

OSHA Strategic Partnership Agreement

Marshall University Institute of Cyber Security Project

General

The Charleston Area Office of the Occupational Safety and Health Administration (**OSHA**) and **Neighborgall Construction Company (Neighborgall)**, have agreed to implement an **OSHA Strategic Partnership (Partnership)** during construction of the **Marshall University Institute of Cyber Security Project (Project)**.

The overarching goal of this Partnership is to encourage joint cooperation between OSHA, Neighborgall, Marshall University, and all trade contractors to foster a safe and healthy work environment for all Project employees.

The Partnership calls for the Project to be managed consistently with **OSHA's Recommended Practices for Safety and Health Programs in Construction**, or its equivalent. OSHA will provide timely responses to requests for information and clarification of OSHA standards and will assist as resources and OSHA policy allow. To demonstrate commitment to the Partnership, participating trade contractors will voluntarily sign a pledge (Appendix B).

This Partnership does not relieve any trade contractor of its safety responsibilities, does not change any contractual obligations between Neighborgall, the Project Owner, or trade contractors, nor does it limit any rights, affirmative defenses, or due process afforded under OSHA enforcement actions.

This Partnership will not affect employees' rights under the Occupational Safety and Health Act (OSH Act) or OSHA regulations. The Partnership aligns with OSHA's long-standing objective to advance cooperative safety management strategies that improve hazard control, resource utilization, and worker participation.

Identification of Partners

The following organizations are considered Partners:

- Occupational Safety and Health Administration – Charleston Area Office
- Neighborgall Construction Company (Construction Manager)



The following organizations pledge support for the Partnership:

- Marshall University
- Participating Trade Contractors

Project Overview

- **Project Name:** Marshall University Institute of Cyber Security
- **Project Location:** 1544 4th Avenue, Huntington, WV 25701
- **Project Duration:** October 2025- July 2027
- **Owner:** Marshall University
One John Marshall Drive, Huntington, WV 25755

Project construction is anticipated to include multiple prime trade contractors employing approximately 70–90 workers at peak activity.

Project Scope Highlights:

- New academic facility (~73,000SF) for cyber security education and operations
- Designated areas for conference and industrial presence
- Structural concrete and steel construction
- Architectural precast with glazing exterior envelope systems
- Mechanical, electrical, plumbing, fire protection, and low-voltage systems
- Interior finishes, specialty systems, and site improvements



Partnership Goals, Strategies, and Measures

| Goal | Strategy | Measures/Products |
|--|--|--|
| 1. Reduce the total number of recordable injuries thereby providing a safer and healthier work environment for workers at the Project. | <p>The Partners will meet quarterly to review and discuss options to address recordable injuries:</p> <ul style="list-style-type: none"> a. OSHA's 300 injury and illness data b. Neighborgall incident/accident monthly tracking log c. After each significant incident that occurs, an incident investigation will be conducted to determine root cause and corrective action. | <ul style="list-style-type: none"> a. The base rate for the partnership has been established to be 3.0 b. Reduce project rate by at least 2% annually. |
| 2. Control workplace hazards by assisting trade contractors with the implementation of an effective safety and health management system and providing orientation to all workers and visitors. | <ul style="list-style-type: none"> a. Neighborgall Construction will coordinate with participating trade contractors to review, at a high level, each contractor's safety and health management system for alignment with Project safety expectations. b. The review process is intended to support and complement existing contractor programs and to facilitate communication of Project-specific hazards and controls, not to replace or audit contractor safety programs. c. Where opportunities for improvement are identified, Neighborgall may share observations or best practices for the contractor's consideration | <p>The partners will meet quarterly to discuss:</p> <ul style="list-style-type: none"> a. Number of reviews performed. b. Number of best practices shared. c. Number of training sessions and total training hours delivered. |
| 3. Conduct effective self-inspections and assist trade contractors with training resources and technical assistance in areas where workers might be exposed to hazards. | <ul style="list-style-type: none"> a. Perform and document routine site safety inspections. b. Require all workers and unescorted visitors to complete site-specific safety orientation. c. Provide ongoing toolbox talks and task-specific training. | <p>The Partners will meet quarterly to review:</p> <ul style="list-style-type: none"> a. Number of inspections performed. b. Number of hazards identified and corrected. c. Number of training sessions and total training hours delivered. |



