



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Class Deviation

PCD 25-52

December 19, 2025

CLASS DEVIATION FROM FEDERAL ACQUISITION REGULATION (FAR) PART 23 AND NASA FAR SUPPLEMENT (NFS) PART 1823 TO IMPLEMENT THE REVOLUTIONARY FAR OVERHAUL (NASA Case 2025-N056)

PURPOSE: To provide a Class Deviation from the FAR to implement the FAR Council's model deviation text to FAR Part 23, Sustainable Acquisition, Material Safety, and Pollution Prevention, and deviation to NFS 1823.

BACKGROUND: On April 15, 2025, the Executive Order (E.O.) 14275, "[Restoring Common Sense to Federal Procurement](#)" was signed. Section 2 of the E.O. establishes the policy that the FAR "should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed." To implement E.O. 14275, the Office of Federal Procurement Policy (OFPP) is leading the **Revolutionary FAR Overhaul (RFO)** initiative. This effort is supported by the Federal Acquisition Regulatory Council (the Council) member agencies—General Services Administration, Department of Defense, NASA, along with other agencies. In line with the E.O., the initiative aims to eliminate unnecessary regulations and policies across all levels of the federal government.

The Office of Management and Budget (OMB) memorandum, M-25-26 issued on May 2, 2025, titled, Overhauling the Federal Acquisition Regulation, provided additional guidance to federal agencies regarding the FAR overhaul.

FAR Streamlining. As part of the RFO, the FAR will be streamlined to include only statutory requirements, while non-statutory content will move to new buying guides, collectively forming the Strategic Acquisition Guidance (SAG). The Council will first issue model deviation guidance by FAR part, followed by formal rulemaking through the notice-and-comment process. Agencies will have 30 days to issue class deviations based on the model text once it is released.

Streamlining Agency Acquisition Supplements. Agencies must streamline their FAR supplements by removing regulations not based on statute or executive orders and aligning with the FAR Council's deviation guidance. Supporting policies must also be updated to reflect these changes. This approach ensures the NASA FAR Supplement (NFS) remains consistent with the streamlined FAR.

FAR Buying Guides and NFS Companion Guide (CG) (coming soon). As the FAR and the NFS are streamlined, helpful non-regulatory content will be moved to new FAR Buying Guides and NFS CG. These guides are intended to offer practical instructions and best practices for implementing effective contracting methods.

RFO Part 23 (entitled, "Sustainable Acquisition, Material Safety, and Pollution Prevention"), is one of the model deviations released by the FAR Council. RFO Part 23 establishes the revised framework for buying sustainably, working with hazardous and other materials, and preventing pollution. Burdensome, duplicative, or outdated language and language not required by statute have been removed from FAR Part 23. This plain language version of FAR Part 23 shall be adhered to.

To align with the RFO FAR Part 23, the NFS 1823 (entitled, "Sustainable Acquisition, Material Safety, and Pollution Prevention"), is revised to remove non-statutory and outdated language. This deviation implements the revised RFO Part 23 and NFS Part 1823.

GUIDANCE:

- (1) Contracting officers shall follow the RFO Part 23 deviated text instead of FAR Part 23 as codified at 48 CFR Chapter 23. The FAR Council's RFO text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-23>.
- (2) COs shall also follow the NFS Part 1823 deviated text enclosed within this deviation.

ACTION REQUIRED BY CONTRACTING OFFICERS: Effective immediately, ensure that new contract actions issued on or after the effective date complies with the policy in the PCD.

EFFECTIVE DATE: This PCD is effective as dated and shall remain in effect until implemented in the FAR and NFS or otherwise rescinded.

