



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

Kansas City Area Office

AND

**Missouri-Onsite Safety and Health Consultation
Program**

AND

Brinkmann Constructors

**For the OASIS at Lakeport
Osage Beach, Missouri**

Partnership Agreement

I. Identification of Partners

The Partners in this Agreement will include the following:

- a. Occupational Safety and Health Administration (“OSHA”), Kansas City Area Office
- b. Missouri On-Site Safety and Health Consultation Program
- c. Brinkmann Constructors – General Contractor
- d. Supporting Groups/ Unions/ Trades are the following:

In the construction of the Amusement Park

- Missouri & Kansas Laborers’ District Council, Local 42
- Mid-America Carpenters Regional Council, Local 92
- Missouri & Kansas Laborers’ District Council, Local 110
- Mid-America Carpenters Regional Council, Local 97
- Operative Plasterers & Cement Masons International Union, Local 527
- International Brotherhood of Electrical Workers (IBEW), Local 1
- Roofers, Waterproofers & Allied Workers, Local 20
- District Council 50, Local 1156
- District Council 50, Local 1185
- International Union of Operating Engineers, Local 513

In the construction of the Parking Garage

- International Union of Elevator Constructors, Local 3
- International Union of Elevator Constructors, Local 12
- Sprinkler Fitters, Local 669
- Operating Engineers, Local 101-II
- Laborers International Union of North America, Local 662
- International Brotherhood of Electrical Workers, Local 2
- International Brotherhood of Electrical Workers, Local 257
- Mid-America Carpenters – Local 945 & multiple additional locals
- Construction Industry Laborers – Local 662 Glaziers
- Architectural Metal and Glass Workers, Local 513
- Cement Masons, Local 527
- Laborers, Local 42
- Laborers, Local 53
- Laborers, Local 110
- Roofers, Local 20
- Sheet Metal Workers, Local 36
- Iron Workers, Local 396
- District Council 58, Local 1156
- District Council 58, Local 1185

In the construction of the Hotel

- Sprinkler Fitters, Local 669
- Operating Engineers, Local 101-II
- Roofers, Waterproofers & Allied Workers, Local 20
- Mid-America Carpenters, Local 945 & multiple additional locals
- International Brotherhood of Electrical Workers (IBEW), Local 145

II. Purpose/Scope

a. Brinkmann Constructors is currently under contract for the Oasis Amusement Park located in Osage Beach, MO. The scope of work includes but is not limited to the following:

- Demolition/abatement, Stormwater Pollution Prevention Plan (“SWPPP”), and earthwork
- Utilities and site lighting
- Retaining walls, fencing, shade structures, and site improvements
- Site paving and hardscapes
- Landscaping and irrigation
- Four complete buildings and two stand-alone elevator shafts, including foundations, steel, concrete unit masonry (“CMU”), insulation, waterproofing, roofing, facades, doors/frames/hardware, storefront, framing/drywall, paint, elevators, design/build, and mechanical, electrical, plumbing, and fire protection (“MEPFP”) for a complete core and shell product
- Ride foundations and power distribution
- Ride signage
- Ride queue and electrical building design and construction for two rollercoasters
- Ameren primary extension
- Due to be completed in 2025

b. Brinkmann Constructors has been contracted to construct the hotel project for the Oasis development located in Osage Beach, MO. The scope of work includes but is not limited to the following:

- Site Work: Approximately 9.56 acres
 - Demolition, SWPPP, and earthwork
 - Site utilities and site lighting
 - Retaining walls, fencing, and site improvements
 - Site paving and hardscapes
 - Landscaping and irrigation
 -

- Building Construction
 - Two levels of below grade parking garage with approximately 373 parking stalls
 - Thirteen stories of post-tensioned concrete tower consisting of approximately 401 guestrooms
 - Approximately 160,000 square feet of structural steel framing for the conference, convention, and guest amenity areas
 - The exterior envelope consists of composite metal panel siding, exterior insulation and finish systems (“EIFS”), wood siding, aluminum window wall, aluminum storefront, curtainwall glazing, and masonry
 - Due to be completed in 2026
 - Guest Amenities:
 - Exterior in-ground pools and outdoor amenities
 - Cigar bar with full-service kitchen
 - Ball rooms, meeting, and pre-function spaces for conventions
 - Spa & Fitness Center
 - Interior courtyard
- c. Brinkmann Constructors is currently under contract for the Oasis Parking Garage located in Osage Beach, MO. The scope of work includes but is not limited to the following:
- Six-level parking precast parking structure with 800 public parking stalls and 20,000 tenants build-out on level 1
 - Earthwork and SWPPP
 - Deep and shallow foundation
 - Flatwork
 - Precast erection
 - Steel erection
 - MEPFP (design-build)
 - Elevators
 - Roofing, sheet metal, and aluminum composite material (“ACM”) panels
 - Doors/frames/hardware
 - Masonry
 - Storefront glass
 - Painting
 - Utilities and site lighting
 - Retaining walls
 - Site paving and hardscapes
 - Landscaping and irrigation
 - Site utilities – domestic, sanitary, and storm
 - Ameren primary extension
 - Due to be completed in 2025

III. Goals/Strategies

OSHA has identified the top four causes of fatalities in construction. These are falls, struck by equipment or machinery, electrocution, and caught-in or between equipment or materials. The overall goal for this Agreement is to minimize mishaps, injuries, and illnesses on the project and experience zero fatalities.

Goals	Strategies	Performance Measures
<p>Minimize accidents, injuries, and illnesses on the project; have zero fatalities; maintain project injury/illness data below the current Bureau of Labor Statistics (“BLS”) National Average for NAICS 23 (all of construction).</p> <p>Reduce the total number of injuries and illness cases by three percent, when compared to the BLS National Average rate for NAICS 23.</p>	<p>Implementation of a comprehensive safety and health management system focused on proactive risk prevention, employee involvement, hazard recognition, and training. In implementing this system, partners will:</p> <ol style="list-style-type: none">1. Review the OSHA 300 data of all project contractors and subcontractors to determine injury and illness trends and implement effective corrective action(s).2. Calculate each project contractor and subcontractor’s Total Case Incident Rate (“TCIR”), Days Away, Restricted, or Transferred rates (“DART”), and Days Away from Work rates (“DAFW”).3. Compare this TCIR, DART, and DAFW data with the baseline rates and most current BLS data. Partners will meet quarterly to review injury and illness statistics and to provide technical guidance on safety and health as needed.	<p>The partnership will compare site TCIR, DART, and DAFW rates to the baseline, and most current published BLS data, for NAICS 23. The comparison will occur annually.</p> <p>Note: The 2022 BLS published TCIR, DART, and DAFW rates for NAICS 23 are 2.4, 1.5 and 1.0, respectively, and will be utilized as the baseline for the partnership.</p>

Goals	Strategies	Performance Measures
Identify and abate safety and health hazards in a timely manner.	<p>Develop and implement a comprehensive site-specific safety plan.</p> <p>All subcontractors will be required to follow the General Contractor's safety and health management system, and each subcontractor will be required to provide their own site-specific safety plan.</p> <p>Perform initial task hazard analyses and update these analyses as project advances.</p> <p>Conduct jobsite hazard analyses as needed.</p>	<p>Track the total number of hazards identified and the abatements/corrective actions.</p> <p>Track workers that are actively identifying hazards in the workplace.</p> <p>Track the number of jobsites tasks, and the number of employees involved in the analyses.</p>
Provide for general safety and health training and job task specific hazard training that emphasizes employee involvement and management commitment.	<p>Provide all employees site-specific safety orientation prior to starting work on site.</p> <p>All employees must have 10-hour OSHA Construction training at a minimum.</p> <p>All supervisors/foremen must have 30-hour OSHA Construction training at a minimum.</p> <p>Develop and deliver OSHA Focus Four awareness training program for all employees when is needed.</p>	<p>Document the number of employees trained, including the training hours.</p> <p>Document the number of supervisors/foremen trained, including the training hours.</p> <p>Document the number of employees with 10-hour OSHA Construction training.</p> <p>Document the number of foremen/supervisors with 30-hour OSHA Construction training.</p> <p>Document quarterly meetings with partners to discuss workplace safety and health concerns.</p>

