



U.S. ARMY

Contract Safety Handbook



CAUTION
WATCH YOUR STEP





U.S. ARMY

Contract Safety Handbook

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Foreword

Safety is the responsibility of every Army leader, Soldier, Civilian, and contractor. Contractors provide a significant resource capability across the spectrum of Army operations, and the integration of safety in contracted activities is critical to ensuring accomplishment of mission and protection of assets. In order to be effective, safety must be a consideration throughout the contracting process—from the contract requirements development phase to post-award contracting surveillance, with the goal of minimizing the risks to government employees, facilities, and equipment, as well as to the general public, during contracted operations.

Working together, safety and contract administration professionals are responsible for assessing proposed contract activities and defining the contractual requirements that will be used to protect the interests of the U.S. Government. To effectively execute these responsibilities, these individuals must be knowledgeable of contract safety statutory and regulatory requirements and the responsibilities and authorities of key stakeholders throughout the contracting processes. Close collaboration among all stakeholders is paramount to assure contractors operate safely in support of the Army's vital mission and safeguard Army resources.

This handbook provides safety and occupational health professionals, as well as contracting personnel, the basic information and tools they need to ensure safety is effectively integrated throughout all phases of contracting. It includes comprehensive guidance for incorporating safety into the contracting process, consistent with established directives, instructions, policy memoranda, and regulations. Safety and contracting professionals should use this handbook as a guide to implementing Army contract safety policy and procedures detailed in AR 385-10 and DA PAM 385-10.

Army Safe is Army Strong!



JEFFREY A. FARNSWORTH
Brigadier General, USA
Director of Army Safety

Section 1

Introduction

Contractor safety in the U.S. Army is an increasingly important and complex issue. The Army uses contractors to perform and support many different functions and tasks, including high-risk operations. Because contractors often perform this work alongside military and civilian personnel, their safety and health practices can have a direct influence on the well-being of Army personnel and on the protection of Army property. This influence is most pronounced when Army personnel work in contractor-operated facilities. The safety and health of contractor personnel, however, is not just the responsibility of the contractors that the Army engages to provide the needed products and services. Numerous Army commands, installations, activities, and individuals also have key roles. Some of those roles are overlapping, others are not fully understood. This handbook clarifies those roles.

WHAT IS THE PURPOSE OF THIS HANDBOOK?

This handbook gives safety and occupational health (SOH) professionals and contracting personnel the basic information and tools they need to ensure safety is effectively integrated throughout all phases of Army contracting. The goal of that integration is to reduce the risk to Army employees, facilities, and equipment, and to the general public during contracted operations. The handbook further provides comprehensive guidance on incorporating safety into the contracting process, consistent with established directives, instructions, policy memoranda, and regulations. It also:

- ◆ Provides a ready reference for Army contract safety requirements, processes, and responsibilities
- ◆ Defines contract safety-related competencies for SOH professionals
- ◆ Aligns safety competencies and training requirements
- ◆ Details safety training requirements and the framework for contract safety certificates
- ◆ Describes associated technical support tools and resources.

HOW IS THE HANDBOOK STRUCTURED?

The remainder of the handbook consists of six sections and four appendices:

- ◆ *Section 2, Overview*, describes the Army contracting mission, structure, and requirements.
- ◆ *Section 3, Requirements, Roles, and Responsibilities*, presents the history, legal requirements, standards, roles, and Army reporting channels for contract safety.
- ◆ *Section 4, Pre-Award Phase*, outlines the safety processes, procedures, and considerations during the contract pre-award phase.
- ◆ *Section 5, Post-Award Phase*, details the safety processes, procedures, and considerations during the contract post-award phase.
- ◆ *Section 6, Training*, describes the contract safety competency model, defines training requirements, and outlines the eligibility rules and application procedures for earning certificates in contract safety.
- ◆ *Section 7, Resources and Publications*, identifies various contract safety sources for policy and technical support.
- ◆ *Appendix A, Abbreviations*, presents a list of the abbreviations used in the handbook.
- ◆ *Appendix B, Terms and Definitions*, provides a glossary of technical contract safety terms.
- ◆ *Appendix C, Contract Safety Elements*, lists the elements of Army contract safety.
- ◆ *Appendix D, Contract Safety Checklist*, summarizes the responsibilities of safety professionals engaged in contract safety support; the responsibilities are broken into three areas: general, pre-award phase, and post-award phase.

Questions and comments regarding this handbook should be addressed to:

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Section 2

Overview

This handbook focuses on contract safety. For our purposes, the term includes all aspects of ensuring that safety is adequately addressed in every element of the contract process and life cycle. It includes identification of all safety requirements, ensuring they are properly addressed in contract language, contractor compliance during the contract period, and contract close-out actions. This section describes the Army contracting safety policy, mission, and structure. It also addresses several types of contracts and environments, contracting functions, and safety functions.

Contractors are increasingly important in the Army meeting its worldwide missions with restricted or limited forces. They provide a wide variety of supplies, material, and services, often in hazardous locations and under dangerous conditions. Thus, special consideration is required when dealing with contractors and contract safety. The focus is not just on contractor personnel. Often, contractors work alongside military and government civilian personnel, either in government facilities or at contractor facilities. Contractor safety and health can have a direct influence on the safety and well-being of installation personnel, the public, and the protection of government property.



KEY TENETS OF ARMY CONTRACTING SAFETY POLICY

Several key tenets guide the safety aspects of Army contracts:

- ◆ The government does not assume responsibility for ensuring the protection of contract workers. Government personnel must avoid taking actions, which would, or would appear to, put them, in direct control of a worksite owned or controlled solely by a contractor or contract personnel.

-
- ◆ Contracts must not include any language that establishes a requirement for the government to provide SOH services.
 - ◆ Federal laws have established requirements that contractors must provide a safe workplace for their employees.
 - ◆ Federal laws have established requirements that contractors must not expose government employees or equipment to known hazards.
 - ◆ Contracts must include language that establishes standards for complying with federal law and Army regulations.
 - ◆ Army oversight of contractor operations is restricted to the following instances:
 1. Where Army has statutory authority for oversight, such as the manufacture of ammunition.
 2. Where it is in the best interest of the Army. (Army oversight has historically contributed to lower accident rates among certain contractor employees, on-time delivery of products and services (increased readiness), and ultimate savings to the Government.)

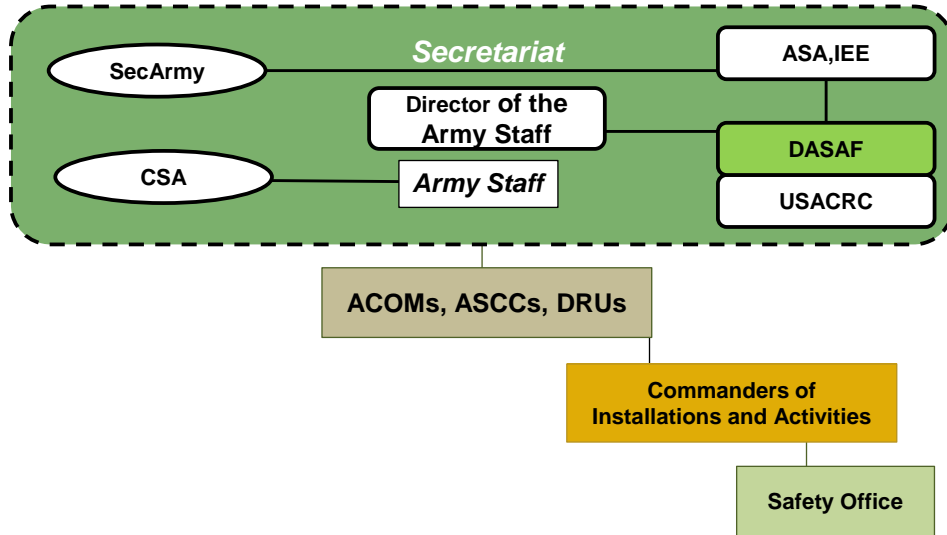
THE ARMY CONTRACTING MISSION

The Army contracting mission is to provide responsive and efficient procurement solutions to enable the Army's global warfighting mission. This mission is accomplished through Army commands established to perform procurement and contracting functions. These contracting entities are distinct from the requiring activity or customer's chain of command.

ARMY CONTRACTING SAFETY MISSION AND STRUCTURE

Figure 2-1 shows the major organizations responsible for safety programs within the Army. Policy and authority flow from the Secretary of the Army through the Assistant Secretary of the Army for Installations, Energy and Environment to the Director of Army Safety and the U.S. Army Combat Readiness Center. Operational contracting requirements are initiated at all levels down to the unit or activity, referred to as the requiring activities. These activities are supported by their designated safety offices.

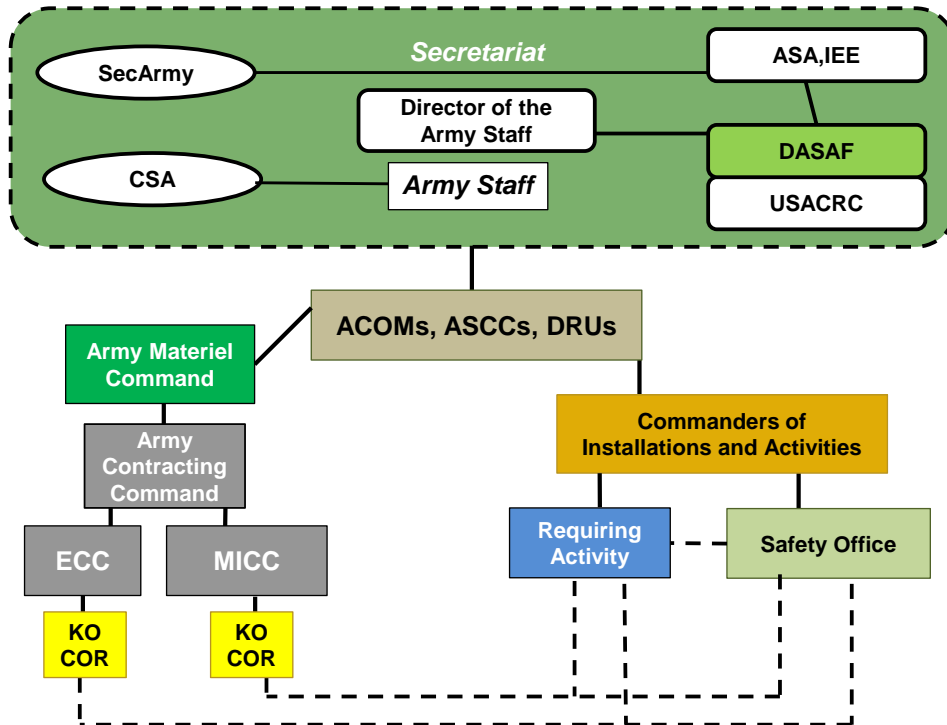
Figure 2-1. Army Safety Responsibility



Note: SecArmy= Secretary of the Army; CSA = Chief of Staff of the Army; ASA, IEE = Assistant Secretary of the Army for Installations, Energy and Environment; DASAF= Director of Army Safety; USACRC = U.S. Army Combat Readiness Center; ACOM = Army Command; ASCC = Army Service Component Command; DRU = Direct Reporting Unit.

Figure 2-2 displays the linkage between the Army’s contracting and safety missions.

Figure 2-2. Army Contracting Safety Responsibility



Note: ECC= Expeditionary Contracting Command; MICC= Mission and Installation Contracting Command; KO = Contracting Officer; COR = Contracting Officer's Representative.

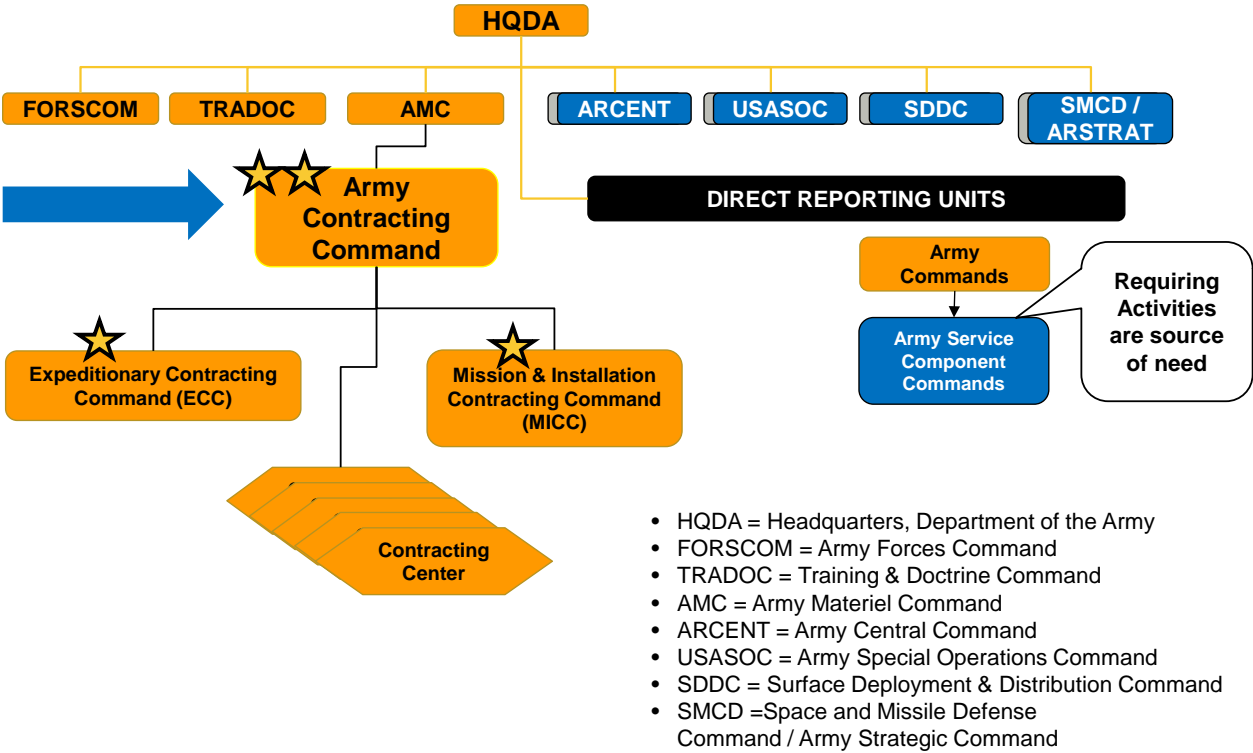
Organizations pass their requirements to the Army Contracting Command (ACC), a subordinate of Army Materiel Command (AMC). The ACC has two subordinate commands, the ECC and the MICC. Contracting officers, or KOs, directly support the requiring activities in development, procurement, and administration of contracts, while the Contracting Officer Representatives (CORs) provide the interface between the KO and the requiring activity after contract award.

Every Army unit has a point of contact for establishing contracted services, and access—through their chain of command or support channels—to safety professionals who will help in developing the contracted services. The KOs and CORs work directly with the requiring activity and its supporting Safety Office.

Army Contracting Command

The Army Contracting Command, Redstone Arsenal, Alabama, is a two-star command with two subordinate one-star commands, as shown in Figure 2-3.

Figure 2-3. Army Contracting Command



The ACC’s five major contracting centers support AMC’s lifecycle management commands and major subordinate commands (MSCs). These centers also provide contracting support to several program executive offices and program managers supporting the U.S. Army’s major acquisition programs. Table 2-1 shows the types of procurements that the ACC supports.

Table 2-1. ACC Procurement Types

Procurement type
Systems
Knowledge-based services
Information technology
Facilities and construction
Equipment
Research, development, test, and evaluation
Ammunition and weapons
Miscellaneous

ACC provides the warfighter with a global contracting capability, and supports emerging mission requirements and Army transformation. It employs more than 6,500 military and civilian personnel at 103 permanent locations worldwide.

The ECC, one of the ACC's subordinate commands, provides contracting support across the full spectrum of military operations. It supports ASCCs, joint commands and operations, and other DoD organizations. Originally focused on supporting OCONUS operations, ECC has assumed more responsibility for supporting some CONUS units and activities. ECC operates 7 contracting support brigades, 8 contingency contracting battalions, and 83 contingency contracting teams throughout the world.

The MICC, the other subordinate command, provides contracting support for the warfighter across Army commands, installations, and activities located primarily in CONUS and Puerto Rico. However, it also supports overseas customers as the mission dictates. MICC customers include the U.S. Army Installation Management Command, U.S. Army Forces Command, U.S. Army Training and Doctrine Command, U.S. Army North, U.S. Army Reserve Command, and U.S. Army Medical Command. The MICC consists of 4 field directorate offices and 35 field offices.

Other Major Contracting Functions and Roles

REQUIRING ACTIVITY

The requiring activity is the unit, activity, organization or command with a need to procure contracted services or material support. The requiring activity:

- ◆ Initiates the contracting process through a request to its designated point of contact for contracting service office or activity
- ◆ Is completely separate from the centralized contracting organization
- ◆ Has a vital role in determining contract requirements and specifications
- ◆ Normally provides the funding for the contract.



The requiring activity's commander or director has no command and control authority over the contracting authority or over contractor personnel or their duties. Although the contract may require contractor personnel to abide by all guidance and obey all instructions and general orders applicable to Army personnel and Department of Army civilians, they cannot be "commanded." The contract's terms and conditions govern the relationship between contractor personnel and the government. Only the KO has the authority to direct contractor personnel. In short, the commander or director must "manage" contractor personnel through the contracting process.

THE CONTRACTING OFFICER

Each contract has a KO who has the overall and primary responsibility for establishing and administering the contract. Only the KO has authority to:

- ◆ Enter into, administer, or terminate a contract on behalf of the Army
- ◆ Modify or deviate from the contract terms, conditions, requirements, specifications, and delivery schedules
- ◆ Make final decisions involving such matters as invoice payments or other consideration due to the government for nonperformance or unsatisfactory performance, and resolving disputes
- ◆ Terminate the contract for default or convenience
- ◆ Delegate certain responsibilities to an authorized government representative such as a COR.



KOs are normally assigned to the contracting command and not to the requiring activity. They are charged with representing the needs of the requiring activity, but are not in its chain of command.

THE CONTRACTING OFFICER'S REPRESENTATIVE

The COR, normally a member of the requiring activity, is nominated by the commander or director. The COR is:

- ◆ Normally a subject matter expert (SME) regarding the work or product being contracted
- ◆ Nominated by the requiring activity's commander or director
- ◆ Appointed on orders and receives formal COR training
- ◆ Responsible to and performs contract-related duties assigned by the KO
- ◆ Responsible to the requiring activity's commander or director for other duties.



CORs provide the interface among the requiring activity, the KO, the contractor, and the supported customers. They are identified when the contract effort is initiated or when the procurement package is received by the contracting office. The nomination must include the nominee's name and qualifications. The COR is involved in the acquisition process, such as assisting in the development of the technical requirements, quality assurance plan, and any other pre-award activities. COR nominees must be government employees and have training and experience commensurate with the responsibilities that the KO delegates.

SAFETY PROFESSIONALS

Every unit or activity has a designated Safety support office. When the requiring activity initiates a contracting process, the Safety Office supports the requiring activity and the KO in a number of pre- and post-award actions. Those actions include providing safety expertise, ensuring all safety requirements are addressed in the contract, and assuring the contractor complies with all requirements and standards.



WHAT IS A CONTRACT?

A contract is an agreement, enforceable by law, between two or more parties to do or not do something that is not prohibited by law, for a legal consideration. This mutually binding legal relationship obligates the contractor to furnish the supplies or services (including construction) and the buyer to pay for them. The contract is evidenced in a document that the Army uses to acquire the supplies and services needed to support mission objectives. This subsection describes several types of contracts, the different contracting environments that affect the responsibilities of both the government and the contractor, and how government and contractor workforces interact within the facility environments.

