



**PARTNERSHIP AGREEMENT**

**BETWEEN THE**

**OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION  
BOSTON - SOUTH AREA OFFICE, BRAINTREE, MA**

**AND**

**AVALONBAY COMMUNITIES, Inc.**

## **I. PARTNERS**

The partners to this agreement are:

- U.S. Department of Labor, Occupational Safety and Health Administration, Boston - South Area Office in Braintree, MA.
- AvalonBay Communities, Inc.

## **II. PURPOSE AND SCOPE**

AvalonBay Communities, Inc. (Avalon); the United States Department of Labor, Occupational Safety and Health Administration (OSHA), Boston South Area Office (BSAO); 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 Avalon and the BSAO 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.

Avalon 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.

Groundbreaking for the Project is scheduled for May 2024, with an expected completion date of 29 months.

Avalon Quincy Adams (hereafter referred to as (“The Project”)) consists of the construction of new, residential apartment buildings in a proposed development located at 269 Centre St. Quincy, MA. The proposed community is to be slab on grade, wood frame construction with NFPA13 fire suppression systems. The building product type and quantities are as follows:

- 288 Apartments in Two 5 Story Wrap style Midrise Buildings
- 6 Story Precast Parking Garage, 370 Spaces

The current proposed design includes Three Hundred and Three (303) apartment homes in two five (5) story wood frame structures connected by a six (6) story precast parking garage. The buildings are a Wrap style Mid Rise product containing 284,000 Sf Residential space, 8,500 Sf of Amenity space with two outdoor courtyards, one containing a pool and 370 parking spaces with a ratio of 1.2 spots per unit. The community will be located on a 2.75+/- acre parcel, of which all acreage will be developed.

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

GOALS	STRATEGIES	MEASURES
<p>1. Developing a partnership that will encourage involvement of the general and sub-contractors and their employees in the improvement of safety and health performance, and knowing and understanding the goals of the Avalon OSHA Partnership</p>	<p>a. Avalon will require all the subcontractors to develop and implement written safety and health programs specific to the site with acknowledgement of this Partnership.</p> <p>Will require all sub-contractors onsite to develop safety work best practices and safety culture to help achieve the desired reduction of worksite incidents.</p> <p>b. Avalon has a written site-specific health and safety plan 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 implemented at the worksite concerning the high hazard tasks to be performed.</p> <p>c. The health and safety manager will periodically sit in on daily briefings and discuss with foremen strong points and areas that may be improved upon.</p> <p>d. Requires subcontractors to conduct a daily job briefing to be conducted with their crews prior to each shift in a language clearly understood by employees.</p>	<p>i. Avalon will verify by reviewing the number of subcontractors that implemented written safety and health programs and recognize those with exemplary programs.</p> <p>ii. In addition to conducting periodic review of the subcontractor's injury/illness statistics for the Project, Avalon will track leading indicators, best practices, safety improvements, and employee involvement and recommendations.</p> <p>iii. The orientation is led by Avalon Lead Superintendent or Project Safety Engineer and is given to all workers that arrive onsite (general contractor and subcontractor employees). Avalon will adjust the orientation to include specific information resulting in lessons learned in changing site conditions.</p> <p>iv. Compile a summary of the number of walkaround audits made by the Avalon health and safety manager (or their designee) and any third party. The report will be broken down into 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>v. Track the results of subcontractors' daily job briefings, to ensure they are done pertinent to the job tasks and work environment, spoken in the workers' language, along with noting employee concerns and questions..</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 are held on a weekly basis. The discussion topic will change each week. During the discussion, site specific topics are mentioned on 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 inserted into a project binder by trade and company.</p>
<p>3. Reduce workforce fatalities, serious injuries and illnesses and provide a safe work environment for employees at the Project.</p>	<p>a. Avalon will establish 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 improvements.</p> <p>b. All worker hours will be tracked onsite by safety representatives for both Avalon 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 and 301 injury and illness data.</p> <p>ii. Avalon 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. Avalon &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 course of the construction work like silica are adequately addressed by Avalon and its subcontractors. All health-related issues will be discussed monthly during the partnership meetings. Safety Data Sheets (SDS) for chemical products used on site will be made available for subcontractor employees to view.</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 on the worksite for the duration of the project will be tracked.</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. Potential exposure to silica is monitored and evaluated, using Table 1 of the OSHA Construction Silica standard to control and minimize respirable silica dust.</p> <p>v. Ensure that all subcontractors are in 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 (falls, electrical, struck-by, and caught in between), abating hazards (conditional and behavioral) identified from weekly safety and health inspections, and having 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 2.4, and for Residential Building Construction is 1.5 .

