NASA Procedural Requirements

COMPLIANCE IS MANDATORY

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Responsible Office: Office of Safety and Mission Assurance

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Chapter 9. Safety and Risk Management for NASA Contracts

9.1 Purpose

This chapter provides the procedural requirements for assuring that NASA contractors have effective safety and risk management programs. This chapter provides requirements for NASA officials with responsibility for assuring safety under NASA contracts.

9.2 Applicability and Scope

9.2.1 When NASA activities include contractor involvement, Center Directors and project managers shall include contractors in the NASA Safety Program (Requirement 25054).

9.2.2 Center SMA Directors, project managers, COs, and COTRs shall ensure that NASA contracts are written to hold contractors accountable for the safety of their employees, their services, their products, and for complying with NASA and Center safety requirements (Requirement 31915).

9.3 Authority and Responsibility

9.3.1 Project managers shall:

a. Work with cognizant safety officials to develop and approve safety requirements and objectives for efforts to be contracted, and advise COs and COTRS of specific safety concerns or issues related to contract performance (Requirement 31917).

b. Ensure that the application of the requirements in Chapter 2 of this NPR are specified in related contracts, memoranda of understanding, and other documents for joint ventures between NASA and other parties including commercial services, interagency efforts, and international partnerships (Requirement 32103).

c. Ensure that NASA responsibilities are specified in contracts, memoranda of understanding, and other documents for joint ventures between NASA and other parties including commercial services, interagency efforts, and international partnerships (Requirement).

d. Ensure that contracts contain safety, mission success, and risk management requirements for design, development, fabrication, test, and the operations of systems, equipment, and facilities in consultation with Center SMA Directors (Requirement 25060).

e. Use the software safety requirements in NASA-STD-8719.13, Software Safety Standard, and NASA-STD-8739.8, Software Assurance Standard, as the basis for contracts, memoranda of understanding, and other documents related to software (Requirement).

f. Provide specific safety tasks to the CO for incorporation into contracts (Requirement 31919).

g. Define the surveillance of contractor safety matters with respect to the nature of the procurement (Requirement 31920).

h. Ensure that performance-based contracts have a surveillance plan (Requirement 31921).

9.3.2 System Safety Managers, COs, and COTRs shall:

a. Develop safety requirements and objectives that are clearly delineated in contract specifications in conjunction with project officials (Requirement 31918).

b. Establish safety performance as an element to be evaluated in contracts with fee plans (Requirement 31924).

c. Require copies of MSDS for new hazardous materials as requested by the local NASA safety office (Requirement 31925).

d. Participate in onsite visits and pre-bid conferences to ensure potential bidders understand safety provisions (Requirement 31927).

e. Review, comment, and approve (or disapprove) the contractors' safety risk assessment, submitted in response to paragraph 9.3.3, before the start of any hazardous deliverable work or support operations (Requirement).

f. Coordinate any matter regarding proposed requests for relief to safety requirements of 48 CFR Part 1823.70, Safety and Health, with the OSMA or designated representative (Requirement 31923).

g. Implement NPR 5100.4, Federal Acquisition Regulation Supplement (NASA FAR Supplement) (Requirement 25058).

h. Implement 48 CFR Parts 1807, Acquisition Planning; 1823, Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace; 1842, Contract Administration and Audit Services; and 1846, Quality Assurance (Requirement).

9.3.3 COs or the COTR shall ensure the contractors' safety risk assessments are developed and provided to NASA for approval before the start of any hazardous deliverable work or support operations (Requirement).

9.3.4 System Safety Managers shall:

a. Assist the CO and COTR in evaluating the prospective contractor's safety record and safety program (Requirement 32095).

b. Assist the CO and COTR in applying any special safety provisions to grants or cooperative agreements (see paragraph 2.7) (Requirement 32096).

c. During the pre-award phase of acquisition, develop, document and provide to the CO criteria for the safety performance elements to be evaluated in contracts with fee plans in a timely manner to ensure inclusion in the solicitation (Requirement).