TYPES OF CONTRACTS

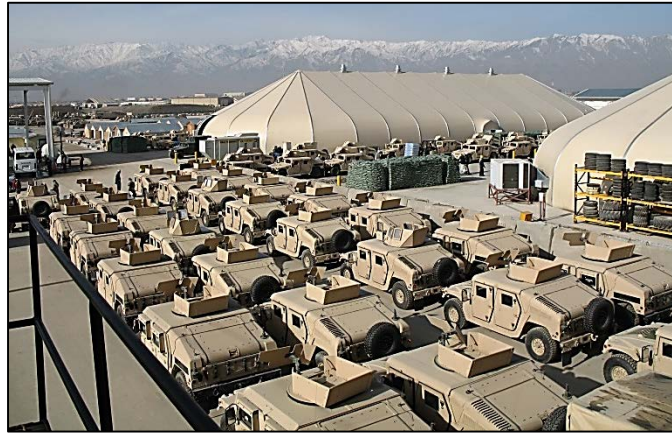
Army contracts generally fall into the following categories:

- ◆ Construction contracts: Provide new facilities, or modify and add to existing facilities. They also include construction, alteration or repair of real property, and associated improvements (e.g., buildings, airfields, and roads).
- ◆ Services contracts: Provide for a service, such as housekeeping, maintenance and repair, and data processing. Service contracts directly engage time and effort with the primary purpose to perform an identifiable task.
- ◆ Supplies contracts: Support procurement of items not available through General Service Administration (GSA) contracts. Supply contracts acquire an identifiable end item, which may be an individual component or an entire system (e.g., computer, lumber, and paint).
- ◆ Major Acquisition Programs: Provide effective, suitable, survivable, affordable, and timely systems to warfighters in the shortest practical time. An example is the development and fielding of weapons systems such as the MRAP,¹ or software systems. These contracts normally require high levels of acquisition authority and involvement.



¹ Mine Resistant Ambush Protected vehicle.

- ◆ Major Base Operating Support Contracts: Increasingly used worldwide to support contingency operations, these contracts give warfighters a wide range of support for an installation or operation. Normally managed by a single prime contractor, they often involve multiple subcontractors. Logistics Civil Augmentation Capability (LOGCAP) contracts are an example.



This handbook focuses on service and supply contracts.

CONTRACTING ENVIRONMENTS

The term “contracting environment” refers to the ownership and control of the location where contracted work will be performed and the type or composition of the workforce involved. These two elements are critical in defining the responsibilities of all parties for protecting personnel, Army property and equipment, and the general public. Safety considerations are important in all of these environments.

The Army does not normally refer to contracts for supplies or for the performance of services provided on a base or installation in terms of the environment in which the contract is performed, but the terms are relevant, as described in the following subsections.

Government Facilities

As defined by the Federal Acquisition Regulation (FAR), the term “Government Owned-Contractor Operated,” or GOCO, facility means a manufacturing plant or operation that is owned by the government and operated by a contracted commercial organization. An example is a contract-operated dining hall on an installation.



The term “Government Owned-Government Operated,” or GOGO, facility refers to a manufacturing plant or operation that is owned and operated by the government. An example is an Army munitions plant or depot.



Contractor Facilities

A “Contractor Owned-Contractor Operated,” or COCO, facility refers to a manufacturing plant or operation owned and operated by a contractual commercial organization. Examples include a defense contractor’s factory, depot, or assembly area where weapons systems are produced or repaired.



Multi-Employer Workplace

Any workplace where government employees also work and are thus exposed to contractor operations is a multi-employer worksite. Often, when the Army outsources operations or contracts for specific support or production, that work is performed in government-owned facilities, and will expose government employees or the general public to hazards. When this occurs, specific safety programs are included to ensure the safety of the government workforce.



Under federal and state worker SOH laws, every employer is charged with providing employees with a safe and healthful workplace. On multi-employer worksites, more than one employer may be considered responsible for a hazardous condition that violates an OSHA² standard.

Where contractor employees work side-by-side with federal employees, or are part of a production team performing the same functions normally performed by government employees, the workforce is defined as a blended workforce. In these situations, the contractor employees may look and act like federal employees, but they are not. This means that they do not receive equipment or services from the installation Safety Office. The contractor is responsible for the safety and health of its employees and must comply with all OSHA regulations and perform in accordance with an applicable accident prevention program that complies with state and federal requirements.

All contractors are subject to enforcement authority by federal, state, and local authorities. Also, work sites on DoD installations are open to OSHA officials. If one of its standards is violated, OSHA will look first to the employer responsible for creating the violation. However, when multiple employers are sharing a workspace, OSHA multi-employer citation policy may apply (i.e., more than one employer may be considered responsible for the hazardous condition). See Figure 2-4 for definitions of OSHA’s employer categories.

² Occupational Safety and Health Administration.

Figure 2-4. OSHA Employer Categories

- OSHA definitions (OSHA CPL 02-00-124)
 - Creating Employer: the employer that caused a hazardous condition that violates an OSHA standard
 - Exposing Employer: an employer whose own employees are exposed to the hazard
 - Correcting Employer: an employer who is engaged in a common undertaking, on the same worksite, as the exposing employer and is responsible for correcting a hazard.
 - Controlling Employer: an employer who has general supervisory authority over the worksite, including the power to correct safety and health violations itself, or require others to correct them. *Control can be established by contract..*

Note, the government is never the controlling employer. Additionally, an employer determined to control the worksite and the safety practices of other employers may also be held accountable for those hazards. With the continued increase of functions performed by contractors at DoD facilities, the potential implications are significant. DoD activities must have a clear understanding of who is responsible—by contract, agreement, or practice—for the safety and health of all contractor employees. This determination should only be made in consultation with the KO and appropriate legal counsel.

Prime contractors are responsible for ensuring all subcontractors comply with SOH requirements. It is imperative that prime contractors take appropriate action to manage subcontractor risks from the outset, and ensure that:

- ◆ The companies that will provide services pursuant to a contract are aware of all federal and state safety agency compliance obligations
- ◆ Have employees who are trained and supervisors who are competent
- ◆ Demonstrate a commitment to safety and health through safety and health management programs.

Failure to forge a safety partnership prior to initiation of work; and clearly delineate roles, legal responsibilities, and status could mean disaster for the prime contractor, complicate worker's compensation, insurance claims, and even result in criminal prosecution.

CONTRACTING PROCESSES AND SAFETY FUNCTIONS

Figure 2-5 depicts the basic contracting process and identifies the entities responsible for various actions. Safety is a key consideration in the development of the

acquisition package, including the performance work statement (PWS) or statement of work (SOW); development of the request for proposal; performance oversight; and closeout. As this figure shows, the contract process is detailed and involves the safety professional in every phase of the process (shown in yellow). Moreover, safety standards must be developed and monitored throughout contract execution. (Figure 2-6 shows the process and the safety interface tasks in more detail.)

Figure 2-5. Basic Contracting Process

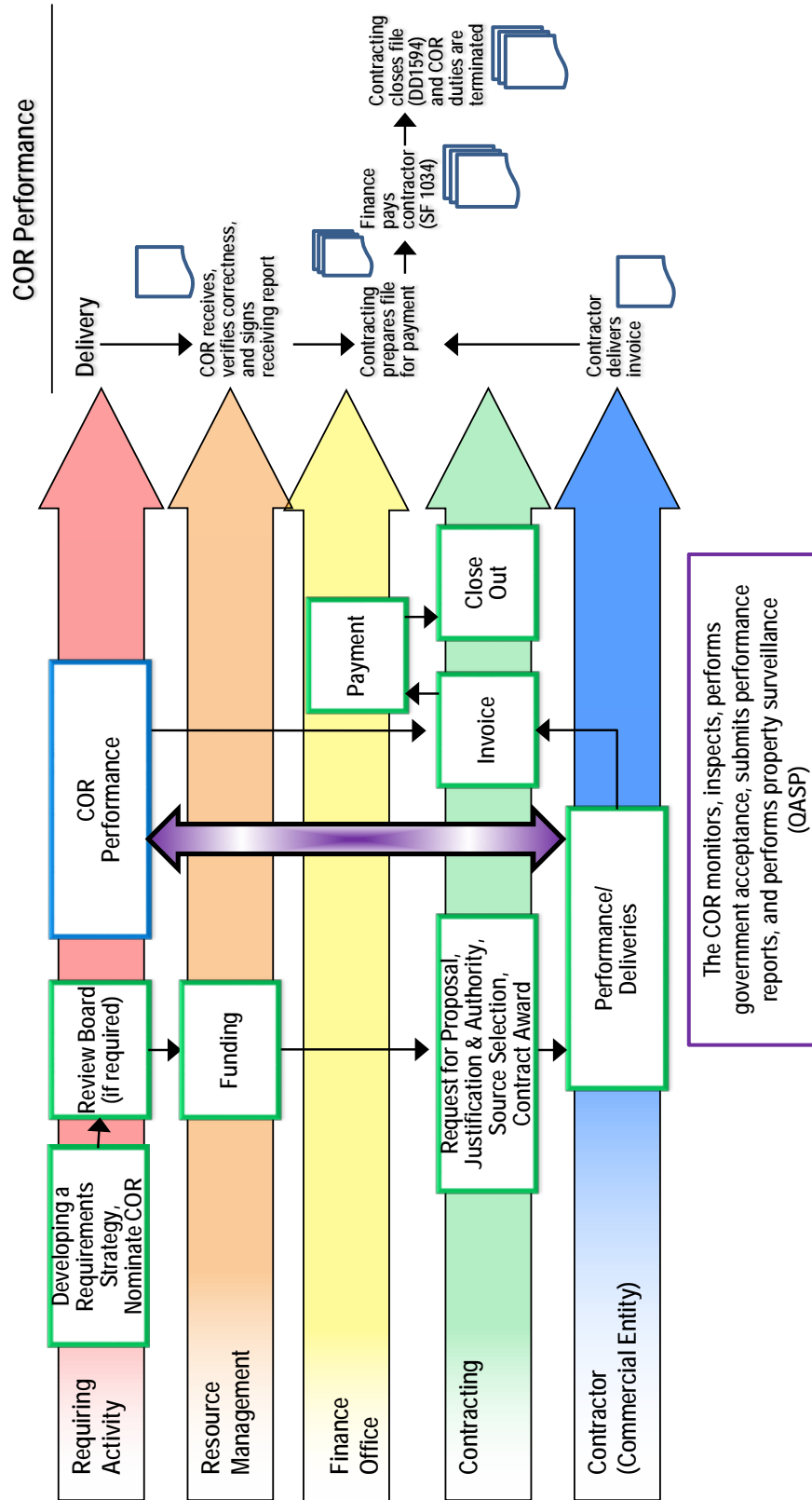
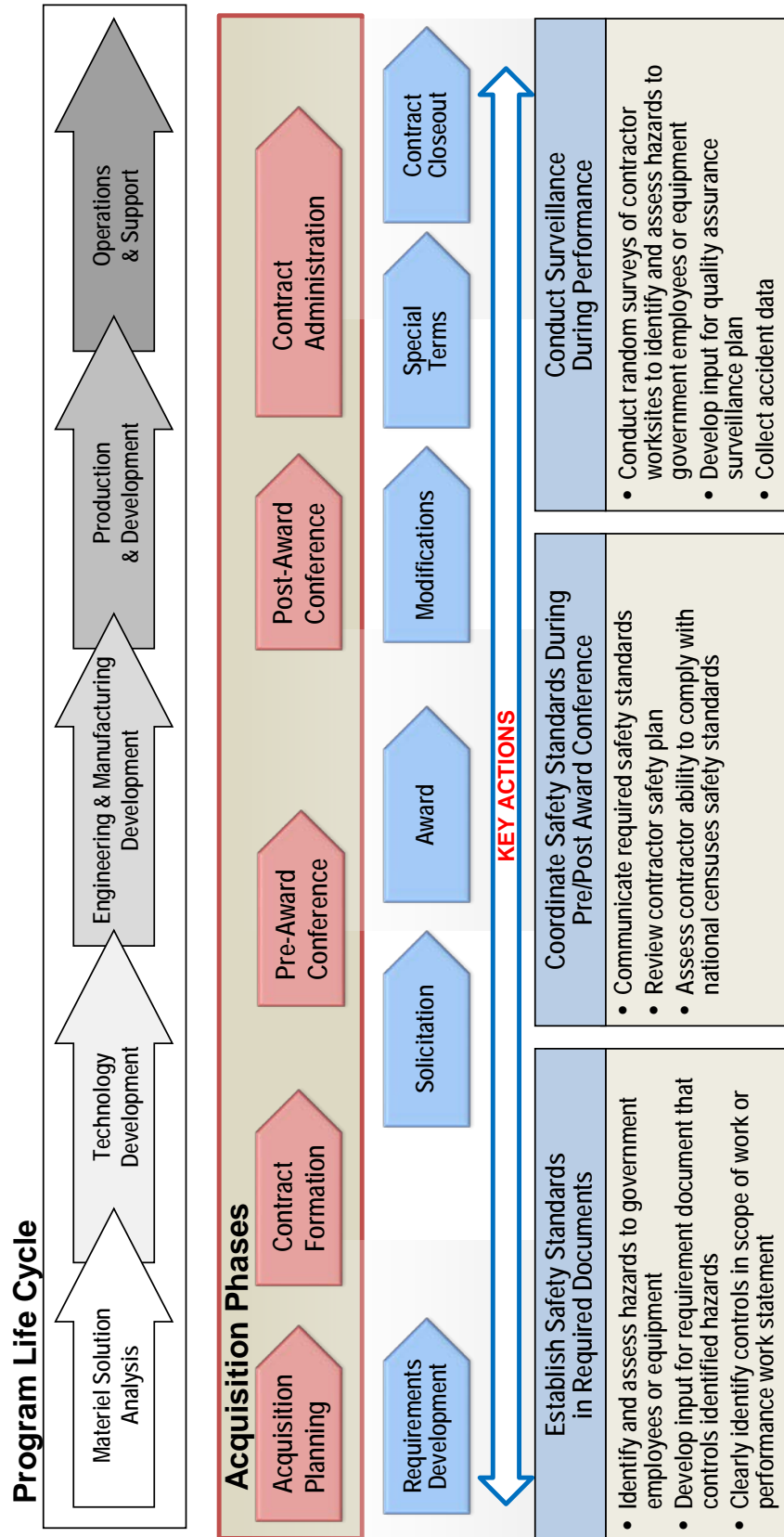


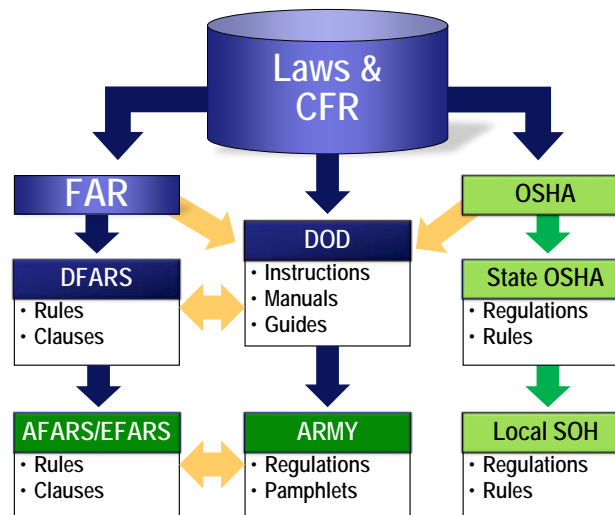
Figure 2-6. Contracting Process Map



WHAT ARE THE GUIDING PUBLICATIONS?

Numerous publications govern the Army's acquisition environment, and these interface with various safety-related publications. The hierarchy begins with public law and regulations, and flows through different levels for additional clarification and guidance. Figure 2-7 shows how contracting and safety law are supplemented by increasingly detailed policy and guidance.

Figure 2-7. Hierarchy of Policy and Guidance



Note: DFARS = Defense FAR Supplement; AFARS = Army FAR Supplement; EFARS = Engineer FAR Supplement.

Contractors must comply with applicable federal, state, and local codes and standards, including SOH requirements. In most cases, the enforcement of contractor compliance with OSHA standards is the responsibility of either federal or state authorities, except:

1. When DoD has statutory authority for oversight, such as in the manufacture of ammunition or nuclear propulsion, under Section 4(b) 1 of 29 U.S.C.
2. When the United States, by admiralty law or other law, is responsible for contractor employee injury compensation.
3. When DoD oversight is determined to be in the best interest of the DoD.

Table 2-2 outlines the predominant contracting regulations and doctrinal guidance for Army contracting personnel, and the key documents guiding safety personnel:

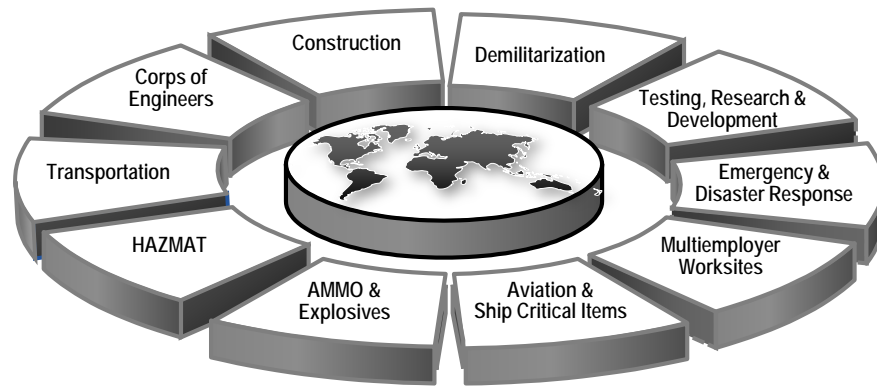
Table 2-2. Key Contracting Publications

Publication	Purpose
Federal Acquisition Regulation	Serves as the primary document in the Federal Acquisition Regulations System; it contains uniform policies and procedures for acquisition by all federal agencies
Defense Federal Acquisition Regulation Supplement and Procedures, Guidance, and Information (PGI)	Implements and supplements the FAR within DoD
Army Federal Acquisition Regulation Supplement	Implements and supplements the FAR and the DFARS in order to establish uniform policies for Army acquisition
Engineer Federal Acquisition Regulation Supplement	Implements and supplements the FAR, DFARS, and AFARS
DoD Directive 5000.01, "The Defense Acquisition System"	Prescribes the management principles and policies for all DoD acquisition programs
DoD Instruction 5000.02, "Operation of the Defense Acquisition System"	Establishes the framework for translating capability needs and technology opportunities into stable, affordable, and well-managed acquisition programs, from systems acquisition lifecycle to acquisition of services
Army Regulation (AR) 385-10, "Army Safety"	Serves as the overarching Army regulation that addresses Army safety policy
Department of the Army (DA) Pamphlet 385-10	Provides implementing guidance for AR 385-10; Chapter 4 of DA PAM 385-10 addresses Contractor Safety

ARMY OPERATIONS WITH SPECIAL CONSIDERATIONS

Several Army operations that involve contractor support require special consideration in terms of contract safety because they inherently carry a higher level of risk (see Figure 2-8).

Figure 2-8. Operations Requiring Special Consideration



When assisting with a contract in any of these operational environments, SOH professionals must conduct detailed risk assessments and mitigate residual risk to the fullest extent possible.

Section 3

Requirements, Roles, and Responsibilities

Successfully addressing Army contract safety requires finding a balance between assuming an inappropriate responsibility for the safety of the contractor's employees and ensuring that contractors implement effective safety programs for their employees. Contractor operations must not place military and civilian personnel and their dependents at risk, while the Army needs to ensure its contract safety role does not relieve contractors of their responsibilities to conduct operations in a safe manner. This section describes how the Army strives to achieve such a balance.

