

Berry Bros. General Contractors, Inc.



SUBCONTRACTOR MANAGEMENT PLAN

1. Policy

It is the policy of the Contractor, defined herein below, to select and contract with Subcontractors with the same priority and emphasis on safety as Contractor practices for its own employees. It shall be a contractual requirement that Subcontractor, defined herein below, comply with all Contractor, Client, State and Federal safety and health regulations, policies, and procedures as applicable to specific project(s).

This procedure is not intended as a complete map for Subcontractor Safety, but is intended to be used as a baseline guide for each Subcontractor to align themselves with Contractor Policies and Procedures. A complete HS&E Safety Manual shall be given to each Subcontractor for bid submittal and/or project HSE implementation purposes prior to any contract award or Project mobilization.

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2. Purpose and Scope

The goal of an accident free job site can only be achieved through a cooperative effort by all contractors and employees on the entire project. This procedure provides safety requirements to be implemented when Subcontractors and their employees begin work on Contractor projects.

This procedure applies only to Subcontractors that have a contractual relationship to the Contractor and their tier Subcontractors.

3. References

Berry Bros. General Contractors, Inc. (BBGCI) [known as the "Contractor" or "BBGCI" in any Master Agreement] is sometimes referred to as the "Company" in these Subcontractor Safety documents.

4. Attachments

4.1. Attachment 1: Monthly Subcontractor Accident Statistics Report

4.2. Attachment 2: Notice of Safety Non-Compliance

4.3. Attachment 3: Warning Letter for Safety Non-Compliance

4.4. Attachment 4: Written Notice of Temporary Job Suspension

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- 4.5. Attachment 5: Subcontractor Alcohol, Drug and Contraband Policy
- 4.6. Attachment 5A: Non-DOT Testing Protocol
- 4.7. Attachment 5B: DOT Testing Protocol
- 4.8. Attachment 5C: Consent & Disclosure Form
- 4.9. Attachment 6: Subcontractor Employee Pre-Mobilization Form
- 4.10. Attachment 7: HS&E Improvement Template

5. Definitions

- 5.1. Subcontractor - Any person, partnership or corporation which has a contract with the Company and/or their subcontractor(s), to furnish labor, material, or equipment as part of the work.
- 5.2. Work - The total of the subcontractor's responsibilities and services as set forth in the Contract Documents for any particular Project.
- 5.3. Site Manager/Management - The highest ranking representative of Contractor whose regular work location/office is at the project site, including the "Site Manager," "Construction Manager" and/or the "Purchasing Manager" whatever the case may be.
- 5.4. Contract Documents - The Master Agreement between Contractor and Subcontractor, if any, any particular subcontract and other documents comprising any contract associated with the specific Work. It is contemplated that there could be multiple separate contracts (and therefore separate Contract Documents) which are the subject of these Safety Documents.
- 5.5. Project - The specific construction project, as the case may be, the subject of the Contract Documents and location of the performance of the Work. It is contemplated that there could be multiple Projects which are the subject of these Safety Documents.
- 5.6. Owner or Client - The person or entity owning any Project and/or the "general contractor" (if not Contractor) for any Project.

6. Responsibilities

- 6.1. The project manager, construction manager and/or purchasing manager of Contractor are responsible for the selection of subcontractors. The corporate safety department of Contractor is available as a resource to interpret safety data and provide assistance in the selection of subcontractors as required.
- 6.2. The project manager and/or site manager (or their equivalent) of the Subcontractor, and his/her project staff, are responsible for assuring the



overall implementation of and compliance with the requirements of this procedure by the Subcontractor.

All Sub-contractors (management representatives) shall attend all meetings deemed pertinent to the successful implementation of the Project, including kick-off and pre-job meetings. These meetings shall be documented.

