



**OSHA STRATEGIC PARTNERSHIP PROGRAM
(OSPP)**

AGREEMENT WITH

CORPUS CHRIST AREA OFFICE

&

NOBLE TEXAS BUILDERS

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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 and Noble Texas Builders have agreed to enter into a cooperative partnership agreement. This agreement will cover the University of Texas Rio Grande Valley-McAllen Independent School District Collegiate Academy located at 801 East Lakeview Drive in McAllen, Texas and will effectively implement all facets of jobsite safety and achieve self-compliance through cooperative efforts from labor, management, and OSHA. The Collegiate Academy project is estimated to for completion on June 1, 2024.

This partnership is designed to address the hazards within the construction industry, and to promote and recognize the jobsite controlled and managed by Noble Texas Builders and to facilitate the growth and improvement of safety programs by contractors working on this project. 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 Noble Texas Builders. 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), Corpus Christi Area Office (CCAO) and Noble Texas Builders.

II. PURPOSE / SCOPE

The OSHA Corpus Christi Area Office and Noble Texas Builders 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.

The common purpose of this partnership will be to improve Noble Texas Builders Safety Management Systems as well as engage and challenge subcontractors and their employees to improve their own safety and health programs. This partnership also seeks to increase communication and mutual respect between all stakeholders. Noble Texas Builders is committed to developing a business/labor/government partnership approach to safety management, thereby affording OSHA to direct its resources toward others in the construction industry whose safety and health efforts require the most assistance.

III. GOALS AND STRATEGIES

A. Commitment:

OSHA and Noble Texas Builders 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 among Noble Texas Builders and all contractors working on this project. In addition to working to improve the subcontractors, this partnership aims to elevate the safety and health programs and performance of the construction industry in the Rio Grande Valley by sharing best practices. 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 quarterly;
2. Promoting near-miss reporting by employees in an effort to proactively address potential safety and health issues;
3. Furthering Noble Texas Builders' 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 OSHA and Noble Texas Builders;
5. Collaborating, using Noble Texas Builders and OSHA Regional and Area Office resources, to host best practice "Lunch and Learn" opportunities for interested companies;
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 quarterly meetings and the implementation and verification of written comprehensive safety and health programs. Utilize Noble Texas Builders' 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 tools such as the Job Safety Analysis to effectively reduce or eliminate potential hazards to employees working at the site.
2. Effectively correcting hazards found during the project on a day-to-day basis.
3. Ensuring all serious hazards are controlled through safe processes or procedures.
4. 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. 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. 100% of Noble Texas Builders' on-site supervisory personnel (safety managers, project managers and superintendents) and 50% of the first-tier subcontractor's competent person designees shall complete the 30-Hour OSHA construction course (or its equivalent). Subcontractors can utilize other instructors if they can provide 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. Subcontractors can utilize other instructors if they can provide a valid 10-Hour OSHA certification card showing completion of the course. The training classes may include the following:
 - OSHA 10-Hour
 - Fall Protection
4. Other hazard-specific training will be conducted on an as-needed basis.

Supporting Strategies to Ensure a Safe Workplace:

1. Require subcontractors who have written safety and health programs to submit them to Noble Texas Builders. Those that do not have their own written safety and health programs will adopt Noble Texas Builders' safety and health program.
2. Ensure health-related issues arising during the construction work are adequately addressed internally by Noble Texas Builders. 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. Establish and utilize a program to ensure 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).
6. 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 an Engineered Lift Plan.

IV. MEASUREMENTS

The OSHA Area Office 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.

Monthly reports will indicate 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 Corpus Christi Area 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 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 will verify compliance with this agreement through three types of verification visits.

