

# Chapter 11.1

## General safety and health requirements for JSC contracts and purchases

### 1. Applicability of this chapter

You are required to follow this chapter if you identify, develop, manage, or monitor JSC contracts or purchases. Paragraph 15 of this chapter lists the responsibilities of organizations and individuals who contract for goods and services, including customer organizations, contracting officers, the Legal Office, and the Safety and Test Operations Division.

### 2. What this chapter covers

This chapter:

- a. Provides the following information:
  1. What kinds of contracts and purchases there are at JSC.
  2. An overview of the various regulations and NASA requirements to consider for JSC contracts.
  3. Brief descriptions of safety products that may be required in certain contracts.
  4. General instructions for implementing these requirements throughout the life of the contract.
- b. Fulfills the following regulations:
  1. “Services Contract Act,” as amended, FAR Subpart 22.10
  2. “Labor Standards for Contracts Involving Construction,” FAR Subpart 22.4
  3. “Walsh-Healey Public Contracts Act,” FAR Subpart 22.6
  4. Federal and NASA procurement regulations
  5. NASA and JSC policies and requirements for safety and health

### *Safety in contracts and purchases*

### 3. Making sure contractors are safe

To have safe contractor operations, you shall:

- a. Begin by defining all safety requirements, tasks, and products in the solicitation and then monitor contractor safety performance until the contract ends.
- b. Identify and document safety requirements. Start identifying safety requirements when you start developing the scope of the contract. Pay particular attention to the need for system safety engineering requirements to address hazards associated with the goods to

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be made or the work to be done. System safety tasks shall reflect the preliminary work breakdown structure whenever possible.

- c. Identify and request the funds needed to fulfill safety requirements and do safety tasks. Safety requirements can add as much as 3% to 4% to the cost of the contract. Usually 0.5% to 2% of the total acquisition cost is required to meet basic federal and NASA safety requirements. Costs for system safety engineering, which will add to this, depend on such things as the risks of new or modified designs, new hazard control technologies, hazardous operations, or program complexity.
- d. Include safety requirements in solicitations and contracts. Make safety a line item in the schedules of solicitations and contracts. Include provisions to stop contractor work if an imminent danger to life or health exists.
- e. Cross reference the tasks to the work breakdown structure and to the statement of work (SOW) if you think your contract may require system safety engineering tasks. You may also cross reference them to hazards with specific facilities, operations, or the work environment of the contract.
- f. Consider safety in selecting contractors. Items to review include:
  1. The Contractor's safety and health plan.
  2. The Contractor's OSHA Form 300 for the current year plus the past 3 full years.
  3. Other safety documentation that applies to the contract with particular attention to the locations at which the contractor will work.
- g. Provide selected contractor with a pre-work briefing and keep minutes and attendance records of each briefing. Briefings shall include:
  1. JSC, NASA, and OSHA safety requirements and National Fire Protection Association fire safety requirements.
  2. Emergency procedures.
  3. Procedures for handling mishaps (including reporting and investigating).
  4. Nearby JSC and contractor operations that could be hazardous to the new contractor's people or operations.
- h. Monitor the progress and quality of safety products beginning with phase-in activities and through the life of the contract. The Safety and Test Operations Division will help contract administration personnel monitor contractor performance of safety tasks. Guidance for this may be in the contract schedule, in JPD 5310.7, "JSC Safety, Reliability, and Quality Assurance Audits and Surveillances of JSC Contractors" (current version), in surveillance plans, or by special request of the contract administrators. When a contract meets the following conditions, it will have a higher priority for monitoring:
  1. The goods and services being acquired pose a significant safety risk to JSC employees or programs, or any work is to be done at a JSC facility.

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2. The contract value exceeds \$1M, or the contract officer or the contracting officer's technical representative (COTR) requests it.
- i. Inspect and accept safety deliverables at contract milestones or when the contractor delivers them, such as at milestone reviews. Contract administrators shall request support from the Safety and Test Operations Division as required to review and comment on safety deliverables before acceptance.
- j. Develop and follow a tailored surveillance plan to grade contractor safety performance on the following factors:
  1. Number and type of mishaps.
  2. The lost time and OSHA-recordable incident rates as compared to JSC goals and the industry average.
  3. Open safety discrepancies.
  4. The number of OSHA citations.
  5. Other factors such as proactive safety activities (including participation in the JSC safety program), mishap prevention activities, and participation in the NASA lessons learned program.
  6. You may consolidate the safety surveillance plan with an overall contract surveillance plan.
- k. Have the contractor identify all hazards and safety-related risks transferred to the government that have not been identified in the contract, previous deliverables, or supporting documentation. This includes training records of contractor personnel to support follow-on procurements of support services.

