



**United States Department of Labor
Occupational Safety & Health
Administration**

&

**Mortenson, Alberici, & L. Keeley Construction,
A Joint Venture**

**For the Major League Soccer Stadium Project
MLS 4 The Lou**

**Partnership Agreement
October 29, 2020**

**Major League Soccer Stadium
2100-2200 Market Street, St. Louis, MO 63103**

I. Identification of Partners

- A. The Partners in this agreement will include the following:
1. Occupational Safety and Health Administration, Region VII
 2. Mortenson, Alberici, and L. Keeley Construction (MAK JV), A Joint Venture
 3. Project Subcontractors - All subcontractors that work on this project are considered Partners. All contracts with subcontractors not already executed will incorporate this OSHA partnership into their respective agreements. If contracts with subcontractors are executed, MAK JV will incorporate this OSHA partnership into their respective agreements with a subcontractor change order. This will include a provision acknowledging the subcontractor's obligations under this partnership agreement.
- B. Supporting Group:
1. Kwame Building Group is a supporting partner in that it endorses the coordination between MAK JV and OSHA and supports the mission of project and partnership. As a supporting partner, Kwame is not signatory to specific requirements of this contract.
 2. The Building and Construction Trades Council, the St. Louis – Kansas City Carpenters Regional Council, and the Eastern Missouri Laborers' District Council support the partnership.

II. Purpose/Scope

- A. The St. Louis Area Office of the Occupational Safety and Health Administration (OSHA), MAK JV, and project subcontractors recognize the need for a safe and healthy jobsite. The goal of this partnership agreement is to help ensure that the construction of the Major League Soccer Stadium will provide a safe work environment for all employees.
- B. The \$400 million Major League Soccer stadium development will include the open-air stadium with a seating capacity of 22,500 and the ability to expand to 25,000 seating capacity on an approximate 31-acre site. The project also includes construction of the team's headquarters, a practice facility, and the Downtown West District of mixed-use retail, restaurants, and gathering spaces for year-round use. Project timeline January 2020 – with completion by March 2022; the first event at the facility is planned for March 2022. In addition to addressing hazards within the construction industry, this partnership will promote a comprehensive and collaborative effort that exceeds minimum best practices in sports stadium construction.
- C. Specifications and assignments within this partnership document do not relieve the contractors from or lessen their safety and health responsibilities, nor change any contractual obligations between MAK JV and subcontractors, nor does it

lessen any/all affirmative defenses, legal rights, or due process afforded contractors with respect to Agency enforcement action.

III. Goals/Strategies and Performance Measures

- A. The overall goal for this Partnership Agreement is to create the following: an injury free safety culture, collaboration between the workforce and the management team to safely plan the work, create a transparent and open line of communication between the workforce and management, promote effective safety management systems, and promote/facilitate training and education within the workforce. The Partnership encompasses a special focus on the apprentice level workers, job hazard recognition, hazard controls, self-inspection practices, hazard abatement efforts and accountability measures, and cooperative attitudes among all partners resulting in the reduction/elimination of injuries, illnesses, and incidents on the project.

Goals	Strategies	Performance Measures
<p>Minimize accidents, injuries and illnesses on the project, zero fatalities, and Project injury/illness data below the current BLS National Average for NAICS 23 (all of construction).</p> <p>The MAK JV will be below the Labor Statistics for all trade partners.</p>	<p>Implementation of comprehensive safety and health management system for the site.</p> <p>Establish a baseline using 2018 BLS Data:</p> <p>TCI = 3.0 DART = 1.8 DAFW = 1.2</p>	<p>Proactive safety metrics – Behavior based safety observations, audits, near miss reporting, and education/training; OSHA injury and illness data-Total Case Incident Rate (TCIR); Days Away, Restricted or Transferred (DART) Rate; Days Away from Work (DAFW) Rate compared with the most current BLS published data for NAICS 23 for each year.</p>
<p>Develop a contractor/government partnership that will encourage involvement of the owner, General Contractor, and subcontractors in the improvement of safety and health performance.</p>	<p>Require the contractor and all subcontractors to develop and implement written safety and health management systems. Review site specific safety plans in Preconstruction meetings for clear safety objectives. Each contractor to be vetted through a Safety Review program.</p>	<p>Verify by reviewing the number of subcontractors that implemented and/or improved written safety and health management systems.</p>

