

SITE SPECIFIC OCCUPATIONAL HEALTH AND SAFETY

CLIENT



IMPLEMENTING AGENT



THOLIMFUNDO PRIMARY SCHOOL

RFP 068/2022 Work Package 2.3

Prepared by:



REPORT APPROVAL

NAME	INSTITUTION	POSITION	SIGNATURE	DATE
Dalene Atterbury	Liwani Consulting CC	OHS Agent		
Tendai Mudavanhu	The Development Bank of Southern Africa	Project Manager		

Terms of Reference

This is a site-specific specification that fulfils the Client's responsibilities under CR 5(1) (a) (b) of the OHSA 85 of 93, Version 24. (The Act)The focus lies in ensuring the Principal Contractor (PC) implements legal compliance and understands the obligation to maintain a healthy, safe, and environmentally sustainable construction site during the project's life cycle, as specified in "The Act" and the promulgated associated legislation which supersedes and defines this specification. The PC must use this specification to plan for Health and Safety compliance on site. The cost of implementing the required controls to achieve the legislative standards and to fulfil the OHSA 85:93 requirements must be planned for by the Principal Contractor using the BOQ. This specification is not a regurgitation of the legislation but is focussed on the construction challenges and is the minimum the contractor must implement and address in his H& S Plan and give evidence off in the implementing file, which forms part of the Approval Process and Permit application, noting that DBSA specified above minimum commitment to OHS. The Principal Contractor must provide two duplicate files: one will stay with the DOL, and one for site use, reflecting signatures and dates on approved systems from the Pr. CHSA. This is a document received with tender and is the core OHS documents to use for startup planning.

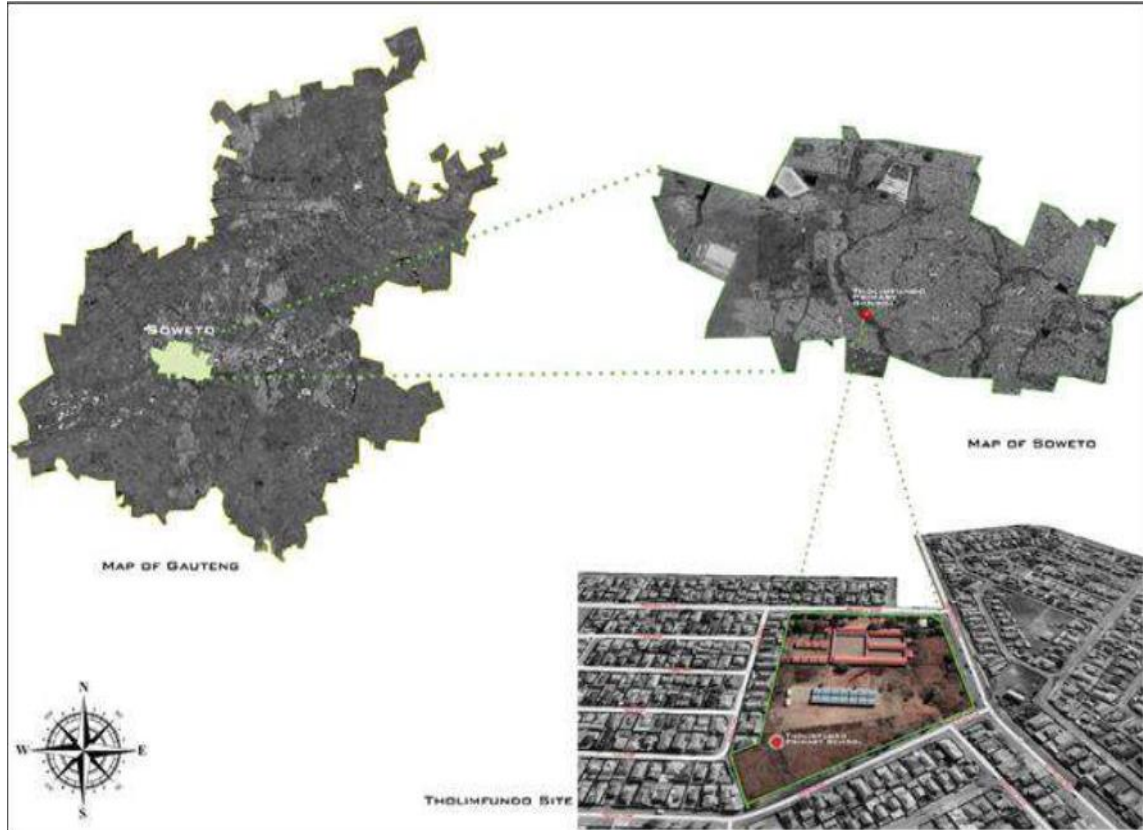


TABLE OF CONTENTS

1	PREAMBLE.....	1
2	ABBREVIATIONS AND DEFINITIONS.....	1
3	REFERENCES.....	3
4	LEGAL LIABILITY AND AGREEMENTS.....	3
5	PROJECT ROLE PLAYERS.....	4
6	PROJECT LOCATION.....	4
7	OHS SYSTEMS HIRA, ADDRESSED FOR LEGAL REQUIRED COMPLIANCE	1
8	RULES OF ENFORCEMENT	16

REPORT REVISIONS

Rev	Date	Section Affected	Reason for Change
© Liwani Consulting. All rights reserved December 2021. This document is expressly provided to and solely for the use of client (Development Bank of Southern Africa & National Department of Tourism) and must not be quoted from, referred to, used by or distributed to any other party without the prior consent of Liwani Consulting who accept no liability of whatsoever nature for any use by any other party.			

Health and Safety, Environmental Specification

1 PREAMBLE

The SHE specification is performance based (Deliverables) and focuses on the requirements as set out by mandatory legal agreements and maximizes the contractor's control and performance in the project implementation according to the client's standards as laid out in this document and the current knowledge of risk control requirements. Timelines, known anticipated hazards and risks will be identified for the contractor to plan for cost effectively and efficiently, as far as reasonably practicable to current knowledge and scope. The specification supports the Principal Contractors duty to practice his mandatory rights and obligations. Construction Regulation 2014, OHSA 85 of 93 version 24, requires ongoing review and growth of the required specifications and planning for work progression or unexpected changes in the work scope. Health, safety, and the management of the work environmental is dynamic and involve human, mechanical and material management within a changing environment. Quality, Time, Cost, Health, and Safety are the fundamental pillars for good project delivery and every task should have those elements planned for.