| Goal | Strategy | Measures/Products |
|---|--|--|
| <p>4. Develop a working relationship with OSHA to maintain a continuing dialogue that supports various safety and health campaigns/initiatives.</p> | <p>a. Neighborgall and all on-site participating trade contractors will participate in the OSHA Philadelphia Region Focus Four Campaign.</p> <p>b. Neighborgall and all on-site participating contractors will hold an annual event to support the OSHA National Fall Prevention Safety Stand-Down until the Project is completed. Neighborgall and all participating trade contractors will display a stand-down poster and stickers (available on OSHA webpage) on site.</p> <p>c. Neighborgall and all on-site participating trade contractors will participate in the NIOSH/OSHA annual Heat Illness Prevention campaign until the Project is completed. Neighborgall and all participating trade contractors will use the OSHA/NIOSH Heat Safety Tool App and display new Heat Illness Prevention infographics in both English and Spanish (available on OSHA webpage) on site.</p> <p>d. Neighborgall and all on-site participating trade contractors will hold an annual event to support the NUCA Trench Safety Stand-Down until the Project is completed. Neighborgall and all participating trade contractors will display the stand-down poster and stickers (available on OSHA and NUCA webpages) on the site.</p> <p>e. Neighborgall and all on-site participating contractors will register and hold an annual event to support the OSHA Safe + Sound Week until the Project is completed. Neighborgall and all participating trade contractors will display campaign information (available on OSHA webpage) on site.</p> <p>f. Neighborgall and all on-site participating contractors will hold an annual event to support the prevention of Suicide and Opioid deaths in construction until the Project is completed. Neighborgall and all participating trade contractors will display information (available on OSHA and NIOSH webpages) on site.</p> | <p>The Partners will meet as needed to verify and/or review:</p> <p>a. The number of workers trained for each safety talk associated with the Philadelphia Region Focus Four Campaign.</p> <p>b. The use OSHA's "National Fall Safety Stand-Down" webpage to log their event, provide information about their stand-down activity, complete the survey and print participation certificate.</p> <p>c. Prepare and implement a site heat illness prevention plan. The number of workers trained on the annual Heat Illness Prevention "Water, Rest, Shade" campaign.</p> <p>d. The use NUCA's "National Trench Safety Stand-Down" webpage to log the event(s), provide information about their stand-down activity, complete the survey and print participation certificate.</p> <p>e. The use OSHA's Safe + Sound Week Campaign webpage to register the event(s), provide information about their activity, complete the survey and print participation certificate.</p> <p>f. The number of workers trained for each safety talk that is associated with the prevention of suicide and opioid deaths in construction.</p> |



Partnership Management and Operation

OSHA and Neighborgall will form a Partnership Committee consisting of at least one representative from each Partner. The OSHA Compliance Assistance Specialist (CAS) will serve as OSHA's primary liaison.

The Committee will:

- Review safety performance metrics
- Analyze inspection findings and incident trends
- Recommend improvements to the Partnership
- Evaluate overall effectiveness and compliance

Partnership Roles and Responsibilities

OSHA Agrees To:

- Evaluate the Project Safety Plan and SHMS using Appendix C or equivalent.
- Designate a Compliance Assistance Specialist.
- Meet quarterly with Neighborgall to review safety performance.
- Provide guidance on OSHA standards, compliance assistance, and training resources.

Neighborgall Construction Agrees To:

- Designate a Site Safety Manager to serve as a safety resource and Partnership liaison.
- Develop and implement a Project Safety Plan.
- Notify all trade contractors of Partnership and provide Partnership Fact Sheet (Appendix A) in the New Worker Safety Orientation.
- Conduct safety and health management system evaluations.
- Maintain Project safety performance records, including injury and illness logs, training, routine site safety inspections, and participation in OSHA safety and health campaigns.
- Coordinate site-wide safety matters including emergency response, housekeeping, and hazard communication.

On-Site Enforcement Verification Inspections

In order to assist in measuring the success of this Partnership, an initial enforcement verification inspection will be conducted after the signing of this Partnership, and annually thereafter. The enforcement verifications may be conducted as a focused inspection if the site meets the criteria



outlined in OSHA’s current enforcement guidelines. In addition to traditional enforcement issues, the inspection will assess the Partner’s and participating trade contractor’s progress in meeting the requirements of the Partnership.