PROVISION AND CLAUSE CHANGES: This deviation renders the following clauses obsolete: These clauses will be renumbered and relocated from NFS 1823 to different NFS Parts as follows:

Obsolete clause number	Title of obsolete clause	NFS Part to where the clause will be relocated
1852.223-70	Safety and Health Measures and Mishap Reporting	1826
1852.223-71	Authorization for Radio Frequency Use.	1808
1852.223-72	Safety and Health (Short Form).	1826

1852.223-73	Safety and Health Plan.	1826
1852.223-74	Drug- and Alcohol-Free Workforce.	1826
1852.223-75	Major Breach of Safety or Security.	1826
1852.223-76	Federal Automotive Statistical Tool Reporting.	1808

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Enclosure

Changes in the NFS Deviation text below are identified as follows:
Deletions shown as ~~strike-throughs~~; and additions shown as **[bold, in brackets]**

PART 1823
[SUSTAINABLE ACQUISITION, MATERIAL SAFETY, AND POLLUTION
PREVENTION] ~~ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE~~
~~ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE~~
~~WORKPLACE~~

[Reserved]

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1823.7001		NASA solicitation provisions and contract clauses.
SUBPART	1823.71	AUTHORIZATION FOR RADIO-FREQUENCY USE
1823.7101		Contract clause.

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Part 1823 – ~~Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace~~

1823.7102

~~Procedures.~~

PART 1823
ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY
TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 1823.1—Sustainable Acquisition Policy

1823.406 Solicitation provisions and contract clauses.

~~(b) When using FAR clause 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts, insert <http://www.biopreferred.gov/BioPreferred/faces/pages/ContractorReporting.xhtml> which is specifically designed to track Federal contractors' purchases of biobased products.~~

1823.103 Sustainable acquisitions.

~~(a) In order to meet sustainable acquisition goals, every NASA procurement must be screened for the applicability of the Federal environmental programs listed in this Part. This screening starts with the request originator, particularly for direct purchases of supplies. For service contracts and more complex acquisitions, this screening may be performed by the acquisition planning team. Request originators or the acquisition planning team, as appropriate, are also responsible for ensuring their procurement requirements comply with their center or facility's environmental management system as prescribed in NPR 8553.1, NASA Environmental Management System.~~

1823.103-70 Screening Procurement Requirements.

~~NASA Form (NF) 1707, Special Approvals and Affirmations for Requisitions, Section 3, requires request originators to review the Federal environmental programs and document if they apply to the procurement, if they will be met, or if a waiver is provided. As specified in NPR 8530.1, the center environmental organization is also available to provide support to both the contracting officer and request originator on the applicability of environmental programs. Using the NF 1707 as a guide, contracting officers must screen procurement requirements to determine if any of the environmental programs apply, to place the appropriate FAR provisions and clauses in solicitations and contracts, and accurately record sustainable acquisition activity in the Federal Procurement Data System (FPDS).~~

1823.103-72 Sustainable Acquisition Reporting.

~~The Recovered Materials/Sustainability FPDS Data Element Choices must be thoughtfully and properly selected so that there is adequate data to gauge the progress and performance in the various environmental programs. The data in FPDS will be used to determine if NASA is meeting the sustainable acquisition goals. Centers are encouraged to use this data to measure their progress on a regular basis as part of their self-assessments, and to make any corrections necessary to improve performance. The FPDS data will be used for semiannual reports to the Office of Management and Budget (OMB) on NASA's sustainable acquisition performance.~~

Subpart 1823.2—Energy and Water Efficiency and Renewable Energy

1823.202 Policy.

~~NASA Federal Acquisition Regulation Supplement~~

~~Part 1823 Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace~~

~~(a) NPR 8570.1, Energy Management Program, provides procedural requirements for evaluating and implementing cost-effective energy efficiency, renewable energy, and water conservation measures in NASA facilities and operations. Both these NASA requirements and Federal environmental programs apply to the direct purchase of energy or water-using products, e.g., appliances, computers, faucets, and to contracts where these products will be used by the contractor in performance of the contract, such facilities operations and maintenance (O&M) and construction contracts.~~

~~1823.204 Procurement exemptions.~~

~~The center or Component facility environmental manager is delegated authority to make the exemption determination at FAR 23.204.~~

~~1823.271 NASA Solicitation provision and contract clause.~~

~~Insert the clause at 1852.223-76, Federal Automotive Statistical Tool Reporting, in solicitations and contracts requiring contractor operation of Government-owned or leased motor vehicles, including, but not limited to, interagency fleet management system (IFMS) vehicles authorized in accordance with FAR 51.2.~~