<p>Implement innovative strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught in, and electrical), and ergonomic hazards.</p>	<ol style="list-style-type: none"> 1. Provide all employees site specific safety orientation and a second orientation within first month on the job. All foreman level and above individuals will have Pre-Task Planning Training as part of their orientation process. 2. Support the goal that all tradespersons have 10-hour OSHA training courses. 3. Implement and execute an ongoing site safety audit program (to include daily site safety audits) participated in by all levels of the MAK management team. 4. Daily Safe Start Meetings (or its equivalent) planning by all crews on the job site. 5. Create applicable safety awareness initiatives to help maintain focus on key areas through weekly Safety Toolbox Talks and Daily Job Site Safety Briefings. 6. Incident investigation and root cause analysis for all OSHA recordable and near miss incidents. 7. Share findings with project to prevent recurrence. 	<p>Document the number of employees trained and the training hours received (including orientation and 10 & 30-Hour courses); document the number of hazards identified and abated during the safety audits, including ergonomic hazards; track all injuries and illnesses, track the safety observations by the field crews, track the number of apprentice workers educated in the safety outreach program,</p>
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	<p>8. Establish a safety observation Text Line for all workers to use to communicate safety issues.</p> <p>9. Create an outreach program to focus on the Apprentice worker's education regarding Construction Safety programs, trends in the industry, etc.</p> <p>10. Establish open and transparent communication system between site management through the crew sponsorship program, the site safety team and the field crews to build a successful safety culture.</p>	
<p>Provide for worker/union representation involvement</p>	<p>Provide worker/union representation involvement in weekly site safety meetings, site safety walk-arounds, hazard analysis, and OSHA Initiatives (Fall Stand Down, Safe and Sound Campaign).</p>	<p>Document the number of workers/union representatives involved in weekly site safety meetings and site safety walk-arounds. Track the employee/union involvement in hazard analysis and OSHA Initiatives. Develop a Bi-Weekly Craft Safety Committee round table to discuss current safety performance on the job and communicate safety concerns in an open format. Additionally, on the off weeks each month the onsite Safety Professionals will meet to discuss the current trends for the project.</p>

Program Implementation of Strategies:

- A. Frequent jobsite safety audits/inspections by the general contractor and subcontractors with the documentation to be provided to and maintained by MAK JV site safety team.
- B. MAK JV will ensure the following actions are implemented at the worksite:
 - 1. Upon arrival at the project, all contractor employees will receive the site-specific safety orientation (known as the First Day First Hour Training) from MAK JV safety team member, as well as an explanation of this partnership and an explanation of safety and health expectations relative to the work being performed. There is a second orientation all work force completes within the first month on the project. All foreman level and above will be required to attend the Pre-Task Planning training provided by the MAK JV team.
 - 2. Each contractor is reviewed and vetted through an established MAK JV review process prior to bidding the work.
 - 3. All contractor employees will attend a safety review meeting with their employer before performing work on the site. The review of the subcontractor's site-specific Safety Plan, including relevant Pre-Task Planning (PTP) or equivalent, is a pre-job requirement.
 - 4. All contractor personnel engaged in construction activities shall have completed the OSHA 10- hour course for the construction industry prior to commencement of work on-site. Supervision level team members shall, as a minimum, have completed the OSHA 30- hour construction training course. The respective subcontractors will maintain records of training certification. The records will be for review upon request. Workers who do not currently have their OSHA 10-hour course will be aided, with the support of their union local, in meeting this goal. All partners in this agreement will support this goal.
 - 5. Other hazard-specific training will be conducted on an as needed basis by the respective contractors. This training will be tracked and documented within the training log/roster required by the subcontractors.
- C. MAK JV will implement a comprehensive Fall Protection Plan to include a personal fall arrest system or fall protection guarding for all activities where work is being performed six feet or more above a lower surface. The six-foot trigger height for Fall Protection is recognized site wide by all trades and subcontractors. Personal Fall Arrest systems will be required 100% for all operators and occupants while working in all Aerial Boom Lifts and Scissor Lifts. Additionally, scissor lifts will require the use of a retractable lanyard system for personal fall protection.
- D. All subcontractors shall have an effective safety program in place that meets or exceeds "Recommended Practices for Safety and Health Programs in

