Goddard Procedural Requirements (GPR)

DIRECTIVE NO.	GPR 8715.9	**APPROVED BY Signature:**	*Original Signed By*
EFFECTIVE DATE:	January 13, 2012	**NAME:**	Judith N. Bruner
EXPIRATION DATE:	January 13, 2017	**TITLE:**	Director, Safety and Mission Assurance

COMPLIANCE IS MANDATORY

Responsible Office: Code 350 / Occupational Safety and Health Division

Title: Contractor Safety Program

PREFACE

P.1 PURPOSE

The Contractor Safety Program establishes procedures and requirements, to ensure that contractors develop and implement effective occupational safety and risk management processes for the continuous protection of the life, health, and well-being of their employees, the public, other contractors' employees, and NASA employees, as well as property and equipment while performing work at GSFC facilities. This program provides the framework and guidelines for compliance with Federal Acquisition Regulation (FAR), NASA FAR Supplement (NFS), and procedural requirements included in NPR 8715.3, NASA General Safety Program Requirements.

P.2 APPLICABILITY

This directive applies to all GSFC organizations that utilize GSFC Procurement services. The provisions of the Contractor Safety Program specifically apply to Program/Project Managers (PM), Contracting Officers (CO), Contracting Officer Technical Representatives (COTR), Contracting Specialists (CS), Contractors' Program/Project Managers, GSFC Occupational Safety and Health Division (Code 350), Wallops Flight Facility (WFF) Safety and Mission Assurance Branch (Code 803.2), and any GSFC civil servant involved in the requisition and/or procurement of service or operations contracts. It is expected that all contract work performed at GSFC is conducted in a manner compliant with the requirements of the Contractor Safety Program.

P.3 AUTHORITIES

a. Federal Acquisition Regulation (FAR) Part 52
b. NASA FAR Supplement (NFS) Part 1823
c. NPR 8000.4A, Agency Risk Management Procedural Requirements
d. NPR 8715.3C, NASA General Safety Program Requirements

P.4 APPLICABLE DOCUMENTS

a. NPR 8621.1, Mishap and Close Call Reporting, Investigating, and Recordkeeping
b. GPR 1700.1, Occupational Safety Program at Goddard Space Flight Center
c. GPR 5100.1, Procurement

d. GPR 7120.4, Risk Management
e. GSFC Form 23-59, Initiators Acquisition Request

P.5 CANCELLATION

None

P.6 SAFETY

GSFC Project Managers and Contractor's Management Representatives likewise have the responsibility for the identification and control of occupational safety hazards inherent to service or operation contract activities before commencement of work. Contractor employees are required to be familiar with and to comply with all safety directives, rules, and regulations applicable to the work they perform, and especially, with the stipulations of approved Safety and Health (S&H) Plans included as part of their respective contracts. Contractors' implementation of proactive safety and risk management processes is essential for the prevention of incidents, mishaps, and close calls. The Contractor Safety Program assures that contractors establish plans and procedures to protect the public from harm, ensure the safety of employees, and prevent damage to high-value equipment and property.

P.7 TRAINING

Proper implementation of the Contractor Safety Program requires familiarity with the safety and health clauses of the FAR, the NASA FAR Supplement, NASA's General Safety Program Requirements, Risk Based Acquisition Management (RBAM), and Continuous Risk Management (CRM) requirements. Additionally, it is required to have knowledge of business communications and liaison procedures between the United States Government and a private contractor.

P.8 RECORDS

Record Title	Record Custodian	Retention
Approved Initiator Acquisition Checklist (GSFC Form 23-59).	Contractor Safety Specialist	*NRRS 5100/1(f) - Destroy Upon Termination or Completion. [GRS 3-3c]
S&H Plan Review Report Memorandum	Contractor Safety Specialist	*NRRS 5100/1(f)
Contractor Safety Orientation Meeting Report Memorandum	Contractor Safety Specialist	*NRRS 5100/1(f)
Contractor Performance Evaluation Report (GSFC Form 18-15)	Contractor Safety Specialist	*NRRS 5100/1(f)
Contractor Safety Program Audit Report	Contractor Safety Specialist	*NRRS 5100/1(f)

