



# **OSHA STRATEGIC PARTNERSHIP AGREEMENT**

BETWEEN

THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,

HOUSTON SOUTH AREA OFFICE

&

ALLIANCE RESIDENTIAL BUILDERS, LP.  
SOUTH TEXAS DIVISION

BROADSTONE MUSEUM DISTRICT PROJECT

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## **I. IDENTIFICATION OF PARTNERS**

To facilitate OSHA's goal of reducing occupational fatalities, injuries, and illnesses within the construction industry, OSHA and Alliance Residential Builders, LP.-South Texas Division (Here after referred simply as Alliance Builders), have agreed to enter into a cooperative partnership agreement for the Alliance Builders project within the overall Broadstone Museum District project. The Broadstone Museum District project is a multi-family project consisting of nine stories of metal framed apartments built on top of a four story concrete parking garage structure. This partnership will help ensure that the construction projects are utilizing an effective and systematic safety management approach that emphasizes continuous improvement.

This partnership is designed to address the hazards within the construction industry, and to promote and recognize jobsites controlled and managed by Alliance Residential Builders that have demonstrated an effective safety and health management system. The partnership agreement will serve to establish a cooperative effort in ensuring a safe worksite and maintaining an open line of communication between OSHA, Alliance Builders, and their contractors. The partnership is consistent with OSHA's efforts to better use their resources, encourage safety management systems, and increase participation by construction contractors who utilize effective safety processes.

## **II. PURPOSE/SCOPE**

This agreement was developed jointly by OSHA and Alliance Builders. The common objective and goal of the partnership is to provide a safe and healthful environment for workers involved in the construction industry through increased training, implementation of best work practices, improved safety and health programs, and compliance with applicable OSHA standards and regulations.

By focusing its' efforts, skills, knowledge, and resources, OSHA and Alliance Builders expect to reduce exposure to hazards and serious injuries by preventing accidents during all construction activities at the Broadstone Museum District site.

OSHA has identified the top four causes of fatalities in construction as falls, struck by equipment or machinery, electrocution, and caught in or between equipment. OSHA and Alliance Builders will devote resources to ensure these top causes of fatalities are eliminated at this worksite by establishing effective safety management systems and implementing best practices to achieve self-compliance at the Broadstone Museum District site.

## **III. GOALS AND STRATEGIES**

The overall goal of the partnership is to create a relationship that focuses on preventing fatalities, controlling or eliminating serious hazards, improving safety management systems, and promoting a positive safety culture for all contractors on this Alliance Builders managed project.

## **A. OUTCOMES**

The targeted outcome of this partnership will be to promote a positive safety culture for all contractors working on this Alliance Builders managed project through the following means:

1. Contractor(s) development of a model construction safety and health management system that other organizations can use and share.
2. Increasing communication and mutual respect among government, state institutions, and the construction contractor community.
3. Promoting use of available OSHA resources to all project contractors where assistance and oversight are needed.
4. Mentoring and providing training opportunities for contractors and their employees.
5. Reduction of injury/illness rates, insurance costs, and compensation claims.

## **B. GOALS**

1. Increase the number of employees, employers, and supervisors that have completed relevant safety training.
2. Increase the number of safety and health programs and best safety practices implemented among contractors. Raise safety awareness among all contractors.
3. Reduce and prevent serious accidents, and control or eliminate serious workplace hazards through pre-construction hazard assessments and proactive safety process management.

## **C. STRATEGIES**

1. Develop and maintain rigorous project safety specifications for use in all contracts.
2. Require that all contractors develop pre-construction hazard assessments on all projects and document existing conditions and proposed control measures.
3. Conduct initial (safety kick-off) meeting with Alliance Builders project management, safety representative(s), project superintendent(s) and project manager(s). Alliance Builders will require all contractors to develop a project safety management plan prior to the start of their work on this Project Site.
4. Require that each superintendent and all Alliance Builders field managers working on the Broadstone Museum District site will have completed a thirty (30) hour construction training course (OSHA30).
5. Each of the weekly contractor coordination meetings will dedicate the first portion of the meeting to discussing project safety, and each meeting will be documented.
6. Require that all tiered contractors provide annual, quarterly, weekly, or daily inspection documentation of equipment as appropriate. Record(s) of inspections will be documented and maintained at the project site. Require that all equipment capable of amputations be adequately guarded.
7. Require that all workers on the project are provided a site-specific safety orientation prior to starting work. The orientation will include providing information on employee workplace rights and responsibilities. Ensure that a competent person will be provided for all tasks required by OSHA standards and regulations.