6.3 All subcontractors are not authorized to sublet any work without prior written approval from Contractor.

7. Training

- 7.1. Subcontract employees must complete safety training per all applicable Federal, State, Local, Client and Company safety requirements. Documentation of all safety training shall be maintained by Subcontractor and provided to Contractor upon request.
- 7.2. Under Federal and State safety requirements, Subcontractors (employers) must certify that all operators of mobile equipment such as forklifts, cranes, boom lifts, buses, etc., are required to have been trained and/or certified on the proper operation of the equipment. Copies of this training and certification shall be maintained by Subcontractor and forwarded to Contractor upon request.
- 7.3. All Subcontractor employees are required to participate in or conduct daily toolbox safety meetings. Signed copies of the daily toolbox meeting shall be made available to Contractor within 24 hours of each session. Copies of all safety meeting shall be forwarded to Contractor at the completion of the project.

8. Inspection and Storage

- 8.1. Copies of all Subcontractor safety documents shall be maintained by Subcontractor for a minimum of 12 months, unless specified by regulatory agency requirements to maintain such documents for a longer period of time.
- 8.2. Accident reports, OSHA Logs and other critical safety documentation shall become part of the permanent project files and maintained by Contractor upon project completion.

9. Procedure

- 9.1. Requesting and Evaluating "Subcontractor Safety Data Forms" (Attachment 1).
 - 9.1.1. The "Risk Manager" or designee will send the Subcontractor Safety Data Form (SSDF) to all potential subcontractors in conjunction with a request for quotation to perform services.



- 9.1.2. Upon return receipt, the completed SSDF will be reviewed by the project manager, construction manager of Contractor with input from the Corporate Safety Department to determine if subcontractor has a safety program that meets acceptable guidelines for performing work.
- 9.1.3. Subsequent to review of the SSDF, the project manager, construction manager, or risk manager of Contractor will qualify or disqualify a Subcontractor. Three (3) primary sources of information provide ways to evaluate the probable safety performance of prospective subcontractors:
 - Experience modification rates for worker's compensation insurance premiums
 - OSHA incidence rates for recordable injuries and illnesses
 - Contractor safety programs, procedures, and practices

9.2. Documentation and Reporting Requirements

- 9.2.1. All Subcontractors will be expected to submit a signed copy of their HS&E Mission statement for review.
- 9.2.2. All Subcontractors will be expected to provide a copy of their HS&E improvement plan for review (Attachment 7).
- 9.2.3. All Subcontractors will be expected to provide their current annual HS&E statistical data along with the previous two years to the Contractor's Corporate Safety Department for review and annually thereafter. In addition, when working onsite the Subcontractor is expected to turn in the Monthly Subcontractor Accident Statistics Report (Attachment 1).
- 9.2.4. All Subcontractors and their tier Subcontractors shall forward a copy of their Safety Program and Hazard Communication Program to Contractor prior to mobilizing on the project.
- 9.2.5. A JSEA, JSA, JHSA, etc., specific to the scope of work, must be generated by each Subcontractor prior to performing any work on the project. This Plan will be reviewed by the Company Safety Department representative.
- 9.2.6. Signed copies of Subcontractors daily tailgate safety meeting reports shall be made available to the Company within twenty-four (24) hours of each meeting. In most cases, Subcontractor will be required to attend and sign in at the daily tailgate meeting held by Contractor on the project.



- 9.2.7. Accident investigation reports for all Subcontractor accidents, injuries and work related illnesses shall be forwarded to Contractor's e Safety Department within eight (8) hours of the occurrence.
- 9.2.8. Subcontractors shall complete the Monthly Summary of Subcontractor Injuries (Attachment 2) for each month in which they conduct work on the project. These reports are due to Contractor's Safety Department by the fifth (5th) day of the month for the preceding month.
- 9.2.9. Subcontractors are also responsible for and shall comply with all Federal and State accident reporting and recordkeeping requirements for their employees.
- 9.2.10. Each Subcontractor shall develop a project specific Emergency Action Plan in accordance with Federal, State, Client and Contractor requirements.
- 9.2.11. Site Management must be informed promptly of any accidents occurring on the project. Serious injuries, illnesses, or any accident involving a third party or a member of the general public must be reported to Site Management immediately.
- 9.2.12. Site Management must be informed immediately of any OSHA, EPA, or other safety or health regulatory agencies actions involving Subcontractor's work.