Cost implications must provide for provision of two identical files, one that will remain with DOH and for an electronic copy of the required scanned documents to the Client at project closure, post legal close out of documents by the Pr. CHSA, stage 7. **Failure to plan correctly for OHS costs will not excuse the contractor from legal compliance.**

The site-specific specification looks at required OHS systems in HIRA format, allowing the CHSO/CHSM to tick that items have been addressed in the Plan and implementing documentation, the aim is to focus on construction works, hazards and relevant legal compliance. Note that this is dynamic information.

2 ABBREVIATIONS AND DEFINITIONS

Abbreviations

SHEM	- refers to Safety Health Environmental Management
DOL	- refers to Department of Labour
DPW	- refers to Department of Public Works
The Act	- refers to Occupational Health and Safety Act 85 of 93 as amended (Version 24 or latest updates)

REG	- refers to the Regulations (Promulgated)
CSO	- refers to Construction Safety Officer registered with SACPCMP
CIODA	- refers to Compensation Injury and Occupational Diseases Act 139/1993.
MSDS	- refers to Material Safety Data Sheet
HCS	- refers to Hazardous Chemical Substances
PC	- refers to Principal Contractor
AIA	- refers to Approved Inspection Authority
H&S	- refers to Health and Safety
OHSA	- refers to OHS Agent registered with SACPCMP
PC	- refers to Principal Contractor, In this case owner/developer and PC.
SubC	- refers to Sub contractors.
SANS	- refers to South African National Standards ETA - refers to estimated time of Arrival.
JBCC	- refers to the building contract in use for this project
POPIA	- Refers to the Protection of Personal Information Act.
NBC	- refers to the National Building Council (NBR _ACT 103 or known as SANS 0400)
CEMP	- construction environmental management plan.

- **South African Bureau of Standards' Code of Practice for the**

- SANS 10227: Pressure Vessels
- SANS 10400: National Building Regulations
- SANS 100085: Scaffold
- Applicable unit standards where legislated like for work at heights; 229994-5-8
- Newly promulgated applicable legislation: HBA, ER, EIR, Noise and potentially due the PAR.
- All design report references, drawings, specifications.

Definitions

The OHSA 85:93, Version 24 definitions will apply, and where no definition is available, the Standard Oxford Dictionary must be used to determine the meaning of a word.

3 REFERENCES

Drawings, Meeting with Principal Agent, and pre-construction research findings. All Legal applicable controls apply. Note: The applicable Regulations and Acts shall apply according to hazardous identification and risk management. This may change as scope of work changes.

A copy of the amended OHSA 85 of 1993 Version 24 must be kept on site and used to reference legal requirements. COIDA and all labour law relating to works and employment will form part of Audits.

4 LEGAL LIABILITY AND AGREEMENTS

The Appointed Contractor (PC) carries prime accountability and responsibility for the health, safety, and welfare of all affected by the PC acts or omissions. The contractor takes full responsibility for the management of environmentally sustainable practices and legal compliance. The Client Agent shall not be liable for any civil claim because of anything contained in or omitted from this Health and Safety Specification. The Specification is not intended to supersede the Act and its promulgated Regulations. Every effort had been made to ensure the specification is accurate in all respects, however, should it contain any errors or omissions it may not be considered as grounds for claims under the contract or for additional reimbursements or extension time.

The principal contractor will ensure Sub contractor agreements are also covered fully in a 37.2 agreement, as specified by DBSA, and included in this document as an Annexure. This includes similar section 37(2) agreements with any SMME, labour only contractors and suppliers where the supplier manufactures, delivers, and erects during the projects life cycle. It is the PC duty to develop a full understanding of the regulatory environment that affects the project and the construction methods that will follow. The PC must accept that a controlled risk work environment requires sound, active planned management input aligned with the construction program; and must plan for change according to the regulatory and human safe work requirements. The stakeholders affected by the PC's acts and omissions on this project; includes employees, visitors, suppliers, emergency services and road users. Management of sub-contractors or "labour only" contractors fall strictly under the legal liability of the Principal contractor, and proof that they are managed as per CR7 will be monitored at Audits.

The PC has the authority, liability, and the responsibility to report to management, any operation or deficiency that is in contravention with the OHSA specification or any other document listed in this document, in order to take a responsible and accountable action to remedy the situation. Furthermore, The CR clearly defines the responsibility to **stop work** not done in accordance with the PC health and safety plan, and by implication this OHSA Specification; and to **stop work** that poses a threat to health and safety. The Principal Contractor is to take due cognisance of the above statement. Record keeping in this regard must be recorded in writing.

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 Agent and/or Client for action with immediate effect, as the Client is responsible and liable for the health, safety, project in total, and must be informed to ensure control of all noted risks.

5 PROJECT ROLE PLAYERS

Client:	Department of Education
Client Implementing Agent:	Development Bank of Southern Africa
Project Manager:	Tendai Mudavanhu
Principal Agent:	Liwani Consulting, Siyabulela Liwani
Pr. CHSA for Stage 1 to 4:	Sustainable Safety Management Systems, D. Atterbury. Pr.CHSA 032/2016. 076 279 4323.

6 PROJECT LOCATION

The school is located within the Protea Glen township in the south of Johannesburg, details are below:

Name of School	Tholimfundo Primary School
Enrolment Numbers	984
Residential Area	Protea Glen Ext.3

Street Address	Red Current Street
EMIS Number	700111914
District	Johannesburg Central
Coordinates	-26.280348, 27.821693
Site Description	Erf 3942, Protea Glen Ext,3
Size of Site	2.994ha
Zoning	Educational
Ownership	Republic of South Africa

RISK AWARENESS: Highly populated area. Sink hole activities noted in surrounding areas. School access on a busy road. Underlying services, imbedded services in renovation areas, Children and end user activity, potential asbestos in civil pipe work that may be needed.

Action: Plan for traffic warning of moving plant, suppliers and so on. Ensure no blocking of emergency escape routes and minimize any impact on school activities. Safety issues must be addressed in decanting and hoarding with reference on site lay-out plan, pedestrian access to be planned, lay-down areas marked and contained. Hoarding to PA specification to be maintained. Noise and dust impact to be controlled by planned interventions, such as dampening, as applicable to environmental situations.