~~1823.4 Use of Recovered Materials and Biobased Products~~

~~1823.404 Agency affirmative procurement programs.~~

~~NASA's affirmative procurement program is described in the NPR 8530.1, NASA Sustainable Acquisition.~~

~~Subpart 1823.5—Drug-Free Workplace~~

~~1823.570 Drug and alcohol-free workforce.~~

~~This section sets forth NASA requirements for mandatory drug and alcohol testing of certain contractor personnel under section 203, National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473, 72 Stat. 429; and Civil Space Employee Testing Act of 1991, Public Law 102-195, sec. 21, 105 Stat. 1616 to 1619.~~

~~1823.570-1 Definitions.~~

~~"Employee in a sensitive position" means a contractor or subcontractor employee who has been granted access to classified information; a contractor or subcontractor employee in other positions that the contractor or subcontractor determines could reasonably be expected to affect safety, security, National security, or functions other than the foregoing requiring a high degree of trust and confidence; and includes any employee performing in a position designated mission-critical or performing mission-critical duties. The term also includes any applicant who is tentatively selected for a position described in this paragraph.~~

~~"Mission Critical Space Systems" means the collection of all space-based and ground-based systems used to conduct space missions or support activity in space, including, but not limited to, the~~

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~~crewed space system, space-based communication and navigation systems, launch systems, and mission/launch control.~~

~~“Mission Critical Positions/Duties” means positions or duties which, if performed in a faulty, negligent, or malicious manner, could jeopardize mission critical space systems and/or delay a mission.~~

~~"Use, in violation of applicable law or Federal regulation, of alcohol" includes having, while on duty or during a preemployment interview, an alcohol concentration of 0.04 percent by weight or more in the blood, as measured by chemical test of the individual's breath or blood. An individual's refusal to submit to such test is presumptive evidence of use, in violation of applicable law or Federal regulation, of alcohol.~~

~~1823.570-2 Contract clause.~~

~~The contracting officer must insert the clause at 1852.223-74, "Drug and Alcohol Free Workforce," in all solicitations and contracts exceeding \$5 million in which work is performed by an employee in a sensitive position. However, the contracting officer must not insert the clause at 1852.223-74 in solicitations and contracts for commercial products and commercial services.~~

~~1823.570-3 Suspension of payments, termination of contract, and debarment and suspension actions.~~

~~The contracting officer must comply with the procedures of FAR 23.506 regarding the suspension of contract payments, the termination of the contract for default, and debarment and suspension of a contractor relative to failure to comply with the clause at 1852.223-74. Causes for suspension of contract payments, termination of the contract for default, and debarment and suspension of the contractor are the following:~~

~~(a) The contractor fails to comply with paragraph (b), (c), or (d) of the clause at 1852.223-74; or~~

~~(b) Such a number of contractor employees in sensitive positions having been convicted of violations of criminal drug statutes or substantial evidence of drug or alcohol abuse or misuse occurring in the workplace, as to indicate that the contractor has failed to make a good faith effort to provide a drug and alcohol free workforce.~~

~~Subpart 1823.7—Contracting for Environmentally Preferable Products and Services~~

~~1823.703 Policy.~~

~~Responsibility, policy and procedures for NASA's implementation of FAR 23.703 are described in the following directives:~~

- ~~(i) NPR 1800.1, NASA Occupational Health Program Procedures~~
- ~~(ii) NPD 8500.1, NASA Environmental Management;~~
- ~~(iii) NPR 8510.1, NASA Cultural Resources Management;~~
- ~~(iv) NPR 8530.1, NASA Sustainable Acquisition;~~
- ~~(v) NPR 8553.1, NASA Environmental Management System;~~

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- ~~(vi) NPR 8570.1, NASA Energy Management Program;~~
- ~~(vii) NPR 8580.1, Implementing the NASA National Environmental Policy Act;~~
- ~~(viii) NPR 8590.1, Environmental Compliance and Restoration Program; and~~
- ~~(ix) Executive Order 12114.~~