**NRRS – NASA Records Retention Schedules (NPR 1441.1)*

P.9 MEASUREMENT/VERIFICATION

The GSFC and WFF Safety Offices shall maintain the Center's Contractor Safety Management metrics pertaining to the number of Safety Reviews conducted on Purchase Requests (PR), the number of Contractor S&H Plan reviews, the number of Contractor Safety orientations meetings, and the number of closed-out findings identified during Contractor Safety Performance Evaluations and Contractor Safety Program Audits.

PROCEDURE

In this document, a requirement is identified by "shall," a good practice by "should," permission by "may" or "can," expectation by "will," and descriptive material by "is."

At GSFC Greenbelt, the Contractor Safety Specialist (CSS) within the Occupational Safety and Health Division (Code 350) is the cognizant and responsible individual within the safety organization for this Contractor Safety Program. At the WFF, the Safety and Mission Branch (Code 803.2) is the responsible organization for the Contractor Safety Program. For this GPR, the term CSS will be used to identify participation or activities performed by either organization at its appropriate location.

1.0 CONTRACTOR SAFETY AND RISK MANAGEMENT REQUIREMENTS FOR NASA CONTRACTORS

This section describes the requirements for ensuring that all GSFC contractors have effective occupational safety and risk management programs. Details on the implementation of these requirements are included in subsequent Sections 2.0 through 5.0.

1.1 GSFC contracts shall be written to hold contractors accountable for the safety and health of their employees, services, facilities, equipment, and products (as applicable).

1.2 The CO and the CSS shall ensure that the requirements of this directive are included in GSFC contracts. Those requirements must be coordinated with the program or project office, and other offices as needed.

1.3 Contracts shall contain safety and risk management requirements as appropriate for design, development, fabrication, test, or operations of systems, equipment, and facilities.

1.4 Where appropriate, solicitations shall require the submission and evaluation of safety and risk management documentation [e.g., corporate safety policies, implementation procedures, safety performance experience, and mishap rates by Standard Industrial Classification (SIC) codes] and draft program planning documents, such as S&H Plans, risk management plans, etc.

1.5 Contractor's S&H Plans shall describe the approach (including milestone schedule) to achieve and maintain safety and health management practices according to the criteria outlined in the four elements of Occupational Safety and Health Administration (OSHA) Voluntary Protection Program (VPP) safety and health management system (management leadership and employee involvement; worksite analysis; hazard prevention and control; and safety and health training).

Contractors' S&H Plans shall address NASA's safety program requirements and expectations as established in Appendix E of NPR 8715.3C Sample S&H Plan for Service or Operations Contracts.

1.6 Before contract performance begins, the CO shall coordinate a meeting with contractor representatives and the CSS to brief onsite contractors on local safety requirements and document these briefings.

The responsible organizational safety representatives shall also inform the onsite contractor of any adjacent GSFC and other contractor operations that could pose a hazard to their operation and employees.

1.7 To the extent specified in the contract, contractors shall develop motivation, awareness, training, and certification programs for their employees in safety matters.

These programs shall include regularly scheduled safety meetings for supervisors, foremen, and employees.

All safety-related training shall be documented in accordance with OSHA requirements and as specified in the contractor S&H Plan and applicable NASA Directives.

1.8 To the extent specified in the contract, contractors shall notify and report safety data on incidents, mishaps, close calls, and lessons learned as required in NPR 8621.1B, and in accordance with OSHA requirements.

Contractors shall investigate contractor mishaps in accordance with investigation procedures as specified in the contractor's S&H Plan.

The CSS shall evaluate and verify implementation of recommended corrective actions.

1.9 To the extent specified in the contract, contractors shall monitor and self-evaluate activities for compliance with the safety provisions or requirements of the contract. These safety program evaluations identify and correct safety problems at an early stage.