Construction,” dated October 2016. This may be found at <https://www.osha.gov/shpguidelines/>. OSHA’s “Recommended Practices” contain seven core elements: (1) management leadership, (2) worker participation, (3) hazard identification and assessment, (4) hazard prevention and control, (5) education and training, (6) program evaluation and improvement, and (7) communication and coordination for employers on multiemployer worksites. OSHA Regulations are a minimum expectation. Each contractor on site is encouraged to go above and beyond OSHA Recommendations for a more stringent Safety Policy. The MAK JV Safety Policy is a bench mark for the project. The subcontractor’s safety programs will be required to meet or exceed the MAK JV Safety Plan.

- E. The St. Louis Area Office of the Occupational Safety and Health Administration (OSHA) may be contacted for clarification on any safety and health related issues.
- F. Create an open working relationship between OSHA and the other Partnership Members.
- G. MAK JV will implement “Best Practices” for this job site. The “Best Practices” implemented will include, but not limited to:
 - 1. 100% Fall Protection in all aerial lifts including scissor lifts. Additionally, scissor lifts will require the use of a retractable lanyard system for personal fall protection.
 - 2. The use of cell phones and other personal electronic devices will be strictly prohibited during work activities. The site-specific MAK JV new hire orientation will direct all employees that cell phones will only be permitted to be used in Safe Areas away from the work area and not to be used during any activities being performed.
 - 3. Along with other “standard” required Personal Protective Equipment the MAK will require all worker to wear a minimum of Cut Level 3 Gloves at all times and a Class 2 Reflective Vest or Shirt at all times.
 - 4. Implement a “Ladders Last” program that requires the worker to use other safe means for working at heights besides the use of ladder. Additionally, the Podium Style ladders will be the only approved type of step ladders on site. Traditional “A Frame” stepladders are not permitted.
 - 5. Implement a dropped tool protection program to include barricading the work area below, limiting tools and materials to the essentials and tethering tools.
 - 6. Require that any apprentice level worker be under the supervision of a journeyman level worker while performing activities on this job site.
 - 7. Require, at a minimum, all workers to have completed the OSHA 10-hour training course. Training is to be completed prior to commencement of work on-site or will enter in the site’s training

assistance program in conjunction with the worker's local union hall and completed in a timely fashion.

Measurements Defined:

- A. Total Case Incident Rate (TCIR); Days Away, Restricted or Transferred (DART) Rate; Days Away from Work (DAFW) Rate. The total TCIR, DART and DAFW Rates to be below the average for construction (NAICS 23) nationally based on the BLS 2018 published TCIR of 3.0, DART of 1.8 and DAFW Rate of 1.2, which will serve as the baseline for the project with a goal of being below the above mentioned statistics. The project rates will also be compared to the most current published BLS rates.
- B. Documented jobsite safety audits/inspections.
- C. Records of training certifications/training rosters will be verified by MAK JV. MAK JV will also maintain records of site-specific training conducted for all on site employees. These may include, but not be limited to, OSHA 10 and 30-Hour courses, names of individuals attending the site-specific safety orientation, employee's attendance at weekly toolbox talks, as well as other hazard specific training.
- D. Evaluation and documentation of the effectiveness of the Fall Protection Plan.
- E. Safety and Health Programs will be maintained on file by MAK JV and each subcontractor. Each quarter, MAK JV will formally report findings and general effectiveness of the safety and health program and Partnership Strategic Goal progress to the St. Louis Area OSHA office for review.

IV. Annual Evaluations:

- A. The Partnership will be evaluated quarterly and will include data used to monitor the success of the Partnership efforts. On a quarterly basis, the Executive Safety Committee comprised of MAK JV on site project Manager, Project Superintendent, Project Safety Manager, Corporate Safety Director and off-site project director and a representative(s) from OSHA shall meet and discuss the program and make any modifications as required to continually improve the partnership. These quarterly meetings will serve as an on-site non-enforcement verification visit. From time to time, Subcontractors will be invited to attend to offer further feedback.
- B. Additionally, the Partnership will be evaluated annually utilizing Appendix C of the OSHA Strategic Partnership Program (OSPP) Directive CSP 03-02-003. This data will be provided to the OSHA Area Office.

