

NPS Reference Manual 50B Occupational Safety and Health Program

Chapter 21 – Contractor Operations

Approval for inclusion in Reference Manual 50B:

Signature: _____

Title: Associate Director, Visitor and Resource Protection

Table of Contents

21.1 Introduction	3
21.2 Scope	3
21.3 References	3
21.4 Definitions	4
21.5 Responsibilities	6
21.5.1 Initiating NPS Employee	6
21.5.2 Contracting Officer	6
21.5.3 Contracting Officer Representative	7
21.5.4 Superintendent	7
21.5.5 Safety Manager/Safety Engineer	7
21.5.6 NPS Safety Representative:	8
21.5.7 Contractors	8
21.6 General Requirements	9
21.7 Site Safety	10
21.8 Accident Prevention	10
21.9 Site-Specific Safety Plan	10
21.10 Technical Appendices	13

21.1 Introduction

Contractors do not leave safety and health responsibilities “at the door” when they accept contract work from the National Park Service (NPS). Federal laws and procurement regulations hold businesses accountable to minimize safety and health hazards caused by their operations and activities. These same regulations also apply to the NPS to ensure these contractors abide by applicable health and safety standards, regulations, and/or codes. The failure of contractors to meet OSHA compliance requirements while working on NPS project sites is a breach of contract and must be treated accordingly. NPS contracting officers, contracting officer representatives (CORs), superintendents, safety managers/safety specialists/safety engineers, and NPS safety representatives will take the necessary actions to help ensure contractors comply with applicable laws, regulations, and departmental and NPS policy.

21.2 Scope

Contractors conducting business in the United States and U.S. territories must provide their employees with a safe and healthful working environment, as guaranteed by the Occupational Safety and Health (OSH) Act of 1970, in addition to protecting NPS employees and visitors from hazards associated with the job site. This policy applies to all construction contracts and construction contractors who are performing work for the NPS, regardless of the size of the contractor company, or where this work is performed (including federal facilities such as NPS park lands/offices). This policy is intended to improve contractor safety but is not intended to relieve any contractor of its legal duties, standards of care, or liabilities. Any approval, concurrence, or endorsement from the NPS as provided herein is administrative and does not substitute for the contractor’s judgment or conduct with respect to fulfilling its legal duties, standards of care, and liabilities. Any inspection, assessment, approval, or concurrence performed by the NPS pursuant to this policy is rendered solely in the interest of compliance and is not intended to benefit contractor employees, park visitors, or third parties.

21.3 References

Detailed information for implementation is contained in the following references.

1. Public Law 91-596, Occupational Safety and Health Act of 1970
2. Public Law 100-678, 1988, Public Buildings Amendments of 1988
3. Federal Acquisition Regulations (FAR) Clause 52.236-13
4. 36 CFR 4.1
5. CFR 101-20.002-1
6. Occupational Safety and Health Act of 1970
7. Service Contract Act of 1965, as amended
8. Davis-Bacon Act, 48 CFR, parts 1-53
9. 40 USC 333, Contract Work Hours and Safety Standards Act
10. 40 USC 606, Public Buildings Act of 1959, as amended

11. 29 CFR 1910, General Industry

12. 29 CFR 1926, Construction

13. 29 CFR 1915, Maritime

14. Executive Order (EO) 12196, Occupational Safety and Health Programs for Federal Employees

21.4 Definitions

This section includes a list of definitions relevant to contractor operations.

NAME	DEFINITION
Collateral Duty Safety Coordinator (CDSC)	An NPS employee who, by agreement through their park/office superintendent, may spend up to 20% of their time on safety and health related topics and actions.
Competent Person	One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.
Completeness	The state or condition of having all the necessary or appropriate parts.
Contractor	Any individual or firm under a contractual agreement with NPS for the performance of construction including subcontractors and a prime contractor.
Contractor Scope of Work	Written and included by the contractor as part of the Site-Specific Safety Plan. This scope of work is a key element to assessing if the Site-Specific Safety Plan provided by the contractor is complete (see definition of completeness above).
Contracting Officer (CO)	A person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings.
Contracting Officer Representative (COR)	A federal employee designated by a Contracting Officer to perform certain contract administration duties.