#### **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 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 Avalon and its subcontractors when and only when they are working at the Project:

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

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

In accordance with OSHA's Clarification of Verification Exemption Policy for OSHA Strategic Partnership Program Construction Participants dated June 1, 2006, Avalon 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, however due to COVID 19 or other natural and manmade disaster, this may be substituted to a reasonable time frame at the Boston -South Area Office's discretion. Citations and penalties may be issued, when appropriate, as a result of these inspections. During this period Avalon 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 Avalon 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 and meet monthly to evaluate the effectiveness of the Partnership. Avalon and BSAO are responsible for collecting baseline and annual performance data upon which the OSPP will be measured. Avalon 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.

**Avalon will establish the following:**

Project-Specific OSHA Safety and Health Program Management Guidelines – Avalon shall develop a project-specific safety and health plan to be used as a benchmark for contractor programs to meet or exceed. This plan shall incorporate the following minimum elements:

○ **Management Leadership**

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

○ **Worker Participation**

- Avalon and OSHA will establish an anonymous project safety survey for workers to give feedback on site conditions, safety protocols, and request relative training/ refresher training.
- All workers on site will be encouraged to report all hazards and near misses without fear of discrimination and retaliation and will be provided with a system and procedure to anonymously report unsafe and behaviors.

○ **Hazard Identification and Assessment**

- Weekly worksite audits of areas where employees are working will be conducted by management along with employee representatives.
- Job Hazard Analysis – Avalon shall conduct a comprehensive assessment of Project work and require its subcontractors to develop job hazard analyses (JHAs) 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.
- Develop and implement fire prevention program and controls, such as but not limited to permit procedures for hot work, and the storing of flammables and combustibles. The site will post emergency evacuation plan and escape routes clearly marked and legible throughout the site.
- 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 Avalon.
- Subcontractors entering confine spaces will provide and implement confine space program and procedures.
- All contractors and subcontractors will each provide and implement their fall protection program and a site-specific plan to prevent falls from heights.
- All workers will be required to use appropriate PPE, always including the use of ANSI-APPROVED safety glasses, when using power tools.
- When above the OSHA action level for noise hearing conservation will be implemented

providing employees and requiring use of appropriate hearing protection.

○ **Education and Training**

Each Employer and AvalonBay will commit to ensuring each worker is trained in the following in a language they fully understand:

- Training on recognizing and avoiding the “Fous Four Hazards” for falls, electrical, struck-by, and caught in between.
- Training on respective fall protection equipment and system, its applicable use, and how to inspect in the workers’ language.
- AvalonBay will encourage small employers and employers that score medium or high risk on the AvalonBay prequalification, to utilize the Massachusetts Department of Labor Standards, free OSHA State Consultation Service. AvalonBay will promote the service to every employer on site.

**Program Evaluation**

Recordkeeping – Avalon shall maintain a Project OSHA 300 and 301 Logs (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, in a language they understand, and the integration of safety and health requirements with current work tasks for the week. All subcontractors shall allow the Braintree 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 walk around audits 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 documented and corrected or reported to Avalon for corrective action.
- c. Recordkeeping – All subcontractors shall record workplace injuries and illnesses as required by 29 CFR 1904 and shall report recordable incidents to Avalon 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 and continued review and evaluation of Avalon compliance with the Partnership Agreement.
- b. Provide initial review of Avalon Project Safety and Health Plan.
- c. Make recommendations where deficiencies or opportunities for improvement exist.



- d. Provide feedback on incident trends and patterns as needed.
- e. Assist Avalon with ensuring that effective training is available and delivered, as needed.
- f. Participate in training as resources permit.
- g. Participate in OSHA's Stand-downs and Campaigns for falls, trenching safety, Safe and Sound, and mental health and suicide prevention.
- h. Periodically attend site safety and health meetings.
- i. Provide initial site surveys and perform environmental monitoring when appropriate.
- j. Provide clarification of OSHA standards for Avalon and subcontractors.
- k. Provide input on compliance strategies.
- l. Encourage small businesses to participation in the Massachusetts State OSHA Consultation Program

**Subcontractor Buildings Trades on Site:**

- 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 Project safety and health plan and OSHA standards. Deficiencies will be documented and corrected or reported to Avalon 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 OSHA or Avalon wishes to withdraw its participation prior to the established expiration dates, the Partnership will be considered null and void upon the withdrawing party providing a written notice of the intent to withdraw to the other party.

**X. SIGNATORIES**

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

\_\_\_\_\_  
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