

**SEDIBENG DISTRICT MUNICIPALITY: SPECIAL CONDITIONS OF CONTRACT IN TERMS OF SECTION 37(2) OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, ACT 85 OF 1993 SHE 5.42**

It is an express condition of this contract that -

1. the contractor binds himself unconditionally and irrevocably, for the purposes of the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), to act as employer in own right and therefore to accept full responsibility for the health/safety of his employees and other people in the execution of this contract;
2. the contractor shall strictly adhere to and ensure that his employees adhere to, the prescriptions as contained in the Occupational Health and Safety Act, 1993 (Act 85 of 1993) and Regulations (regulations promulgated in terms of the Machinery and Occupational Safety Act, Act 6 of 1983);
3. the contractor shall make the necessary appointments in terms of the Occupational Health and Safety Act (Act 85 of 1993) and shall notify the Council in writing of the name of his Safety Coordinator **prior** to the commencement of work in terms of this contract;
4. the contractor's Safety Coordinator referred to in point 1 below shall, immediately when needed, or as otherwise agreed, contact the Council's designated representative (see point 4 below) in connection with health/safety related matters, (see telephone number – 4 below);
5. the contractor shall, in terms of section 89(1)(a) of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993), be registered and that his contributions shall be paid up to date, for the full duration of this contract, and that the contractor shall accept full responsibility for his subcontractors, with respect to the registration fees and period payable in terms of the latter section;
6. the contractor shall notify the Council in writing of the appointment of any subcontractor and furthermore, that the contractor shall accept full responsibility for the health/safety of the employees of the subcontractor;
7. the contractor shall without delay notify the Council in writing of all dangerous or potentially dangerous situations which may arise from the execution of work by the contractor or subcontractor;
8. the Council may take any reasonable steps deemed necessary to ensure compliance with the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);
9. the contractor shall take all possible precautionary measures to protect the safety of the general public;
10. the non-compliance with any of the above-mentioned paragraphs shall amount to breach of contract which will enable the Council to cancel the contract, subject to other applicable provisions;
11. the non-compliance with the above-mentioned provisions by the contractor shall not cause liability to the Council and the contractor shall indemnify the Council against any loss or injury/disease which any person may sustain and he shall also waive any right, of any nature, to institute a claim against the Council as a result of injuries/diseases or incidents arising from his activities in terms of this contract.

**1. Contractor's Safety Coordinator:**

Initials and Surname: \_\_\_\_\_ Telephone Number: \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**2. Contractor's Chief Executive Officer:**

Initials and Surname: \_\_\_\_\_ (Appointed in terms of Section 16(1) - Act 85 of 1993)  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**3 Executive Director that require any contract work, as representative, assisting the Mun. Manager as the Client:**

Initials and Surname: \_\_\_\_\_ Cell No \_\_\_\_\_ Office Tel Number: \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**4 Council's OHS coordinator assisting the Mun. Manager and Sedibeng District Municipalities Management:**

Initials and Surname: Mr. JA Wessels Cell No 082 857 3771 Office Tel No (016) 450 - 3109  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_