



**PARTNERSHIP AGREEMENT**

**BETWEEN THE**

**OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION**  
**SPRINGFIELD AREA OFFICE**

**AND**

**Daniel O'Connell's Sons (DOC)**

**(Springfield Parking Garage Project)**

## **I. PARTNERS**

The partners to this agreement are:

- U.S. Department of Labor, Occupational Safety and Health Administration, Springfield, Area Office
- DOC-Springfield Parking Garage Project

## **II. PURPOSE AND SCOPE**

DOC-Springfield Parking Garage project; the United States Department of Labor, Occupational Safety and Health Administration (OSHA), Springfield Area Office (SAO); mutually recognize the importance of ensuring a safe and healthful work environment in the construction industry in the State of Massachusetts. To advance this mutual goal, the Partnership between DOC and the SAO has been established to formalize a cooperative effort between these entities, committed to encouraging companies to improve their safety and health performance voluntarily, providing methods to assist them in their efforts and recognizing companies with exemplary safety and health programs.

DOC will request and encourage subcontractors to participate in achieving the goals outlined within the Partnership from the time they start working onsite, through project completion.

The DOC Springfield Parking Garage project began May 8, 2023, with an expected completion date of July 31, 2025. We intend getting a temporary certificate of occupancy (TCO) in Dec 2024 to allow cars to park in the garage. The July 2025 completion date is to have the permanent electrical switchgear in place and enough power for the EV chargers, Retail Space and Plaza which will not be part of the Dec 2024 TCO.

DOC has been selected to construct a new parking garage and associated amenities, located in Springfield, MA. The new parking garage is to be located on the site of the “old Springfield Civic Center Garage” at 41 Harrison Avenue, in downtown Springfield. The Springfield Garage effort is a new construction project approximately 350,000 SF in size. The project will consist of a five (5) story precast concrete garage facility with interior finishes, walls, floors, ceilings, doors, hardware, elevators, plumbing, fire protection, mechanical, electrical, data communications, and civil/site work, etc. Our contract is around \$55 million. It is the intention of this project to produce and environmentally responsible and sustainably sensitive facility.

### III. GOALS/STRATEGIES & PERFORMANCE MEASURES

GOALS	STRATEGIES	MEASURES
<p>1. Develop a partnership that will encourage involvement of DOC and their sub-contractors in the knowledge, enhancement and execution of safety and health performance.</p>	<p>a. DOC requires each subcontractor to develop and implement a written safety and health program.</p> <p>b. Will require all sub- contractors onsite to work toward implementing a “zero tolerance” safety practice to help achieve the desired reduction of worksite incidents.</p> <p>c. DOC has a written site-specific health and safety plan (SSSP) for work to be conducted onsite. To easily articulate the requirements of the health and safety plan and the role of the OSHA Partnership, a site-specific orientation has been developed and will be implemented at the project concerning the work, including high hazard tasks to be performed.</p> <p>d. Compile a summary of the number of inspections made by DOC and any third party. The report will be all-inclusive of all observations made (both positive and negative) and will also highlight the four major categories of construction-focused hazards (falls, electrical, struck by, and crushed by hazards), and will show the number of items within the categories that were corrected.</p> <p>e. Requires subcontractors to conduct daily Pre-Task-Plans (PTP’s) with their crew prior to starting work.</p>	<p>i. DOC will verify by reviewing the number of subcontractors that implemented written safety and health programs and work with each one to achieve the overall goals.</p> <p>ii. Conduct a periodic review of the subcontractor’s injury/illness statistics for the Project.</p> <p>iii. The orientation is led by DOC’s Superintendent or Project Safety Manager and is given to all workers that arrive onsite (DOC and subcontractor employees). DOC will adjust the orientation to include specific information resulting in lessons learned and changing site conditions when necessary.</p> <p>iv. The DOC Safety Manager who is assigned to this project will periodically sit in on daily briefings and discuss with foremen strong points and areas that may be improved on.</p>

GOALS	STRATEGIES	MEASURES
<p>2. Identifying opportunities for enhancing safety and health practices related to the operation and maintenance of material handling equipment involved in the project.</p>	<p>a. Require subcontractors to facilitate ongoing training on the safe operations of material handling equipment to all employees involved in the operation.</p> <p>b. Toolbox discussions will be held on a weekly basis. The discussion topic will change each week. During the discussion, site specific topics are mentioned regarding work either occurring currently or upcoming events the crews should be aware of.</p>	<p>i. Document the number of employees that have been trained and licensed on the material handling equipment.</p> <p>ii. All workers are asked to present their training documentation, qualifications, and/or certifications. The worker and his/her qualifications are electronically filed within our Hammertech Platform by trade and company.</p>
<p>3. Prevent workforce fatalities, eliminate and/or reduce serious injuries and illnesses and continually provide a safe work environment for all employees at the project.</p>	<p>a. DOC already has a system to collect and analyze injury and illness trends (including near-miss incidents) by all contractors performing work at the project. This data will be used as a tool for continual safety and health program improvement.</p> <p>b. All worker hours will be tracked for both DOC personnel and subcontractors to accurately maintain a current Total Case Incident Rate (TCIR) and Days Away Restricted Time (DART) rate.</p>	<p>i. OSHA's 300 injury and illness data.</p> <p>ii. DOC's incident/accident monthly tracking log.</p> <p>iii. After each significant incident that occurs, an incident review is scheduled to get all members of the crew to discuss what occurred. The purpose of the meeting is to find out the contributing factors/root causes and discuss what corrective actions need to be established.</p> <p>iv. DOC &amp; the CAS will compare the Project to the U.S. Bureau of Labor Statistics (BLS) national trends and use these rates as a tool for continual health and safety program development.</p>

