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1. Contracting for Safety and Environmentally Sound Products, Systems or Services

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Summary:
This generic procedure serves to outline the process of managing contracting for safety and environmentally sound PSS.

1.1. Overview

1.1.1. Safety and Environmental Contracting in Defence

1.1.1.1.

Safety and environmental management processes shall be contracted through the mandated use of the Defence Standards (Def Stan) stated in Paragraph 1.5.0.1. The Commercial Toolkit available on the Knowledge in Defence (KiD) [1] website should be followed to ensure the Ministry of Defence (MOD) Policy and Guidance for contracting is provided for in a coherent and uniform manner.

1.2. Procedure

1.2.0.1.

Any contract for safety or environmental protection should meet the Acquisition Safety and Environmental Management System (ASEMS) defined here, in addition to the requirements of Defence Regulators.

1.2.0.2.

Where Products, Systems, or Services (PSS) is procured Commercially Off The Shelf, or using Military or Modified Off the Shelf procurement, the contract should include the provision of all relevant handbooks and documentation in English to accompany the PSS being procured.

1.2.0.3.

Before the contract can be deemed fulfilled:

1. It should be demonstrated that robust safety management practices have been applied to:
    - See that risks are reduced to broadly acceptable or tolerable and As Low As Reasonably Practicable (ALARP) of the end state of any PSS;
    - Assist in the fulfilment of safety compliance obligations (which includes UK legal requirements).
2. It should be demonstrated that robust environmental management practices have been applied to ensure:
    - The PSS fulfils its environmental compliance obligations (which includes UK Legal requirements);
    - The PSS prevents or mitigates the potential for unintended events which could result in adverse environmental impact(s);
    - Opportunities are used to enhance environmental performance of the PSS and support sustainable procurement;
    - The PSS is resilient to changing environmental conditions and can therefore maintain operational capability.

1.2.0.4.

Where a contract is established for an Independent Safety and/or Environmental Auditor or similar safety and/or environmental assistance to a project, then the safety and environmental requirements for the project and programme should be clearly specified and agreed. Deliverables should be unambiguous to allow both DE&S and the contractor to understand what is required of them.

1.2.0.5.

Any contract should ensure that any gaps between PSS safety and environmental management and ASEMS are analysed, and a solution to fill the gaps developed, where such gaps do not impinge on the Tolerable and ALARP position, or sound environmental performance of the PSS.

1.2.0.6.

Although PSS may claim to meet international standards, it should be remembered that this does not in itself automatically confer the argument that the PSS is safe, or of sound environmental performance, for use by the MOD. The application or operating envelope may be different and any integration into MOD systems may require modifications to the original design that may mean the standard claimed may not continue to be met.

1.2.0.7.

Where novel or innovative procurement is used, such a procurement strategy should continue to meet the same standards required by this procedure and those the MOD Commercial processes. Further guidance should be sought to ensure the MOD Commercial processes are maintained.

1.2.0.8.

Although PSS may be procured using a different process than is normally utilised by the MOD, this should not, under any circumstances, affect the safety or environmental management processes for assessing, managing, and accepting the safety risks and environmental performance presented by the PSS or ensuring the PSS is demonstrably compliant with applicable Safety and Environmental Legislation. The proportional approach should consider the procurement strategy as another factor, rather than drive the overall rigour that may be applied to assessing and mitigating the risks or improving environmental performance.

1.3. Responsibilities

1.3.1. Accountability

1.3.1.1.

Contracting for safety and delivery of sound environmental performance should be the responsibility for all those involved in the PSS acquisition process and should not be assumed to be a Commercial function.

1.3.1.2.

Those with formally delegated safety and/or environmental responsibilities should have control of the safety and/or environmental requirements that apply to any contract where safety and environmental performance is involved.

1.3.1.3.

This guidance is written around a simple generic Delivery Team (DT) structure and assumes the following:

1. The Safety Manager and Environmental Manager are responsible for ensuring alignment/compliance with the Safety and Environmental Management Systems respectively within the team;
2. The Project Manager is not directly managing the day-to-day aspects of safety and environmental management for the project but there is a separate project officer undertaking this role. Again, this may vary, in smaller projects the Project Manager may undertake the day-to-day safety and environmental management.
3. There are other members of the team performing other functions that are not directly managing the day-to-day aspects of safety and environmental management but have an involvement (i.e., they are System Safety and Environmental Stakeholders). This may include staff working in other functions of the team, such as Operational Delivery, rather than those working directly to the Project Manager.
4. There is some form of specialist or advisor supporting the Project Manager and their team in managing safety and environmental aspects of the project. This person may be supporting several projects across the team and may include roles of the System Safety and Environmental Advisor. The person may be a member of the MOD or may be a contractor. It is the responsibility of the Project Manager to ensure that all contractors are Suitably Qualified and Experienced Personnel (SQEP) and competent to be able perform the tasks required.
5. Safety and environmental management may be conducted as separate approaches or a combined approach with posts involved in both safety and environmental management. It is possible, particularly for larger projects, that some posts may have a dedicated safety and dedicated environmental management role.
   In such cases, the relevant assignment should be amended in line with the guidance contained in the associated success profile, whereby the level of competence for the non-primary specialism (safety or environmental) is reduced to Awareness level.
6. The competence of contractors should be assessed prior to and during the contracting process to

ensure that the safety and environmental requirements can be met. This assessment should be made by SQEP in the DT, with the final decision on any appointment made by those with formally delegated safety or environmental responsibilities.

