



# **Enforcement Approach and Issues Related to Contractor Transition**

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***March 2, 2009***



## Introduction



- **The Office of Enforcement recognizes the enormous challenge of contract transition and associated uncertainties for the workforce**
- **Transition of contractors also presents enforcement challenges**



## Transition Basics



- **Responsibility for compliance transfers at time of formal contract change**
- **Due diligence review should include a review of ongoing issues involving noncompliances (e.g., NTS reports)**
- **Work with HS-40 to disposition NTS reports**



## Cautions



- **Liability for noncompliant conditions doesn't necessarily end at contract termination**
  
- **Declaration of a pre-existing condition doesn't automatically result in discretion or mitigation; case by case basis**
  - **ease of discovery**
  - **aggressiveness of corrective actions**
  - **barriers to achieving compliance**



## Recommendations for Incoming Contractors



- **Ensure corrective action commitments are acceptable**
- **For multi-contractor sites, ensure respective parties understand responsibilities for corrective actions**
- **Ensure ownership of corrective actions is clear to HS-40**



## Resources



### **Enforcement Process Overview**

[http://www.hss.energy.gov/Enforce/EPO\\_1207.pdf](http://www.hss.energy.gov/Enforce/EPO_1207.pdf)

### **Section VIII – Contractor Transition**