

**Attachment-A CONTRACTOR HEALTH AND SAFETY REQUIREMENTS****1. CONTRACTOR REQUIREMENTS**

- a. Contractors must enroll and complete the Contractor Safety Assessment Program (CSAP) application. To enroll in CSAP: Log onto the application at: <http://www.constructsecure.com/NIH>, create an account, and enter the required safety information. There is no fee to complete the assessment. Upon completion a certification will be available to download. Venders must include a copy of the certification of completion when responding to contract solicitations. The contractor shall ensure that all subcontractors have a successful safety program. Subcontractors are required to complete the CSAP, if anticipated work exceeds \$25,000 per any individual project. The CSAP evaluates the contractor's leading and lagging indicators of safety performance. Example of indicators include:
 - History of OSHA violations
 - Experience Modification Rate
 - Accident investigation records
 - Employee safety training documentation
 - OSHA Recordable Rate
 - Loss and restricted workdays
- b. The contractor shall comply with Occupational Safety and Health Administration (OSHA) Regulations and the US Army Corps of Engineers Safety and Health Manual 385-1-1 (EM 385-1-1).
- c. Each contract employee is responsible for complying with applicable safety and occupational health requirements, wearing prescribed safety and health equipment, reporting unsafe conditions/activities, and avoid actions and conditions that may result in an accident.
- d. The contractor will not begin work authorized under this contract, except for authorized preliminary activities (i.e. mobilization), without first submitting for review each of the safety deliverables section. Copies of each deliverable must be provided to the NIH Contracting Officer Representative (COR) and ORF Safety Officer (safety@nih.gov).
- e. Prior to issuing the Notice to Proceed, but no later than 14-working days before the project start date, the contractor's Project Manager and NIH COR shall meet to review and discuss the safety requirements of this contract and anticipated hazards as documented in the site Activity Hazard Analysis worksheets. The contractor's Project Manager is responsible for meeting arrangement.

2. WAIVER FROM NIH IMPOSED CONTRACTOR HEALTH AND SAFETY REQUIREMENTS

- a. The contractor may request a waiver from the requirements contained in this section. The waiver does not release the contractor, subcontractor, or any party associated with this contract from federal, state, or local health and safety requirements.

- b. The following must be addressed when requesting a waiver or a variance:
- 1) The request must state the specific Contractor Health and Safety Requirement to be waived. State the period of time the requested waiver will cover.
 - 2) Details as to why it is not possible or practical to comply with the requirement.
 - 3) The request must explain the impact on the contractor operations and services if this waiver is not approved.
 - 4) Statement as to whether a waiver (total elimination of the requirement) or a variance (retaining the basic requirement, but doing it differently) is being sought;
 - 5) Explanation of method the Contractor suggests to use in lieu of the existing requirement and how it provides protection equal to or greater than the requirement under waiver review. The burden of proof rests with the requesting contractor.
 - 6) The waiver request must be submitted to the NIH COR and ORF Safety Officer (safety@nih.gov) at least 14-working days prior to work commencement.

3. NIH REQUIRED SAFETY TRAINING MANDATE

- a. As a minimum all contractor and subcontractor personnel working at NIH shall certify to the COR as having successfully completed the OSHA 10-hour *General Industry Outreach* class or OSHA 10-hour *Construction Outreach* class. The OSHA 30-hour course can be substituted for the 10-hour course.
- b. Any card with an issuance date more than 3 years shall not constitute proof of compliance with this requirement.
- c. Any contract employee who has not completed the course shall be subject to removal from the worksite if the employee does not provide documentation of having completed such course by the fifteenth day after the date the employee is found to be in noncompliance.

4. CONTRACTOR SAFETY ORIENTATION

- a. Prior to commencing work, ensure that all contractor and subcontractor site supervisors at any tier have completed the NIH Contractor Safety Orientation. The time expended and any associated costs to attend the orientation (such as travel time, parking, and other expenses) are to be borne by the contractor.
- b. It is the responsibility of the contractor and subcontractor to contact the ORF Safety Officer to register each supervisor for orientation. Class registration should be scheduled at least 14-working days prior to the project start date, or the date that the supervisor is assigned to NIH.

