applicable SHE legislation.
- Updating full versions and actual text of identified legislation.
- Converting applicable sections to user friendly (laymen's terms).

- Classifying type of legislation i.e. Health and Safety; Labour; General; Environmental; Health, etc.
- Linking to applicable reference area.
- Linking to applicable penalties.
- Linking to applicable management systems.

Bi-Annual Update Local Register

The Service Provider will also send the identified company administrators and Legal Register Users who attend the legal register functionality training regular update bulletins (at least on a bi-monthly basis) and newsflashes via email.

The main function of the legal update bulletins and the newsflashes is to ensure that the legal register is up to date on proposed and change legislation in the bi – annual legal register update is completed.

Legal Update Bulletins (Bi- monthly)

The aim of the legal update is to ensure that the Legal Register User receives periodic updates in between the bi – annual (six -monthly) update of the legal register; and it deals with at least the following:

- Acts
- Regulations
- Draft Regulations
- Notices
- White Papers and Green Papers
- Local and Provincial Legislation
- Newsworthy items in the Safety, Health and Environmental universe.

Newsflashes (as and when published in Government universe)

The aim of the newsflashes is to, as and when notifications, as and when notifications, are published in Government Gazettes to inform the legal register users of the relevant notifications, and where applicable time frames for input in public participation process.

General Comments

- ICT will receive a link from the SHE department that will be loaded on the TNPA intranet for accessibility.
- Technical support for legal register users, will be available at no additional cost.

COMPILED BY:



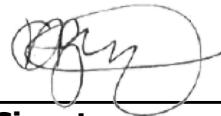
Signature

Name: Mpatisi Panti

Designation: SHE Compliance & IMS Manager

Date: 04 May 2022

REVIEWED BY:



Signature

Name: Cebile Nzuza

Designation: Environmental Operations & Sustainability Manager

Date: 26 July 2022

APPROVED / NOT APPROVED BY:



Signature

Name: Nelson Mbatha

Designation: Acting Executive Manager -

SHE & Oversight

Date: