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Safety

CONTRACT SAFETY

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This pamphlet is a source of general information to help the safety professional work contract issues. It addresses safety responsibilities in three broad categories of contracts: construction contracts, service contracts, and commodity contracts. It provides guidelines for incorporating safety into the contracting process.

SUMMARY OF CHANGES

This is the first issuance of AFPAM 91-210, replacing AFP 127-10. It aligns with AFPD 91-2. Changes were made to the information found in the superseded pamphlet to improve readability.

Section A—Contract Safety Development and Review

1. Overview. Failure to consider safety at any stage of contract development may result in safety deficiencies and costly after-the-fact corrective actions. Timely involvement of safety personnel in the contract development process will result in a safer work place, improved procedures and equipment, and a decrease in mishaps. Besides safety personnel, fire prevention and occupational health (bioenvironmental engineering services and environmental health) personnel can provide valuable assistance in the contract development process.

2. Contract Safety Development. Early in the contract development process stage, contact the contracting officer and indicate your desire to become involved in the safety aspects of a particular contract. Keep in mind that the contracting officer and requesting organization or user determine contract milestones and you need to be aware of those milestones to plan your involvement.

2.1. During the contract development process, research and identify safety requirements. Ensure the project contains current safety requirements and measures for a safe work environment. In a majority of cases, when contracting for goods and services, the government does not specify the types of equipment the contractor is to use in the performance of the contract. Government policy allows contractors great latitude in the methods used to meet contract requirements. Therefore, only specify equipment and processes in limited situations. Safety is just one of several organizations, such as fire prevention, health, and the user, that provide inputs to the contract, so coordinate your efforts with others as appropriate.

2.2. The Statement of Work (SOW) can get the contract safety effort started. Contact one or more users of the facility or recipients of the service, to properly and accurately identify the extent and purpose of the contract. The users can tell you what operations are planned, training needs, storage, traffic, etc. Also, users may have specific requirements outlined in operating directives or technical orders (TO) that are not readily identified in safety publications. Visit the proposed project location or facility during the site selection process. Evaluate whether or not the project constitutes a hazard to adjoining or collocated facilities. Determine if added traffic would create a problem and, if so, what action would be needed. Determine if operations exposed to electromagnetic radiation are within an explosive clear zone.

2.3. After obtaining facility information, functional use, services to be performed, and other special requirements, review directives and standards relative to the contract. Determine appropriate safety requirements and their phase points in the contract review process (**Figure 1**), and validate applicability. Make the requirements known to the using and requesting organization (include as a reference in the contract) and others as applicable (e.g., civil engineer staff, Corps of Engineers, Naval Facilities Engineering Command, or the agency requiring the service). Include testing and certification requirements for installed equipment in the contract specifications.