### **4. Off-the-shelf products**

If you are involved in purchases of off-the-shelf products, you shall:

- a. Follow 29 CFR 1960.34(b) and put special emphasis to items designed and made locally.
- b. Ensure that supplies, equipment, services, and material purchased directly from vendors meet any federal safety and health laws and regulations that apply.
- c. Require suppliers to:
  1. Provide MSDSs for hazardous materials (see Chapter 9.1).
  2. Identify any potentially hazardous items not identified by the government as hazardous in the contract schedule. All hazardous items delivered to the government shall also include enough information to ensure the safe use, operation, or servicing of those items.
  3. Meet the requirements for system safety in Chapter 2.4, "Hazard analysis," for major hardware and software acquisitions.

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4. Review procurements to make sure products meet safety and health provisions in this chapter.
- d. If you discover defective or unsafe products, communicate findings about defective or unsafe products or materials that may require recall. JSC will use information available from the following:
  1. Internal sources such as mishap report findings, inspection reports, or complaints of defective materials and equipment.
  2. External sources such as notices from vendors, product safety bulletins, or information systems such as the Government-Industry Data Exchange Program.

### 5. Contractor injury and illness rates

JSC contractors shall maintain rates that are below JSC goals. JSC goals may be lower than the most recent specific industry national averages for their NAICS. This applies to both the OSHA recordable injury and illness incidence rates and the lost and restricted workday case rates. JSC will compare contractor rates with the rates generated under NAICS.

### 6. Classes of contracts and purchases

This paragraph establishes the following classes for JSC contracts and purchases for the purpose of this handbook:

- a. The *services or support services* class includes services to support a JSC organization in doing certain tasks. The work required is usually defined in generic terms, such as engineering support, facilities engineering, maintenance, or fire protection. Contract administrators call for specific tasks by the contract SOW, task orders, or other means consistent with generic tasks in the SOW.
- b. The *facility acquisitions* class includes the design, construction, modification, repair, and demolition of facilities. These are commonly known as construction of facilities and minor construction, rehabilitation, and repair projects. All phases of a facility's life, from requirements definition through construction and demolition, are within the scope of this class. Purchasing goods and services for facility operation will generally fall in some other class, such as services.
- c. The *spaceflight programs* class includes contracts for the spaceflight programs as described in documentation for spaceflight programs. Safety requirements for these programs are tailored to federal regulations and NASA requirements that apply, and are usually documented as program requirements.
- d. The *payloads* class includes purchasing goods and services associated with launching payloads into space for a specific mission in the space environment. Payload-specific purchases of goods and services for ground support are included in this class. If a flight

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program element is considered a “payload,” program requirements will state the extent to which the payload requirements apply.

- e. The **grants** class includes buying “knowledge” from basic research and development by a contractor. JSC usually provides funds, and occasionally facilities or equipment, to a contractor to obtain the knowledge or other results of the work.
- f. The **lease of equipment and facilities** class includes the use, but not the ownership, of facilities and equipment by NASA for many purposes. Examples include off-site office or training space, test equipment, test beds, and data processing equipment.
- g. **Interagency loans and agreements** aren’t usually considered an “acquisition” for procurement purposes. However, goods and services are often acquired or exchanged through interagency loans and agreements. For the purpose of this handbook, this class includes loans and agreements between NASA and other government agents, both domestic and foreign.
- h. The **non-programmatic research and development** class includes purchasing research and development goods and services that are not within the scope of other contract or purchase classes in this chapter.
- i. The **major hardware systems** class includes the purchase of major hardware systems and components that are not covered under another contract class. This class includes prototype hardware that may result from research and development.
- j. The **hazardous materials** class includes purchasing materials such as gases, liquids, or powders, or “items” that could release harmful materials when used or worked with, such as welding rods, abrasive disks, aerosols, or metal stock. You may procure such materials by small purchase buys, as part of a blanket contract, as bulk purchases, or as part of an overall contract.
- k. The **concurrent engineering** class represents an innovative approach to NASA engineering contracts that uses a parallel, rather than a phased, flight program engineering approach. Concurrent engineering poses special challenges to traditional NASA system safety engineering requirements.

