

**MASTER SUBCONTRACT AGREEMENT**  
**MINIMUM SAFETY, HEALTH, ENVIRONMENTAL REQUIREMENTS**  
04/27/2022

Swinerton Builders (“Swinerton”) constantly strives to provide a safe and productive work environment. The following items are intended as Swinerton’s 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 Illness Prevention Program (IIPP) in full cooperation with Swinerton’s program. (See also Terms and Conditions of the Subcontract Documents.)

**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 Swinerton site-specific requirements. The Subcontractor shall be able to provide reasonable documentation to demonstrate compliance with minimum performance standards (MPS). Prior to mobilization the Subcontractor shall provide a completed MPS checklist to demonstrate awareness and compliance with the MPS to the Swinerton Project Team. No work will begin until this is completed.

Subcontractors shall make Swinerton 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-job and pre-task planning to identify any hazards related to their work. This shall be available for inspection by Swinerton at any time.**

**B. STAFFING REQUIREMENTS AND EXPECTATIONS.**

**DSP**

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. DSP’s will be made available for any site specific training or certification programs initiated by Swinerton. DSP’s shall have completed, or be scheduled to complete, OSHA 10-hour and First Aid/CPR certifications prior to assignment of DSP duties.

**Supervisor**

When staffing levels reach 5 or more workers, the Subcontractor shall provide at least one OSHA 10-hour and First Aid/CPR trained supervisor while they have crews mobilized on the project. The supervisor may or may not be the same person who is the DSP.

**Full-Time Safety Person**

A dedicated Full-Time Safety Person (FTSP) acceptable to Swinerton will be provided when Subcontractor staffing levels reach 30 employees. The FTSP shall be trained to the same level as the DSP. Additional FTSP or DSP’s may be required if an operation is considered high hazard.

High Hazard operations include, but are not limited to:

- Steel Erection
- Decking
- Demolition
- Trenching/Excavation Operations
- Engineered Shoring Operations
- Engineered Formwork Operations
- Concrete Placement Operations
- High Energy or High Voltage Operations above 600 volts

**First Aid/CPR**

Subcontractor shall provide an adequate number of First Aid-trained personnel to respond to emergency events. Swinerton shall be notified of any changes in First Aid/CPR staffing during the project, Subcontractors shall provide Swinerton a site-specific emergency plan identifying First Aid/CPR staff, First Aid equipment, and the nearest medical clinic and hospital.

- C. **ORIENTATION AND TRAINING.** Subcontractor's employees shall receive a site-specific safety orientation at initial assignment. If a site-specific safety orientation is provided by Swinerton, Subcontractors shall require their workers to participate and Subcontractor is responsible for the cost related to participating, if any.

Subcontractor shall document employee attendance at site-specific safety orientation and make a copy of such documentation available to Swinerton. In addition, Swinerton and other subcontractors shall be made aware of any special training required as a result of Subcontractor's activities.

Subcontractors are responsible for all safety, health and environmental training related to their work. Additionally, the Subcontractor agrees to require its employees to participate in regular safety activities such as Daily Huddles or Stretch and Flex programs if the Project Owner or Swinerton conduct these on a specific project. Subcontractor is responsible for the cost related to participating, if any.

- D. **SAFETY MEETINGS.** Subcontractors will conduct weekly safety meetings for their crews in compliance with OSHA standards, which address the specific hazards of their trade. Subcontractors are to provide the Swinerton Project Team with a copy of their safety meeting report. In addition, Subcontractor personnel will attend any meeting scheduled by the Swinerton Project Team related to safety.

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

- E. **DAILY PRE-TASK PLANNING AND JOB HAZARD ANALYSIS.**

*Note:* High Hazard Work requires both a Pre-Task Plan and a Job Hazard Analysis.

**Daily Pre-Task Plan (PTP)**

Subcontractor shall perform and document Daily PTP to identify hazards related to their work. The PTP shall identify the tasks involved in each step of Subcontractor's work, hazards associated with each step and how Subcontractor intends to protect itself, other trades, and the public. PTP's must be completed prior to starting a task. Subcontractor PTP's shall be available for review by Swinerton at any time.

