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Route To:

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Subject: Contract Administration

To: Regional Foresters, Station Directors, Area Director, IITF Director

We care about the health and safety of all people who visit national forests, our employees and contractors. They all deserve the best protection we can give them.

Our forestry services contractors often hire foreign workers on H2B seasonal work visas to do thinning, tree planting, brush clearing, and other types of work in the woods. Concerns have arisen about some contractors exploiting these workers and about the health and safety conditions they work under. Several federal agencies (see enclosure) are responsible for ensuring that contractor employees have adequate housing, transportation, working conditions, and wages and benefits; that their health and safety requirements are met; and that their legal status is proper. Provisions and requirements from the oversight agencies are incorporated by reference into the service contracts awarded by the Forest Service.

Under these circumstances, I would like to make three points:

1. I do not expect everyone to become an expert in immigration law, on OSHA regulations, or on the wage-and-benefits laws administered by the Department of Labor. However, when contracting officer's representatives, inspectors, or others involved in contract administration, including line officers, become aware of possible violations in any of these areas, I expect them to promptly report the situation to the appropriate oversight agency and to document the notification. If there is uncertainty whether or not a situation constitutes a violation covered by the contract the unit Safety Officer and Contracting Officer should be consulted.
2. In one area, I do expect expertise and immediate action. Contract administrators must be able to recognize health and safety violations, which present an imminent threat to health and safety such as not using appropriate safety apparel and equipment. When these situations occur they must take action, just as we would with our own employees. If contractor employees do not have appropriate safety apparel or equipment, don't let them work. Our contracts allow us to suspend work until an unacceptable condition is corrected. Contract administrators must then document the situation and report it to the appropriate oversight agency. We are currently working to modify our service contracts for forestry related services to incorporate specific safety apparel and equipment requirements to assist field contract administrators in making these determinations and taking action. We understand some Regions have moved forward with similar actions. We are also meeting with OSHA in the near future to consider ways to better coordinate our efforts to assure safe working conditions on the national forests
3. 4. Documented violations must be a factor in evaluating future bids and awarding future contracts. Violators can be entirely banned from future awards by the oversight agencies.

The recent focus has been on contractors employing temporary workers on H2B visas, but I expect the same standards of contract administration to apply to all of our service contracts.

/s/ Dale N. Bosworth  
DALE N. BOSWORTH  
Chief

Enclosure