



OSHA STRATEGIC PARTNERSHIP AGREEMENT

BETWEEN

THE OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION (OSHA)

FORT WORTH AREA OFFICE

&

DPR CONSTRUCTION COMPANY

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I. IDENTIFICATION OF PARTNERS

A. Background

To facilitate OSHA's goal of reducing occupational-related fatalities and serious injuries within the construction industry, OSHA FWAO and DPR Construction Company have agreed to enter into a cooperative partnership agreement. This agreement will cover the DPR Construction Facebook FTW 5/6 Project and will effectively implement all facets of jobsite safety and achieve self-compliance through cooperative efforts from labor, management, and OSHA.

This partnership is designed to address the hazards within the construction industry, and to promote and recognize a jobsite controlled by a contractor having demonstrated a safety and health program that meets or exceeds OSHA's recommended practices for safety and health programs. The Partnership agreement is an effective tool for ensuring safety at the Project. It will serve to establish a cooperative effort in ensuring safety and maintaining an open line of communication between OSHA and contractors on the worksite. The partnership is consistent with OSHA's long-range efforts to develop a contractor and government partnership approach to safety management. It allows for better use of OSHA resources and innovation in safety management, and encourages increased participation in the safety process from the construction community.

B. Partners

The partners are the Occupational Safety and Health Administration (OSHA), Fort Worth Area Office (FWAO) and DPR Construction ("DPR").

II. PURPOSE / SCOPE

The Fort Worth Area Office and DPR developed this partnering agreement jointly. The common objective and goal of the agreement is to provide a safe and healthful work environment for employees involved in the construction industry and to help prevent serious accidents and fatalities within the industry through increased training, implementation of best work practices, enhanced safety and health programs, and compliance with applicable OSHA standards and regulations.

Employers who choose to enter into this partnership will receive OSHA assistance (as resources allow) and an initial and annual on-site non-enforcement verification visit in accordance with approved protocols.

This partnership will contain mentoring and training for participating subcontractors and their employees. The common purpose will be to engage and challenge those subcontractors and their employees to improve their own safety and health program. This partnership also seeks to increase communication and mutual respect between all stakeholders. DPR is committed to developing a business/labor/government partnership

approach to safety management, thereby affording OSHA to direct its resources toward the construction industry whose safety and health efforts require the most assistance.

III. GOALS AND STRATEGIES

A. Commitment:

OSHA and DPR are committed to reducing workplace accidents and fatalities, improving safety and health programs through the direction of leadership, and accountability of all participants in this agreement.

B. Goals

The overall goal of the partnership is to focus on preventing work-related fatalities, controlling or eliminating serious workplace hazards, and establishing a foundation for the development of an effective safety and health program. This partnership will strive to achieve that goal by establishing a foundation of proactive measures that will include:

1. Reducing injuries and illnesses throughout the duration of the Partnership, and evaluating the outcome annually;
2. Promoting proactive injury and illness prevention programs at the project through self-generated DPR programs;
3. Developing a model safety and health program, utilizing OSHA's updated Recommended Practices for Safety and Health Programs as a model;
4. Providing for collaborative training opportunities between DPR and the OSHA Regional and Area Offices;
5. Collaboration, using DPR and OSHA Regional and Area Office resources, to create and disseminate new safety and health materials to all participants;
6. Mentoring and training participating subcontractors and their employees;
7. Increasing communication and mutual respect between stakeholders;
8. Developing a business/labor/government partnership approach to safety management; and
9. Directing OSHA resources towards the construction industry whose safety and health efforts require the most assistance.

C. Strategies

These goals shall be achieved through meetings at each site selected and implementation and verification of written comprehensive safety and health programs. Utilize DPR Safety methodology and processes to improve safety and health programs, training and outreach to subcontractors. Partners are encouraged to implement a comprehensive Safety and Health Management System (SHMS), while this partnership focuses on specific safety and health elements, based on the following guidelines:

Implement a comprehensive job site inspection program by:

1. Utilizing technological tools, such as “SafetyNet” and “HammerTech”, and other means, such as Job Hazard Analysis or the Job Safety Analysis to effectively reduce or eliminate potential hazards to employees working at the site.
2. Effective use of preconstruction contract and bid-submission tools such as Building Connected, Bluebook Network, SmartBid Net, CMiC, to select subcontractors who have shown a consistent commitment to safe work related practices and employee safety.
3. Effectively correcting hazards found during the project on a day-to-day basis.
4. Ensure all serious hazards are controlled through safe processes or procedures.
5. Implement an aggressive Fall Protection Plan to include fall protection in all cases where work is being performed six feet or more above lower surfaces, with the exception of ladders. However, it is DPR’s policy to utilize ladders only when no other suitable work platform is available. The fall protection plan includes verifying that each contractor using personal fall protection equipment has received the required fall protection training and that the training is documented.