**Job Hazard Analysis (JHA)**

Subcontractor shall perform a JHA for any High Hazard Work (HHW). The following list of examples is not intended to be all-inclusive of HHW. Rather, it is a guideline of types of work for which a JHA is required:

- Energized Electrical Work, including Electrical Systems Testing
- Partially Completed (Energized) Electrical Rooms
- Work near Energized Power Lines
- Work on live pressurized utilities (Hot Taps, Freezing Lines)
- Demolition or Construction within Operating Facilities
- Demolition or Construction around Live Utilities
- Hot work within or adjacent to operating facilities
- All Crane Picks
- Man-Lifts, Tower Cranes
- Operations requiring a Competent Person (Excavations, Confined Space, Scaffolding)
- Engineered Shoring Operations
- Engineered Formwork Operations
- Engineered Fall Protection Systems
- Elevated Work requiring Personal Fall Protection
- Elevated Formwork, Flying Tables, etc.
- Roofing
- Steel Erection, Metal Decking, Stair Erection
- Concrete Placement Operations involving a Crane or Confined Space
- Pre-cast or Pre-Fabricated Exterior Systems
- Tilt-up Concrete Panel Hoisting
- Falling Object Protection Measures
- Deep Foundation Work
- Blasting
- Falsework/Shoring/Underpinning Systems
- Work Adjacent to Sensitive Environments
- Hazardous Material Abatement, Tank Removal
- Work near Freeways, High Traffic Areas
- Work with High Public or Pedestrian Exposure
- Work near Rail Road Lines or Public Transportation
- Work near Landfills
- Work over Water

To complete a JHA, the Subcontractor shall perform an examination of the equipment and conditions of the area in which the job is to be performed, list specific job steps, identify potential hazards, identify mitigations to hazards and list required PPE. The Swinerton JHA Worksheet should be used to complete the JHA. Alternatively, the Subcontractor may use its own form if it contains all required information. The JHA implementation process is as follows:

- JHAs shall be prepared by the Subcontractor's supervisor with assistance from other members of the crew (all members must have appropriate prior field experience)
- Involves High Hazard Work, although can be used for other activity analysis
- May require research, engineering calculations, outside consultation, or special training
- Prepared at least two (2) weeks in advance
- Safety Meeting and JHA review shall occur immediately preceding the work activity with individual crew members.
- Stop and re-evaluate the JHA when conditions change, new employees are added to the task or an incident/injury occurs.
- Completed copies of JHAs shall be maintained at the project site for periodic review by Swinerton project personnel.
- After project completion, the JHA should remain accessible – written or electronically – for future reference.

- F. BARRICADES AND PERIMETER PROTECTION.** Subcontractors shall ensure that all of their jobsite personnel understand that removal of barricades and other perimeter protection or floor hole coverings must have prior approval from the Swinerton Project Team. Subcontractor personnel are responsible for returning to proper condition and maintenance, any barricade or perimeter protection removed because of their work. The Subcontractor is responsible to notify all trades affected, and will be solely responsible for area and worker safety during the period of temporary removal.
- G. INJURY AND ACCIDENT REPORT.** Under the Terms and Conditions of Swinerton's Subcontract Agreement, all Subcontractors are required to notify Swinerton's 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.

Subcontractors shall make every effort to accommodate workers with restricted work activities prescribed by Medical Doctors treating work-related injuries. Subcontractors should have transitional work available and cooperate fully with any site-specific return to work programs for injured workers. In the event of media involvement, Subcontractors will cooperate with Swinerton or Owner Crisis Management efforts.

- H. 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.
- I. ENFORCEMENT.** A plan for disciplinary action for violation of known safety requirements shall be part of Subcontractor's IIPP.

Subcontractors shall participate in any "Stop Work for Safety" program established on site by Swinerton.

- J. 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 cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire resistance rating of at least one half hour.
5. Control or contain welding, cutting, or grinding sparks; provide necessary fire watch.
6. Swinerton 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.

- K. HOUSEKEEPING.** Each Subcontractor is responsible for clean-up 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. Failure to perform this function will result in the Subcontractor being charged for clean-up performed by others.

- L. 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 Swinerton.

*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 (California only) 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 SDS (Safety Data Sheet) are to be given to Swinerton no later than the first day said materials are brought on the site.

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.

**M. PROJECT SAFETY INSPECTIONS AND ENFORCEMENT.** Safety Hazard Notices (See Swinerton IIPP) 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, Swinerton may be forced to stop all of the offending Subcontractor's work activities until the hazard is corrected at the Subcontractor's expense.