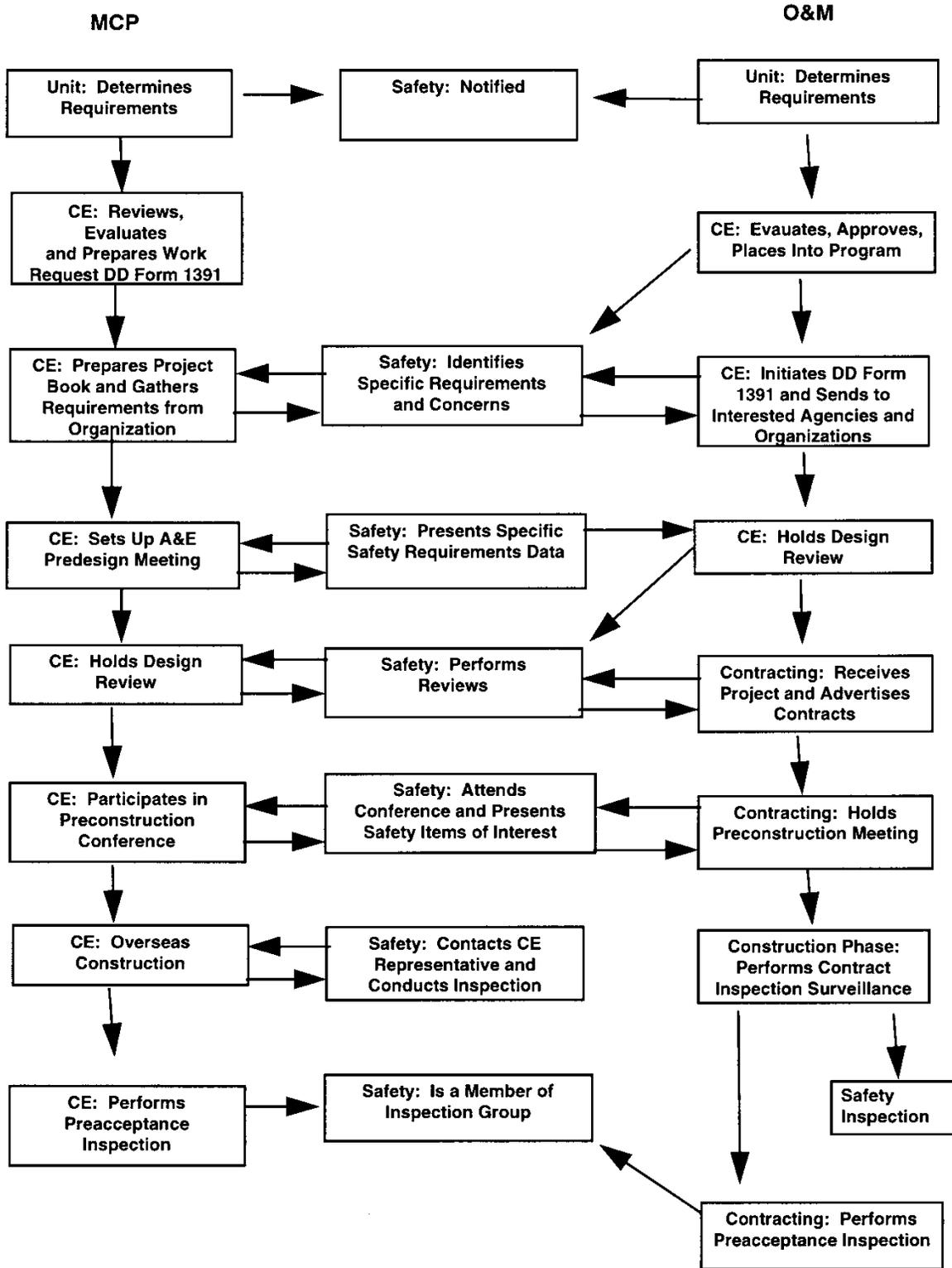
3. Contract Safety Review. The Chief of Safety should ensure the safety staff is scheduled to review design work. These specific areas of concern may require review by safety, fire prevention, and occupational health agencies during the contract development process:

3.1. Construction Contracts:

- Type of facility and occupancy.
- Planned operations.
- Planned equipment.
- Types of materials (include chemical and toxic).
- Shops and offices (layouts).
- Storage needs.

- Loading and off-loading needs.
- Facility and operations locations.
- Parking needs.
- Traffic routes.
- Facility entry and exit points.

Figure 1. Contract Review Process Flowchart.



3.2. Service-Type Contracts:

- Planned services.
- Number and type (Air Force or other) personnel involved and possibly at risk.
- Planned tasks and operations.
- Products, chemicals, and hazardous materials to be used.
- Storage needs. *NOTE: Storage for explosives, chemicals, and hazardous materials requires special consideration.*
- Facility needs.
- Training, certification, and licensing needs.
- Communication (emergency) needs.

Section B—Responsibilities by Contract Type

4. A majority of contracts fall in three broad categories: construction contracts, service contracts, and commodity contracts. Particular organizations have responsibilities under each contract type. You need to be aware of the responsibilities--it will make your job easier. The remainder of this chapter addresses each contract type and lists responsibilities, by organization, that should be performed.