NAME	DEFINITION
Imminent Danger	<p>Section 13(a) of the Occupational Safety and Health Act defines imminent danger as "... any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act."</p> <p>Requirements. The following conditions must be met before a hazard becomes an imminent danger:</p> <ul style="list-style-type: none"> • The threat must be immediate or imminent. This means that you must believe that death or serious physical harm could occur within a short time. • "Serious physical harm" means that a part of the body is damaged so severely that it cannot be used or cannot be used very well. • For a health hazard there must be a reasonable expectation that toxic substances or other health hazards are present and exposure to them will shorten life or cause substantial reduction in physical or mental efficiency. The harm caused by the health hazard does not have to happen immediately.
Initiating Employee	Any NPS employee proposing work to be performed by a contracting entity (commonly a project manager or the COR).
Job Hazard Analysis (JHA) (Other names for this tool – Phase Hazard Analysis (PHA) or Activity Hazard Analysis (AHA))	<p>A job hazard analysis is a technique that focuses on specific job tasks as a way to identify hazards before they occur. It focuses on the relationship between the worker, the task, the tools, and the work environment.</p> <p>Steps to take when using this technique include: Identify the work task(s) steps, identify the uncontrolled hazards associated with that step, and identify the mitigations, training, equipment that will be taken to eliminate or reduce identified hazards to an acceptable level.</p>
NPS Safety Representative	A NPS employee with either full or part-time safety responsibilities at the park unit level (e.g., safety manager, safety specialist, zone/network safety manager, and/or collateral duty safety coordinator).
NPS Scope of Work	A document that is written by NPS personnel as part of the initiating contractual documents of the project.
Qualified Person	One who, by possession of a recognized degree, certificate, or professional standing, or extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems related to the subject matter, work, or project.
Safety Engineer	A fulltime 0803 NPS employee qualified to assist in managing, supervising, leading, and/or performing professional engineering and scientific work involving safety, health, and environmental issues.
Safety Manager/Specialist	A fulltime 0018 NPS employee who provides occupational safety and health program management and technical consultation supporting a park, a group of parks in a geographic region, or an entire NPS region. Safety managers can be classified as park, zone, network, or regional.

NAME	DEFINITION
Site-Specific Safety Plan	A written plan that outlines the scope of work proposed, the hazards/risks associated with this scope, the safety practices/mitigations to be taken for identified hazards/risks, contractor roles & responsibilities, and any additional pertinent program element or requirements for a specific construction project that the provided scope of work is associated with.

21.5 Responsibilities

This section addresses the responsibilities and requirements for program-related roles.

21.5.1 Initiating NPS Employee

The initiating NPS employee is responsible for:

1. Securing involvement of the appropriate NPS safety manager or safety engineer on applicable OSHA standards and related rules governing worksite safety and prevention through design concepts in early stages of project design.
 - For park-initiated projects, the full-time park safety manager, zone safety manager, network safety manager, or collateral duty safety coordinator should be used. For more complex projects, the Regional Safety Manager (or equivalent) should be consulted.
 - For region or Washington Support Office (WASO) initiated projects, a region or WASO-level safety manager or safety engineer should be used. Personnel capacity for timely and effective design reviews should come from within the initiating project workgroup.
2. Including the appropriate safety and health compliance terms and conditions in solicitations (e.g., the contractor shall comply with all applicable local, state, and federal safety and environmental regulations and requirements, whichever is more stringent).
3. Ensuring all known and reasonably suspected hazards associated with the job site are disclosed in the scope of work (e.g., asbestos and lead in historic buildings).
4. Considering the need for a training component to be included for new or modified equipment (e.g., heating, ventilation, and air conditioning (HVAC), photovoltaic (PV)/Renewable Energy Systems, “Smart” systems in buildings) to be included in the statement of work.