9.3. Basic Safety Requirements

The following basic safety rules list some of Contractor's primary safety concerns for Subcontractor safety but are in no way all-inclusive. All other Client, Owner, Company, Federal, State and local safety and health regulations that govern the work shall apply.

- 9.3.1. Each Subcontractor shall appoint an on-site safety representative who will attend Contractor's regular project safety meetings, hazard assessment sessions, and joint site inspections. The safety representative will be responsible for implementation of the rules listed below, as well as any other safety rules determined necessary for the safe execution of the project, by Contractor.
- 9.3.2. Hard hats shall be worn at all times; this includes welders when not using welding hoods.
- 9.3.3. FRC"s may be required depending upon the scope of the work and or job location and or client.
- 9.3.4. Hard-toe footwear, complying with ANSI Z41.1 specifications, shall be worn by all employees in areas where foot injury hazards could possibly exist.



- 9.3.5. Safety glasses (with rigid side shields), designated ANSI Z87.1 approved, shall be worn at all times when in the field, shop or any time while on site. This includes employees with prescription eye wear. Safety goggles may be worn over non-safety prescription eyewear.
- 9.3.6. Face shields must be worn in conjunction with safety glasses when grinding, chipping, jack hammering, power sawing, or conducting other tasks that involve serious face/eye hazards.
- 9.3.7. Gloves, appropriate for the hazard present, shall be worn when hands are exposed to absorption of harmful substances, cuts, abrasions, punctures, chemical burns, thermal burns or harmful temperature extremes.
- 9.3.8. All Subcontractor employees shall wear traffic vests with reflective stripes when required.
- 9.3.9. All Subcontractor employees shall comply with Contractor's 100% Fall Protection Policy. This Policy simply states: "Anytime employees are working from an unprotected elevation of six (6) feet or more, fall protection must be used." Working as stated above shall include any work being performed while traveling, stationary, or at anytime exposed to a fall from a surface not protected by approved handrails, guardrails or some other approved fall elimination device.
- 9.3.10. **Illegal drugs and any mind altering substances whether legal or not, alcohol, firearms or other dangerous substances shall not be allowed on the project and may result in permanent dismissal. For further information on this item, refer to the "BBGCI's Alcohol, Drug, and Contraband Policy." (Attachment 6)**
- 9.3.11. Good housekeeping shall be maintained on a continuous basis. Supplies, tools, and materials as well as scrap materials and construction debris must be stored, transported, contained and disposed of properly.
- 9.3.12. Hearing protection must be worn when employees are exposed to noise levels requiring protection, as defined by Federal or State safety standards.
- 9.4. Equipment
 - 9.4.1. All equipment brought onto the project shall, at a minimum, comply with Contractor, State, and Federal OSHA regulations. All equipment inspections must be properly documented and maintained on site.
 - 9.4.2. All equipment on the project shall be used in accordance with both Federal and State safety requirements, and the manufacturer's instructions and guidelines. Equipment shall not be altered in any



way to adapt it for a job for which it is not intended by the manufacturer.

9.4.3. Subcontractors shall use either Ground Fault Circuit Interrupters (GFCI's) or assured equipment grounding inspection program to protect employees using electrical tools and equipment.

9.4.4 Daily Equipment inspections will be required for all equipment.

9.5. Certification and Permits

9.5.1. Certain operations may require a Client/Owner permit. A Subcontractor representative shall inquire with Contractor's Site Management to determine if any part of Subcontractor's activities requires a Client/Owner permit. Such activities may include, but may not be limited to:

- Hot Work
- Vessel Entry
- Confined Space
- Excavations

9.5.2. Some States and local authorities require permits for specific activities such as; excavations, heavy lifts, lead abatement, etc.

Subcontractors shall be responsible to secure and comply with these permits, unless the Project or Site Manager has delegated this responsibility to others, in writing.

9.6. Hazard Communication Program

9.6.1. All Subcontractor companies are required to have a written Hazard Communication Program meeting Federal and State Safety requirements and comply with the requirements of that program. Documentation of employee Hazard Communication Training must be established by the employer prior to commencement of work.

9.6.2. Any potentially hazardous material or chemical brought onto the project is required to be accompanied by a Material Safety Data Sheet (MSDS). Copies of any MSDS as required herein shall be forwarded to Site Management before the product is brought onto the project.