Goals	Strategies	Performance Measures
Conduct Job-Site Analyses	<p>Conduct weekly safety reviews as well as the items listed below, including involvement with crews in the field:</p> <ul style="list-style-type: none"> • Pre-task plans • Conduct weekly safety inspections <p>Conduct weekly observations.</p>	Track safety reviews, pre-task plans, weekly safety inspections, and weekly observations that will be discussed in reports, findings, and corrective actions (if any) at weekly staff meetings.
Hazard Prevention and Control to provide general safety and health training and job/task-specific hazard training.	<p>Implement and develop innovative strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught in or between, and electrical).</p> <p>Engage Team & Trade Partners in safety committee(s) at different levels to positively influence the project and foster safety learning and development.</p> <p>Utilize orientation process, weekly safety meetings as well as other training programs to be developed for the job.</p>	<p>Review safety committee findings at weekly meetings on-site, as well as at quarterly partnership meetings.</p> <p>Document safety items noted during site walks.</p> <p>Track training and review at quarterly partnership meetings.</p>
Provide for worker involvement	<p>Provide worker involvement/ participation in:</p> <ul style="list-style-type: none"> • Weekly site safety meetings • Site safety audits • Pre-task plan audits • OSHA's national campaigns such as: Heat Illness Prevention, Fall Prevention, Safe and Sound Week, Trench Safety Week, and Mental Awareness and Suicide Prevention. 	<p>Document weekly safety meeting attendance and participation, encouraging questions and input.</p> <p>Document pre-task planning reviews weekly with staff/ trade partners.</p> <p>Document team participation in various OSHA campaigns.</p>

Goals	Strategies	Performance Measures
Provide for Diversity, Equity, Inclusion, and Accessibility in the workplace.	<p>Provide safety and health information and training in the language that employees can understand.</p> <p>Encourage minority representation for the labor force at this project.</p> <p>Encourage mentoring of minorities and women subcontractors on safety and health management systems in the workplace</p>	<p>Document and track employee recognition hazards in the workplace.</p> <p>Document all safety committee meetings.</p> <p>Provide to employees and project leaders specific feedback survey results to identify areas for improvement.</p>

IV. Program Implementation Strategies:

Brinkmann Constructors requires all contractors on the OASIS at Lakeport Project to comply with items (a) through (s) below.

- a. Develop and maintain rigorous project safety specifications in all contracts.
- b. Require that all contractors develop pre-construction hazard assessments on all projects, document existing conditions, and proposed control measures.
- c. Conduct initial (safety kick-off) meeting with Brinkmann Constructors project management, Brinkmann Constructors Project Safety Manager, and Brinkmann Constructors project superintendent(s). Also, Brinkmann Constructors will require all contractors to develop a project safety management plan prior to the start of their work on the OASIS at Lakeport.
- d. Require that each superintendent and all Brinkmann Constructors field managers working on OASIS at Lakeport will have completed a thirty (30) hour construction training course.
- e. Each of the weekly contractor coordination meetings will dedicate the first portion of the meeting to discuss project safety, and such meetings will be documented.
- f. Require that all tiered contractors provide an annual, quarterly, weekly, or daily inspection of equipment as appropriate. Record(s) of inspections will be documented and maintained at the project sites.
- g. All equipment capable of amputations will be adequately guarded.
- h. Require that all workers on the project are provided with a site-specific safety orientation prior to starting work. The orientation will include information on employee workplace rights and responsibilities.

- i. Ensure that a competent person will be provided for all tasks as required by OSHA standards and regulations.
- j. Require that trench plans, fall protection plans, emergency response plans, lift plans, and daily job hazard analysis be developed, reviewed, and documented prior to starting work as it relates to the contractor's scope of work.
- k. Require that all site safety inspections are conducted by Brinkmann Constructors Project Safety Manager or another competent individual. All inspection findings and corrective actions will be documented, tracked, and communicated to all levels of workers on the project.
- l. Provide resources to conduct OSHA 30-hour outreach, incident investigation, and other general construction safety training. Training will be provided periodically to project workers and management. Safety and health training will be conducted in a language that employees understand as the need arises.
- m. Require and ensure that all tiered contractors have effective drug/alcohol testing and return to work programs.
- n. Project safety performance will be tracked and evaluated using the PISER system (problems identified so everyone remembers). The information will be developed and distributed to other Brinkmann Constructors managed projects throughout the Kansas City Region.
- o. Require that health-related issues arising during the construction project are adequately addressed by the creating contractor with participation by Brinkmann Constructors Project Safety Manager or another competent individual. An effective monitoring program will be implemented to assess exposures to health hazards. Control measures will be implemented when exposure exceeds permissible exposure limits.
- p. Provide recognition to contractors that demonstrate the ability to provide a safe working environment.
- q. Require that any contractor using tower or mobile cranes can demonstrate proper working conditions through inspections conducted by a qualified crane inspector prior to use. Documentation of inspections will be maintained at the project.
- r. Require that all crane operators are competent and certified to operate the specific crane in use. Documentation to demonstrate competency will be provided and maintained at the project site.
- s. Require that all critical lifts be identified, and a plan to safely perform be developed and implemented prior to any lift used at the jobsite.