Subcontractors will be directed to remove from the project, any employee who refuses to comply with or has been observed deliberately violating safety regulations.

**N. 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. Cords less than #14 AWG will not be allowed on site.

**O. CONTROLLING ENERGY HAZARDS - LOCKOUT/TAGOUT (LOTO).** Any applicable Swinerton policies or operating procedures apply in addition to the standards applicable to the control of energy during servicing and/or maintenance, and/or start-up of machines, equipment, and circuits. Any applicable Swinerton policies or operating procedures also apply to servicing and/or maintenance during normal production operations under any of the following circumstances:

1. If a worker is required to remove or bypass a guard or other safety device; or
2. If a worker is required to place any part of his or her body into an area on a machine or piece of equipment:
  - a. where work is actually performed upon the material being processed; or

- b. where an associated danger zone exists during a machine operating cycle; or
3. During the start-up, pressurization and/or energization of onsite utilities.

**P. ELECTRICAL SAFETY.** Before work begins, Electrical Subcontractor shall determine by inquiry, direct observation and/or by instruments, whether any part of an energized power circuit, exposed or concealed, is so located that the performance of the work may bring a worker, tool, or machine into physical or electrical contact with any live electric power circuit and shall make its findings available to the Swinerton Superintendent.

Electrical Subcontractor is responsible to assign one or more Qualified Person to identify all potential power sources in order to avoid conducting Energized Electrical Work (EEW). Electrical Subcontractor shall, with the use of voltage testing, verify a zero energy state before any electrical work begins. In the event de-energizing introduces additional hazards, increased risk or is not feasible due to equipment design, facility requirements or otherwise, the Electrical Subcontractor, in coordination with the Project Owner and Swinerton must carefully plan the work before proceeding. The following documents must be completed, reviewed and signed prior to conducting any EEW:

1. EEW-Permit, Hazard Assessment
2. Hazard Assessment
3. Method of Procedure
4. Job Hazard Analysis
5. Pre-Task Plan
6. All EEW-Permits with the required signatures (Project Owner, Electrical Subcontractor and the Swinerton Superintendent, and MEP Coordinator) *before* work begins.

All EEW 50 volts AC and above and 100 volts DC and above must strictly follow the guidelines of the National Fire Protection Association (NFPA) -70E, including Lock/Out Tag/Out procedures.

**Q. TRENCHING AND EXCAVATION.** (Call before you dig): **USA North** = 811 or 1-800-227-2600 or call your local USA numbers.

**Excavators in California are required to follow all California Government Code § 4216 requirements for Trenching and Excavation. Call USA to locate/mark public utilities. If private utilities are not located/marked by USA, the utilities must be located by the facility owner and the Excavator.**

- Excavators in California are required to have a Cal-OSHA Site-Specific or Annual Permit and Cal-OSHA Notification before construction of trenches or excavations 5 feet or more in depth, and into which a person is required to descend. Copies shall be maintained at the project site.
- Trenching and Excavation is defined as High Hazard Work and requires a JHA to be completed by the Excavator. The subcontractor *must* submit the JHA to the Swinerton Project Team for approval before proceeding. Please refer to the JHA process in item E. II of this document. Shutoff procedures and locations of utility shutoffs must be included in the JHA. At the crew level, Daily Pre-Task Plans shall be performed to ensure workers performing the work are aware of potential hazards identified in the JHA and to ensure workers performing the work may participate in designing safe work procedures.
- Subcontractors must follow Cal-OSHA requirements for Trenching and Excavation, which include, but are not limited to, surveying and marking, calling USA North, reviewing any plans, and visually verifying utilities.
- When excavating within 10 feet of subsurface installation, expose the utility by hand every 25 feet to make sure the utility is where it is indicated. When excavating in California and Nevada within 24 inches of any underground utilities, the law requires you to hand-expose and protect the utility (it does not mean expose

or pothole – such practices are insufficient to meet California/Nevada requirements) prior to using power equipment.

- Dig with Care. In California and Nevada - excavate by hand within 24 inches of the outside diameter of any utility. Utilities that are in conflict with your excavation are to be located with hand tools and protected before power equipment is used. Notify Swinerton and the affected utility operator(s) of any contact, scrape, dent, nick or damage to their utility.