21.5.2 Contracting Officer

The Contracting Officer (CO) is responsible for:

1. Including the appropriate safety and health compliance terms and conditions in solicitations (e.g., the contractor shall comply with all applicable local, state, and federal safety and environmental regulations and requirements, whichever is more stringent).
2. Submitting the contractor Site-Specific Safety Plan to the COR for review with as much lead time for review as possible prior to work commencing.
3. Accepting the Site-Specific Safety Plan from the contractor after review and concurrence (with or without comments) is received from the COR.
4. As needed, meeting with the COR, NPS safety representative, contractor, and contractor

safety representative to discuss worksite safety before authorizing work to begin.

5. During the period of performance, transmitting any notices received of unsafe or unhealthful conditions to the contractor and ensuring that corrective action is taken within established timeframe.
6. Checking to see all manufacturers' specifications, As-Built drawings, operations manuals, or other safety data has been provided to the COR before work is undertaken and/or contractor payments are made.
7. Where applicable, per [Policy Memorandum 23-01 "Adoption of Nationally Recognized Building Codes,"](#) assuring a Certificate of Occupancy is issued before releasing the contractor and facility for use.

21.5.3 Contracting Officer Representative

The Contracting Officer Representative (COR) is responsible for:

1. Meeting Continuous Learning Requirement hours needed to maintain COR certification and considering other applicable courses to obtain the basic knowledge needed to fulfill the assigned duties including the OSHA 30-hour construction course or OSHA 510.
2. Meeting with the Contracting Officer (as needed), NPS safety representative, and contractor to review safety plans and communication.
3. Following COR guidelines for required worksite inspections and calling to the attention of the contracting officer all unsafe or unhealthful conditions present. The COR must immediately stop unsafe work from being performed if imminent danger is observed and report observations to the CO.
4. Assisting the contracting officer in ensuring corrective action is undertaken to rectify safety problems within the timeframe established.
5. If requested, accompanying the NPS park safety representative on formal inspections, both announced and unannounced.
6. Coordinating with park and regional personnel as specified in RM-58: Structural Fire Management as appropriate to address hot work permit requirements and issuance of the fire and life safety certificate of compliance.
7. If delegated the responsibility from the CO, completing Contractor Performance Assessment Reporting System (CPARS) reporting if required by the total contract cost per FAR subpart 42.1502 and including relevant safety performance information.

21.5.4 Superintendent

The superintendent is responsible for:

1. Park-initiated projects, designating who has pre-bid and pre-award safety manager and/or safety engineer responsibilities.
2. Post-award safety representative responsibilities, designating a park safety representative (i.e., safety manager, zone or network safety manager, CDSC).
3. Ensuring the contractor operations safety program is conducted in accordance with this chapter.
4. Receiving updates, as needed, on contractor safety through the COR.

21.5.5 Safety Manager/Safety Engineer

The safety manager/safety engineer is responsible for:

1. Assisting the initiating employee in early stages of project design on applicable OSHA standards and related rules governing worksite safety and prevention through design concepts.
 - For park-initiated projects, the full-time park safety manager, zone safety manager, network safety manager, or collateral duty safety coordinator should be used. For more complex projects, the Regional Safety Manager (or equivalent) should be consulted.
 - For region or WASO initiated projects, a region or WASO-level safety manager or safety engineer should be used. Personnel capacity for timely and effective design reviews should come from within the initiating project workgroup.
2. Assisting the initiating employee in identifying all known and reasonably suspected hazards associated with the job site for disclosure in the NPS contractual scope of work document before the contractor is assigned.