Permit to be displayed clearly and number displayed at gate entrance.

All signage to guide and advise on safety during the construction process to be maintained and visible.

Security to be provided and resourced with items required to function safely.

Customer complaints records to be available for audits and treated as investigable incidents, to avoid repeat and to minimize stake holder frustrations.

All contract workers to have marked construction overalls and use correct PPE. Inductions must address child safety, customer needs and access control standards.

Project specific contract information for scope of works summarised into activity risks and controls. Should construction tasks not be within this analysis, ensure HIRA and controls. Educate on safety

within the construction process.

Tasks	Concerns	Controls	Plan?
Decanting and hoarding as per phased plan.	Lifting equipment and delivery access for temporary structures Wind lift, loading and off-loading, flooding, Asbestos, HBA, Unknown services.	Access, safety standards, buildings anchored, storm water and sewer planning When connecting into sewer: risks may be <u>asbestos pipes</u> , <u>HBA</u> and contaminants. Ensure safe access to decanting area. Hoard as PA instruction and as per BOQ. Liason between CLO and school to avoid issues.	
Platform work, Cut and fill, Raft foundations, Excavations, compaction and structural steel work, Temporary supports, loading, Site noted to be fairly level. Excavations anticipated between 1 to 2 M max. Must be managed as per CR.13.	Plant movement: vibration, dust noise. Earth conditions: Dolomite and sink hole activity in surrounding areas: MONITOR Evidence of imported fill, underlying services, Kicking of temporary supports.	All legislative controls No plant operator to work without proof of medical, competency, appointment, able to do Plant inspections and have proof accordingly. Plant to be in working and legal condition.	
External works: Paving, Fencing, gates, road works, parking bays, Combi Courts Fenced vegetable garden and attenuation pond. Reticulation trenches for services	Traffic type incidents Hand injuries Silica dust inhalation from Combi court preparations, dust, waste	SWP and Site planning PPE inclusive of monitoring Signage to warn off water environment on fence around attenuation ponds.	
General renovation covered under general new build activities	End user activities: decant and protect	Ensure good ventilation, dust control, relevant PPE, Safe ladder use, access and egress, illumination.	

		Monitor drop of edges, restricted work space and dust and noise.	
New build Brickwork, tie inns, windows, doors, painting, tiling and plastering	Brick handling, control on waste and ordering of supplies, storing, collapse	Ensure safe work platforms and plan for practical material handling and load risk. No single skin build to roof height. Follow architect and engineers' drawings and specifications. SWP, DSTIs by 8.8's relevant to construction tasks.	
Work at height Roof timber with metal sheeting Heights between 3,5 and 6 M max. Hanging ceilings, NO BUBBLE INSULATION AS IT'S A FIRE RISK	Falls from ladders, scaffold, other.	FPP to address planned work scope: NO GENERICS required. Competency for FPP developers and work at heights teams. Medicals. Scaffold as per SANS 0085 Ladder safety SWP. Manage loads and movement.	
HAZ CHEM	Paints, solvents, silica dusts, diesel, petrol, Turps, Cement, adhesives and so on	Treat as per MSDS instructions. Index. Flammable store. Signage. No smoking. No eating whilst working. Drip trays and fire extinguisher use mandatory for at risk tasks.	
HBA Health	Hep A,B,C for any work on sewer, ablutions. HIV, TB, Mutation of SARS COV 2, Colds, Flues, Weather impacts, heat, rain, wind, lightning	HIRA, Follow Regulatory controls. Hygienic facilities for workers, hand wash facilities, education. Follow CODE of Practice: Managing exposure to Sars-Cov 2 in the workplace. H&S Committee topic on agenda.	
Emergency	Access to site from a busy road and in a build-up area Security Community Fire	Have a relevant site plan that ensures local relevant response and support, numbers. Have an emergency plan that can be implemented. Do	

	Injuries Collapse Infectious disease transmission and outbreaks, Sink hole activity in surrounding areas	an exercise to check post education staff. Have correct FA, Fire Marshalls. Check when doing DSTI that emergency is addressed.	
Ergonomics	Lifting, bending, awkward and repetitive movement, loads, vibration, noise, illumination, mental stress	Company policies, raise awareness. Do HIRA and action H&S Committee topic.	
Electrical and services	Electrocution:	Ensure compliance with EIR COC for temporary supplies and ensure lock- out, close out of school systems from site risks. DOL registered electrician to be on site during all phases: clarity in provided monitoring and checking on site: Quality controls.	
Built of Water, Sewer and other services	Do on site HIRA	Manage	
Facilities for Staff	Prioritise labour	Under site establishment and OHS Systems.	
CEMP	Pollution, waste, damage	Plan for the construction site environmental impacts to have a system of works. Include material needs and disposal.	

7 OHS SYSTEMS HIRA, ADDRESSED FOR LEGAL REQUIRED COMPLIANCE

Please note that this specification aims to assist the contractor to achieve compliance, use the table to ensure all aspects are addressed and in file(s) , do not hesitate to work on it.

Nu	Process	Hazards	Risk	Level HML	Control	SHE Plan	File and general notes	Done
1	Admin: <ul style="list-style-type: none"> • COIDA current • SARS Clearance cert. • UIF registration. • Permit and Pr. CHSA appointment(s) as per phase. • 37.2 (DBSA Format) • Appointment and acceptance of offer with Cr. CR.5.1,k • OHSA 85'93 version 24 • PC OHS Policy in file and to be displayed. • Scope of works • SHE Specification and baseline HIRA 	Construction delays, No approval. 30days before site handover. Lack of legal compliance or OHS culture. Safety not planned. Plan does not address spec and work scope.	Client financial loss, Contractor Failure and even liquidation. Injury, loss of life health, finance, reputation.	H	Ensure the documents and OHS system is in the file Construction is dynamic, ensure competency to grow the system with method statements, and response to the audits. Required appointment s: SECTION 8 appointees and SACPCMP Registration.8 .1 on site managing construction	Do based on specification. File all the documents. Index all. Index proposed plant use you anticipate Index build materials at minimum for Startup 3 months. Have an employee labour sheet for people on site IDs for all on site filed.	Update and manage: These items are compulsory Note UIF payment proof will be needed on site audits. Note DBSA specified labour law compliance. The SHE Committee must have representatives form all sections of site works: management, reps, subbies, labour. Agenda: must include incidents, audits, inspection needs identified, HBA, Ergonomics, End user complaints. <u>Monthly meetings to be arranged.</u>	