KEY EVENTS IN ARMY CONTRACTING SAFETY

Incorporating contracting and safety within the Army is not a new issue, as the following significant events demonstrate:

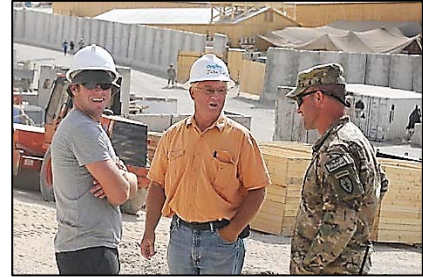
- ◆ 1914: World War I, Working Conditions Service established
- ◆ 1921: Secretary of War and the Secretary of the Navy jointly created the Army and Navy Munitions Board
- ◆ 1941: World War II, Army Service Forces established
- ◆ 1965: Service Contract Act prescribed the first provisions for workplace safety of contracted services
- ◆ 1967: 29 Code of Federal Regulations (CFR) 50-204 established safety and health standards for Federal Supply Contracts
- ◆ 1969: 41 CFR 50-204 prescribed additional safety and health standards for Federal Supply Contracts
- ◆ 2002: Army Contracting Agency (ACA) established, assigned full contracting authority for the Army
- ◆ 2006: United Facilities Guide Specification (UFGS) created SOH construction specifications
- ◆ 2008: Army Contracting Command (ACC) established, replaced the ACA as the Army's contracting authority.

As the above events demonstrate, legislation and subsequent regulations have contributed to the ongoing development of Army policy and guidance of today.

LEGAL REQUIREMENTS FOR ARMY CONTRACT SAFETY

Synopsis of Requirements

Contract safety stresses the protection of government employees, facilities, and property—as well as the general public—during missions that involve contractor operations. The Army is not responsible for the safety of contract personnel or the equipment those personnel use in fulfilling contract provisions. The legal requirements for contract safety are captured in general terms below:



- ◆ Army personnel must avoid actions that put them, or appear to put them, in direct control of a worksite owned or controlled solely by a contractor or contract personnel.
- ◆ Army contracts must exclude all language that establishes a requirement for the government to provide SOH services.
- ◆ Federal laws require contractors to provide a safe workplace for their employees and to not expose government employees or equipment to known hazards.
- ◆ Army contracts must include specifications that require contractors to comply with all contract safety laws and military regulations.
- ◆ Army must ensure that it does not assume, explicitly or implicitly, responsibility for oversight of contractor safety; contractors are responsible for the safety of their employees and operations.

Selected Legal Citations

Several federal statutes establish and define statutory requirements for contracted services and supplies for the government. Thus, they govern Army contracting for products and services. The key statutes include the following:

- ◆ *Walsh-Healey Public Contracts Act, Title 41 50-201.3*: Specifies that no part of a government contract will be performed, nor will any of the materials, supplies, articles, or equipment be manufactured, furnished, or fabricated in any plants, factories, buildings, or surroundings under working conditions that are unsanitary, hazardous, or dangerous to the health and safety of employees engaged in the performance of the contract.
- ◆ *Service Contract Act of 1965*: Includes a provision directing that no part of the services covered by the act will be performed in buildings, surroundings,

or under working conditions provided by or under the control or supervision of the contractor (including subcontractors), which are unsanitary or hazardous or dangerous to the health or safety of employees engaged in providing the services.

- ◆ *29 Code of Federal Regulations Part 1925, § 1925.2 Safety and Health Standards*: Requires every contractor and subcontractor to comply with the safety and health standards detailed in 41 CFR Part 50–204, amended by 36 FR 9866, May 29, 1971, and re-designated at 36 FR 25232, December 30, 1971.
- ◆ *29 CFR Part 1925, § 1925.3 Records*: Directs every contractor (including subcontractors) to comply with the record-keeping requirements of 29 CFR Part 1904.
- ◆ *Public Law 91-596 and 29 CFR 1960*: The first is known as the “OSHA Act;” both establish and define the statutory requirements for occupational health and safety.

The Federal Acquisition Regulation System, CFR Title 48

The foremost statutory guiding documents derive from the FAR System. The primary document is the FAR, which is supplemented at varying levels to support organizational needs. The FAR is most easily accessed through the online Electronic Code of Federal Regulations. An extract is shown in Table 3-1. Looking at the “Volume” column, note that Volumes 1 and 2 are the FAR proper, and Volume 3 is specific to the DoD, commonly referred to as the DFARS.

The FAR is organized by volume, chapter, and parts. The chapters correspond to agencies and departments. The Army supplements the FAR and DFAR accordingly, with the Army FARs, which is found within Title 48 at Volume 7, Chapter 51, Department of the Army Acquisition Regulations. The Army provides further detailed acquisition guidance with the EFARS.

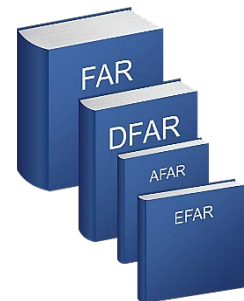


Table 3-1. Federal Acquisition Regulation System

Title	Volume	Chapter	Parts	Regulatory entity
Title 48 Federal Acquisition Regulations System	1	1	1-51	Federal Acquisition Regulation
	2		52-99	
	3	2	200-299	Defense Acquisition Regulations System, Department of Defense
	7	51	5100-5199	Department of the Army Acquisition Regulations

All of the above drive the processes of the Army Contracting Command and other acquisition offices throughout the Army.

Safety Guidance

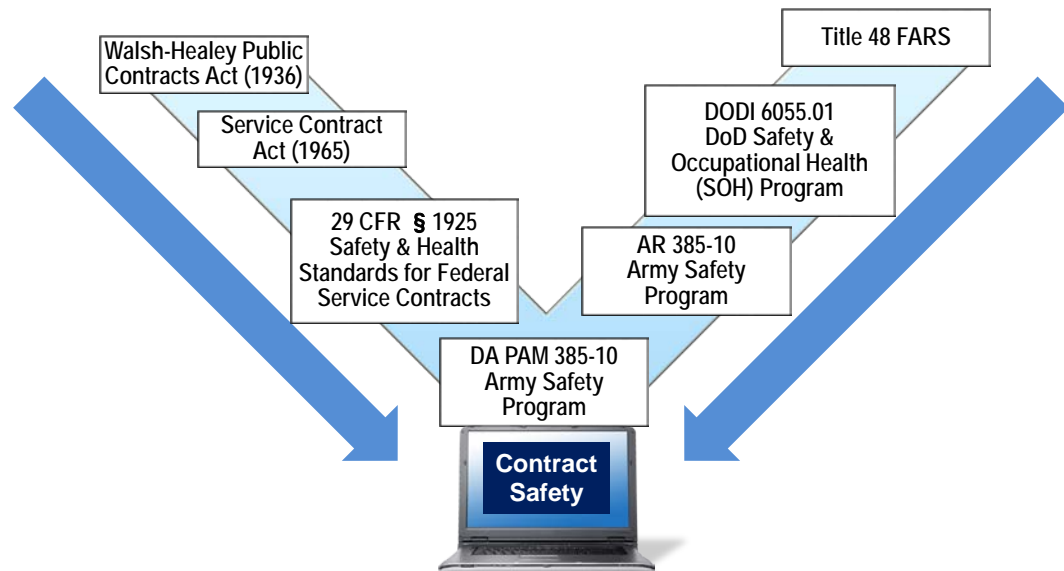
Three primary publications address Army safety and the integration of safety into contracts. Beginning at the DoD level, DoD Instruction, or DoDI, 6055.01, “DoD Safety and Occupational Health Program,” establishes the basic framework for SOH. (Enclosure 5 of the document specifically addresses SOH risks from DoD contractor operations.) DoDI 6055.07, “DoD Requirements for Contractor Accidents Involving DoD Property and Personnel,” establishes accident investigation, reporting, and record-keeping requirements for contractors.

Army policy is provided by Army Regulation (AR) 385-10, “Army Safety Program.” Chapter 4 of this AR references DoDI 6055.1, and implements the requirements to comply with OSHA accident prevention and reporting programs. It dictates that “clauses outlining contractor safety requirements and responsibilities will be included in solicitations and contracts as prescribed by the FAR, DFARS, AFARS, and EFARS. In addition to those required clauses, activities will develop PWS and contract instructions and conditions that outline contractor safety requirements and responsibilities based on a risk assessment of the work to be performed and/or command-unique requirements. If needed, additional and necessary clauses to mitigate risk will be developed.”

Finally, DA Pamphlet (DA PAM) 385-10, “Army Safety Program,” provides implementing guidance for all of the above policies in greater detail. It serves as a “how-to” guide, prescribes Army procedures on SOH issues, and requires that all Army contractors will have an SOH program.

Figure 3-1 captures these major sources of guidance affecting contract safety throughout the acquisition and safety communities.

Figure 3-1. Guidance Hierarchy



THE EMERGENCE OF THE ACC

In 2007, the Secretary of the Army formed an independent commission—Army Acquisition and Program Management in Expeditionary Operations, also known as the Gansler Commission—to review recent acquisition lessons-learned and recommend ways to improve future military operations. Responding to those recommendations, the Army established the ACC as a major subordinate command of the U.S. Army Materiel Command on October 1, 2008. The ACC, which performs most of the Army’s contracting work, consists of two subordinate commands: Mission and Installation Contracting Command, or MICC, and Expeditionary Contracting Command, or ECC, which were discussed in the previous section.

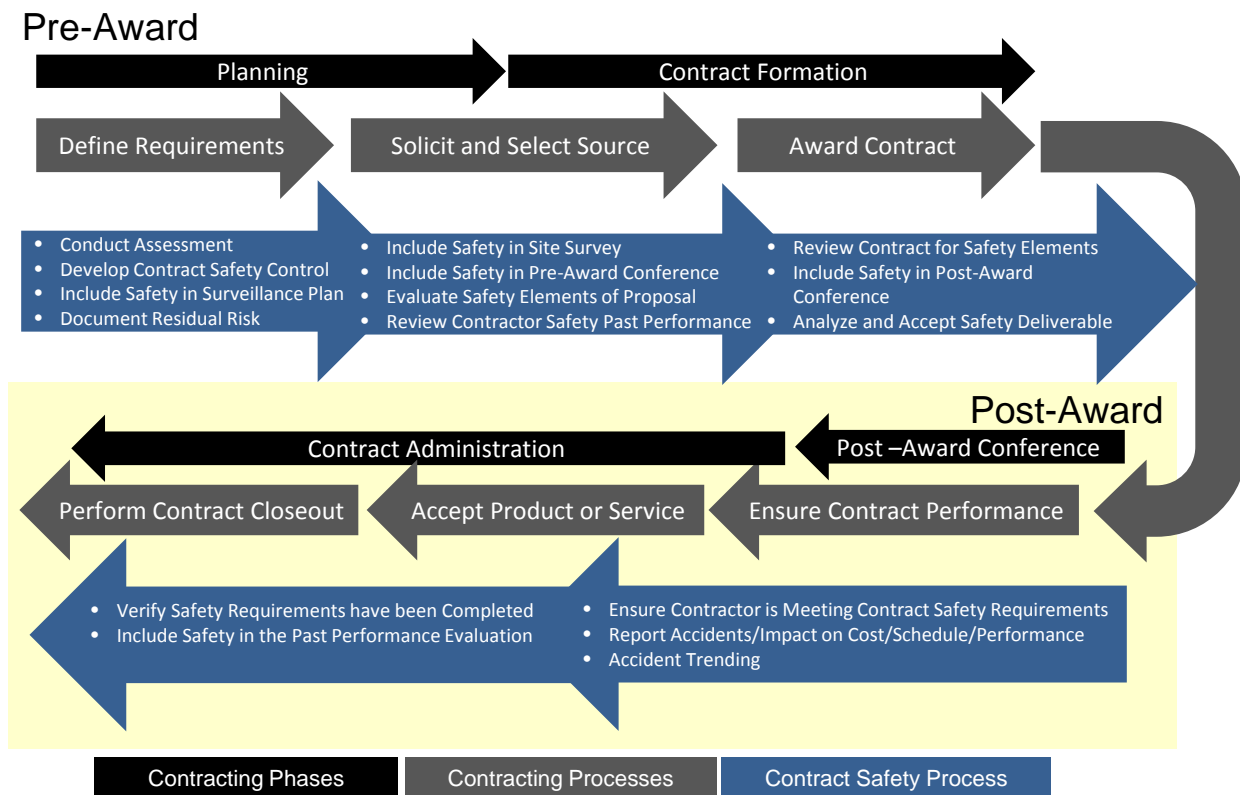
WHAT IS THE ARMY’S SAFETY AND CONTRACTING PROCESS?

Figure 3-2 shows a schematic of the Army’s contracting process. The process requires extensive coordination among all members of the acquisition team. That team includes the commander or director of the requiring activity; the requiring activity’s assigned or supporting safety professional and the resource manager; the associated General Counsel, legal, or Staff Judge Advocate office; the KO, and the COR.

The team’s foremost responsibility is to consider safety throughout the contracting process. As Figure 3-3 illustrates, the major acquisition phases (in grey) are

accompanied by specific safety-related processes (in blue). The major contract life cycle is usually considered in two phases: pre-award and post-award.

Figure 3-2. Army Contracting Process Map



The pre-award phase consists primarily of acquisition planning and contract formation efforts, while the post-award phase entails a post-award conference, contract administration, and a post-contract evaluation of the contractor's SOH performance.

Who Is responsible For Army Contract Safety?

Roles and Responsibilities

Army contract safety is the joint responsibility of several commands, organizations, installation, offices, and individuals, including those highlighted below:

- ◆ *Army Contracting Command (ACC)*: The ACC, a major subordinate command of AMC, provides procurement solutions that enable the Army's global warfighting operations. It services approximately 70 percent of all Army contracts. Headquartered at Redstone Arsenal, ACC is a two-star command with two subordinate one-star commands:

- Expeditionary Contracting Command: Helps Army commands, installations, and activities located OCONUS with contract preparation, award, and oversight.
- Mission and Installation Contracting Command: Helps Army CONUS commands, installations, and activities (including base operations, schools, and training centers) with contract preparation, award, and oversight.
- ◆ *Director of Army Safety and the Army Safety Office*: The Army Safety Office develops safety policy and serves as the proponent for Army contract safety functions.
- ◆ *Defense Contract Management Agency (DCMA)*: The DCMA provides contract administration services to the Army. (Approximately 30 percent of Army contracts are delegated to DCMA or other agencies.) Some SOH professionals are assigned to DCMA to support oversight of contractor operations, such as at ammunition plants.
- ◆ *Commanders*: The commanders of requiring activities are responsible for the safety and security of their personnel and Army property. They may be customers of the ACC or KO; and they may be responsible for defining contract-specific requirements. Their additional contract safety responsibilities could include the following:



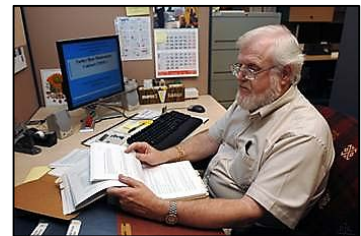
- Monitoring the technical or performance aspects of contracts and performing other duties as specified in appointment letter or orders
- Investigating and reporting to unit or local safety offices all injuries or illnesses to non-Army personnel resulting from Army operations, or occupational injuries and illnesses reported by a contractor (and subcontractors), when accident reporting to the Army is contractually required
- Investigating injury or occupational illness to on-duty contractors supervised by Army personnel on a day-to-day basis
- Investigating and reporting to the unit or local safety office all unplanned events that result in damage to Army property, including any government furnished material, property, or equipment provided to contractors
- Investigating and reporting to the unit or local safety office all unplanned events that result in damage to public or private property caused by Army operations.

- ◆ *Requiring activities:* The requiring activities determine the need for products or services. Their responsibilities include the following:



- Funding the requirements
- Developing the PWS requirements document, which should include all safety performance and quality standards for all contracted products and services
- Staffing the PWS with supporting safety officers to review safety requirements, and required safety elements based on complexity and risk
- Working with the KO and COR to identify safety roles in surveillance plans, and procedures for reporting mishaps through the COR to the KO
- Participating in pre-award activities, such as developing plans for performing safety assessments, identifying hazards, reviewing the PWS, and developing the surveillance plan
- Nominating knowledgeable CORs to KOs.

- ◆ *KOs:* The KOs are authorized to enter into, administer, modify, and terminate contracts. They are responsible for ensuring all contract actions comply with laws, executive orders, regulations, and other procedures and approvals. In carrying out their responsibilities, they consult with SOH SMEs to ensure all required clauses for safety are included in solicitations and contracts.



Note: there may be two types of KOs. One type is the procuring contracting officer (PCO), who is responsible for originating the contract and may oversee all aspects of it through its life-cycle. The second type is the administrative contracting officer (ACO), who performs duties as delegated by the PCO.

- ◆ *CORs:* The CORs, nominated by the commander or director of the requiring activity but appointed by KOs, support Army safety contracts by performing the following tasks:



- Monitor the technical or performance aspects of contracts and perform other duties specified in appointment letters or orders
- Participate in requirements development and other pre-award activities

- Ensure safety officers are involved early in the development of requirements
- Meet with KOs, safety officers, and contractor representatives to review safety plans, including safety elements in the Quality Assurance Surveillance Plan (QASP)
- Informally inspect contractor worksites, and notify KOs of unsafe or unhealthful conditions
- Help KOs ensure corrective actions are performed to rectify identified hazards
- Accompany safety officers on formal inspections
- Providing KOs and safety officers with copies of all technical data for installed systems
- Reporting all accidents to KOs.

◆ *General Counsels:* The General Counsels often serve on review teams and provide legal advice and guidance throughout the contracting process. They review all acquisition documents for legal sufficiency; resolve contractor safety issues; and, in cooperation with acquisition teams, develop contractual tools so contractor safety oversight is accomplished with minimal legal oversight.



◆ *SOH professionals:* The SOH professionals assist CORs in monitoring contract safety and occupational health compliance. However, they do not oversee contractor safety activities and performance. Other responsibilities include:

- Assisting requiring activities in conducting risk assessments
- Identifying and analyzing activity or command unique requirements to be considered in the contract
- Determining whether administrative controls, such as those specified in the FAR, DFARS, or AFARS will mitigate identified hazards, and identify clauses for inclusion in the PWS
- Helping develop the PWS, contract instructions, and conditions that outline the contractor's safety requirements and responsibilities



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- Ensuring contracts state that contractors are responsible for the safety of their employees and require contractors to investigate all mishaps that occur on the jobsite or involve contractor personnel
 - Helping identify requirements for the contractor to provide notification when radioactive materials, explosives, and other hazardous materials are transported
 - Supporting the requiring activity's review of aviation and ship critical safety items
 - Helping identify safety requirements that should be included in the Contract Data Requirements List (CDRL)
 - Recommending safety training for CORs specific to contracts they will be supporting
 - Helping review reutilization actions for contract material and property, and developing plans and recommending PWS requirements for disposal, abandonment, or destruction of materials dangerous to public health and safety
 - Providing advice and guidance on safety considerations in solicitations
 - Reviewing safety precautions for hazardous materials or operations
 - Helping requiring activities determine whether provisions of the Accident Prevention Clause (FAR 52.236-13) apply
 - Determining requirements for safety involvement in site surveys
 - Validating and recommending safety requirements in pre-award packages
 - Participating in pre-award conferences
 - Providing contractors with initial safety orientations, as required
 - Analyzing and evaluating safety elements of proposals
 - Ensuring contracts include requirements for site-specific safety plans
 - Reviewing, if requested by the KO, the safety past performance of prospective contractors
 - Supporting reviews of contractor safety and health responsibilities, and establishing effective measurement systems
 - Proposing plans for administering the overall contract safety program

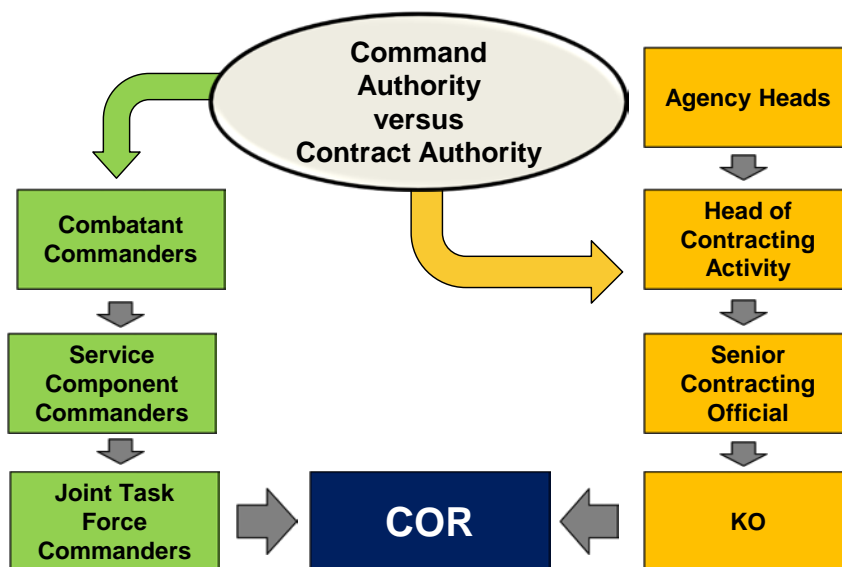
- Ensuring contractors understand all mishap reporting requirements
 - Advising KOs, CORS, and contractors on controls for mitigating risk
 - Ensuring contractor safety plans include all safety elements and satisfy all requirements
 - Ensuring contractors complete required safety training
 - Issuing safety permits to contractors in accordance with local standards and processes
 - Monitoring, as requested or designated by the KO, QASP safety elements
 - Notifying KOs or CORs of all contractor noncompliance, or contract performance conditions, that pose a serious or imminent danger to the health or safety of the public or government personnel
 - Notifying commanders of the requiring activities, installation safety offices, installation directors of contracting, Corps of Engineers, and others of OSHA visits or inspections.
- ◆ *Contractors:* Contractors are directly responsible to federal or state OSHA organizations for the safety and health of their employees. In addition, contractors must:
- Comply with all applicable federal, state, and local SOH codes and standards, and all specific requirements invoked by contract
 - Protect public and government property within the contract work area or as otherwise specified in the contract
 - Investigate all mishaps (including near miss events) and submit reports to CORs
 - Ensure all subcontractors comply with all SOH requirements, and are knowledgeable of SOH hazards, precautions, and procedures.



