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Chapter 1.5 Contract Worker Coverage

1.5.1 Applicability of this chapter

1.5.1.1 You are required to follow this chapter if you:

- a. Are involved with selecting contractors.
- b. Oversee existing contracts at JSC.

1.5.2 JSC’s basic safety and health requirements for contractors

1.5.2.1 JSC will accomplish the following general objectives:

- a. Ensure on-site contractor employees are provided effective safety and health protection by enforcing JSC’s safety and health requirements for each contract.
- b. Promptly control any hazards that contractors don’t control.
- c. Consider company safety and health records and programs when selecting contractors.
- d. Collect injury and illness data and hours for contractors who work a total of 1,000 hours or more in any calendar quarter.
- e. Monitor and evaluate contractor safety and health programs. Impose penalties for not following JSC safety and health requirements. Penalties could include terminating a contract for willful or repeated violations of JSC requirements.

NOTE: You can find guidance on selecting safety and health requirements for contracts at URL: <http://www9.jsc.nasa.gov/safety/Requirements/docs/NS-TMP-006-SH-Guidelines-Proc.docx>.

1.5.3 Requirements to cite in contracts

Procurement development teams shall cite JPR 1700.1, “JSC Safety and Health Handbook,” current version in JSC contracts, as well as Federal, NASA, state, local, requirements and consensus standards that apply to the work on the contract. See URL: <http://www9.jsc.nasa.gov/safety/Requirements/docs/NS-TMP-006-SH-Guidelines-Proc.docx> for guidance on applicable requirements.

1.5.4 Requirements for service contracts

1.5.4.1 Service contracts shall:

- a. Include DRD SA-1-1, “Safety and Health Plan,” and JSC Form 288, “Statistical Information - Contractor Safety and Health Program,” unless the contract meets the exception in the note below.
- b. Include safety and health text in the Statement of Work and evaluation criteria for solicitations and Section C for contracts as found at URL: <http://www6.jsc.nasa.gov/safety/Requirements/index.htm>.
- c. Include a safety and health clause in the solicitation or contract if a safety and health plan is required. The Safety and Test Operations Division and the Space Medicine Operations

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Divisions shall approve any changes to a safety and health clause. The clause shall be one of the following:

- (1) NFS 1852.223-70, "Safety and Health," as described in NFS 1823.7001, "NASA Contract Clauses," subparagraph a, if the plan will be submitted for NASA approval 45 days after contract start date
- (2) NFS 1852.223-73 as described in NFS 1823.7001(c), if the plan will be part of the proposal and used for source selection
- (3) Alternate I to NFS 1852.223-73 as prescribed in NFS 1823.7001(d) if you will negotiate the plan before contract award

NOTE: A safety and health plan may not be required if a contractor meets the criteria of NFS 1823.7001(b). Approval from the Safety and Test Operations Division and the Space Medicine Operations Division is required for any exceptions to the requirement for a safety and health plan. Usually, this will be the case if:

- The contract value is less than \$5M.
- No hazardous operations or flight hardware are involved; The contract will include the Service Contract Act of 1965, which includes adequate safety and health provisions.
- The contract will require that work totaling less than 1000 hours in a quarter be performed on site at JSC, Ellington Field, Sonny Carter Training Facility or the White Sands Test Facility.

1.5.5 Requirements for construction contracts

- a. Contracting officers shall make sure solicitations for bid and construction contracts require the contractor to:
 - (1) Follow 29 CFR 1926, "Occupational Safety and Health Standards, Construction Industry."
 - (2) Follow JPR 1700.1, "JSC Safety and Health Handbook and specifically Chapter 10.1, "Safety and Health Requirements For Facility Design, Construction and Operations."
 - (3) Follow other safety and health provisions required by law or contract clauses.
 - (4) Submit a safety and health plan enough in advance of the scheduled start of construction to allow the Safety and Test Operations Division and the Space Medicine Operations Division to review the plan and submit comments. The plan needs to thoroughly address the specific hazards and OSHA standards associated with the project. The Contracting Officer in coordination with the Contract Officer's Representative (COR) shall approve the plan before any construction may begin.
 - (5) Submit a hazard analysis for the project that explicitly addresses specific hazards associated with the project. The contractor may submit the analysis in phases, but the Safety and Test Operations Division shall approve the hazard analysis for each phase before work on that phase may start.
 - (6) Submit a site-specific steel erection plan if the project will involve steel erection. The plan shall meet the guidelines in 29 CFR 1926, Subpart R, Appendix A.