Employee Engagement and Involvement:

1. 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.
2. Encourage subcontractor participation in jobsite safety awareness activities, including daily or weekly audits and site surveys. Encourage subcontractors to solicit their employees’ participation in their own safety and health programs.

Ensure employees receive training as follows:

1. It is a goal to have 100% of DPR's on-site supervisory personnel (safety managers, project managers and superintendents) and 50% of the first tier participating subcontractor's competent person designees to complete the 30-Hour OSHA construction course (or its equivalent). Subcontractors can utilize other instructors as long as they can show a valid 30-Hour OSHA certification card showing completion of the course.
2. All employees will receive a site-specific construction safety orientation in English or Spanish that addresses jobsite safety and health issues and the procedures relative to the work being performed and the requirements outlined in this Partnership Agreement.
3. Safety and health awareness training to subcontractors with Spanish speaking employees will be conducted in Spanish. The training classes may include the following:
 - OSHA 10-Hour
 - First Aid / CPR / AED
 - Fall Protection
4. Other hazard-specific training will be conducted on an as-needed basis.
5. DPR or its participating subcontractors are to provide training for workers in the OSHA 10-Hour construction course. Subcontractors can utilize other instructors as long as they can show a valid certification card showing completion of the course. Subcontractors have primary responsibility for providing this training. OSHA will provide assistance as needed.

Supporting Strategies to Ensure a Safe Workplace:

1. Require subcontractors who have written safety and health programs to submit them to DPR. Those that do not have their own written safety and health programs will adopt DPR's safety and health program.
2. Ensure health-related issues arising during the course of the construction work are adequately addressed internally by DPR. All health-related issues will be discussed during the quarterly partnership safety meetings at the sites selected.
3. Ensure compliance with NFPA 70E when working on live electrical equipment, including training and the availability and use of personal protective equipment. A system of control procedures will be implemented to oversee the implementation of appropriate protective measures prior to exposure.
4. Ensure all equipment capable of worker extremity amputations is adequately guarded per OSHA and equipment manufacturer requirements.

5. Utilize a third-party, independent, qualified/certified crane inspector to inspect all long-term cranes after they have been erected and certify them for safe operation. A recent inspection (less than one year) by a certified crane inspector will be required for all cranes.
6. Establish and utilize a program to insure that all crane operators are competent and certified to operate the specific crane in use. Crane Operators are encouraged have their Certification of Crane Operators (NCCO).
7. Plan all critical lifts to be performed during the construction of the Project. Lifts over 75% are considered critical and require additional documentation, such as a Critical Lift Plan.

IV. MEASUREMENTS

The OSHA Regional and/or Area Offices will conduct an initial, and an annual non-enforcement site verification visit.

The measurement system will use the OSHA 300 logs and self-inspections to determine the Days Away Restricted or Transferred (DART) and Total Case Incident Rate (TCIR) by craft for the participating contractors and compare to the average for the construction industry nationally.

Appropriate documentation to track the applicable number of employers, supervisors and employees trained. Records will be maintained of training certifications. All contractors will be required to conduct daily and/or weekly safety toolbox talks, which will be reported as training hours.

(See Example Evaluation) Outcome measures will be gathered on a monthly basis and will incorporate data to analyze the number of employees surveyed, number of injuries, illnesses, fatalities, and serious hazards found and abated as a result of onsite audits and job site inspections. Measurement factors will be compiled quarterly and submitted to the OSHA Partnership Coordinator.

V. ANNUAL EVALUATIONS

Partnership Evaluation: The partnership will be evaluated by the Fort Worth Regional Office on an annual basis, in accordance with 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 (See Example Evaluation). The annual evaluation data will be provided to OSHA no later than 60 days after the anniversary date of the partnership signing.