1.10 Contractor activities shall be monitored and evaluated by NASA officials (or delegated agencies).

The CSS shall assist the Program/Project Manager, the COTR, or responsible official in implementing contractor safety surveillance and evaluation programs. The depth of insight and oversight employed will fit the extent of hazards and the importance of the program.

1.11 To the extent specified in the contract, contractors shall provide the CO, COTR, and safety officials with access to their activities to determine the adequacy of safety measures.

Contractors shall also provide access for NASA Headquarters and Center safety program review teams for them to conduct selected announced and unannounced reviews of contractor operations.

1.12 To the extent specified in the contract, contractors' personnel located on GSFC facilities shall comply with Center safety and emergency planning requirements.

Contractors shall coordinate their Emergency Action Plans with the respective Facility Operations Manager (FOM) for all operations with safety implications.

1.13 To the extent specified in the prime contract, contractors shall include safety responsibilities in subcontracts.

As a minimum, subcontractors shall comply with the NASA approved Prime Contractor's S&H Plan.

1.14 To the extent specified in the contract, contractors shall assess all Government-Furnished Property (GFP) or Facilities (GFF) associated with the contract and advise the CO of areas not in compliance with OSHA standards.

1.15 Program / Project Managers shall:

a. Coordinate with the CSS the development and approval of safety requirements and objectives for efforts to be contracted and advise COs of these specific safety concerns or issues related to the contract performance.
b. Develop safety requirements and objectives that are clearly delineated in the specifications. Provide specific tasks to the CO for incorporation into the contract as required.
c. Tailor surveillance of contractor safety matters appropriate to the nature of the procurement. (Even a performance-based contract must have a surveillance plan.)

1.16 Contracting Officers shall:

a. Coordinate any matters regarding proposed deviations to safety requirements of NFS Subpart 1823.70, Safety and Health, with the GSFC Director of Safety and Mission Assurance, WFF Safety and Mission Assurance Branch Head, or his/her designated representative.
b. Establish safety performance, where appropriate, as an element to be evaluated in contracts with fee plans.

c. Require copies of Safety Data Sheets (SDS) be entered into the Center's Hazardous Materials Management System (HMMS) for all hazardous materials brought onsite or where requested by the GSFC Occupational Safety and Health Division (OSHD), the WFF Environmental Office (Code 250), or the WFF Safety Office (Code 803).
d. Require contractors' Task Hazard Analyses (safety risk assessments) to be developed and provided to GSFC for approval before the start of any hazardous deliverable work or support operations as directed by the CO or the COTR.
e. Include safety as an element under Management, Mission Suitability, and Past Performance in the Source Selection Plan.

1.17 The Contractor Safety Specialist (CSS) shall:

a. Participate in the development of the safety tasks and requirements in conjunction with program officials.
b. Participate in onsite visits and pre-bid conferences to ensure potential bidders understand safety provisions.
c. Assist the CO in evaluating the safety record of the prospective contractors.
d. Assist the CO as appropriate in evaluating the contractor's performance regarding safety.
e. Assist the CO as appropriate in applying any special safety provisions to Grants or Cooperative Agreements.

2.0 SERVICE AND OPERATIONS CONTRACT SAFETY OVERSIGHT PROCESS

2.1 Pre-Contract Award Safety Activities

2.1.1 The initiator of a PR for a service or operations contract (i.e., organizational unit management representative, Project/Program Manager, etc.) shall identify, analyze, and document the risks and potential occupational safety hazards inherent to the work to be contracted.

2.1.2 The Initiator shall prepare a requisition package that includes a copy of the PR, a copy of the Statement of Work (SOW), and an Initiator's Acquisition Checklist (IAC) Form GSFC 23-59 indicating the potential hazards involved in the acquisition.

2.1.3 The CSS shall review the content of the Form GSFC 23-59 and the SOW to verify that risks and occupational safety hazards are identified and documented for each service or operation contract PR.

2.1.4 The CSS shall document and provide to the CS appropriate safety and health provisions and clauses to comply with the FAR, NASA FAR Supplement, and GSFC requirements.

2.1.5 The CS shall ensure that Requests for Proposals (RFP), and the ensuing contracts, include the specified safety and health provisions and clauses.