1.4. Required Inputs

1.4.0.1.

The procedure should have the following inputs:

1. An assessment of the functional support that a contractor is required to provide and evidence that such activity cannot be delivered utilising internal MOD resources;
2. An assessment of any applicable international or other standards that may need to be included in any contract (e.g., ISO 14001, Military Standards (MIL-STD/MIL-SPEC/MilSpecs), NATO Standard Agreements (STANAGs), etc.).

1.5. Required Outputs

1.5.0.1.

All outputs shall meet the requirements as prescribed by the following Def Stans (current issues available through UK Defence Standardization (DSTAN) [1]):

1. Def Stan 00-051: Environmental Management Requirements for Defence Systems;
2. Def Stan 00-056: Safety Management Requirements for Defence Systems.

Additionally, all outputs where applicable or appropriate, shall meet the requirements as prescribed by the following Def Stans (current issues available through DSTAN [1]):

1. Def Stan 00-027: The Measurement of Impulse Noise from Military Weapons, Explosives and Pyrotechnics; and Selection of Hearing Protection;
2. Def Stan 00-055: Requirements for Safety of Programmable Elements (PE) in Defence Systems.

1.5.0.2.

Furthermore, all outputs should be in accordance with:

1. The requirements of the Commercial Toolkit, available on the KiD [1] website;
2. Any contract that should meet the requirements of the business case and commercial arguments.

1.6. Further Guidance

1.6.1. International Defence Standards

1.6.1.1.

STANAGs may or may not have been ratified by the MOD, but represent NATO standardisation for a PSS. This standardisation should be referenced as a baseline in any contract that is expected to utilise the appropriate STANAGs, whether ratified or not.

1.6.1.2.

MIL-STD are used to help achieve the United States of America’s Department of Defense requirements of standardisation for PSS.

1.6.1.3.

Other International standards may apply in the acquisition of PSS from other countries and these shall be assessed against the requirements of the aforementioned Def Stans in Paragraph 1.5.0.1. Moreover, these international standards should be assessed against the requirements of ASEMS and Commercial Toolkit on the KiD [1] website.

1.6.1.4.

Although PSS may claim to meet international standards, it does not alone automatically confer the argument that the PSS is safe and of sound environmental performance. The application or operating envelope may be different and any integration into MOD systems may require modifications to the original design that may mean the standard claimed may not continue to be met.

1.6.1.5.

The integration of PSS that claim to meet international standards into other MOD systems is therefore not automatic; however, such standardisation should provide evidence to support a safety/environmental argument for that PSS.

1. **For safety**, the provided evidence should be formally assessed and recorded to determine whether it is sufficient to allow Duty Holders (DHs) or Senior Responsible Owners (SROs) (where applicable) to make a robust safety argument and that the risks posed from the PSS are Tolerable and ALARP;
2. **For environmental performance**, the provided evidence should be formally assessed and recorded to determine whether it is sufficient to allow DHs or SROs (where applicable) to make a robust environmental argument that the PSS delivers sound environmental performance.

1.6.1.6.

Where PSS are acquired that claim to meet International Standards and the documentary evidence to support the claim is not available, then a professional judgement should be made by the member of the DT with formally delegated responsibility.

1. **For safety**, the judgement resides with the safety delegated DT member to accept the claim based on the risk profile of the PSS, and the impact the missing evidence may have on the Tolerable and ALARP argument;
2. **For environmental performance**, the judgement resides with the Senior Environment Responsible (SER) individual, or delegated Environment Responsible (ER) individual, to accept that the evidence provided supports the outcomes defined for sound environmental performance.

1.6.1.7.

In all circumstances, the claim to meet International Standards should be assessed as part of:

1. The overall safety case and the safety argument that the risks posed by the PSS are Tolerable and ALARP should be made in accordance with ASEMS, as for any other acquisition project;
2. The overall environmental case and the environmental argument that the PSS delivers sound environmental performance.

1.7. Version Control

1.7.0.1.

<u>Version 3.3 to 4.0 Uplift</u>

- GMP01 title change from ‘Contracting for Safety’ to ‘Contracting for Safety and Environmentally Sound Products, Systems or Services’
- Mandating of Def Stans including 00-051 and 00-056, and where appropriate, 00-027 and 00-055, as stated in Paragraph 1.5.0.1.
- Changes to ensure equal representation of both Acquisition Safety and Environmental Protection when contracting for Products, Systems, or Services.
- New Paragraph added at 1.2.0.3, separating Safety management practices from Environmental management practices.
- Paragraphs 1.3.1.2-1.3.1.7 regarding assumptions drawn from the generic Delivery Team structure for this guidance have been combined into a single paragraph (Paragraph 1.3.1.3).
- Paragraphs 1.6.1.5-1.6.1.7 now cover both Safety and Environmental Performance.
- Formatting of the page to improve readability and consistency.

<u>Version 3.2 to 3.3 Uplift</u>

Text change replacing Project Team with Delivery Team.

<u>Version 3.1 to 3.2 Uplift</u>

Minor text changes to align with ASP taxonomy.

<u>Version 3.0 to 3.1 Uplift</u>

Version uplift to address re-numbering of GMP from 5 to 1.

Version 2.3 to 3.0 Uplift

Major uplift from the Acquisition System Guidance (ASG) to online version.

Source URL: https://www.asems.mod.uk/guidance/gmp/gmp01

Links
[1] https://www.asems.mod.uk/ExtReferences