

**PARTNERSHIP**  
An OSHA Cooperative Program



**PARTNERSHIP AGREEMENT**

**BETWEEN THE**

**OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION  
BRIDGEPORT AREA OFFICE**

**STATE OF CONNECTICUT  
DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

**AND**

**KBE BUILDING CORPORATION**

## **I. PARTNERS**

The partners to this agreement are:

- U.S. Department of Labor, Occupational Safety and Health Administration, Bridgeport Area Office (BAO);
- State of Connecticut, Department of Labor, Division of Occupational Safety and Health (Connecticut OSHA); and
- KBE Building Corporation (KBE).

## **II. PURPOSE AND SCOPE**

KBE Building Corporation; the United States Department of Labor, Occupational Safety and Health Administration (OSHA), Bridgeport Area Office; and the State of Connecticut, Department of Labor, Division of Occupational Safety and Health, mutually recognize the importance of ensuring a safe and healthful work environment in the construction industry in the State of Connecticut. To advance this mutual goal, the Partnership between KBE, BAO and Connecticut OSHA has been established to formalize a cooperative effort between these entities, committed to encouraging companies to improve their safety and health performance voluntarily, providing methods to assist them in their efforts and recognizing companies with exemplary safety and health programs.

Project: Pinnacle at Waypoint, West Avenue, Norwalk, CT

The project consists of a five-story multifamily component constructed over a two-story mixed-use component. ("the Project"). KBE is the Construction Manager for the Project. The size of the project of the site is 900,000 square total.

The multifamily section is to be of Type IIIA construction with wood floor trusses, wood roof trusses and fire-retardant-treated exterior wall studs and exterior wall sheathing. The two-story mixed-use portion will include dwelling units, amenity space and retail space. The mixed-used portion will be of Type 1A non-combustible construction comprised of a cast-in-place concrete structural frame and metal stud infill. In total the building will include 393 dwelling units, 6 story precast parking garage and other Work indicated in the Contract Documents. The project includes 676,393 sf of Multi-Use Space and 213,162 sf of Parking Garage with 589 parking spaces. Site is approximately +/- 4.5 acres, 5 elevators, 8 stairs, 2 Residential Trash Chutes. Envelope and Exterior Finishes are fiber cement panel and lap siding, brick veneer. Apartment and common spaces are fully sprinklered and fire alarmed with central station. Dwelling units have individual split HVAC systems and Electric hot water heaters. Clubhouse and Amenity spaces include the following: Lobby Reception Area, Leasing Space and Management Office, Mail Room/Café, Coworking Lounge, Package Room, Fitness Center and Fitness Studios, Wellness Center, Social Club, Private Dining Room, Pet Spa & Indoor Pet Play Area, Outdoor Activity/Bike Room "Gear Garage", Spa / Meditation Room, Great Room, Library Den, Courtyard with Pool, Pool Deck, Seating, Lounges, Cabanas, Grills, Lawn

Area, Bar Area, Fireplace and Fire Pits, Plantings, and Roof Deck with Grills, Seating, and Plantings.

The building scope will consist of but not be limited to:

Extensive site work to include some deep excavations for utilities.

Cast in place concrete foundations.

Structural steel, metal joist and deck system.

Prefabricated roof trusses.

The exterior consists of insulated wood panels with fiber cement siding.

Metal framing and drywall.

Mechanical, Electrical, and Plumbing.

And Finishes such as paint, floors, millwork, etc.

The facility will be equipped with overhead cranes and other equipment used to work on large vehicles. Outside the building, KBE will be installing a fueling island. Typical mechanical, electrical and plumbing (MEP) work will be installed throughout the Project.

KBE will request and encourage subcontractors to participate in achieving the goals outlined within the Partnership from the time they start working onsite through Project completion.

Ground breaking for the \$130,000,000 Project started October 1, 2022, with an expected completion date of October 1, 2024.