Contact the ORF Safety Officer (safety@nih.gov) or by phone (301) 496-3353 for the orientation schedule.

5. DELIVERABLES

- a. All deliverables required under this Contractor Health and Safety Section must be provided to the NIH COR and ORF Safety Officer (safety@nih.gov). All deliverables shall be submitted at least 14-working days prior to the commencement of work activities. The deliverables must be in either MS Word or Adobe Acrobat format.
- b. Acceptance and review of a deliverable by the NIH indicates only that the Government has received the item. Acceptance of a deliverable does not waive or lessen any contract

requirements, acknowledge compliance with applicable regulations, or alleviate the contractor's obligation to meet all contract requirements and correct any later discovered deficiencies.

- c. Delays caused by failure of a timely submission of the required documentation shall not be considered a reason for extension of contract time or increase in costs to the Government.
 - a. Resources supporting the contractor safety program are available at: cm.ors.od.nih.gov/sr/dohs/SafetyResources/Pages/Contractor-Safety-Materials.aspx

6. SITE-SPECIFIC ACCIDENT PREVENTION PLAN

DELIVERABLE: The contractor shall submit for NIH's review and comment, a Site-Specific Accident Prevention Plan. Contents of the Contractor's Site Specific Accident Prevention Plan will be in accordance with Appendix A, EM 3985-1-1.

Note: For LIMITED-SCOPE SERVICE, SUPPLY AND R&D CONTRACTS, (e.g. painting, janitorial service) under \$25,000, and in consultation with the ORF Safety Officer, the COR may allow an Abbreviated Accident Prevention Plan and waive the more stringent elements of the comprehensive plan. Contact the ORF Safety Officer for the Abbreviated Accident Prevention Plan template.

7. CONTRACTOR SITE SAFETY AND HEALTH OFFICER RESUME

DELIVERABLE: The contractor shall submit a resume identifying the experience and qualifications for the proposed Contractor Safety and Health Officer(s). The NIH COR may reject anyone he/she deems "Not Qualified".

8. CONTRACTOR EMPLOYEE SAFETY TRAINING DOCUMENTATION

- a. **DELIVERABLE:** The contractor shall submit documentation of the employee's OSHA 10-hour General Industry Outreach class or OSHA 10-hour Construction Industry Outreach course. Proof of course completion may be demonstrated through either: 1) the presentation of a bona fide student course completion card issued by the federal OSHA Training Institute; 2) the presentation of documentation (e.g. course certificate) provided to an employee by a trainer certified by the Institute pending the actual issuance of the completion card; or 3) a written declaration that all employees have successfully completed the required course.
- b. Documentation of employee training shall be kept on the project site.

6. CONTRACTOR FULLY RESPONSIBLE FOR SITE SAFETY

- a. The contractor assumes full and sole responsibility for and shall comply with all laws, regulations ordinances, and governmental orders pertaining to employee worksite safety in the performance of this contract. The contractor shall be responsible for employing appropriate safety measures and taking all other actions reasonably necessary to protect the life, health, and safety of the public and to protect adjacent and NIH-owned property in connection with the performance of the scope of work.
- b. The contractor shall be solely and completely responsible for the safety of all workers, NIH employees, public and NIH property in performance of the scope of work. This requirement shall apply at all times while work is being performed under this contract, and is not limited to only normal working hours. Nothing the NIH may do, or fail to do, with respect to safety in the performance of the scope of work shall relieve contractor of this responsibility.

7. SELECTION OF CONTRACTOR SITE SAFETY AND HEALTH OFFICER

- a.** When the number of personnel on any shift is under 40 (including subcontractor employees), the contractor's safety representative will meet the definition of "Collateral Duty Safety Officer" as defined above for each shift.
- b.** For contractors with a total of 40 or more personnel (including subcontractor employees) on any shift, a full-time Safety Professional as defined above shall be required for each shift.
- c.** At the NIH COR's discretion, the qualifications for the contractor Site Safety and Health Officer can be reviewed and action taken to decrease or increase the number of Officers onsite. However, the need for a Site Safety and Health Officer is required and will not be waived.