V. OSHA Strategic Partnership (OSP) Benefits/Incentives:

The following partnership benefits may include:

- A. In the event that a contractor performing work at the site is cited by OSHA for a violation occurring at the site, a maximum penalty reduction for good faith will be provided, in accordance with CPL 02-00-163, Field Operations Manual (FOM), dated September 13, 2019. **Note: In the event that the FOM is revised, the most current FOM will be utilized.**
- B. Priority will be given to “phone and fax” safety and health complaints in lieu of on-site inspections.
- C. Other-than-serious violations observed during an OSHA visit shall not be cited if immediately abated during the inspection.
- D. This partnership requires frequent inspections of the worksite by MAK JV, the subcontractors and other members of the partnership to identify and correct hazards. It serves as a model to all partners by demonstrating how to implement a strong safety and health program on a large multi-employer jobsite. The partnership encourages a higher level of participation in the safety process by involving everyone on the jobsite. The knowledge gained from this partnership is intended to reduce injuries and illnesses at future work sites.

VI. OSHA Verification:

- A. OSHA will continue to investigate fatalities and serious, actionable events should they occur at the jobsite as well as alleged “imminent danger” situations per the Field Operations Manual (FOM). **Note: In the event that the FOM is revised, the most current FOM will be utilized.**
- B. OSHA will continue to investigate complaints and referrals received in accordance with procedures contained in the FOM.
- C. OSHA will complete at least one focused (onsite enforcement) inspection during the term of the partnership. These inspections 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, caught-in, and electrical hazards. Inspections conducted in response to complaints, Local and/or National Emphasis Programs (LEP/NEP), or referrals will qualify as the monitoring inspection if, in addition to addressing the complaint/LEP/NEP/referral item(s), the compliance officer completes the focused inspection protocol for the worksite.
- D. On-site non-enforcement verification visits will be performed by OSHA representatives, and by their participation in the quarterly Executive Safety Committee meetings (as outlined in Section VI of the partnership agreement).

- E. MAK JV will permit OSHA immediate access for any inspection pursuant to paragraphs A, B, and C and will not require an inspection warrant for any such inspection.

VII. OSP Management and Operation

Subcontractors with 50 or more craft workers on the project site at any time (including the craft workers of any of its subcontractors and suppliers of any tier) must have a full-time safety professional provided by the Subcontractor. When the workforce is below 50 craft workers, then Subcontractor must have a part-time safety professional provided by the Subcontractor at a ratio of approximately one day's worth of hours (8-10) for the safety professional per week per 10 workers. Additional Subcontractor safety personnel are also required on a proportional basis if the number of craft workers reaches or exceeds 60 craft workers. This above-mentioned project-specific safety professional requirement applies to work on after hour shifts crew numbers as well. These contractors will have the designated safety person attend on-site Safety Professional meetings. The Safety Leadership for MAK JV will chair the committee and convene a general meeting quarterly to evaluate the progress of the Partnership. The committee will review the completed and summarized inspections, observations reported, near misses, injury, and illness data of the site as part of the quarterly meeting. Identified hazards, abatement, and best management practices will also be discussed. OSHA may provide a representative to share current issues in construction risk control and provide input for improvement. Committee members will meet the criteria to participate as outlined below:

A. MAK JV

1. Implement a comprehensive written safety and health program. The written safety and health program should address recognized hazards and should be based on OSHA's 'Recommended Practices for Safety and Health Programs in Construction' dated October 2016. This may be found at https://www.osha.gov/shpguidelines/docs/8524_OSHA_Construction_Guidelines_R4.pdf. The OSHA's 'Recommended Practices' contain the following seven core elements:
 - a. Management leadership and commitment
 - b. Employee participation
 - c. Worksite analysis
 - d. Hazard prevention and control
 - e. Arrange for training assistance for subcontractors and their sub-tier contractors on-site.
 - f. Program evaluation and improvement
 - g. Communication and coordination for employers on multi-employer worksites
2. Require all subcontractors to have an effective safety program in place. A copy of their written safety and health program and site-specific safety plan

will be submitted and approved by MAK JV before the start of any on-site work.