COMMAND AUTHORITY VERSUS CONTRACT AUTHORITY

It is important to reemphasize that commanders of requiring activities do not have authority over the contracting organizations. Figure 3-3 illustrates the difference between command authority and contract authority.

Figure 3-3. Command Versus Contract Authority



In most cases, the commander owns the requirement and has command authority over the COR. The KO is responsible for the contract, but does not report to the commander of the requiring activity. The KO oversees the duties of the COR on issues dealing with the contract, but is outside the requiring activity's chain of command.

The next section describes the steps involved in the pre-award phase of the contracting process and the roles of the safety professional.

Section 4

Pre-Award Phase

The pre-award phase of the contracting process ensures that safety is adequately and appropriately considered throughout contract development and award processes. This phase offers the best opportunity to influence how safety is incorporated into the life of the contract.

Ideally, the requiring activity will contact safety professionals to assist in many of the steps. In some cases, the KO will be the first to contact the professionals for specific help. However, their early involvement is paramount to ensuring all safety elements are identified and addressed in the contract. Failure to engage them early can result in omissions or serious delays in processing the acquisition. Safety professionals, upon learning of potential contracting actions, should pro-actively initiate contact with the requiring activity and offer support.

WHAT PROCESSES ARE INCLUDED IN THE PRE-AWARD PHASE?

The three major processes in the pre-award phase as shown in grey in Table 4-1, while the safety-related sub-processes are shown in blue below each major process.

Table 4-1. Pre-Award Processes

Pre-Award Processes		
Planning		Contract formation
Define requirements	Solicit and select source	Award contract
1. Conduct risk assessment	1. Include safety professionals in site survey	1. Review contract for safety elements
2. Develop contract safety controls	2. Include safety professionals in pre-award conference	2. Include safety professionals in post-award conference
3. Include safety in surveillance plan	3. Evaluate safety elements of proposals	3. Analyze and accept safety deliverables
4. Document residual risk	4. Review contractor safety past performance	

DEFINE REQUIREMENTS

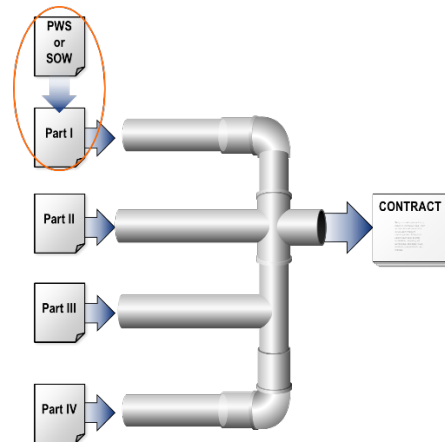
The key to successful integration of safety into contracts is early critical assessment and planning. The pre-award phase focuses on preparing a detailed set of verifiable performance and quality standards, for everything the contractor is required to perform or produce. Part 7 of the FAR requires that SOH be considered in written acquisition plans, and describes what must be in the plans. Because the only way to influence contractor compliance is to ensure that the PWS or SOW,¹ and all supporting documents, contain the government's requirements, those standards defining the performance parameters and quality of product or service must be specific and concise. Figure 4-1 illustrates the major purposes of the PWS, the most critical part of the contract.

Figure 4-1. PWS Purpose

PWS (or SOW)

- Includes a detailed description of all tasks, services, products, or activities the contractor is to provide
- Defines performance parameters and quality of product in specific, concise terms
- Includes measurable, verifiable performance or quality standards for assessing contractor performance
- Uses standard contract clauses to identify requirements and standards

The PWS is key to including safety requirements in contracts



The comprehensive set of requirements and standards form the basis for an effective PWS, and are key to developing contracts that meet or exceed the requiring activity's contract needs. The PWS must include safety clauses that improve contract safety as a process and protect the government from:

- ◆ Workforce exposure to hazards
- ◆ Loss of government equipment
- ◆ Exposure to litigation
- ◆ OSHA intervention.

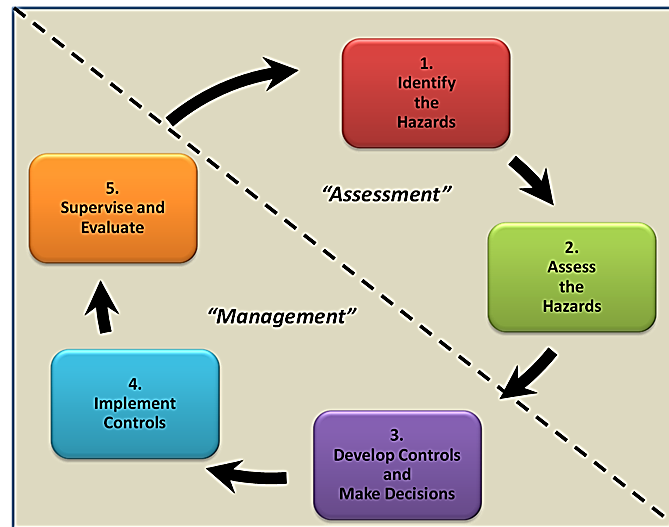
The following subsections describes the sub-processes in more detail.

¹ A PWS or a statement of objectives (SOO) is generally used with a performance-based contract. An SOW is generally used for requirements-based contracts. These terms (PWS and SOW) are generally interchangeable.

Conduct a Risk Assessment

Perhaps the most critical first task is identifying and managing all potential risks associated with the performance of any contract work. The requiring activity must perform the risk assessment. Figure 4-2 shows the Army's mishap risk management process.

Figure 4-2. Army Mishap Risk Management Process



Safety professionals assist the requiring activity by reviewing the assessment, although their safety expertise may be requested at any stage of the process. The assessment has the following steps:

- ◆ Perform risk analysis
- ◆ Develop safety controls
- ◆ Include safety in the surveillance plan
- ◆ Document residual risk



The goal is to identify all potential risks the contractor may encounter, and those to which contract operations would expose government personnel and property, and the general public. The process involves identifying, evaluating, and mitigating mishap risk at an acceptable level—as defined by the requiring activity—in accordance with federal laws, executive orders, treaties, and agreements, and with Army regulations and guidance.

After the potential contract risks are identified and classified, the next step is to determine how to manage them. The FAR provides the following insight:

“...to achieve efficient operations, the focus must shift from ‘risk avoidance’ to one of ‘risk management.’ The cost to the taxpayer of attempting to eliminate all risk is prohibitive.”²

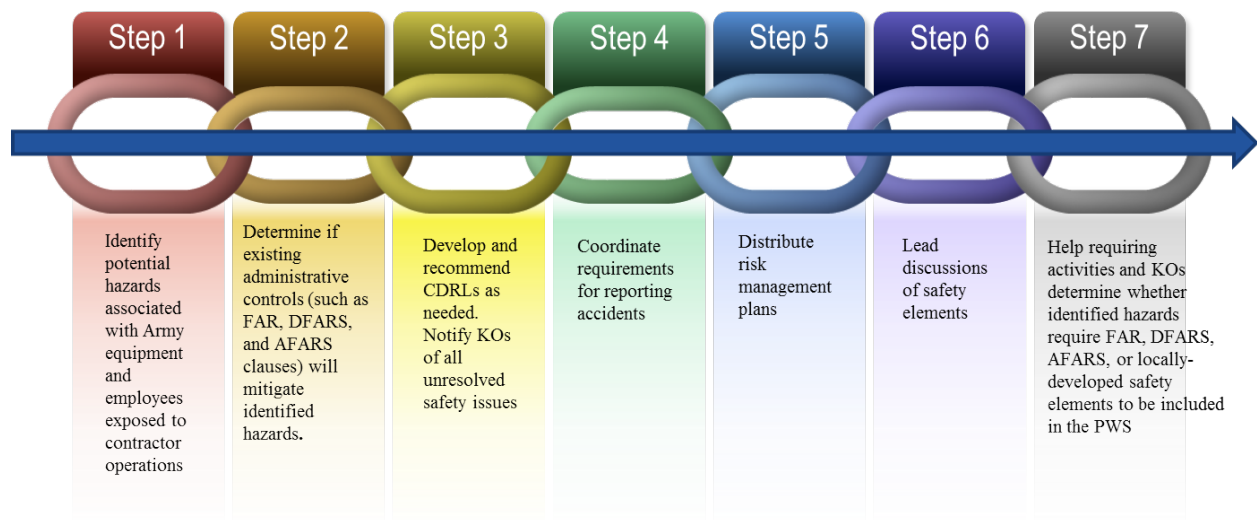
The risk analysis determines the potential risks, and the consequences of each. It is the responsibility of requiring activity and supporting safety professionals to develop controls for mitigating the risks. The safety professional assists by:

- ◆ Documenting the results of the risk analysis following the principles of the Army’s Mishap Risk Management Process (DA Pam 385-30, “Mishap Risk Management”)
- ◆ Providing consistent and systematic status information on the risks, consequences, and potential mitigation actions to the responsible offices or organizations.

Develop Contract Safety Controls

After identifying the potential contract-associated risks, their levels, and mitigating strategies, the requiring activity, with SOH assistance, takes the seven steps highlighted in Figure 4-3 to mitigate the risks.

Figure 4-3. Developing Contract Safety Controls



Contract safety controls are measures that are incorporated into the contract that hold the contractor responsible for specific requirements and standards. The most common form of control is the incorporation of clauses and language into the contract document. If a requirement is not in the contract, the contractor cannot be held accountable, which is why the PWS is crucial.

² FAR, Section 1.102-2, para (c)(2).

The requiring activity and safety professionals then determine whether the existing administrative controls, such as those found in the FAR, DFARS, AFARS, and EFARS, are sufficient to mitigate the identified hazards. If not, the KO may need to craft specific wording to adequately address unique safety elements. The PWS should specify all deliverables the contractor must provide in conjunction with contract clauses and its safety program. The CDRL specifies all such products. One example of such a product is the contractor's safety plan.

For some types of contracts, it may be difficult to anticipate and capture all potential requirements that should be in the CDRLs. One solution is to use available design checklists, such as the checklist for electrical safe design of facilities. Those checklists, which are readily available, may also be incorporated directly into the contract requirements. They contain specific requirements and standards that must be met; many are legal requirements used within specific industries, such as construction standards.

Include Safety in the Quality Assurance Surveillance Plan

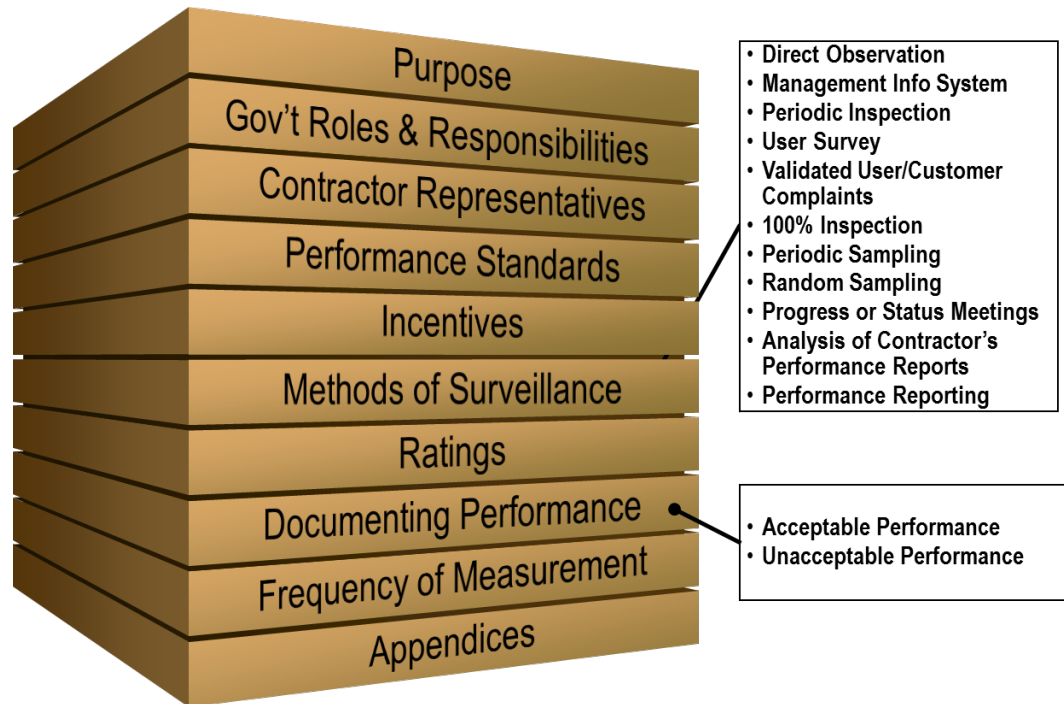
The QASP is prepared by the requiring activity. It ensures that the Army uses systematic quality-assurance methods to administer contracts. It details how and when the Army surveys, observes, tests, samples, evaluates, and documents contractor performance. The QASP, and the contractor's quality-control plan, jointly detail how the contractor will satisfy all project performance standards. The QASP further establishes that the requiring activity's safety professionals are responsible for:

- ◆ Identifying safety elements in the requirements document
- ◆ Working with CORs to ensure safety compliance
- ◆ Assisting in monitoring contractor safety practices.

Figure 4-4 shows a QASP template model developed by the ACC.³ Note the methods of surveillance, and examples of areas where performance standards may be needed in the PWS.

³ The QASP template may be found at:
www.acq.osd.mil/dpap/ccap/cc/.../ACC%20QASP%20Template.docx.

Figure 4-4. Suggested QASP Contents



In addition to the ACC template, Secretary of the Army Memorandum, dated 09 February 2007, "Contract Administration and Surveillance for Service Contracts," provides detailed guidance on QASP preparation.

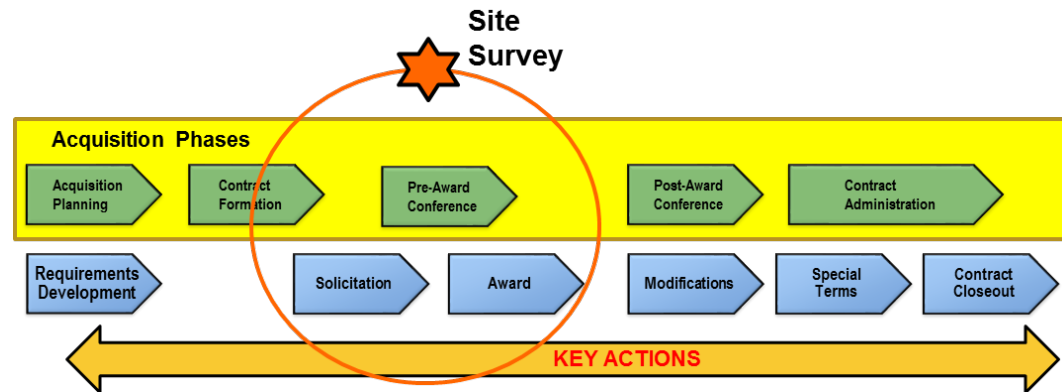
Document Residual Risk

Only the requiring activity can determine acceptable risk. Remaining, or residual, risk must be formally documented and accepted. It must be adequately addressed throughout the remaining contracting effort. The Deliberate Risk Assessment Worksheet is highly recommended for documenting residual risk.

SOLICIT AND SELECT SOURCES

During this phase, the actual solicitation is conducted and the contractor is selected. Safety and level of risk are considered throughout this phase and the risk acceptance documents are completed. Figure 4-5 represents this portion of the acquisition process, and highlights two key events—the optional site survey and the pre-award conference. Based on the evolving risk acceptance documents, the KO or a contract specialist determines the required level of safety professional involvement.

Figure 4-5. Solicitation and Source Selection



Safety professionals assist the KO by:

- ◆ Identifying requirements for the notification of the transportation of radioactive materials, explosives, and other hazardous materials
- ◆ Supporting the requiring activity's review of aviation and marine critical safety items
- ◆ Ensuring the solicitation and PWS adequately address the safety requirements and standards potential contractors must meet
- ◆ Providing SME input to the solicitation events and responding to questions
- ◆ Evaluating bidder responses for safety-related areas
- ◆ Assessing the safety past performance of bidders and the probability of them successfully meeting safety requirements.

Participate in the Site Survey and Pre-Award Conference

Based on the potential risks to be addressed by contractors, the KO may hold a site survey. This visit to the contract site affords bidders first-hand visibility of such factors as working conditions, physical infrastructure, hazards, and risk elements. Contractors then incorporate this information into their safety strategies and bid responses for evaluation. The KO, or an assisting contract specialist, may request SOH professional assistance during the visit.

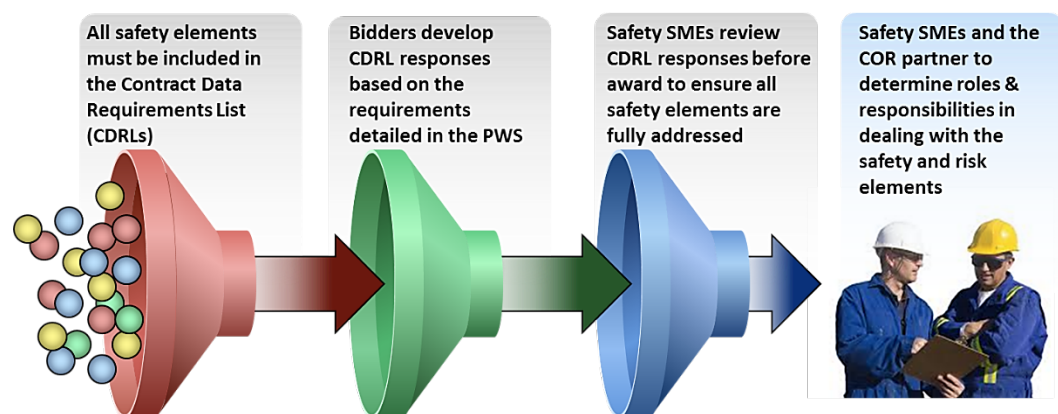
Prior to the pre-award conference, the KO and the requiring activity determine if the effort is high risk. During the pre-award conference, the KO, or the contract specialist, reviews the safety elements in the deliberate risk assessment worksheet and PWS with prospective bidders. Safety professionals may be called upon for a presentation or to answer questions.