~~1823.704 Electronic products environmental assessment tool.~~

~~(c) Exceptions to FAR 23.704(a) may be granted by the NASA Chief Information Officer (CIO).~~

~~Subpart 1823.70—Safety and Health~~

~~1823.7001 NASA solicitation provisions and contract clauses.~~

~~(a) Insert the clause at 1852.223-70, Safety and Health Measures and Mishap Reporting, in solicitations and contracts above the simplified acquisition threshold when the work will be conducted completely or partly on federally controlled facilities.~~

~~(b) The clause prescribed in paragraph (a) of this section may be excluded, with the approval of the installation official(s) responsible for matters of safety and occupational health.~~

~~(c) The contracting officer must insert the provision at 1852.223-73, Safety and Health Plan, in solicitations above the simplified acquisition threshold when the work will be conducted completely or partly on a Federally controlled facility and the safety and health plan will be evaluated in source selection as approved by the source selection authority. This provision may be modified to identify specific information that is to be included in the plan. After receiving the concurrence of the center safety and occupational health official(s), the contracting officer must incorporate the plan as an attachment into any resulting contract. The contracting officer must insert the provision, with its Alternate I, in Invitations for Bid.~~

~~(d)(1) The contracting officer must insert FAR clause at 52.236-13 with its Alternate I in solicitations and contracts when the work will be conducted completely or partly on a Federally controlled facility and a Safety and Health Plan will be reviewed after award as a contract deliverable. The contracting officer may modify the wording in paragraph (f) of Alternate I to specify:~~

- ~~(i) When the proposed plan is due and~~
- ~~(ii) Whether the contractor may commence work prior to approval of the plan; or~~
- ~~(iii) To what extent the contractor may commence work before the plan is approved.~~

~~(2) The requiring activity, in consultation with the cognizant health and safety official(s), will identify the data deliverable requirements for the safety and health plan. After receiving the concurrence of the center safety and occupational health official(s), the contracting officer must incorporate the plan as an attachment into the contract.~~

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~~(e)(1) The contracting officer must insert the clause at 1852.223-75, Major Breach of Safety or Security, in all solicitations and contracts with estimated values of \$500,000 or more, unless waived at a level above the contracting officer with the concurrence of the project manager and the installation official(s) responsible for matters of security, export control, safety, and occupational health.~~

~~(2) Insert the clause with its Alternate I if —~~

~~(i) The solicitation or contract is with an educational or other nonprofit institution and contains the termination clause at FAR 52.249-5; or~~

~~(ii) The solicitation or contract is for commercial products and commercial services and contains the clause at FAR 52.212-4.~~

~~(3) For contracts with estimated values below \$500,000, use of the clause is optional.~~

~~(f) The contracting officer must insert the clause at 1852.223-72, Safety and Health (Short Form) in solicitations and contracts above the simplified acquisition threshold when work will be conducted completely or partly on Federally controlled facilities and that do not contain the clause at 1852.223-73 or the FAR clause at 52.236-13 with its Alternate I.~~

~~Subpart 1823.71—Authorization for Radio Frequency Use~~

~~1823.7101 Contract clause.~~

~~The contracting officer must insert the clause at, 1852.223-71 Authorization for Radio Frequency Use, in solicitations and contracts calling for developing, producing, constructing, testing, or operating a device for which a radio frequency equipment authorization is required.~~

~~1823.7102 Procedures.~~

~~NPD 2570.5, NASA Electromagnetic Spectrum Management, requires the submission of a request for spectrum certification to Center Spectrum Manager (SM) for all activities using the Electromagnetic Spectrum. The procurement request originator must submit the request for spectrum certification as early in the acquisition and procurement cycles as possible. NPR 2570.1, NASA Radio Frequency (RF) Spectrum Management Manual, sets forth the procedures for the management requirements for establishing and governing the use of radio frequencies. Contractors, providing or operating RF equipment for NASA use, shall obtain RF spectrum authorization from the Center/Facility Spectrum Manager in accordance the procedures set forth in the NPR from the installation's spectrum manager.~~