### *Safety products and instructions*

#### **7. Safety products and deliverables**

The **safety and health plan** is the basic contract deliverable. It sets forth the basic features and scope of the contractor’s safety and health program. The plan states how the contractor will follow JSC requirements, and how it will work with JSC on safety and health matters. The plan doesn’t supersede contractor safety or health policies or other regulations that the contractor needs to follow. If there is no mutual concern for hazards or risk, JSC generally expects the contractor to follow federal, state, and local regulations with minimum JSC oversight. The data requirements description (DRD) can be found on the JSC Safety Homepage at <http://www6.jsc.nasa.gov/safety/Requirements/index.htm>. The safety and

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health plan is required to be approved before the contract start date. The contracting officer may approve an alternate schedule with the concurrence of the Safety and Mission Assurance Directorate. An approved safety and health plan shall include provisions for submitting the following data to JSC:

- a. **Mishap reports** are required from certain contractors by Chapter 2.7, “Mishap and incident investigation,” of this handbook. You will use mishap data to assess the contractor’s safety performance. The contractor shall submit these data as described in Chapter 2.7. **Note:** Occasionally, a contract may not require a safety and health plan but may require mishap reporting. You may use the language of the mishap reporting paragraph of the DRD for a separate DRD for this purpose. Data on contract labor hours are also required, but use any feasible solution to get the data and document them in the contracted file after concurrence from the Safety and Test Operations Division.
- a. **Safety statistics** help JSC evaluate the overall performance of a contractor’s safety program. The information required is found on JSC Form 288, “Statistical Information - Contractor Safety and Health Program.”
- b. **MSDSs** are required when a contractor:
  1. Will use hazardous materials while working at JSC, Ellington Field, or Sonny Carter Training Facility.
  2. Will deliver goods to JSC and those goods contain hazardous materials.
  3. Has a possibility of working with delivered goods in any way that will expose personnel to hazardous materials. Examples include grinding, sandblasting, or welding.

**Note:** See Chapter 9.1, “Hazardous Materials,” of this handbook for more information.

- a. The **roster of terminated employees** informs the JSC Clinic when it should retire employee medical records.
- b. The **safety and health program evaluation** uses OSHA’s model of a successful, continuously improving safety and health program per OSHA TED 8.4, “Voluntary Protection Plan (VPP) Policies and Procedures Manual,” to support JSC’s certification as a Star site in OSHA’s Voluntary Protection Program. See Chapter 1.10, “Safety and health program evaluation,” of this handbook for more details.
- c. The **annual summary of occupational injuries and illnesses** is a copy of the contractor’s OSHA log (OSHA Form 200 or 300) or equivalent data. It shall be submitted every February when the contractor posts it. JSC will analyze discrepancies between the OSHA log and the contractor’s mishap data to make sure that the contractor has followed its reporting requirements.
- d. **Workplace safety analyses** usually result from an incident, a close call, or a hazardous condition that needs to be corrected. Examples of these include job safety analyses, hazard operability studies, accident investigations other than those in subparagraph a above, and failure analyses. Results are usually communicated to JSC in hazard analyses reports, safety assessment reports, or operational readiness review documentation.

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- e. **Monthly safety and health metrics** that provide basic information on the contractor's safety and health program activity including the following:
1. Safety and health committee meetings including the number of supervisors and non-supervisory employees attending, agendas, and subject matter.
  2. Number of hazard analyses performed monthly and cumulatively for the performance year.
  3. Number of hazards corrected during the month and cumulatively for the performance year.
  4. Number of training opportunities during the month and cumulatively for the performance year; includes how many are on schedule or delinquent (past due).