Evaluate and Analyze Safety Elements in Proposals

The PWS lists all required deliverables under the contract in the CDRL, and all safety elements must be included in CDRLs. These requirements ensure that both the Army and the contractor are aware of the safety elements, and give the Army the contractual ability to oversee the elements.

Contractors develop CDRL products based on the requirements detailed in the PWS. The Army's SOH professionals further review the CDRLs before award to ensure all safety elements are fully addressed. Figure 4-6 illustrates the steps in developing and evaluating the bidders' CDRL proposals.

Figure 4-6. CDRL Review Process



The CDRL review process ensures Army and bidders are aware of the safety elements, and gives the Army the contractual ability to oversee these elements. As the safety elements in the proposal are analyzed, the SOH professional and the COR jointly determine their roles and responsibilities in dealing with the safety and risk elements.

Review Contractor Safety Past Performance

Successful past performance can be a strong factor when selecting contractors to provide products or perform services. It also applies to successful safety performance as well. The Army uses contractors with a demonstrated record of successfully performing similar contracts. Contractor safety history can be considered in contractor evaluations, but this is not mandatory. Sources of past performance information may include federal and state OSHA sites, insurance claim history, and the U.S. Department of Labor site.

For operations entailing moderate or above risk levels, the KO may ask a SOH professional to prepare a brief focused on (1) controls established to reduce risk and (2) an assessment of the offeror's ability to complete the safety mission based on its past performance.

After all solicitation and source selection tasks are complete, the next major step is the award of the contract.

Contract Award

Before actual contract award, the SOH professional verifies that the following have been completed:

- ◆ Safety requirements are identified and risks assessed
- ◆ Performance standards and metrics are defined
- ◆ QASP has been prepared and reviewed for completeness
- ◆ A qualified COR is appointed and received safety-specific training
- ◆ Contractor submits Accident Prevention Plans that include an analysis of all significant hazards to life, limb, and property inherent in contract work performance, and a plan for controlling these hazards.

SUMMARY

The team comprised of the requiring activity, KO, COR, and SOH professionals has many complex responsibilities during the pre-award phase. In this phase, the SOH professionals provide the following assistance:

- ◆ Know the principles for service, supply, and construction contracting, including requirements development, risk assessment, solicitation, and award
- ◆ Understand their roles and responsibilities in the contracting process, and those of the requiring activities, KOs, CORs, and bidders
- ◆ Support requiring activities and KOs in developing requirements, establishing and documenting levels of risk, and recommending safety elements for inclusion in contracts
- ◆ Help develop requirements and standards for multi-employer worksites
- ◆ Coordinate with CORs to ensure effective surveillance of safety elements included in QASPs and to analyze contractor mishap trends
- ◆ Provide technical advice, assistance, and training on safety processes and procedures, as required, to support contracts.

The pre-award phase is complete when these requirements have been satisfied. The next section focuses on the post-award phase.

Section 5

Post-Award Phase

The post-award phase begins once the contract has been awarded to the selected contractor. This phase includes the post-award conference, contract start-up actions, administration of the contract over its lifecycle, and final contract close-out. Table 5-1 shows the acquisition processes in grey, and the safety-related sub-process in blue.

Table 5-1. Post-Award Processes

Post-Award Processes		
Post-award conference		
Ensure contract performance	Accept products or services	Perform contract closeout
1. Ensure contractor is meeting contract safety requirements		1. Verify safety requirements have been completed
2. Report accidents and impact on cost, schedule, and performance		2. Include safety professionals in past performance evaluation
3. Review contractor accident trends		

The key safety-related efforts during the post-award phase include the following:

- ◆ Providing contractor orientation
- ◆ Hosting meetings and conferences with contractor representatives
- ◆ Reviewing all contractor-provided safety documents, as required under the contract; these may include the Accident Prevention Plan (APP), Activity Hazard Analysis (AHA), and QASP
- ◆ Providing, as required by the KO, oversight of contractor safety performance, resolving hazards associated with contractor operations and workplaces, evaluating contractor SOH performance, and identifying any safety lessons-learned
- ◆ Assisting the KO in documenting any safety-related documentation in the Contractor Performance Assessment Reporting System (CPARS). (Note, only the KO can access CPARS.)

This section describes the roles of the SOH professionals in the initial contract operation start-up, ensuring contractor compliance and performance, acceptance of the product or service, and performing contract closeout.

CONTRACT START-UP

Review Contract Safety Elements

The post-award phase begins after award of the actual contract. At that time, the KO,¹ COR, and SOH professionals establish a baseline by reviewing the final contract to identify all safety elements. Their intent is to determine if all of the identified risks will be appropriately managed. The COR may also need SOH assistance to fully understand safety requirements in the QASP and the controls to reduce risk.

THE POST-AWARD CONFERENCE

The post-award conference allows representatives of the Safety and Contracting Offices, and the contractor to review and discuss contract safety elements and required contractor safety deliverables. The results of those discussions, and the participants, are captured in the conference record.

If possible prior to the conference, the SOH professional should review the contractor's safety standard operating procedures (SOP) to determine if they are adequate to address the risks involved. At the conference, all concerns or questions regarding contract safety should be addressed with the contractor. Both the Army and the contractor must understand the safety requirements, deliverables, and procedures.

During the post-award period, the KO may also request the SOH professional to provide a safety orientation for the contractor (although this may be included in the pre-award conference). If contract execution involves numerous people in the worksite, it may be more effective to hold a separate contract safety orientation. The SOH professional should record who attended the safety orientation.

ANALYZE AND ACCEPT SAFETY DELIVERABLES

The PWS and CDRL will specify what safety deliverables the contractor must provide, and the timing. As required products, all safety deliverables must be analyzed and accepted by the government. The SOH professional provides the KO with technical expertise and analysis of all safety-related deliverables. The goal is to ensure the contractor has 1) identified methods to reduce risk, and 2) accepted responsibility for the safety of the workforce (contractor and any government personnel). Other SOH roles include the following:

- ◆ Identifying required safety training and advising the COR

¹ Including the PCO and ACO, as necessary.

- ◆ Issuing any required safety permits in accordance with local standards and processes
- ◆ Coordinating with the COR to ensure the contractor holds all required safety permits.

The contractor must submit all required safety deliverables, such as the accident prevention plan and all other deliverables that include safety or risk issues, to the KO in accordance with the CDRL. The KO then forwards these to the SOH professional for review and comment. After review, the SOH professional provides input to the KO, who is the sole authority for accepting or rejecting the deliverables.



CONTRACT ADMINISTRATION

During the performance lifecycle of the contract, the KO may require the SOH professional to provide several services, such as those described in the following sub-sections.

Ensure Contract Performance

Risk and safety should be considered during all phases of contract performance period. Contractor safety surveillance may be accomplished by the COR, or the KO may request the SOH professional to assist in observing and assessing the contractor's safety performance and compliance with the safety elements in the QASP.

According to AR 385-10, Army oversight and inspection of contractor operations is restricted to:

- ◆ Where the Army has statutory authority for oversight, such as the manufacture of ammunition
- ◆ When it is in the best interests of the Army.



The KO determines the SOH professional's involvement in safety surveillance and oversight when these must be performed to protect government personnel, equipment, and facilities. However, SOH professionals must not assume any responsibility for the contractor's designated safety responsibilities!

ENSURE CONTRACTOR MEETS SAFETY REQUIREMENTS

As requested by the KO, the COR and SOH professional may monitor and assess contract operations, focusing on controls needed to address the risk identified initially (or identified later) in the risk analysis. The COR's role is to confirm that the contractor's practices align with the details of the Contractor Safety Plan and SOPs. The SOH professional's job is to:

- ◆ Notify the COR and KO of noncompliance or imminent danger conditions, although OH professionals who detect that contractor operations pose imminent danger to life or limb have the authority to stop contractor work immediately
- ◆ Assist in tracking contractor accident or mishap trends.

RESOLVE ANY PROBLEMS

Periodic or unannounced inspections may reveal problems. CORs and SOH professionals should bring evidence of noncompliance or other concerns immediately to the attention of the KO for further guidance. Analyzing the contractor's accident and mishap reports, investigations, and trends may also show that the contractor is not complying adequately with safety standards and procedures, or addressing the associated risk.

The KO may provide formal notice of noncompliance and required corrective action to the contractor or worksite. If the contractor fails to take prompt corrective action, the KO may issue orders stopping all or part of contractor operations.



REPORTING ACCIDENTS AND DETERMINING IMPACT ON COST, SCHEDULE, AND PERFORMANCE

According to AR 385-10, Chapter 4, and DA Pam 385-40, contractors must report:

- ◆ Injury or occupational illness to on-duty contractors
- ◆ Damage to government-furnished material, property, or equipment provided to a contractor
- ◆ Contractor accidents involving Army property and personnel.

The CDRLs and contractor's safety plans and SOP should provide the reporting mechanisms to notify CORs and KOs of all reportable incidents or events, as defined in the PWS. KOs will determine the extent of SOH professional involvement in investigating



and documenting accidents and mishaps, to include documenting the impacts on contract cost, schedule, and performance. The COR maintains all safety-related documents regarding contractor accidents.

For all accidents or mishaps that affect Army operations, the requiring activity will conduct a site survey and file reports through its chain of command. DA Pam 385-40, “Army Accident Investigations and Reporting,” provides additional detailed guidance.

ACCIDENT TRENDS

The contractor must prepare reports on all accidents during the contract performance period. The Army retains those reports, along with assessments of their impacts on contract cost, schedule, and performance. Report information is used to track accident trends, which may indicate contractor performance issues or identify risks for certain types of activities.

Accepting Products or Services

The KO formally accepts all products or services provided under the terms of the contract. This acceptance includes determining and verifying that the contractor has met all safety and risk elements. As part of the formal acceptance process, the COR, SOH professional, and KO evaluate and document that the contractor has successfully completed all safety and risk elements.

The COR reviews contractor performance to verify adherence to the PWS and the contractor’s safety plan. If the COR detects noncompliance, the KO will require the contractor to address the issues. To support the COR, the SOH professional may be asked to verify that the contractor has met all requirements, and to produce a trend and analysis report addressing all accidents and mishaps.

After the final product or service is accepted, safety elements should be fully addressed during the past-performance evaluation process. The KO may ask the SOH professional for input, and then document past performance matters in CPARS, which provides a ready source for investigating the contractor’s past safety performance if it bids on future contracts.

CONTRACT CLOSEOUT

Following completion of the contract, the KO may request that the SOH professional to perform the following services:

- ◆ Document all safety requirements, deliverables, and procedures
- ◆ Maintain all accident records
- ◆ Record all safety lessons-learned.

The SOH professional maintains all safety related documentation and makes it available to the KO and the requiring activity, as required. These records may be valuable when determining requirements for similar contracts in the future.

This completes the lifecycle of the contract.

Section 6

Training

The goal of the contract safety training program is to ensure SOH professionals are capable of performing their contract safety responsibilities. The Army meets that goal by identifying the needed contract safety competencies and ensuring its SOH professionals receive the required training. This section describes the Army's Contract Safety Competency Model; the associated knowledge, skills, and abilities; the requirements for contract safety training; and the Contract Safety Certificate Program for SOH personnel.

WHAT IS THE CONTRACT SAFETY COMPETENCY MODEL?

The Contract Safety Competency Model is provided Table 6-1. This Model establishes a framework for documenting contract safety standards of competency and guiding the training development for SOH professionals supporting the development, management, and surveillance of construction, product, and services contracts. The CP-12 Contract Safety Training Working Group (CSTWG) developed the competency model following an assessment of contract safety and health regulations, policy, standards, and procedures applicable to contracting across Army environments.

The Model provides a summary description of identified competency requirements, contract safety tasks, and related knowledge, skills or abilities (KSAs) for each task area. Contract safety tasks describe the critical technical responsibilities and functions safety personnel perform related to contract operations. These tasks, which are defined in mission and regulation, drive performance and training requirements. KSAs are the attributes personnel require to perform defined job tasks. They are generally obtained through education, training and job experience. Though some overlap is inevitable, KSAs are generally distinguished by the following definitions:

- ◆ Knowledge of a body of information applied directly to the performance of a task or function
- ◆ Skill in an observable action that follows associated mental activity
- ◆ Ability to perform a behavior that results in an observable product.

Table 6-1. Army Contract Safety Competency Model

<p>Competency description: Ability to identify and recommend safety elements to reduce risk to government employees, facilities, equipment, and the general public during contracted operations. Knowledge of service, supply, and construction contracting principles, including requirements development, risk assessment, solicitation, award, contract surveillance, and contract close-out activities using the procedures in the Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS), Army Federal Acquisition Regulation Supplement (AFARS), and other applicable publications. Knowledge of roles/responsibilities in the contracting process, including procedures for reporting mishaps. Ability to develop requirements/standards for multi-employer worksites. Ability to support requiring activities and contracting officers (KOs) with the requirements development process, establishing and documenting level of risk and recommending safety elements for inclusion in contracts. Ability to coordinate with the contracting officer's representative (COR) to perform surveillance of safety elements included in the Quality Assurance Surveillance Plan (QASP) and to analyze contractor mishap trends. Ability to provide technical advice, assistance, and training on safety processes/procedures, as required, to support contracts.</p>
<p>Contract safety tasks</p>
<ol style="list-style-type: none"> 1. Assist the requiring activity with defining requirements, and establishing and documenting level of risk using the Army's standard risk management (RM) worksheet; determine whether existing administrative controls (FAR, DFARS, AFARS) will mitigate identified hazards. 2. Help the requiring activity/KO analyze risks to determine whether identified hazards require FAR, DFARS, AFARS, or locally developed safety elements included in the performance work statement (PWS) or statement of work (SOW). 3. Ensure contracts state that contractors will conduct accident investigations for any mishaps that occur on the jobsite or mishaps involving contractor personnel. 4. Ensure contracts state that contractors are responsible for the safety of their employees. 5. Help identify requirements for the notification of the transportation of radioactive materials, explosives, and other hazardous materials. 6. Support the requiring activity's review of Aviation and Ship Critical Safety Items. 7. Help determine which safety requirements should be included in the Contract Deliverable Requirements List (CDRL). 8. Recommend safety training for CORs specific to the contract they will be supporting. 9. Help review reutilization actions for material and property and review and/or develop plans and recommend inclusion of requirements in SOWs and PWSs for disposal processes and appropriate abandonment or destruction of property or scrap materials dangerous to public health and safety. 10. Provide advice and guidance on safety considerations in solicitations. 11. Review safety precautions for hazardous materials or operations. 12. Help requiring activities identify requirements for inclusion of the Accident Prevention Clause (FAR 52.236-13) which requires the contractor to submit a written Accident Prevention Plan that includes an analysis of the significant hazards to life, limb, and property inherent in contract work performance and a plan for controlling these hazards. 13. Help determine requirements for safety involvement in site surveys. 14. Validate and/or recommend safety requirements in pre-award packages. 15. Upon request, participate in pre-award conferences. 16. Provide contractors with initial safety orientation. 17. Help analyze and evaluate safety elements of proposals. 18. Validate that contracts include requirements for site-specific safety plans, as appropriate. 19. Support KOs with the selection process by reviewing past safety performance of proposed contractors. 20. Support review of contractor's safety and health responsibilities and ensure effective measurement systems are in place.

Table 6-1. Army Contract Safety Competency Model

<p>21. Discuss and develop a mutual understanding about the administration of the overall safety program.</p> <p>22. Review and ensure the contractors understand that all mishaps on the jobsite or those involving contractor personnel are reported to the KO/COR; track and monitor contractor mishap trends.</p> <p>23. Advise on controls to mitigate risk.</p> <p>24. Review contractor safety plans to ensure they meet requirements.</p> <p>25. Ensure contractors have completed the required safety training.</p> <p>26. Issue safety permits to contractors (as required by local standards/processes).</p> <p>27. When appointed as a COR, conduct surveillance of safety elements included in the QASP; report and document findings to the KO.</p> <p>28. Notify the KO and/or COR, if any, when any noncompliance or condition that poses a serious or imminent danger to the health or safety of the public or government personnel is identified.</p> <p>29. In the event an OSHA representative arrives on an installation, communication between the Senior Mission Commander, Installation Safety Office, Director of Contracting, Corps of Engineers, and other applicable organizations needs to take place to discuss the purpose and potential ramifications (delay or termination of contract) of the OSHA visit.</p> <p>30. Review contractor safety plans and verify contractor compliance with the plan; include safety criteria in contractor performance evaluations.</p>	
<p>Knowledge, skills, and abilities (KSAs)</p>	
<p>Knowledge of</p>	<ul style="list-style-type: none"> • Contractor procedures and responsibilities for reporting mishaps to the KO/COR • Local safety contract requirements and processes • Requirements/standards for establishing a multi-employer work site • Safety-specific FAR, DFARS, AFARS, and locally developed clauses • Safety-related CDRL requirements to include in the contract • Requirements for ground and flight operations involving all contracted work performed on government aircraft • Procedures to be followed by Government Flight Representatives (GFRs) and Government Ground Representatives (GGRs) • Conditions in which a safety professional may engage a contractor directly (e.g., imminent danger) and not go through the KO/COR
<p>Skill in</p>	<ul style="list-style-type: none"> • Identifying risks and assessing safety risk levels • Determining if existing administrative controls (FAR, DFARS, AFARS) will mitigate identified hazards • Analyzing and evaluating safety elements of proposals • Developing standard operating procedures (SOPs) for multi-employer work sites
<p>Ability to</p>	<ul style="list-style-type: none"> • Provide advice and assistance to acquisition professionals (e.g., KO/COR) on safety functions, regulations, policies, and procedures • Advise technical representatives and requiring activities on identifying and tailoring contract safety requirements • Train CORs and safety professionals on contractor safety-related matters • Assist requiring activities with defining requirements and establishing and documenting the level of risk using the Army standard RM worksheet • Coordinate with KOs on the form and language of safety requirements to be included in solicitations and contracts

Table 6-1. Army Contract Safety Competency Model

	<ul style="list-style-type: none">• Draft, select, and verify applicable safety provisions in accordance with (IAW) Army and local requirements• Develop and prepare a SOW or PWS• Develop and conduct initial safety orientation with contractors• Identify necessary requirements—relating to reutilization, disposal, destruction, or abandonment processes of property or scrap materials dangerous to public health and safety—for inclusion in the contract• Identify required contractor training courses• Assess and evaluate contractor's past performance safety record• Review and assess contractor-prepared accident prevention plans and safety plans• Review contractor safety plans/requirements IAW Army and local policy/standards• Evaluate contractor safety-related products, deliverables, and performance, including safety plans and hazard analyses• Monitor and assess contractor operations to ensure they are operating safely• Perform surveillance of safety elements included in the QASP• Prepare contractor safety performance evaluations• Track and monitor contractor mishap trends
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WHAT ARE THE KEY COMPETENCY MODEL TERMS?

The key terms used throughout the competency model include the following:

- ◆ *Accident*: Any incident that occurs as a result of a contractor's operations in which there is damage to government or Army property or equipment, injury, or occupational illness to Army personnel, or other reportable event.
- ◆ *Accident prevention plan*: Document that outlines the health and safety guidelines developed to protect onsite personnel, visitors, and the public from hazards encountered during the conduct of work performed by contractors and subcontractors.
- ◆ *Aviation and ship critical safety items*: Any part, assembly, installation equipment, launch equipment, recovery equipment, or support equipment for an aviation or ship weapon system if the part, assembly, or equipment contains a characteristic any failure, malfunction, or absence of which could cause (1) catastrophic or critical failure resulting in the loss of or serious damage to the aircraft or ship; (2) an unacceptable risk of personal injury or loss of life; or (3) an un-commanded aircraft engine shutdown that jeopardizes safety.