### III. GOALS/STRATEGIES & PERFORMANCE MEASURES

GOALS	STRATEGIES	MEASURES
1. Developing a contractor/government partnership that will encourage involvement of the general and subcontractors in the improvement of safety and health performance.	<p>a. KBE will require all the subcontractors to develop and implement written safety and health programs.</p> <p>b. KBE will require all subcontractors onsite to work toward implementing a “zero tolerance” safety practice in order to help achieve the desired reduction of worksite incidents.</p> <p>c. KBE will have a written site specific health and safety plan for work to be conducted onsite. To articulate the requirements of the health and safety plan and the role of the OSHA Partnership, a site specific</p>	<p>i. KBE will verify by reviewing the number of subcontractors that implemented written safety and health programs and recognize those with exemplary programs.</p> <p>ii. KBE will conduct a periodic review of the subcontractor’s injury/illness statistics for the Project.</p> <p>iii. KBE will facilitate the site safety orientation led by KBE onsite health and safety manager and is given to all workers that arrive onsite (general contractor and subcontractor employees). KBE will adjust the orientation to include specific information</p>

GOALS	STRATEGIES	MEASURES
<p>1. Developing a contractor/government partnership that will encourage involvement of the general and sub- contractors in the improvement of safety and health performance (continued)</p>	<p>orientation has been developed and implemented at the worksite where high hazard tasks are performed.</p> <p>d. KBE will compile a summary of the number of inspections made by KBE safety manager (or their designee) and any third party. The report will be broken down into the six major categories of construction-focused hazards (falls, electrical, struck by and crushed by hazards, noise and silica), and will show the number of items within the six (6) categories that were corrected.</p> <p>e. KBE will require all foremen along with subcontractors to conduct a daily job briefing and review with their crew prior to starting work.</p> <p>f. KBE will utilize Connecticut OSHA consultants to perform an initial hazard survey as well as conducting periodic safety and health surveys.</p> <p>g. KBE will utilize Connecticut OSHA consultants to perform training for KBE and subcontractors on topics as the project progresses for KBE and subcontractors.</p>	<p>resulting in lessons learned in changing site conditions.</p> <p>iv. The KBE Health and Safety Manager will periodically sit in on daily briefings and discuss with foremen pertinent and important safety and health talking points/topics and areas that may be improved on.</p>

GOALS	STRATEGIES	MEASURES
<p>2. Identifying opportunities for enhancing safety and health practices related to the operation and maintenance of material handling equipment involved in the Project.</p>	<p>a. KBE will facilitate ongoing training on the safe operations of material handling equipment to all employees involved in the operation.</p> <p>b. KBE will ensure toolbox discussions are held on a weekly basis. The discussion topic will change each week. During the discussion, site specific topics are mentioned on work either occurring currently or upcoming events the crews should be aware of.</p>	<p>i. KBE will document the number of employees that have been trained and licensed on the material handling equipment.</p> <p>ii. KBE will request from all workers their training documentation, qualifications, and/or certifications. The worker and his/her qualifications will be inserted into a tracking spreadsheet by trade and company.</p>
<p>3. Reduce workforce fatalities, serious injuries and illnesses and provide a safe work environment for employees at the Project.</p>	<p>a. KBE will establish a system to collect and analyze injury and illness trends (including near-miss incidents) by all contractors performing work at the Project. This data will be used as a tool for continual safety and health program improvement.</p> <p>b. KBE safety representatives will track all man hours onsite for both KBE personnel and subcontractors to accurately maintain a current Total Case Incident Rate (TCIR) and Days Away Restricted Time (DART) rate.</p>	<p>i. KBE will maintain the necessary OSHA 300 injury and illness data for the Project.</p> <p>ii. KBE will maintain a monthly incident/accident tracking log.</p> <p>iii. KBE after each significant incident that occurs, an incident review is scheduled to get all members of the crew to discuss what occurred. The purpose of the meeting is to find out the contributing factors/root causes, and discuss what corrective actions need to be established.</p> <p>iv. KBE will compare the Project to the U.S. Bureau of Labor Statistics (BLS) national trends and use these rates as a tool for continual health and safety program development.</p>

