

NIH POLICY MANUAL

6323 - Hotel Fire and Safety Act

Issuing Office: OA/OAMP/DAPE (301) 496-6014

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1. **Explanation of Material Transmitted:** This chapter provides guidance on the implementation of the Hotel Fire and Safety Act of 1990 (P.L. 101-391) as it is promulgated in 41 CFR Parts 301-11 and 301-74, Conference Planning and updates Section G (Management Controls).
2. **Filing Instructions:**

Remove: NIH Manual 6323, dated 10/09/2001

Insert: NIH Manual 6323, dated 02/01/2006

PLEASE NOTE: For information on:

o **content of this chapter**, contact the **Division of Acquisition Policy and Evaluation, OAMP, OA**, on (301) 496-6014.

o **NIH Manual System**, contact the **Division of Management Support, Office of Management Assessment, OM**, on (301) 496-2832.

o **on-line information, enter this URL:** <http://www1.od.nih.gov/oma/manualchapters/>

A. Purpose: This Manual Chapter implements the use of the Hotel and Motel Fire and Safety Act of 1990 (P.L. 101-391) as it is promulgated in 41 CFR 301-11 and 301-74, Conference Planning and updates Section G (Management Controls).

B. Background: The General Service Administration (GSA) has amended the Federal Travel Regulation, (FTR Amendment 89), governing conference planning. It is now incumbent upon the sponsor to ensure that no Federal funds be used in whole or in part for a meeting, convention, conference or training seminar that is conducted in, or that otherwise uses rooms, facilities, or services of a place of public accommodation that do not meet the requirements of the fire prevention and control guidelines as described in Public Law 101-391.

In order to implement this requirement, it is necessary to include language in all solicitations and contracts in which the possibility of a federally funded, in whole or in part, meeting, convention, conference or training seminar exists.

C. References:

1. Hotel and Motel Fire Safety Act of 1990 (P.L. 101-391)
2. 41 CFR Parts 301-11 and 301-74
3. NIH Manual 1130, Delegations of Authority, Travel No. 17, " Conference Planning Provisions"
4. NIH Manual 1500, Chapter 04-08, "Conference Planning - Agency Responsibilities"

D. Policy: It is the intent of the NIH to implement this practice to the fullest extent possible. It is recognized that due to certain exigencies it may be necessary to waive this requirement to use approved accommodations. Section 301-74.15 provides for the waiver of this requirement by the agency head or his/her designee. It is the policy of the NIH that the request for this waiver must be submitted to the Deputy Director for Management no later than six (6) weeks prior to the scheduled meeting, convention, conference or training seminar.

E. Procedures: Contracting officers should include the following language in ARTICLE H., in all solicitations and contracts in which the possibility of a federally funded, in whole or in part, meeting, convention, conference or training seminar exists. The language should be added unilaterally to applicable existing contracts.

ARTICLE H. : HOTEL AND MOTEL FIRE SAFETY ACT OF 1990 (P.L. 101-391)

Pursuant to Public Law 101-391, no Federal funds may be used to sponsor or fund in whole or in part a meeting, convention, conference or training seminar that is conducted in, or that otherwise uses the rooms, facilities, or services of a place of public accommodation that do not meet the requirements of the fire prevention and control guidelines as described in the Public Law. This restriction applies to public accommodations both foreign and domestic.

Public accommodations that meet the requirements can be accessed at:
<http://www.usfa.fema.gov/hotel/index.htm>

F. Records Retention and Disposal: All records (e-mail and non-e-mail) pertaining to this Chapter must be retained and disposed of under the authority of NIH Manual 1743, Keeping and Destroying Records, Appendix 1, NIH Records Control Schedule, Item 2600-A-4, Routine Procurement Files.

NIH e-mail messages: The NIH e-mail messages (messages, including attachments, that are created on the NIH computer systems or transmitted over the NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. These records must be maintained in accordance with current NIH Records Management Guidelines. If necessary, the back-up file capability should be created for this purpose. Contact your IC Records Officer for additional information.

All e-mail messages are considered Government property, and if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, the NIH staff conducting official reviews or investigations, and the Office of the Inspector General may request access to or copies of the e-mail messages. The e-mail messages must also be provided to Congressional Oversight Committees if requested and are subject to the Freedom of Information Act requests. Since most e-mail systems have back-up files that are sometimes retained for significant periods of time, e-mail messages and attachments may be retrievable from back-up files after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

G. Management Controls: The purpose of this Manual Issuance is to provide guidance to contracting officers and program officials on implementation of the Hotel and Motel Fire and Safety Act of 1990 (P.L. 101-391).

1. Office Responsible for Reviewing Management Controls Relative to this Chapter:

The Division of Acquisition Policy and Evaluation (DAPE), Office of Acquisition Management and Policy (OAMP), is accountable for the method used to ensure that management controls are implemented and working.

2. Frequency of Review: On-going.

3. Method of Review: DAPE/OAMP will maintain appropriate oversight through reviews of IC presolicitation and preaward contract files conducted by the NIH Board of Contract Awards. The NIH Board of Contract Awards reviews a percentage of contract actions from each IC. Issues identified by the Board are provided to the IC for corrective action. When repetitive issues are identified, these are brought to the attention of the Acquisition Management Committee, which is responsible for addressing and resolving common acquisition issues. In addition, the Head of the Contracting Activity (HCA) is routinely apprised of any difficulties in IC implementation of policy. Depending on the nature and extent of the problem, the HCA may recommend additional policy guidance or training of contract staff.

4. Review Reports: The HCA receives a summary report of issues identified through reviews conducted by the NIH Board of Contract Awards. In addition, the HCA is routinely notified of problems and takes necessary action to resolve them.