8. CONTRACTOR SITE SAFETY AND HEALTH OFFICER RESPONSIBILITIES

- a.** The responsibility for safety lies with the contractor. Each contractor shall appoint an individual(s) responsible for safety on each contract. This individual(s) must be employed in a supervisory position, empowered by their employer to take corrective action; be present on the project while work is being performed; and spend the amount of time necessary to ensure the contractor's compliance with safety requirements.
- b.** The Contractor Site Safety and Health Officer shall be primarily responsible for ensuring contractor's compliance with the safety requirements including but not limited to those provided in this Section. Without limiting the generality of the foregoing, the Contractor Site Safety and Health Officer shall:
 - 1)** Review all subcontractor and sub-tier contractor's Site Specific Accident Prevention Plan and Activity Hazard Analysis for compliance with applicable safety standards.
 - 2)** Perform or ensure that all contractor, subcontractors and sub-tier contractors' employees have received a site specific safety orientation prior to beginning work. Training will include discussion of the site specific Activity Hazards Analysis reports. This site specific orientation is in addition to the NIH's Contractor Supervisor Orientation course.
 - 3)** Perform and document worksite inspections, assess and immediately correct any substandard safety conditions or practices, including those of any subcontractor. The contractor shall specifically respond in writing to any substandard safety conditions or practices identified by the NIH. Inspection records shall be maintained at the project site and be made available upon request by the NIH COR or ORF Safety Officer.
 - 4)** Immediately report all injuries to personnel, vehicle accidents, near miss incidents and property damage. Undertake a complete investigation of all accidents, injuries, illnesses and implement corrective action to prevent a recurrence. Provide written findings within 24-hours to both the NIH COR and ORF Safety Officer (safety@nih.gov).
 - 5)** Ensure appropriate safety meetings are held for all onsite employees, to include subcontractors. Safety meetings shall be conducted to review past activities, plan for new or changed operations, review pertinent aspects of appropriate Activity Hazard Analysis, establish safe working procedures for anticipated hazards, and provide pertinent safety and health training and motivation.

- i. Meetings shall be conducted at least once a month for all supervisors on the project location and at least once a week for all workers by supervisors or foremen.
 - ii. Meetings shall be documented, including the date, persons in attendance, subjects discussed, and names of individual(s) who conducted the meeting. Documentation shall be maintained and copies furnished to the NIH on request.
- 6) Be responsible for the control, availability, and use of necessary safety equipment, including personal protective equipment and apparel for the employees.
- c. A Contractor Site Safety and Health Officer not performing his/her duties in accordance with this Section, shall be replaced, by the contractor, or at the NIH's discretion, with an individual meeting the requirements of this Section.
- d. The Contractor Site Safety and Health Officer may not be removed from this contract or replaced without the NIH's advanced written approval. The contractor shall notify the NIH COR when this person cannot be on duty while work is being performed and shall submit the name(s) and qualifications of the individual assigned to perform said duties.

9. SITE SAFETY AND HEALTH OFFICER DEFINITIONS

a. ORF SAFETY OFFICER

An employee of the NIH or designated representative who is responsible for management of the Office of Research Facilities Development and Operations (ORF) Safety Program

b. NIH Contracting Officer Representative (COR)

An employee of the NIH or designated representative who conducts and monitors jobsite inspections and verifies contractor compliance with identified corrective actions.

c. CONTRACTOR

The General Contractor contracted with NIH.

d. CONTRACTOR SITE SAFETY AND HEALTH OFFICER

The Contractor Site Safety and Health Officer(s) will be categorized as either a Full-time Safety Professional or a Collateral Duty Safety Officer based on the scope and size of the project.

1) Full-time Safety Professional qualifications include:

- i. He/She shall have no other duties.
- ii. An individual possessing a minimum of five years progressive experience managing safety programs on large projects comparable to this contract in scope and complexity.
- iii. Be knowledgeable concerning all federal, state, and local regulations applicable to construction and industrial safety.
- iv. Possess "Competent Person" certification in safety disciplines related to the work performed and possess verifiable training. This individual shall also be responsible for identifying "Competent Persons" required by State and Federal safety standards for which they are not certified.

