



PROCEDURES THAT APPLY TO CONSTRUCTION ALTERATION & REPAIR PROJECTS

- **NO PERSON SHALL BE REQUIRED OR INSTRUCTED TO WORK IN SURROUNDINGS OR UNDER CONDITIONS THAT ARE UNSAFE OR DANGEROUS TO HIS OR HER HEALTH.**



- **EACH EMPLOYEE IS RESPONSIBLE FOR COMPLYING WITH ALL SAFETY REQUIREMENTS, WEARING SAFETY EQUIPMENT, REPORTING UNSAFE CONDITIONS/ACTIVITIES, PREVENTING AVOIDABLE ACCIDENTS, AND WORKING IN A SAFE MANNER.**
- **CONTRACTOR SHALL ERECT AND MAINTAIN A SAFETY AND HEALTH BULLETING BOARD, WITHIN ONE DAY, IN CLEAR VIEW OF WORKERS.**

FEDERAL ACQUISITION REGULATIONS (FAR CLAUSES)



Do you mean
**BASIC CONTRACT
ADMINISTRATION?**

Policies & Procedures for procurement (contracts) by and for the use of federal agencies.

- 1. Includes solicitations and selection of sources,**
- 2. award of contracts,**
- 3. contract financing,**
- 4. contract performance and administration,**
- 5. technical and management functions related to contracts.**



ACCIDENT PREVENTION PLAN SHALL PROVIDE FOR FREQUENT SAFETY INSPECTIONS/AUDITS, CONDUCTED BY A COMPETENT PERSON.

THESE INSPECTIONS/AUDITS SHALL BE DOCUMENTED IN WRITING AND AVAILABLE UPON REQUEST TO THE GDA. THEY SHALL INCLUDE THE NAME OF THE INSPECTOR, DATE, AND ALL FINDINGS.

IN ADDITION TO THE ABOVE SAFETY INSPECTION REQUIREMENTS QC PERSONNEL SHALL CONDUCT DAILY INSPECTIONS

Introduction to NAVOSH & Construction Safety Standards

**How Do They Apply to
FEAD/ROICC/OICC Activities?**

Regulatory Standards and Laws Government & Contractor Responsibility:

- ✓ **Common Law**
- ✓ **Statute Law**
- ✓ **Contract Requirements**

Common Law

General Principle:

- ✓ **Duty for Safety Exists With or Without a Contract**
- ✓ **Can be Enforced by Civil Lawsuit**

Statue Law:

OSHA and EXECUTIVE ORDER 12196: FEDERAL AGENCIES, e.g. DOD MUST:

- ✓ HAVE A WORKPLACE FREE OF RECOGNIZED HAZARDS
- ✓ HAVE OCCUPATIONAL SAFETY & HEALTH PROGRAMS
- ✓ EXPECT OSHA INSPECTION, EVALUATION, REPORTS

GOVERNMENT REGULATIONS

- ✓ **Federal & State OSHA Programs & EPA**
- ✓ **Federal OSHA Covers Government Sites**
- ✓ **State OSHA Regs Can be more Stringent**
- ✓ **Both Can Issue Citations and Fines to Contractors**
- ✓ **Federal agencies Report & Citation Only**

GOVERNMENT REGULATORY REFERENCES

- ✓ **29 CFR 1910xxx (OSHA) General Industry Std.**
- ✓ **29 CFR 1926xxx (OSHA) Construction Std.**
- ✓ **29 CFR 1960xxx (OSHA) Federal Employee S&H Programs**
- ✓ **40 CFR Environmental Protection**
- ✓ **State and Local Laws and Municipal Codes**



EXAMPLES: (These are a few of those clauses)

Performance of work by contractor	(52.236-1)
Differing Site Conditions	(52.236-2)
Site Investigations and conditions affecting the work	(52.236-3)
Material & Workmanship	(52.236-5)
Superintendence by the Contractor	(52.236-6)
Operations and Storage Areas	(52.236-10)
Use and Possession prior to completion	(52.236-11)
Cleaning up	(52.236-12)
Accident Prevention	(52-236-13)
Schedules for Construction Contracts	(52-236-15)
Layout of work	(52.236-17)
Organization and Direction of the work	(52.236-19)
Specifications & Drawings for Construction	(52.236-21)
Pre Construction Conference	(52.236-26)
Site Visit (Construction)	(52-236-27)

Contractor Accident Prevention

- ✓ **Protect Lives/Health of employees & others**
- ✓ **Prevent Damage to Property**
- ✓ **Avoid Work Interruptions**
- ✓ **Provide Barricades, Signs & Signal Lights**
- ✓ **Comply with OSHA Standards and EM-385**
- ✓ **Additional Reasonable Measures as Determined by the Contracting Officer**

CONTRACT LAW



52.236-13 Accident Prevention.