GOALS	STRATEGIES	MEASURES
<p>4. Ensure, where feasible, all serious hazards are eliminated or controlled through controls, safe processes and/or procedures, and personal protective equipment (PPE).</p>	<p>a. Confirm health-related issues arising during the construction work are adequately addressed by DOC and its affected subcontractors. All health-related issues will be discussed monthly during the partnership meetings.</p>	<p>i. The number of employees trained on fall protection systems including PFAS, supported scaffolding, mobile scaffolding, and ladders, as they relate to the Project.</p> <p>ii. The number of toolbox talks regarding conditions (actual or possible) on the worksite for the duration of the project will be tracked through the Hammertech Platform.</p> <p>iii. Ensure that all subcontractors conduct safety meetings to inform workers of all serious hazards and the controls, procedures, safe processes and/or PPE necessary to protect against them.</p> <p>iv. Work with all subcontractors to ensure compliance with fall protection requirements including supported scaffolding, mobile scaffolding, PFAS, and ladders.</p>

The goals, strategies, and performance measures above will be implemented to meet the following objectives of this Partnership:

- a. Reducing the number of at-risk conditions and behaviors that have the potential to result in worker fatalities, injuries and illness.
- b. Reducing the number of injuries affecting participant subcontractor employees, emphasizing those resulting from the four primary construction hazards, abating hazards (conditional and behavioral) identified from weekly safety and health inspections or other observations made, with the expectation of no repeat occurrences of such issues upon re-inspection.
- c. Reducing the TRIR rate to 20% below the current national average for NAICS Code 23, Construction, BLS data available for 2022. The 2022 TRIR, according to the BLS, is 2.5, and for Commercial and Institutional Building Construction is 1.8 .

#### **IV. ANNUAL EVALUATION**

The partners will prepare a joint annual evaluation of the Partnership. The evaluation will review the success of the Partnership, lessons learned, and changes that will be made, if necessary, to meet the goals of the Partnership. The annual performance evaluation report format from Appendix C of the OSHA Strategic Partnership Program for Worker Safety and Health (OSPP), Directive CSP 03-02-003, will be used. Performance measures listed in the goals and objectives section of this agreement will be collected and analyzed to determine the Partnership's progress toward meeting its goals.

#### **V. OSP INCENTIVES**

The following are benefits for DOC and its subcontractors when and only when they are working at the Project:

- a. Outreach, information, training, and technical assistance by the SAO.
- b. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page designating DOC as a participant in the OSHA Strategic Partnership Program.

#### **VI. VERIFICATION PROCEDURES**

In accordance with OSHA's Clarification of Verification Exemption Policy for OSHA Strategic Partnership Program Construction Participants dated June 1, 2006, DOC and all construction subcontractors will receive annual verification inspections. The onsite enforcement verification inspections are conducted to determine participants' compliance with terms of this agreement. *The first inspection typically will be conducted within 60 days of execution.* Citations and penalties may be issued, when appropriate, because of these inspections. During this period DOC shall develop and implement the safety and health management systems required under this agreement.

#### **VII. OSP MANAGEMENT AND OPERATION**

A Partnership Management Team (PMT) with members from DOC, its Parent Company (The O'Connell Companies) and OSHA will oversee and coordinate this Partnership. The team will determine Partnership procedures, which will include measures to be used and data to be collected, hold conference calls or Team Meetings, and meet monthly to evaluate the effectiveness of the Partnership. DOC, its parent company and SAO are responsible for collecting baseline and annual performance data upon which the OSPP will be measured. DOC aggregate injury and illness incidence rates (total case rates) and fatality rates will be compared with the most current BLS published data to determine whether goals have been met.

**DOC will establish the following:**

1. A site orientation training plan delivered to all sub-contractors and their employees prior to being allowed to access and work at site.
2. Project-Specific OSHA Safety and Health Program Management Guidelines – DOC shall develop a Site Specific Safety and Health Plan (SSSP) to be used as a benchmark for contractor programs to meet or exceed. This SSSP shall incorporate the following minimum elements:

**Management Leadership**

DOC shall assign a qualified safety and health representative (Safety Manager) to administer its safety and health program. This person will have, at a minimum, completed the OSHA 30-Hour Construction course.