5. Construction Contracts-(Real Property) (Operations and Maintenance (O&M) Construction and Military Construction Program (MCP)). These contracts provide new facilities, add to existing facilities, or modify existing facilities. Facilities include firing ranges, explosive storage areas, aircraft washracks, administrative space, housing, recreation areas, hangars, etc.

5.1. Originating Organization's Functions (O&M and MCP):

- Define facility criteria and needs.
- Coordinate with safety, fire prevention, and occupational health organizations to determine any unique requirements.
- Prepare work request and submit it to Civil Engineering (CE).
- Work with CE after submittal to refine project requirements (construction only, not maintenance and repair).
- Start work on project book criteria.

5.2. Civil Engineering Functions for MCP Projects:

- Review and evaluate work request with interested organizations.
- List in order of priority (Facilities Board) those projects generated by work request.
- Prepare DD Form 1391, **FY 19__ Military Construction Program**, which includes site plans, facility requirements, and preliminary cost estimates. Obtain initial input from safety, fire, bioenvironmental health, etc.
- Help select an Architecture and Engineering (A&E) firm and take part in the predesign criteria meeting.
- Conduct functional design reviews.

- Take part in preconstruction conference. The safety office will prepare and present a safety briefing.
- Conduct construction surveillance (about one walk-through per week, informal). ***NOTE: The construction agent conducts day-to-day inspections of construction in progress. Contact the appropriate construction agent to coordinate surveillance walk-through. Safety personnel are responsible for immediately notifying the contractor and the contracting officer of unsafe acts that endanger life or property. The contracting officer can enforce administrative sanctions provided in the contract. The US Department of Labor, Occupational Health, and Safety Administration inspectors can assess fines for violation of safety laws. All federal construction contracts include the Federal Acquisition Regulation (FAR) Clause 52.236-13, Accident Reporting. This FAR clause mandates that the contractor (and the Air Force) comply with standards issued by the Secretary of Labor at 29 CFR Part 1910, 29 CFR Part 1926, and the latest version of US Army Corps of Engineers Safety and Health Requirements Manual, EM 385-1-1.***
- Conduct preacceptance inspection.

5.3. Civil Engineering Functions for O&M Projects:

- Review and evaluate work request with interested organizations.
- Include approved work requests in specific fiscal year program.
- Initiate design (in-house or with A&E firm).
- Send DD Form 1391 package to interested organizations (such as safety).
- Conduct design reviews (only 90 percent most common).
- Forward approved project bid documents to contracting.
- Take part in preconstruction meeting and preacceptance inspection.
- Conduct day-to-day construction surveillance. ***NOTE: CE performs prefinal and final acceptance inspections of construction projects. Safety personnel may be asked to take part.***

5.4. Contracting (O&M Only):

- Award O&M contracts.
- Take part in preconstruction meeting and preacceptance inspection.

5.5. Safety (O&M and MCP Projects):

- Develop local notification procedures to ensure CE and contracting provide the safety function with all required information on pending solicitations and contracts (if required). Safety personnel are responsible for establishing requirements and information that must be provided.
- Review and provide input to work requests, DD Form 1391 packages, and project books.
- Obtain a list of planned operations for the proposed facility and develop a list of potential hazards. (Give special attention to multiple-use locations, adjacent and incompatible operations, and timing of operations.)

- Identify specific concerns and requirements to CE in writing.
- Specify the need for a continuing hazard analysis during the design phase by the A&E firm, as appropriate for the project. If required, specify the safety data and documentation required from the A&E firm. Request, in writing, that CE include these requirements in the project book specifications.
- Take part in the predesign conference, design reviews, preconstruction conference, and construction surveillance. Safety personnel should perform contract surveillance only within the limits set forth by the contract or as requested by the contracting officer. **NOTE: Figure 1. provides an overall flow chart of O&M and MCP contract flow procedures.**
- Ensure the conditions of the contract and the specifications establish the responsibility to perform tests and evaluations (e.g., testing and acceptance of a fire suppression system or aircraft hoists). Ensure the construction management (CM) section notifies safety when these tests are to be performed. **NOTE: CM maintains a record of all tests done on each project. These tests are recorded on AF Form 1477, Construction Inspection Record.**

6. Service Contracts. Under a service contract, the Air Force pays a civilian company to perform a service, such as housekeeping, maintenance repair, or operating base supply system.