GOALS	STRATEGIES	MEASURES
<p>4. Ensure, where feasible, all serious hazards are eliminated or controlled through controls, safe processes and/or procedures, and personal protective equipment (PPE).</p>	<p>a. KBE will confirm health-related issues arising during the course of the construction work are adequately addressed by KBE and its subcontractors. All health-related issues will be discussed monthly during the Partnership meetings.</p> <p>b. KBE, with Connecticut OSHA, will provide hearing conservation training to all employees and its subcontractors.</p> <p>c. KBE, with Connecticut OSHA, will implement an effective environmental monitoring program to control hazards such as silica and noise and other airborne contaminants which may be present during various parts of the Project. This will include personal monitoring, employee training, implementation of engineering controls where feasible, and the use of respiratory and dermal protection when necessary.</p>	<p>i. KBE will track the number of employees trained on Fall Protection and the use of Fall Protection systems as they relate to the Project.</p> <p>ii. KBE will track the number of tool box talks regarding conditions on the worksite for the duration of the Project will be tracked.</p> <p>iii. KBE will ensure that all subcontractors conduct safety meetings to inform workers of all serious hazards and the controls, procedures, safe processes and/or PPE necessary to protect against them.</p> <p>iv. KBE will ensure that all subcontractors are in compliance with all fall protection requirements when working on elevated work levels six (6') feet or more above lower level including training of all affected employees on the safe and correct use of fall protection systems.</p>

The goals, strategies, and performance measures above will be implemented to meet the following objectives of this Partnership:

- a. Reducing the number of at-risk conditions and behaviors that have the potential to result in worker fatalities, injury and illness.
- b. Reducing the number of injuries affecting participant subcontractor employees, emphasizing those resulting from the six primary construction hazards, abating hazards (conditional and behavioral) identified from weekly safety and health inspections, and having no repeat occurrences of such issues upon re-inspection.
- c. Reducing the TCIR and DART rate to 20% below the current national average for North American Industry Classification System (NAICS) Code 236, Construction of

Buildings, based upon the Bureau of Labor Statistics (BLS) data available for the most current year. The 2018 Bureau of Labor Statistics (BLS) TCIR and DART rates for NAICS Code 236 are 2.7 and 1.6, respectively.

#### **IV. ANNUAL EVALUATION**

The partners will prepare a joint annual evaluation of the Partnership. The evaluation will review the success of the Partnership, lessons learned, and changes that will be made to meet the goals of the Partnership. The annual performance evaluation report format from Appendix C of the OSHA Strategic Partnership Program for Worker Safety and Health (OSPP), Directive CSP 03-02-003, will be used. Performance measures listed in the goals and objectives section of this agreement will be collected and analyzed to determine the Partnership's progress toward meeting its goals.

#### **V. OSP INCENTIVES**

The following are benefits for KBE and its subcontractors when and only when they are working at the Project:

- a. Outreach, information, training and technical assistance by BAO and Connecticut OSHA.
- b. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page designating KBE as a participant in the OSHA Strategic Partnership Program.

#### **VI. VERIFICATION PROCEDURES**

In accordance with OSHA's Clarification of Verification Exemption Policy for OSHA Strategic Partnership Program Construction Participants dated June 1, 2006, KBE and all construction subcontractors will receive annual verification inspections. The onsite enforcement verification inspections are conducted to determine participants' compliance with terms of this agreement. The first inspection will be conducted no later than sixty (60) days after Partnership participants formally enter into this agreement. Citations and penalties may be issued, when appropriate, as a result of these inspections. During this period KBE shall develop and implement the safety and health management systems required under this agreement.

#### **VII. OSP MANAGEMENT AND OPERATION**

A Partnership Management Team (PMT) with members from KBE, OSHA and Connecticut OSHA will oversee and coordinate this Partnership. The team will determine Partnership procedures, which will include measures to be used and data to be collected, hold conference calls and meet monthly to evaluate the effectiveness of the Partnership. KBE and BAO are responsible for collecting baseline and annual

performance data upon which the OSPP will be measured. KBE aggregate injury and illness incidence rates (total case rates) and fatality rates will be compared with the most current BLS published data to determine whether goals have been met.

**KBE Building Corporation will establish the following:**

Project-Specific OSHA Safety and Health Program Management Guidelines – KBE shall develop a project-specific safety and health plan to be used as a benchmark for contractor programs to meet or exceed. This plan shall incorporate the following minimum elements:

**Management Leadership**

KBE shall assign a qualified safety and health representative to administer its safety and health program. This person will have, at a minimum, completed the OSHA 30-Hour Construction Outreach course.