OSHA may ask that the following information be provided by the company during the on-site non-enforcement verification visit, for review or collection by OSHA:

1. OSHA 300/300A and 301 Logs of Injuries and Illnesses.
2. Maintain Global Harmonization System (GHS) to include all Safety Data Sheets (SDS).
3. Number of employee training sessions held, number of employees and supervisors/managers trained.
4. Number of and results of safety /health audits and inspections, which may include hazards identified and corrected.
5. Any documentation relating to employee involvement or participation, including minutes of safety meeting.
6. Any documentation of communication between management and employees (may include computer memos, feedback on each suggestion, or other appropriate documentation).
7. Any documentation relating to any partners participation in health or safety seminars (i.e. 10 and 30-Hour Construction Safety and Health Courses, Safety and Health Fair, Trade Shows, etc.).

VI. BENEFITS

In the event of an enforcement inspection, maximum penalty reductions for all tiered contractors working on this jobsite as allowed in the OSHA CPL-02-00-160 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. The Partnership will include priority consideration for compliance assistance and offsite technical assistance (phone calls/faxes) by OSHA as resources allow.

VII. OSHA INSPECTIONS & VERIFICATIONS

OSHA, in addition to the initial site visit, will conduct at least one non-enforcement verification visit annually. Non-enforcement verification visits will be conducted by OSHA. OSHA will report the hazards identified and recommendations will be made to each exposing contractor and DPR. Abatement will be made by each exposing contractor and documentation thereof sent to DPR and OSHA.

The non-enforcement verification visit will be conducted within six (6) months of the partner member signing. OSP verifications must be performed in accordance with the OSP Program Directive, CSP [03-02-003].

DPR and its subcontractors will remain subject to OSHA inspections and investigations in accordance with agency policies. OSHA will continue to investigate fatalities and catastrophes that occur at member companies as well as formal complaints and severe injury reports received.

Limited Scope Inspections

1. OSHA will conduct fatality/accident investigations.
2. OSHA will conduct investigations of formal (signed) complaints and informal (unsigned) complaints that do not result in voluntary and adequate corrections by the employer.

VIII. PARTNERSHIP MANAGEMENT & OPERATION

A. Participating Contractors

Selection Criteria for Participants: Participants in this cooperative agreement will receive a briefing by DPR that will enable them to understand the tenets of this agreement. Participants should understand the principles and guidelines of this agreement, and realize the purpose of the cooperative agreement is to enhance their awareness of safety and health, and improve their safety and health program.

Executive Commitment: Participants agree to submit a letter stating executive commitment to develop and maintain a safety and health program for this construction project. It should make clear such a program is a priority for the officer and that he (or she) will personally track programs and hold managers accountable for administration of the program. The letter should be addressed to the OSHA FWAO Area Director. A similar letter should be addressed to managers and employees and posted for two months in the workplace. Such letters must also be translated (in writing) in the language of the workers. Elements of a safety and health management program are described below:

Management Commitment and Employee Involvement

Member agrees to:

1. State a worksite policy on safe and healthful work and working conditions, so that all personnel with responsibility at the site (and personnel at other locations with responsibility for 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. Provide authority and resources to responsible parties so that assigned responsibilities can be met.
7. Review program operations at least quarterly 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

Member agrees to:

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. The company will utilize the services of their own safety representative or their designee to perform these inspections/audits in addition to their own inspection/audit.
4. The company will utilize a safety committee that contains representatives of both management and employees.
5. Perform routine pre-task plans for work being performed.
6. 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.

7. Investigate accidents and "near miss" incidents so that their causes and means of prevention can be identified.
8. Maintain records of recordable injuries and illnesses as required by OSHA.
9. Analyze injury and illness trends to identify work practice improvements or material modifications necessary to prevent accidents.
10. The safety and health official will prepare an annual analysis of the company's safety and health program. This will include a summary of all major hazards found and corrected through inspection and safety committee efforts, those still uncorrected, injury/illness trends, and recommendations for safety and health improvements.

Hazard Prevention and Control

Member agrees to:

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. Provide personal protective equipment.
3. 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.
4. Establish a medical program that includes first aid onsite as well as nearby emergency medical care to reduce the risk of any injury or illness that occurs.

Safety and Health Training

Member agrees to:

1. Instruct each worker 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 and prevention of electrocutions, caught-between and struck-by accidents.
3. Train select personnel in basic first aid and CPR.
4. Train personnel in hazard communications.

