



Occupational
Safety and Health
Administration



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**United States Department of Labor
Occupational Safety & Health
Administration
Kansas City Area Office**

&

**Missouri On-Site Safety and Health Consultation
Program**

&

VCC, LLC

Partnership Agreement

**Berkley Riverfront Mixed-Use District
Kansas City, Missouri**

I. Identification of Partners

A. The partners in this agreement will include the following:

1. Occupational Safety and Health Administration, Kansas City, MO Area Office (“OSHA”)
2. Missouri On-Site Safety and Health Consultation Program (“MO On-Site Consultation Program”)
3. VCC, LLC (“VCC”)
4. Project Subcontractors - All subcontractors that work on this project are considered partners. All contracts with subcontractors that are not already executed will incorporate this OSHA partnership into their respective agreements. If contracts with subcontractors have already been executed, VCC will attempt to incorporate this OSHA partnership into their respective agreements with a subcontractor change order which will include a provision acknowledging the subcontractor’s obligations under this Partnership Agreement.

B. Supporting Group

Include a list of all the supporting groups for this project such as unions and contractors.

1. Core Safety Group, LLC
2. Unions
 - a. Epic Concrete (2nd tier subcontractor to Lithko Contracting LLC)
 - i. Operative Plasters & Cement Masons, Local 518
 - ii. Laborers, Local 264
 - iii. Construction & General Laborers, Local 1290
 - iv. Carpenters St. Louis, Local 1329
 - v. United Association, Plumbers & Pipefitters, Local 777
 - vi. Operating Engineers, Local 101
 - vii. Iron Workers, Local 10
 - viii. Teamsters, Local 541
 - b. Dumpar (2nd tier subcontractor to Lithko Contracting, LLC)
 - i. Carpenters, Local 1127
 - ii. Laborers, Local 264
 - iii. Construction & General Laborers, Local 1290

- c. Secco (2nd tier subcontractor to Lithko Contracting, LLC)
 - i. Mid-America Carpenters Regional Council, Local 1127
 - ii. Laborers, Local 264
 - iii. Construction & General Laborers, Local 1290

II. Purpose/Scope

- A. OSHA, MO On-Site Consultation Program, VCC, and project subcontractors recognize the need for a safe and healthy job site. The goal of this Partnership Agreement is to help promote and provide a safer work environment for all employees working on the Berkley Riverfront Mixed-Use District Project.
- B. The Berkley Riverfront Mixed-Use District Project consists of:
 - 1. An 8.9-acre site that is broken up into two main building structures labeled A1 and A2, with A1 being the larger of the two buildings. A1 and A2 are 7-story structures with concrete podium structures up to Level 3 and Levels 3-7 being a combination of wood/metal framing. Also, Levels 1 and 2 serve as a podium parking structure, with Level 1 also serving retail/restaurant usage totaling roughly 197,000 square feet.
 - 2. VCC will construct the shell structures of the retail spaces, but it is not contracted for the retail interior build-out. Level 3-7 consists of 419 residential units, with Level 3 also serving as an amenity space containing a community courtyard and pool totaling 452,000 square feet. VCC will construct the interior buildouts of the residential units. On the east side of the site between the new development and the CPKC Stadium is Central Plaza, which will serve as a large community/gathering area for the stadium events. Within Central Plaza, there are 3 accessories buildings labeled A3 (beer garden), A4 (concession and public restroom), and Pump Station Overlook, totaling roughly 5000 square feet.
 - 3. VCC will construct the entire site package, including roadways, landscaping, and hardscape. The anticipated project completion will be in March 2027.
- C. This partnership is designed to address hazards within the construction industry and to promote and recognize job sites that have demonstrated an effective safety and health program.
- D. 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 VCC or any subcontractor(s), nor does it lessen any/all affirmative defenses, legal rights or due process afforded contractors with respect to OSHA enforcement action.

III. Goals/Strategies and Performance Measures

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

Goals	Strategies	Performance Measures
Minimize the occurrence of accidents, injuries, and illnesses on the project; experience zero fatalities; project injury/illness data below the current Bureau of Labor Statistics (“BLS”) National Average for NAICS 23 (all of construction)	Implementation of a comprehensive safety and health program for the site	OSHA injury and illness data: 1. Total Case Incident Rate (“TCIR”) 2. Days Away, Restricted or Transferred (“DART”) Rate. 3. Days Away from Work (“DAFW”) Rate The rates will be compared to the baseline data for NAICS 23, as well as the latest BLS data each year. The 2023 BLS TCIR, DART Rate, and DAFW Rate for NAICS 23 are 2.3, 1.5, and 1.0, respectively, and will be utilized as the baseline for the partnership.
Provide for management commitment and employee participation; develop a contractor/ government partnership that will encourage the involvement of the subcontractors in the improvement of safety and health performance	Request each contractor and all subcontractors to develop and implement a written safety and health program, and/or a project-specific program	Verify and track the number of subcontractors’ involvement in creating safety plans that are specific to the contractor’s work on the project
Conduct Job-Site Analyses	Recognize hazards in a timely manner; perform initial task hazard analysis; and update as the project advances	Track the number of job site and task hazard analyses, as well as employee involvement in the analyses

