



**Manor Biscayne Project  
STRATEGIC PARTNERSHIP**

**Between**

**Occupational Safety and Health Administration  
Fort Lauderdale Area Office,**

**The University of South Florida SafetyFlorida Consultation  
Program,**

**And**

**Kaufman Lynn Construction Company**

## **I. PURPOSE/SCOPE**

This Partnership was developed jointly by the Occupational Safety and Health Administration (OSHA), Kaufman Lynn Construction Company (Manor Biscayne Team), and the University of South Florida (USF) SafetyFlorida Consultation Program (SafetyFlorida), for the benefit of small employers engaged as subcontractors on the jobsite. To facilitate the goal of reducing occupational related fatalities and serious injuries within the construction industry, OSHA, the Manor Biscayne Team, and SafetyFlorida will implement this agreement (Agreement) under the OSHA Strategic Partnership Program (OSPP). The common objectives and goals of the Partnership will include the following:

- A. Reduction in injuries and illnesses;
- B. Increased safety and health training;
- C. Reduction in the exposure of workers to health and safety hazards; and
- D. Increased numbers of employers with comprehensive safety and health management systems.

This Partnership will cover the Kaufman Lynn Construction's Manor Biscayne project, which is a luxury mixed-use development located in Miami, Florida. The project consists of an eight (8) story apartment building with approximately 382 units, an eight (8) story parking garage with approximately 668 parking spaces, a retail space, a clubhouse, an eastern courtyard, a breezeway amenity, a western courtyard reflection pool water feature, and other commonly shared amenities. Total gross area of building is 355,896 square feet. The total site developed associated with the project is 3.116 Acres (135,725 SF).

By combining their efforts, skills, knowledge, and resources, OSHA, Manor Biscayne Team, and SafetyFlorida expect to reduce exposure to hazards and thereby decrease the possibility of serious injuries and fatalities at the construction site. This Partnership is consistent with OSHA's long-range efforts to develop a contractor/ government partnership approach to safety management. It allows for better use of OSHA resources and innovation in safety management. It also encourages more participation in the safety process from the construction community.

## **II. IDENTIFICATION OF PARTNERS**

The Partnership will include:

- Occupational Safety and Health Administration (OSHA);
- Kaufman Lynn Construction Company (Manor Biscayne Team); and
- The University of South Florida Onsite Safety and Health Consultation Program (SafetyFlorida).

## **III. GOALS/STRATEGIES/PERFORMANCE MEASURES**

The primary objective of this Partnership is to create a working relationship that focuses on 1) preventing work-related fatalities; 2) controlling or eliminating serious workplace hazards; and 3) establishing a foundation for the development of an effective safety and health program. The goals employed to achieve these results will include the following:

GOALS	STRATEGIES	MEASURES
<p>Reduce the total number of injury and illness cases by 10 percent, thereby providing a safe and healthy work environment for employees at the Project.</p>	<p>1) Review the OSHA 300 log data of the Partnership participants. Review injury and illness trends and implement effective corrective action(s).</p> <p>2) Calculate the employer's Total Case Incident Rate (TCIR) and Days away from work, restricted, or job transferred (DART) <sup>1</sup> rates.</p> <p>3) Prior to contracting with a sub, they must pre-qualify: This includes review of employer modification rate (EMR), TCIR and OSHA 300 Logs. If certain criterion is not met, additional measures may be implemented to raise the performance of the sub.</p>	<p>This goal will be measured by the number of companies participating in the Partnership, which reduce their TCIR and DART rates below the baseline for the Partnership.</p> <p>The baseline will be established by the 2022 BLS Rates for Non-Residential Construction NAICS 2362, which is 1.7 and 0.9.</p>
<p>Develop or enhance the employer's safety and health program based on the Safe + Sound model (Management Leadership; Worker Participation; and Find &amp; Fix Hazards).</p>	<p>1) Review the number of employers that receive comprehensive consultation visits.</p> <p>2) Review the number of the employers that establish safety and health programs, based on the Safe + Sound model. These items may include, but are not limited to, the following: safety and health policies statement; job hazard analysis; accident investigation; and hierarchy of controls.</p> <p>3) Hold comprehensive Site-Specific Safety Plan (SSSP) reviews with subcontractors to promote management systems</p> <p>4) Hold detailed planning meetings for tasks including confined space entry, excavations greater than 5', crane work, and public interface work</p>	<p>1) Measure the number of participants that develop and implement effective safety and health management systems, as a result of participating in the Partnership, compared to the (baseline) initial year of the Partnership.</p> <p>2) Review the planning meetings held and their effectiveness, as well as the engagement in full planning meetings</p>
<p>Increase the number of employees, employers and supervisors who are provided effective safety and health training.</p>	<p>1) Review the number of the employers that establish effective safety and health training programs, including the OSHA 10-hour/ OSHA 30-hour courses.</p> <p>2) Provide quarterly jobsite training relevant to current conditions. This may include fall protection, heat awareness, trenching and shoring, mental health, tool tethering, and others.</p> <p>3) Require all subs to have a 30-hour trained competent person on site at a minimum.</p>	<p>1) Measure the attendance and frequency of these sessions.</p> <p>b) Measure the number of managers, supervisors and employees provided with OSHA 10-hour/ OSHA 30-hour training compared to the (baseline) initial year of the Partnership.</p>

