Eskom	Scope of Work	KUSILE POWER STATION PROJECT

Title: **Safety, Environmental and Health management System (ISO 14001:2015 & ISO 45001:2018) Legal Compliance Evaluation at Kusile Power Station Project**

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1. Introduction

To meet the requirements of ISO 14001:2015 standard, ISO 45001: 2018 and Eskom's strategic decision of attaining and retaining ISO 14001: 2015 and ISO 45001: 2018 certification, legal compliance audits are to be conducted as one of the prerequisites of each system. Various business units within Eskom are obliged by virtue of the standard requirement and strategic decision to have legal compliance audit conducted within their areas.

Eskom Kusile Power Station Project does not have the internal capacity in terms of personnel and the required level of competence to perform the Safety, Health & Environment (SHE) legal compliance audits hence this request. Failure to conduct these legal compliance audits will compromise ISO 14001: 2015 and ISO 45001: 2018 certification respectively and nullify the organisation's efforts of becoming internationally competitive and the intention of becoming one of the top performing Power utilities.

2. Supporting Clauses

2.1 Scope

The scope of the audit shall be limited to all activities and facilities under Kusile Power Station Project.

2.1.1 Purpose

The purpose of this document is to specify the scope of work for legal compliance audit to be undertaken at Kusile Power Station Project in order to retain the ISO 14001: 2015 and ISO 45001: 2018 certification.

2.1.2 Applicability

This document shall be applicable to the Kusile Power Station Project.

2.1.3 Effective date

The document will be effective from the authorisation date.

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.

2.1.4 Normative

[1] ISO 9001 Quality Management Systems

[2] ISO 45001: 2018 Occupational Health and Safety Management System

[3] ISO 14001: 2014 Environmental Management Systems, Requirements with guidance for use

[4] 240-124983438: Kusile Project SHE Manual

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[5] 240-142876371 Kusile Compliance Obligations/Legal Requirements and Other Requirements Work Instruction

[6] National Environmental Management Act 107 of 1998

[7] Occupational health and Safety Act 85 of 1993

2.2 Definitions

Term	Definition
Audit	A planned, independent, and documented assessment process to determine whether agreed upon requirements are in conformance with requirements.
Contractor	Service provider contracted to provide auditing services
Environmental Management System	Part of the management system used to manage environmental aspects, fulfil compliance obligations, and address risks and opportunities
Legal/legislative requirements	Applicable legal requirements that relate to the organisation's environmental aspects and associated impacts or occupational health and safety hazards and associated risks (legislation requirements established by national, provincial or local government)
Occupational health and safety management system	A set of interacting elements of an organisation to establish policies, objectives, and processes to achieve those objectives. The intended outcome of the Occupational Health and Safety Management System is to prevent injury and ill-health to workers and to provide safe and healthy workplaces. This system includes the organisation structures, planning activities, responsibilities, practices, procedure, processes, and resources for developing, implementing, achieving, reviewing, and maintaining the organisation's OH&S policy.

2.3 Abbreviations

Abbreviation	Explanation
CV	Curriculum Vitae
EMS	Environmental Management System
EM	Environmental Management
ISO	International Standards Organisation
GCD	Group Capital Division
OHS	Occupational Health & Safety
SAATCA	Southern African Auditor and Training Certification Association
SHE	Safety, Health & Environment

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2.4 Roles and Responsibilities

a) **SHE:** To manage the contract on behalf of the employer and ensure that work is carried out as per scope of work issued.

b) **Contractor:** To comply with the contract requirements and deliver a quality service to the employer. To compile two reports at the end of the audit, one for Environmental Management and one for Occupational health and safety. To comply with any requirements stipulated in the scope of work

2.5 Process for Monitoring

Evaluation of compliance to this work instruction shall be done via audits.

2.6 Related/Supporting Documents

N/A

3. Scope of work

3.1 Environmental Management System (ISO 14001:2015) Legal Compliance scope of work

The scope of the work entails execution of ISO 14001: 2015 legal compliance audits to determine the extent to which Kusile Power Station Project complies with legal requirements to which it subscribes through, but not limited to:

- ✓ Assessment of Kusile Power Station's legal compliance with applicable National, Provincial Legislation and relevant Municipal By-laws, applicable compliance obligations as well as future legal requirements resulting from designs or project activities changes
- ✓ Site visit to the facility including contractors' working areas to determine the status of Environmental legal compliance based on site observations
- ✓ Reviewing of relevant documentation (procedures, policies, etc.) as requested, and provided to the auditor
- ✓ All environmental permits, licenses, and authorisations applicable to the Project
- ✓ All the work must fulfil the requirements of ISO 14001: 2015 Standard on legal, other requirements and evaluation of legal compliance clauses

The following should also be noted:

- ✓ The Power Station is running construction and operation at the same time and some works are already handed over to the operational division which is not included in this scope.