**Worker Participation**

Weekly foremen’s meetings. DOC shall hold a weekly meeting with all subcontractor foremen (that are on-site) that shall include discussions of project safety and health issues and review job hazard analyses for upcoming activities. Additionally (during these weekly meetings or other), representatives of all active subcontractors will meet to discuss participant performance and progress toward Partnership goals. The Springfield Area Office and DOC representatives are welcome to attend these meetings.

**Hazard Identification and Assessment**

Weekly worksite audits of areas where employees are working will be conducted.

Job Hazard Analysis – DOC shall conduct a comprehensive assessment of project work and require its subcontractors to develop job hazard analyses (JHAs) for high hazard activities designed to eliminate or reduce hazards to which their employees are potentially exposed.

**Hazard Prevention and Control**

Mandatory use of Ground Fault Circuit Interrupters (GFCI) throughout the Project.

All cranes, hoists, and personnel lifts (scissor/aerial) will be inspected prior to use.

All cranes will have a current annual inspection conducted by a third party acceptable to DOC.

Use of appropriate PPE (as specified in the SSSP), always including the use of ANSI-approved safety glasses. PPE requirements will increase depending on the activities performed.

**Education and Training**

DOC and their subcontractors will commit to ensuring each worker is trained in the following:

Training on respective fall protection equipment and its applicable use

Training on the Focus 4

Conduct site-specific safety and health training

Participation in OSHA's Safe & Sound Campaign

Participation in OSHA's Safety Stand Down (one week each May)

DOC will encourage small employers and sub-contractors to utilize the Massachusetts Department of Labor Standards, Free OSHA State Consultation Service.

### **Program Evaluation**

Recordkeeping – DOC shall maintain a Project OSHA 300 Log (or equivalent), per the requirements of 29 CFR 1904.

### **Coordination and communication on Multiemployer Worksites/Subcontractors:**

- a. Weekly Task-Specific Instructions – All subcontractors shall provide workers with instructions on the integration of safety and health requirements with current work tasks for the week. All subcontractors shall allow the Springfield Office Compliance Assistance Specialist to attend any of these meetings, when requested by OSHA.
- b. Weekly Safety and Health Inspections – All subcontractors shall conduct weekly inspections of their work areas to identify conditional and behavioral deficiencies, as defined by the project safety and health plan and OSHA standards. Deficiencies will be reported, corrected and documented on the Hammertech Platform.
- c. Recordkeeping – All subcontractors shall record workplace injuries and illnesses as required by 29 CFR 1904 and shall report recordable incidents to DOC for recording on the Project OSHA 300 Log.
- d. JHA – All subcontractors shall conduct a JHA for each high hazard task to be performed and review the appropriate JHA with affected employees at regular intervals.

### **OSHA's Role:**

- a. Provide initial review and continued evaluation of DOC and subcontractor compliance with the Partnership Agreement.
- b. Provide initial review of DOC's Project Site Specific Safety Plan.
- c. Make recommendations where deficiencies or opportunities for improvement exist (understanding the SSSP is an Exhibit in all subcontract agreements).



- d. Provide feedback on incident trends and patterns as needed.
- e. Assist DOC with ensuring that effective training is available and delivered, as needed.
- f. Participate in training as resources permit.
- g. Periodically attend site safety and health meetings.
- h. Provide initial site surveys and perform environmental monitoring when appropriate/requested.
- i. Provide clarification of OSHA standards for DOC and subcontractors.
- j. Provide input on compliance strategies.
- k. Encourage small businesses to participation in the Massachusetts State OSHA Consultation Program when warranted/requested.

**Subcontractor Buildings Trades:**

- a. Weekly Safety and Health Inspections – Representative of the trades on the worksite shall participate in weekly inspections of their work areas to identify conditional and behavioral deficiencies, as defined by the Site Specific Safety Plan and OSHA standards. Deficiencies will be documented and corrected or reported to DOC and applicable subcontractor for corrective action.
- b. Job Hazard Analysis – Representatives of the trades on the worksite shall participate in the development of JHAs for each high hazard task to be performed and review the appropriate JHA with affected employees at regular intervals.

**VIII. EMPLOYEE AND EMPLOYER RIGHTS AND RESPONSIBILITIES**

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 the Act.

**IX. TERMS OF OSP**

This agreement will terminate at the conclusion of the work being performed at the Project. However, if any party wishes to withdraw its participation prior to the established expiration dates, the Partnership will be considered null and void upon receipt of a written notice of the intent to withdraw to the other party.

**X. SIGNATORIES**

Signed this \_\_\_\_ day of \_\_\_\_ 2024

\_\_\_\_\_  
Mary Hoyer  
Area Director  
Springfield Area Office

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Nate Clinard  
Vice President, Corporate Safety  
The O'Connell Companies