<sup>1</sup>Days Away from work, Restricted, or job Transferred (DART) rate: This includes cases involving days away from work, restricted work activity, and transfers to another job. It is calculated based on  $(N / EH) \times (200,000)$  where N is the number of cases involving days away, and/or restricted work activity, and/or job transfer; EH is the total number of hours worked by all employees during the calendar year; and 200,000 is the base number of hours worked for 100 full-time equivalent employees. For example: Employees of an establishment including management, temporary, and leased workers worked 645,089 hours at this worksite. There were 22 injury and illness cases involving days away and/or restricted work activity and/or job transfer from the OSHA 300 Log (total of column H plus column I). The DART rate would be  $(22 / 645,089) \times (200,000) = 6.8$ .

GOALS	STRATEGIES	MEASURES
Conduct effective self-inspections to reduce the exposure of workers to health and safety hazards.	1) Use an online safety observation app to track both positive and at-risk conditions and actions  2) Engage key subcontractors to become fully involved in this Partnership.	A comparison will be made between the number of safety and health hazards identified during self-inspections and audits conducted during the (baseline) initial year of the Partnership. Additionally, subcontractor engagement will be measured from year to year.

#### IV. OSPP MANAGEMENT AND OPERATION

##### A. The Manor Biscayne Team will:

1. Establish a jobsite safety walkaround team, to include a representative of all primary trades active on site, to develop an understanding and awareness that all accidents are preventable. This action will be accomplished by implementing the Manor Biscayne Team’s Safety Vision, a comprehensive safety and health management system, which includes:
  - a. Management commitment and employee involvement;
  - b. Hazard analysis;
  - c. Hazard control; and
  - d. Arrangement of training assistance for other stakeholders on site.
2. Mentor subcontractors in safety and health management systems. The term “subcontractors” shall include all multi-tiered subcontractors that arrive for work on the site.
3. Where the potential for airborne silica exposure exists, require the use of wet cutting, or soft cutting techniques and/or dust collection system in compliance with Table 1 of 29 CFR Part 1926.1153, and when employee exposure levels require, mandatory use of approved respiratory protection. Where the potential for airborne silica exposure exists, personal air monitoring will be conducted to assess employee exposure levels. Where the potential for exposure to other health hazards exists (i.e., carbon monoxide, lead, or large-scale use of chemicals in the building interior during floor finishing), The Manor Biscayne Team will coordinate with the subcontractor responsible for creating the hazard and ensure that air monitoring is accomplished to assess employee exposure levels. The Manor Biscayne Team will compile and track sampling results.
4. Have the authority to enforce safety rules and regulations. This enforcement authority will include holding contractors and employees accountable for following safety rules and regulations and, if necessary, remove contractors’ employees and supervisors from the job site, following proper disciplinary procedures.
5. Ensure that a competent person performs a risk assessment of all fall hazards. The probability and severity of occurrence for each identified hazard will be evaluated to eliminate or reduce risks through conventional fall protection, engineering, or administrative controls to as low a level as possible.
  - a. Critical risks will not be tolerated. A critical risk is defined by work that contains high probability in occurrence and high severity in consequence. No work will be performed until action is taken to reduce the level of risk to as low as reasonably feasible.
  - b. Bricklayers performing overhand bricklaying and related work above lower levels must be adequately protected. No fall protection “safety monitoring” system will be allowed.