OSHA Inspections

This Partnership provides for the timely response to each allegation of a safety or health hazard brought to each subcontractor’s attention by any person. Upon a finding that an allegation is valid, the responsible subcontractor(s) shall promptly abate the hazard.

OSHA agrees that a copy of each non-formal complaint not resulting in an inspection, related to the Project and filed with OSHA will be forwarded by fax or mail to the Project office. In accordance with applicable law, the identity of a complainant requesting confidentiality will not be revealed. Neighborgall agrees to investigate these complaints regardless of the subcontractor involved and provide OSHA with a written response within five working days of receiving the non-formal complaint/referral.

OSHA personnel will continue to conduct investigations and inspections in any event or circumstance that may warrant the opening of an OSHA inspection, pursuant to the policy set forth in the Field Operations Manual (FOM). These may include but are not limited to formal complaints, referrals, fatalities, catastrophes, or other accidents or significant events. OSHA will also investigate contractors whose employees are exposed to or are creating plain view hazards at the Project. OSHA reserves the right to issue citations and penalties for violations including but not limited to regulatory violations for which mandatory penalties are established.

Incentives

Neighborgall and participating contractors will receive the following benefits from OSHA:

- Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA’s web page and social media.
 - Access to available OSHA educational and training materials both in print and digital form.
 - Participating trade contractors will be provided special priority consideration for free, confidential On-Site Consultation services from the West Virginia OSHA Consultation Program. Small subcontractors may request a no-cost, confidential consultation visit by telephone at 1-304-558-7890 or on-line at https://labor.wv.gov/Safety/Occupational_Safety/Federal_OSHA_consultation/
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Worker and Employer Rights – Employee Involvement

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 rules and regulations adopted pursuant to the OSH Act. This Partnership recognizes employees bring valuable skills and perspective to the implementation of an effective site safety and health system. Employees on site will be encouraged and given opportunities to be involved in the site safety and health system. Employee involvement will include, but is not limited to, participation in self-audits, site inspections, job hazard analysis, safety and health management system reviews, safety training and accident/near miss reporting. Employee involvement will be included in the safety and health management system evaluation (Appendix C).

Safety and Health Management Systems

Neighborgall commits to implementing and maintaining a Safety and Health Management System incorporating:

- Management commitment and employee involvement
 - Hazard identification and control
 - Safety training and education
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Annual Evaluation

The Partners will jointly prepare an annual evaluation using Appendix D. Evaluations will be submitted to OSHA's Regional Office within 45 days of each signing anniversary.

Termination

This Partnership will terminate upon Project completion or **two (2) years from the date of signing**, whichever occurs first. Either Partner may withdraw with written notice.



Paperwork Reduction Act

OSHA Strategic Partnerships are part of OSHA's available voluntary cooperative programs. As per the Paperwork Reduction Act of 1995 (**PRA OMB CONTROL NO. 1218-0239, expires August 31, 2027**), the public reporting burden for this Partnership's collection of information is estimated at 11 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



Signatures

Based on a mutual commitment to worker safety, the undersigned agree to the terms of this Partnership for the construction of Marshall University's new Institute of Cyber Security.

Signed ___ day of _____, Two Thousand Twenty-Five

Jeremy Robinson
Area Director
Charleston Area Office
USDOL/OSHA

C.R. Neighborgall, IV
President
Neighborgall Construction Company

D. Ryan Mayo
Vice President/Project Manager
Neighborgall Construction Company



Appendices

- **Appendix A:** Partnership Fact Sheet
- **Appendix B:** Trade Contractor Pledge
- **Appendix C:** Safety and Health Management System Evaluation
- **Appendix D:** Annual Evaluation Template

Appendix A – Partnership Fact Sheet

OSHA Strategic Partnership Fact Sheet

Marshall University Institute of Cyber Security Project

The Charleston Area Office of the Occupational Safety and Health Administration (OSHA) and Neighborgall Construction Company have entered into an OSHA Strategic Partnership during construction of the Marshall University Institute of Cyber Security Project located at 1544 4th Avenue, Huntington, West Virginia.