	<ul style="list-style-type: none"> Letter of acceptance of plan and implementing file SHE Plan and file as approved at permit phase. Baseline Program Quality Plan showing OHS interventions CEMP Organogram Appointments as per tendered competency and scope 	<p>Failure to plan for scope relevance. OHS can be grown.</p> <p>Failure to provide resources and competency.</p>			<p>8.7 on site supervising construction</p> <p>8.5 must be on site managing all the OHS First Aider, Emergency, risk control. Electrical inspector, Machine operators and so on. Inspections as per equipment and materials used.</p>		<p><u>NO CANDIDATE CHSO ON SITE UNLESS AGREED BY CLIENT UNDER MENTORSHIP OFF A REGISTERED PERSON< WITH A CONTRACT AGREEMENT< APPOINTMENT AND AGREED PROGRAM. MUST BE PERSON at TIME OF PERMIT APPLICATION AND SHE PLAN APPROVAL</u></p>	
	<p>OHS Systems to be planned for.</p> <ul style="list-style-type: none"> PC HIRA as per construction task methods and Program HIRA for ergonomics HIRA for HBA R. <p><u>Use Code of Practice:</u></p>	<p>Task related HIRA by PC with client baseline filed.</p> <p>Note Hep A,B,C; TB; HIV: SARS COV 2 Variance;</p>		<p>H</p> <p>H</p> <p>H</p>			<p><u>Management to note: OHS is an integral part of construction, it</u></p>	

	<p><u>Managing exposure to SARS Cov 2 in the workplace 2022 for planned response.</u></p> <ul style="list-style-type: none"> • Method statements and SWP per construction program • Inspections • Inductions and training needs analysis. • Toolbox talks to fit construction methods and safety 	<p>Stomach complaints and skin infections</p> <p>Appointments must have competency and registration as applicable attached. At minimum for 6 months planned construction. E.G. Work at heights, SHE Reps, First aiders and so on.</p> <p>Note to add HBA and Ergonomics, work at heights</p>					<p><u>results in quality production if the Company culture is truthfully concerned with the well being of those the construction activities impact on.</u></p> <p><u>All Section 8 positions are managerial, the 8.5 must form part of the works meetings, be informed on upcoming works, so that they can plan for OHS prior to works commencing. Failure to address this need leads to delays, frustration and potential risk.</u></p>	
	<ul style="list-style-type: none"> • Medical Monitoring and Annexure 3 programs • Waste management • Employee facility, hygiene and health management • Sub-contractor management 	<p>Care for all on site equally.</p> <p>PC you are liable for supervision of works</p> <p>By supervisors. Index and note risks, flammable</p>		H				
				H				
				H				
				H				

	<ul style="list-style-type: none"> • Supplier management • Daily diary or Daily safe task instructions • MSDS from suppliers for products 	stores and signage Monthly register. 5.1 q is an investigating type incident as are public complaints.		H H				
	<ul style="list-style-type: none"> • Incident management • Demolition Plans • Temporary supports planning • Temporary Storm water and rainwater management. • Noise and dust reduction planning • Traffic control • Public risk management • Public Complaints management system 	Collapse, injury Kicking, honey coming, poor quality Flooding Health, Customer complaints, traffic visibility Illegal sharing, storing, use of data		H H H H H H H	Subbies must be recorded on a register, apply this same spec for your 8.5 to audit and approve. Cr 7 will help you know what to do.			

	<ul style="list-style-type: none"> • Relevant emergency plan • POPIA Policy, procedure, signed documents for medicals, IDS and so on. • Inspections for Hand, power, pneumatic tools and equipment brought on site. 			<p>H</p> <p>H</p> <p>H</p>	<p>Index and file</p> <p>ERA, Annexure 1, General incident register for all incidents recorded monthly. FA register.</p> <p>Competent appointees to do inspections not tick lists.</p> <p>Note vibration and noise together reduces permissible decibels and time exposures.</p> <p>Any issues are incidents.</p>		<p>Waste management: Bins for domestic waste, segregation of building wastes and removal to licenced site regularly. Waste manifests on site.</p>	
--	--	--	--	----------------------------	---	--	---	--

							<p>Display and update register.</p> <p>None to minor demolition, you still require a plan relevant to work, so that safety is addressed.</p> <p>Specifically, around raft foundations, water stands, ramps and so on. Quality and safety controls. During renovations: watch flooding and building security, hidden hazards <u>Plan accordingly.</u></p> <p>Medical information, personal data.</p> <p>Must be done by competent appointed person and you</p>	
--	--	--	--	--	--	--	---	--

							must have a procedure to action findings.	
2	<p>Site establishment Water Energy Offices Traffic: Plan for safe access of plant , suppliers, employees. Have a sign to show where the site is at the turn off. Warn of trucks turning. Access and Egress must be planned from outside to inside site and on site manage plant and foot traffic. Signage : Site board and basic OHS sign board, First Aid / Fire Extinguishers/ No smoking/ Male and female signs for toilets Chemical toilets with a service agreement. 1 Male and 1 female for every group of 30. Fire extinguishers as applicable to site</p>	<p>Injury, Illness, unrest Fires Snakes Vehicle incidents Public risks Theft Water contaminants HBA : SARS COV 2, HIV, TB Ergonomics: strain and stress, Fall risks Collapse of loads</p>	Loss	H	<p>Loading and off-loading of containers, materials and equipment must be done with care and using correct methods Water metered and agreed as per PA. Power supplies must be correctly done by a person registered with DOL, and the method of control during the works for EIR work. Coc for temporary electrical installations is</p>	<p>Access control register. Have hoarding as required Danger tape will not be allowed as barricade.</p>	<p>NOTE EMPLOYEE FACILITIES: ABLUTIONS HYGIENIC HAND WASH FACILITY, PRIVACY, MARKED MALE FEMALE. (1-for every 30 per sex) Under cover eating areas Municipal tie ins to services need method statements to ensure on the ground hazards are noted. Municipal bye</p>	

	<p>office, flammable stores, generator or hot work. Drip tray for any plant or potential spill control and prevention.</p> <p>Emergency information phone number and stakeholder contact numbers displayed .</p> <p>Bins. Portable water. Undercover eating area. Waste lay down areas. Please be aware of spiders, rats, security needs, access controls.</p>				<p>required and must be filed.</p> <p>Waste bins, segregation and removal to a licenced municipal site.</p>		<p>laws to be on site and used.</p>	
--	--	--	--	--	---	--	-------------------------------------	--

8 RULES OF ENFORCEMENT

Should there be design changes during the construction phase or changes in the scope of works, the PC must, within 5 days communicate the required SHE RFI or as competent, SHE action plan; Method statement, for approval before work commences on the changed items. This is to ensure that health, safety, and work environment requirements are planned for and met, as is appropriate to zero harm practices and DBSA's specification that requires above minimum requirements.

