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| | **Client** | ELECTRICITY AND ENERGY DIRECTORATE – HV OPERATIONS |
| | **Document Type** | Legal Agreement |
| | **Title** | 37.2 Mandatary Agreement |
| | **Reference Number** | 37.2 MA/HVOPS/30/09/2025 |
| | **Revision** | 2.0 |
| | **Effective Date** | 30 September 2026 |

**PROJECT NAME**

**34386 (5E) Maintenance and repairs of high voltage 33 - 275 kV outdoor equipment for a thirty-six (36) months period on an as required basis**

| **Compiled by:** | **Accepted by:** |
|---|---|
| Rohan Kallicharan<br>Senior Safety Officer: SHERQ and Training<br><br>……<br>Date: 2025-09-08 | Edward Ranyane<br>Engineer: HV Operations<br><br>……<br>Date: 08-10-2026 |

# 37.2 Mandatary Agreement

## 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

“**Mandatary**” 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.

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

Written agreement between **Ethekwini Municipality – Electricity and Energy Directorate – HV Operations** (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 shall have an up-to-date copy of the OHS Act (85 of 1993) and supporting regulations.
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 appointments 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, inside the substations. Prior to induction, all Contractor employees must undergo a pre-employment medical examination and found to be fit for duty.

The Contractor shall cause all incidents which occur within the eThekwini 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 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 Energy Management Directorate numbers displayed prominently, where it can be easily seen and must always be available on site.

Each site must have at least one Dry Chemical Powder fire extinguisher, with a minimum capacity of 4.5 kg and ensure that every employee is familiar with the use of a portable fire extinguisher.
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. Critical to the successful use of PPE, is the enforcement by site supervisors, who shall always demonstrate the correct use, personally and in addition carry out inspections to ensure compliance.

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 vehicle being used. The driver’s license shall be kept by the person so authorized and shall produce such card on request.

No drivers or operator 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 road 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), eThekwini Electricity Codes of Practices, Safety Rules and Operating Regulations where applicable to ensure that no legislative requirement is omitted in error.

Signed this .....day of .....20.....

On behalf of the “mandatary” (print) .....

(sign) .....

On behalf of the “employer” (print).....

(sign) .....