**Worker Participation**

Weekly foremen’s meetings – KBE shall hold a weekly meeting with all subcontractor foremen that shall include discussions of project safety and health issues and review job hazard analyses for upcoming activities. Additionally, representatives of all active subcontractors will meet to discuss participant performance and progress toward Partnership goals. OSHA and Connecticut OSHA representatives are welcome to attend these meetings.

**Hazard Identification and Assessment**

Weekly worksite audits of areas where employees are working will be conducted.

Job Hazard Analysis – KBE shall conduct a comprehensive assessment of project work and require its subcontractors to develop JHAs to eliminate or reduce hazards to which their employees are potentially exposed.

**Hazard Prevention and Control**

100% fall protection when fall exposure at 6 feet or greater.

Mandatory use of Ground Fault Circuit Interrupters (GFCI) throughout the Project.

All cranes, hoists, and personnel lifts (scissor/aerial) will be inspected prior to use.

All cranes will have a current annual inspection conducted by a third party acceptable to KBE.

Use of appropriate PPE, including the use of ANSI- approved safety glasses at all times.

**Education and Training**

Conduct site-specific safety and health training.

**Program Evaluation**

Recordkeeping – KBE shall maintain a project OSHA 300 Log (or equivalent), per the



requirements of 29 CFR 1904.

**Coordination and communication on Multiemployer Worksites/Subcontractors:**

- a. Weekly Task-Specific Instructions – All subcontractors shall provide workers with instructions on the integration of safety and health requirements with current work tasks for the week. All subcontractors shall allow an OSHA representative to attend any of these meetings, when requested by OSHA.
- b. Weekly Safety and Health Inspections – All subcontractors shall conduct weekly inspections of their work areas to identify conditional and behavioral deficiencies, as defined by the project safety and health plan and OSHA standards. Deficiencies will be documented, and corrected or reported to KBE for corrective action.
- c. Recordkeeping – All subcontractors shall record workplace injuries and illnesses as required by 29 CFR 1904 and shall report recordable incidents to KBE for recording on the Project OSHA 300 Log.
- d. Job Hazard Analysis – All subcontractors shall conduct a JHA for each high hazard task to be performed, and review the appropriate JHA with affected employees at regular intervals.

**OSHA's Role:**

- a. Provide initial and continued review and evaluation of KBE compliance with the Partnership Agreement.
- b. Provide initial review of KBE Project Safety and Health Plan.
- c. Make recommendations where deficiencies or opportunities for improvement exist.
- d. Provide feedback on incident trends and patterns as needed.
- e. Assist KBE with ensuring that effective training is available and delivered, as needed.
- f. Participate in training as resources permit.
- g. Periodically attend site safety and health meetings.
- h. Provide initial site surveys and perform environmental monitoring when appropriate.
- i. Provide clarification of OSHA standards for KBE and subcontractors.
- j. Provide input on compliance strategies.

**Subcontractor Buildings Trades:**

- a. Weekly Safety and Health Inspections – Representative of the trades on the worksite shall participate in weekly inspections of their work areas to identify conditional and behavioral deficiencies, as defined by the project safety and health plan and OSHA standards. Deficiencies will be documented and corrected or reported to KBE for corrective action.
- b. Job Hazard Analysis – Representatives of the trades on the worksite shall participate in the development of JHAs for each high hazard task to be performed, and review the appropriate JHA with affected employees at regular intervals.

**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. TERMS OF OSP**

This agreement will terminate at the conclusion of the work being performed at the Project. However, if OSHA, KBE, or Connecticut OSHA wishes to withdraw their participation prior to the established expiration dates, the Partnership will be considered null and void upon receipt of a written notice of the intent to withdraw.

**X. SIGNATORIES**

Signed this \_\_\_\_ day of \_\_\_\_ 2023

\_\_\_\_\_  
Catherine Brescia, Area Director  
Bridgeport Area Office

\_\_\_\_\_  
Michael Kolakowski, Owner  
KBE Building Corporation

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John Rosa, Director  
State of Connecticut Department of Labor,  
Division of Occupational Safety and Health