V. Safety and Health Management System

Brinkmann Constructors will implement a comprehensive safety and health program that includes management leadership and worker involvement, worksite analysis, hazard prevention and control, and safety and health training.

Management Leadership

- a. Clearly state a worksite policy on safe and healthful work and working conditions, so that all personnel with responsibility at the site fully understand the priority and importance of safety and health protection in the organization.
- b. 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.
- c. Provide visible top management involvement in implementing the program so that all employees understand management's commitment is serious.
- d. 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.
- e. Have the authority to enforce safety rules and regulations. This authority will include provisions to hold subcontractors and employees accountable and, if necessary, remove contractor employees from the job site.
- f. Provide adequate authority and resources to responsible parties so that assigned responsibilities can be met.
- g. Hold managers, supervisors, and employees accountable for meeting their responsibilities so that essential tasks will be performed safely.
- h. Review program operations at least annually to evaluate their success in meeting the goals and objectives so that deficiencies can be identified and the program and/or the objectives can be revised when they do not meet the goal of effective safety and health protection.

Worksite Analysis

- a. Conduct periodic workplace inspections/audits for the purpose of identifying and correcting safety and health hazards. Fall, electrical, struck by, and caught in or between hazards will be documented and corrected.
- b. Inspections/audits will be conducted as frequently as deemed necessary by the company, but in no case less than once every month. The company will utilize "ProCore" (web-based construction software and document control platform) to conduct weekly site safety inspections.

- c. Analyze any new task(s), processes, materials, and equipment.
- d. 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 should utilize employee insight and experience in safety and health protection and allow employee concerns to be addressed.
- e. Investigate accidents, near misses, safety hazards, safety violations, and incidents to identify root causes and determine a means of prevention.
- f. Maintain records of recordable injuries and illnesses as required by OSHA.

Hazard Prevention and Control

- a. Analyze injury and illness trends to identify work practice improvements or material modifications necessary to prevent accidents.
- b. 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.
- c. Provide personal protective equipment when it is needed.
- d. Maintain the facility and equipment to prevent equipment breakdowns.
- e. 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.
- f. Establish a medical program that includes first aid onsite, as well as nearby physician and emergency medical care, to ensure proper medical treatment of any injury or illness in a timely manner.

Safety and Health Training

- a. Instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.
- b. Train workers on fall protection and the prevention of electrocutions, caught in or between, and struck-by accidents.
- c. Ensure select personnel are trained in basic first aid and cardiopulmonary resuscitation (“CPR”).

- d. Ensure that foremen and general foremen be trained in first aid, CPR, and use of automated external defibrillator (“AED”).
- e. Make sure safety data sheets (“SDSs”) will be always available to the workers and management.
- f. Train workers in any other aspects that will enable them to do their jobs safely.

VI. Worker Involvement

Worker involvement is an essential component of an effective safety and health program.

- a. 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 goals and objectives.
- b. Ensure workers are involved in the safety and health program through participation in activities such as safety walkthroughs, weekly site safety meetings, site safety audits, task hazard analyses, and incident investigations (as appropriate).
- c. Ensure workers are involved in OSHA initiatives, including the followings: National Fall Prevention Stand-Down, Heat Illness Prevention, Safe and Sound Week, and Trench Safety Week.

VII. Performance Measures

The effectiveness of this Agreement will be assessed quarterly, annually, and at the end of the project through the following performance measurements:

- a. OSHA recordable injuries and illnesses to determine the TCIR, and the DART for the project site and compare to the most recently published BLS rate for NAICS 23.
- b. The applicable number of employers, supervisors, and employees trained. Records will also be maintained for those that receive 10-hour and 30-hour OSHA training. All contractors will be required to conduct and document weekly safety toolbox talks.
- c. The number of safety and health programs instituted will be documented.
- d. Outcome measures will be gathered monthly and will incorporate data to analyze the number of hours worked, the number of injuries and illnesses, and the serious hazards found because of onsite audits, job site inspections, and OSHA inspection activity.
- e. Job site inspections will indicate the number of hazards observed and corrected by

Brinkmann Constructors and each affected contractor.

