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ATTACHMENT "I" **SUBCONTRACTOR SAFETY, HEALTH, AND ENVIRONMENTAL** **MINIMUM PERFORMANCE STANDARD (MPS)**

Harbison-Mahony-Higgins Builders, Inc. (HMH) constantly strives to provide a safe and productive work environment. The following items are intended as HMH requirements for 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 full cooperation with HMH's program. (See also Terms and Conditions Section 2(a) item (f) and Section 10.)

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

Subcontractors shall make HMH 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 HMH at any time.

B. 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. 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. HMH shall be notified of any changes in First Aid/CPR staffing during the project. Subcontractors shall provide HMH 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 HMH will be provided when subcontractor-staffing levels reach 75 employees.

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C. Orientation and Training

Subcontractor's employees shall receive a site specific orientation at initial assignment.

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

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 HMH weekly toolbox training meetings and coordination meetings if directed by the HMH Project Superintendent. Subcontractors are to provide HMH Project Superintendent with a copy of their safety meeting reports.

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

E. Barricades and Perimeter Protection

Subcontractors shall assure all their jobsite personnel understand that removal of barricades and other perimeter protection must have prior approval of HMH Project Superintendent. Subcontractor's personnel 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 HMH Subcontract Agreement, all Subcontractors are required to notify HMH 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. Subcontractors should have post-incident drug testing procedures.

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

G. Audits and Inspections

Subcontractors shall conduct and document daily safety audits of their work areas and shall cooperate with any regulatory agency consultation or compliance inspections.

H. Enforcement

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

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. HMH 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, empty product containers, trash, and tools on a daily basis. All work areas shall be kept clean at all times. (See also Attachment "G" Section 7 and Terms and Conditions Section 11(b).). 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 HMH.

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 HMH no later than the first day said materials are brought on the site.

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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 11) 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 contract. This may result in progress payments being withheld until the conditions noted are corrected. If the hazard is serious, HMH 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.

M. 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, NO JUNIOR GRADE CORDS will be allowed on site.

N. Worker Safety

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. HMH is not responsible for providing hardhats, work gloves, safety glasses, or other PPE to anyone but their own personnel.

All Subcontractors, their employees, and their agents shall be dressed in appropriate clothing when entering jobsites, including: long pants, substantial footwear, OSHA approved safety glasses, hardhats and high visibility shirts (bright yellow or blazed orange as defined by the DOT and recognized by OSHA) or flagging vest. Sleeveless shirts, open toe or tennis type shoes will not be allowed. Subcontractors, their employees, and their agents include field personnel, management, vendors, second tier subs and visitors.

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.

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P. Storm Water Quality Control

Subcontractors shall train their employees on Best Management Practices (BMPs) to prevent erosion and silt infiltration into storm drains.

Subcontractors shall abide by all storm water preventative measures implemented at any HMH project site.

Q. Competent Person

Subcontractors providing any activity such as, but not limited to the following: excavation and trenching, confined space, scaffold erection, asbestos, fall protection, bolting and riveting, slab construction operations, etc, shall provide a competent person, the requisite possessing and demonstrating knowledge, training, abilities and duties to identify existing and predictable hazards and possess the authority to impose prompt corrective measures to mitigate the hazards.

Competent person shall be readily available and on-site during any of the referenced activities above.

R. Air Quality

Subcontractors shall comply with all EPA, OSHA, and local regulations to minimize airborne dust, dust clouds, fugitive solvent emissions, noxious odors, and toxic air contaminates for both indoor and outdoor activities during any/all construction related activities. Subcontractors shall demonstrate compliance with applicable OSHA/EPA Standards such as, but not limited to: welding fumes, asbestos, lead, silica, and mold.

S. Mold

Subcontractors shall take all reasonable and prudent steps to prevent mold growth on the project.

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SUBCONTRACTOR SAFETY, HEALTH, AND ENVIRONMENTAL Minimum Performance Standard Checklist

Project: _____

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 HMH 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.

This checklist addresses the need for action plans 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 HMH to monitor and manage the subcontractor’s MPS implementation with specific assignments for program completion 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.

Please respond to all of the checklist questions/inquiries and submit a signed copy to HMH for our review and files.

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A. General Expectations

Submit a copy of the subcontractor's general safety program.