- ◆ *Contract deliverable requirements list*: List of reports or documentation that is required as a deliverable to include the frequency, number of copies, medium, and format, and who and where it is to be submitted.
- ◆ *Contractor performance evaluation*: An evaluation of the contractor at interim intervals or at the conclusion of contract service and may include quality and timely performance and deliverables, effectiveness of management, compliance with labor standards, and compliance with safety standards.
- ◆ *Contractor*: A non-federal employer engaged in performance of an Army contract, whether as prime contractor or subcontractor.
- ◆ *Contractor Safety Plan*: A document that describes the process for identifying the physical and health hazards that could harm workers, procedures to prevent accidents, and steps to take when accidents occur. The plan typically includes responsible persons; hazard identification, controls and safe practices; emergency and accident response procedures; employee training and communication; and recordkeeping requirements.
- ◆ *Hazardous materials*: Commodities as defined by 49 CFR that require special care and handling, such as ammunition and explosives, flammable substances; toxic chemicals; sources of ionizing radiation or radiant energy; oxidizing material; corrosive material, compressed gases; any compound, mixture, element, or material which, because of its nature, is hazardous to store or handle.
- ◆ *Imminent danger*: Conditions or practices in any workplace that pose a danger that reasonably could be expected to cause death or severe physical hardship before the imminence of such danger could be eliminated through normal procedures.
- ◆ *Performance work statement*: A statement of work for performance-based acquisitions that describes the required results in clear, specific and objective terms with measurable outcomes.
- ◆ *Quality Assurance Surveillance Plan*: Plan by which the government reserves the right to provide surveillance over the contractor's work and workplace, and the method of surveillance
- ◆ *Risk assessment*: An evaluation of a risk in terms of loss if a hazard results in an accident and against the benefits to be gained from accepting the risk.
- ◆ *Safety controls*: Mandatory procedural safeguards approved by the Secretary of the Army and determined to be necessary per safety studies and reviews; they ensure maximum safety of chemical agents throughout the life of the chemical weapon and consistent with operational requirements.

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- ◆ *Standard operating procedures:* A set of instructions covering those features of operations which lend themselves to a definite or standardized procedure without loss of effectiveness.
 - ◆ *Workplace:* A place (whether within or forming part of a building, structure, or vehicle) where any person is to work, under the control of an employer.

WHAT ARE THE REQUIREMENTS FOR CONTRACT SAFETY TRAINING?

The objective of the Army's contract safety training program is to establish a common skill level in contract safety across SOH professionals. The CSTWG reviewed the contract safety competencies, mapped the competencies to the required training, identified the gaps between competencies and training, and then concluded that all SOH personnel seeking a certificate in contract safety needed to meet the following requirements:

- ◆ CLC 011, "Contracting for the Rest of Us," is required in the CP-12 Intern Program and also needed to qualify for the Contract Safety Certificate. It provides personnel who do not work in the contracting career field with a basic knowledge of the essential processes and considerations that Army contracting professionals encounter to satisfy their customers' requirements. It also provides an introduction to some of the topics that are covered in greater depth in other contracting continuous learning modules.
- ◆ The Army Contract Safety Workshop is also required for the Contract Safety Certificate. It was developed based on the results from the CSTWG's training analysis and addresses all identified training gaps.

The following additional courses are required for individuals working in assignments that require special knowledge of contract safety, but they are not required for eligibility for the Contract Safety Certificate:

- ◆ CLC 106, "Contracting Officer's Representatives with a Mission Focus," is designed for CP-12 personnel serving as CORs. It provides SOH professionals with the basic skill set needed to be CORs, including acquisition process, teaming, ethics and integrity, authorities, contract classification, contract types, proper file documentation, performance assessment methods, remedies for poor performance, invoice requirements, contract modifications, and contract management.
- ◆ CLC 112, "Contractors Accompanying the Force," is designed for CP-12 personnel who may deploy. It focuses on the roles and responsibilities of commanders in planning for the use of contractors, with a focus on the guidance in DoD Instruction 3020.41, "Contractor Personnel Authorized

to Accompany the U.S. Armed Forces.” It also introduces basic acquisition and contract management requirements related to implementing the instruction in field conditions.

- ◆ CLC 114, “Contingency Contracting Officer’s Refresher,” is required every three years for CP-12 personnel serving as CORs and who may perform in a contingency environment.
- ◆ CLC 206, “Contracting Officer’s Representatives in a Contingency Environment,” is required for CP-12 personnel who serve as CORs and who may deploy. It covers the basics of contracting, along with the ethical situations and cultural differences CORs may experience while deployed in a contingency operation.

WHAT IS THE CONTRACT SAFETY CERTIFICATE PROGRAM?

The Army’s Contract Safety Certificate Program is designed to recognize SOH professionals who are leaders in their understanding and application of contract safety. The program’s eligibility requirements are fairly simple, as summarized below:

- ◆ All CP-12 SOH professionals are eligible
- ◆ The program is also open to non-SOH personnel who meet the basic requirements
- ◆ All members must possess an ANSI Accredited CP-12 Professional Safety and Occupational Health Certificate, or be approved by the appropriate functional proponent for CP-12 safety professionals in the 0081, 0690, 0803 or 1306 job series
- ◆ All members must complete CLC 011, “Contracting for the Rest of Us;” and the Army Contract Safety Workshop
- ◆ All members must apply for the Contract Safety Certificate and be approved by the certificate selection board.
- ◆ The approved certificate is valid for 5 years.

Section 7

References

This section gives CP-12 personnel a quick reference for help in the following contract safety areas:

- ◆ Regulations, standards, and publications
- ◆ Army contracting tools
- ◆ Training
- ◆ Tools and resources
- ◆ Other links.

REGULATIONS, STANDARDS, AND PUBLICATIONS

This section outlines several contract safety regulations, policy, and standards that pertain to contract safety and the contracting requirements, broken out by federal, DoD, Army, and other government organizations.

Federal Policy

CODE OF FEDERAL REGULATIONS

The CFR contains general and permanent rules published in the Federal Register by the departments and agencies of the U.S. Government. Each title is divided into chapters, which usually bear the name of the issuing agency, and each chapter is further subdivided into parts that cover specific regulatory areas. The CFR may be found electronically (e-CFR) at:

<http://www.ecfr.gov/cgi-bin/ECFR?page=browse>

The following titles pertain to topics that may be of interest to those concerned with Army contract safety:

- ◆ Title 29 - Labor- Occupational Safety & Health Administration (OSHA) Standards–Part 1910; establishes standards that require practices to provide safe or healthful employment and places of employment
- ◆ Title 32 - National Defense
- ◆ Title 49–Transportation

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- ◆ Title 41 - Public Contracts and Property Management
 - ◆ Title 42 - Public Health
 - ◆ Title 46 - Shipping
 - ◆ Title 48 - Federal Acquisition Regulations System
 - ◆ Title 49—Transportation.

FEDERAL ACQUISITION REGULATION

The FAR, which is Title 48 of the CFR, provides uniform acquisition policies and procedures for use by all executive agencies. It is the predominant federal regulation concerning acquisition. It is divided into sections called Parts. The FAR may be found at:

<http://www.acquisition.gov/far/> or <https://acquisition.gov/far/index.html> or <http://farsite.hill.af.mil/>

The following Parts cover topics that may be interest to those concerned with Army contract safety:

- ◆ Part 36—Construction and Architect Engineer Contracts
- ◆ Part 37—Service Contracting
- ◆ Part 42—Contract Administration and Audit Services
- ◆ Part 46—Quality Assurance
- ◆ Part 47 - Transportation
- ◆ Part 48 - Federal Acquisition Regulation (FAR), Permits and Responsibilities.
- ◆ Part 52—Solicitation Provisions and Contract Clauses
- ◆ FAR 52.236-7; this clause is to be used in solicitations and contracts that consider a fixed-price construction contract, a cost-reimbursement construction contract or a fixed-price dismantling, demolition, or removal of improvements contract
- ◆ FAR 52.236-13; this clause states how the contractor must provide and maintain work environments for accident prevention
- ◆ FARS 5352.223-9001; this clause provides the health and safety procedures for a contractor when performing work under a government installation contract.

DoD Policy

DEFENSE FEDERAL ACQUISITION REGULATIONS SUPPLEMENT

The DFARS, which implements and supplements the FAR, contains requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies or procedures that have a significant effect on the public. The DFARS should be read in conjunction with the primary set of rules in the FAR. It may be found at:

<http://farsite.hill.af.mil/vfdfara.htm>

DOD ISSUANCES

DoD issuances include various publications, such as catalogs, compendiums, directories, guides, handbooks, indexes, inventories, lists, modules, pamphlets, plans, regulations, series, standards, and supplements. The official web site for DoD Issuances is:

<http://www.dtic.mil/whs/directives/>

DOD DIRECTIVES

The following DoD Directives (DoDDs) provide overall contract safety guidance:

- ◆ DoDD 5000.1, “The Defense Acquisition System,” establishes policies and procedures for managing all acquisition programs
- ◆ DoDD 4715.1E, “Environment, Safety, and Occupational Health (ESOH),” prescribes policies on ESOH to sustain and improve the DoD mission.

DOD INSTRUCTIONS

Several DoDIs provide implementing contract safety guidance, including the following:

- ◆ DoDI 6050.05, “DoD Hazard Communication (HAZCOM) Program,” establishes policies, responsibilities, and procedures required of HAZCOM
- ◆ DoDI 6055.07, “Mishap Notification, Investigation, Reporting, and Record Keeping,” prescribes procedures and requirements for mishap notification, investigation, reporting, and record keeping

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- ◆ DoDI 6055.1, “DoD Safety and Occupational Health Program,” updates policies, procedures, and responsibilities for administering a comprehensive DoD SOH program under DoDD 4715.1
 - ◆ DoDI 6025.5, “Personal Services Contracts (PSCs) for Health Care Providers (HCPs),” updates the policy, responsibilities, and procedures for implementing PSC authority for HCPs.

DOD MANUALS

The following DoD manuals have application to Army SOH professionals:

- ◆ DoD 4145.26-M, “DOD Contractor’s Safety Manual for Ammunition and Explosives,” contains the minimum contractual safety requirements to support DoD ammunition and explosives operations and objectives
- ◆ DoD 5100.76-M, “Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives,” provides physical security guidance for the protection of DoD sensitive conventional arms, ammunition, and explosives
- ◆ DoD 3150.02-M, “Nuclear Weapon System Safety Program Manual, “prescribes policy, responsibilities, and procedures for the DoD nuclear weapon system safety program
- ◆ DoD 6055.09-M, “Ammunition and Explosives Safety Standards,” Volume 1 through 8, establishes explosives safety standards for DoD.

DOD GUIDEBOOKS

Various DoD guidebooks covering the acquisition of services provides acquisition teams with information about the acquisition process and how to complete its seven steps. The acquisition process may be found at:

<https://acc.dau.mil/sag>

The “DoD Guidebook for Contracting, Legal and SOH Professionals,” provides guidance for integrating safety into contracting, including best practices and lessons learned from implementation of OSHA Voluntary Protection Programs (VPP) at DoD installations and commands. See:

<https://ecssako.hqda.pentagon.mil/agencies/SA/das/aso/PE4/Regulations%20Standards%20and%20Publications/Forms/AllItems.aspx>

The “Defense Acquisition Guidebook (DAG),” explains how the DoD should acquire new or modified material or services for every type of service. See:

<https://dag.dau.mil/Pages/Default.aspx>

DEFENSE ACQUISITION PORTAL (DAP), DOD POLICY DOCUMENTS

This portal provides access to Under Secretary of Defense for Acquisition, Technology, and Logistics, or USD(AT&L), policy documents. See:

<https://dap.dau.mil/policy/Lists/Policy%20Documents/Organizations%20USD%20%20AT%20L.aspx?tag=USD%20%20AT%20L&group=Organizations>

DEFENSE TRANSPORTATION REGULATION (DTR)

The DTR is a DoD policy document that a contractor may encounter when working on a DoD contracts that involves commercial transportation. See:

<http://www.transcom.mil/dtr/dtrHome/>

Army Policy

ARMY PUBLISHING DIRECTORATE

The official web site for all Army publications may be found at:

<http://www.apd.army.mil/default.asp>

ARMY FEDERAL ACQUISITION REGULATION SUPPLEMENT

The AFARS implements and supplements the FAR, DFARS, and the DFARS Procedures, Guidance and Information (PGI) to establish uniform policies for Army acquisition. See:

<http://farsite.hill.af.mil/vfafara.htm>

ARMY REGULATIONS

Army Regulation 385–10, “Army Safety Program,” prescribes the Army’s safety policies.

ARMY PAMPHLETS

Several pamphlets have application to safety contracting, including the following:

- ◆ DA Pam 385-10, “Army Safety Program,” establishes guidance, functions, policies, and procedures for the Army Safety Program.\
- ◆ DA Pam 385-30, “Army Risk Management,” establishes the Army Risk Management Program
- ◆ DA Pam 385-64, “Safety, Ammunition and Explosives Safety Standards,” prescribes Army policy on ammunition and explosives safety standards and implements the requirements of DoD 6055.09-M.

TRAINING AND DOCTRINE COMMAND (TRADOC) REGULATIONS

The official website for TRADOC policies is:

<http://www.tradoc.army.mil/tpubs/regndx.htm>

TRADOC has issued one primary safety-related regulation: TR 385-2, “US Army Training and Doctrine Command Safety Program.” It assists TRADOC leadership, employees, and contractors in protecting the workforce, protecting against accidental loss, conserving resources, and establishing a proactive safety culture.

U.S. ARMY CORPS OF ENGINEERS PUBLICATIONS

The website for all U.S. Army Corps of Engineer (USACE) publications is:

<http://www.publications.usace.army.mil/USACEPublications/EngineerManuals.aspx>

The Chief of Engineers issues the Engineer Federal Acquisition Regulation Supplement, or EFARS, under authority of the Secretary of the Army. The EFARS implements and supplements the FAR, DFARS, and AFARS. The following Engineer Manuals (EMs) apply to the Army Safety Program:

- ◆ EM 385-1-1, “Safety and Health Requirements Manual,” prescribes the safety and health requirements for all Corps of Engineers operations
- ◆ EM 385-1-97, “Explosives - Safety and Health Requirements Manual,” provides safety and health requirements for dealing with explosives.

Department of Energy Publications

DIRECTIVES, DELEGATIONS, AND REQUIREMENTS

The website for Department of Energy (DOE) safety policies and procedures is:

<https://www.directives.doe.gov/>

DOE has one primary safety-related publication that affects Army SOH professionals:

- ◆ Department of Energy Guide 440.1-1B, “Worker Safety and Health Program for DOE Federal and Contractor Employees” assists DOE federal and contractor employees in effectively developing, managing, and implementing a worker safety and health program.

ARMY CONTRACTING TOOLS

This subsection describes the contracting tools available to Army SOH professionals.

RISK ASSESSMENT GUIDANCE AND TEMPLATES

These tools include the following:

- ◆ DCMA Instruction 303, “Critical Safety Items- QA,” establishes policies, assigns responsibilities, and provides procedures for DCMA Quality Assurance (QA) personnel to plan for and execute Government Contract Quality Assurance on Critical Safety Items

<http://www.dema.mil/policy/303/>

- ◆ Army standard risk management worksheet

<http://sill-www.army.mil/usag/ISO/documents/regulations/CRMWorksheet.doc>

- ◆ DA Pam 385-30, “Risk Management,” presents the Army Risk Management Program.

http://armypubs.army.mil/epubs/pdf/p385_30.pdf

POST CONTRACT EVALUATION OF SAFETY PERFORMANCE

The CPARS is a web-based system for capturing data on contractor performance. After the data have been inputted to CPARS, it is then uploaded to the Past Performance Information Retrieval System (PPIRS) database and made available for use in source selections. The assessment data are used as an aid in awarding contracts to contractors that consistently provide quality, on-time products and services that conform to contractual requirements. CPARS can be used to effectively communicate contractor strengths and weaknesses to source selection officials. During the source selection process, the offeror should be notified of relevant past performance data derived from their CPARS (via PPIRS) that requires clarification or could lead to a negative rating.

<http://www.cpars.gov/>

Training

This subsection presents various training proponents and resources related to the Army safety program:

- ◆ Army Career Tracker (ACT), a leadership development tool that documents personnel training and education.

<https://actnow.army.mil/>

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- ◆ Defense Acquisition University (DAU) provides learning to develop qualified acquisition professionals who deliver effective and affordable warfighting capabilities.
<http://www.dau.mil/default.aspx>
 - ◆ Department of Energy Technology Supported Learning (TSL) Index provides a user-friendly index of resources that contains environment, safety, and health training and general information that has been reviewed by occupational safety specialists.
http://www.orau.gov/eh/training/TSL_Index/tsl_index.htm
 - ◆ Army Training Requirements and Resource System (ATRRS) site includes general information, ATRRS course catalog, training registration and tracking, and support.
<https://www.atrrs.army.mil/>
 - ◆ Acquisition Training Application System (ACQTAS) enables personnel to submit and process training applications for DAU courses.
 - ◆ <https://www.atrrs.army.mil/channels/acqtas/>
 - ◆ Defense Contract Management Agency (DCMA) Civilian Training Management System (DCMACTMS) enables DCMA civilian government employees to submit applications for additional training. In addition:
 - DCMACTMS Procedures explain how to apply for required DCMA funded training through the DCMACTMS Training Portal.
<https://www.atrrs.army.mil/channels/dcmactms/help/CTMS%20Business%20Practice.pdf>
 - DCMA Contract Safety Certification Program identifies training requirements for DCMA personnel who are engaged in the contract safety function to fulfill the contract administration responsibilities.

Tools and Resources

This subsection describes various contract safety tools with specific applications.

AMMUNITION AND EXPLOSIVES

- ◆ Defense Contract Management Agency, Contract Safety Requirements-Ammunition, Explosives, and Hazardous/Safety Requirements Flowchart illustrates how to follow the ammunition, explosives, and hazardous safety requirements.
<http://guidebook.dcm.mil/49/ContSafetyflowchart.gif>

CONSTRUCTION

- ◆ U.S. Army Corps of Engineers, Library for “Booklets, Manuals, Guides” includes resources and links related to USACE missions.
<http://cdm16021.contentdm.oclc.org/cdm/landingpage/collection/p16021coll11>
- ◆ Unified Facilities Criteria (UFC) provides the DoD with planning, design, construction, and sustainment criteria. UFC 1-200-01, “General Building Requirements” prescribes general building requirements and establishes the use of consensus building codes and standards.
http://www.wbdg.org/ccb/browse_cat.php?c=4
- ◆ Whole Building Design Guide (WBDG), Documents Library provides government and industry practitioners with up-to-date information on building-related guidance, criteria, and technology.
http://www.wbdg.org/ccb/browse_lib.php?l=6
- ◆ WBDG, Occupational Safety and Health Website recommends how to protect the health, safety and welfare of building occupants.
http://www.wbdg.org/design/ensure_health.php
- ◆ WBDG, Continuing Education Courses identifies the WBDG courses that provide construction guidance and information.
http://www.wbdg.org/education/wbdg_ce.php

CONTINGENCY OPERATIONS

- ◆ Department of Defense Contingency COR Handbook provides basic knowledge and tools for CORs to enable effective contract quality surveillance.
http://www.acq.osd.mil/dpap/ccap/cc/corhb/Files/DCCOR_Handbook_2012.pdf
- ◆ Defense Procurement and Acquisition Policy (DPAP), Contingency Contracting provides information about contingency contracting.
<http://www.acq.osd.mil/dpap/pacc/cc/index.html>

MULTI-EMPLOYER WORKSITES

- ◆ ANSI/ASSE A10.33-2011, “Safety & Health Program Requirements for Multi-Employer Projects,” Sections 1-3, contain the purpose, exceptions, definitions, and project safety and health requirements.

<http://www.asse.org/assets/1/7/A10.33TechBrief.pdf>

VOLUNTARY PROTECTION PROGRAMS

- ◆ OSHA Instruction CSP 03-01-003, “Voluntary Protection Programs (VPP) Policies and Procedures Manual,” describes the policies and procedures governing the operation of special government employee activity within OSHA’s VPP.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=2810

Other Links

This subsection provides links to related useful websites.