Goals	Strategies	Performance Measures
Hazard Prevention and Control - Implement innovative strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught-in, and electrical)	Implement and enforce an ongoing site safety audit program (including daily observations and weekly group site walks)	Document the number of site safety audits and the number of hazards identified and abated during the safety audits; track all injuries and illnesses, including near misses
Provide general safety and health, as well as job task-specific hazard training	<ol style="list-style-type: none"> 1. Provide all employees with a site-specific safety orientation 2. Offer 10-hour OSHA training for employees. (See Section IV.B.2. below) 3. Require 30-hour OSHA training for VCC Superintendents (See Section IV.B.2. below) 4. Provide all employees with weekly toolbox talks 	Document the number of employees trained and the training hours received (including orientation, toolbox talks, and 10 and 30-hour courses)
Provide for worker involvement	<p>Provide worker involvement/participation in:</p> <ol style="list-style-type: none"> 1. Weekly site safety meetings 2. Site safety audits 3. Task Hazard Analyses 4. OSHA initiatives, including the National Fall Stand-down, Safe and Sound Week, and Suicide Prevention Week 	<p>Document the number of:</p> <ol style="list-style-type: none"> 1. Weekly site safety meetings 2. Site safety audits 3. Task Hazard Analyses 4. Number of employees/employers participating in the OSHA initiatives (Fall Stand-down Safe and Sound Week, and Suicide Prevention Week)

IV. Program Implementation of Strategies:

- A. Frequent job site safety audits/inspections will be completed by VCC and subcontractors providing comprehensive coverage and documentation over a wide variety of site conditions.
- B. Encourage employees to receive training as follows:
 1. All contractor employees will receive a site-specific safety orientation from VCC covering jobsite safety and health issues and procedures related to the work being performed. All contractor employees will attend a safety review

meeting with their respective subcontractors before performing work on the site.

2. All contractor personnel engaged in construction activities shall be offered to complete the OSHA 10-hour course for the construction industry prior to the commencement of work on-site. VCC Superintendents on-site shall have completed the OSHA 30-hour construction training course. Records of training certification will be maintained by the respective contractors, and available for review upon request.
 3. Other hazard-specific training will be conducted on an as-needed basis by the respective contractors.
- C. Implement a comprehensive Fall Protection Plan, to include fall protection for all activities where work is being performed six feet or more above a lower surface.
 - D. Require all subcontractors who have written safety and health programs to submit them to VCC before the start of work. Subcontractors who do not have their own written safety and health plan have the option of adopting the safety and health program of their prime contractor, developing one utilizing services provided by MO On-Site Consultation Program, or securing the services of an outside consulting firm. This must be completed and submitted to VCC before beginning work on-site.
 - E. OSHA may be contacted for clarification on any safety and health-related issues.
 - F. Create a working relationship between OSHA, MO On-Site Consultation Program, and the other partnership members.
 - G. Safety and health training will be provided to all workers in a language they understand. Bilingual instructors (English and Spanish) will be contracted to perform this training. VCC will post at the jobsite that training is available to subcontractors upon request to encourage all workers to be effectively trained.
 - H. The MO On-Site Consultation Program will provide consultation visits, health sampling, program review, training, and other applicable safety or health support as requested, in writing, by each employer. Small subcontractors may request a no-cost, confidential visit on-line at [Missouri On-Site Safety and Health Consultation Program](#).

V. Performance Measurements:

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

- A. The total TCIR, DART Rate, and DAFW Rate for construction (NAICS 23) nationally based on the BLS 2023 published TCIR of 2.3, DART Rate of 1.5, and DAFW Rate of 1.0, which will serve as the baseline for the project. The project rates will also be compared to the most current BLS rates published.
- B. Documented job site safety audits/inspections will be verified by VCC.
- C. Records of training certifications/training rosters will be verified by VCC.