Note.

- The PC must ensure that the specification and the PC specification are given to designers, engineers, and Sub-contractors to address their specific scope of works and risk that attaches to their specific works.
- A SHE plans, must be developed from the specification and the OHSA 85'93, after which the approval process will commence.

Rules of Enforcement and 5.1.q Scenarios:

- NO WORK MUST COMMENCE BEFORE THE PERMIT NUMBER IS ISSUED AND DISPLAYED
- NO WORK SHOULD BE ALLOWED ON SITE WITHOUT A CURRENT LETTER OF GOOD STANDING.
- WORK STOPPAGES will follow, partly or for the whole site, if:
 - The approved plan as per specification is not implemented
 - Persons are put at risk
 - Section 8 legally competent persons are not on site: noting that the 8.1(a) is not the person to be the 8.1, but only act as instructed too, in the 8.1, absence.
 - Letter of good standing has expired.
 - Failure to respond with adequate close out and timelines on Client Audit findings.
- The PC must ensure suppliers and service delivery parties to have a current letter of good standing, signed 37.2 agreement, had been inducted and where applicable have an approved OHS plan.
- The PC will audit all contractors monthly and have proof available that audits have occurred and that systems are being advanced, and non-conformances addressed.
- The PC will do a monthly report to the Client Agent or ensure that Construction Safety is reported at the monthly meetings in the project manager's report.

- The PC and the Client are responsible to ensure co-operation between all the Contracting parties and foster a safe, health and environmentally sustainable construction environment, as reasonably possible.

Furthermore:

Principal Contractors, Sub-contractors, and all employees under their control, including any visitor brought to site must adhere to the following rule of conduct on site: **You may not:**

- Partake, possess or sell drugs or alcoholic beverages on site, this and or being under the influence, will ensure you are removed from site.
- Indulge in horseplay, practical jokes, fighting or gambling.
- Destroy or tamper with safety devices, symbolic signage, or wilful unnecessary discharge of fire extinguishers.
- Remove safety devices such as tie –inns on scaffold structures unless authorized to do so.
- Bring onto site or have in your possession a firearm or lethal weapon.
- Assault, intimidate or abuse another person.
- Operate construction equipment without the necessary training, license, or authorization or without a fitness for work certificate issued by a registered Occupational Practitioner.
- Block emergency escape routes
- Display insubordinate behaviour towards any site manager, professional team, or supervisor, in respect of carrying out instructions that are for compliance with Health and Safety.
- Enter a controlled access area unless authorized to do so.
- Negligently, carelessly, or wilfully cause damage to property of others.
- Refuse to give evidence or give false statements during investigations.
- Not comply with Contractors disciplinary code.

HEALTH, SAFETY AND ENVIRONMENTAL AGREEMENT
BETWEEN EMPLOYER AND THE Principal Contractor

Person responsible for this contract:

Contract : RFP 068/ 2022 APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR
Tholimfundo Primary School WRITTEN AGREEMENT BETWEEN DBSA –
DEVELOPMENT BANK OF SOUTHERN AFRICA

EMPLOYER

AND

Principal Contractor

SERVICE PROVIDER (hereinafter referred to as "the Mandatary") AS ENVISAGED BY SECTION 37(2)
OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, NO 85 OF 1993, AS AMENDED.

I representing (Mandatary) do
hereby acknowledge that (Mandatary) is an employer in its
own right with duties as prescribed in the Occupational Health and Safety Act No (85 of 1993, as
amended) and I agree to ensure that all work will be performed, or machinery and plant used
in accordance with the provisions of the said Act. I furthermore agree to comply with all other
relevant Acts while providing a service to the DBSA – DEVELOPMENT BANK OF SOUTHERN AFRICA
(Employer). AS the Principal Contractor all sub-contractors are properly informed and will adhere
to all the rules and regulations and relevant legislation while on the site premises. I will liaise with
the person responsible, should I, for whatever reason, not be able to complete the task/project or
perform in the terms of this agreement. My company is registered and in good standing with the
compensation fund or with a licensed compensation insurer as contemplated in the
Compensation for Occupational and Diseases Act, 1993 (Act No. 130 of 1993). The registration
number

is.....
.....

We/I also agree that; the Principal Contractor, by their signatures hereto, do unreservedly and
irrevocably indemnify DBSA – DEVELOPMENT BANK OF SOUTHERN AFRICA (Employer) and hold it
harmless against all the clause demands, actions, clauses of actions and suits at law, which may

be made or instituted against it for:

- any death, injury or incident to the Contractor, Sub-contractor and/or their employees
- or any agent customer or visitor of the Contractor;
- any damage caused to property of the Contractor, Sub-contractor, and/or their
- employees or any agent customer or visitor of the Contractor, including any loss of
- such property from whatsoever, while on the premises; and
- any claims resulting from non-compliance with legislation.

Reporting

The Mandatary and/or his designated person, appointed in terms of Section 16(2) of the Occupational Health and Safety Act 85 of 1993 ("the OHS Act"), shall report to a representative designated by the Employer prior to commencing the work at the premises.

Warranty of compliance

In terms of this agreement the Mandatary warrants that he agrees to the arrangements and procedures as prescribed by the Employer and as provided for in terms of Section 37(2) of the OHS Act for the purposes of compliance with the Act.

The Mandatary acknowledges that this agreement constitutes an agreement in terms of Section 37(2) of the OHS Act, whereby all responsibility for health and safety matters relating to the work that the Mandatary and his employees, the appointed Principal Contractor and his sub-contractors are to perform on the premises shall be the obligation of the Mandatary.