3. Ensure that contractors and subcontractors evaluate and improve their safety and health programs, which should include:
 - a. Hazard control measures are periodically evaluated for effectiveness.
 - b. Processes are established to monitor program performance, certify program implementation, and identify program shortcomings and opportunities for improvement.
 - c. Necessary actions are taken to improve the program and overall safety and health performance.
4. Ensure that contractors and subcontractors develop and implement a procedure for the reporting of all work-related injuries and illnesses, which prohibits discrimination against an employee from reporting these events, as directed in 29 CFR 1904.35 and 1904.36. All accidents, injuries, and near misses are expected to be reported to MAK JV on site safety team in a timely fashion but no later than the end of the shift in which the incident occurred.
5. MAK JV establishes the authority to enforce safety rules and regulations. This authority will include provisions to hold subcontractors and their employees accountable and, if necessary, take appropriate action to enforce compliance with the established Project safety rules and regulations.
6. Where airborne silica exposure above the established Action Level or PEL exists, MAK JV will require the use of wet cutting techniques and/or dust collection systems. Appropriate use of approved respiratory protection shall be worn, where warranted, in accordance with the OSHA's Crystalline Silica Rule.
7. Require the use of conventional fall protection (i.e. personal fall arrest / restraint systems, or guardrail systems) when performing work that is in excess of 6' above a lower level. This includes steel erection, roofing (other than roofing work within a properly erected 15-foot perimeter warning line system), and other leading-edge construction operations.
8. Evaluate the effectiveness of the Fall Protection Plan, and take corrective action as needed.
9. Ground Fault Circuit Interrupters (GFCI) will be used throughout the project.
10. Back up alarms shall be present on all heavy duty motorized construction vehicles.
11. Trenching and excavation protection shall be required on all excavations deeper than 4 feet, as established by the MAK JV EHS Manual.
12. All workers, management, and visitors shall wear hardhats, safety glasses, gloves, steel-toed boots and Class 2 high visibility vests or clothing at all

times while on site. (Exception shall be inside the isolated on-site management offices or designated break areas.)

13. Cranes: All crane operators working on the site, whether by subcontract, or provided as part of a lease or rental agreement, shall hold a current NCCCO credential. Appropriate training and required competencies shall be verified by MAK JV for workers who will be operating the Cranes and performing Rigging and Signaling activities will have verified training prior to the task.
14. All loads hoisted by cranes will have a tagline to aid in controlling the load. No loads shall be lifted overhead without clearing the path to delivery of materials, equipment, and personnel.
15. Compile and maintain injury and illness data and make the data compilations available to all Partners, including OSHA.
16. Quarterly, review OSHA Recordable injury findings, and near miss reports with the Safety Committee.
17. As a goal, the elimination of work-related injuries from improper planning and execution by ensuring key job hazards are identified and controlled. Conduct and retain summary documentation of weekly toolbox talks and Pre-Task Plans (PTP) or equivalent.
18. Housekeeping initiatives will be introduced to maintain orderly storage of materials and removal of workplace trash and debris:
 - a. Eating, drinking and consumption of food products will only be allowed within designated controlled areas of the project site.
 - b. All trash and waste shall be removed and placed in appropriate provided receptacles.
 - c. Adequate number of trash containers will be provided and maintained throughout the floors and areas of construction.
 - d. Project has adopted a continuous clean-up strategy whereby contractors are to remove construction debris closely following work activity. Nails and screws are to be bent over or retracted following form stripping operations.
 - e. Access to work areas, ladders, stairs, buck hoist, and storage areas are to remain free and clear of obstructions.
 - f. Methods to control general dust will be employed whenever possible (e.g. Wet/dry vacuums, misting, damp wiping, covering / tarping of materials, dust reducing sweeping compounds, etc.)
 - g. Spills and loose materials that pose potential slip hazards are to be cleaned up immediately.
 - h. Tools and materials are to be brought and stored only when they are needed and removed from site when no longer required.

- i. Loose materials are to be contained, stacked, racked, and otherwise kept in an orderly condition.
- j. Just in time deliveries will be a requirement by the MAK team for all subcontractors.
- k. Materials will be required to be stored on pallets and be handled/moved by means of pallet jacks.
- l. Flammable storage cabinets are to be provided by subcontractors for all aerosols, and flammable liquids maintained within the building structure (Most job/tool boxes are not approved for this use).