6.1. Originating Organization. The user (functional agency) determines service needs. Service contracts generally include, but are not limited to:

- Custodial services, refuse collection and disposal, ground maintenance, and similar services.
- Installation of equipment obtained from another contractor.
- Operation of government-owned equipment, systems, or facilities, (e.g., petroleum, oils, and lubricants (POL) stations, refueling, vehicle operations, security, etc.).
- Housekeeping and base services.
- Training Air Force personnel.
- Medical services.
- Audio-visual services.
- Communication services.
- Engineering and architectural services.
- Data processing.
- Research and development.
- Operational testing.
- Storage and warehousing
- Salvage and clean-up.
- Consulting.

6.2. Contracting Organization. The contracting staff processes and awards the contract and is the primary contact for the safety staff. You should coordinate all problems identified before and after contract award through them for resolution.

6.3. Functional Managers. Functional managers for the service contract vary. For example, janitorial contracts are normally maintained by civil engineers. Food service contracts are maintained by services. Know who the functional manager is and work with them.

6.4. Safety. The safety staff is responsible for ensuring the protection of Air Force resources during all phases of the service contract. You should:

- Review the SOW or Performance Work Statement (PWS) to ensure applicable safety requirements are present. ***NOTE: Review the SOW or Performance Work Statement (PWS) to ensure applicable safety requirements are present. The contracting officer determines the need for a SOW or PWS. However, the requesting organization is responsible for drafting a usable SOW or PWS. Many contracted services, usually of short duration, may not require an SOW or PWS.***
- If a contract safety SOW or PWS is required, provide the requesting organization with the proposed wording.
- Tailor the requirements to the specific tasks being done (e.g., don't talk about the flight line if the work is in administrative facilities).
- Provide specific comments on what is expected of the contractor in terms of safety, safety requirements, etc.
- Specify mishap reporting requirements and ensure a clause is in the contract permitting government mishap investigation with contractor cooperation. Do not include such a clause in the SOW or PWS if standard FAR contract clause already exists that requires this type of notification and permits government investigation.
- Ensure the contracting office includes a requirement for a written contractor safety plan (see US Army Corps of Engineer Safety and Health Requirements Manual EM 385-1-1). The safety plan should include and identify the details of the contractor's safety organization, responsibilities, method of program implementation, and how corrective action is done. ***NOTE: The contract should only include a requirement for a written contractor safety plan if the contract is inherently hazardous and should provide safety for personnel accomplishing the work.***
- Ensure the contract and the safety plan bind subcontractors to the safety program and that the prime contractor incorporates any necessary FAR safety clauses or provisions in any subcontracts.
- Fully describe requirements. Don't specify the use of government regulations or technical orders unless there are compelling reasons to do so.

- Ensure reference documents are included. Specify whether applicable manuals, publications, and documents are advisory or mandatory. **NOTE: When developing a Safety SOW or PWS for contract work outside the jurisdiction of the United States, don't reference the national consensus standards of the United States (e.g., National Fire Protection Association and National Electrical Codes, or Occupational Safety and Health Administration (OSHA) standards); state the specific safety requirement.**
- During the development process, determine whether safety personnel need work site visit authority. You may need to do this for in-service contracts. If the answer is yes, notify the user and the contracting officer.
- Attend preaward meetings with prospective contractors. (This meeting allows you to clarify any questions the contractor may have regarding safety.)
- Determine safety inspection frequency requirements and what reports the contractor needs to submit to substantiate their performance. Provide the quality assurance evaluator with rules and checklists on how to measure contractor compliance with safety requirements. The contracting officer may approve including any such requirements in the contract.
- Review contractor proposals to ensure they meet the safety requirements in the PWS. **NOTE: Safety should be a member of the proposal review team if safety is an essential requirement or component of the contract.**

7. Commodity Contracts. Commodity contracts are normally used for the local procurement of items not available through the Air Force or General Services Administration (GSA) supply systems. These contracts may include rental or leased equipment obtained for specific purposes. Base organizations regularly initiate procurement actions for items or equipment that may not be designed, manufactured, installed, or used according to safety criteria. Items in Air Force or GSA supply system are evaluated for safety and normally meet minimum standards.

