

DHHS POLICIES AND PROCEDURES

Section V:	Human Resources
Title:	Safety and Benefits
Chapter:	Review of Purchases and Service Contracts for Safety and Health Concerns Policy
Current Effective Date:	9/1/05
Revision History:	
Original Effective Date:	6/1/93

Purpose

To institute a control mechanism for purchases and contracts to assure that (1) items purchased for the use of department employees conform to the applicable safety and health regulations, are suitable for the condition and purposes of use, and do not create an unaddressed safety and/or health hazard; (2) the proper design specifications are met for equipment used for safety, health, rescue, and fire prevention and protection; and (3) entities contracted by the department comply with applicable safety and health standards and do not expose department employees to safety and health hazards.

Policy

1. Purchases:
 - A. Each division/facility/school shall make every effort to purchase equipment, tools, and machinery which (1) are appropriate for the conditions and environment within which, and the purposes for which, they will be used; (2) are designed and constructed to present no hazard to the user; (3) meet the requirements of governing regulations; and (4) do not create unrecognized hazards through installation and use.
 - B. All purchases of such equipment shall incorporate within the purchasing process a review of the appropriate minimum specifications to ensure the item purchased complies with those specifications.
 - C. Employees who purchase equipment, substances, and supplies outside the normal purchasing process shall ensure such purchases meet the appropriate minimum specifications.

2. Contracts:
 - A. Divisions/facilities/schools shall contract only with entities who protect both division/facility/school and their own employees from hazards created by their activities and who comply with the applicable safety and health regulations.
 - B. Each division/facility/school Department of Health and Human Services (DHHS) Safety Director, in conjunction with the division/facility/school

budget officer, shall establish and implement a means to review for safety and health issues any contracts for services between the department and contractors which involve:

1. Construction, alteration, or repair, including painting and decorating, of buildings owned or operated by the department.
2. Entry into permit-required confined spaces owned by or in behalf of the department.
3. Introduction of hazardous substances into workplaces occupied by department employees.
4. Interference or alteration to any means of egress for department employees.

C. Each affected contract shall include the exchange of the following information between the division/facility/school DHHS Safety Director and the contractor:

1. The provision to the contractor of the division/facility/school's hazardous substance list for the area in which the contract will perform work, and access to the Material Safety Data Sheets (MSDS) of each substance on that list.
2. When the contractor will introduce, use, or store hazardous substances at the division/facility/school, a copy of the contractor's hazardous substance list and an MSDS for each substance on that list shall be presented to the division/facility/school DHHS Safety and Health Director.
3. Where the contractor will enter permit - required confined spaces, the contractor and the division/facility/school DHHS Safety Director shall exchange copies of the permit - required confined space program and the list of the entry supervisors for the spaces to be entered.

Definitions

See DHHS Safety and Benefits Policy, Establishment of the Safety and Health Program, Definitions Section.

1. **Hazardous Substance** - see the definition in the Hazard Communication Policy.

Implementation

1. The DHHS Safety Program Manager shall develop general operating procedures for the remainder of this policy, to guide the divisions/facilities/schools in the development of their own procedures.
2. Each division/facility/school shall develop specific operating procedures to implement this policy.

3. The division/facility/school should develop minimum purchase specifications.
4. Each supervisor shall ensure the requirements of this policy and its associated procedures are followed by supervised employees.
5. Each employee shall conform to the requirements of this policy and its associated procedures.

References

North Carolina General Statutes

Chapter 95, Occupational Safety and Health Act of North Carolina: 95-129(1)

Chapter 143, Article 63, State Employees' Workplace Requirements Program for Safety and Health: 143-582(1) through (3) and (6)

North Carolina Administrative Code: 25 NCAC 1N.0105(a)

State Employees' Workplace Requirements Program for Safety and Health:

1. Section 2:
 - A. Policy 2.2: Requirements 1.d. and 6.c.
 - B. Policy 2.5
 - A. Policy 2.11

For questions or clarification on any of the information contained in this policy, please contact [Human Resources](#). For general questions about department-wide policies and procedures, contact the [DHHS Policy Coordinator](#).