

I. General

The Charleston Area Office of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and Brayman Construction & Trumbull Corporation, A Joint Venture (hereafter referred to as “BTJV”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the Nitro-St. Albans I-64 Improvement Project (hereafter referred to as “Project”).

This Partnership aims to encourage joint cooperation between OSHA, BTJV, and subcontractors to foster a safe work environment for all project employees. The common objectives and goals of the Partnership will include the following: reducing injuries and illnesses; increasing safety and health training; effective monitoring of health hazards; and, endeavoring to assure that employers have appropriate safety and health management systems (SHMS).

The Partnership calls for the Project to be managed consistent 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 requests for clarification of OSHA standards and will assist as resources and/or OSHA Policy allow. To show their commitment to the Partnership, participating subcontractors (“participating subcontractors”) will voluntarily sign a pledge (Appendix B).

This Partnership will not relieve any subcontractors from, lessen their safety responsibilities, nor change any contractual obligations between BTJV, Project Owner/Developer, or subcontractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement actions.

This Partnership will not in any way affect employees’ ability to exercise rights under the Occupational Safety and Health Act (hereafter referred to as “OSH Act”) and OSHA regulations. The Partnership is consistent with OSHA’s long-term effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources, for innovation in safety management, and encourages more participation in the safety process by each stakeholder.

II. Identification of Partners

The following organizations are considered Partners:

- Occupational Safety and Health Administration, Charleston Area Office (OSHA)
- Brayman Construction & Trumbull, A Joint Venture (BTJV)
- Brayman Construction
- Trumbull Corporation

The following organizations pledge to support the Partnership:

- West Virginia Department of Transportation, Division of Highways
- West Virginia State Building and Construction Trades Council – Charleston, WV
- Participating Subcontractors

III. Project Overview

Project construction started in the Spring of 2020 with completion set for Spring of 2024. It is expected that BTJV and its subcontractors will employ approximately 100 workers at peak construction.

Project details include:

Owner:

West Virginia Department of Transportation, Division of Highways

Project highlights:

- Construction of new bridge over the Kanawha River for westbound I-64 traffic
- Rehabilitation of the existing I-64 bridge over the Kanawha River for eastbound I-64 traffic only.
- Reconstruction of the St. Albans interchange to include flyover ramps.
- Replacement of the I-64 Mainline Bridges over; Rocky Step Road, McCloud Road, and the Nitro interchange, in addition to the Bill's Creek Road Bridge (CR44) over I-64.
- Replacement of pavement.

IV. Partnership Goals, Strategies, and Measures

The primary objective of this Partnership is to prevent work-related injuries and fatalities, control or eliminate serious workplace hazards, and establish a foundation for the development of an effective safety and health program. The goals employed to achieve these results will include the following:

Goal	Strategy	Measures/Products
1. Reduce the total number of Days Away from Work injury and illness cases by 3 percent annually, thereby providing a safer and healthier work environment for workers during the Project.	a. Partners will meet quarterly to review injury and illness statistics from all project contractors and work together to resolve workplace safety and health issues and reduce injury and illnesses.	a. The Partnership baseline DART rate is established at 4.3. b. Reduce the DART rate by 3 percent annually.
2. Control workplace hazards by assisting contractors with the implementation of an effective safety and health management system.	a. BTJV will conduct evaluations of each subcontractor's safety and health management system in accordance with Appendix C and make suggestions for improvement.	a. The number of subcontractors that have completed BTJV safety and health management system evaluation and have pledged both support and cooperation to the Partnership.
3. Conduct effective weekly self-inspections. The overall outcome of this goal should be the reduced exposure of workers to safety & health hazards, as well as a reduced injury and illness rate.	a. Track safety & health hazard identification and corrections and the number of inspections.	a. Success will be measured by an increase in both the quantity of inspections completed and hazards identified and corrected by 5% per year. (The first year of the Partnership will establish a baseline for this measure.)

Goal	Strategy	Measures/Products
<p>4. Maintain a continuing dialogue that supports various safety and health campaigns/initiatives.</p>	<p>a. BTJV and all on-site participating subcontractors will participate in the OSHA Region III Focus Four Campaign.</p> <p>b. BTJV and all on-site participating subcontractors will hold an annual event to support the OSHA National Fall Prevention Safety Stand-Down until the Project is completed. BTJV and all participating on-site subcontractors will display a stand-down poster and stickers (available on OSHA webpage) on site.</p> <p>c. BTJV and all on-site participating subcontractors will participate in the NIOSH/OSHA annual Heat Illness Prevention campaign until the Project is completed. BTJV and all participating subcontractors 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. BTJV and all on-site participating subcontractors will hold an annual event to support the NUCA Trench Safety Stand-Down until the Project is completed. BTJV and all participating subcontractors will display the stand-down poster and stickers (available on OSHA and NUCA webpages) on the site.</p> <p>e. BTJV and all on-site participating subcontractors will register and hold an annual event to support the OSHA Safe + Sound Week until the Project is completed. BTJV and all participating subcontractors will display campaign information (available on OSHA webpage) on site.</p> <p>f. BTJV and all on-site participating subcontractors will hold an annual event to support the prevention of Suicide and Opioid deaths in construction until the Project is completed. BTJV and all participating subcontractors 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 in each safety talk that is associated with the Region III 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. The implementation of BTJV 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 in each safety talk that is associated with the prevention of suicide and opioid deaths in construction.</p>