- ◆ Defense Contract Management Agency Homepage provides eTools and information regarding DCMA’s acquisition planning support, contract management, and financial and engineering support services.

<http://www.dcmamail.com/about.cfm>

- ◆ DCMA’s Portal/U.S. Government Information System discloses information regarding DCMA policies and procedures.

➤ For safety information, see <http://www.dcmamail.com/policy/>

➤ For index of policy publications and links, see <http://www.dcmamail.com/policy/>

- ◆ ACC Homepage includes command and contracting center information, fact sheets, and news.

<http://www.army.mil/info/organization/unitsandcommands/commandstructure/acc/>

- ◆ ACC SharePoint enables the sharing and routing of documents regarding the ACC.

<https://acc.aep.army.mil/default.aspx>

- ◆ USACE, Safety and Occupational Health, provides safety and occupational health resources and links in support of USACE missions.
<http://www.usace.army.mil/safetyandoccupationalhealth.aspx>
- ◆ U.S. Army Combat Readiness Center provides information regarding Career Program 12.
<https://safety.army.mil/cp12/Home/tabid/2205/Default.aspx>
- ◆ Defense Acquisition Portal (DAP), Homepage provides acquisition tools and information, establishes a Career Gateway Page for Contracting Professionals, and provides support in developing federal contracting professionals.
<https://dap.dau.mil/Pages/Default.aspx>
- ◆ DPAP Homepage provides information to help components effectively deliver equipment and services to the warfighter.
<http://www.acq.osd.mil/dpap/>
- ◆ ACC Communities of Practice (COPs) provide the ability to interact, ask questions, and share experiences with personnel across DoD.
<https://acc.dau.mil/CommunityBrowser.aspx?action>

Appendix A

Abbreviations

ACA	Army Contracting Agency
ACC	Army Contracting Command
ACOM	Army command
AE	ammunition and explosives
AFARS	Army Federal Acquisition Regulation Supplement
AHA	activity hazard analysis
AMC	Army Materiel Command
APP	accident prevention plan
AR	Army Regulation
ARCENT	Army Central Command
ASA,IEE	Assistant Secretary of the Army for Installations, Energy & Environment
ASCC	Army Service Component Command
CDRL	contract data requirements list
CFR	Code of Federal Regulations
COCO	contractor-owned, contractor-operated
CONUS	Continental United States
COR	Contracting Officer's Representative
CPARS	Contractor Performance Assessment Reporting System
CS	contract safety
CSA	Chief of Staff of the Army
CSTWG	Contract Safety Training Working Group
DA Pam	Department of the Army Pamphlet
DASAF	Director of Army Safety
DCMA	Defense Contract Management Agency
DFARS	Defense Federal Acquisition Regulation Supplement
DODI	DoD Instruction
DRU	direct reporting unit

EFARS	Engineer Federal Acquisition Regulation Supplement
ECC	Expeditionary Contracting Command
FAR	Federal Acquisition Regulation
FARS	Federal Acquisition Regulation System
FEDTARG	Federal Agency Targeting Inspection Program
FORSCOM	Army Forces Command
GOCO	government-owned-contractor operated
GOGO	government-owned, government operated
GSA	General Services Administration
HAZMAT	hazardous materials
HQDA	Headquarters, Department of the Army
KO	contracting officer
LOGCAP	Logistics Civil Augmentation Capability
MICC	Mission and Installation Contracting Command
MRAP	Mine Resistant Ambush Protected (vehicle)
OCONUS	Outside Continental United States
OSHA	Occupational Safety and Health Administration
PGI	Procedures, Guidance, and Information
PWS	performance work statement
QASP	quality assurance surveillance plan
SDDC	Surface Deployment & Distribution Command
SecArmy	Secretary of the Army
SME	subject matter expert
SOH	Safety and Occupational Health
SOW	statement of work
UFGS	United Facilities Guide Specifications
TRADOC	U.S. Army Training & Doctrine Command
USACE	U.S. Army Corps of Engineers
USACRC	U.S. Army Combat Readiness Center
USASOC	Army Special Operations Command

Appendix B

Terms and Definitions

Accident	Any incident that occurs as a result of a government contractor's operations in which there is damage to U.S. Government or Army property or equipment, injury, or occupational illness to Army personnel, or other reportable event.
Accident Prevention Plan	Document that outlines the health and safety guidelines developed to protect onsite personnel, visitors, and the public from hazards encountered during the conduct of work performed by a contractor and its subcontractors.
Aviation and Ship Critical Safety Items	Any part, assembly, installation equipment, launch equipment, recovery equipment, or support equipment for an aviation or ship weapon system if the part, assembly, or equipment contains a characteristic any failure, malfunction, or absence of which could cause (1) catastrophic or critical failure resulting in the loss of or serious damage to the aircraft or ship; (2) an unacceptable risk of personal injury or loss of life; or (3) an unmanned aircraft engine shutdown that jeopardizes safety.
Contract Deliverable Requirements List	List of reports or documentation that is required as a deliverable to include the frequency, number of copies, medium and format, and who and where it is to be submitted.
Contractor performance evaluation	An evaluation of the contractor at interim intervals or at the conclusion of contract service and may include quality and timely performance and deliverables, effectiveness of management, compliance with labor standards, and compliance with safety standards.
Contractor	A non-federal employer engaged in performance of an Army contract, whether as prime contractor or subcontractor.
Contractor safety plan	A written document that describes the process for identifying the physical and health hazards that could harm workers, procedures to prevent accidents, and steps to take when accidents occur. The plan typically includes responsible persons; hazard identification, controls, and safe practices; emergency and accident response procedures; employee training and communication; and recordkeeping requirements.

Hazardous materials	Commodities as defined by 49 CFR requiring special care and handling, such as ammunition and explosives; flammable substances; toxic chemicals; sources of ionizing radiation or radiant energy; oxidizing material; corrosive material, compressed gases; any compound, mixture, element, or material which, because of its nature, is hazardous to store and/or handle.
Imminent danger	Conditions or practices in any workplace that pose a danger that reasonably could be expected to cause death or severe physical hardship before the imminence of such danger could be eliminated through normal procedures.
Performance work statement	A statement of work for performance-based acquisitions that describes the required results in clear, specific, and objective terms with measurable outcomes.
Quality Assurance Surveillance Plan	Plan by which the government reserves the right to provide surveillance over the contractor's work and workplace and the method of surveillance.
Risk assessment	An evaluation of a risk in terms of loss if a hazard results in an accident and against the benefits to be gained from accepting the risk.
Safety controls	Mandatory procedural safeguards approved by the Secretary of the Army and determined to be necessary per safety studies and reviews. Safety controls ensure maximum safety of chemical agents throughout the life of the chemical weapon. Controls will be consistent with operational requirements.
Standard operating procedures	A set of instructions covering those features of operations which lend themselves to a definite or standardized procedure without loss of effectiveness.
Workplace	A place (whether within or forming part of a building, structure, or vehicle) where any person is to work, is working, for the time being works, or customarily works, for gain or reward; and in relation to an employee, includes a place, or part of a place, under the control of the employer (not being domestic accommodation provided for the employee).

Appendix C

Contract Safety Elements

PURPOSE

This appendix provides a quick reference to contract safety elements of guiding publications. It organizes the elements in table format according to contract categories. Each table includes the publication reference and a brief summary of the applicable contract safety elements. The contract categories are listed below:

- ◆ Ammunition and explosives
- ◆ Aviation and missiles
- ◆ Construction
- ◆ Hazardous materials
- ◆ Radioactive material
- ◆ Service
- ◆ Supplies.

Ammunition and Explosives

Table C-1. Safety Elements for Ammunition and Explosives Contracts

Reference	Safety Elements For Ammunition And Explosives
<p>As prescribed in 47.208-2, FAR 52.247-68 Report of Shipment (REPSHIP)</p>	<p>(a) Definition. Domestic destination, as used in this clause, means—(1) A destination within the contiguous United States; or (2) if shipment originates in Alaska or Hawaii, a destination in Alaska or Hawaii, respectively.</p> <p>(b) Unless otherwise directed by the Contracting Officer, the Contractor shall—</p> <p>(1) Send a prepaid notice of shipment to the consignee transportation officer—</p> <p>a. For all shipments of—</p> <p>i. classified material, protected sensitive and protected controlled material;</p> <p>ii. explosives and poisons, class 1, division 1.1, 1.2 and 1.3; class 2, division 2.3 and class 6, division 6.1;</p> <p>iii. radioactive materials requiring the use of a III bar label; or</p> <p>b. When a truckload/carload shipment of supplies weighing 20,000 pounds or more, or a shipment of less weight that occupies the full visible capacity of a railway car or motor vehicle, is given to any carrier (common, contract, or private) for transportation to a domestic destination (other than a port for export).</p>
<p>As prescribed in 223.370-5, DFARS 252.223-7002 Safety Precautions for Ammunition and Explosives</p>	<p>Requires compliance with DoD 4145.26-M, Contractors' Safety Manual for Ammunition and Explosives. This manual requires the contractor to submit to the administrative contracting officer (ACO) any post award requests for a waiver of the contract safety standards, a site plan modification, or a construction review. The ACO shall review any request and make recommendations to the contracting officer. The contracting officer shall make a decision after considering recommendations of the ACO and safety personnel responsible for ammunition and explosive safety.</p>
<p>As prescribed in 223.370-5, DFARS 252.223-7003 Change in Place of Performance—Ammunition and Explosives</p>	<p>(a) The Offeror shall identify, in the "Place of Performance" provision of this solicitation, the place of performance of all ammunition and explosives work covered by the Safety Precautions for Ammunition and Explosives clause of this solicitation. Failure to furnish this information with the offer may result in rejection of the offer.</p> <p>(b) The Offeror agrees not to change the place of performance of any portion of the offer covered by the Safety Precautions for Ammunition and Explosives clause contained in this solicitation after the date set for receipt of offers without the written approval of the Contracting Officer. The Contracting Officer shall grant approval only if there is enough time for the Government to perform the necessary safety reviews on the new proposed place of performance.</p> <p>(c) If a contract results from this offer, the Contractor agrees not to change any place of performance previously cited without the advance written approval of the Contracting Officer.</p>
<p>FAR 223.7303 Prohibition; Minimizing the Use of Materials containing Hexavalent Chromium</p>	<p>(a) Except as provided in 223.7304 and 223.7305, no contract may include a specification or standard that results in a deliverable or construction material containing more than 0.1 percent hexavalent chromium by weight in any homogeneous material in the deliverable or construction material where proven substitutes are available that provide acceptable performance for the application.</p> <p>(b) This prohibition is in addition to any imposed by the Clean Air Act regardless of the place of performance.</p>

Aviation and Missiles

Table C-2. Safety Elements for Aviation and Missiles Contracts

Reference	Safety Elements For Aviation And Missiles Contracts
As prescribed in 47.208-2, FAR 52.247-68 Report of Shipment (REPSHIP)	<p>(a) Definition. Domestic destination, as used in this clause, means—(1) A destination within the contiguous United States; or (2) if shipment originates in Alaska or Hawaii, a destination in Alaska or Hawaii, respectively.</p> <p>(b) Unless otherwise directed by the Contracting Officer, the Contractor shall—</p> <p>(2) Send a prepaid notice of shipment to the consignee transportation officer—</p> <ul style="list-style-type: none"> a. For all shipments of— <ul style="list-style-type: none"> i. Classified material, protected sensitive, and protected controlled material; ii. Explosives and poisons, class 1, division 1.1, 1.2 and 1.3; class 2, division 2.3 and class 6, division 6.1; iii. Radioactive materials requiring the use of a III bar label; or b. When a truckload/carload shipment of supplies weighing 20,000 pounds or more, or a shipment of less weight that occupies the full visible capacity of a railway car or motor vehicle, is given to any carrier (common, contract, or private) for transportation to a domestic destination (other than a port for export).
As prescribed in 209.270-5, DFARS 252.209-7010 Critical Safety Items	Identifies the critical safety items requiring heightened quality assurance surveillance
As prescribed in 228.370(d), DFARS 252.228-7005 Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles	<ul style="list-style-type: none"> a. The Contractor shall report promptly to the Administrative Contracting Officer all pertinent facts relating to each accident involving an aircraft, missile, or space launch vehicle being manufactured, modified, repaired, or overhauled in connection with this contract. b. If the Government conducts an investigation of the accident, the Contractor will cooperate and assist the Government's personnel until the investigation is complete. c. The Contractor will include a clause in subcontracts under this contract to require subcontractor cooperation and assistance in accident investigations.
As prescribed in 236.570(b)(3), DFARS 252.236-7005 Airfield Safety Precautions	<p>(1) The Contractor shall comply with the requirements of this clause while—</p> <ul style="list-style-type: none"> (i) operating all ground equipment (mobile or stationary), (ii) placing all materials, and (iii) performing all work, upon and around all airfields.

Construction

Table C-3. Elements for Construction Contracts

Reference	Safety Elements for Construction Contracts
General Statement (SOW, PWS)	By including National Censuses Standards (OSHA), Government agents identify to the contractor that they are responsible for the protection of their employees. Report accidents IAW 29 CFR 1925
Service Contract Act of 1966	Provides for minimum standards focused on unsanitary, hazardous, dangerous to the health, and safety of contracted employees
FAR 52.222-20 Walsh-Healey Public Contracts Act	Mandates that no part of a contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract.
As prescribed in 36.507, FAR 52.236-7 Permits and Responsibilities	(a) Use the clause at 52.236-7, Permits and Responsibilities, in solicitations and contracts when a fixed-price or cost-reimbursement construction contract or a fixed-price dismantling, demolition, or removal of improvements contract is contemplated. The Contractor shall, without additional expense to the Government, be responsible for obtaining any necessary licenses and permits, and for complying with any Federal, State, and municipal laws, codes and regulations applicable to the performance of the work.
As prescribed in 36.513, FAR 52.236-13 Accident Prevention	(a) The Contractor shall provide and maintain work environments and procedures which will— (1) Safeguard the public and Government personnel, property, materials, supplies, and equipment exposed to Contractor operations and activities; (2) Avoid interruptions of Government operations and delays in project completion dates; and (3) Control costs in the performance of this contract. (b) For these purposes on contracts for construction or dismantling, demolition, or removal of improvements, the Contractor shall— (1) Provide appropriate safety barricades, signs, and signal lights; (2) Comply with the standards issued by the Secretary of Labor at 29 CFR Part 1926 and 29 CFR Part 1910; and (3) Ensure that any additional measures the Contracting Officer determines to be reasonably necessary for the purposes are taken. (c) If this contract is for construction or dismantling, demolition or removal of improvements with any Department of Defense agency or component, the Contractor shall comply with all pertinent provisions of the latest version of U.S. Army Corps of Engineers Safety and Health Requirements Manual, EM 385-1-1, in effect on the date of the solicitation. If the contract will involve work of a long duration or hazardous nature, the contracting officer shall use the clause with its <i>Alternate I</i> .

Table C-3. Elements for Construction Contracts

Reference	Safety Elements for Construction Contracts
As prescribed in 47.208-2, FAR 52.247-68 Report of Shipment (REPSHIP)	<p>(a) Definition. Domestic destination, as used in this clause, means—(1) A destination within the contiguous United States; or (2) if shipment originates in Alaska or Hawaii, a destination in Alaska or Hawaii, respectively.</p> <p>(b) Unless otherwise directed by the Contracting Officer, the Contractor shall—</p> <p>(1) Send a prepaid notice of shipment to the consignee transportation officer—</p> <p>(i) For all shipments of—</p> <p>(A) Classified material, protected sensitive, and protected controlled material;</p> <p>(B) Explosives and poisons, class 1, division 1.1, 1.2 and 1.3; class 2, division 2.3 and class 6, division 6.1;</p> <p>(C) Radioactive materials requiring the use of a III bar label; or</p> <p>(ii) When a truckload/carload shipment of supplies weighing 20,000 pounds or more, or a shipment of less weight that occupies the full visible capacity of a railway car or motor vehicle, is given to any carrier (common, contract, or private) for transportation to a domestic destination (other than a port for export).</p>
As prescribed in 246.371, DFARS 252.246-7003 Notification of Potential Safety Issues	<p>(a) Use clause 252.246-7003 in solicitations and contracts for the acquisition of—</p> <p>(1) Repairable or consumable parts identified as critical safety items;</p> <p>(2) Systems and subsystems, assemblies, and subassemblies integral to a system; or</p> <p>(3) Repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system.</p> <p>(b) Follow the procedures at PGI 246.371 (DFARS/PGI view) for the handling of notifications received under the clause at 252.246-7003.</p> <p>The Contractor notifies the Government representative as soon as practicable, but not later than 72 hours, after discovering or acquiring credible information concerning potential safety issues</p>
As prescribed in 223.7103(a), DFARS 252.223-7006 Prohibition on storage and disposal of toxic and hazardous materials	<p>(b) In accordance with 10 U.S.C. 2692, the Contractor is prohibited from storing or disposing of non-DoD-owned toxic or hazardous materials on a DoD installation, except to the extent authorized by a statutory exception to 10 U.S.C. 2692 or as authorized by the Secretary of Defense or his designee</p>
Unified Facilities Guide Specification UFGS-01 35 26 Governmental Safety Requirements	<p>Contains contractor safety self-evaluation checklist, site qualifications, regulatory requirements, activity hazard analysis, site safety reference materials, etc.</p>
Unified Facilities Guide Specification UFGS-01 45 00.10 20 Quality Control for Minor Construction	<p>Contains information for the contracting officer, QC program requirements, QC organization, QC plan, QC meetings, testing, etc.</p>

Hazardous Materials

Table C-4. Safety Elements for Hazardous Materials Contracts

Reference	Safety Elements for Hazardous Materials Contracts
As prescribed in 23.303, FAR 52.223-3 Hazardous Material Identification and Material Safety Data	<p>(a) Use clause 52.223-3, Hazardous Material Identification and Material Safety Data, in solicitations and contracts if the contract will require the delivery of hazardous materials as defined in 23.301.</p> <p>“Hazardous material” is defined in the latest version of Federal Standard No. 313 Federal Standards are sold to the public and Federal agencies through—General Services Administration Specifications Unit (3FBP-W) 7th & D Sts. SW Washington, DC 20407.</p> <p>Contractor must list any hazardous material, as defined in Federal Standard No. 313, to be delivered under the contract. The hazardous material shall be properly identified and include any applicable identification number, such as National Stock Number or Special Item Number. This information shall also be included on the Material Safety Data Sheet submitted under this contract.</p>
As prescribed in 47.208–2, FAR 52.247-68 Report of Shipment (REPSHIP)	<p>(a) Definition. Domestic destination, as used in this clause, means—(1) A destination within the contiguous United States; or (2) if shipment originates in Alaska or Hawaii, a destination in Alaska or Hawaii, respectively.</p> <p>(b) Unless otherwise directed by the Contracting Officer, the Contractor shall—</p> <p>(1) Send a prepaid notice of shipment to the consignee transportation officer—</p> <p>(i) For all shipments of—</p> <p>(A) Classified material, protected sensitive, and protected controlled material;</p> <p>(B) Explosives and poisons, class 1, division 1.1, 1.2 and 1.3; class 2, division 2.3 and class 6, division 6.1;</p> <p>(C) Radioactive materials requiring the use of a III bar label; or</p> <p>(ii) When a truckload/carload shipment of supplies weighing 20,000 pounds or more, or a shipment of less weight that occupies the full visible capacity of a railway car or motor vehicle, is given to any carrier (common, contract, or private) for transportation to a domestic destination (other than a port for export).</p>
As prescribed in 223.307, DFARS 252.223-7001 Hazard Warning Labels	Directs the Contractor to label the item package (unit container) of any hazardous material to be delivered under the contract in accordance with the Hazard Communication Standard (29 CFR 1910.1200 et seq.).
As prescribed in 223.7103(a), DFARS 252.223-7006 Prohibition on Storage and Disposal of Toxic and Hazardous Materials	In accordance with 10 U.S.C. 2692, the Contractor is prohibited from storing or disposing of non-DoD-owned toxic or hazardous materials on a DoD installation, except to the extent authorized by a statutory exception to 10 U.S.C. 2692 or as authorized by the Secretary of Defense or his designee
As prescribed in 223.7103(b), DFARS 252.223-7006 Prohibition on Storage and Disposal of Toxic and Hazardous Materials <i>Alternate 1</i>	Contractor assumes all financial and environmental responsibility and liability resulting from any treatment or disposal of non-DoD-owned toxic or hazardous materials on a military installation. The Contractor shall indemnify, defend, and hold the Government harmless for all costs, liability, or penalties resulting from the Contractor’s treatment or disposal of non-DoD-owned toxic or hazardous materials on a military installation