### 8. Other safety products and deliverables to include as appropriate

The following data may also be required:

- a. The **system safety program plan** (SSPP) is required if the contract includes system safety tasks. It is similar to the safety and health plan above except that it outlines the contractor's system safety engineering program. System safety engineering is generally required whenever you think complex hardware, software, environmental, or personnel interactions could create hazards that need to be eliminated or controlled. See Attachment 802B, Appendix 8B for a list of references that describe system safety engineering techniques. The SSPP may be included in the safety and health plan or specified as a separate plan in the SOW or the data requirements of the contract. The results of a system safety program are hazard analysis reports and safety assessment reports. Examples of items that an SSPP may cover include the following:
- Flight hardware.
  - Critical ground support equipment.
  - High-hazard, high-value, or mission-critical facilities.
  - Hazardous operations.
- b. Older contracts may require **risk evaluations** and **safety and health program self-evaluation reports** as described in the DRDs. Consult with the Safety and Test Operations Division for guidance on whether to replace these deliverables with a requirement for the **program evaluation** as described in subparagraph 7.e above.

### 9. How to decide which safety tasks and products are necessary

The table below is a guide organized by contract class (see paragraph 6 above) to help you select the safety tasks and products for your contract. Your selection is based on the risks that the contractor will face in fulfilling the contract. You shall use the following factors to tailor safety tasks and products to your contract as a minimum:

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- a. The hazards of producing and delivering goods or services.
- b. The hazards of the goods and services that become government property.
- c. The value of the contract or purchase and whether it is cost-plus or fixed-price.
- d. How critical the contract or purchase is to NASA’s mission.
- e. Whether the goods are made or services are done at a JSC facility, a contractor facility, or a third-party facility.
- f. The nature of other goods being made and services being done where the contractor is working.
- g. Whether NASA equipment or property is made available to the contractor to do the work required.
- h. Whether representatives or the property of anyone other than the contractor is present at the location where work is done.
- i. The degree of risk associated with subcontracts that are part of a prime contract.
- j. The level of risk shared between NASA and the contractor, whether explicitly stated in the contract or implied by legal, regulatory, or other activity or standards.

<i>Contract class . . .</i>	<i>Safety and health plan required?</i>	<i>System safety products required?</i>	<i>Mishap reports required?</i>	<i>Safety statistics and monthly safety and health metrics required?</i>	<i>Other safety reports . . .</i>
Services and support services	Always if done on NASA property	Job hazard analyses, hazard operability studies, or equivalent (as needed)	Always for mishaps at JSC, Ellington Field, or Sonny Carter Training Facility  At non-JSC sites, only if government personnel or equipment are involved	Always for on-site contracts (other than construction)  For off-site contracts with mishap reporting requirement – labor hours and status of corrective actions	The following as specified in the safety and health plan. <ul style="list-style-type: none"> <li>• Roster of terminated employees</li> <li>• Self evaluations</li> <li>• Risk evaluations</li> <li>• MSDSs</li> <li>• OSHA logs</li> </ul>
Facilities, architect, and engineer	None	In design review packages	None	None	None
Facilities, construction	Always for on-site construction	None	OSHA recordables only	Labor hours and status of corrective actions	MSDSs

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<i><b>Contract class . . .</b></i>	<i><b>Safety and health plan required?</b></i>	<i><b>System safety products required?</b></i>	<i><b>Mishap reports required?</b></i>	<i><b>Safety statistics and monthly safety and health metrics required?</b></i>	<i><b>Other safety reports . . .</b></i>
Spaceflight programs	Always for primes; specifics determined by program management	Initial and modified designs	Same as services contracts	Same as services contracts	Same as services contracts
Payloads	Always (payload safety plan)	Initial and modified designs	Always if on government premises or involves government property or personnel	Labor hours and status of corrective actions	MSDSs for hazardous materials
Grants	If done on government property	Hazardous operations on government property	Same as services contracts	Same as services contracts	MSDSs for hazardous materials
Equipment and facility leases	No; safety conditions will be addressed in lease	No	When in JSC custody	When in JSC custody, report through responsible JSC organization	Risk evaluation
Interagency loans and agreements	If hazardous operations or hardware involved	Same as services contracts	Same as services contracts	Same as services contracts	Same as services contracts
Non-programmatic research and development	Same as services contracts	Same as services contracts	Same as services contracts	Same as services contracts	Same as services contracts
Major hardware systems	Deferred to flight program office	Deferred to flight program office	Always if on government premises or involves government property or personnel	No	None
Hazardous materials	None	None	None	None	MSDSs

## *Regulations and requirements for contracts*

### **10. Procurement regulations**

Three basic groups of regulations and requirements could be put in JSC contracts: procurement regulations, federal and other regulations, and NASA requirements. Decide which of the regulations and requirements in paragraphs 11, 12, and 13 of this chapter apply to your contracts. For example, hazardous materials regulations apply only if the work under contract involves hazardous materials in any way. You need to include clauses and reference regulations and requirements in both the solicitation and the final contract. Procurement regulations reflect statutory requirements found in Title 48 CFR. You will find the basic federal procurement regulations in the FAR. NASA supplements the FAR through the NASA FAR supplement (NFS). JSC implements the NFS through JSC prescriptions. You shall follow these regulations and include clauses from them that apply to your contract:

- a. Federal Acquisition Regulations:
  1. Subpart 9.1, “Responsible Prospective Contractors,” paragraph 9.104-1(e)
  2. Subpart 23.2, “Energy and Water Efficiency and Renewable Energy”
  3. Subpart 23.3, “Hazardous Material Identification and Material Safety Data”
- b. NASA FAR Supplements:
  1. Subpart 1823.2, “Energy and Water Efficient and Renewable Energy”
  2. Subpart 1823.3, “Hazardous Material Identification and Material Safety Data,” including 1823.370, “Acquisition of potentially hazardous items from or through another government agency”
  3. Subpart 1823.70, “Safety and Health”
- c. JSC Prescription: JSC 52.223.92, “JSC Hazardous Materials Use”

### **11. Federal and other regulations to include in your contracts**

Contractors and vendors shall follow a wide variety of federal regulations at a cost and risk burden to JSC. Include the following and other federal regulations that apply:

- a. 10 CFR, Chapter I, Department of Energy and Nuclear Regulatory Commission, especially the following:
  1. Part 20, “Standards for Protection Against Radiation”
  2. Part 34, “Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations”
  3. Part 71, “Packaging and Disposal of Radiographic Materials”
- b. 29 CFR, OSHA, Parts 1900 to 1999, especially the following:
  1. Part 1910, “Occupational Safety and Health Standards, General Industry”

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2. Part 1925, “Safety and Health Standards for Federal Services Contracts”
  3. Part 1926, “Occupational Safety and Health Standards, Construction Industry”
  4. Part 1990, “Identification, Classification, and Regulation of Potential Occupational Carcinogens”
- c. 40 CFR, Chapter I, EPA, especially the following:
1. Subchapter C, “Air Programs”
  2. Subchapter D, “Water Programs”
  3. Subchapter E, “Pesticide Programs”
  4. Subchapter F, “Radiation Protection Programs”
  5. Subchapter G, “Noise Abatement Programs”
  6. Subchapter I, “Solid Wastes”
  7. Subchapter J, “Superfund, Emergency Planning, and Community Right-to-Know Programs”
  8. Subchapter N, “Effluent Guidelines and Standards”
  9. Subchapter R, “Toxic Substances Control Act”
- d. 49 CFR, Chapter I, Department of Transportation, especially the following:
1. Subchapter B, “Hazardous Materials Transportation and Pipeline Safety”
  2. Subchapter C, “Hazardous Materials Regulations”
- e. Other federal documents and requirements
1. Federal Standard No. 313, “Preparation and Submission of Material Safety Data Sheets” (as revised)
  2. ***Specifications Kept Intact (SPECS-IN-TACT)***, Master 01411, “General Safety Requirements” (see Attachment 11.1A, Appendix 11B for a list of the contents), and JSC submasters. SPECS-IN-TACT is a set of NASA-originated specifications for designing and building facilities. Basic specifications or masters are established at the agency level for a wide range of facility design requirements. Each center complements selected masters by developing submasters. The JSC submaster before 1/07 was 01410. A new numbering system has been established and put into effect under 01 31 00.00 80.
- f. State and local regulations that apply to contractors. You shall include any state and local regulations that apply. These regulations may also be a cost and risk burden to NASA. You may have to work out arrangements with your contractors to meet state and local regulations in a cost-effective manner.

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### **12. JSC and NASA requirements to include in your contracts**

You shall include the following JSC and NASA requirements that apply:

- a. JPR 1700.1, “JSC Safety and Health Handbook,” current version
- b. “Buy Quiet and Quiet by Design” requirements in Chapter 7.1 of this handbook
- c. NPR 8715.3, “NASA General Safety Program Requirements”
- d. Flight-program-specific requirements such as NSTS 5300.4, “Safety, Reliability, Maintainability, and Quality Provisions for the Space Shuttle Program”
- e. Other NASA or JSC requirements and standards that apply

### **13. Consensus standards, practices, and guidelines to include in contracts**

You are encouraged to include consensus standards and practices in its acquisition activities as referenced in NASA safety requirements that apply. Examples of such standards include:

- a. Boiler and Pressure Vessel Codes of the ASME
- b. National Fire Codes of the NFPA
- c. Uniform building codes
- d. Uniform fire codes
- e. Guidelines issued by the NIOSH
- f. Guidelines issued by the EPA

### **14. Citing standards in contracts**

If you must cite a safety or health standard in an SOW, you shall:

- a. Identify the number and title of the standard.
- b. Tell the prospective bidder or contractor where to get a copy of the standard.
- c. Describe in enough detail how the standard applies to the contract.

### **15. Responsibilities for safety in contracts and purchases**

- a. *Customer organizations that contract for goods or services* are responsible for:
  1. Identifying to the JSC Safety and Test Operations Division a point of contact who will be responsible for the safety aspects of the contract. This will normally be the technical manager, COTR, or some member of your staff.
  2. Identifying risks and hazards with the procurement that need to be controlled or eliminated.

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3. Identifying safety activities that need to be funded during budget activities and request enough funds to do them.
  4. Making sure safety requirements are included in purchase requests, solicitations, and contracts by means such as SOW clauses or data requirements.
  5. Directing the contractor to perform necessary safety tasks.
  6. Monitoring the contractor's safety performance under the contract including the safety and health plan, phase-in plan, etc.
  7. Supporting safety program audits and surveys as required by the JSC Safety and Mission Assurance Directorate.
  8. Allowing JSC safety personnel to review the proposed procurements for safety requirements on request. JSC safety review is mandatory for any procurement that involves flight hardware, costs more than \$1M, or is a high risk to personnel or property. Contact the Safety and Test Operations Division.
  9. Supporting the contracting officer in making sure the contractor follows the safety requirements and delivers required safety products.
  10. Coordinating all changes to safety requirements and deliverables with Safety and Test Operations Division before issuing a contract change.
  11. Fulfilling the responsibilities in paragraph 9.3.1 of NPR 8715.3.
- b. As a **contracting officer**, you are responsible for:
1. Making sure that the Safety and Test Operations Division has concurred with all safety aspects before issuing any solicitation or contract for goods or services, including any changes to the safety aspects of the contract work. See JPR 1281.6, "Procurement," for details.
  2. Including the appropriate safety-related clauses and requirements required by the FARs, including NASA and JSC supplements into all contracts.
  3. Following up on contractor mishap investigations.
  4. Fulfilling the responsibilities in paragraphs 9.3.2, 9.3.3, 9.4.1, and 9.4.3 of NPR 8715.3.
- c. The **Legal Office** is responsible for making sure that the appropriate safety and health clauses are included in contracts as concurred by the Safety and Test Operations Division.
- d. The **Safety and Test Operations Division** is responsible for helping contracting officers and their COTRs evaluate the risks and hazards of the products and services supplied by a procurement by:
1. Advising technical representatives and JSC organizations on identifying and tailoring safety requirements from the beginning of any procurement activity.

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2. Helping to draft, select, and verify specific safety provisions that apply to the procurement under NASA and JSC supplements to the FARs and with NASA and JSC requirements.
3. Coordinating the review of purchase requests as described in JPR 1281.6, "Procurement," and identifying safety requirements before issuing purchase orders.
4. Coordinating with the contracting officers the form and language of safety requirements to be included in solicitations and contracts, including changes.
5. Monitoring contractor performance as required.
6. Evaluating the contractor's safety-related products, deliverables, and performance, including safety plans and hazard analyses.
7. Coordinating with the Procurement Quality Assurance Group of the Quality and Flight Equipment Division on procurement matters.
8. Fulfilling the responsibilities in paragraphs 9.4.2 and 9.4.3 of NPR 8715.3.