- v. Have successfully completed the OSHA 500 Safety & Health Course. This requirement may be waived in lieu of a safety and health degree or professional safety or industrial hygiene certification (i.e. CSP or CIH).
- vi. Have successfully completed the OSHA 30-hour Safety & Health Course.
- vii. Be trained in, and possess current certification for CPR and First Aid.
- viii. Be capable of performing accident investigations and developing a concise report.
- ix. Is proficient in the development and presentation of “tool box” meetings and safety training.

2) Collateral Duty Safety Officer qualifications include:

An individual assigned to perform safety functions on any contract not requiring a Fulltime Safety Professional. This can be a collateral duty position held by a supervisor.

- i. Possess a minimum 5 years progressive experience in their trade.
- ii. Be knowledgeable concerning all Federal, State, and Local regulations applicable to safety.
- iii. Have successfully completed the OSHA 30-hour Safety & Health Course.
- iv. Possess “Competent Person” certification in safety disciplines related to the work performed and possess verifiable training. This individual shall also be responsible for identifying “Competent Persons” required by State and Federal safety standards for which they are not certified.
- v. Be trained in, and possess current certification for CPR and First Aid.
- vi. Possess verifiable training and be capable of performing accident investigations and developing a concise report.
- vii. Possess verifiable training in the development and presentation of “tool box” meetings and safety training.

10. GENERAL OBLIGATIONS

The contractor is responsible for accident prevention and worksite safety. This responsibility cannot be delegated to subcontractors, suppliers, the NIH, or other persons. To this end, the contractor shall:

- a. Promote a safe and healthy work environment.
- b. Provide a Site Specific Accident Prevention Program.
- c. Ensure employees are adequately trained in occupational safety and health topics relevant to the activities to be performed under this contract. Maintain documentation of the employee training, to include the date and subject taught.
- d. Instruct all employees of safe work methods and practices when assigning work.
- e. In addition, the contractor shall ensure that its staff receives all medical services that would be required for federal employees to perform the same services.

- f. Ensure that employees have and use the proper protective equipment and tools for the job.
- g. Ensure that all heavy equipment operators (i.e. cranes, loaders and forklifts) are properly qualified and trained on the specific piece of equipment in use.
- h. Cooperate fully with the NIH and its Representatives in connection with all matters pertaining to safety.
- i. Conduct an orientation training program for new employees that includes at a minimum, a review of:
 - 1) Potential hazards in the work areas
 - 2) Required personal protective equipment and apparel
 - 3) Methods to mitigate hazards as appropriate
 - 4) Emergency response relevant to the area
- j. Ensure that all of its subcontractors, suppliers delivering materials or services to the worksite, etc., are provided with a copy of this specification and are informed of their obligations regarding worksite safety under this requirement.

11. ACCIDENT PREVENTION

- a. The contractor shall be responsible for correcting hazardous conditions and practices. When more than one contractor is working within a job site, any project management personnel shall have the authority to prevent physical harm or significant property damage.
- b. If it is determined there is "Imminent Danger" the contractor shall:
 - 1) Take immediate action to remove/safeguard workers from the hazard and stabilize or stop work until corrective actions can be implemented to eliminate the hazard.
 - 2) Immediately notify the NIH COR and then the ORF Safety Officer.
 - 3) Each worker shall immediately report any condition known, or suspected to be unsafe or unhealthy to the Contractor Site Safety Officer. If there is no resolution of the concern at that level, the employee shall report the concern to the NIH COR.