B. Unique Safety, Health, and Environmental Risk Survey of Subcontractor's Work

List risks below, or provide a listing on a separate attachment.

1. _____

2. _____

3. _____

4. _____

C. The MPS compliance shall be expected of any additional tier subcontractors under the first tier subcontractor's control.

1. Provide a list of additional subtier suppliers or vendors utilized by the subcontractor with on-site fieldwork.

2. Designate personnel assigned the responsibility for monitoring of the listed company's MPS program compliance.

Name: _____ Title: _____

D. Perform "Pre-task" planning to identify hazards related to work.

Specify who will be responsible to develop "Pre-task" planning and specify a date for completion of this review.

Name: _____ Title: _____

Completion Date: _____

E. Full-time Safety Professional is required when subcontractor staffing levels reach 100 employees at the project site.

1. Are subcontractor manpower levels anticipated to reach 100 employees? yes no

If yes, please provide the name and resume of qualifications for the subcontractor's Safety Professional assigned to the project.

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F. A Designated Safety Person (DSP) shall be assigned by the subcontractor.

Provide the name of the subcontractor's DSP.

Name: _____ Title: _____

G. Subcontractor shall provide an adequate number of first aid-trained people.

1. List the names of the on site personnel with first aid-training:

2. Subcontractors must supply properly equipped First Aid kits. List location of kits (if more than 2 kits please provide a separate list of locations:

First location: _____

Second location: _____

H. Subcontractor will maintain staff and equipment on site capable of responding to any emergencies related to their work.

Designate the individual responsible to monitor and maintain emergency staffing and equipment:

Name: _____ Title: _____

I. Subcontractors shall develop and require their employees to attend a site-specific safety orientation meeting.

1. Provide an outline agenda for meeting.

2. Designate individual responsible for conducting meeting.

Name: _____ Title: _____

J. Weekly Toolbox Safety Meetings.

1. Designate the time and day of weekly toolbox safety meeting.

Day: _____ Time: _____

2. Designate the individual responsible for conducting and documenting these meetings.

Name: _____ Title: _____

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K. Subcontractors shall be represented at any scheduled weekly coordination meetings where safety is discussed.

Designate individual assigned to attend weekly safety meeting.

Name: _____ Title: _____

L. HMH should be made aware of any special training required as a result of subcontractor activities.

Submit list special training requirements along with a listing of individuals already trained, and/or a schedule to provide training.

M. An incident/accident investigation shall be conducted for any injuries or equipment/property damage events. Copies shall be provided to HMH.

Designate individual responsible to conduct incident/accident investigations and provide copies to HMH.

Name: _____ Title: _____

N. In the event of media involvement, subcontractors will cooperate with HMH's Crisis Management efforts.

Designate the individual that will interface with HMH in the event of media involvement in incident/accident issues. Provide emergency contact numbers.

Name: _____ Title: _____

Office Phone: _____ Pager: _____

Cell Phone: _____ Home Phone: _____

O. Subcontractors should have post-incident drug testing procedures.

Provide HMH with confirmation and acknowledgement of post-incident drug testing procedures with a copy of written statement or procedure (reference page and paragraph if contained within attached program).

Section: _____ Page: _____ Paragraphs: _____

P. Subcontractors shall conduct daily safety audits of their work areas.

1. Designate individual responsible for conducting daily safety audits.

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2. Provide a copy of a sample audit checklist.

Q. A plan of disciplinary action for violation of known safety requirements shall be part of subcontractor injury and illness prevention programs

Provide a copy of written policy or excerpt of policy addressing disciplinary actions for safety violations (reference page and paragraphs if it is contained within attached program).

Section: _____ Page: _____ Paragraphs: _____

R. Subcontractors are responsible for daily clean-up.

Designate individual responsible to insure that clean-up is completed daily.

Name: _____ Title: _____

S. The subcontractor agrees not to bring hazardous materials on site or generate hazardous waste without the knowledge and consent of HMH.

Provide a list of all hazardous materials that will be brought on site.

T. 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.

1. Provide a listing of all personnel protective equipment required for the subcontractor's employees.

2. Confirm that training has been provided to employees on the use of equipment, and/or a schedule to provide training.

Company: _____

Name: _____

Position: _____

Office Address: _____

Telephone: _____

Signature: _____