5. Make Safety Data Sheets (SDS) available to any requesting worker.
6. Train workers in any other aspects that will enable them to do their jobs safely.
7. Train workers in DPR's Safety Systems which provide workers with information on recognizing and avoiding construction safety and health hazards, as well as the authority to stop work.

Cooperation with OSHA

Member agrees to:

1. Allow OSHA to conduct on-site non-enforcement verification visits as agreed to at the projects identified, but not less than annually at each project, in accordance with this partnership agreement.
2. Cooperate with OSHA during all inspections and to share information on its safety and health program, program analysis, recordkeeping data, and internal inspection/audit results.
3. Allow an employee representative to participate on OSHA inspections and to allow interviews with workers.

B. OSHA

OSHA Commitment

1. OSHA will endeavor to support the company in reasonable requested training.
2. OSHA will furnish technical advice, publications and training material to the employer upon request. Such requests will not cause an OSHA inspection.
3. Informal complaints (unsigned) - participant will have an opportunity to resolve such complaints; however, if corrections are inadequate, an inspection may be made to compel compliance.
4. OSHA will participate in the quarterly Partnership Committee meetings.

IX. EMPLOYEE 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 the responsibility to comply with rules and regulations adopted pursuant to the Act.

X. TERMINATION

If OSHA chooses to withdraw its participation in the partnership, the entire agreement is terminated.

This agreement will terminate when each project is completed (substantial completion) for that project. If either OSHA or DPR 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.

For non-signatory participants of the partnership, OSHA may terminate the participant's involvement at any time with written notice. Additionally, the participant may withdraw their participation from the strategic partnership at any time with a written notice of the intent to withdraw to OSHA.

OSHA will terminate the participant's agreement or involvement for any sustained willful violation, any sustained failure-to-abate, or for failure to report a work-related fatality or in-patient hospitalization.

OSHA will terminate the participant's agreement or involvement for a fatality or catastrophic event that occurs at the site. The partnership will terminate and will be closed for the duration of this project.

OSHA will terminate the participant's agreement or involvement in the event of proven and unresolved retaliation against employees who exercise their protected safety and health rights under the OSH Act.

XI. TERM & LOCATION OF PARTNERSHIP AGREEMENT

This partnership will expire at the completion of the projects listed.

XII. SIGNATURES

Signed this __ day of _____ 2019

Andy Kirby, Project Executive
Project Executive
DPR Construction Company

Timothy Minor
Area Director
OSHA Fort Worth Area Office

Attachments:

Management Commitment Letter
Application Site Information
Self- Inspection

Timothy Minor
Area Director
OSHA Fort Worth Area Office
8713 Airport Fwy, Suite 302
Fort Worth, Texas 76180

Dear Mr. Minor:

DPR Construction Company is committed to a comprehensive safety and health program that will involve employees at all levels. It is our goal to include the employee in safety and health inspections, and safety and health program analysis.

DPR Construction Company will focus our efforts on providing safety and health training to our employees in the four areas where most accidents occur in the construction industry: falls, struck by, caught in between and electrocutions hazards. To accomplish this goal, we will utilize the DPR Construction Company Safety designee to assist in maintaining records of all injuries occurring in the work place, conducting inspections of the work place and providing training to all associates.

Signature _____

Title _____

Company Name _____

Date _____



**STRATEGIC PARTNERSHIP APPLICATION SITE
INFORMATION**

Employer Name: DPR Construction Company

Name of Project: Equinix Data Center Project

Project	Address	Contact	Start Date	Est. Completion Date

OSHA STRATEGIC PARTNERSHIP MONTHLY SELF INSPECTION

Employer Name: **DPR Construction Company**

Name of Project: **Equinix Data Center Project**

Total number of employees on-site:

Accident Information:

Number of Days Away cases:

Number of restricted/Transferred cases:

Hazards identified and corrected:

Report for the Month of: _____

Number of Sub Contractors/Companies in Partnership: _____

Number of Self Inspections Performed: _____

Number of Workers Covered by Self Inspection: _____

Training Hours: _____

Type of Hazards	Identified	# Immediately Corrected	# Corrected within 1 Week	Total Corrected
Fall Hazard				
Electrical Hazard				
Struck by Hazard				
Caught In/Between Hazard				
Other				
Total				

Training:

of employees _____

of supervisors _____

Inspection(s) conducted by: