

United States Department of Labor
Occupational Safety & Health
Administration



1/8/2008

Partnership Agreement
Hunt-Walton, A Joint Venture



Hunt-Walton, A Joint Venture



Kauffman Stadium Renovation Project

I. Background

The Kansas City Area Office of the Occupational Safety and Health Administration, Hunt-Walton, A Joint Venture, The Builders' Association and project subcontractors recognize the need for a safe and healthy jobsite. The goal of this partnership agreement is to help ensure that the Kauffman Stadium Renovation Project will provide a safe work environment for all employees.

The Kauffman Stadium Renovation Project consists of approximately seven phases of construction: outfield construction, a new three story administration building in front of the stadium, a diamond club, broadcast booths, renovation of older suites, writing press and dining, expanded concourses and other internal renovations with a scheduled completion date of July 2009.

This Partnership is designed to not only address hazards within the construction industry, but also to promote and recognize those jobsites that have a demonstrated and effective safety and health program.

This document will serve to establish a cooperative effort in the enhancement of a site safety program and maintaining an open line of communication between OSHA, Hunt-Walton, A Joint Venture and subcontractors on this project.

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 Hunt-Walton, A Joint Venture and the project Owner and/or Developer or any of Hunt-Walton, A Joint Venture's Subcontractor(s), nor does it lessen any/all affirmative defenses, legal rights or due process afforded contractors with respect to Agency enforcement action.

II. Situational Analysis

OSHA has identified the top four causes of fatalities in construction as: falls, being struck by equipment or machinery, electrocution, and caught-in-between equipment or materials. The goal for this Partnership Agreement is to realize, upon completion of the project, reduction of accidents, injuries and illnesses on the project.

This project will encompass the renovation of the Kauffman Stadium ballpark for the Kansas City Royals.

III. Identification of Partnership Organizations

Hunt-Walton, A Joint Venture
Project Subcontractors
OSHA – Kansas City Area Office
The Builders' Association
Missouri Onsite Safety & Health Consultation Program

Pledge Support for the Partnership

Kansas City Royals

All subcontractors that work on this project are considered Partners, and 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, Hunt-Walton, A

Joint Venture 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.

IV. Program Implementation

1. As a goal, maintain a lost time incidence rate below the BLS national average of 3.4. The goal for fatalities is zero.
2. Frequent jobsite inspections utilizing a system developed by the Partnership Members. This system provides comprehensive coverage and documentation over a wide variety of site conditions.
3. Ensure employees receive training as follows:
 - a. All employees will receive a site-specific safety orientation from Hunt-Walton, A Joint Venture covering jobsite safety and health issues and procedures relative to the work being performed. All employees will attend a safety review meeting with their respective Subcontractor before performing work on the site.
 - b. All supervisory personnel engaged in construction activities or other personnel serving in the capacity as a competent person shall have completed the OSHA 10 hour course for the construction industry (or its equivalent) prior to commencement of work on-site. Site personnel designated as safety representatives shall, as a minimum, have completed the OSHA 10 hour construction training course (or its equivalent). Full time safety representatives on site shall, as a minimum, have completed the OSHA 30 hour construction training course (or its equivalent). Records of training certification will be maintained and available for review by OSHA upon request.
 - c. Other hazard-specific training will be conducted on an as needed basis by the respective contractors.
4. Implement an aggressive Fall Protection Plan to include fall protection in all cases where work is being performed six feet or more above a lower surface.
5. Require all subcontractors who have written safety and health programs to submit them to Hunt-Walton, A Joint Venture 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, develop one utilizing services provided by other Partnership Members, or secure the services of an outside consulting firm. This must be completed and submitted to Hunt-Walton, A Joint Venture before beginning work on site. All subcontractors shall have an effective safety program in place.
6. The Kansas City Area OSHA Office may be contacted for clarification on health-related issues.
7. Create a working relationship between OSHA and the other Partnership Members.

V. Measurements

1. The total lost workday injury and illness rate compared to the average for construction nationally based on the BLS 2005 published lost time Incidence Rate of 3.4.
2. Documented jobsite inspections and total number of hazards identified and corrected.
3. Records of training certifications/training rosters will be maintained. Report the total number of people trained. This may include, but not be limited to, OSHA 10 and 30 hour courses as well as other hazard specific training.
4. Evaluate the effectiveness of the Fall Protection Plan.
5. Safety and Health Programs will be maintained on file by Hunt-Walton, A Joint Venture. Reports are to be made quarterly concerning the general effectiveness of the safety and health programs and copied to the Kansas City OSHA office for review.