8. Require that trench plans, fall protection plans, emergency response plans, lift plans and daily job hazard analysis be developed, reviewed, and documented prior to starting work as it relates to the contractor's scope of work.
9. Require that daily site safety inspections are conducted by Alliance Builders supervisors, onsite Safety Professional or other designated individual. All inspection findings and corrective actions shall be communicated to all levels of workers at the appropriate time. Safety observations will be captured in the software application Safety-Reports database for leading and lagging indicators.
10. Provide resources to conduct OSHA 10/30-hour outreach, Task Hazard Analysis (THA) development, incident investigation, and other general construction safety training. Training will be provided periodically to project workers, management, and campus representatives. Safety and health training will be conducted in Spanish as the need arises.
11. Project safety performance will be tracked and evaluated. "Lessons Learned" information will be developed and distributed to other Alliance Builders projects located throughout the South Texas Division.
12. Require that health-related issues arising during the course of the construction project are adequately addressed by the creating contractor with participation by Alliance Builders supervisors and Safety Professional. An effective monitoring program will be implemented to assess exposures to health hazards. Control measures will be implemented when exposures exceed permissible exposure limits.
13. Provide award/recognition to contractors that demonstrate the ability to provide a safe working environment.
14. Require any contractor using tower or mobile cranes to demonstrate proper working conditions through inspections conducted by qualified crane inspectors prior to use. Documentation of inspections will be maintained at the project.
15. Require that all crane operators are competent and certified to operate the specific crane in use. Documentation to demonstrate competency will be provided and maintained at the project site.
16. Require that all critical lifts be identified and a plan to safely perform be developed and implemented prior to the lift.

#### IV. SAFETY AND HEALTH MANAGEMENT SYSTEM

Alliance Builders will implement a comprehensive safety and health program, which includes 1). Management leadership and worker involvement, 2). Worksite analysis, 3). Hazard prevention and control, and 4). Safety and health training.

##### Management Leadership and Worker Involvement

1. State clearly a worksite policy on safe and healthful work and working conditions, so that all personnel with responsibility at the site fully understand the priority and importance of safety and health protection in the organization.
2. Establish and communicate a clear goal for the safety and health program and define objectives for meeting that goal so that all members of the organization understand the results desired and measures planned for achieving them.
3. Provide visible top management involvement in implementing the program so that all employees understand that management's commitment is serious.
4. Arrange for and encourage employee involvement in the structure and operation of the program and in decisions that affect their safety and health so that they will commit their insight and energy to achieving the safety and health program's goal and objectives.
5. Assign and communicate responsibility for all aspects of the program so that managers, supervisors, and employees in all parts of the organization know what performance is expected of them.
6. Have the authority to enforce safety rules and regulations. This authority will include provisions to hold subcontractors and employees accountable and, if necessary, remove contractor employees from the job site.
7. Provide adequate authority and resources to responsible parties so that assigned responsibilities can be met.
8. Hold managers, supervisors, and employees accountable for meeting their responsibilities to ensure essential tasks will be performed.
9. Review program operations at least annually to evaluate their success in meeting the goals and objectives so that deficiencies can be identified and the program and/or the objectives can be revised when they do not meet the goal of effective safety and health protection.

##### Worksite Analysis

1. Conduct periodic workplace inspections/audits for the purpose of identifying and correcting safety and health hazards. Fall, electrical, struck by and caught between hazards will be documented and corrected.
2. Inspections/audits will be conducted as frequently as deemed necessary by the company, but in no case less than once every month.
3. Analyze any new task, processes, materials, and equipment.
4. Perform routine job hazards analyses.

5. Provide a reliable system for employees to notify management personnel about conditions that appear hazardous and to receive timely and appropriate responses and encourage employees to use the system without fear of reprisal. This system utilizes employee insight and experience in safety and health protection and allows employee concerns to be addressed.
6. Investigate accidents and "near miss" incidents so that their causes and means of prevention can be identified.
7. Maintain records of recordable injuries and illnesses as required by OSHA.
8. Analyze injury and illness trends to identify work practice improvements or material modifications necessary to prevent accidents.

#### Hazard Prevention and Control

1. Establish, at the earliest time, safe work practices and procedures that are understood and followed by all affected parties. Understanding and compliance are a result of training, positive reinforcement, correction of unsafe performance, and if necessary, enforcement through a clearly communicated disciplinary system.
2. Each contractor and trade contractor shall provide personal protective equipment for the task to be performed safely.
3. Maintain the facility and equipment to prevent equipment breakdowns.
4. Plan and prepare for emergencies, and conduct training and emergency drills, as needed, to ensure that proper responses to emergencies will be "second nature" for all persons involved.
5. Establish a medical program that includes first aid onsite as well as nearby physician and emergency medical care to reduce the risk of any injury or illness that occurs.

#### Safety and Health Training

1. Instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.
2. Train workers on fall protection, prevention of electrocutions, caught-between and struck-by accidents
3. Ensure select personnel are trained in basic first aid and CPR.
4. Train personnel in hazard communications.
5. Make safety data sheets (SDSs) available to any requesting employee.
6. Train workers in any other aspects that will enable them to do their jobs safely.

#### **Additionally:**

1. Mentor contractors that have not yet developed their own safety and health program, and if necessary, refer them to OSHCON for assistance.
2. Require that all Contractors enforce safety rules and regulations. This authority will include provisions to hold all tiered contractors and employees accountable and, if necessary, removal from the job site.
3. Ensure 100% fall protection for fall hazards over six (6) feet as set forth in Site Specific Safety Requirements.

4. Ensure electrical safe work practices will be used when working on or near energized equipment. Ground Fault Circuit Interrupters (GFCI) will be used to protect all temporary electrical circuits that are installed for work on the project. All contractors will ensure that their employees are protected by the use of a GFCI at all times.
5. The Alliance Builders superintendent will be responsible for overseeing site safety and to serve as a point of contact for the project. The jobsite inspection results will be shared and made available to all contractors on the project.
6. Daily safety inspections will be conducted under the supervision of the Alliance Builders Safety Professional. Jobsite safety meetings/toolbox talks will be conducted and documented on a weekly basis. Employee workplace rights and responsibilities will be re-emphasized during the jobsite safety meeting/toolbox talks. Accident reports, including first aid, injury, property damage and near miss reports will be brought to the attention of the onsite Safety Professional the same day as the occurrence, and documented by each contractor within one week.
7. No employee shall be allowed to work directly below a suspended load except for: employees engaged in the initial connection of steel, and employees hooking or unhooking the load. The following criteria must be met when employees are allowed to work under the load: materials being hoisted shall be rigged to prevent unintentional displacement; hooks with self-closing safety latches or their equivalent shall be used to prevent components from slipping out of the hook; and all loads shall be rigged by a qualified rigger. All rigging equipment must be tagged with workload limits.
8. Require the use of appropriate personal protective equipment. Hardhats, eye protection, and gloves will be worn at all times in the construction area(s). All employees working near heavy equipment or motorized vehicles will be required to wear highly visible upper body clothing.

## **V. WORKER INVOLVEMENT**

Ensure workers are involved in the safety and health program through participation in activities such as safety walkthroughs and incident investigations as appropriate. Worker involvement is an essential component of an effective safety and health program.

## **VI. PERFORMANCE MEASURES**

The effectiveness of this partnership agreement will be accessed periodically, annually, and at the end of the project through the following performance measurements.

- A. OSHA recordable injuries and illnesses to determine the total case incident rate and the days away from work rate for the project site and compare to the average for the construction industry.
- B. The applicable number of employers, supervisors, and employees trained. Records will also be maintained for those that receive 30-hour and 10- hour OSHA training. All contractors will be required to conduct and document weekly safety toolbox talks.
- C. The number of safety and health programs instituted.



- D. Outcome measures will be gathered on a monthly basis and will incorporate data to analyze the number of hours worked, number of injuries, illnesses, fatalities, and serious hazards found as a result of onsite audits, job site inspections, and OSHA inspection activity.
- E. Job site inspections will indicate the number of hazards observed and corrected by Alliance Builders and each affected contractor.
- F. Near miss incidents and first aid cases will be tracked.
- G. The baseline will be reviewed annually to address goals.

## **VII. ANNUAL EVALUATION**

The partnership will be evaluated on an annual basis through the use of the Strategic Partnership Annual Evaluation Format measurement system as specified in Appendix C of CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health Directive.

Alliance Builders is responsible for gathering the data to evaluate and track the overall results and success of the partnership program. This data will be shared with OSHA.

OSHA is responsible for conducting, writing, and submitting the annual evaluation report.

## **VIII. OSHA VERIFICATIONS**

OSHA will verify compliance with this agreement through three types of verification visits.

- A. Off-site verifications are conducted without entering the partner's worksite and would include review of injury and illness data, jobsite inspections, and other data and reports as desired by either party to this agreement.
- B. On-site non-enforcement verifications are conducted to discuss and review the progress of the partnership and could include a presentation of the activities in addition to a walkthrough of the worksite. During these visits, serious hazards will be identified as well as the implementation of safety and health management systems. All serious hazards identified should be corrected as soon as possible. If management refuses to correct the hazards, a referral will be made for an enforcement inspection.
- C. On-site enforcement verifications shall identify any hazards with a focus on falls, struck by equipment or machinery, electrocution, and caught in or between equipment and includes the potential for issuing citations and assessing penalties for violations.