- D. VCC will also maintain records of site-specific training conducted for all on-site employees. These may include but are not limited to OSHA 10- and 30-hour courses, site-specific safety orientation, employees' attendance at weekly toolbox talks, as well as other hazard-specific training.
- E. Evaluation and documentation of the effectiveness of the Fall Protection Plan will be verified by VCC.
- F. Safety and Health Programs will be maintained on file by VCC.
- G. Reports are to be made quarterly concerning the general effectiveness of the safety and health programs and provided to OSHA for review.

VI. Quarterly Meetings and Annual Evaluation

On a quarterly basis, the Executive Safety Committee – comprised of the VCC on-site Project Engineer, Project Superintendent, CORE Safety representative, and representative(s) from OSHA – shall meet and discuss the program and make any modifications required to continually improve the partnership. These quarterly meetings will serve as an on-site non-enforcement verification visit. Subcontractors will be invited to attend to offer additional feedback. The partnership will be evaluated annually from the signing date and will use the 300 Logs from the previous year and utilize Appendix C of the [OSHA Strategic Partnership Program \(OSPP\) Directive CSP 03-02-003](#). This data will be provided to OSHA.

VII. OSHA Strategic Partnership (“OSP”) Incentives

- A. If 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, unless otherwise required in accordance with CPL 02-00-164 - Field Operations Manual (FOM), dated April 14, 2020. **Note: In the event that the FOM is revised, the most current FOM will be utilized.**
- B. Priority 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 FOM.
- C. Other-than-serious violations observed during an OSHA visit shall not be cited if immediately abated.
- D. This partnership requires frequent inspections of the worksite by VCC.
- E. Contractors and subcontractors, and other members of the partnership, are required to identify and correct hazards. It serves as a model to subcontractors and others by demonstrating how to implement a strong safety and health program on a multi-employer job site. It also encourages a higher level of participation in the safety process by involving everyone on the job site. The knowledge gained from this partnership will be applied to reduce injuries and illnesses at future work sites.
- F. VCC and contractors may contact OSHA for clarification of safety and health-related issues.

- G. Create a working relationship between OSHA, MO On-Site Consultation Program, VCC, and contractors that enhances employee safety and health specific to this project, and nationally through education and the sharing of best practices.

VIII. Participating trade contractors will be provided priority consideration for free, confidential consultation services from the MO On-Site Consultation Program. Small subcontractors may request a no-cost, confidential visit by telephone at (573) 751-3403 or on-line at [Missouri On-Site Safety and Health Consultation Program](#)

IX. OSHA Verification

- A. OSHA will continue to investigate fatalities and catastrophes should they occur at the job site, as well as alleged “imminent” danger situations per the FOM.
- B. OSHA will continue to investigate complaints and referrals received in accordance with procedures contained in the FOM.
- C. OSHA may complete at least one focused “monitoring” (onsite enforcement) inspection each year 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 by their participation in the quarterly Executive Safety Committee meetings (as outlined in Section VI of the Partnership Agreement).
- E. VCC will permit OSHA immediate access for any inspection to be made pursuant to Section VII, paragraphs A, B, and C, and will not require an inspection warrant for any such inspection.
- F. VCC will encourage contractors and subcontractors to contact MO On-Site Consultation Program to obtain safety and health consultation services during the project.

X. OSP Management and Operation

Each subcontractor will designate at least one representative to attend the project pre-activity meeting before beginning major operations of work, as well as the weekly meetings. The Project Superintendent for VCC, or their designee, will oversee the meetings. During the weekly meetings, all participants will evaluate the progress of the partnership. The representatives will review the completed and summarized safety audits/inspections of the site as part of the weekly meeting. Identified hazards and abatement, as well as trends, will be discussed. OSHA may provide a representative to

share current issues in construction risk control and provide input for improvement. Safety representatives will meet the criteria to participate as outlined below:

- A. Implement a comprehensive written safety and health program.
- B. Require subcontractors who have not developed their own safety and health program to meet the requirement provided in Section IV.D of this agreement.
- C. Have the authority to enforce safety rules and regulations by implementing an appropriate disciplinary program. This authority will include provisions to hold contractors and employees accountable and, if necessary, take appropriate actions to enforce compliance with the established project safety rules and regulations.
- D. Provide a Project Superintendent/Foreman, who will have as part of their job description responsibility for site safety and health, to serve as a point of contact and to assist in overseeing the partnership goals.
- E. Conduct and document weekly job site safety audits/inspections. These inspections are in addition to the general audits/inspections that should occur daily (documented on the Daily Construction Report form). Provide a copy of the documented audits/inspections of subcontractors' work areas to the subcontractor(s) working in each respective area.
- F. Review accident reports weekly with the subcontractors, including first aid and near miss reports.
- G. Implement a hazard analysis strategy to identify safe work procedures before performing work.
- H. Conduct and retain summary documentation of weekly toolbox talks and training logs.
- I. Evaluate and document the effectiveness of the Fall Protection Plan and take corrective action as needed.
- J. Maintain and compile injury and illness data and provide it to OSHA.
- K. Provide and post signage identifying the site as an OSHA Partnership Project.
- L. In addition to OSHA's regulatory notification requirements, VCC will notify OSHA of safety or health-related events that 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.
- M. Ensure that subcontractors receive the VCC Project Safety Procedures manual prior to commencing work on site.
- N. Confirm 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 for reporting these events, as directed in 29 C.F.R. §§ 1904.35 and 1904.36.
- O. Ensure that contractors and subcontractors evaluate and improve their safety and health programs, which should include:

1. Hazard control measures are periodically evaluated for effectiveness.
 2. Processes are established to monitor program performance, certify program implementation, and identify program shortcomings and opportunities for improvement.
 3. Necessary actions are taken to improve the program and overall safety and health performance.
- P. Since this is a multi-employer worksite, foster communication between contractors and subcontractors and coordinate with all employers on this worksite to ensure:
1. General contractors, contractors, and staffing agencies commit to providing the same level of safety and health protection to all employees.
 2. General contractors, contractors, subcontractors, and staffing agencies communicate the hazards present at the worksite, as well as the hazards the work of contract laborers may create on site.
 3. General contractors establish specifications and qualifications for contractors and staffing agencies.
 4. Prior to beginning work, general contractors, contractors, and staffing agencies coordinate work planning and scheduling to identify and resolve any conflicts that could impact safety and health.
- Q. Confirm that all signs and warnings shall be posted in English and Spanish.
- R. Mentor subcontractors in safety and health management systems. Subcontractors shall include all multi-tiered subcontractors that arrive on the site.
- S. VCC field staff will ensure that daily safety audits are conducted (since this is a multi-employer worksite and all workers are to work together on safety issues). Upon request, the Berkley Riverfront Team which consists of the General Superintendent, Superintendents, Project Engineer, Project Compliance and Risk Manager, and the Core Safety Group Safety Manager will review subcontractors' daily logbooks, note any hazards found, and then review the hazards with all safety representative members at the weekly subcontractor meeting.
- T. Establish a job site safety walk-around team and "On-Site Safety Committee", consisting of a competent person and/or safety representative from each of the primary subcontractors on site.

VCC will require subcontractors to do the following:

- A. Appoint a representative to the On-Site Safety Committee who will be responsible for resolving job safety matters and serving as a liaison. Every subcontractor will have a participant on the On-Site Safety Committee. Participation will include, but not be limited to, participation in project safety walks, meetings, and inspections.
- B. 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 VCC. This will allow subcontractor employees to participate in the weekly documented

audits/inspection process, increasing hazard awareness for not only their work operations but all work operations being performed on-site. Findings and abatement based on monthly documented audits/inspections will be communicated to all employees on site.

- C. Confirm that subcontractors are checking and conducting hazard analysis inspections as part of their safety program.
- H. Participate in job site safety meetings with VCC.
- I. Subcontractors will participate in weekly On-Site Safety Committee meetings audits at minimum. This discussion will occur during the mandatory weekly subcontractor meeting. Any non-participation will be met with corrective action by VCC.
- D. Non-compliance must be corrected immediately. Abatement methods and verification must be submitted to a VCC representative, who will document the correction taken and share this information during the monthly update meetings.
- E. Endorse that its employees attend the VCC site safety orientation training prior to starting work on the project.
- F. Cooperate and participate in all respects with OSHA's involvement with this project including any required meetings, inspections, training, and documentation.

VCC will require the following general provisions for all contractors working on the project:

- A. Require the use of conventional fall protection (i.e., personal fall arrest/restraint systems or guardrail systems) when performing work that is six feet or greater above a lower level.
- B. All contractors and subcontractors will actively participate in hazard analysis or an equivalent pre-planning program that is approved by VCC. Hazards are to be reported to VCC immediately.
- C. Ground Fault Circuit Interrupters ("GFCI") will be used throughout the project for 110V/120V circuits.
- D. No loads shall be lifted overhead without clearing the path to delivery of materials, equipment, and personnel.
- E. Trench and excavation protection system use shall be enforced.
- F. All workers, management, and visitors should wear hard hats, safety glasses, construction work boots, and high-visibility clothing when on site. (Exception shall be in the on-site project office, vehicle, and equipment cabs.)
- J. VCC and all subcontractors shall provide proof of crane operator training (certified/licensed and evaluated in accordance with 29 C.F.R. § 1926.1427) and perform an operation/load test before any crane is put into use.
- G. Functioning backup alarms and fire extinguishers shall be present on all motorized construction equipment.