19. Employee training and safety meetings:

- a. All contractor employees will receive a site-specific safety orientation from MAK JV known as First Day First Hour Training outlining safety expectations; jobsite safety and health issues and procedures relative to the work being performed. A copy of the Project Safety and Health Work Rules will be provided, and signature pages maintained on file. A second orientation (Speak up Listen up) will be required by all workers.
- b. Daily pre-task hazard prevention planning (Safe Cards, Safe Starts, etc.) will be conducted by all crews. This planning, hazard recognition, and determination of controls will be documented daily Safe Card forms or their equivalent. These documents will be available in the field for review and periodically audited by the MAK JV project safety team and Project Management staff. Daily pre-task records will be filed and maintained in the project trailer. Pre-task Planning training will be conducted by the MAK team and is required for all foreman level and above for the subcontractors
- c. Daily “Stretch and Flex” sessions will be conducted at the start of each shift and will be conducted with the entire job site when achievable.
- d. Weekly Safety Team meetings will be chaired by MAK JV site safety team and will be attended by a representative from prime contractors and a copy of the meeting minutes will be maintained in the MAK JV project office. This committee will be made up of site safety representatives, subcontractor representatives, and members of the MAK JV project supervision.
- e. Weekly Site Wide Safety Stand-Down Meetings will be conducted by MAK JV each Monday morning to review past week’s safety performance, accidents/injuries, near misses, violations, lessons learned, reminders and safety focusses for the upcoming week. This meeting is a mandatory meeting attended by all on site personnel.

- f. Daily Stretch and Bend exercises will be completed by the entire job site team at a designated location. The expectation is that all workers will attend. This can be adjusted to accommodate start times, crew sizes and other requirements.
 - g. Periodic “All Hands” safety meetings will be held and various guest speakers including OSHA, AGC, Manufacturer Reps, Vendors, Contractor Supervision, and Safety Personnel will be invited to participate. When an OSHA representative attends these meetings, the meeting will serve as an on-site non-enforcement verification visit by OSHA.
 - h. Provide all employees with an open forum to discuss safety issues or concerns with MAK JV and other contractors on the site. A safety observation text line will be established for the workers to utilize. Round table discussions of current safety trends and concerns will be conducted between supervision and union leadership on site.
 - i. Superintendents, foremen, and site personnel designated as safety representatives shall, at a minimum, have completed the OSHA 30-hour construction outreach training course (or its equivalent). Field supervisory personnel and those acting in the capacity as a competent person shall have completed the OSHA 10-Hour construction outreach training course for the construction industry (or its equivalent). Training is to be completed prior to commencement of work on-site or will enter in the site’s training assistance program in conjunction with the worker’s local union hall and completed in a timely fashion. Records of training will be maintained by each subcontractor and provided for review upon request. Workers who do not currently have their OSHA 10-hour course will be aided, with the support of their union local, in support of the project goals.
 - j. To help keep safety awareness at peak levels, safety commitment banners, warning signs, safety reminder signs will be strategically placed around the job site.
 - k. Additional craft specific hazard recognition education sessions will be conducted on an as-needed basis by the respective contractors through weekly toolbox talks.
20. A banner identifying the site as an OSHA Partnership Project will be displayed at a common area on the site.
21. In addition to federally mandated OSHA Reporting Requirements for Serious Injuries, Fatalities, and Hospitalizations, MAK JV will notify the local OSHA office of safety or health related events, which are likely to generate public attention and/or news media coverage. This notification will

be provided in a timely manner and will include sufficient background and incident information for responding to agency and public inquiries.

22. One primary goal of the Partnership is to create a working relationship between the OSHA St. Louis Area Office and the other Partnership members. OSHA's technical resources capability may facilitate greater understanding of issues and enhance effective prevention and control efforts.
23. Establish a Project Safety Committee with participation from project management, safety personnel, and labor to review safety goals and objectives, audit safety performance of contractors, address the effectiveness of the project safety program, and make recommendations to improve on identified weakness in the safety management system.
24. The project will provide the forum for a Safety Mentoring Program initiative by MAK JV to assist Minority based and disadvantaged businesses in the development and implementation of quality safety programs and the promotion of a positive Safety Culture within their organization.