The Mandatary further warrants that he and/or his employees, Principal Contractor or sub-contractors undertake to maintain such compliance with the Occupational Health and Safety Act, 1993, Construction Regulations 2014, Section 27(2) Disaster Management Act 2002, 2020, and Consolidated COVID-19 Directions on Health and Safety in certain workplaces. Without derogating from the generality of the above, nor from the provisions of the said agreement, the Mandatary shall ensure that the clauses as hereunder described, are at all times adhered to by himself and his employees.

The Mandatary hereby undertakes to ensure that the health and safety of any other person on the premises is not endangered by the conduct and/or activities of any of his employees while they are on the Employer's premises.

Mandatarian employer

The Mandatary shall be deemed to be an employer in his own right while on the Employer's premises. In terms of Section 16(1) of the OHS Act, the Mandatary shall accordingly ensure that the requirements of the OHS Act are complied with by himself and/or his nominated Chief Executive Officer.

Appointments and training

The Mandatary shall appoint competent persons as per Section 16(2) of the OHS Act and Section 8 of the Cr.2014.

Any such appointed person shall be trained on any occupational health and safety matter and the OHS Act provisions that are pertinent to the work that is to be performed under his responsibility. Copies of any appointments made by the Mandatary shall immediately be provided to the Employer.

The Mandatary shall further ensure that all his employees, Principal Contractor or subcontractors are trained on the health and safety aspects relating to the work and that they understand the hazards associated with such work being carried out on the premises. Without derogating from the foregoing, the Mandatary shall, in particular, ensure that all the contractors' users of any materials or operators of any machinery or equipment is properly trained in the use of such materials, machinery or equipment.

Notwithstanding the provisions of the above, the Mandatary shall ensure that he, his appointed responsible persons, the appointed Principal Contractor, and sub-contractors are at all times familiar with the provisions of the Occupational Health and Safety Act, 1993, Construction Regulations 2014, Section 27(2) Disaster Management Act 2002, and Consolidated COVID-19 Directions on Health and Safety in certain workplaces and that they comply with the provisions of the Act.

Supervision, discipline and reporting

The Mandatary shall ensure that all work performed on the Employer's premises is done under strict supervision and that no unsafe or unhealthy work-practices are permitted.

Discipline regarding health and safety matters shall be strictly enforced against any of his employees, the Principal Contractor or Sub-contractor employees regarding noncompliance by such employee, with any health and safety matters.

The Mandatary shall further ensure that his employees, the Principal Contractor, and Sub-Contractor report to him all unsafe or unhealthy work situations immediately after they become aware of the same and that he in turn immediately reports these to the Employer and/or his representative.

Access to the OHS Act

The Mandatary shall ensure that the Principal Contractor has an updated copy of the OHS Act on site at all times and that this is accessible to his appointed responsible persons and employees. However, the parties may make arrangements for the Mandatary and his appointed responsible persons and employees to have access to the Employer's updated copy/copies of the Act.

Co-operation

The Mandatary and/or his responsible persons and employees shall provide full cooperation and information if and when the Employer or his representative inquiries into occupational health and safety issues concerning the Mandatary. It is hereby recorded that the Employer and his representative shall at all times be entitled to make such inquiry.

Without derogating from the generality of the above, the Mandatary and his responsible persons shall make available to the Employer and his representative, on request, all and any checklists and inspection registers required to be kept by him in respect of any of his materials, machinery, or equipment completed by the Principal Contractor.

Work procedures

The Mandatary shall be entitled to utilize the procedures, guidelines and other documentation as used by the Employer for the purposes of ensuring a healthy and safe working environment. The Mandatary shall then ensure that his responsible persons, employees, Principal Contractor, and Sub-Contractor are familiar with and utilize the documents.

The Mandatary shall ensure safe work practices are implemented by the Principal Contractor and Sub-Contractors as prescribed by the Employer and shall ensure that the Principal Contractor and Sub-Contractor employees are made conversant with, and adhere to, such safe work practices.

The Mandatary shall ensure that work for which a permit is required by the Employer is not performed by the Principal Contractor prior to the obtaining of such a permit.

Health and safety meetings

If required in terms of the OHS Act, the Mandatary shall establish his own health and safety

committee(s) and ensure that his employees, the Principal Contractor, and Sub-Contractor representatives, being the committee members, hold health and safety meetings as often as may be required and at least once every three (3) months. The Employer may elect to permit the Mandatary's health and safety representatives to attend the Employer's health and safety committee meetings.

Compensation registration

The Mandatary shall ensure that he has a valid registration with the Compensation Commissioner, as required in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993, and that all payments owing to the Commissioner are discharged. The Mandatary shall further ensure that the cover shall remain in force while any such employee is present on the premises.

Medical examinations

The Mandatary shall ensure that all his employees, Principal Contractor and Sub-Contractor employees undergo routine medical examinations and that they are medically fit for the purposes of the work they are to perform.

Incident reporting and investigation

All incidents referred to in Section 24 of the OHS Act shall be reported by the Mandatary to the Department of Employment and Labour and to the Employer. The Employer shall further be provided with copies of any written documentation relating to any incident.

The Employer retains an interest in the reporting of any incident as described above as well as in any formal investigation and/or inquiry conducted in terms of Section 32 of the OHS-Act into such an incident.

Sub-contractors

The Mandatary shall notify the Employer of any Principal Contractor or sub-contractor he may wish to perform work on the Employer's premises. It is hereby recorded that all the terms and provisions contained in this clause shall be equally binding upon the subcontractor prior to the sub-contractor commencing with the work. Without derogating from the generality of this paragraph:

1. The Mandatary shall ensure that training, as discussed under appointments and training, is provided prior to the Principal Contractor and his Sub-Contractor commencing work on the Employer's premises.
2. The Mandatary shall ensure that work performed by the Principal Contractor or Sub-Contractor

is done under strict supervision and discipline.

3. The Mandatary shall inform the Employer of any Health and Safety hazard and/or issue that the Principal Contractor or Sub-Contractor may have brought to his attention.
4. The Mandatary shall inform the Employer of any difficulty encountered regarding compliance by the Principal Contractor or Sub-Contractor with any health and safety instruction, procedure and/or legal provision applicable to the work the contractor or sub-contractor performs on the Employer's premises.

