



Chemical Safety and Hazard Investigation Board

Office of General Counsel

Memorandum

To: Board Members
From: Christopher Warner *Ch Warner*
Cc: Leadership Team
Subject: Board Action Report – Notation Item 895
Date: December 9, 2011

On December 7, 2011, the Board approved Notation Item 895, thereby approving the award, following the completion of the necessary procurement process, of a contract for analytical laboratory services in support of the Donaldson investigation with an estimated value of \$60,300, and approving the commitment of appropriated funds available for Fiscal Year 2012 for the cost of the contract.

Voting Summary – Notation Item 895

Disposition: APPROVED

Disposition date: December 7, 2011

| | Approve | Disapprove | Calendar | Not Participating | Date |
|----------------|---------|------------|----------|-------------------|-----------|
| R. Moure-Eraso | X | | | | 12/1/2011 |
| J. Bresland | X | | | | 12/6/2011 |
| M. Griffon | X | | | | 12/7/2011 |



U.S. Chemical Safety and Hazard Investigation Board

MEMORANDUM

December 1, 2011

To: Board Members

From: Rafael Moure-Eraso *Rafael Moure-Eraso*

Cc: Leadership Team; Mary Beth Mulcahy; Allen Smith

Subject: Notation Item 895

Attached for your review and vote is Notation Item 895. This item provides for approval of a contract for analytical laboratory services in support of the Donaldson investigation. The item also provides for approval of the commitment of funds for the cost of the contract.

To assist you in understanding the need for this contract, the investigation team has provided the following summary background information:

As part of the CSB's investigation into the Donaldson Enterprises explosion on April 8th, 2011, in Waipahu, Hawaii, that killed five workers, the CSB investigation team would like to obtain the services of an analytical laboratory to determine the chemical composition and physical properties of firework samples. This composition testing will determine which chemical components most likely contributed to the energetic properties of the fireworks and if there were any chemicals added to the fireworks that would have made them particularly energetic. For example, if a perchlorate salt had been added to the black powder during manufacture, the lift charge may have been less stable and more likely to ignite. Finally, physical sensitivity testing to impact, friction, and electrostatic discharge will help determine a likely means of accidental ignition of the firework samples.

During the course of this testing, different components from four disassembled firework samples, herein referred to as O Triple C, Sky Festival, Hawala, and Crazy Kids, will be delivered to the contractor, with actual testing occurring in contractor facilities. Depending on the firework, the components will include lift charge, stars, and various powders. Moreover, several analytical techniques will be used, including differential scanning calorimetry (DSC), x-ray fluorescence (XRF), ion chromatography (IC), inductively coupled plasma spectroscopy (ICP), drop-hammer, electrostatic discharge (ESD), and friction testing.

Assuming the Board approves this item, the proposed contract would still need to go through the applicable CSB-BPD procurement processes before being awarded. The CSB investigative team has identified a prospective contractor – a Canadian government laboratory – that the team proposes should be awarded the contract on a sole source basis. Because the prospective contractor is a foreign government agency, there may be additional complexities that would need to be satisfactorily resolved prior to award. Such a resolution is not entirely certain, but the BPD Contracting Officer currently has a favorable view of the ability to ultimately award the contract.

You may direct any questions about this item to Mary Beth Mulcahy. Please return your completed vote sheets to Chris Kirkpatrick by the close of business on December 8, 2011. Thank you for your attention to this item.

**U.S. Chemical Safety and
Hazard Investigation Board**



Hon. Rafael Moure-Eraso
Chairperson

Hon. John S. Bresland
Board Member

Hon. Mark Griffon
Board Member

**CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
MEMBER VOTING RECORD**

Notation No.: 895

Voting Period: December 1 – December 8, 2011

Subject: Donaldson Investigation Laboratory Contract

Whereas,

1. The CSB is conducting an investigation of the explosion that occurred on April 8, 2011, at the Donaldson Enterprises, Inc. fireworks storage facility near Honolulu, Hawaii;
2. CSB investigative staff have determined that they require the services of an analytical laboratory to determine the chemical composition and physical properties of fireworks samples recovered from the incident site;
3. CSB investigative staff have identified a prospective contractor that they propose should be awarded a contract for the necessary services on a sole source basis, and are ready to initiate the procurement process that would lead (assuming applicable procurement requirements are met and approvals obtained) to such a contract award;
4. The proposed contract has a twelve-month period of performance, and its estimated cost of \$60,300 would be funded from appropriations available for Fiscal Year 2012; and
5. According to Board Order 028, Board approval is required for awarding contracts with a value exceeding \$50,000.

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Notation No.: 895
Subject: Donaldson Investigation Laboratory Contract

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Therefore, the Board, pursuant to its authority, hereby votes to approve the award, following the completion of the necessary procurement process, of a contract for analytical laboratory services in support of the Donaldson investigation with an estimated value of \$60,300, and to approve the commitment of appropriated funds available for Fiscal Year 2012 for the cost of the contract.

_____ I **APPROVE** this notation item **AS PRESENTED**.

_____ I **CALENDAR** this notation item for discussion at a Board meeting.

_____ *Some of my concerns are discussed below or on the attached memorandum.*

_____ I **DISAPPROVE** this notation item.

_____ *A dissent is attached.*

_____ *I will not file a dissent.*

_____ I am **NOT PARTICIPATING**.

Date: _____

Member: _____