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(7) Ensure requirements are set in place that will allow the contractor project safety officers and site supervisors to take the 10- or 30-hour OSHA Construction Outreach Training before starting work. The contractor shall provide training records for project safety officers, site supervisors, and foremen before beginning work on the project.

- b. CORs shall make sure the contractor follows its safety and health plan and any other safety and health requirements in the contract.

NOTE: The Safety and Test Operations Division and the Space Medicine Operations Division will periodically inspect the job site. Consult with the Facilities Management and Operations Division on additional requirements for managing construction contracts

1.5.6 Requirements for grants

1.5.6.1 If a grant involves working in a JSC facility or with JSC equipment, the grantee:

- a. Shall submit a hazard assessment of the work to the Administrative Grants Officer. Follow paragraph 9.7 of NPR 8715.3 when awarding grants.
- b. If the risk is significant, the grantee shall:
 - (1) Submit a safety and health plan to the Administrative Grants Officer or designee for approval or include safety and health provisions in the grant agreement.
 - (2) Report and investigate any mishaps as required by Chapter 2.6, "Mishap and Incident Investigation," of this Handbook.

1.5.7 Requirements for contracts involving hazardous materials

1.5.7.1 The following requirements apply to solicitations or contracts that involve hazardous materials or items designated as potentially hazardous:

- a. The contractor and any subcontractors shall deliver material safety data as described in the safety and health plan.
- b. If the contractor acquires hazardous materials or potentially hazardous items from or through another government agency (see FAR Part 8, "Required Sources of Supplies and Services," and FAR Subpart 17.5, "Interagency Acquisitions Under the Economy Act"), the contractor shall make sure the responsible agency provides the data required by FAR Subpart 23.3 and the clause at FAR 52.223-3, "Hazardous Material Identification and Material Safety Data."
- c. Contract involving hazardous materials shall include the clause at FAR 52.223-3. See Federal Standard No. 313, "Material Safety Data, Transportation Data and Disposal Data for Hazardous Materials Furnished to Government Activities," as revised, and the transportation requirements chapter 9.1 of this handbook. The contractor shall submit hazardous material data on the following:
 - (1) All items in, or ordinarily cataloged under, the Federal Supply Classes listed in Table I of Appendix 8A of Federal Standard No. 313, as revised
 - (2) Items having hazardous characteristics in the Federal Supply Classes listed in Table II of Appendix 8A of Federal Standard No. 313, as revised

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(3) Any other material designated by a government technical representative as potentially hazardous and requiring safety and health controls

d. If the contract will involve potentially hazardous items:

(1) See FAR 23.3, "Hazardous Material Identification and Material Safety Data," for more requirements.

(2) The solicitation or contract shall list the potential hazardous items.

(3) The contractor shall maintain the list of potentially hazardous items as described in its safety and health plan.

1.5.8 Requirements for off-the-shelf purchases

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

a. Ensure that supplies, equipment, services, and material purchased directly from vendors meet any federal safety and health laws and regulations that apply.

b. Require suppliers to:

(1) Provide Safety Data Sheets (SDSs) for hazardous materials (see Chapter 9.1)

(2) Ensure that all hazardous items delivered to the government include enough information to ensure the safe use, operation, or servicing of those items

(3) Meet the requirements for system safety in Chapter 2.3, "Hazard Analysis," for major hardware and software acquisitions

c. Communicate to the contracting officer and the Safety and Test Operations Division findings about defective or unsafe products or materials you discover that may require recall. Sources of findings include, but are not limited to:

(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

1.5.9 Responsibilities

a. **JSC Contractors** are responsible for:

(1) Providing for the safety and health of their employees and subcontractors no matter where they work (such as in JSC-owned or -leased facilities, with government equipment, or together with government employees).