- A.** An onsite enforcement verification visit will be conducted initially and annually thereafter and 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.
- B.** On-site non-enforcement verification visits will be conducted by the Compliance Assistance Specialist to discuss and review the progress of the partnership and would

include a walkthrough of the worksite. During these visits, serious hazards will be identified and well as the implementation of safety and health management systems. The non-enforcement verification visit will be conducted within sixty (60) days of the partner member signing. OSP verifications must be performed in accordance with the OSP Program Directive, CSP [03-02-003].

- C. Off-site verifications are conducted will be conducted by the Compliance Assistance Specialist without entering the partner’s worksite and would include review of injury or illness data, jobsite inspections, and other data and reports as desired by either party to this agreement.

Noble Texas Builders 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 un-programmed inspections in accordance with the current Agency enforcement policies and procedures, as specified in the Field Operations Manual CPL 02-00-148.
2. OSHA will conduct fatality/accident investigations.
3. 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

Noble Texas Builders President and Safety Manager will be the points of contact for all matters associated with the partnership and will maintain communication with the Compliance Assistance Specialist in the Corpus Christi Area Office.

Noble Texas Builders will all OSHA access to the site during inspection activities (monitoring and unprogrammed activities such as injuries and employee complaints) without requiring a warrant.

The Compliance Assistance Specialist in the Corpus Christi 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 reports and documentation submitted and make recommendations for improvement are appropriate. The CAS will conduct with the off-site non-enforcement and on-site non-enforcement inspections addressed in Section VII.

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

This partnership agreement will cover the Noble Texas Builders Collegiate Academy project located at 801 East Lakeview Drive and will terminate upon completion of the project, which is estimated to be June 1, 2024.

Either signatory may terminate participation by providing thirty (30) days written notice to the other signatory.

XI. TERM & LOCATION OF PARTNERSHIP AGREEMENT

This partnership will expire at the completion of the Collegiate Academy project located at 801 East Lakeview Drive

XII. SIGNATURES

Signed this _____ day of _____ 2023

Rene Capistrano
President/CEO
Noble Texas Builders

Roosevelt Shavers
Area Director
OSHA Corpus Christi Area Office

Juan Delgado
Vice President
Noble Texas Builders

Attachments:

Management Commitment Letter
Application Site Information
Self- Inspection

Roosevelt Shavers
Area Director
OSHA Corpus Christi Area Office
2820 S. Padre Island Drive Suite 108
Corpus Christi, Texas 78415

Dear Mr. Shavers:

Noble Texas Builders 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.

Noble Texas Builders 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 our Safety representative to assist in maintaining records of all injuries occurring in the workplace, conducting inspections of the workplace and providing training to all associates.

Signature _____

Title _____

Company Name _____

Date _____



STRATEGIC PARTNERSHIP APPLICATION SITE INFORMATION

Employer Name: Noble Texas Builders

Name of Project: University of Texas Rio Grande Valley – McAllen ISD Collegiate Campus

Project	Address	Contact	Start Date	Est. Completion Date
UTRGV-MISD	1400 N. Commerce McAllen, Texas	David Lerma Juan Delgado	TBD	June 1, 2024

OSHA STRATEGIC PARTNERSHIP MONTHLY SELF INSPECTION

Employer Name: Nobel Texas Builders

Name of Project: University of Texas Rio Grande Valley – McAllen ISD Collegiate Campus

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:	TBD
Number of Self Inspections Performed:	TBD
Number of Workers Covered by Self Inspection:	TBD
Training Hours:	TBD

Type of Hazards	Identified	# Immediately Corrected	# Corrected within 1 Week	Total Corrected
Fall Hazard	TBD	TBD	TBD	TBD
Electrical Hazard	TBD	TBD	TBD	TBD
Struck by Hazard	TBD	TBD	TBD	TBD
Caught In/Between Hazard	TBD	TBD	TBD	TBD
Other	TBD	TBD	TBD	TBD
Total	TBD	TBD	TBD	TBD
Training: # Of employees _____ # Of supervisors _____	TBD	TBD	TBD	TBD
Inspection(s) conducted by:				