Security and access

The Mandatary and his employees, the Principal Contractor and the Sub-Contractor employees shall enter and leave the premises only through the main gate(s) and/or checkpoint(s) designated by the Employer. The Mandatary shall ensure that employees observe the security rules of the Employer at all times and shall not permit any person who is not directly associated with the work to enter the premises.

The Mandatary and his employees, Principal Contractors or Sub-Contractors shall not enter any area of the premises that is not directly associated with the work.

The Mandatary shall ensure that all materials, machinery or equipment brought by The Principal Contractors or Sub-Contractors onto the premises are recorded at the main gate(s) and/or checkpoint(s). A failure to do this may result in a refusal by the Employer to allow the materials, machinery or equipment to be removed from the premises.

Fire precautions and facilities

The Mandatary shall ensure that an adequate supply of fire-protection and first-aid facilities are provided by the Principal Contractor for the work to be performed on the Employer's premises, save that the parties may mutually make arrangements for the provision of such facilities.

The Mandatary shall further ensure that all his employees, Principal Contractor and Sub-Contractors are familiar with fire precautions at the premises, which include fire-alarm signals and emergency exits, and that such precautions are adhered to.

Hygiene and cleanliness

The Mandatary shall ensure that the work site and surrounding area is at all times maintained by the Principal Contractor to a reasonably practicable level of hygiene and cleanliness. In this regard, no loose materials shall be left lying about unnecessarily and the work site shall be cleared

of waste material regularly and on completion of the work.

No nuisance

The Mandatary shall ensure that neither he nor his employees, Principal Contractor or Sub-Contractors undertake any activity that may cause environmental impairment or constitute any form of nuisance to the Employer and/or his surroundings.

The Mandatary shall ensure that no hindrance, hazard, annoyance or inconvenience is inflicted on the Employer, another Mandatary or any tenants. Where such situations are unavoidable, the Mandatary shall give prior notice to the Employer

Intoxication not allowed

No intoxicating substance of any form shall be allowed on site. Any person suspected of being intoxicated shall not be allowed on the site. Any person required to take medication shall notify the relevant responsible person thereof, as well as of the potential side-effects of the medication.

Personal protective equipment

The Mandatary shall ensure that his responsible persons and employees are provided with adequate personal protective equipment (PPE), the Mandatary will also ensure the Principal Contractor to issue his employees with the required PPE for the work they may perform in accordance with the requirements of General Safety Regulation 2(1) of the OHS Act and Section 27(2) Disaster Management Act 2002, and Consolidated COVID-19 Directions on Health and Safety in certain workplaces. The Mandatary shall further ensure that his responsible persons and employees wear the PPE issued to them at all material times.

Plant, machinery and equipment

The Mandatary shall ensure the Principal Contractors plant, machinery, equipment and/or vehicles he may wish to utilize on the Employer's premises is/are of sound order at all times and fit for the purpose for which it/they is/are intended, and that it/they complies/comply with the requirements of Section 10 of the OHS Act.

In accordance with the provisions of Section 10(4) of the OHS Act, the Mandatary hereby assumes the liability for taking the necessary steps to ensure that any article or substance that is erected or installed at the premises, or manufactures, sells or supplies to or for the Employer, complies with all the prescribed requirements and will be safe and without risks to health and safety when properly used.

No usage of the Employer's equipment

The Mandatary hereby acknowledges that his employees, Principal Contractor and Sub-Contractors shall not be permitted to use any materials, machinery or equipment of the Employers unless the prior written consent of the Employer has been obtained, in which case the Mandatary shall ensure that only those persons authorized to make use of same, have access thereto.

Transport

The Mandatary shall ensure that all road vehicles used on the premises are in a roadworthy condition and are licensed and insured. The Mandatary will also ensure road vehicles used by the Principal Contractor is in roadworthy condition. All drivers shall have relevant and valid driving licenses and no vehicle shall carry passengers unless it is specifically designed to do so. All drivers shall adhere to the speed limits and road signs on the premises at all times.

In the event that any hazardous substances are to be transported on the premises, the Mandatary shall ensure that the requirements of the Hazardous Chemical Substances Act 15 of 1973 are complied with at all times.

Clarification

In the event that the Mandatary requires clarification of any of the terms or provisions of this agreement, he should contact a representative designated by the Employer.

Duration of agreement

This agreement shall remain in force for the duration of the work to be performed by the Mandatary and/or while any of the Mandatary's workmen are present on the Employer's premises.

Headings

The headings as contained in this agreement are for reference purposes only and shall not be construed as having any interpretative value in themselves or as giving any indication as to the meaning of the contents of the paragraphs contained in this agreement.

Confirmation and Acceptance Initials

I confirm that I have read and understood the appointment as set out above.

I confirm that I have read and understood the appendices and confirm my intention to comply with all the legal requirements.

I confirm my acceptance and understanding of the assigned responsibilities and duties involved.

I confirm that I have received training in the assigned responsibilities and duties required of me.

THUS, AGREED TO AND SIGNED AT on this the day..... of 2023, in
the presence of the undersigned witness:

.....

Signature Date

Witness Name Signature:

.....

Signed on behalf of the Principal Contractor.



THUS, AGREED TO AND SIGNED AT on this the dayof 2023, in
the presence of the undersigned witness:.....

Signature Date

Witness Name Signature:

.....

Signed on behalf of DBSA – DEVELOPMENT BANK OF SOUTHERN AFRICA (Employer)

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

Legal Assignment : Construction Regulation CR5(1)(k)

Appointment Description: Principal Contractor

Full Name:

Company Name:

Company Number:

Project Name:

Location :

Date :

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993:

APPOINTMENT AS **PRINCIPAL CONTRACTOR**

In terms of the Occupational Health and Safety Act, and in terms of Regulation 5 (1) (k) of the Construction

Regulations to the Act, you are hereby appointed as the Principal Contractor for:

.....

In terms of this appointment and the Construction Regulations 2014 promulgated under the Occupational Health & Safety Act, and within your geographic area of responsibility, your attention is drawn to, but not limited to the following specific legal duties to ensure compliance to the Health & Safety Requirements applicable to the project:

1. Notify the provincial director in writing in a form similar to Annexure 2 if the intended construction work requires notifications.
2. Provide and demonstrate to the client a suitable, sufficiently documented and coherent site-specific health and safety plan, based on the client's documented health and safety specifications contemplated in regulation 5(1)(b), which plan must be applied from the date of commencement of and for the duration of the construction work and which must be reviewed and updated by the principal contractor as work progresses.