9.4 Requirements

9.4.1 COs and COTRs shall:

a. Ensure contract solicitations require the submission of safety and risk management documentation (e.g., corporate safety policies, implementation procedures, safety performance experience, Experience Modification Rates, Worker Compensation Claims, and mishap rates by North American Industrial Classification System (NAICS) codes, and draft program planning documents, such as safety and health plans and risk management plans) as provided by the Center's SMA Organization (Requirement 25061). (See Appendix E and Appendix F for more information to ensure that solicitation instructions include the requirements outlined in both Appendices.)

b. . Ensure contract solicitations include the evaluation of safety and risk management documentation (e.g., corporate safety policies, implementation procedures, safety performance experience, Experience Modification Rates, Worker Compensation Claims, and mishap rates by NAICS codes) and draft program planning documents, such as safety and health plans and risk management plans as a factor for evaluating bids (Requirement). (See Appendix E and Appendix F for more information.)

c. Ensure that safety and risk management evaluation criteria and solicitation instructions are developed in conjunction with responsible project personnel and Center SMA organization representatives (Requirement). (See Appendix E and Appendix F for more information.)

9.4.2 Center SMA Directors shall:

a. Brief all onsite contractors on local safety requirements to include incident and accident reporting, emergency evacuation procedures, fire reporting, medical emergency notification and response actions, hazardous material spill reporting and response, site entry/exit procedures, and hot work permit requirements before contract performance

begins and at least annually, thereafter (Requirement 25062).

b. Document the onsite contractors briefings (Requirement 32097).

c. Inform the onsite contractor of any adjacent NASA and any other contractor operations that could pose a hazard to their operation and employees (Requirement).

d. Assist the program or project manager or other responsible official in implementing contractor safety surveillance and evaluation programs (Requirement 25066).

e. During the pre-award phase of acquisition; develop, document and provide to the CO safety, mission success and risk management requirements for design, development, fabrication, test, and the operations of systems, equipment, and facilities in a timely manner to ensure inclusion in the solicitation (Requirement).

f. During pre-award phase of acquisition; develop, document and provide to the CO, a statement of work elements, evaluation criteria, and solicitation instructions requiring the submittal of safety and risk management documentation (e.g., corporate safety policies, implementation procedures, safety performance experience, and mishap rates by North American Industrial Classification System (NAICS) codes, and draft program planning documents, such as safety and health plans and risk management plans) in a timely manner to ensure inclusion in the solicitation (Requirement).

g. Participate in the contractor selection and evaluation process providing support to the CO to ensure the proper evaluation of contractor proposal information (e.g., corporate safety policies, implementation procedures, safety performance experience, and mishap rates by NAICS codes) and draft program planning documents, such as safety and health plans and risk management plans, as a factor for evaluating bids (Requirement).

9.4.3 Center SMA Directors, COs, and COTRs shall ensure that contracts include a provision to require the contractor to provide a written plan for mitigating risks from hazardous operations to adjacent and other contractors (Requirement 32098). (See Appendix E and Appendix F for more information.)

9.5 Access to NASA Facilities by State and Federal Compliance Safety and Health Officers

9.5.1 Unless exclusive Federal jurisdiction is claimed by Federal OSHA, Center Directors and project managers shall allow both Federal and State OSHA compliance safety and health officers and investigators to review and survey contractor operations and investigate contractor mishaps at NASA Centers.

> *Note: If the State does not have a Department of Labor-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. Further access requirements for OSHA and National Institute of Occupational Safety and Health are provided in NPR 8715.1, NASA Occupational Safety and Health Programs.*

9.5.2 Center Directors and project managers shall:

a. Notify the OSMA, the OCHMO, Occupational Health Division, and the Designated Agency Safety and Health Official (DASHO) of any OSHA (Federal or State) impending investigations (Requirement).

b. Provide the results of Federal and State OSHA investigations to the OSMA, Safety Assurance and Requirements Division, the OCHMO, and the DASHO (Requirement 32100).

9.6 Contractor Citations

9.6.1 Center Directors and project managers shall ensure contractor organizations are accountable for providing their employees with safe working conditions regardless of where the employees are working (Requirement 25072).

> *Note: This provision is required by 5 U.S.C. S 7902; 29 U.S.C. S 651 et seq.; 49 U.S.C. S 1421, the Occupational Safety and Health Act of 1970, as amended, and 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 its operation unless specifically addressed in the contract.*

9.7 Grants

9.7.1 Project managers that select research projects that could contain possible safety issues shall:

a. Identify the need for special safety conditions to be included in grants or cooperative agreement award documents (Requirement 25073).

> *Note: A "special safety condition" addressing safety should be included in grants and cooperative*

agreements when contract performance involves NASA facilities, Government-Furnished Equipment, or hazardous or energetic materials or chemicals that may pose a significant safety or health risk to the public, NASA employees, and contractor employees when used.

b. Identify special safety conditions that include provisions for applicable OSHA requirements and host institution and general industry-accepted practices to be followed during research to eliminate or control risks associated with implementing the grant or cooperative agreement (Requirement 32101).

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