B. Subcontractors:

1. MAK JV will require Contractors on site to adhere to the following:
 - a. Appoint an on-site person to act as a safety representative to resolve jobsite safety matters and be the liaison to MAK JV.
 - b. Each Prime Contractor and their respective subcontractors will have a full-time safety person on site per the Site Safety and Health Plan requirements and will designate an employee to attend on-site Safety Professional meetings.
 - c. Conduct daily non-documented safety audits/inspections of their work area and operations. In addition to daily non-documented audits/inspections, subcontractors will participate in weekly documented audits/inspections completed by MAK JV. This will allow subcontractor employees to participate in the weekly documented audits/inspection process, increasing hazard awareness for not only their work operations but also all work operations being performed on site. Findings and mitigation efforts, based on monthly documented audits/inspections, will be communicated to all employees on site.
 - d. Implement the MAK JV Job Hazard Assessment (Pre-Task Planning) program (or an equivalent).
 - e. Participate in jobsite safety meetings with MAK JV.

- f. Require its employees attend the MAK JV Site Specific Orientation prior to starting work on the project and attend the mandatory Second orientation within the first month the employees are on the project.
- g. Require its employees who are foreman level and above attend the Pre-Task Planning training.
- h. Cooperate and participate in all respects with OSHA's involvement with this project including any required meetings, inspections, training, and documentation.

c. OSHA

1. OSHA Personnel from the St. Louis Area Office may assist the partnership with off-site safety and health training.
2. OSHA will give priority to the site when technical assistance is requested.
3. OSHA will ensure that the partnership is evaluated quarterly and will include data used to monitor the success of the partnership efforts. On a quarterly basis, the Senior Construction Managers for MAK JV, Subcontractors' representatives, and an OSHA representative shall meet and discuss the program and make modifications as required to continually improve the partnership.
4. OSHA will participate in the review of partnership company safety and health programs, with Subcontractors as needed, and provide technical assistance and recommendations for improvement.
5. OSHA will provide national statistics covering all areas of standards enforcement for distribution to the Partners.

VIII. Employee and Employer Rights and Responsibilities

This partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act (or, for federal employees, 29 CFR 1960), nor does it abrogate any responsibility to comply with the Act.

IX. Term of OSP

- A. This agreement shall be in effect until completion of the major construction activities, except that the power of termination, on the condition of thirty (30) days prior written notice to the other party, is expressly reserved to either or both principal participants, OSHA and MAK JV.
- B. Should either of the principal participants (OSHA or MAK JV) elect to withdraw from participation in the partnership prior notification in writing of the intent to terminate shall be given to the other Party. A thirty (30) day written notice is required prior to termination, during which the parties have an opportunity to resolve any issues to avoid termination. Termination by either Party shall constitute a cancellation of the partnership. OSHA and MAK JV are the only entities that can terminate this partnership.

United States Department of Labor Occupational Safety & Health Administration

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms on the MAK JV / OSHA Partnering Agreement for the Major League Soccer Stadium in St. Louis, MO.

The date of this OSHA St. Louis Area Office / MAK JV Partnership Agreement is October 29, 2020.

Principal Participants:

William D. McDonald, CSP
Area Director
Occupational Safety and Health
Administration
St. Louis Area Office

Mohamad Higazy
Project Safety Director
MAK JV

Sarah Narjes
Project Executive
MAK JV

Bo Cooper
Safety Director
MAK JV

Ian Small
Safety Director
MAK JV

Ray Boehm
Sr. VP, Risk Management
Keeley Companies
MAK JV

Tim Gunn
Sr. Project Manager
MAK JV

Supporting Participants:

John Stiffler

Executive Secretary-Treasurer
St. Louis Building &
Construction Trades Council

Brandon Flinn

Business Manager
Eastern Missouri Laborers' District
Council

Al Bond

Executive Secretary-Treasurer
St. Louis – Kansas City
Carpenters Regional Council

Richard McLaughlin

President / Asst. Business Manager
Laborers' International Union of
North America, Local 42

Barry Stelzer

Safety Director
St. Louis – Kansas City
Carpenters Regional Council