V. Partnership Management and Operation

BTJV and OSHA will form a committee to monitor the implementation of this Partnership. It will consist of a representative from each of the Partners. The Compliance Assistance Specialist will serve as OSHA's primary contact. The Committee will review contractor compliance and involvement in the Partnership, analyze job site audits, make Partnership improvements, and evaluate Partnership modifications, achievements, and successes.

Partnership Roles and Responsibilities

OSHA agrees to:

1. Evaluate BTJV Project Safety Plan (Attachment 1) prior to and during the OSHA enforcement verification inspections using Appendix C (or equivalent) and determine whether effective safety and health management systems are in place.
2. Designate an OSHA CAS to serve as a resource and liaison person for the Partnership.
3. Meet with BTJV quarterly to review project safety performance. Safety performance will be evaluated through review of subcontractors' OSHA 300 logs for the Project and related accident reports.
4. Participate in the quarterly comprehensive safety walkthrough, as resources permit, and at OSHA's discretion. If during the walkthrough, the CAS identifies serious hazards that a subcontractor refuses to correct, the CAS will make a referral for an onsite enforcement inspection pursuant to OSHA Policy.
5. Provide timely response to requests for information and clarification of OSHA standards, as resources permit.
6. Provide information on OSHA training resources available.

BTJV agrees to:

1. Provide a designated Site Safety Manager to serve as a safety resource and liaison person for the Partnership and to assist subcontractors with safety issues/concerns.
2. Provide notice to all subcontractors that the Project is subject to this Partnership and include the Partnership Fact Sheet (Appendix A) in the Project New Worker Safety Orientation.
3. Develop and implement the Project Safety Plan (Attachment 1).
4. Evaluate subcontractors' safety and health management systems utilizing BTJV's Safety and Health Management System Evaluation (Attachment 2).
5. Notify OSHA of subcontractors that have completed BTJV's Safety and Health Management System Evaluation and have pledged both support and cooperation to the Partnership (Appendix B).
6. Offer subcontractors safety and health information (i.e., toolbox safety meetings) especially on the focused four construction hazards (which are Falls; Caught-In or Between; Struck-By and Electrocutions).
7. Maintain Project safety performance report. Require all active subcontractors to submit an updated OSHA 300 Log for the Project.
8. Meet with OSHA quarterly to review the safety performance of BTJV and subcontractors and provide feedback on noted incident trends or patterns. Perform a quarterly comprehensive safety walkthrough and work with each subcontractor to ensure all identified hazards are corrected in a timely manner. BTJV acknowledges that if serious hazards are identified and subcontractors refuse to correct them, the CAS will make a referral for an onsite enforcement inspection in accordance with OSHA Policy.

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9. Coordinate safety related matters that pertain to site general conditions such as hazard communications, emergency response, and housekeeping.

VI. On-Site Enforcement Verification Inspections

To measure the success of this Partnership, an initial enforcement verification inspection will be conducted after signing, and annually thereafter. The enforcement verification inspections may be conducted as focused inspections if the site meets OSHA's enforcement guidelines. In addition to traditional enforcement issues, the inspection will assess BTJV's and participating subcontractors' progress in meeting the requirements of the Partnership.

VII. 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. BTJV 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.

VIII. Incentives

OSHA's FOM details opportunities available during citation/case settlement for all employers who undergo onsite enforcement inspections. These opportunities are also available for participating subcontractors.

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

1. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page.
2. Informational materials such as safety and health publications and electronic educational resources.
3. Participating subcontractors 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 (304) 558-7890 or on-line at https://labor.wv.gov/Safety/Occupational_Safety/Federal_OSHA_consultation/Pages/default.aspx.

IX. 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 perspectives 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 analyses, safety and health management system reviews, and safety training and accident/near miss reporting. Employee involvement will be included in the Safety and Health Management System Evaluation (Appendix C.)

X. Safety and Health Management Systems

OSHA and BTJV support the implementation of Safety and Health Management Systems (SHMS), including the main elements of management commitment/employee involvement, hazard identification, hazard correction/control, and employee training. B T J V commits to implementing a SHMS at this Partnership site as detailed in Appendix C.