VI. Partnership Member Involvement

Each Subcontractor and their Subcontractors will designate at least one representative to attend an on-site safety representative meeting. The Safety Manager for Hunt-Walton, A Joint Venture will oversee the meeting and all participants will evaluate the progress of the Partnership. The representatives will review the completed and summarized 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. Hunt-Walton, A Joint Venture

1. Implement a comprehensive safety and health program, which includes:
 - a. Management commitment and employee involvement
 - b. Worksite analysis
 - c. Hazard control
 - d. Arrange for training assistance for Subcontractors and their Subcontractors
 - e. Require Subcontractor(s) to implement an appropriate Disciplinary Program
2. Refer Subcontractors who have not developed their own safety and health program to a qualified independent safety consultant.
3. Have the authority to enforce safety rules and regulations. This authority will include provisions to hold contractors and employees accountable and, if necessary, take appropriate sanctions to enforce compliance with the established Project safety rules and regulations.
4. Require the use of conventional fall protection (i.e. personal fall arrest/restraint systems, safety net systems, or guardrail systems) when performing work that is 6 feet or greater above a lower level. This includes but is not limited to steel erection, roofing, ladder work and scaffold operations, even though it may exceed OSHA requirements.
5. Where the potential for airborne silica exposure exists, Hunt-Walton, A Joint Venture will require the use of wet cutting techniques and/or dust collection systems in addition to the appropriate use of approved respiratory protection where warranted. Personal air monitoring will be conducted by Subcontractors to assess employee exposure levels when required. Where the potential for other health issues such as carbon monoxide, lead, or large-scale use of chemicals in the building interior (such as floor finishing) exists, the Subcontractor will conduct air monitoring to assess employee exposure levels when deemed necessary.
6. Ground Fault Circuit Interrupters (GFCI) will be used throughout the project.
7. Back up alarms shall be present on all motorized equipment.
8. No loads shall be lifted overhead without clearing the path to delivery.
9. OSHA required trench and excavating protection shall be enforced.
10. Proper guardrails will be present on all scaffolding 6 feet or greater.
11. All workers, management and visitors shall wear hardhats at all times when on site. (Exception shall be in the isolated on-site management compound.)
12. Cranes: All Subcontractors shall provide proof of crane operator training.
13. Provide a Project Superintendent who will have as part of their job description a responsibility for site safety, to serve as a point of contact and to assist the Safety Manager in overseeing the partnership goals.

14. Conduct and document job site inspections at least 1 time per week. These are in addition to the general, non-documented inspections that should occur daily.
15. Review accident reports with the Safety Representatives including first aid and near miss reports weekly.
16. Conduct and retain summary documentation of weekly toolbox talks.
17. Evaluate the effectiveness of the Fall Protection Plan, and take corrective action as needed.
18. Compile injury and illness data and provide to OSHA.
19. Provide signage identifying the site as an OSHA Partnership Project.
20. Maintain accident/injury data, Subcontractor EMR data will be made available to OSHA upon request.
21. In addition to OSHA's notification requirements, Hunt-Walton, A Joint Venture will notify the local OSHA office of safety or health related events, which 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.

B. OSHA:

1. OSHA may participate in the weekly Safety Representative meetings but will not participate in the weekly walk around inspections.
2. Compliance Assistance Personnel from the Kansas City Area Office may aid with off-site safety and health training.
3. Give priority to the site when technical assistance is needed.
4. Audit the quarterly reports and make recommendations for improvement in meeting the Partnership goals.
5. Review Partnership company safety and health programs, along with Subcontractors as necessary, and provide technical assistance and recommendations for improvement.
6. Provide national statistics covering all areas of standards enforcement for distribution to the Partners.

C. Subcontractors:

1. Appoint an on-site person to act as a safety representative to resolve jobsite safety matters and be the liaison to Hunt-Walton, A Joint Venture's Safety Manager.
2. Conduct and document jobsite safety inspections weekly for those employees under their control. This is in addition to the general, non-documented inspections that should occur daily.
3. Conduct and document jobsite safety meetings and make them available to Hunt-Walton, A Joint Venture and OSHA upon request.
4. Participate with Hunt-Walton, A Joint Venture at the weekly on-site safety inspections and if non-compliant activity or hazards are discovered, the affected contractor shall promptly abate the conditions and provide written documentation to Hunt-Walton, A Joint Venture that the unsafe condition has been corrected.
5. Will receive a copy of all the jobsite inspections conducted by Hunt-Walton, A Joint Venture of their respective areas.

D. The Builders' Association:

1. The Builders' Association, whose members include Walton Construction LLC, will provide assistance and coordination efforts to the project as resources allow.
2. The Director of Safety Services, or his designated representative, will attend Hunt-Walton's monthly safety audit meetings.