PART 1852
SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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SUBPART 1852.2 TEXTS OF PROVISIONS AND CLAUSES

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NASA Federal Acquisition Regulation Supplement

PART 1852 -- SOLICITATION PROVISIONS AND CONTRACT CLAUSES

PART 1852 SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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~~1852.223-70 Safety and Health Measures and Mishap Reporting.~~

As prescribed in [1823.7001\(a\)](#), insert the following clause:

~~SAFETY AND HEALTH MEASURES AND MISHAP REPORTING (DEC 2015)~~

~~(a) Safety is the freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property, or damage to the environment. NASA's safety priority is to protect: (1) the public, (2) astronauts and pilots, (3) the NASA workforce (including contractor employees working on NASA contracts), and (4) high value equipment and property.~~

~~(b) The Contractor must take all reasonable safety and occupational health measures in performing this contract. The Contractor must maintain an effective worksite safety and health program with organized and systematic methods to—~~

- ~~(1) Comply with Federal, State, and local safety and occupational health laws and with the safety and occupational health requirements of this contract;~~
- ~~(2) Describe and assign the responsibilities of managers, supervisors, and employees;~~
- ~~(3) Inspect regularly for and identify, evaluate, prevent, and control hazards;~~
- ~~(4) Orient and train employees to eliminate or avoid hazards; and~~
- ~~(5) Periodically review the program's effectiveness.~~

~~Authorized Government representatives must have access to and the right to examine the work site and related records under this Contract in order to determine the adequacy of the Contractor's safety and occupational health measures.~~

~~(c) The Contractor must take, or cause to be taken, any other safety, and occupational health measures the Contracting Officer may reasonably direct. To the extent that the Contractor may be entitled to an equitable adjustment for those measures under the terms and conditions of this contract, the equitable adjustment must be determined pursuant to the procedures of the changes clause of this contract; provided, that no adjustment must be made under this Safety and Health clause for any change for which an equitable adjustment is expressly provided under any other clause of the contract.~~

~~(d) The Contractor must immediately notify the Contracting Officer or a designee any Type A, B, C, or D Mishap, or close calls as defined in NASA Procedural Requirement (NPR) 8621.1, Mishap and Close Call Reporting, Investigating, and Recordkeeping. In addition, service contractors (excluding construction contracts) must provide quarterly reports specifying lost time frequency rate, number of lost time injuries, exposure, and accident/incident dollar losses as specified in the contract Schedule.~~

~~(e) The Contractor must cooperate with any Government authorized investigation of Type A, B, C, or D Mishaps, or Close Calls reported pursuant to paragraph (d) of this clause by providing access to employees; and relevant information in the possession of the Contractor regarding the mishap or close call.~~

~~(f)(1) The Contracting Officer may notify the Contractor of any noncompliance with this clause and specify corrective actions to be taken. When the Contracting Officer becomes aware of noncompliance that may pose a serious or imminent danger to safety and health of the public, astronauts and pilots, the NASA workforce (including contractor employees working on NASA contracts), or high value mission critical equipment or property, the Contracting Officer will notify the Contractor orally, with written confirmation. The Contractor must promptly take any necessary corrective action.~~

~~(2) If the Contractor fails or refuses to institute prompt corrective action in accordance with subparagraph (f)(1) of this clause, the Contracting Officer may—~~

- ~~(i) Invoke the stop work order clause in this contract;~~
- ~~(ii) Require the Contractor to remove and replace Contractor or subcontractor personnel who fail to comply with or violate applicable requirements of this clause;~~
- ~~(iii) Record the Contractor's failure to comply in the appropriate databases of past performance; and~~
- ~~(iv) Consider the Contractor's failure to comply in any responsibility determination or evaluation of past performance.~~

~~(g) The Contractor must insert the substance of this clause, including this paragraph (g) in all subcontracts above the simplified acquisition threshold when the work will be conducted completely or partly on federally controlled facilities.~~

~~(End of clause)~~

1852.223-71 Authorization for Radio Frequency Use.