XI. Annual Evaluation

The Partners will jointly prepare an annual evaluation of the Partnership using Appendix D. The evaluation will review successes, lessons learned, and changes that will be made to meet the goals of the Partnership. Annual evaluations will be submitted by the Partners to OSHA's Philadelphia Regional Office no later than 45 days after the signing anniversary date each year.

XII. Termination

This Partnership will terminate three years from the date of the signing or upon completion of the Project, whichever is earlier. If any Partner wishes to withdraw its participation prior to the above termination date, the Partnership will terminate upon receiving a written notice of the intent to withdraw from either signatory.

XIII. 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. 1218-0244, expires July 31, 2022), 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

XIV. Signatures

**United States Department of Labor
Occupational Safety & Health
Administration**

Based on a mutual interest to protect construction workers, the below parties agree to the terms of the Partnership for the construction of the West Virginia Department of Transportation, Division of Highways Berkeley Springs Bypass Morgan County NFA 2317(005) Project.

Signed ____ day of _____, 2022

Partners:

**Blake McEnany
Area Director
Charleston Area Office
USDOL/OSHA**

**Frank Piedimonte
President
Brayman Construction Corporation**

**Mark Gentile
President
Trumbull Corporation**

PARTNERSHIP FACT SHEET – APPENDIX A

Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and Brayman Construction & Trumbull Corporation Joint Venture (hereafter referred to as “BTJV”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the West Virginia Department of Transportation, Division of Highways Nitro-St. Albans I-64 Improvement Project (hereafter referred to as “Project”).

The main objective of this Partnership is to foster a safe work environment for all Project employees as described in this Partnership.

The Partnership between BTJV and OSHA calls for the Project to be managed consistent with OSHA’s [Recommended Practices for Safety and Health Programs in Construction](#) or its equivalent.

OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and other assistance as resources and/or OSHA Policy allow. To show their commitment to the Partnership, contractors will voluntarily sign a pledge (Appendix B).

This Partnership will not relieve any subcontractors from or lessen their safety responsibilities nor change any contractual obligations between BTJV, Project Owner/Developer, or subcontractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement action.

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

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 resources and for innovation in safety management, and it encourages more participation in the safety process by each stakeholder.

PLEDGE – APPENDIX B

Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and Brayman Construction & Trumbull Corporation A Joint Venture (hereafter referred to as “BTJV”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the West Virginia Department of Transportation, Division of Highways Nitro-St. Albans I-64 Improvement Project (hereafter referred to as “Project”).

The main objective of this Partnership is to foster a safe work environment for all Project employees as described in this Partnership.

The Partnership between BTJV and OSHA calls for the project to be managed consistent with OSHA’s [Recommended Practices for Safety and Health Programs in Construction](#) or its equivalent.

Under the Partnership, OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and other assistance as resources and/or OSHA Policy allow. To show their commitment to the Partnership, participating subcontractors will voluntarily sign this pledge.

This Partnership will not relieve any subcontractors from or lessen their safety responsibilities nor change any contractual obligations between BTJV, Project Owner/Developer, or subcontractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement action.

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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 resources and for innovation in safety management, and it encourages more participation in the safety process by each stakeholder.

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

Authorized Representative (print / type)

Signature

Title (print / type)

Company / Organization (print / type)

SAFETY AND HEALTH MANAGEMENT SYSTEM EVALUATION – APPENDIX C

1. BTJV and subcontractors have implemented a comprehensive written Project Safety Plan.
2. BTJV will have copies of subcontractors' safety and health plans, hazard communication plans, and fall protection plans (where applicable) or BTJV requires subcontractor to follow its safety plan.
3. BTJV will have a full-time or designated safety representative at the site to conduct and document safety inspections of work, and who through training and experience, can recognize hazards, and has authority to take prompt corrective action. Minimum training required for a site safety representative is either the OSHA 10-Hour or 30-Hour Construction Safety Outreach Course, as specified in the Project Safety Plan.
4. BTJV and subcontractors have or will have trained field supervisory personnel and has provided additional training for competent persons in such areas as scaffolding, excavation, fall protection, crane operations, etc. (Additional training will be dictated by the type and scope of the work the subcontractor routinely conducts).
5. BTJV will have a safety and health management system orientation for all new workers, including hazard recognition specific to the work sites.
6. BTJV and subcontractors will have employee involvement in the Partnership. Examples including, but not limited to, participation in self-audits, site inspections, job hazard analysis, safety and health management system reviews, safety training and accident/near-miss investigations.
7. BTJV and subcontractors will conduct and document weekly employee safety meetings.
8. BTJV will conduct and document self-audits.
9. BTJV and subcontractors will follow a six-foot fall protection policy.
10. BTJV and subcontractors have a written enforcement program.