21.5.6 NPS Safety Representative:

After the contract is awarded, the NPS Safety Representative is responsible for:

1. Offer support to the COR on safety and health standards, regulations, and codes.
2. Check contractor Site-Specific Safety Plans for completeness based on section 21.9 and share feedback with the COR.
3. Reviewing the qualifications of contractor-safety personnel (e.g., qualified and/or competent persons) to ensure qualifications are within the parameters of the scope of work.
4. In coordination with the COR, providing orientation to contractor personnel on park/office safety policy and procedures prior to the start of work.
5. As needed, conducting formal inspections of the worksite, both announced and unannounced, in consultation with the COR.
6. During the period of performance, informing the COR and park superintendent/site manager of a contractor-caused situation that is causing imminent danger to its employees, NPS employees, visitors, property, etc. immediately after taking action to correct the situation. Notify the CO if the COR is not available.

21.5.7 Contractors

Contractors are responsible for:

1. Providing and maintaining worksites that minimize exposure to safety and health hazards to individuals exposed to its operations including but not limited to its employees, NPS employees, and visitors, as well as reducing risks to property, materials, supplies, and equipment.
2. Complying with all applicable local, state, and federal safety and environmental regulations and requirements (whichever is more stringent).
3. Rectifying all identified unsafe or unhealthful working conditions.
4. Cooperating with all informal and formal, unannounced and announced safety and health inspections by the COR and/or NPS safety representative.

5. Submitting an acceptable documented Site-Specific Safety Plan prior to the start of work (see below).
6. Providing As-Built drawings for Building, Infrastructure, Utilities projects and other projects as appropriate.

21.6 General Requirements

To ensure full compliance with NPS contractor operations safety requirements, the following steps must be completed and documented for all contracting activity:

1. When considering any type of contracting work within the park/office, the NPS employee proposing the project (e.g., the initiating employee) consults with the appropriate safety manager or NPS safety representative on applicable OSHA standards and related rules governing worksite safety. During this pre-planning stage, discuss any applicable special considerations (e.g., whether or not an evaluation factor should be included that considers the previous safety record for all proposals received), and incorporate them into the proposed statement of work, as needed. The requirements for the preparation, submission and on-site implementation/coordination of the contractor's documented Site-Specific Safety Plan will be detailed clearly in the proposed statement of work and the government estimate.
2. The COR participates in any pre-award conferences or meetings held with prospective contractors to answer questions they may have concerning health and safety compliance on the job site.
3. After the contract is awarded, but before any contract work begins, the contractor will provide the Site-Specific Safety Plan to the COR and NPS safety representative for review and evaluation. Following this review/evaluation, a Preconstruction meeting must be held between the CO, COR, NPS safety representative (if available), contractor, and contractor safety representative. The COR should orient the contractor to the relevant park/office safety procedures and discuss the work unit's expectations for contractor safety and health. On-site coordination and inspection matters will be addressed. The contractor will be asked to discuss their Site-Specific Safety Plan. Minutes of this meeting will be kept in the CO/COR's files. Copies should be sent to all parties.
4. The COR will perform periodic informal safety and health inspections of the worksite. Formal inspections involving both representatives of the contractor and the NPS safety representative will be conducted as needed. Unannounced formal inspections should be conducted, as needed, to determine compliance.
5. When hazards or violations are identified by the COR or NPS safety representative, the contractor must be provided by the contracting officer a written listing of the violation, a proposed abatement, and a date for correction. It is the responsibility of the COR and the contracting officer to ensure compliance is achieved. Copies of all hazards identified and abated should be kept as part of the contract file and be available at reasonable times for inspection.
6. In the case of an imminent danger, the NPS safety representative will inform any affected employees and park superintendent/site manager of the workplace of the danger. The park superintendent/site manager, or a person empowered to act for that official, will ensure immediate short-term abatement and the withdrawal of NPS employees who are not necessary for abatement of the dangerous conditions. The NPS safety representative will immediately notify the COR or contracting officer of the imminent danger. The contracting officer and the COR should undertake the necessary

discussions with the contractor to correct the situation beyond the short-term abatement noted above.

