

Attachment D
Subcontractor Safety, Health, and Environmental
Minimum Performance Standards (MPS)

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Introduction

Unger Construction constantly strives to provide a safe and productive work environment. The following items are intended as a guide to help improve subcontractor compliance with environmental, health, and safety laws and recognition of safe work practices. If any of the items below conflicts with state or federal law, the state or federal law shall prevail. This section is not intended as a complete safety program in itself. The items below are safe work practices that are required to be followed by all subcontractors while working on site.

1. General Expectations

Subcontractors shall develop and maintain safety, health and environmental programs and procedures that meet or exceed Federal, State, and Local laws, regulations and standards. They shall also agree to comply with any Owner and/or Unger Construction site specific requirements. The subcontractor shall be able to provide reasonable documentation to demonstrate compliance with minimum performance standards (MPS).

Subcontractors shall make Unger Construction immediately aware of any unique safety, health, or environmental concerns related to their work and make timely efforts to notify other affected contractors working on site and protect the public from hazards.

The MPS compliance shall be expected of any additional tier subcontractors under the first tier subcontractor's control. Subcontractors shall be responsible for the content and cost of any training required by the MPS, and shall document that the training is completed before the job starts.

Subcontractors shall be responsible for costs related to fines and citations issued by regulating agencies to them and others caused by or related to their work.

Subcontractor shall perform and document pre-task planning to identify any hazards related to their work. This shall be available for inspection by Unger Construction at any time.

2. Staffing Requirements and Expectations

A designated safety person (DSP) shall be assigned to coordinate project safety requirements regardless of staffing levels. If the project requires more than one shift, each shift will require a DSP. The DSP shall be trained in emergency procedures. A full time DSP with no other duties or responsibilities shall be assigned to the project whenever the subcontractor's staffing level reaches 25 employees. The DSP must have knowledge sufficient to be able to identify hazards and the authority to correct them. All DSPs designated to an Unger Construction project must be approved by the Unger Construction Safety Manager prior to the assignment.

If the project develops a Safety Committee, the subcontractor shall make a representative available to participate in committee activities.

Subcontractor shall provide an adequate number of first aid trained people to respond to emergency events. Unger Construction shall be notified of any changes in First Aid/CPR staffing during the project. Subcontractors shall provide Unger Construction a site-specific emergency plan identifying CPR/First Aid staff, First Aid equipment, and the nearest medical clinic or hospital.

3. Orientation and Training

Subcontractor's employees shall receive a site specific orientation at initial assignment. Unger Construction may require all subcontractor employees to attend a site specific safety orientation. Subcontractors shall document employee attendance at site specific safety orientation and make a copy available to Unger Construction.

Subcontractors are responsible for all safety, health and environmental training related to their work. Documentation of training must be available to Unger Construction upon request. In addition, Unger Construction and other subcontractors should be made aware of any special training required as a result of their activities.

4. Safety Meetings

Subcontractors will conduct their own safety meetings as required by law. In addition, Subcontractor's personnel will attend Unger Construction weekly toolbox training meetings and coordination meetings if directed by the Unger Construction Project Superintendent. Subcontractors are to provide Unger Construction Project Superintendent with a copy of their safety meeting reports.

Subcontractor's superintendent, foreman, or DSP shall be represented at all of Unger Construction's scheduled safety/coordination meetings.

5. Barricades and Perimeter Protection

Subcontractors shall assure that all their jobsite personnel understand that removal of barricades and other perimeter protection must have prior approval of Unger Construction Project Superintendent.

Warning tape is commonly used on site to protect workers from dangers. Yellow tape is used to caution workers that a hazard exists and the worker should not cross the yellow tape unless he has permission and knows what the hazards are and how to avoid them. Red tape means that the danger is immediately dangerous to the workers health and safety. Red tape must never be crossed unless the worker is protected from the hazards that lie beyond the red tape. Any worker crossing a red taped perimeter of a hazard without permission will be disciplined up to removal from the work site.

Barricades including guardrails are not to be removed or altered without written permission from the contractor who installed the barricade or guardrail and Unger Construction. Subcontractor's personnel are responsible for any barricade or perimeter protection removed because of their work and must replace the barricades, guardrails, or perimeter protection when their work is completed. Subcontractor will be solely responsible for worker safety during the period of temporary removal.

6. Injury and Accident Report

Under the Terms and Conditions of Unger Construction Subcontract Agreement, all Subcontractors are required to notify Unger Construction Project Superintendent immediately of any incident/accident and furnish, within 24 hours, a written report. Notification shall include copies of all reports of any injury to their employees and/or accidents involving other people or property damage caused by their actions. Subcontractor employees, including site supervision, the DSP, the subcontractor's Safety Manager, and the employee's involved in the incident, will be required to meet with the Unger Construction Company's Safety Manager immediately following an incident to discuss the root cause and the corrective measures to be taken to assure that the incident does not reoccur. Subcontractors should have post-incident drug testing procedures.

In the event of media involvement, subcontractors will cooperate with Unger Construction or Owner Crisis Management efforts.

7. Project Safety Inspections and Audits

Subcontractors shall conduct daily safety inspections of their work areas and shall cooperate with any regulatory agency consultation or compliance inspections. Written safety audits or inspections shall be done at least weekly and documented. Documentation shall be available upon request to Unger Construction Company. Any hazards found at the work site shall be immediately corrected and reported to Unger Construction Company.

Subcontractors will be notified of any violations of safety regulations and safe practices while working on an Unger Construction site. Failure to correct conditions places the offending Subcontractor in violation of their contract. This may result in progress payments being withheld until the conditions noted are corrected. If the hazard is serious, Unger Construction may be forced to stop all of the offending Subcontractor's work activities until the hazard is corrected at the Subcontractors expense. Subcontractors will be directed to remove from the project, any employee who refuses to comply with or has been repeatedly observed violating safety regulations.

8. Enforcement / Disciplinary Procedures

A plan for disciplinary action for violation of known safety requirements shall be part of subcontractor's IIPP.

Any subcontractor worker, who is observed not complying with safe practices or in violation with the project safety procedures, will be subject to the following disciplinary steps:

- a. Verbal warning
- b. Written warning
- c. Suspension from the site for a period of not less than 3 days
- d. Worker asked to leave site permanently

If any employee demonstrates a willful or repeated violation of the safe policies and practices or the employee's action willfully disregarded his or any workers safety, the worker can be asked to leave the site without a verbal or written warning.

9. Fire and Flammable Material

The following items represent basic fire control procedures to be followed by all Subcontractors:

- a. Flammable liquids and/or combustible solids are to be stored only in properly labeled, approved, closed, secured metal containers.

- b. Combustible waste materials are to be picked up and properly disposed of; at least once a shift and more often if necessary.
- c. Locate extra fire extinguishers near welding operations. **Subcontractors are required to supply their own fire extinguishers on site.** All fire extinguishers shall have an annual inspection done and be inspected monthly. A tag on the fire extinguisher shall show the date of the last annual inspection and show proof of monthly inspections.
- d. Oxygen and acetylene cylinders are to be secured upright, stored separately (20' or more apart) and away from other combustible materials.
- e. Control or contain welding, cutting, or grinding sparks; if necessary, provide a fire watch.
- f. Subcontractors are responsible for maintaining a Hot Permit at their worksite during any welding, cutting, or grinding operation. This includes the cutting of metal with a cut off saw or chop saw.
- g. An independent fire watch shall be stationed at the work area and monitor all areas that may be effected by the welding, cutting, or grinding operation. The fire watch person shall be trained in the use of a fire extinguisher and be stationed at the work area for a minimum of 30 minutes following the completion of the work.
- h. Unger Construction shall be notified immediately of any explosive material brought on the project site.
- i. The amount of flammable/combustible liquids stored for use in temporary containers shall be limited to what will be used in one shift.

10. Housekeeping

Each Subcontractor is responsible for cleanup and removal of their debris, excess material, trash, and tools on a daily basis. All work areas shall be kept clean at all times. Failure to perform this function will result in the Subcontractor being charged for cleanup being performed by others.

11. Hazardous Waste

Subcontractor is responsible for the generation, management, and proper disposal of any flammable explosives, ignitable liquids, radioactive materials, toxic substances, or any related materials or substances, including, without limitation, any substance defined as or included in the definition of "hazardous wastes" under any applicable federal, state or local law, regulation or ordinance.

The subcontractor agrees not to bring hazardous wastes on site or generate hazardous waste without the knowledge and consent of Unger Construction.

Exception: Small quantities, (less than 4 liters total and 1 liter in any single container) AND the hazardous materials are totally consumed or removed during the shift. In this case the work must be performed without any emission or discharge to the air, soil, storm drains, or exposure to other workers.

Note: The Tenant and Landlord shall have the right to use, generate and store on the premises and the building, and transport to and from the premises and the building, those hazardous materials which are generally used in the ordinary course in first class office buildings (collectively, "permitted materials") provided, however, that Tenant's and Landlord's use, generation, storage and transport thereof is in compliance with all applicable federal, state and local laws, regulations and ordinances.

Subcontractors are responsible for Proposition 65 notification requirements, codes and regulations, and for maintaining a list of all materials containing hazardous substances. A complete list of these materials and copies of the MSDS (Material Safety Data Sheet) are to be given to Unger Construction no later than the first day said materials are brought on the site.

Subcontractors are responsible for training and documenting their employees training in the proper safety precautions for use and disposal of said materials. Furthermore, Subcontractors using hazardous materials shall notify other Subcontractors' field supervisors and employees of their use and maintain proper controls to eliminate their exposure to said materials. It shall be the responsibility of the Subcontractor to maintain all hazardous substances in properly identified containers kept in properly controlled areas. The removal from the site of excess materials or disposal of waste materials is the sole responsibility of the Subcontractor.

12. Temporary Power

Temporary power 15 and 20 amp. service shall be protected by Ground Fault Circuit Interrupters (GFCI).

Temporary power cords shall be heavy-duty construction grade. Subcontractors are not permitted to repair damaged electrical cords unless the repair is done by a qualified electrician. Damaged cords are to be removed from the job site

immediately. If damaged cords are not immediately removed by the subcontractor upon request by Unger Construction Company, Unger Construction Company may remove the damaged cord to protect the workers on site.

13. Personal Protection Equipment

The Subcontractor agrees to provide personal protective equipment (PPE) and adequate training for the use of PPE to all of their employees as required by applicable OSHA standards.

At a minimum and as required by regulations, the following is required:

- a. All Subcontractors' agents shall be dressed in appropriate clothing when entering jobsite, including long pants, hard soled leather work boots (no nylon), and shirts with sleeves
- b. All workers are required to wear hard hats and safety glasses at all times while working on an Unger Construction Co job site.
- c. Bright shirts or vests are required to be worn by all workers working outside of buildings.
- d. Face shields are to be worn whenever the worker performs work in which flying particles are possible. Safety glasses must be worn with face shields.
- e. Welders and their helpers are required to wear eye and face protection having the appropriate shade necessary for their protection and as required by law. All welders must wear clothing that will protect their arms and body from sparks and flames.
- f. Appropriate work gloves shall be worn whenever work activities subject their hands to injury.

Unger Construction is not responsible for providing hardhats, work gloves, goggles, etc. to anyone but their own personnel.

14. First Aid

Subcontractor's field crew must have a First-Aid kit and immediate access to a medical facility for use in an emergency. Subcontractors are required to provide Unger Construction the location of their designated emergency medical facility. An effective emergency communication system is the responsibility of the Subcontractors for their activities.

15. Fall Protection

Unger Construction Company's fall protection policy requires all workers on a project to be tied off when exposed to a fall of 7.5 feet or greater. A passive restraint system such as a guardrail system will be used unless impractical. When passive restraint systems are impractical, active systems such as a personal fall arrest system shall be used. Subcontractors will be responsible for determining the proper anchor point for use in all personal fall protection arrest systems. In all cases, subcontractors will follow regulations and safe practices while employing a fall protection system.

Steel workers including metal decking subcontractors are allowed under regulations to exceed the minimum fall protection height as stated above while performing certain work. Steel workers and decking contractors will follow all the requirements for fall protection as outlined in regulations. Prior to the installation of a steel structure, steel erection subcontractors and decking subcontractors are required to submit a project specific fall protection plan.

Subcontractors are responsible not to subject any other worker on site to falling objects resulting from work being performed by that subcontractor. Work areas below another worker are to be protected by the worker working above other workers at all times.

All rebar or similar protrusions are to be capped or covered to prevent employees from the hazard. Unless otherwise agreed to by contract, the contractor installing the rebar or other protrusion creating the hazard shall be responsible to eliminate the hazard by installing fall protection such as caps or troughs. The subcontractor installing caps or troughs is responsible to maintain them to not subject any other worker to the hazard.

Any hole in the walking surface greater than 2" in size shall be covered and the cover secured from movement. The cover shall be sufficient in strength to withstand all loads that may be subjected to that surface including by not limited to scissor lifts, tool storage boxes, and personnel. The subcontractor whose work is the reason for the existence of the hole is responsible to cover and maintain the cover until the hazard is eliminated.

There is a NO TOLERANCE policy for violations of this fall protection policy. Any worker violating this fall protection policy may be subjected to immediately removal from the site.

16. Pre-Task Planning

All subcontractors are required to furnish to Unger Construction a Job Hazard Analysis (JHA) prior to commencement of work on site. The JHA shall cover general and specific work activities, all related hazards, and actions to be taken to eliminate the hazards. The JHA shall be submitted to Unger Construction and approved prior to commencement of work. The subcontractor shall go over the JHA with all workers on site as part of their training. Subcontractors may be required to submit additional JHAs by Unger Construction not covered by the original JHA during the course of work.

17. Crane Operations and Critical Lifts

All subcontractors who operate or employ a crane on site shall be required prior to the work proceeding to submit the following:

- a. A copy of the crane operator's certification card.
- b. The current records for the crane.
- c. Copy of the subcontractor's liability policy or crane operator's liability policy
- d. Crane inspection record completed by a qualified worker prior to commencement of work.
- e. Critical lift pick plan

All documentation must be submitted to Unger Construction for review prior to commencement of work.

No worker is permitted to work under or travel under a suspended load or be positioned such that a suspended load will swing over the worker. The subcontractor who is operating or employing the crane shall assure that no workers are exposed to a suspended load while operating the crane on site. No subcontractor shall allow his workers to work or travel under a load or within the swing of the load that will subject the worker to the hazard.

18. Scaffolding

Scaffolding erected by a contractor on site is the responsibility of that contractor. The contractor erecting a scaffold on site shall provide to Unger Construction the following:

- a. The name and training records or training certification of the competent person.
- b. A record that the scaffold was approved for use by a competent person prior to any worker accessing the scaffold for the first time. Competent person inspection following erection.
- c. A daily inspection checklist by a competent person trained to do scaffold inspections. The inspection shall be done daily and prior to anyone accessing the scaffold. A copy of the inspection report shall be submitted to Unger Construction.
- d. Toe boards shall be installed on the perimeter of all scaffolds unless an alternative method of fall protection has been approved by Unger Construction such as eliminating access and travel below the scaffold.
- e. Training records for all workers that access the scaffold (User training) shall be submitted to Unger Construction. This includes training records of workers other than the erecting contractor.
- f. Permission to use another contractor's scaffold shall be done in writing and a copy submitted to Unger Construction prior to use by any contractor other than the erecting contractor.

19. Confined Space

Workers will not be allowed to enter a confined space unless regulations for confined space entry are followed. Prior to entry of a confined space, all subcontractors are required to submit a Job Hazard Analysis (JHA) outlining the procedures to be followed to allow safe entry and the procedures that will be followed to comply with confined space regulations. A copy of the JHA must be submitted to Unger Construction Company and approved prior to commencement of work.

Confined space training records for all workers involved in the confined space entry will be submitted to Unger Construction prior to commencement of work.

20. Industrial Trucks

Only trained workers will be allowed to operate industrial trucks including fork lifts on site. The operator will be required to carry on his/her person a card showing that the operator has been trained for the equipment being operated. Any operators not operating the equipment safely or exhibiting a lack of ability to operate the equipment safely regardless of whether they have a card showing training on the equipment will not be allowed to operate the equipment on site.

Equipment that is in need of repair or considered unsafe to operate will not be permitted to be operated on site.

All operators are required to perform a safety inspection of the equipment at least daily prior to use of the equipment. The daily inspection record is required to be kept on the equipment at all times while on site.

21. Heat Illness Risk Reduction

All subcontractors are required to take steps necessary to protect their workers from the risk associated with heat illnesses and to comply with California law. Subcontractors are required to at minimum do the following:

- a. Train all supervisors in the recognition of heat related illnesses and the remediation of the factors.
- b. Workers must be trained in the recognition of heat related illness, how to protect themselves, and how to report signs of heat illness.
- c. Regular break periods must be allowed and shade provided for workers.
- d. Subcontractors are required to provide sufficient water and make it easily available to all workers on site as required by California law.
- e. All subcontractors are required to have a heat illness prevention program in place.
- f. Subcontractors must follow California regulations regarding heat illness prevention and may be required to submit proof of compliance to Unger Construction Co.

22. Minimum Performance Standards Checklist – If applicable to this project, reporting checklist will be included with this document.

This checklist has been provided to assist in the planning and implementation of the "Subcontractor Safety, Health and Environmental Minimum Performance Standard" (MPS).

At least 5 days prior to the start of a subcontractor's on-site field mobilization, this checklist should be completed and submitted to UNGER CONSTRUCTION along with all supporting compliance information. Failure to submit the required checklist and accompanying data may result in the withholding of progress payments due to the subcontractor or may delay the start of work by the subcontractor.

This checklist addresses the need for action plans that are required to conform and respond to the MPS. Specifically, it requires a subcontractor to commit to the resources and timing for actions (the who, where, when and how) necessary to effectively implement the MPS program.

The MPS checklist will be used as a joint tool for the subcontractor and UNGER CONSTRUCTION to monitor and manage the subcontractor's MPS implementation with specific assignments for program compliance and maintenance. It is also intended to provide clear assignment of accountability within the subcontractor's team for the timing and individual responsibility for the MPS program.

Subcontractor management and craft personnel assigned to this project should be provided a copy of the subcontractor's general safety program and project specific MPS program including this completed checklist.

Minimum Performance Standard Checklist:

The attached Minimum Performance Standard (MPS) is required for this Project. Please respond to all of the checklist questions and submit a signed copy to UNGER CONSTRUCTION.

Minimum Performance Standard (MPS) is not required for this Project.