As prescribed in 1823.7101, insert the following clause:

**AUTHORIZATION FOR RADIO FREQUENCY USE
(APR 2015)**

~~(a) The Contractor or subcontractor must obtain equipment authorization for use of radio frequencies required in support of this contract following the procedures in NPR, 2570.1, NASA Radio Frequency (RF) Spectrum Management Manual.~~

~~(b) For any experimental, developmental, or operational equipment for which the appropriate equipment frequency authorization has not been made, the Contractor or subcontractor must provide the technical and operating characteristics of the proposed electromagnetic radiating device to the Center/Facility Spectrum Manager during the initial planning, experimental, or developmental phase of contractual performance.~~

~~(e) This clause, including this paragraph (e), must be included in all subcontracts that call for developing, producing, testing, or operating a device for which a radio frequency authorization is required.~~

~~(End of clause)~~

1852.223-72 Safety and Health (Short Form).

~~As prescribed in 1823.7001(f), insert the following clause:~~

~~SAFETY AND HEALTH (SHORT FORM)~~
~~(JUL 2015)~~

~~(a) Safety is the freedom from those conditions that can cause death, injury, occupational illness; damage to or loss of equipment or property, or damage to the environment. NASA is committed to protecting the safety and health of the public, our team members, and those assets that the Nation entrusts to the Agency.~~

~~(b) The Contractor must have a documented, comprehensive and effective health and safety program with a proactive process to identify, assess, and control hazards and take all reasonable safety and occupational health measures consistent with standard industry practice in performing this contract.~~

~~(c) The Contractor must insert the substance of this clause, including this paragraph (c) in subcontracts that exceed the simplified acquisition threshold where work will be conducted completely or partly on Federally controlled facilities.~~

~~(End of clause)~~

1852.223-73 Safety and Health Plan.

~~As prescribed in 1823.7001(c), insert the following provision:~~

~~SAFETY AND HEALTH PLAN~~
~~(JUL 2015)~~

~~(a) The offeror must submit a detailed safety and occupational health plan as part of its proposal. The plan must include a detailed discussion of the policies, procedures, and techniques that will be used to ensure the safety and occupational health of Contractor employees and to ensure the safety of all working conditions throughout the performance of the contract.~~

~~(b) The plan must similarly address subcontractor employee safety and occupational health for those proposed subcontracts or subcontract effort where the work will be conducted completely or partly on a Federally controlled facility.~~

~~(c) This plan, as approved by the Contracting Officer, will be incorporated into any resulting contract.~~

~~(End of provision)~~

ALTERNATE I
(JUL 2015)

As prescribed in 1823.7001(c), delete the first sentence in paragraph (a) of the basic provision and substitute the following:

The apparent low bidder, upon request by the Contracting Officer, must submit a detailed safety and occupational health plan. The plan must be submitted within the time specified by the Contracting Officer. Failure to submit an acceptable plan must make the bidder ineligible for the award of a contract.

1852.223-74 Drug and alcohol free workforce.

As prescribed in 1823.570-2, insert the following clause:

DRUG AND ALCOHOL FREE WORKFORCE
(OCT 2023)

(a) Definitions.

"Employee in a sensitive position" means a contractor or subcontractor employee who has been granted access to classified information; a contractor or subcontractor employee in other positions that the contractor or subcontractor determines could reasonably be expected to affect safety, security, National security, or functions other than the foregoing requiring a high degree of trust and confidence; and includes any employee performing in a position designated mission critical or performing mission critical duties. The term also includes any applicant who is tentatively selected for a position described in this paragraph.

"Mission Critical Space Systems" means the collection of all space-based and ground-based systems used to conduct space missions or support activity in space, including, but not limited to, the crewed space system, space-based communication and navigation systems, launch systems, and mission/launch control.

"Mission Critical Positions/Duties" means positions or duties which, if performed in a faulty, negligent, or malicious manner, could jeopardize mission critical space systems and/or delay a mission.