12. CONTRACTOR INJURIES AND ILLNESSES

- a. The contractor shall ensure that all suspected work-related injuries and illnesses sustained by their employees will be reported promptly to the NIH Occupational Medical Service (OMS). OMS is located in Building 10, 6C-306. The clinic is open from 7:30 am to 5:00 pm, Monday through Friday. The phone number for the clinic is 301-496-4411.
- b. In all cases, an injury or illness resulting from work under this contract shall be reported to the NIH COR and ORF Safety Officer (safety@nih.gov) within 24-hours of the incident.
- c. For work conducted at remote locations where emergency medical service personnel are not capable of responding within 4-minutes, at least one person shall be available at the work site at all times to render CPR and first aid. This person must have a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent verifiable training program. A minimum ratio of one such qualified person for every 25 employees shall be maintained throughout the project.

13. NIH RIGHTS

a. INSPECTIONS/INVESTIGATIONS

- 1) The NIH COR may, in any reasonable manner, observe and inspect the contractor's safety and accident prevention procedures for all activities and personnel. This specifically includes, but it not limited to, the right to attend all safety meetings.
- 2) Upon request, the NIH COR shall receive copies of any safety inspection reports completed by the contractor or anyone performing work for, on behalf of or under the contractor.
- 3) The NIH COR may, in any reasonable manner, observe or participate in any accident investigation conducted by the contractor or anyone performing work for, on behalf of or under the contractor. The NIH may also, at its sole discretion and in any reasonable manner, undertake its own accident investigation.

b. CORRECTIVE ACTIONS/STOP-WORK

The NIH COR shall have the right to:

- 1) Direct the contractor to correct unsafe working conditions, including taking corrective action when unsafe working conditions are observed (i.e. lack of good housekeeping practices, use of equipment in obviously poor condition, failure to adhere to statutory OSHA regulations, etc.).
- 2) Require the removal, from the work site, any person, property or equipment that, in the NIH's opinion, is deemed unsafe.
- 3) Instruct the contractor to immediately cease any action and/or stop work (or any action thereof) when any conditions exist that, in the NIH's opinion, constitutes and imminent danger or could result in serious harm.
- 4) Suspend the work pending the completion of any accident/incident investigation, whether undertaken by contractor, the NIH or others.

The contractor is responsible for costs, expenses and other obligations paid or incurred, as a result of the contractor or subcontractor's noncompliance with Federal, State, or Local safety regulations; or failure to comply with terms and conditions of this contract.

c. NIH'S ACTION/INACTION DOES NOT RELIEVE CONTRACTOR

Nothing the NIH may do, or fail to do, with respect to safety in the performance of the work shall relieve the contractor of its responsibility to comply strictly with this Contract and all standards referenced in this document.

15. SPECIFIC SAFETY PROVISIONS

In addition to federal, state, and local regulations pertaining to operations and safety, the contractor shall adhere to the following NIH mandated safety requirements:

- a. Asbestos: Many of NIH's buildings have asbestos-containing materials. It is the contractor's responsibility to coordinate with the NIH COR to ensure that a survey for asbestos is conducted prior to commencing work. The contractor shall ensure that all workers and subcontractors have received and documented initial and annual Asbestos Awareness training prior to the start of work.
- b. Entry into Confined Spaces.
 - 1) The contractor shall provide the NIH COR a copy of its Confined Space Entry Program as part of the Site Specific Accident Prevention Plan Submittal.