Table C-4. Safety Elements for Hazardous Materials Contracts

Reference	Safety Elements for Hazardous Materials Contracts
As prescribed in 246.371, DFARS 252.246-7003 Notification of Potential Safety Issues	<p>(a) Use clause 252.246-7003 in solicitations and contracts for the acquisition of—</p> <ol style="list-style-type: none"> (1) Repairable or consumable parts identified as critical safety items; (2) Systems and subsystems, assemblies, and subassemblies integral to a system; or (3) Repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system. <p>(b) Follow the procedures at PGI 246.371 (DFARS/PGI view) for the handling of notifications received under the clause at 252.246-7003.</p> <p>The Contractor notifies the Government representative as soon as practicable, but not later than 72 hours, after discovering or acquiring credible information concerning potential safety issues.</p>
AR 52.247-4551. Special Transport/Loading Requirements (Hazardous) (February 1996)	<p>In addition to requirements set forth under General Provision, "Loading, Bracing, and Blocking of Freight Car Shipments," rail shipments will be loaded, blocked, and braced in accordance with rules and methods contained in the current editions of Uniform Freight Classification, Association of American Railroads (AAR) Pamphlet No. 14, Circular 42G, and Rules Governing Loading of Commodities on Open Top Cars, Bureau of explosives Tariff No. Bureau of Explosives (BOE) 6000 publishing Hazardous Materials Regulations of the Department of Transportation, and BOE Pamphlets No. 6, 6A as applicable. Uniform Freight Classification may be procured from the regulatory classification agent covering territory from which shipment will be made. AAR Pamphlet, Circular, and Rules may be procured from the BOE, 59 E. Van Buren St., Chicago, IL 60605. BOE Tariff No. BOE 6000 and BOE Pamphlets may be procured from the BOE, AAR, 1920 L Street, Washington, D.C. 20036. The Defense Ammunition Center (DAC) approved drawings contained within Index of U.S. Army Unitization, Storage, and Outloading Drawings for Ammunition and Components is specifically applicable to rail loading, blocking, and bracing of this item and may be secured by the Contracting Officer or the Defense Contract Management Agency (DCMA).</p> <p>Truck shipments will be loaded, blocked, and braced in accordance with rules and methods contained in the current editions of National Motor Freight Classification and American Trucking Association, Inc., Motor Carrier's Explosives and Dangerous Articles Tariff, as applicable and effective at the time of shipment. These publications may be procured from the American Trucking Association, Inc., Tariff Order Section, 1616 P St., N.W., Washington, D.C. 20036. DAC approved drawings contained within Index of U.S. Army Unitization, Storage, and Outloading Drawings for Ammunition and Components is specifically applicable to motor, loading, blocking, and bracing of this item and can be secured from the Contracting Officer or DCMA.</p> <p>Trailer on flat car (TOFC) "Piggyback" shipments will be loaded, blocked, and braced in accordance with BOE Pamphlet No. 6C or AAR Circular No. 43, copies may be obtained from addresses given in paragraph (a) above. DAC approved drawings contained within Index of U.S. Army Unitization, Storage, and Outloading Drawings for Ammunition and Components is specifically applicable to loading, blocking, and bracing for TOFC shipments and may be obtained from the Contracting Officer or DCMA.</p> <p>Container shipments will be loaded, blocked, and braced in accordance with DAC drawings contained within Index of U.S. Army Unitization, Storage, and Outloading Drawings for Ammunition and Components which is specifically applicable to loading, blocking, and bracing of container shipments and may be secured from the contracting officer or the DCMA.</p> <p>Except as the carrier(s) may be liable, the contractor shall be liable to the government for any loss or damage resulting from improper loading and/or furnishing and installing dunnage material by the contractor for shipments to be made under this contract.</p>

Radioactive Material

Table C-5. Safety Elements for Radioactive Material Contracts

Reference	Safety elements for radioactive material contracts
<p>As prescribed in 23.602, FAR 52.223-7 Notice of Radioactive Material</p>	<p>Requires the contractor to notify the contracting officer prior to delivery of radioactive material.</p> <p>(a) The Contractor shall notify the Contracting Officer or designee, in writing, ___ days (number determined by Contracting Officer) prior to the delivery of, or prior to completion of any servicing required by this contract of, items containing either</p> <p>(1) Radioactive material requiring specific licensing under the regulations issued pursuant to the Atomic Energy Act of 1954, as amended, as set forth in Title 10 of the Code of Federal Regulations, in effect on the date of this contract, or</p> <p>(2) Other radioactive material not requiring specific licensing in which the specific activity is greater than 0.002 microcuries per gram or the activity per item equals or exceeds 0.01 microcuries. Such notice shall specify the part or parts of the items which contain radioactive materials, a description of the materials, the name and activity of the isotope, the manufacturer of the materials, and any other information known to the Contractor which will put users of the items on notice as to the hazards involved</p>
<p>As prescribed in 47.208-2, FAR 52.247-68 Report of Shipment (REPSHIP)</p>	<p>(a) Definition. Domestic destination, as used in this clause, means—(1) A destination within the contiguous United States; or (2) if shipment originates in Alaska or Hawaii, a destination in Alaska or Hawaii, respectively.</p> <p>(b) Unless otherwise directed by the Contracting Officer, the Contractor shall—</p> <p>(1) Send a prepaid notice of shipment to the consignee transportation officer—</p> <p>(i) For all shipments of—</p> <p>(A) Classified material, protected sensitive, and protected controlled material;</p> <p>(B) Explosives and poisons, class 1, division 1.1, 1.2 and 1.3; class 2, division 2.3 and class 6, division 6.1;</p> <p>(C) Radioactive materials requiring the use of a III bar label; or</p> <p>(ii) When a truckload/carload shipment of supplies weighing 20,000 pounds or more, or a shipment of less weight that occupies the full visible capacity of a railway car or motor vehicle, is given to any carrier (common, contract, or private) for transportation to a domestic destination (other than a port for export).</p>

Service

Table C-6. Safety Elements for Service Contracts

Reference	Safety Elements for Service Contracts
General Safety Program Statement (SOW, PWS)	<p>Contractors are responsible for the safety and occupational health of their workforce. Contractors will not expose Government employees, equipment, or facilities to hazards as a result of contractor operations.</p> <p>Include National Census Standards in accordance with the Occupational Safety and Health Act (OSHA), Government agents identify to the contractor that they are responsible for the protection of their employees in accordance with 29 CFR 1910, 29 CFR 1925, and 29 CFR 1926</p>
As prescribed in 8.1104(b), FAR 52.208-5 Condition of Leased Vehicles	<p>(a) Insert clause 52.208-5 in solicitations and contracts for leasing motor vehicles, unless the motor vehicles are leased in foreign countries</p> <p>Provides that each vehicle furnished under the contract shall be of good quality and in safe operating condition, and shall comply with the Federal Motor Vehicle Safety Standards (49 CFR 571) and State safety regulations applicable to the vehicle</p>
FAR 52.222-20 Walsh-Healey Public Contracts Act (Manufacturing and Remanufacturing only, all others see Service Contract Act of 1965 Subpart 22.10)	<p>Mandates that no part of a contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract</p> <p>Service contracts over \$2,500 shall contain mandatory provisions regarding minimum wages and fringe benefits, safe and sanitary working conditions, notification to employees of the minimum allowable compensation, and equivalent Federal employee classifications and wage rates. Under 41 U.S.C. 353(d), service contracts may not exceed 5 years.</p>
As prescribed in 22.1006(a), FAR 52.222-41 Service Contract Act of 1965	<p>(a) Insert clause 52.222-41, Service Contract Act of 1965, as amended, in solicitations and contracts if the contract is subject to the Act and is—</p> <ol style="list-style-type: none"> (1) For over \$2,500; or (2) For an indefinite dollar amount and the contracting officer does not know in advance that the contract amount will be \$2,500 or less. <p>Provides for minimum standards focused on unsanitary, hazardous, dangerous to the health, and safety of contracted employees</p>
As prescribed in 36.513, FAR 52.236-13 Accident Prevention	<p>The contracting officer shall insert the clause at 52.236-13, Accident Prevention, in solicitations and contracts when a fixed-price construction contract or a fixed-price dismantling, demolition, or removal of improvements contract is contemplated and the contract amount is expected to exceed the simplified acquisition threshold. If the contract will involve work of a long duration or hazardous nature, the contracting officer shall use the clause with its <i>Alternate 1</i>.</p> <p>(a) The Contractor shall provide and maintain work environments and procedures which will—</p> <ol style="list-style-type: none"> (1) Safeguard the public and Government personnel, property, materials, supplies, and equipment exposed to Contractor operations and activities; (2) Avoid interruptions of Government operations and delays in project completion dates; and (3) Control costs in the performance of contracts <p>(b) The contracting officer shall insert the clause or the clause with its <i>Alternate 1</i> in solicitations and contracts when a contract for services to be performed at Government facilities (see 48 CFR Part 37) is contemplated, and technical representatives advise that special precautions are appropriate</p>

Table C-6. Safety Elements for Service Contracts

Reference	Safety Elements for Service Contracts
<p>FAR 52.236-13 Accident Prevention; <i>Alternate I</i> (Nov 1991)</p>	<p>If the contract will involve (a) work of a long duration or hazardous nature, or (b) performance on a Government facility that on the advice of technical representatives involves hazardous materials or operations that might endanger the safety of the public and/or Government personnel or property, add the following paragraph (f) to the basic clause:</p> <p>(f) Before commencing the work, the Contractor shall—</p> <ol style="list-style-type: none"> (1) Submit a written proposed plan for implementing this clause. The plan shall include an analysis of the significant hazards to life, limb, and property inherent in contract work performance and a plan for controlling these hazards; and (2) Meet with representatives of the Contracting Officer to discuss and develop a mutual understanding relative to administration of the overall safety program.
<p>As prescribed in 37.110(b), FAR 52.237-2 Protection of Government Buildings, Equipment, and Vegetation</p>	<p>Insert clause 52.237-2 in solicitations and contracts for services to be performed on Government installations, unless a construction contract is contemplated. The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation on the Government installation. If the Contractor's failure to use reasonable care causes damage to any of this property, the Contractor shall replace or repair the damage at no expense to the Government as the Contracting Officer directs. If the Contractor fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost, which may be deducted from the contract price.</p>
<p>FAR 52.247-68 Report of Shipment (REPSHIP)</p>	<p>(a) Definition. Domestic destination, as used in this clause, means—(1) A destination within the contiguous United States; or (2) if shipment originates in Alaska or Hawaii, a destination in Alaska or Hawaii, respectively.</p> <p>(b) Unless otherwise directed by the Contracting Officer, the Contractor shall—</p> <ol style="list-style-type: none"> (1) Send a prepaid notice of shipment to the consignee transportation officer— <ol style="list-style-type: none"> (i) For all shipments of— <ol style="list-style-type: none"> (A) Classified material, protected sensitive, and protected controlled material; (B) Explosives and poisons, class 1, division 1.1, 1.2 and 1.3; class 2, division 2.3 and class 6, division 6.1; (C) Radioactive materials requiring the use of a III bar label; or (ii) When a truckload/carload shipment of supplies weighing 20,000 pounds or more, or a shipment of less weight that occupies the full visible capacity of a railway car or motor vehicle, is given to any carrier (common, contract, or private) for transportation to a domestic destination (other than a port for export).
<p>FARS 48 223-7303 Hexavalent Chromium; 223.7303 Prohibition</p>	<p>(a) Except as provided in 223.7304 and 223.7305, no contract may include a specification or standard that results in a deliverable or construction material containing more than 0.1 percent hexavalent chromium by weight in any homogeneous material in the deliverable or construction material where proven substitutes are available that provide acceptable performance for the application.</p> <p>(b) This prohibition is in addition to any imposed by the Clean Air Act regardless of the place of performance</p>

Table C-6. Safety Elements for Service Contracts

Reference	Safety Elements for Service Contracts
As prescribed in 223.570-2, DFARS 252.223-7004 Drug-Free Work Force	The Contractor shall establish a program that provides for testing for the use of illegal drugs by employees in sensitive positions requiring access to classified info or when the Contracting Officer determines that the clause is necessary for reasons of national security or for the purpose of protecting the health or safety of those using or affected by the product of, or performance of, the contract (not used outside US or for commercial type products or for acquisitions)
As prescribed in 223.7103(a), DFARS 252.223-7006 Prohibition on Storage and Disposal of Toxic and Hazardous Materials	In accordance with 10 U.S.C. 2692, the Contractor is prohibited from storing or disposing of non-DoD-owned toxic or hazardous materials on a DoD installation, except to the extent authorized by a statutory exception to 10 U.S.C. 2692 or as authorized by the Secretary of Defense or his designee
As prescribed in 223.7103(b), DFARS 252.223-7006 Prohibition on Storage and Disposal of Toxic and Hazardous Materials <i>Alternate I</i>	Contractor assumes all financial and environmental responsibility and liability resulting from any treatment or disposal of non-DoD-owned toxic or hazardous materials on a military installation. The Contractor shall indemnify, defend, and hold the Government harmless for all costs, liability, or penalties resulting from the Contractor's treatment or disposal of non-DoD-owned toxic or hazardous materials on a military installation
As prescribed in 223.7306, DFARS 252.223-7008 Prohibition of Hexavalent Chromium	<p>Unless an exception in 223.7304 applies, or use has been authorized in accordance with 223.7305, use clause 252.223-7008, Prohibition of Hexavalent Chromium, in solicitations and contracts for supplies, maintenance and repair services, or construction.</p> <p>(1) Unless otherwise specified by the Contracting Officer, the Contractor shall not provide any deliverable or construction material under this contract that—</p> <ul style="list-style-type: none"> (i) Contains hexavalent chromium in a concentration greater than 0.1 percent by weight in any homogenous material; or (ii) Requires the removal or reapplication of hexavalent chromium materials during subsequent sustainment phases of the deliverable or construction material. <p>(2) This prohibition does not apply to hexavalent chromium produced as a by-product of manufacturing processes.</p> <p>(c) If authorization for incorporation of hexavalent chromium in a deliverable or construction material is required, the Contractor shall submit a request to the Contracting Officer.</p>
As prescribed in 246.371(a), DFARS 252.246-7003 Notification of Potential Safety Issues	<p>(a) Use clause 252.246-7003 in solicitations and contracts for the acquisition of—</p> <ul style="list-style-type: none"> (1) Repairable or consumable parts identified as critical safety items; (2) Systems and subsystems, assemblies, and subassemblies integral to a system; or (3) Repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system. <p>(b) Follow the procedures at PGI 246.371 (DFARS/PGI view) for the handling of notifications received under the clause at 252.246-7003.</p> <p>The Contractor notifies the Government representative as soon as practicable, but not later than 72 hours, after discovering or acquiring credible information concerning potential safety issues</p>

Supplies

Table C-7. Safety Elements for Supplies Contracts

Reference	Safety Elements for Supplies Contracts
<p>As prescribed in 47.208-2, FAR 52.247-68 Report of Shipment (REPSHIP)</p>	<p>(a) Definition. Domestic destination, as used in this clause, means—(1) A destination within the contiguous United States; or (2) if shipment originates in Alaska or Hawaii, a destination in Alaska or Hawaii, respectively.</p> <p>(b) Unless otherwise directed by the Contracting Officer, the Contractor shall—</p> <p>(1) Send a prepaid notice of shipment to the consignee transportation officer—</p> <p>(i) For all shipments of—</p> <p>(A) Classified material, protected sensitive, and protected controlled material;</p> <p>(B) Explosives and poisons, class 1, division 1.1, 1.2 and 1.3; class 2, division 2.3 and class 6, division 6.1;</p> <p>(C) Radioactive materials requiring the use of a III bar label; or</p> <p>(ii) When a truckload/carload shipment of supplies weighing 20,000 pounds or more, or a shipment of less weight that occupies the full visible capacity of a railway car or motor vehicle, is given to any carrier (common, contract, or private) for transportation to a domestic destination (other than a port for export).</p>
<p>As prescribed in 223.7306, DFARS 252.223-7008 Prohibition of Hexavalent Chromium</p>	<p>Unless an exception in 223.7304 applies, or use has been authorized in accordance with 223.7305, use clause 252.223-7008, Prohibition of Hexavalent Chromium, in solicitations and contracts for supplies, maintenance and repair services, or construction.</p> <p>(1) Unless otherwise specified by the Contracting Officer, the Contractor shall not provide any deliverable or construction material under this contract that—</p> <p>(i) Contains hexavalent chromium in a concentration greater than 0.1 percent by weight in any homogenous material; or</p> <p>(ii) Requires the removal or reapplication of hexavalent chromium materials during subsequent sustainment phases of the deliverable or construction material.</p> <p>(2) This prohibition does not apply to hexavalent chromium produced as a by-product of manufacturing processes.</p> <p>(c) If authorization for incorporation of hexavalent chromium in a deliverable or construction material is required, the Contractor shall submit a request to the Contracting Officer.</p>

Appendix D

Contract Safety Checklist for Safety Professionals

This checklist is designed to help safety personnel understand their roles and responsibilities when supporting Army contracted services, supplies and operations. Army commands and requiring activities may adapt or expand these tasks and responsibilities as necessary to meet specific needs. Note that contract safety is best accomplished through a team approach; and requires collaboration between the requiring activity, the safety office, contract management personnel, legal counsel, and contractors across all phases of the contract cycle.



CONTRACT SAFETY CHECKLIST

General

- Complete safety training as required by duties or position
- Review Army and command specific contract safety policy, processes and personnel responsibilities
- Access contract safety support tools
- Be proactive and responsive; contact the requiring activity and contracting personnel to offer safety support for contract initiation and surveillance activities
- Provide technical advice, assistance, and training on safety processes and procedures, as required, to support contracts

Pre-Award

Support your organization/activity with risk assessment and analysis

Identify safety and occupational health clauses necessary to support contract requirements development processes and documents

Identify activity and/or command unique requirements

Consider special safety requirements for contracts involving high-risk operations (e.g., ammunition and explosives, chemical agents, radioactive materials)

Ensure requirements for transport, storage, disposal and destruction of hazardous materials are addressed in contracts

Ensure proper safety controls, such as clauses and standards, are incorporated into the Contract Deliverables Requirements List (CDRL)

Review the Quality Assurance Surveillance Plan (QASP) to ensure it includes necessary safety elements

Provide safety training to CORs and others as requested by the KO

Participate in pre-award conferences and site surveys

Provide safety input during solicitation events

Upon request, review bidder responses and notify the KO of safety issues or concerns (including contractor safety past performance)

Ensure contractors submit Accident Prevention Plans that include hazard analysis and plans for controlling risks

Post-Award

Provide contractors with initial safety orientation

Issue safety permits to contractors if required by local standards and/or processes

Coordinate with the COR to ensure contractors hold required safety permits

Oversee, as directed by the KO, contractor safety performance and compliance

Notify the COR of noncompliance or imminent danger conditions (safety professionals have the authority to stop operations as necessary to prevent loss of life or limb)

Investigate and/or document contract-related accidents and mishaps in accordance with Army standards and KO guidance

Analyze contractor accident trends and provide results to the KO for entry into the Army's contractor past-performance system

At contract closeout, document and maintain records for safety deliverables and lessons-learned

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