3. Open and keep on site a health and safety file, which must include all documentation required in terms of the Act and these Regulations, which must be made available on request to an inspector, the client, the client's agent or a contractor.
4. On appointing any other contractor, in order to ensure compliance with the provisions of the Act—
 - (i) provide contractors who are tendering to perform construction work for the principal contractor, with the relevant sections of the health and safety specifications contemplated in regulation 5(1)(b) pertaining to the construction work which has to be performed.
 - (ii) ensure that potential contractors submitting tenders have made sufficient provision for health and safety measures during the construction process.
 - (iii) ensure that no contractor is appointed to perform construction work unless the principal contractor is reasonably satisfied that the contractor that he or she intends to appoint, has the necessary competencies and resources to perform the construction work safely;
 - (iv) ensure prior to work commencing on the site that every contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993;
 - (v) appoint each contractor in writing for the part of the project on the construction site;
 - (vi) take reasonable steps to ensure that each contractor's health and safety plan contemplated in sub regulation (2)(a) is implemented and maintained on the construction site;
 - (vii) ensure that the periodic site audits and document verification are conducted at intervals mutually agreed upon between the principal contractor and any contractor, but at least once every 30 days;
 - (viii) stop any contractor from executing construction work which is not in accordance with the client's health and safety specifications and the principal contractor's health and safety plan for the site or which poses a threat to the health and safety of persons;
 - (ix) where changes are brought about to the design and construction, make available sufficient health and safety information and appropriate resources to the contractor to execute the work safely; and
 - (x) discuss and negotiate with the contractor the contents of the health and safety plan contemplated in sub regulation (2)(a), and must thereafter finally approve that plan for

implementation.

5. Ensure that a copy of his or her health and safety plan as well as the contractor's health and safety plan, is available on request to an employee, an inspector, a contractor, the client or the client's agent.
6. Hand over a consolidated health and safety file to the client upon completion of the construction work and must include a record of all drawings, designs, materials used and other similar information concerning the completed structure;
7. In addition to the documentation required in the health and safety file include and make available a comprehensive and updated list of all the contractors on site accountable to the principal contractor, the agreements between the parties and the type of work being done.
8. Ensure that all his or her employees have a valid medical certificate of fitness specific to the construction work to be performed and issued by an occupational health practitioner in the form of Annexure 3.
9. Make all applicable appointments necessary in terms of the construction regulations, and confirm registration, if required, with a statutory body approved by the Chief Inspector as qualified to perform the required functions.

In addition to the above, we highlight the following you are also required to:

1. You are at all times to ensure adherence to the requirements of the Health & Safety Specification for the project.
2. You are to implement and enforce the approved Health & safety Plan from date of commencement until completion of the project.
3. You are required to maintain good standing with a registered insurer in terms of the Compensation of Occupational Injuries and Diseases Act, 1994.
4. You are to ensure that the Occupational Health & Safety Act 85 of 1993 and the regulations applicable to your company are complied with at all times during the construction work.
5. Upon acceptance hereof, you also declare and agree that you are familiar with the requirements of the documents referred to above as well as applicable legislation and that

your appointed agents, mandatories and employees have similar knowledge.

6. You are (not) allowed to sub-contract any work or duty in terms of this appointment to a third party (without written consent), and will remain personally accountable to ensure their compliance to the duties contained herein,
7. You will be audited by our appointed Construction Health & Safety Agent at intervals not exceeding 30 days and the audit report will deem as measurement of your adherence to our Health & safety Specification,
8. Specify any other duties you wish the contractor to perform based on the H&S specification and the Baseline risk assessment for the project.
9. Method statements will be requested prior to unknown construction or high-risk tasks and must indicate the risk analysis, number of affected employees. Task description to be set out in steps.

Your attention is drawn to the fact that amendments occur from time to time both to the applicable legislation and the regulations. It is your responsibility to ensure that you are up to date and, where appropriate, advise on relevant changes to the legislation and the regulations. You should note that your rights and powers are only in respect of the designated working area for which you have been appointed. Dynamic changes must be addressed with planning through method statements.

Confirmation and Acceptance

I confirm that I am duly authorised to accept this appointment and have received, read and understood the assigned responsibility as described in this letter of appointment and the attachments.

I understand the relevance of the legislative and other requirements to my appointment and confirm my acceptance and undertaking of the assigned responsibilities and duties involved.

Signed

Date

Designation

Date

CLOSE OUT REQUIREMENTS

The H&S files for the Principal Contractors and all Contractors require closure and handover to the Client at the completion of the project. The following list is an example of what should be included but is not exhaustive. The OHS Agent or the Client may require further information at the time of completion and the Principal Contractor is to ensure that all instructions are met. Documentation would include all records from the start of the project. Daily or monthly plant inspection records are not required unless they are related to an accident. All records to be in electronic format and submitted to the OHS agent for approval in adequately formatted lists and folders. Layout should be logical and in the same order as in the site files.

Health and Safety close out file requirements include:

- a) Client H&S Specifications
- b) Principal Contractor's OHS Plan(s)/ approval process
- c) Organograms
- d) Legal Appointments with attached competency (Cancelled by PR. CHSA)
- e) Permit
- f) Letters of Good Standing for the Project
- g) Full files for all Contractors as well as their close out reports
 - List of Contractors and contact details
 - Letters of Approval of Contractors
 - Mandatory Agreements
 - Letters of Good Standing
 - Appointments and
 - Audits
- h) Incident Records
- i) Non- Conformance records
- j) Agent's Audits
- k) Method Statements

- l) Risk assessments
- m) Safe work procedures
- n) DSTI's
- o) Medical surveillance certificates of fitness. Medical records are to be kept according to the OH&S Act as amended.
- p) All drawings for temporary structures (suspended beams/scaffolds etc.) concrete mix designs and other project design items
- q) Drawing registers
- r) Copies of test results, policies, and procedures for environmental monitoring (silica, noise, dusts etc.)
- s) As builds

Defect and Liability Period

The H&S files are to be kept „live“ for the defect and liability period by the Principal Contractor, including those of their Contractors. Any work required during the defect and liability period will require an assessment of the H&S file by the OH&S Agent prior to any work commencing. A copy of the as-built Drawings is to be placed on file by the Designers once complete. A copy of the Occupancy certificate.