



MINISTRY OF FORESTS,  
LANDS AND NATURAL  
RESOURCE OPERATIONS

## MINISTRY POLICY

### Intent

Two key objectives are intended:

1. To support the Forest Sector's drive to reduce incidents through applying SAFE certification as a standard.
2. To assist FLNRO's appropriate discharge of its safety obligations and further the application of its Safety Management System (see Client Interaction Guide <https://gww.nrs.gov.bc.ca/flnr/node/410> for further information).

### Scope

This policy applies to all contracted services stemming from or in support of the branch activities identified in Appendices A-G. All Branches contemplating the use of Safety Certification as an eligibility criterion for contract work must do so in accordance with this policy. Contracts administered by regions and districts apply the appropriate branch expectations under this policy. This policy does not apply to any tenure or authorization issued by FLNRO but may apply to contracts which are ancillary to those tenures and thereby affect the tenure holder (e.g., forest licence to cut). It does not apply to funding agreements which generate contracts being offered by other parties receiving said funds from FLNRO.

### Policy

SAFE certification will be used as an eligibility to bid on competitively-tendered contracts or to enter into direct invitation offers for all "in scope" contracts defined in Appendices A-G. The exceptions will be for emergency services or for contracts that are exempted in writing under criterion provided in this policy. Emergency services will use SAFE certified firms as a preference only (not mandatory) where those firms can meet the urgent timelines and are otherwise qualified. Firms that are not SAFE certified that can better meet the time constraints and other concerns related to emergency work can be used in the interest of mitigating more significant impacts.

Subcontractors working on or providing direction to workers in the workplace must also be SAFE certified. This provision does not extend to short-term visitors or service providers (e.g. delivery of materials supplies or data collection). Note: Contract provisions provide authority to exempt subcontractors for specified circumstances. (See SAFE Certification Requirements Schedule NRS 1315).

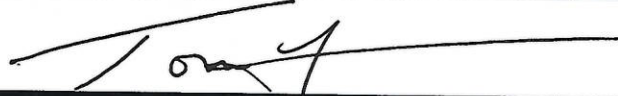
#### POLICY SUBJECT

Application of SAFE Certification Standard as Contract Eligibility

#### RESPONSIBLE BRANCH(ES)

Engineering, Forest Analysis and Inventory, Range, Recreation Sites and Trails, Wildfire Services, Resource Practices

APPROVED ADM Responsible for Resource Worker Safety Date

 May 10/16

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## Definitions

### *Contracted Work*

For the purpose of this policy:

All contracts for major or minor works, operational services, consulting and general services contracts, including Equipment Hire Agreements. It does not include contracted employees such as temporary employment agencies, or services rendered under fee for service arrangement such as couriers, low beds, aircraft. This policy has no application to tenures, licences or other agreements as provided for under statutes administered by FLNRO.

### *In Scope*

Works that must use SAFE certification as an eligibility criterion, unless exempted in writing by the appropriate authority. In scope, works are specified by the applicable Branch Director in Appendices A-G. This includes competitively tendered contracts, an application for pre-approval to receive contract work, or contracts being offered through direct invitation to one vendor (including Equipment Rental Agreements).

### *Out of Scope*

Works as specified in Appendices A-G by the applicable Branch Director, that are not required to have the SAFE eligibility applied.

### *Emergency services*

Where response time is critical to prevent or mitigate loss, situations that constitutes an imminent and serious threat to people, the environment, natural resources, infrastructure or assets. Competitively tendered contracts would not normally meet the test of being time bound.

## Exemptions

Only appropriate authorities as specified in Appendices A-G may exempt "in scope" contracts and their subcontractors from the application of SAFE certification requirements. Contracts and subcontractors may be exempted only in writing (See Appendix H).