2.1.6 After receiving proposals from prospective contractors, the CS shall forward the S&H Plans to the CSS for review and verification of compliance with Recommended Content of the Proposed S&H Plan (NPR 8715.3 Appendix E) (Concurrence).

NOTE: For major competitive contract~~s~~ evaluations with values greater than $50,000,000 (or other smaller evaluations that take place inside the SEB facility or a similarly secured environment) the Source Evaluation Board (SEB) receives and analyzes the proposals and the S&H Plans separately. The CSS participates in the evaluation of the S&H Plans inside the secured evaluation facility as a consultant.

2.1.7 The CSS shall ensure that prospective contractor's S&H Plans establish CRM Processes providing sufficient assurance that accidents will not result from the contract execution and, if they occur, their consequences will be mitigated.

2.1.8 The CSS shall issue a S&H Plan Review Report Memorandum stating the concurrence or rejection of the S&H Plan. This memorandum communicates to the CS the results of the review including recommendations for improvement if required. The CSS may concur with the plan, even if there are minor/moderate issues that are recommended for improvement.

2.1.9 For competitive procurements, where several prospective contractors' S&H Plans are reviewed, beside the general concurrence or rejection statement, the CSS shall identify potential findings (strengths and/or weaknesses) for each of the S&H Plans in the corresponding report memorandums. The CSS shall not reject an S&H Plan unless there are major deficiencies that would significantly increase the risk of unsuccessful contract work performance, considering both the contents of the proposed S&H Plan and the nature of the work required for the specific solicitation.

2.2 Post Contract Award Safety Activities

2.2.1 Subsequent to contract award, but before commencement of contract work, the CO, the COTR, the PM, or the CSS shall convene a Contractor Safety Orientation meeting.

2.2.2 Subsequent to contract award and S&H Plan approval, the CSS shall assist the CO with the implementation of contractor monitoring and safety surveillance activities.

2.2.3 The CSS shall conduct semiannual contractor safety performance evaluations on contracts with performance award fees and on other contracts depending on specific requirements of the contract safety surveillance plan and contract performance indicators.

