

N00174.AR.001051
NSWC INDIAN HEAD
5090.3a

LETTER CONCERNING MUNITIONS RESPONSE PROGRAM LANGUAGE FOR
ENVIRONMENTAL CONTRACTS NSWC INDIAN HEAD MD
5/2/2003
NAVFAC WASHINGTON



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
1322 PATTERSON AVENUE, SE SUITE 1000
WASHINGTON NAVY YARD DC 20374-5065

IN REPLY REFER TO:

2 May 2003

From: Commander, Naval Facilities Engineering Command

Subj: MUNITIONS RESPONSE PROGRAM LANGUAGE FOR ENVIRONMENTAL
CONTRACTS

Ref: (a) NAVORDSAFSECACT INDIAN HEAD MD 171301Z Dec 02
(b) RDML Phillips E-Mail of 16 Dec 02
(c) J. Gurganus E-Mail of 26 Feb 03

Encl: (1) Required contract modification wording

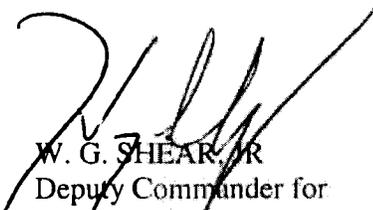
1. Due to two recent explosives mishaps associated with munitions, which were certified as inert, reference (a) identified and recommended certain actions and reviews due to their identification of a declining trend in the management and processing of munitions residue. In addition, reference (b) provided a warning to those personnel involved in munitions response disposal operations or contracts and specifically excluded cutting torches from being used on any munitions items addressed under all NAVFAC contracts. Reference (c) was a data call to provide information on all environmental contracts with regard to munitions response. The NAVFAC munitions response workgroup reviewed the information provided in response to the data call and developed and recommended standard corporate language to be applied to all NAVFAC environmental contracts used for munitions response.

2. Enclosure (1) incorporates the standard technical specifications and clauses to be included in all NAVFAC contracts with munitions response work. As a result, enclosure (1) with the required contract modification wording shall be inserted in all existing environmental contracts that have existing or planned munitions response work. It is recommended that enclosure (1) be incorporated as a bilateral modification since there may be costs associated with this change. This particular wording may be modified or tailored based on your existing contract specifications and clauses, so long as no substantive changes are made to the requirements. For example, if your contract with munitions response work already has DFARS 252.223-7002 and DFARS 252.223-7003 clauses already contained in the contract, you may need to delete this portion from the recommended wording before issuing this modification.

3. All new contracts to be used for munitions response work shall incorporate the technical specifications and clauses contained in enclosure (1).

Subj: MUNITIONS RESPONSE PROGRAM LANGUAGE FOR ENVIRONMENTAL
CONTRACTS

4. Commanders, Commanding Officers, Resident Officers in Charge of Construction, and Contracting Officers shall ensure adherence to this standard guidance on all munitions response contracts.



W. G. SHEAR, JR
Deputy Commander for
Engineer Operations

Distribution:
COMLANTNAVFACENGCOM
COMPACNAVFACENGCOM
COMSOUTHWESTNAVFACENGCOM
COMSOUTHNAVFACENGCOM
CO ENGFLDACT NE
CO ENGFLDACT CHES
CO ENGFLDACT NW
CO ENGFLDACT WEST
CO ENGFLDACT MIDWEST
CO ENGFLDACT MED
CO ENGFLDACT SE
CO NFESC
DIR NFI

The purpose of this contract modification is to incorporate DFARS clauses in the contract and provide technical direction and requirements for work performed under this contract involving munitions and explosives of concern and/or ordnance scrap.

The following DFARS clauses are incorporated by reference in Section I of the contract:

- 1) DFARS 252.223-7002 Safety Precautions for Ammunition and Explosives. (MAY 1994)
- 2) DFARS 252.223-7003 Change in Place of Performance--Ammunition and Explosives. (DEC 1991)

The following provides technical direction and requirements for any and all work performed under this contract involving munitions and explosives of concern and/or ordnance scrap:

Technical description:

All work involving munitions and explosives of concern or any material or item with the potential to explode must develop and implement a specific plan to address this hazard. This includes a mechanism to assure protection of all subcontractors, site visitors, or any person potentially exposed to an explosives hazard. Work must be performed in a manner consistent with appropriate Department of Defense, Navy, or other guidance, in order to assure hazards are identified and appropriate precautions take place in order to avoid preventable mishaps. In the case of mishaps, the plan must include text that assures the appropriate response takes place and that proper reporting is accomplished.

Guidance and regulations may include but are not limited to the most current versions of the following:

Department of Defense – Department of defense communications and directives are available at <http://www.dtic.mil/whs/directives/>. This website also provides an explanation of the different types of correspondence and an explanation of the purpose of each.

DoD 4160.21-M-1, DoD Demilitarization Manual

All military items being disposed of must be evaluated for demilitarization requirements and subsequently demilitarized if required. This manual, authorized by DoD 4140.1-R, Department of Defense (DoD) Materiel Management Regulation, implements the requirements of the Federal Property Management Regulation (FPMR), and other laws and regulations as appropriate, as they apply to the disposition of excess, surplus, and foreign excess personal property (FEPP).

DoD 5100.76-M, Physical Security of Sensitive Conventional Arms, Ammunition and Explosives

This Manual is reissued under the authority of DoD Directive 5100.76, "Physical Security Review Board," dated February 10, 1981. It provides physical security guidance for the protection of DoD sensitive conventional arms, ammunition and explosives (AA&E).

DoDI 4145.26, DoD Contractor's Safety Requirements for Ammunition and Explosives

This initiative provides uniform baseline safety standards for DoD contractors performing contractual work involving ammunition and explosives. It also authorizes the Military Departments, when contractual work is to be performed at DoD-owned facilities, to apply

their own selected ammunition and explosives and other safety standards and procedures to DoD contractors by inclusion within contracts.

DOD 4715.11 Directive: Environmental and Explosives Safety Management on Department of Defense Active and Inactive Ranges Within the United States

Self explanatory.

DoD 6055.9 - Explosives Safety Board (DDESB) and DoD Component Explosives Safety Responsibilities

This Standard establishes uniform safety standards applicable to ammunition and explosives, to associated personnel and property, and to unrelated personnel and property exposed to the potential damaging effects of an accident involving ammunition and explosives during their development, manufacturing, testing, transportation, handling, storage, maintenance, demilitarization, and disposal.

Department of the Navy - Navy documents on explosives safety are available by contacting the Navy Ordnance Safety and Security Activity at <https://intranet.nossa.navsea.navy.mil/default.asp>.

NAVSEA OP 5 – Ammunition and Explosives Ashore: Safety Regulations for Handling, Storage, Production, Renovation and Shipping.

It is the policy of the Department of the Navy to maintain an effective and aggressive ordnance safety program throughout the Department. Adherence to the instructions and regulations contained in NAVSEA OP 5, "Ammunition and Explosives Safety Ashore" will provide a continuing, aggressive accident prevention program throughout all commands where military or civilian personnel are stationed or employed and ordnance equipment, ammunition, and explosives are used.

Navy Directions are available at <http://ned.s.nebt.daps.mil/>.

OPNAV INSTRUCTION 3500.39A, Operational Risk Management (ORM)

ORM is a method for identifying hazards, assessing risks and implementing controls to reduce the risk associated with any operation.

All activities that handle munitions residue shall conduct a stand-down to review procedures involved with the inert certification and disposal of these items.

Under no circumstances, should UXO be cut with a torch during demilitarization or salvage operations.