7. The COR will discuss contractor safety issues with the worksite manager (e.g., park superintendent) as needed to ensure awareness of and follow up on identified issues per the terms and conditions of the contract.
8. Where applicable, per [Policy Memorandum 23-01 "Adoption of Nationally Recognized Building Codes,"](#) assuring a Certificate of Occupancy is issued before releasing the contractor and facility for use.
9. If specified in the scope of work under "submittals, the COR should be provided with digital and hard copies of manufacturer's specifications, warranties, and operating instructions for all safety systems installed as part of the project. Such documentation must be provided before final payment is authorized by the contracting officer.

21.7 Site Safety

The contractor will maintain good housekeeping practices, including ensuring their storage areas are free from waste material accumulations, rubbish, and construction debris. When the project is completed, the contractor will remove rubbish, tools, scaffolding, equipment, and any other materials that are not the property of the NPS and will leave the worksite in a clean, neat, and orderly condition that meets the COR's expectations. The contractor will post following elements in an area that is commonly accessed and in a clear view of workers:

1. Applicable DOL required information (e.g., OSHA Job Safety & Health Protection Poster, Davis Bacon Act, Notification of Employee Rights, etc.).
2. A map communicating the route to the nearest emergency care facility.
3. Emergency phone numbers.
4. Copy of the Site-Specific Safety Plan.
5. Contractor Company's OSHA Form 300A (posted from February 1 to April 30).

21.8 Accident Prevention

The contractor project manager will ensure that identified safety and health hazards and controls are in place and communicated to on-site workers, the COR, and the NPS safety representative as specified in FAR 52.236-13. If anyone is believed to be in imminent danger, the COR is to immediately stop the unsafe work from being performed. **NPS safety representatives may stop situations deemed as imminent danger but must notify COR immediately or as soon as practicable.**

21.9 Site-Specific Safety Plan

The Site-Specific Safety Plan (SSSP) is developed and implemented by the contractor and is job-specific to the tasks they are performing for NPS. The minimum components of the plan include:

1. **Signature Sheet.** Title, signature and phone number of the following:
 - The plan preparer, company representative authorized to approve the plan, Project Manager/Superintendent, and Project Safety Professional
2. **Background Information.** Include the following:

- Contractor
 - Contract number
 - Project name
 - Brief project description of project and work to be performed, a map of general work locations, and phases of work anticipated
3. **Responsibilities and Authority.** A statement of the employer's ultimate responsibilities for the implementation of its safety and health program. Also included is:
- Identification and accountabilities of personnel responsible for safety at both the corporate and project level and lines of authority
 - Listing of policies and procedures regarding noncompliance with safety requirements to include disciplinary actions for violations, including written company procedures for holding managers and supervisors accountable for safety
 - The names of the competent and/or qualified person(s) and proof of competency or qualifications to meet specific OSHA competent/qualified person(s) requirements
 - Requirements that no work is to be performed unless a designated competent person is present on the worksite
 - Contracts specifically requiring safety or industrial hygiene personnel must include a copy of their qualified personnel resumes
4. **Subcontractors and Suppliers.** If applicable, procedures for coordinating safety and health activities with the other employers on the worksite:
- Identification of subcontractors and suppliers
 - Safety responsibilities of subcontractors and suppliers
5. **Training.**
- Requirements for new employee safety and health orientation training at the time of initial hire.
 - Outline requirements for mandatory training and certification that are applicable to the project (i.e., permit-required confined space entry, crane operator, vehicle operator, HAZWOPER training and certification, hazard communication, respiratory protection, fall protection, scaffolding, excavation, PPE), and requirements for periodic retraining/recertification.
 - Procedures for periodic safety and health training for supervisors and employees.
 - Requirements for emergency response training.
 - Specify the name(s) of the individual(s) responsible for maintaining training records. Actual certifications such as: First Aid/CPR, lead/asbestos worker, scaffolding, fall protection, etc. applicable to the project will be included as attachments or made available for review.
6. **Risk Assessment/Management.** Provide a list of major work tasks or job phases and submit a Job Hazard Analysis (JHA) or Phase Hazard Analysis (PHA) for each major task or phase (i.e., breakdown of the task or phase in major steps, identify what hazards or safety exposures are present, then what measures will be in place to control these identified concerns).
7. **Plans, Programs, and Procedures.** Based on the risk assessment conducted for the