(b)(1) The Contractor must institute and maintain a program for achieving a drug and alcohol free workforce. As a minimum, the program must provide for preemployment, reasonable suspicion, random, post-accident, and periodic recurring (follow-up) testing of contractor employees in sensitive positions for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Contractor may establish its testing or rehabilitation program in cooperation with other contractors or organizations.

(2) In determining which positions to designate as "sensitive," the contractor may use NASA Procedural Requirements (NPR) 3792.1, NASA's Plan for a Drug Free Workplace, on "Testing Designated Positions" (TDPs) for Federal employees, as a guide for the criteria and in designating "sensitive" positions for contractor employees.

(3) This clause neither prohibits nor requires the Contractor to test employees in a foreign country. If the Contractor chooses to conduct such testing, this clause does not authorize the Contractor to violate foreign law in conducting such testing.

(4) The Contractor's program must conform to the "Mandatory Guidelines for Federal Workplace Drug Testing Programs" published by the Department of Health and Human Services (73 FR 71858) and the procedures in 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs."

(i) The Contractor must test for the following drugs: Marijuana, Cocaine, Amphetamines, Opiates and Phenylcyclidine (PCP) in accordance with the Mandatory Guidelines for Federal Workplace Drug Testing Programs Mandatory Guidelines, Section 3.1, and 49 CFR 40.85.

(ii) The contractor must comply with the requirements and procedures for alcohol testing at 49 CFR Part 40.

(iii) The use of a controlled substance in accordance with the terms of a valid prescription, or other uses authorized by law must not be subject to the requirements of this clause.

(5) The contractor must conduct post-accident testing when the contractor determines the employee's actions are reasonably suspected of having caused or contributed to an accident resulting in death or personal injury requiring immediate hospitalization or damage to Government or private property estimated to exceed \$20,000. Upon request, the Contractor must provide the results of post-accident testing to the Contracting Officer.

(c)(1) The Contractor's program must provide, where appropriate, for the suspension, disqualification, or dismissal of any employee in a sensitive position in any instance where a test conducted and confirmed under the Contractor's program indicates that such individual has used, in violation of applicable law or Federal regulation, alcohol or a controlled substance.

(2) The Contractor's program must further prohibit any such individual from working in a sensitive position on a NASA contract, unless such individual has completed a program of rehabilitation described in paragraph (d) of this clause.

(3) The Contractor's program must further prohibit any such individual from working in any sensitive position on a NASA contract if the individual is determined under the Contractor's program to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance and the individual meets any of the following criteria:

(i) The individual had undertaken or completed a rehabilitation program described in paragraph (d) of this clause prior to such use;

(ii) Following such determination, the individual refuses to undertake such a rehabilitation program;

(iii) Following such determination, the individual fails to complete such a rehabilitation program; or

(iv) The individual used a controlled substance or alcohol while on duty.

(d) The Contractor must institute and maintain an appropriate rehabilitation program which must, as a minimum, provide for the identification and opportunity for treatment of employees whose duties include responsibility for safety sensitive, security, or National security functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

(e) The requirements of this clause must take precedence over any state or local Government laws, rules, regulations, ordinances, standards, or orders that are inconsistent with the requirements of this clause.

~~(f) For any collective bargaining agreement, the Contractor will negotiate the terms of its program with employee representatives, as appropriate, under labor relations laws or negotiated agreements. Such negotiation, however, cannot change the requirements of this clause. Employees covered under collective bargaining agreements will not be subject to the requirements of this clause until those agreements have been modified, as necessary; provided, however, that if one year after commencement of negotiation the parties have failed to reach agreement, an impasse will be determined to have been reached and the Contractor will unilaterally implement the requirements of this clause.~~

~~(g) The Contractor must insert a clause containing all the terms of this clause, including this paragraph (g), in all subcontracts in which work is performed by an employee in a sensitive position, except subcontracts for commercial products and services (see FAR Parts 2 and 12).~~

~~(End of clause)~~

1852.223-75 Major Breach of Safety or Security.

