



## **EXHIBIT A**

### **SUBCONTRACTOR SAFETY, HEALTH, AND ENVIRONMENTAL MINIMUM PERFORMANCE STANDARDS (MPS)**

Panattoni Construction, Inc. ("Panattoni") 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. This section is not intended as a complete safety program in itself. Subcontractor is required to conduct a complete Safety and Injury Prevention Program (IIPP) in compliance with OSHA standards and in full cooperation with Panattoni's safety program.

Hereafter, Subcontractor agrees to the following conditions of this MPS as specific to INSERT PROJECT NAME HERE.

#### **A. 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 Panattoni site specific requirements. The subcontractor shall be able to provide reasonable documentation to demonstrate compliance with minimum performance standards (MPS).

Subcontractors shall make Panattoni immediately aware of any material 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, who contract out all or part of their work, have the total responsibility to see that their lower tier contractors comply with project safety requirements and will incorporate all health, safety and environmental provisions herein and in the Subcontract into any and all contracts with their sub-subcontractors of any tier. Subcontractors will be held directly accountable for all lower tier contractors.

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 Panattoni at any time.

#### **B. Staffing Requirements and Expectations**

Subcontractor must identify and ensure that they have on site at all times at least one

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Designated Safety Person (*hereafter referred to as DSP*). The DSP will be identified to Panattoni Construction, Inc. as the primary, on-site contact for safety related issues. The DSP may be a Supervisor. To qualify as a DSP, subcontractor shall endeavor to ensure that the DSP **shall have successfully completed, as a minimum, the OSHA 10 Hour Construction safety training**. Subcontractor shall submit a copy of the DSP's OSHA 10 hr card to the Panattoni Construction, Inc. project superintendent.

Subcontractor shall have at least one employee onsite at all times during performance of its Work who can communicate sufficiently with PCI and others to provide for the safe execution of the Work and protection of persons and property.

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. 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. Panattoni shall be notified of any changes in First Aid/CPR staffing during the project. Subcontractors shall provide Panattoni a site-specific emergency plan identifying CPR/First Aid staff, First Aid equipment, and the nearest medical clinic or hospital.

A full time Safety Professional acceptable to Panattoni will be provided when Subcontractor staffing levels reach 75 employees.

**C. Orientation and Safety Training**

Subcontractor shall conduct a site specific orientation for its employees at initial assignment. Contact the applicable Panattoni Project Superintendent for jobsite specific orientation requirements.

Subcontractors shall document employee attendance at site specific safety orientation(s) and make a copy available to Panattoni upon request. In addition, Panattoni and other subcontractors shall be made aware of any special training required as a result of their activities.

Additional OSHA Construction Standards that require specific training include, but **are not limited to**:

- **Hazard Communication Training**-29 CFR 1926.59
- **Stairway and Ladder Safety Training**- 29 CFR 1926.1050
- **Fall Protection Training**- 29 CFR 1926.503
- **Personal Protective Equipment**- 29 CFR 1926.95
- **Scaffold Training**-29 CFR 1926.450
- **Heat Illness Prevention Training**- CCR, Title 8, Section 3395

Prior to workers coming on site, subcontractors must ensure workers are trained in the above standards and any other State, Federal, Local, or owner required training. These records shall

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be made available for review by Panattoni upon request.

Subcontractors are responsible for all safety, health and environmental training related to their work.

**D. Safety Meetings**

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

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

**E. Barricades and Perimeter Protection**

Subcontractors shall assure that all of their jobsite personnel understand that removal of barricades and other perimeter protection must have prior approval of the Panattoni Project Superintendent. Subcontractors are responsible for any barricade or perimeter protection removed because of their Work. Subcontractor will be solely responsible for work safety during the period of temporary removal.

**F. Injury and Accident Report**

Under the Terms and Conditions of Panattoni Subcontract Agreement, all Subcontractors are required to notify the Panattoni Project Superintendent immediately of any incident/accident and furnish, within 24 hours, a written report in form and content satisfactory to Panattoni. 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. Subcontractors should have post-incident drug testing procedures.

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

**G. Audits and Inspections**

Subcontractors shall conduct and document weekly safety audits of their work areas and shall cooperate with any regulatory agency consultation or compliance inspections. The Subcontractor's Supervisor(s) or Designated Safety Person shall conduct regular inspections of their work areas and activities on a daily basis. Identified hazards that are under their control must be corrected immediately and all other identified hazards must be reported to the Panattoni Project Superintendent.

**H. Enforcement**

A plan for disciplinary action for violation of known safety requirements shall be part of

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Subcontractor's IIPP/Safety Program.