- c. Workers on the face of formwork or reinforcing steel must be protected from falling by personal fall arrest systems, with the use of a positioning device and/or lanyards.
6. Ensure that serious ergonomic hazards are identified and corrected.
7. Ensure that ground fault circuit interrupters (GFCI) are used to protect all electrical circuits that are installed for work. All contractors will ensure that employees are protected using a GFCI at all times.
8. Ensure that Manor Biscayne Team's Project Managers and Safety Directors serve as points of contact, monitoring safety and health at the site and its progress toward achievement of the Partnership goals.
9. Ensure that the Manor Biscayne Team, to include Superintendents, Construction Managers and Project Managers, verify that weekly Safety Audits are conducted (since this is a multi-employer worksite and all workers are to work together on safety issues). Upon request, the Manor Biscayne Team will review subcontractors' daily reports and audits, note any hazards found, and then review the results with all Safety Committee members at the weekly coordination/subcontractor meeting.
10. Conduct and document weekly jobsite safety meetings/toolbox talks.
11. Collect and submit monthly accident reports to the Project Safety Committee, including first aid, injury, property damage and near-miss reports.
12. Continually evaluate the Partnership's effectiveness and make recommendations for improvements.
13. Ensure that no employees are allowed to work directly below a suspended load except for: employees engaged in the initial connection of steel and employees engaged in work necessary for hooking or unhooking the load. In these rare cases where no other safe alternative may exist, the following criteria must be met: materials being hoisted shall be rigged to prevent unintentional displacement; hooks with self-closing safety latches or their equivalent shall be used to prevent components from slipping off the hook; all loads shall be rigged by a qualified rigger. Appropriate use of tag lines will be utilized to prevent work below suspended loads.
14. Require the use of appropriate personal protective equipment. A 100 percent eye protection and glove program will be implemented. Employees on-site shall wear high-visibility reflective clothing.
15. Ensure that all safety signs and warnings will be posted in English and Spanish, as well as in any other languages spoken frequently by workers on-site.
16. Implement a 100 percent Fall Protection Plan for all work performed 6 feet or more above lower surfaces.
17. Implement an effective Heat Illness Prevention Program (Heat Program) to educate workers about the hazards of working outdoors in the heat and steps needed to prevent heat-related illnesses. This should utilize tools such as OSHA's Heat Safety Tool Smartphone App and the National Weather Service Alerts and Advisories.
18. Provide all data to OSHA that is needed for the annual OSHA Strategic Partnership Program (OSPP) evaluation report.

**B. Subcontractors will:**

1. Appoint a representative to the site Safety Committee responsible for resolving job safety matters and serving as a liaison to the Manor Biscayne Team. Every prime trade contractor will have a person available to participate in the Safety Committee. Participation in this committee will consist of, but will not be limited to, participation in the Manor Biscayne Team safety walkthroughs and monthly Safety Committee meetings.
2. Conduct jobsite safety inspections for those employees under their control. These jobsite safety inspections will be in addition to the daily general inspections. If non-compliant activity or hazards are discovered, immediate correction is required. Documentation of abatement methods and verification must be submitted to the appropriate Manor Biscayne Team Safety Director.
3. Participate in the weekly Safety Committee/subcontractor meetings and safety audits. Non-compliance must be corrected immediately. Abatement methods and verification must be submitted to the appropriate Manor Biscayne Team Safety Director who will document the correction taken and share this information during the monthly update meetings.
4. Share the results of jobsite inspections with all workers by posting them in the Project office or on the jobsite bulletin board, to ensure all workers are notified of the results.

**C. OSHA will:**

1. Participate, to the extent resources permit, in the quarterly meeting with Partnership participants, but will not participate in the walk-around inspection, except that the verification visits may be scheduled as part of the weekly walk-around inspection.
2. Serve as a resource and liaison for Partnership participants and also assist with safety and health training, as resources permit.
3. Give priority to the construction project when technical assistance is needed.
4. Audit the monthly reports/documents and make recommendations for improvements in the meeting of Partnership goals.
5. Conduct inspections in accordance with sections VIII and IX of this Partnership.
6. Conduct the annual Partnership evaluation report in accordance with section VII of this Partnership.

**D. SafetyFlorida will:**

1. Perform quarterly jobsite inspections, to the extent resources permit.
2. Give priority consideration to requests for services to small contractors who are engaged in work at the Project.

**V. SAFETY AND HEALTH MANAGEMENT SYSTEM**

The Manor Biscayne Team will use their systems to collect and analyze injury and illness trends (including near-miss incidents) by all contractors performing work at the site. This data will be used as a tool to ensure continual safety

and health improvement at the site. The management of this agreement will be accomplished by Manor Biscayne Team implementing a comprehensive jobsite safety and health management system, which includes:

1. Using the Manor Biscayne Team's - Job Hazard Analysis (JHA) and Pre-Task Plan forms, the Manor Biscayne Team will complete a risk assessment prior to exposing any employee to potential safety and health hazards.
2. Working with OSHA, USF, and Safety Committee members to provide the resources to conduct initial monitoring for ALL toxins, carcinogens, or hazardous substances currently emphasized by OSHA and which present inhalation hazards, such as silica, lead, cadmium, and/or isocyanates. Employee exposures will be assumed, and respiratory protection worn until the results of the initial monitoring studies are received and demonstrate no exposure problems or prior surveys show no hazard exists. The Manor Biscayne Team will endeavor to ensure that no work with these materials will occur, thus preventing any exposure. Manor Biscayne Team will request periodic evaluation visits by SafetyFlorida.
3. Ensuring all contractors on-site will perform daily verification of safe activities and a Pre-Task Plan (PTP). In addition, once each month, a review of the jobsite will be performed. A representative of the subcontractors will be a safety participant in the jobsite areas where their employees may be exposed to hazards. Any hazards found during the reviews will be corrected promptly. Items identified during the reviews will be annotated on a daily log. When hazards cannot be corrected immediately, they will be tracked until abatement is completed. Employees exposed to these hazardous conditions will be informed of the hazard and effective interim control measures will be implemented. A record will be kept of all hazards found during the comprehensive site safety reviews and the number of hazards corrected because of the weekly reviews.
4. Implementing an effective Fall Protection Plan to include fall protection in all cases where work is being performed 6 feet or more above lower surfaces.
5. Ensuring employees receive safety and health training for the construction industry as follows:
  - a. Supervisory personnel should possess an OSHA 30-hour card or its equivalent. The Manor Biscayne Team will work with all subcontractors to provide each subcontractor's safety designee with an OSHA 10-hour training.
  - b. All employees will receive a site-specific construction safety orientation covering jobsite safety and health issues, procedures related to the work being performed, as well as the requirements outlined in this Agreement. In addition, employees shall receive training on the content of the risk assessment for operations they will encounter. This may require periodic retraining of employees on the content of the risk assessment as they become relevant due to entering new phases of construction. The Manor Biscayne Team will provide this material to each subcontractor has designated safety representative for completion.
  - c. Safety and health training will be provided to all workers in a language they understand. Bilingual instructors will perform this training. The Manor Biscayne Team will provide a list of instructors to all subcontractors to ensure that all workers are effectively trained.
  - d. Hazard-specific training will be conducted on an as-needed basis.
  - e. Subcontractors can utilize other instructors if these instructors can provide a valid certification card showing completion of the OSHA 30-hour course. The Manor Biscayne Team will have primary

responsibility for coordinating this training; however, as resources allow Consultation will also provide assistance.

6. Mandating each subcontractor with written safety and health management systems must submit them to the Manor Biscayne Team for evaluation. Companies without safety and health management systems may adopt Manor Biscayne Team's Incident Prevention Plan or develop an adequate safety and health management system with the assistance of SafetyFlorida.
7. Ensuring the Manor Biscayne Team and/or the affected subcontractors adequately address health-related issues, which arise during the course of the Project, with the assistance of OSHA, as its resources permit, and SafetyFlorida. All health-related issues will be discussed monthly during the Partnership meetings. In addition:
  - a. An effective environmental monitoring program will be implemented to control airborne hazards, such as silica, and will include personal monitoring, employee training, implementation of engineering controls where possible, and the use of respiratory protection when necessary. Previous site-based data will be considered acceptable.
8. Ensuring compliance with the NFPA 70E when working on live electrical equipment, including training and the availability and use of personal protective equipment. A permit system will be implemented whenever working in close proximity to or on live electrical systems to ensure the implementation of appropriate protective measures prior to exposure. The permit form includes requirements for pre-task review and lockout/tagout procedures to be followed.
9. Ensuring effective programs are employed, consisting of policies and procedures that comply with OSHA's Lockout/Tagout standards, as equipment and processes are brought live and on-line at the Project.

## **VI. WORKER INVOLVEMENT**

The site will establish an employee Safety Committee consisting of one member per key subcontractor that will meet on a monthly basis to share the results of jobsite inspections, information concerning accidents and near-misses, and suggestions for improvement and recommendations for training of the general workforce. Near-misses and daily safety observations will be discussed during toolbox talks.