As prescribed in 1823.7001(e)(1), insert the following clause:

~~MAJOR BREACH OF SAFETY OR SECURITY~~
~~(FEB 2002)~~

~~(a) Safety is the freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property, or damage to the environment. Safety is essential to NASA and is a material part of this contract. NASA's safety priority is to protect: (1) the public; (2) astronauts and pilots; (3) the NASA workforce (including contractor employees working on NASA contracts); and (4) high-value equipment and property. A major breach of safety may constitute a breach of contract that entitles the Government to exercise any of its rights and remedies applicable to material parts of this contract, including termination for default. A major breach of safety must be related directly to the work on the contract. A major breach of safety is an act or omission of the Contractor that consists of an accident, incident, or exposure resulting in a fatality or mission failure; or in damage to equipment or property equal to or greater than \$1 million; or in any "willful" or "repeat" violation cited by the Occupational Safety and Health Administration (OSHA) or by a state agency operating under an OSHA approved plan.~~

~~(b) Security is the condition of safeguarding against espionage, sabotage, crime (including computer crime), or attack. A major breach of security may constitute a breach of contract that entitles the Government to exercise any of its rights and remedies applicable to material parts of this contract, including termination for default. A major breach of security may occur on or off Government installations, but must be related directly to the work on the contract. A major breach of security is an act or omission by the Contractor that results in compromise of classified information, illegal technology transfer, workplace violence resulting in criminal conviction, sabotage, compromise or denial of information technology services, equipment or property damage from vandalism greater than \$250,000, or theft greater than \$250,000.~~

~~(c) In the event of a major breach of safety or security, the Contractor must report the breach to the Contracting Officer. If directed by the Contracting Officer, the Contractor must conduct its own~~

investigation and report the results to the Government. The Contractor must cooperate with the Government investigation, if conducted.

(End of clause)

ALTERNATE I
(FEB 2006)

As prescribed in 1823.7001(e)(2), substitute the following paragraphs (a) and (b) for paragraphs (a) and (b) of the basic clause:

(a) Safety is the freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property, or damage to the environment. Safety is essential to NASA and is a material part of this contract. NASA's safety priority is to protect: (1) the public; (2) astronauts and pilots; (3) the NASA workforce (including contractor employees working on NASA contracts); and (4) high-value equipment and property. A major breach of safety may constitute a breach of contract that entitles the Government to exercise any of its rights and remedies applicable to material parts of this contract, including termination. A major breach of safety must be related directly to the work on the contract. A major breach of safety is an act or omission of the Contractor that consists of an accident, incident, or exposure resulting in a fatality or mission failure; or in damage to equipment or property equal to or greater than \$1 million; or in any "willful" or "repeat" violation cited by the Occupational Safety and Health Administration (OSHA) or by a state agency operating under an OSHA approved plan.

(b) Security is the condition of safeguarding against espionage, sabotage, crime (including computer crime), or attack. A major breach of security may constitute a breach of contract that entitles the Government to exercise any of its rights and remedies applicable to material parts of this contract, including termination. A major breach of security may occur on or off Government installations, but must be related directly to the work on the contract. A major breach of security is an act or omission by the Contractor that results in compromise of classified information, illegal technology transfer, workplace violence resulting in criminal conviction, sabotage, compromise or denial of information technology services, equipment or property damage from vandalism greater than \$250,000, or theft greater than \$250,000.

1852.223-76 Federal Automotive Statistical Tool Reporting.

As prescribed at 1823.271 and 1851.205, insert the following clause:

FEDERAL AUTOMOTIVE STATISTICAL TOOL REPORTING
(JUL 2003)

If authorized to operate Government-owned or leased vehicles, including interagency fleet management system (IFMS) vehicles or related services in performance of this contract, the Contractor must report the data describing vehicle usage required by the Federal Automotive

Statistical Tool (FAST) by October 15 of each year. FAST is accessed through <https://fastweb.inl.gov>.

(End of clause)

CLEAN REGULATORY VERSION WITH CHANGES INCORPORATED:

PART 1823
SUSTAINABLE ACQUISITION, MATERIAL SAFETY, AND POLLUTION PREVENTION

[RESERVED]