As prescribed in 36.513, insert the following clause: ACCIDENT PREVENTION (NOV 1991)

- (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, 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.
- (d) Whenever the Contracting Officer becomes aware of any noncompliance with these requirements or any condition which poses a serious or imminent danger to the health or safety of the public or Government personnel, the Contracting Officer shall notify the Contractor orally, with written confirmation, and request immediate initiation of corrective action. This notice, when delivered to the Contractor or the Contractor's representative at the work site, shall be deemed sufficient notice of the noncompliance and that corrective action is required. After receiving the notice, the Contractor shall immediately take corrective action. If the Contractor fails or refuses to promptly take corrective action, the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action has been taken. The Contractor shall not be entitled to any equitable adjustment of the contract price or extension of the performance schedule on any stop work order issued under this clause.
- (e) The Contractor shall insert this clause, including this paragraph (e), with appropriate changes in the designation of the parties, in subcontracts.

(End of clause)

FAR CLAUSE REQUIREMENTS, cont'd

Comply with USACOE EM-385-1-1 “Safety and Health Requirements Manual”

Report/Record: Accidents, Deaths, Injuries, Illnesses, Property Damage to Contracting GDA

Correct Deficiencies Noted by Contracting GDA

Stop Work Order if Deficiencies not Corrected

FAR CLAUSE REQUIREMENTS, Cont'd

No Claims for additional money for Corrections

KTR is Responsible for Subcontractor Compliance

Alt. Clauses for Long Duration or Hazardous:

KTR Submits written proposal (Safety Plan)

Preconstruction Conference for Mutual Understanding Meeting

NAVFAC GUIDE SPECIFICATIONS 013526

“Governmental Safety Requirements”

- ✓ Revised frequently, describes safety items
- ✓ Supersedes OSHA & EM-385
- ✓ Detailed NAVFAC Requirements
- ✓ Specific to contract
- ✓ Available to contractor w/bid package

NAVFAC GUIDE SPECIFICATIONS 013526

“Governmental Safety Requirements”

Most Important Sections:

- ✓ 1.1 References to ASSE, ASME, NFPA, OSHA, EM385
- ✓ 1.3 Important Definitions
- ✓ 1.4 Contractor Safety Self-Evaluation Checklist
- ✓ 1.6 Site Qualifications, Duties, and Meetings
 - ✓ 1.6.1.1 Site Safety and Health Officer (SSHO)
 - ✓ 1.6.1 Crane Operators

NFGS 013526 Continued

- ✓ 1.7 Accident Prevention Plan
 - ✓ 1.7.1 EM-385-1-1 Contents
 - ✓ 1.7.1e: Fall Protection and Prevention (FP&P) Plan
 - ✓ 1.12.1&2 CSIR and Mishap Notifications
 - ✓ 1.13: Hot Work Permit
 - ✓ 1.18: Severe Storm Plan
- ✓ 2.2 Fall Protection Anchorage
- ✓ 3.1.1 Unforeseen Hazardous Material
 - 3.2 Pre-Outage Coordination Meeting
 - 3.3 Safety Lockout/Tagout procedures

NFGS 013526 Continued

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NFGS 013526 Continued

- ✓ **3.4 Fall Hazard and Training**
- ✓ **3.4.3 Fall Protection for Roofing Work**
- ✓ **3.4.7 Rescue and Evacuation Procedures**
- ✓ **3.8.1&2 Utility Locations/ Verification**
- ✓ **3.8.3 Shoring Systems**
- ✓ **3.10 Electrical**
- ✓ **3.11 Work in Confined Spaces**

The OICC/FEAD/ROICC/FSC Role in Safety

RESPONSIBILITIES:

- ✓ Review Contract Plans & Specs
- ✓ Insure Safety Provisions are in place
- ✓ Review Special Sections for Safety eg. Painting, lead, asbestos, electrical
- ✓ Advise KTR of Responsibilities of Meetings
eg: OSHA, FAR, EM385, spec

The OICC/FEAD/ROICC/FSC Role in Safety

RESPONSIBILITIES:

- ✓ **Emphasize Safety Enforcement & Consequences of non-compliance**
- ✓ **Coordinate all station Permits**
 - Fire, Burning, Hot Work, LOTO, Haz-Waste, etc.**
- ✓ **Review/Enforce Contractor's Safety Plan**
- ✓ **Review/Accept Activity Hazard Analysis**
 - ✓ **Should be keyed to schedule of work**

The OICC/FEAD/ROICC/FSC Role in Safety

RESPONSIBILITIES:

- ✓ Insure QA personnel are qualified & trained

OSHA Training Requirements: Listed in 29 CFR 1926

EM-385 Training Requirements:

1. Construction Safety QA/Construction Safety - There is No Substitute (1297)
2. NAVFAC Construction Hazard Awareness Training Course (5 days) (329)
3. NAVFAC Construction Safety and Health Correspondence Course Part 1 (1298)
4. NAVFAC Construction Safety and Health Correspondence Course Part 2 (1299)
5. PPE Job Specific Usage - Conducted by your supervisor (OJT by Supervisor) (239)

The OICC/FEAD/ROICC/FSC Role in Safety

RESPONSIBILITIES:

Be aware of all mishaps/incidents

4 Hour VERBAL NOTIFICATION from KTR to GDA

Issue Heads up before end of first day

Obtain CSIR from KTR within 5 days

Check KTR's OSHA 300 Log

Insure FEAD/ROICC/OICC personnel are trained in Hazard Recognition

The OICC/FEAD/ROICC/FSC Role in Safety

RESPONSIBILITIES:

Take appropriate enforcement action

Take steps to prevent recurrence

Ensure QA personnel have proper PPE

Document actions on Daily Reports

Daily reports become legal documents

The OICC/FEAD/ROICC/FSC Role in Safety

RESPONSIBILITIES:

Use other QC tools from UFGS Section 1400

Safety Compliance is a contract issue!!!

Failure to comply equals failure to meet terms of the contract and possible failure in QC

Evaluate KTR's Safety Performance on Final Project Evaluation

The OICC/FEAD/ROICC/FSC Role in Safety Enforcement

Stop Work Notice for Imminent Danger

- ✓ **All or part of work may be stopped**
- ✓ **Issue non-compliance notice**
- ✓ **Contact OSHA if necessary**
- ✓ **Ktr not entitled to money**

The OICC/FEAD/ROICC/FSC Role in Safety Enforcement

Enforcement: Not Life threatening

EM-385-1-1 or OSHA violations

- ✓ **Notify contractor of non-compliance**
- ✓ **Direct contractor to take corrective action**
- ✓ **Issue non-compliance notice if prompt action not taken**

The OICC/FEAD/ROICC/FSC Role in Safety Enforcement

Enforcement: Repeat or non-responsive

- ✓ **Retain Money**
- ✓ **Non compliance is a contract deficiency**
- ✓ **Can safety deficiency be quantified?**
- ✓ **Work with contract specialists and Safety Office**
- ✓ **Contact Company Principals**
- ✓ **Follow up with letter of concern**
- ✓ **Show cause/cure notice if necessary, T for D, or T for C**

The OICC/FEAD/ROICC/FSC Role in Safety Enforcement Enforcement Actions

- ✓ **Advise contractor's insurance company**
- ✓ **Take action to remove uncooperative personnel
using Far clause 52-236-5 Material and Workmanship**
- ✓ **Take action to terminate contract**

Quality Management Manual P-445

Chapters 2 & 3

2.2.3.2(d) NAVFAC right to inspect

- ✓ At reasonable times
- ✓ QA required on all projects
- ✓ NAVFAC QA Rep on site does not relieve contractor of responsibility for daily inspections

Quality Management Manual P-445

Chapters 2 & 3

2.2.7.2 Corrective Measures

- ✓ Safety deficiencies same as other contract non-compliance issues
 - ✓ OICC/FEAD/ROICC/FSC ACTIONS
 - ✓ Withhold payment
 - ✓ Stop work
 - ✓ Remove personnel
 - ✓ Contractor performance appraisal
 - ✓ Default

Quality Management Manual P-445

Chapters 2 & 3

2.4 Role of Construction Representatives

2.4.1 (u) Enforcement of Safety Provisions

2.4.2 Engineering Tech action on deficiencies

Engineering Tech action on reporting & forms

Safety actions on daily reports

Safety actions on QC forms

SUMMARY



Government/Contractor Partnership

Goals.....same...

QUALITY PRODUCT

On Time...Within Budget

CONTRACTOR MAKES PROFIT

**GOVERNMENT CUSTOMERS GET WHAT
THEY DESIRE**