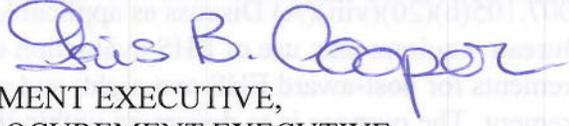




MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

FROM: IRIS B. COOPER, 
SENIOR PROCUREMENT EXECUTIVE,
OFFICE OF THE PROCUREMENT EXECUTIVE

SUBJECT: Amendment to the DTAP regarding Environment, Health & Safety (EHS).

1. Purpose: This amendment is issued to revise various EHS requirements included throughout the DTAP.

2. Effective Date: June 1, 2015

3. Expiration Date: Until otherwise canceled, superseded or included within a future edition of the DTAP.

4. Background: The Department of the Treasury Acquisition Procedure (DTAP) was amended via APU No. 13-05, dated September 30, 2013 in order to promote safety and health for Treasury staff, contractors, subcontracts, and worksites through participation by EHS professionals in the procurement process. This APU was subsequently included within the DTAP September 2014 edition issued September 5, 2014. Since then the Departmental Office of Environment, Health and Safety (OEHS) conducted a review of their DTAP procedures and have determined the need for the DTAP to be amended in order to clarify EHS requirements. As a result, the Senior Procurement Executive has determined that the issuance of this amendment to the DTAP is authorized and necessary. Further, this APU has been vetted through the Bureaus and approved by Departmental OEHS.

5. Department of the Treasury Acquisition Procedures (DTAP): The DTAP is amended as follows:

A. 1002.101 definition for “Environment, Health & Safety (EHS) concerns” is amended to read as follows:

“Environment, Health & Safety (EHS) concerns” include environmental, health and safety issues which could impact the environment and/or human health and safety as determined by either the Departmental Office of Environment, Health and Safety (OEHS) or bureau designated EHS professional, as enumerated in Treasury Directive 75-09, “Environmental, Health, and Safety Management, Energy and Sustainability Program.” Procurement requirements or potential procurements that have EHS concerns, include but are not limited to: hazardous materials, equipment with moving parts, construction, installation of equipment or electronics, and contract actions for products or services for which sustainable acquisition requirements under FAR part 23 are relevant.



B. 1007.105 is amended to add the following:

1007.105(b)(20)(viii)(A) Discuss as applicable, EHS requirements and risks to include FAR and Bureau requirements; use of EHS evaluation criteria and factors; EHS deliverables; requirements for post-award EHS oversight; and any other EHS actions pertinent to the requirement. The purpose is to document within the acquisition plan any EHS concerns; thereby ensure appropriate management of EHS concerns. See subpart 1023.70 for EHS additional requirements regarding acquisition plans.

C. 1007.105(b)(23) is removed in its entirety:

F. 1023.703(a) is amended to read as follows:

(a) BCPOs must establish required programs. Refer to Treasury Directive 75-09, “Environmental, Health, and Safety Management, Energy and Sustainability Program” and associated Treasury Directive Publication 75-09.

G. 1023.70 is amended to read as follows:

SUBPART 1023.70—PARTICIPATION OF ENVIRONMENT, HEALTH, AND SAFETY PERSONNEL IN TREASURY PROCUREMENTS

1023.7000 Scope of subpart.

This subpart prescribes policies and procedures for participation of EHS professionals in Treasury procurements.

1023.7001 Policy.

(a) Treasury’s policy is to ensure that contractors and subcontractors take reasonable precautions to mitigate EHS risks (to include those associated with handling hazardous/explosive materials) and to advance sustainable acquisition in performance of Treasury contracts.

(b) Treasury’s policy is to ensure participation by EHS professionals (i.e. the Departmental Office of Environment, Health, and Safety (OEHS) or Bureau designated EHS professionals) in Treasury procurements to ensure appropriate management of EHS concerns. COs shall ensure participation by EHS professionals in all stages of the procurement process (e.g., acquisition planning, development of evaluation criteria, solicitation review, source selection, and contract administration) as needed in order to support this policy.

1023.7002 Procedures.

(a) *General.* COs shall ensure participation by EHS professionals in all stages of the procurement process (e.g., acquisition planning, solicitation development, source selection, and contract administration), as needed, and regardless of dollar value. If the CO is in doubt as to whether a procurement involves EHS concerns, the CO shall send the requirement to the cognizant EHS office for review and determination.

(1) The purpose of EHS participation is to identify and thereby ensure appropriate management of EHS concerns. An EHS professional is responsible for—

- (i) Identifying EHS concerns;
- (ii) Making recommendations;



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- (iii) Providing guidance on managing EHS concerns;
 - (iv) Providing any Bureau requirements regarding EHS concerns;
 - (v) Establishing, if applicable, EHS evaluation criteria and evaluation factors for use in source selection;
 - (vi) Establishing, if applicable, EHS deliverables to be submitted by the contractor;
- and
- (vii) Establishing, if applicable, requirements for post-award EHS oversight in order to manage EHS concerns.

(2) Departmental OEHS professionals are responsible for reviewing Departmental Office procurements and Bureau EHS professionals are responsible for reviewing Bureau procurements.

(3) Bureaus may develop, with coordination and approval by their respective EHS office, their own procedures for implementing this section, which may involve, but not be limited to—

- (i) Developing a list of types of requirements and procurement actions that are known to or known not to involve EHS concerns;
- (ii) Identifying the types of documents that must be submitted for EHS review (e.g. statement of work);
- (iii) Establishing timeframes for review; and
- (iv) Identifying the types of submittals offerors will be required to provide as part of their response.

(b) *Requirements for procurements exceeding the SAT.*

(1) *Acquisition plan requirements.*

(i) The CO shall ensure that EHS professionals review and approve all acquisition plans for procurements above the SAT.

(ii) If the CO determines that a procurement contains no EHS concerns then—

(A) The acquisition plan must include a statement regarding the CO's determination (see 1007.105(b)(20)(viii)(A)) and

(B) The CO must obtain written concurrence from an EHS professional. If concurrence is obtained then there is no need for further EHS involvement, unless there is a change in the procurement that could introduce EHS concerns.

(2) *Solicitation requirements.* Solicitations involving EHS concerns shall be reviewed and approved by an EHS professional prior to issuance.

(3) *Source Selection requirements.* For procurements involving EHS concerns, the EHS professional shall evaluate, in accordance with the requirements of the source selection plan the relevant sections of an offer involving EHS concerns. The contract file shall include a record of the EHS professional's evaluation.

(c) *Requirements for procurements above the micro-purchase threshold and up to the SAT.*

(1) If the CO determines that the procurement includes EHS concerns, the CO shall follow the established Bureau procedure for EHS review. The EHS professional shall approve the solicitation before it is issued.

(2) If the CO determines that a procurement contains no EHS concerns then—

(i) The contract file must include documentation regarding the CO's determination

and

(ii) The CO must obtain written concurrence from an EHS professional. If concurrence is obtained then there is no need for further EHS involvement, unless there is a change in the procurement that could introduce EHS concerns.



(d) *Requirements for procurements at or below the micro-purchase threshold.* In accordance with FAR 13.201(f), the procurement requirements in subparts 23.1, 23.2, 23.4, and 23.7 apply to purchases at or below the micro-purchase threshold, as they do to all procurements. Bureaus are responsible for establishing procedures to support this requirement. See Treasury's Charge Card Management Plan, Treasury Directive 75-09, "Environmental, Health, and Safety Management, Energy and Sustainability Program" and associated Treasury Directive Publication 75-09.

(e) *Attendance at events.* The CO shall ensure EHS professionals are notified of and provided an opportunity to attend pre-proposal conferences, industry days, post-award kick-off meetings/ post-award orientations and any other similar events for all procurements that may involve EHS concerns.

(f) *Departmental OEHS review:* Upon request, Bureaus shall provide their procedures for implementing the requirements of this section to the Departmental OEHS for review and approval. The Departmental OEHS reserves the right to request evidence of compliance with this section from the Bureaus as well.

(g) *Listing of EHS professionals.* A listing of EHS professionals is available on Treasury's Office of Environment, Safety and Health SharePoint site available at: <http://thegreen.treas.gov/offices/pages/oesh.aspx>. If a CO cannot locate their local EHS professional they must contact the Director of Treasury's Office of Environment, Health & Safety at 202-622-1712 or contact EHS@treasury.gov.

1023.7003 Solicitation and Contract Content for Procurements Involving Explosive Hazardous Materials

(a) *Purpose.* Procurements involving explosive materials present particularly significant EHS risks. The requirements below apply to procurements relating to the purchase, storage, handling, and/or disposal of explosive hazardous materials.

(b) *Contractor Selection.* The CO shall work with the EHS professional to incorporate rigorous contractor selection provisions (such as those found in the Department of Defense Contractor Safety Manual for Ammunition and Explosives, Section C1.5, "Pre-Award Safety Survey") into the solicitation prior to its issuance. The solicitation and resulting contract shall include language requiring a contractor to use similar selection provisions for any subcontract dealing with explosive hazardous materials. All provisions shall be provided by the EHS professional based on the specific hazards of the procurement.

(c) *Contractor Oversight Provisions.* The CO shall work with the EHS professional to incorporate rigorous contractor oversight provisions (such as those provided in the Department of Defense Contractor Safety Manual, Section C1.6 "Pre-Operational Safety Survey" and C1.7 "Post-Award Contractor Responsibilities") into the contract. All provisions shall be provided by the EHS professional based on the specific hazards of the procurement.

(d) [Reserved pending the publication of National Fire Protection Association (NFPA) guidance recommended in Chemical Safety Board (CSB) recommendation 2011-06-I-HI-R7].



- 6. Required Bureau Actions:** Bureau Chief Procurement Officers shall—
- a. Ensure dissemination of this APU to all impacted personnel;
 - b. Update any related Bureau policies and procedures impacted by this APU; and
 - c. Monitor bureau compliance with this APU and provide OPE notification of instances of non-compliance along with the corrective action(s) taken to address the matter of non-compliance.

7. Additional Information: My point of contact for this APU is Mr. Thomas O'Linn, who may be reached at thomas.olinn@treasury.gov or OfficeoftheProcurementExecutive@treasury.gov.