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3.1.1 Environmental Management System (EMS) Legal Compliance report

The service provider must submit two separate reports for Environmental Management (EM) and Occupational Health and Safety (OHS). Hard copies and soft copies of each report must be submitted. The EMS report must include but not limited to:

a) Areas of compliance and non-compliance and opportunities for improvement.
b) Advice or recommendations on areas where corrective action is required or how compliance should be achieved.
c) Highlight best practices
d) Areas of non-compliance must be clearly indicated including the applicable requirement/clause that is not met

3.1.2 EMS Legal compliance Prerequisites - Acceptance criteria

- Auditors should have formal Environmental qualifications (Management /Sciences/ Law) (certificates to be included in the proposal)
- ISO 14001:2015 implementation course (certificates/qualifications to be included in the proposal)
- Audit training (qualifications/certificates to be attached in the proposal)
- Lead auditor should be SAATCA registered (proof to be included in the proposal)
- Auditors should have a minimum of five years' experience in undertaking legal compliance audits (experience/list of companies where such audits were undertaken to be included in the proposal)
- A minimum of five years' experience by the company conducting legal compliance audits (experience/list of companies where such audits were undertaken to be included in the proposal)

3.2 OHS Management system (ISO 45001: 2018) Legal Compliance scope

The scope of the work entails execution of ISO 45001: 2018 legal compliance audits to determine an extent to which Kusile Power Station Project will comply with legal requirements to which they subscribe. This includes assessment of legal compliance with applicable National, Provincial Legislation and relevant Municipal By-laws as well as future legal requirements resulting from design or project changes. On completion of the legal compliance audits, a report shall be compiled by the service provider and issued to the client. Non-conformances must then be followed up by the service provider, evidence must be verified, and a clearance letter issued once all non-conformances have been closed, this service will be paid for by the individual projects where these audits will take place.

3.2.1 OHS Legal compliance Prerequisites - Acceptance criteria

- Degree/BTech Qualification in Occupational Health and Safety or related (NQF Level 8)
- Audit training (Qualifications/ certificates to be attached in the proposal)
- SAATCA registered as auditor

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- OHS Legislative /legal compliance Training
- OHS Management system competency
- Auditors should have minimum of five years-experience in undertaking legal compliance audits/ 3 legal compliance audits undertaken in the past 5 years.

Note: The above mentioned to be included in a CV and proof of all related qualifications (competencies and experience)

3.3 Municipal By laws and other requirements

- Service provider to audit project activities (both EM & OHS) in line with municipal by laws (Victor Kanye and Emalahleni)
- Consideration for other applicable requirements

3.4 Duration of the service

The estimated duration of the contract is 5 months of which 3 – 4 days will take place on site and include site inspections.

3.5 Deliverables

- 2x hard and soft copies of comprehensive separate OHS (1x hard copy, 1x soft copy) and EM 1x hard copy, 1x soft copy) legal compliance audit reports
- Draft audit reports (1x OHS soft copy, 1x EM soft copy) delivered within 14 days of the audit for review by the Client.
- Final audit report delivered to the Client within 30 days of the audit.
- Follow up and verification of submitted evidence to close out findings within 60 days of the audit.
- Closure of the legal compliance audit non-conformances/letter for clearance of non-conformances within the contract timeline of 5 months

3.6 Delivery location

Audit to take place at and reports to be delivered to Eskom Kusile Power Station Project at the Farm Hartbeesfontein and Klipfontein JR in the Witbank area, Mpumalanga Province.

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4. Acceptance

This document has been seen and accepted by:

Name	Designation
Z. Shange	General Manager– Project Management
F. Durand	SHE Manager
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S. Mahlangu	Environmental Manager
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5. Revisions

Date	Rev.	Compiler	Remarks
November 2022	0	TL Cele	First development
February 2026	1	S Mahlangu	Revise scope for ERA extension

6. Development Team

The following people were involved in the development of this document:

- Siphiwe Mahlangu
- Anville Rhode
- Mammy Motaung

7. Acknowledgements

N/A

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