(2) Maintaining an effective safety and health program, and follow all safety and health requirements that apply to the contract.

(3) Protecting JSC team members and members of the public who may visit or work in areas where their employees or subcontractors work.

(4) Providing JSC safety data on JSC Form 288.

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- (5) Providing a safety and health line item in their budgets.
- (6) Notifying their Contracting Officer, COR, and the Safety and Test Operations Division of safety and health concerns per their safety and health plan.
- (7) Providing products, equipment, and services that meet OSHA, NASA, and JSC safety and health requirements in design and operations.
- (8) Making sure their subcontractors (if any) follow OSHA, NASA, and JSC safety and health requirements and documenting this “flow down” of safety and health responsibility.
- (9) Allowing their contracting officer, COR, JSC safety or health personnel, and state or federal OSHA personnel access to their operations for safety or health inspections or investigations.

NOTE: These responsibilities may be tailored to individual contracts at the discretion of the Contracting Officer and the Safety and Test Operations Division.

b. **Customer organizations that contract for goods or services** are responsible for:

- (1) Making sure safety requirements are included in purchase requests, solicitations, or contracts by means such as Statement of Work clauses or data requirements
- (2) Making sure that funding is available for the contractor’s safety and health program.
- (3) Directing the contractor to perform necessary safety tasks
- (4) Monitoring the contractor’s safety performance under the contract to ensure the contractor follows its safety and health plan
- (5) Supporting safety program audits and surveys as required by the JSC Safety and Mission Assurance Directorate
- (6) 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.
- (7) Supporting the contracting officer in making sure the contractor follows the safety requirements and delivers required safety products.
- (8) Coordinating all changes to safety requirements and deliverables with Safety and Test Operations Division before issuing a contract change.
- (9) Fulfilling the responsibilities in paragraph 9.3.1 of NPR 8715.3.

c. **Contracting Officers** are responsible for:

- (1) Ensuring that the Safety and Test Operations Division and the Space Medicine Operations Division have concurred with all safety and health 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) Identifying safety and health risks with the procurement in consultation with the Safety and Test Operations Division and the Space Medicine Operations Division.

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- (3) Including the appropriate safety-related clauses and requirements required by the FAR, including NASA and JSC supplements into all contracts.
- (4) Following up on contractor mishap investigations.
- d. The **Safety and Test Operations Division and the Space Medicine Operations Division** are responsible for helping contracting officers and their CORs evaluate the risks and hazards of the products and services procured, such as:
 - (1) Advising technical representatives and JSC organizations on identifying and tailoring safety and health requirements from the beginning of any procurement activity
 - (2) Helping to draft, select, and verify specific safety and health provisions
 - (3) Coordinating the review of purchase requests as described in JPR 1281.6, "Procurement," and identifying safety and health requirements before issuing purchase orders
 - (4) Coordinating with the contracting officers the form and language of safety and health 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 and health plans and hazard analyses
 - (7) Coordinating with the Procurement Quality Assurance Group of the Quality and Flight Equipment Division on procurement matters
 - (8) Providing safety and health briefings to JSC contractors.

1.5.10 Safety and health records for contract worker coverage

1.5.10.1 The Office of Procurement shall keep Center-level records on JSC contractors as required by the contract or other JSC requirements to include:

- a. Contractor OSHA 300 logs ("OSHA Log and Summary of Occupational Injuries and Illnesses") and supporting information.
- b. Documentation on contractor selection that shows safety and health was considered in selecting the contractor.
- c. Documentation showing contractor evaluation that includes safety and health.
- d. Disciplinary action taken on a contractor because of safety and health reasons.
- e. Any other safety and health documentation required by an individual contract, such as safety and health plans.

NOTE: See Appendix F, Attachment 1.1A for details on records required by this Chapter.