ANNEXURE G

Section 37 (2) Mandatory Contractor Appointment Letter (TPT S.H.E Form 004)

OHS ACT SECTION 37(2) CONTRACT

ARRANGEMENTS AND PROCEDURES FOR CONTRACTORS ON THE PREMISES

INTRODUCTION

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993 AND ITS REGULATIONS

In terms of Section 37(2) of the Occupational Health and Safety Act 85 of 1993 and its regulations, henceforth referred to as the OHS Act, the provision of Section 37(1) of the same act apply to (The Service Provider) henceforth referred to as the contractor, in as far as, Transnet Port Terminals (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town) shall not be responsible or liable for the actions or inaction's whatsoever in contravention of the OHS Act taken by the employees of the contractor, in the fulfilment of the contract undertaken by the contractor.

As an **employer in your own right**, you, the contractor are obliged to comply with all the provisions of the OHS Act while on the premises of (The Service Provider) you shall also be required to comply with the conditions and safety procedures of Transnet Port Terminals (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town).

Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town and Port of Saldanha) hereby reserves the right to cause all work undertaken by the contractor, that is in contravention of the OHS Act and that has come to the attention of Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town to cease, until satisfied that such contravention has been rectified. Non compliance to Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town)arrangements and procedures will adversely affect future contracts, while serious non compliance may lead to immediate expulsion from the premises.

REQUIREMENTS, ARRANGEMENTS AND PROCEDURES FOR CONTRACTORS

It is a condition of this contract that your employees, and any sub-contractors, be covered in terms of the Compensation for Occupational Injuries and diseases Act 130 of 1993 as amended. A copy of good standing with the Compensation Commissioner shall be attached to the signed copy of this legal document. Furthermore, the contractor or sub-contractor certifies that such cover will not expire during the execution of the task nor wills the contractor become in arrears with any payment due to the Commissioner or any other documentation required by the Commissioner.

The contractor furthermore agrees to the following health and safety rules of Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town).

- The contractor shall have available a copy of the OHS Act on request.
- Any contractor with more than five employees at any time on the premises shall have available a first aid box for prompt first aid.
- Any contractor with ten or more employees shall have at least one competent and valid first aider on the premises at their workplace. Should there be fifty or more employees on the premises a further first aider for every fifty employees or part thereof shall be available.
- Any contractor with less than ten employees on the premises shall ensure that such employees are made conversant with the first-aider at their workplace.
- The contractor shall keep up to date and available for inspection all applicable legally required registers.
- The contractor shall make himself and his employees conversant with Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town) emergency and evacuation procedures.

- The contractor shall not misuse anything, which is supplied in the interest of health and safety.
- The contractor shall adhere to all Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town) safe working procedures.
- The contractor shall be subject to the health and safety and security rules of Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town)
- No intoxicating drugs or liquor will be consumed on or brought onto the premises and no person under the influence or who appears to be under the influence will be permitted to come onto or remain on the premises or at a workplace.
- The contractor shall report all health and safety incidents involving its employees to TPT SHEQ immediately
- The contractor shall conduct joint investigations of health and safety incidents involving its employees with TPT
- The contractor shall provide TPT with medical certificates indicating that its employees are fit for work

INDEMNIFICATION

The contractor hereby certifies that all contracting workmen recognize the inherent hazards that exist on the premises of Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town) and that the Contractor:

- Enters the property entirely at his/her own risk and therefore the Contractor waives any claim of whatsoever nature against Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town), its employees, agents and/or mandatory in respect of any loss, damage and/or injury whether same is the result of any negligent act or omission on the part of Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town) its employees, agents and/or mandatory or other independent contractors or by a third person or by way of defective equipment or materials supplied by the company, and further the Contractor;
- Hereby indemnifies Transnet Port Terminal (TPT) (Port of Durban, Port Elizabeth, Port of Ngqura and Port of Cape Town), its employees, agents and/or mandatory against any claims from the Contractor's employees and/or from any other person, arising and being caused in the manner set out above.

I, (INSERT NAME OF AUTHORIZED PERSON) on behalf of the Contractor, do hereby declare that my company (INSERT CONTRACTORS COMPANY) acknowledge having read and understood the conditions contained in this legal document and furthermore, our employees agree to abide by these conditions.

NAME OF AUTHORIZED PERSON	**DATE**
NAME OF CONTRACTOR'S COMPANY	**DATE**
SIGNATURE OF AUTHORIZED PERSON	**DATE**
WITNESS 1	**DATE**
WITNESS 2	**DATE**

Appointment Letter – Principal Contractor (TPT S.H.E Form 005)

Name: XXXX
Company: XXXX

Project reference: iCLM HQ 0849

Dear Supplier

It is a requirement of the Transnet Port Terminals (TPT) that all construction works within TPT be undertaken in accordance with the TPT Safety, Health and Environmental Specifications Manual.

- Please ensure that your Safety Plan has been included in the tender documents issued to Contractors/Sub Contractors/Service Providers for the above project.
- The Environmental Specifications should be incorporated as an Environmental Particular Specification.
- You will be required to appoint a "Responsible Person" for the project, where construction activities shall be taking place to ensure the contents of the TPT Safety, Health and Environmental Specifications Manual are implemented.
- All copies of other legislative appointments shall be submitted to the TPT Safety/Fire and Rescue Department for record keeping purposes.

Should you require any additional information, please do not hesitate to contact writer.

Yours sincerely

TPT SHERQ Department