Contracts may be exempted under the following circumstances:

- Other objectives of the Crown for the contract are not expected to be fully achieved if the SAFE certification requirement is applied. These may include economic objectives, capacity building and community relationship considerations. Where direction is provided in writing from an authority higher than those identified in Appendices A-G, individual contract exemptions may not be necessary provided that the directive is attached to the contract file and noted as the rationale for not applying the SAFE certification requirement.
- The work involves only travel on public highways (under the *Transportation Act*) or scheduled commercial air or water transportation and does not involve field work by the contractor or the contractor's workers.
- The work deliverables are likely to only attract or can only be completed by firms that do not normally work in the forest sector and for which SAFE certification may be onerous or impractical to attain or maintain on a continuous basis (e.g. firms



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specializing in unique specialized work, unusual uses of technology or have unique competence that is necessary to ensure project completion and not typically found among SAFE certified firms).

- The work is of an emergency nature where the timing of the work may impact timely access to qualified contractors.

Subcontractors may be exempted from the requirement to be SAFE certified as per the terms and conditions of the contract. The above provisions for contractors should be used to guide these decisions to the extent they are applicable to the circumstance.

## **Reporting**

From time to time, branches, districts and regions may need to report on the nature and number of exemptions being issued under this policy to ensure consistent application. In this event, consideration will be given to support the information gathering centrally through BC Bid or other sources to minimize hardcopy file search activities.

Any instance where normal business activities cannot be sustained as result of this policy must be immediately reported to the Director of Resource Worker Safety.

## **Responsibilities**

Branch Directors and Regional Executive Directors will ensure that the SAFE certified company eligibility requirements for contracted work are applied in accordance with this policy.

Branch Directors will keep Appendix A current and generally consistent across FLNRO, making changes only in consultation with other identified branches and the Director of Resource Worker Safety.

The Director of Resource Worker Safety will maintain the overall policy in consultation with affected Branch Directors and as directed by Executive.

## **Application of Other Safety Certification**

Expansion of the use of SAFE certification or the application of any other safety certification scheme as an eligibility criterion for contract award beyond that which is contemplated in this policy may occur only in consultation with the Director of Resource Worker Safety and with Executive support. This is not intended to limit in any way the appropriate application of qualifications of a contractor's key personnel under a contract and applies only to certifications being applied to the firm itself.

Vendors purporting to have other certification they believe equivalent should approach their certifying body to establish reciprocity to the SAFE standard. It is inappropriate for FLNRO to make determinations about the equivalency of other standards to SAFE as that is a role of the BC Forest Safety Council as the administrator of the standard.

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## **Contract Provisions**

Standard contract templates and provisions to support this policy are available through CSNR Financial Services Branch, Procurement Services. To ensure consistent application, the standard template clauses should not be changed. Should the standard available clauses not address the project, a CSNR contract procurement specialist should be consulted to ensure the approach taken is consistent with this policy and standard contract provisions. If needed, CSNR contract procurement specialist will consult with the Director of Resource Worker Safety.

## **Communication and Transition**

All staff engaged in contract administration of “in scope” works (See Appendices A-G) should begin to highlight the new expectations to interested parties. Word of mouth, information inserts into contract solicitation packages and mail out letters should be used to ensure broad communication to the fullest range of potential contractors well in advance of the effective date. The intent is to give all perspective vendors sufficient lead time to meet the expectation. In addition, external communication will be developed and released at agency and government levels.

## **Effective Date**

This policy is in effect April 1, 2017. BC Timber Sales has been implementing previous to this date and will continue to do so under this policy upon ratification by Executive.

## **References**

Decision Note Dated February 23, 2015 CLIFF# 212290

BC Forest Safety SAFE Company Information available at:  
<http://www.bcforestsafe.org/node/2330>

BC Timber Sales Safety Program at:  
<https://www.for.gov.bc.ca/bcts/safety/manual/Chap19-DealingwithContractors.pdf>

Client Interaction Guide at:  
<https://gww.nrs.gov.bc.ca/flnr/safety/directives-procedures>

Contract Procurement Information available at:  
<https://gww.nrs.gov.bc.ca/csnr/fsb/contract-procurement>