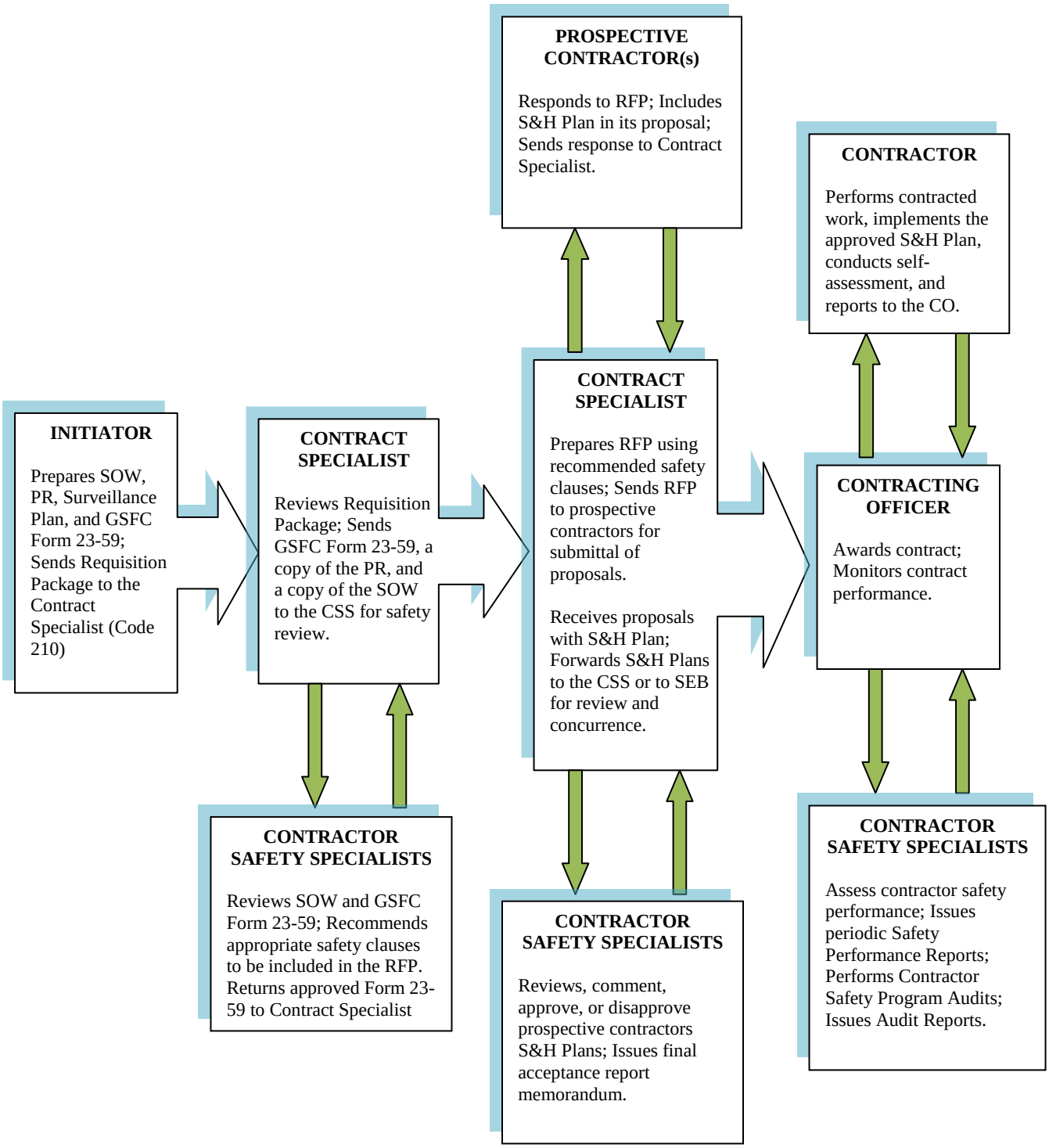
2.2.4 The CSS shall conduct periodic safety program audits on all major operations support contracts.

2.2.5 The CSS shall issue formal written reports with the results of the contractors' safety program audits identifying Findings, Strengths, and Observations.

2.2.6 The CSS shall verify the effectiveness of the action plans contractor submit for resolution of safety program audit findings.

The diagram below (Figure - 1), illustrates the interactions and information flow between the PR Initiator, the Contract Specialist, the Prospective Contractors, the Contractor, the Contracting Officer, and the Contractor Safety Specialist.

Figure 1: SERVICE AND OPERATIONS CONTRACT SAFETY OVERSIGHT PROCESS



3.0 ACCESS TO NASA FACILITIES BY COMPLIANCE OFFICERS TO INVESTIGATE CONTRACTOR MISHAPS

3.1 Compliance safety and health officers are persons authorized by the OSHA, U.S. Department of Labor (DOL), to conduct inspections. Federal (OSHA) or state compliance safety and health officers shall be allowed on GSFC property to review and survey contractor operations and investigate mishaps. If the State does not have a DOL-approved safety plan or the Center is under exclusive Federal jurisdiction, only Federal compliance officers shall have the right of access to NASA or contractor operations.

3.2 Unless Federal OSHA claims exclusive Federal jurisdiction, both Federal and state OSHA investigators shall be allowed to investigate a contractor mishap occurring on a NASA Center. The HQ Safety and Risk Management Division or the Office of Health Affairs, as applicable, and the GSFC OSHD or the WFF Safety and Mission Assurance Branch, as appropriate, shall be notified of OSHA's (Federal or state) impending investigation and shall be provided the results of their investigation.

4.0 CONTRACTOR CITATIONS

Under the Occupational Safety and Health Act of 1970 (P.L. 91-596), as amended, an employer is responsible for providing employees with safe working conditions regardless of where the employees are working. Therefore, it is the contractor's responsibility to submit a timely reply to any OSHA citation it receives. The contractor is responsible for settling citations issued against the operation unless specifically addressed in the contract.