**R. WORKER SAFETY.** All Subcontractors and any lower tier subcontractors and their respective agents shall be dressed in appropriate clothing when entering jobsite, including long pants, work boots or other appropriate or required footwear, safety glasses, appropriate gloves, high visibility safety vests and hardhats. Sleeveless shirts and open-toed shoes will not be allowed. Subcontractors' agents include field personnel, management, vendors, and visitors.

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. Swinerton is not responsible for providing PPE to anyone but Swinerton's own personnel.

**S. HAND INJURY PREVENTION.** Subcontractor agrees to adopt and enforce a hand injury prevention program that includes, but is not limited to, issuing appropriate gloves, PPE and training to reduce the possibility of hand injury. Gloves should be appropriate to any potential hazard(s) as determined by a Competent Person, and should meet EN388 level 3 or ANSI/ISEA level 2 cut resistance or greater. Glove usage shall be mandatory where pre-task planning determines there is a risk of hand injury or when required by OSHA, Swinerton or the Project Owner. Glove usage is not required if equipment or tool manufacturer's instructions indicate use of gloves would create a hazard. Visitors and personnel performing clerical or administrative tasks are exempt from the above requirements.

**T. FIRST AID.** Subcontractors must provide an adequate number of First Aid kits 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. Subcontractors will participate in any site-specific First Aid service established by Swinerton for the effective treatment of First Aid cases.

See Item B for staffing requirements and expectations.

**U. STORM WATER QUALITY CONTROL.** Subcontractors shall train their employees on Best Management Practices (BMP's) to prevent erosion and silt infiltration into storm drains.

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

**V. 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, and abilities and duties to identify existing and predictable hazards and possess the authority to impose prompt corrective measures to mitigate the hazards.

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

**W. 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.

- X. MOLD.** Subcontractors shall take all reasonable and prudent steps to prevent mold growth on the project and will adhere to Swinerton’s Water and Mold Intrusion Procedures. Swinerton’s SE&H Department shall approve any variation to these procedures.
- Y. HEAT STRESS PREVENTION.** Any Contractor/Subcontractor working on a Swinerton project site shall comply with any Heat Stress procedures initiated by Swinerton. If a project is located in California, any Contractor/Subcontractor working on a Swinerton project site shall also comply with the Cal/OSHA Heat Stress Standard.
- Z. FALL PROTECTION AND PREVENTION.** In addition to the standards set by Federal OSHA and state run OSHA programs, all Subcontractors shall enforce a 100% fall protection policy for all work done at 6 feet or above. The various fall protection exceptions allowed by OSHA programs for ironworkers, deckers, masons and other trades will not be allowed on Swinerton projects.

Passive protection such as handrails, properly marked floor coverings, netting, fall restraint or other effective means shall be considered and implemented before the use of body harnesses are deployed for fall protection. Any Subcontractor using body harnesses as the primary means of fall protection shall have documented training records on site for all workers using such equipment conducted within the last year.

Fall protection plans that allow a Controlled Access Zone (CAZ) or a Controlled Decking Zone (CDZ) with a Safety Monitoring System where workers are allowed to enter and be exposed to fall hazards **without the use of a fall protection system are prohibited.**

A CAZ or CDZ that limits access or restricts workers from approaching a leading edge or a fall hazard **is allowed only if** a fall protection system is used.

- AA. CRANES.** Swinerton Safety personnel should be included in all pre-erection meetings, and during the actual crane set-up and life. The Erection Plan, which must include a Job Hazard Analysis (JHA), must be prepared by a Qualified Person as defined by OSHA, and must be reviewed by the Swinerton project team and Safety Manager. The Swinerton team will communicate final authorization to proceed.

All crane certification inspections shall be performed by a qualified outside 3rd party – not by the Subcontractor(s) or crane owner/supplier. Load testing documentation must have been conducted within the last 4 years and be available for review upon request. All crane-related operations are to receive final approval/authorization from the Swinerton project team.

Critical Lifts (to be used only in very rare instances) are defined as tandem lifts, or lifts that exceed 75% of the crane capacity for a given lift on a load chart. Contact the Swinerton project team and/or Safety Manager first if you are considering a critical lift.