If Panattoni identifies any Subcontractor employee violating project safety requirements, the identified employee(s) will be removed from the job immediately.

**I. Fire and Flammable Material**

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

1. Flammable liquids and/or combustible solids are to be stored only in properly labeled, approved, closed, secured metal containers.
2. Combustible waste materials are to be picked up and properly disposed of; at least once a shift and more often if necessary.
3. Locate extra fire extinguishers near welding operations.
4. Oxygen and acetylene cylinders are to be secured upright, stored separately (20' or more apart) and away from other combustible materials.
5. Control or contain welding, cutting, or grinding sparks; if necessary, provide a fire watch.
6. Panattoni shall be notified immediately of any explosive material brought on the project site.
7. The amount of flammable/combustible liquids stored for use in temporary containers shall be limited to what will be used in one shift.

**J. 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.

**K. 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 Panattoni.

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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 copy of the Subcontractors **site specific** material safety data sheets (**MSDS**) must be submitted to Panattoni and updated as applicable. A **Project Hazcom Library** will be established and maintained in the Panattoni Project office. The Panattoni Project Library does not eliminate the need or requirement for the Subcontractor to establish and maintain a HazCom Program including training for its employees. A complete list of these materials and copies of the MSDS (Material Safety Data Sheet) are to be submitted to Panattoni prior, or on, the introduction of the materials arriving on 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.

**L. Project Safety Inspections and Enforcement**

Safety Hazard Notices (See IIPP Section 14, Exhibit 16) will be sent to Subcontractors observed violating safety regulations. Failure to correct conditions that are noted on a safety hazard notice places the offending Subcontractor in violation of their Subcontract. This may result in progress payments being withheld until the conditions noted are corrected. If the hazard is serious, Panattoni may be forced to stop all of the offending Subcontractor's work activities until the hazard is corrected at the Subcontractors expense. Panattoni reserves the right to terminate the Subcontract for Subcontractor's failure to comply with the Subcontract and contract documents, including this Safety Attachment.

Subcontractors will be directed to remove from the project, any employee who refuses to comply with or has been repeatedly observed violating safety regulations.

**M. Temporary Power**

Temporary power 15 and 20 amp. Service shall be protected by Ground Fault Circuit

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Interrupters (GFCI).

Temporary power cords shall be heavy-duty construction grade.

**N. Worker Safety**

All Subcontractors' agents shall be dressed in appropriate clothing when entering jobsite, including long pants, hard soled leather work boots (no nylon), 100% **safety glasses and hardhats**. Sleeveless shirts and open-toed or tennis shoes will not be allowed. Subcontractors' agents include field personnel, management, vendors, sub-subcontractors of any tier and visitors.

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

**O. First Aid**

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

**P. Fall Protection**

Panattoni maintains a **Zero Tolerance Policy** for fall protection infractions. Anyone found in violation of fall protection rules may be removed from the jobsite and his or her company may be required to hold a **safety stand down** meeting addressing incident with workers on the project. Written documentation of this meeting will be forwarded to Panattoni Construction Inc for review. It may be determined that additional fall protection training be required by the subcontractor before work will resume.

Subcontractors are required to comply with **OSHA 1926.500 Subpart M**, unless governed by Subpart R. Subcontractor employees are required to be provided and use 100% fall protection and/or prevention systems whenever exposed to a fall greater than 6'. Subcontractors engaged in high hazard work may be required to submit a **fall prevention plan** addressing fall protection methods that will be used during the course of work.

**Q. Steel Erection**

Before steel erection begins, a **Site Specific Safety and Erection Plan** will be submitted to Panattoni by the steel erection subcontractor and erector. A pre-planning meeting will be held with Panattoni prior to beginning steel erection to review the site specific safety and erection plan and discuss fall protection procedures that the subcontractor will implement.

**R. Excavations**

A **Competent Person** shall be indentified by the subcontractor before excavation work begins.

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Daily, pre-shift inspections of excavations, adjacent areas and protective systems shall be made by the competent person for evidence of potential cave-ins, hazardous atmospheres or protective system failure. The walls and faces of trenches 5 feet or more deep and all excavations, in which employees are exposed to danger from moving ground or cave-in, shall be guarded by a shoring system that meets or exceeds the OSHA standards applicable to the state in which the jobsite is located. For excavations over 20 feet, a Registered Professional Engineer must design all shoring, sloping or benching.

The excavation contractor shall contact all utility location agencies for assistance in locating underground utilities prior to start of work.

O. Heat Prevention