- H. Daily equipment inspections will be conducted by machine operators prior to the start of work.
- K. Weekly Toolbox Talks will be held for all employees on site, documented, with attendance mandatory. These meetings will provide all employees with an open forum to discuss safety issues or concerns with VCC and other contractors on the site.
- I. Scaffolds that are narrower than 40" (PERRY TYPE) in width are not to be stacked or used above six feet.
- L. Subcontractors will participate in weekly safety meetings at a minimum. This discussion will occur during the weekly mandatory subcontractor meeting. Any non-participation will be met with corrective action by VCC.

OSHA

- A. OSHA representatives from the Kansas City Area Office may assist the partners with off-site safety and health training.
- B. OSHA will give priority to the site when technical assistance is requested.
- C. 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 VCC representative or their designee, subcontractors' representatives, MO On-Site Consultation Program representative, and an OSHA representative shall meet and discuss the program and make modifications as required to continually improve the partnership.
- D. OSHA will participate in the review of partner company safety and health programs, with subcontractors as needed, and provide technical assistance and recommendations for improvement.
- E. OSHA will provide national statistics covering all areas of standards enforcement for distribution to the partners.

MO On-Site Consultation Program

- A. Participate in quarterly verification meetings as resources permit.
- B. Provide/assist in training as resources permit.
- C. Provide industrial hygiene, safety, and ergonomic consultation services upon request by contractors and subcontractors.

XI. 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 that 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, incident investigations (as appropriate), and OSHA initiatives, including the National Fall Stand-down, Safe and Sound Week, and Suicide Prevention Week.
- C. Establish an employee safety committee that will meet monthly to share the results of job site inspections, information concerning incidents and near misses, suggestions for improvement, and recommendations for training the workforce. These items will be discussed during the mandatory VCC Monthly Standdown.
- D. Cooperate with OSHA, MO On-Site Consultation Program, and VCC to provide resources to conduct initial monitoring for all toxins, carcinogens, or hazardous substances currently emphasized by OSHA and which present inhalation hazards, such as silica, asbestos, lead, cadmium, and/or isocyanates.

XII. Employee and Employer Rights and Responsibilities

This partnership does not prevent employees and/or employers from exercising any rights provided under the OSH Act (or, for federal employees, 29 C.F.R. § 1960), nor does it abrogate any responsibility to comply with the Act.

XIII. Term of OSP

This agreement shall be in effect for two years until the completion of the major construction activities. Each party to this Partnership Agreement is responsible for only its own specific obligations as discussed herein and is not responsible for performing any other party's obligations or the failure of any other party to perform its required obligations. The Missouri On-Site Safety and Health Consultation Program can opt out at any time. OSHA and VCC are the only entities that can terminate this partnership. A thirty-day written notice is required prior to withdrawal, during which the parties have an opportunity to resolve any issues to avoid ending the OSP. In the event of a termination, each party agrees that it should 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 Strategic Partnerships are part of OSHA's available voluntary cooperative programs. As per the Paperwork Reduction Act of 1995 (PRA OMB CONTROL NO. 1218-0244, expires August 31, 2025), the public reporting burden for this partnership's collection of information is estimated at 24 hours per participant, per year. If you have any comments regarding this collection of information, including suggestions for reducing the burden or revising the burden estimate, please direct them to:

Occupational Safety and Health Administration
Attention: Director, Office of Partnerships and Recognition
Directorate of Cooperative and State Programs
200 Constitution Avenue, NW - Room N3700
Washington, DC 20210

Primary Partnership Contacts:

VCC, LLC : Eli Pano, Project Compliance and Risk Manager

VCC, LLC : Wayne Alley, Executive Vice President

OSHA Kansas City Area Office: Karena Lorek, Area Director

OSHA Kansas City Area Office: Elizabeth Morales, Compliance Assistance Specialist

Missouri On-Site Safety and Health Consultation Program: Daniel Stark, CIH,

Signatures

Based upon a mutual interest in protecting construction workers, the parties below agree to the above terms on the VCC, LLC/OSHA Partnership Agreement for the Berkley Riverfront Mixed-Use District Project in Kansas City, Missouri.

Signed in 28 day of August 2025.

Karena Lorek

Area Director
Occupational Safety and Health
Administration –Kansas City Area
Office

Wayne Alley

Executive Vice President
VCC, LLC

Daniel Stark, CIH, CSP

Assistant Director/Program Manager
Missouri On-Site Safety and Health
Consultation Program

Eli Pano

Project Compliance and Risk Manager
VCC, LLC