7.1. Responsibilities:

7.1.1. Air Force Materiel Command (AFMC). AFMC is responsible for reviewing product safety. Recommended considerations for Off-the-Shelf and Other System Acquisitions:

- Do not compromise or eliminate safety considerations in order to achieve cost reductions. Consider safety factors critically because the Air Force did not have the opportunity to design safety into the system.
- Base any decrease of reasonable safety precautions to obtain cost savings on a qualified safety analysis.
- Any contract involving an acquisition that will require contractor maintenance of the system or equipment, and use of government-furnished equipment or facilities, should contain safety requirements similar to service contracts.
- For all system acquisitions (e.g., F-16 aircraft), equipment and hardware must comply with applicable military, Air Force Occupational Safety and Health (AFOSH), Occupational Safety and Health Administration (OSHA), or national consensus standards.

- Technical manuals must comply with applicable military, AFOSH, OSHA, and national consensus standards. *NOTE: Technical manuals are necessary if Department of Defense personnel are to operate and maintain the equipment.*

7.1.2. Originating Organization. The originating organization should coordinate selected AF Forms 9, **Request for Purchase**, and other purchase requests with the safety office before sending them to the contracting office (see AFI 91-202, *The US Air Force Mishap Prevention Program* (formerly AFR 127-2)). (formerly AFR 127-2)). *NOTE: Not all requests have to be screened by and coordinated with safety. This selective coordination helps ensure safety features (guards, certifications, switches, etc.) were considered and included in the item description. The safety office will specify the categories of supplies and equipment requests to be reviewed based on their hazard potential.*

7.1.3. Contracting and Procurement. Contracting personnel should review selected contracting purchase requests to verify the requesting organization or user obtained safety coordination. *NOTE: In contracts for acquisition of hazardous chemicals and products containing radioactive or carcinogenic material, the safety requirements for disposal should have been considered.*

7.1.4. Safety. The safety staff must establish procedures to ensure they review selected local purchase requests. Check for:

- Do the requests specify required and optional safety features?
- Are the correct items being obtained for specific uses (e.g., explosion-proof equipment for hazardous locations)?
- Are life-cycle considerations included (e.g., installation, maintenance, overhaul, final disposition)?

8. Forms Prescribed:

- DD Form 1391, **FY 19__ Military Construction Program**.
- AF Form 9, **Request for Purchase**.
- AF Form 1477, **Construction Inspection Record**.

JAMES L. COLE, JR., Brig General, USAF
Chief of Safety

Attachment 1

GLOSSARY OF REFERENCES, ABBREVIATIONS, AND ACRONYMS

References

AFI 91-202, *The US Air Force Mishap Prevention Program*

Federal Acquisition Regulation (FAR) Clause 52.236-13, *Accident Reporting*

Abbreviations and Acronyms

A&E—Architect and Engineering

AFMC—Air Force Materiel Command

AFOSH—Air Force Occupational Safety, Fire Protection, and Health

AFPAM—Air Force Pamphlet

CE—Civil Engineering

CFR—Code of Federal Regulations

CM—Construction Management

FAR—Federal Acquisition Regulation

FY—Fiscal Year

GSA—General Services Administration

HQ AFSA/SEG—Headquarters Air Force Safety Agency/Directorate of Ground Safety

HQ AFSA/SEGO—Headquarters Air Force Safety Agency/Directorate of Ground Safety, Operations Safety Division

MCP—Military Construction Program

OSHA—Occupational Safety and Health Administration

O&M—Operations and Maintenance

OPR—Office of Primary Responsibility

POL—Petroleum, Oils, and Lubricants

PWS—Performance Work Statement

SOW—Statement of Work

TO—Technical Order