If it is determined that a critical lift will take place on a jobsite, there should be a more detailed review than usual of all involved factors and parties. Review equipment needed and circumstances which make a critical lift necessary, and complete a Critical Lift Plan which is required by OSHA beyond 75% of crane capacity. **IMPORTANT NOTE: Critical lifts should only be used as a last resort when all other means and methods are impossible, impractical, or create a greater hazard; and the decision to proceed must be pre-approved by the Swinerton project team and Safety Manager.**

- BB. DRUG AND ALCOHOL POLICY.** To help ensure a safe, healthy, and productive workplace, Swinerton has adopted a policy of maintaining a workplace free of drugs, alcohol and controlled substances and associated paraphernalia. This policy restricts such items and substances from being brought onto, or being present on Swinerton premises or projects (“Project”). Swinerton also prohibits individuals from reporting to work or working



under the influence of drugs, alcohol, and other controlled substances which may affect their ability to perform work properly and safely.

All Subcontractors performing work on a Swinerton Project will be required to have a current Drug and Alcohol Policy and confirm that it meets or exceeds Swinerton requirements. For purposes of this Drug and Alcohol Policy, “Subcontractor” is defined to include any lower tier subcontractors and vendors of such Subcontractor.

The Subcontractor Drug and Alcohol Policy must include:

1. A comprehensive description of pre-employment testing procedures including:
  - a. Verification, to the extent applicable consistent with federal, state and local laws that all personnel assigned to a Swinerton Project have successfully completed this screening.
  - b. Acknowledgement that any Subcontractor personnel testing positive for drugs and/or alcohol will not be deployed on a Swinerton Project and must wait a period of six months from the date of the positive test results before they would again be eligible to return to a Swinerton Project.
  - c. Acknowledgement that in the event that Subcontractor personnel retests as positive after the six month waiting period they will not be deployed to a Swinerton Project at any time in the future.
2. Comprehensive procedures for probable cause testing including:
  - a. Acknowledgement that Swinerton reserves the right to have any Subcontractor personnel removed from a Swinerton Project at any time in the event that impairment is suspected and the Subcontractor is notified by an authorized Swinerton representative of the suspected impairment.
  - b. Verification by Subcontractor that any personnel removed from a Swinerton Project for suspected impairment has satisfactorily passed a screening test before being readmitted to a Swinerton Project.
  - c. Acknowledgement that Swinerton is under no obligation to readmit any Subcontractor personnel removed from a Swinerton Project because of suspected impairment, regardless of a subsequent satisfactorily passed screening test.
3. Comprehensive procedures for post-accident testing that confirm:
  - a. Testing will occur when reasonable suspicion exists that a Subcontractor employee whose behavior may have contributed either directly or indirectly to a work-related accident was under the influence of a substance.
  - b. Testing will occur in the event of a work-related accident involving property damage, bodily injury, a fatality, or work-related near misses that would likely have resulted in property damage or bodily injury.
  - c. Testing is to be completed within a four (4) hour window.
  - d. Acknowledgement that all Subcontractor personnel associated with the incident must remain available for testing and may not take any action to interfere with testing or the results of testing.
4. Acknowledgement that any test sample found to be substituted, tampered with or adulterated in any way will be considered a positive test result.
5. Acknowledgement that a negative dilute test result will be considered insufficient. The Subcontractor personnel shall be sent for a retest immediately after receiving the first negative dilute test result. Should the retest be confirmed as another negative dilute, Subcontractor shall interpret this retest result as a negative test result. Subcontractor will not allow personnel to return to a Swinerton Project until the Subcontractor confirms the retest result to be satisfactorily passed.
6. Acknowledgement that Subcontractor has procedures for effectively and safely managing Subcontractor personnel currently using legally prescribed medications.
7. Acknowledgement that possessing, soliciting, manufacturing, distributing, dispensing, and/or the use of illegal drugs, drug paraphernalia, unauthorized controlled substances (including alcohol), illegal use of legal drugs, and other intoxicants on or in any Swinerton Project or at any facility is prohibited, will result in

removal of the offending individual from all Swinerton Projects, and may also result in the removal of the Subcontractor from all Swinerton Projects.