identified activities that will be performed and on the mandatory OSHA compliance programs, the contractor will describe how they will address all applicable occupational hazards (e.g., protective measures/risk management) and compliance plans i.e., Emergency response plans; Spill plans; Hazard Communication; Permit Required Confined Spaces; etc.

8. **Housekeeping.** Identify sanitation and job site housekeeping procedures including toilet facility requirements, hand washing requirements, drinking water availability, and any other requirements that may be applicable to this project.
9. **Safety and Health Inspections.** Identify specific responsibilities for minimal daily worksite safety and health inspections during the period of work including who will conduct, proof of inspector's training/qualifications, when inspections will be completed, procedures for documentation, and recording of corrective actions.
10. **Emergency Contacts/Medical Support.** Identify emergency contacts for the project and provide the name, phone number, map, and driving directions from the worksite to the nearest hospital/emergency medical facility. The contractor should also address requirements for administering first aid, including training requirements and providing certifications of those who will administer first aid or CPR.
11. **Accident Reporting.** Identify person(s) responsible for providing the following information:
 - Exposure data (man-hours worked).
 - Accident investigations, reports, and logs. The contractor will report all incidents as soon as possible but not more than 24 hours after occurrence to the COR. The contractor must conduct a thorough investigation into the incident and provide the findings and corrective actions to the COR no later than five (5) working days following the incident. Implement corrective actions as soon as reasonably possible. The following require immediate notification:
 - Fatality
 - Permanent total disability
 - Permanent partial disability
 - Overnight hospitalization of 1 or more people resulting from a single occurrence
 - NPS property damage
12. **Fire Protection and Prevention:** Include a list of the major workplace fire hazards specific to the project, potential ignition sources, types of fire suppression equipment or systems appropriate to the control of fire, assignments of responsibilities for maintaining the equipment and systems, and personnel responsible for controlling fuel source hazards.
13. **Hazard Communication:** If chemicals will be used or brought on site during the course of the project, the contractor will develop a section overviewing Hazard Communication, provide or make available documentation that employees have received Hazard Communication training, and attach or make available copies of Safety Data Sheets (SDS) for each hazardous material that will be onsite.
14. **Public Risk Management:** Identify mitigations to protect the public during the contract work (e.g., pedestrian management, traffic control, signage).
15. **Severe Weather:** The contractor will provide a Contingency Plan for Severe Weather. The section will outline procedures addressing each potential severe weather event that is likely to occur at the project site, such as heavy rain, high winds, fires, slides, power

outages, etc. Such planning shall take into consideration the nature of construction, site conditions, and degree of exposure for persons and property.

21.10 Technical Appendices

Appendix A: An example Pre-Start Up Project Site-Specific Safety Plan Review Checklist can be found here: [https://doimspp.sharepoint.com/sites/nps-occupationalafetyandhealth/SitePages/Contractor-Operations-\(Safety\).aspx?csf=1&web=1&e=N6gQmD&CID=58bc30bc-2567-47bc-b06c-fd80f316cbb3](https://doimspp.sharepoint.com/sites/nps-occupationalafetyandhealth/SitePages/Contractor-Operations-(Safety).aspx?csf=1&web=1&e=N6gQmD&CID=58bc30bc-2567-47bc-b06c-fd80f316cbb3)