- f. Near miss incidents and first aid cases will be tracked.

VIII. Annual Evaluation

- a. The partnership will be evaluated on an annual basis using 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.
- b. Brinkmann Constructors is responsible for gathering the data to evaluate and track the overall results and success of the partnership program.
- c. The OSP Evaluation Committee (*see* section XII) is responsible for writing and submitting the annual evaluation report to OSHA's Regional and National Offices.

IX. OSHA Verifications

OSHA will verify compliance with this Agreement through the following types of activity.

- a. Two off-site verifications will be performed by a designated OSHA Kansas City Area Office staff member(s) and Brinckmann Constructors staff members. The off-site verifications will assist with maintaining the effectiveness of the partnership without entering the partner's worksite and typically will include review of injury and illness data, the results of jobsite self-inspections, and other data and reports.
- b. Two on-site non-enforcement verifications will be conducted by a designated OSHA Kansas City Area Office staff member(s) and Brinkmann Constructors management members to review and discuss the progress of the partnership. The review will typically include a presentation of site safety and health program status and activities by Brinkmann Constructors, followed by a walkthrough of the worksite. During these visits, serious hazards will be identified, and the implementation of safety and health management systems will be discussed. All serious hazards identified will be corrected immediately. If management refuses to correct the hazards, a referral will be made for an enforcement inspection.

X. Incentives

- a. Citations issued to site contractors shall include maximum penalty reduction for good faith, as prescribed by CPL 02-00-164 - Field Operations Manual (FOM), dated April 14, 2020, or the most current revision.
- b. Priority will be given to utilization of "phone and fax" for safety and health

complaints in lieu of on-site inspections. The scope of the phone and fax investigation process may not be expanded beyond what is allowed by reference in the Field Operations Manual (FOM).

- c. Other-than-serious violations observed and immediately abated during an OSHA visit shall not be cited.
- d. Brinkmann Constructors and contractors may contact the OSHA Kansas City Area Office for clarification of safety and health related issues.
- e. Creating a professional working relationship between OSHA, Brinkmann Constructors, and contractors enhances employee safety and health specific to this project and nationally through education and the sharing of best work practices.

XI. OSP Management and Operation

The participants in this Agreement will receive a briefing by Brinkmann Constructors that will enable them to understand the tenets of the Agreement. Participants should understand the principles and guidelines of this Agreement and realize the purpose is to enhance their awareness of safety and health and improve their safety and health program(s).

The OSHA Strategic Partnership (“OSP”) Evaluation Committee consists of the signatories to the Agreement or their designated appointees. This committee will evaluate and review contractor’s/subcontractor’s compliance and involvement in the partnership; analyze jobsite audits; provide technical guidance to improve this partnership; and evaluate and document the overall partnership performance, achievements, and successes.

XII. Worker and Employer Rights

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

XIII. OSP Term

This Agreement shall be in effect until completion of the major construction activities. The estimated duration of this construction project is three years or less. If either OSHA or Brinkmann Constructors wishes to withdraw its participation prior to the established termination date, the Agreement will terminate upon receiving written notice of the intent to withdraw their signature. Termination by either party shall constitute a cancellation of the partnership. In the event of a termination, each party agrees that it shall not, directly or indirectly, contact the media regarding the termination, and it shall not discuss with the media any issues or matters regarding the termination. OSHA and Brinkmann Constructors are the only entities that can terminate this Agreement.

XIV. Signatures

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms on the Brinkmann Constructors, OSHA Kansas City Area Office, Missouri On-Site Safety and Health Consultation Program, and OSHA Partnering Agreement for the OASIS at Lakeport in Osage Beach, Missouri.

The date of this Partnership Agreement is November 21, 2024.

Principal Participants:

Karena Lorek
Area Director, Kansas City Area Office
Occupational Safety and Health Administration

Noah Perry, Project Executive
Senior Manager
Brinkmann Constructors

Daniel Stark, CIH, CSP
Assistant Director/Program Manager
Missouri On-Site Safety and Health
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Ethan Harris, Senior Safety Manager
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Jeff Vierling Vice President
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Tim Myatt
Safety Director
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