9.6.3. Small quantities of hazardous liquids, such as gasoline, diesel fuels and any solvents, brought onto the project shall be stored in a properly labeled safety container with a flame arrestor and self closing lid. All hazardous materials and chemicals brought onto the project shall be in the proper containers with no visible signs of leaks. Contact Site Management prior to bringing large quantities of hazardous materials or liquid on site.



ALL CONTAINERS BROUGHT ONTO THE PROJECT MUST BE LABELED AS TO THEIR CONTENTS.

9.6.4. Site Management shall be notified before any chemical/material creating noxious or toxic fumes is used.

9.7. Respiratory Protection

9.7.1. All Subcontractors whose employees may be expected to wear a respirator must have a Respiratory Protection Program in place. This program must comply with current Company, State and Federal requirements. Subcontractors program must include the following:

- Proper respirator selection
- Proper respirator training, and the required fit test procedures
- Proper respirator cleaning, sanitizing, inspection and maintenance
- Respirator users medical clearance

9.8. Safety Surveys

9.8.1. Site Management and the Contractor's Safety Department will conduct periodic safety surveys of the project. Any safety discrepancy observed will be reported to the appropriate Subcontractor Site Safety Representative for immediate correction.

9.8.2. Company safety surveys, in no way, relieve Subcontractors of its responsibility to self-inspect its work and equipment and to conduct its work in a safe manner.

9.9. Safety Adherence

The "Subcontractor Safety Adherence Policy" will be incorporated in the contract documents and contains the same procedures as summarized below.

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9.9.1. Action Level One - If a Subcontractor fails to comply with an applicable safety standard, Site Management will issue a written "Notice of Safety Non-Compliance" (attachment 3) to Subcontractor's site safety representative. Site Management will also forward a "Warning Letter for Safety Non-Compliance" (attachment 4), and a copy of the Notice of Safety Non-Compliance to Subcontractor's President or Operations Manager. Copies of these two documents will also be forwarded to the Contractor's Corporate Safety Department.

9.9.2. Action Level Two - If item(s) of safety non-compliance are not corrected by Action Level One, or Subcontractor repeatedly fails to comply with the applicable safety regulations, the Site Manager will issue a "Written Notice of Temporary Job Suspension" (attachment 5) to Subcontractor. Subcontractor's work may not resume until the



Contractor's Operations Manager and Subcontractor's Division Manager or equivalent have met and Subcontractor has proposed corrective actions that are acceptable to Contractor. Actions that may be considered include, but are not limited to:

- Removal of certain Subcontractor personnel from the project;
- Alteration of Subcontractor's job procedures; or
- Have Contractor implement the corrective action and back charge Subcontractor.

Subcontractor shall not resume work until proposed corrective actions are accepted by Contractor management. Contractor management will document the meeting results which will be kept on file.

9.9.3. Action Level Three - If Action Levels One and Two do not result in Subcontractor's safety performance being brought into compliance, subcontract termination will result. Project management for Contractor may, after informing the local management that the safety adherence procedure has not been followed and after giving Subcontractor notice, terminate the subcontract. Subcontractors that have a contract terminated in accordance with this procedure will be ineligible to participate in future Contractor projects until they have implemented and demonstrated corrective actions to improve their deficiencies. Only written approval from the Contractor's President can reinstate a Subcontractor's eligibility.

9.10. Imminent Danger Situations

9.10.1. Upon discovery of any situation which may, in the opinion of the Site Management or Safety Representative, lead to a serious injury, illness or death Contractor Management or Safety will suspend the related work immediately. Work may resume only after the safety concern(s) have been corrected, to the satisfaction of Contractor. Examples of "imminent danger" situations may include, but are not limited to the following:

- Falls from elevations exceeding Client, Contractor, Federal, or State safety standards
- Excavations not properly sloped or shored
- Possible electrocution hazards
- Work activities posing injury hazards to the general public
- Operation of vehicles, machinery or heavy equipment in an unsafe manner



Other than immediate suspension of work, the procedure for correction of imminent danger situations will follow the procedure set forth above.