



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

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MEMORANDUM FOR COMMANDER, UNITED STATES CYBER COMMAND
(ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Department of Labor Occupational Safety and Health Administration Information
on Contractors' Workplace Safety and Health Records

This memorandum provides information in response to a recent Government Accountability Office (GAO) recommendation on contractor workplace safety and health violation records. GAO Report 19-235, Defense Contracting - Enhanced Information Needed on Contractor Workplace Safety, dated February 2019, reviewed current Department of Defense (DoD) and Department of Labor Occupational Safety and Health Administration (OSHA) policies and procedures on protecting DoD contractor employees. The report recommended DoD advise contracting officials that OSHA's website is a resource for information about contractor workplace safety and health records.

There are several situations in which contracting officials might consider information about contractor workplace safety and health. Before contract award, Federal Acquisition Regulation (FAR) 9.104 requires contracting officers to determine prospective contractors "responsible" based on standards that may include safety and health programs applicable to the work being performed. FAR subpart 15.3 requires contracting officers to include past performance as an evaluation factor in competitively awarded contracts, and that evaluation factor may include safety performance (e.g. injury rates, OSHA citations). FAR subpart 42.15 establishes the requirement to review and monitor contractor performance information that may include safety performance in the Contractor Performance Assessment Reporting System (CPARS). Government officials may also include specific requirements for unique safety or high-risk contracting activities (e.g. construction or manufacturing) in CPARS.

To help contracting officers address these requirements, OSHA provides the following website with information on contractor workplace safety and health records:
<https://www.osha.gov/pls/imis/establishment.html>. OSHA determines what information is publicly available on the website, including the fields by which its inspection data can be searched. The website allows users to search for OSHA enforcement inspections by name of

“establishment,” by a specific inspection, or inspections within a specified industry group. Contracting Officers are directed to the notes and user instructions to accurately apply and interpret the information on the website to help make contractor responsibility determinations and evaluate contractor past performance. My point of contact for this subject is Mr. Larry McLaury, who may be reached at (703) 697-6710 or larry.j.mclaurv2.civ@mail.mil.



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