## **VII. ANNUAL EVALUATION**

The Partnership will be evaluated on an annual basis using the Strategic Partnership Annual Evaluation Format as specified in Appendix C of OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health.

The Manor Biscayne Team will be responsible for gathering required participant data to evaluate and track the overall results and success of the Partnership. This data will be shared with OSHA. OSHA will be responsible for writing and submitting the annual evaluation.

## **VIII. INCENTIVES**

Participant benefits from OSHA may include:



1. Maximum penalty reductions for good faith and history, to the extent allowed by the OSHA Field Operations Manual (FOM), OSHA Instruction CPL 02-00-164 (April 14, 2020).
2. In the event that a citation with penalties is issued, the Area Director has the authority to negotiate the amount of an additional penalty reduction as part of the informal conference settlement agreement, which is consistent with OSHA's current policy regarding this matter.
3. Priority consultation service and assistance for small employers working on the construction site from the Consultation program.
4. An OSHA-focused inspection is available where the Partnership participant has an effective safety and health management system fully compliant with 29 CFR Part 1926.20 and 29 CFR Part 1926.21 (For additional details refer to the Focused Inspection in Construction August 22, 1994, memo signed by then Deputy Assistant Secretary for OSHA James Stanley, which was revised on September 20, 1995).

## **IX. OSHA VERIFICATION**

1. Verification Enforcement Inspections: OSHA will conduct the initial verification enforcement inspection no sooner than three months, but within four months after Partnership participants formally enter into this Agreement. During this period, Partnership participants should develop and implement the safety and health management systems required under this Agreement. After this period, OSHA will conduct the verification enforcement inspections annually thereafter. Verification enforcement inspections will be conducted as a focused inspection, per the appropriate OSHA guidelines. Compliance Safety and Health Officers (CSHOs) who are familiar with the Project will do verification enforcement inspections. Employee rights under the Occupational Safety and Health Act (OSH Act) will be afforded. During the verification enforcement inspections, if OSHA personnel identify serious hazards that site management refuses to correct, or hazards otherwise become apparent, the scope of the inspection may be expanded.
2. Complaint/Referral Investigations: This Partnership provides for the immediate response to each allegation of a safety or health hazard brought to its attention by any person. Upon a finding that an allegation is valid, the employer shall promptly abate the hazard.
3. OSHA agrees that a copy of each non-formal complaint/referral related to the work site and filed with OSHA will be forwarded by fax, or by email, to the Manor Biscayne Team - Project Management office on-site. In accordance with applicable law, the name and identifying information of a complainant requesting confidentiality will not be revealed. The Manor Biscayne Team agrees to investigate these complaints, regardless of the employer involved, and provide OSHA with a written response within 5 working days of receiving the non-formal complaint/referral.
4. Accident Investigations: Employers engaged in this Partnership recognize that OSHA fully investigates accidents involving a fatality or serious physical harm. If during the investigation, OSHA determines that the incident resulted from violations of the OSHA standards, the employer will not be afforded Partnership incentives.

## **X. WORKER AND EMPLOYER RIGHTS**

This Partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act, nor abrogate any responsibility to comply with rules and regulations adopted pursuant to the OSH Act.

The Kaufman Lynn Construction Team will ensure that employees will be free from retaliation for exercising a variety of rights such as filing a workplace safety and health complaint with OSHA or their employers, participating in an inspection, reporting unsafe conditions and reporting injuries or illnesses.

## **XI. TERM OF PARTNERSHIP**

It is understood that this Agreement shall be in effect until completion of construction activities at the Project, but in no case longer than three-years. Should any “signatory” stakeholder choose to withdraw prior to project completion, a written notice shall be given stating the reason(s) and providing 30 days notice to the other party(s).

If OSHA chooses to withdraw its participation in the Partnership, the entire Partnership is terminated. Any party may also propose modification or amendment of the Agreement. Changes may be implemented, if all parties agree that they are in the best interest of the Partnership.

**XII. THE PROGRAM - OSPP SIGNATURE PAGE**

Partnership Signing Date: \_\_\_\_\_

<b>Signatory</b>	<b>Signatory</b>	<b>Signatory</b>
<p>_____</p> <p>Condell Eastmond Area Director, Fort Lauderdale Area Office Occupational Safety &amp; Health Administration (OSHA)</p>	<p>_____</p> <p>Brian Warrick, PhD, CSP, CIH Program Director, University of South Florida SafetyFlorida Consultation Program</p>	<p>_____</p> <p>Kaufman Lynn Construction Co.</p>
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