The purpose of this Partnership is to foster a cooperative working relationship among OSHA, Neighborgall Construction, Marshall University, and participating trade contractors in order to reduce work-related injuries and illnesses and to promote effective safety and health management systems.

This Partnership is consistent with OSHA's long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA's resources and for innovation in safety management. It also encourages more participation in the safety process by each stakeholder.

The Partnership calls for the Project to be managed in accordance with OSHA's Recommended Practices for Safety and Health Programs in Construction, or its equivalent. OSHA will provide compliance assistance, guidance, and clarification of OSHA standards as resources and policy allow.

Participation in the Partnership does not relieve any contractor of its obligations under the Occupational Safety and Health Act, nor does it alter contractual responsibilities or limit OSHA's enforcement authority.

This Partnership will not in any way affect employees' ability to exercise rights under the OSH Act and OSHA regulations.



Appendix B – Trade Contractor Partnership Pledge

**OSHA Strategic Partnership Pledge
Marshall University Institute of Cyber Security Project**

The Charleston Area Office of the Occupational Safety and Health Administration (OSHA) and Neighborgall Construction Company have entered into an OSHA Strategic Partnership during construction of the Marshall University Institute of Cyber Security Project.

The goal of this Partnership is to encourage joint cooperation between OSHA, Neighborgall Construction, and participating trade contractors to provide a safe and healthful workplace for all Project employees.

By signing this pledge, the undersigned trade contractor agrees to:

- Support the goals and objectives of the OSHA Strategic Partnership
- Comply with all applicable OSHA standards and regulations
- Implement and maintain an effective safety and health management system
- Follow the Neighborgall Construction Project Safety Plan
- Participate in required site safety orientations, inspections, and training activities

This pledge does not relieve the trade contractor of any safety responsibilities or contractual obligations, nor does it limit OSHA’s enforcement authority or employee rights under the Occupational Safety and Health Act.

Based on mutual interest to protect workers and the surrounding public, the below party pledges both support and cooperation to the OSHA/NCC Partnership by following the NCC Project Safety Plan.

Authorized Representative (Print): _____

Signature: _____ Date: _____

Title: _____

Company / Organization: _____



Appendix C – Safety and Health Management System (SHMS) Evaluation

The following elements will be used by Neighborgall Construction (NCC) and OSHA to evaluate the effectiveness of safety and health management systems implemented by Neighborgall Construction and participating trade contractors on the Project:

- NCC will develop and implement a written Project Safety Plan.
- Participating Trade Contractors (PTCs) have provided their safety and health programs, hazard communication plans, and fall protection plans, or have agreed to follow the Neighborgall Construction Project Safety Plan.
- NCC will provide a designated Site Safety Manager or competent person who is present on site with authority to identify hazards and require prompt corrective action. Minimum training includes OSHA 10-hour or 30-hour Construction Outreach training.
- NCC and PTCs have or will have trained supervisory personnel and competent persons designated for applicable operations such as excavation, scaffolding, fall protection, crane operations, and confined space work.
- All workers receive site-specific safety orientation addressing project hazards and emergency procedures.
- NCC and PTCs will have employee involvement in the Partnership. Participation may include, but is not limited to, inspections, job hazard analyses, training, and near-miss or incident reporting.
- NCC and PTCs will hold weekly safety meetings and documented self-inspections are conducted.
- A six-foot fall protection policy is enforced on the project.
- NCC and PTCs will develop and maintain a written safety enforcement program.



Appendix D – Annual Partnership Evaluation

Neighborgall Construction and OSHA will jointly conduct an annual evaluation of the Partnership to assess effectiveness and progress toward established goals using Appendix C of the most recent Partnership directive, which is available at:

<https://www.osha.gov/sites/default/files/enforcement/directives/CSP-03-02-004.pdf>.

The evaluation includes, but is not limited to:

- Review of injury and illness data, including DART and Total Recordable Incident Rate (TRIR)
- Review of inspection findings, hazard correction efforts, and enforcement actions
- Evaluation of participation in OSHA and industry safety campaigns
- Assessment of training activities and employee involvement
- Identification of best practices, lessons learned, and areas for improvement

The annual evaluation will be documented and submitted to OSHA's Regional Office within forty-five (45) days of the Partnership signing anniversary.