These unannounced visits will be conducted annually for the term of the agreement and will follow the "Focused Inspection" protocol {Memorandum from James W. Stanley, "Guidance to Compliance Officers for Focused Inspections in the Construction Industry",

dated August 22, 1994 (Revision 2 issued September 20, 1995 and incorporated herein)} addressing hazards related to falls, struck by equipment or machinery, caught-in or between, and electrical hazards. Inspections conducted in response to complaints, Local and/or National Emphasis Programs (LEP/NEP), or referrals will qualify as the verification inspection if, in addition to addressing the complaint/LEP/NEP/referral item(s), the compliance officer completes the focused inspection protocol for the worksite.

Two on-site non-enforcement verification visits shall be conducted each year by the compliance assistance specialist. In addition, off-site verifications will be conducted periodically by the compliance assistance specialist to maintain the effectiveness of the partnership.

Alliance Builders will allow OSHA access to the worksite during inspection activities without requiring a warrant.

OSHA will continue to investigate fatalities and catastrophes should they occur at the jobsite as well as alleged "imminent" danger situations. Any complaints, referrals or hospitalizations received will be handled in accordance with OSHA Instruction CPL 02-00-160, Field Operations Manual, Chapter 9. If deemed appropriate by the area office complaints, referrals and hospitalizations will be handled via phone and e-mail.

## **IX. INCENTIVES**

Maximum penalty reductions for all tiered contractors working on any partnership jobsite as allowed in the OSHA Field Operations Manual (FOM) for good faith and history. When calculating the initial penalty reduction, OSHA will grant the 25% reduction provided in the OSHA FOM where the employer has taken specific, significant steps beyond those provided in the OSHA FOM to achieve a high level of employee protection. This additional reduction will not apply to high gravity serious, willful, failure to abate, or repeat citations.

Other participant incentives from OSHA may include priority consideration for compliance and offsite technical assistance (phone calls/faxes) by OSHA as resources allow.

Other incentives may include a reduction in insurance premiums, workers' compensation claims, and medical costs.

## **X. PARTNERSHIP MANAGEMENT AND OPERATION**

The Alliance Builders Safety Professional (Safe Construction Consulting, LLC) will be the point of contact for all matters associated with this partnership and will maintain communication with the Compliance Assistance Specialist in the Houston South Area Office.

Alliance Builders will allow OSHA access to the site during inspection activities (monitoring and un-programmed activities such as major injuries and employee complaints) without requiring a warrant.

The Compliance Assistance Specialist (CAS) in the Houston South Area Office will be the designated contact for this agreement and will serve as a resource and assist with safety and health

training and provide technical assistance. The CAS will audit the monthly reports/documents and make recommendations for improvement in meeting the partnership goals. The CAS will conduct the off-site non-enforcement and on-site non-enforcement inspections addressed in section VIII.

**XI. WORKER AND EMPLOYER RIGHTS**

This partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act, nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Act.

**XII. PARTNERSHIP TERM**

This partnership agreement will cover the Alliance Builders Broadstone Museum District project and will terminate upon completion of the project or on March 1, 2022, which is three years from the date of the signing of this agreement. Alliance Builders and OSHA will make a joint determination of whether or not to continue the partnership.

If either OSHA or (Alliance Residential Builders wishes to withdraw their participation prior to the established termination date, the agreement will terminate upon receiving a written notice of the intent to withdraw from either signatory.

**XIII. SIGNATURES**

Signed on this 26 day of March 2020.

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Mark R. Briggs, CSP  
Area Director, Houston South Area Office  
U.S. Department of Labor/OSHA

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Brian Watson  
Vice President of Construction  
Alliance Residential Builders, LP. (Name of Company)

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JD Devine  
Senior Project Manager  
Alliance Residential Builders, LP. (Name of Company)

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J. Eric Stephan  
Corporate Safety Consultant  
Safe Construction Consulting, LLC. (Name of Company)

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## STRATEGIC PARTNERSHIP SELF INSPECTION

Employer Name..... \_\_\_\_\_

Name of Project ..... \_\_\_\_\_

Inspection Date(s): ..... \_\_\_\_\_

**Total number of employees' on-site**..... \_\_\_\_\_

**Accident Information:**

Number of lost time cases ..... \_\_\_\_\_

Number of restricted cases..... \_\_\_\_\_

**Hazards identified and corrected:**

**Falls** ..... \_\_\_\_\_

(floors, platforms, roofs)

**Electrical** ..... \_\_\_\_\_

(overhead power lines, power tools and cords, outlets, temporary wiring)

**Struck By**..... \_\_\_\_\_

(falling objects and vehicles)

**Caught-in/Between** ..... \_\_\_\_\_

(cave-ins, unguarded machinery, equipment)

**Other hazards** ..... \_\_\_\_\_

**Training (optional)**

# of employees \_\_\_\_\_ X # of hours \_\_\_\_\_ = Total Hours .....

# of managers \_\_\_\_\_ X # of hours \_\_\_\_\_ = Total Hours .....

Inspection Conducted by:..... \_\_\_\_\_