5.0 GRANTS

A safety and health clause (NFS 1852.223-70) addressing safety of personnel shall be included in grants and cooperative agreements when performance involves GSFC facilities, Government Furnished Equipment (GFE), or hazardous or energetic materials or chemicals that may pose a significant safety or health risk when used. Program offices that select research projects that could contain possible safety issues shall identify the need for a safety special condition to be included in the grant or cooperative agreement award document. The special safety condition shall include the provision that all applicable OSHA requirements, host institution, and general industry-accepted practices shall be followed during the research to eliminate or control the risks associated with the grant or cooperative agreement.

Appendix A – Definitions

A.1 **Continuous Risk Management (CRM)** - A systematic and iterative process that efficiently identifies, analyzes, plans, tracks, communicates, controls, and documents risks associated with implementation of designs, plans, and processes.

A.2 **Contract** – A mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements covered by 31 U.S.C. 6301,

A.3 **Contract Specialist (CS)** – A person who performs procurement functions under the direction of the Contracting Officer (CO). However, the CO has the ultimate responsibility for the procurement process.

A.4 **Contracting Officer (CO)** – A person (normally a Government Civil Servant) with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer.

A.5 **Contracting Officer's Technical Representative (COTR)** – A person (normally a Government Civil Servant) exercising authority and responsibility delegated by the CO. This individual represents the CO in the daily surveillance of the contractor, and provides overall technical management of the contract.

A.6 **Contractor** – Anyone providing products or services to GSFC under a contract.

A.7 **Contractor Safety Specialist (CSS)** – A person (normally a Government Civil Servant) exercising authority and responsibility delegated by the Center Occupational Safety and Health Official to ensure contract solicitations require the submission of safety and risk management documentation and verify that prospective contractors have the knowledge and the means to address the potential hazards encountered during implementation of contracted work. This individual develops, recommends, and approves safety requirements and objectives for efforts to be contracted, and provides expert opinion to CO and Selection Evaluation Board (SEB) on the prospective contractors' ability to comply with NASA and GSFC occupational safety and health requirements. Additionally, this individual assists the CO and COTR in the implementation of contractor safety surveillance programs and advises the CO and COTR of specific safety concerns or issues related to contract work performance.

A.8 **Initiator** – The person within the requiring organization who is responsible for initiating the purchase request, and is supported or assisted by the requiring organization in accomplishing the responsibilities in this GPR.

A.9 **Risk-Based Acquisition Management (RBAM)** – Risk-Based Acquisition Management is a management initiative to apply CRM throughout the acquisition process (i.e., requirements development, acquisition planning, RFP development/solicitation, source selection, and post-award acquisition management).

Appendix B – Acronyms

CO	Contracting Officer
COTR	Contracting Officer Technical Officer
CRM	Continuous Risk Management
CS	Contracting Specialist
CSS	Contractor Safety Specialist
DOL	Department of Labor
FAR	Federal Acquisition Regulation
FOM	Facility Operations Manager
GFE	Government Furnished Equipment
GFF	Government Furnished Facilities
GFP	Government-Furnished Property
GPR	Goddard Procedural Requirement
GSFC	Goddard Space Flight Center
HMMS	Hazardous Materials Management System
IAC	Initiator's Acquisition Checklist
NASA	National Aeronautics and Space Administration
NFS	NASA FAR Supplement
NPR	NASA Procedural Requirement
NRRS	NASA Record Retention Schedules
OSHA	Occupational Safety and Health Administration
OSHD	Occupational Safety and Health Division
PM	Program or Project Manager
PR	Purchase Request
RBAM	Risk-Based Acquisition Management
RFP	Request for Proposal
SEB	Source Evaluation Board
SDS	Safety Data Sheets
S&H	Safety and Health
SIC	Standard Industrial Classification
SOW	Statement of Work
VPP	Voluntary Protection Program
WFF	Wallops Flight Facility

CHANGE HISTORY LOG

Revision	Effective Date	Description of Changes
Baseline	1/13/12	Initial Release