8. Acknowledgement that Subcontractor is solely responsible to appropriately implement its Drug and Alcohol policy and its procedures, including but not limited to, procedures related to Subcontractor employees' safety, privacy and confidentiality.
9. Acknowledgment that Subcontractor is responsible for arranging all testing, and any and all costs associated with tests required of anyone employed by Subcontractor pursuant to this policy.
10. Acknowledgement that no individual search, drug test, or alcohol test of Subcontractor personnel will be conducted without the individual's consent and acknowledgement that refusal to give consent may be cause for Subcontractor personnel removal from a Swinerton Project.
11. Acknowledgement that failure of Subcontractor to report any violations of federal law H.R. 5210, "The Drug Free Workplace Act of 1988" may result in removal from all Swinerton Projects.
12. Verification that the Subcontractor Drug and Alcohol Policy meets or exceeds the following urine and breath alcohol testing panel cut off levels:

| <b>Drugs</b>    | <b>Initial Test Emit</b> | <b>Confirmation Test GCMS</b> |
|-----------------|--------------------------|-------------------------------|
| Amphetamines    | 300ng/MI                 | 250/MI                        |
| Barbiturates    | 300"                     | 100"                          |
| Benzodiazepines | 300"                     | 100"                          |
| Cocaine         | 150"                     | 100"                          |
| Heroin          | 10"                      | 10"                           |
| MDA-Analogues   | 250"                     | 200"                          |
| Methadone       | 300"                     | 100"                          |
| Opiates         | 2000"                    | 2000"                         |
| Marijuana (THC) | 20"                      | 10"                           |
| PCP             | 25"                      | 25"                           |
| Methaqualone    | 300"                     | 200"                          |
| Propoxyphene    | 300"                     | 200"                          |
| Alcohol         | .04% BAC                 | .04% BAC                      |

Subcontractor will accommodate additional testing/screening requirements specified by Swinerton/Owner contracts, including Owner-mandated random testing or alternative testing panels.

Subcontractor further understands and agrees that Swinerton reserves the right to request evidence that individuals performing work for Subcontractor have undergone and passed screening tests under other circumstances not specifically set forth above.

**CC. CODE OF CONDUCT.** Contractor's Code of Conduct defines standards for fair, safe, and healthy workplaces throughout our supply chain. Contractor is committed to meeting fundamental responsibilities in the areas of ethics, human rights, labor, safety, environment, and community, and it holds its business partners to the same set of principles. The complete Contractor's Code of Conduct can be found here: [http://swinerton.com/Subcontractors\\_Docs/Contractors-Code-of-Conduct.pdf](http://swinerton.com/Subcontractors_Docs/Contractors-Code-of-Conduct.pdf).

**DD. POTENTIAL CHANGES.** Swinerton reserves the right to change or modify the requirements for the standards currently set-forth in this Attachment. Such changes, modifications, additions, or deletions to the terms and conditions of use shall be effective immediately upon written notice, and Subcontractor shall comply with all such modified standards.

## ***SAMPLE CHECKLIST***

### **Subcontractor Safety, Health and Environmental Requirements MINIMUM PERFORMANCE STANDARD CHECKLIST**

This checklist is provided to assist in the planning and implementation of the “Subcontractor Safety, Health and Environmental Minimum Performance Standard” (MPS).

Prior to the start of a Subcontractor’s on-site field mobilization, this checklist should be completed and submitted to Swinerton 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 to conform and respond to the MPS. Specifically, it requires a Subcontractor to commit to the resources and timing for actions (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 Swinerton 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 checklist questions/inquiries. Submit a signed copy to Swinerton for review and recordkeeping.

**A. General Expectations**

- Submit a copy of the Subcontractor's general safety program.

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

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**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 sub tier 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. Complete a Pre-Task Plan to identify hazards related to work.**

Specify who will be responsible for "Pre-Task" planning and available for Pre-Task Plan reviews as needed.

1. Subcontractor will use Swinerton's Pre-Task Planning procedures. Indicate Subcontractor's contact person below.
2. Subcontractor will provide their own Pre-Task Planning procedures. Indicate Subcontractor's contact person below.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**E. Full-time Safety Professional is required when Subcontractor staffing levels reach 30 employees at the project site.**

1. Are Subcontractor manpower levels anticipated to reach 30 employees?

Yes       No

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

**F. The Subcontractor shall assign a Designated Safety Person (DSP).**

- 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 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: \_\_\_\_\_

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

- Designate individual(s) assigned to attend safety meeting.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**L. Swinerton 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 Swinerton.**

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**N. In the event of media involvement, Subcontractors will cooperate with Swinerton's Crisis Management efforts.**

- Designate the individual that will interface with Swinerton 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 Swinerton 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.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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 Swinerton.**

- 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: \_\_\_\_\_

Title: \_\_\_\_\_

Office Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Signature: \_\_\_\_\_  
(Subcontractor on-site Supervisor)