E. Missouri Onsite Safety & Health Consultation Program

Priority Consultation service and assistance for small employers working on the Royals Stadium construction site will be provided by the Missouri On-site Safety & Health Consultation program.

VII. OSHA Incentives

1. In the event that a company performing work at the site is cited by OSHA, a maximum of 25% penalty reductions for good faith will be provided, in accordance with CPL2.103 – Field Inspections Reference Manual (FIRM).
2. Priority will be given to “phone and fax” investigations of all complaints in lieu of on-site inspections.
3. Upon successful completion of an OSHA “monitoring” inspection (meaning no high gravity serious, willful or repeat hazards are cited), as outlined in section VIII(3), the site will be exempted from programmed OSHA inspections until the next annual inspection.
4. Any apparent non-serious violation observed during an OSHA visit shall not be cited if it is immediately abated.

VIII. OSHA Inspections

1. OSHA will continue to investigate fatalities and catastrophes should they occur at the jobsite as well as alleged “imminent” danger situations.
2. OSHA will continue to investigate all complaints and referrals received in accordance with OSHA Instruction CPL 02-00-140, Complaint Policies and Procedures, as specified in Paragraph VII.2. of this agreement.
3. OSHA will normally complete one focused “monitoring” inspection each year during the term of the partnership. These inspections will follow the “Focused Inspection” protocol addressing hazards related to falls, struck by, caught-in, and electrical hazards. Inspections conducted in response to complaints, Local and/or National Emphasis Programs, or referrals will qualify as the monitoring inspection if, in addition to addressing the complaint/referral item(s), the compliance officer completes the focused inspection protocol for the worksite.
4. The OSHA annual “monitoring” inspection contained within this program will serve the sole and exclusive purpose of meeting the requirements contained within the Hunt-Walton, A Joint Venture partnership agreement. The aforementioned inspection will not serve for verification of any agreements or partnerships outside this agreement (i.e. Build Safe Partnership Program).

IX. Employee Rights

This Partnership supports employees' rights as guaranteed under the Occupational Safety and Health (OSH) Act as delineated in TED 8-02.

X. Program Evaluation/Executive Safety Committee

The Partnership will be evaluated quarterly and will include data used to monitor the success of the Partnership efforts. On a quarterly basis, the Executive Safety Committee comprised of Hunt-Walton, A Joint Venture's project executive and Safety Manager, a Kansas City Royals representative and a representative(s) from OSHA shall meet and discuss the program and make any modifications as required to continually improve the Partnership. From time to time, Subcontractors will be invited to attend to offer further feedback. A written evaluation will be completed annually and submitted to the Regional OSHA Office.

XI. Advantages

This Partnership requires frequent inspections of the worksite by Hunt-Walton, A Joint Venture, Subcontractors and other members of the Partnership to identify and correct hazards. It also serves as a model to Subcontractors and others by demonstrating how to implement a strong safety and health program on a large multi-employer jobsite. It also encourages a higher level of participation in the safety process by involving everyone on the jobsite. The knowledge gained from this Partnership will be applied to reduce injuries and illnesses at future work sites.

XII. Termination

This agreement shall be in effect until completion of the site construction activities.

Should either of the principal participants (OSHA or Hunt-Walton, A Joint Venture) elect to withdraw from the Partnership, notification in writing shall be given to the other Party. A thirty (30) day notice is required prior to termination and gives the parties an opportunity to resolve any issues to avoid termination. Withdrawal by either Party shall constitute a cancellation of the Partnership. In the event of a termination, neither party shall contact the media and discuss the issues surrounding the termination. OSHA and Hunt-Walton, A Joint Venture are the only entities that can terminate this Partnership.

United States Department of Labor Occupational Safety & Health Administration

Based upon a mutual interest to protect construction workers in the Bi-State area, the parties below agree to the above terms on the Hunt-Walton, A Joint Venture / OSHA Partnering Agreement for the Kauffman Stadium Renovation Project.

Signed this 8th day of January, 2008.

Principal Participants:

**Barbara Theriot, Area Director
OSHA/Kansas City Area Office**

**H. Daniel Shumaker, Contract Manager
Hunt Construction Group**

**Dennis Thompson
Chief Operating Officer
Walton Construction LLC**

**Phil Shoemaker
Director, Safety & Health Services
The Builders' Association**

**Daniel A. Stark, CIH
Program Manager
Missouri Onsite Safety & Health Consultation Program**

The following pledge both support and cooperation to the partnership:

**Bob Rice, Vice President Stadium Operations
Kansas City Royals**