- 2) Should the contractor employ subcontractors to work in confined spaces, it shall be the contractor's responsibility to submit the required documentation for each subcontractor.
 - 3) Work shall not start in a confined space until the required submittals have been made and appropriate safety precautions taken by the contractor. In the event the contractor does not comply with these regulations, ACCESS WILL BE DENIED.
- c. Electrical – Safe Clearance Procedures
- 1) Entry into High Voltage Areas: Work under this contract may require entry into High Voltage Areas.
 - 2) In the event entry is required, the contractor is obligated to identify any High Voltage areas that may be involved in work under this contract. Before entry into a High Voltage work area the contractor shall notify the NIH COR.
 - 3) To prevent employee exposure or damage to electrical systems the contractor shall exhaust all options and means to de-energize live electrical parts.
 - 4) Affected employees and operations must be notified of work to limit service disruption and prevent injury.
- d. Fire Prevention: The contractor shall ensure that the fire prevention measures on-site are in accordance with OSHA, NIH Division of Fire and Rescue Services policies, and NFPA standards. Approved safety cans (approved or listed by a nationally recognized testing laboratory) shall be used for flammable and combustible liquids. Fire extinguishers shall be provided where required.
- 1) Open Flame Devices: Prohibit the use of unapproved fuel-burning types of lanterns, torches, flares or other open-flame devices on NIH property.
 - 2) Hot Work Permit: Open flame welding and spark producing equipment and tasks require the contractor to secure a "Hot Work Permit" from the NIH Division of Fire and Rescue Services. This can be obtained by calling the NIH Fire Marshall at (301) 496-0414.
- e. Excavating & Trenching:
- 1) Before entry excavations and trenches shall be evaluated for confined spaces.
 - 2) Ensure a Competent Person inspects all excavations before work begins and as needed during the shift. When the Competent Person finds evidence of a hazardous condition, exposed employees shall be removed from the hazardous areas until the necessary precautions have been taken to ensure their safety.
 - 3) All excavations, regardless of depth, shall be barricaded or covered. If barricades are utilized and are left overnight they shall be equipped with appropriate lights or reflectors.
 - 4) Walkways shall be provided where employees or equipment are required or permitted to cross over excavations. When walkways are utilized, a guardrail system shall be in place.
- f. Construction activities that pose a potential risk of exposure to contaminated soil (such as excavations) shall be supervised by personnel who have a current 40-hour Hazardous Waste Supervisor's certification. These individuals shall be able to identify the potential need for upgrading the level of health and safety protection. All personnel working in direct contact with contaminated soil shall have a current 40-hour Hazardous Waste

Certification and medical monitoring, in accordance with OSHA regulations. The contractor is responsible for soil sampling and air monitoring to determine hazards and exposures to their employees.

- g.** Cranes and Hoisting Operations
- h.** A written lift plan shall be submitted for all lifting operations. At a minimum the written lift plan will include the content and information requested in the ORF Crane Lift template. Contact the ORF Safety officer or Contracting Officer Representative for a copy of the template.
- i.** Chemical Exposure Plan: The contractor shall submit a Chemical Exposure Plan for products which can produce nuisance odors. The plan shall include employee exposure control methods, isolation methods to prevent spread of chemicals and odors outside the work area, waste disposal, and safeguarding of the NIH employees and public. Safety Data Sheets for each chemical must be maintained on the project site.
- j.** Protection of the Public: The contractor shall submit a plan for the protection of the public on or adjacent to construction and demolition operations.

16. SAFETY PERFORMANCE

- a.** If the contractor experiences repeated safety violations or fails to abate violations in a timely manner, the contractor shall be subject to any of the following actions, at the Project Office or Contracting Officer's discretion:
 - 1)** Removal and replacement of management personnel.
 - 2)** Submitting a written safety recovery plan detailing what changes will be made to their safety program and a timeline as to when the changes will be implemented.
 - 3)** Hiring an independent safety consultant who shall audit the contractor's procedures and operations. The consultant shall compile a plan detailing what changes the contractor shall implement. This report shall be submitted to the NIH COR.
 - 4)** Conduct a "Safety Stand Down" (suspend all work or any action thereof). Suspended work shall not be allowed to resume until the contractor has completed the following actions for review and acceptance by the NIH COR.
 - 5)** Issue a cure notice notifying that the contractor has failed to comply with a contract requirement and directing that the deficiency be "cured" within a specified time period.
- b.** Costs incurred by the contractor to abate hazards or to respond to actions noted in this Safety Performance Section shall not be considered a reason for extension of contract time or increase in costs to the Government.

ABBREVIATED SITE SPECIFIC ACCIDENT PREVENTION PLAN

If service, supply and R&D contracts with limited scopes or task orders less than \$100,000 are awarded, the contractor may submit an abbreviated Accident Prevention Plan. This APP shall address the following areas at a minimum. If other areas of the EM 385-1-1 are pertinent to the contract, the contractor must assure these areas are addressed as well.

- 1.** Title, signature, and phone number of the plan preparer
- 2.** Background Information to include:
 - a.** Contractor;

